

## **Written Submissions – Last Pub Standing committee hearing 10 January 2024**

This statement is made to provide background and further information relating to the objection lodged by Environmental Protection on 14 December 2023.

The most recent premises licence for Last Pub Standing (LPS) has been in place since June 2019 with Mr Simon Peters named as DPS and LPS Norwich showing as the licensee. In this time, Norwich City Council have received seven noise complaints regarding the premises. On each occasion (bar the first) a letter has been sent to LPS advising such a complaint has been received. Copies of these letters can be found in appendices A-F.

On a number of occasions, Mr Peters has been spoken to directly by Environmental Protection Officers regarding the noise levels set at the premises, even receiving a visit from Officers on 3 December 2021. During this visit Mr Peters advised Officers that the sound levels recorded on Maidstone Street is usually around 80dB. He was told at the time that this would equate to 65dB inside the flats and was far too high. At this point Mr Peters was advised to obtain the services of an acoustic consultant with experience in statutory nuisance and building acoustics.

On Friday 25 August 2023, LPS was visited in the evening by Environmental Protection Officers. At the time of the visit, it was noted that the sound levels were excessively loud. Officers made themselves aware to the manager, Jake Jones, and advised him that the music was too loud. Jake advised that the level had been set by the DJ working that evening and he would not turn the music down.

A further late-night visit took place on Saturday 28 October 2023, where once again the music was noted to be at an unacceptable volume. The manager was again spoken to and advised to reduce the music to an acceptable level, which was ignored.

Calibrated sound recording equipment was placed in a complainant's property on 9 November 2023 to ascertain the volume of the noise coming from LPS. The equipment monitored sound levels for a period of 7 days, only recording when triggered by the complainant. The monitoring showed that background nighttime noise levels in the property when LPS was not operating tended to be around 30dB. The complainant made 3 recordings of the noise coming from LPS.

The sound levels for these recordings came out at 61.3dB (09/11/2023 22:42hrs), 53.4dB (09/11/2023 22:58hrs) and 52.5dB (11/11/2023 00:55hrs) inside the complainant's property.

For completeness, World Health Organisation guidelines advise an average noise level of 35dB during the day (07:00-23:00) and 30dB at night (23:00-07:00) inside a dwelling.

As the levels recorded were clearly above those advised by the WHO, a Noise Abatement Notice was issued to both Last Pub Standing Ltd and Mr Peters on 22 November 2023. These notices require the cessation of recorded or amplified music

at such a volume as to cause nuisance to residents in the vicinity of 27 – 29 King Street. Copies of these notices can be found attached as appendices G and H.

Also on 9 November 2023, Mr Peters was visited by myself and a colleague to discuss the premises licence. This was a result of it coming to light that LPS Norwich had gone into administration on 23 January 2023 and had not transferred the licence within the 28 days stipulated in the Licensing Act 2003.

The Notice of administrator's appointment attached to LPS Norwich on Companies House shows that administrators were appointed by the director of LPS Norwich. At the time of appointment, Mr Peters was the sole director of LPS Norwich. A copy of the notice of administrator's appointment is attached in appendix I.

During my conversation with Mr Peters, he was made aware that the premises licence had lapsed, and they were currently unable to sell alcohol or undertake any other licensable activities. Mr Peters claimed to not be aware that his company had been put into administration in January 2023 and that they had been trading without a premises licence for nearly 10 months.

Mr Peters asked what the quickest solution was, to which he was advised to submit Temporary Event Notices (TENs) to cover the remaining weekends of the calendar year and apply for a new premises licence. Once again, Mr Peters was reminded they would not be able to trade without any form of licence in place.

On leaving LPS, an email was sent to Norfolk Police advising them of our visit and that the licence had lapsed.

On Monday 13 November 2023, an email was received from Norfolk Police's licensing team advising that Officers had visited LPS on Friday 10 November 2023 to find the premises still trading. The email went on to state that Mr Peters had told Officers he also intended to trade on Saturday 11 November 2023.

Also on 13 November 2023, I was made aware that TENs had been submitted by LPS to allow them to trade over each weekend until the New Year. Given the ongoing noise complaints and the abatement notice that had been issued, it was agreed with LPS's legal representatives on 23 November 2023 that the following conditions would be attached to each of the TENs:

- All music outside will cease at 10pm
- Noise levels measured hourly during music being played at the point shown on the below map are not to exceed 45dB(A). These will need to be measured with a calibrated sound level meter, not a mobile phone. (evidence of this being carried out is to be provided to Norwich City Council)
- Should any complaints be received by Norwich City Council regarding noise coming from LPS all future events covered by TENs would be moved inside.

