

Appendix 1 – 1 (a)

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 **A** ██████ Hawker

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description Portobello Inn 139 Bransford Road Worcester Worcestershire WR2 4EZ | |
| Post town Worcester | Post code (if known) WR2 4EZ |

| |
|-----------------------------------------------------------------------------------------------------------|
| Name of premises licence holder or club holding club premises certificate (if known) Ruth Yafai |
|-----------------------------------------------------------------------------------------------------------|

| |
|--------------------------------------------------------------------------------------|
| Number of premises licence or club premises certificate (if known) WOR1094 |
|--------------------------------------------------------------------------------------|

Part 2 - Applicant details

I am

Please tick ✓ yes

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

2) a responsible authority (please complete (C) below)

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

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

Please tick ✓ yes

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

Surname

Hawker

First names

[REDACTED]

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

[REDACTED]
Worcester
WR2 [REDACTED]

Post town

Worcester

Post Code

WR2 [REDACTED]

Daytime contact telephone number

[REDACTED]

E-mail address (optional)

[REDACTED]

(B) DETAILS OF OTHER APPLICANTS

Names and addresses

[REDACTED] Worcester, WR2 [REDACTED]
[REDACTED] Worcester, WR2 [REDACTED]
[REDACTED] Worcester, WR2 [REDACTED]
[REDACTED], Worcester, WR2 [REDACTED]
[REDACTED], Worcester, WR2 [REDACTED]
[REDACTED] Worcester, WR2 [REDACTED]
[REDACTED] does not wish to share his address.
[REDACTED] does not wish to share his address.

Telephone number (if any)

E-mail address (optional)

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|---------------------------|
| Name and address |
| Telephone number (if any) |
| E-mail address (optional) |

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

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

Please state the ground(s) for review (please read guidance note 2)

The activities of the licenced premises are causing a public nuisance through the anti-social behaviour of some customers on the premises during and after opening hours. This manifests itself as shouting and aggressive chanting late into the night in the car park and outdoor areas. This has meant the police being contacted to report crime and disorder on numerous occasions. Sporting events etc. are being shown on a TV outside on the premises in breach of the licence and doors and windows are not being kept shut during periods where entertainment is taking place within the premises.

The Licence holder and several Marston's managers have been contacted on numerous occasions about the public nuisance caused by the pub, but little has been done to address the cause and it continues on a regular basis. This has been occurring since June 2021 so we, as a group of residents affected by the public nuisance, feel we have no alternative but to request a review of the licence.

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

[REDACTED] Hawker, have been responsible for collating the information for this application this is very much a joint application together with the named applicants:

[REDACTED]

There are also several other residents who support the application but are unwilling to add their names for fear of repercussions from the pub's clientele and the effect it may have on the future sale of their houses.

We are also supported in this application by Councillor Alan Amos and by Janine Burton from Environmental Health who advised with collecting evidence.

PC Jennifer Evans has been collating the numerous complaints that have been made by members of the community that live close to these licenced premises which she has agreed to provide for the purposes of the review (see attached). She has also collated Victim Statements which will give a flavour of the impact the ongoing anti-social behaviour has had on residents. Other residents and I have had to call 999 due to concerns about public safety regarding customers both on and off the licensed premises which will be recorded, including when a police van had to be dispatched to a large fight in Bransford Road involving customers of the licenced premises. Neighbours, both those detailed above and those who wish to remain anonymous, have contacted the pub, Marston's Area Manager and Chief Executive on numerous occasions to no avail. On several occasions when calling the pub to complain about noise and anti-social behaviour the pub has either put the phone down, laughed at the caller or ignored their requests. It is therefore felt that we have exhausted all informal avenues to prevent further anti-social behaviour and hence why we are pursuing this request for a Licence review.

I have lived in my current home near the Portobello Inn in Bransford Road since 2001 and until June 2021 had no cause to make any complaint against the pub or the behaviour of its clientele. It was a quiet local pub in a residential area that respected its neighbours and its location. They had a function room, but music was kept to a level in keeping with the residential area and could not be heard outside. You would occasionally hear people leaving the pub at closing time, but this would merely be talking and only for a couple of minutes at the most. This was a pub with normal pub hours not a nightclub opening to 1am. My son had his [REDACTED] birthday party in their function room and one of his friends worked at the pub and told him that troublemakers were quickly barred and not allowed to return.

