



HILLINGDON
LONDON



Notice of Hearing Licensing Sub-Committee

Date: THURSDAY, 2 AUGUST
2018

Time: 2.00 PM

Venue: COMMITTEE ROOM 5 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

Councillors on the Sub-Committee:

Roy Chamdal (Chairman)
Simon Arnold
Janet Gardner

Important Information

On receipt of this notice, you **MUST** notify the Committee Clerk (contact details below) by the following date:

Tuesday 31 July 2018

If you don't notify you may lose your right to speak at the hearing. When notifying you must confirm:

- 1) Whether you intend to attend or to be represented by someone at the hearing;
- 2) If you consider a hearing to be unnecessary and;
- 3) Whether to request that another person attends (other than your representative) as a witness

Published: Wednesday, 18 July 2018

Contact: Neil Fraser
Tel: 01895 250692
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This Agenda is available online at:
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Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk

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Agenda

CHAIRMAN'S ANNOUNCEMENTS

Hearing Protocol

- 1 Apologies for Absence
- 2 Declarations of interest in matters coming before this meeting
- 3 To confirm that the items of business marked Part I will be considered in Public and items marked Part II will be considered in Private
- 4 Matters that have been notified in advance or urgent

Part I - Members, Public and Press

	Title of Report / Address of application	Ward	Time	Page
5	Application for a Review of a Premises Licence : Captain Morgans, 210 Field End Road, Eastcote, HA5 1RD	Eastcote & East Ruislip	2:00 PM (Legal Briefing 1:40 PM)	3 - 70

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Order of proceedings – review under the Licensing Act 2003

The Chairman of the Sub-Committee will open the hearing by introducing the Councillors, explaining the purpose of the proceedings and the general procedure. The Chairman will then check that there are no additions or alterations to the list of those appearing at the hearing.

**Introduction by the Council's
Regulatory Services /
Licensing Officer**

The licensing officer will introduce the report and will outline impartially the matter before the sub-committee, giving any relevant background information.

**The Applicant for the
Review**

The Chairman calls on the Applicant to present their case giving factual information about their grounds for the review application, and calls any supporters or witnesses.

**Responsible Authorities
and/or Other Parties**

Responsible Authorities who have submitted relevant representations will be invited to address the Sub-Committee. Thereafter Other Parties (e.g. Residents, Ward Councillors) who have submitted relevant representations will be invited to address the Sub-Committee

The Licence Holder

The Licence/Certificate Holder presents their case and calls any supporters or witnesses.

DISCUSSION LED BY THE SUB-COMMITTEE

The Chairman will lead the discussion. This will be a chance for all parties to provide comments on any submissions that have been made to the Sub-Committee

**Closing remarks from
each party**

The Licence Holder makes brief closing remarks on the application under question, followed by Responsible Authorities and Other Parties. The Applicant(s) makes the final closing remarks.

**Sub-committee
deliberates**

The sub-committee will remain in the room to deliberate and make their decision, with only the Legal Advisor and Clerk to the Committee remaining. All other present will be asked to leave the room. If the meeting is being broadcast, any filming will be stopped for this part.

**Chairman announces the
decision**

Parties may return to the room when asked and the Chairman announces the decision. The Chairman reminds the Licence/Certificate Holder that the decision will be sent to them in writing. There can be no further questions or statements.

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Application for a Review of a Premises Licence : Captain Morgans

Committee	Licensing Sub-Committee
Officer Contact	Steven Dormer, Licensing Officer 01895 827409
Papers with report	Appendix 1 - Review Application Appendix 2 - Officers Recommendation Appendix 3 - LA Representation Appendix 4 - Current Licence Appendix 5 - Map & Photos
Ward name	Eastcote & East Ruislip

1.0 SUMMARY

Hillingdon Council's Anti Social Behaviour & Environment Team (ASBET) submitted an application to review the premises license in respect of Captain Morgan's, 210 Field End Road, Eastcote, HA5 1RD. Numerous complaints of noise emanating from the premises were received by ASBET over several months. This resulted in noise abatement notices being served on the premises user. The review application and supporting information is attached as **Appendix 1**

2.0 RECOMMENDATION

2.1 **That the Committee agree the recommendations as set out in Appendix 2.**

3.0 INFORMATION

3.1 On nine occasions since November 2017, ASBET officers have had reason to visit Captain Morgan's following receipt of complaints from local residents. On four occasions statutory noise nuisances were witnessed by officers. Below is a table showing the recording and the response to complaints made.

Date and time of complaint	Type of disturbance /Incident	ASBET Officer Visit	Action Taken
26/11/2017 00.48am	Loud Music		No action taken music turned down at 01.05am
14/01/2018 00.07am	Loud Music	✓	Officer visited. Noise deemed a statutory nuisance . Music was not turned down. Noise abatement notice served on 17/01/2018
04/02/2018	Loud Music Complainant called the out of hours service	✓	Noise abatement notice served on 20/02/2018
26/02/2018	Loud music noise		No visit or nuisance witnessed.

17/03/2018 00.53	Loud Music noise	✓	Visit made officers did not enter premises for safety reasons. No nuisance witnessed
22/03/2018	Loud music noise	✓	Statutory noise nuisance witnessed. Noise abatement notice served
24/03/2018	Loud music noise	✓	Statutory nuisance witnessed
04/04/2018 01.30am	Loud music noise		No visit by officers
14/04/2018 02.06am	Loud music noise	✓	Officer visited requested that the music be turned down.
21/04/2018 00.25am	Excessive music noise	✓	Statutory noise nuisance witnessed
05/05/2018 01.15am	Excessive noise and Aggressive customer behaviour	✓	No further action taken
07/05/2018	Loud Music		No visit to the premises was made. Music stopped at 01:15
11/05/2018	Loud music /noisy customers	✓	No visit no action taken

4.0 CONSULTATION

4.1 As required by legislation, a legal notice of the review was displayed at the premises. A copy of the legal notice was also displayed at the Civic Centre and was placed on Hillingdon Council's website.

4.2 Closing date for representations

6th July 2018

5.0 REPRESENTATIONS

5.1	Responsible Authority	Grounds for Representation	Appendix
	Licensing Authority Ian Meens	Prevention of Public Nuisance	3

5.2 No further representations have been made to this application.

6.0 BACKGROUND INFORMATION

6.1 Current Licence held

The current licence has been held by Darren Farrell since March 2016. **Appendix 4**

6.2 Current Designated Premises Supervisor

Mr Darren Farrell has been the Designated Premises Supervisor since June 2016

6.3 Description of the Premises

Captain Morgan's operates as a bar situated in the main retail area of Eastcote. Patrons experience a selection of entertainment including live and recorded music nights. The premises has a raised mezzanine area which has a pool table, television screens and a gaming machine.

6.4 Other licensed premises nearby

Name of premises	Alcohol	Reg Ent	Late night Refreshment	Opening Hours
Sainsbury Supermarkets Ltd 216 Field End Road	✓			Monday to Sunday 00.00 to 24.00
Village Pizza 214 Field End Road			✓	Sunday to Thursday 11.30 to 00.30
Polski Sklep 213-215 Field End Road	✓			Friday and Saturday 11.30 to 02.00
Eastcote News 239 Field End Road	✓			Monday to Saturday 08.00 to 23.00 Sunday 10.00 to 22.30
Remos Village Italian Restaurant 267 Field End Road Eastcote	✓	✓	✓	Sunday to Wednesday 11.00 - 00.30 Thursday to Saturday 11.00 - 02.30
Eastcote Food & Wine 265 Field End Road	✓			Monday to Saturday 0800 to 2300 Sunday 1000 to 2230

6.5 Map and Photos of the area

Appendix 5

Photo 1 - Photo of the mezzanine area

Photo 2 - Steps down to the bar area

Photo 3 - Main bar area

Photo 4 - Exterior picture

6.6 Licensable Activities currently authorised

<u>Activity</u>		<u>Permitted</u>
Sale of Alcohol:	Consumption <u>off</u> the premises	✓
Regulated Entertainment (indoors only):	Live Music Recorded Music Exhibition of films Indoor sporting events	✓
Provision of late night refreshment (indoors only)		✓

6.7 Licensable Activity and opening hours currently authorised

	Licensable Activity	Opening Hours
Monday	11:00 - 00:00	11:00 - 01:00
Tuesday	11:00 - 00:00	11:00 - 01:00
Wednesday	11:00 - 00:00	11:00 - 01:00
Thursday	11:00 - 00:00	11:00 - 01:00
Friday	11:00 - 01:30	11:00 - 02:30
Saturday	11:00 - 01:30	11:00 - 02:30
Sunday	11:00 - 00:00	11:00 - 01:00

6.8 Visits made by Council Licensing Officers

7th June 2018

Premises open. At the time of the visit the premises was undergoing some maintenance work. The application to review the licence was served on the premises. Mr Bates was present at the time of the visit. No obvious breaches of licence conditions.

10th July 2018

Captain Morgan's was closed at the time of the visit. Photos of the premises were taken. The air condition unit was still heard at the time of the visit. No breaches of the premises licence were witnessed at the time of my visit.

7.0 OFFICER'S OBSERVATIONS

Since November 2017 and May 2018 three noise abatement notices have been served on Mr Farrell as the licence holder. On two occasions the premises have been operating outside the permitted hours. This has been witnessed by officers of the council and presented in the review application.

During the visit on the 7th June 2018 the review process was explained to Kevin Bates who was managing the premises. Recommendations were made to Mr Bates to ensure compliance with conditions and to adhere to the licensing objectives.

The information in the witness statements suggests that the premises have been providing licensable activities and allowing customers to stay on the premises, long after the permitted licence hours.

8.0 RELEVANT SECTIONS of the S182 GUIDANCE and LICENSING POLICY

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.

2.16-2.12 These paragraphs confirm that nuisance is:

- To be given a broad common law meaning;
- It may include in appropriate circumstances the reduction of living and working amenity and environment of other persons living and working in the area;
- Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises;
- Conditions should normally focus on the sensitive periods for the generation of noise nuisance;

16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed .
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.
- Boxing or wrestling entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Live music: no licence permission is required for: – a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.

A performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

A performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that does not have a licence, provided that the audience does not exceed 500.

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

16.55 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.

9.2 Relevant Sections of the Hillingdon Licensing Policy

The Committee's attention is drawn to the following, particularly relevant sections of the Hillingdon Licensing Policy:

7.8 Following the grant of a premises licence, the Metropolitan Police Service, Elected Members and/or interested parties such as local residents and Ward Councillors can apply to the Licensing Authority for a review of the licence if they consider that the Prevention of Crime and Disorder objective has not been met and are relevant.

19.1 At any stage following the grant of a premises licence or a club premises certificate, an application for a review application can be submitted to the Licensing

Authority by a Responsible Authority, any Elected Member or an Interested Party in connection with any of the four licensing objectives.

10.0 LEGAL COMMENTS

- 10.1 The Licensing Authority must review the premises licence where it is alleged, in an application for review by a Responsible Authority or other persons, that any of the licensing objectives are being undermined.
- 10.2 Following receipt of a review application the Licensing Authority must hold a hearing to consider it and any relevant representations. At the hearing, the Sub-committee must, having regard to the application and any relevant representations, take such of the steps following steps (if any) as it considers appropriate for the promotion of the licensing objectives:
- modify the conditions of the licence;
 - exclude a licensable activity from the scope of the licence;
 - remove the designated premises supervisor;
 - suspend the licence for a period not exceeding three months; and/or
 - revoke the licence

and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition is added.

- 10.3 The Sub-Committee must also have regard to the London Borough of Hillingdon's Statement of Licensing and the Secretary of State's Guidance issued under the Licensing Act 2003 when deciding what action, if any, to instigate. The terms of the Statement of Licensing Policy and Guidance are highly persuasive, but are not binding on the Licensing Sub-Committee. The Sub-Committee may depart from the guidance contained in the Statement of Licensing Policy and or Guidance if it considers there are clear and justifiable reasons to do so. Full reasons must be given if this is the case.
- 10.4 The Sub-Committee can only consider matters within the application or that have been raised through relevant representations from and each application will be decided on a case to case basis.
- 10.5 The Sub-Committee may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In deciding what remedial action, if any, it should take the Sub-Committee must direct its mind to the causes or concerns which the application and representations identify. The remedial action should generally be directed at these causes or concerns and should always ensure that any response is necessary and proportionate.
- 10.6 Members are referred to the Secretary of State's Guidance on conditions, specifically paragraph 1.16 and chapter 10 which state that licensing conditions should be practical and enforceable, tailored to the size, type, location and characteristics and activities taking place at the premises. Conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions will not be necessary if they duplicate a current statutory requirement. Licensing Authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

- 10.7 Under the Human Rights Act 1998 the Sub-Committee needs to consider the balance between the rights of the applicant, licence holder and those making representations to the application when making their decision. The Sub-Committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.
- 10.8 Where the Licensing Authority determines an application for review it must provide written notice and reasons for its decision.
- 10.9 The licence holder, applicant or any party that made relevant representations have the right to appeal the decision of the Licensing Sub-Committee to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the Licensing Authority of the decision to be appealed against.

Caselaw

- 10.10 The Sub-Committee is referred to the case of *Bamboodle Bar and Grill Ltd –v-Stratford Upon Avon District Council (unreported)*.
- 10.11 On 02 March 2017 the Stratford-Upon-Avon Licensing Sub-Committee revoked the premises licence for Bamboodle Bar and Grill Ltd. The reasons given for the revocation were:
- a) The continuing failure by management to promote the licensing objectives of public safety, prevention of public nuisance and prevention of crime and disorder;
 - b) No real likelihood that the premises could or would be operated to promote the licensing objectives;
 - c) The owner, manager and their advisers had not grasped or had deliberately failed to grasp the importance of compliance with licence conditions and in maintaining an honest and open relationship with the licensing service;
 - d) The owner and manager of the premises had little or at best a casual regard for the safety of patrons and staff with little concern shown for the welfare of residents nearest to the venue.
- 10.12 The decision was subsequently appealed by the Premises Licence Holder. During the three-day appeal hearing the Magistrates heard evidence related to repeated overcrowding of the premises, noise nuisance and public nuisance on the street which could be attributed to the premises.
- 10.13 The Court concluded that there was little prospect of the premises licence holder running the premises in a manner which upheld the licensing objectives. Consequently, it upheld the decision of the licensing authority. The appellant's company was also ordered to pay all the district council's costs of just over £25,000.

**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 Mark Oakley Anti Social Behaviour & Environment Officer for the London Borough of Hillingdon

(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 (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Captain Morgan's Freehouse 210 Field End Road Eastcote	
Post town Ruislip	Post code (if known) HA5 1RD

Name of premises licence holder or club holding club premises certificate (if known) Mr Darren Farrell
--

Number of premises licence or club premises certificate (if known) 433/05

Part 2 - Applicant details

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 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 ✓ yes

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 Mark Oakley London Borough of Hillingdon Civic Centre, 2E/08 Uxbridge Middlesex UB8 1UW
Telephone number (if any) 01895 556930
E-mail address (optional) moakley@hillington.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 checked="" 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 2)

Prevention of Public Nuisance
Prevention of Crime and Disorder

Grounds exist as evidence of continued disturbance and nuisance caused by the venue in the playing of amplified music together with noisy and disorderly customers.

Noise abatement notices served under Environmental Protection Act 1990.

Breaches of the noise abatement notices witnessed by Hillingdon Council Enforcement Officer's

Please provide as much information as possible to support the application (please read guidance note 3)

On the **26th November 2017** (Sunday) at 00:48 Craig Lloyd (London Borough of Hillingdon Anti Social Behaviour (ASB) Officer) received a call from an Eastcote resident regarding loud amplified music being played by Captains Morgans PH, the level of music was disturbing and this at a time outside the times permitted on the premises licence. Officer Lloyd was unable to attend immediately and called back at 01:05 to inform the Authority that the music had been turned down.

On the **14th January 2018** at 00:07 (Sunday morning) Craig Lloyd (ASB Officer) received a call from . As a result he attended flat at 00:30. From bedroom he formed the opinion that the music he could hear was at a level of a Statutory Noise Nuisance. The music was penetrating and intrusive, sleep deemed as being impossible.
A visit was made to Captain Morgan's Freehouse at 00:45, the manager of Captain Morgan's was seen and advised of the complaint, it was requested that the volume and bass were reduced.

At 02:10, on the same morning the Authority received a further call to say that the volume had been turned back up, the Authority were unable to attend due to other commitments.

On the **17th January 2018** a Noise Abatement Notice was served on Darren Farrell at a Northolt address.

On the **4th February 2018** called Hillingdon Authority at 23:26 to complain about the loud music and thudding coming from Captain Morgan's Freehouse. Ricky Khaiq (Hillingdon ASB Officer) attended at 00:09 and confirmed there was loud music coming from the premise. Doors were locked and 4 to 5 persons could be seen inside, drinking, dancing. The blinds were closed. Officers banged on the door, there was no answer but the lights and music were immediately turned off.

On the **20th February 2018** a noise abatement notice together with a warning letter was served by post on Darren Farrell.

On the **22nd February 2018** (Thursday) at 23:10. Call from a complainant, Craig Lloyd visited the complainant at 23:45, no nuisance was witnessed at the time of the visit.

On the **26th February 2018**, at 00:20 (Monday) Hillingdon received a call from regarding loud amplified music. A call by return was made to him at 00:36 during the return call the music disturbance stopped.

On the **17th March 2018** (Saturday) at 00:53 hours, call received from . Officers visited complainant at 13:25 hours music could be heard coming from Captain Morgans Freehouse.
No security on site to be seen; did not enter property due to officer safety. Caller called officers again at 02:30 hours and stated music was still ongoing, no visit done on that occasion due to weather conditions. *Can't find this one on statements*

On the **22nd March 2018** (Thursday) at 23:05 a resident called our out of hours service to report loud amplified music this also after the permitted licensing hours of Sunday.

Officers attended the complainants flat at 23:40 where they witnessed loud amplified music audible from the complainant's bedroom which was penetrating and intrusive, sleep was deemed impossible.

At 00:25, a Noise Abatement Notice was served on the Captain Morgan's Freehouse by placing the notice under the front door of the premises. The receipt of the abatement notice was confirmed by telephone call to the Council from the owners the following day.

On the **24th March 2018**, (Saturday) at 23:58, loud amplified music audible from complainant's bedroom was again witnessed by Mark Oakley (ASB Officer) which was penetrating and intrusive, sleep impossible deemed a statutory noise nuisance.

The manager and part owner of the bar, Kevin Bates was seen, He was informed the music was a statutory noise nuisance, Mr Bates reduced the music level. Discussions took place about the suitable volume levels at the bar.

On the **4th April 2018** (Wednesday) called to say there was loud music again at Captain Morgan's until about 01:30. Caller said he could still hear through headphones and ear plugs. Local Authority officer were unable to attend.

On the **14th April 2018** (Saturday) at 02:06 the Local Authority received a call from regarding loud amplified music. This at a time outside the licensing hours for regulated entertainment. Officers attended at 02:30, the pub was full of customers. Door staff told to shut music off as it had passed 01:30. The door staff then began to clear customers out of the premises. At one stage the music was turned up fully whilst officer were attending.

Further calls were made to complain about excessive music on the 21st April where at 01:10 a statutory noise nuisance was witnessed.

On the **5th May 2018** (Saturday) officers observed a disturbance at 01:15 outside the premises the officers witnessed aggressive behaviour of the bars customers and loud and heated arguments. At 02:30 that morning the Authority received a call from saying that the music was not very loud in the bar. Due to commitments officers were unable to attend.

Further complaints about booming music being played at the bar were received from at 00:13 on the 7th May, the level was intermittent and it stopped at 01:15 officers were unable to attend.

