



Licensing Act 2003  
Premises Licence - Summary

<b>The Royal Arms</b> 172 Farnborough Road Farnham Surrey GU9 9AX	<b>Licence number:</b>	LN/000000158	
	<b>Valid from:</b>	24th November 2005	
	<b>Valid until:</b>		
	<b>Telephone:</b>	01252 320149	
<b>Licensable Activities Authorised by the Licence and times these activities may be carried on</b>			
<b>Activity (and area if applicable)</b>	<b>Description</b>	<b>Time From:</b>	<b>Time To:</b>
<b>Provision of regulated entertainment:-</b>			
<b>Films, Indoor Sports Event and Recorded Music</b>	<b>Sunday - Thursday Friday &amp; Saturday</b>	<b>07:00 07:00</b>	<b>00:00 01:00</b>
<b>Live Music</b>	<b>Monday - Sunday</b>	<b>10:00</b>	<b>23:30</b>
<b>Regulated - anything similar</b>	<b>Sunday - Thursday Friday &amp; Saturday</b>	<b>10:00 10:00</b>	<b>00:00 01:00</b>
<b>Provision of Late Night Refreshment</b>	<b>Sunday - Thursday Friday &amp; Saturday</b>	<b>23:00 23:00</b>	<b>00:30 01:30</b>
<b>Sale by Retail of Alcohol</b>	<b>Sunday - Thursday Friday &amp; Saturday</b>	<b>10:00 10:00</b>	<b>00:00 01:00</b>
<b>Non-standard Timings:</b>	1000 New Year's Eve - 0100 January 2nd. 1000 - 0100 on Bank Holiday weekends (Friday/Saturday/Sunday/Monday), Christmas Eve and Boxing Day.		

**The opening hours of the premises:** 0700-0030 Sunday to Thursday  
0700-0130 Friday and Saturday

**Where the licence authorises supplies of alcohol, whether this alcohol is to be consumed on and/ or off the premises:** On and off the premises

**Name & (registered) address of holder of premises licence:** Mr Jon-Paul Stubbings and Miss Toni Louise Greenway  
The Royal Arms  
172 Farnborough Road  
Farnham  
Surrey  
GU9 9AX

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

**Name of designated premises supervisor  
where the premises licence authorises the  
supply of alcohol:**

Mr Jon-Paul Stubbings

**Whether access to the premises by children  
is restricted or prohibited:**

No restrictions

Licensing Act 2003  
Premises Licence - Detail



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<b>Provision of Late Night Refreshment</b>	Sunday - Thursday Friday & Saturday	23:00 23:00	00:30 01:30
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<b>Non-standard Timings:</b>	1000 New Year's Eve - 0100 January 2nd. 1000 - 0100 on Bank Holiday weekends (Friday/Saturday/Sunday/Monday), Christmas Eve and Boxing Day.		

The opening hours of the premises:

0700-0030 Sunday to Thursday  
0700-0130 Friday and Saturday

Where the licence authorises supplies of alcohol, whether this alcohol is to be consumed on and/ or off the premises:

On and off the premises

Name & (registered) address of holder of premises licence:

Mr Jon-Paul Stubbings and Miss Toni Louise Greenway  
The Royal Arms  
172 Farnborough Road  
Farnham  
Surrey  
GU9 9AX

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name of designated premises supervisor where the premises licence authorises the supply of alcohol: Mr Jon-Paul Stubbings

Whether access to the premises by children is restricted or prohibited: No restrictions

## Annexe 1 – Mandatory Conditions

### Films

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

- a. By the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
- b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) of the Licensing Act 2003 applies to the film.

### Alcohol

No supply of alcohol may be made under the premises licence:

- At a time when there is no designated premises supervisor in respect of the premises licence.
- At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

## Annexe 2 – Conditions consistent with the operating schedule

<b>Films</b>	<b>Monday</b>	07:00 hours to 00:00 hours
	<b>Tuesday</b>	07:00 hours to 00:00 hours
	<b>Wednesday</b>	07:00 hours to 00:00 hours
	<b>Thursday</b>	07:00 hours to 00:00 hours
	<b>Friday</b>	07:00 hours to 01:00 hours
	<b>Saturday</b>	07:00 hours to 01:00 hours
	<b>Sunday</b>	07:00 hours to 00:00 hours

### Further Detail

Video entertainment on TV screens and amusement machines.

### Non-Standard Timing

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended until 0100 the following morning.

Location of activity : Indoors

<b>Indoor Sports Event</b>	<b>Monday</b>	07:00 hours to 00:00 hours
	<b>Tuesday</b>	07:00 hours to 00:00 hours
	<b>Wednesday</b>	07:00 hours to 00:00 hours
	<b>Thursday</b>	07:00 hours to 00:00 hours
	<b>Friday</b>	07:00 hours to 01:00 hours
	<b>Saturday</b>	07:00 hours to 01:00 hours
	<b>Sunday</b>	07:00 hours to 00:00 hours

Further Detail

To permit pub games that attract an audience, whether by advertisement or spontaneously.

Non-Standard Timing

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended until 0100 the following morning.

Location of activity : Indoors

<b>Live Music</b>	<b>Monday</b>	10:00 hours to 23:30 hours
	<b>Tuesday</b>	10:00 hours to 23:30 hours
	<b>Wednesday</b>	10:00 hours to 23:30 hours
	<b>Thursday</b>	10:00 hours to 23:30 hours
	<b>Friday</b>	10:00 hours to 23:30 hours
	<b>Saturday</b>	10:00 hours to 23:30 hours
	<b>Sunday</b>	10:00 hours to 23:30 hours

Further Detail

Live (acoustic/amplified) music and amplified voice.

Non-Standard Timing

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended until 0100 the following morning.

Location of activity : Indoors

<b>Recorded Music</b>	<b>Monday</b>	07:00 hours to 00:00 hours
	<b>Tuesday</b>	07:00 hours to 00:00 hours
	<b>Wednesday</b>	07:00 hours to 00:00 hours
	<b>Thursday</b>	07:00 hours to 00:00 hours
	<b>Friday</b>	07:00 hours to 01:00 hours
	<b>Saturday</b>	07:00 hours to 01:00 hours
	<b>Sunday</b>	07:00 hours to 00:00 hours

Further Detail

Recorded music, including juke box and karaoke, with or without a DJ, during normal business or as part of functions, and including audience participation.

Non-Standard Timing

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended until 0100 the following morning.

Location of activity : Indoors

<b>Regulated - anything similar</b>	<b>Monday</b>	10:00 hours to 00:00 hours
	<b>Tuesday</b>	10:00 hours to 00:00 hours
	<b>Wednesday</b>	10:00 hours to 00:00 hours
	<b>Thursday</b>	10:00 hours to 00:00 hours
	<b>Friday</b>	10:00 hours to 01:00 hours
	<b>Saturday</b>	10:00 hours to 01:00 hours
	<b>Sunday</b>	10:00 hours to 00:00 hours

Further Detail

N/A

Non-Standard Timing

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended until 0100 the following morning.

