

Licensing Act 2003

Premises Licence**PL(A)00114****POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION****Bee's Knees**

20 Bacup Road, Rawtenstall, Rossendale, Lancashire, BB4 7ND,

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- Performances of Dance (Indoors)
- Entertainment of a Similar Description (Indoors)
- Exhibition of Films (Indoors)
- Performance of Live Music (Indoors)
- Late Night Refreshment (Indoors)
- Playing of Recorded Music (Indoors)
- Sale of Alcohol (Indoors)

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES**Performances of Dance (Indoors)**

Description	Time From and Time To
Monday to Sunday	09:00 - 03:00

Entertainment of a Similar Description (Indoors)

Description	Time From and Time To
Monday to Sunday	09:00 - 03:00

Exhibition of Films (Indoors)

Description	Time From and Time To
Monday to Sunday	09:00 - 03:00

Performance of Live Music (Indoors)

Description	Time From and Time To
Monday to Sunday	09:00 - 03:00

Non-Standard Timings

The performance of live music shall be permitted from the terminal hours on New Year's Eve until the start of permitted hours on New Year's Day. An additional hour shall be permitted to the terminal hours on Christmas Eve, Boxing Day, each Friday, Saturday and Sunday of May and Spring/Whitsun and August Bank Holiday weekends and each Thursday, Friday, Saturday, Sunday and Monday of Easter Bank Holiday weekend.

Late Night Refreshment (Indoors)

Description	Time From and Time To
Monday to Sunday	23:00 - 03:00

Playing of Recorded Music (Indoors)

Description	Time From and Time To
Monday to Sunday	09:00 - 03:00

Non-Standard Timings

The playing of recorded music shall be permitted from the terminal hours on New Year's Eve until the start of permitted hours on New Year's Day. An additional hour shall be permitted to the terminal hours on Christmas Eve, Boxing Day, each Friday, Saturday and Sunday of May and Spring/Whitsun and August Bank Holiday weekends and each Thursday, Friday, Saturday, Sunday and Monday of Easter Bank Holiday weekend.

Sale of Alcohol (Indoors)

Description	Time From and Time To
Monday to Sunday	09:00 - 03:00

Non-Standard Timings

The sale of alcohol shall be permitted from the terminal hours on New Year's Eve until the start of permitted hours on New Year's Day. An additional hour shall be permitted to the terminal hours on Christmas Eve, Boxing Day, each Friday, Saturday and Sunday of May and Spring/Whitsun and August Bank Holiday weekends and each Thursday, Friday, Saturday, Sunday and Monday of Easter Bank Holiday weekend.

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	09:00	03:30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND/OR OFF SUPPLIES

The sale and supply of alcohol is permitted for consumption ON the premises only.

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

AJP Leasehold Limited
 First Floor , 6-8 Lord Street West, Blackburn, BB2 1JX

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Company number 10005249

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Matthew Whittaker
 [REDACTED]

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence Number: PA0990

Issued By: Burnley

Annex 1 - Mandatory Conditions

No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence or at a time when the designated premises supervisor does not hold a personal licence or their licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in the above paragraph:

- a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- b) "permitted price" is the price found by applying the formula-

$$P=D+(D \times V)$$

where—

- i. P is the permitted price,
 - ii. D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
 - i. the holder of the premises licence,
 - ii. the designated premises supervisor (if any) in respect of such a licence, or
 - iii. the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar

activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
- b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- a) a holographic mark, or
- b) an ultraviolet feature.

The responsible person must ensure that:

- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml;
- b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the

customer is made aware that these measures are available.

Where a premises licence authorises the exhibition of films:

Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where:

- a) the film classification body is not specified in the licence, or
- b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

In this section:

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984.

Where a premises licence includes a condition that an individual must carry out a security activity:

Each individual in the premises to carry out a security activity must be licensed by the Security Industry Authority unless the premises or part of the premises where they are present are being used are wholly or mainly a restaurant or guest house, theatrical performances, plays or a Gaming Licence is for the time being in force in respect of those premises.

Annex 2 – Conditions imposed by virtue of being consistent with the operating schedule

Conditions imposed by virtue of paragraph 6(8) Schedule 8 Licensing Act 2003

No person under the age of 16 years and no child aged 16 years shall take part in any performance to which Section 37(2) of the Children and Young Persons Act 1963 applies, and in which his life or limbs are endangered.

A person under the age of 18 years of age shall not be admitted or on the premises unless accompanied by a person of the age of 18 years of age or over.

A person under the age of 18 years of age shall not be permitted to be within the licensed area of the premises after 21.00 hours.

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- He is the child of the holder of the premises licence,
- He resides in the premises, but is not employed there,
- He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress,
- The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

There shall be a system of managed customer departure in place.

Alcohol shall not be sold or supplied except during permitted hours.

The above restriction does not prohibit:

During the first thirty minutes after the above hours the consumption of the alcohol on the premises;

During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

The sale of alcohol to a trader or club for the purposes of the trade or club;

The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of state or an authorised mess of members of Her Majesty's naval, military or air forces;

The taking of alcohol from the premises by a person residing there; or

The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by person so supplied; or

The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

No child shall be employed so long as he/she is under the age of 14 years to do any work other than light work or before the close of school hours on any day on which he/she is required to attend school or before 7 o' clock in the morning or after 7 o' clock in the evening on any day or for more than 2 hours on any day on which he/she is required to attend school or for more than 2 hours on a Sunday or more than 35 hours, or if he/she is under the age of 15 years, for more than 25 hours in any week in which he/she is not required to attend school or for more than 4 hours in any day without a rest break of 1 hour or at any time in a year unless at that time he or she has had, or could still have, during the period in the year in which he is not required to attend school, at least two consecutive weeks without employment.

Where there is entertainment for children or an entertainment at which the majority of the persons attending are children, then if the number of children attending the entertainment exceeds 100 it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or a part thereof, and to take all reasonable precautions for the safety of the children.

The premises licence holder or club premises certificate holder when permitting for hire or reward, the building to be used for the purpose of an entertainment, shall take all reasonable steps to ensure the observance of the provision of the above provision.

Prior to each occasion that licensable activities take place, a risk assessment will be carried out and an appropriate number of SIA registered door supervisors will be utilised at the premises in accordance with said risk assessment, which will be documented and made available to an authorised officer on request. As a minimum, at least two SIA registered door supervisors will be utilised from 22.00 hours until the premises close on a Friday night and Saturday night.

Use of CCTV both within and outside the premises. CCTV shall be installed in the premises in compliance with any reasonable requirements of the Police. Images will be retained for a minimum of 28 days and will be available to the Police upon request. Members of the management will be trained in the use of the system.

All persons who appear to be under the age of 25 years shall be required to produce proof of age by way of the following:

- A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)
- Photo driving licence
- Passport
- Citizen card supported by the Home Office
- Official ID card issued by HM Forces or European Union Member State bearing a photograph and birth date of the holder

A refusals book shall be maintained to record all challenges and refused sales to persons who cannot comply with the above conditions.

A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

All staff will be trained in relation to the licensing objectives so as to reduce crime & disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Regular refresher training to be undertaken. All training will be documented and will be made available to an authorised officer upon request.

Annex 3 – Conditions imposed by virtue of a determination hearing

There are no conditions imposed by virtue of a determination hearing.

Annex 4 – Plans

The plans titled "drawing number 300374 The Crown, Bacup Road" as held by the Licensing Authority refer.

Conditions imposed by virtue of paragraph 6(8) Schedule 8 Licensing Act 2003

Alcohol shall not be sold or supplied except during permitted hours.

