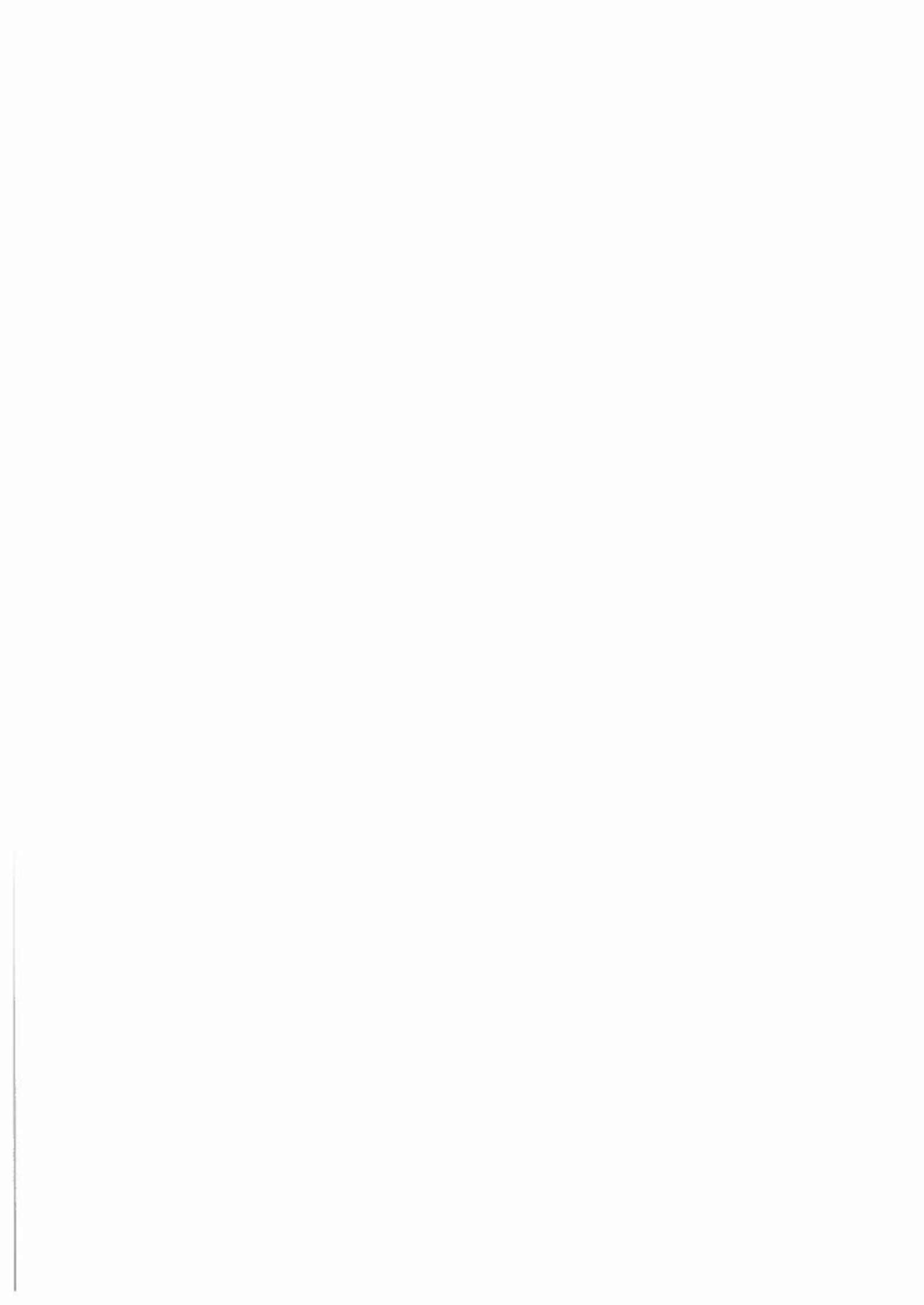


Appendix B

Review Application submitted by
Mr Challands of 42 High Street



Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I PETER CHALLANDS
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description OLD MILL BAR REAR OF 40 HIGH ST	
Post town LEAMDLOES	Post code (if known) SY18 6BZ

Name of premises licence holder or club holding club premises certificate (if known) MR PETER KEVIN MCCREADY

Number of premises licence or club premises certificate (if known) OONN/PREM/M/000541
--

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

-
-
-
-

Please state the ground(s) for review (please read guidance note 2)

Please see attached letter -

(a) Crime + Disorder issues - people urinating o/s home, drunk people very late at night right by house, damage to property. Many other issues included in letter sent 28/5/18.

(b) Nuisance - noise issues. Have reported noise issues for almost 3 years. Late night noise as direct result from drunk people. Music + people. Smoking / congregating a matter of feet away from house.

+ Please see letter for full information.