Location of activity : Indoors

<b>Late Night Refreshment</b>	<b>Monday</b>	23:00 hours to 00:30 hours
	<b>Tuesday</b>	23:00 hours to 00:30 hours
	<b>Wednesday</b>	23:00 hours to 00:30 hours
	<b>Thursday</b>	23:00 hours to 00:30 hours
	<b>Friday</b>	23:00 hours to 01:30 hours
	<b>Saturday</b>	23:00 hours to 01:30 hours
	<b>Sunday</b>	23:00 hours to 00:30 hours

Further Detail

Provision of hot drinks, meals and heated snacks, particularly during the wind down period.

Non-Standard Timing

When hours for sale of alcohol are extended on Bank Holidays, these hours are also extended until 0130 the following morning.

Location of activity : Indoors

<b>Alcohol Sale or Supply</b>	<b>Monday</b>	10:00 hours to 00:00 hours
	<b>Tuesday</b>	10:00 hours to 00:00 hours
	<b>Wednesday</b>	10:00 hours to 00:00 hours
	<b>Thursday</b>	10:00 hours to 00:00 hours
	<b>Friday</b>	10:00 hours to 01:00 hours
	<b>Saturday</b>	10:00 hours to 01:00 hours
	<b>Sunday</b>	10:00 hours to 00:00 hours

Further Detail

N/A

Non-Standard Timing

1000 New Year's Eve - 0100 January 2nd.  
1000 - 0100 on Bank Holiday weekends (Friday/Saturday/Sunday/Monday),  
Christmas Eve and Boxing Day.

Sale of alcohol to be for consumption : On and off the premises

Designated Premises Supervisor

**Name:** Mr Jon-Paul Stubbings  
**Address:** The Royal Arms  
172 Farnborough Road  
Heath End  
Farnham  
Surrey  
GU9 9AX  
**Personal Licence Number (If known):** WAV2005PER/0460  
**Issuing Licence authority (If known):** Waverley Borough Council  
**Expiry date:** 05/12/2015

<b>Opening Hours</b>	<b>Monday</b>	07:00 hours to 00:30 hours
	<b>Tuesday</b>	07:00 hours to 00:30 hours
	<b>Wednesday</b>	07:00 hours to 00:30 hours
	<b>Thursday</b>	07:00 hours to 00:30 hours
	<b>Friday</b>	07:00 hours to 01:30 hours
	<b>Saturday</b>	07:00 hours to 01:30 hours
	<b>Sunday</b>	07:00 hours to 00:30 hours

Further Detail

N/A

Non-Standard Timing

Opening hours may be extended on Bank Holidays, Christmas Eve and Boxing Day until 0130 the following day.

**ELEMENTS OF OPERATING SCHEDULE TO ADDRESS LICENSING OBJECTIVES:**

**a) General - all four licensing objectives (b,c,d,e)**

Staff shall be trained on the requirements of the Licensing Act 2003 when they are recruited and shall be given training in 'drugs awareness' as part of their induction.

**b) The prevention of crime and disorder**

There shall be access to the pub's toilet facilities and provision of non-alcoholic refreshment during the wind down period.

A personal licence holder shall be present on the premises whenever there is trading after 2230.  
The Designated Premises Supervisor shall be a member of the Farnham Pubwatch scheme, so long as it exists.

### **c) Public Safety**

The licensee and staff shall have regard to any risk identified in the risk assessment.

### **d) The prevention of public nuisance**

Live music shall end at 2330 except on New Year's Eve and New Year's Day.

Recorded music indoors shall end at 0000 on Sundays - Thursday and at 0100 on Friday and Saturday except on New Year's Eve and New Year's Day.

Recorded music volume shall be replaced during a wind down period during the above hours to background level to create a mood change.

All windows shall be kept closed.

The garden shall be closed at or before 2300.

Notices shall be displayed prominently at the exits asking customers to leave the premises quietly.

The kitchen extract filters shall be cleaned regularly to minimise the impact of cooking smells on neighbours.

### **e) The protection of children from harm**

The licensees and staff shall have regard to the restrictions set out in the Licensing Act 2003.

Photographic proof of age shall be required to be shown by anyone seeking to purchase alcohol who appears to be under 20 years of age.

### **Conditions agreed with the Environmental Health Officer:**

1. The licensee shall install a lobby to the main entrance, so as to provide two sets of doors separating the bar area from the outside of the premises. All doors shall be fitted with self-closers and maintained in good working order. The distance between the inner and outer doors shall be sufficient to ensure that one door set is normally closed as people pass through the lobby.
2. External doors and windows serving the licensed area shall be kept shut at all times. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter and must be fitted with self-closers, which shall be maintained in good working order.
3. The outside seating area shall not be used for any purposes between 2300 hours and 0800 hours.
4. The licensee shall display notices at all public exits requesting customers to take all steps to minimise noise once they have left the premises. The wording and size of such notices shall be agreed in writing with the Environmental Health Section at Waverley Borough Council.

## **Annexe 3 – Conditions attached after a hearing by the Licensing Authority**

N/A

## **Annexe 4 – Plans**

Attached



**WAVERLEY BOROUGH COUNCIL****LICENSING ACT 2003****NOTICE OF APPLICATION TO REVIEW A PREMISES  
LICENCE****THE ROYAL ARMS, 172 FARNBOROUGH ROAD, HEATH  
END, FARNHAM, SURREY, GU9 9AX**

NOTICE IS HEREBY GIVEN that an application has been made to the Licensing Authority of WAVERLEY BOROUGH COUNCIL for review of a premises licence under Section 51 of the Licensing Act 2003. Details of the grounds of the application for review of the licence are as follows:

Jon-Paul Stubbings and Toni Greenway are the licence holders and the Jon-Paul Stubbings the Designated Premises Supervisor for The Royal Arms. They have failed to comply with all four Licensing Objectives (Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm). The Review seeks to resolve the failure to exercise proper management and control over the day to day running of the premises and the failure to promote the Licensing Objectives contained within the Licensing Act 2003.

Any responsible authority or interested party wishing to make representations on this matter must submit those representations in writing to Licensing Section, Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR by not later than Friday, **20th November 2009** stating the grounds on which the representation is made. Written representations may also be made by e-mail to: [licensing@waverley.gov.uk](mailto:licensing@waverley.gov.uk).

Please note that it is an offence under Section 158 of the Licensing Act 2003 knowingly or recklessly to make a false statement in connection with an application for review and any person making such a statement shall be liable, on summary conviction, to a fine not exceeding level five on the standard scale (currently £5,000).