Since the TENs had been in operation one further noise complaint has been received in relation to 29 December 2023. Unfortunately, due to the Council being closed over Christmas and New Year, this was not picked up until 2 January 2024.

During my conversations with LPS legal representatives, I was advised that an acoustic report was being produced to aid the premises in preventing excess noise escaping the property. A draft copy of the report was received on 4 January 2023.

This report was reviewed by myself and a number of concerns were noted, namely;

- There is no information of the person producing their report, nor their experience or qualifications.
- The report does not state what assessment method is being used to create the document.
- There is no description of the pub's main noise sources, where they will be situated or what the hours of operation would be.
- There is no mention of the equipment used being calibrated or of operational tests being conducted prior to use.
- There is no description of the surrounding area and what types of buildings/properties are present.
- The report does not contain any method or calculation to estimate noise levels in the nearest noise sensitive premises.
- Regarding the measurement locations, no distances were given from the sound source nor was there any justification for why these locations were chosen.
- There was no mention of the weather conditions at the time of the assessment nor if there were any margins of error to consider.

LPS' legal representatives were made aware of my concerns on 4 January 2023 and I was advised that the acoustic consultant will be asked to amend the report.

Should the committee be mindful to grant the premises licence, I would request that the following conditions are seen as reasonable to prevent further public nuisance occurring, given the complaints that have been received not only prior to the abatement notice being issued, but also whilst they have been operating under TENs with stricter conditions applied:

- No amplified music or live performances are to take place in the garden of 27-29 King Street, save for ambient background music.
- Use of the garden is to cease at 23:00hrs daily.
- A tamper proof sound limiter with cut off is to be installed in the premises and set at a level approved by Norwich City Council Officers.
- Doors and windows are to remain closed whilst music or live performances are taking place inside.

Tom Dawson  
Environmental Protection Officer

Customer contact team  
City Hall  
NORWICH  
NR2 1NH

5th November 2019

The Occupier  
The Last Pub Standing  
27-29 King St  
Norwich  
NR1 1PD

Our reference: EH19/17782

**Please quote this reference when contacting us.**

Dear Occupier

**Environmental Protection Act 1990 – Section 79(1)(g)  
Alleged Noise Nuisance – 27 - 29 King Street Norwich NR1 1PD.**

A complaint has been made to this department regarding noise from amplified music at the above address.

If the allegation is true and you are able to control the noise please do so. Should the allegation be true and the noise is not controlled, further investigation which may include the monitoring, recording and observing of the noise, will be carried out and this may result in legal action being taken against you to stop the nuisance.

We are required to respond to all complaints in this manner but further action will only be taken against you if we determine that a statutory nuisance exists, we do not rely solely on the word of the complainant.

Please call the Customer Contact Team on 0344 980 3333 if you would like to discuss this matter.

Yours sincerely

Customer contact team

Customer contact team  
City Hall  
NORWICH  
NR2 1NH

12th May 2021

The Occupier  
Last Pub Standing  
27 - 29 King Street  
Norwich  
NR1 1PD

Our reference: EH21/6398

**Please quote this reference when contacting us.**

Dear Occupier

**Environmental Protection Act 1990 – Section 79(1)(g)  
Alleged Noise Nuisance – 27 - 29 King Street Norwich NR1 1PD.**

A complaint has been made to this department regarding noise from amplified music at the above address.

If the allegation is true and you are able to control the noise please do so. Should the allegation be true and the noise is not controlled, further investigation which may include the monitoring, recording and observing of the noise, will be carried out and this may result in legal action being taken against you to stop the nuisance.

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Please call the Customer Contact Team on 0344 980 3333 if you would like to discuss this matter.

Yours sincerely

Customer contact team

Customer contact team  
City Hall  
NORWICH  
NR2 1NH

18th October 2021

The Occupier  
Last Pub Standing  
27 - 29 King Street  
Norwich  
NR1 1PD

Our reference: EH21/13654

**Please quote this reference when contacting us.**

Dear Occupier

**Environmental Protection Act 1990 – Section 79(1)(g)  
Alleged Noise Nuisance – 27 - 29 King Street Norwich NR1 1PD.**

A complaint has been made to this department regarding noise from amplified music at the above address.

If the allegation is true and you are able to control the noise please do so. Should the allegation be true and the noise is not controlled, further investigation which may include the monitoring, recording and observing of the noise, will be carried out and this may result in legal action being taken against you to stop the nuisance.

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Yours sincerely

Customer contact team

Customer contact team  
City Hall  
NORWICH  
NR2 1NH

22nd November 2021

The Occupier  
Last Pub Standing  
27 - 29 King Street  
Norwich  
NR1 1PD

Our reference: EH21/16143

**Please quote this reference when contacting us.**

Dear Occupier

**Environmental Protection Act 1990 – Section 79(1)(g)  
Alleged Noise Nuisance – 27 - 29 King Street Norwich NR1 1PD.**

A complaint has been made to this department regarding noise from amplified music at the above address.

