

GUIDELINES FOR LICENSING REVIEW HEARING PANELS

The chairman will control the proceedings and the following is a guideline for each hearing but may be adjusted if appropriate.

1. The chairman explains the proposed format for the meeting and asks everyone to introduce themselves.
 2. The Licensing Officer briefly outlines the review application.
 3. The applicant (Responsible Authority and or Interested Party) who asked for the review speaks in support of their application and call any witnesses. Other parties who have made representations on the review to speak in support.
 4. The Licence Holder asks the applicant, witnesses and other parties questions.
 5. The panel asks the applicant, witnesses and other parties questions.
 6. The licence holder responds to the review application.
 7. The applicant and other parties (responsible authorities and interested parties) ask the Licence holder questions.
 8. The panel asks questions.
 9. All parties are asked if they wish to add anything further.
 10. The chairman requests everyone to leave the room in order that the panel may reach a decision. The Legal Officer and Democratic Services Officer to the panel remain.
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11. Everyone will be invited to return to receive the decision. In the event of complex or lengthy applications, the panel may decide to give its decision at a later date.

LICENSING HEARING PANEL

25 NOVEMBER 2011

LICENSING ACT 2003

APPLICATION FOR REVIEW OF A PREMISES LICENCE THE SHIP, 22 BILL STREET ROAD, STROOD, KENT

Report from: Deborah Upton, Assistant Director (Housing & Corporate Services)

Author: Mandy Francis, Senior Licensing and Enforcement Officer

Summary

In accordance with Section 51 of the Licensing Act 2003, the Council has received an application from Environmental Health, as a responsible authority, for a review of the existing premises licence in respect of The Ship, 22 Bill Street Road, Strood, Kent ME2 4RA.

1. Budget and Policy Framework

1.1 Medway Council has published its Statement of Licensing Policy, which it takes into account in all applications relating to the Licensing Act 2003. Paragraph 3 specifically deals with the question of crime and disorder, which is the objective raised in respect of this review application.

2. Background to the application & relevant representations

2.1 An application for review was received from Environmental Health, Medway Council, in respect of The Ship, 22 Bill Street Road, Strood. The premises currently operate by way of a premises licence granted in accordance with the Licensing Act 2003, a copy of which is attached at Appendix A. A copy of a plan showing the location of the premises is at Appendix B.

2.2 A copy of the review application is at Appendix C and the Panel's attention is drawn to the grounds for the review, related to the licensing objectives of the Licensing Act 2003. No representation has been received from the Premises Licence Holder, however we have received three letters from members of the public in support of the premises, these are attached at Appendix D.

2.3 The application has been correctly advertised by way of the display of notices at and around the premises and on the Council's website for the required period, in accordance with regulations made under the Licensing Act 2003. Also, in accordance with the legislation, notice of

the application (and the application itself) was served on the licence holder and the other responsible authorities.

- 2.4 Before determining the review application, the Council as licensing authority must hold a hearing to consider it and any relevant representations received.
- 2.5 Following the advertising of the review application, no relevant representations have been received from interested parties, any of the other responsible authorities or the premises licence holder.

3. Advice and analysis on determination of review application

- 3.1 At the panel hearing, Members must, having regard to the review application and the relevant representations received, take any of the following steps considered necessary to promote the licensing objectives of the Act:-
 - (a) modify the conditions of the licence;
 - (b) exclude a licensable activity from the scope of the premises licence;
 - (c) remove the designated premises supervisor (where premises licence authorises sale of alcohol)
 - (d) suspend the licence for a period not exceeding three months;
 - (e) revoke the licence
- 3.2 "Modification" of the conditions of a licence includes adding new conditions as well as altering or omitting any existing conditions. Where conditions are modified, or where a licensable activity is excluded, the authority can, if it wishes, limit the changes to a period not exceeding three months.
- 3.3 Paragraph 11.16 of the revised guidance issued by the Home Office on 7 October 2010 under Section 182 of the Licensing Act 2003 states "The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the premises licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach".

4. Risk Management

- 4.1 It is essential that the Licensing Authority apply the licensing policy in accordance with the Licensing Act 2003 and regulations made there under.

5. Financial and legal implications

- 5.1 There are no direct financial implications for Medway Council concerning this matter at present. However, if an appeal were made to the courts in respect of the Council's decision, there would be costs associated with this process.
- 5.2 Section 4 of the Licensing Act 2003 provides that in carrying out its functions a licensing authority must 'have regard' to guidance issued under section 182.