## 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 Insp 4260 Simon Dann

*(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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> The Royal Arms 172 Farnborough Road Farnham Surrey	
<b>Post town</b> Farnham	<b>Post code (if known)</b> GU9 9AX

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Jon-Paul Stubbings and Toni Greenway
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<b>Number of premises licence or club premises certificate (if known)</b> WAV2005PREM/0097
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#### Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A)  below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

**Please tick**

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

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Surrey Police Farnham Police Station Longbridge Farnham Surrey GU9 7QA
Telephone number (if any) 01483 637149
E-mail address (optional) 4260@surrey.pnn.police.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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

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

1. The Premises Licence Holders and Designated Premises Supervisor are failing to exercise proper management and control over the day to day running of the premises

2. The Premises Licence Holders and Designated Premises Supervisor are failing to promote the Licensing Objectives contained in the Licensing Act 2003

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

Below is a chronological list of incidents and visits to the premises since July 2008

This list is compiled from a number of Police data bases. ICADS prefixed with a P are records of calls to the Police by members of the public. Crimes are prefixed with a WV and are records of investigations into alleged crimes.

02:00 Sunday 20/7/08 WV/08/2379 Assault in Car Park

Altercation in car park between two males, when female intervened it is alleged that female was pushed by one of the males and hit her head on a parked car causing a 1" cut to her nose and grazes to her knees.

Whilst officers were investigating the crime the DPS was uncooperative and asked the officers to leave the premises

5/8/08 Visit by Police Licensing Officer - DPS given advise regarding the promoting of the licensing objectives

24/1/09 22:47 P09024909 Report of under age sales

26/2/09 Visit by Police Licensing Officer - Advise given re staff training in relation to the sale of alcohol to under age and promoting the licensing objectives

21:20 Thursday 2/4/09 WV/09/2105 Assault Outside

It is believed that after drinking in the premises a male and his female partner had an argument in the car park and male has hit the female in the ribs causing her to fall to the ground causing bruising to left ribs.

There was insufficient evidence for police to take any further action

5/4/09 P09105581 Report of under age sales

19/4/09 P09120859 P09120809 Complaints of loud music being played at premises

02:02 Sunday 26/4/09 WV/09/2643 & WV/09/2656 Theft from vehicles in car park

18:20 Tuesday 5/5/09 WV/09/2862 Assault in premises

Male offender whilst drinking in the premises has approached an Iranian male who lives at the premises. He has verbally and racially abused the male and pinned him up against a wall causing the victim to fear that the male was about to physically assault him.

The offender was later charged with an aggravated S.4 public order offence

10/5/09 P09146463 Report of under age sales at premises

20:26 Friday 15/5/09 WV/09/3101 Selling alcohol to a person under 18

This was as a result of a test purchasing operation between police and trading standards.

A barmaid was dealt with by means of a fixed penalty notice and the DPS was interviewed and given advice regarding staff training.

23:01 Saturday 20/6/09 WV/09/3960 WV/09/3961 and WV/09/4828 Suspicious Incident, In charge of vehicle whilst unfit drink, Section 5 Public Order

Male has driven to and entered the premises. He has been refused service having already consumed a considerable amount of alcohol. After a period of time has left

but been detained by the licensee in the barbecue area outside after being seen to pour unknown liquid over the hot plate of the barbecue.  
Offender charged with Public Order offence

4/9/09 Complaint of noise from TEN's on 16/8/09 and 29/8/09

22:35 Friday 4/9/09 WV/09/5536 & WV/096225 Selling alcohol to person under 18

This was as a result of a test purchasing operation between police and trading standards.

A barmaid was dealt with by means of a fixed penalty notice and the DPS was interviewed and given an official caution

The DPS was again given advice regarding staff training

01:23 Sunday 13/9/09 WV/09/5741 Assault in premises

A private 21st birthday event was being held at the premises and during the evening a large fight broke out inside the premises and one male was punched in the face by another male causing him to sustain a broken nose.

When officers were investigating the incident the DPS was uncooperative and was unable to supply the details of who booked the party or details of any of the guests.

13/9/09 Intelligence received regarding drug use at the premises

We feel that the Premises Licence Holders and Designated Premises Supervisor are failing to exercise proper management and control over the day to day running of the premise and that they are failing to promote the Licensing Objectives contained in the Licensing Act 2003

We therefore recommend that CCTV be installed at the premises to assist with the management of the inside and outside of the premises

We recommend that all staff be re trained by an outside company and that the following conditions be added to the licence.

With effect from 21st December 2009 the licence holder shall maintain a comprehensive digital colour CCTV system at the premises that ensures all public areas of the licensed premises are monitored, including all public entry and exit points, car park and garden. The system will enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and video recordings shall be available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice (Subject to the requirements of the Data Protection Act 1998).

There shall be a personal licence holder on duty at the premises at all times when alcohol is being sold.

Staff shall be trained in the basic law relating to the sale/supply of alcohol and written records will be kept for inspection. This will include the law relating to both the sale and the consumption of alcohol to persons under 18 and the refusal of sale of alcohol to persons who are drunk. There will be an ongoing training regime.

The premises will operate a Challenge 21 policy and will only accept passport, photo driving licence or ID cards bearing the PASS hologram as forms of identification.

A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by police or an authorised officer of the Borough Council or Trading Standards.

An incident log shall be kept at the premises and made available on request to an authorised officer of the Borough Council or Police, which will record the following;

- a. All crimes reported to the venue
- b. all ejections of patrons
- c. any complaints received
- d. any incidents of disorder
- e. seizure of drugs or offensive weapons
- f. any faults in the CCTV system
- g. any visit by a relevant authority or emergency service

All staff will be trained in drug awareness and written records will be kept for inspection. Staff will carry out regular checks of the toilets and these checks will be documented and will be available for inspection.

When the premises is booked for a private event then written records will be kept of the name, address and contact details of the person making the booking. These records will be made available to police on request.

No licensable activities shall take place in the garden or outside areas after 19:00 including any Temporary Event Notices



Please tick yes

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

If yes please state the date of that application

Day Month Year

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

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



10378

Date 21/10/09

Capacity Waverley Borough Inspector

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Mr Peter Hathaway  
Cranleigh Police Station  
Horsham Road  
Cranleigh  
Surrey  
GU6 8DR

**Post town**  
Cranleigh

**Post Code**  
GU6 8DR

**Telephone number (if any)** 01483 639512

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** 10378@surrey.pnn.police.uk

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

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Statement of: **John Paul Eldridge**  
Age if under 18: **0 18** (if over 18 insert 'over 18') Occupation: **Police Sergeant**

This statement (consisting of 3 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.

Signature: \_\_\_\_\_ Date **27<sup>th</sup> October 2009.**

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am a Police Sergeant in Surrey Police currently attached to the Waverley Borough Community Safety Team. My area of responsibility covers Licensing. I work with Mr Peter Hathaway the Police Licensing Officer for Waverley.

Surrey Police have requested a review under Sec 51 of the Licensing Act 2003 in respect of Premises Licence held by The Royal Arms Public House, 172 Farnborough Road, Farnham, Surrey.

I have reviewed incidents at the premises and believe, as a Responsible Authority, that a review of the premises licence is necessary in order to address the following licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

In support of this I now list a chronological summary of information held by Surrey Police in relation to the premises.

This list is compiled from a number of Police data bases. ICADS prefixed with the letter P are records of calls to the Police by members of the public. Crimes are prefixed with a WV and are records of investigations into alleged crimes.

