

Statutory Licensing Sub-Committee

1 April 2022

Time 10.00 am **Public Meeting?** YES **Type of meeting** Regulatory
Venue Online Meeting

Membership

Chair Cllr Phil Page (Lab)

Labour

Cllr Keith Inston

Conservative

Cllr Wendy Dalton

Quorum for this meeting is two Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Donna Cope, Democratic Services Officer
Tel/Email Tel: 01902 554452 Email: donna.cope@wolverhampton.gov.uk
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Wolverhampton WV1 1RL

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	Apologies for absence
2	Declarations of interest
3	Licensing Act 2003 - Application for a Variation of a premises Licence in respect of The Pendulum, Blaydon Road, Wolverhampton, WV9 5NP (Pages 3 - 26)

CITY OF WOLVERHAMPTON COUNCIL	Statutory Licensing Sub- Committee 1 April 2022
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Report title	Licensing Act 2003 -Application for a Variation of a premises Licence in respect of The Pendulum, Blaydon Road, Wolverhampton, WV9 5NP	
Wards affected	Oxley	
Accountable director	John Roseblade, Director of City Housing and Environment	
Originating service	Licensing	
Accountable employee	Debra Craner Tel Email	Section Leader 01902 556055 Debra.Craner@wolverhampton.gov.uk

Recommendation for decision:

1. To submit for consideration by the Statutory Licensing Sub-Committee an application for a variation of a premises licence.

1.0 Purpose

- 1.1 To submit for consideration by the Statutory Licensing Sub-Committee an application for a variation of a premises licence.

2.0 Background

- 2.1 An application was received on the 14 February 2022 from Mohammed Khalil Ali for a variation of a premises licence in respect of The Pendulum, Blaydon Road, Wolverhampton, WV9 5NP. A copy of the application is attached at Appendix 1.
- 2.2 The premises are in the Oxley ward, and a location plan is attached at Appendix 2.
- 2.3 The application is to remove a condition from the current premises licence.
- 2.4 It is the understanding of the Licensing Authority that the application for the variation of the premises licence has been made properly. The statutory requirements to give notice of the application has also been complied with.
- 2.5 All Responsible Authorities have been consulted on this application.
- 2.6 Relevant representations have been received from the Licensing Authority, West Midlands Police and Other Persons. Copies of these representations can be found at Appendices 3 to 6 respectively.
- 2.7 The applicant, the agent representing the applicant and all those who have submitted representations have been invited to attend the hearing.

3.0 Financial Implications

- 3.1 There are no direct financial implications associated with the recommendations in this report. The fee for this application is £190 and is non-refundable. The fees and charges in relation to the Licensing Act 2003 are set by the Secretary of State. This was noted by the Statutory Licensing Committee on 19 January 2022 [SB/16122021/X]

4.0 Legal implications

- 4.1 Part 4(1) of the Licensing Act 2003 states that a Licensing Authority must carry out its functions under the Act with a view to promoting the Licensing Objectives, namely:
- (a) The prevention of crime and disorder
 - (b) Public Safety
 - (c) The prevention of public nuisance
 - (d) The protection of children from harm
- 4.2 The general duties imposed on Licensing Authorities means proper consideration must be given to the licensing objectives when determining a premises licence variation application.

Section 35 of the Licensing Act 2003 provides the Licensing Authority with the power to vary a licence, subject to conditions, where appropriate.

- 4.3 In addition, regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council's Licensing Policy Statement [SH/23032022/A].

5.0 Equalities implications

- 5.1 This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in Section 4 of this report may have financial implications for a licensee's business and livelihood and/or may have impact on the day to day lives of residents living in close proximity to the premises
- 5.2 Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private family life and his/her home (which includes business premises). This right may be interfered with by the Council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole

6.0 Other implications

- 6.1 There are no direct implications associated with this report.

7.0 Schedule of background papers

- 7.1 None

8.0 Appendices

- 8.1 Appendix 1 – Application Form
- 8.2 Appendix 2 – Location Plan
- 8.3 Appendix 3 – Licensing Authority Representations
- 8.4 Appendix 4 – West Midlands Police Representations
- 8.5 Appendix 5 – Other Persons Representations 1
- 8.6 Appendix 6 – Other Persons Representations 2

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* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference Not Currently In Use This is the unique reference for this application generated by the system.

Your reference DCC/PEND/VAR/22 You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name Mohammed

* Family name Khalil Ali

* E-mail [Redacted]

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

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APPLICATION DETAILS

Continued from previous page...

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

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VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation Page 9

Continued from previous page...

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Removal of the following condition:

"The previous premises licence holder, Mr Soran Rostam, will have no involvement with the operation nor management of the business."

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

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Continued from previous page...

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

"The previous premises licence holder, Mr Soran Rostam, will have no involvement with the operation nor management of the business."

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Not to hand

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

Continued from previous page...

e) The protection of children from harm

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NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

DECLARATION

- I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

THE INFORMATION GIVEN MAY BE HELD IN MANUAL OR COMPUTERISED FORM AND WILL BE SUBJECT TO THE PROVISIONS OF THE DATA PROTECTION ACT 1998

- This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Ticking this box indicates you have read and understood the above declaration

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This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/wolverhampton/change-1> to upload this file and continue with your application.