Please provide as much information as possible to support the application (please read guidance note 3)

Please refer to the letter – multiple issues identified relating to breach of licensing objectives.

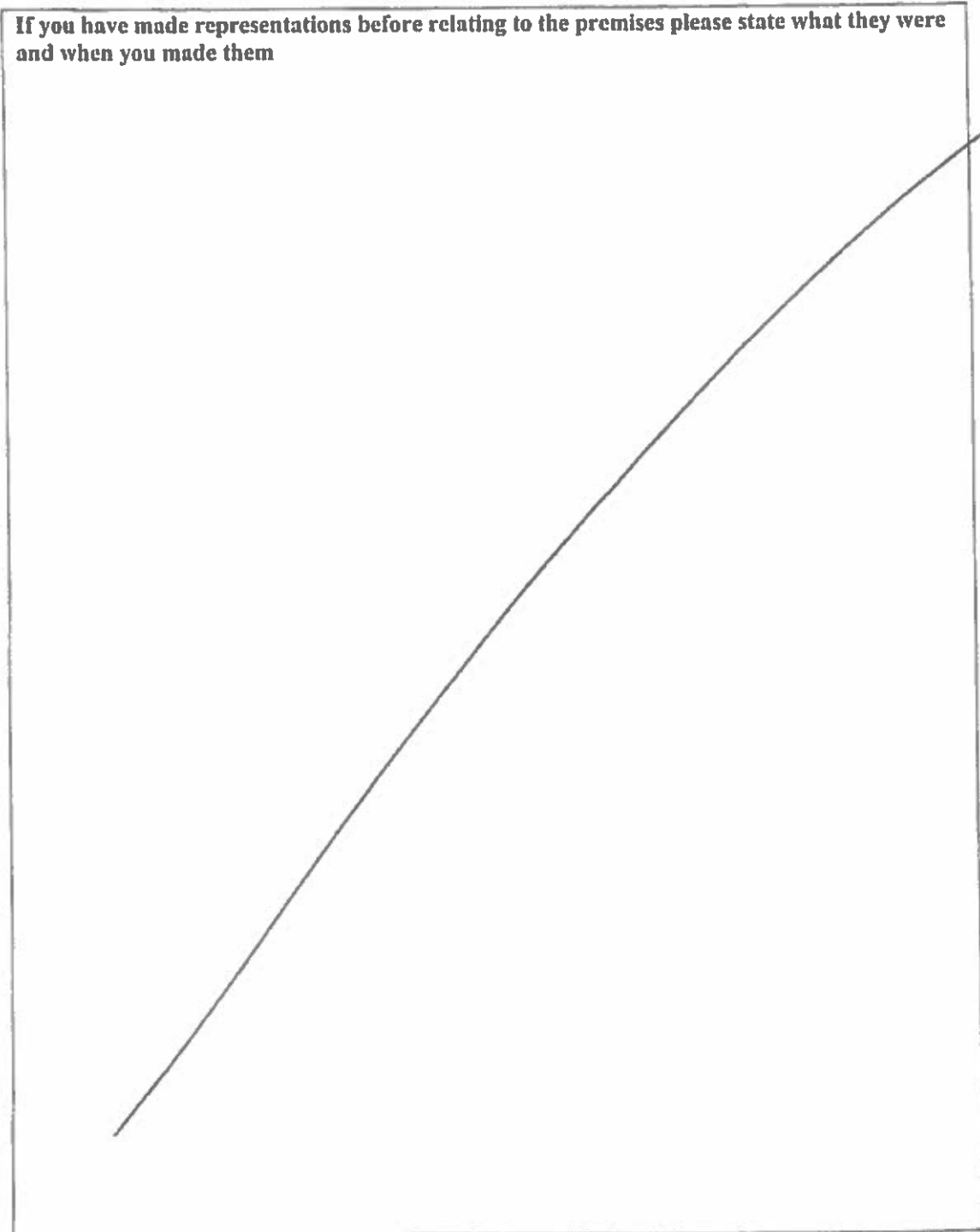
Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them



Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

..... 

Date

..... 31st MAY 2018

Capacity

..... APPLICANT

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

29 MAY 2018

REQUEST FOR A REVIEW OF THE LICENSE OF THE OLD

MILL BAR, LLANIDLOES

ENVIRONMENTAL HEALTH SECTION

TO WHOM IT MAY CONCERN:-

The building in which the Old Mill Bar is situated is in many ways unsuitable for a licensed premises. It is rambling, near to residential property, yet not fronting onto a road. When it was the United Services Club, the operators understood most of the problems, and ensured that they, and their members who drank there, were generally quiet, well-behaved, and considerate of their residential neighbours (all of whom continue to live here). As they had the Function Room as an integral part of their business, they were able to channel any potentially noisy events to that non-residential side of their complex. The current owners decided that they could make more money by separating the Old Mill Bar from the Function Room, and chose to operate the latter themselves.

