

We have requested a licensing review on the grounds of the prevention of public nuisance and the prevention of crime and disorder – but we also wish to have the licensing objective of the protection of children from harm to be considered too as we are having a baby in 2 weeks.

We bought the property 53 Cowick Street and moved in on the 23<sup>rd</sup> December 2009, the property was advertised as a home suitable for families with an enclosed garden, as we were expecting a baby the following June we thought it would be an ideal family home – we were aware that there had been a problem with noise from the Showman as it had been disclosed on the HIP report. We questioned the previous owner about this and she said that it had been sorted out with the Environmental Health Department and that there was Karaoke on a Saturday night. She said the pub landlords were really friendly and that if you asked them to turn the music down they did. This lady seemed genuine; she had lived in the property for a decade and has also retained part of the plot – The Old Workshop on Church Road – where she will be building a house this summer. Her relaxed view of the pub made us presume that this was a quiet pub and that all potential noise issues were under control.

When we moved in it was a completely different story and we immediately wondered whether we had made a mistake. It was so bad that we considered moving into rented accommodation as there was no escape from the relentless noise, disturbance and intrusion.

#### Living next to the Showman our experiences

When we moved in on the 23<sup>rd</sup> December there was loud live music coming from the pub sometimes until 1am 4 – 5 times every week. Karaoke nights on a Monday, Thursday and Saturday and a live band every Sunday afternoon, there were also private Karaoke parties on Sunday evenings in the main pub and functions going on in the Carousel suite (a separate function room) at regular intervals. There was also people noise coming through the walls and coming from outside the pub at the front and back of the property. This noise was worse when there were live music events but the people noise was annoying from opening around 12pm until 1 – 2am when people finally left the area. There was and is still a noise nuisance coming from an extractor fan that is directly under our bedroom window that goes off every 15 minutes or so 24 hours a day.

I would frequently smell urine on our doorstep and inside door mat and suspected that people were urinating at our door. On 17<sup>th</sup> January on a Sunday afternoon when a live band was playing in the Showman Dan opened the door to see an intoxicated man urinating directly on our front door – when this man finally stopped he went straight back into the pub. Dan talked to the landlord who washed off the door and doorstep with a bucket of water – we reported the incident to the police.

Initially we talked to the landlord – this was fruitless so we started compiling reports for the Environmental Health dept which resulted in a Matron sound recording device being installed – the pub was aware of this and the music and people volumes went right down while the equipment was in so we feel a real picture of what was happening was not achieved. After this we called out the Community Patrols a few times – but the pub saw the Community Patrol vans and turned the volume down so we didn't get accurate pictures

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of what was really going on. We then were informed that the owners of the pub had given notice, there had apparently been several issues which led them to this decision – but we were informed by Environmental Health that one of the issues was the cost of recommended acoustic assessment and potential works to resolve the noise problems.

We were informed that these landlords would leave on the 25<sup>th</sup> March. The problems escalated in the lead up to this date and at one call out the Community Patrol rung from the patrol vehicle, they said there was a large crowd of people outside our property and should they draw attention to us by coming in – then as the CP was on the phone to us the landlady from the pub went over to the van and started saying that they were leaving the following week - to justify the continuing noise. The pub was threatened with a noise abatement notice after this weekend but they left the following Wednesday – the problem had been ongoing for 3 months by the time they left and was unresolved.

We were informed that a new landlord was coming in and that the keys would be handed over on the 26<sup>th</sup> March. Dan rang the new landlord prior to this date and asked what he intended to do with the pub – when we found out there would be karaoke – we decided to apply for a licensing review. Dan also informed the landlord that there were ongoing noise issues and that the council were involved.

The change of landlord started a new, equally bad if not worse chapter of disturbance – slightly different from before, less live music – loud karaoke once a week but increased people noise, offensive language, shouting and juke box.

The noise started on Friday 2<sup>nd</sup> April with juke box music being played loud until after midnight. Dan went to speak to the landlord who said he would bear it in mind. Nothing changed. The next night there was loud Karaoke – the Community Patrol attended and took a recording at 12.30pm. A letter was sent to the landlord by Environmental Health. This was ignored resulting in another call out to the Community Patrol the following Saturday and following that a matron device was installed. Over the May bank holiday noise levels were recorded that were regarded to be a statutory noise nuisance. Since the matron was removed the music noise levels have fluctuated.

Any negligible reduction in music noise hasn't changed the noise from the people. This comes from within the pub and out the front and especially the back of the pub – people shouting, swearing, shrieking, singing, arguing etc. The outside area has recently had a bench and bar stools installed and the back gate is left open – effectively there are now two entrances to the pub so more people outside.

Doors and windows have been left open or you hear them being opened and shut and there have been 2 extremely offensive incidents outside the back of the pub in the middle of the day two Saturdays in a row, firstly someone shouted at the top of their voice 'You fucking gay cunt' and secondly 'I'm going to stab you up you cunt' repeated about 5 times in a row.

