

Appendix 21

The Chequered Flag, 32 Borough Street, Castle Donington, Derby DE74 2LA

e-mailed to Licensing on 28 July 2019

To whom it may concern,

I am contacting you to seek some clarification regarding the hours the above premises are open to the public (Operating schedule) rather than the licensable activities and the times when those activities take place (The supply of alcohol)

As you may be aware, this has been a long running issue which I feel has never been resolved satisfactorily.

Ever since Mr Robert Sandham took over the premises license and the management of the business we have been subjected to the continued operation of the business beyond the hours described in the license application and the variation of planning condition back in 2014. ***Please note, I am not referring to the hours permitted for the supply of alcohol.*** As discussed historically, this random operating of the business until indeterminate hours on varied days is particularly sensitive due to our home occupying the same building, in the next door terrace, and our bedroom is a flying freehold above the pub.

We were on good speaking terms with the original license holder, Mr Willies, and had no reason to object or make a representation when he applied to slightly increase the hours for the supply of alcohol, and mirrored this with the variation in the operating hours, as the applications stated exactly what was discussed, which was his re-assurance that the pub would be closed and locked up, and all business ceased, by the end times stated. He was true to his word.

This concept seems to be described perfectly on a council guide I found online for people filling out a Premises License application:

HOURS

The proposed hours that the relevant licensable activities are to take place.

HOURS PREMISES ARE OPEN TO THE PUBLIC

This area is for you to say what time the public may enter the building or premises and what is the latest time they will leave, regardless of whether licensable activities are taking place. Please remember that if you finish selling alcohol at 23:00 you may wish to close at 23:30 giving customers 30 minutes to consume their drinks before you ask them to leave.

Historically when I complained about the business staying open later than the stated hours, the focus seemed to be on the supply of alcohol, which is not the point I am raising with this email. I spent time reporting all instances of the business operating beyond the times agreed in the operating schedule to the Police, only to be advised that unless I could provide proof of alcohol being sold after those hours, or of a crime being committed, then the Licensing Officer was powerless to act. I understood that it was impossible to prove that alcohol was being sold after hours, but it still left me confused as to how the pub could be allowed to stay open until any time they wanted, regardless of whether alcohol was being sold or any crimes were being committed.

I researched the matter and confirmed, as above, that there are hours of operation that are separate to the hours permitted for the supply of alcohol.

Mr Robert Sandham doesn't seem to understand this concept, based on the different things I hear him shouting out in the pub, through my lounge wall.

Last night, for example, at 23:05, he shouted out "Last orders at the bar" and the large crowd of customers that had walked in just before 23:00 did not leave until just before midnight. My understanding is that he can sell/supply alcohol up until 23:00 but, as his operating hours mirror the supply of alcohol, he would also have to close at 23:00 and ask those customers to leave at the exact same time he supplied the with alcohol.....?

I understand that 'last orders', drinking up time, and calling time are irrelevant these days but in Mr Sandham's case, it seems that he needs educating on the facts and his misunderstanding of the hours he is allowed to be open to the public need to be corrected. In his situation last night, would it not be advisable for him to explain to

Appendix 21

customers at say 22:30 that they will have to leave the building by 23:00, so they may want to order another drink and make sure they finish by 23:00.

I've heard him shouting out all manner of different things. Telling crowds sat outside at 23:00 on a Monday night that they need to move inside, as he "has to have the street cleared by 23:00" when they should be closed at 22:30. Other nights in the week, when they have to close at 22:30, he will shout out "You all have to leave the building by 23:00"

We also have the issue of what I can best describe, is the use of the pub for late night drinking with friends. There are many occasions where he will tell people to leave at some random time, they eventually go, and then he has a lock in with friends. Sometimes the pub closes, then he re-opens later to have a drink with friends after an evening out, rather than taking them back to his own home. This situation is exempt from any cut of time, so the business premises now become a private venue, locked off to the public, I understand we cannot address the supply of alcohol as that cannot be proven, but is this acceptable in a business premises or do we just have to consider it the same as residential neighbours having friends round for the evening?

I have spent some time clarifying this calling around 20 or so different council's licensing teams to ask what their understanding of the operating hours are, alongside the licensed hours for the supply of alcohol. The unanimous answer I got was that if the operating schedule states that the hours you are open to the public ends at 23:00, for example, they must have vacated the premises by 23:00 regardless of the fact that alcohol can and may have been supplied up to the same time.

Mr Sandham generally seems to have this skewed, made up notion of 30 minutes drinking up time, which he very loosely applies once everyone has been served. So a typical evening involves regulars arriving just before the time he is meant to stop supplying alcohol and close to the public, and they remain until anywhere between 30 to 90 minutes after closing time.

Again, this would go un-noticed in a pub in a detached building and no harm done, but we are disturbed by the operation of the business at such late hours in the week, as we sleep above the premises and I have to go to work early in the morning.

Could you offer me any advice on how we can get Mr Sandham to cease operating his business beyond the permitted hours?

Is there any evidential material I could obtain to assist you, such as CCTV footage of customers entering/exiting the pub after hours, or going out for a cigarette and going back in after hours?

Just to be clear, this is not about the supply of alcohol after hours (As told by the Police, this cannot be proven so nothing can be done) it's about the operating of the business and activities that extend beyond closing time.