

**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 Lorna Robinson

(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 I below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Green Squirrel 148 Manchester Road Haslingden Rossendale	
Post town Lancashire	Post code (if known) BB4 6NP

Name of premises licence holder or club holding club premises certificate (if known) The Little Crown Limited Empire House Edgar street Accrington BB5 1PT
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Number of premises licence or club premises certificate (if known) PL (A) 31
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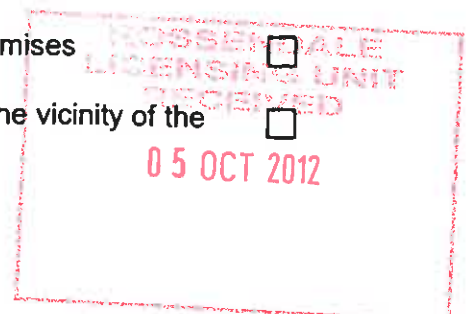
Part 2 - Applicant details

I am

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

Please tick yes

- 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

Name and address Lorna Robinson Principal Environmental Health Officer Rossendale Borough Council Business Directorate Futures Park Bacup Lancashire OL13 0BB
Telephone number (if any) 01706 252564
E-mail address (optional) lornarobinson@rossendalebc.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)

Since July 2011 there have been 20 complaints of excessive noise emanating from The Green Squirrel in the form of loud music from live bands and amplified music, doors and windows left open and persons stood outside drinking, shouting and swearing. Some of these occasions have been witnessed by officers working on the Councils Out of Hours Night Time Noise Service and Environmental Health feels this undermines the Public Nuisance objective of the Licensing Act 2003.

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

Environmental Health first received a complaint about loud music arising from The Green Squirrel in July 2011. A letter was sent to the pub informing them of the complaint and a letter and diary sheet sent to the complainant. Environmental Health then received a further two complaints from different residents about the same issues. A letter and diary sheet was returned in September 2011 detailing problems with the pub from 8th July 2011 to 28th August 2011. Because of the evidence received a second more formal letter was sent to the pub. The main complainant was contacted in December 2011 for an update and informed Environmental Health to say it had been much better and the case was closed.

However in March 2012 a new complaint was received from a different resident about loud music from The Green Squirrel. a letter and diary sheet was sent to the complainant. Environmental Health spoke to Danny Dobson Public Protection Officer in Licensing who informed us that the neighbours were getting together to apply for a review of the licence and that he was aware of the issues and not to send another letter to the pub as they were aware of what was going on.

On 5th May 2012 Carmela Lo Presti an officer from the Out of Hours Noise Service visited the complainants property following a complaint of loud music and reported the following:

I parked on the side street just beyond the complainant's house, about 10 metres from the main road. In my car with the windows closed I could hear a live band playing "Creep" by Radiohead. I could tell when the pub door was opened because the music got much louder. I went to the complainant's house. There were around 3 people standing outside the front of the pub and at least one car parked outside. The front door of the pub was open all the time and the internal door opened regularly as people went in and out. I went into the front ground floor sitting room and I could hear the band. It was intrusive in the room, there was no TV on in the complainant's house. At 2230 I went into the front first floor bedroom. With the window shut (double-glazed) I could hear the music from the pub. Drums, a vocal line and a low droning of the music were audible. I didn't recognise the tune. I would have found it difficult to get to sleep in the bedroom. The complainant opened the window a little. The music from the pub was clearly audible and it got much louder every time the pub's internal door was opened, which happened every few minutes. I heard a song with the lyrics, "Forget you and, forget you". I would have found it impossible to get to sleep in this bedroom with the window open. The band began to play another tune, "Valerie" as done by Amy Winehouse. The complainant shut the bedroom window and I could still hear the music, and could clearly tell when the pub's internal door was opened. This level of noise was ongoing when I left at 2240.

Environmental Health were then made aware by one of the complainants that the residents were asking for a review of the licence and needed evidence of the history of the problems which was given to him.

A second warning letter was then sent to the pub on 29th May 2012. A further diary sheet was received on 30th May detailing problems with the pub from 3rd March 2012 to 26th May 2012.

A mediation meeting was held on 18th June 2012 with the Police, licensing and the landlord of the pub Stephen Sourbutts who allegedly volunteered to carry out a number of measures to tackle the problems.

Environmental Health were informed on 23rd July 2012 that the licence review hearing planned for 25th July 2012 had been cancelled as the residents hadn't formally notified Environmental Health or the Police.

