

Licence review request of Butchers arms kings Sutton

Reasons for request:-

Prevention of crime :-

1. We have experienced the smell of marijuana entering our property from the butchers arms on three different occasions . when confronted landlord denied it ever took place . Do the landlords think we are daft? This problem would need to be considered with regard to the prevention of crime and the licensing act . As i recall the butchers arms operations manager said they will look at the cameras to see who the culprits were . (Importantly here he implied they have cameras surveying the garden areas)

Similarly the website at the butchers arms appears to be promoting “ drunk customers have been leaving these premises long before neighbors decided to buy houses nearby” a post on facebook . This appears to suggest that they have been serving customers that are drunk which is also against the aims of the act and the law it also shows what appears to be a general attitude towards the local neighbors well being and the law .

2. Protecting children from harm:-

Ultimately this is a pub and beer garden not a children's play area the two do not go comfortably hand in hand. The Butchers arms disregard children's safety in so far as they obviously did not carry out a proper health and safety risk assessment to the provided creche they have created at the bottom of there garden . The bottom boundary is a high wall arox 2.2metres high with loose stones a top owned by myself . In front of the wall is a hedge of laurel and leylandii of about 3metres height owned by Hook Norton brewery(owners of the premises).

Unsupervised children frequently use the hedge as a climbing frame getting up to 8 feet high and intruding on our privacy shouting and becoming over excited .

There are four concerns here:- 1. it would be possible for one child to pull a large rock from atop the wall that could potentially injure a child below. 2. it is equally possible that a child might slip and fall on to a child below and injure themselves or others. 3. Fall over the top of the wall and land on concrete or other obstructions in our garden which would cause very nasty injuries. 4. it is also possible that in the event of slip or fall within the hedge, sharpe cut ends from broken or cut branches and sticks could penetrate the eye or other parts causing nasty injuries .

From this one consideration it is clear that the management have not even considered any of this from protecting the safety of children whilst on the premises clearly a breach of licence conditions and protection of children from harm .

It is also worth noting here that even if the children were being watched by cctv why did the licensee not act ? management appears to be lacking or they might not even have cctv in the garden areas any way.

Further it appears the management of the premises do not even know what's going on on the premises because the children get inside the hedge which is probably 3-4metres wide and they cannot be seen by anyone on the premises look at the video and you will see small access hole in laurel hedge where they enter . (butchers arms website garden alterations)

Whilst climbing in the hedge we have to put up with the intrusion of the children spying on and commenting on us and constantly shaking the bushes intruding on our privacy .It is quite clear no supervision is done by the management .

It would also be prudent to make sure all staff that have anything to do with children have all the appropriate checks done you never really know, has this been done ?

The licence conditions state no children allowed on premises unless accompanied by an adult, i do not think that this means put your child in the new cresh and forget them for the duration of the adults stay.

It also states no children on the premises after 9 oclock this is clearly in breach as we can hear they are still on the premises making noise after this time . These conditions are in place for the protection of children from harm regardless of what other adults might think . This is an absolute plank in the aims of the "act" for the protection of children .

It is quite clear in the existing licence conditions that on special event evenings that the management employ extra staff to ensure customer safety clearly this does not appear to happen.

The distance from the play area to the inside bar is of sufficient distance as to be be detrimental to children's safety in that:- for example one child accompanied by say one adult drinking in the bar and allowing there child to play down the garden where they cannot be seen by that person for long periods would amount to that child being unaccompanied and possibly come to harm .

It is clear that the tenant /licensee is actively encouraging the patronage of children with the large display of ice creams on offer at the new bar premises and also with the fundays bouncy castles etc. How are they going to stop unaccompanied children entering the premises to indulge ? there is no way to stop this happening for this reason alone the new bar and ice cream sales area should not be allowed there is no way to stop unaccompanied children entering the pub premises.

It would be a natural magnet for unaccompanied children .

5. prevention of public nuisance

. Customers will be asked to stop using the garden by 23.00 a condition of the licence

It is clear that the licensee appears to think that this condition does not apply and has allowed the use of the outside areas regularly past this time preferring "it would appear" her own interpretation of the licence. The tenant licensee, allows tables outside on the patio area to be used in to small hours. This is strictly not allowed and has been confirmed by the licencing authority.