Most of the potential problems consequent upon this separation, which we and our neighbours had anticipated in our initial submissions to the Licensing Committee, have come to pass, with no apparent remedy as long as we have been the sole household flagging up the concerns. To make matters worse, other problems have arisen which we either had not, or could not have, anticipated, and these too have not been adequately addressed to date.

Our primary concern is noise nuisance, which takes three interlocked forms, collectively severe, and all exaggerated by the fact that we and our High Street neighbours (by virtue of living in a Conservation Area) do not have the benefit of double glazing.

The first is the random noisiness of people "in drink". Living on High Street, we knew from the start that well into the night, particularly at weekends, people would be walking past our home, often in groups, and frequently talking loudly, singing and shouting. But we would generally expect that to ease back not long after midnight, with only occasional revellers thereafter. The gradual evolution of the Old Mill Bar from its initially-promised incarnation as a "Family Friendly Cafe-Bar" to a late-night drinking destination has brought such groups passing the front and (tangentially) the rear of our house with greater and later frequency, particularly when a licence extension has been granted. Because of the arbitrary and frequently abrupt nature of this noise, it is often not possible for anyone to relax into sleep either at the front or the rear of our house until well into the early hours at weekends, and it is difficult to make illustrative recordings.

The second form of noise is music; in our case in particular, electronically amplified music. I think it is important to grasp that the combined physical configuration of the Old Mill Bar, the courtyard, and those residential properties which share the courtyard appears to result in different acoustic consequences in each residence. For instance, the flat at No. 44, which has a common party wall with the Bar, seems to suffer substantially (but far from exclusively) from the semi-acoustic Folk Evenings on a Sunday: these events barely impact on our house. However, there is no doubt that heavily-amplified bass notes, particularly those prevalent in Dance and Reggae, leak uncontrollably from the Bar and pass right through our property, to the extent that we can feel them shaking us in bed at the front of the house.

After two years of attempting (and failing) to negotiate a moderation in the amplification used under the control of the then licensee, Tnisha Johnson, we felt obliged to bring matters to the attention of Powys County Council. We were referred to the office of Senior Environmental Officer Paul Bufton, who has been our primary contact point for the past three years. During the first year of his involvement, we felt a real prospect of resolution was on the cards. It was suggested that the licensee should be shown a maximum setting on the Bar's amplifier which would ensure that we would not generally experience intrusive noise levels of above 36 decibels after 9pm. One evening, Mr Bufton & his colleague visited our property and the Bar simultaneously with sophisticated equipment to facilitate this.

This limit was quickly, grossly, and frequently, breached, primarily by the licensee permitting DJs to bring their own amplification systems to the Bar, with noise levels often far in excess of 36 decibels until 2am. (Admittedly, several other pubs in Llanidloes were also regularly and excessively musically noisy several years ago, but their output seems to have now been generally much reduced).

For the first few years of this noise nuisance, our evaluation was necessarily subjective: we would, for instance, know that the volume was too loud by virtue of a particular Bar window-pane vibrating noisily and synchronously with the loudspeakers. More recently we have been using a decibel-meter app on our smart phone which, while not calibrated to courtroom standards, gives a fair sense of noise levels. Mr Bufton will I think confirm that an increase of 10 decibels (because it is a logarithmic scale) represents a doubling of volume. When we get a rhythmic peak of 61 decibels in the early hours, as we did recently, this would seem to me to be a noise level five times greater than that limit which had seemed to be within our reach several years ago. Although perhaps not a perfect analogy: imagine having to

put up with traffic driving repeatedly at 150 mph through your 30 mph residential area!

To be fair to the previous licensees, they did attempt to improve the acoustic insulation of the place a year ago (apparently without seeking Listed Building Consent for their works), but it seems to have had little effect. The most meaningful amelioration we have secured has been the current reduction by Licensing of the extended hours for Temporary Event Notices from 2pm to 1pm. For the last year or so, we have provided Mr Bufton with real-time recordings via the Council-approved Noise App, to give him something of a flavour of that which we have been obliged to endure.

The third form of noise nuisance is recent, and apparently malign. Whilst superficially it appears to derive more from matters relating to planning, you will see that

...Christmas-time 2017, two things happened. The then sole licensee (Trisha Johnson) apparently transferred the business of the bar to Alex McCready, who was to be supported in his project by his parents Peter and Sharon. By the same time, Ms Johnson had moved out of the flat which was now being lived in by the bar helper/cleaner and her partner, who works elsewhere. (It is unclear whether they are direct tenants of the owners, or sub-let from the licensees).

Mr McCready senior (Peter) met with me in our house in February; during this meeting he assured me that the Emergency Exit from the Bar would not be used, and that the Main Bar entrance would be kept shut, in order to keep the noise down. I in turn told him that, until acceptable levels of noise had been established and achieved, I would continue to liaise with Mr. Bufton at the Council.

