

REPORT OF CORPORATE DIRECTOR OF COMMUNITY & CULTURE**REVIEW OF PREMISES LICENCE**

Premises concerned	Hermitage Thurgarton Street Nottingham NG2 4AG Please see attached Premises Licence
Licence holder	Admiral Taverns (780) Limited
Applicant for review	Nottinghamshire Police Please see attached application.
Date application Received:	14 August 2009
Last date for representations:	11 September 2009
Relevant representations received	None
Matters which the Authority has asked the parties to clarify	1. Identification of all issues (both factual legal) which are in dispute. 2. Identification of all areas of law, Guidance and Policy upon which they intend to rely. 3.
Issues	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: (1) the prevention of crime and disorder; (2) public safety; (3) the prevention of public nuisance; (4) the protection of children from harm; or whether no action is necessary to promote the licensing objectives.
Relevant Legislation	S51 – 53 Licensing Act 2003
Relevant Policy	Paragraphs 9.26 to 9.28 of the Statement of Licensing Policy
Relevant Guidance	Paragraphs 1-27, Chapter 11 of the guidance issued under section 182 of the Licensing Act 2003.
Steps which the Licensing Authority may take	1. To modify the conditions of the Licence and/or 2. To exclude a licensable activity from the scope of the Premises Licence and/or 3. To remove the designated premises supervisor and/or

	<p>4. To suspend the Premises Licence for a period not exceeding 3 months</p> <p>5. To revoke the Premises Licence</p>
<p>Published documents referred to in compiling this report</p>	<p>Licensing Act 2003</p> <p>Guidance issued under Section 182 of the Licensing Act 2003.</p> <p>Statement of Licensing Policy issued by Nottingham City Council.</p>

Caraline Ryan
Head of Public Protection
LAWRENCE HOUSE, TALBOT STREET, NOTTINGHAM NG1 5NT

Contact Officer: Zoey Mayes, Assistant Licensing Officer. Tel: 0115 9156082



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|--|---|--|
| <ul style="list-style-type: none"> Political: Council areas City of Nottingham Nottinghamshire County Council Other districts in Nottinghamshire Basemap: Basemap 7 (MasterMap) | <ul style="list-style-type: none"> Building General Surface Water Open Ground Path Rail (continued...) | <ul style="list-style-type: none"> Road Or Track Slope |
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Application for the review of a premises licence under the Licensing Act 2003

I, **Malcolm Turner**, for and on behalf of the Chief Constable of Nottinghamshire, apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises details

Postal address of premises. Hermitage Thurgarton Street Sneinton Hermitage	
Post Town Nottingham	Post Code NG2 4AG

Name of premises licence holder Admiral Taverns (780) Limited

Number of premises licence 034557

Community & Culture - Licensing
Time received _____
14 AUG 2009
£ _____

Part 2 – Applicant details

I am an applicant from a responsible authority.

Details Of Responsible Authority Applicant:

Name and address. M Turner, for and on behalf of the Chief Constable of Nottinghamshire, Force Solicitor, Nottinghamshire Police Headquarters Legal Services, Sherwood Lodge, Arnold, Nottingham. NG5 8PP
Telephone number: 0115 9672675 This application to review relates to the following Licensing Objectives:

- 1) Prevention of Crime and Disorder;
- 2) Public safety;
- 3) Prevention of Public Nuisance
- 4) Protection of Children from Harm.

Grounds for review.

The Licensing Objectives of the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm have been seriously undermined in that:

Elaine Miller, the Designated Premises Supervisor of the venue, is responsible for operating outside of the permitted hours and breaching a number of conditions on the premises Licence.

Ms Miller is the subject of a Police investigation in to offences under the Licensing Act 2003.

By reason of the matters aforesaid, it is felt that it would be a necessary and proportionate response to request a Review of the premises licence with a view to removing the Designated Premises Supervisor.

Information in support of the application.

Breaches of the following conditions contained in Annex 3 – Conditions attached after a hearing by the licensing authority.

- 1. There must be no entry or re-entry to the premises after 2400 hours.**

At 0100 hours Saturday 11 July 2009 Officers visited the premises and identified customers entering the venue after 2400.