The above restriction does not prohibit:

During the first thirty minutes after the above hours the consumption of the alcohol on the premises;

During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

The sale of alcohol to a trader or club for the purposes of the trade or club;

The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of state or an authorised mess of members of Her Majesty's naval, military or air forces;

The taking of alcohol from the premises by a person residing there; or

The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by person so supplied; or

The supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- o He is the child of the holder of the premises licence,
- o He resides in the premises, but is not employed there,
- o He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress,
- o The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Where there is entertainment for children or an entertainment at which the majority of the persons attending are children, then if the number of children attending the entertainment exceeds 100 it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or a part thereof, and to take all reasonable precautions for the safety of the children.

The premises licence holder or club premises certificate holder when permitting for hire or reward, the building to be used for the purpose of an entertainment, shall take all reasonable steps to ensure the observance of the provision of the above provision.

No child shall be employed so long as he/she is under the age of 14 years to do any work other than light work or before the close of school hours on any day on which he/she is required to attend school or before 7 o' clock in the morning or after 7 o' clock in the evening on any day or for more than 2 hours on any day on which he/she is required to attend school or for more than 2 hours on a Sunday or more than 35 hours, or if he/she is under the age of 15 years, for more than 25 hours in any week in which he/she is not required to attend school or for more than 4 hours in any day without a rest break of 1 hour or at any time in a year unless at that time he or she has

had, or could still have, during the period in the year in which he is not required to attend school, at least two consecutive weeks without employment.

No person under the age of 16 years and no child aged 16 years shall take part in any performance to which Section 37(2) of the Children and Young Persons Act 1963 applies, and in which his life or limbs are endangered.

Conditions imposed by virtue of being consistent with the operating schedule

A person under the age of 18 years of age shall not be admitted on the premises unless accompanied by a person of the age of 18 years of age or over.

A person under the age of 18 years of age shall not be permitted to be within the licensed area of the premises after 2100 hours.

There shall be a system of managed customer departure in place.

Prior to each occasion that licensable activities take place, a risk assessment will be carried out and an appropriate number of SIA registered door supervisors will be utilised at the premises in accordance with said risk assessment, which will be documented and made available to an authorised officer on request. As a minimum, at least two SIA registered door supervisors will be utilised from 22.00 hours until the premises close on a Friday night and Saturday night.

Use of CCTV both within and outside the premises. CCTV shall be installed in the premises in compliance with any reasonable requirements of the Police. Images will be retained for a minimum of 28 days and will be available to the Police upon request. Members of the management will be trained in the use of the system.

All persons who appear to be under the age of 25 years shall be required to produce proof of age by way of the following:

- ❖ A recognised proof of age card accredited under the British Retail Consortiums Proof of Age Standards Scheme (PASS)
- ❖ Photo driving licence
- ❖ Passport
- ❖ Citizen card supported by the Home Office
- ❖ Official ID card issued by HM Forces or European Union Member State bearing a photograph and birth date of the holder

A refusals book shall be maintained to record all challenges and refused sales to persons who cannot comply with the above conditions.

A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

All staff will be trained in relation to the licensing objectives so as to reduce crime & disorder, promote public safety, prevent public nuisance and promote the protection of children from harm. Regular refresher training to be undertaken. All training will be documented and will be made available to an authorised officer upon request.

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

APPENDIX C

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records:

[Redacted]

(Insert name of applicant)

apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87~~ of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Bees Knees 20 Bacup Road Rawtenstall	
Post town Rossendale	Post code (if known) BB4 7ND

Name of premises licence holder or club holding club premises certificate (if known) AJP Leasehold Limited

Number of premises licence or club premises certificate (if known) PL(A)0014

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environmental Health Rossendale Borough Council Futures Park Bacup OL13 0BB
Telephone number (if any) 01706 252564
E-mail address (optional) envhealth@rossendalebc.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The ground for review of this licence is the prevention of public nuisance

Please provide as much information as possible to support the application
(please read guidance note 2)

The review of this application has been requested by Environmental Health as a last resort. Since September 2019 when the first complaint came in we've been trying to solve the issue of loud music by other means, with no success. To date work consisting of approximately 50 hours of officers time, six out of hours noise visits, a community protection warning and a noise abatement notice in relation to noise from the Bees Knees has been taken.

The Bees Knees is situated in the town centre adjacent to a row of residential terraced properties property (see photo evidence 1 and 1a) and it's been a pub for a number of years. After a change of ownership it had a licence granted in 2017 for amongst other things live and amplified music from 9am to 3am seven days a week. The DJ and dance floor is currently located in the single storey part of the pub.

There was no objection raised by the residents in the vicinity and Environmental Health had no evidence, at that time, to raise an objection. The licence was granted as applied for.

However there has recently been a change in circumstances of a member of the public and on 23rd September 2019 Environmental Health received a complaint in relation to 'loud music' arising from the Bees Knees.

The Public Protection Manager contacted the Designated Premises Supervisor (DPS) to inform him of the complaint as along with loud music there were complaints about lots of other issues relating to the management of the premises such as drug dealing, nuisance to local residents, waste and bottles everywhere, smashed glass on the road and pavements, people urinating on local walls and doors, anti-social behaviour and fighting.

On 12th October 2019 at 23.51hrs a pro-active out of hours noise officer arrived on Markross Street Rawtenstall and observed the Bees Knees where excessively loud music was playing and the thumping bass could clearly be heard at 00.03hrs (see evidence 2)

On the 12th October 2019 the complainant emailed Public Protection with continuing noise issues on Friday and Saturday nights till 3am affecting their sleep [REDACTED]

The complaint mentioned lots of other issues as well, not related to loud music.

On 22nd October 2019 the Public Protection Manager served a community protection warning on the premises as it's a licensed premises (see evidence 3) requiring the DPS to reduce the level of the noise from the premises to a level which no longer has a detrimental effect on the neighbourhood within 21 days.

On 26th October at 00.30hrs an out of hours proactive officer noted 'music very noticeable from Bees Knees' (see evidence 4) and short clips were taken.

On 16th November 2019 the complainant rang the out of hours noise service and the loud music was witnessed inside the complainants property (see appendix 5) with short videos (available to be emailed). The officer also noted that no proactive actions were done by any door staff to reduce noise and move away rowdy customers from the area or remove people from the main road. To the rear of the Bees Knees the customers were observed urinating and from my experience were taking illegal substances together with shouting and loud conversations. No proactive

management of the area was undertaken by the Bees Knees.

The complainant emailed in on 17th November 2019 to also report the bouncers doing nothing again to keep customers away from [REDACTED] nor to disperse the crowds.

As required by the Environmental protection Act when dealing with noise complaint from businesses a 7 day warning letter was sent to the premises on 20th November 2019 (see evidence 6). We also attached a guide titled 'Noise control from licensed premises'

On 25th November Environmental Health received its first call from the DPS in relation to the issue of loud music to say he's restricted the bass and is buying rubber bass mats. He also said he could insulate the party wall and he was told that would be a sensible idea.

We needed to see if this had taken effect and needed the complainant to contact the out of hours noise service.

On 15th December 2019 the loud music was again witnessed inside the complainants property (statement to follow as evidence 7)

The complainant also emailed in on the same date to report sleep deprivation, occupier having to move bedrooms at weekends due to the noise, people urinating at the back of the house, people fighting in the street, glasses and bottles left on windowsill.

On 19th December 2019 Environmental Health served a noise abatement notice on the pub requiring them to abate the noise nuisance arising from the playing of amplified music with immediate effect (see evidence 8)

There was no out of hours noise service operating over the Christmas and new year period but an email from the complainant confirmed that the music had been 'horrendous' over the holidays and this was corroborated on 4th January 2020 by a pro-active visit carried out by the out of hours noise service who noted 'parked on Markcross Street and observed loud amplified music being played from the function/disco room which at the time did not appear to be occupied (see evidence 9) A short mobile phone video was taken at the time.

The abatement notice requires the abatement of the loud music, which hasn't happened to date and in reality a dance bar/club licensed until 3am seven days a week adjoining a row of residential properties will still cause an unreasonable public nuisance with noise from inside and anti-social outside and other issues already mentioned.