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26/2/09 Visit by Police Licensing Officer - Advice given re staff training in relation to the sale of alcohol to under age and promoting the licensing objectives.

21:20 Thursday 2/4/09 WV/09/2105 Assault Outside.  
It is believed that after drinking in the premises a male and his female partner had an argument in the car park and male has hit the female in the ribs causing her to fall to the ground causing bruising to left ribs.

Signature: \_\_\_\_\_ Signature Witnessed by: \_\_\_\_\_

Continuation of Statement of : John Paul Eldridge

There was insufficient evidence for police to take any further action.

5/4/09 P09105581 Report of under age sales

19/4/09 P09120859 / P09120809 Complaints of loud music being played at premises.

02:02 Sunday 26/4/09 WV/09/2643 & WV/09/2656 Theft from vehicles in car park.

18:20 Tuesday 5/5/09 WV/09/2862 Assault in premises.

Male offender whilst drinking in the premises has approached an Iranian male who lives at the premises. He has verbally and racially abused the male and pinned him up against a wall causing the victim to fear that the male was about to physically assault him.

The offender was later charged with an aggravated S.4 public order offence

10/5/09 P09146463 Report of under age sales at premises.

20:26 Friday 15/5/09 WV/09/3101 Selling alcohol to a person under 18.

This was as a result of a test purchasing operation between police and trading standards. A barmaid was dealt with by means of a fixed penalty notice and the DPS was interviewed and given advice regarding staff training.

4/9/09 Complaint of noise from the premise whilst operating under a TEN's authority on 16/8/09 and 29/8/09

22:35 Friday 4/9/09 WV/09/5536 & WV/09/6225 Selling alcohol to person under 18

This was as a result of a test purchasing operation between police and trading standards.

A barmaid was dealt with by means of a fixed penalty notice and the DPS was interviewed and given a Police Caution.

01:23 Sunday 13/9/09 WV/09/5741 Assault in premises

A private 21st birthday event was being held at the premises and during the evening a large fight broke out inside the premises and one male was punched in the face by another male causing him to sustain a broken nose.

When officers were investigating the incident the DPS was uncooperative and was unable to supply the details of who booked the party or details of any of the guests.

13/9/09 Intelligence received regarding drug use at the premises.

Surrey Police assert that the Premises Licence Holders and Designated Premises Supervisor are failing to exercise proper management and control over the day to day running of the premise and that they are failing to promote the Licensing objectives.

In order to address these issues we recommend that CCTV be installed at the premises to assist with the management of the inside and outside of the premises and that all staff be re trained by an outside company. In order to implement these recommendations Surrey Police suggest the following conditions be placed onto the Premises Licence

With effect from 21st December 2009 the licence holder shall maintain a comprehensive digital colour CCTV system at the premises that ensures all public areas of the licensed premises are monitored, including all public entry and exit points, car park and garden. The system will enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and video recordings shall be available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or police officer together with facilities for viewing. The recordings for the preceding two days

Signature:

Signature Witnessed by:

Continuation of Statement of : John Paul Eldridge

shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice (Subject to the requirements of the Data Protection Act 1998).

There shall be a personal licence holder on duty at the premises at all times when alcohol is being sold.

Staff shall be trained in the basic law relating to the sale/supply of alcohol and written records will be kept for inspection. This will include the law relating to both the sale and the consumption of alcohol to persons under 18 and the refusal of sale of alcohol to persons who are drunk. There will be an ongoing training regime. A record of training shall be available for inspection at the premises by police or an authorised officer of the Borough Council or Trading Standards.

The premises will operate a Challenge 21 policy and will only accept passport, photo driving licence or ID cards bearing the PASS hologram as forms of identification.

A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by Police or an authorised officer of the Borough Council or Trading Standards.

An incident log shall be kept at the premises and made available on request to an authorised officer of the Borough Council or Police, which will record the following:

- a. All crimes reported to the venue
- b. all ejections of patrons
- c. any complaints received
- d. any incidents of disorder
- e. seizure of drugs or offensive weapons
- f. any faults in the CCTV system
- g. any visit by a relevant authority or emergency service

All staff will be trained in drug awareness and written records will be kept for inspection by a member of the Borough Council or Police Licensing Officer. Staff will carry out regular checks of the toilets and these checks will be documented and will be available for inspection.

When the premises is booked for a private event then written records will be kept of the name, address and contact details of the person making the booking. These records will be available for inspection at the premises by Police or an authorised officer of the Borough Council or Trading Standards.

No licensable activities shall take place in the garden or outside areas after 19:00 including any Temporary Event Notices.

PS 435 Eldridge

Signature:

Signature Witnessed by:





## INTERNAL MEMORANDUM

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To: Kate Halsall, Licensing	Your Ref:
From: C Talbot, Environmental Health	My Ref: WK200723897
Date consultation received:	Date: 20 <sup>th</sup> November 2009

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**Address: The Royal Arms, 172 Farnborough Road, Farnham, Surrey, GU9 9AX.**

Application for the review of premises licence under the Licensing Act 2003

**1. Identified Environmental Health issues relevant to the four licensing objectives**

Prevention of public nuisance.

**2. Conclusion**

I write in response to the application for review of the Premises Licence of The Royal Arms, 172 Farnborough Road, Farnham submitted by Surrey Police.

The Environmental Health Department of Waverley Borough Council would like to make the following representation in support of the application.

This relates to the licensing objective of the prevention of public nuisance.

The Royal Arms Public House is situated off the Farnborough Road in a predominantly residential area, although another business, Hexagon mobility centre is situated on the north side of the premises on the main road. This however is closed outside normal office hours. There is also a petrol station to the south of the premises.

Mr Jon- Paul Stubbings and Ms Toni Greenway became the premises licence holders and Mr Stubbings the designated premises supervisor (DPS) on 24<sup>th</sup> November 2005. Since that date, The Royal Arms has frequently come to the attention of Environmental Health Officers with regard to complaints in relation to public nuisance.

Complaints began in July 2006 and have been received either directly to the main council office or to the out of hours service, when complaints have been made of noise preventing sleep. Several letters, telephone calls and site visits have been made to the premises to advise Mr Stubbings and Ms Greenway of the various complaints and many investigations have been carried out.

The following is a brief description of the complaint information recorded by Environmental Health which relates to this review.

28<sup>th</sup> July 2006- three complaints of loud music from a disco being held in the garden. An officer visited with the police to advise of the complaint and make suggestions to minimise disturbance to local residents.

12<sup>th</sup> August 2006- two complaints of music over a prolonged period of time due to a festival being held at the premises, which involved outside bands and recorded music from approximately 4.30pm to 10.45pm. Also mention of offensive language over PA system. Initial complaints received by out of hours officers, who were told by a member of staff that the music was at 110dB and this was allowed. Officer advised that music needs to be turned down or off. Letters were sent and contact made with Police over their involvement. In addition a visit by Licensing Officers to notify the licence holders that music is not allowed within the garden.