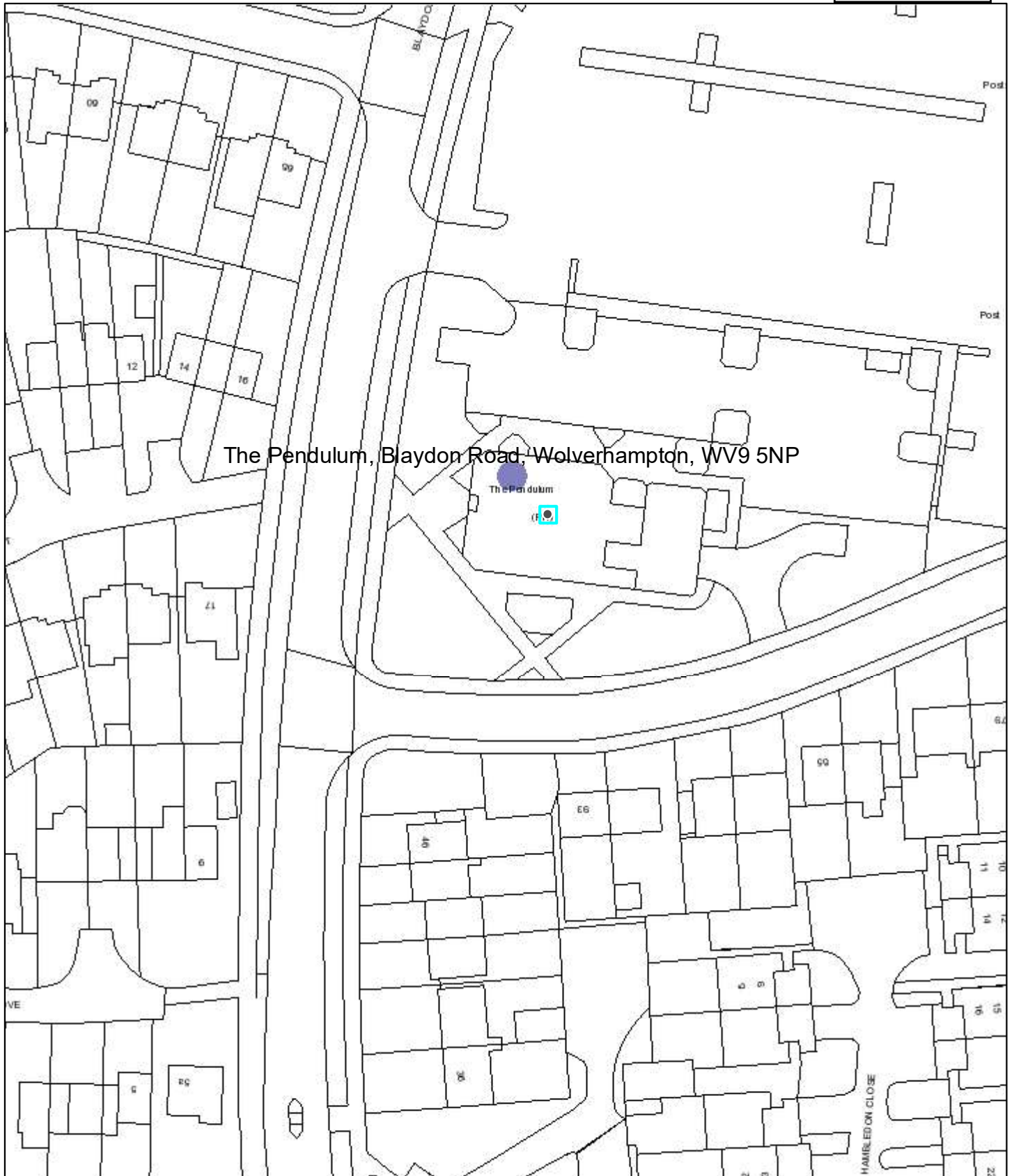
Don't forget to make sure you have all your supporting documentation to hand.

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.

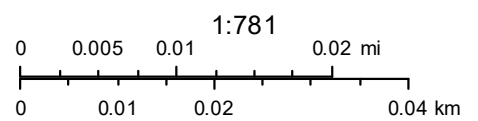
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Location Plan

APPENDIX 2



3/17/2022 2:57:41 PM



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From: Greg Bickerdike
Sent: 16 February 2022 18:24
To: Licensing; [REDACTED]
Subject: RE: Full Variation - Pendulum, Blaydon Road, Wolverhampton, West Midlands, WV9 5NP - PRE1439

Sensitivity: PROTECT

Lizzie,

I write on behalf of the Licensing Authority as a Responsible Authority to submit formal representations to the above application under the licensing objectives of the Prevention of Crime and Disorder.

I mediated with the premises licence holder on 9 November 2020 that the licence would be granted subject to the inclusion of the following condition:

The previous premises licence holder, Mr Soran Rostam, will have no involvement with the operation nor management of the business.

