

Angela Rawson

From: Richard Taylor
Sent: 17 May 2018 16:27
To: Angela Rawson
Cc: Lorraine Raynor; Antcliff, Richard
Subject: Statement of Licensing Policy - Cumulative Impact Areas/Evidence

Dear Angela,

I write further to your email and the publication of the revised Section 182 guidance.

Community Protection's Environmental Health and Safer Housing Service (and its constituent teams) fulfil Nottingham City Council's Responsible Authority role described in the Section 182 guidance Para 8.7 as 'the local authority with responsibility for environmental health'.

The Environmental Health and Safer Places team is responsible for dealing with a range of statutory nuisances (including those specifically mentioned in S182: noise/vibration, odour, litter and light) that can unreasonably impact on other land uses in the vicinity of a licensable activity and therefore constitute public nuisances. These are thus subject to a key licensing objective: the prevention of public nuisance.

The Environmental Health and Safer Places team (formerly called the Pollution Control Team) commented on the 2014/15 Statement of Licensing Policy and Saturation Policy 2014 with respect to noise and considers the compilation and publication of a separate Cumulative Impact Assessment essential in order to ensure those wishing to provide licensable activities and regulated entertainment are aware of the reasoning and principles of cumulative impact and can apply greater control/mitigation where data (service requests/complaints) shows a higher level or frequency of justified complaints.

Given the above I suggest the following amended statement for inclusion in a CIA:-

Noise

The cumulative impact of noise is a serious concern particularly when pubs, clubs and café-bars use loud music to attract customers, and when, as a result of 'smoke-free' legislation, patrons must congregate outside (or in the vicinity) of a premises to smoke, where conversation and behaviour can also become noisy and disturbing to residents in the vicinity.

In the City Centre many former commercial and industrial premises have been converted to residential accommodation, licensed premises or, in some buildings, a mixture of both. This can lead to complaints as noise from premises, customers and passing revellers can prevent and disturb the sleep of local residents.

Conditions are recommended during the planning process (and imposed at the planning permission stage) to control noise breakout from premises. However the de-regulation of the planning system means that conversion of, for example, offices into residential apartments, can take place without an assessment of environmental noise from people on the street, taxis and minicabs or other noise associated with the night-time economy. Furthermore, if premises modify their mode of operation (e.g. by extending their hours), remove sound insulation, and/or increase music noise levels, or play music with a significant bass content the sound insulation of the premises may be insufficient to prevent noticeable and significant noise breakout. Furthermore, in most of the City Centre residential property is often so close to licensed premises that, when noise breakout occurs, or there is an outdoor smoking space associated with the premises, distance attenuation does not significantly reduce noise levels from music or people's voices.

There are some areas of Nottingham, particularly the City Centre, where noise in the street from the large number of people who move between premises, queue to gain entry, or congregate outside whilst smoking, also give rise to noise disturbance to local residents, often late at night through to the early hours of the morning, causing loss of sleep and distress. Noise caused by the early morning emptying of skips of rubbish and empty bottles, and noise from street cleansing activities, has also led to complaints of noise nuisance and sleep disturbance, heightening the concern of the Environmental Health and Safer Places team about the close proximity of licensed premises and residential accommodation in this area.

Noise complaints received by the team are recorded in an application called 'Flare'. Table 1 below shows that the team continues to receive and investigate complaints from residents and businesses about noise from premises and their customers and therefore the need for a standalone CIA to complement the revised Licensing Policy.

Table 1: FLARE service requests concerning noise from licensed premises and persons in the street.

Licensed Premises - noise type	2013-14	2014-15	2015-16	2016-17	2017-18
Music	187	104	113	108	113
People (smoking, queuing/leaving)	17	31	22	10	9

It is our experience, and FLARE complaints confirm, that when there is a concentrated number of licensed premises in an area then the likelihood and frequency of serious public nuisance to residents (and noise sensitive businesses) is increased.

It is also our experience that nuisance arising from cumulative impact is particularly difficult and time consuming to manage and use any enforcement powers on because the noise cannot be attributed to just one premises or its customers alone.

I trust this is sufficient to include in a draft CIA.

Kind regards

Richard

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