Following a predictably noisy late night event at Easter, yet again using a brought-in amplifier, I raised further noise complaints which led to a visit to the Bar on Monday 23rd April by Mr Weaver of Licensing and Mr Bufton, when I believe they saw not just the licensees but the owner. Not long after that meeting, Mr Evans (the owner) wrote to me that he would be removing all our rights at the rear of our property within a fortnight. We sought legal advice, and it was confirmed that we (and all our High Street neighbours who share the courtyard) have a number of rights through equitable easements, such as the right to put washing lines across to the Old Mill, put chairs and tables out to facilitate sunbathing, &tc., &tc. A letter was sent from our lawyer to Mr Evans to notify him of this, which requested him also to inform his tenants that they must not infringe these rights. Mr Evans almost certainly received the letter on the morning of Saturday 5th May, it having been sent first-class from Newtown on the Friday afternoon. Between the date of their meeting with Messrs Weaver and Bufton and the Saturday morning the current licensees (and the flat resident who helps them) had been keeping the property in a way that was relatively quiet & considerate to us and their other neighbours.

To our surprise at 11am (opening time), the Bar main door was flung wide open, as were all the corridor windows giving onto the courtyard, as was the Emergency Exit door directly from the Bar into the courtyard. In addition the Emergency Exit door from the first-floor flat and all the flat windows were also fully-opened. This

new regime has been repeated on a number of occasions since then (even on a rainy evening as I write this letter), with customers apparently being encouraged to walk across the courtyard and use the Emergency door as the entrance to or exit from the Bar. Accordingly we are now getting noise levels from customers in the bar, particularly in late afternoon, which currently render our use of the courtyard for quiet enjoyment impracticable. It is hard to believe that this present behaviour is co-incidental, but it would seem to suggest that those responsible for running the bar would now prefer to please a vindictive property-owner rather than their residential neighbours or the Council's Officers.

The noisiness of drinkers is not helped at any urban pub where smokers congregate outside. For those customers who are prepared to follow a tortuous route of 40-50 metres, partly in the open, to access the Old Mill's "beer garden", which is the designated smoking area, late night events create a particular noise problem to the residents of the adjacent Old Magistrates Court (The Cells). On a rainy winter's night however, (or indeed any night for the lazy or thoughtless), it is easier to either ~~smoke outside the Bar door (almost directly opposite, and about 6 metres from the~~ back door of No 41 High Street), or nip into the tunnel by which the courtyard and Bar are accessed from the High Street. These places then become a focus for noise and anti-social behaviour. A notice requesting people not to smoke there (as they are timber-framed buildings) was soon torn down, and even if the licensees of the Old Mill had the will to police the behaviour of their customers, the physical layout would render it very difficult.

From time to time, the Bar's customers appear to have engaged in various forms of criminal behaviour, and several incidents have been reported to the police and logged by them. These included ourselves and our immediate neighbours having

(at different times) our windows broken and drunken lads urinating against the back door. The police personnel changes over time, but most Llanidloes-based officers have shown sympathy to us, and expressed the view that they would prefer to have more influence over the licensing process, as they had in previous times. At least one Sergeant (now retired) told us he would like to see the Old Mill closed down.

I would like at this point to make this observation. I was lucky to receive an education that gave me not only powers of reasoning and articulacy, but a strong sense of it being my duty to use these powers when confronted by unfairness. I am also aware that for many of my fellow citizens such an education was not available. For a lot of people, "keep your head down and your mouth shut" is a default response when confronted with oppression. The fact that until now some of my neighbours have not made their voices heard in this matter should in no way signify that the nuisances under which they have laboured have been less stressful or real to them than those reported by my wife & I.

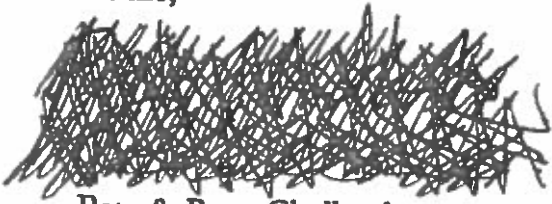
Making complaints and bringing matters like this to the attention of those with the apparent power to resolve them is always time-consuming and problematic. The fact that I can do it does not mean that I enjoy it. It is made substantially more difficult by the fact that so many different bodies claim (or shirk) responsibility for the many parts of what to us, the neighbours, is a single nuisance. We all frequently have the sense that with sufficient political will, matters could be put right with one clever stroke. Unfortunately, we know that we have collectively contrived to make a world that rarely works like that. We do hope that on this occasion our evidence is sufficiently compelling, and the voices giving it sufficiently numerous and diverse, that we will be heard, and appropriate action taken.

The gradual and unnecessary degradation of our environment and its amenities over the past five years has had a significant impact on us and our neighbours. What was a pleasant residential area, with a quiet courtyard, has been reduced to a playground for careless and noisy drinkers, and the owners, licensees and staff of the Old Mill Bar have, in varying degrees, colluded in making it so.