The late night Friday and Saturday activities are affecting residents way of living on a weekly basis.

We received no complaints about this property before the late night licence was granted and we feel that if the pub operated on Fridays and Saturdays the same as it does Sunday to Thursday ie till 11pm then this would be an acceptable balance of the business and residential needs.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

22/1/2020

Capacity

Senior Environmental Health Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



1a



WITNESS STATEMENTS
(CRIMINAL PROCEDURE RULES, PART 27)

Statement of witness

*(Criminal Procedure Rules, r27.1(1);
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s. 5B)*

STATEMENT OF: [REDACTED]

Age Of Witness: **'OVER 18'**

Occupation of witness: **Environmental Control Officer**

This statement, consisting of [1] page signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

I, [REDACTED]
[REDACTED] My day to day duties include the investigation of noise nuisance complaints in which I have over twenty one years' experience. I am also a Visiting Officer employed on the Pennine Lancashire Night Time Noise service rota and have worked in this role for over 10 years. My relevant qualifications include a BSc (Hons) in Environmental Management & Technology and Post Graduate Diploma in Acoustics and Noise Control.

On 12th October 2019 at 23:51hrs I arrived at Markcross Street, Rawtenstall and parked my vehicle then observed the Bees Knees, Bacup Road, Rawtenstall where excessively loud music was being played and the thumping bass could clearly be heard and at 00:03hrs I changed my position to Markcross Street / Bacup Road corner where I had a better view of the Bees Knees pub. The excessively loud music continued with the same thumping bass as when I arrived. At 00:20hrs the music continued at the same very loud level with one member of door staff visible at the door and a customer talking to him. I left the spot where I was parked at 00:33hrs to make a proactive visit to observe another licensed premises and the very loud music continued at the same level as it had been throughout my visit.

This statement (consisting of one page each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature [REDACTED] Dated the 17th day of January 2020

NOTE: Wherever possible statements should be on foolscap paper. If statements are typed double spacing should be used. One side only of the paper should be used; a space should be left at the top of the first page for heading to be entered by the clerk of the court [justice's chief executive for the court]; and each page should have a wide margin on the left.

[Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (SI 1981/553), relating to rule 70 of the Magistrates' Courts Rules 1981, section 9 of the Criminal Justice Act 1967 and section 5B of the Magistrates' Courts Act 1980].

3

Rossendale

BOROUGH COUNCIL



**Lancashire
Constabulary**
police and communities together

Mathew Whittaker
Bees Knees
20 Bacup Road
Rawtenstall
BB4 7ND

Your Ref:
My Ref: BK 1
Dealt with by: Phil Morton
Department: Public Protection

Date: 22ND October 2019

Dear Mr Whittaker

Anti-social behaviour, Crime and Policing Act 2014

Re: Community Protection Warning

Rossendale Borough Council and Lancashire Constabulary is satisfied under Section 43 (1) (a) and (b) of the Anti-Social Behaviour Crime and Policing Act 2014 that you are responsible for unreasonable behaviour which is persistent and/or continuing in nature and is having a detrimental effect on the quality of life of others and that the conduct is unreasonable.

This unreasonable behaviour includes:

Noise emanating from the premises known as The Bees Knees 20 Bacup Road, Rawtenstall, BB4 7ND, has been monitored at levels which is having a detrimental effect on the quality of life of neighbours living in the vicinity of the premises and further afield.

This noise is of a nature which is continuing and has been witnessed by Local Authority "out of hour's officers" and neighbours over a period of weeks.

The noise has been mainly noted as extremely loud music or excessive bass frequency which can be heard across an area covering the immediate vicinity and beyond.

This occurs most weekends up to 2am

It has also been noted that large numbers of customers from your premises gather outside, again causing nuisance to the neighbourhood. No measures to control this appear to be in place.

I would ask that you reduce the level of noise from the premises to a level which no longer has a detrimental effect on the neighbourhood and take all steps to ensure that further noise nuisance does not occur in the future. This should be done within the next 21 days.

Public Protection Unit
Rossendale Borough Council
Futures Park
Bacup
O1130BB
01706 217777

Action you must take:	Deadline for when you must do this by:
To reduce the volume levels of music played inside the premises so that it is inaudible inside residential premises in the areas,	21 days
To take all reasonable steps to ensure noise does not emanate from the premises and cause nuisance as outlined above. And in the surrounding area.	21 days
To ensure measures are in place to control customers gathering to the front and side of the premises, especially late at night	21 days

If this behaviour continues you will be issued with a Community Protection Notice under the above legislation. Failure to comply with the notice is a criminal offence and liable to a fine upon summary conviction of £2,500 (£20,000 business)

You may also be served with a notice under the Environmental Protection Act in relation to statutory noise nuisance

If you wish to discuss this matter further please contact me on the number below quoting reference number BK 1 in all communications.

Yours sincerely

Phil Morton
Public Protection Manager

01706 217777 ext. 7
philmorton@rossendalebc.gov.uk

IMPORTANT

This notice will tell you the things that you **must** do to put these problems right. If you still fail to do so without reasonable excuse:

1. You may be issued with a fixed penalty notice.
2. You may be prosecuted. If you are prosecuted and convicted the maximum penalty is a fine not exceeding level 4 on the standard scale (currently £2,500 for an individual, and up to £20,000 for a business or organisation).
3. The court may make whatever order the court thinks appropriate to ensure that what the notice requires to be done is done.
4. A court order may require you to:
 - a. Carry out specified work, or

Public Protection Unit
Rossendale Borough Council
Futures Park
Bacup
O1130BB
01706 217777

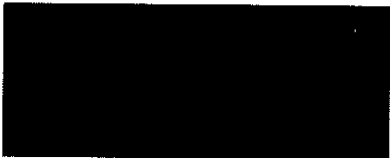
b. Allow specified work to be carried out by, or on behalf of **Rossendale Borough Council and Lancashire Constabulary**.

5. The court may require you to surrender possession of any item used in your failure to comply with the Notice, to a constable or to a person representing the local authority. The court may require this item to be destroyed or disposed of. A justice of the peace may issue a warrant, authorising a constable or authorised person to enter your premises to seize the item.

6. The Authority may carry out the work required and recover from you directly.

Rossendale Borough Council and Lancashire Constabulary will also consider what other action may be required to stop the problems, such as applying for an ASB Injunction, Premises Closure Order, or notifying your landlord (where relevant) if **Rossendale Borough Council and Lancashire Constabulary** consider that breaches of your tenancy agreement/lease have occurred. Your details will also be passed on to the local Community Incident Action Group who will consider a multi-agency response to the anti-social behaviour that has led to this warning being issued.

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Witness Statement

(Criminal Procedure Rules 2005, r27.1; Criminal Justice Act 1967, s9; Magistrates' Courts Act 1980, ss 5A (3) (a) and 5B

Statement of: [Redacted]
Age of Witness: Over 18

Occupation of Witness: Pendle Council Environmental Health

This statement consists of (1) page(s) signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 16th January 2020

Signature: [Redacted]

My name is [Redacted]

[Redacted] I have worked in Environmental Health for 22 years and have been [Redacted]

[Redacted] but also on a rota basis I undertake night noise duties. The night noise duty is a service operated in partnership between Pendle Council, Rossendale Council, Blackburn Council, Burnley Council and Hyndburn Council that involves receiving complaints from members of the public direct and partner agencies and colleagues on a referral between the hours of 20.00 and 03.00am on Friday and Saturday evenings. If I received a call from a customer on the night noise list I would then attend a complainant's property at my earliest convenience to establish if a statutory nuisance existed. On occasions I am also asked to attend places on a proactive visit to monitor matters of interest by colleagues in other authorities.