26<sup>th</sup> August 2006- complaint of loud music to out of hours service, alleged to be due to the windows being open. Officer called pub and spoke with Ms Greenway. She advised 50<sup>th</sup> anniversary party and three windows were open as a lot of people and very hot. Officer advised her to close them. Call received by complainant that music ceased at midnight. Letter sent to pub advising of complaint.

1<sup>st</sup> September 2006- noise complaint was received due to very loud music being heard and anti-social behaviour on two occasions.

4<sup>th</sup> September 2006- noise complaint regarding people screaming and shouting whilst using one of the bouncy castles until 11pm on Sunday 3rd. Site visits and letters were sent regarding issues from Environmental Health and Licensing.

2<sup>nd</sup> June 2007- noise complaint was received by the out of hours service due to loud music from premises, this was felt to be due to a breach of licensing conditions, as windows were open. Also on-going problems from noise generated from the bouncy castles on site.

19<sup>th</sup> June 2007- noise from generators supplying the bouncy castles. A conversation was had with the DPS who advised four are on generators, with the rest on mains. He advised consideration was being given to housing the generators to prevent noise, stopping at 6pm and possibly another means of powering the bouncy castles. Case closed after bouncy castles appeared to be out of use for the next month.

8<sup>th</sup> September 2008- complaint of burning of plastics every Monday morning. A letter was sent to the pub on 15<sup>th</sup> September, however complaints continued. A site visit was carried out on 14<sup>th</sup> October when burning was witnessed. Ms Greenway admitted to burning in an old wheelie bin three times a week.



12<sup>th</sup> October 2008- complaint of loud music and people on the street to out of hours service. Advised Police had been notified also. Complainant reported thumping music after 2am and windows being open. Spoke to Ms Greenway about complaint, she informed me there had been an incident on the Friday night involving the Police and they visited on Saturday but not aware of any issues on the Saturday night.

24<sup>th</sup> & 25<sup>th</sup> March 2009- two complaints of bonfires every day for previous week and burying waste from external contractors in the garden. Officer visited site and saw evidence of recent bonfires. Reported to the Environment Agency.

24<sup>th</sup> March 2009- in addition a complaint of noise from the bouncy castle generators and screaming from people using them.

20<sup>th</sup> April 2009- noise complaint due to loud music from two previous Saturday nights, music reported to be past 1am and windows open. Letter to DPS was sent on 24<sup>th</sup> April and the complaints received by Environmental Health were raised with the Town Centre Disorder Group in the following meeting.

28<sup>th</sup> April 2009- two complaints of rubbish in the street, which I was advised had been there for a couple of weeks. Reports of black bags which were getting torn up by animals, a chest freezer left on the pavement and bins overflowing. Spoke to Ms Greenway about issues.

16<sup>th</sup> August 2009- two complaints of loud music. Music was originating from back garden. Information from Licensing Department indicated that a temporary event notice had been granted for this date to Mr Stubbings. Complaints were not pursued as felt to be one off.

29<sup>th</sup> August 2009- noise complaint of loud music due to outdoor event received by out of hours officers, music heard over the phone by officer. Officers rang DPS and notified of disturbance, agreed music to be turned down. Service was called again later in evening by the complainant to advise no change in levels and PA system can be clearly heard. Out of hours team attended but music had ceased, however generator noise and loud voices were witnessed. DPS was rang again and asked to turn the generators off. DPS advised he was not aware of situation and turned the generators off. This again was due to a temporary event notice being granted to Mr Stubbings for use of the premises on this date.

28<sup>th</sup> October 2009- concerns of toxic materials on a bonfire being prepared in garden and land being used as a landfill site. Environment Agency were notified and visited. They reported back that there were concerns of various materials being intended to be burnt, however DPS advised materials had been fly tipped.

### In Summary:

Since July 2006 there have been 17 occasions that have been reported to Environmental Health as causing local residents distress, disturbance or concern regarding this premises and 13 separate complainants.

Environmental Health have contacted The Royal Arms multiple times by way of letters, telephone calls and site visits with regard to various issues including noise, bonfires and accumulations of rubbish.

The Premised Licence Holders and Designated Premises Supervisor have failed to adequately manage the premises on a number of occasions. The occasions that have caused most disturbance are events under temporary event notices with external music or when it is alleged that licensing conditions are being breached in respect of doors and windows being left open. Due to the restriction of no outdoor music within the premises licence, the licence holders have requested the use of temporary event notices to allow for external music. On both occasions that this was requested in 2009, a number of complaints were received by Environmental Health.

### 3. Recommendation (with conditions if appropriate):

I therefore recommend the addition of the following conditions to be included on the Premises Licence:

- A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music at the premises so that it will be inaudible at neighbouring properties.
- An alarm shall be fitted to all external windows/ fire doors which alerts staff when they are opened without authorisation.
- No inflatable play equipment, and associated plant or machinery, shall be used after the hours of 19.00.

Officer signature: Caroline Talbot

Date: 20<sup>th</sup> November 2009

Tel: 01372 371686  
Fax: 01372 371704  
Email: [steve.playle@surreycc.gov.uk](mailto:steve.playle@surreycc.gov.uk)  
General Enquiries: 01372 371700  
[www.surreycc.gov.uk/tradingstandards](http://www.surreycc.gov.uk/tradingstandards)

Paul Hughes  
Licensing Manager  
Waverley Borough Council  
The Burys  
Godalming, Surrey  
GU7 1HR

<b>WAVERLEY B.C.</b> CHIEF EXECUTIVES OFFICE	
PRM	
DATE	18 NOV 2009 REC'D
DATE ACK:	
PASS TO FOR ATTN:	
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FILE No:	



16<sup>th</sup> November 2009

Dear Mr Hughes,

**Re: The Royal Arms, Farnham**

I write in relation to the above premises and the licence review that has been initiated by Surrey Police.

This Department, along with Surrey Police, has recently conducted two test-purchasing exercises on this premise. These were held on the 15<sup>th</sup> May 2009 and on the 4<sup>th</sup> September, which resulted in a sale of alcohol to male and female volunteers aged 15 & 16 years. As a result of these two separate incidents, a Fixed Penalty Notice of £80 was issued to Ms Emma Sharp and Ms Lauren Kane.

I wish to inform the committee hearing this review that the first test purchase was attempted after receiving intelligence from Surrey Police alleging the premises had been selling alcohol to under 18's. This Service acted upon this information and arranged with Surrey Police to test purchase at the earliest opportunity. The Royal Arms failed this test purchase attempt and served alcohol to two female volunteers aged 15 and 16 years of age. The second test purchase attempt was made because it had failed the last time out and as we do with all premises that fail a test purchase we re-visit to check for compliance and fully expect the management to have made changes to ensure no further under age sales are made. This would be confirmed by the premise passing the test purchase attempt, however this was not the case and again two volunteers working for this authority, one 16 year old female and one 15 year old male were successful in buying an alcoholic beverage each.

Both the operations successfully identified that the intelligence was correct and that the Royal Arms were not complying with Section 146 of the Licensing Act 2003. Even though Surrey Police take the lead on on-licence sales it appeared to the Trading Standards Officer leading the operation Mr Robert Towers, that after his conversation with The Seller(s) that even though there was some evidence of a minimal system being in place to prevent illegal alcohol sales, they were not being managed correctly and the DPS is ultimately responsible for that.