On the **11th May 2018** (Friday) called the Authority at 01:45. He was called back at 01:50. The music had stopped at this point and was started again at 02:35. Local Authority officers were able to attend at 02:45 when there was no loud music being played, there were noisy and intoxicated customers leaving and standing outside.

A witness statement from the following are attached to this application:

Mark Oakley - Anti Social Behaviour & Environment Officer
Jamie McCarthy - Anti Social Behaviour & Environment Officer
Rakib Khaliq - Anti Social Behaviour & Environment Officer
Craig Lloyd - Anti Social Behaviour & Environment Officer (Two statements January 2018 - May 2018)
- resident
resident
Navin Dang - Anti Social Behaviour and Environmental Investigator

Incident diary sheets from are attached to this application.

Two noise abatement notices served on Darren Farrell.

Representing the Anti Social Behaviour Team we would seek regulated entertainment be removed as a licensable activity from the licence. We would like the operating hours to be reduced to 23:00 Monday to Thursday and 00:00 Friday and Saturday.

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Witness Statement

(Criminal Procedure Rules, R 27.1;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of: Mark Oakley

Age of Witness (Age of witness (if over [18] enter over [18]): Over 18

Occupation of Witness: Anti Social Behaviour & Environment Officer

This statement consisting of 4 page(s) signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated ...24th May 2018.....

Signature.....

Page 1 of 4

I am employed by The London Borough of Hillingdon (LBH) as an Anti Social Behaviour & Environment Officer. In this role I am required to investigate reports of anti social behaviour, harassment, community and neighbourhood nuisance, noise and environmental issues. I have been employed by LBH since 2007. I have access to computer and documentary records, held by the local authority, which were compiled, at every stage by staff members, acting under duty, in the ordinary course of that every day business.

This statements has been made in connection to complaints and actions in regard to Captain Morgans Freehouse 210 Field End Road, Eastcote, Middlesex, HA5 1RD is owned by Darren Farrell of 210A Field End Road, HA5 1RD.

Captain Morgan's Freehouse was first brought to the attention of our Anti Social Behaviour Team for playing loud amplified music on the 16th February 2016. After this report was made and in further dialog with him the main complainant stated that there was an improvement in the noise levels which he attributes to the temporary closing of the nearby GEO bar which came under the same ownership as Captain Morgan's.

The history of complaints follows as

On the 26th November 2017 (Sunday into Monday) at 00:48 Craig Lloyd (ASB Officer) received a call from of loud amplified music. The officer noted that this was at a time not within the premises licensed hours for live or recorded music. Sunday being a terminal time of 23.00 At 01:05 re called and confirmed the music had been turned down. I exhibit Craig Lloyd's witness statement exhibit MO1.

On 14th January 2018 at 00:07 (Saturday night into Sunday morning) Craig Lloyd (ASB Officer) received a call from at 00:30, loud amplified music audible in the complainant's bedroom at Statutory Noise Nuisance level. The music was penetrating and intrusive, making sleep impossible. Officer Lloyd visited Captain Morgan's Freehouse at 00:45, he spoke with the

manager of Captain Morgan's and advised (we believe this person to be Darren Farrell) of the complaint, Officer Lloyd requested that the volume and bass were reduced. Another call was received from the complainant at 02:10, the volume had been turned back up, Officer Lloyd was unable to attend again as he was dealing with other calls. I further refer to Craig Lloyd's witness statement as exhibit MO1.

On the 4th February 2018 (Sunday into Monday) _____ called the council at 23:26 to complain about the loud music and thudding coming from Captain Morgan's Freehouse. Rakib Khaiq (ASB Officer) attended at 00:09 and confirmed there was loud music coming from the premise. The doors were locked and 4 to 5 persons could be seen inside, drinking, dancing. The blinds were closed. Officers banged on the door, there was no answer. The lights and music were immediately turned off. I produce Rakib Khaiq witness statement exhibit MO2.

On the 20th February 2018 a noise abatement notice together with a warning letter, was served by post on Darren Farrell. I produce this notice as exhibit MO3.

On the 22nd March 2018 (Thursday) at 23:05 _____ called to report loud amplified music after the permitted licensing hours of Sunday - Thursday 18:00 - 23:00. I called the resident back at 23:10, the resident confirmed the music was still playing loudly. Myself, and my colleague Desmond Phillips attended the resident's home at 23:40. The music could be clearly heard, to the extent that all the lyrics of the track were clearly identifiable. The music was penetrating and intrusive, making sleep impossible, constituting a statutory noise nuisance.

At 00:04 we left the resident's flat and knocked on the front door of the Captain Morgan's Freehouse Premises, the front door was locked and it was not possible to see inside the premises. No one came to the door, I shouted at the door stating 'we are the council open the door, please'. No one came to the door but the music was turned off. Myself and Desmond returned to our vehicle and completed a noise abatement notice.

At 00:25, myself and Desmond Phillips returned to the Captain Morgans Freehouse and served the Noise Abatement Notice by slipping the notice under the front door of the premises. I produce the notice as exhibit MO4.

On the 23rd March 2018 at approximately 15:07 my colleague Craig Lloyd received a telephone call from Kevin Bates who stated he was the joint owner of Captain Morgans Freehouse. Mr Bates advised Craig that he received the Noise Abatement Notice this morning which was posted underneath the front door of the premises with my name thereon. Mr Bates advised officer Lloyd that they have now spoken with and dismissed the member of staff who was responsible for playing loud amplified music outside the permitted licensing hours at Captain Morgans Freehouse, and that there should not be any further issues with noise nuisance. Craig Lloyd advised Mr Bates that just because they have a licence to play music until 23:00 Sunday to Thursday and until 01:30 on Friday and Saturday, this does not give them the right to cause a statutory noise nuisance and that the music must be set at a reasonable level. If further complaints are received they will have to be investigated and action will be taken if there is evidence to do so.

On the 24th March 2018 (Saturday) at 23:50, _____ called to report loud amplified music. I contacted _____ who confirmed the music is very loud. At 23:58 myself and Desmond Phillips arrived at the residents property, we witnessed very loud music which was penetrating and intrusive, making sleep impossible, constituting a statutory noise nuisance. Together with Desmond Phillips I visited Captain Morgan's Freehouse and asked for the licensee or manager. Mr Kevin Bates came outside to talk to us, I advised Mr Bates the noise is too loud and

constituted a statutory noise nuisance, Mr Bates confirmed his conversation with Craig Lloyd yesterday, and I advised Mr Bates I was aware of their conversation.

Consequently, I advised Mr Bates I was surprised the noise level was so high. Mr Bates admitted the licensee Mr Darren Farrell had received a Noise Abatement Notice from another officer on the 20th February 2018. Mr Bates stated they also own the GEO Cocktail Bar further down the street and they used to have problems with residents complaining about the loud amplified music from there, but they resolved the issues by fitting a noise inhibitor into the property and that stopped the complaints.

Mr Bates reduced the volume of the music and we returned to the resident's property where the music could not be heard. We returned to Captain Morgan's Freehouse where we confirmed to Mr Bates that these levels were now acceptable. Mr Bates had taken a photograph of the volume levels on the amplifiers and said he would ensure they are set at these levels and no higher.

I advised Mr Bates that the incident of the 22nd March 2018 is a breach of the noise abatement notice served on the 20th February 2018 and together with the incident of the 24th March 2018 are breaches of the noise abatement notice, and the 24th March 2018 is a breach of the 2nd noise abatement notice served on the 23rd March 2018. I advised Mr Bates this was enough for me to refer the case for prosecution and they could receive fines up to £20,000. Mr Bates stated he wanted to work together with us and he would do all he could to ensure it doesn't happen again. I produce print outs from our computer case recording system (Onyx) as exhibit MO5.

On the 4th April 2018 I received a report from [redacted] that there was further loud music on the 4th April 2018 at 01:30 (Wednesday) the music could be heard through wearing ear phones or ear plugs. Unfortunately because our service is from Thursday to Sunday we were unable to witness this further breach of licensing conditions.

On the 14th April 2018 at 02:06 (Saturday morning) [redacted] contacted our service. My colleague Jamie McCarthy and Rakib Khaiq arrived at Captain Morgan's at 02:25 and witnessed the music playing. The pub was full of customers. The music stopped at 02:30, the door staff were approached at 02:31 and denied the music was playing, at that moment the music was turned up full blast, the door staff were told by the Anti Social Behaviour & Environment Officers to shut music off as it had passed 01:30. The doorman then proceeded to clear customers out of the premises. I introduce Jamie McCarthy's witness statement as exhibit MO6.

On the 21st April 2018 at 00:25 [redacted] called our service to report loud amplified music. At 01:10 David Holmes and Richard Williamson attended [redacted] home and witnessed a statutory noise nuisance. I introduce David Holmes witness statement as exhibit MO7.

On the 5th May 2018, at 01:15 (Saturday into Sunday) Myself and Desmond Phillips observed Captain Morgan's from our vehicle from the slip road directly outside Captain Morgan's Freehouse. We were listening for any music being played. No music could be heard coming from the establishment. However, there was a large group of approximately 7 people outside the premises being quite loud. We drove off to attend another visit close by. We returned at 01:25, and parked the vehicle on the opposite side of the street from Captain Morgan's. A group of approximately 12 mostly males and some females were outside the venue, a female was kicking and hitting the bouncer who had just removed her from the venue. The females' friend came outside and they engaged in a heated argument, which we could clearly hear from inside our vehicle. The area was very noisy from the group of people congregating outside the venue they were also blocking the pedestrian pavement making it impossible for people to pass without

stepping into the service road. The group continued to be noisy throughout or observation, we vacated the area at 01:45.

On the 5th May 2018 at 02:15 (Saturday morning) [redacted] called and stated loud amplified music was being played from Captain Morgan's Freehouse. During my conversation with [redacted] the music was turned off and back on intermittently. Our conversation ended at 02:30 and the music was still being turned on and off intermittently. Unfortunately. due to other commitments I was unable to witness the music in person. I introduce [redacted] incident diary sheets and witness statement as exhibits MO8.

