



The Licencing Committee
North West Leicestershire District Council
Belvoir Rd
Coalville
LE67 3PD

Date: 07/01/2023

Licence Number: NWL20546

CC: District Councillor John Bridges, County Councillor Ashman, CEO NWLDC Allison Thomas, Andrew Bridgen MP, Cllr Ordish Mayor Ashby Woulds town Council.

Re: Licence Application Review

Dear Sir, Madame, Licencing committee,

I write in regard to the review of the premises licence and strongly object to this review and any changes to the licence agreement. I outline my objections as follows:

I am a Parish Councillor, Trustee and Chair and co founder of the Charity Ashby Woulds Youth and Community Centre and local businessman. I am the Chairman and CEO of 4 local businesses, and I have invested millions into the local economy. Our businesses directly employ over 75 members of staff, 90% of those being local.

I live within the immediate area and one of the residents who lives closes to the venue. Including on occasions residing upstairs in the flat.

I am the person within the area who had the ambition, strength, investment, and determination to turn a derelict building in a deprived area into a thriving hub for the residential and business community. People see a perceived success but never see the pain, heartache and sacrifice people make to achieve that success. Unfortunately, that can create jealousy and resentment in some people which manifests itself into personal vendetta. This is a personal vendetta; I am now a victim of my own success.

When I was building the premises, I was constantly harassed by a minority of residents regarding noise created by the buildings works, these are the same complainants.

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Registered in England & Wales. Company Registration Number: 11170957

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I was never thanked for improving the visual aesthetics of their immediate area, reducing crime, anti-social behaviour or directly increasing the value of their properties and reducing insurance costs. Eden has a direct positive impact on this. This is a personal vendetta.

The building which is occupied by Eden Bistro Limited is also occupied by 6 other businesses who rent office space within the same block and provides meeting rooms and hospitality for those meetings. The business can and do work unsociable hours whilst Eden is functioning with entertainment and has received no complaints from any of the occupiers.

Eden directly employs over 30 local staff either part time, full time or on a casual basis but also inputs revenue directly into the local economy using local suppliers and business in support. An offer to all residents has been provided to report any complaints directly to Eden Bistro. These staff whilst working have received no complaints regarding noise or nuisance.

In year 1 Eden Bistro had a turnover of £500,000 and made a loss of £32,000, largely caused by covid restrictions and a decline within the economy. Reducing licencing hours and further restrictions will have a further effect on these losses restricting our vision of proving a hospitality venue, a community hub supported by entertainment creating further employment. To date I am still prepared to support this business financially.

Eden is in an area where we should be promoting employment, leisure, tourism, and hospitality, it fits in well with the majority of local residents, it has become a community hub and a place to visit with tourists and visitors to the area frequenting the premises. The area has a local population of 3763 residents.

The police hold local beat surgeries within Eden which provides a natural police visibility within the local area which assists the police, residents, and Eden in reducing crime and anti-social behaviour within the community. It has brought a jolly atmosphere to the area and reduced anti-social behaviour. It portrays a positive image to other licenced premises how customers should behave.

Eden provides a local heat bank to the vulnerable in times of need providing free heat, hot drinks comfort and support to those who need it most.

Eden provides a meeting and focal point for the local park run providing hospitality directly promoting leisure, health, and fitness.

Eden provides a facility to the newly formed Ashby Woulds Youth and Community Centre providing a temporary meeting point for this charity.

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Eden provides a facility to meet for local resident groups and promotes community harmonies.

The fact that Eden is a well-respected licenced premise within the community provides a direct visibility to the licenced premise across the road which assist in monitoring, reducing and preventing drug distribution, violence and anti-social behaviour.

I now refer to Mr Olaf's representation.

The premises is at a junction of Ashby Road, Rawdon Road, Short heath Road and Measham Road as a result it is by a significant number of residential properties, however the individual complaints have not been significant in relation to the number of residential properties. Complainants to date now limited to 1.

Mr Olaf makes no mention of the licenced premises immediately across the road within the same vicinity the Rawdon Arms, the Railway Public House licence premise immediately up Ashby Road within the immediate vicinity. The Rawdon Arms licence premises have customers standing outside causing a nuisance and indeed the main complainant frequents the Rawdon Arms as with her partner. The police have been called numerous times to the Rawdon arms for nuisance and violence. One local resident even experiencing racial discrimination from the same venue. Indeed, myself and my customers and residents have been witnessed to numerous fights in the middle of the road outside the Rawdon Arms and drug distribution. Yet the complainants frequent these premises but makes no reference to the nuisance, music, entertainment, and violence that occurs and is generated by these premises.