6. Decision Required

- 6.1 The Committee is asked to consider and make a decision in accordance with the Licensing Act 2003 as set out in paragraphs 3.1 and 3.2 above in respect of the application by Environmental Health for the review of the premises licence for The Ship, 22 Bill Street Road, Strood.

Lead officer contact Mrs Mandy Francis
Senior Licensing and Enforcement Officer
Telephone: 01634 7114
Email: mandy.francis@medway.gov.uk

Background papers

Medway Council's Licensing Policy – available to view on the council's website at www.medway.gov.uk.
Premises licence Medway-05-Prem-0663 (see Appendix A)
Review application (see Appendix C)

MEDWAY COUNCIL

Licensing Authority, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

Premises Licence

Premises Licence Number

Medway-10-PREM-0871

Premises Details

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

**The Ship
22 Bill Street Road
Frindsbury
Kent ME2 4RA**

Telephone Number **01634 714297**

Where the licence is time limited the date

Not Applicable

Name, (registered) Address, Telephone Number and email (where relevant) of the holder of this premises licence, registered number or charity number (where applicable)

Mr Steven Shaw

Name, Address and Telephone Number of designated premises supervisor where the premises licence authorises the supply of alcohol:-

Mr Steven Shaw

Mandatory Conditions

1. No supply of alcohol maybe 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/her personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

- 2. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.**
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale of supply of alcohol for consumption on the premises in a manner which carries a significant risk or leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children**

- (a) Games or other activities which require or encourage, or are designed to require or encourage, individuals to
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise)
 - (b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)
 - (c) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less
 - (d) Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on
 - (i) The outcome of a race, competition or other event or process or
 - (ii) The likelihood of anything occurring or not occurring
 - (e) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person shall ensure that free tap water is provided on request to customers where it reasonably available.
5.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
6. The responsible person shall ensure that:-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35 ml; and
 - (iii) still wine in a glass: 125ml; and
 - (b) customers are made aware of the availability of these measures.
7. Only individuals licensed by the Security Industry Authority (SIA) maybe used at the premises to guard against:-
 - a) Unauthorised access or occupation (e.g. through door supervision)
 - b) Outbreaks of disorder
 - c) Damage

Embedded Conditions

Not Applicable

Conditions consistent with the 'Operating Schedule'

8. **CCTV to be installed to a standard agreed by police to cover all public areas, including all access and egress points in accordance with CCTV Code of Practice. Maintained and serviced on a regular basis and records to be kept. The system to have an incorporated recording facility and recordings to be stored for one calendar month. The CCTV system to be fully operational throughout the hours that the premises are open for licensable activity. Access of the recordings to be made available at any reasonable time to Police and Local Authority officers upon request. Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident in a format that can be taken away to be viewed.**
9. **All staff shall be trained in the proper use of entering information in a written bound and clearly marked refusal book. The information to be recorded is a) Day, Date & Time of refusal b) Nature of refusal & reason c) Name or description of person refused sale d) Reason for refusal e) each entry is to be checked and signed by the DPS on the day of the event.**
10. **To only accept as proof of age and identity a photo card driving licence, passport or any government issued photograph identity card or 'pass accredited' proof of age card.**
11. **All staff to be trained in all aspects of the licensing legislation. Records of all training, associated training material and frequency of the training is to be kept on the premises and produced to police or local authority officer for inspection upon request.**
12. **A notice is displayed at the entrance/exit of the premises to remind customers to leave the premises quietly.**
13. **A 'Challenge 21' policy will be adopted and all staff trained on the policy.**
14. **Premises to become a member of the Safer Medway Partnership. A responsible person to monitor the radio throughout the hours that the premises are open for licensable activities.**
15. **When regulated entertainment, which generates significant noise, is taking place, doors and windows will be kept shut.**
16. **Reproduced or live music is to be set at a level so as not to be audible at the facade of the nearest residential property.**
17. **The designated premises supervisor, duty manager or relevant person should assess noise levels on a regular basis, to prevent excessive breakout.**

Conditions attached after a hearing by the Licensing Authority

Not Applicable

Licensable activities authorised by the licence and times the licence authorises the carrying out of the licensable activities.

