

OPEN LETTER TO MILTON KEYNES COUNCIL

LICENSING DEPARTMENT

Craufurd Arms Application to Vary Licence

We'd like to expand on our Representation because we will not be attending the hearing tomorrow, 28th March 2017.

Background

- (1) In 2012 we attended our first Licence Review Hearing regarding the Craufurd Arms at which it was held that entertainment was to stop at 11pm and the pub was to close at 12 midnight. MK Council brought this Licence Review and, when the then-licensees had offered to close at 1am, Licensing Officer James Sloan said "Let's see if that's ok with the Nuns" clearly prompting us to say that it was not. At the 2nd hearing (late 2013), however, the same licensing officer was perfectly happy for the pub to stay open til 2.30am at weekends.

At the time, this decision (given in early 2014) seemed ludicrous and completely at odds with the decision from the first hearing so, of course, we considered appealing &/or bringing a Judicial Review but I became very ill and no action was taken.

Having now read the Agenda for this 3rd Hearing (to take place on 28th March 2017) I find that in the Licensing Authorities' Statement of Licensing Policy 2013-2018, paragraph 3.2, it states that **the Council's legal officer will ensure the rules of "natural justice" will be applied and There is no presumption of grant under the Licensing Act .**

We did not think such provisions could exist since clearly at the 2nd hearing, there certainly was a presumption that the licence would be granted and how can natural justice have prevailed when the 1st decision was so easily overturned despite the fact that the same people, in the same household were making the same objections about the same nuisance from the same pub? We told the 2nd hearing we were likely to be disturbed by the pub being open to 2.30am, by people leaving noisily & by taxis etc and of course, that is exactly what has happened. We have been kept awake every single weekend since the hours were extended. We still don't understand how that wasn't absolutely obvious.

What was obvious to us was that the licence was going to be granted and so we left the hearing after giving our evidence but before the hearing ended.

- (2) That 2nd hearing was extremely intimidating with the Craufurd having some 10 or more people sitting behind us & the licensees having their lawyer and cronies in attendance. We were the only two objectors who had the guts to attend in person, even though other neighbours had objected to the proposed extension of hours, but it was a nightmare and neither of us is prepared to go through that again. I think the pressure of being so bullied and of not receiving natural justice from people in authority made me ill. I have included in both previous Representations the fact that I take medication for chronic depression. This hearing & then the decision of early 2014 made me very much worse.
- (3) In 2013 & 2014 we were forced to call the Police over the anti-social behaviour of the Craufurd licensees and their clientele. Acting Sergeant Sean Smith found that the ASB we were subjected to was in the “medium” range and he and his colleague, PC Jon Brett, spoke to the licensees on several occasions. Matters improved in the short term only. Very recently, for example, someone came out of the Craufurd and walked out of his way deliberately to vomit on our car (it has in the past been urinated on, kicked & scratched etc). My husband, Pete, is disabled and so almost always parks in a disabled space by our side door on Windsor Street. His car is therefore very identifiable and is an easy target.
- (4) Michael Harvey, the father of one of the licensees, was one of the instigators of this anti-social behaviour, incidentally, while he ran a restaurant from the Windsor Bar. He tried to blackmail us when he found out we used to run a fetish club in Bedfordshire & had also had some fetish parties at our house about 13 years ago. While this wasn't any great secret it was distressing to have a rumour that we ran a sex dungeon from our cellar bandied about the town! A lady who opened a shop in Wolverton about 2 years ago told me that “you certainly were the gossip of the town for about 6 months and people still ask me about you even now”. Details of this and other Anti-Social Behaviour can be checked with the Police at Wolverton if the Committee wishes.

Current Problems with the licence

Trying to be concise, I think that, because the licensees' Management Plans are drawn up by Punch Taverns and / or their solicitors, the licensees themselves don't actually know what their duties are supposed to be. It's either this or they just don't care. I'll give just a few examples:

- (1) See Annex 7. Mr Fisher found that the complaints log did not record
(i) who complained, (ii) who recorded the complaint, (iii) the time it

was made (iv) what action was taken. This begs the question what are licensees actually doing when we bother to phone & complain?

I understand the licensees are also meant to call back someone who has complained, on the next day (page 33 of the agenda). This has never happened. Further, on many occasions when we have phoned the dedicated phone line to complain about noise, the phone has not even been answered.

- (2) The Management Plan (see p 32 of agenda) states that the emptying of the bottle skip must not be done after 10pm. We thought this provision must have been removed because we very often hear the bottles being tipped at 3am and later.
- (3) The noise limiter is meant to reassure us that music cannot go over a certain level. Three points: (i) we can still hear the music almost every time a band is on, (ii) there are times when the licensees turn the music up even louder and (iii) no assurances have been given about what level this will be set at once the traffic and other noise has died down – do the licensees propose to have music playing through the limiter at the same volume at 2.20am, say. that they had it at for 10.50pm? Who knows?
- (4) The Management Plan says that sound levels are to be measured throughout an event including at noise-sensitive boundaries. We do not believe this is ever done. We've certainly never seen anyone taking sound readings by our boundary wall. Do the licensees even know they are supposed to do this?
- (5) The Management Plan states that band practices are to go through the limiter too & to have "the same control as events". This comes as a huge surprise to us as band rehearsals are always much louder than evening performances and are actually the thing we have complained about most. Do the licensees know they are supposed to use a limiter in these cases?
- (6) The Management Plan states (agenda page 31) "Windows in the Craufurd Arms are not capable of being opened". Perhaps the windows of rooms where bands are actually playing are not capable of being opened but other windows in the building certainly are. And they are very often left open when a band is on & also when the licensees have their own after hours parties – one of the matters PC Brett has spoken to them about & which they have ignored almost immediately afterwards.

