

Environmental Protection Team links with Licensing

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Environmental Protection Officer

Environmental Protection & Licensing

The Environmental Protection Team deal with:

- Air & water quality
- Contaminated land
- Pests such as mice and rats
- Dog warden service
- Planning Application Consultations
- Nuisance including noise nuisance
- Licensing Application Consultations



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Under the provisions of the **2003 Licensing Act** Environmental Protection Team officers become involved with the licensing process in terms of the requirement to Prevent Public Nuisance.



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- Noise disturbance from licensed premises can often cause complaints from nearby residents. The most common cause of complaint usually concerns music but it can also include raised voices, mechanical extract systems or the use of outside areas - including beer gardens and smoking shelters.

Regulated
Entertainment and
Noise

Your Responsibility and the
Legislation



This leaflet has been prepared by Breckland Council to offer advice and guidance to minimise noise and disturbance from regulated entertainment. If you require further advice and information please contact the Environmental Protection Team on 01362 656299 or email us on envprotect@breckland.gov.uk.



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As part of the application process Environmental Protection Officers are consulted in respect of the following licence applications:

- An application for a licence to provide regulated entertainment or to vary the terms of an existing licence.
- As part of the Temporary Events Notice process.
- Late Temporary Event Notices – if we object then the event cannot go ahead and there is no appeal process

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The acceptance of noise can vary:

- due to the time of day or night,
- the nature of the activity
- the prevailing background noise in the area.

Neighbours may often accept live music from a one off event but are less likely to do so if it is every weekend and regularly causing sleep disturbance into the early hours of the morning.



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Premises Licence Applications or variations to existing licenses:

Where we have serious concerns about an application or variation we will ask the applicant to agree to reasonable conditions and amend their application accordingly. Conditions can include controls such as keeping doors and windows closed during noisy events.



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We may also recommend boundary noise levels or the use of a noise limiter device which will monitor the sound levels within a venue. Noise limiters can be set to prevent noise from exceeding programmed levels.



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- In extreme situations we will object to an application if we believe that it has potential to cause significant disturbance and that controls would not be effective or not be implemented.
- This is rare and we would usually look to work with the applicant and licensing team to try to allow the premises to operate if it can do so without causing unreasonable noise disturbance to nearby residents.



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Temporary Event Notifications:

- We can object to a TEN but we only have 3 working days to do so.
- Where TENs are received we will only object when we have previous complaints or have evidence to support a likely noise issue.



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Where we have serious concerns about a TEN we will contact the applicant to discuss 'modification'. If the applicant is prepared to modify the notification, for example by changing the duration or the intended activity no objections will be made.

If the applicant is not prepared to modify the TEN or we believe that moderating it will not resolve the issue we will notify the licencing team that we object to the TEN. If the licensing authority considers it appropriate they may impose conditions from any existing premises licence on the TEN. Conditions can be imposed after a hearing or without a hearing if all parties agreed to the inclusion of the conditions and that a hearing is not necessary.

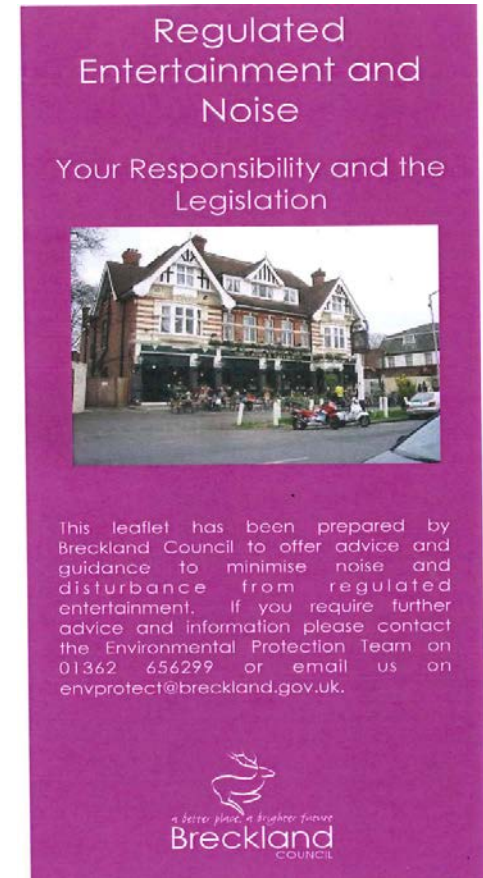
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Late TEN:

- Where a Late TEN is submitted if we object, the event will not go ahead. There is no scope for a hearing, modification or the application of any existing conditions.

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- To help in the process of noise control we have produced a leaflets which details specific advice about noise control from regulated entertainment.
- Copies of these leaflets are available from our website or direct from the team.



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When we have large noisy events or regular complaints about a licensed premises we will undertake investigations with officers visiting the area at times when the nuisance is alleged to occur or using noise monitoring equipment in residents homes to determine the level of disturbance.



We will also undertake joint visits with licensing officers to licensed premises to advise them of both licensing and nuisance legislation.

It is always our intention to resolve noise issues informally where possible.

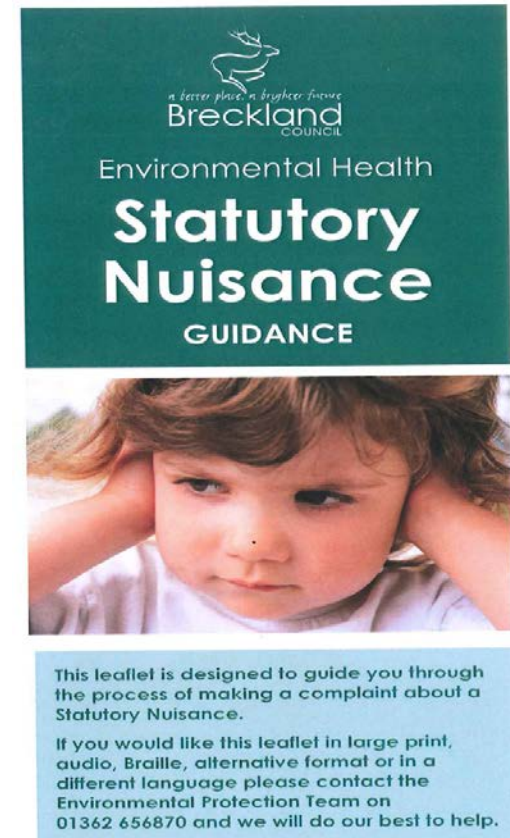
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- If we are unable to resolve the issue informally we will meet with licensing officers to discuss any breaches of licensing conditions or excessive noise problems and can request a review of the licence
- EP officers will attend committee to advise on licence breaches or make representations in terms of the granting of licenses.



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- The Environmental Protection team has its own legislation to control noise and where we believe a planned event has the potential to cause noise disturbance or there are ongoing problems with a licensed premises we will serve an Abatement or warning notice on the person in control to prevent any nuisance.
- A person who does not comply with such a notice can be prosecuted resulting in a fine / imprisonment.
- If an Abatement Notice is served on a licensed premises we will also consider requesting a review of the licence.



This leaflet is designed to guide you through the process of making a complaint about a Statutory Nuisance.

If you would like this leaflet in large print, audio, Braille, alternative format or in a different language please contact the Environmental Protection Team on 01362 656870 and we will do our best to help.

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- Under the Noise Act 1996 we have the legal power to monitor noise from licensed premises and serve a fixed penalty notice of £500 where the noise from a licensed premises exceeds a permitted level when measured within a nearby residential property.
- We have not currently used this power but will where complaints or specific issues present themselves.
- Where action under the Noise Act is taken we will also consider requesting a review of the licence.

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Thank you for listening!

Any questions?