On the 5th May 2018 at 21:54 I called Mr Bates mobile telephone, it went straight to voice mail, I left a message advising him of the complaints I had received and that this and other incidents were being recorded and that this was a breach of the noise abatement notice.

On the 7th May 2018 at 00:13 (Monday) I received a call from [redacted] stating the music was playing outside of the licensing hours of 23:00. The music became progressively louder until it was fully booming out. It reduced down slightly 00.52, but was still loud, the music stopped completely at 01:15. Unfortunately, due to high reported incidents, I was unable to witness this in person.

On the 11th May 2018 a call was received at 01:45 from [redacted] Richard Williamson called the complainant at 01:50 the music had been turned off. [redacted] called back at 02:35 stating that loud amplified music was being played again. A Site visit was carried out at 02:45 no noise was witnessed at the time of the visit. However, officers patrolled to the front of the pub and 20-30 people seen standing outside of venue. These people very heavily intoxicated shouting and causing an obstruction of the lay-by in front of the venue. Staff were doing nothing to encourage people to leave the area instead were just attempting to lock the front doors to prevent re-entry to the pub.

The above is true to the best of my knowledge. I am willing to attend a Licensing Committee hearing if necessary.

Signed..........Witnessed by..........

STATEMENT OF WITNESS

(Criminal Justice Act 1967, s.9, Magistrates Court Act 1980, ss.5A(3)(a) and 5B, MC Rules 1981, r.70)

Statement of: Jamie McCarthy

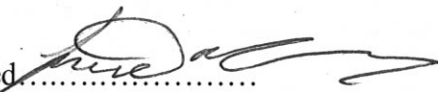
Age of Witness (if over 18 enter 'over 18'): OVER 18

Occupation of Witness: Anti Social Behaviour and Environmental Protection Officer

Address and Telephone Number: London Borough of Hillingdon, Civic Centre, Uxbridge, UB8-1UW

This statement, consisting of 2 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe true.

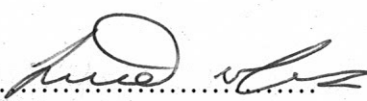

Dated the 20th day of APRIL 2018

Signed 

On the 14th of April at 02:00 a call came through from the out of hour's team with a noise complaint from a

I phoned back at 02:01 and he informed that Captain Morgan's Pub located at; 210 Field End Road, HA5 1RD had failed to turn their music off at 01:30, which is the time they are licensed to play music till.

My colleague R. Khaliq and I made our way there from the Civic Centre in Uxbridge. We arrived outside Captain Morgan's Pub at 02:25 and the music from the premises could be heard from parked across the road. We then parked around the corner and walked to the entrance of Captain Morgan's. Upon arrival at 02:31 the music had switched off but the premises was still full of customers. I spoke to a member of their door staff. He claimed the music was not playing past half one and that whoever had

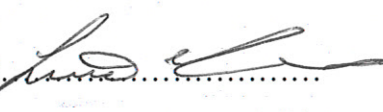
Signed  Signature witnessed by 


Continuation of Statement of

complained was lying, as we were talking the music came back on full blast and he claimed that was due to us distracting him from doing his job. I then told him to shut the music down, and he claimed he was about to close up anyway. He then proceeded to clear the customers from the premises. My colleague and I stayed outside till approximately 02:45 and the customers were still inside the premises and being asked to leave by door staff.

Signature witnessed by

.....

Signed, 

Signature witnessed by... 

Witness Statement

(Criminal Procedure Rules, R 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)


Statement of: R. Khaliq

Age of Witness (Age of witness (if over [18] enter over [18]): over 18

Occupation of Witness: ASB & Environment Protection Officer

This statement consisting of _____ page(s) signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: Friday 18th May 2018.

Signature.....

Page...1... of...1.....

I am Rakib Khaliq employed by the London Borough of Hillingdon Council as an Anti-social Behaviour and Environmental Protection Officer. On the Saturday 14th April 2018 at 02:06 we received a complaint with regards to loud music emanating from a property known as Captain Morgan Public House, 210 Field End Road, Ruislip, HA5 1RD. On arrival we had parked the vehicle round the rear of Captain Morgan Public house. We then attended the complainants address. We were invited into the property which is situated above the public house. The time was around 02:20. I was stood in the hall wall and the music was so loud that the base was causing the floors and walls to vibrate. After monitoring the music for a few minutes from inside his property, I believed this to be a statutory noise nuisance so we attended the pub at which point the time was 02:31, the bouncer had noticed us and instantly walked into the pub and told his DJ to cut the music off. We had stated the music was very loud and have received another complaint. The bouncer then began to start ejecting people from the venue.

Signature..........Signature witnessed by.....

Contact address ASB & Environment Protection, The London Borough of Hillingdon, 2E/08 Civic Centre, High Street, Uxbridge. UB8 1UW.

Contact telephone No..... Business telephone No.....

*Male / ~~Female~~ Date and place of birth: England

STATEMENT OF WITNESS
(CRIMINAL PROCEDURE RULES, PART 27)

(Criminal Procedure Rules, r 27.1(1);
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of: Craig Lloyd

Age of Witness (if over 18 write 'over 18') Over 18

Occupation of witness: Anti Social Behaviour Officer

The statement consisting of 1 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

Dated the 22th January 2018

Signed:

I am an Anti Social Behaviour Investigations Officer employed by the London Borough of Hillingdon and have served in that capacity for 7 years.

On 14th January 2018 at 00:07 hours I was on duty with my colleague Rebecca Wilson when we received a report regarding noise nuisance arising from Captain Morgan's Public House, 210 Field End Road, Ruislip, HA5 1RD. We made our way to the complainant's property and arrived at 00:30 hours. We entered the complainant's bedroom where I immediately aware of loud amplified music, the music was intrusive and penetrating and would have in my opinion made sleeping or relaxing in the property difficult if not impossible. It was a Statutory Noise Nuisance. At 00:45 hours we made our way to Captain Morgan's Public House, I spoke with the security staff on the door and requested to speak with the Manager of the premises. Whilst waiting for the Manager I noticed that the premises were full of customers who were drinking and dancing inside. After approximately thirty seconds an IC1 male came to the entrance of the premises and stated that he was the Manager, we identified ourselves and I advised the male of the complaint. I then requested that the volume and bass were reduced as we had just witnessed a Statutory Noise Nuisance. The male replied "I will get it turned down straight away". I thanked the male and we then continued with our duties.

At 02:10 hours on 14th January 2018 we received another report from the same complainant reporting that the music had been turned back up. We were unable to attend and witness at this time as we were dealing with another report of noise nuisance in the borough.

The evidence contained in this statement is from my own personal knowledge and from perusal of papers in the possession of the London Borough of Hillingdon.

The above is true to the best of my knowledge; I am willing to attend court if necessary.


Signature:



- 1 -

Page 25

Witnessed



Witness Statement

(Criminal Procedure Rules, R 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

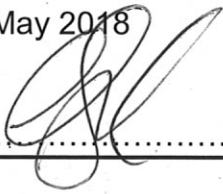
Statement of: Craig Lloyd

Age of Witness (Age of witness (if over [18] enter over [18]): over 18

Occupation of Witness: Anti Social Behaviour & Environment Officer

This statement consisting of 1 page(s) signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.


Dated ...24th May 2018

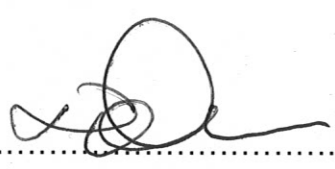
Signature.....

Page...1 of 1

I am employed by the London Borough of Hillingdon as an Anti Social Behaviour Officer and have served in this capacity for 7 years. On the 23rd March 2018 at approximately 15:07 I received a telephone call from Mr Kevin Bates who stated he was the joint owner of Captain Morgan's Freehouse. Mr Bates advised me that he received the Noise Abatement Notice this morning which was posted underneath the front door of the premises with Mr Mark Oakley's name on it. Mr Bates advised me that they have now spoken with and dismissed the member of staff who was responsible for playing loud amplified music outside the permitted licensing hours at Captain Morgans Freehouse, and that there should not be any further issues with noise nuisance.

I advised Mr Bates that just because they have a licence to play music until 23:00 Sunday to Thursday and 01:30 on Friday and Saturday, this does not give them the right to cause a statutory noise nuisance, and that the music must be set at a reasonable level. If further complaints are received they will have to be investigated and action will be taken if there is evidence to do so. Mr Bates stated that he understood this.

Signed.....

Witnessed by.....

Witness Statement

(Criminal Procedure Rules, R 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of:

Age of Witness (Age of witness (if over [18] enter over [18]): over 18

Occupation of Witness:

This statement consisting of 2 page(s) signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated24/05/2018.....

Signature..... ..

Page 1 of 2

I live

This pub frequently and regularly plays loud music late at night and into the early hours, on weekends and on week days. It is most prevalent on weekends, however on the night of Thursday 2nd November 2017 to Friday 3rd November 2017 from 11.15pm to 4.00 am the music was turned up extremely loudly. During the afternoon of Friday, I bumped into the manager of the pub and asked what the game was. He informed me that he was no longer working there and that a new manager had taken over. I decided that enough was enough, so I rang L B Hillingdon licensing to complain. I was asked to email the complaint, which I promptly did. The result was that the night time noise ceased completely that weekend and indeed for some ten days. This was unprecedented in my experience, but did not last, as the noise levels quickly crept up again. I let it slide for a few days, but decided to follow licensing advice and contact the noise complaints team when it got really bad.