If the allegation is true and you are able to control the noise please do so. Should the allegation be true and the noise is not controlled, further investigation which may include the monitoring, recording and observing of the noise, will be carried out and this may result in legal action being taken against you to stop the nuisance.

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Yours sincerely

Customer contact team

Customer contact team  
City Hall  
NORWICH  
NR2 1NH

21st July 2023

The Occupier  
Last Pub Standing  
27 - 29 King Street  
Norwich  
NR1 1PD

Our reference: EH23/10030

**Please quote this reference when contacting us.**

Dear Occupier

**Environmental Protection Act 1990 – Section 79(1)(g)  
Alleged Noise Nuisance – 27 - 29 King Street Norwich NR1 1PD.**

A complaint has been made to this department regarding noise from amplified music at the above address.

If the allegation is true and you are able to control the noise please do so. Should the allegation be true and the noise is not controlled, further investigation which may include the monitoring, recording and observing of the noise, will be carried out and this may result in legal action being taken against you to stop the nuisance.

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Yours sincerely

Customer contact team



Customer contact team  
City Hall  
NORWICH  
NR2 1NH

23rd October 2023

The Occupier  
Last Pub Standing  
27 - 29 King Street  
Norwich  
NR1 1PD

Our reference: EH23/14431

**Please quote this reference when contacting us.**

Dear Occupier

**Environmental Protection Act 1990 – Section 79(1)(g)  
Alleged Noise Nuisance – 27 - 29 King Street Norwich NR1 1PD.**

A complaint has been made to this department regarding noise from amplified music at the above address.

If the allegation is true and you are able to control the noise please do so. Should the allegation be true and the noise is not controlled, further investigation which may include the monitoring, recording and observing of the noise, will be carried out and this may result in legal action being taken against you to stop the nuisance.

We are required to respond to all complaints in this manner but further action will only be taken against you if we determine that a statutory nuisance exists, we do not rely solely on the word of the complainant.

Please call the Customer Contact Team on 0344 980 3333 if you would like to discuss this matter.

Yours sincerely

Customer contact team

**ENVIRONMENTAL PROTECTION ACT 1990 – Section 80****Abatement Notice in respect of Statutory Noise Nuisance**

**To: Last Pub Standing Limited                      Company Number 14337909**  
**Of: 31 Cattle Market Street, Norwich, Norfolk, NR1 3DY**

**TAKE NOTICE** that under the provisions of the Environmental Protection Act 1990 the **NORWICH CITY COUNCIL** being satisfied of the likely recurrence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at **27-29 King Street, Norwich, NR1 1PD** within the district of the said Council arising from the use of both amplified and recorded music in the rear outside space **HEREBY PROHIBIT** the recurrence of the same and for that purpose require you as the person responsible forthwith from the service of this notice to cease or cause to cease the use of recorded or amplified music at such volume as to cause nuisance to residents in the vicinity of **27-29 King Street, Norwich**.

**This** is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, 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 likely to be injurious to health.

**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 an **Unlimited** fine together with a further fine equal to one-tenth of that amount for each day on which the offence continues after conviction.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance.

SIGNED:

JOB TITLE: Regulatory Services Manager

DATED: 22<sup>nd</sup> November 2023

Norwich City Council  
City Hall  
St. Peters Street  
Norwich  
NR2 1NH

(address to which all communications should be sent)

**NB: The person served with the notice may appeal against the notice to a Magistrates' Court within twenty-one days beginning with the date of service of the notice. See notes on the reverse of this Notice.**

**Case reference EH23/14431**

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 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)(a) 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 requirement 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 -
    - (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
    - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
    - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
  - (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 1993 Act (loudspeakers in streets or 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, or
    - (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-
    - (a) in the case where the appellant is the owner of the premises, the occupier of the premises, or
    - (b) 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 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 grounds of some informality, direct or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice under section 80A(3), the court 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 these regulations apply 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 the 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 an 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 notice**

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) either paragraph (2) does not apply, or 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.
-



**NORWICH**  
City Council

**ENVIRONMENTAL PROTECTION ACT 1990 – Section 80**

**Abatement Notice in respect of Statutory Noise Nuisance**

**To: Mr Simon Peters**

**Of: 31 Cattle Market Street, Norwich, Norfolk, NR1 3DY**

**TAKE NOTICE** that under the provisions of the Environmental Protection Act 1990 the **NORWICH CITY COUNCIL** being satisfied of the likely recurrence of noise amounting to a statutory nuisance under section 79(1)(g) of that Act at **27-29 King Street, Norwich, NR1 1PD** within the district of the said Council arising from the use of both amplified and recorded music in the rear outside space **HEREBY PROHIBIT** the recurrence of the same and for that purpose require you as the person responsible forthwith from the service of this notice to cease or cause to cease the use of recorded or amplified music at such volume as to cause nuisance to residents in the vicinity of **27-29 King Street, Norwich**.