From the general conditions you will note that taxis collect and set down in the car park where there is no residential property. This is impossible to achieve at this location in or by these premises. It would therefore be equally reasonable not to allow the use of the car park after 11 o'clock as patrons using their own vehicles still make the same noise on leaving the premises as a taxi. With the expanded car park and associated noise leaving i.e. gravel crunching wheel spinning noise and loud drunken persons getting into vehicles, we request the surface of the carpark to be made quieter. Indeed it is now recognised within planning law and states in The national planning policy framework. An agent of change is responsible for all problems associated with the development of noise etc. To this end the licence holder has undertaken changes to the premises that need planning permission (not applied for to date to my knowledge) and therefore has to resolve the problems created by those changes. This noise is a public nuisance and while in part it already existed has been made worse by the alterations.

Public nuisance encompasses noise. It is clear that the tenant licensee are actively encouraging the patronage of children with the large display of ice creams on offer at the new bar premises and also with the fundays bouncy castles etc.

It is prudent to point out here we have what was once a quiet village pub being turned into a noisy **children** free for all that the residents who live close by have to suffer on a daily basis in our gardens and homes that border the pub.

We have just suffered two all day children's screaming/ shouting excited days 9 hours solid one day. Fun days they call them, but not for us. It is no fun. We have had daily onslaughts from screaming children that are left to run riot during the summer when we indeed would like to use our patio and garden with some resemblance to how it was before the new tenant /licensee came.

On balance we think is antisocial behaviour and of course not policed by the tenants/ licensee for fear of upsetting the parents and then of course lost sales. For what is basically more profit for the owners Hook Norton brewery.

There is absolutely no reason any village pub should struggle to make ends meet. I would say it is the fact that tide houses have all the profits spirited away often by breweries who don't care about the village or its occupants. Or indeed the tenant / licensee this is the 4th tenant since we have lived here in over 20 years they don't last long.

It would appear that the pub has a sign in place to stop ball games but that does not stop these children they just ignore them but again are not policed by the management.

Were a variation of the licence to be granted in the new shed for alcohol only sales this would actually be like granting a new pub right by an unaccompanied play area for children.

The licensees have repeatedly failed in their responsibilities to police patrons. It is my opinion that they could not be considered responsible enough to enforce the protection of unaccompanied children that may be using the play area, which licensing strictly forbids anyway.

The current licence allows for music to be played until eleven o'clock this again was not adhered to at the last music evening the licensee choosing to go on until 11.10 although only 10 minutes on this night again shows that tenant licensee thinks the law does not apply to them. I had asked Hook Norton brewery on other occasions to intervene but nothing changed. However this 10 minutes means the music event needed to be licenced as it is past 11 o'clock. It was not and therefore the law was broken it again shows these persons cannot be trusted to comply with said conditions and therefore I see absolutely no reason to allow a variation and indeed I think prudent to review the current licence at this time instead.

Another reason for the requested review is the resiting of the aunt sally throws which I have been informed need "planning permission" and the amount of usage of the said throws in relation to public nuisance.

We have made complaint about the noise being produced from these and indeed the environment protection department at the council are monitoring the situation.

Most importantly the fact that the Butchers arms has three teams where it would be normal for a pub to have one team means that we have to put up with **more disturbance than any other dwelling that has aunt sally next to them.**

In normal circumstances an aunt sally team will be away one week and at home the next giving residents a respite from noise generated from this activity a match every two weeks.

Reasonable with the odd practise during the week.

We on the other hand have to suffer at least a match every week that has doubled the frequency

And on the nights where we get two teams playing at home twice the disturbance twice the amount of persons and slamming to go with it.

It must also be remembered that these **three** teams always like to practise which normally takes place on a tues day evening 7.45 - 10pm.

This amount of use means that we are exposed to **6 times more** aunt sally nuisance than what would be normal for a village pub and is unacceptable. Added to which hook norton brewery have seen fit to move the throws away from the pub where it would affect their quieter customers and sited them closer to our boundary, which makes our life hell, all for the sake of profit, a brewery it appears that has no interest in our village other than shareholders / profit.