As a rule, I do not ring to log a problem until it is late at night and what I consider to be anti social. I accept that living next to a pub there is going to be noise, but after 11 or 12 at night I think it is a problem, especially when it goes on 'till 2, 3, 4 in the morning. On a number of occasions, I have phoned the out of hour's service and received a log number, but it has been too late for the noise abatement team to witness. They suggested that I phone earlier when the noise first started. This I did, in order for them to get an idea of the noise levels. More recently, I have had more success in getting the team around to witness the problem, partly by phoning earlier and also, I suppose, because the problem is firmly on their radar. I understand that the team also report back to Licensing on the issue of the pub breaching their licensing hours. I have kept a record of the dates/ times I have contacted the out of

hours team, licensing and the anti social behaviour team. A pattern has tended to form, with the council contacting the license holder about the problem, with noise levels subsiding briefly, and then returning to previous weeks' levels. I understand that the council has received assurances that the people responsible have been barred, dismissed and that a sound inhibitor had been installed. None of these appear to have, in fact, been done. At the date of writing this, last Saturday night/ Sunday morning, 21st April 2018 and 22nd April 2018 the noise abatement team witnessed the noise level 'till 1.30am and I think they would agree that no sound inhibitor was in operation. The pub has a weekend license to 1.30am, which I have formally objected to (no response from licensing) and till 11.00 pm on weekdays, but even within these hours the pub does not have the right to blast out high level noise. In addition to the actual music is the problem of loud drunken customers shouting and swearing outside my bedroom window (presumably outside to smoke) during pub opening times (within licensing hours or not) and long after the pub has officially closed.

As the council has given so many efforts and warnings to request the licence holder to reduce the sound levels on so many occasions, and on each occasion this agreement has been breached and excessive music has been played. I would like the committee to consider removing the facility of the premises to have a licence to play live or amplified music after 23.00.

I would also seek to ask the committee that some conditions are placed upon the licence to control the level of sound that the premises can have before 23:00. This is in regard to how loud the sound appears in my flat as opposed to how loud it is played in the premises. That they either have a sound control device or employ some modern and effective sound insulation within the building.

I would further seek to ask the committee that the opening hours of the premises be reduced to 23:00 Monday to Thursday and 00:00 Friday and Saturday, due to the excessive noise outside the premises caused by the large groups of people that gather outside the premises, shouting, arguing and fighting into the early hours of the morning.

Signed...

..... Witnessed by..

...

Witness Statement

(Criminal Procedure Rules, R 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of

Age of Witness (Age of witness (if over [18] enter over [18]): over 18

Occupation of Witness:

This statement consisting of 1 page(s) signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 24th May 2018

Signature..... ..

Page 1 of 1

I live

This pub regularly plays very loud music late at night, mainly at weekends but sometimes on work days too. As well as the music, there is a lot of noise from customers standing outside the pub, shouting, screaming, swearing and fighting. This goes on until 03:00 hrs over the weekend and often until after midnight on weekdays.

This is a residential block over shops, so they should not have a late night license to be restricted to 23:00 hrs every night. There are families with young children living in these flats and they should not have to put up with this noise. Some of us have to work weekends this involves getting up at 06:00 hrs.

Signed... ..

Witnessed by.


I can confirm the loud music heard from _____ property was coming from Captain Morgan Public House and consider the level of noise to be a nuisance.

On Sunday 18th March 2018 at roughly 02:30 hours, a further call was received from _____ who stated the music was still ongoing. On this occasion no site visit was conducted due to the terrible weather conditions.

This statement has been made a considerable time after the incident, however I remember the incident clearly as I have only been to this property once and have had no other dealings.

 , 18/5/18



 ,
18/5/18

Signature:



Witnessed: N/A

Witness Statement

(Criminal Procedure Rules, R 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of: David Jeremy Holmes

Age of Witness (Age of witness (if over [18] enter over [18]): over 18

Occupation of Witness ASB and Environment Protection Officer

This statement consisting of One page(s) signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated 11th May 2018


Signature 

Page One of One

I am employed by the London Borough of Hillingdon and have been so employed since November 2017. At 00:09 hours on Sunday 4th February 2018, as a result of information received and in company with a colleague, Rakib Khaliq I attended a location known as Captain Morgan Public House at 210 Field End Road, Ruislip, Middlesex. On arrival, music could be clearly heard coming from the establishment where vibration could be felt on the window glass . Rakib, knocked loudly on the door a number of times. The curtains at the front of the building were drawn. From a slight gap in the curtain I could see to the right hand wall, inside the bar. On this wall were a number of mirrors which allowed me to view part of the bar to the left. From my observations I could see a number of IC1 males in the bar and the hand and arm of a person behind the bar reaching for glasses stored at head level. The hand appeared to be that of an IC1 female. All persons were in darker coloured clothing. Rakib, continued to try and attract their attention by calling out 'Hello' and knocking on the glass of the door with a key. No one inside the premises responded to Rakib however after a short period the music and lights were turned off leaving the premises in relative darkness. This indicated to me that Rakib had been heard and the occupants chose to ignore him. We left the premises shortly after. No-one was seen to leave the premises.

At 01:10 on Saturday 21th April 2018, I again attended Captain Morgan Public House. in company with a colleague, Richard Williamson, where we spoke to an informant at The informant, a person I now know to be stated that he had called the Out of Hours service due to the level of noise and his inability to sleep as a direct result. Although stated that the noise had reduced I could clearly hear music and lyrics being played from within the Public House. I considered this to be a statutory noise nuisance. Richard and I then returned to the front of the venue where the music was turned off and the doors closed at 01:30, same day.

This statement is made at 12.30hours, 11th May 2018 from notes made shortly after by attending officers.

Signed 

Witnessed by.....



HILLINGDON

LONDON

Mr Darren Farrell
Captain Morgans Public House
210 Field End Road, Eastcote
HA5 1RD

Ref: RK/6461717/ASBIT

Tuesday 20th February

Dear Mr D Farrell

In response to a complaint about loud amplified music emanating from your property on **4th February 2018**, the duty noise officer visited the area and witnessed **loud amplified music** emanating from your property causing a statutory noise nuisance.

The Council is obliged to serve a noise abatement notice when satisfied that a statutory nuisance exists, or is likely to occur or recur. I have therefore enclosed a notice under Section 80 of the Environmental Protection Act 1990, which you should adhere to within the specified time period.

If you are unsure on the steps required to comply with the notice, please do not hesitate to contact me for further advice. If you are unsure as to what level of noise may constitute a statutory nuisance you should consider stopping any activities, or restricting the use of any equipment that may cause a noise nuisance until you can obtain further advice. I would be happy to visit your property to provide advice.

Failure to comply with this notice may result in the matter being passed to the Council's Solicitor for the instigation of legal proceedings to be considered. If a notice is breached, the Council will consider using powers available to seize any noise making equipment capable of breaching the notice. You would be charged for any work that it is carried out by the Council to remedy a breach of the notice.

The Council aims to resolve complaints without the need for formal action. However, if the notice is breached, the Council will consider taking further steps to control the situation.

Monitoring may be carried out in response to any further complaints. The investigation may involve making programmed or reactive visits to the area and the use of recording equipment.

If you would like to discuss this matter further or if you have any written comments, please do not hesitate to contact me.

Kind Regards

R. Khaliq
ASB & Environment Officer

Abatement Notice in respect of Statutory Nuisance

To Mr Darren Farrell
of

COPY

Ref: CL/6314957/ASBIT

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the*
Council of London Borough of Hillingdon ("the Council") being
satisfied of the ~~existence~~ [likely ~~to recur~~ [recurrence]] of a statutory nuisance under section 79(1)(g) of
that Act at the premises known as
Captain Morgans, Public House, 210 Field End Road, Ruislip, HA5 1RD
[within the district of the Council] arising from†
The amplification of music and speech.

[HEREBY REQUIRE YOU, as the [person responsible for the said nuisance] [[owner] [occupier] of the
premises] within Forthwith from the service of this notice, [to abate the same] [and also]

[HEREBY [PROHIBIT] [RESTRICT] the ~~occurrence~~ [recurrence] of the same] [and for that purpose require you
to:‡

Stop or cause to stop the playing of amplified music and speech at such a volume
as to be a statutory noise nuisance and inaudible at the nearest boundary.

THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995
applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal
has been abandoned or decided by the Court, as, in the opinion of the Council,
[[the nuisance to which this notice relates is [injurious to health] [likely to be of a limited duration such that
suspension would render the notice of no practical effect]]

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be
guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction
will be liable to a fine not exceeding level 5 on the Standard Scale** together with a further fine of an amount
equal to one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence
continues after conviction. A person who commits an offence on industrial, trade or business premises will be
liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of
the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council
may execute the works and recover from you the necessary expenditure incurred.

Dated 17th January 2018

Signed

ASB & Environment Manager

§

the officer appointed for this purpose

Please address any communications to:

ASB & Environment Team#
Civic Centre, Uxbridge,
UB8 1UW

N.B. The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the
date of service of the notice. See notes on the reverse of this form.

Delete any words in square brackets which do not apply

* Insert name of local authority.

† Describe the cause of the nuisance.

** Currently £5000, subject to alteration by Order.

‡ State specific works to be done or action to be taken.

§ Insert title of proper officer.

Abatement Notice in respect of Statutory Nuisance

To Mr Darren Farrell

of Captain Morgans Public House
210 Field End Road, Eastcote HA5 1RD

Ref: RK/6461717/ASBIT

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the*
London Borough of Hillingdon ("the Council") being
satisfied of the ~~XXXXXX~~ [likely ~~XXXXXX~~ [recurrence]] of a statutory nuisance under section 79(1)(G) of
that Act at the premises known as
Captain Morgans Public House, 210 Field End Road, Eastcote HA5 1RD
[within the district of the Council] arising from†
The playing of loud amplified music and voices.

