

**REPORT OF CORPORATE DIRECTOR OF COMMUNITY & CULTURE**

**REVIEW OF PREMISES LICENCE**

<b>Premises concerned</b>	<p>Elm Tree Inn          53 Beech Avenue          New Basford          Nottingham          NG7 7LR</p> <p>Please see the premises licence</p> <p>The location of the premises is shown on the map.</p>
<b>Licence/ Club premises certificate holder</b>	<p>Trust Inns Limited          Blenheim House          Foxhole Road          Ackhurst Park          Chorley PR7 1NY</p>
<b>Applicant for review</b>	<p>Director of Environment and Regeneration, Nottingham City Council as Responsible Authority applies for the review of the licence in relation to the prevention of crime &amp; disorder and the prevention of public nuisance licensing objectives.</p> <p>Please see the application</p>
<b>Date application Received:</b>	9 September 2008
<b>Last date for representations:</b>	7 October 2008
<b>Relevant representations received</b>	<p><u>Supporting the application for review:</u></p> <ol style="list-style-type: none"> <li>1. Nottinghamshire Police as Responsible Authority citing the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The representation is amplified by the Police Bundle of Evidence (sent separately to Panel members).</li> <li>2. Ms Alex Farren as an Interested Party citing the licensing objectives of public safety, the prevention of crime and disorder and the prevention of public nuisance.</li> <li>3. Mr Pote as an Interested Party citing the licensing objective of the prevention of public nuisance.</li> <li>4. Mr David Berry as an Interested Party citing the licensing objectives of public safety, the protection of</li> </ol>

	<p>children, the prevention of crime and disorder and the prevention of public nuisance..</p> <p>5. Ms Emma Whatton as an Interested Party citing the licensing objective of the prevention of crime and disorder.</p> <p><u>Other representations received:</u></p> <p><u>From John Gaunt and Partners, Solicitors, representing the premises licence holder</u> in response to the application for review.</p> <p>Please see the representations.</p>
<b>Matters which the Authority has asked the parties to clarify</b>	<ol style="list-style-type: none"> <li>1. Identification of all issues (both factual and legal) which are in dispute.</li> <li>2. Identification of all areas of law, Guidance and Policy upon which they intend to rely.</li> <li>3. What action they would wish the Licensing Authority to take in respect of the Licence</li> </ol>
<b>Issues</b>	
	<p>Whether it is necessary and proportionate to take any one or more of the steps identified below in order to promote any or all of the following licensing objectives:</p> <ol style="list-style-type: none"> <li>(1) the prevention of crime and disorder;</li> <li>(2) public safety;</li> <li>(3) the prevention of public nuisance;</li> <li>(4) the protection of children from harm;</li> </ol> <p>or whether no action is necessary to promote the licensing objectives.</p> <p>The Director of Environment and Regeneration specifically requests the Licensing Authority to review the premises licence with a view to revoking the same.</p>
<b>Relevant Legislation</b>	S51 – 53 Licensing Act 2003
<b>Relevant Policy</b>	Paragraphs 9.26 to 9.28 of the Statement of Licensing Policy
<b>Relevant Guidance</b>	Paragraphs 1-27, Chapter 11 of the guidance issued under section 182 of the Licensing Act 2003.
<b>Steps which the Licensing Authority may take</b>	<ol style="list-style-type: none"> <li>1. To modify the conditions of the licence and/or</li> <li>2. To exclude a licensable activity from the scope of the licence and/or</li> <li>3. To remove the designated premises supervisor and/or</li> <li>4. To suspend the licence for a period not exceeding 3 months</li> <li>5. To revoke the premises licence</li> </ol>
<b>Published documents</b>	Licensing Act 2003. Guidance issued under Section 182 of the Licensing Act

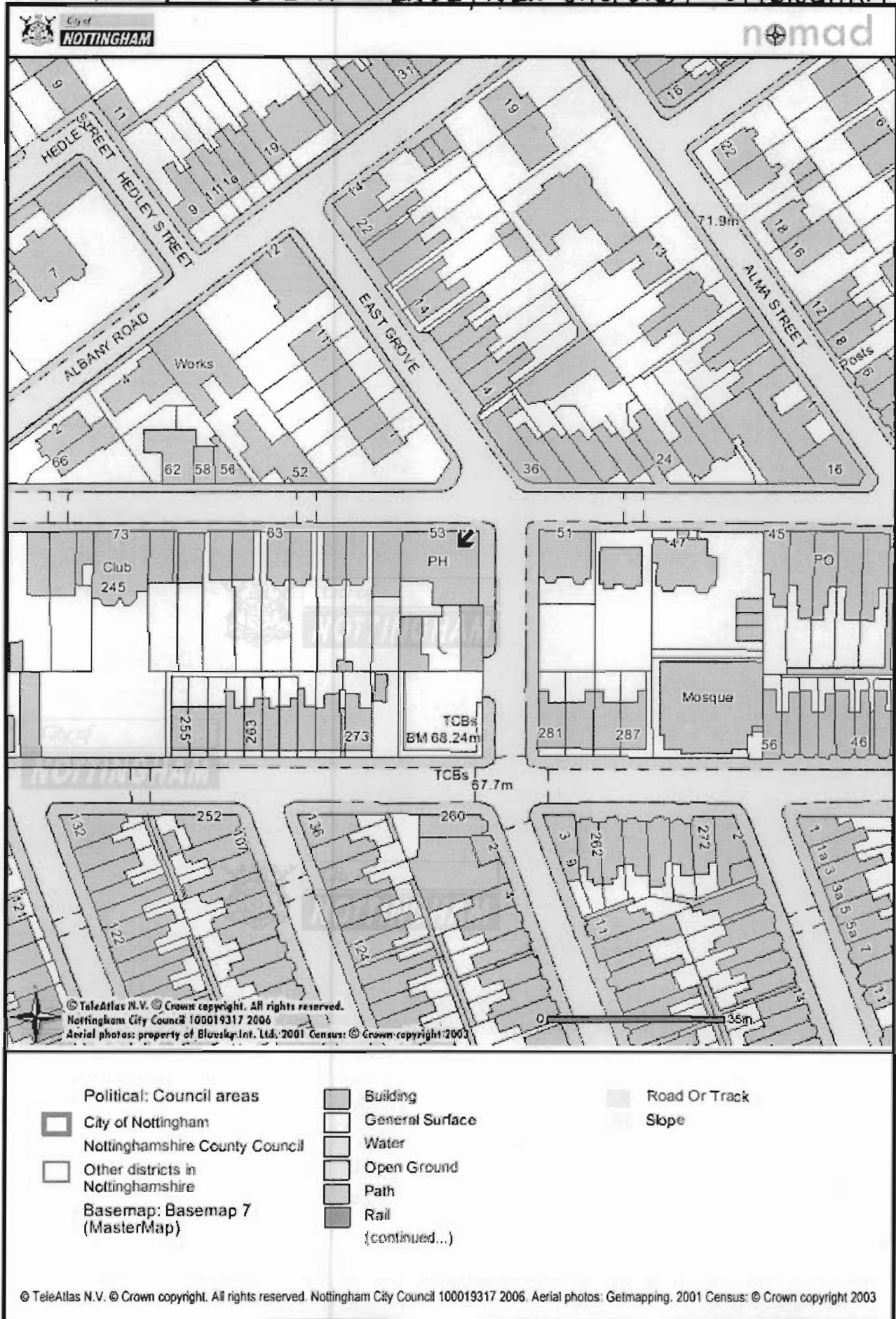
<b>referred to in compiling this report</b>	2003. Statement of Licensing Policy issued by Nottingham City Council.
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**Caraline Ryan**  
**Head of Public Protection**  
**LAWRENCE HOUSE, TALBOT STREET, NOTTINGHAM NG1 5NT**

Contact Officer: Sue Bowler, Assistant Licensing Officer Tel: 0115 9156777

5 November 2008

# ELM TREE, 53 BEECH AVENUE, NEW BASFORD, NOTTINGHAM





City of

**NOTTINGHAM**

**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 Barry Horne on behalf of Nottingham City Council

*(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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> The Elm Tree Inn 53 Beech Avenue New Basford	Community & Culture - Licensing Time received <u>10:15</u>  <b>09 SEP 2008</b>
<b>Post town</b> Nottingham	<b>Post code (if known)</b> <u>NG7 7LR</u>

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Trust Inns Limited
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<b>Number of premises licence or club premises certificate (if known)</b> 037508
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**Part 2 - Applicant details**

I am

**Please tick yes**

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

I am 18 years old or over

Please tick yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Barry Horne Corporate Director Environment & Regeneration Exchange Buildings North Smithy Row Nottingham NG1 2BS
Telephone number (if any) 0115 9155312
E-mail address (optional) barry.horne@nottinghamcity.gov.uk

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

Please tick one or more boxes

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

**Please state the ground(s) for review (please read guidance note 1)**

**Non-compliance with the conditions of the Premises Licence and non-compliance with the 'Prevention of Public Nuisance' and 'Prevention of Crime and Disorder' objective of the Licensing Act.**

The Noise and Pollution Control Team had cause to seek a Review of the Elm Tree Premises Licence in 2006/7, following an investigation on behalf of residents of noise nuisance emanating from the premises. The investigation provided evidence of loud amplified music (live and/or recorded) emanating from the premises which was causing Statutory Noise Nuisance to residents; and non-compliance with the conditions of the then Premises Licence.

At that time, the Elm Tree was owned by Trust Inns Limited and was a tenanted premises. The tenant, Ms Debra Stack, was also Premises Licence Holder and Designated Premises Supervisor. As it was deemed that the tenant was 'the person responsible' for the nuisance and the licensing infringements, enforcement action taken by the Noise & Pollution Control Team was against the tenant with regard to both matters. Trust Inns Limited was appropriately informed throughout the investigation and was represented at the Licensing Panel hearing by Mr. Tom Rowan, the Area Manager.

The Hearing resulted in the Licensing Panel amending the Licence by imposing additional conditions to promote the licensing objectives of the 'Prevention of Crime and Disorder' and the 'Prevention of Public Nuisance'. The additional conditions included conditions to reduce the times when live music could be played, to improve the noise limiter installed within the premises, and setting/sealing the noise limiter in conjunction with this Team and the resident of 55 Beech Avenue.

Following the introduction of a second microphone to the noise limiter, the Noise & Pollution Control Team assisted in setting the limiter, which was set subject to its technical capabilities. Tests at the time identified that the limiter would not operate and disconnect the power supply to the PA system within the acceptable period of time. As such this was **not** a mechanical restriction on music noise levels and it was possible for music to be operated above this agreed level. This information was confirmed in writing to the tenant. A copy of this correspondence was sent to Trust Inns Limited.

No further noise complaints were received by the Noise & Pollution Control Team following this exercise and the investigation was closed in May 2007.

In late March 2008 a complaint from a resident was received by the Noise & Pollution Control Team alleging the Elm Tree was again causing noise nuisance. The complainant alleged that amplified music noise emanating from the premises, was again causing noise nuisance. In addition, the complainant alleged that loud voices from the premises, both inside and outside the building and from the street in the immediate area, were causing noise nuisance.

In response to this complaint, the Noise & Pollution Control Team initiated a further investigation into possible breaches of the conditions attached to the Premises Licence of this venue and allegations of Statutory Noise Nuisance with regard to noise from within the curtilage of the Elm Tree. The complaint of noise in the street was referred to the Nottinghamshire Police, Central Police Licensing Section for investigation.

Initial investigations confirmed that a new tenant was in place at the premises and the tenant was the Designated Premise Supervisor. However, the Premises Licence Holder had been transferred on 4<sup>th</sup> April 2008 to Trust Inns Limited. In consideration of this, the tenant was deemed 'the person responsible' for any Statutory Nuisance and jointly responsible with Trust Inns Limited with regard to any licensing infringements.

Additional similar complaints from other residents were received in May 2008 and July 2008 and were included in the Noise & Pollution Control Team's investigation and/or referred to the Police.

Mr. Clive Watson, the new tenant of the premises, was informed both verbally and in writing, of the complaints and the enforcement options available to the Noise & Pollution Control Team should evidence of statutory noise nuisance and/or non-compliance with the Premises Licence be gained. A copy of the correspondence was sent to Trust Inns Limited in their capacity as the Elm Tree's Premises Licence Holder.

Subsequent to the above, further similar complaints were received. This resulted in observations by officers of the Noise & Pollution Control Team's Out of Hours Noise Service, which provided evidence of Statutory Noise Nuisance being caused to nearby residents, non-compliance with the 'Prevention of Public Nuisance' objective of the Licensing Act and non-compliance with the conditions of the Premises Licence.

In consideration of the evidence of Statutory Noise Nuisance, an Environmental Protection Act 1990; Section 80 Noise Abatement Notice was served on Mr. Watson on as the person deemed responsible, requiring he abate the said nuisance. The Abatement Notice was accompanied by correspondence which advised Mr. Watson that contravention of the Notice could result in him being prosecuted and an application for review of the Premises Licence being submitted. A copy of the Notice and accompanying correspondence was sent to Trust Inns Limited for their attention.



Despite the service of the Abatement Notice and the accompanying correspondence, further complaints were received. Further observations by officers of the Noise & Pollution Control Team provided evidence of contravention of the Notice, non-compliance with the conditions of the Premises Licence and non-compliance with the 'Prevention of Public Nuisance' and 'Prevention of Crime and Disorder' objective of the Licensing Act. The nature of this contravention and non-compliance suggests that:

- By causing noise nuisance to residents, the Premises Licence Holder and the Designated Premises Supervisor have failed to meet their responsibilities to comply with the conditions of the Premises Licence. In addition, they have failed to ensure that the licensing objectives of the 'prevention of public nuisance' and the 'prevention of crime and disorder' are being properly addressed;
- Inappropriate management has resulted in non-compliance with the conditions of the Premises Licence; and the licensing objectives of the 'prevention of public nuisance' and the 'prevention of crime and disorder' not being properly addressed.

In consideration of the Noise & Pollution Control Team's history of involvement with the Elm Tree in terms of causing statutory/public noise nuisance; and non-compliance with the objectives of the Licensing Act, and the evidence gained during this investigation, it is felt that it would be a necessary and proportionate response to request a further Review of the Premises Licence.

Noise & Pollution Control Team's investigations have identified that Trust Inns Limited has been fully aware of the noise nuisance being caused to residents as a result of activities at the Elm Tree. Changes in Premises Licence Holder (to Trust Inns Limited) and the Designated Premises Supervisor (endorsed by Trust Inns Limited) have not resulted in abatement of the noise nuisance. The evidence gained during this and previous investigations lead Noise & Pollution Control to believe that it is highly unlikely that the Elm Tree could be managed in a manner that does not continue to cause noise nuisance to residents. As such, it is considered appropriate for the Noise & Pollution Control Team to request a revocation of the Premises Licence.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

The Elm Tree Inn is situated in a predominantly residential area and has residential premises immediately adjacent. **(see supporting evidence: Doc.01)**

**19<sup>th</sup> February 2007**

Special Licensing Panel Review Hearing. **(see supporting evidence 'Record of Proceedings': Doc.02)**

**5<sup>th</sup> March 2007**

A letter was sent to the then tenant, Ms Stack, confirming results of a visit to the Elm Tree to set the noise limiter, as per the condition to be imposed by the Licensing Panel following the 19<sup>th</sup> February 2007 hearing. A copy of this letter was sent to Trust Inns Limited.

**26<sup>th</sup> March 2008**

A complaint was received by the Noise & Pollution Control Team from a resident (complainant A), alleging noise nuisance for the last 2 weeks from loud music emanating from the Elm Tree. Complainant A alleged amplified music was audible until after midnight at the weekends and during some weeknights.

**26<sup>th</sup> March 2008**

A copy of the Premises Licence was received from the Licensing Authority. This confirmed that the Premises Licence was varied on 10<sup>th</sup> March 2007 to include the conditions imposed by the Licensing Panel at the 19<sup>th</sup> February 2007 hearing. The licence also confirmed that, on 4<sup>th</sup> April 2008, the Premises Licence Holder was transferred to Trust Inns Limited and the Designated Premises Supervisor was varied to Clive Watson. **(see supporting evidence: Doc.03)**

**27<sup>th</sup> March 2008**

A call to Trust Inns Limited confirmed Mr. Tom Rowan continues to be their Area Manager for the Elm Tree.

