

**Neighbours' Representation Supporting Review of Premises Licence
The Golden Lion Pub Bromsgrove - 22/04625/REVPL - September 2022**

1 Introduction

We support the review of licence conditions for the Golden Lion pub in Charford, Bromsgrove, primarily because the Golden Lion has repeatedly failed to promote the licensing objective '**Prevention of Public Nuisance**'. As neighbours living on Farrier Close just 18m to the side of the pub building, and our house itself being situated right on the boundary of the pub land (as shown on the attached Proximity Map), we have been, and continue to be, repeatedly and regularly disturbed by noise from both customers and from amplified entertainment sounds causing a Public Nuisance. Given our close proximity, inevitably, any significant noise in the pub grounds, or emanating from the pub into the pub grounds, can also be heard in our house (particularly bedrooms and bathroom in the evening when we are relaxing or trying to sleep) and our gardens, front and rear. Despite neighbours' collaborative multiple discussions and interventions recently (including sound monitoring, a Noise Abatement Order and Additional Voluntary Conditions), ongoing noise disturbances have been, and continue to be, regularly inflicted upon us. This disturbance has been virtually continuous (aside from Covid closures) since 2019, and throughout the succession of the last 5 licensees, causing unacceptable nuisance, disturbance, major stress, and spoiling 3 successive summers. While we acknowledge some recent improvements (with the temporary licensee *currently* choosing to close at 11pm and not to host noisy evening entertainment events), the ongoing situation *still* remains intolerable, and we are utterly frustrated with repeating the time consuming complaints and monitoring process with each new licensee, then having to start all over again when the licensee finally accepts their residential area constraints and moves on. Thus, we support the request for **permanent, unambiguous and enforceable changes tied to the licence rather than an individual licensee**, as proposed in Cllr. Harrison Rone-Clarke's application. Some of these requested changes seek to formalise and commit the recent current practices for our long-term protection; others seek reasonable improvements to the current situation, given the residential location, to eliminate the ongoing Public Nuisance.

Additionally, the existing late alcohol licence (currently 1am at weekends) and entertainment licence goes against the Licensing Objectives '**Prevention of Crime and Disorder**' & '**Public Safety**' as the customer arguments (and even fights) observed by residents correlate with prolonged, late drinking and entertainment events in the pub. The out-of-town-centre location of the Golden Lion, as well as its late night licence and its entertainment, encourages parents to also bring their children along with them and stay late, contrary to the '**Protection of Children From Harm**' Licensing Objective.

In summary, we believe the pub needs to: formally return to compulsory earlier permitted serving times of 11pm; clear all people from the entire site by 11:30 at the latest, minimise lighting and close off the car park; minimise outdoor people noise after 9pm by keeping the customers inside as much as possible and limiting how long they stay outside for; keep any indoor music as volume-limited background level not entertainment volume with no live entertainment; adhere to the existing no loudspeaker/amplifier outside planning condition; ban children from the entire premises from 9pm; ban ballgames and playing on bikes/scooters/skateboards; ban outdoor alcohol sales; and not allow additional permanent or semi-permanent outside structures. There is a time and a place for everything, and we believe the Golden Lion, in close proximity to homes, is not a suitable location for discos, karaoke, loud events, outdoor parties, playground activities, nor late evening outdoor gatherings. In addition, we need active monitoring of outdoor noise levels, both day and night, with challenging action and practical consequences for noisy customers.

2 Details of Contraventions of 'Public Nuisance' Licensing Objective:

- **Entertainment:** Loud disco music, karaoke and DJs from inside the pub can be heard inside our home (particularly the bedrooms and bathroom), often at sing-along volume (not just a drum/bass), sometimes through closed windows or above our own TV so we cannot escape from it. We do not believe the pub is a suitable venue for any musical 'entertainment', only for quiet background music, as the doors *have* to open for customer access/egress, letting the sound frequently escape. Experience has shown that it is *impossible* to prevent loud music inside from emanating outside, even when the licensee attempts to adhere to the new conditions to 'keep doors and windows closed when there is entertainment', and, in any case, neighbours have observed doors still being propped open. Outside music, from speakers (eg 09/07/22) or the outdoor TV at the rear, and previously a ghetto blaster at the front, has also disturbed us. It has been heard right down the entire close.
- **Customer Noise:** Noisy adult customers frequently and regularly stand or sit outside, swearing, shouting, whooping, screaming and singing in the pub beer gardens (front, back and side) and car parks. Often the same

