

**Wendy Redfern**

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**Subject:** FW: Objection to Walmsley Arms of Premises Variation Licence application 11.

**From:** Faye Lynch

**Sent:** 08 December 2019 16:42

**To:** licensing <[licensing@hyndburnbc.gov.uk](mailto:licensing@hyndburnbc.gov.uk)>; Wendy Redfern <[Wendy.Redfern@hyndburnbc.gov.uk](mailto:Wendy.Redfern@hyndburnbc.gov.uk)>

**Cc:**

**Subject:** Objection to Walmsley Arms of Premises Variation Licence application 11.

Faye Lynch LLB  
Director  
Elite Dry Cleaners Ltd.

Good Evening,

I am writing to you to lodge an objection to the application made by Star Bars and Pubs for the variation of opening times and the removal of door staff.

Over the period of time which Stars Bars have had tenants in the Walmsley Arms Gt Harwood (WA), they have proven themselves to be irresponsible owners of the premises. Concerned with profit over community.

How they can now make an application to remove the door staff? Considering past conduct of the WA bewilders and confirms my belief that they do not care about the causing nuisance to the local residents in regards to noise disruption and control of the customers they have whilst on the premises and exiting it. Appendix 1 attached below is just one example of how the previous managers and tenants of the WA conducted themselves. The fire lanterns where an absolute joke, not to mention very dangerous with them banging in shop signs, cars parked on the road and left to burn in the road and on the pavement. The remnants of them not cleared till days later. This disruption was not isolated to this one incident but would be carried out over many nights, week days and weekends, meaning sleep was very difficult and led to a detrimental effect on all our lives including my child who also struggled to sleep and would be left panicked and scared with the antics on the street outside our home. My husband and I both work every week day and Saturday needing to be awake from at least 6.30am, my son, who is at school, needs to be at the bus stop for 8am, most nights the music and then the noise from the people leaving the pub would not subside until 3am-4am, in fact the WA would increase the volume from 1am, (confirmed with a noise pollution officer which we had attend our property in the early hours of the morning Jan 2019, where she had driven past the WA around 12am to hardly any noise only for it her to return to it around 2am where she confirmed the noise levels unacceptable).

Noise enforcements officers are brilliant but they do not work during the nights of the week only weekend and the Police are not interest in noise disputes.

I have had the benefit of discussing this issue with my neighbour and father, Allan Barnes, who has kindly provided a copy of the correspondence between the Police officer dealing with this application and himself. (Appendix 2). I do not see why the Police Officer is concerned with an empty premises, there are many of them in Great Harwood, none of which I see the Police rushing to get re opened. In his email he states that the pub didn't have any crime or disorder 'directly' linked to the pub. Surely then, this is an argument to keep the door staff as they were obviously a deterrent for crime and disorder. Another argument to keeping the door staff is that it keeps the costs of running the pub that bit higher, providing a deterrent to any other tenants taking over.

As mentioned previously, the Police Officer states that there isn't a direct link with crime and disorder however the UK crime statistics for Great Harwood clearly show that public order and violent crime were a lot higher whilst the WA was open compared to whilst it has been closed. <https://www.ukcrimestats.com/Subdivisions/CED/16197/>

At this point I think it needs to be pointed out (Appendix 3) that I think the Police have done very little to help with this situation and by the councils own admission they do not have the man power to back the council up when needed to enforce Noise Act 1996. So why should this Police Officers opinion matter now? They haven't a clue what goes on, how rowdy it gets. They did nothing to make sure the WA CCTV worked and they didn't monitor the pub when it was a nuisance, but now he thinks that because the pub has been closed a little while everything will be okay and Star Bars will suddenly redeem themselves. On top of this the noise disruption is a civil matter and the police do not worry themselves with these. Yes its a detriment to ones life, mental health effected due to sleep deprivation and stress levels increased but the Police don't care. Anything that acts as a deterrent to unruly punters and drunken behaviour, such as door staff has got to be a good thing and the removal of them only done so once the pub proves itself.

Surely the better option would be to remove the long hours on the license, keep the door staff on the license until Stars Bars proves that they are responsible and not just leaving anyone to run the place, like they have previously by leaving people in there without an ounce of decency and sense of conscious for the community, instead only concerned with lining their pockets.

Thank you for your time and thank you for allowing me lodge my objection on behalf of my family and myself.

Faye Lynch LLB  
Director  
Elite Dry Cleaners Ltd.