**27<sup>th</sup> March 2008**

A call to P.C. Andy Platts at Notts Police, Central Licensing Section confirmed that P.C. Platts had met with Mr Watson with regard to the Police history of noise and anti-social behaviour complaints associated with activities in and around the Elm Tree. Mr Watson advised P.C. Platts he had took over the tenancy of the Elm Tree 2 weeks previously.

**28<sup>th</sup> March 2008**

A meeting was held at the Elm Tree between Derek Moss (Environmental Health Officer, Noise & Pollution Control Team) and Mr Watson, to advise him of Noise & Pollution Control's history of noise complaints associated with the premises and the current noise complaint. Mr Watson confirmed that since taking over the tenancy 2 weeks previously he had held 'discos' on Fridays and Saturdays, and recorded music was played through the integral PA system on other nights.

Mr Watson requested that a meeting with the complainant be arranged to discuss their concerns.

**28<sup>th</sup> March 2008**

A call was made to complainant A, advising of Mr Watson's request. Complainant A agreed to the meeting, which was arranged for 4<sup>th</sup> April 2008 at the Elm Tree.

**1<sup>st</sup> April 2008**

Calls were made to Mr Rowan and P.C. Platts to update them on Noise & Pollution Control's investigation to date and invite them to the 4<sup>th</sup> April meeting. P.C. Platts advised he would not be available but requested I provide complainant A with his contact telephone number for them to contact him regarding noise in the street.

**4<sup>th</sup> April 2008**

A meeting was held at the Elm Tree with Derek Moss, Mr Watson, Mr Rowan, Complainant A and partner. As the recorded music being played through the Elm Tree's integral PA was seen as one source of the complaint, Mr Watson and Mr Rowan were invited into complainant A's premises while music was being played through this PA, in an attempt to agree a Music Noise Level (MNL) which was acceptable to complainant A within their premises.

Initially, the MNL within complainant A's premises was deemed unacceptable. It was reduced to an acceptable level agreed between complainant A, Mr Watson and Mr Rowan. A piece of electrical tape was placed over the integral PA volume control to prevent it being tampered with. Mr Moss advised that this was **not** a mechanical control and advised Mr Watson and Mr Rowan of their responsibility to ensure the MNL from the integral PA were not increased. With regard to the weekend 'disco's', complainant A agreed to monitor the MNL over the forthcoming Friday and Saturday nights and advise Mr Moss should this music source also appear to be causing noise nuisance.

**8<sup>th</sup> April 2008**

A second complaint was received by Noise & Pollution Control from Councillor Ibrahim on behalf of a resident. On contacting the resident (complainant B), it was apparent the complaint related to noise in the street and associated with the Elm Tree. As such, the complaint was referred to the Police.

**22<sup>nd</sup> May 2008**

A letter was sent to Mr Watson at the Elm Tree, confirming our investigation into a complaint of noise nuisance from amplified music. The letter advised Mr Watson of the enforcement options available to Noise & Pollution Control should evidence of noise nuisance and/or non-compliance with the Licensing requirements be gained. A copy of this letter was sent to Trust Inns Limited in their capacity as Premises Licence Holder. **(see supporting evidence: Doc.04)**

**28<sup>th</sup> May 2008**

A call was received from P.C. Platts referring a further complaint from a third resident (complainant C) alleging loud music from within the Elm Tree. P.C. Platts advised that the complaint also included noise in the street, which was under investigation by the Police.

**3<sup>rd</sup> June 2008**

A call was made to Mr Watson advising him of the continuing complaints and additional complainants. Mr Watson was advised that the Noise & Pollution Control, Out of Hours Noise Service telephone number was to be released to complainants to allow them to contact the service when they considered they were being caused noise nuisance. He was also advised that legal action would be taken against him should evidence of statutory noise nuisance be gained. He was further advised that evidence of non-compliance with licensing requirements would result in Noise & Pollution Control seeking a Review of the Premises Licence. Mr Watson was advised that Mr Rowan, on behalf of Trust Inns, would be contacted and advised similarly.

**3<sup>rd</sup> June 2008**

A call was made to Mr Rowan to advise him as per Mr Watson above. A message was left summarising the advice provided to Mr Watson and requesting Mr Rowan contact Mr Moss to discuss the matter further.

**9<sup>th</sup> June 2008**

A call from complainant C was received advising they attempted to call the Out of Hours Noise Service at 00.53 hours on Saturday 7<sup>th</sup> June, but the call did not connect. Complainant C alleged that they called the Service due to loud music and raised voices from within the Elm Tree and raised voices from the street, associated with the Elm Tree. Complainant C alleged that these noises began at approximately 23.00 hours Friday 6<sup>th</sup> June and continued until 04.00 hours Saturday 7<sup>th</sup> June.

**4<sup>th</sup> July 2008**

A call from complainant A was received by the Out of Hours Noise Service at 00.04 hours alleging loud music from the Elm Tree. The call was cancelled at 00.21 hours due to the music being switched off.

**11<sup>th</sup> July 2008**

A call from complainant A was received by the Out of Hours Noise Service at 22.38 hours alleging loud music and raised voices from the Elm Tree. An observation from within complainant A's premises was carried out between 23.45 & 00.00 hours which provided evidence of statutory noise nuisance and non-compliance with the Premises Licence. (see supporting evidence: Doc.05).

**12<sup>th</sup> July 2008**

A call from complainant A was received by the Out of Hours Noise Service at 23.22 hours alleging loud music and raised voices from the Elm Tree. An observation from within complainant A's premises was carried out between 23.52 & 00.07 hours which provided further evidence of statutory noise nuisance and non-compliance with the Premises Licence. (see supporting evidence: Doc.06).

**12<sup>th</sup> July 2008**

A message was left by a further resident (complainant D) on the Noise & Pollution Control answerphone alleging noise from raised voices emanating from the Elm Tree's rear 'beer garden'. The message was left at 04.13 hours.

**15<sup>th</sup> July 2008**

A Noise Abatement Notice was served on Mr Watson under Section 80 of the Environmental Protection Act 1990. The Notice required Mr Watson, as the person responsible and the occupier of the Elm Tree, to abate the nuisance and prevent any recurrence of the nuisance.

The Abatement Notice was sent with an accompanying letter, which provided Mr Watson with further details of the observed nuisance, the options available to the Local Authority should contraventions of the Notice be witnessed. The letter also advised Mr Watson that an application for review of the Premises Licence may be made by Noise & Pollution Control to the Licensing Authority following such contravention. Copies of the Notice and accompanying letter were sent to Trust Inns Limited. (see supporting evidence: Doc.07 & Doc.08)

**21<sup>st</sup> July 2008**

A telephone call was received by Noise & Pollution Control from Ms Sheree Cameron (Mr Watson's partner) who requested clarification of the Abatement Notice and accompanying letter. Ms Cameron was provided with clarification and advised she or

Mr Watson contact Mr Rowan to discuss the matter.  
Ms Cameron was also advised that a further resident (complainant D) had made a complaint of noise from raised voices in the beer garden in the early hours of the morning.

#### **23<sup>rd</sup> July 2008**

A call was received by Noise & Pollution Control from complainant A advising that Mr Watson & Ms Cameron had visited complainant A's premises the previous evening in an attempt to agree Music Noise Levels. No agreement was reached but complainant A agreed to take Mr Watson's mobile telephone number and call him should further noise nuisance incidents occur.

Complainant A was updated by Noise & Pollution Control with respect to the Abatement Notice being served on Mr Watson and advised to continue to contact the Out of Hours Service should further incidents of noise nuisance from the Elm Tree occur.

#### **23<sup>rd</sup> July 2008**

A call was made to Mr Watson to further advise him of the repercussions should the Abatement Notice be contravened and non-compliance with the Premises Licence be witnessed. Mr Watson was also advised that a further resident (complainant D) had complained to Noise & Pollution Control, alleging noise nuisance from loud voices in the rear beer garden.

#### **23<sup>rd</sup> July 2008**

A call was made to complainant C, who continued to allege noise nuisance from inside and outside the Elm Tree. Complainant C advised that they had raised the matter with Councillor Jones.

#### **26<sup>th</sup> July 2008**

A call from complainant C was received by the Out of Hours Noise Service at 19.30 hours alleging loud music and raised voices from the Elm Tree. An observation from complainant C's premises was commenced at 20.00 hours. Music and raised voices from the Elm Tree were audible in complainant C's garden. The music was audible in the living room. The noise was not considered a statutory nuisance.

#### **27<sup>th</sup> July 2008**

A further call from complainant C was received by the Out of Hours Noise Service at 16.45 hours, again alleging loud music and raised voices from the Elm Tree. An observation from complainant C's premises was commenced at 17.10 hours, which identified music and voices from the Elm Tree at similar levels to those observed on 26<sup>th</sup> July.

#### **2<sup>nd</sup> August 2008**

A call from complainant C was received by the Out of Hours Noise Service at 04.03 hours alleging loud music and raised voices from the Elm Tree. An observation from within complainant C's premises was carried out between 04.45 & 05.05 hours which provided further evidence of statutory noise nuisance and non-compliance with the Premises Licence. **(see supporting evidence: Doc.09).**

#### **4<sup>th</sup> August 2008**

A call was received by Noise & Pollution Control from complainant C advising that the Police were called on 2 occasions during the evening of 1<sup>st</sup> August.

**6<sup>th</sup> August 2008**

A call was received by Noise & Pollution Control from P.C. Platts confirming the above calls to the Police. P.C. Platts advised that he had visited the Elm Tree since these calls and Mr Watson had admitted the premises were operating on 2<sup>nd</sup> August in non-compliance with the Premises Licence.

P.C. Platts also advised that he had contacted Mr Rowan regarding this matter and was in the process of arranging a meeting to discuss the on-going licensing concerns.

**7<sup>th</sup> August 2008**

A call was received by Noise & Pollution Control from complainant A, who alleged that there had been no reduction in noise levels emanating from the Elm Tree. Complainant A had called the Elm Tree every Friday and Saturday for the last 4-6 weeks to complain of excessive noise, with no satisfactory response.

Complainant A had also called and/or sent text messages directly to Mr Watson since being provided with his contact telephone number on 23<sup>rd</sup> July. However, these calls/texts had either not been answered or no noticeable reduction in noise levels occurred. Complainant A advised that she would no longer attempt to contact Mr Watson regarding noise and would return to calling the Out of Hours Service.

**8<sup>th</sup> August 2008**

A meeting was held at Notts Police Central Station. Attendees were Derek Moss, P.C. Platts, Jane Walker (Police Legal Representative), Mr Rowan and John Gaunt (Trust Inns Legal Representative).

As a result of the meeting, Trust Inns agreed to remove Mr Watson as the Designated Premises Supervisor and instate Mr Rowan in this position. Trust Inns would also meet with Mr Watson to discuss a short-term cessation in trading at the Elm Tree and to allow changes in operating practices at the premises to be proposed.

**11<sup>th</sup> August 2008**

A letter was sent to Mr Watson, informing him of Noise & Pollution Control's intention to seek to prosecution for the contravention of the Abatement Notice and to seek a Review of the Premises Licence. A copy of this letter was sent to Trust Inns. **(see supporting evidence: Doc.10)**

**11<sup>th</sup> August 2008**

A letter was sent to Trust Inns informing them of Noise & Pollution Control's intention to seek a Review of the Premises Licence and to seek prosecution of Mr Watson for the contravention of the Abatement Notice. A copy of this letter was sent to Mr Watson at the Elm Tree. **(see supporting evidence: Doc.11)**

**11<sup>th</sup> August 2008**

An email was sent to Mr Gaunt advising him of Noise & Pollution Control's intention to seek a Review of the Premises Licence and to seek prosecution of Mr Watson for the contravention of the Abatement Notice. Points raised by Mr Gaunt during the 8<sup>th</sup> August meeting were clarified. Copies of relevant correspondence were attached to the email. **(see supporting evidence: Doc.12)**

**14<sup>th</sup> August 2008**

A call was received by Noise & Pollution Control from complainant C who alleged the Elm Tree continued to trade and incidents of noise nuisance continued to occur. Complainant C had cause to contact the Police again regarding noise in the street.

**27<sup>th</sup> August 2008**

A call was made to Notts Police Central Licensing Section for an update regarding trading at the Elm Tree. They advised that the premises should not have been trading after 15<sup>th</sup> August 2008.

**Nottingham City Council, Noise & Pollution Control Section reserve the right to put forward any new matters should they come to our attention prior to the hearing.**

**Please tick yes**

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

If yes please state the date of that application

Day Month Year

2	8	1	1	2	0	0	6
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**If you have made representations before relating to this premises please state what they were and when you made them.**

Review application made 28<sup>th</sup> November 2006. Review Hearing held on 19<sup>th</sup> February 2007.

**(see attached Record of Proceedings: Doc.02)**

**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, 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**



**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature   
.....

Date 8TH SEPTEMBER 2008  
.....

Capacity CORPORATE DIRECTOR, ENVIRONMENT & REGENERATION  
.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

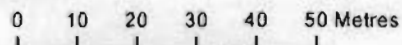
**Notes for Guidance**

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

# Elm Tree Public House and surroundings



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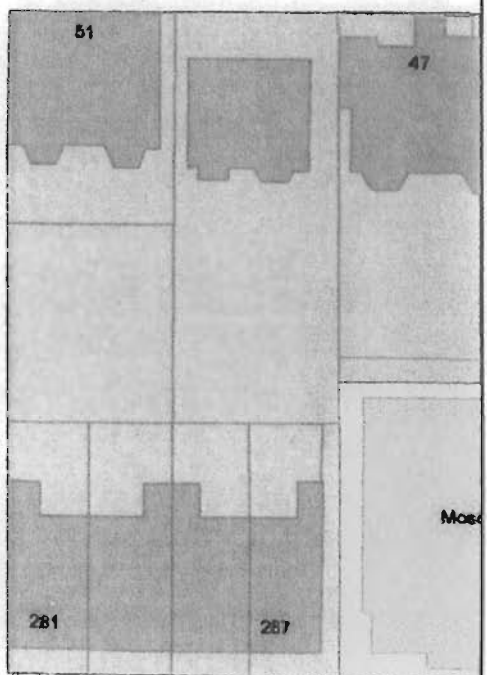
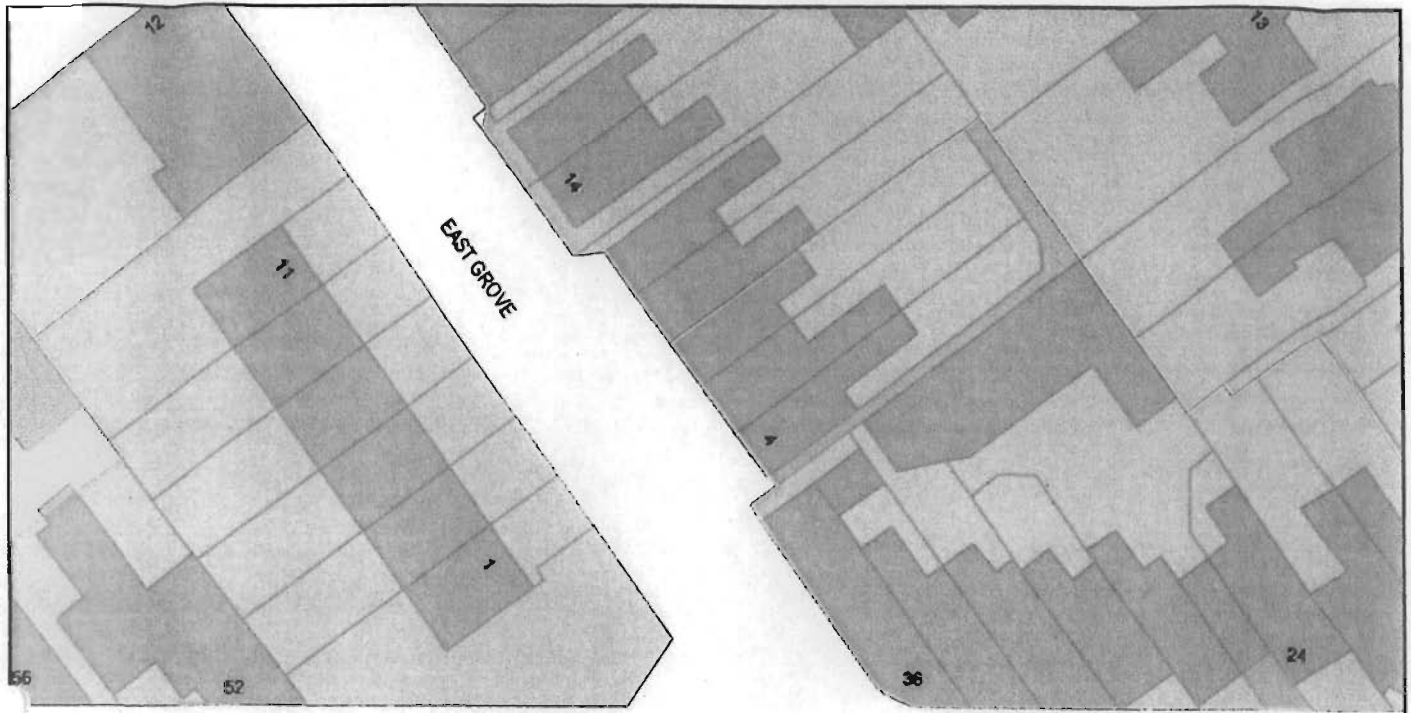