Opening Hours

Monday	10:00 to 01:00
Tuesday	10:00 to 01:00
Wednesday	10:00 to 01:00
Thursday	10:00 to 01:00
Friday	10:00 to 01:00
Saturday	10:00 to 01:00
Sunday	10:00 to 01:00
Seasonal	Good Friday 10:00 to 01:00 / Christmas Day 12:00 to 15:00 & 19:00 to 01:00 / New Years Eve 10:00 to 02:00.
Non Standard	Not Applicable
Other	The premises may open outside authorised hours for non-licensable activities subject to planning or other legislation.

Sale of Retail of Alcohol

Activity takes place	ON the premises - YES	OFF the premises - YES
Monday	10:00 to 01:00	
Tuesday	10:00 to 01:00	
Wednesday	10:00 to 01:00	
Thursday	10:00 to 01:00	
Friday	10:00 to 01:00	
Saturday	10:00 to 01:00	
Sunday	10:00 to 01:00	
Seasonal	Good Friday 10:00 to 01:00 / Christmas Day 12:00 to 15:00 & 19:00 to 01:00 / New Years Eve 10:00 to 02:00.	
Non Standard	Not Applicable	

Live Music

Activity takes place	ON the premises - YES	OFF the premises - NO
Monday	10:00 to 23:00	
Tuesday	10:00 to 23:00	
Wednesday	10:00 to 23:00	
Thursday	10:00 to 23:00	
Friday	10:00 to 00:00	
Saturday	10:00 to 00:00	
Sunday	10:00 to 23:00	
Seasonal	Good Friday 10:00 to 01:00 / Christmas Day 12:00 to 15:00 & 19:00 to 01:00 / New Years Eve 10:00 to 02:00.	
Non Standard	Not Applicable	

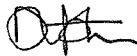
Recorded Music

Activity takes place	ON the premises - YES	OFF the premises - NO
Monday	10:00 to 23:00	
Tuesday	10:00 to 23:00	
Wednesday	10:00 to 23:00	
Thursday	10:00 to 23:00	
Friday	10:00 to 00:00	
Saturday	10:00 to 00:00	
Sunday	10:00 to 23:00	
Seasonal	Good Friday 10:00 to 01:00 / Christmas Day 12:00 to 15:00 & 19:00 to 01:00 / New Years Eve 10:00 to 02:00.	
Non Standard	Not Applicable	

Late Night Refreshment

Activity takes place	ON the premises - YES	OFF the premises - NO
Monday	23:00 to 01:00	
Tuesday	23:00 to 01:00	
Wednesday	23:00 to 01:00	
Thursday	23:00 to 01:00	
Friday	23:00 to 01:00	
Saturday	23:00 to 01:00	
Sunday	23:00 to 01:00	
Seasonal	Good Friday 23:00 to 01:00 / Christmas Day 23:00 to 15:00 & 19:00 to 01:00 / New Years Eve 23:00 to 02:00.	
Non Standard	Not Applicable	