[HEREBY REQUIRE YOU, as the ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ [XXXXX] [occupier] of the
premises] within forthwith from the service of this notice, ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

[HEREBY [PROHIBIT] RESTRICT the ~~XXXXXXXXXX~~ [recurrence] of the same] ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
~~XXX~~

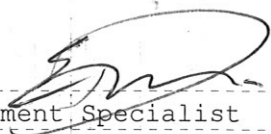
]

THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995
applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal
has been abandoned or decided by the Court, as, in the opinion of the Council,
[[the nuisance to which this notice relates is [injurious to health] [likely to be of a limited duration such that
suspension would render the notice of no practical effect]]
[[the expenditure which would be incurred by any person in carrying out works in compliance with this notice
before any appeal has been decided would not be disproportionate to the public benefit to be expected in
that period from such compliance].

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be
guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction
will be liable to a fine not exceeding level 5 on the Standard Scale** together with a further fine of an amount
equal to one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence
continues after conviction. A person who commits an offence on industrial, trade or business premises will be
liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of
the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council
may execute the works and recover from you the necessary expenditure incurred.

Dated 20/02/2018

Signed Edward Davis 
ASB & Environment Specialist §
the officer appointed for this purpose

Please address any communications to:
London Borough of Hillingdon
ASB & Environment Team, 2E/08 Civic Centre, High Street, Uxbridge, UB8 1UW
P: 01895 556000

**N.B. The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the
date of service of the notice. See notes on the reverse of this form.**

Delete any words in square brackets which do not apply
* Insert name of local authority. † Describe the cause of the nuisance. ** Currently £5000, subject to alteration by Order.
‡ State specific works to be done or action to be taken. § Insert title of proper officer.

APPEALS UNDER SECTION 80 (3) OF THE ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

Appendix 1

- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeal against an abatement notice served upon him by a local authority).
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonably in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b), of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, or
 - (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and -
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),
that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises; or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,
and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may:-
- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court -
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

- (1) Where:-
- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
 - (b) either:-
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
- (a) the nuisance to which the abatement notice relates -
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply



HILLINGDON
LONDON

Abatement Notice in respect of Noise Nuisance

To: THE OCCUPIERS
of CAPTAIN MORGAN'S FREEHOUSE
210 FIELD END ROAD
PINNER, HAS-IRD

Ref: MO / /ASBIT

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the*
Council of London Borough of Hillingdon ("the Council") being satisfied of the [existence] [likely
[occurrence] [recurrence]] of noise amounting to a statutory nuisance under section [79(1)(g)] [79(1)(ga)]
of that Act at 210 FIELD END ROAD, PINNER, HAS-IRD

[within the district of the Council] arising from † **the amplification of music and speech**

[HEREBY REQUIRE YOU], as [[one of] the person(s) responsible for the said nuisance] [the [owner]
[occupier] of the premises] from which the noise is or would be emitted] [the person in whose name the
vehicle is for the time being registered] [the driver of the vehicle], within Forthwith from the service of this
notice to abate the same] [they also] **[HEREBY [PROHIBIT]]** the [occurrence] [recurrence] of the same]
[and for that purpose require you to: ‡

**Stop or cause to stop the playing of amplified music and speech at such a volume so as to be a
statutory noise nuisance and inaudible at the nearest boundary to any neighbouring premises.**

[THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations
1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until
the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, [the nuisance
to which this notice relates is [likely to be of a limited duration such that suspension would render the
notice of no practical effect]].

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you
will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on
summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale** together with a
further fine of an amount equal to one-tenth of that level for each day on which the offence continues
after conviction. A person who commits an offence on industrial, trade or business premises will be liable
on summary conviction to a fine not exceeding £20,000.
The Council may also take proceedings in the High Court for securing the abatement, prohibition or
restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this
notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated 23/03/18

Signed M. Oakley

¶ [Time copy served 00:25]

ASBIT OFFICER M. OAKLEY §
the officer appointed for this purpose

Please address any communications to:
London Borough of Hillingdon
ASB Investigations Team, Civic Centre, High Street, Uxbridge, UB8 1UW

**N.B. The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning
with the date of service of the notice. See notes on the reverse of this form.**

Delete any words in square brackets which do not apply
* Insert name of local authority. † Describe the cause of the nuisance. ** Currently £5000, subject to alteration by Order.
‡ State specific works to be done or action to be taken. § Insert title of proper officer. ¶ This paragraph applies only where this
is a copy of a notice which has been affixed to a vehicle, machinery or equipment by virtue of a determination by the local authority under
section 80A(2)(b) of the Act and this copy has been served within 14 days of such notice being so affixed.

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:-

APPEALS UNDER SECTION 80 (3) of the ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonably in character or extent, or are unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates –
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b), of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, or
 - (iv) is a nuisance falling within section 79(1)(fb) OF THE 1990 Act and –
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),
 that the best practicable means were used to prevent, or to counteract the effects of the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of –
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises),
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being –
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being –
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises; or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises.
 - (j) that the abatement notice might lawfully have been served on some person instead of the appellant, being –
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may:-
- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or
 - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit –
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court –
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and to the nature of the works required, and
 - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

3. (1) Where:-
- (a) an appeal is brought against an abatement notice under section 80 or section 80A of the 1990 Act, and –
 - (b) either:-
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where –
- (a) the nuisance to which the abatement notice relates –
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice –
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply

NUISANCE RECORD FORM

Ref: ___/_____/ASBIT

In order to assist officers of this team in investigating your complaint you are asked to keep a record of the nuisance/s that is troubling you over a period of **at least two weeks** and return it to the Anti Social Behaviour Investigations Team at the address below or by email.

Please keep a note below on each occasion the nuisance occurs and use additional sheets if necessary. It is essential to note the date when the nuisance occurs, the time it starts and finishes, severity of the incident and any other comments, **(it is important that you read the footnote)**.

Once completed you may like to report your issue via our website www.hillingdon.gov.uk 24 hour a day, where you are able to upload this form and be able to monitor and track your report.

Your Details

Eastcote
Name:.

Alleged Source of the problem

Captain Morgan's Free House, Field End Road,

Tel No.....

Date	Time 1 Start/ Finish	Description of Nuisance	How it Affects You 2
02/11/ 17	11.15 - 04.00	Loud music (see email to licensing 03/11)	Stops me sleeping, disrupts my sleep patterns. Affects my work and free time. I worry that it is affecting my mental and physical help. Leaves me in a rage, which often prevents me from sleeping long after the noise itself has stopped. I,m tired at weork and spend a lot of my free time trying to catch up on sleep. The noise cuts through ear plugs and makes walls and furniture vibrate.
25/11/ 17	11.00 - 03.00	Loud music (log 6314957)	
08/12/ 17	11.00 - 03.00	Loud music (log 00195)	
17/12/ 17	11.00 - 03.30	Loud music/ Karaoke (no log)	Got really loud from 03.00
23/12/ 17	11.00 - 03.30	Loud music (log00743)	And a happy Christmas to you too!
24/12/ 17	11.00 - 03.30	Loud music (log 00743)	
25/12/ 17	11.00 - 03.00	Loud music (log 00743)	
12/01/ 18	12.00 - 04.30	Loud music (no log)	Built up to a crescendo from 4.00

20/01/ 18	11.00 – 03.30	Loud music (log 01545)	
21/01/ 18	Loud music 11.00 – 12.00	Loud music (log 01592)	
26/01/ 18	11.00 – 02.00	Loud music (see email to licensing 29/01)	
27/01/ 18	11.00 – 02.00	“ “ “	
28/01/ 18	11.00 – 01.00	“ “ “	
10/02/ 18	11.00 – 2.30	Loud music (log 02001)	
12/02/ 18	11.00 – 2.00	Loud music (log 02290)	
22/02/ 18	11.00 – 12.00	Loud music (log 02339)	
24/02/ 18	11.00 – 2.30	Loud music (log 02339)	
03/03/ 18	11.00 – 1.30	Loud music (log 02596)	
17/03/ 18	11.00 – 02.30	Loud music (log 02952)	
20/03/ 18	11.00 – 11.30	Loud music (reported to council 14.00 21/03)	
22/03/ 18	10.00 – 12.00	Loud music (log 03045)	
01/04/ 18	11.00 – 02.00	Loud music (log 03045)	
03/04/ 18	11.00 – 01.30	Loud music (reported to council 12.30 04/04)	

13/04/ 18	11.00 – 02.30	Loud music (log 03045)	
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I certify that the above is a true record of events.

Date....19/04/18.....

London Borough of Hillingdon
 Anti-social Behaviour Investigations Team
 Civic Centre, High Street
 Uxbridge, Middlesex, UB8 1UW
 T: 01895 556000 E: asbinvestigations@hillingsdon.gov.uk

- 1 How often does it disturb you and for how long each time? (It is not sufficient to merely state everyday or, every week)
- 2 To what extent does the nuisance disturb you?

NUISANCE RECORD FORM

Ref: ___/_____/ASBIT

In order to assist officers of this team in investigating your complaint you are asked to keep a record of the nuisance/s that is troubling you over a period of **at least two weeks** and return it to the Anti Social Behaviour Investigations Team at the address below or by email.

Please keep a note below on each occasion the nuisance occurs and use additional sheets if necessary. It is essential to note the date when the nuisance occurs, the time it starts and finishes, severity of the incident and any other comments, **(it is important that you read the footnote)**.

Once completed you may like to report your issue via our website www.hillingdon.gov.uk 24 hour a day, where you are able to upload this form and be able to monitor and track your report.

Your Details**Alleged Source of the problem**

..... Name..Captain Morgan's
 ..Pub.....

Address....Field End Road

HA5.....

Tel No.....