 Nottingham City Council  
 Environmental Services  
 Noise & Pollution Control Team



Scale = 1:1,250  
 Drawn : GES  
 Date : 5/9/2008

# The Elm Tree Public House, Proximity Land Use



TCBs  
67.7m

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## Legend

- Works
- Residential
- Mosque
- Public House

<p>Nottingham City Council City Development Pollution Control Section</p>	<p>N</p>	<p>Scale = 1:500 Drawn : GJT Date : 22/11/2006</p>	<p>0      7.5      15      22.5      30 Meters</p>
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**NOTTINGHAM CITY COUNCIL****SPECIAL LICENSING PANEL****RECORD OF PROCEEDINGS**

Barrie James  
Service Manager  
Public Health & Pollution Control  
City Development  
Lawrence House

<b>1. Date of Hearing</b>	19 February 2007
<b>2. Panel/Committee members present</b>	Councillor Cresswell (Chair) Councillor Grocock Councillor Smith
<b>3. Legal Advisor</b>	Judith Irwin
<b>4. Declarations of interests by members and officers</b>	None, though Councillor Cresswell stated for the avoidance of doubt that he was not related to Alison Cresswell who was a witness for the Responsible Authority
<b>5. Party submitting review application:</b>	The Public Health, Pollution Control and Enviro Crime Section, Nottingham City Council – Responsible Authority
<b>6. Premises concerned:</b>	The Elm Tree Inn 53 Beech Avenue New Basford Nottingham
<b>7. Nature of Application</b>	Application for review of premises licence
<b>8. Relevant representations received</b>	Alex Farren (Interested Party) submitted a representation citing the prevention of public nuisance licensing objective.  John Gaunt and Partners, Solicitors for the premises licence holder and for Trust Inns Limited, freeholder of the premises, submitted a representation against the application for review referring to licensing objectives of the prevention of crime and disorder and the prevention of public nuisance and referring to steps to improve acoustic installation at the premises.
<b>9. Parties / Representatives and witnesses present</b>	
<b><u>For the Applicant</u></b>	Applicant's representative - Derek Moss, Public Health, Pollution Control and Enviro Crime Section, Nottingham City Council (Responsible Authority)
<b><u>Witnesses given permission to speak</u></b>	Daniel Baker – Responsible Authority Alison Cresswell – Responsible Authority

<b><u>Witnesses refused permission to speak and reason why</u></b>	N/A
<b><u>Interested Parties Name</u></b>	Alex Farren
<b><u>For the Respondent</u></b>	Craig Burman, John Gaunt and Partners, Solicitors
<b><u>Witnesses given permission to speak</u></b>	Debra Stack, premises licence holder Tom Rowan, Trust Inns Limited
<b><u>Witnesses refused permission to speak and reason why</u></b>	N/A
<b><u>Other parties present</u></b>	Lucy Bowers – supporting Interested Party Pedro Moura – supporting Interested Party  Paul Taylor – barman at Elm Tree Inn Naomi Matthews – Legal Services (observing)
<b>10. Parties/witnesses not present and reason why</b>	N/A
<b>11. Applications and Decisions on ancillary issues</b>	N/A
<b>12. Written Representations and supplementary material taken into consideration</b>	<ul style="list-style-type: none"> <li>• The application for review by the Responsible Authority together with supporting documents numbered DOC 1 – 10</li> <li>• Representation from the Interested Party</li> <li>• Representation from John Gaunt and Partners, Solicitors by letter dated 20 December 2006</li> <li>• Additional information from the Responsible Authority dated 12 December 2006 together with supporting documents numbered DOC 11 - 13</li> <li>• Letter from John Gaunt and Partners dated 19 January 2007 enclosing copies of invoices for works carried out at the premises</li> <li>• Email from the Interested Party dated 22 January 2007</li> <li>• Letter from John Gaunt and Partners dated 22 January 2007 enclosing chronologies, copy receipts, letters in support and cases to be referred to</li> <li>• Additional information from the Responsible Authority dated 13 February 2007 together with supporting documents numbered DOC 14 – 20</li> </ul>

<b>13. Agreed Facts</b>	None
<b>14. <u>Facts/Issues in dispute</u></b>	<p>Whether it was necessary or proportionate to take any one or more of the steps identified at section 15 below in order to promote the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder or whether no action was necessary to promote the licensing objectives.</p> <p>The Responsible Authority requested the Licensing Authority to impose a condition requiring all music, both live and recorded, to go through a noise limiter.</p> <p>The Interested Party requested the Licensing Authority to reduce the operating hours of the premises and/or to require the licence holder to relocate the disco area to the other side of the premises away from residential premises. She also requested that door supervisors be on duty outside the premises.</p>
<b>15. Steps which the Licensing Authority may take</b>	<ol style="list-style-type: none"> <li>1. To modify the conditions of the licence either permanently or for a temporary period of up to 3 months; and/or</li> <li>2. To exclude a licensable activity from the scope of the licence either permanently or for a temporary period of up to 3 months; and/or</li> <li>3. To remove the designated premises supervisor; and/or</li> <li>4. To suspend the premises licence of a period not exceeding 3 months; or</li> <li>5. To revoke the licence.</li> </ol>
<b>16. Decision</b>	<p>The Panel heard that since the hearing on 23 January that the Responsible Authority had visited the premises and the Interested Party's property with a view to setting the level on the noise limiter. The Responsible Authority, the Interested Party and the Premises Licence Holder had agreed on three conditions which, it was submitted, would deal with the noise nuisance issues arising from the playing of recorded music.</p> <p>The parties had not been able to agree on the issue of live music. Also, the Interested Party had raised both in her representation and during the hearing other matters of public nuisance arising from the behaviour of patrons of the premises.</p> <p>The Panel took into account the contents of the application and all supporting documentation and submissions made in relation to it by all three parties.</p> <p><b>The Panel found as follows:-</b></p>

That noise nuisance had occurred on the premises and that this had been observed by Pollution Control Officers prior to the service of the abatement notices and the letters sent to the Premises Licence Holder. The Panel was satisfied from the evidence of the Interested Party that a condition of the premises licence namely "that the Premises Licence Holder and Designated Premises Supervisor will ensure that noise levels from recorded music do not give cause for annoyance to persons in the vicinity of the licensed premises" had been breached.

#### **The Prevention of the Crime and Disorder Objective**

The Guidance at paragraph 5.1112 states that the role of the Licensing Authority when determining a review is not to establish the guilt or innocence of an individual but to ensure that the crime prevention objective is promoted. The Panel therefore focused on observations of noise nuisance by Pollution Control Officers which themselves amounted to criminal offences.

#### **The Prevention of Public Nuisance Objective**

Direct and live evidence of public nuisance had been put before the Panel by the testimony of two Council Officers detailing observations at the Interested Party's property, and by the playing of recordings of music emanating from the premises and audible at the Interested Party's property. The Interested Party also gave direct and live evidence of public nuisance in the form of live and recorded music from the premises which she was able to hear at her premises, together with evidence as to other types of nuisance resulting from the close proximity of the public house, such as litter, persons shouting and urinating outside her house and cars parked outside her house with music playing. The Panel found that the incidents of nuisance did undermine this licensing objective.

#### **Conclusions**

The Guidance at paragraph 5.108 indicates that when considering any action which may be necessary on the review of a licence that Licensing Authorities should regard the use of warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted. However, the Guidance states that where warnings have already been given it would be inappropriate for the Panel to issue warnings.

The Guidance states at paragraph 5.110 that when reviewing a licence, the Licensing Authority should seek to establish the causes of the concerns raised in representations, and that any remedial action taken should be directed at the causes and be a proportionate and necessary response.

The Responsible Authority requested the Licensing Authority to impose a condition requiring all music, both live and recorded, to go through a noise limiter. If it was not possible for live music to go through a noise limiter, live music should be excluded from the scope of the premises licence. The Panel heard arguments against this from the Premises Licence Holder. The Panel considered the Interested Party's submission that the disco area should be relocated from its present position and heard arguments and evidence against this from the Premises Licence Holder.

The Panel concluded that it was necessary to take the following steps to promote the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance:-

1. That the premises licence shall be amended so that the terminal hour for live music shall be 11.00 pm every day;
2. That the premises licence shall be amended by the imposition of the following conditions:-
  - (a) That no live music shall be provided at the premises other than via a noise limiter which shall be fully and satisfactorily operational. The noise limiter will be set and sealed in conjunction with the Pollution Control Team of Nottingham City Council and the resident of 55 Beech Avenue;
  - (b) That no recorded music shall be provided at the premises until a second microphone has been installed to the existing noise limiter and the noise limiter has been made fully and satisfactorily operational. The noise limiter will be set and sealed in conjunction with the Pollution Control Team of Nottingham City Council and the resident of 55 Beech Avenue;
3. That the following conditions, which have been agreed between the parties and which will come into effect immediately, shall be added to the premises licence:-
  - (a) Before the noise limiter has been set and sealed on any day when regulated entertainment is occurring at the premises after 2330 hours there shall be at least one personal licence holder on site from 2330 hours until the regulated entertainment ceases.
  - (b) Should the above measures and/or any further steps taken not successfully prevent noise breakout the Premises Licence Holder understands that a further review application may be made within 12 months of the most recent review application and no issue will be taken with that course due to the fact that it is less than 12



months since the earlier review.

In imposing condition 2(b) above rather than the condition agreed between the parties, the Panel was mindful of the need to ensure the certainty and enforceability of conditions.

With regard to the Interested Party's representations regarding noise from parked cars and patrons shouting and urinating outside her property, the Panel was mindful of the Guidance at paragraph 7.23 in which it is stated that conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct manager of the licence holder. The premises licence already has a condition which states that where appropriate, prominent clear and legible notices shall be displayed at all exits requesting customers to leave the premises and the area quietly and the Panel did not consider that any further conditions to address her concerns would be justifiable. In addition, it was common ground between the parties that, while there was no condition requiring it, that at the Premises Licence Holder's instruction door supervisors were now on duty at the premises at night.

**Signed:** Councillor Cresswell (Chair)

**Dated:** 19 February 2007



## Licensing Act 2003

## City Development

Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT  
Tel: 0115 915 5555  
Fax: 0115 915 6145

### Premises Licence

Premises licence number  
037508

#### Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Elm Tree Inn  
53 Beech Avenue  
New Basford

Post town Nottingham

Post code NG7 7LR

Telephone number 0115 9127224

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Films - Indoors;  
Indoor Sporting Events;  
Live Music – Indoors;  
Recorded Music – Indoors;  
Performances of Dance - Indoors;  
Provision of Facilities for Making Music - Indoors;  
Provision of Facilities for Dancing - Indoors;  
Late Night Refreshment - Indoors;  
Sale by Retail of Alcohol;

**The times the licence authorises the carrying out of licensable activities**

**Films, Indoor Sporting Events, Recorded Music, Performances of Dance, Provision of Facilities for Making Music and for Dancing:**

Monday	from 11.00 hrs to 24.00 hrs
Tuesday	from 11.00 hrs to 24.00 hrs
Wednesday	from 11.00 hrs to 24.00 hrs
Thursday	from 11.00 hrs to 24.00 hrs
Friday	from 11.00 hrs to 02.00 hrs the following morning
Saturday	from 11.00 hrs to 02.00 hrs the following morning
Sunday	from 12.00 hrs to 24.00 hrs

On New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

To permit licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours. Such opening times to be confirmed upon 7 days prior notice in writing to the Police before the event which shall include the sporting event which is to be shown.

**Live Music:** (Varied by review: 19 February 2007)

Monday	from 11.00 hrs to 23.00 hrs
Tuesday	from 11.00 hrs to 23.00 hrs
Wednesday	from 11.00 hrs to 23.00 hrs
Thursday	from 11.00 hrs to 23.00 hrs
Friday	from 11.00 hrs to 23.00 hrs
Saturday	from 11.00 hrs to 23.00 hrs
Sunday	from 12.00 hrs to 23.00 hrs

**Late Night Refreshment:**

Monday	from 23.00 hrs to 24.00 hrs
Tuesday	from 23.00 hrs to 24.00 hrs
Wednesday	from 23.00 hrs to 24.00 hrs
Thursday	from 23.00 hrs to 24.00 hrs
Friday	from 23.00 hrs to 02.00 hrs the following morning
Saturday	from 23.00 hrs to 02.00 hrs the following morning
Sunday	from 23.00 hrs to 24.00 hrs

On New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

To permit licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours. Such opening times to be confirmed upon 7 days prior notice in writing to the Police before the event which shall include the sporting event which is to be shown.

**Alcohol Sales:**

Monday	from 11.00 hrs to 24.00 hrs
Tuesday	from 11.00 hrs to 24.00 hrs
Wednesday	from 11.00 hrs to 24.00 hrs
Thursday	from 11.00 hrs to 24.00 hrs
Friday	from 11.00 hrs to 02.00 hrs the following morning
Saturday	from 11.00 hrs to 02.00 hrs the following morning
Sunday	from 12.00 hrs to 24.00 hrs

On New Year's Eve from the end of permitted hours to the start of permitted hours on New

**Year's Day.**

To permit licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours. Such opening times to be confirmed upon 7 days prior notice in writing to the Police before the event which shall include the sporting event which is to be shown.

**The opening hours of the premises**

Monday from 11.00 hrs to 00.30 hrs the following morning  
Tuesday from 11.00 hrs to 00.30 hrs the following morning  
Wednesday from 11.00 hrs to 00.30 hrs the following morning  
Thursday from 11.00 hrs to 00.30 hrs the following morning  
Friday from 11.00 hrs to 02.30 hrs the following morning  
Saturday from 11.00 hrs to 02.30 hrs the following morning  
Sunday from 12.00 hrs to 00.30 hrs the following morning

On New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours. Such opening times to be confirmed upon 7 days prior notice in writing to the Police before the event which shall include the sporting event which is to be shown.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Alcohol - On the premises  
Alcohol - Off the premises

**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Trust Inns Limited, Blenheim House, Foxhole Road, Ackhurst Park, Chorley PR7 1NY

(Transferred 4 April 2008)

**Registered number of holder, for example company number, charity number (where applicable)**

3011034

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Clive Watson

(Varied 4 April 2008)

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

042555 - Nottingham City Council

Signed:  .....  
Licensing Officer

Dated: 27 September 2005  
Reviewed: 19 February 2007  
Varied: 10 March 2007

## Annex 1 - Mandatory conditions

### S. 19 Licensing Act 2003

1. No supply of alcohol may be made under this licence
  - a. At a time when there is no designated premises supervisor in respect of it or,
  - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

### S. 20 Licensing Act 2003

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

- a. by the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
- b. by the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) (b) of the Licensing Act 2003 applies to the film.

## Annex 2 - Conditions consistent with the Operating Schedule – (Varied: 10 March 2007)

1. Electrical sockets used by entertainers shall be fitted with residual current device protection (complying with BS 7671 Requirements for Electrical Installations) and labelled accordingly.
2. The dance floor shall be clearly delineated and shall be positioned in such a way as to ensure the safety of persons using the dance floor.
3. The arrangements for access around the dance floor and for seating in the vicinity of the dance floor shall be such that neither dancers, nor others, seated or otherwise, are put at risk of injury.
4. The premises licence holder and Designated Premises Supervisor will ensure that noise levels from recorded music do not give cause for annoyance to persons in the vicinity of the licensed premises.
5. The premises licence holder and Designated Premises Supervisor will ensure that:
  - (i) that doors and windows are kept closed whilst music is playing
  - (ii) that mechanical ventilation systems are maintained in good working order to provide sufficient alternative ventilation.
6. No customers carrying open bottles shall be admitted to the premises.
7. Drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
8. Where appropriate, prominent clear and legible notices shall be displayed at all exits requesting customers to leave the premises and the area quietly.
9. CCTV cameras shall be installed and maintained in the premises in accordance with Police Licensing Officers' recommendations. Images shall be retained for at least 31 days and shall be made available immediately upon request to Officers of Responsible Authorities.
10. At least two Security Industry Authority registered door supervisors shall be employed at the premises from 22.00 hours on any night of the week that the premises are open to the public beyond 00.30 hours or when regulated entertainment involving live music, singing and or dancing are provided.
11. The Designated Premises Supervisor is to ensure that persons employed as door supervisors wear and clearly display their SIA registration badge at all times whilst on duty. A bound book shall be kept containing the names, addresses, dates of birth, days and hours worked, of door supervisors shall be made daily, kept for at least twelve months and made available for inspection and copying by the Police upon request.