I hope this information assists the licence review process. If I can be of any further assistance then please do not hesitate to contact me.

Yours sincerely,

Steve Playle  
Trading Standards Safer and Stronger Communities Team Manager





To <licensing@waverley.gov.uk>

cc

bcc

Subject Royal Arms Public House , Farnborough Road

Dear Sir/madam,

I would like to express my views with the column printed in the Farnham Herald, dated Friday 30<sup>th</sup> October 09, I am a local who has been drinking at the Royal Arms Public House for five and half years now, me and my husband have known Jon-Paul Stubbing's and Toni Greenway since they took over a few years back all I can say is they are wonderful people with kind hearts, since day dot they welcomed everyone into the pub with open arms and this has not changed since, they sponsor a children's football team and also do a lot of work for charity and other events they arrange, during the summer months the pub is packed with family's and there children and it is a wonderful atmosphere, they go all out to satisfy all needs.

I am very disappointed that this has made the front page of the paper, I've been drinking in Farnham Town Centre for years and seen all sorts of trouble including fighting, I personally have not seen one fight or public nuisance in the royal arms in all the years I've been going in there, but I have seen many young gangs of people hanging around outside the garage and our flat being loud and disruptive on occasions, the camera that has been put outside I find an invasion of privacy, it's watching your every move people will start to feel un-easy and not be able to enjoy themselves without thinking they are doing something wrong.

Finally I have never seen with my own eyes any under aged people drinking in the Royal Arms, the general cliental range from young adults to older mature people, this pub does not attract the younger generation, I cannot comment on the young people the police sent in as I was not there, but I also agree with the fact that youngsters are looking a lot older then they really are, I have a couple of young teenagers in my family and they look older, I believe if Jon-Paul Stubbing's and Toni Greenway loose there licence it will be a loss to us all, and we will loose great publicans and kind people, there is not much around our area so it is nice that you can pop to the pub up the road and have a drink and a chat with the locals, if you haven't not been in there for weeks they still treat you the same.

Me and my husband support Jon-Paul Stubbing's & Toni Greenway in keeping there licence.

Kind Regards and many thanks for taking in my views.

Yours faithfully

To <licensing@waverley.gov.uk>  
cc  
bcc  
Subject

Hi concerning the royal arms pub in Farnham. I live in that area and go to the pub frequently and icdo not think a review is needed yes they have had trouble about the underage drinking but so did 3 other pubs in the area. Also the whole thing with the couple in the couple how many people have arguments have fights in car parks or any where u cannot blame that on the pub. Also yes there was a fight there but the people left and the pub did there best to control it there self which they did I believe. I do not believe that the pub is as bad as eveyone making it out to be the land lord is lovely and poliet same as the land lady there kids are sweet and I do not believe that they would put there children in danger. The atmosphere of the pub is warn and welcoming. I do not believe that the pub should be under review there are worse pubs in the area  
thank you ...

elected mobiles. [Learn more.](#)

**The Licensing Department,  
Waverley Borough Council,  
Godalming, Surrey, GU7 1HR**

Friday, 6th November, 2009

Dear Sirs,

**Re: The Royal Arms, Farnborough Road, Heath End, Farnham  
and Licensee, Jon-Paul Stubbings**

We understand from the report in the Farnham Herald of 30<sup>th</sup> October, 2009 that your Department is considering the position of the above premises and its licensees.

On behalf of myself and a dozen other elderly gentleman friends, we would like to give our support to Mr Stubbings who has been a most caring and welcoming host for our lunchtime meetings.

We are all over 60, and have been meeting at the Royal Arms each month for well over a year now. Mr Stubbings and his staff have provided us with excellent food and drink, and we have never had cause to complain of any nuisance or disorder. The care of our friends, all elderly and some disabled, is of paramount importance to us, and we have had no doubts whatever about their safety at The Royal Arms.

While we would never condone any contravention of the law, no violent incidents have occurred, nor have we ever observed any illegal sales of alcohol. Mr Stubbings and his partner have been most careful for their own children, and we cannot believe that they would knowingly have allowed any breach of public safety or failure to protect other children.

While our experience has been limited to lunchtimes, several of us have visited the Royal Arms during the evenings, and they have found no cause for complaint.

We hope you will bear these comments in mind in considering this case.

Yours faithfully

<b>WAVERLEY B.C.</b>	
CHIEF EXECUTIVE'S OFFICE	
PRM	
DATE	10 NOV 2009 RECD
DATE ACK:	
PASS TO FOR ATTN:	
ACK. CODE:	
FILE No:	

Royal Arms public house farnham gu9 9ax

to:  
licensing  
15/11/2009 13:07  
Show Details

Subject: Royal Arms public house farnham gu9 9ax

Dear Sir

With regard to recent hearings regarding the licence for the above public house my wife and I have been regular customers for a number of years and would support Mr Stubbings in his efforts to retain his livelihood at the Royal Arms. I have always found the pub to be friendly and welcoming and would agree that he makes every effort to run a family based

He

pub has also been instrumental in raising money for the Phyllis Tuckwell hospice.

The allegations that the pub is violent has not been my experience and as my wife is disabled I certainly would not take her to an establishment where she could be hurt.

My belief that in this case problems are few and certainly less than what happens every weekend in the pubs in the centre of Farnham

regards



Re:Mr. John Paul Stubbings  
RW KIRK  
to:  
licensing  
19/11/2009 08:09  
Show Details

Dear Sir or Madam,

**Re: Mr. John Paul Stubbings of the Royal Arms, Heath End, Surrey, GU9 9AX**

I am writing in support of Mr. John Paul Stubbings concerning the allegations being made about his management of the Royal Arms, Heath End, Surrey, GU9 9AX. I moved into the public house as a paying guest on a short term basis in August 2008. However, I soon found that the facilities suited all my needs as I work in the area and I decided to become a long-term resident. I remain as a long-term resident at the present time and intend to continue.

Mr. Stubbings is an energetic, conscientious and motivated landlord who runs a very family orientated community licensed premises. He has spent a lot of time and money refurbishing many areas of the property to ensure that it is a welcoming and well-maintained licensed facility. The restaurant provides excellent food and a varied menu, which I take full advantage of as a resident. There are many activities for children and families who use the pub. These are very popular and attract a large number of clientele, particularly in the summer months. Mr. Stubbings has plans to build on this success in the coming year.

The Royal Arms is a community pub, frequented by a wide cross-section of the community. I have made a great many friends during my stay. Everyone helps each other when the need is there through the family atmosphere that the pub provides. The locals are one of the reasons why I am very happy to continue to stay in the pub. They have been very welcoming and have gone out of their way to make me feel at home. This atmosphere stems from the way Mr. Stubbings manages his pub.