This was as a result of the revocation of the premises licence held by [REDACTED] for the same premises at a meeting of the Statutory Licensing Sub-Committee on 20 May 2020. The minutes of this meeting can be read at [Agenda item - Licensing Act 2003 - Application for a Review of a Premises Licence in respect of The Pendulum, Blaydon Road, Wolverhampton, WV9 5NP :: Wolverhampton City Council \(moderngov.co.uk\)](#).

I do not intend to mediate with the applicant, however I will notify them of my representations.

Kind regards,

Greg Bickerdike
Licensing Manager
Tel. Office: [REDACTED]

[E-mail: Greg.Bickerdike@wolverhampton.gov.uk](mailto:Greg.Bickerdike@wolverhampton.gov.uk)
City of Wolverhampton Council

[REDACTED]

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From: WV Licensing <wv_licensing@westmidlands.police.uk>

Sent: 02 March 2022 08:58

To: Licensing <Licensing@wolverhampton.gov.uk>

Subject: RE: [External]: Full Variation - Pendulum, Blaydon Road, Wolverhampton, West Midlands, WV9 5NP - PRE1439

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Hi,

West Midlands Police wish to make formal representations for this application under the Licensing Objective of Prevention of Crime and Disorder. This premises had their license revoked on 20th May 2020 when [REDACTED] was acting in his capacity as the Premise License Holder. This license was only granted back based on the condition that Mr Rostam will have no involvement in the operation nor management of the business. As a result, West Midlands Police will not be mediating.

Kind regards,

Aimee Taylor
Licensing & Regulatory Officer
West Midlands Police
Int Tel: [REDACTED]

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From: Councillor Susan Roberts
Sent: 19 February 2022 12:04
To: Licensing
Subject: Re: Full Variation - Pendulum, Blaydon Road, Wolverhampton, West Midlands, WV9 5NP - PRE1439

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Elizabeth,

Further to your email. I would like my objections to be taken into account.

I have received complaints in the past about the Pendulum from residents.

This has happened at a weekend Friday and Saturday Nights. Loud music until 1am. Then people arguing outside the pub. This is causing disruption to residents sleep. In fact one couple has moved into a back bedroom to try to get away from the noise. Residents should be live there listen to the television in there own homes without having to listen to bass thumping away over there television. It is obvious with the removal of the clause residents will suffer.

Some people have complained to the Council about this in the past. The Council have spoken to the Licensee he has apologised then it has happened again.

With arguments going on outside the pub when it closes it is only a matter of time before someone gets hurt. So it causes problems for the local community.

Best Wishes

Sue

Susan Roberts MBE
Labour Councillor for Oxley Ward

[Redacted]

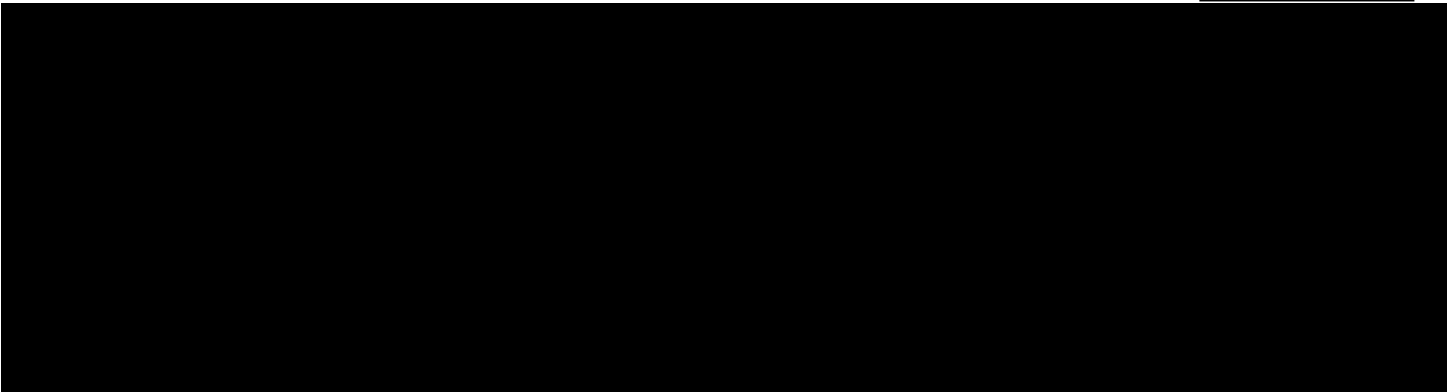
[Redacted]

[Redacted]

[Redacted]

[Redacted]

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From: [REDACTED] >
Sent: 26 February 2022 10:53
To: Licensing <Licensing@wolverhampton.gov.uk>
Subject: Objection to Pendulum public notice blaydon road WV9 5NP

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

I and residents local to the pendulum public house don't want any change to any condition that will result in loud music at weekends till 1am and after which we have had in the past. Its so loud we can hear the music over the TV at times.

Also the nuisance of people shouting and swearing late at night.

This is not fair on residents trying to sleep though this.

Regards.

[REDACTED]

[REDACTED]

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