

**Subject:** Brighton and Hove Live Music Venues (Petition referred from Full Council 26 March 2015)  
**Date of Meeting:** 7<sup>th</sup> July 2015  
**Report of:** Director of Public Health  
**Contact Officer:** Name: **Annie Sparks** Tel: **292436**  
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**Wards Affected:** All

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 At Full Council on 26 March 2015 a petition was presented which called on the council to review its procedures and protocols in respect of noise abatement notices served on live music venues across the city. It had been signed by 4698 people. A copy of the petition is attached at Appendix One.
- 1.2 It was resolved that the petition be noted and referred to the Environment, Transport & Sustainability Committee for consideration along with the establishment of a Policy Panel to review the issues raised in the petition for live music and venues in the city.

**2. RECOMMENDATIONS:**

- 2.1 The Committee consider whether to establish a policy panel to review procedures and protocols relating to the statutory provisions of service of noise abatement notices.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The Council has statutory duties in relation to the investigation of noise complaints and enforcement of noise nuisance. This includes noise from live music venues.
- Under the provisions of the Environmental Protection Act 1990 the Council has a duty to investigate all noise complaints, and where a statutory noise nuisance is identified there is a duty to serve a noise abatement notice. There is no discretion in relation to these statutory duties. Breach of a noise abatement notice is a criminal offence, and subject to a maximum £20,000 fine for commercial premises. Statutory noise nuisance is not a defined decibel level but is assessed having regard to the character, duration and frequency of the noise and most importantly how it affects a person in their home.

- 3.2 Under the provisions of the Licensing Act 2003 the local authority and other responsible authorities can ask for premises licences to be reviewed or varied. This can be in relation to the licensing objective and the prevention of public nuisance.
- 3.3 Any enforcement action has regard to the Council's Enforcement Policy, and a separate Enforcement Policy exists for Licensing matters  
Brighton and Hove City Council aims to balance and achieve both necessary protection for citizens and a creative outlet/cultural benefits. Live music is encouraged by licensing policy recognising both cultural and community benefits. Residents' rights for a private and family life are protected in law and described above.
- 3.4 The City has always had entertainment venues located in close proximity to residential accommodation. Planning applications and licence applications provide opportunities to influence premises design, entertainment scheduling, and implementation of conditions to mitigate and manage noise.
- 3.5 Where noise complaints are received the investigation process requires an assessment of what is reasonable and, where possible, facilitating communication between all parties.
- 3.6 Where enforcement action is necessary this is done in accordance with the Council's enforcement policies, while at the same time practically exploring solutions and measures to abate any noise nuisance. A noise abatement notice would not require premises to close. It would require the noise nuisance to be abated. How this is done is the choice of the person on whom the notice has been served. This may include restricting sound levels and use of technology such as sound limiting devices. It may also include management measures to avoiding break out from doors and windows, and/ or door staff managing external customers. Sound insulation and a review of entertainment schedules may also be appropriate.

#### **4. PROPOSAL FOR A POLICY PANEL**

- 4.1 The Terms of Reference for Overview and Scrutiny and Policy Panels are attached at Appendix Two. In considering whether or not any matter should be agreed for a Policy Panel the Committee should have regard to the matters set out at paragraph 4.7 of the Terms of Reference.
- 4.2 It is proposed that the Membership of the Policy Panel be 1xLabour, 1xConservative and 1xGreen Councillor. The Panel will elect a Chair at its first meeting and the detailed scope and timescale for the work to be undertaken in relation to the petition will be agreed by the Panel. The Panel will report to the Environment, Transport and Sustainability Committee.

#### **5. CONSULTATION**

- 5.1 Consultation will be considered and defined as part of any proposed Policy Panel Process.

## 6. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 6.1 Any costs incurred in setting up the policy panel will be met from within existing resources.

*Finance Officer Consulted: Michael Bentley*

*Date:24/06/2015*

### Legal Implications:

- 6.2 The terms of reference and criteria for Policy Panels have been agreed by full Council and are set out at Appendix Two to the report. The proposed Policy Panel would not have the status of a sub-committee and the rules relating to political balance would not apply to it. The Panel would report its findings to the Environment, Transport and Sustainability Committee.

*Lawyer Consulted: Elizabeth Culbert*

*Date:23/06/15*

### Equalities Implications:

- 6.3 None identified

### Sustainability Implications:

- 6.4 None identified

### Crime & Disorder Implications:

- 6.5 None identified

### Risk and Opportunity Management Implications:

- 6.6 None identified

### Corporate / Citywide Implications:

- 6.7 None

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Terms of Reference for Policy Panels and Overview and Scrutiny

