


## RECORD OF TAPE RECORDED INTERVIEW

<b>Person Interviewed:</b> Robert Sandham	
<b>Place &amp; Date of Interview:</b> Daffodil Room, NWLDC, Customer Services, Coalville. 25 July 2023	
<b>Time Commenced:</b> 10:36	<b>Concluded:</b> 11:13
<b>Tape Reference Number(s):</b>	<b>Exhibit Ref:</b>
<b>Interviewing Officer(s):</b> Paul Dennis Tonya Cooper	<b>Other Person(s) Present:</b> Christine Westwood

**DECLARATION:** This record consisted of 7 pages is the exhibit referred to in the Statement made and signed by me.

**Signature:**  .....

**Officer's Name:** PAUL DENNIS .....

**Signature of Officer preparing record :**  .....

(if different to above)

**Officer's Name:** PAUL DENNIS .....

NAME	RECORD
TC	This interview is being recorded at North West Leicestershire District Council in the Daffodil room, the day is 25 July 2023, the time is 10:36am. My name is Tonya Cooper, I'm the Licensing Enforcement officer here in North West Leicestershire and Paul Dennis.
PD	I am Paul Dennis, Licensing Officer at North West Leicestershire District Council.
TC	So also present is, if you could just say your full name and can I take your name and full address.
RS	Robert Anthony Sandham.
TC	OK and now your full address.
RS	Home address is 8 Clapgun Street, Castle Donington, DE74 2LE
TC	OK and now your date of birth and age.
RS	27 January 1949, 74.
TC	OK and you've brought your wife Christine
RS	Yes.
CW	I'm his partner.
TC	Partner, sorry apologies. Could you just say your full name
CW	It's Christine Westwood.
TC	And your full address
CW	8 Clapgun Street, Castle Donington.
TC	And your date of birth and age.
CW	12.03.48, I'm 75
TC	OK, thank you. So can you just confirm that there is no other person present in the interview.
RS	Yes, nobody present.
TC	OK perfect, so a copy of the code of practice is available here if you wish to refer to it at any time. You are entitled to have a solicitor present if you wish. Today you have brought no legal representation with you today, so are you happy to proceed on that basis.
RS	Yes

TC	OK, so at the end of the interview, I'm going to give you a notice and that's going to explain what will happen with the disks/CDs. So if you could just confirm that Paul and myself have un-wrapped those cd's in front of you this morning.
RS	That's observed 3 cd's being un-wrapped and inserted into the machine.
TC	OK thank you, I'm just going to give you a caution. You do not have to say anything, but it may harm your defence if you do not mention when questioned something that you later rely on in court. Anything you do say may be given in evidence. So, you are not under any form of delegation and not obliged to stay with the officers, so you are free to leave at any time. If you need a break or anything like that, we can stop the disks from recording and you're welcome to again, so do you understand the caution?
RS	Say again.
TC	Do you understand the caution, what I have just read.
RS	I understand that yes.
TC	Brilliant, OK I'm just going to let Paul get started with his interview.
PD	OK it is alleged that unlicensed activities, namely the sale by retail of alcohol took place at the premises on Thursday 8 June 2023 without the correct authorisations being in place. It's also alleged that you failed to comply with your premises licence conditions concerning CCTV. So, Robert, can you confirm your position at the premises.
RS	I'm the licence premises owner of the business
PD	Yes, and DPS.
RS	And DPS yes.
PD	Can you confirm that you are authorised to speak on behalf of the premises.
RS	Yes
PD	Can you tell us what your day-to-day role is at the premises.
RS	It's basically doing the stock, doing the cellar and running the retail side of the business.
PD	Thank you, are you aware of the permitted hours, the licensed activities and the conditions on the premises licence.
RS	Yes
PD	You are. Do you understand the premises licence conditions and are you aware of how you have to comply with them.
RS	Yes
PD	Do you have any other staff working at the premises?
RS	I have two occasional staff.
PD	Yes ok, do your staff understand the permitted activities, conditions and the times on the licence?
RS	Yes, it's fully displayed in the pub premises and they are showing the hours.
PD	OK, so it is alleged that unlicensed activities, namely the sale by retail of alcohol took place at the premises on Thursday 8 June without the correct authorisations in place. Were you working that day?
RS	I was working that day. The licence says that I can open at 12, but my licensing is from 4 o'clock. So not to ramble, Chrissy was having a procedure at the hospital that morning, so I was late starting for the day. So that's the commencement of my day that particular day.
PD	So just to clear up then you say licence says that you can open at 12, but you can serve alcohol from 4, is that opening hours from 12 o'clock then?
RS	No, I open within the licensing law. I open at 4 anyway, 4 in the week, 2 on a Saturday and 12 o'clock on a Sunday.
PD	Can I just clear then what says 12 o'clock on your licence.
RS	It just says basically opening hours on the licence.
PD	OK, so you can open from 12, but you can't serve alcohol until 4. OK. So were you working on the premises that day
RS	Yes
PD	And were any other staff working that day?
RS	No
PD	What time did the premises open and close that day?
RS	Well, I was in, I started at about 1 o'clock, I had a wine delivery coming in. So that was about from 1 o'clock I was on the premises.
PD	Right, so you opened up at 1 o'clock, you put furniture outside.
RS	Yes, I set the pub up
PD	OK and there were customers that day, who were they?
RS	The wine merchants had just delivered the wine and I was putting the wine away in the racks. It was the Download weekend and although there was a closed notice on the door, the door was open. Four Download people came in who I had not historically seen for four years due to covid, so that's where the situation started. I didn't take any revenue. The first revenue was about 30 seconds before 4 o'clock.
PD	Right OK, and you said you had some other customers.
RS	I had a friend who was sat in when you came through the entrance, who was concerned about Chrissy and I gave her a wine while we discussed what procedure she was going through and what her health situation was. But then you two entered.