(Appendix 1)



## New Walmesley Arms - Great Harwood

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New Walmesley Arms - Great Harwood  
December 31, 2018

The day has Finally come.... So excited for tonight...  
 2 Rooms, 2 different setups, 2 different Dj's, 2 different styles...  
 Come Down and be apart of the biggest party in Hyndburn...  
 We Partying all Night so come down and enjoy  
 Bring in the New Year with us with a Chinese Latern and glass of Prosecco for £4 while stocks last..  
 Bar will Close at midnight for singing of Auld Lang Syne out the front and releasing of Lanterns... Old traditions with a new style 🍷  
 Special Themed Drinks available  
 Guest DJ down at 2 am...  
 Our Last event in the Walmesley...  
 #makingmemoriesforever



facebook.com/New-Walmesley-Arms-Great-Harwood-1789377771358283/roosts/?ref=page\_internal

### (Appendix 2)

From: Pinfaghan, Gary <gary.pinfaghan@leicestershire.gov.uk>  
 Sent: 14 November 2018 10:32  
 To: 'Alan Barber' <alan.barber@leicestershire.gov.uk>  
 Subject: M. Walmesley Arms Prosecco Variation application 31, dated 13 November 2018

Good evening Alan,

Many thanks for your email. Sorry it has taken a couple of days to reply but I have been out on a test purchasing operation last night when I picked up your email.

With regards to your query, I have been Licensing Sergeant for East Cheshire since August 2016, taking over from PJ Jones Middleton. During my time, I am aware of issues at the Walmesley Arms up to January 2018 when the previous management signed their management. I have to say that these issues were predominantly general noise, with environmental health and the local authority's licensing department involved. During this period, I believe the licensing board made a licence review process and I was asked if there were any recommendations to make. The truth is, that I didn't as there were no serious crime & disorder concerns raised, so it is not under the previous management.

The pub currently has a licence which effectively allows them to open until 7:00am on Friday and Sunday but usually until 3:00am on Friday and Saturday. The pub has been closed for a number of years and is becoming a bit of eyesore on Queen Street. What we have is a great opportunity to get the licensing board to something more being because, in effect, it is 24 hours closure essentially made the venue a ghost town.

If the pub can identify a suitable tenant for the weekend then I would be looking to work closely with them, along with partners, to ensure that the licensing objectives are protected in the year. Now just because potentially the noise staff complaint is resolved - that doesn't stop the management from employing their staff. And, in any case, through being partners, if we were to witness issues, I would be considering action plans around using door staff at key times with a licence review always there if management failed to act.

We have referred to numerous disturbances before 11:30pm. If this is the case then the door staff there were not making any real positive impact to the situation on Queen Street. Also door staff would only deal, from experience, with issues directly related to the pub and immediate vicinity. Queen Street is the main road through the centre of Gt Harwood, there are a number of late night venues in the town and people will be using this street, both with a activity which are too loud to causing a disturbance.

### (Appendix 3)

Paul Thwaites

16 January 2019 at 10:53



RE: Noise nuisance, change in law, pls help

Details

To: Faye Lynch, Cc: Wendy Redfern

New contact info found in this email: Paul Thwaites paul.thwaites@hyndburnbc.gov.uk

add...

Hi Mrs Lynch,

Firstly, the Pennine Lancashire Night Time Noise officers are employed by one of five Authorities that are part of the service and are on duty on a rota basis to provide either a reactive service, to witness and assess noise when it is occurring, or carry out proactive visits for noise and other nuisances that require assessment at night. For Health & Safety reasons they are not employed to go out alone, seizing amplification equipment from a busy licensed premises potentially full of intoxicated customers at night with little availability of Police back up.

Secondly, the Noise Act 1996 states "Night noise may be investigated under the 1996 Act further to a complaint made by any individual present in a dwelling that excessive noise is emitted from another dwelling ('the offending dwelling') between the hours of 23:00 and 07:00. The noise source in this instance is the Walmsley Arms which unfortunately is a licensed premises and not a dwelling.

An Abatement Notice has been issued under the Environmental Protection Act 1990 and any evidence obtained by Officers of breaches of this Abatement Notice will be put forward to the Council's Solicitor for consideration for prosecution.

Kind regards

Paul

Paul Thwaites | Environmental Control Officer |

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Regeneration and Housing Services

Hyndburn Borough Council | Seatonville House |

**Subject:** FW: The Walmsley Arms Great Harwood

**From:** licensing <licensing@hyndburnbc.gov.uk>  
**Sent:** 17 December 2019 10:33  
**To:** Wendy Redfern <Wendy.Redfern@hyndburnbc.gov.uk>  
**Subject:** FW: The Walmsley Arms Great Harwood

FYI

**From:** Amanda Salisbury  
**Sent:** 03 December 2019 20:13  
**To:** licensing <licensing@hyndburnbc.gov.uk>  
**Subject:** The Walmsley Arms Great Harwood

Dear Sirs,

I have received notice that via paper posted through my door, that the Walmsley Arms are seeking to review its Premise Licence.

I hope this email is not disregarded, I note that the notice stated representations had to be made by the 3rd December, unfortunately I have just returned from a trip away with work.