On a recent Saturday night there was a man stood on our front doorstep having an argument with another person using threatening language 'you don't want to get on the wrong side of me.....' The police were rung on the last two occasions. The police told us

that during licensing hours this is a management and licensing issue – trespass is under their jurisdiction but it is near impossible to catch people doing this.

Instead of enjoying our new house and my pregnancy we have been preoccupied with and intruded upon by the pub on a daily basis – it feels like we actually live in the pub because we are so affected by everything that goes on there.

In the 5 months that we have lived in the property we have been subjected to loud music and loud people, we hear offensive language daily, we have been kept up or been woken up every weekend and a lot of weeknights too, we are disturbed by the level of noise at back of the property from the pubs back yard, and at the front of the property; we have had people trespass on our property nearly every day; urinating on our front door, talking and arguing on our doorstep, banging into our door when stood on the doorstep, smoking - smoke comes under our front door and cigarette butts and glasses are left outside and on our property.

Because there is no control at the front of our property we are constantly worried about leaving or returning home in case we find unsavoury people on and around our doorstep. On several occasions Dan and I have asked people to get off our doorstep but no one has ever apologised and some people refuse and even verbally assault us. I am worried about this confrontation in case something nasty happens – when we asked advice from the police they told us not to deal with it ourselves. If I was on my own or with my baby I would be very worried about leaving the house or returning late at night.

Living with this on a daily basis has left us continually stressed, depressed, angry and sleep deprived – there is only a small window from when we wake up until midday where we are not disturbed – and lately we have been hearing the jukebox at 11am on the weekends when the pub is being set up so if we were to get up at 9am – we would only get peace for potentially 2 or 3 hours – there has only been one weekend – the weekend of the changeover when we have been able to relax in our property – every other weekend we have had constant noise and disturbance. We are forced out of our garden by the noise, we cannot have windows open due to the noise and we are too embarrassed to have friends especially with small children over because of the offensive language and drunken behaviour that goes on in and outside the pub. We are extremely concerned about the prospect of having a baby in this environment.

For the last 5 months we have made numerous calls to report noise nuisance to Environmental Health, we have kept records, had the Community Patrol out numerous times and had the matron device installed twice, we have made several phone calls to the police and licensing department, we have completed the application for a licensing review, and had meetings and phone calls with Enterprise Inns and Environmental Health – it has been a mentally and emotionally draining experience and the noise and nuisance has continued unabated until this point.

In regards to the license – we think that the opening hours and the live music license are totally inappropriate for the premises and the area – being mainly residential.

Environmental Health Recommendations, suggestions by the police and offers put forward from Enterprise Inns

We had a meeting with Jim Pope from Enterprise Inns and Lisa Cox from Environmental Health on Thursday 20<sup>th</sup> May. We told Mr Pope about all our problems and The Environmental Health Dept shared their recommendations. There are several measures that we fully support – but we don't think all the problems are addressed in the report included in the agenda.

Noise from music – we discussed the recommended acoustic review of the premises and Environmental Health have recommended that all required works are completed in full. A further discussion with Jim Pope revealed that from Monday 1<sup>st</sup> June there would be no live music until there had been an acoustic review. Jim Pope revealed that if the quote for the works was too great then the brewery would be happy to take live music and karaoke off the license. I said that this was all well and good except that there would still be noise pollution from the people in the pub coming through the walls and that there were some areas where acoustic integrity would need to be addressed regardless of live music or not.

Jim Pope also said regarding the noisy fan that he was happy to sort out a timer so we didn't have to hear it 24 hours a day – we want this to be carried out as soon as possible.

We talked about the noise outside the back of the pub and Jim Pope said that he wouldn't have a problem with removing all tables and chairs and discouraging people from being outside with a no drinks outside policy. Lisa Cox said that ideally nobody would be permitted out the back except that at present the toilets are outside – we think the possibility of moving or joining the toilets to the interior of the pub should be explored further as we do not think it acceptable to have to put up with noise at the front and back of the pub – the license is for up to 60 people in the main pub and 150 in the function room which is potentially a lot of noise for us to have to deal with at the back of our property where our lounge and bedroom are. Also our property is laid out differently from the pub which means that sound travels up to the windows at the back of our house from the outside as well as through the walls.

Finally we talked about the noise, anti social behaviour and crime and disorder outside the front of the pub. The police suggest that there be door staff on the door of the pub to control the noise, trespass, anti social behaviour and littering – other pubs in Cowick Street have this measure and we think that this would be the only solution for us being a terraced house actually attached to the pub – we want to strongly push for this to be part of the license. I suggested alongside door staff the possibility of fencing off the pub during opening hours with temporary fencing subject to council approval with clear signs showing the designated smoking area and also saying please do not trespass on the private properties near to the pub.