- (7) The Management Plan states that the licensees are meant to have people leaving politely asked to cross over Stratford Road so that they are not walking (and loudly talking, shouting, laughing singing etc) as they pass by this row of houses. Do the licensees know this? We have never seen anyone crossing over the road like this.
- (8) The Management Plan states that taxis must collect people from the Craufurd's car park & that taxis who refuse or who wait on the road will be asked to move on. Do the licensees know they are supposed to do this? It doesn't seem so when we often see a small traffic jam of taxis waiting on the road, backed up to the mini roundabout with horns being sounded and doors being slammed much closer to our house than should be the case.
- (9) TLT Solicitors letter of 15th March addressed to us states that this application won't have any impact on public nuisance because the premises will "continue to operate under the current conditions attached to the premises licence and detailed in the management plan". To us the "current conditions" are nothing like good enough to prevent our being disturbed and even where certain conditions do exist that should prevent public nuisance, they DON'T, either through being too weak or through being ignored by the licensees.

Problems Notifying the Council of Nuisance

At Annex 11 of the Agenda is a record of temporary events and some of our complaints. Many of our complaints end up as "Case Closed due to insufficient evidence of nuisance" and this is why: There are no longer any Environmental Health Officers on call during the week so we have in the past called the Council's out-of-hours phone line and given details of the nuisance (usually music too loud). We're always told "someone will call you back tomorrow" and that has never happened. On some occasions, I have chased up the matter by email or further phone calls and sometimes It has taken weeks to get a response from the EH department, only to be told, of course, that there is nothing they can do now because it is so long since the complaint.

Even if this were not the case, even if someone did call us back the next day, we can never provide any evidence of what we have complained about. So nothing ever gets done. So we have stopped complaining to the Council. If it seems that we have not complained for months, this is why. It is NOT because the nuisance has stopped; it is because there is no point complaining.

Problems with the Licensees

I've said above that the music is sometimes much louder than on other occasions. We don't really understand how this can happen, given the fact that a limiter is in use, but it does. And it happens most obviously when we complain. The licensees are immature and very vindictive & not just re the music levels. Just a few examples:

- (1) When we complained about a band rehearsal or sound check last August, Jason Hall's email suggests that we were, in effect "asking for it" – they were sat in there back garden (sic). I have mentioned this in our Representation. What I haven't mentioned is that that night the music from the band playing was the loudest it had been in about 3 years or more. This is the sort of behaviour we are subjected to; being punished for complaining. We phoned the pub's complaints line and land line that night and neither was answered (phone records can be provided) and we eventually phoned the EH department. Of course, nothing was done because there was no evidence. The licensees know this will always be the case. It will always be our word against theirs.
- (2) When we handed in our Representation, on 7th March, for this hearing the music that night was much louder than usual with the bass being audible in our house over the sound of the television. We didn't even bother complaining – there is no point. Our word against theirs again and somehow they seem able to convince people that they are nice people and we are, what? Perverts and wierdos who complain about every last thing? Incidentally, we complain about 1 in 30 of the times that we could and should do.
- (3) When we handed in our Representation Mr Hall referred to us on his facebook page as CUNTS CUNTS CUNTS CUNTS CUNTS! We took a screen shot of this, the comments and his next post and this now forms part of our Representation.

We're sure he'll try to say "it wasn't about the Nunns" or similar but the next post is him asking for people to put in positive Representations so his CUNTS comments are clearly about *someone* who has put in an objection and a neighbour Mrs Newnham has commented on the original post "Oh dear, Have Mr & Mrs Whiplash reared their ugly heads again". This is a reference back to our past in the fetish scene & the gossip Michael Harvey started. So clearly Mrs Newnham at least knew exactly who Mr Hall was referring to.

I wonder what Mr Hall said to people who came to the pub over the next few days and asked "who are the CUNTS you were posting about?" We have no doubt that he told his clientele about our objections to this

application and I've no doubt we will be singled out for further abuse by his clientele.

It is astonishing to us that someone can be so disgustingly rude & cruel about us. When I saw the post, I cried so much that I was physically sick. The thought that the only way out of this was to kill myself went through my mind as a really viable option, something I haven't seriously considered for about 12 years.

I also I want to say how unfair this Mr & Mrs Whiplash tag is. Mrs Newnham is a very ignorant woman if she thinks fetish clubs are all about whips & spanking etc. I'd say that's about 5% at most. For example, our club welcomed transvestites, transsexual & transgender people of all walks of life. Some Black and Asian men who identified as women told me they had literally nowhere else they could be free and happy. This was in the 1990s, getting on for 20 years ago, when people were even less tolerant than they are now of people who are different to the norm.

I've seen posts on the Craufurd's facebook page or on one of the licensees' pages about how the Craufurd is an alternative place for alternative people. I'm glad they are happy there but it does seem to us that the people who run it & many of the people who go there like only their own version of "alternative" and hate us because we are different. Is it because my husband is physically disabled, because they know I have had times of mental illness, because we're interested in and kind to people with fetishes? We don't know why they are so narrow-minded and why they feel the need to abuse us when we're simply objecting to plans which we think will impact on us. We have a right to be heard without being subject to this kind of abuse.

There are many, many other points we could make, incidents we could recount and so on but we have tried to be concise. Apologies if it seems like a rather long version of concise! In closing we just want to say that we really don't think the licensees have the maturity to run this venue properly. They are abusive & arrogant and we have been singled out for anti-social behaviour because we have dared to stand up to them.

Jane & Pete Nunn
57 Stratford Road
Wolverton