

APP 14



HYNDBURN

The place to be
an excellent council

MEMORANDUM

<p>To: Derek Hamill Address: Licensing Department Copy to: Katherine Parry Your Ref:</p>	<p>From: Paul Thwaites Address: Environmental Protection, Regeneration & Housing Date: Our Ref:</p>
---	---

Review of Premises Licence Walmsley Arms, 26 Queen Street, Gt Harwood, BB6 7QQ

I refer to the review of the above Premises Licence and wish to make representations on behalf of the Environmental Protection team within the Regeneration and Housing Department. I attach a detailed account of noise related complaints.

Recommendations

In order to limit the noise nuisance being caused to occupiers of adjacent premises I would recommend the modification of the current conditions of the Premises Licence. This could include excluding a licensable activity such as use of the outdoor area and / or reducing the time limit when use of this area is allowed to take place.

1 of 4

Walmsley Arms - Key Facts

On 3rd March 2014 a complaint was received from Mr and Mrs [REDACTED] to complain about loud music regularly being played at the Walmsley Arms, 26 Queen Street, Great Harwood so a letter plus log sheets were sent to Mr Barnes.

On 11th March 2014 a request for service was received from [REDACTED] to complain about loud music regularly being played at the Walmsley Arms, 26 Queen Street, Great Harwood so a letter plus log sheets were sent to her.

On 23rd September 2014 an email was received from Sgt Middleton explaining that a call had been received by the Police on 21st September 2014 at 18:51hrs to report loud music from a live band in the rear yard of the Walmsley Arms which is playing very loud music.

On 23rd September 2014 Paul Thwaites made a call to [REDACTED] to explain that she needs to make use of the Council's Night time Noise Service if the noise is bad again so that an attempt can be made to try to witness it. He also explained he will email her a copy of the letter that he originally sent her in March so she has a copy of the number to ring.

On 13th November 2014 with no calls to the Night Time Noise service and no further reports of noise problems received the request for service was closed out.

On 20th June 2016 a request for service was received from [REDACTED] to complain about loud music regularly being played at the Walmsley Arms, 26 Queen Street, Great Harwood so a letter plus log sheets were sent to her on 21st June 2016.

On 30th July 2016 an email was received from [REDACTED] saying as Paul Thwaites was on leave she will return her log sheets back attached to her email and will also email them to his colleague [REDACTED]

On 9th August 2016 emailed copies of the log sheets sent by [REDACTED] received by Paul Thwaites on his return from leave.

On 16th August 2016 a letter was sent to John Yeoman at the Walmsley Arms to make him aware of the problem with noise from the playing of loud music and shouting at the premises, requesting he takes action to reduce the noise.

On 16th August 2016 received an email from Derek Hamill (Council Enforcement) regarding a request for service he has received from [REDACTED] regarding noise from the foam party held within the curtilage of the Walmsley Hotel also anti-social behaviour with people urinating outside the premises, smashing of glassware and drinking in the street. (Noise in the street is outside of the remit of Env. Health)

On 18th August 2016 a letter plus log sheets were sent to [REDACTED] and his details were added to the request for service already open so that he has access to the Night Time Noise service.

On 18th August 2016 Paul Thwaites rang Derek Hamill to explain he has contacted [REDACTED] and as the noise he is complaining about is from the room outside (with the double wooden doors) used for foam parties at the rear, he has added his details to the system and he will be sent a letter plus noise pack.

On 4th October 2016 logs of noise events were received from [REDACTED] (just on plain paper not log sheets provided) via Derek Hamill.

On 4th October 2016 Paul Thwaites sent [REDACTED] the following email - "I'm sorry to learn that you're still experiencing noise problems emanating from the above premise. There is still an open complaint that I have on our system from when you complained in June 2016* when you returned the log sheets and a letter was sent to the Walmsley Arms pub so the next stage is dependent upon you ringing the Council's

Out of Hours service between 8pm and 3am Fri & Sat nights when the noise is happening. Ringing the Service is important in that the noise needs to be witnessed and evaluated before further action can be taken, so I can't stress enough the need to ring the Service.

***Please note his complaint was actually received in August not June.**

On 22nd October 2016 Paul Thwaites received the following email from [REDACTED] - "Hello, Just been outside to ask 4 men to stop banging on the top of my car and take the beer bottles off the top of my car, they were taking drugs, smoking drugs etc don't know how much more I can stand of this". This is ASB in the street and beyond the remit of Env Health.

On 24th October 2016 Paul Thwaites sent the following email to Christine Roberts - "I am sorry to learn that you are still experiencing noise problems from the Walmsley Arms and as you mention you have previously filled in log sheets, then return them but do nothing further to help us to gain evidence i.e. ring the Council's Out of Hours service on a Fri or Sat night between 8pm and 3am either night! I can't stress how important it is that you ring the service to get the noise witnessed, how are we to progress your complaint if you don't assist us with gathering evidence?"

On 24th October 2016 Paul Thwaites received an email from [REDACTED] - "Rest assured I will ring the number when it happens again but as its their 3 day Halloween bonanza this weekend I am abandoning my house till it's over and as you can see from my complaints it isn't just a noise issue its the constant stream of unwanted people drunk and drugged hanging around my house, who do you suggest I ring about that? As in the past when I have telephoned Blackburn police it's highly unlikely for anyone to attend?"