12. When door supervisors are employed, they shall conduct random searches of customers prior to admission for drugs and weapons.
13. Notices shall be displayed advising customers that searches will be carried out and admission will be refused to customers refusing to be searched. A record shall be kept showing details of anyone refusing to be searched, together with the time and date of the refusal. Such record to be made available for inspection and copying by the Police upon request.
14. If drugs are found during a personal search, or whilst being used within the premises, a clear image of the person found in possession will be captured on CCTV. Following a risk assessment of the situation arising from the find, any person found using or in possession of drugs will be detained, if safe and practicable, and the Police called.
15. Any drugs or weapons found, either during a search or otherwise on the premises, will be confiscated and stored in a secure container prior to being handed over to the Police, which must be done as soon as practicable.
16. Any seizures of drugs, weapons, or other property shall be recorded, together with the name and address of the person found with the article. The record shall be made in a diary or bound book which shall be retained at the premises for at least 2 years and shall be made available for inspection and copying by the Police upon request.
17. A bound and sequentially numbered incident/accident book shall be maintained and kept on the premises detailing all incidents of personal injury, damage and disorder. This book is to be made available for inspection and copying by the Police and Officers of Responsible Authorities upon request and retained at the premises for at least 2 years.
18. The toilets at the premises are to be checked hourly for drugs use and evidence of supply taking place. Cocaine wipes to be used at least twice a week. A record shall be kept of the results of the checks detailing how and where any illegal substance was found. The record to be retained at the premises and made available for inspection and copying by the Police upon request.
19. No one under the age of 18 years shall be allowed admittance to or remain on the premises after 19.00 hours apart from relatives of the Designated Premises Supervisor who shall be permitted access to and from any living accommodation within the premises.
20. The premises shall operate a 'Challenge 21' proof of age scheme.

### **Annex 3 - Conditions attached after a hearing by the licensing authority**

Review: 19 Feb 2007

1. No live music shall be provided at the premises other than via a noise limiter which shall be fully and satisfactorily operational. The noise limiter will be set and sealed in conjunction with the noise pollution control team of Nottingham City Council and the resident at 55 Beech Avenue.
2. No recorded music shall be provided at the premises until a second microphone has been installed to the existing noise limiter and the noise limiter has been made fully and satisfactorily operational. The noise limiter will be set and sealed in conjunction with the pollution control team of Nottingham City Council and the resident at 55 Beech Avenue.
3. Before the noise limiter has been set and sealed on any day when regulated entertainment is occurring at the premises after 23.30 hours there shall be at least one personal licence holder on site from 23.30 hours until the regulated entertainment ceases.
4. Should the above measures and/or any further steps taken not successfully prevent noise breakout the premises licence holder understand that a further review application may be made within 12 months of the most recent review application and no issue will be taken with that course due to the fact that it is less than 12 months since the earlier review.

Annex 4 – Plans

Plan received with the application on 28 July 2005

Plan applicable from the issue date of the licence.

27 September 2005



My Ref: DPM/Flare/213594L1 (210729)  
Your Ref:  
Contact: Derek Moss  
Email: pollution.control@nottinghamcity.gov.uk

DOC.04

Mr Clive Watson  
Elm Tree P H  
The Elm Tree  
53 Beech Avenue  
Nottingham  
NG7 7LR

Noise & Pollution Control  
Environment & Regeneration  
Lawrence House  
Talbot Street  
Nottingham NG1 5NT

Tel: 0115 9156410  
Fax: 0115 9156020  
Minicom: 0115 9156626  
www.nottinghamcity.gov.uk

22<sup>nd</sup> May 2008

Dear Mr Watson,

**Licensing Act 2003**  
**Noise Act 1993 (as amended)**  
**Environmental Protection Act 1990 - Section 80**  
**Alleged Noise Nuisance**  
**Re: The Elm Tree, 53 Beech Avenue, Nottingham. NG7 7LR**

I write to advise you that a complaint has been received alleging that the playing of amplified music at the premises is causing noise nuisance to local residents. I am informed that the disturbances have continued into the early hours of the morning.

The complainant will be asked to monitor the situation and should they continue to consider that they are being caused noise nuisance, observations will be arranged from the complainant's premises. If these observations substantiate noise nuisance, a Notice, served under the Environmental Protection Act 1990, will be served upon you, as the person responsible, requiring the abatement of the nuisance. Contravention of this Notice could lead to an appearance before the Magistrates Court and/or seizure of equipment. The maximum fine for such a contravention is presently £20,000.

I also take this opportunity to advise you that additional powers have been introduced for non-compliance of the above Legislation and the Noise & Pollution Control Section may take further action should evidence be obtained, which could include:

**Service of a fixed penalty notice**  
**Service of a premises closure order**  
**Review of the current premise license**



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Public Protection  
for excellence




INVESTOR IN PEOPLE

With regard to the Licensing Act 2003, should evidence be gained that the premises is not in full compliance with its current Premises Licence, it may be necessary for this Section to request a review of the licence. Any hearing held may result in the Licensing Authority carrying out the following:

- **Modify or add conditions to the licence**
- **Exclude a licensable activity from the licence**
- **Remove the designated premises supervisor**
- **Suspend the licence for a period (not exceeding 3 months)**
- **Revoke the licence**

Considering the above, I suggest it is therefore in your best interests to ensure that noise nuisance does not occur in the future. Should you wish to discuss this matter, please do not hesitate to contact me at this office.

Yours sincerely




**Derek Moss**  
**Environmental Health Officer – Noise & Pollution Control Team**  
**Direct line ☎: 0115 9156403**

c.c. The Company Secretary, Trust Inns Limited, Blenheim House, Foxhole Road, Ackhurst Business Park,  
Chorley. PR7 1NY

## Statement of Witness

(Criminal Procedure Rules, r27.1(1); Criminal Justice Act 1967, S9; Magistrates Courts Act 1980, s5 5B)

Document No. SJB02331
Signature 

**STATEMENT OF: Sara Ball**


**Age of Witness: Over 21**

**Date of Birth: Over 21**

**Occupation of Witness: Environmental Health Officer**

This statement (consisting of 2 pages, each signed by me), is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.


**Dated: 03/09/2008**

**Signed:** 

I am employed by Nottingham City Council as an Environmental Health Officer in the Noise and Pollution Control Team of the Environment and Regeneration Department. I qualified as an Environmental Health Officer in 2002 and have been employed by Nottingham City Council since July 2002. One of my duties in this post is the investigation and assessment of complaints of statutory noise nuisance.

On Friday 11<sup>th</sup> July 2008 I was the Duty Officer on the Pollution Control Noise "Out of Hours" Service. At approximately 23.28 hours, on the same day, I received a call from the complainant alleging loud music emanating from The Elm Tree Public House, 53 Beech Avenue, Nottingham.

I arrived at the complainant's property, with my Support Officer Mr M Cooke, at 23:45 hours. Music could be heard outside the complainant's property emanating from The Elm Tree and patrons of the establishment were entering and leaving through the front door of The Elm Tree Public House on Beech Avenue. We moved to the complainant's first floor front bedroom room at 23:46. Raised voices and music were clearly audible at a volume that was intrusive and would prevent or disturb sleep. At 23:52 the volume of the bass increased and could be heard in both the first floor front bedroom and the first floor rear bedroom. Raised voices and music were audible through the adjoining wall of the property and from the rear yard of The Elm Tree Public House. The music continued at the same volume until the observation was concluded at 00.00.


Signed: 

Dated: 03/09/2008


At 00.00 we left the complainant's property and music could clearly be heard emanating from The Elm Tree Public House of the same type that was heard in the complainant's property.

I was satisfied that the volume of music emanating from The Elm Tree Public House, 53 Beech Avenue, Nottingham would prevent or disturb sleep and was materially interfering with the comfort and enjoyment of the complainant's property.

**END**

Signed: 


Dated: 03/09/2008

Signed:   
03/09/2008

Dated:

## Statement of Witness

(Criminal Procedure Rules, r27.1(1); Criminal Justice Act 1967, S9; Magistrates Courts Act 1980, sS 5B)

Document No. SJB02332
Signature 

**STATEMENT OF: Sara Ball**


**Age of Witness: Over 21**

**Date of Birth: Over 21**

**Occupation of Witness: Environmental Health Officer**

This statement (consisting of 2 pages, each signed by me), is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.


**Dated: 04/09/2008**

**Signed:** 

I am employed by Nottingham City Council as an Environmental Health Officer in the Noise and Pollution Control Team of the Environment and Regeneration Department. I qualified as an Environmental Health Officer in 2002 and have been employed by Nottingham City Council since July 2002. One of my duties in this post is the investigation and assessment of complaints of statutory noise nuisance.

On Saturday 12<sup>th</sup> July 2008 I was the Duty Officer on the Pollution Control Noise "Out of Hours" Service. At approximately 23.22 hours, on the same day, I received a call from the complainant alleging loud music emanating from The Elm Tree Public House, 53 Beech Avenue, Nottingham.


I arrived at the complainant's property, with my Support Officer Mr M Cooke, at 23:52 hours. Music could be heard outside the complainant's property emanating from The Elm Tree. We moved to the complainant's first floor front bedroom room at 23:53. Raised voices and music were clearly audible at a volume that was intrusive and would prevent or disturb sleep. The walls and floor of the complainant's bedroom and landing were vibrating. At 00.02 the volume of the bass increased and could be heard in both the first floor front bedroom and the first floor rear bedroom. At 00:07 the volume of the music increased again and the singing on the track being played was audible. Raised voices and music were audible through the adjoining wall of the property and from the rear yard of The Elm Tree Public House. The music continued at the same volume until the observation was concluded at 00.07.


Signed:   
Dated: 04/09/2008

At 00.07 we left the complainant's property and music could clearly be heard emanating from The Elm Tree Public House of the same type that was heard in the complainant's property.

I was satisfied that the volume of music emanating from The Elm Tree Public House, 53 Beech Avenue, Nottingham would prevent or disturb sleep and was materially interfering with the comfort and enjoyment of the complainant's property.

**END**

Signed:   
Dated: 04/09/2008

Signed:   
Dated: 04/09/2008

The Officer dealing with this matter is: Derek Moss  
Telephone no.: 0115 9156403  
Reference: DPM/Flare/210729N1

**ENVIRONMENTAL PROTECTION ACT 1990**  
**Section 80**  
**Abatement notice in respect of a Statutory Nuisance**

**To: Mr Clive Watson**  
**Elm Tree P H**  
**53 Beech Avenue**  
**Nottingham**  
**NG7 7LR**

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990, Nottingham City Council being satisfied that a statutory nuisance ~~exists~~ [has existed] [and][er] is likely to ~~occur~~ [recur] pursuant to section 79(1)(g) of the Act at the premises known as **The Elm Tree 53 Beech Avenue Nottingham NG7 7LR**

[within the district of the said Council], arising from the playing of amplified music or the operation of an electrical device capable of amplified speech or music, and raised voices, at such times and at such volumes as to cause a noise nuisance.

HEREBY REQUIRE YOU as the [person responsible for the nuisance] [owner] / [occupier] of the premises,  
(1) FORTHWITH ~~from the service of this notice to [abate the nuisance]. AND also~~  
(2) FORTHWITH to [PROHIBIT][RESTRICT] the [occurrence][recurrence] of the same.

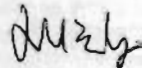
**IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council [the nuisance to which this notice relates is [injurious to health] [likely to be of limited duration such that suspension would render the notice of no practical effect] [the expenditure which would be incurred by any person in taking steps to comply with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance] [in accordance with Regulation 3(2) of the Statutory Nuisance (Appeals) Regulations 1995**

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standard Scale, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence will be liable on summary conviction to a fine not exceeding £5,000 for domestic premises or £20,000 for commercial premises. The fines may be subject to alteration by Order.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. [Further, if you fail to comply with all or any of the steps required by this notice the Council may take the relevant action and recover from you the necessary expenditure incurred].

Dated 15/07/2008

Signed



Authorised Officer  
[the officer appointed for this purpose]

Address for all communications  
Nottingham City Council  
Noise & Pollution Control Team  
Environment & Regeneration  
Lawrence House  
Talbot Street  
Nottingham NG1 5NT

NB The person served with this notice may appeal against the notice to a Magistrates Court within 21 days beginning with the date of service of this notice; see the attached notes.

## NOTES

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows -

### APPEALS UNDER SECTION 80(3) OF THE ENVIRONMENTAL PROTECTION ACT 1990 ("the 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to Magistrates) against an abatement notice served upon him by a local authority
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
  - (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
  - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice or in, or in connection with, any copy of the abatement notice served under Section 80A(3) (certain notices in respect of vehicles, machinery or equipment),
  - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
  - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose,
  - (e) where the nuisance to which the notice relates-
    - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
    - (ii) is a nuisance falling within Section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
    - (iii) is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from, or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance,
  - (f) that in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises) the requirements imposed by the abatement notice by virtue of section 80(1)(a) of that Act are more onerous than the requirements for the time being in force in relation to the noise to which the notice relates, of-
    - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act"), or
    - (ii) any consent given under section 61 or 65 of the 1974 Act, or
    - (iii) any determination made under section 67 of the 1974 Act,
  - (g) that, in the case of a nuisance under Section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the Act, are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to The Noise and Statutory Nuisance Act 1993 ("the 1993 Act") (Loudspeakers in the streets and roads),
  - (h) that the abatement notice should have been served on some person instead of the appellant, being-
    - (i) the person responsible for the nuisance, or
    - (ii) the person responsible for the vehicle, machinery or equipment, or
    - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises
    - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
  - (i) that the abatement notice might lawfully have been served on some person instead of the appellant being-
    - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
    - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served,
  - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being-
    - (i) a person also responsible for the nuisance, or
    - (ii) a person who is also an owner of the premises, or
    - (iii) a person who is also an occupier of the premises, or
    - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,and that it would have been equitable for it to have been so served
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with any copy of the notice served under Section 80A(3), the courts shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which this regulation applies he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question
- (5) On the hearing of an appeal the court may-
  - (a) quash the abatement notice to which the appeal relates, or
  - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
  - (c) dismiss the appeal;and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority
- (6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit-
  - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
  - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person
- (7) In exercising its powers under paragraph (6) above, the court-
  - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
  - (b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

### SUSPENSION OF NOTICES

3. (1) Where-
  - (a) an appeal is brought against an abatement notice served under section 80 or Section 80A of the 1990 Act, and-
  - (b) either-
    - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
    - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
  - (c) necessarily either paragraph (2) does not apply, or if it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court
- (2) This paragraph applies where-
  - (a) the nuisance to which the abatement notice relates-
    - (i) is injurious to health, or
    - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
  - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance
- (3) Where paragraph (2) applies the abatement notice-
  - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
  - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply



**My Ref:** DM/210729L2

DOC. 08

**Your**

**Ref:**

**Contact:** Derek Moss

**Email:** derek.moss@nottinghamcity.gov.uk

Environment & Regeneration  
Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT

**Tel:** 0115 915 5555

**Fax:** 0115 915 6020

**Minicom:** 0115 915 6226

[www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk)

Mr Clive Watson  
Elm Tree P H  
53 Beech Avenue  
Nottingham  
NG7 7LR

15<sup>th</sup> July 2008

Dear Mr Watson

**Licensing Act 2003**

**Noise Act 1993 (as amended)**

**Environmental Protection Act 1990**

**Re: Noise Nuisance from Amplified Music and Raised Voices emanating from the Elm Tree P H, 53 Beech Avenue, Nottingham.**

I write further to my previous correspondence, dated 22<sup>nd</sup> May 2008, regarding this matter. You were advised that further action would be taken should evidence be gained which substantiated a statutory nuisance emanating from the Elm Tree P H.