voices are heard shouting and swearing for hours on end, until the early hours, often long after the pub has finished serving (including frequently with the current licensee, way beyond the half hour drinking up time eg 12:25am 22/07/22). This tends to be worse on entertainment nights which attract more customers and cause them to join in with the music or shout louder outside over the music. The nuisance is of course worse in the warmer weather when our own windows are open more, and more customers choose to stay outside for longer. The nuisance is greater the later it occurs, so is worse when the pub continues serving into the early hours. Even when there is no music from the pub, customers have still been heard playing music from their own cars in the car park, which staff are either unaware of, or unconcerned about (eg 05/08/22). Following informal agreements to protect neighbours at the rear, then formal Additional Licence Conditions preventing alcohol being consumed outside after 9pm since late January 2022, the *rear* beer garden has been closed from 9pm recently. This has, however, actually *worsened* the problems for us, and only *moved* a problem from the rear to the front, as customers simply relocate. People are still noisily outside for hours - outside the front door, to the side, or on the front carpark or front picnic benches, sometimes just a few metres from our bedroom windows. The 'no drinks outside after 9' rule is often flouted (eg observed 02/07/22). The pub has become a local 'hanging around park' and it frequently sounds as if there's a party going on in our own back garden, and is quite impossible to 'switch off' from. At the front of the pub, the late night people noise situation is worse than it ever was pre-Covid (eg until 2:15am on 10/06/22 under the current licensee)! Additionally, we are frequently awoken in the early hours by shouting people (who may or may not be customers) on the pub front car park (eg around 5:30am on 25/08/22).

- **Aggression and violence:** When customers get tipsy or drunk, noisy arguments and fights break out, often outside where staff seem to be oblivious to it until it gets extreme (eg, we were forced to call the police due to a recent fight at 12:30am on 28th May 2022, in contravention of Licensing Objectives '**Prevention of Crime & Disorder**' and '**Public Safety**').
- **Children's Noise:** Children are regularly heard screaming and shouting (indeed, we have heard them being encouraged to shout louder by the adults eg 24/06/22!) Children are regularly heard playing on scooters and kicking/bouncing footballs in the car parks, treating it like a play park, including late at night (eg after 11pm on 02/09/22 in contravention of Licensing Objective '**Protection of Children From Harm**'). The recent additional licence condition banning under 18s from the premises after 10pm is frequently not being adhered to. The pub's unsupervised bouncy castle encourages screaming and it's blower is noisy. We have been disturbed by several children's birthday parties held outside (eg 14/05/22), including amplified music.
- **Drugs:** We have smelt people smoking drugs in the car park from our bedroom and gardens (eg 10/09/21 in contravention of Licensing Objective '**Prevention of Crime & Disorder**').
- **Lifts and traffic:** We hear frequent honking car horns from taxis and lifts (eg 12:24am 08/07/22), or simply from passing motorists on Austin Road greeting the customers they see at the front or side of the pub. We are also disturbed by noisy engines repeatedly revving and music from car stereos. Obviously, this is more of a nuisance later at night, and sometimes occurs long after the pub has finished serving, so the earlier the pub closes and the site is cleared, the better. We are sometimes awoken by people in the front car park playing car stereo music in the early hours of the morning before driving off or getting lifts (eg 7am on 23/07/22, 4am on 30/08/22).

3 Public Nuisance Context and Statistics

- When we bought our home next to a pub in March 2000, we accepted a risk of an *occasional* Public Nuisance disturbance. We have lived for 22 years mostly in relative harmony with the pub (with occasional issues being sorted with phone calls or more formal approaches over specific issues). The change in licensing laws to allow later opening in 2005, and the banning of indoor smoking in 2007, have made the situation worse. The Public Nuisance situation over the last few years has been utterly intolerable, however, both before and after Covid. Despite Additional Licence Conditions (January 2022) and recent changes to opening hours and entertainments from the current temporary licensee, The Golden Lion still has a noisy and lively culture, particularly in outside areas, causing a significant Public Nuisance, and this has *worsened* at the front of the pub, next to our home.
- There have been 5 short-lived licensees since 2019 (one twice), *all* of which have caused repeated Public Nuisance to us. We have been listing a continuous log of disturbances (see attached) from 13th August 2021 to 4th September 2022, just over a year, covering the last 4 licensee's periods (one of them serving twice). Our log is now 23 pages long, we have been disturbed on 96 different days (see spreadsheet calendar) - some of these have been multiple times in a day, many are continuous for hours on end, and many have been successive days where entire weekends or holiday periods were ruined. 44 (46%) of these disturbances have continued (or started) between 11:30pm and 7am when we are normally sleeping. Disturbances are most frequent on Friday and Saturday nights; we have been disturbed on 42 out of 56 (75 %) of weekends (might have been more if we weren't away some of the time!). We have not gone a single whole week since February without a Public Nuisance disturbance (excluding our holidays).