Mr Olaf who has even been witnessed within the vicinity observing these occupants outside yet makes no reference to them and indeed has not even applied for a licence review of these premises who yet create nuisance, anti-social behaviour, drug dealing and violence and loud music.

When I purchased the building in March 2018, I became aware of the same residents who make these complaints only from receiving unjustified complaints through the building works. These complainants even complain regarding deliveries of goods yet there are constant parcel delivery vans frequenting the complainants address which has resulted in road traffic accidents with no complaints received from other residents.

I have personally witnessed one of the complaints dogs defecating on the pavement and not cleaning it up. Leaving it for myself to clear up. The same resident allowing her dog to defecate immediately outside our premises much to the disgust of our residents.

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The complainants' visitors constantly park on double yellow lines yet complain about our legitimate deliveries.

In addition, the local licenced premises, who have entertainment, live music where the complainant frequent and receive no complaints.

We also have the following within the immediate local vicinity:

Moira Furnace: Hold regular open-air events with live entertainment, gun battles, shouting, car rallies with loud exhausts which can be heard above and beyond Eden Bistro well beyond our licenced hours creating parking hazards and nuisance yet there are no complaints made from the same residents.

Conkers: Hold regular events including tribute bands like AC/DC, Eagles, Cher, Abba, fire work displays with open air discos in an open-air venue which can be heard all around Ashby Woulds over and above the music we have played, going on well over our licencing times to the extent I post on social media that its not us its conkers but complaints are received about Eden but not conkers from the same minority of residents.

Timber Festival: Hold an annual event within the village with live entertainment again heard across the village but no complaints from the same residents.

Football Clubs, there are numerous football clubs which play on the local parks within the same area with shouting heard constantly on Saturday and Sunday mornings, yet no complaints are made from the same minority residents.

Gun Club: There is a gun club within the local area frequented by the complainant's partner with load bangs heard on evenings and weekends, yet no complaints are made.

Traffic: Eden is based on a busy junction which is subject to large traffic volume created by the other venues in the area and local businesses and loud vehicles accelerating from the islands, this in itself creates noise far beyond and above Eden Bistro and in more vulnerable hours yet no reference is made of this.

Mr Olaf or the complaints makes no reference to any of these 8 other venues and paints an unbalanced picture of the immediate local vicinity making Eden Bistro to appear the worst one of the lot. This is an unbalanced and biased opinion and seams to air on the complainant's side rather than considering the whole picture!

We must ask ourselves is it really Eden Bistro generating these complaints or complaints made because of jealousy to victimise, harass and attempt intimidate someone that is attempting to provide benefit to a community. Jealousy this is simply a personal vendetta; I am now a victim of my own success.

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Mr Olaf advises “Premises opened in May 2021 following the granting of the licence, the EP Team has received numerous complaints about noise from the premises. The EP Team has also carried out noise monitoring visits and observed noise from the premises and is satisfied that the licensing objective of Prevention of Public Nuisance is actively being undermined.” I disagree with this statement.

The licensing objective is not actively being undermined measures have been put in place and are in place to meet the licensing objective. Any noise issues were nipped in the bud immediately once a conversation and understanding of the environmental laws were understood. This is evidenced by the huge reduction in complaints. This was a conversation which was facilitated by my approach to Mr Olaf as opposed to any approach by Mr Olaf or the environmental protection team. Who made no approach to me whatsoever.

Mr Olaf goes on to say “This evidence was put to the Premises Licence Holder who agreed to voluntarily make an application to the licensing department to vary the premises licence to include noise mitigation measures. The Premises Licence Holder has failed to make said application to vary the licence. The EP Team has continued to receive complaints about noise from this premises. Therefore, to protect nearby residents and to promote the relevant licensing objective, it is necessary to call for a review of this premises licence.” This again is an incorrect statement there was no evidence put to the premises licence holder. I did not agree to make an application to the licensing department to vary the premises licence to include noise mitigation measures. Mr Olaf and myself had a conversation regarding noise levels after my direct approach to him on the street as he was hanging around street corners. I being a concerned resident questioned his presence as he did appear to be dipping into a bag and I incorrectly interpreted his presence as one of the local drug dealers who frequent the area. When I questioned Mr Olaf he introduced himself as the Environmental officer carrying out covert surveillance on Eden Bistro in an attempt to monitor with his own ears. There was no monitoring equipment, and the noise level was subjective interpretation by Mr Olaf. That is the first time I became aware of Environmental Protection involvement.