Observations by officers of this Team, carried out between the hours of 23.45 and 00.07 on the 11<sup>th</sup> & 12<sup>th</sup> July 2008, identified amplified music and raised voices emanating from the above premises. We are satisfied that a statutory nuisance occurred during the observation and is likely to recur as a result of the playing of amplified music and raised voices at the premises. The Nottingham City Council is therefore obliged to serve upon you, as the person responsible for the nuisance, the accompanying Environmental Protection Act: Section 80 Abatement Notice.

I must advise you that observed contravention of the Notice may result in criminal proceedings being instituted and a fine of up to £20,000 for each offence on conviction; recurrent contravention may also result in further fines and/or seizure of equipment capable of producing music.



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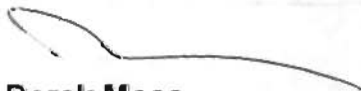
I would also like to take this opportunity to advise you that observed contravention of the Notice may also result in an application for review being made to the Licensing Authority regarding the current premises license under the Licensing Act 2003. Any hearing held may result in the Licensing Panel carrying out the following:

- **Modify or add conditions to the licence**
- **Exclude a licensable activity from the licence**
- **Remove the designated premises supervisor**
- **Suspend the licence for a period (not exceeding 3 months)**
- **Revoke the licence**

Considering the above, I suggest it is therefore in your best interests to ensure that noise nuisance does not recur in the future.

Nottingham City Council has adopted the Government's Concordat on Good Enforcement and you are invited to contact me at this office to discuss the situation further and proposals for resolving the problem.

Yours faithfully



**Derek Moss**

**Environmental Health Officer (Pollution Control)**

**Direct line ☎: 0115 9156403**

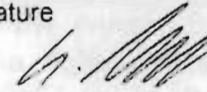
c.c. The Company Secretary, Trust Inns Limited, Blenheim House, Foxhole Road, Ackhurst Business Park, Chorley. PR7 1NY

## Statement of Witness

(Criminal Procedure Rules, r27.1(1); Criminal Justice Act 1967, S9; Magistrates Courts Act 1980, sS 5B)

Document No. 210729

Signature



**STATEMENT OF: Steve Thorpe**

**Age of Witness: Over 21**

**Date of Birth: Over 21**

**Occupation of Witness: Enforcement Officer**

This statement (consisting of two sides of one page, each signed by me), is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated: 05/08/2008**

**Signed:**



I am employed by Nottingham City Council as an Enforcement Officer in the Noise and Pollution Control Section of the Environment and Regeneration Department. I have been employed by Nottingham City Council since 2003. One of my duties in this post is the investigation and assessment of complaints of statutory noise nuisance.

On Saturday 2<sup>nd</sup> August 2008 I was the Duty Officer on the Pollution Control Noise "Out of Hours" Service. At approximately 04.03 hours, on the same day, I received a call from the complainant alleging loud amplified music and shouting emanating from the Elm Tree Public House, 53 Beech Avenue, Nottingham, NG7 7LR.

I arrived at the complainant's property with my support officer Steve Hallam at approximately 04.45 hours. As we walked to the complainant's property loud music and amplified speech was audible emanating from the Elm Tree, Public House, 53 Beech Avenue, Nottingham, NG7 7LR. Raised voices from several people entering and exiting cars and/or the Elm Tree were also clearly audible.

On entering the complainant's property we immediately went to the front first floor bedroom where the same music and amplified speech were still clearly audible with the window open for ventilation. Also clearly audible at that time were raised voices, slamming car doors and a car horn.

At approximately 04.56 hours we moved to each of the two first floor back bedrooms in the complainant's property. With the windows open for ventilation loud voices and car door slamming was clearly audible from people arriving and/or leaving the Elm Tree through the side entrance to the rear yard.

**Signed:**



**Dated: 05/08/2008**


At approximately 04.58 hours loud music was clearly audible emanating from two cars heading in opposite directions which had both stopped side by side on the street outside the entrance to the Elm Tree's car park, the cars moved off slowly at approximately 05.00 hours to park up.

At 05.03 hours we moved back to the complainant's front bedroom. The music and amplified speech emanating from the Elm Tree was still clearly audible. From the direction of the Elm Tree raised voices were heard from a conversation between two or three males, one of which had left his car parked with its lights on and engine left idling on the street directly opposite the complainant's. The conversation ended at approximately 05.05 hours when two of the males returned to the car and drove away.

As we left the complainant's property at approximately 05.07 hours loud music was audible in the street emanating from the Elm Tree, Public House, 53 Beech Avenue, Nottingham, NG7 7LR.

I am aware of the contents of the abatement notice dated 15<sup>th</sup> July 2008 and served on Mr Clive Watson. In my opinion the volume of music, amplified and raised voices emanating from the Elm Tree, Public House, 53 Beech Avenue, Nottingham, NG7 7LR. constituted a nuisance in contravention of the abatement notice."

**END**

Signed: 

Dated: 05/08/2008

Signed:  
05/08/2008

Dated:

**My Ref:** DM/210729L3

**Your**

**Ref:**

**Contact:** Derek Moss

**Email:** derek.moss@nottinghamcity.gov.uk

**Environment & Regeneration**  
Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT

**Tel:** 0115 915 5555

**Fax:** 0115 915 6020

**Minicom:** 0115 915 6226

[www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk)

Mr Clive Watson  
Elm Tree P H  
53 Beech Avenue  
Nottingham  
NG7 7LR

11<sup>th</sup> August 2008

Dear Mr Watson

**Licensing Act 2003**

**Noise Act 1993 (as amended)**

**Environmental Protection Act 1990**

**Re: Noise Nuisance from Amplified Music and Raised Voices emanating from the Elm Tree P H, 53 Beech Avenue, Nottingham.**

I write to inform you that since my correspondence of the 15<sup>th</sup> July 2008, further complaints have been received by this Team regarding the recurrence of statutory noise nuisance from your premises. With regard to these further complaints, observations from a complainant's premises by officers of this Team have provided evidence of such recurrence on one occasion to date.

The observation, carried out on the 2<sup>nd</sup> August 2008, between approximately 04.45 and 05.05 hours, identified amplified music noise and raised voices emanating from The Elm Tree P.H. which were clearly audible within the complainant's premises at levels that would materially interfere with the comfort and enjoyment of their property.

This recurrence is in contravention of the Environmental Protection Act 1990: Section 80 Abatement Notice served on you on 15<sup>th</sup> July 2008. The observation also provided evidence of non-compliance with the requirements of the current Premises Licence.

With respect to the contravention of the Abatement Notice, a file for prosecution will be forwarded to Nottingham City Council's City Secretary's Department for instigation of legal proceedings. I must advise you that if further contraventions are witnessed by Officers of this Team, these will also be forwarded to Nottingham City Council's City Secretary's Department for prosecution.



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With respect to the evidence of non-compliance with the Licensing Act, the Premises Licence Holder, Trust Inns Limited, will be informed that the Pollution Control Team, in its capacity as a Responsible Authority under the Act, intends to apply for a Review of the Premises Licence. I refer you to my correspondence of 15<sup>th</sup> July 2008 for information with regard to any Review hearing that may be held.

Nottingham City Council has adopted the Government's Concordat on Good Enforcement and you are invited to contact me at this office to discuss the situation further.

Yours faithfully



**Derek Moss**

**Environmental Health Officer (Noise & Pollution Control Team)**

**Direct line ☎: 0115 9156403**

c.c. The Company Secretary, Trust Inns Limited, Blenheim House, Foxhole Road, Ackhurst Business Park, Chorley. PR7 1NY

**My Ref:** DM/210729L4  
**Your Ref:**  
**Contact:** Derek Moss  
**Email:** derek.moss@nottinghamcity.gov.uk

**Environment & Regeneration**  
Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT

**Tel:** 0115 915 5555  
**Fax:** 0115 915 6020  
**Minicom:** 0115 915 6226  
[www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk)

Trust Inns Limited  
Blenheim House  
Foxhole Road  
Ackhurst Business Park  
Chorley  
PR7 1NY

11<sup>th</sup> August 2008

FAO: The Company Secretary

Dear Sir/Madam

**Licensing Act 2003**

**Noise Act 1993 (as amended)**

**Environmental Protection Act 1990**

**Re: Noise Nuisance from Amplified Music and Raised Voices emanating from the Elm Tree P H, 53 Beech Avenue, Nottingham.**

I write in the company's capacity as the Premises Licence Holder for the above premises to inform you that since my correspondence to Mr Clive Watson, the tenant of the premises, dated 15<sup>th</sup> July 2008 and a copy sent to you for your records, further complaints have been received by this Team regarding the recurrence of noise nuisance from activities associated with the premises.

With regard to these further complaints, observations from the street and from within a complainant's premises by officers of this Team have provided evidence of non-compliance with the Premises Licence. The observation from the complainant's premises was also deemed a recurrence of statutory noise nuisance in contravention of the Abatement Notice served on Mr Watson on 15<sup>th</sup> July 2008 (the person deemed responsible for the statutory nuisance).

In respect of the evidence of non-compliance with the current Premises Licence, I must inform you that the Pollution Control Team, in its capacity as a Responsible Authority under the Licensing Act 2003, intends to apply for a Review of the Premises Licence. Any hearing held may result in the Licensing Panel carrying out the following:

- **Modify or add conditions to the licence**
- **Exclude a licensable activity from the licence**
- **Remove the designated premises supervisor**
- **Suspend the licence for a period (not exceeding 3 months)**
- **Revoke the licence**



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INVEST IN NOTTINGHAM

With respect to the contravention of the Abatement Notice, a file for prosecution of Mr Watson will be forwarded to Nottingham City Council's City Secretary's Department for instigation of legal proceedings. If further contraventions are witnessed by Officers of this Team, these will also be forwarded to Nottingham City Council's City Secretary's Department for prosecution.

Please do not hesitate to contact me at this office should you wish to discuss the situation further.

Yours faithfully



**Derek Moss**  
**Environmental Health Officer (Noise & Pollution Control Team)**  
**Direct line ☎: 0115 9156403**

c.c. Mr Clive Watson, The Elm Tree P.H., 53 Beech Avenue, Nottingham. NG7 7LR



**Derek Moss**

---

**From:** Derek Moss [derek.moss@nottinghamcity.gov.uk]  
**Sent:** 11 August 2008 11:37  
**To:** 'johng@john-gaunt.co.uk'  
**Subject:** The Elm Tree P.H., 53 Beech Avenue, Nottingham

Dear Mr Gaunt

Please find attached copies of recent correspondence to the tenant of the above premises, as agreed during our meeting on Friday 8<sup>th</sup> August at Nottingham Central Police Station. I also attached a copy of correspondence sent today to Trust Inns Limited, informing of this Team's intention to apply for a Review of the Elm Tree's current Premises Licence; and to Mr Watson, informing of our intention to prosecute him for the contravention of the Environmental Protection Act 1990, Section 80 Abatement Notice.

I can also respond to your request for clarification as to whether observations carried out by officers of this team have included evidence of noise nuisance from voices within the Elm Tree 'building'. I can confirm that this **was** the case during observations carried out on 11<sup>th</sup> & 12<sup>th</sup> July. However, the voices observed during the observation carried out on 2<sup>nd</sup> August emanated from the 'rear yard' of the Elm Tree and from the adjacent streets.

I trust this information is useful to you. Please do not hesitate to contact me at this office should you wish to discuss the matter further.

Regards

**Derek Moss (Environmental Health Officer)  
Noise & Pollution Control Team  
Nottingham City Council  
Lawrence House  
Talbot Street  
Nottingham NG1 5NT**

**Tel 0115 9156403  
Fax 0115 9156020**



5. Please give details of your representation(s) including details as to why you feel the application would be unlikely to promote the objective(s) you have ticked above and including as much evidence as possible in support of your representation. Please continue on a separate sheet if necessary.

+ people) the noise coming from premises (music results in myself + partner being able to sleep till early hours. Also feeling threatened by customers outside. A lot of disturbance.

6. If you are suggesting that conditions should be attached to any licence granted please give the wording of the proposed condition(s) and state why you feel they are necessary and proportionate. Please continue on a separate sheet if necessary.

Hours to be reduced to 10.30/11 pm every night and a noise limiter fitted. To change entrance & exit to side. Door staff to ensure people leave quietly.

7. Please indicate any parts of the Licensing Authority's Statement of Policy which you feel may be relevant to your representation<sup>3</sup>.

.....  
.....  
.....

8. Please indicate any parts of the Guidance issued under S 182 of the licensing Act 2003 which you feel may be relevant to your representation<sup>4</sup>.

.....  
.....  
.....

9. As you have made a representation the Application may need to be determined at a hearing of the Licensing Committee or one of its Panels. At this stage would you intend to attend such a hearing<sup>5</sup>? Please circle as appropriate.

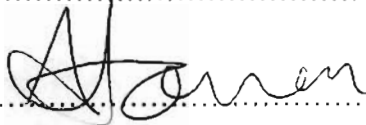
Yes

No

10. If you intend to attend any hearing that may be held it would be helpful at this stage if you could give an indication as to how long you think you would need to make your representation(s).

..... 15 / 20 mins .....

Signed.....



Date: 22, 09, 08

**Thank You for making your representation. Please send it to:-**

**The Licensing Officer  
General Licensing Services  
Nottingham City Council  
Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT**

**The Licensing Team will contact you in due course regarding the next stage of the process and the applicant or other interested parties may choose to contact you to discuss this matter further.**

1. If you do not fall within any of these categories the Licensing Authority cannot take your representation into account. If you are acting as a representative you should indicate who it is that you represent and, evidence that you are authorised to make the representation eg letter of authority, extract of minutes where the matter has been discussed etc.
2. If your representation does not relate to any of the four licensing objectives your representation cannot be considered by the Licensing Authority.
3. We appreciate that not all persons making representations will be fully familiar with the Authority's Licensing Policy. It would be helpful to all concerned, however, if the parts which you feel are relevant could be highlighted here though a failure to do so will not of itself mean that your representation will not be considered. The Authority's policy is available [www.nottinghamcity.gov.uk/flr](http://www.nottinghamcity.gov.uk/flr).
4. We appreciate that not all persons making representations will be fully familiar with the Section 182 Guidance. It would be helpful to all concerned, however, if the parts which you feel relevant could be highlighted here though a failure to do so will not of itself mean that your representation will not be considered. The Guidance is available [www.culture.gov.uk](http://www.culture.gov.uk).
5. If you do not wish to attend, the contents of the representation and any further written material you wish to put forward may still be considered. However, any further material you put forward must relate to the representation made here and must not include new grounds of objection. You will be notified of the deadline for submitting additional material in due course.



**Representation under the Licensing Act 2003**

**Please note that the contents of this representation will be disclosed to the applicant, other interested parties and responsible authorities. They may also be discussed at a public hearing. If you do not want your telephone number and e-mail address to be disclosed please let us know.**

- 1. Please state the following:
  - a. Your name ..... MR POTE
  - b. Your address ..... 67 BEECH AVENUE  
SHEKWOOD RISE  
NOTTINGHAM NG7 7LR
  - c. Your phone number ..... 0115 912347
  - d. Your e-mail address .....

- 2. Capacity in which this representation is made <sup>1</sup>. Please delete as appropriate – are you:-
  - a. A person living in the vicinity of the application premises or their representative?
  - ~~b. A body representing persons who live in the vicinity of the application premises?~~
  - ~~c. A person involved in a business in the vicinity of the application premises?~~
  - ~~d. A body representing persons involved in businesses in the vicinity of the application premises?~~

- 3. Please identify the application you wish to make a representation about.
  - a. Name and address of application premises ..... ELM TREE PUB  
53 BEECH AVENUE, NOTTINGHAM, NG7 7LR
  - b. Nature of application (variation, new premises licence, etc)  
..... LICENSE REVIEW (WITH VIEW TO REVOKING)

- 4. Which of the licensing objectives does your representation relate to? Please delete as appropriate <sup>2</sup>.
  - ~~a. The prevention of crime and disorder.~~
  - ~~b. Public safety.~~
  - ~~c. The prevention of public nuisance.~~
  - ~~d. The protection of children.~~

Community & Culture - Licensing  
 Time received 9.50  
 3 - OCT 2008  
 £ \_\_\_\_\_

5. Please give details of your representation(s) including details as to why you feel the application would be unlikely to promote the objective(s) you have ticked above and including as much evidence as possible in support of your representation. Please continue on a separate sheet if necessary.