The frequency of disturbance is, of course, lower in the wintertime as i) fewer customers stay outside; ii) customers remain outside for a shorter duration; and iii) our bedroom windows are less likely to be open.

4 Suggested Specific Licence Amendments To Protect Residents From Public Nuisance

- **Permitted hours** for Late Night Refreshments Inside, Sale of Alcohol On and Off, and all licensable activities (Recorded Music, Dance, Films, Sporting Events) reduced to 11pm at the latest (in combination with the existing condition 'outside areas will be cleared and empty of persons no longer than half an hour after closing')
- **Opening Hours** reduced to 11:30pm at the latest (supporting the clearing of the site above)
- **Outdoor lights** to be turned off half an hour after closing ie 11:30pm at the latest (to discourage people from gathering or staying without the licensee's knowledge)
- A **barrier** put up at the car park entrance overnight from 11:30pm to 7am (to prevent noisy use of the car park in antisocial hours by people who may or may not be customers).
- No playing of **recorded music outside** the building from speakers or TV, nor directed outside from an indoor location e.g. just inside a window (this is already covered in the planning permission as 'no loudspeaker or amplified music shall be located in the open air on this site' but is not specifically included on the licence itself).
- No Performance of **Live Music** inside the premises
- Permitted hours for Playing of **Recorded Music Inside** the premises reduced to 11pm and **explicitly limited to 'background ambient' volume**, not 'entertainment' (eg disco) level. (This may require an absolute decibel limit, bearing in mind that the doors *have* to be opened frequently for access/egress, set by WRS in consultation with neighbours, as licensees have previously argued about what volume is acceptable. The current clause 'noise...shall not emanate from the premises so as to cause a nuisance to nearby properties' has been shown to be too subjective.)
- No **outdoor sales** of alcohol (and removal of the outdoor bar built for Covid restrictions).
- No **outdoor 'beer garden'** availability *anywhere* on the premises after 9pm. Use of outdoor space (whether front, side or rear) should then be **limited to a short, quiet break** only, and not deliberately concentrated around any single exit. (To prevent the use of the outside areas as a late night public hanging-out 'park', with or without alcohol, in combination with the recent condition 'alcohol and food shall not be consumed in external areas after 21.00'. Also to prevent noisy groups simply relocating from the rear beer garden to the front areas. This is already partly covered in the planning permission as 'garden areas shall not be used except between the hours...21:00 each evening' but is not obvious on the licence itself).
- **Under18s** will not be permitted to remain on the premises after 21:00 (current condition is 22:00 whereas many pubs have a 9pm deadline; families are still bringing youngsters and babies to this particular pub and forcing them to stay up late).
- Regular **checks on and challenge to customer noise levels** outside by staff with **action taken** (eg logging and warning then banning them from the premises).
- No **ball games**. No riding bicycles, scooters or skateboards. (For safety and noise levels. This is a public house, not a public park.)
- No **gazebos** or other semi-permanent shelter structures to be put up in car park or garden areas.
- Any references to 'premises' make it clear that this term means the *entire site* ie inside and *all* outside areas; any references to 'beer garden' replaced with 'all outdoor areas' (so it is unambiguous and includes front, rear and sides, seating areas, smoking hut and car parks).

We are aware that New Year's Eve is exempt from normal licence arrangements, and that there are procedures available for licensees to occasionally apply for special event arrangements. We ask that neighbours be informed of any such future applications. We are supportive of *occasional* daytime community events such as summer Bank Holiday Fun Days involving music, bouncy castles, food and drink etcetera, but these need to be: rare (limited to twice a year); isolated (not preceded or followed by other events over the same day or weekend); daytime (finishing by 6pm at the latest); and advertised or notified at least a month in advance (so residents can plan around such inevitable but short-lived occasional disturbance).