After my engagement I agreed in conversation that I will put measures in place. I invited Mr Olaf to send me an e mail to which he obliged. I returned immediately with that e mail advising reiterating the conversation and what was agreed in the conversation which was followed up by an e mail which is evidence within this pack and is as follows in bold as follows:.

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Good afternoon Terence Olaf,

Thank you for your e mail and the extensive chat we had the other evening. It was very constructive and gave me a full understanding of the problems and difficulties been experienced by the local residents and the confusing environmental laws.

To this end I have instructed staff at Eden Bistro to follow the following rules:

- 1) There will be no more amplified music outside on the patio area and any amplified music, speech or otherwise will be indoors with doors and windows kept shut.
- 2) Air conditioning to be set & used to eliminate any need for doors/ windows to be opened when amplified music or otherwise is on.
- 3) Any residents will be asked to leave the premises quietly with relevant signs being displayed in prominent areas.
- 4) No bottles to be disposed of between relevant hours but we don't any way.
- 5) Take reasonable steps from residents whilst outside smoking or not.

Please also remember there are several other licenced premises within the area and any noise from pedestrians smoking or not outside our premisses must not be automatically related to ours. I have resided in the upstairs flat above the premises and experienced first-hand noise and nuisance from residents of other licenced premises and simply people walking past within the area these again should not just be assumed or related to Eden Bistro.

You will find I am a man of my word and therefore any noise nuisance complaints should not be coming from us.

Please also note that I am busy carrying out year ends, on vacation and in the process of moving house therefore when I can finalise this matter I will do so soonest, in the meantime I think the matter is resolved.

If there are any complaints, I would also like to know immediately so they are not confused with Conker's, Furnace or other establishments creating noise, my telephone number is:

You can clearly see from the e mail that there was NO agreement to amend the licence and I had not failed in anything. It is in writing what my agreement was as set out above, yet Mr Olaf makes a false statement regarding this fact it would appear to undermine my credibility, honesty, and integrity.

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Furthermore, Mr Olaf makes a written statement providing false dates of complaints on the 21/08/2022, 28/08/2022, 29/08/2022 he goes on to say and I quote “This evidence was put to Mr Charles Griffin on the 29th August 2021 who agreed to voluntarily make an application to the council’s licensing team to vary the premises licence to include the following noise mitigating conditions. Please see email exchange below;”

This statement is again false and incorrect the dates mentioned are in fact 2021 as opposed to 2022 and as per the e mail dates was the 30/08/2021 This gives a false and misleading impression that we are still undermining the licencing objective in 2022. Again, Mr Olaf makes a false statement regarding this fact it would appear to undermine my credibility, honesty, integrity and misleads.

Mr Olaf goes on to say ad I quote “In August 2022 in response to an increased number of complaints” Again, this is incorrect he advises an “Increased number of complaints” yet in the table of complaints there is one on the 08/08/2022” that is not an increase in complaints it one complaint.

Mr Olaf goes on to say

“further noise monitoring was undertaken by the EP Team, using a noise monitoring recorder that was installed in a nearby property. The noise recorder was installed on 26/08/22 and retrieved on 31/08/2022. During this period several episodes of loud music coming from the premises were recorded. In table 2 below are details of 14 events of loud music where the music was loud enough to be clearly audible in the host property above prevailing road traffic noise. In these cases, the music loud very clearly audible inside the host property such that the lyrics of the songs were clearly identifiable.”

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Mr Olaf suggest that there were 14 events during the period of the 26/08/22 and 31/08/2022 however this statement is again incorrect and misleading, there were 14 events of loud music as follows:

- 1) Saturday 27/08/2022 Bank Holiday 10 events of loud music between the hours of 18:52 & 20:34 a 1.5 hour period prior to 09.00pm on the bank holiday Saturday. Breaking this down further 10 minutes of an individual occurrence over a 120-minute period playing music is actually less than 8% of the time whilst music was being played. Its actually 0.0069% of a nuisance in a 24-hour period. I must also add, there were three other venues playing music on that weekend being a bank holiday evening. Namely Rawdon Arms, The furnace and Conkers. I also note the reference to "Tina Turner What got to do with it" which makes me quite frustrated and annoyed as our venue never played a Tina Turner song and was an acoustic guitarist on that night. Perhaps that could be Tina Turner tribute from Conkers or was it the disco from Rawdon arms, certainly not us.
- 2) Sunday 28/08/2022 bank holiday 3 events of loud music between 15.39, 16.55, 17.27 we did not have any live or amplified music on that date played outside but 2 other venues did.
- 3) Monday 29/08/22 11:28 certainly no entertainment and quite bizarre that its one event at 11.28 am.