Environmental Health then received another Out of Hours noise report from Gillian Perkins (formerly of Pendle Council) stating the following on her visit to a complainants property on 4th September 2012 :

Arrived at property at 22:50hrs and as walking to the property from the street to the side where I had parked I counted 13 people stood outside the Green Squirrel pub, some of them had drinks glasses in their hands. Whilst walking to the property I could also hear Want You Back by Jackson Five coming from the pub which was clearly audible including all the words.

On entering the property I sat in the lounge. I could hear a bass beat coming from the pub quite distinctly but no words or tune but there was also a lot of people noise coming from the people outside the pub. I could hear the bass beat whilst talking to the complainant. Then another track came on a pop track that I recognised but could not recall the name or artist but I recognised the tune. At 23:06hrs track came on 'America' again I could not recall the artist that sings this but I could recognise the track and I could hear the words being sung "oh my life living in America".

At 23:10hrs I went into the front bedroom where I could hear the same track. The music gets much louder as people enter / leave the pub through the front door. The main front door was open but there was another internal door within this that was closed and the windows of the pub were all shut. Even at the lower level I think the music would disturb the sleep of a person in this room.

At 23:15hrs 3 people were stood directly outside the front door and 6 people towards the right hand front edge of the pub, two of which had drinks glasses in their hands.

At this point 'Shine' by Take That came on and I could hear the words and tune for example "let me know you you're all that matters to me" being sung. Whilst stood in the bedroom for ten minutes 8 taxis have pulled up outside.

At 23:20hrs went back into lounge when a different track came on which I did not recognise. I then left the property.

There was then an article in The Free Press newspaper about 'Nuisance' pub licence review stalled by Council.

I requested the details of the premise's licence holder and the Designated Premises Supervisor and rang the pub on 13th August 2012 and left a message for Mr Stephen Sourbutts to ring me. My call was never returned.

Environmental Health received notification of another Out of Hours noise visit this time by John Heys from Pendle Council on 11th September 2012 which stated:

Arrived at 131 Manchester Rd, Haslingden, I had parked my car approx 100yds along St Peters Avenue by where I heard very loud music from a group accompanied by loud vocals, I saw all windows and doors of the Green Squirrel were open wide this was

Increasing the level of singing and music. Also a number of person were stood outside the pub on the gable shouting smoking etc. whilst inside the front room of 131 the volume was so loud

It would be impossible to obtain any sleep or watch TV. In my opinion this was a Statutory Nuisance.

On 14th August 2012 a Statutory Noise Abatement Notice was then served on Mr Stephen Sourbutts as Director and the person responsible for the nuisance to 'cease or reduce the volume of amplified music so that it is not audible in neighbouring properties' with immediate effect.

I received a call from Lindsay McGuire on 16th August 2012 to discuss the requirements of the notice and I emailed him a copy of 'Licensed Property; Noise Control' produced by The British Beer and Pub Association.

The complainants rang the Out of Hours Noise Service on 25th August 2012 about loud music but the officer was busy and unable to attend in time so was not witnessed.

However Environmental Health were informed of the following visit to the complainants property by Paul Thwaites from Hyndburn Council working on the Out of Hours Noise Service on 8th September 2012:

"On 8th September 2012 at 22.16hrs the music started (live band) at the premises Green Squirrel, Manchester Road, Haslingden on viewing the front of the premises from within the front room of the complainant's property I could clearly see all 4 of the opening lights of the downstairs windows, were open for ventilation which was allowing the live music to easily emanate from the premises. It was clearly audible above the normal level of the complainant's TV. The music stopped at 22.26hrs then the next track / song started at a louder level and was of a country style track and was clearly a statutory nuisance and there was a temporary raising of the volume as the internal door was opened to allow access or egress. At 22.30hrs when stood in the main front bedroom with the double glazed windows shut the level of music being played at the said premises was still of a level that would prevent sleep and a statutory nuisance. At 22.32hrs when back downstairs in the lounge the volume was still excessively loud and was of a country style of music with loud laughter / shouting heard from a customer leaving. The loudness of the music was made worse due to the windows being wide open at the premises. The track finished then another one started at 22.42hrs and the music went slightly quieter and an observation revealed i.e. when I looked out of the window that 2 of the opening windows had been closed. At 22.46hrs the music was still being played but at a reduced level to previously so I left the complainant's property at 22.47hrs, 131 Manchester Road, Haslingden."

It was after this evidence and the history of the case and non-compliance with the noise abatement notice that I decided to apply for a review of the licence for public nuisance arising from The Green Squirrel as it continues to cause stress and upset to the residents in the vicinity of The Green Squirrel and takes up a lot of officer time.

Have you made an application for review relating to this premises before **Please tick yes**

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them
Not applicable

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

Lt Rob

Date 5th October 2012

Capacity Principal Environmental Health Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)
See section (C)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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.