On Saturday 26th October 2019 at 00.30 hrs I attended Bacup Road Rossendale on the request of Rossendale Council for a proactive visit to the area. This was to witness the level of noise from a public house known as the Bees knees. As I entered the area loud music and shouting of customers was noticed by myself and I believe this to be from the public house known as Bees Knees 20 Bacup Road Rossendale. I walked to the front area opposite the Bees Knees venue and noticed music and shouting emanating from this premises. This was captures on a short video on my phone at approximately 01.02 and is

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referenced SR1. My professional opinion from experience would suggest that the noise witnessed by myself between 00.30 and 01.20am from the Bees Knees 20 Bacup Road, Rawtenstall would constitute a statutory nuisance.

Signature: [REDACTED]

Telephone number(s): [REDACTED]

Date of birth: "Over 18"

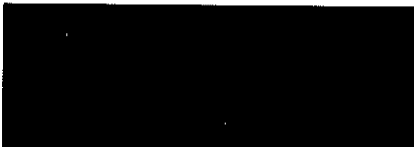
Statement taken by (print name): Self

On (date): 13th January 2020

At (time): 16.42

At (location): [REDACTED]

5



Witness Statement

(Criminal Procedure Rules 2005, r27.1; Criminal Justice Act 1967, s9; Magistrates' Courts Act 1980, ss 5A (3) (a) and 5B

Statement of: [Redacted]
Age of Witness: Over 18

Occupation of Witness: [Redacted]

This statement consists of 2 page(s) signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 19th November 2019

Signature: [Redacted]

My name is [Redacted] and [Redacted]

[Redacted] I have worked in Environmental Health for 22 years [Redacted]

[Redacted] My main duties are to investigate food, health and safety complaints but also on a rota basis I undertake night noise duties. The night noise duty involves receiving complaints from members of the public between the hours of 20.00 and 03.00am on Friday and Saturday evenings. If I received a call from a customer on the night noise-list I would then attend a complainant's property at my earliest convenience to establish if a statutory nuisance existed. On occasions I am also asked to attend places on a proactive visit to monitor matters of interest.

On Saturday 16th November 2019 at 00.45 hrs I attended 22 Bacup Road Rossendale on the request of [Redacted] This was to witness the level of noise from a public house known as the Bees knees adjacent to [Redacted] I arrived on the site of James Street Carpark at 01.09 as initially [Redacted] I advised him that to establish a statutory nuisance I would need to go inside of his house to witness it myself. [Redacted] As I entered the area music and shouting of customers from the venue could clearly be heard. A group of people came to the rear entry from the direction of the smoking area and one male urinated in the corner against the wall. The other members of the group were shouting and then I observed two males sniffing what I believe to be illegal substances before noticing me and

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turning around. [REDACTED]

[REDACTED] I made 5 short observation recordings during this time to capture a true reflection of the situation and reference these as **SR1** to **SR 5**.

My professional opinion from experience would suggest that the noise witnessed by myself between 00.19 and 01.33am from [REDACTED] the Bees Knees of 20 Bacup Road, Rossendale and would constitute a statutory nuisance. I left site at 01:20

Signature: [REDACTED]

Telephone number(s): [REDACTED]

Date of birth: "Over 18"

Statement taken by (print name): Self

On (date): 19th November 2019

At (time): 15.29

At (location): [REDACTED]

ISSUE NUMBER: 1
ISSUE DATE: 1/1/07

PHP-EP-WS-01

Mr M Whittaker
Bees Knees
20 Bacup Road
Rawtenstall
Rossendale
Lancashire
BB4 7ND

Business Directorate
Environmental Health
The Business Centre
Futures Park
Newchurch Road
Bacup
OL13 0BB

This matter is being dealt with by:

Name

Telep

Email:

Our Ref: 19/02059/EHN22

Date: 20/11/2019

Dear Mr Whittaker,

**Re: Loud music from the Bees Knees
Environmental Protection Act 1990**

We write to inform you that on 17 November at 01.30hrs loud music was witnessed arising from the Bees Knees at a level which would be classed as a statutory noise nuisance.

We note that a Community Protection Warning has already been served on you on 7th October 2019 for unreasonable behaviour which also included loud music.

We are deferring the service of a noise abatement notice for 7 days to give you the opportunity to reduce the volume of the loud music.

Please note that for a breach of an abatement notice on a business premises there is an unlimited fine.

We have enclosed a guidance document on 'Noise control from licensed premises' which I trust will be of use to you.

Please do not hesitate to contact me on the number above if you wish to discuss this matter further.

Yours sincerely



*"Rossendale will have strong communities with an enhanced environment and heritage.
It will be an attractive place to live where tourists visit and employers invest."*

Keep up to date with Rossendale Borough Council via www.rossendale.gov.uk or follow us on

 @RossendaleBC  Rossendale Council

Rossendale BOROUGH COUNCIL

8

Business Directorate

Mr Matthew Whittaker
Bees Knees
20 Bacup Road
Rawtenstall
Rossendale
Lancashire
BB4 7ND

Environmental Health
The Business Centre
Futures Park
Newchurch Road
Bacup
OL13 0BB

This matter is being dealt with by:

Name

Telephone

Email

Our Ref:19/00133/EPA80

Date: 19/12/19

COPY

Dear Mr Whittaker,

Environmental Protection Act 1990

Re: Loud music arising from Bees Knees, 20 Bacup Road, Rawtenstall

* This letter does not form part of the Notice *

Despite previous letters we have sent to you concerning the above matter we have continued to receive complaints in respect of noise nuisance which have been substantiated and I am now enclosing a notice in respect of a statutory noise nuisance caused by the playing of loud amplified music.

It is an offence not to comply with the notice and failure to do so may result in:

- Officers obtaining a warrant to enter the property and seize all noise making equipment

AND/OR

- Prosecution in the Magistrates' Court. Conviction may result in an unlimited fine

Officers will continue to monitor the situation by carrying out planned and ad hoc visits and I sincerely hope that none of the above action will be necessary and that you comply fully with the terms of the notice. Please note that no further warning letters will be sent.

"Rossendale will have strong communities with an enhanced environment and heritage. It will be an attractive place to live where tourists visit and employers invest."

Keep up to date with Rossendale Borough Council via www.rossendale.gov.uk or follow us on
@RossendaleBC Rossendale Council

If you wish to discuss the matter further please do not hesitate to contact me on the above number.

Yours sincerely,



Rossendale BOROUGH COUNCIL

8

ENVIRONMENTAL PROTECTION ACT 1990

Section 80

Abatement Notice in respect of Statutory Nuisance

To Mr Matthew Whittaker

Of Bees Knees, 20 Bacup Road, Rawtenstall, Rossendale, Lancashire BB4 7ND

Notice number: 19/00133/EPA80

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the*

Rossendale Borough Council - ("the Council") being

satisfied of the [existence][likely [occurrence] [recurrence]] of a statutory noise nuisance under section 79(1)(g) of that Act at the premises known as

Bees Knees, 20 Bacup Road, Rawtenstall, Rossendale, Lancashire, BB4 7ND

within the district of the Council arising from † the playing of amplified music **[HEREBY REQUIRE YOU, as the [person responsible for the said nuisance] and [owner] [occupier] of the premises] within immediately from the service of this notice, [to abate the same] [and also] [HEREBY [PROHIBIT] [RESTRICT] the [occurrence] [recurrence] of the same] [and for that purpose require you to:]**

Abate the noise nuisance

THIS is a notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, ~~[nuisance to which this notice relates is [injurious to health] [likely to be of a limited duration such that suspension would render the notice of no practical effect]]~~

~~[[the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance].~~

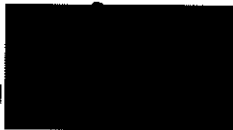
IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to an unlimited fine together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction.

A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to an unlimited fine.