Signed on behalf of Medway Council

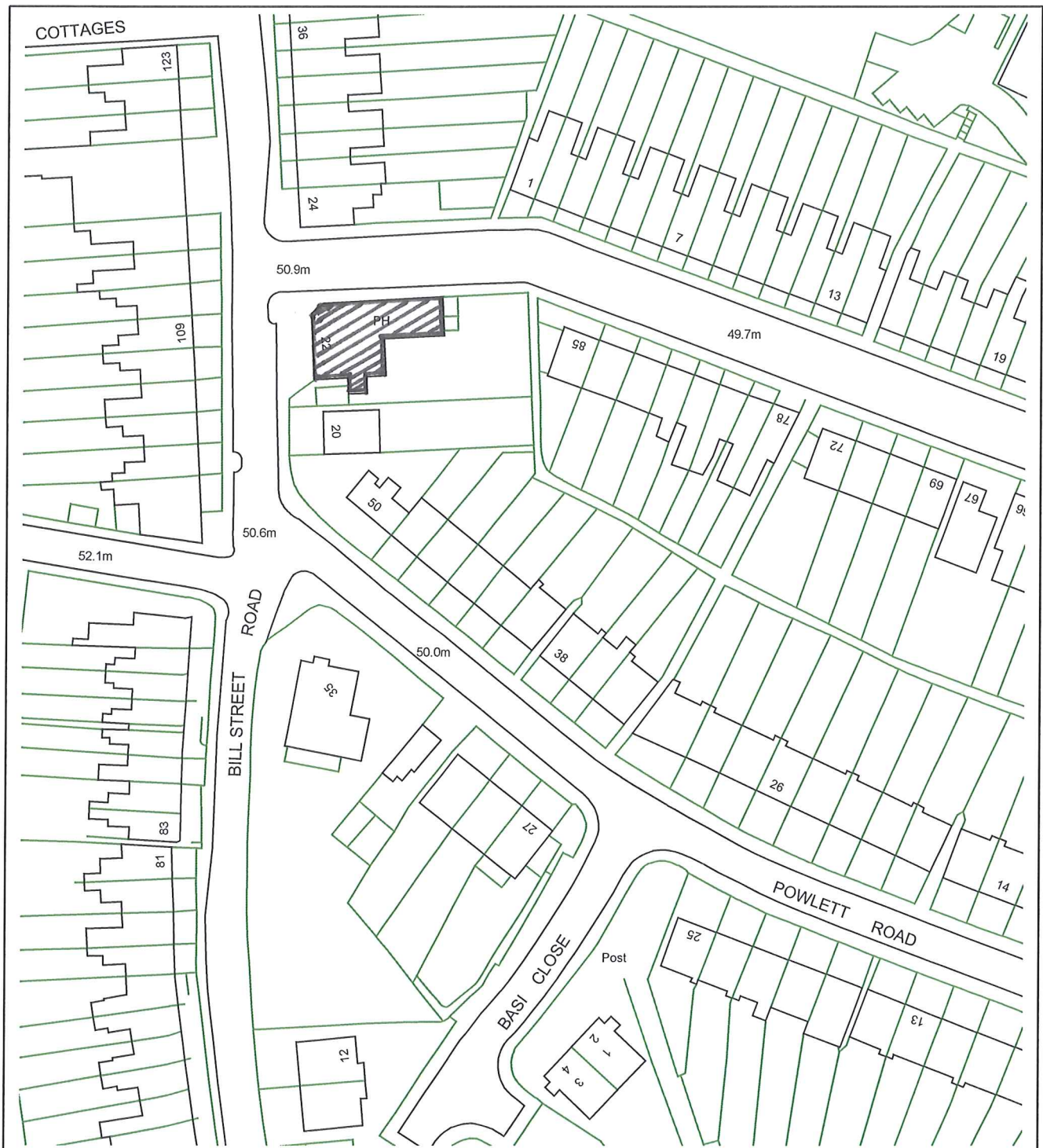


Deborah Upton
Solicitor to the Council

4 February 2011

Date

NORTHGATE SE GIS Print Template



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RECEIVED 23 SEP 2011

Form REVIEW

MEDWAY COUNCIL

Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING APPLICATION

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 SARAH FOSTER, ON BEHALF OF ENVIRONMENTAL HEALTH, MEDWAY COUNCIL
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable).

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description THE SHIP, 22 BILL STREET ROAD, STROOD.	
Postal Town ROCHESTER	Post Code (if known) ME2 4RA

Name of premises licence holder MR STEVEN SHAW

Number of premises licence MEDWAY - 20 - PREM - 0571

Part 2 – Applicant Details

I am

Please tick yes

An interested party (Complete A or B below)

A person living in the vicinity of the premises A body representing persons living in the vicinity of the premises A person involved in business in the vicinity of the premises A body representing persons involved in business in the vicinity of the premises A responsible authority (please completed C below) 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 Name

Please tick yes

I am 18 years old or over

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 (fill in as applicable)

Name and address

Telephone number (if any)

E-mail address (optional)

C DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

SARAH FOSTER,
FRONTLINE SERVICES, REGENERATION COMMUNITY & CULTURE,
MEDWAY COUNCIL, GUN WHARF, DOCK ROAD, CHATHAM,
KENT ME4 4TR

Telephone number (if any)

01634 333206

E-mail address (optional)

Sarah.foster@medway.gov.uk

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

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

REPRODUCED AND/OR LIVE MUSIC IS AUDIBLE AT THE
FACADE OF THE NEAREST ^{RESIDENTIAL} PROPERTY, ALLOWING EXCESSIVE
BREAKOUT OF NOISE SUCH THAT A STATUTORY NOISE
NUISANCE IS BEING CAUSED IN A NEIGHBOURING
RESIDENTIAL PROPERTY.