I am not entirely sure what the review is for, I did look online, however I could only find old applications extending serving hours, although admittedly one of the pdf only downloaded blank on my phone. Assuming that the review is to reopen, I would like to raise the following concerns:

1. when I purchased the property the pub was already closed, so I have not experienced first hand the problems that other residents have explained to me. I was however told, by numerous residents that the previous owner of this property moved following several break ins and damage against their car following testifying in court against the previous landlord. I believe this stemmed from allegations of drug use at the pub, and residents finding people using/taking drugs on their doorstep. I have to admit, this is something we have experienced. We have a three year old child, and we discovered that drugs were being taken off our window sill, due to the age of our son, we took the precaution and coated our window sills with a Vaseline like cream to try and put an end to this. The first night we did this there was shouting from males about what we put on our window sills and our gate was kicked.

This happened whilst the pub was closed, so we assume that these people were from other surrounding bars. The beer garden for the Walmsley Arms is directly opposite the corner of our home, on the edge of a back alley, I am seriously concerned what would be happening if that pub was reopened, especially given its previous reputation as a drug pub! The fact that (it would appear) little protection was given to the residents who testified, given the break ins, is concerning. I feel that if the situation was to get out of control again, I would have no way to raise concerns, as by doing so I would be putting my young family in danger.

2. The noise. I understand that previously live bands played in the beer garden until late evening, sometimes early morning. Events such as foam parties were agreed and hosted there with the beer garden opened up to the street. As stated I do have a young son, and my house is literally just passed the end of the beer garden. Despite having double glazing, we do still experience a lot of noise vibration, from car doors, cars passing down the alleys etc. This will get worse with loud music and other general disruptive noise

that comes from a pub, .i.e. people going round the back, fighting etc will disrupt my son, and as he approaches school age I worry what effect this will have on him.

Overall I understand that these concerns are not going to singularly impact the decision, and a view could be taken that we purchased a property where there was a licensed property on the corner. To be honest we found ourselves in difficult circumstances on a tight budget, and moved quickly, previously I had not heard of the reputation of the pub, given the fact we were originally based in Blackburn.

I would really appreciate any information you may have on what controls will be in place to try and limit a reoccurring situation that happened with the previous two landlords. I am sorry but I have little faith in the local authorities. When we moved here, it took us 8 months to get new bins, despite telling them we had a young child and no bins, when we experienced other difficulties, including damage to our car, CCTV pointing into our home, and drugs taken off our windows, the police have not been interested. When combined, I feel that if the pub should revert to its previous reputations/issues, the residents would have no alternative but to endure it regardless.

I thank you for your time, and appreciate the consideration given to the above. If you require any further information from me, please do not hesitate to contact me by return.

Yours faithfully

Amanda Salisbury  
Homeowner of 2 Barnmeadow Lane Great Harwood BB6 7AB

**Subject:** FW: Objection to Walmsley Arms of Premises Variation Licence application 11.

**From:** Allan Barnes  
**Sent:** 28 November 2019 16:31  
**To:** licensing <licensing@hyndburnbc.gov.uk>  
**Subject:** Objection to Walmsley Arms of Premises Variation Licence application 11.

I'm writing to object to the above application; for all the reasons I stated in my email of 2<sup>nd</sup> March 2014, which were not considered due to being out of time; and my email of 30<sup>th</sup> January 2017 used in the licence review meeting on 6<sup>th</sup> March 2017; which resulted in the current conditions being imposed.

With reference to the application detailed above; Section M of the application; states consultation has taken place with the Police, ***'who have advised that they would be agreeable in reduction in hours and the removal of the requirement for door staff, commenting that the proposal sounds like a fair compromise that will be beneficial to all parties, reducing the potential for some incidents that have been in the past and making it more financially viable for a prospective tenant'***.

I emailed the Police officer dealing with this application who provided a detailed response clarifying his position on this issue which resulted in the comment ***'The proposal sounds like a fair compromise that will be beneficial to all parties.*** ([licensing@hyndburnbc.gov.uk](mailto:licensing@hyndburnbc.gov.uk) were CC'd in on these email communications); The Police Officer made reference to the Walmsley Arms (WA) becoming an eyesore as well making reference to other licenced establishments in Great Harwood; stating If Star Pubs can identify a suitable tenant for the venture then he would be looking to work closely with them, along with partners, to ensure that the licensing objectives are promoted at the venue.

I don't agree with this; The WA was closed due to not meeting licensing undertakings; It is not an eyesore as it is maintained by an external management company who attend the premises at irregular intervals. It did however look unsightly when large numbers of rowdy patrons were blocking the pedestrian walkway, littering with cigarette ends, beer bottles and glasses (some broken), which were never picked up by the tenants of the WA. Most licenced establishments in Great Harwood have late licences and operate without any of the said issues.