8

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Dated: 19th December 2019

Signed 

the officer appointed for this purpose

Please address any communications to:

Rossendale Borough Council, Environmental Health Section, Futures Park, Newchurch Road,
Bacup, Lancashire, OL13 0BB. 01706 252564

NB. The person served with this notice may appeal against the notice to a magistrates' court within 21 days beginning with the date of service of the notice. See notes on the reverse of this form. Delete any words in square brackets which do not apply

* Insert name of local authority. † Describe the cause of the nuisance

** Currently £5000, subject to alteration by Order.

‡ State specific works to be done or action to be taken.

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows:

APPEALS UNDER SECTION 80 (3) of the ENVIRONMENTAL PROTECTION ACT 1990

("the 1990 Act")

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-

(a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);

(b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);

(c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonably in character or extent, or are unnecessary;

(d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;

(e) where the nuisance to which the notice relates -

(i) is a nuisance falling within section 79(1)(a), (d), (e), (f), (fa) or (g) of the 1990 Act and arises on industrial, trade or business premises, or

(ii) is a nuisance falling within section 79(1)(b), of the 1990 Act and the smoke is emitted from a chimney, or

(iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, or

(iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and -

(aa) the artificial light is emitted from industrial, trade or business premises, or

(bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),

that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;

(f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of -

(i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or

(ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or

(iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);

(g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);

(h) that the abatement notice should have been served on some person instead of the appellant, being -

(i) the person responsible for the nuisance, or

(ii) the person responsible for the vehicle, machinery or equipment, or

(iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or

(iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of appellant being -

(i) in the case where [appellant is the owner of the premises, the occupier of the premises; or

(ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -

(i) a person also responsible for the nuisance, or

(ii) a person who is also owner of the premises, or

(iii) a person who is also an occupier of the premises, or

(iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may:

(a) quash the abatement notice to which the appeal relates, or

(b) vary the abatement notice in favour of the appellant, in such manner as it thinks fit, or

(c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -

(a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or

(b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above, the court -

(a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and

(b) shall be satisfied, before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

3. (1) Where:

(a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -

(b) either:- (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or

(ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where -

(a) the nuisance to which the abatement notice relates -

(i) is injurious to health, or

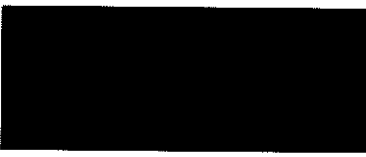
(ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice -

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply



Witness Statement

(Criminal Procedure Rules 2005, r27.1; Criminal Justice Act 1967, s9;
Magistrates' Courts Act 1980, ss 5A (3) (a) and 5B

Statement of: [Redacted]
Age of Witness: Over 18

Occupation of Witness: [Redacted]

This statement consists of page(s) signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 15th January 2020

Signature: [Redacted]



[Redacted] I am a chartered member of the Chartered Institute of Environmental Health and I qualified as an Environmental Health Officer in 1999. I am also a Chartered Member of the Institute of Occupational Health and Safety. [Redacted]



[Redacted] I'm also a member of the East Pennine Night Noise Team, investigating noise complaints from members of the public.

On the 4th January 2020 at 01:03am I arrived at Markross Street, Rossendale, which is located opposite the Bees Knees Public House, situated at the location of 20 Bacup Road, Rossendale, Lancashire, BB4 7ND. The purpose of the proactive visit was to assess the level of amplified music and also noise of customers being emitted from the Bees Knees.

I observed and witnessed that amplified music was being played within the function room where it appeared that a disco was taking place. I formed this opinion due to the illumination of disco lighting, which I observed from position looking in through the window of the Bees Knees Public House. Despite the level of amplified music heard the function room, it did not appear to be occupied from my location looking in through the windows. The audible intrusive amplified music heard appeared to be a typical 90's dance track although I could

not identify the song or artist. Furthermore, I observed and heard from my location voices mainly males talking and shouting outside of the main entrance to the public house. Despite the presence of what appeared to be door staff they did not control or disperse members of the public from this area. The voices escalated the point of arguing and shouting which I recorded and are hereby exhibited as MGD-1 and MGD-2.

Whilst I did not received a call from the complainant [REDACTED] who I understand is being affected by such intrusive noise created by members of public and amplified music. In my professional opinion and experience where I to witness the aforementioned noise and disturbance within the complainants property; created by the Bees Knees of 20 Bacup Road, Rossendale, this would constitute a Statutory Noise Nuisance under the Environmental Protection Act 1990. I believe that it is the responsibility of the management/landlord/operator and/or owner of the Bees Knees Public House for permitting a statutory nuisance to exist whilst being in control of a licensed premises.

Signature: [REDACTED]

Telephone number(s): [REDACTED]

Date of birth: "Over 18"

Statement taken by (print name): [REDACTED]

On (date): 15th January 2020

At (time): 17:469

At (location): [REDACTED]

Witness Statement

Criminal Justice Act 1967, sec.9
Magistrates Court Act 1980, ss5A(3)(a) and 5B
Criminal Procedure Rules, r 27.1 (1)

Statement of: [REDACTED]

Age of witness (if over 21 enter "over 21"): Over 21

Occupation of witness: [REDACTED]

This statement (consists of 2 pages signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

(Signed) [REDACTED]

Dated the...22/1/20.....

I am [REDACTED]

[REDACTED] In the early morning of Sunday the 15th of December 2019 I was working on the night time noise nuisance service. I received a telephone call at 12.25 am from [REDACTED] regarding a noise nuisance from the Bees Knees [REDACTED] I was in Darwen witnessing another possible noise nuisance at the time. Due to hazardous winter weather conditions I did not arrive at the [REDACTED] until 1.10am. Immediately on my arrival I was able to hear loud music in Bacup Road coming from the inside of the Bees Knees public house. There were also a number of people standing outside the Bees Knees on Bacup Road and Lord Street.

When I entered [REDACTED] loud, electronic music was clearly audible in [REDACTED]

[REDACTED] The origin of the music was the Bees Knees [REDACTED]

[REDACTED] I requested [REDACTED]

signed _____ Date: _____

(_____ being unable to read the above statement).
_____ of _____ read it to him/ her before he/ she signed it.

Dated the _____

Statement of [redacted]
(Continued)

[redacted]

[redacted] I left
at 1.30am and noticed empty glasses [redacted] and
there were still people standing outside the pub despite the freezing weather and sleet.

Signed _____ Date: _____


(_____ being unable to read the above statement).
I _____ of _____ read it to him/ her before he/ she signed it.

Dated the _____

Appendix E

APPENDIX E

Schedule of video clips submitted by Environmental Health

File/Video Name	Evidence number that the video relates to	Date the video was taken	Approximate Time the video was taken	Who took the video
MGD-1	9	4/1/2020	01.03hrs	
MGD-2	9	4/4/2010	01.03hrs	
WA0003 (SR1)	5	17/11/2019	01.19hrs	
SR2 WA0004 (SR2)	5	17/11/2019	01.33hrs	
SR3 WA0005 (SR3)	5	17/11/2019	01.33hrs	
SR4 WA0006 (SR4)	5	17/11/2019	01.33hrs	
SR5 WA0007 (SR5)	5	17/11/2019	01.33hrs	

APPENDIX G .

[REDACTED]

From: Licensing Department
Sent: 17 February 2020 13:22
To: [REDACTED]
Subject: FW: Representation / objection against Bees Knees late licence
Attachments: INFORMATION TO SUPPORT REPRESENTATION.docx; REPRESENTATION FORM.docx

[REDACTED]

From: [REDACTED]
Sent: 17 February 2020 13:05
To: Licensing Department <licensing@rossendalebc.gov.uk> [REDACTED]
Cc: [REDACTED]
Subject: Representation / objection against Bees Knees late licence

Hi

[REDACTED]. Please find my representation form and supporting information attached.

Some of the evidence is videos which are too big to attach to an email so I will drop these off at RBC licensing dept.