PD	And there was somebody else present as well.
RS	There was one other, it was a guy who was waiting for the 4 people who had come in earlier with a view to taking them up to the Download Festival.
PD	Right, but they weren't there at that time were they
RS	No, they had left, but he had agreed to come back in and he knew that was their destination point for the collection.
PD	Right, so why did you put the furniture outside?
RS	It's a long going saga, I put it out basically because I wanted to take advantage of the Download trade.
PD	So, you wanted to sell alcohol during the day?
RS	From 4 o'clock yes.
PD	So why did you put them out at 2 then?
RS	Because I set the, I had a commitment to Chrissy, I'd got to set the pub up to go, I had to go and receive a delivery. I went back to receive a delivery and I put the chairs out, because I had potentially got to go and meet Chrissy again later on.
PD	So, you didn't take any money at all that afternoon, so it was all free? All on the house?
RS	Yes.
PD	Were there quite a few drinks then that you gave them on the house.
RS	No, there was 4 people and a glass of wine and a half of beer that the guy sat in when you came into the building.
PD	As I remember it was a pint of beer.
RS	I can't remember. So, 5 pints of beer and a glass of wine.
PD	So, there were no transactions that day at all, no receipts, nothing was sold. Are you aware of temporary event notices?
RS	Yes, I could have applied for it.
PD	Yes, £21 you could have have opened every day, all throughout Download, for £21 for seven days running
RS	As you know historically, I have had horrendous problems with the seating and that's where my frustration lies. By not having my seating, I'm not able to trade profitably. I have been fined relentlessly by Leicester County Council. The argument against the seating is the Apiary has sufficient pedestrian space. I have been through the licensing applications and the distancing has been changed three times from 1.4 metres to 1.7 metres to 2.1 metres, so every time I've tried to get it, I've not been given permission to put the chairs out. Can you just show them that. No, no, not that, the booklet. That is the pressure I've been under from Leicestershire County Council. They took me to Court and charged me £5,860 for the compilation of this information. They then declined my application. I got a solicitor involved at £700 and paid a fine for a thousand pounds and they've got the right to lift the furniture at any time. So potentially you could have reported to Leicestershire County Council and could have come and lifted the chairs.
TC	Sorry are you able to just confirm for the interview what it is that you've just taken out of your bag and
RS	It's the Leicester County Council Highways Act, taking pictures over a historic period of time and reporting the limitations of the seating. That was compiled over about 12 months, and I got put into Court and I've had a fine of a thousand pounds which has been satisfied. So that's the frustration I've got and the pressure I've been under. I've been trading for 9 years, 7 months. Covid encouraged seating through the Government and then ever since covid's gone, I've had nothing but hassle with the seating.
CW	I had an accolade from the Council for all the work that we did during covid.
PD	You did, did you
CW	We cooked 20 meals a day right the way through covid. Bert delivered them, Robert. And we helped. We got the vicar, he comes into the pub sometimes, the community and the pub, we just help people. He asked if we would host the Bishop of Leicestershire for all the work we had done. The bishop came and had an afternoon with us. I used to foster for Leicestershire County Council.
PD	So, your accolades were from Leicestershire County Council, not the District Council.
CW	I'm not sure. We don't do things for accolades. But with the frustration of the seating, it's made me ill. I just want to show you this. I'm going to show you a photograph. That is the difference between the Apiary and that's us. We put the tables across there normally.
RS	The difference is probably an inch and a half.
CW	So, we can't have tables and they can and everybody, all our customers that have been coming for nine years, everybody asks why aren't the pavement.
PD	So that's what Leicestershire County Council say, you can't have tables and chairs because of that inch and a half.
RS	Show him the Apiary
CW	Debbie does police the Apiary very well. I'm not decrying the Apiary at all.
PD	Just to clear up, for the record, you've just shown us some photographs on your mobile phone of the distance for their pavement licence and your pavement licence from a metal barred fence and from a brick wall. Just for the record as well, we do not police pavement licenses, it is Leicestershire