I've lived on Queen Street for over 30 years' and prior to door staff being employed, I've witnessed numerous disturbances outside the WA before 01:30hrs; following the introduction of door staff in 2017, (my understanding is door staff were employed in 2017 to reduce the number of anti-social disturbances and discourage drug use) we still encountered noise, but the number of disturbances at the front of the WA reduced. It should be noted since the WA closed its doors on Friday 18<sup>th</sup> January 2019; I haven't witnessed any anti-social behaviour or loud intoxicated people on Queen Street and no shop windows have been damaged/smashed, previously at least four business on Queen Street had windows damaged/smashed and my doorway along with others were used as urinals.

I don't understand how door staff can be removed until the reduction in hours has been proven to reduce the number of disturbances'.

Since 2014; Star Pubs and Bars have failed to meet licensing undertakings (part of which was CCTV monitoring, which was never working when issues occurred) or monitor the tenants resulting in door staff being employed to ensure compliance, both the tenants since 2014 have employed bar staff and management and haven't lived on site, so how can the premises be managed effectively without a tenant/landlord present ensuring their license isn't being breached by staff and customer conduct?

The Police Officer stated; If Star Pubs can identify a suitable tenant for the venture then he would be looking to work closely with them, along with partners, to ensure that the licensing objectives are promoted at the venue. What has

changed since 2014 and now? The Police have never been interested civil disputes and they have never attended WA for loud music, instead redirecting residents to the council to start a very lengthy process of logging the noise and disruptions. In turn this process has an extremely detrimental effect on mine and my families wellbeing, with lack of sleep and high levels of stress being caused.

The noise levels emanating from the WA after 23:00hrs cause nuisance to the inhabited premises within earshot and more importantly detrimental to mine and my families wellbeing; at times music could be heard over the sound of my TV within a double glazed room over 75 metres from the WA with banging music being played into the early hours, seven days a week and when the music eventually stops, the drunken patrons exit the WA singing, shouting, quarrelling and at times fighting. All of which I highlighted in my communications of March 2014 and January 2017.

**Music should stop at 23:00hrs in line with the Noise Act 1996**; which gives the power to enter a property and seize the music equipment generating the noise, something the Police or Hyndburn Borough Council have never done, even whilst the WA breached the noise abatement order placed on them in November 2018; (Christmas and New Year 2018 was the worst levels of noise, we've experienced since moving onto Queen Street in 1987, every night of December 2018 and into January 2019 until their license was eventually taken away in on 18<sup>th</sup> January 2019) so I'm a little reluctant to believe the Police will act if this situation arises again, leaving surrounding residents in despair and another lengthy battle against Star Bars and Pubs.

If Star Bars and Pubs are serious about the WA becoming a viable venue they should operate within the current licence conditions, any music should be played at levels which aren't detrimental to residents and if and when it is run on the same lines as the Cross Axes then an application to remove the door staff the door staff can be made, as it stands the only party that benefits by this proposed in this application is Star Pubs and Bars.

Thank you for your attention. Please confirm my objection will be registered.

Regards

Allan Barnes



**Re:- Walmsley Arms, 26 Queen St, Great Harwood, Blackburn, BB6 7QQ**

I object to the application for a variation of the premise licence for the Walmsley Arms in Great Harwood. My objection is submitted on the grounds of public nuisance.

The premise is located in the centre of Great Harwood with residential properties in very close proximity to the beer garden. Previously there have been numerous issues relating to public nuisance and noise connected with the premise. The variation submitted does not seek to address any previous issues and I note that the application sets out that there will be no change to the times of permissible activities allowed in the beer garden. The licence if granted as submitted in the application would allow recorded music and the sale of alcohol to take place in the beer garden between 10 am and 11pm Monday to Sunday. Given the close proximity of the residential premises to the beer garden this would undoubtedly cause public nuisance to residents living close by.

Given the history of the premise and the problem it has caused in the past I would like to see the following conditions attached to the licence before it is granted:-

**Use of the beer garden will cease at 2100 hours save to allow for patrons going out to smoke. Patrons who are using the beer garden as a smoking area after 2100 hours will not be permitted to take their drinks out with them.**

**Noise from amplified music and associated sources (including D.J.'s and amplified voices) shall not be audible at the boundary of any noise sensitive premises (nearby dwellings) at any time.**

**The licence holder or their representative shall conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce and maintain the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include, the time and date of the checks, the person making them and the results including any remedial action.**

**During any period of time where amplified sound is played in any part of the premises, a suitable noise limiter shall be installed and operated to the satisfaction of the Council so as to prevent disturbance to neighbouring premises and regularly maintained.**

**The volume of all amplified sound used in connection with all entertainment provided shall at all times be under the control of the licensee or management and the controlling mechanism so installed shall be maintained and operated from a part of the premises inaccessible to the public.**

Paul Thwaites  
Environmental Control Office  
Hyndburn Borough Council