Date	Time 1 Start/ Finish	Description of Nuisance	How it Affects You 2
21- 22/04/ 18	12.00pm -1.30	Music got loud from 12.00, very loud from 12.30 – 12.52, but continued intrusively until 1.30am (log 03861)	Not able to sleep, or even consider going to bed
26- 27/04/ 18	1.30am	The music got turned up loud at 1.30 i.e. the time it's supposed to turn off. It got properly loud at 2.10 until 2.25. Loud shouting outside until 2.50 (log 03861)	
04- 05/05/ 18	12.00 - 2.00 am	Music audible until 2.00 am (log 04170)	
07/05/ 18	12.15am – 1.15am	Bank holiday Monday morning very loud music (log 04267)	This was Sunday/ Monday. They did not have a music licence extension.
12- 13/05/ 18	10.20 - 2.30	Music started to get too loud from 10.20pm, got much louder from 1.00am. (logged on previous number 04267)	

<p>19 – 20/05/ 18</p>		<p>at 1.05) Music stopped 1.35. Got cranked up again from 2.20 – 2.30</p> <p>Music got turned up loud at 11.40pm (logged at 11.45 log no. 04260). Stopped at 12.30 Resumed at lower volume at 12.55. Stopped at 2.00am due to major disturbance with police</p>	<p>I had heard on the news that pubs would have a licence extension 'till 1.00am due to the royal wedding. That would have been an early night here!</p>
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I certify that the above is a true record of events.

Signed..... Date.....23/05/2018.....

London Borough of Hillingdon
 Anti-social Behaviour Investigations Team
 Civic Centre, High Street
 Uxbridge, Middlesex, UB8 1UW
 T: 01895 556000 E: asbinvestigations@hillingdon.gov.uk

- 1 How often does it disturb you and for how long each time? (It is not sufficient to merely state everyday or, every week)
- 2 To what extent does the nuisance disturb you?

ASBIT - Noise

Date: 16 May 2018

Incident Number: 6508854

Reporter

Contact Telephone:

Location

Captain Morgans PH, 210 Field End Road

Ruislip

Pinner

Middlesex

HA5 1RD, Captain Morgans PH, 210 Field End Road, Ruislip, Pinner, HA5 1RD

Date created:

Priority: Within 10 days

Raised by: moakley

Assigned to:

Job Details:

Date of last incident?

Please select the type of noise? Music noise

Is this the first time you have reported the noise?

What is your preferred method of contact? Phone

What type of tenancy? Privately Rented

Target completion date: 12/03/2018

(ASBINOSE) ASBIT Noise

26/02/2018 19:41

Loud Music emanating from Captain Morgans Pub

26/02/2018 19:46

Call centre called at 00.20hrs

Called the comp at 00.29hrs and during our conversation at 00.36hrs the comp voiced that the noise stopped.

No further action to be taken

23/03/2018 01:38

Call received at 23:05, called [redacted] advised LAM still playing, license until 23:00 now 23:10, advised will visit. 23:40 Site visit heard LAM within the complainants property, his bedroom. The noise was loud enough from the app 'Shazam' to pick up the title and artist. Phil Collins 'In The Air Tonight'. 00:04. Left property knocked on Captain Morgan Premises, music was turned off. No one came to the door, windows are all blacked out. Shouting at the door to open, stating 'we are the council open the door'. Further shouted 'if they continue to play LAM they will be served with a noise abatement, if they continue to breach their license conditions, their license will be revoked'. Myself and Des returned at 00:25 and served a noise abatement notice under the front door of the premises.

25/03/2018 18:27

see 6314957

24/03/18 23:50 call received, called [redacted] who confirmed music is loud. 23:58 arrived at property, witnessed statutory noise nuisance could clearly hear the music being played 'Breakfast in America' by Supertramp. Visited Captain Morgans asked for the licensee or manager, Kevin Bates came out, we advised noise is too loud and is a statutory noise nuisance, Kevin confirmed conversation with Craig, I advised I am aware of this conversation, also reiterated the noise level is too high. Kevin said they also

own the GE Bar further down and they used to have problems there but fitted a noise inhibitor into the property and that stopped the complaints. Advised if he does this, that should resolve the problem. Kevin turned the level down and we returned to property where the music could not be heard. We returned to the Captain Morgan's pub where we confirmed to Kevin the levels were now acceptable, Kevin had taken a photo of the levels on the amplifiers and said he would ensure they are set at these levels and no higher.

Kevin claimed that a female employee was sacked and she was the one playing music loudly outside the permitted licensing permit. He admitted Darren Farrell had received the original NAN dated 20/02/18. I advised Kevin both the incident of the 22/03/18 and the incident of the 24/03/18 are breaches of that NAN, and the 24/03/18 a breach of the 2nd NAN served on the 22/03/18, I advised this was enough for me to prosecute and they could receive fines up to £20,000. Kevin stated he wanted to work together with us and he would do all he could to ensure it doesn't happen again.

25/03/2018 18:54

email to Stephanie Waterford re above breach of Premises licence.

04/04/2018 12:42

called to say there was loud music again at Captain Morgans until about 1.30am. Not as loud as before but loud enough. Caller said he could still hear through headphones and ear plugs.

I have emailed Mark Oakley.

15/04/2018 00:41

Call from at 02:06 on the 14/04/18- Loud music past 01:30- Arrived at 02:31 Music playing- Pub full of customers. Door staff told to shut music off as it had passed 01:30. He then began to clear customers out of the premises.

16/04/2018 15:07

see also 6314957.

17/04/2018 14:43

Called to confirm he has received my email. He is happy to be identified, and said he will complete the witness statement tomorrow.

23/04/2018 14:25

diary sheets and emails received from
email to Ian Meens advising ready to meet re draft Licensing review application.

25/04/2018 11:26

Comp made contact with the OOH Service on 21/04

TC from careline @ 0025

TC to comp @ 0025

Comp stated noise had stopped.

Invited comp to make contact should noise start up again.

TC from careline @ 0045

TC to comp @ 0045

Visit to comp @ 0110

SNN Heard

Waited outside the front of venue to check on any late trading.

All noise and business stopped at 0130

carried out follow up patrol at 2040

Premises was clear except what looked like 1 or 2 members of staff

05/05/2018 22:08

04/05/18 site visit observed no music playing from 01:15 to 01:45. However witnessed a group of 12 males/females outside the venue, a female was kicking and hitting the bouncer who had ejected her from the venue. The females' friend came outside and they engaged in a heated argument. The area was very noisy from the group of people hanging around outside the venue for this whole half an hour period.

04/05/18 02:15 called and advised LAM playing from Captain Morgans again, plus noisy customers gathering outside. Advised as per above. stated the music had just stopped, then he advised they were turning the volume up and down intermittently. Advised unfortunately we could not re-attend. However requested he send me details of when the noise stops via email.

05/05/18 Called Mr Kevin Bates (manager of pub) 07710 895752 left a voice mail to advise of above and that it is unacceptable, they are breaches of the noise abatement served, we are continuing to record these incidents and action will be taken against them, if it continues.

13/05/2018 18:43

TC from comp on Friday 11/05

TC from careline @ 0145

TC to comp @ 0150

Noise off no visit required

Comp called back @ 0245 stating that LAM had stated again

Site visit carried out @ 0235

No noise at time of visit

Patrolled round the front of the pub

20-30 people seen standing outside of venue

These people very heavily intoxicated shouting and causing an obstruction of the layby in front of the venue.

Staff were doing nothing to encourage people to leave the area instead were just attempting to lock the front doors to prevent re-entry.

Comp made contact again on 12/05
TC from careline @ 0115
TC to comp @ 0135

Noise off no visit required

(Draft)

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Appendix - 2

Officer's recommendation:

Set out below are a list of actions that would be consistent in promoting the licensing objectives.

Management Changes

- Removal of the current Designated Premises Supervisor

Modify the licensed hours and activities

Sale by retail of alcohol; Exhibition of films; Indoor sporting events;

Sunday to Thursday - 11.00 - 23:00

Friday and Saturday - 11.00 - 01:00

Live music and recorded music

Sunday to Thursday - 18.00 - 23:00

Friday and Saturday - 18.00 - 00:30

Late Night Refreshment

Friday to Saturday - 23.00 - 00:00 the following day

Sunday to Thursday Late Night Refreshment entitlement removed.

Regulated Entertainment

Remove the provision for Live and Recorded Music after 23.00 hours

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HILLINGDON
LONDON

Mr Stephen Dormer
Licensing Officer
London Borough Hillingdon
Civic Centre
Uxbridge

Ref: IM

Date: 10th June 2018

Dear Sir,

Re Captain Morgans Freehouse. Eastcote.

I am writing to you as the officer duly authorised to make representations on behalf of the Licensing Authority, in regard to the application for a review of the premises submitted on 7th June 2018 for the above premises.

In making this representation, I have had regard to the current licence arrangements, the review application and supporting evidence and also the Councils Statement of Licensing Policy.

The Licence Holder, Mr Darren Farrell, has been operating the premises since March 2016 when the current licence was transferred to him.

In November 2017 the Local Authority Licensing Unit was contacted by a [redacted] who resides [redacted]. He was notifying the Authority of the high level of noise created by the bar playing music on occasions until 04:00. Advice about contacting the Out of Hours noise team was given to him.

I sent a further response to him on the 7th November after which I had been able to speak to the manager of the premises Mr Kevin Bates. I asked [redacted] to keep the Authority informed of the operation of the premises if beyond the licensable hours.

On the 24th January 2018 I wrote to the Premises Licence owner Mr Farrell at the address we have registered. The letter I attach as Exhibit IM1 concerns noise reported at the premises on the 14th January and witnessed by the Authorities Anti Social Behaviour Team. With this letter I enclosed a copy of the premises licence to ensure that the premises were 100% aware of the times and conditions relevant to the premises.

On the 13th February 2018 I spoke to Kevin Bates regarding further complaints being received, a record of that conversation was recorded on internal systems as:

Appendix 3

Spoke to Kevin the part owner of the premises who's father is the manager. Informed Kevin that I am continuing to receive complaints of noise and also that this complaint of noise is at times outside the hours permitted on the licence ie after hours or lock in etc. I told Kevin that I had previously sent a letter to the Licence holder and would send another but all communication would be kept for any action if in the future this proves necessary. Kevin explained how this should not be happening and would speak to his father immediately. 13/2/2018

I have received many complaints since this time and up to the near present from _____ and other residents concerning the level of sound being played at the bar. I have also worked together with the local Authority ASBET Officers to provide information for this review application.