The Royal Arms mounts a variety of events in aid of charities, particularly one for a local hospice (Phyllis Tuckwell). During the summer a large concert was held featuring many local bands which was well attended and made a large amount of money for the above cause. All was wrapped up by 8 pm and everyone went home happy. Mr. Stubbings runs three darts teams throughout the year which he supports both by providing the facilities and in being involved in the organisation of the teams. He also joins in holding a Pie and Pint club for the locally retired. This is a very popular occasion and is appreciated by those who come.

Mr Stubbings has many guests throughout the year, a number of which return whenever they are in the area. Since November 2008 Mr Stubbings has opened up his facilities as a cafe in the mornings, a well used service by local people and those passing through.

On the very rare occasion that there has been inappropriate behaviour Mr Stubbings has been swift to act and to defuse the situation. I have never personally felt threatened in the 15 months that I have been a resident. I understand that Mr. Stubbings has been discovered serving alcohol to under-age customers on two occasions, but he has taken quick action to ensure that this does not happen again, particularly by using a strict over-25 policy.

During my period here as a resident I have been visited by friends and family, usually for a weekend stay. They have all found it a welcoming community, from everyone, customers and staff and have enjoyed their time here. They all look forward to returning in the future and some already have.

It would be a great shame if for whatever reason the Royal Arms ceased to remain a public house, with Mr. Stubbings at the helm both for the community of Heath End, the surrounding area and myself.

RE Royal Arms, Heath End, Surrey, GU9 9AX

Jamie Lee

to:

'licensing@waverley.gov.uk'

19/11/2009 16:00

Show Details

Hi my name is Jamie lee

I am writing in support of Mr John Paul Stubbings, management of the Royal Arms (Heath End, Surrey GU9 9AX). I have visited the Royal Arms on many occasions to visit my step father Richard Kirk who is currently a resident at The Royal Arms and has been for 15 months. I am 19 years old and have been to a number of different pubs and clubs in the London and Surrey Borough. Every time I have been to the Royal Arms I have felt very welcomed, I have met new people, and never had any problems from the moment I entered to the moment I left. John Paul is a great person and has always made myself and others welcome to his pub. I am supporting John Paul because I do not feel there is any reason his license should be taken away from him as I think he is a very capable landlord.

Kind regards

**Jamie Lee Roberts**

**Reception Manager**

I read with interest the article in the Farnham Herald regarding the Royal Arms Public House license renewal. Please find attached mine and my husband's comments regarding the pub and its impact on the local community.

Regards

## ROYAL ARMS PUBLIC HOUSE HEATH END

### Licence renewal

With reference to the above we would like our comments to be taken into consideration at the December licensing meeting.

Rubbish bins overflowing outside the pub for at least two days before the Refuge collection is due, often the rubbish falls onto the public footpath and highway. There is food waste in the rubbish which can attract foxes foraging for food. This could also be a possible contributor to the occasional sightings of rats in the area.

It appears that there is now a facility for local dumping on the ground adjacent to the main car park. Currently there is a large rubbish pile which has general builders rubbish, pallet boards and furniture on it.

Whilst it is very commendable to hold fund raisers for charity there is no consideration taken into account of the suitability or location of the venue i.e. the Pub is surrounded by residential dwellings. There has been absolutely no communication to the near neighbours of forthcoming charity events or any other functions. The first we know about it is when we hear the unacceptable noise level.

In summary the Pub has become an eyesore with the rubbish in the carpark, the assortment of different signs on and around the periphery of the building and the overflowing rubbish bin on the pavement.

The majority of customers the Pub seem to generate and encourage is not conducive for what is a predominantly residential area. We have experienced disturbances in the carpark with shouting and foul language during the Pubs opening hours and after the Pub has closed its doors.

Taken all the above comments into consideration we can only assume that Mr Stubbings has a total disregard and respect for his immediate neighbours and the community he lives and trades in.

Dear Sir/Madam

I am writing to object to the renewal of the licence for the Royal Arms pub, Farnborough Road, Farnham.

As a resident of the surrounding area I have grown increasingly concerned with the way the pub is being run.

In the past 18 months there have been many altercations in the pub car park and in the roads around the pub, there seems to be a lack of respect for the residents as there is no effort made to try to keep noise levels to a minimum when customers are leaving the pub late at night.

In the past there has been numerous bouncy castles running on generators from 9am to 11pm.

At least once a month a group of at least 20 car fanatics meet up in the car park revving their engines and wheel spinning up the road until 10pm. A landlord considerate to his neighbours would not allow this to happen.

More recently there has been a massive amount of rubbish dumped in the car park and garden by commercial vehicles and then burnt consecutively for about 8 days covering the neighbours houses and gardens with smoke so thick they are unable to use their gardens or have windows open.

There has also been rubbish dumped by commercial vehicles and buried in the grounds of the pub.

The landlord shows no consideration for his neighbours, of which he has many, and never informs them of any events or projects which effect the local community.

The reputation of the pub locally is very poor, and ultimately the brewery or whoever owns the pub should be accountable for its current state, of which they are unaware or they just don't care.

In response to a recent article in the Farnham Herald where the landlord has suggested the local community is upset by the installation of a cctv camera, nothing could be further from the truth, we welcome the camera and hope that some of the activities in the car part are recorded.

Licence Review for the Royal Arms, Farnborough Road, Farnham

With regard to the article in the Farnham Herald, 30<sup>th</sup> October, we hope that our comments will be considered.

There have been a number of factors that we have become very concerned about, listed below:-

- Rubbish regularly overflowing into neighbour's garden. Sightings of rats during the summer coming from under the pub fence.
- Concern over the continual burning of various materials – (including plastic furniture) where fumes and debris are blown into nearby gardens.
- Garden unsafe for children – The bouncy castles are falling apart with no safeguards or floor mats & the trampoline has broken nets. During the summer there were broken go-carts and garden furniture piled up in an unsafe heap.
- On a few occasions music has been played at an unacceptable level. When followed up with the environmental agency we were told the events were licensed (without any time constraints) which we find staggering considering the close proximity to residential / family dwellings.
- Up to three bouncy castles being left inflated throughout the day & evening during the summer months causing significant noise disruption from the generators.

3

**Re: Review of licence of The Royal Arms, Farnborough Road, Farnham**

We feel that the following information is relevant for consideration in the review of the above license.

- Events where music has been played in the garden at unacceptable levels (reported to Environmental Health). Recently these have been as a result of TENS being issued, which is staggering considering the history of disruption from the premises. This history does not seem to have any impact on consideration for TENS being granted.
- Instances of individuals shouting and arguing abusively in the car park, obviously under the influence of alcohol.
- Up to 3 Bouncy Castles inflated, often being left on until late into the evening, and placed next to neighbour's fence.
- The establishment looks a complete eyesore, with posters outside the pub ripped, pieces of scrap MDF displaying offers, and rubbish left over flowing from bins.
- More recently, we have serious concerns at the amount of rubbish and debris being brought to the site for disposal and/or burning. It appears that local trades persons or businesses are bringing this, and then either burying it in the garden or burning it. The bonfire, which was lit for Bonfire celebrations, smouldered for 3 days.