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

PLEASE SEE ATTACHED SHEETS NUMBERED
1 - 5

Have you made an application for review relating to this premises before NO Please tick

If yes, please state the date of that application Day Month Year

If you have made representations before relating to this premise please state what they were and when you made them

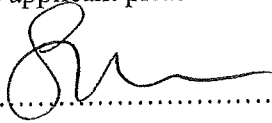
I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate Please tick

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 22nd SEPTEMBER 2011

Capacity ENVIRONMENTAL PROTECTION TEAM LEADER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post Town	Post Code
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

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

On the 21st July 2010 a complaint was received by Environmental Health from residents at a residential premises in the vicinity of The Ship, regarding loud music. A diary log was sent to the complainants as per council procedure to be completed in order for environmental health to progress the case.

On receipt of a completed diary sheet, on 10th September 2010 environmental health sent a letter of the same date to the DPS Steven Shaw to advise of a complaint of loud amplified music.

On the 12th February 2011 Helpline callout received. 23.40hrs Out of hours officers David Edwards and Sarah Foster arrived in the vicinity of the The Ship. They walked directly past the public house noting that no doors or windows were open but that music was very audible outside of the pub. At 23.41hrs the officers attended a residential premises in the vicinity of The Ship, where a low volume of music could be heard in the rear downstairs lounge which is located furthest away from the Ship. At 23:51hrs officers went in the front bedroom, the windows are double glazed and closed. Music, mainly bass, could be heard as well as the PA system/vocals. Officers were able to hold a normal conversation but the music could disturb sleep. 23:56hrs still at the same level. 23:58hrs officers in other front bedroom music at the same volume. 00:05hrs officers in rear bedroom the music and vocals/ PA audible. Patrons in car park/smoking area could be quite clearly heard. 00:08hrs Music still audible and assessed by the officers to be a statutory nuisance. At 00:11hrs officers left site the music was still audible as they left.

The Ship licence for live and recorded music is from 10.00hrs to 00.00hrs therefore a breach of licence conditions, and a statutory noise nuisance was witnessed.

On 15th February 2011 an Abatement Notice was served at 16.50hrs and dated 15th February 2011 under the Environmental Protection Act 1990 Section 80 Noise from amplified music and speech on the dps Steven Shaw by Sarah Foster at The Ship. The reason for the notice was explained and that as well as creating a statutory noise nuisance he was also in breach of his licence conditions. Advice was given to by Sarah Foster to the dps to monitor outside the pub and assess the noise from the closest property.

On 16th February 2011 the dps Steven Shaw telephoned and spoke with the case officer Sarah Rushton. After his conversation with Sarah Foster yesterday he has builders in today to try and remedy the situation. Sarah Rushton advised we are unable to disclose the residential property we monitored from but that as per his licence conditions the music is not to be audible at the façade of the closest residential property. Sarah Rushton advised Steven Shaw to monitor outside when the music is on to assess for any noise breakout from the pub. Steven Shaw advised he is considering double glazing and a secondary door to the smoking area to try and reduce breakout. He wants to keep a rapport with Environmental Health.

On 19th February 2011 Helpline Callout at 23.40hrs. A call received from the resident of a residential premises in the vicinity of The Ship advising loud music from The Ship. Out of hours officers were already attending another property elsewhere in the borough. Unable to attend to witness, as they left the other property at 01.48hrs and the service closes at 02.00hrs.

On 2nd March 2011 Sarah Foster attended a meeting organised by Charlie Bennett from the Licensing Section with Steven Shaw at the Council offices at Gun Wharf. The interview was carried out under PACE. The noise issues were discussed. Steven Shaw confirmed that a new lobby has now been built at the back of the pub. It was agreed that Steven Shaw would draw up an action plan and that officers would meet with Steven Shaw in 2 weeks time.