Until early May, we strove to find ways to regulate the excesses of the Old Mill, with those nearby us in mute support. This proved to be exhausting and futile. Now we would prefer the removal of their license, and the closure of the Bar, with the vocal support of other households who, like us, have had enough of the oppressive behaviour of many of those involved in the business.

We request that this matter be put before the Licensing Committee, preferably including a site visit allowing them to fully understand the issues, with all our evidence before them, and that we be given the opportunity to address the Committee so that they can hear our voice.

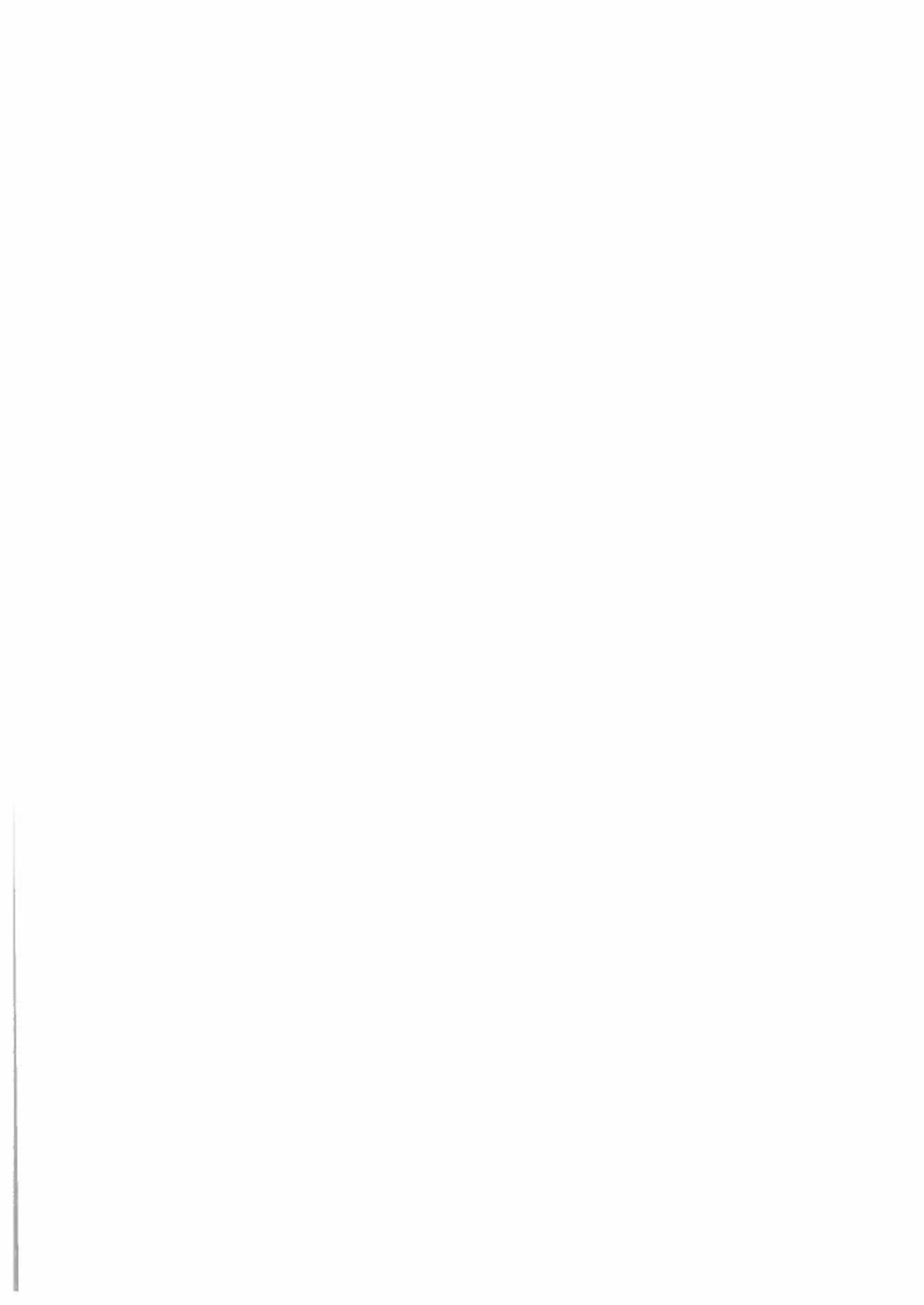
Yours,

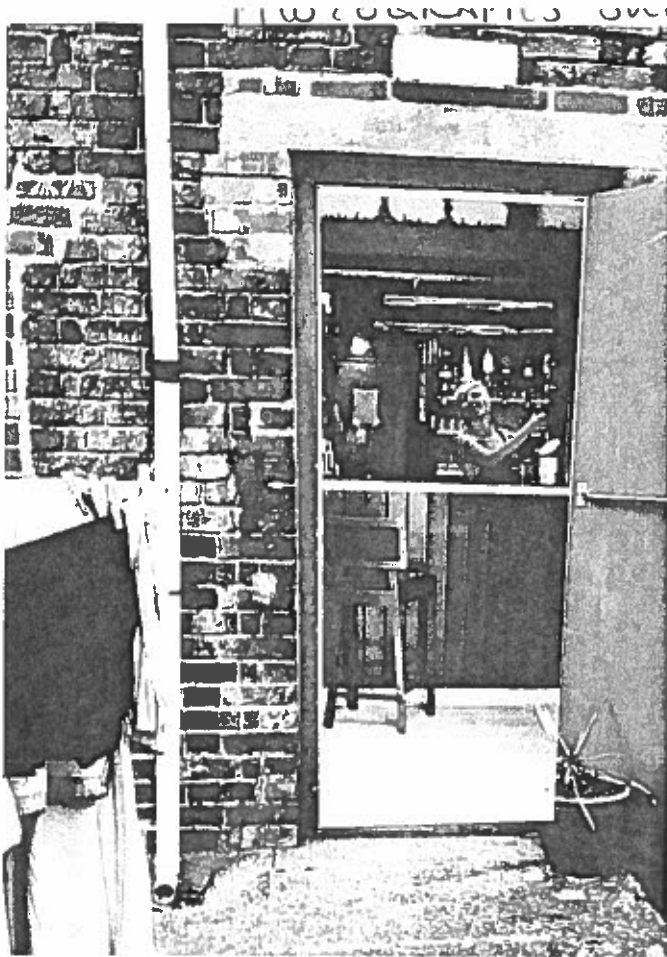