DURING THE YEARS I HAVE LIVED HERE I HAVE HAD TO PUT UP WITH NOISE AND DISRUPTION DURING THE ELM TREE OPENING HOURS AND

WITNESSED VIOLENT ACTS OUTSIDE THE PUB AND OUTSIDE OUR HOUSE. IN THE PAST, NOISE FROM PEOPLE IN THE STREET HAS BEEN HEARD BEYOND 12 AM AND WOKEN MY CHILDREN.

6. If you are suggesting that conditions should be attached to any licence granted please give the wording of the proposed condition(s) and state why you feel they are necessary and proportionate. Please continue on a separate sheet if necessary.

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7. Please indicate any parts of the Licensing Authority's Statement of Policy which you feel may be relevant to your representation<sup>3</sup>.

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8. Please indicate any parts of the Guidance issued under S 182 of the licensing Act 2003 which you feel may be relevant to your representation<sup>4</sup>.

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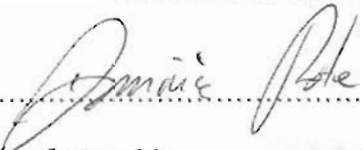
9. As you have made a representation the Application may need to be determined at a hearing of the Licensing Committee or one of its Panels. At this stage would you intend to attend such a hearing<sup>5</sup>? Please circle as appropriate.

Yes

No

10. If you intend to attend any hearing that may be held it would be helpful at this stage if you could give an indication as to how long you think you would need to make your representation(s).

.....  
.....  
.....

Signed.....

Date: 29.09.108.

Thank You for making your representation. Please send it to:-

The Licensing Officer  
General Licensing Services  
Nottingham City Council  
Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT

The Licensing Team will contact you in due course regarding the next stage of the process and the applicant or other interested parties may choose to contact you to discuss this matter further.

1. If you do not fall within any of these categories the Licensing Authority cannot take your representation into account. If you are acting as a representative you should indicate who it is that you represent and, evidence that you are authorised to make the representation eg letter of authority, extract of minutes where the matter has been discussed etc.
2. If your representation does not relate to any of the four licensing objectives your representation cannot be considered by the Licensing Authority.
3. We appreciate that not all persons making representations will be fully familiar with the Authority's Licensing Policy. It would be helpful to all concerned, however, if the parts which you feel are relevant could be highlighted here though a failure to do so will not of itself mean that your representation will not be considered. The Authority's policy is available [www.nottinghamcity.gov.uk/flr](http://www.nottinghamcity.gov.uk/flr).
4. We appreciate that not all persons making representations will be fully familiar with the Section 182 Guidance. It would be helpful to all concerned, however, if the parts which you feel relevant could be highlighted here though a failure to do so will not of itself mean that your representation will not be considered. The Guidance is available [www.culture.gov.uk](http://www.culture.gov.uk).
5. If you do not wish to attend, the contents of the representation and any further written material you wish to put forward may still be considered. However, any further material you put forward must relate to the representation made here and must not include new grounds of objection. You will be notified of the deadline for submitting additional material in due course.



**Representation for Review under the Licensing Act 2003**

**Please note that the contents of this representation will be disclosed to the applicant, other interested parties and responsible authorities. They may also be discussed at a public hearing. If you do not want your telephone number and e-mail address to be disclosed please let us know.**

1. Please state the following:
  - a. Your name **Heather Read, Deputy Force Solicitor, for and on behalf of the Chief Constable of Nottinghamshire...**
  - b. Your address ... **Nottinghamshire Police Headquarters, Legal Services, Sherwood Lodge Arnold Nottingham NG5 8PP**
  - c. Your phone number .....**0115 9672675**.....
  - d. Your e-mail address ... **heather.read@nottinghamshire.pnn.police.uk**
2. Capacity in which this representation is made <sup>1</sup>. Please delete as appropriate – are you:-

**a. Responsible Authority**

3. Please identify the application you wish to make a representation about.

- a. Name and address of application premises. ...**Barry Horne,**

**Corporate Director, Environment & Regeneration Exchange Buildings  
North Smith Row, Nottingham NG1 2BS**

- b. Review of the premises licence

**The Elm Tree, 53 Beech Avenue, Nottingham. NG77LR**

4. Which of the licensing objectives does your representation relate to? Please delete as appropriate <sup>2</sup>.

- a. **The prevention of crime and disorder.**

- b. **The prevention of public nuisance.**



5. Please give details of your representation(s) including why you feel the current licence/certificate is or is not promoting the objective(s) you have ticked above and include as much evidence as possible in support of your representation. Please continue on a separate sheet if necessary.

**The Licensing Objectives of the Prevention of Crime and Disorder, and Public Nuisance have been seriously undermined in that:**

**Inadequate management of the premises has led to a number of breaches of the licence, and a criminal caution has been given to the Designated Premises Supervisor in August 2008.**

**The Premises were the location of a very serious incident in January 2007 when a firearm was discharged and a customer received a gunshot wound to the leg.**

**The Premises Licence Holders, Trust Inns, were given the option of either varying the licence and complying with Police recommendations or Nottinghamshire Police would have no choice but to seek revocation of the licence. Trust Inns sought variation of the premises licence in March 2007 and numerous conditions were attached to the licence to support the licensing objectives and try to address the problems that existed.**

**Since the variation, there has been a consistent breaching of licence conditions despite Police advice and formal warnings. Conditions relating to the maintenance of CCTV; the keeping of a Door Staff Register; the keeping of an Incident book and the use of Registered Doorstaff have been breached and there is evidence of service after hours. These Conditions particularly relate to the licensing objective of the prevention of crime and disorder. Activities at the premises have led to nuisance and anti social behaviour. At premises where the serious incident averred to above occurred, such conditions should have been taken seriously by the management but were not.**

**The Designated Premises Supervisor since March 2008 was Mr Clive Watson. It is clear that the premises have been allowed to run in such a way that the licensing objectives have been seriously undermined. Management has been so poorly inadequate that serious problems have not been tackled despite Police advice on several occasions.**

**The Premises Licence Holders were at every stage made aware of Police concerns and residents' complaints. We are not aware of any disciplinary action taken by the company with regards to the position of the DPS with a view to resolving the issues. Presently, the Premises Licence Holders have replaced the DPS with the Area Manager, Tom Rowan, as a holding measure. Assurances have been given that the premises will remain closed until a suitable manager has been found. The Police feel that Trust inns have not installed adequate management thus far and cannot be relied upon to ensure that the licensing objectives are upheld in the future.**

**By reason of the matters aforesaid, it is felt that it would be a necessary and proportionate response to address a Review of the premises licence with a view to revoking the same. Changes of DPS have not**

remedied problems in the past, varied conditions have been breached and verbal and written warnings have been to no avail.

A chronology of examples of Police involvement with the premises, DPS and Premises Licence Holder follows to illustrate the problems encountered in relation to anti social behaviour, public nuisance and undermining of the crime prevention objective due to activities at the premises. We reserve the right to bring further matters before the Panel.

Date	Event
20/1/07	Shooting took place in the premises. Customer sustained gunshot wound to the leg.
1/2/07	Meeting at Radford Road police station with Tom Rowan, the Area Manager of Trust Inns, DC Platts, C/Insp Steve Cooper, Heather Read, Mike Hopkins and Deborah Slack, the DPS. Agreement made to vary the Licence to include robust conditions to deal with the problems there.
1/3/08	Criminal Damage reported from inside the premises.
10/3/07	Licence varied in agreed terms.
14/3/08	DC Platts visited Clive Watson, the new DPS and advised him of the need to comply with the conditions of the licence and gave him a copy of those conditions.
14/3/08	Caller reported a customer being rowdy outside of the premises.
19/3/08	Deborah Slack left the premises and Clive Watson appointed new DPS.
26/3/08	DC Platts spoke with Derek Moss of Nottingham City Council Environmental Health Team regarding noise nuisance associated with the premises. Following this, DC Platts spoke with Mr Watson, the DPS, about the problem. DPS advised to take preventative measures.
16/4/08	DC Platts visited the DPS and found breaches of the licence in that there was no door staff register and the DPS was unable to use the CCTV system. DPS given a verbal warning and DC Platts gave the DPS a blank door staff register for him to keep.
21/4/08	Theft of handbag (0811-NH-210408).
14/5/08	Complaint regarding loud music (Resident A)(Incident 0451-NH-140508).
16/5/08	DC Platts liased with the Environmental Health Officer regarding complaint of loud noise.
22/5/08	DC Platts visited the Elm Tree in connection with an appointment made with the DPS. DPS failed to attend. Breach of licence found in that DPS using unregistered door staff.
24/5/08	Complaint made regarding premises being open after hours and noise (Resident B)(Incident 0210-NH-240508). This serving after hours was admitted by the DPS.
28/5/08	PCSO Anstey approaches occupants of a vehicle in the premises car park. A strong smell of cannabis is evident and the vehicle leaves before she can question the occupants.

1/6/08 Complaint regarding loud music received(Resident B)(incident 0034 – NH – 010608)

3/6/08 DC Platts visited the premises and saw Area Manager, Tom Rowan, and DPS. Breaches of licence discovered – DPS still unable to work the CCTV and had not employed registered door staff as required. Still no door staff register in existence, despite DC Platts having given a register to the DPS. DPS advised Written warning to be issued.

7/6/08 Complaints regarding loud noise and disturbance (Resident B)(Incident 0163-NH-070608).(0152-NH-070608) (0176 NH 070608)

19/6/08 DC Platts visited DPS who could now work the CCTV but still did not have a door staff register. Further, in breach of his licence, the DPS also did not have an incident/accident book as required. DC Platts agreed to provide him with a book.

24/6/08 DC Platts visited the DPS again and gave him the written warning mentioned earlier.

2/7/08 Complaint regarding problems at the premises involving 7 aggressive males (Resident B)(Incident 1105-NH-020708).

12/7/08 Complaints received regarding loud music. (0228-NH-120708) (0235-NH- 120708)

13/7/08 Call from member of the public regarding supply of drugs at the premises – customers smoking spliffs and taking lines (Incident 1073-NH-130708).

13/7/08 Further complaint received regarding loud music(1035-NH-130708)

20/7/08 Complaint received regarding music playing at the premises (Resident B)(Incident 1040-NH-200708).

21/7/08 Complaint of shouting and screaming outside the gates at the premises (Resident B)(Incident 0001-NH-210708).

27/7/08 Complaint regarding fight in car park (Resident C)(Incident 0151-NH-270708). CS Gas Canister recovered, arrest made.

28/7/08 Complaint regarding large group loitering outside the pub, bottles being thrown, loud music being played and possible a drugs deal taking place in the car park (Resident C)(Incident 1156-NH-280708) and (Incident 1308-NH-280708).

29/7/08 Local children seen playing in the car park of the premises and then playing in the road, being loud and intimidating (Resident C)(Incident 0573-NH-290708).

29/7/08 DC Platts visited the premises and advised the DPS that the car park was his responsibility. Locking of the gate discussed.

30/7/08 DPS complaint of a broken window at the premises (Incident 0791-NH-300708).

1/8/08 Visit made by PC Joliffe and PC Tindal revealed that the visitors outside of the premises were not controlled by the DPS and cannabis could be smelt. The gates to the car park still remained open.

2/8/08 Complaint of a large group in the car park causing a nuisance (Resident C)(Incident 0133-NH-020808).

2/8/08	Complaint of loud music emanating from the premises and people coming out and urinating in the road (Resident C)(Incident 0293-NH-020808).
4/8/08	DC Platts liased with the Area Manager, Tom Rowan, regarding the gate.
6/8/08	DC Platts spoke to the DPS regarding the time customers left the premises on 2/8/08. Breach of the licence revealed in that there had been service after hours. Area manager informed.
8/8/08	Meeting at Central police station with DC Platts, Area Manager and John Gaunt solicitor, Jayne Walker Licensing Manager and Environmental Health Officer. Problems at the premises discussed.
13/8/08	Complaint of possible drug deal taking place in the car park (Resident C)(Incident 0903-NH-130808).
15/8/08	Complaint of noise nuisance from the premises (Resident C)(Incident 0050-NH-150808).
21/8/08	DC Platts saw the DPS at Central Police Station and interviewed him under caution. Was noted that the gates to the premises car park were again open.
3/9/08	DPS Cautioned for after hours service.

6. If you are suggesting condition(s) be attached to the licence/certificate please give the wording of the proposed condition(s) and state why you feel they are necessary and proportionate. Please continue on a separate sheet if necessary.

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 .....  
 .....

7. Please indicate any parts of the Licensing Authority's Statement of Policy which you feel may be relevant to your representation <sup>3</sup>.

...7.12;9.39; We reserve the right to raise other relevant parts of the Policy at any subsequent hearing.....

.....  
 .....

8. Please indicate any parts of the Guidance issued under S 182 of the licensing Act 2003 which you feel may be relevant to your representation <sup>4</sup>.

Relevant parts of the Guidance will be indicated prior to the hearing and referred to at the hearing.

As you have made a representation the application may need to be determined at a hearing of the Licensing Committee or one of its Panels. At this stage would you intend to attend such a hearing<sup>5</sup>? Please circle as appropriate.

Yes

No

9. If you intend to attend any hearing that may be held it would be helpful at this stage if you could give an indication as to how long you think you would need to make your representation(s).

We anticipate that the Deputy Force solicitor will attend together with the Local Area Commander and Police Licensing Officer as possible witnesses. It is anticipated our representation will take approximately an hour, depending upon whether solicitors for the premises being reviewed question our witnesses.....

.....  
.....

Signed.....

Date:06/10/2008

**Thank You for making your representation. Please send it to:-**

**The Licensing Officer  
General Licensing Services  
Nottingham City Council  
Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT**

**The Licensing Team will contact you in due course regarding the next stage of the process and the applicant or other interested parties may choose to contact you to discuss this matter further.**

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**Representation under the Licensing Act 2003**

**Please note that the contents of this representation will be disclosed to the applicant, other interested parties and responsible authorities. They may also be discussed at a public hearing. If you do not want your telephone number and e-mail address to be disclosed please let us know. ✓**

- 1. Please state the following:
  - a. Your name ..... DAVID BERRY .....
  - b. Your address ..... 8, EAST GROVE,  
..... SHERWOOD RISE,  
..... NOTTINGHAM, NG7 7LP .....
  - c. Your phone number ...
  - d. Your e-mail address ..

- 2. Capacity in which this representation is made <sup>1</sup>. Please delete as appropriate – are you:-
  - a. A person living in the vicinity of the application premises or their representative?
  - ~~b. A body representing persons who live in the vicinity of the application premises?~~
  - ~~c. A person involved in a business in the vicinity of the application premises?~~
  - ~~d. A body representing persons involved in businesses in the vicinity of the application premises?~~

- 3. Please identify the application you wish to make a representation about.
  - a. Name and address of application premises. THE ELM TREE .....
  - ..... 53, BEECH AVENUE, .....
  - ..... NOTTINGHAM, NG7 7LR .....
  - b. Nature of application (variation, new premises licence, etc)  
LICENCE REVIEW WITH A VIEW TO REVOKE.

- 4. Which of the licensing objectives does your representation relate to? Please delete as appropriate <sup>2</sup>.
  - a. The prevention of crime and disorder.
  - b. Public safety.
  - c. The prevention of public nuisance.
  - d. The protection of children.

Community & Culture - Licensing  
 Time received \_\_\_\_\_  
 6 - OCT 2008

5. Please give details of your representation(s) including details as to why you feel the application would be unlikely to promote the objective(s) you have ticked above and including as much evidence as possible in support of your representation. Please continue on a separate sheet if necessary.

..... PLEASE SEE ATTACHED SHEET.....

6. If you are suggesting that conditions should be attached to any licence granted please give the wording of the proposed condition(s) and state why you feel they are necessary and proportionate. Please continue on a separate sheet if necessary.

..... NO CONDITIONS... JUST NO LICENCE.....

7. Please indicate any parts of the Licensing Authority's Statement of Policy which you feel may be relevant to your representation<sup>3</sup>.

..... 7.10, 7.11, 7.12 Policy STR1, 10.4 Policy IMP1,

(:) RESIDENTIAL AREA NEAR SCHOOLS AND NURSERY,

..... 10.5, 10.6, 10.7, 10.8, 10.10, 10.11, 10.13.....

8. Please indicate any parts of the Guidance issued under S 182 of the licensing Act 2003 which you feel may be relevant to your representation<sup>4</sup>.

..... 2.13-2.15 CRIME & DISORDER..... 3.29 INHIBITING

..... SAFETY..... 5.40-5.50 IT APPEARS VERY LITTLE.....

..... CONSULTATION OCCURS AS COMPLAINTS GO IGNORED.....