At 00.10 hours Friday 17 July 2009 Officers witness a man entering the pub via a side entrance.

At 02.16 on Sunday 26 July 2009 Pc Ferguson reported that two persons may have entered the premises that day via the back door. This information was received from CCTV control. CCTV footage available.

- 16. No children shall be allowed on the premises after 1900 hours.**

At 0100 hours Saturday 11 July 2009 Officers visited the premises and identified the following issues:

- A known male aged 17 years in possession of two bottles of beer.
- A known female aged 15 years who was intoxicated and clearly drunk.
- A known female aged 17 years consuming alcohol and was clearly drunk.

At 22.45 hours Saturday 25 July 2009 Pc Mitchell visited the premises and spoke to two 12 year old females inside and unsupervised. He then located a 14 year old female who was in possession of a bottle of bud, this female smelt of alcohol and was unsteady on her feet.

On 13 July 2009 Mr David Browitt, Central Licensing Officer visited the premises to meet with the Designated Premises Supervisor Ms Elaine Miller to discuss the breaches identified on 11 July 2009. During that visit further conditions on the licence were not being complied with:

Annex 3 – Conditions attached after a hearing by the licensing authority

2. All staff to complete Drugs Awareness Training.
16. No children shall be allowed on the premises after 1900 hours.
17. No one who appears to be under 20 years old will be sold alcohol without photographic proof of age being provided.

Resulting from the offences found during the visit 11 July 2009 and breaches of conditions on the premises licence, Ms Miller received a written warning from Inspector Stanley dated 15 July 2009. A copy of this warning was sent to Admiral Taverns for their records.

Licensing Officer Mr Peter Deighton first approached Ms Ann Wooley, Business Development Manager for Admiral Taverns 2 July 2009 to discuss his concerns over Ms Miller operating the Hermitage. Mr Deighton knew of Ms Miller from her management of the Jester Public House, Sneinton Dale, Nottingham. Mr Deighton had reason to issue Ms Miller with a written warning dated 22 November 2007 for offences of operating outside of the premises licence permitted hours and allowing licensable activities that were not authorised. The Hermitage required strong responsible management as the premises and location attract a considerable amount of anti social behaviour. Ms Wooley was to speak with Elaine Miller to convey our concerns.

Licensing Officer Mr Peter Deighton spoke with the Business Development Manager for Admiral Taverns Tuesday 4 August 2009 to inform her that we would be applying to review the licence with a view to removing the Designated Premises Supervisor due to her bad management of the premises, breaches of the premises licence and offences under the Licensing Act 2003. Ms Wooley BDM responded by stating she would be serving Ms Miller with a notice to quit the premises within 28 days of receipt of the notice.

It is clear that the management at the premises is wholly inadequate and that scant regard has been paid to the licensing objectives. What is of particular

concern is the continued breaching of the premises despite advice being given and a written warning issued.

Ms Miller is the subject of further investigation regarding the offences under the Licensing Act 2003 and may be pending prosecution.

The above will be amplified at any subsequent hearing and the police reserve the right to adduce further evidence should it become available.

Nottinghamshire Police have not made an application for review relating to these premises before.

Detail of previous representations made in respect of the premises.

NONE

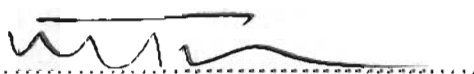
I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder.

I understand that if I do not comply with the above requirements my application will be rejected.

I also understand that 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.

Signature


.....
(Solicitor, for and on behalf of the Chief Constable)

Date ...11 August 2009.....

Capacity: Force Solicitor , Nottinghamshire Police
For and On Behalf of the Chief Constable of Nottinghamshire.