Pete & Rose Challands

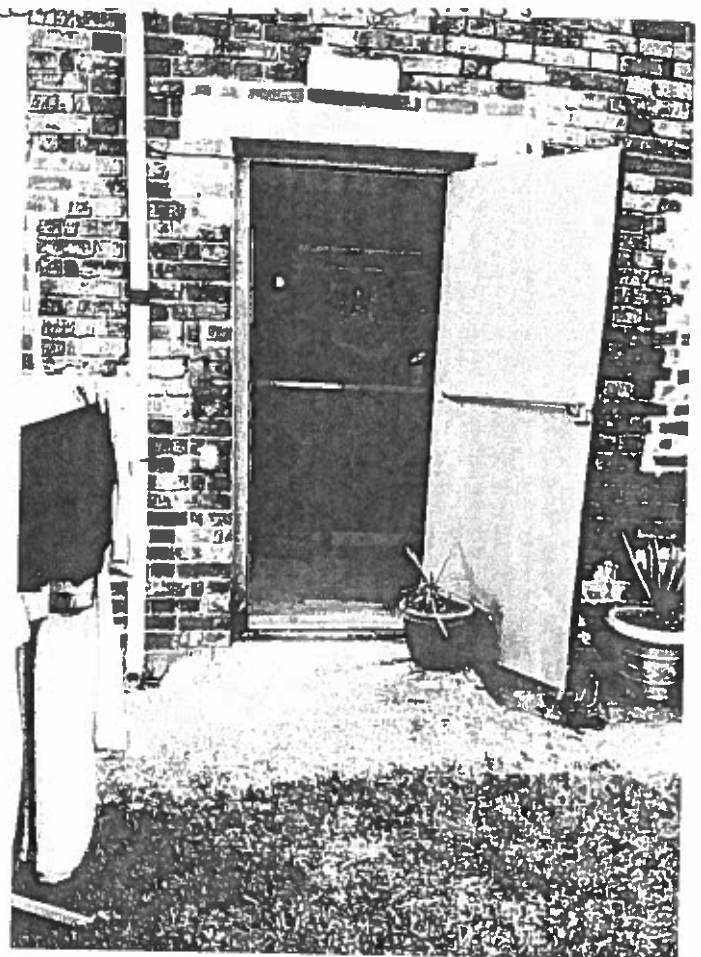
42 High Street Llanidloes SY18 6BZ

28th May 2018

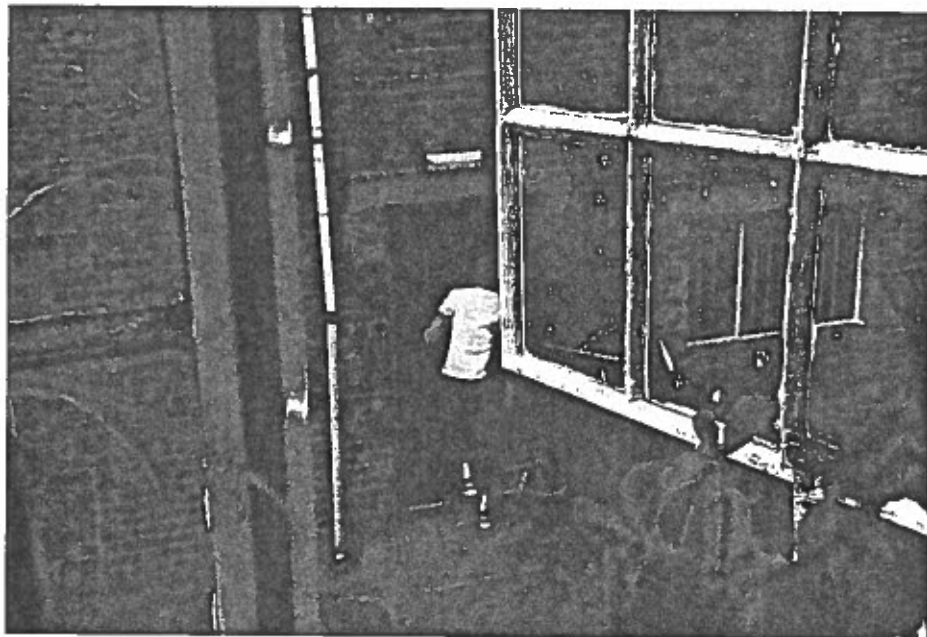




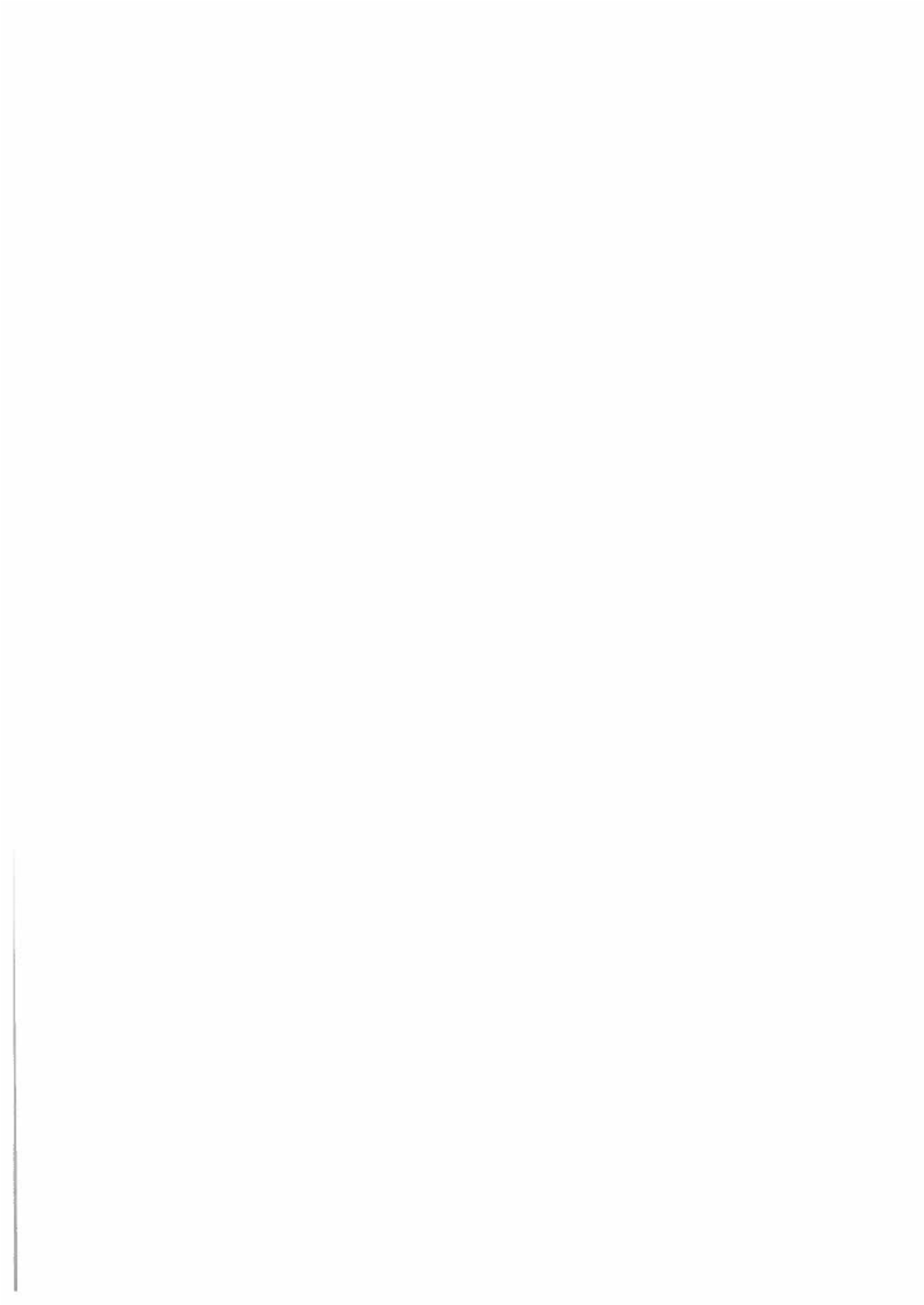
The same photograph showing the interior of the bar selectively lightened for illustrative purposes. This is a new policy, to open this door during licensed hours.