	County Council/Highways. We do issue new applications, that's our role since covid, we never use to. We just got that role in covid. I don't enforce pavement licenses, so if you've got issues with pavement licenses, it really is an issue between you and Highways, rather than myself
CW	It's just very frustrating and it's halving our income.
RS	I've applied through you historically.
PD	Yes, you do have to apply through us since covid that changed, but they still enforce it.
RS	They still declined it. Highways don't even abide by their own thing. They've got signposts in the middle of the road outside here.
PD	I think it was declined because you didn't have everything there.
RS	No, that's not true. My application was sent to Leicestershire County Council.
PD	Oh right, well that's different then, that's before covid then.
RS	I've sent full applications
PD	They have to come to us since covid. I think you've sent one to us. That's the only one I'm aware of.
RS	2021
PD	I believe that one was refused because everything wasn't there.
CW	Another thing as well with us, it's a micro-pub. The pub along the road, Egos, has changed into a barber, they've got outside at the back. Everybody's got outside, we haven't. We have a tiny entry which is the fire exit and so we have trading for 8 or 9 years with tables. I just can't see what the problem is. It's wearing that every single person, we get Download, we get people that come every year to go on holidays that come in to see us for a friendly chat and this sort of thing and where's the tables and it's the same old story all the time and it's really getting to us now.
PD	Right if we just go back to my questions now if we carry on then, so we were on the TEN's, so you didn't apply for a TEN. You didn't apply for temporary event notice.
RS	No, we didn't.
PD	And for the record, we didn't receive one from yourselves.
CW	But we didn't intend to.
PD	Well, it would have a good idea to, I think you will agree now.
RS	Well, is that not taking things forward? Us doing that rather than enforcement issues
CW	I'm 75, Bert's 74, I don't particularly work there, I always tell people I'm front of house. I do keep my eye on things, you know with it being small and sometimes he has to fetch stuff. What was I going to say now?
RS	There is a resolution if we re-apply
PD	If you apply for a pavement licence, it will be considered by us, yes.
CW	I know what I was going to say, we don't want to work late. We do a good early doors business. We have people who come and play chess every few weeks. We were closed about 9 o'clock last night. We just close. It's the same at weekends. We don't work to the end of the licensing hours anyway. We don't want to work out of hours.
RS	If you go back to that particular afternoon, that is really, really, a one-off. It's so frustrating for me.
PD	What's a one-off sorry.
RS	A one-off afternoon that I've actually served outside my licence. Although I didn't take any revenue until 4. I'm meticulously petrified, I've had arguments with customers, and I throw people out. Not throw, that's the wrong thing, I actually tell them 10:30, we are finished, 11 o'clock we are finished, 9:30 on a Sunday we are finished, and I don't go beyond those hours.
PD	Have you got a list of your sales that day? Can you prove that you didn't take any payments until 4? Although you said just before 4.
CW	We should have a record of the till receipts.
PD	Could you provide that?
RS	I'll do that for you, yes
PD	We'll make a note of that then, yes. So that's TEN's done. You used the street furniture that day. You knew you needed a consent, you still put it out, so why did you do that?
RS	Because of this frustration. I feel victimised and I feel isolated when everybody else on the street is breaking the regs. I can, there is one pub, I won't name the pub, one pub had lock-ins till 6 o'clock in the morning, during Download. 6 o'clock in the morning. Other people haven't got street licenses, they still have furniture out. The access points that they make in this thing.
PD	Bar Egos have a street consent.
RS	Yes, but they've not got the right access. They haven't got the pedestrian access things, they spill over onto the street. The Co-ops wrong. Um Johnsons.
PD	What do you mean by pedestrian access, do you mean the barriers?
RS	No, they say you want 2.1 metres from the kerb, pedestrian access, so that's why they declined my seating. And I know it's a frustration. I'm not trying to be angry, I'm just trying to get people, I can't understand why the Apiary can have it.
PD	No, I can't, I'll be honest with you as you have the same length pavement really. We would determine the application, if you sent it to us and I think, well I thought you had room.
CW	That's the card shop, post office.
PD	As far as I'm aware you've put in one application to us. It was then refused because you didn't have everything there. I never went out to check the distance.