On 26th March 2011 Helpline Callout. Out of hours officers Ian Garcia and Dean Laws attended a residential premises in the vicinity of The Ship. They arrived in Windmill Street at 22.34hrs when "Bob Marley, Wait in Vain" could be heard. 22.38hrs track changed to "UB40, Red Red Wine". Officers now in front room of residential premises and the bass from the music was intrusive. 22.41hrs track changed to "Build Me Up Buttercup". 21.43hrs officers in the kitchen. 22.44hrs track changed to "Oh What A Night". 22.47hrs track changed to "I Feel Good". 22.48hrs Officers went upstairs to the front bedroom where residents sleep. Music and bass beat clearly audible in this room. 22.57hrs window in bedroom opened, "VIBE" clearly audible. 22.59hrs track changed to "Get Down On It". 23.03hrs DJ heard talking then "Dancing On The Ceiling" played. 23.07hrs observations stopped and officers left site - same song still playing.

On 31st March 2011 at 15.15hrs Sarah Foster visited The Ship and hand delivered a letter of the same date advising that a breach of the Notice dated 15th February 2011 had been witnessed on Saturday 26th March 2011. The officer spoke with Alison and Liam Evans who introduced themselves as the new managers as Steven Shaw was not on site. They confirmed they took over the bar at the beginning of the week. On 26th March 2011 they were shadowing the bar staff as Steven Shaw the DPS was not present at the pub. They advised that apparently the bar staff took a telephone complaint about the music but did not tell them until midnight. The officer explained that this does not stop the formal caution letter that has been given to them for Steven Shaw. The officer gave advice to them about patrolling the boundary and logging the times of this. Mr & Mrs Evans advised that double-glazing, thicker curtains etc will be installed. The officer advised that until the upgrades have been completed they need to keep the noise under control or the licence could possibly be revoked if Environmental Health were to go for review and the upgrades would be all for nothing....

On 13th April 2011 Sarah Foster from Environmental Health and Charlie Bennett from Licensing met with the dps Steven Shaw at The Ship. Steven Shaw confirmed that he had installed a lobby to the rear of property to allow a 2 door exit to the smoking area. Triple glazing will be installed next week to all windows in the bar area. A noise limiter will be installed, and he wants assistance from Environmental Health to set the correct level once he receives the limiter. Sarah Foster advised that Environmental Health would help as much as they could with this matter. Managers Mr & Mrs Evans who were on site on Sarah Foster's last visit are no longer at the pub as they were not suited to the role. Steven Shaw confirmed he is now back at the pub permanently. Sarah Foster asked that Steven Shaw inform her when the glazing is installed....

On 23rd April 2011 Helpline callout. Out of hours officers David Brown and Rochelle Ollerenshaw arrived to the area at 23.10hrs the music was clearly audible in street.

The music was audible at the facade of the closest residential premises. No doors or windows were open and a speaker was on a stand in the window of The Ship. Officers attended a residential premises in the vicinity of The Ship the music was clearly audible with no background noise in the living room. The officers moved upstairs to the front guest bedroom where the music was clearly audible with the window closed. 23.15hrs the officers moved into the main bedroom, the window was closed in this bedroom. The window on the landing was shut which made a difference but the bass element was still coming through clearly. The bass element appears to be the troublesome part. 23.25hrs officers opened the window to the front bay. Music clearly audible "Dancing on the ceiling Lionel Richie". Very clear with the window open. 23.30hrs the music was turned off or down. Different track "Baby give it up"? Lower volume than before. "Rehab Amy Winehouse", "Valerie Amy Winehouse". 23.40hrs Unrecognisable track. Bass clearly audible. All songs sung in Karaoke style, live rather than recorded. "Eric Moraz I'm yours". 23.45hrs "UB40 I've got you babe". 23.51hrs "Don Penn no, no, no". 23.55hrs Different track, officers didn't recognise it. 23.58hrs Voices, amplified. One more track, recognised track but officers couldn't remember title or artist. 00.03hrs Singing finished. Amplified music with a different track "What a Night". 00.10hrs Music turned down now much quieter. Officers left site at 00.13hrs.

On 26th April 2011 Officers Anne Mawbey and Sarah Rushton from Environmental Health visited The Ship and spoke with Steven Shaw. They advised him that a further breach of the Abatement Notice had been witnessed and a follow up letter would be sent to confirm this.

On 28th April 2011 a letter hand of the same date was delivered by Anne Mawbey to Steven Shaw at The Ship. Steven Shaw advised that he now had a noise limiter that would be installed that day. Requested that somebody from the council visit to set the level for the limiter. Anne Mawbey advised she would get back to him next week.