The emergency exit open, showing proximity of Bar to the area in which we have right to sunbathe, &tc



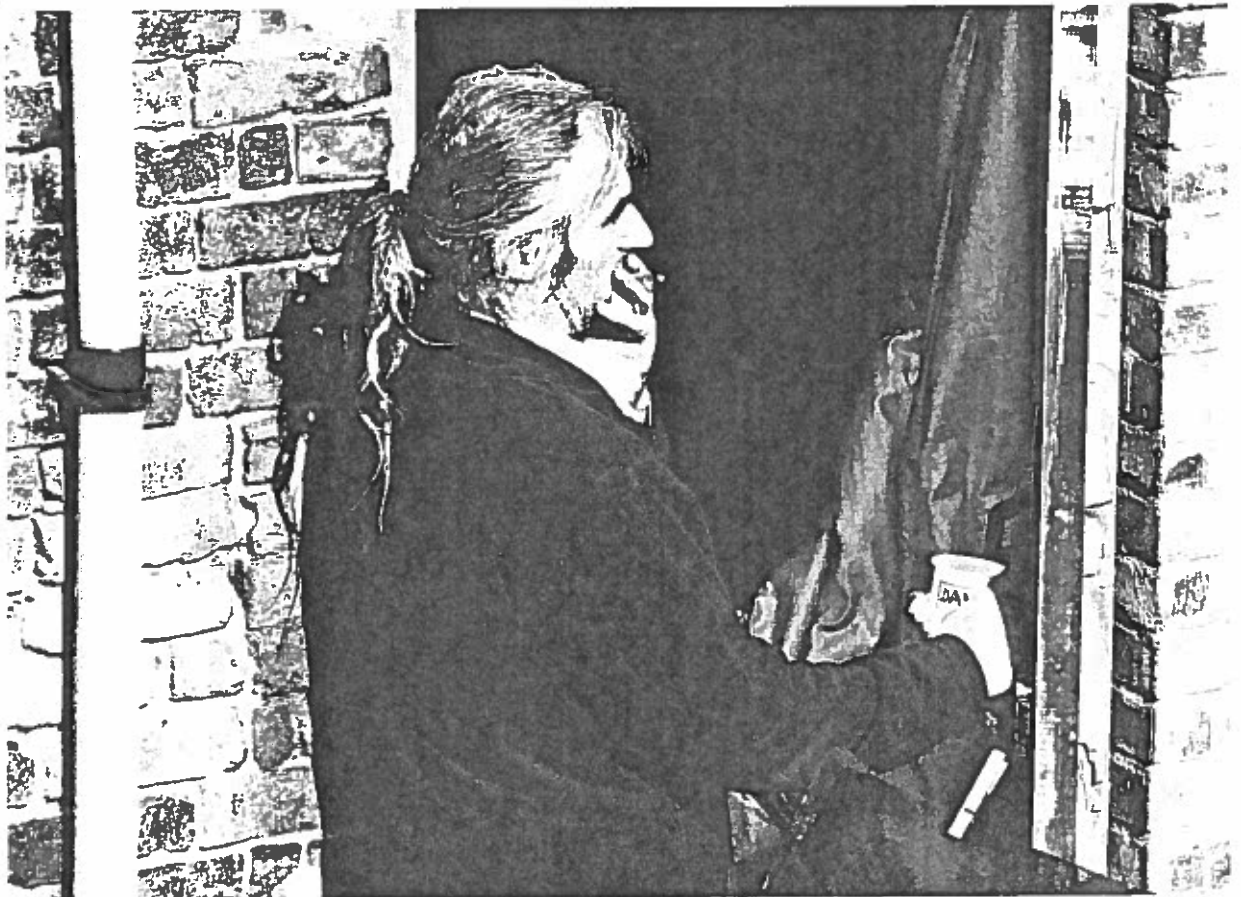
Sharon McCready, wife of the licensee, setting a bad example to customers of the Bar, by entering directly via the emergency exit during licenced hours.



PHOTOGRAPHS SUPPLIED BY P. CHAUWAND



A party of four customers leaves by the emergency exit from the bar in June 2018. On other occasions customers have used this route while carrying drinks and/or smoking. The frequency of use has increased recently.



A member of the bar-staff has a cigarette break in the bar emergency doorway in May 2017. Although the improper use of this door is far more frequent now, this photo shows it has some history.