5 Personal Impact of Contravention of 'Public Nuisance' Licensing Objective

Our **quality of life has been, and is still being, significantly affected** by the disturbances from the Golden Lion. The noise levels have:

- **Caused us to have to ring the police** due to fighting (28/05/22), and caused us genuine **fear** that someone would be killed or seriously hurt.
- Often **awoken** us at night and early morning. Frequently **prevented us from being able to get to sleep** when we go to bed. It is very difficult to 'switch off' from music or from human voices, especially when swearing or aggressive. This is very frustrating as we need to be up early and alert for work, even at the weekends. **Forced our daughter to wear ear plugs** to sleep.
- **Forced us to close our windows**, including in some very hot weather, to escape from the noise, and even with closed windows, the noise (both voices and music) is still sometimes inescapable. We feel like prisoners in our own homes.
- **Spoilt our peaceful relaxation** in our gardens and bath-tub and even watching TV; spoilt our meal times; spoilt our concentration when working from home.
- **Prevented us from inviting visitors round**, particularly at weekends. For example, we dare not invite our young grandson to sleep over, or invite friends and family round for a weekend barbeque in our garden. **Embarrassed us** when friends or family visit in the daytime or early evening (both the noise level and the frequent foul language).
- **Caused prolonged stress & anxiety**. The ongoing public nuisance is causing genuine **mental health issues**. We lie in bed trying to sleep, but instead feel anger, frustration, stress and anxiety due to the Public Nuisance noise disturbance, and become wide-awake. This has manifested itself in **sweats, stomach cramps, heart palpitations, tears and even in pub-related nightmares!** It has been a significant factor in one of us changing to a less-stressful (lower paid) job recently. This anxiety is caused not just by the disturbance on each particular occasion, but also by:
 - The **repetition of disturbance** week after week, the **dread of expected disturbances** (eg discos, Friday nights), and the **succession of disturbances** ruining entire weekends/bank holidays at home (e.g. when daytime parties or Fun Days are followed by evening discos and repeated the next day and evening).
 - The ongoing **frustrations of repeated attempts** (with WRS, our Councillor and neighbours, and the brewery) to address the issue over a long period of time, and our **anxieties for the future**. Neighbours have spent over a whole year logging incidents, recording evidence, and negotiating changes, yet still the disturbances continue, and new and old licence conditions have been broken by each successive licensee. Despite some specific improvements recently, we have no certainty that the more problematic later opening hours and entertainments won't resume at any moment under the current or future licensees. New licensee adverts continue to give potential landlords false expectations about what will be acceptable to neighbours, with respect to beer gardens and entertainments, so we fear the cycle will constantly repeat itself. Disturbance from the pub has been **constantly on our minds** since the first Covid re-opening, both in response to current disturbances we experience, and worrying about the licensee's imminent planned or future activities.
 - Worry over the **nonchalant response of pub customers** to following rules, and their **aggressive** responses to having their activities curtailed, including recently under the current licensee. We have heard arguments with the licensee when they have (occasionally!) tried to intervene to quieten customers down outside (eg 08/07/22 – after which, customers continued being noisy for a further half hour and *added* car music; also 17/06/22; also 07/04/22 – "I've asked you five times to come inside...."). We have seen customers drinking outside after 9pm (eg 01/07/22), seen customers leave with open drinks and with children after 10pm, and even carry glasses into the Co-op shop opposite (02/07/22). We have seen males still drinking and talking loudly at 1:30am and when asked to be quiet (at great risk to ourselves as we were so exasperated) still insisted they would finish their pint first (15/04/22)! We have heard parents encouraging their children to "yell louder" (24/06/22) and have heard children on site after 10pm (eg 1:25am 10/06/22, midnight 29/07/22, after 11pm 02/09/22). We have heard anger vented directly at neighbours (eg 17/12/21 "move to a f*cking pub ...f*cking reprobate...what do you expect?" and heard a neighbour's recording of a customer shouting "F*ck the neighbours" on 21/05/22).

6 Conclusion

We have a right to have peace in our home, to sleep quietly at night, to enjoy our gardens, to be able to open our windows when we wish, and to invite friends and relatives round without fear of what they might hear, and not to be frequently annoyed or constantly anxious. The activities of the Golden Lion have been, and still are, contrary to the **'Public Nuisance'** Licensing Objective, and are having a **major long-term impact on the quality of our lives**.

While we empathise with customers' wishes to have a late night out, to hang around outside with friends, and to be entertained, but we believe that the Golden Lion's location, in a residential area very close to properties, is not a suitable venue for any loud or late activities. We need long-term protection for *all* the surrounding neighbours.

The Golden Lion is affecting our lives and our mental health in our only home, our garden and our sanctuary. Licence amendments as suggested would only affect a small number of customers' choices for recreational entertainment. The key licence change proposals mirror some of the current licensee's current management choices, so there is little 'loss' to the licensee nor reason to object to these. Such unambiguous and enforceable conditions would help to protect neighbours from nuisance now and long-term, under any current or future licensee, in combination with proper active management of customer activities, noise levels and enforcement of the conditions.

We plead with the Licensing Sub-Committee to vary the Golden Lion's Licence to include the permanent changes and additional restrictions suggested.