**This** is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, 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 likely to be injurious to health.

**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 an **Unlimited** fine together with a further fine equal to one-tenth of that amount for each day on which the offence continues after conviction.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance.

SIGNED:

JOB TITLE: Regulatory Services Manager

DATED: 22<sup>nd</sup> November 2023

Norwich City Council  
City Hall  
St. Peters Street  
Norwich  
NR2 1NH

(address to which all communications should be sent)

**NB: The person served with the notice may appeal against the notice to a Magistrates' Court within twenty-one days beginning with the date of service of the notice. See notes on the reverse of this Notice.**

**Case reference EH23/14431**

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**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 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)(a) 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 requirement 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 -
    - (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
    - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
    - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
  - (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 1993 Act (loudspeakers in streets or 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, or
    - (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-
    - (a) in the case where the appellant is the owner of the premises, the occupier of the premises, or
    - (b) 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 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 grounds of some informality, direct or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice under section 80A(3), the court 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 these regulations apply 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 the 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 an 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 notice**

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) either paragraph (2) does not apply, or 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.
-

In accordance with Rule 3.27 of the Insolvency (England & Wales) Rules 2016 & paragraph 46(4) of Schedule B1 to the Insolvency Act 1986.

# AM01

## Notice of administrator's appointment



Companies House

For further information, please refer to our guidance at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)

<b>1</b>		<b>Company details</b>													
Company number	1	2	0	4	9	7	4	1	→ Filing in this form Please complete in typescript or in bold black capitals.						
Company name in full	LPS Norwich Limited														
<b>2</b>		<b>Court details</b>													
Court name	High Court of Justice														
Court number	C	R	-	2	0	2	3	-	0	0	0	3	7	7	
<b>3</b>		<b>Administrator's name</b>													
Full forename(s)	Jo														
Surname	Watts														
<b>4</b>		<b>Administrator's address</b>													
Building name/number	Prospect House														
Street	Rouen Road														
Post town	Norwich														
County/Region															
Postcode	N	R	1		1	R	E								
Country															
<b>5</b>		<b>Administrator's email address or telephone number <sup>①</sup></b>													
Email address									① You must give an email address or telephone number. All information on this form will appear on the public record.						
Telephone number	01603 877540														
<b>6</b>		<b>Insolvency practitioner number</b>													
Insolvency practitioner number	2	3	3	1	0										

AM01

Notice of administrator's appointment

**7 Administrator's name ①**

Full forename(s) Andrew  
Surname McTear

① Other administrator  
Use this section to tell us about another administrator.

**8 Administrator's address ②**

Building name/number Prospect House  
Street Rouen Road  
Post town Norwich  
County/Region  
Postcode NR1 1RE  
Country

② Other administrator  
Use this section to tell us about another administrator.

**9 Administrator's email address or telephone number ③**

Email address  
Telephone number 01603 877540

③ You must give an email address or telephone number. All information on this form will appear on the public record.

**10 Insolvency practitioner number**

Insolvency practitioner number 007242

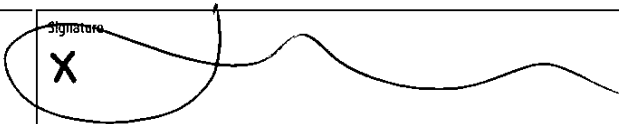
**11 Statement of appointment**

I confirm the appointment of the administrator(s) on  
Date 23 01 2023

**12 Name of person, body or court appointing administrator**

Person, body or court name Director of the Company

**13 Sign and date**

Administrator's signature  X  
Signature date 24 01 2023

# AM01

## Notice of administrator's appointment



### Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name	Saskia Peck
Company name	McTear Williams & Wood Limited
Address	Prospect House Rouen Road
Post town	Norwich
County/Region	
Postcode	N R 1 1 R E
Country	
DX	
Telephone	01603 877540



### Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- The company name and number match the information held on the public Register.
- You have signed and dated the form.



### Important information

All information on this form will appear on the public record.



### Where to send

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,  
Crown Way, Cardiff, Wales, CF14 3UZ.  
DX 33050 Cardiff.



### Further information

For further information please see the guidance notes on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

This form is available in an alternative format. Please visit the forms page on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)