RS	It went to Leicester, so that's why I got frustrated.
PD	They are an authority that we have to send the application to.
RS	Even the Highways have signed in the middle of the street.
PD	It wouldn't have been sent to Leicester though as it was never complete, we never issued it.
MP	Well, I don't understand why it wasn't complete, I'll re-submit an application, if that's alright, if you'll accept that.
EA	Have you used any street furniture since that date?
RS	No, absolutely not. We've got a ten metre by 4-meter patio area and it's now got 4 tables and 4 chairs on each table.
CW	And we've got some in our garden as well.
PD	Right moving on now to cctv. So, these are your conditions. So, I requested the cctv on 14 June. Not for the first time you failed to supply the footage.
RS	Yes, I agree with that.
PD	Despite being told the cctv was in working order on the day, so why did you fail to supply the footage?
RS	Because when I put the ub stick in to download it, it said data was full. I bought 2 new ub sticks and I couldn't transfer it onto that ub stick, so I went to the maker of the cctv system and asked their technical people what to do and they told me a route to follow. When I followed the route, it came up with 2 lines of storage. One was a usb stick. So, I deleted that because that was empty and the other one had got data on it, so I went to download it onto the usb stick and the whole lot just deleted. It wasn't a deliberate act I can assure you. I'd been trying for a day and a half, so it's the frustration. I'm not trying to be obstructive; it was just a blind error.
PD	So, if I can just go into your conditions on cctv then or some of them. So, one is the images/recordings are to be downloadable in a suitable format and provided to any member of a responsible authority upon request and without undue delay. So, I requested it on the 14 <sup>th</sup> June and then 10 days later on the 24 <sup>th</sup> , you sent me an e-mail saying you were running late. So, do you consider that to be without undue delay?
RS	I was still within the time period you gave me and I was having difficulty getting the information to you, that's the problem I had.
PD	I didn't actually give you a time frame.
RS	Well, it's open ended then.
PD	Right so moving on then, Images and recordings must be of evidential quality and must indicate the correct time and date and be kept for at least 31 days. So, on the 28 June, 20 days after the alleged unlicensed activity, you advised me it had been wiped, so therefore it wasn't kept for 31 days.
RS	Yes, well I was trying to get that information and download it to you and that's when it was wiped. I didn't do it as a deliberate act. I swear by that.
PD	In the past you have requested help with this cctv.
RS	Yes, I have, the guy who I usually use is working in Manchester now. He kept saying he would come, he would come, he would come, and I couldn't get him to come and help me so, that's when I tried to do it myself and I made a big error and that's what I did.
PD	So, the last condition I will mention then on cctv, all staff are to be trained in the use of the CCTV system and at least one member of staff must be on duty who is trained to download the systems images should any member of a responsible authority make a request for the footage. That to me suggests that you should download it there and then. You should have somebody onsite who is able to do that. Do you consider yourself trained and able to use the cctv system? And are you able to download the systems images there and then?
RS	Well, obviously I've got a limited knowledge of the cctv
PD	So, you will admit you are not complying with that condition then?
RS	mmm, well what I'm saying is yes, I need to get compliant with it, so that's it, yes.
PD	You say you have got two other staff, are they trained and able?
RS	No.
PD	Just to go back to the unlicensed activity, which is having customers in, in the afternoon, do you recall receiving letters from the us before with regards to unlicensed activity?
RS	I've been forward to full council briefing at some stage historically and I adjusted my hours, because they were too long. I reduced, I could have been 12 o clock until 10:30, but I agreed with advice to alter the hours to my opening times, 4 o clock.
PD	I'll go through a few with you then, so on the 2 <sup>nd</sup> of February 2020, there were two breaches of Conditions - A complaint was received concerning numerous instances of licensing activities taking place after hours. Licensing visited the premises on 4 February to request the cctv. The premises licence holder advised that he did not have a current working cctv system, despite having the condition on his premises licence to have cctv installed by 1 November 2019. The cctv was not provided on that occasion.  On the 26 <sup>th</sup> of October 2020, a complaint concerning public nuisance/noise and alleged licensing activities after the permitted hours over 23/24/25 October. Licensing requested cctv footage for Friday 23 October 2020. There was a breach of conditions, again the footage was never received.