Considering the facts presented here there is 14 minutes of which other venues are responsible for yet considering the times within a 72 hours period there are 14 minute instances which equates to 0.0032% of the time.

It is incorrect, false and misleading to assume that it is Eden creating this nuisance it clearly relates to other venues.

Even considering the times of day the alleged noise is between reasonable hours, certainly not unsociable hours. In fact, the monitoring proves that we are complying with the current licencing objective and no instances of noise after 20.34. All be it noise generated from other venues.

I am frank honest and candid, I concede on the weekend of the 20/05/2022 we held a outside live event which was our contribution to the local community to celebrate 1 year of trading, the queens jubilee coming out of Covid restrictions and creating a party atmosphere this was also a charity event with some of the proceeds being donated to charity.

I ask myself what is the world coming to if we cannot do this as a community as a result of 2 complaints?

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We had an outside stage on the car park, a live band and we also applied for temporary events notice which was given and not objected to. This was our way of alerting the powers that be there will be an event to include outside live entertainment.

I must say, the event was a success the attendees really enjoyed a party atmosphere; we were packed out and considering the amount of attendees there was no trouble what so ever, a great success for the community. Yet when I look at the complaints received for that weekend as follows:

20.05.2022

Rawdon Road, DE12 6DQ

I was informed as a local resident last year that Eden Bistro had been told that they were not allowed to play live music outdoors at their venue due to noise issues being in a residential area.

tonight, they have an entire large stage set up outside at their venue. They have a live band on with amplified music and a deep base which started at 6pm and is due to run until 11pm. It is so loud and invasive that I will have to leave my house and go to a friends for the evening i feel like my privacy is being invaded as I live opposite this. I was told they weren't allowed to play live music outdoors, that if they had live music indoors, they were required to keep their large doors closed to reduce the nuisance to residents. They have not been adhering to this either and have been having doors open. The set up they have this Evening though is on an even bigger and louder scale it belongs at a festival not in a residential street. I'm so disappointed that they are still being allowed to do so this after being investigated last summer by yourselves. Please can this be looked into, my home is not my home i feel in the middle of a concert and I shouldn't.

20.05.2022

Ashby Road, DE12 6DJ

Extreme noise from Eden Bistro

23.05.2022

Ashby Road, DE12 6DJ

Complainant has called again not happy as has not heard anything back and has called at least 7 times She says that the weekend was as nightmare as she predicted with an outside stage and music making the house shake

She was told that he was given a licence for the weekend assume a TEN and wants to know what this was granted as so many problems in the past. **She also has heard from a neighbour that he is planning a big event again over the Jubilee weekend.** Please could you give her a call on she is talking of taking things to the Local Gov Ombudsman

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We did have entertainment on the August bank holiday weekend but again this was limited to inside and stopped at 9pm. I note one complaint regarding this from the same one complainant. Where I do sympathise with people, I note that this is a maximum of 2 complainants making 1 complaint each regarding the noise. It is presented as 3 complaints, again misleading, but the one complaint regarding that they have heard nothing and not a complaint regarding the venue. You can also see that there is a comment which I have highlighted in yellow that says "he is planning" this is further evidence that this is not an issue regarding noise its an issue regarding an individual. Fact of the matter is they are referring to me. For the record, I do not plan any events I have a manager that does that and is not a he but a female member of Eden staff.

I also refer to another complaint which clearly gives a personal dig and I quote "Cannot approach owner as he is rude and obnoxious" fact is I have given a personal invite to this resident and neighbours to free entertainment, free coffees and meals, this is certainly not rude and obnoxious. Indeed, I cannot fathom how someone can make such allegations when they have not even engaged communicated or spoken to me. The last thing I am is rude and obnoxious. I have even had comments in the initial licence application in a representation that one of the complainants said that I will get my own way no doubt because he's a Parish Councillor!

Another has been "the man thinks he owns the village" that's another personal attack on me.