Please note, I received a letter last week from the owner of the Bees Knees in which he asked to meet to discuss matters surrounding the review of his license. We have had a positive a constructive meeting. He stated he was unaware of the number of issues nor the extent or severity of the issues. He accepted that these issues all needed to be addressed and stated that he should be given a chance to address them without it affecting his late licence as revocation of the late licence would result in the closure of his business.

I mentioned to [REDACTED] that I want to be a helpful neighbour and hope that they want to be the same. I do not want his business to have to close down. [REDACTED] was confident that he could address all these issues within 3-6 months whilst still maintaining his late licence and asked that he be given the opportunity to do so.

I would support a decision by RBC that would give [REDACTED] 3-6 months to address all the issues mentioned in the attached document without removing his late licence, and if the issues are not resolved in this timeframe then the late licence be removed.

Kind regards,



Consider the environment. Please don't print this email unless you really need to.

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Viruses

Although we have taken steps to ensure this email and attachments are free from any virus, we advise that in keeping with good computing practice the recipient should ensure they are actually virus free.

[REDACTED]
[REDACTED]
Rawtenstall

Lancashire
[REDACTED]

17/2/2020

**RE: REVIEW OF LICENCE HELD BY BEES KNEES, 20 BACUP ROAD, RAWTENSTALL,
BB4 7ND**

To whomever it may concern,

[REDACTED] I have seen the blue sign situated in the window of Bees Knees, 20 Bacup Road, Rawtenstall, BB4 7ND which states that their licence is now being reviewed and that the grounds for the review are "the prevention of public nuisance". I am writing to support either the complete removal of their licence, or at the very least the removal of their late licence. The reasons for this are provided below.

[REDACTED]
[REDACTED]
[REDACTED] A few years ago the Bees Knees opened up. They have a late licence throughout the whole week and stay open until around 2am on a Friday night and Saturday night. This has caused a number of issues over the past 2 years which have now become unbearable for my family. The issues are as follows:

1. How loud the music is

The music is so loud on Friday and Saturday nights that

- [REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- On Friday and Saturday nights we cannot sleep until the music is switched off and all the noise from customers leaving the premises dies down. This is usually after 2am.
- [REDACTED]
[REDACTED]

noise. However, my niece will not sleep alone on the weekends as the shouting and fighting scares her.

2. How late the music plays until

The music is playing until around 2am on Friday nights and Saturday nights. [REDACTED]

[REDACTED] Who does this affect:

- [REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

This is affecting the sleep of the elderly, adults, children, babies and new mums. We have all been badly affected.

3. The noise from the patrons of Bees Knees

The customers of Bess Knees make a lot of noise, especially between 9pm and closing time on the weekends. [REDACTED] The issues we have had:

- The security hired by the Bees Knees allow people to congregate outside at the front and back of the premises during opening hours, especially in the late evening (after 10pm). Many of them are drunk. Many have a drink or cigarette in their hand and stay outside until they have finished it. They are loud, especially when they congregate in large groups.
- At closing time it should be the job of the security hired by the Bees Knees to ensure that all their customers disperse from the area as quickly as possible to reduce the noise levels. They do not do this. Customers stay in the area, make a lot of noise and this wakes neighbours up.
- The security are unable to control the customers, especially when they are drunk and especially when they have move slightly away from the front door where the security men need to stay. We have had customers shouting, crying, swearing, fighting and more. [REDACTED]
[REDACTED]
[REDACTED]

All of this is affecting our sleep and our ability to just live in peace.

4. The violence

The late night licence has brought a number of problems, one of which is increased violence, especially when people are drunk. This violence [REDACTED] on the main road, but even more so [REDACTED] where people can be easily assaulted in the dark (poorly lit) car park. The violence brings with it shouting, screaming, crying, dangerous weapons (such as knives, knuckle dusters, snooker cues, baseball bats).

- We have reported the matter to the police in the past, but nothing has come of it as police resources are stretched. By the time the police arrive an hour later the people have all left. Yet we still live with the consequences.

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]
[REDACTED] As a result she doesn't leave the house after 9pm and makes sure if she is out that she returns by 9pm. [REDACTED]
[REDACTED]

[REDACTED]

5. The racism

With alcohol there is no denying that some people become more vocal and more racist, including those who on a normal day would never be racists. We have suffered this in the past and it has increased as a result of the late licence. More and more drunk people [REDACTED] until the early hours of the morning has caused problems.

- There have been numerous times in the car park [REDACTED] where we have been called [REDACTED] by customers of the Bees Knees. [REDACTED] It gets worse and worse in the late night. It has happened numerous times in front of the kids.
- [REDACTED]
- [REDACTED]
- We are very concerned for the upbringing of the children as they see the racism at first hand in the evenings and ask "why do people not like us?", "do white people not like us?", "are they just like that because they are drunk?". This should not be the upbringing our children are exposed to in this modern day and age. [REDACTED]

6. The drugs

The late night licence has led to an increase in the number of people taking drugs of all sorts around the back [REDACTED] the dark car park. We have seen people injecting drugs, snorting cocaine, inhaling gases from canisters, and more. There are more and more customers of the Bees Knees doing this on the late Friday and Saturday nights.

We have reported the matter to the Police but they do not do anything as by the time they get here the offenders have disappeared. However, yet again we are left with the consequences. Nobody would want to live next to this sort of criminal and unsafe activity,

especially when they have children in the house. How can our children play outside if there are gas canisters and needles in the rear car park, or if people are high on drugs and a danger to themselves and others? It is not a safe or clean environment for a family.

7. The alcohol

- The Bees Knees have repeatedly failed to control their customers taking drinks off site. There are numerous times where drinks are taken off site and customers leave them on our window sill or smash the glass or bottle on the floor around the front and back of our house. [REDACTED]
[REDACTED] My mother has to clean this mess up in the mornings, picking bottles, can and glasses of our windowsill and also brushing up any smashed glass. We should not need to do this. This is now occurring more and more on Friday and Saturday nights when the Bees Knees is open until late.
- The Bees Knees have a back yard where they should be keeping their bins which contain empty alcohol bottles. This is the safest and most hygienic place for them to be kept. However, they repeatedly fail to do this. Their bins are kept either in the rear car park or in the road.
- The Bees Knees also allow these bins to overflow with empty bottles. As a result the bins are open and over-full. This is unsafe, especially when children are around.
- Some of the bottles are smashed on the floor around the bins and this is of an even greater risk, to people (especially children), to cats and dogs in the area, and to cars driving past.

8. The urinating

We have more and more customers of the Bees Knees urinating at the back of the house in the dark car park on the Friday and Saturday nights. [REDACTED]

[REDACTED] We do not have this problem on the other nights.

This is completely unhygienic and unacceptable. [REDACTED]

[REDACTED] She should not need to do this. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

9. The blocking of the road and pavement to the rear of the premises

The Bees Knees have blocked the road and pavement to the rear of the premises with

- 4 large bins situated in the road
- Beer kegs in the road on the pavement
- Barriers in the road and on the pavement

None of these should be here. All are an obstruction. The obstruction has caused a number of issues:

- It is a physical obstruction when you try and drive out of the car park as then bins are the road. There are many times when the exit is blocked and you have use a different exit.
- The blocking of the pavement means pedestrians [REDACTED] [REDACTED] have to walk in the road rather than being able to walk on the pavement. We teach our children about road safety and not to walk in the road; yet they question us about why are making them walk in the road here when they should be walking on the pavement.
- [REDACTED] do they not have all of this in their yard where it should be? It is all permanently kept in the road and on the pavement without any approval from the council.
- [REDACTED] This is made even worse by the fact that when customers of the Bees Knees see bins in the road at the rear of the premises on Friday and Saturday nights they use this as their urinating spot all night, making the area even more unhygienic. Rubbish and filth and attracts more rubbish and filth. It's becoming and urinating, violence and drug hot spot.
- All the above also makes it unsafe for cars, for the public and for children.