..... 14.18 AND ANNEX D.....

9. As you have made a representation the Application may need to be determined at a hearing of the Licensing Committee or one of its Panels. At this stage would you intend to attend such a hearing<sup>5</sup>? Please circle as appropriate.

Yes

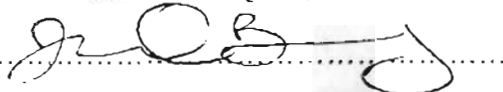
No

10. If you intend to attend any hearing that may be held it would be helpful at this stage if you could give an indication as to how long you think you would need to make your representation(s).

5-10 minutes

I'm unsure what I can add except my presence. I have very little knowledge in terms of points 7 and 8 per the statements.

Signed



Date: 4/10/08

**Thank You for making your representation. Please send it to:-**

**The Licensing Officer  
General Licensing Services  
Nottingham City Council  
Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT**

**The Licensing Team will contact you in due course regarding the next stage of the process and the applicant or other interested parties may choose to contact you to discuss this matter further.**

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## 5. Details of my representation. Separate sheet.

My representation is based on living near to the Elm Tree public house for the past 10 years. Through-out this time there have always been issues with the pub, but no more than one would expect from any pub in an inner city area. The last 2 to 3 years this has changed dramatically.

The licensing objectives my representation relates to are as follows:-

### a. The prevention of crime and disorder.

As a matter of course customers shout to each other in loud conversation and heated argument, resulting in fighting. This happens at weekend regularly and on at least one or two occasions in the working week. On at least one occasion I believe the fighting has culminated in a stabbing, and certainly on another, a shooting. Every weekend there are many cars parked around the Elm Tree pub, when they leave the area any time up to 3, sometimes 4 in the morning they often leave at high speed and it seems likely that some are driven by people under the influence of alcohol. Because of this I always try to park away from my house, away from the pub, especially at weekends. On many occasions I have seen people just sitting in their cars for hours. Someone will go up to the occupant of the car, and after a moment or so, leave again for the pub. This obviously could be for any reason, but the pub now has something of a reputation for drug dealing.

### b. Public safety.

Almost every weekend there are glass bottles broken in the street around the pub. I walk to the local nursery on Sturton Street with my daughter, who is now 3 years old. On the way we pass the Elm Tree and we always need to avoid shards of broken glass to avoid cutting our feet. I know one of our neighbours has actually cut her foot on glass very near the pub. The fear of crime from the customers has stopped many of my neighbours from leaving their homes after dark, and those who do venture out, including myself, return home avoiding the Foxhall road, Beech Ave junction.

c. The prevention of public nuisance.

The constant noise in the evening and night, every weekend, and some nights during the working week stops me and my family sleeping well, or at all at times.

Noise from outside the pub, from customers gathering in large groups is sometimes very loud and this goes on into the night well after the pub has, or should have closed. The noise itself can be from people talking in large groups, people shouting across the road to each other, arguments involving shouting and threats, people walking up and down the street on mobile phones and also noise from the cars of customers, whether that is from engine revving or car stereos.

There is also noise from music, live and recorded, from within the property. For a while the noise from within was managed, by a licence review, but as soon as the licensee changed, this reverted back to unbearable. This is most weekends and sometimes during the working week.

Urinating and vomiting occurs around the pub premises. Littering also occurs regularly.

d. The protection of children.

A continued licence for the Elm Tree would produce more broken glass in the street. If this continues it seems only a matter of time before a child get cut as a result. Customers from the pub have been seen urinating in the street, I cannot see this can be anything but harmful to children especially, who ride bikes and play ball games on occasion in the area.

Lack of sleep can affect the well being of children greatly. There have been many occasions when my daughter has been woken up by noise from the Elm Tree pub.

Evidence of these points is very hard to produce as it is from observation. There are many occasions when the police have been called and this will have been recorded. Recordings have been made by the Environmental Health Authority. I also have some of my own, how-ever, these are not at all high quality.

All of these things I have mentioned seem to over lap from one point to another, so I'm sorry if it may seem a bit imprecise, but for a member of the public this kind of form is rather difficult to fill out.

I believe the closure of this public house permanently would improve the feeling of well being, the safety, the success of local business and the lives as a whole of every one in the area.



Representation for Review under the Licensing Act 2003

Please note that the contents of this representation will be disclosed to the applicant, other interested parties and responsible authorities. They may also be discussed at a public hearing. If you do not want your telephone number and e-mail address to be disclosed please let us know.

1. Please state the following: **Suma Wharton**
  - a. Your name .....
  - b. Your address **51 ALBANY RD**  
**SHERWOOD RISE**  
**NOTTINGHAM NG7 7LX**
  - c. Your phone number **01956 513037**
  - d. Your e-mail address **eswksashmir@yahoo.com**

2. Capacity in which this representation is made<sup>1</sup> – are you:-
  - a. Holder of the premises licence?
  - b. Responsible Authority?
  - c. An Interested Party?

Community & Culture - Licencing  
 Time received 2.40 pm  
 7 - OCT 2008

3. Please identify the application you wish to make a representation about.
  - a. Name and address of application premises. **KEM TREE**  
**BEECH AVENUE**  
**SHERWOOD RISE**
  - b. Review of the premises licence / club premises certificate

4. Which of the licensing objectives does your representation relate to? Please delete as appropriate<sup>2</sup>.
  - a. The prevention of crime and disorder.
  - b. Public safety.
  - c. The prevention of public nuisance.
  - d. The protection of children.

5. Please give details of your representation(s) including why you feel the current licence/certificate is or is not promoting the objective(s) you have ticked above and include as much evidence as possible in support of your representation. Please continue on a separate sheet if necessary.

THE LATE LICENCE OF THESE PREMISES NEEDS  
REVIEWING IN ORDER TO PREVENT DISTURBANCE IN  
THE LOCAL AREA

6. If you are suggesting condition(s) be attached to the licence/certificate please give the wording of the proposed condition(s) and state why you feel they are necessary and proportionate. Please continue on a separate sheet if necessary.

RESTRICTION ON THE LATE LICENCE TO ONLY TWO  
NIGHTS PER WEEK AND UNTIL 10 M AND NO  
LATER

7. Please indicate any parts of the Licensing Authority's Statement of Policy which you feel may be relevant to your representation <sup>3</sup>.

.....  
.....  
.....

8. Please indicate any parts of the Guidance issued under S 182 of the licensing Act 2003 which you feel may be relevant to your representation <sup>4</sup>.

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9. As you have made a representation the application may need to be determined at a hearing of the Licensing Committee or one of its Panels. At this stage would you intend to attend such a hearing<sup>5</sup>? Please circle as appropriate.

Yes

No

10. If you intend to attend any hearing that may be held it would be helpful at this stage if you could give an indication as to how long you think you would need to make your representation(s).

Signed



Date:

7 / 10 / 08

Thank You for making your representation. Please send it to:-

The Licensing Officer  
General Licensing Services  
Nottingham City Council  
Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT

The Licensing Team will contact you in due course regarding the next stage of the process and the applicant or other interested parties may choose to contact you to discuss this matter further.

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3. We appreciate that not all persons making representations will be fully familiar with the Authority's Licensing Policy. It would be helpful to all concerned, however, if the parts which you feel are relevant could be highlighted here though a failure to do so will not of itself mean that your representation will not be considered. The Authority's policy is available [www.nottinghamcity.gov.uk/flr](http://www.nottinghamcity.gov.uk/flr).
4. We appreciate that not all persons making representations will be fully familiar with the Section 182 Guidance. It would be helpful to all concerned, however, if the parts which you feel relevant could be highlighted here though a failure to do so will not of itself mean that your representation will not be considered. The Guidance is available [www.culture.gov.uk](http://www.culture.gov.uk).
5. If you do not wish to attend, the contents of the representation and any further written material you wish to put forward may still be considered. However, any further material you put forward must relate to the representation made here and must not include new grounds of objection. You will be notified of the deadline for submitting additional material in due course.

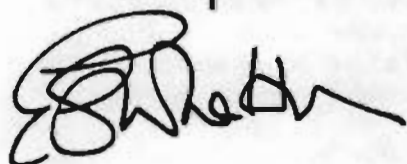
TO THE LICENSING AUTHORITY

PLEASE FIND ENCLOSED A PETITION DEMONSTRATING LOCAL SUPPORT FOR THE ELM TREE PUBLIC HOUSE FOLLOWING THE ISSUE OF A CLOSURE NOTICE IN JULY.

I AM AWARE THAT THIS PETITION DOES NOT RELATE TO THE FORTHCOMING REVIEW OF THE LICENCE INSTIGATED BY NOTTINGHAM CITY COUNCIL'S ENVIRONMENT AND REGENERATION DEPARTMENT HOWEVER IT IS MY HOPE THAT IT CAN BE CONSIDERED AS EVIDENCE OF LOCAL SUPPORT FOR THE ELM TREE REMAINING OPEN WITH OR WITHOUT A LATE LICENCE .

SUPPORTERS OF THE ELM TREE WISH TO WORK WITH MANAGEMENT, THE POLICE AND THE COUNCIL TO CONTINUE TO IMPROVE THE PUB'S ENVIRONMENT AND RELATIONS WITH LOCAL PEOPLE .

THANK YOU.



E.S. WHARTON.

August 08

①

1/10/08  
10/10/08

# SUPPORT THE ELM TREE

The management of the Elm Tree Public House, Beech Avenue Sherwood Rise, Nottingham have gained the support of the following people in fighting the recently issued Closure Notice under Section 11 of the Criminal Justice and Police Act 2001.

We the management and supporters, fully intend to comply with the community and the law in ensuring the Elm Tree Public House is used for it's intended purposes only and that it continues to improve it's environment and relationship with the community.

Name (printed)	Signature	Street Name
J. ACRED	<i>J. Acrod</i>	Hollis St.
A. L. PEEL	<i>A. L. Peel</i>	SANDON ST
D. SINCLAIR	<i>D. Sinclair</i>	SUEZ STREET
D. Widdison	<i>D. Widdison</i>	TISSINGTON RD.
J. Harris	<i>J. Harris</i>	Egypt Road.
T. Widdison	<i>T. Widdison</i>	TISSINGTON RD.
M. EDWARDS	<i>M. Edwards</i>	SUEZ STREET
M. Smith	<i>M. Smith</i>	Exeter Rd.
ES. HAYTON	<i>ES. Hayton</i>	ALBANY ROAD.
Leah Pickles	<i>Leah Pickles</i>	Bewdley
Michelle Broad	<i>Michelle Broad</i>	272 Gladstone Street.
Leah Pickles	<i>Leah Pickles</i>	Gladstone street
Jamie Pickles	<i>J. Pickles</i>	Gladstone Street.
Andy Helsen	<i>A. Helsen</i>	Gladstone Street.
Leo Pickles	<i>L. Pickles</i>	Gladstone street.
Stuart Pickles	<i>S. Pickles</i>	LONDON.
OHCESEA	<i>Ohcesea</i>	DIRRELA RD.
A. PENRICE	<i>A. Penrice</i>	
F. THOMSON	<i>F. Thomson</i>	Birrell rd
G. GALLSKA	<i>G. Gallaska</i>	Foxhall Road
P. S. WILKINSON	<i>P. S. Wilkin</i>	ALBANY ROAD
B. Early	<i>B. Early</i>	22 Albert St
CLIVE WATSON	<i>C. Watson</i>	53 Beech Avenue
STUART MARTIN	<i>Stuart Martin</i>	EXETER RD.
O. GAD	<i>O. Gad</i>	Sandon St
Dwight	<i>Dwight</i>	Dwrick Road
C. DESLANDES	<i>C. Deslandes</i>	ELAND STREET
B. GUY	<i>B. Guy</i>	BEECH AVE
M. P. T. L.	<i>M. P. T. L.</i>	GLADSTONE STREET.
M. P. T. L.	<i>M. P. T. L.</i>	ELAND ST
Romeo	<i>R. K. P. L.</i>	Tulip Avenue STAIN.
D. A. Peterkin	<i>D. A. Peterkin</i>	Buffard Rd
K. Campbell	<i>K. Campbell</i>	Cedar Road
K. Baptiste	<i>K. Baptiste</i>	Cowdon Rd Nottingham.
Oliver	<i>Oliver</i>	Gordon Rd Nottingham.
J. Lather	<i>J. Lather</i>	Cedar RD

②

RAJESH

*Yaner*

*[Signature]*

*[Signature]*

Beech Ave

Beech Ave

August 08

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## SUPPORT THE ELM TREE

The management of the Elm Tree Public House, Beech Avenue Sherwood Rise, Nottingham have gained the support of the following people in fighting the recently issued Closure Notice under Section 19 of the Criminal Justice and Police Act 2001.

We the management and supporters, fully intend to comply with the community and the law in ensuring that the Elm Tree Public House is used for it's intended purposes only and that it continues to improve it's environment and relationship with the community.

Name (printed)	Signature	Street Name
d. Hayles	<i>D Hayles</i>	Portland Rd
d Russell	<i>D Russell</i>	Russell Road
d rickener	<i>d rickener</i>	Cedar Road
DAVID BISHOP	<i>D. Bishop</i>	FALCON GROVE
Walter Brown	<i>Walter Brown</i>	Aspley
Sally Sauer	<i>Sally Sauer</i>	BESTWOOD
Robyn Sauer	<i>Robyn Sauer</i>	BESTWOOD
Louise Collier	<i>Louise Collier</i>	BASFORD
O. NELSON	<i>O. Nelson</i>	BASFORD
C. Collyer	<i>C. Collyer</i>	BASFORD
E. Collyer	<i>E. Collyer</i>	BASFORD
J. Morris	<i>J. Morris</i>	BESTWOOD
Lisa Barr	<i>Lisa Barr</i>	TOP VALLEY
D. SAWTER	<i>D. Sawter</i>	TOP VALLEY
Niomi Watson	<i>Niomi Watson</i>	53 Beech Avenue
GRACIA	<i>Gracia</i>	TOP VALLEY
M. CASTILLO	<i>M. Castillo</i>	10 ABERTA TRAIL
J. Ferguson	<i>J. Ferguson</i>	Sherwood
B. CHILMAN	<i>B. Chilman</i>	---
C. JOSEPH	<i>C. Joseph</i>	ST ANNS
F. BROWN	<i>F. Brown</i>	---
NORWID	<i>Norwid</i>	---
A.A. Cummings	<i>A.A. Cummings</i>	8 Stanley Avenue
M. COLEMACK	<i>M. Coleman</i>	EAST GROVE
MAZ WALLY	<i>Maz Wally</i>	REGENT STREET
MO	<i>Mo</i>	KILN ST
M. M'GARRY	<i>M. McGarry</i>	IVY GROVE
LL DRAM	<i>LL Dram</i>	27 SAWTHORN ST
R. A. WICKS	<i>R. A. Wicks</i>	Radford
T. ULLMIRE	<i>T. Ullmire</i>	Radford
R. MASHCROFT	<i>R. Mashcroft</i>	Elkston
Laura Martin	<i>Laura Martin</i>	WIRETON ROAD
A. ELLIS	<i>A. Ellis</i>	Goodstone Street
N. ELLIS	<i>N. Ellis</i>	Suez Street
DACEY-RYAN	<i>Dacey-Ryan</i>	STEELEWOOD

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# SUPPORT THE ELM TREE

The management of the Elm Tree Public House, Beech Avenue Sherwood Rise, Nottingham have gained the support of the following people in fighting the recently issued Closure Notice under Section 19 of the Criminal Justice and Police Act 2001.

We the management and supporters, fully intend to comply with the community and the law in ensuring that the Elm Tree Public House is used for it's intended purposes only and that it continues to improve it's environment and relationship with the community.