	<p>On the 5<sup>th</sup> of July 2021, a complaint was received concerning alleged public nuisance and out of hour licensed activities. Licensing requested the cctv footage for this incident on numerous occasions. There was again a breach of conditions, the premises licence holder was in breach of his licensing conditions as the footage was not provided.</p> <p>And lastly, on the 31<sup>st</sup> of August 2021, a complaint was received concerning alleged out of hours licensing activities on Saturday 28 August 2021. On receiving the complaint, the premises licence holder was asked to provide cctv footage on numerous occasions via letter, e-mail and telephone. The premises licence holder said it was a private party for football supporters on Saturday morning before the 12:30pm football match between Derby County and Nottingham Forest. There were breaches of conditions, there were possible breaches of out of hours licensing activities and again the failure to provide cctv footage to an authorised officer. The premises licence holder also admitted that he is in breach of a further licensing condition. According to the licensing conditions, he is required to keep cctv footage recorded for 31 days and he admitted his cctv system at the time, only retained footage for 24 days. So, there are numerous other...</p>
RS	Historical issues yes...
PD	... very similar, where you were accused of unlicensed activities and perhaps, conveniently you can't provide the cctv.
RS	mhhh
CW	It's not convenient though,
PD	That concludes all my questions for the interview, would you like to make any further comments, it's your chance to support your case, if you want to say any thing, this is your opportunity.
CW	Yes, a lot of complaints came from the neighbour because there are people that live above and they.
PD	The complainants are anonymous. We would never say where the complaints came from.
CW	But I know they have complained and at one time, they poured some liquid out the window, like smelling salts things or I don't know what it was, but the customers came the next day, and you could smell it on the pavement and everything. We had to scrub all the pavement and everything like that, so they just really don't like us being there basically, so I know we've had complaints from them. I know other people complain as well about the Apiary and everywhere, we get a lot of people thinking it's us like we've got sick outside and it might come from the Apiary and it gets to us, so there's all sorts of things that go off that we get complaints for.
RS	On a Thursday, there's Harley Davidsons invited by the Apiary, and they fill the whole street. They never come in our bar, possibly occasionally somebody will do, but we've been linked with that and it's not us. It's just, I don't know what to say to you really. I don't know what the result is, if you could explain your course of action from this moment, I would appreciate some comment.
PD	My course of action Robert from now, I go back and talk to my team leader and I write a report of my findings. It gets passed to him and it's his decision how he takes it forward. It's not my decision. It will be up to him and my manager and there's numerous possible outcomes that could happen.
RS	Such as
PD	It could be no action, the best outcome for you. It could be just a warning letter that goes on your file. It could be a review of your licence. And there are numerous outcomes that can come from a review of your licence. For example, conditions can be added, the DPS could be removed or the licence could be revoked. Another option could be if we thought you had served alcohol outside of your conditions and licensing activity times, we could potentially prosecute you in Court. I mean that's going from best to worst. I don't know what course of action they will take. It will be up to my team leader and manager.
RS	And what's the length of the decision process?
PD	There isn't a length, there's no set time. There would be a time limit if it went to Court. I think it's 6 months. There is a time limit. It may well be 6 months from 8 <sup>th</sup> June, but I would have to ask our solicitor.
CW	I just hope that it's sooner because as I say it's making me really ill and I am ill, I've got problems and it's making things worse. And I've got a brother on end of life and all this sort of thing, so I need to get it done as soon as possible. If you can, I'd be very grateful.
PD	I can promise you I'll draft the report, I'll do my part as soon as possible.
CW	This is our bread and butter the pub. We came together late on in life.
PD	At the end of the day though, you won't be affected whilst this is going on, you will stay with your licence intact and you can continue. It's not going to affect you immediately.
CW	Can we still apply for a table licence?
PD	Yes, of course you can. We can't stop you from applying. If you provide everything, we will take that forward.
RS	Okey doke.
EA	Is there anything else you want to add?
RS	No, I don't think so.
PD	If Tonya Could just finish off

