

# Public Document Pack

## BRECKLAND COUNCIL

### At a Meeting of the

## COMMITTEE OF THE LICENSING AUTHORITY

Held on Wednesday, 22 November 2017 at 10.05 am in  
Norfolk Room, The Conference Suite, Elizabeth House, Dereham

### PRESENT

Councillor M. Chapman-Allen (Chairman)	Mrs J. Hollis
Mr K. Martin (Vice-Chairman)	Mr T. F. C. Monument
Councillor C Bowes	Mr W. R. J. Richmond
Mr M. P. Brindle	Mr F.J. Sharpe
Mr P. R. W. Darby	Mrs S.M. Matthews
Mr K.S. Gilbert	

### In Attendance

Donna Hall	- Licensing & Business Support Manager
Melanie Rushmore	- Assistant Licensing Officer
Julie Britton	- Democratic Services Officer
Angela Masterson	- Environmental Protection Officer

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#### **18/17 MINUTES (AGENDA ITEM 1)**

The Chairman welcomed two new Members to the meeting, Councillor Mike Brindle and Councillor Shirley Matthews.

The Minutes of the meeting held on 22 March 2017 were confirmed as a correct record and signed by the Chairman subject to HRMC being amended to HMRC under Minute No. 15/17.

#### **19/17 APOLOGIES (AGENDA ITEM 2)**

Apologies for absence were received from Councillors Askew, Millbank and L Monument.

#### **20/17 URGENT BUSINESS (AGENDA ITEM 3)**

None.

#### **21/17 DECLARATION OF INTEREST (AGENDA ITEM 4)**

None.

#### **22/17 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)**

None.

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**23/17 NUISANCE AND ENVIRONMENTAL PROTECTION ISSUES  
ASSOCIATED WITH LICENSED PREMISES (AGENDA ITEM 6)**

Angela Masterson, the Environmental Protection Officer, provided Members with a detailed presentation and overview of the work carried out by the Environmental Protection (EP) Team did and how their work interacted with the Licensing Team (presentation attached (this presentation is also on intranet on the Members' Page)).

Councillor Martin asked what relationship the Team had with the Police. Members were informed that normally for the public, the Police was the first point of call; however, the Police then pointed them in the direction of the EP Team. Many issues could now be reported on line.

Councillor Hollis asked how the Team dealt with noise issues outside, for example; a licensed premises. Members were informed that this would be the responsibility of the Licensing Team or the Police; the EP Team could deal with noisy equipment in a public place but not noisy people. The Environmental Protection Officer explained that the Team had its own legislation to control noise. Abatement Notices could be served and any breach was a breach of criminal law and the applicant could be prosecuted and if such a Notice was served on a licensed premises a review of the Licence would be requested. The Noise Act Legislation was explained.

Another question related to Temporary Events Notices (TENS) and whether one would be needed for a private party. Members were informed that a TEN would be needed if alcohol was being sold or the host was charging a fee for an activity. People could apply for a TEN within five days of the event. All information was available on the Breckland website.

The Environmental Protection Officer was thanked for her interesting presentation.

**24/17 LICENSING ACTIVITIES AND NEWS UPDATE (AGENDA ITEM 7)**

Donna Hall, the Licensing & Business Support Manager advised that a review of the Licensing Act had just taken place; this had caused concern amongst Premises License Holders; however, the consequences of the review had not been as far reaching as anticipated. One of the recommendations, to transfer one of the functions of the Licensing Committee to the Planning Committee, had not been forthcoming.

As a result of the review, it was felt that further training was required; one to one training for new Members, and a one day full training session for all Committee Members would be arranged to take place in March 2018.

It was noted that another recommendation put forward in the

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review was to add Health & Wellbeing objectives to the Act but again this had not been forthcoming.

Another matter discussed was the Cumulative Impact Policy (CIP) – this was in relation to having a perceived saturation of premises licensed for the sale of alcohol/late night refreshment within a defined area. Local Authorities were not obliged to have one and only if there was evidence of on-going crime and disorder issues.

Members were informed of the current situation with regard to the setting of fees. Licensing Authorities had asked the Government if such fees could be set locally but this had not been accepted and therefore the current fees remained.

Referring to the training sessions, the Chairman made the two new Members aware that they might receive occasional emails about Licensing Panel and Licensing Hearing Panel meetings; unfortunately, they were unable to sit on these Panels until the relevant training had been had; however, she encouraged the two new Members to attend and observe these meetings, one of which was being held on 20 December 2017 in the Norfolk Room at 10.00am.

The meeting closed at 10.50 am

CHAIRMAN

# Environmental Protection Team links with Licensing

Minute Item 23

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Angela Masterson  
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



# Environmental Protection & Licensing

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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# Environmental Protection & Licensing

- 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.

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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](mailto:envprotect@breckland.gov.uk).

  
a better place a brighter future  
Breckland  
COUNCIL

# Environmental Protection & Licensing

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



# Environmental Protection & Licensing

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.

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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.



# Environmental Protection & Licensing

## **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.



# Environmental Protection & Licensing

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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# Environmental Protection & Licensing

- 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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# Environmental Protection & Licensing

## 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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# Environmental Protection & Licensing

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.

14 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.

# Environmental Protection & Licensing

## Late TEN:

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- 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.



# Environmental Protection & Licensing

- 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.





# Environmental Protection & Licensing

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.

# Environmental Protection & Licensing

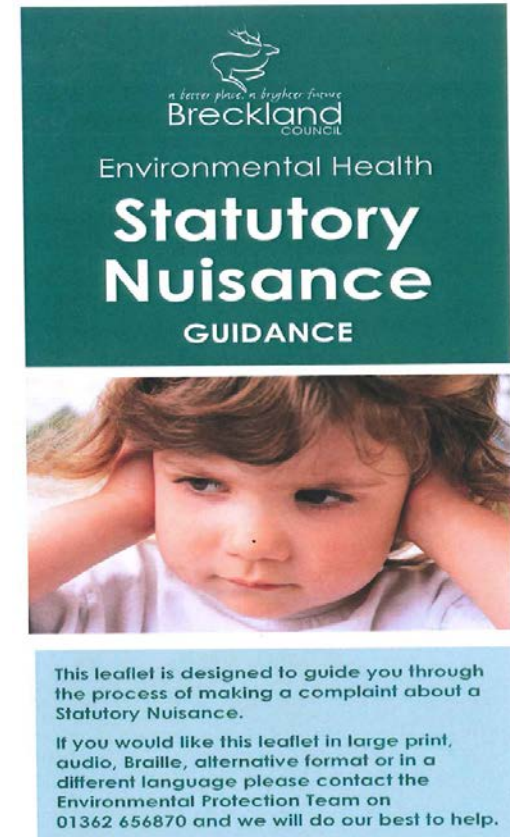
- If we are unable to resolve the issue informally we will meet with licensing officers to discuss any breaches of licensing conditions or excessive noise problems and can request a review of the licence
- EP officers will attend committee to advise on licence breaches or make representations in terms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



# Environmental Protection & Licensing

- 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.

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# Environmental Protection & Licensing

- 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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# Environmental Protection & Licensing

Thank you for listening!

Any questions?