Name (printed)	Signature	Street Name
V Moore	[Signature]	Mayfair gds Bassetford
S Chambers	[Signature]	phenix close meadows
G Spender	[Signature]	Mayfair gds Bassetford
A Tazoo	[Signature]	Beech Ave
Budwei	[Signature]	
Rosie	[Signature]	Northwood Crescent
D. W.	[Signature]	Dylan Thomas Road
S. Barrett	[Signature]	Hucknall Lane
G Grant	[Signature]	
V. OSBOURNE	[Signature]	233, ANPOVER ROAD, Bassetford
Tracey Marshall	[Signature]	TEAST GROVE-forest fields
DEKRON PAUL	[Signature]	BEACH AVENUE
TOM ANTON	[Signature]	BUCKINGHAM RD, NOTM.
S MAAROT	[Signature]	SHERWOOD RISE
T. W. [unclear]	[Signature]	Forest Fields
M. Mahm	[Signature]	Arden
[unclear]	[Signature]	meadows
[unclear]	[Signature]	Top Valley
[unclear]	[Signature]	BASTFORD
[unclear]	[Signature]	FOREST FIELDS
[unclear]	[Signature]	FOREST FIELDS
[unclear]	[Signature]	HERE
[unclear]	[Signature]	FOREST FIELDS
[unclear]	[Signature]	TOP VALLEY
[unclear]	[Signature]	BASTFORD
[unclear]	[Signature]	White Moor
[unclear]	[Signature]	White Moor
[unclear]	[Signature]	HERE
[unclear]	[Signature]	White Moor
[unclear]	[Signature]	HUCKNALL
[unclear]	[Signature]	ISAVIA MAN
[unclear]	[Signature]	85 VICTORIA RD
[unclear]	[Signature]	ST ANNS
[unclear]	[Signature]	Havenwood Gardens
[unclear]	[Signature]	BROXTONE
P. CAMPBELL	[Signature]	WHITMOOR AVE,



5 18/05/06

## SUPPORT THE ELM TREE

The management of the Elm Tree Public House, Beech Avenue Sherwood Rise, Nottingham have gained the support of the following people in fighting the recently issued Closure Notice under Section 19 of the Criminal Justice and Police Act 2001.

We the management and supporters, fully intend to comply with the community and the law in ensuring that the Elm Tree Public House is used for it's intended purposes only and that it continues to improve it's environment and relationship with the community.

Name (printed)	Signature	Street Name
KAM ROBINSON	<i>[Signature]</i>	NG7 7A
M Daniels	<i>[Signature]</i>	NG3 1AN
A Smith	<i>[Signature]</i>	NG5 4AP
S BRANDY	<i>[Signature]</i>	CUNSTANCE ST
H Lynn	<i>[Signature]</i>	21 MIND ST
RAYMOND	<i>[Signature]</i>	6 MASSY GARDENS
<i>[Signature]</i>	<i>[Signature]</i>	Springfield St New Walsford
<i>[Signature]</i>	<i>[Signature]</i>	HERBERT St
NICH WRIGHT	<i>[Signature]</i>	Berridge Rd.
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
P. Chryll	<i>[Signature]</i>	
PAULA	<i>[Signature]</i>	
CHARLENE	<i>[Signature]</i>	BREWSTER'S RD, ST ANNS
MONICA HINDLEY	<i>[Signature]</i>	20 KILBY WAY, ST ANNS NG3 3NK
Jeanette Wilkison	<i>[Signature]</i>	Bilborough
John Lees	<i>[Signature]</i>	Brampton
Bert Lees	<i>[Signature]</i>	Sherwood Hill
M. Lees	<i>[Signature]</i>	Brampton
J. Hill	<i>[Signature]</i>	Brampton
T. Seward	<i>[Signature]</i>	Brampton
J KAORMAER	<i>[Signature]</i>	Lawthorne St
E. Morley	<i>[Signature]</i>	CEDAR ROAD
P. McEinty	<i>[Signature]</i>	CEDAR ROAD
L. Firth	<i>[Signature]</i>	Bilborough NG8 3AB
T McSally	<i>[Signature]</i>	1/2 Seninton DE1A
J. Roth	<i>[Signature]</i>	5 Netherfield NG4 2FR
K. Ridge	<i>[Signature]</i>	Netherfield NG4 2FR
D Roberts	<i>[Signature]</i>	Netherfield NG4
T Poach	<i>[Signature]</i>	NETHERFIELD
C Houston	<i>[Signature]</i>	Netherfield
K. Taylor	<i>[Signature]</i>	Netherfield

**From:** John Gaunt

**Sent:** 03 October 2008 17:07

**To:** sue.bowler@nottingham.gov.uk; general.licensing@nottinghamcity.gov.uk

**Subject:** Elm Tree - review

I should be obliged if you would take this email as a representation by my clients, Trust Inns Limited in respect of the review application which has been issued against the above premises.

As you will be aware these premises form part on my client's estate, comprising some 600 premises, of which the vast majority is tenanted, that is to say let to tenants under the terms of a tenancy agreement or lease. Our clients have a long association with running premises such as these having operated in the leisure trade for many years. They place great store by the professionalism of their systems and particularly those which touch upon regulatory matters. They also set out to cooperate very closely with the authorities over matters affecting their estate on an ongoing basis. In doing however, they have to appreciate the degree of autonomy which their tenants have by virtue of the agreements under which they hold the premises and the protection afforded by law to such tenants.

It follows that where on rare occasion our clients have had to confront a review application, the seriousness of the position to them cannot be overstated.

This licence is held by our clients only out of expediency as this gives them a degree of greater control over the opening of premises where serious issues arise and where otherwise their only recourse would be to initiate proceedings for possession from a tenant once a breach of tenancy could be made out. As will be demonstrated below, this enabled our clients to procure the closure of these premises in a manner which would not otherwise have been possible and I response to the issues raised.

The application for review relates to alleged noise nuisance from the premises, and particularly from within and outside the premises.

Since the previous review application – referred to in the current application – there has been a change of tenant at the premises, the new tenant being one Clive Watson.

It will be noted that it is conceded that since the previous review and until the time of his appointment, no further noise complaints had been received.

It is apparent that Mr Watson began to operate the premises with disregard for the interests of his neighbours and against the spirit, if not the letter, of what had previously been agreed. Our clients do not and did not condone that attitude.

Following these and other concerns our clients attended a meeting with both the police and Environmental Health to review matters relating to these premises. As a direct and responsible response our clients volunteered to seek the immediate voluntary removal of Clive Watson from the premises (enforced possession can only be obtained through the issue of civil possession proceedings), and the immediate voluntary cessation of trade until a new and more responsible tenant had been found, and to the restrict the use of the rear yard by patrons (a source of noise and disturbance).

When it was found that Clive Watson was not prepared to cooperate in these matters an immediate application to change the DPS was made with an undertaking not to trade the premises until a new and satisfactory tenant was found able and prepared to operate the premises in close liaison with the authorities and in strict accordance with what has previously been agreed and imposed on the previous review. Clearly without an effective DPS, he had to (and has) shut for trade.

The premises currently remain closed and vacant possession is being sought from Clive Watson through court proceedings.

Our clients will continue to seek to work in close liaison with the authorities. It has been shown that operating in strict adherence with the terms of the licence and responsibly, noise issues from the premises do not arise. Our clients will advocate at the hearing that they have sought to act responsibly in dealing with the issues which have arisen and will continue to do so.

Please note that we will be attending the review hearing on our client's behalf along with senior representatives of the company to confirm the foregoing and address any other matters to be confronted. We would ask that any hearing be convened at the earliest opportunity.

**Please acknowledge safe receipt of this email.**

**John Gaunt**  
**0114 2668664**  
**07860 490604**

**John Gaunt & Partners**  
Omega Court 372 Cemetery Road Sheffield S11 8FT  
Tel: 0114 2668664 Fax.: 0114 2660101/0114 2679613 [**glass** teams]

# Licensing Act 2003

# Community & Culture

Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT  
Tel: 0115 915 5555  
Fax: 0115 915 6145

## Premises Licence

**Premises licence number**  
037508

### Part 1 – Premises details

**Postal address of premises, or if none, ordnance survey map reference or description**

Elm Tree Inn  
53 Beech Avenue  
New Basford

<b>Post town</b>	Nottingham	<b>Post code</b>	NG7 7LR
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<b>Telephone number</b>	0115 9127224
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**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

Films - Indoors;  
Indoor Sporting Events;  
Live Music – Indoors;  
Recorded Music – Indoors;  
Performances of Dance - Indoors;  
Provision of Facilities for Making Music - Indoors;  
Provision of Facilities for Dancing - Indoors;  
Late Night Refreshment - Indoors;  
Sale by Retail of Alcohol;

**The times the licence authorises the carrying out of licensable activities**

**Films, Indoor Sporting Events, Recorded Music, Performances of Dance, Provision of Facilities for Making Music and for Dancing:**

Monday from 11.00 hrs to 24.00 hrs  
Tuesday from 11.00 hrs to 24.00 hrs  
Wednesday from 11.00 hrs to 24.00 hrs  
Thursday from 11.00 hrs to 24.00 hrs  
Friday from 11.00 hrs to 02.00 hrs the following morning  
Saturday from 11.00 hrs to 02.00 hrs the following morning  
Sunday from 12.00 hrs to 24.00 hrs

On New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

To permit licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours. Such opening times to be confirmed upon 7 days prior notice in writing to the Police before the event which shall include the sporting event which is to be shown.

**Live Music:** (Varied by review: 19 February 2007)

Monday from 11.00 hrs to 23.00 hrs  
Tuesday from 11.00 hrs to 23.00 hrs  
Wednesday from 11.00 hrs to 23.00 hrs  
Thursday from 11.00 hrs to 23.00 hrs  
Friday from 11.00 hrs to 23.00 hrs  
Saturday from 11.00 hrs to 23.00 hrs  
Sunday from 12.00 hrs to 23.00 hrs

**Late Night Refreshment:**

Monday from 23.00 hrs to 24.00 hrs  
Tuesday from 23.00 hrs to 24.00 hrs  
Wednesday from 23.00 hrs to 24.00 hrs  
Thursday from 23.00 hrs to 24.00 hrs  
Friday from 23.00 hrs to 02.00 hrs the following morning  
Saturday from 23.00 hrs to 02.00 hrs the following morning  
Sunday from 23.00 hrs to 24.00 hrs

On New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

To permit licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours. Such opening times to be confirmed upon 7 days prior notice in writing to the Police before the event which shall include the sporting event which is to be shown.

**Alcohol Sales:**

Monday from 11.00 hrs to 24.00 hrs  
Tuesday from 11.00 hrs to 24.00 hrs  
Wednesday from 11.00 hrs to 24.00 hrs  
Thursday from 11.00 hrs to 24.00 hrs  
Friday from 11.00 hrs to 02.00 hrs the following morning  
Saturday from 11.00 hrs to 02.00 hrs the following morning  
Sunday from 12.00 hrs to 24.00 hrs

On New Year's Eve from the end of permitted hours to the start of permitted hours on New

**Year's Day.**

To permit licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours. Such opening times to be confirmed upon 7 days prior notice in writing to the Police before the event which shall include the sporting event which is to be shown.

**The opening hours of the premises**

Monday from 11.00 hrs to 00.30 hrs the following morning  
Tuesday from 11.00 hrs to 00.30 hrs the following morning  
Wednesday from 11.00 hrs to 00.30 hrs the following morning  
Thursday from 11.00 hrs to 00.30 hrs the following morning  
Friday from 11.00 hrs to 02.30 hrs the following morning  
Saturday from 11.00 hrs to 02.30 hrs the following morning  
Sunday from 12.00 hrs to 00.30 hrs the following morning

On New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours. Such opening times to be confirmed upon 7 days prior notice in writing to the Police before the event which shall include the sporting event which is to be shown.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Alcohol - On the premises  
Alcohol - Off the premises



**Part 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Trust Inns Limited, Blenheim House, Foxhole Road, Ackhurst Park, Chorley PR7 1NY

(Transferred 4 April 2008)

**Registered number of holder, for example company number, charity number (where applicable)**

3011034

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Thomas Rowan

(Varied 6 September 2008)

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

10550750 – Derby City Council

**Signed:.....**  
**Licensing Officer**

**Dated: 27 September 2005**  
**Reviewed: 19 February 2007**  
**Varied: 10 March 2007**

## **Annex 1 - Mandatory conditions**

### **S. 19 Licensing Act 2003**

1. No supply of alcohol may be made under this licence
  - a. At a time when there is no designated premises supervisor in respect of it or,
  - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

### **S. 20 Licensing Act 2003**

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

- a. by the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
- b. by the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) (b) of the Licensing Act 2003 applies to the film.

## **Annex 2 - Conditions consistent with the Operating Schedule** – (Varied: 10 March 2007)

1. Electrical sockets used by entertainers shall be fitted with residual current device protection (complying with BS 7671 Requirements for Electrical Installations) and labelled accordingly.
2. The dance floor shall be clearly delineated and shall be positioned in such a way as to ensure the safety of persons using the dance floor.
3. The arrangements for access around the dance floor and for seating in the vicinity of the dance floor shall be such that neither dancers, nor others, seated or otherwise, are put at risk of injury.
4. The premises licence holder and Designated Premises Supervisor will ensure that noise levels from recorded music do not give cause for annoyance to persons in the vicinity of the licensed premises.
5. The premises licence holder and Designated Premises Supervisor will ensure that:
  - (i) that doors and windows are kept closed whilst music is playing
  - (ii) that mechanical ventilation systems are maintained in good working order to provide sufficient alternative ventilation.
6. No customers carrying open bottles shall be admitted to the premises.
7. Drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
8. Where appropriate, prominent clear and legible notices shall be displayed at all exits requesting customers to leave the premises and the area quietly.
9. CCTV cameras shall be installed and maintained in the premises in accordance with Police Licensing Officers' recommendations. Images shall be retained for at least 31 days and shall be made available immediately upon request to Officers of Responsible Authorities.
10. At least two Security Industry Authority registered door supervisors shall be employed at the premises from 22.00 hours on any night of the week that the premises are open to the public beyond 00.30 hours or when regulated entertainment involving live music, singing and or dancing are provided.
11. The Designated Premises Supervisor is to ensure that persons employed as door supervisors wear and clearly display their SIA registration badge at all times whilst on duty. A bound book shall be kept containing the names, addresses, dates of birth, days and hours worked, of door supervisors shall be made daily, kept for at least twelve months and made available for inspection and copying by the Police upon request.

12. When door supervisors are employed, they shall conduct random searches of customers prior to admission for drugs and weapons.
13. Notices shall be displayed advising customers that searches will be carried out and admission will be refused to customers refusing to be searched. A record shall be kept showing details of anyone refusing to be searched, together with the time and date of the refusal. Such record to be made available for inspection and copying by the Police upon request.
14. If drugs are found during a personal search, or whilst being used within the premises, a clear image of the person found in possession will be captured on CCTV. Following a risk assessment of the situation arising from the find, any person found using or in possession of drugs will be detained, if safe and practicable, and the Police called.
15. Any drugs or weapons found, either during a search or otherwise on the premises, will be confiscated and stored in a secure container prior to being handed over to the Police, which must be done as soon as practicable.
16. Any seizures of drugs, weapons, or other property shall be recorded, together with the name and address of the person found with the article. The record shall be made in a diary or bound book which shall be retained at the premises for at least 2 years and shall be made available for inspection and copying by the Police upon request.
17. A bound and sequentially numbered incident/accident book shall be maintained and kept on the premises detailing all incidents of personal injury, damage and disorder. This book is to be made available for inspection and copying by the Police and Officers of Responsible Authorities upon request and retained at the premises for at least 2 years.
18. The toilets at the premises are to be checked hourly for drugs use and evidence of supply taking place. Cocaine wipes to be used at least twice a week. A record shall be kept of the results of the checks detailing how and where any illegal substance was found. The record to be retained at the premises and made available for inspection and copying by the Police upon request.
19. No one under the age of 18 years shall be allowed admittance to or remain on the premises after 19.00 hours apart from relatives of the Designated Premises Supervisor who shall be permitted access to and from any living accommodation within the premises.
20. The premises shall operate a 'Challenge 21' proof of age scheme.

### **Annex 3 - Conditions attached after a hearing by the licensing authority**

Review: 19 Feb 2007

1. No live music shall be provided at the premises other than via a noise limiter which shall be fully and satisfactorily operational. The noise limiter will be set and sealed in conjunction with the noise pollution control team of Nottingham City Council and the resident at 55 Beech Avenue.
2. No recorded music shall be provided at the premises until a second microphone has been installed to the existing noise limiter and the noise limiter has been made fully and satisfactorily operational. The noise limiter will be set and sealed in conjunction with the pollution control team of Nottingham City Council and the resident at 55 Beech Avenue.
3. Before the noise limiter has been set and sealed on any day when regulated entertainment is occurring at the premises after 23.30 hours there shall be at least one personal licence holder on site from 23.30 hours until the regulated entertainment ceases.
4. Should the above measures and/or any further steps taken not successfully prevent noise breakout the premises licence holder understand that a further review application may be made within 12 months of the most recent review application and no issue will be taken with that course due to the fact that it is less than 12 months since the earlier review.

#### **Annex 4 – Plans**

Plan received with the application on 28 July 2005  
Plan applicable from the issue date of the licence.

27 September 2005