It is my opinion that the premises licence holder and Designated Premises Supervisor has failed to uphold the Prevention of Public Nuisance objective despite having been given fair and continuous warnings and advice.

There appears to be a total disregard to the objectives and arguably to the condition which states that 'All music shall be kept at a low level' in this regard I cannot see that the licence should continue to have any allowance or the facility to play music or permit any live or recorded music after the licensable hours of 23:00 and the licensing of such should be removed from the current licence altogether.

Yours faithfully,



Ian Meens
Licensing Officer on behalf of the Licensing Authority



HILLINGDON

LONDON

Mr Farrell
210 Field End Road
Eastcote
HA5 1RD

Date 24th January 2018

Dear Mr Farrell

**Captain Morgans, 210 Field End Road Eastcote.
THE LICENSING ACT 2003 (Alcohol and Entertainment Licensing)**

I have received information from one of Hillingdon Councils Anti Social Behaviour noise investigators concerning a complaint he attended at the above premises on the 14th January at 00.30.

The complaint he received was for noise nuisance and when this was investigated he was of the opinion that the level of noise was excessive and constituted a noise nuisance.

This noise issue is being dealt with by him. In his report to me he evidences that after attending the premises at 00.45 hrs requesting the music to be turned down a further complaint was made to us at 02.10 hrs on the same day alleging the music had been returned to the original level. On this occasion the noise officer was unable to attend.

I note from your licence that recorded music should cease at 01.30 on Saturday night into Sunday mornings. On this occasion this did not appear to have been adhered to. I further note that there is a condition on the licence that *music should be kept at a low level*.

I have attached copies of the current licence for you retention and on this occasion no further investigation will be made. Future allegation may be subject to investigation.

Ian Meens
Licensing Officer

Licensing Service
Resident Services
T.01895 556799
imeens@hillingdon.gov.uk www.hillingdon.gov.uk
London Borough of Hillingdon,
3S/09, Civic Centre, High Street, Uxbridge, UB8 1UW

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LICENSING ACT 2003
Section 24



HILLINGDON
 LONDON

PREMISES LICENCE

Ref: IM/006799

Premises Licence Number: LBHIL 433/05

This Premises Licence has been issued by Claire Freeman on behalf of the Licensing Authority, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW

Signature:

Date: 1 June 2016

Part 1 – Premises Details

Postal Address of Premises or, if none, Ordnance Survey map reference or description -

Captain Morgans
 210 Field End Road
 Eastcote

Post Town - Eastcote

Postcode – HA5 1RD

Telephone number – 020 8868 4437

Where the licence is time limited, the dates -

N/A

Licensable activities authorised by the licence -

Sale by retail of alcohol

Regulated Entertainment (indoors only):

- Exhibition of films
- Indoor sporting events
- live music
- recorded music

Provision of late night refreshment (indoors only)

The times the licence authorises the carrying out of licensable activities –

Sale by retail of alcohol; Exhibition of films; Indoor sporting events;

Sunday to Thursday - 11.00 - 00.00

Friday and Saturday - 11.00 - 01.30 the following day,

10.00 hours - 02.00 hours the following day, on –

Christmas Eve, Boxing Day, New Years Eve, Burns Night, St David's Day, St Patrick's Day, St Georges Day, St Andrew's Day

Live music and recorded music

Sunday to Thursday - 18.00 - 23.00,

Friday and Saturday - 18.00 - 01:30 the following day

15.00 hours until 01.00 hours the following day, on –

Christmas Eve, Boxing Day, New Years Eve, Burns Night, St David's Day, St Patrick's Day, St Georges Day, St Andrew's Day

Provision of late night refreshment:

Sunday to Thursday - 23.00 - 00.30 the following day

Friday to Saturday - 23.00 - 02.00 the following day

23.00 hours until 02.00 the following day, on –

Christmas Eve, Boxing Day, New Years Eve, Burns Night, St David's Day, St Patrick's Day, St Georges Day, St Andrew's Day

The opening hours of the premises –

Sunday to Thursday 11.00 - 01.00

Friday and Saturday 11.00 - 02.30

11.00 hours on New Year's Eve until 02.30 on New Year's Day

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

On and Off supplies

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence -

Darren Farrell

Registered number of holder, for example company number, charity number (where applicable) -
N/A

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

Darren Farrell

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

LBHIL2706
Issued by London Borough of Hillingdon

Annex 1 – Mandatory Conditions

Mandatory Conditions - Alcohol

1. No sale/supply of alcohol shall be made when there is no Designated Premises Supervisor in respect of the premises licence
2. No sale/supply of alcohol shall be made when the Designated Premises Supervisor does not hold a Personal Licence or when his/her Personal Licence is suspended.
3. Every sale/supply of alcohol under the premises licence shall be made, or authorised, by a person who holds a Personal Licence
4. (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—
 - (a) 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);
 - (b) 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 a significant risk of undermining a licensing objective;
 - (c) 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 a significant risk of undermining a licensing objective;
 - (d) 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;

(e) 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).

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (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 licence 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.
7. The responsible person must ensure that—
 - (a) 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—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) 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.”

Mandatory Condition - Permitted Price

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 purposes 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. (1) 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.

(2) 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.

Films

The admission of children shall be restricted according to the classification given by the British Board of Film Classification for the film being shown.

Annex 2– Conditions consistent with the operating Schedule**Prevention of crime and disorder**

- The Designated Premises Supervisor shall be a member of a local Pubwatch Scheme
- Staff shall carry out regular checks to the toilets and the outside of the premises

Public Nuisance

- All music shall be kept to a low level
- Signs asking customers to leave quietly shall be displayed

Protection of Children from Harm

- Children shall not be permitted in the bar area

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

- **There shall be no admission to the premises on Friday and Saturday after 00.00 hours and a prominent, clear and legible notice to this effect shall be displayed at the exit from the premises**

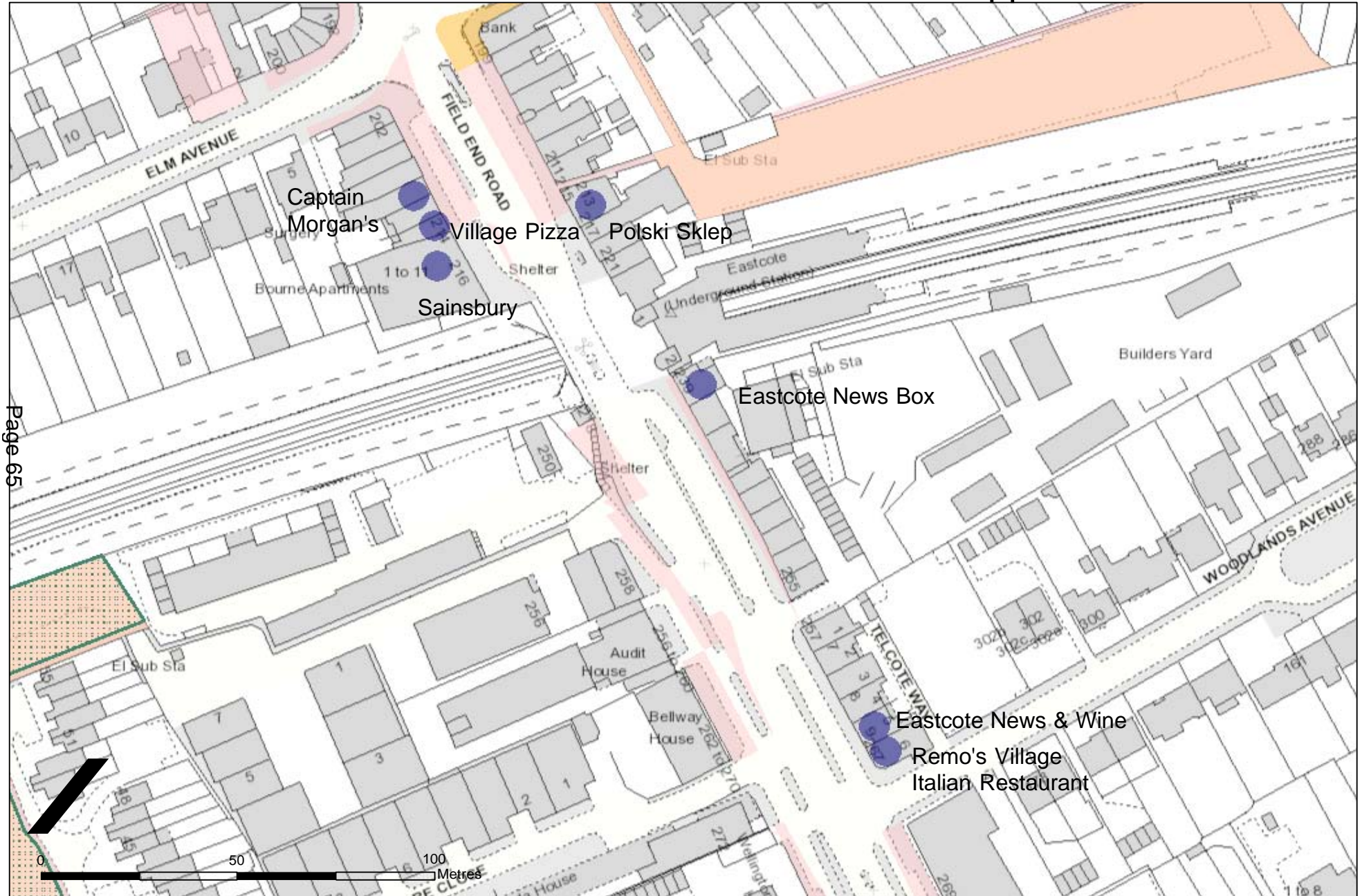
Annex 4 – Plans

Captain Morgans

The licensed areas of the premises as detailed on the drawing annexed hereto:-

Drawing Number 0505/07

Licensing Service registered plan number 478/05



Page 65

Photo 1



Photo 2





Photo 3

Photo 4



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