In the article, Mr. Stubbings said, "a lot of my neighbours have been upset by the pod camera." His neighbours are delighted with this recent development, and hope that it continues, since it only films the pub, there can be no cause for concern from neighbours.



**GOSSCHALKS**  
SOLICITORS

Electronic Correspondence  
(Sent via electronic mail)

Licensing Department  
Waverley Borough Council  
Council Offices  
The Burys  
Godalming  
GU7 1HR

**Our ref:** MCJ/MJM/98454-8982-2

**Your ref:**

**Date:** 28<sup>th</sup> October 2009

**E-Mail:** mandy\_mighty@gosschalks.co.uk

**Direct Fax:** 0870 600 5947

Dear Sirs,

**re: Royal Arms, 172 Farnborough Road, Heath End, Farnham Surrey GU9 9AX**

We refer to the application for Review made by Inspector Dann. We act for Enterprise Inns Plc which is essentially a property business in the course of which our clients let licensed premises to individual operators. Our clients are the freeholder owners of these premises and in the circumstances are an interested party by virtue of Section 13 (3) (c) of the Licensing Act 2003.

We would be grateful if you would accept this e-mail by way of representation in respect of the Review Proceedings. We respectfully submit that the Licensing objectives can be achieved and indeed promoted through discussions with the Police.

Please acknowledge receipt of this letter of representation.

We look forward to hearing from you in due course with the date for the hearing.

Yours faithfully

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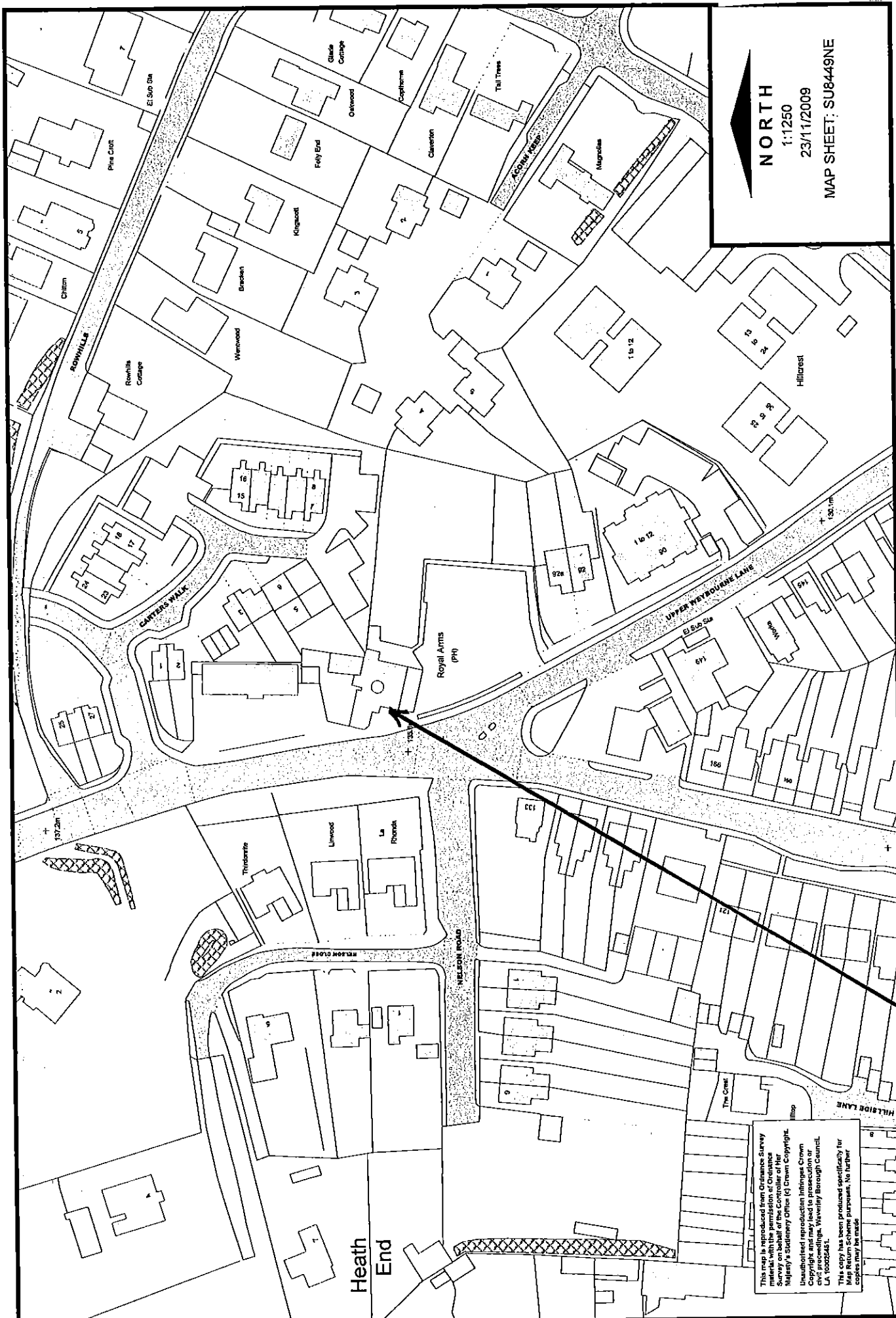
Partners: Simon Lunt, Bruce Raper, Ian Lanch, Richard Llewellyn, Neil Johnson, Clare Johnson, Richard Good, Roy Taylor, Robert Thomson, Jonathan Beharrell, Nigel Beckwith, Zoë Carmichael, Nicholas Dean, Mark Teal, Stephen Walker, Andrew Mallory, Ian Brown, Robert Hastie, Richard Taylor, Andrew Johnson, Jonathan Peet, James Phinn, Justin Graves, Matthew Fletcher, Andrew Tarbutt, Ted Flanagan, Kate Groves, Craig Beetham, Stephen Dillon, Ashlie Prescott, Chris Groves, Paul Plaxton, Nicola Barrass, James Houston

Associates: Victoria Quinn, Andrew Bell, Charlotte Chilcott, Caroline Rule

Partnership Secretary - Martin Haldenby

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23/11/2009

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THE ROYAL ARMS, 172 FARNBOROUGH ROAD, FARNHAM, SURREY GU9 9AX



# 11. Reviews

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## THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.4 Licensing authorities may not initiate their own reviews of premises licences. Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may however request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.5 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.6 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.7 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.8 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.
- 11.9 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

11.10 Further information for interested parties about the review process is available in "Guidance for interested parties: applying for a review" which can be found on the DCMS website.

### REPETITIOUS REPRESENTATIONS

11.11 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
- representations considered by the licensing authority when the premises licence was first granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

11.12 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.

11.13 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.

11.14 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

### POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.15 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.16 The licensing authority 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 addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing

objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.17 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.18 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.19 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.20 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.21 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

## REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.22 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.
- 11.23 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.
- 11.24 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.
- 11.25 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;

- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.26 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.27 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

## REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

11.28 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review. The determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day. There must be five clear working days between the giving of the notice and the start of the hearing.

