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10 NOV 2011

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PUBLIC PROTECTION 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 Lyn Penfold

*(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**

The Borough Arms, 7 Oxford Street

**Post town** Malmesbury

**Post code (if known)** SN16 9AX

**Name of premises licence holder or club holding club premises certificate (if known)**

**Number of premises licence or club premises certificate (if known)**

**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**

Penfold

**First names**

Lyn

I am 18 years old or over

Please tick yes



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

8 Oxford Street

**Post town**

Malmesbury

**Post Code**

SN16 9AX

**Daytime contact telephone number**

[REDACTED]

**E-mail address (optional)**

[REDACTED]

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Angela Sykes, The Tower House, Oxford Street, Malmesbury, SN16 9AX

Eileen MacAlister, 14 Cross Hayes, Malmesbury, SN16

Bill Wilson, 20 Cross Hayes, Malmesbury, SN16

Telephone number (if any)

E-mail address (optional)

**(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 checked="" 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 1)

Prevention of crime and disorder: the clientele of the pub stand and drink on the street, have fights, break windows and behave in a threatening manner.

Public safety: the clientele of the pub stand in the street and present a danger to late night traffic.

Prevention of public nuisance: the noise levels from the pub and from its clients are very high indeed.

Further particulars are set out below.

**Please provide as much information as possible to support the application**

(please read guidance note 2)

The Borough Arms is a pub in Oxford Street in Malmesbury which is very popular with youngsters. Local police tell us that because of its late licensing hours on Fridays and Saturdays, it attracts people who first frequent other pubs with earlier closing times.

The landlords do not appear to exercise any control over their clientele, neither while the pub is open nor after closing time. As a result, in the small hours of Saturday and Sunday mornings the street is often full of people on the pavements and in the road; these people are always drinking, shouting and swearing. Fights occasionally break out and damage has been caused to neighbouring properties. This can continue until 2 a.m. and beyond.

The applicants have been threatened by these people. For example, I have telephoned my husband to warn him not to come home down Oxford Street while fighting was going on in the street. The neighbouring café (Amanda's) and the kitchen shop by the Market Cross had their windows broken. For several years windows on the empty property directly across from the pub have been boarded because of breakages (the property owner tells us) by drunken customers of the pub. As well as the noise and disturbance in the street, the noise from the pub itself is frequently unbearable. The volume at which the pub plays its music is very loud indeed, and the people's shouting is very disturbing. I and some of my neighbours, including the applicants from Tower House, have had to install secondary glazing to attenuate the noise, and despite shutting ourselves in the back of our house during these night time disturbances we find we are always aware of the noise and – when we do manage to get to sleep - we are woken up regularly by the noise these people make.

Sometimes cars will pick up people from the pub and the drivers will stop outside and sound their horn, regardless of the late hour. People spill out onto the street, which makes it dangerous for drivers. Visitors to my house have felt unsafe when leaving my house after a visit.

On Saturday and Sunday mornings it is not unusual to find half full beer glasses in the street, along with broken glass and rubbish; evidence of vomit is not uncommon. I have taken photographs which illustrate the problem, and I am happy to present these as evidence. I have recorded that:

- On 29th May 2011 after midnight there were about 30 people on the streets being very loud, and a car with registration WN03CUS was being loaded with musical equipment.
- On 25th June 2011 there was very loud music at the Borough Arms, which we could hear right through the house.

The applicants have called the police a number of times when the noise and/or threatening behaviour has been particularly bad. Police records will show the frequency of these calls. That said, not a weekend goes by without there being a problem so the absence of a call to the police or the absence of a written record does not signify a quiet night.

The problem is not new. Council records show that complaints were made in years gone by, and promises to improve were not kept; indeed letters of complaint drafted years ago could have been written today. We are filing an application for restricting the licensing hours at the Borough Arms and the Guildhall Bar with substantially the same complaint and substantially the same evidence. From our vantage point directly across the street, we see both pubs being treated by the young customers as a single hostelry, with customers constantly leaving one pub, entering the other and then congregating outside both pubs. Succeeding with an application to restrain the licence of one pub while leaving the other unaffected will simply transfer the problem. We believe that the reputation of the pubs have made this area of Malmesbury into a "no go" area. When my husband and I were planning to buy 8 Oxford Street a year ago, residents of Gloucester Road queried whether we really wanted to move into the

area. A number of premises in Oxford Street have been up for sale, and prospective buyers are reluctant to invest in this problem street. As a result, the area is becoming derelict.

We believe restricting the licence to 11 p.m. is essential for public safety, the prevention of crime and disorder, the prevention of public nuisance, an end to anti-social behaviour at anti-social hours and a general improvement in the quality of life in the area.

**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



Date 8 November 2011

Capacity

*Applicant*

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

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) as above

**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.