On 26th October 2016 Paul Thwaites received an email from [REDACTED] - "Can I confirm with you whether the Walmsley are by law able to have their music playing 24 hours a day 7 days a week inside and outside, I've spoken to the Walmsley who inform me that the licensing laws have changed apparently and they can play music in or out whenever they choose? I was lead to believe that the outside music had to be off by 11pm as stated in the literature I received when we were trying to oppose the noise levels? Can you please clear this up?"

On 28th October 2016 Paul Thwaites received an email from [REDACTED] - "Hello, Just to let you know I had to phone the police last night as I was subjected to a threat and I'm not sure why, I was entering my house around 16:30 after picking up a parcel from my neighbour, there was an almighty bang it was on my dining room window and someone shouting obscenities I looked through my blinds and they said "yes you" "keep your fucking mouth shut or I will be back to sort you in a few days" I was terrified it was a man in his 40's. I went outside when he had gone and saw him drive away, I got his registration of his car, I asked the landlord of THE Walmsley pub who was getting in his van as I said he just came from your pub and he told me his name is [REDACTED] a not very ice drug dealer from Great Harwood who has just been released from prison but why was he threatening me?? I have him on Cctv going to my window and walking past and looking up at my house. I dialled 999 as I was alone and scared and an officer attended I am now not staying at my home this weekend and feel scared angry and very stressed. I don't know if it connected to my complaints at the pub but I don't know why he has singled me out."

On 5th November 2016 Paul Thwaites received an email from [REDACTED] - "Hi all, Rang the out of hours number Friday night at 1:35am as I couldn't stand the music and people noise any longer, the lady Helen attended and agreed that the noise was unacceptable, the music was being played outside till 2am, the music was reduced a bit at that time then the mass of people noise took over, was still hearing the people noise till after 3am so another weekend off with little sleep and then the people flow shouting and arguing etc. near my house."

On 5th November 2016 the Officer on duty [REDACTED] received a call at 01:27hrs to report noise from the Walmsley Arms and arrived at the complainant's property at 01:58hrs and sat in the dining room at the front and music can be heard only faintly predominant noise is rowdy people in the rear of the Walmsley. At 02:05hrs moved upstairs to the bedroom at the front and rowdy people can be heard from the rear of the pub. Client has double glazing which is closed and at 02:08hrs client opens window and ajar the music

sounds to have stopped but lots of loud rowdy people can be heard. 02:10hrs music can be heard faintly and drops in and out as if breaking out when the door is opened. Main noise is rowdy people which can still be heard with faint music as [REDACTED] left at 02:27hrs. She was of the professional opinion that in the front bedroom it would have been difficult to sleep undisturbed and would constitute a statutory nuisance.

On 6th November 2016 Paul Thwaites received an email from [REDACTED] – "Another weekend with little sleep, had the out of hour noise lady out again Saturday night November 5th rang her at 02:05 as the noise music level was absolutely unreal, she arrived at 02:25 noise still as loud, she witnessed two men "doing something on my window sill" (drugs) a regular occurrence as I've told the police, she came I to my bedroom again and could hear the music with the window shut and people shouting and carrying on, there was also vomit at the side of my front door, so I work all week then have a weekend off to enjoy and can't get any sleep? What time is that music supposed to stop? [REDACTED] agreed the music was outside in the back of the pub, I feel really at the far end and don't know how much more of this I can take, and I work full time as a nurse this really is so unfair and unacceptable I am utterly fuming its affecting my mental health and I'm considering phoning in sick tomorrow as the sleep deprivation and stress of it all I feel will hinder me carrying out my job safely as I look after people who are very unwell, I am also studying for a degree and cannot have stress free peace and quiet to do my work I want something doing or I'm going to see my MP and Local Paper, An angry and distressed [REDACTED]."

On 6th November 2016 the Officer on duty [REDACTED] received a call at 02:05hrs to report noise from the Walmsley Arms and upon arrival at the complainant's property at 02:25hrs [REDACTED] noticed the music could be heard loudly in the street. Once inside the complainant's she went to the bedroom at the front and music was audible in the room with the window closed but she was unable to make out the lyrics but it is audible and lots of rowdy people in the beer garden at the rear of the pub. She left at 02:45hrs and drove past the front of the pub and noticed the music was quieter than at the rear. She was of the professional opinion that in the front bedroom what she had heard on 5th & 6th Nov it would have been difficult to sleep undisturbed and would constitute a statutory nuisance.

On 11th November 2016 as a result of what was witnessed on 5th and 6th November by the Out of Hours Officer [REDACTED], two Abatement Notices were served on John Yeoman, one to prevent the playing of excessively loud music and the other for excessively raised voices at the Walmsley Arms 26 Queen St, Great Harwood.

On 11th November 2016 Paul Thwaites sent an email to Licensing Department "Please find attached copies of Notices and cover letters served on John Yeoman this afternoon, for your file".

On 14th November Paul Thwaites sent a letter to [REDACTED] and on 18th November 2016 a letter to [REDACTED] to inform them that the abatement notices had been served on the Designated Premises Supervisor (DPS) of the Walmsley Arms.

4 4 4