

Murray, Michaela

From: Hill, Andrew
Sent: 24 May 2013 11:15
To: Jordan, Samantha
Subject: EMRO responses

**Appendix H
Response from
Environmental Protection
on 24 May 2013**

Attachments: Response to Licensing query re EMRO2.doc

Hi Sam

Environmental Protection



Response to
Licensing query re...

regards

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Response to Licensing query re EMRO – Environmental Protection

The Environmental Protection Team responds to complaints about noise from premises and also is a consultee with respect to Licensing applications.

In the last two years we have received 25 complaints about noise from licensed premises in Ormskirk. These can be broken down as follows.

Ten are attributed to people talking outside a premises and the rest are related to music. The venues complained about are as follows;

The Roper's Arms (11 complaints), Golden Lion (4), Mustard Club (3), The Plough (2), and Styles Bar, Liquid, Club 22, The Horse Shoe and the Forum one each.

It can be seen that there is a low level of complaints about Ormskirk premises and this may be due to a number of reasons. People may expect some disturbance from premises in the Town Centre for example.

Our general approach to Licensing Consultations is to look at the complaint history for the premises and consider the application and assess whether there is a new source of noise or a source of noise which is nearer to residents or if noise will occur regularly later than previously. Realistically we can only consider noise that may affect residents in the close proximity of the premises. It is difficult to comment on what may happen hundreds of yards away from premises, for example on St. Helens Road. It is also impossible to blame particular premises for the behaviour of an individual or group some distance away from the premises. We would never state something like “.. because this premises will be open til **** residents will undoubtedly be disturbed along St Helens Road (for example) and therefore the application should be rejected”. This would be a comment that could not be substantiated. We would be more likely to respond saying “ the hours this premises has requested to open would result in people being in and around the town centre until (eg 30 mins later), this may lead to an increase in noise and disturbance associated with people returning home, however, the Town Centre is a location where it could be reasonably be expected that premises will be open later.”

It can easily be demonstrated that (in line with the legislation) new premises are opening and premises are remaining open later.

Due to the fact that the legislation we use only allows us to only deal with noise from premises we do not deal with complaints about noise in the street. Over the past few years we have highlighted this in publications for residents and from the University. However, some complaints are still received and may be logged. Over the past two years we have received five complaints about St Helens Road and Ruff Lane. The Ruff Lane entrance to the University was closed off at night from Sept 2012 so complaints may have been received prior to this.

Additionally, we receive audio files from Cllr Owens in relation to some of the issues his call line is used for. These are assessed to see if we can act on them and passed on to the SSHH campaign co-ordinators.

Next year there is set to be some new legislation which could assist with the issues on St Helens Road.

The Anti-social behaviour Bill is due to be enacted next year and it contains provisions for a Public Space Protection Order (PSPO). Section 53 currently looks like it will allow Local Authorities to designate a PSPO if reasonably satisfied that two conditions are met, namely

1. firstly that

- (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

2. The second is that the effect, or likely effect, of the activities-

- (a) is, or is likely to be, of a persistent or continuing nature,
- (b) is, or is likely to be, such as to make the activities unreasonable, and
- (c) justifies the restrictions imposed by the notice.

Persons who breach any restriction imposed can be fined or given a fixed penalty notice. Whilst publicity and signage may restrict offences, an area would still rely on being resourced with Police officers and in this respect this order would draw some similarity with a Designated Public Place Order.

Due to the facts outlined above in relation to what the section can and cannot deal with, I am not of the opinion we would be able to provide the evidence necessary to support an EMRO. Even with an EMRO in place there could still be similar levels of complaints concerning licensed premises. My team does not have a full picture of what is happening along St Helens Road and it is difficult to link specific Ormskirk premises to any activities. It is almost inevitable that there is a high footfall as St Helens Road is the "Red Route" to the University. People who have attended parties or have been dropped off in the town centre (or the University) will use St Helens Road to return to their accommodation and none of this activity is connected to the premises in the Town centre and could conceivably continue and possibly increase if an EMRO were in place.

Andrew Hill

Environmental Protection and Community Safety Manager

24.5.13