On 7th May 2011 a proactive visit was made by officers David Edwards and Sarah Foster from Environmental Health called to The Ship at 20.38hrs to assist with the noise limiter. The correct cables for the limiter were not available, the dps Steven Shaw was not on site as he does not work on Saturdays. This was confirmed by two of the partners of the pub, both called Wayne. The officers explained to them both about noise nuisance and the levels and that the music should not be audible at nearest residential facade.

On 7th May 2011 Helpline callout. Out of Hours officers David Edwards and Sarah Foster arrived on site at 23:40hrs the music was audible approx 200metres away. Vocals could be made out. The officers attended a residential premises in the vicinity of The Ship and went to the front bedroom where the vocals were audible and the song could be named. 23:46hrs Officers left the premises and went to The Ship. They spoke to both of the men called Wayne from their earlier visit, and explained the music level. Explained the need to check levels and maybe walk around the road outside to judge levels.

On 13th May 2011 at 21.12hrs a proactive visit made by out of hours officers Ian Garcia and Lisa Sargison to The Ship they spoke with Wayne who advised he was the

DPS. Only a golf do on tonight so no live music just the jukebox. The music was barely audible outside. Officers left site at 21:45hrs.

On 14th May 2011 Proactive visit by out of hours officers Ian Garcia and Lisa Sargison at 21.03hrs to help with noise limiter settings. The music was audible outside the pub, the officers went into the pub where the live singer had not yet set up. The officers spoke with Wayne Bennett. When the live singer started their act the officers patrolled around the outside of the pub. The singing was audible as far as Windmill Road. Ian Garcia advised that this would breach licence conditions as they state the music should not be audible at the nearest facade. Ian Garcia explained that statutory nuisance would be how it affects those in their properties, and that Environmental Health would advise if complaints received. The officers were advised that the new glazed top windows were due to arrive in 2-3 weeks. The officers left site at 21.52hrs.

On 23rd July 2011 Helpline callout. Out of hours officer David Brown arrived at 23.00hrs and parked in Bill Street Road outside no 38 waiting for the 2nd officer Dean Laws to arrive. Music was audible from The Ship at this point in Bill Street Road and it sounded like a karaoke. Dean Laws arrived at 23.40hrs, when they entered a residential premises in the vicinity of The Ship. By this time the karaoke had stopped, music was being played. This was audible in the street and inside the residential premises but not loud enough to be deemed as a statutory nuisance. 00.12hrs officers left site, with the music still playing.

On 6th August 2011 Helpline Callout. Out of hours officers Sarah Foster and Lisa Sargison arrived to the area at 23.37hrs. The officers parked in Powlett Rd at the corner of Basi Close. As the officers walked to the complainants they could hear music and when they turned the corner into Bill Street Rd they confirmed that it was from The Ship PH. The music was clearly audible at the facade of the closest residential premises. As the officers entered a residential premises in the vicinity of The Ship the music was clearly audible "Reach for the Stars". In the front main bedroom with the windows closed the bass could be heard in the room very slightly while the resident was talking. When they were not talking officers could hear "Kylie Minogue Cant get you outta my head". The lyrics couldn't be heard but the music especially the bass could be heard. The top window was opened an inch and the music was much clearer, some of the lyrics could be heard, the bass was more intrusive, still the same song. 23.44hrs "S Club 7 Dont stop moving". Still mainly the bass but the words could be heard word for word. 23.47hrs "Tom Jones Its not unusual", lyrics clearly heard, only the bass heard when cars were driving past. 23.48hrs window closed the lyrics cant be heard but bass still audible. 23.49hrs "Elvis Make Believe", could also hear patrons shouting from the rear of the pub. With the windows closed the lyrics of the song and all music could be heard. 23.55hrs music went off. 00.02hrs officers left site.

On 7th August 2011 at 00.25hrs call received from helpline to out of hours officer Sarah Foster. The music has gone back on. The officer called the complainant and they agreed to just log the call.

On 7th August 2011 at 02.10hrs call received from complainant to helpline advising loud music from The Ship. No officer contact as the out of hours service closes at 02.00hrs.

On 10th August 2011 Sarah Foster telephoned Steven Shaw and advised him of the breach of the notice on 6th August 2011, and that Environmental Health would be seeking to progress a review of the licence. Steven Shaw asked when the council had witnessed the breach and whether it was loud outside of the pub.