However, since the pub reopened under new management at the end of the Lockdown in June 2021 it has become a hub of antisocial behaviour and very loud music. All those people that had previously been barred have been allowed to return (as attested to by a now former employee of the pub) and it appears that word got round that this was a pub where "anything goes" – certainly not the family pub that Marston's try to portray. Prior to re-opening the "smoking area" was adapted into an outdoor entertainment area with a TV constantly on that was originally very loud and attracted an element that were constantly shouting, swearing and aggressively chanting when they were in it. At one stage it was used as a disco every Friday night into the early hours. As you will see from the complaints from myself, my wife and many neighbours it soon became a source of anti-social behaviour most Friday and Saturday nights. Other neighbours have complained to me about it but do not wish to complain themselves as they don't want to declare this should they

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wish to sell their homes. Since June last year we have had to put up with the noise but also intimidating groups, vomit, urination and bottles in the street and on one night a mass brawl where the police had to be called. This is a quiet suburb of Worcester not a city centre.

This constant antisocial behaviour has taken its toll and particularly on my wife who has had to seek help from her GP and been referred to Worcestershire Healthy Minds to help her cope with the anxiety every Friday and Saturday night brings. Any noise from the pub sends her into a panic now, and she has found it very difficult to sleep at the weekends even when the noise has stopped as she is anticipating it all the time. The aggressive nature of the groups of men doing this is particularly frightening for her. Because of this she now has to sleep with earplugs in and we are having to fit Triple Glazing, at great expense, in an attempt to block out the noise from the pub.

Since the informal improvement plan has been in place after months of complaints (though we are yet to see the plan or contents) there has been some improvement with regard to the music but even this returns to its normal level some weekends. However, the antisocial behaviour from the pub's clients has continued with a particularly bad incident on Christmas Eve with a large group of men shouting, swearing and chanting in a very intimidating fashion in the pub car park until gone 1am. When they left, they then congregated outside a neighbour's house where they left it strewn with bottles, rubbish and vomit. This is a residential area with numerous small children who shouldn't be witness to such language and behaviour. In this instance I called 999 as I was fearful of how this was escalating but although I was assured the police were on their way, none arrived. This incident left my wife very shaken and ruined Christmas day for her and the following week as she was so fearful of what would happen on New Year's Eve. As the weather improves during the spring and summer, we are obviously worried that the anti-social behaviour will only get worse if it is allowed to continue unchecked. To add insult to injury, since the improvement plan was mooted a new extractor fan has been installed on the pub premises which is much louder than the old one (what are the regulations for such fans' noise levels?) and seems to have no filter installed as the neighbourhood is subject to the smell of chip fat throughout the day now.

As a community we have been very patient with the pub and its manager but enough is enough. The manager has shown that she is either unwilling or incapable of controlling her own clients so the time for Marston's to put their own house in order has passed. We would therefore request that:

- 1. The music licence is revoked.**
- 2. The licence for late opening is revoked so that the pub closes at 11pm each night. That is the only way that there might be a chance of this antisocial behaviour being curtailed and I would suggest that if it then continues the whole licence is revoked.**
- 3. The smoking area should be returned to its original purpose and the TV be removed immediately – I believe this is in breach of the licence anyway as the establishment is only licenced for sport/film exhibition etc. inside. Please correct me if they have a licence to broadcast loud music outside the premises?**
- 4. The persistent offenders responsible for the aggressive and often misogynistic chanting that are easily identified on the accompanying videos be barred from the premises immediately.**
- 5. The very loud new extractor fan is replaced by a quieter one that points upwards rather than directly at the properties of local residents.**

I have attached the following documents to go alongside this application:

1. 22.02.17 Victim Statement – A [REDACTED] Hawker
2. A selection of reports of anti-social behaviour emailed to PC Jennifer Evans. This is by no means the entirety of complaints so please contact the police for further evidence going back to June 2021.
3. Incidents logged by the police following 999 or 101 calls.
4. Detail of a call to the police as an example 21.11.21.
5. Statement from [REDACTED] regarding noisy and smelly new fan.

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6. Complaint by [REDACTED] to Environmental Health regarding new fan.
7. [REDACTED] log of incidents.
8. [REDACTED] Victim Statement.
9. Video of Outside TV playing sound loudly at 12:30pm.
10. Various other videos of anti-social behaviour and the new fan.
11. Written Statement from [REDACTED]

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Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

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

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Please tick ✓ yes

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

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

Signature A [REDACTED] Hawker

.....

Date 27/05/22

.....

Capacity Applicant

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.