It should also be noted that the Hook norton brewery sponsors the aunt sally league and it is clear here that the new bar area is for the use of the aunt sally users which means that the potential to expand this operation further is probable.

Allowing the licence for the new bar **would actually be the same as opening a new pub** close to quiet residential area. This would mean that any noise generated from it would be subject of the agent of change in planning terms. If allowed the planning policy framework says the agent of change is responsible for the noise from the new development. In this case the bar. How does the pub resolve this issue of a noise from an outside bar close to residential properties? I don't think that it could it is an intensification of use. I do believe that

planning and licencing are required to consult on these matters considering the closeness of related matters .

Smoke

pubs and smoking generally go hand in hand the aunt sally throw closest to our boundary where a table is sited near to our patio couldn't get nearer if they tried causes smoke to enter our property and patio why should we have to put up with this ?

When does something become a public nuisance it would be reasonable to consider the fact that we have lived here for over twenty years and in that time have not found occasion to complain about noise being created by this pub .Since the new licensee has taken over and made the changes, things have changed drastically to the extent that we feel if there is no resolution to this problem we would have to move . We have informed Hook norton brewery that we think legal action against them for the detriment they are now coursing us would be reasonable . This i think considered by a reasonable minded person would clearly show there is public nuisance . here were there was not previously.

Public safety:-

The proposed new bar , the purpose of which is more drinks sold quicker .By bringing the bar to the aunt sally throws which would encouraging faster replenishment / drinking more without having to walk to the existing internal bar in the pub .This is irresponsible and likely to lead to more intoxication .The walk to the bar inside the pub helps regulate how many drinks that a person might consume . I think "crafty and inappropriate" therefore the bar should not be allowed for this reason again encouraging excess drinking .

Most people that consume beer need to use the toilet more frequently when drinking pints and will therefore have to go inside anyway and can easily get another drink then so there is absolutely no good reason to allow this variation of the licence anyway in my opinion it could be detrimental to patrons and public safety .

It is also prudent to report that the premises licence holder did not apply for a licence or planning permission for the changes probably thinking they could get away with it or perhaps the law doesn't apply to them .The reason that planning/ licence permission needs to be applied for is to allow consideration of the potential problems. Hook norton breweries chose not to bother and implemented things that now could be refused a licence or planning permission and obviously aborted costs if resiteing is required etc .

the new layout has been designed for the comfort and use of patrons but with no consideration of residents only profit.

It has to be questioned would it be prudent to allow a variation of the licence where the applicant has tried to evade normal protocols ? Hook Norton brewery know the rules it is just ignoring them .

Although licencing does not concern with what sort of building the alcohol is served in i think it is appropriate for people to know that this is a shed without proper facilities or protection from vermin/flies or have the adequate washing facilities for glasses or hands.

Licencing also has to take note of our human rights and any decision taken must be compatible with the human rights act protection of property etc. As residents we are entitled to the quiet enjoyment of our possessions in this case our garden and house but that is being interfered with by the butchers arms.

Allowing the new bar licence would encourage large gatherings and drunken revelry right next to domestic gardens and homes **7 days a week** where it has never been it should be located close to the pub so patrons can be monitored more easily . Variation of the licence should be refused as there is no sensible need for it only for profit and faster drinking by patrons which the act is absolutely trying to avoid ie (promoting irresponsible drinking .)

We are concerned that the outside areas are being used after 23.00 the licence conditions state that they are not allowed to use outside areas which is being ignored regularly .The licensee seems to ignore them . We have now discovered why the plans which are ambiguous and do not clearly show the areas to a scale that can easily be interpreted . The plans show a vague area the driveway and carpark that can be used for "off sales " close to the smoking shelter and door / patio.

It would not be illegal for the licensee to sell "off sales" which can then be consumed in the unlicensed areas ie around the doorway and the driveway. This loophole is what we believe that they are doing at the moment and needs to be tightened up so this cannot happen circumventing the current licensing conditions in essence .

I suggest that the licenced area be increased to include these areas on the plans or conditions attached so that no off sales can be consumed on the premises after this time .

Indeed a condition attached stating "no off sales" this would resolve the problem of ambiguity here . it must be remembered that off sales are a throw back to the past before people brought there alcohol in supermarkets and prior to extended shop hours .