TC	Sorry, just one more thing before we close the interview. You said you would be able to provide evidence that was no transactions or sales made on that day in question. So would 7 days be enough time to get that to us.
RS	Yes, that's fine, I need to find the particular day till role and then find our area, the area.
TC	OK, so if we agree say a week, that will give you sufficient time to get that to us then.
RS	So, if we agree that, I'll get that to you.
PD	Does that have the date and time on it?
RS	Yes, it's usually dated and timed and it comes through on a flow on the date and time.
TC	So, we'll look forward to receiving that. After that being said, is there anything else that you want to clarify or anything else that you want to add.
RS	No, I think we are fine.
TC	OK, so what we are going to do is complete this notice. I'll just go through it with you. It just explains the use which will be made of the recordings and the provision for access. So, the interview has been recorded onto 3 disks. And these disks have been sealed in your presence and will be kept securely and treated as an exhibit for the purpose of any criminal proceedings. The other cd, well two of them are going to be sealed, the other cd will be a working copy to which officers of the council and the defence may have access. So, both cd's contain devices against tampering. If you do not have a solicitor now, you may wish to consider whether you should seek legal representation. If, however, you wish to remain unrepresented, you will be given access to a copy of the recording, should you request it. Again, your interview was recorded on 3 disks. The investigating officer is Paul Dennis and Tonya Cooper has been here as an administrator type role. So again, it will give you instructions on here, how you may wish to obtain one of these cd's. Here's your copy. I'll give that to you.
RS	One question before you close, just thinking about it, if this is going forward to council, is that what you said, but slightly different rather than the management team on the licensing side.
TC	I think it will be up to the licensing team leader and the manager whether or not, it gets sent to a licensing sub-committee or not if they want to review the licence. But if they do want to review the licence then you will be notified, There will be a time period to which
RS	Right OK cool
PD	If it is reviewed, you will have a copy and there will be a notice outside your premises for 28 days.
TC	Yes, there's a 28-day consultation period. So can you just confirm that you have received a copy of that notice?
RS	Which notice?
TC	The notice for how to obtain the cd's.
RS	Oh yes, I have received notice in person whose being interviewed and I'm aware everything is being recorded on 3 disks.
TC	So, the time is 11:13am and I'm going to switch off the recorder.
RS	Okey doke.
TC	Thank you