

EXTERNAL: The Flag Micropub, 32 Borough Street, Castle Donington - Covid Non-compliance and Unacceptable Noise Nuisance

e-mailed to Licensing and Bev Smith on 26 October 2020

To whom it may concern,

I write in regard to the recent installation of a sound system in the above micro-pub (Which is located in the same building as ourselves, formerly renovated into a mix of residential and retail. With our home adjoining on the ground floor and on the first floor our property projects over next door, with our bedroom located directly above the pub)

I also wanted to report customer's remaining on the premises beyond 10pm, which I believe is the now the time public houses should close due to Covid laws. I may be wrong when it comes to lock ins? Maybe they are permitted?

My main concern is the installation of the sound system on Wednesday, this was something specifically referred to in the original application to convert this old office/shop into a micro-pub. The constant late night noise from the pub has been horrific enough but we always dreaded the day the inevitable sound system would arrive;

"The use of the premises as a standard public house would be likely to lead to an adverse impact on the residential amenities of the adjoining residential unit. However, the use of the premises as a micro-pub would be unlikely to adversely impact on residential amenities due to the nature of the operation since there would be no louder intermittent noises from televisions, gaming machines, pool tables or sound systems"

Taken from Application Reference 13/00963/FUL

The activities of Friday night into the early hours of Saturday morning were absolutely unacceptable and completely against the licensing objectives that should be upheld by a responsible license holder.

At 10pm on Friday 23 October the pub pulled down the blinds and turned off the lights at the front of the premises (The usual practice for their lock ins, going back over the last couple of years) The partner of Mr Sandham, the license holder could be heard gathering people in off the street; "If you're coming in, get in!" The door was locked, and the new music system was cranked up loud as a crowd of people sang at the top of their voices, screeching, screaming, cheering, whooping and hollering and guitar playing.

At 11pm, with no concern at all about hiding the lock in from passers-by, some people spilled out onto the street but some must have stayed behind as the music continued to blast out of the sound system until 2.20am. Yes! 2.20am? Over this three hour and twenty minute ordeal from 11pm the volume was continually loud but was intermittently cranked up to maximum volume for short bursts of several minutes, then lowered slightly, then back up, back down, back up, like some form of torture technique.

I called the Police non-emergency number to report the lock in at 11pm but at 2am I had to call 999 as the music was cranked up to the absolute maximum volume and did not go back down after a couple of minutes, even the Police operator struggled to hear me over the noise. After 20 minutes the music was eventually shut off at 2.20am. The next twenty minutes were

made up of Mr Sandham and his partner, who were completely intoxicated, trying to figure out how to lock the door to the pub by banging it repeatedly and shouting and swearing at each other.

Saturday 24th we had the music up and down again and people in there until they closed at some time around 11pm.

Sunday 25th the music was cranked up loud from 8pm to 10.45pm with the same situation of it being turned up to full volume for short bursts, back down a little, then up again through the entire evening.

The CCTV on the premises should cover the bar and entrance, if it was actually turned on, which it should be, as per the License Review last year.

As NWLDC Chief Executive Bev Smith stated in her letter to parish councils on 2 October; "There really is no excuse for failing to be non-compliant at this critical stage"

The breach of 10pm closing is the least of my concerns, my primary concern is the introduction of the sound system and what the license holder's thinking is behind this. Mr Sandham has obviously made a conscious decision, as someone who should be promoting the licensing objective of the prevention of public nuisance, to put a sound system in his pub which he knows is next door to and beneath our property, he knows there is no sound proofing, he knows we have complained about the noise, but he still feels it is responsible and acceptable to stay in the premises all night, regardless of whether or not he has customers in there, and whether or not he is selling alcohol, sat with his partner, getting drunk and blasting out his music. He only lives round the corner, why doesn't he just go home to do this? But to deliberately crank it up to maximum volume in continual short bursts? There is no plausible explanation other than deliberate provocation and intimidation, or he just finds it funny, our misery is a source of entertainment to him?

Prior to the sound system appearing, it was bad enough being kept awake most nights with lock ins or him and his partner having drunken rows until the early hours, shouting and slamming doors. They only seem to go home to sleep?

Please can you help rectify this issue as soon as possible, both me and my partner suffer from mental health conditions and this situation is having a detrimental effect on our well being. The installation of a sound system is completely contrary to the concept of a micro-pub that was submitted in the original application and as it was described to us.

The sound system has to go and the this man's license needs to be reviewed again, he's out of control, he's already shown his true character and lack of moral fibre with his refusal to comply with numerous other things. He's had his license reviewed at the request of the Fire Brigade due to refusal to comply with their requirements, he's been in the Magistrates Court for refusing to dispose of his waste correctly at the rear of the premises, he agreed to remove the tables and chairs from the front of our property as part of the License Review, as he had no pavement permit, only to put them back out again anyway after lockdown, as he applied for and was turned down a permit due to the detrimental effect it has on our amenity.

He's got away with so much he is now fearless and this leaves us terrified as to what will happen next.

I look forward to your response,

Revised Guidance issued under section 182 of the Licensing Act 2003 April 2018

Licensing objectives and aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are: • The prevention of crime and disorder; • Public safety; • The prevention of public nuisance; and • The protection of children from harm.

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include: • protecting the public and **local residents** from crime, anti-social behaviour and **noise nuisance caused by irresponsible licensed premises**;