I have contacted [REDACTED] the Council about this matter.

10. Damage to cars in the car park

With alcohol comes drunkard behaviour. We have seen drunk customers on Friday and Saturday nights coming into the car park at the rear of the house and damaging cars. It varies from sitting on cars, damaging wing mirrors, knocking into cars while fighting, etc. Again, this is at its worst on Friday and Saturday nights.

11. Taxi drivers

There are taxi drivers all parking up on Bacup Road, not on any designated taxi rank [REDACTED] [REDACTED] waiting for fare. This is causing issues:

- [REDACTED]
[REDACTED]
[REDACTED]
- The drivers are blocking both sides of the road, illegally.
- The customers of the Bees Knees now know that the taxis will come here, to them. So they do not go to the taxi rank. This has become the new taxi rank.
- Many people are now doing a pub crawl on Friday and Saturday nights, starting at the Firepit near Tesco and going to each pub and bar along the way and ending up at the Bees Knees by the end of the night, so all taxis are now congregating here at the end of the night to get their taxi fares. We never used to have this problem when the pub was not open until late on Friday and Saturday nights.

12. Other drivers

The late night customers on Friday and Saturday nights has caused issues with drivers:

- We have other drivers picking people up and dropping them off at the Bees Knees on a late Friday and Saturday night. They are revving their engines which causes a lot of noise.
- We have people abandoning their cars in the car park [REDACTED] whole weekend, [REDACTED] and either parked on the pavement or parked in such a way that it blocks the exit of the car park.

HOW LONG HAS THIS BEEN GOING ON FOR?

We first reported matters relating to the Bees Knees in January 2017 to Rossendale Borough Council. Please see Appendix 1 which is an email sent by my brother [REDACTED] to the council in January 17. In this email he made the council aware of the issues we had started to face due to the Bees Knees, including

- Racial abuse
- Drug taking and drug dealing
- Drunk drivers leaving their cars in the car park to the rear of the house for long periods of time, blocking the car park entrance and exit.
- Damage to his car
- He reported the matters to the Police on 20/12/16.
- He had to speak to the Bees Knees management about the issues. However, they cannot control the actions of drunk customers who leave their premises.

This shows that we have faced these issues since 2016 ever since the late licence was granted. And matters are just get worse and worse, especially on Friday and Saturday nights.

The response from RBC at the time is provided in Appendix 1.

RECENT EVENTS & EVIDENCE FOR THIS CASE

- As all of the above matters are getting worse and worse and I made a formal complaint to Rossendale Borough Council on 16/9/19 about the Bees Knees. The complaint reference number is 2708. Please see Appendix 2 for a copy of the complaint.
- I received a response to my complaint from [REDACTED] on 23/9/19 – please see Appendix 3. In his response [REDACTED] mentioned that the extension to the hours was granted in August 2016 as there was no objections received from residents or responsible authorities.

- In my reply to [REDACTED] (Appendix 4) I mentioned that [REDACTED] time [REDACTED] and therefore raised no objections. [REDACTED] Bees Knees. [REDACTED] application on the council's website. [REDACTED]
- In aim to resolve matters, [REDACTED] stated in his following email (appendix 5) that
 - He will get Environmental health to contact me in relation to the noise issue.
 - He has contacted the Police about the anti social behaviour, drugs etc. (I have heard nothing at all from the Police.)
 - He has arranged a meeting with the licence holder.
 - Action can only be taken by the council if there is sufficient evidence.
- I emailed [REDACTED] on 28/9/19 requesting a face to face meeting to try and resolve matters.
- I received a letter from RBC dated 23/9/19. The letter stated
 - Environmental Health have contacted the licence holder and requested they take action to prevent any contravention of the legislation.
 - I should complete a diary sheet to record the evidence.
 - I can call the weekend time noise service if the noise is too loud
 - I can contact the police on 01282 425001 regarding anti-social behaviour.
- On the Saturday night of 12th October 2019 the noise was bad from the Bees Knees that I took photos and videos of what was happening so that I could provide this to RBC.

Appendix 6 is a video at 1.12 am. This shows

- How loud the music was at that time
- Abandoned vehicle since Friday night outside our house, blocking entrance to our house and blocking my car from exiting the car park
- Green bins blocking the road
- Green bins over flowing
- Rubbish all over the floor
- Blue bins open and overflowing with alcohol bottles
- Taxi rank developing at the side of Bees Knees
- Glass on the floor

Appendix 7 is a video at 1.15am. This shows

- How loud the music is at that time
- Cars honking around the Bees Knees
- Taxis waiting outside our house, on both sides of the road
- Cars revving their engines and loud car exhausts

Appendix 8 is a video at 1.17am. This shows

- A large number of Bees Knees customers congregating and dancing outside, not in the control of the security.
- Security at the front of the premises but no security at the side of the premises where the customers are loitering outside.
- Taxis Stopping wherever they like

Appendix 9 is a video at 1.25am. This shows

- The noise at this time of night.
- More and more people freely congregating outside, not in the control of the security.
- A taxi rank developing in the wrong place

Appendix 10 is a video at 1.26am. This shows

- The noise at this time of night
- Taxis parked outside our house, blocking both sides of the road, with taxi drivers out of their cars just walking around and not bothered that they are (1) blocking the road and (2) parked outside someone's house
- Drunk people in the middle of the road outside our house
- More people congregating outside, not in the control of the security

Appendix 11 is a video at 1.27am. This shows 3 taxis parked in front of our house and talking to each other, now completely blocking the road.

Appendix 12 is a video at 1.29am. This shows more and more taxis using both sides of Bacup road and the street on the side of Bees Knees as a taxi rank when they should not be doing so.

Appendix 13 is a video at 1.34am. This shows

- Bins obstructing the road
- Customer of Bees Knees urinating around the bins / near our house
- People who were dealing and using cocaine – I could not film them doing this for my own safety

Appendix 14 is a video at 1.38am. This shows

- Cars revving their engines outside our house.
- Drunk customers from the Bees Knees sat outside our house smoking weed
- A taxi rank building up on the street to the side of Bees Knees and also parked outside our house
- Customers of the Bees Knees all talking outside the premises. Please note the manager is with them on his mobile phone and the security guards are also there. They have no regard for the noise being made and have not attempted to move the customers either back indoors or away from the area.
- Car horns going off in the early hours of the morning.
- Taxis blocking both sides of Bacup Road.
- The loud noise from the Bees Knees still continuing.

Appendix 15 is a video at 1.40am. This shows

- 4 taxis on the side street now creating their own taxi rank.
- People still congregating outside rather than inside.
- The manager now coming towards me with 2 bouncers to ask why I am filming their premises.

Appendix 16 is a video at 1.54am. This shows how loud the music still is at this time of night.

Appendix 17 is a video at 1.55am. This shows the amount of people hanging around outside the Bees Knees and not being dispersed by the staff.

Appendix 18 is a video at 1.59am. This shows

- The amount people still loitering about in the area and not being dispersed by the security staff.
 - Customers of the Bees Knees urinating around the back near our house.
-
- I submitted all of this as evidence to [REDACTED] in an email dated 13th October – see Appendix 19. In this I have asked some important questions.
 - On 22/10/19 [REDACTED] emailed me (Appendix 20) stating that
 - The out of hours noise team have been on site for the past 3 weekends and have gathered evidence of the noise issues. I hope this evidence can be provided to whoever is now looking into this case and reviewing the late licence.
 - He has issued a Community Protection Warning on the Bees Knees, requiring them to reduce the noise levels. If they fail to do so it will lead to a formal notice being issued.