On 17th September 2011 Helpline callout. Out of hours officers David Edwards and Lisa Sargison arrived at 21:50hrs and parked in Powlett Street. They could clearly hear music from The Ship as they walked into Bill Street Road. 21:55hrs in front bedroom of residential premises in the vicinity of the Ship where music could be heard. David Edwards assessed that it would be difficult to sleep. 22:00hrs in rear bedroom, which is currently not used. Muted music and loud voices from the rear yard/garden area. Meat on a rotisserie in the rear yard. 22:05hrs Back into the front bedroom where the music was clearly audible, playing "Summer of 69". Windows closed in the bedroom. 22:08hrs Downstairs in rear lounge/dining area, music at a muted level, officers able to have conversation, voices outside just audible above tv. Windows shut in this room. 22:09hrs Music stopped, voices only. 22:15hrs Still no music only voices. 22:31hrs Officers left site as still no music. As the officers walked away from the residential premises the music started again. The officers went inside the pub to speak with the dps. A man called Wayne joined David Edwards and Lisa Sargison outside, as the pub inside was heaving and the music was very loud. David Edwards explained about the complaint and that although they hadn't witnessed a statutory nuisance they were breaching their licence conditions re music audible at facade of closest residential properties. Wayne agreed with this and his wife then joined them outside the pub. Wayne agreed to turn down the level of the music. Officers left site at 22:25hrs.

On 17th September 2011 Helpline callout. Out of hours officers David Edwards and Lisa Sargison. 23:22hrs walked from car in Powlett Road music audible in road. 23.23hrs officers in front bedroom of residential premises in the vicinity of The Ship the music was audible, did not know track, bass very noticeable. The music was at a level so as to disturb sleep and therefore unreasonable interference. 23:35hrs change of track. 23:36hrs Officers in rear bedroom music can be heard, high level of voices from patrons. 23:38hrs Officers in front bedroom. PA system audible- another track-music from dirty dancing. 23:44hrs Music audible, lots of shouting and raised voices at the front of the pub. 23:48hrs Shouting outside of the pub above the music from the pub. 23:50hrs Gone quiet. 23:56hrs officers left site, music off/quiet and lots of people coming out of pub.

There will be supporting evidence with this request in the form of officer statements, letters and a tape recorded interview held under PACE.

RECEIVED 21 OCT 2011

Mr M Griffin

To Whom it may concern,

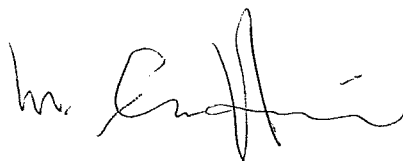
RE: The Ship Pub

To confirm, I do not have any issues with the day to day business of the above pub or the noise level arising from their customers or the pubs entertainment.

The last thing I or my wife want to see is another derelict business, there are enough of these in the area.

Yours faithfully

Mr M Griffin

A handwritten signature in black ink, appearing to read 'Mr. Griffin', written in a cursive style.

RECEIVED 21 OCT 2011

Mr R Jones

18th October 2011

Dear Sir or Madam,

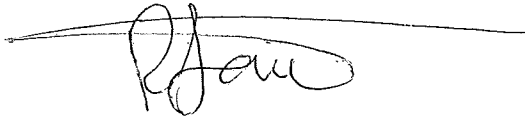
I write with reference to The Ship Public House (22 Bill Street – ME2 4RA) and notices regarding the aforementioned public house.

I have lived opposite The Ship for the best part of nine months and although, initially I had some concerns with the noise arising from the pub during their live entertainment, resulting in myself and my wife telephoning the public house, the measures that have since been put in place have dealt with my concerns.

I have a two year old son and obviously his well being is my responsibility however he has not been disturbed by the live entertainment since the above measures have been applied.

Yours faithfully

Mr R Jones

A handwritten signature in black ink, appearing to read 'R Jones', is written over a horizontal line. The signature is cursive and somewhat stylized.

RECEIVED 21 OCT 2011

MR. B. MOFFATT

To whom it may Concern

I have lived opposite the Ship public house, for many years. And I have had no problems with noise coming from the pub. I understand the pub has Triple glazing and Also ~~a~~ Noise Reduction Equipment fitted and this is working fine, as I have had no problems with noise from the pub in all the years I have lived opposite it.

yours Sincerely
Mr. B. Moffatt