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: 034557

Part 1 – Premises details

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

Hermitage
Thurgarton Street

Post town	Nottingham	Post code	NG2 4AG
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Telephone number	0115 9584133
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Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Regulated entertainment comprising: -
Live and recorded music to include juke box, DJ and karaoke
Facilities for music and dancing.
Indoor sporting events ie: pub games
Late night refreshment.
Sale of alcohol for consumption on the premises
Sale of alcohol for consumption off the premises

The times the licence authorises the carrying out of licensable activities

Regulated Entertainment

Monday	from 10.00 hrs to 03.00 hrs the following morning
Tuesday	from 10.00 hrs to 03.00 hrs the following morning
Wednesday	from 10.00 hrs to 03.00 hrs the following morning
Thursday	from 10.00 hrs to 03.00 hrs the following morning
Friday	from 10.00 hrs to 03.00 hrs the following morning
Saturday	from 10.00 hrs to 03.00 hrs the following morning
Sunday	from 10.00 hrs to 03.00 hrs the following morning

Late Night Refreshment

Monday	from 23.00 hrs to 03.30 hrs the following morning
Tuesday	from 23.00 hrs to 03.30 hrs the following morning
Wednesday	from 23.00 hrs to 03.30 hrs the following morning
Thursday	from 23.00 hrs to 03.30 hrs the following morning
Friday	from 23.00 hrs to 03.30 hrs the following morning
Saturday	from 23.00 hrs to 03.30 hrs the following morning
Sunday	from 23.00 hrs to 03.30 hrs the following morning

Alcohol Sales

Monday	from 10.00 hrs to 03.00 hrs the following morning
Tuesday	from 10.00 hrs to 03.00 hrs the following morning
Wednesday	from 10.00 hrs to 03.00 hrs the following morning
Thursday	from 10.00 hrs to 03.00 hrs the following morning
Friday	from 10.00 hrs to 03.00 hrs the following morning
Saturday	from 10.00 hrs to 03.00 hrs the following morning
Sunday	from 10.00 hrs to 03.00 hrs the following morning

The opening hours of the premises

Monday	from 10.00 hrs to 03.30 hrs the following morning
Tuesday	from 10.00 hrs to 03.30 hrs the following morning
Wednesday	from 10.00 hrs to 03.30 hrs the following morning
Thursday	from 10.00 hrs to 03.30 hrs the following morning
Friday	from 10.00 hrs to 03.30 hrs the following morning
Saturday	from 10.00 hrs to 03.30 hrs the following morning
Sunday	from 10.00 hrs to 03.30 hrs the following morning

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

Admiral Taverns (780) Limited, 150 Aldersgate Street, London EC1A 4EJ

(Transferred 9 May 2007)

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

05847941


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

Elaine Ciara Miller

(Varied 4 July 2009)

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

034623 – Nottingham City Council

Signed:.....
Licensing Officer

Date: 30 September 2005

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.

Annex 2 - Conditions consistent with the Operating Schedule

None

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

1. There must be no entry or re-entry to the premises after 2400 hours.
2. The designated premises supervisor will be a member of Nottingham Pub Watch.
3. All staff shall complete Drugs Awareness Training.
4. Maximum occupancy for functions – 60 persons
5. Maximum occupancy for premises – 190 persons
6. Electrical sockets used by entertainers shall be fitted with residual current device protection (complying with BS 7671; Requirements for Electrical Installations) and labelled accordingly.
7. The dance floor must be clearly delineated and shall be positioned in such a way as to ensure the safety of persons using the dance floor.
8. The arrangements for access around the dance floor and for seating in the vicinity of the dance floor must be such that neither dancers nor others, seated or otherwise, are put at risk of injury.
9. Recorded music will cease at midnight in the bar and lounge area.
10. Live music shall be permitted only in the function room and shall cease at 0300 hours.
11. Recorded music permitted only indoors.
12. All windows and doors must be kept closed.
13. All windows must be double glazed.
14. Extractor fans must be baffled.
15. All restrictions relating to the protection of children from harm contained in the Licensing Act 2003 must be adhered to.
16. No children shall be allowed on the premises after 1900 hours.
17. No one who appears to be under 20 years old will be sold alcohol without photographic proof of age being provided.

Annex 4 – Plans

Plan received with the application on 29 June 2005.
Drawing No: none given but dated 29/11/04.
Plan applicable from determination date of the licence
Copy of plan attached.

30 September 2005