- On 17/11/19 [REDACTED] due to the excessive noise from the Bees Knees.
 - A gentleman called [REDACTED] He agreed that the music noise levels were a nuisance and unacceptable. He also heard the loud noise coming from Bees Knees customers at the back [REDACTED] the car park. These high noise levels were coming from the Bees Knees despite the fact that they were issued with a Community Protection Warning 1 month prior by [REDACTED]. What [REDACTED] heard was the Bees Knees so called 'reduced' noise levels after the issuing of the Community Protection Warning and even this was deemed a nuisance; so hopefully you can imagine how loud the noise is at its 'usual' level.
 - I emailed [REDACTED] about this on 17/11/19 (Appendix 21) and he informed me the Bees Knees had now been issued their first notice in relation to noise abatement.
- At 1.20am on 15/12/19 I had to call the out of hours noise service again due to the excessive noise from the Bees Knees. The gentleman who attended the house
 - checked the noise levels [REDACTED] [REDACTED] He stated that the noise levels were a nuisance and were at unacceptable levels.
 - Saw drink bottles / glasses from the Bees Knees left on our window sill. He will be able to confirm this.

I emailed [REDACTED] about this – see Appendix 22.

- On 6/12/19 and again on 15/12/19 I emailed the council to question why the Bees Knees are able to block the road with bins and barriers – see Appendix 23. I received an email from [REDACTED] of RBC. He stated that
 - a) I could report the matter to LCC as a highway obstruction. I have done this.
 - b) *“There is also a reasonable expectation that all properties return their bins to their premises where possible after collection (for some properties this is not possible due to access etc) and I believe that the Bees Knees has a storage yard at the rear of their premises specifically designed to enclose and store the bins when they are not due to be collected.
I am able to investigate this matter and will contact the Management of the Bees Knees to request informally that they return their bins to the designated storage point after collection.
If they do not cooperate in this matter a notice will be served which, if not complied with will result in a fixed penalty notice or prosecution.
I will attempt to contact them today in relation to this and send a letter out to them confirming any discussion or request made on our part.”*

I do not know where this is up to as the bins, barriers and beer kegs are still obstructing the road. Has a notice been served upon them for this matter?

- On 28/12/19 I emailed [REDACTED] (Appendix 24) images of the road to the rear of the house. The images show
 - Open and overflowing bins
 - Glass on the floor

- The exit of the car park blocked by metal gates. These remained in place for days

This is not only an obstruction of the road but also a health and safety hazard.

- On 1/1/20 I emailed [REDACTED] (appendix 25) further evidence of
 - The road obstruction by bins
 - The road obstruction by the barriers – these had been left there since Dec 27th and had been blocking the car park exit since then
 - The amount of glass around the bins and the surrounding areas from smashed bottles from the Bees Knees

- On 3/1/20 I emailed [REDACTED] (see Appendix 26) images of the number of smashed bottles in the area and the risk this poses to children of our house as well as the general public.

- On 7/1/20 I received an email from [REDACTED] of RBC (Appendix 27) which stated

Hi just to confirm after the 1st visit the company where given a 7 day warning to take steps to reduce the music.

On the 2nd visit the volume was assessed as still too loud and an abatement notice was then served.

A 3rd visit to your property is now necessary to witness a breach of the noise abatement notice if the music noise is continuing.

- On 9/1/20 I received an email from [REDACTED] of RBC (Appendix 28) stating

We have received further evidence and videos of the excessive noise from the out of hours noise service at the weekend who did a pro-active visit and we have enough evidence now to proceed to a review of the licence.

- On 26/1/20 I emailed [REDACTED] images of the kegs which also now block not only the road but also the pavement (Appendix 29).

- On 3/2/20 I emailed [REDACTED] an image of a broken snooker cue which has been left by Bees Knees staff next to the bins (Appendix 30). To leave this potential weapon outside a pub full of drunk people on a Saturday night is completely irresponsible. It was used in a fight at the rear of the building on the weekend.

I feel that all the evidence provided is relevant to all 4 licencing objectives. The information I have provided is clearly "evidence based" via the Appendices provided, as requested by RBC. There is also a clear causal link between the representations I have made in this document and the 4 licencing objectives.

IMPORTANT, PLEASE NOTE:

I have since received a letter from the owner of the Bees Knees in which he asked to meet to discuss matters. We have had a positive a constructive meeting. He stated he was unaware of the number of issues nor the extent or severity of the issues. He accepted that these issues all needed to be addressed and stated that he should be given a chance to address them without it affecting his late licence as revocation of the late licence would result in the closure of his business.

I mentioned to [REDACTED] that I want to be a helpful neighbour and hope that they want to be the same. I do not want his business to have to close down. [REDACTED] was confident that he could address all these issues within 3-6 months whilst still maintaining his late licence and asked that he be given the opportunity to do so. I would support a decision by RBC that would give [REDACTED] 3-6 months to address all the issues mentioned in this document without removing his late licence, and if the issues are not resolved in this timeframe then the late licence be removed.

Licensing Act 2003
Representation (Objection Form)

I object to the following application:

Section 1 – Premises Details

Name of Premises Bees Knees
Name of applicant [REDACTED]
Address of Premises 20 Bacup Road, Rawtenstall, BB4 7ND
What is the application you oppose The late licence held by the Bees Knees, particularly on Friday night and Saturday night. Removal of this would assist in meeting all 4 licencing objectives: <ul style="list-style-type: none"> 1. The prevention of crime and disorder 2. The prevention of public nuisance 3. Public Safety 4. The protection of children from harm

Section 2 – Objector’s Details

Title: [REDACTED]
Surname: [REDACTED]
First Names: [REDACTED]
Address: [REDACTED]
Email:* [REDACTED] <i>*By providing an email address, you consent to receiving notices and correspondence in this regard by return email.</i>
Daytime phone number: [REDACTED] <i>(This is essential as we may need to contact you at short notice)</i>

If you are representing residents or businesses, please complete the boxes below and attach any additional sheets showing the details of those you have been requested to represent and authority to do so.

Organisation name (if applicable): N/A
Nature of representation, for example, Resident’s Association, Ward Councillor etc: [REDACTED]

Section 3 – Representation Details

Which of the four licensing objectives does your representation relate to? (Tick as appropriate)	✓	Please state your representation here. Use separate sheets if necessary.
--------------------------------------------------------------------------------------------------	---	--------------------------------------------------------------------------

Prevention of crime and disorder	x	
Prevention of public nuisance	x	This is the main licencing objective that my representation relates to. However, it does also relate to the other three objectives as well. Please see attached sheet for further information and evidence.
Public Safety	X	
Protection of children from harm	x	

Use this space to provide further information in support of your representation or to explain any supporting documentation you have provided with this representation:

There is not enough space here for the information I need to provide. Please see attached sheet for further information

Please tick as appropriate:

<input type="checkbox"/>	I object to the application being granted at all
x	I object to the application being granted in its current form

Are there any changes the applicant could take which would alleviate your concerns detailed above?
 YES NO

If yes, please give details below (use separate sheets if necessary):

To address all the concerns mentioned in the attached sheet, which I feel are occurring as a result of the late licence. I have spoken with the owner and he has assured me he can address all of these concerns within 3-6 months whilst still maintaining his late licence. If he is not able to address ALL concerns satisfactorily in this time frame then I feel it would be fair and reasonable towards residents that the late licence be removed from the premises.

Determination hearings are held on weekdays during normal business hours. If your representation is deemed relevant in whole or part, would you want to attend the hearing?

YES NO

If no, please say why:

Section 4 – Declarations

I am aware that a full copy of my representation (including my name and address) will be sent to the applicant and will form part of a public document prior to any hearing on this matter.	x <input type="checkbox"/>
I declare that all information contained within this form is correct and true to my knowledge.	x <input type="checkbox"/>
By providing an email address, I consent to receiving notices and correspondence about this matter by return email.	x <input type="checkbox"/>

Signature: [REDACTED] _____

Date: 17/2/20 _____

Once complete, this form should be returned to the Licensing department by email to licensing@rossendalebc.gov.uk or by post or personal service to the Council offices. You must ensure that the representation is received within the statutory objection period as late representations cannot be considered.