We must ask ourselves is it really Eden Bistro generating these complaints or complaints made because of jealousy to victimise, harass and attempt intimidate someone that is attempting to provide benefit to a community. Jealousy, this is simply a personal vendetta; I am now a victim of my own success and a victim of providing substantial benefit to the community.

I also ask what have the complainants provided to the community apart from disappointment, annoyance frustration, lies and quite frankly anti social behaviour in preventing others enjoyment.

It is clear Mr Olaf has clearly made false statements, within the representation is clearly states **"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."**

I will be taking this further to seek justice and suggest that such representation is carefully considered and disregarded in this instance due to the misleading a false representation. Mr Olaf does not consider the possibility of other venues creating a nuisance even though this has been presented to him in my e mail.

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The fact of the matter remains after August 2021 and my agreement the licencing objectives have bene maintained. There are three instances where complaints have been received in 2022 that being the May bank holiday weekend, the August bank holiday weekend and a random day where some residents got a little noisy. This is not evidence that the licencing objective is not being met.

I have also had correspondence from the police (copied) as follows:

“Morning Charles

You will be pleased to here that we have had no complaints regarding Eden Bistro 😊

Madeline Fearn
Police Community Support Officer 6686”

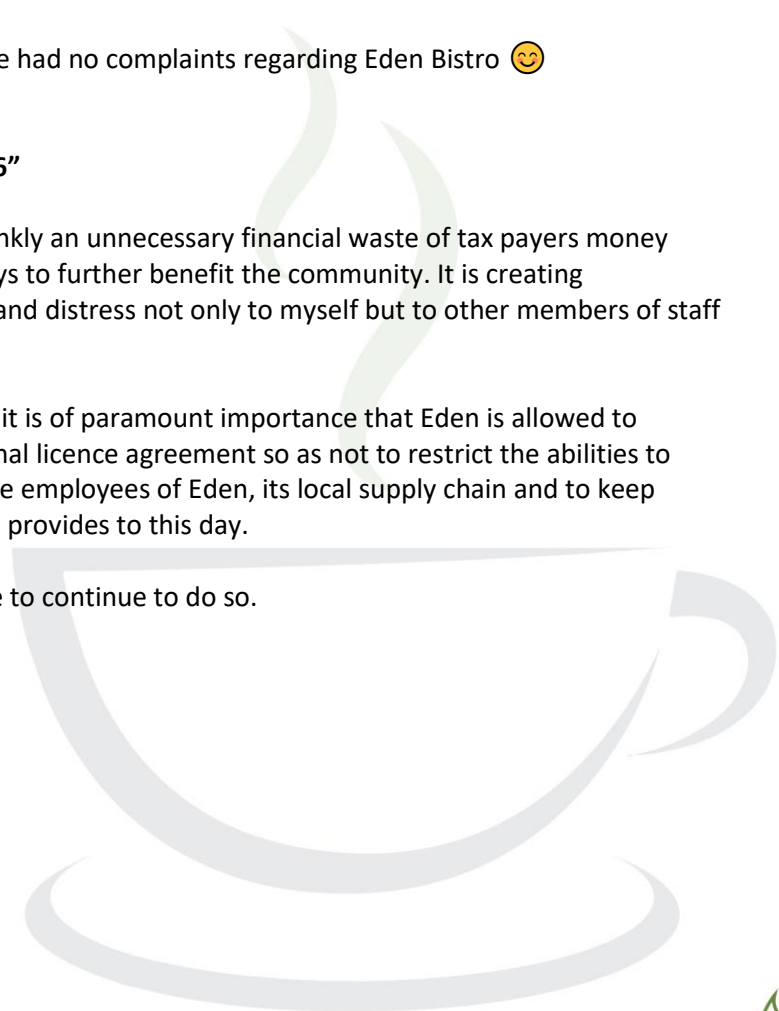
This personal vendetta and action is frankly an unnecessary financial waste of tax payers money where it could be directed in others ways to further benefit the community. It is creating unnecessary stress, harassment, alarm and distress not only to myself but to other members of staff within Eden.

I conclude, in today’s economic climate it is of paramount importance that Eden is allowed to operate within the confides of the original licence agreement so as not to restrict the abilities to generate further revenue. To protect the employees of Eden, its local supply chain and to keep providing the community the benefits it provides to this day.

I would like your support in allowing me to continue to do so.

Yours Sincerely

Cllr Charles Griffin
Chairman & CEO
Eden Bistro Limited
Tec Reports Group Limited



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