

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

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.

I Lorna Robinson

(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 Roebuck Inn 482 Burnley Road East Waterfoot	
Post town Rossendale	Post code (if known) BB4 9JR

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

Number of premises licence or club premises certificate (if known)

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)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environmental Health Futures Park Bacup OL13 0BB
Telephone number (if any) 01706 217777 option 5
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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

This review is being requested due to ongoing evidence which undermines the prevention of public nuisance and prevention of crime and disorder objectives

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

The Roebuck Inn is a pub located in a quiet area of Waterfoot surrounded by residential property (see appendix 1) for a photograph of the pub and for a site plan showing its close proximity to residential property and the extent of the outdoor area (see appendix 2).

Environmental Health received noise complaints starting in 4th August 2020 in relation to loud music being played until 1am and the resident reported constantly being woken up to screams at 2am from people leaving the establishment.

We contacted the pub and explained to Marie Burke, the designated premises supervisor, that they need to minimise public nuisance.

A further complaint was received on 11th August 2020 in relation to loud music, live bands and karaoke from the beer garden.

Two further complaints were received on 17th August 2020 in relation to large groups of people congregating outside the pub making a lot of noise until 02.30hrs and a neighbour unable to sit in the garden or even inside due to the noise.

On 1st September 2020 another complaint was made in relation to loud outdoor music on Sunday afternoons.

These issues were reported, along with other covid offence allegations, which were dealt with by Covid Enforcement Officers.

On 14th May 2021 a complaint was received about speakers outside/loud shouting arising from pub.

On 22nd May 2021 an officer from the out of hours noise service attended the site and observed parties/DJs/ speakers in the back yard which could be heard inside a nearby residential property (see appendix 3).

On 19th June 2021 another call was made to the out of hours noise service reporting a loud live band had started at 20.00hrs and were performing in the beer garden.

On 2nd July 2021 an proactive visit was made to the Roebuck Inn by the out of hours noise service who noted the following:

Patrons could be heard periodically to the rear of the premises but more so at the front, levels of raised voices noticeable, no evidence of management. Four males were noticed sniffing substance at 21.50hrs at the side of the building that the officer suspected as drug use (see appendix 4).

On 11th September 2021 an out of hours noise officer visited the premises between 23.26hrs and 23.55hrs and on arrival could hear approximately 150 feet up the main road he could clearly hear an Oasis song being played. He noticed the front door and the internal door were wide open (see report and photograph in appendix 5).

A letter was sent to the pub on 14th September 2021 (see appendix 6) stating the noise level witnessed was clearly unacceptable and asking that they keep the music to a level so as not to cause public nuisance to prevent formal action being taken and/or review of the premises licence.

On 9th October 2021 an out of hours noise officer visited a complainant's property at 21.55hrs and noted that she could hear loud music and bass over the complainant's tv, which was on at a reasonable volume.

The officer went upstairs to a bedroom and could hear the tune of music and bass and the occupiers were clearly disturbed by the music. She could hear patrons in the beer garden shouting and talking loudly. At one point she could hear a man speaking through a microphone. In her opinion it was a public and statutory nuisance (see appendix 7) .

On leaving at 22.15hrs she noticed the doors to the pub were open.

CCTV is available showing four Police vehicles on site at 00.13hrs.

A noise abatement notice was served by and on the Roebuck Inn on 15th October 2021 (see appendix 8) requiring them to abate the loud music with immediate effect.

A guidance document from the British Beer and Pub Association titled 'Effective management of noise from licensed premises' was also included with the noise abatement notice.

The council received a letter from the Roebuck Inn dated 26th October 2021 in response to the abatement notice (see appendix 9)

On 31st October 2021 the council received a complaint about people coming out of the pub at 01.30hrs fighting and creating noise/public nuisance in the street disturbing the resident. Police were called and CCTV evidence is available.

On 3rd December 2021 an officer from the out of hours noise service responded to a complaint about loud amplified music and between 23.35hrs to 00.03hrs attended site and reported that music was audible from the Roebuck Inn from inside his car parked on the opposite side of the road to the pub and he noticed the front door was open (see appendix 10).

On entering the complainant's home the noise from the amplified/live music was audible inside the property at a level that would constitute a public and statutory nuisance.

There is CCTV evidence at 02.09hrs of a fight in the street between patrons of the pub.

On 22nd January 2022 an officer from the out of hours noise service responded to another complaint about loud music and visited a neighbouring property. She visited site at 23.59hrs and witnessed karaoke from the Roebuck Inn audible on the street. Inside the property she could hear the words being sung and the tune of the song within a bedroom and deemed it unacceptable to hear music and lyrics from a pub (see appendix 11)

On 19th February 2022 an officer from the Out of Hours Noise Service did a drive by the Roebuck at 23.30hrs following a call from a neighbour about loud music again. Loud music from the pub could be heard where he was parked (see appendix 12)

The circumstances outlined above constitute evidence of a breach of the abatement notice. The council will now start a prosecution file for breach of the abatement notice and it has also resulted in the review of the premises licence due to sustained and prolonged evidence of public nuisance, loud music and noise arising from the pub.

All the instances of noise recorded have had a detrimental effect on the neighbourhood and clearly undermine the licensing objective of reducing public nuisance.

This is not only in relation to music on the premises, but because of the impact of persons leaving the premises late at night and early in the morning; customers spilling out and congregating outside the pub and neighbouring properties. Evidence of suspected drug use, witnessed by the out of hours officer by customers of the pub undermine the licensing objective of reducing crime and disorder. Failure to adequately respond to the Noise Abatement Notice and deal with issues outlined shows a lack of managerial control, and suggests that the present Designated Premises Supervisor is failing in her duty to uphold the licensing objectives.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

N/A

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

[Redacted Signature]

Date 28/2/2022

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)

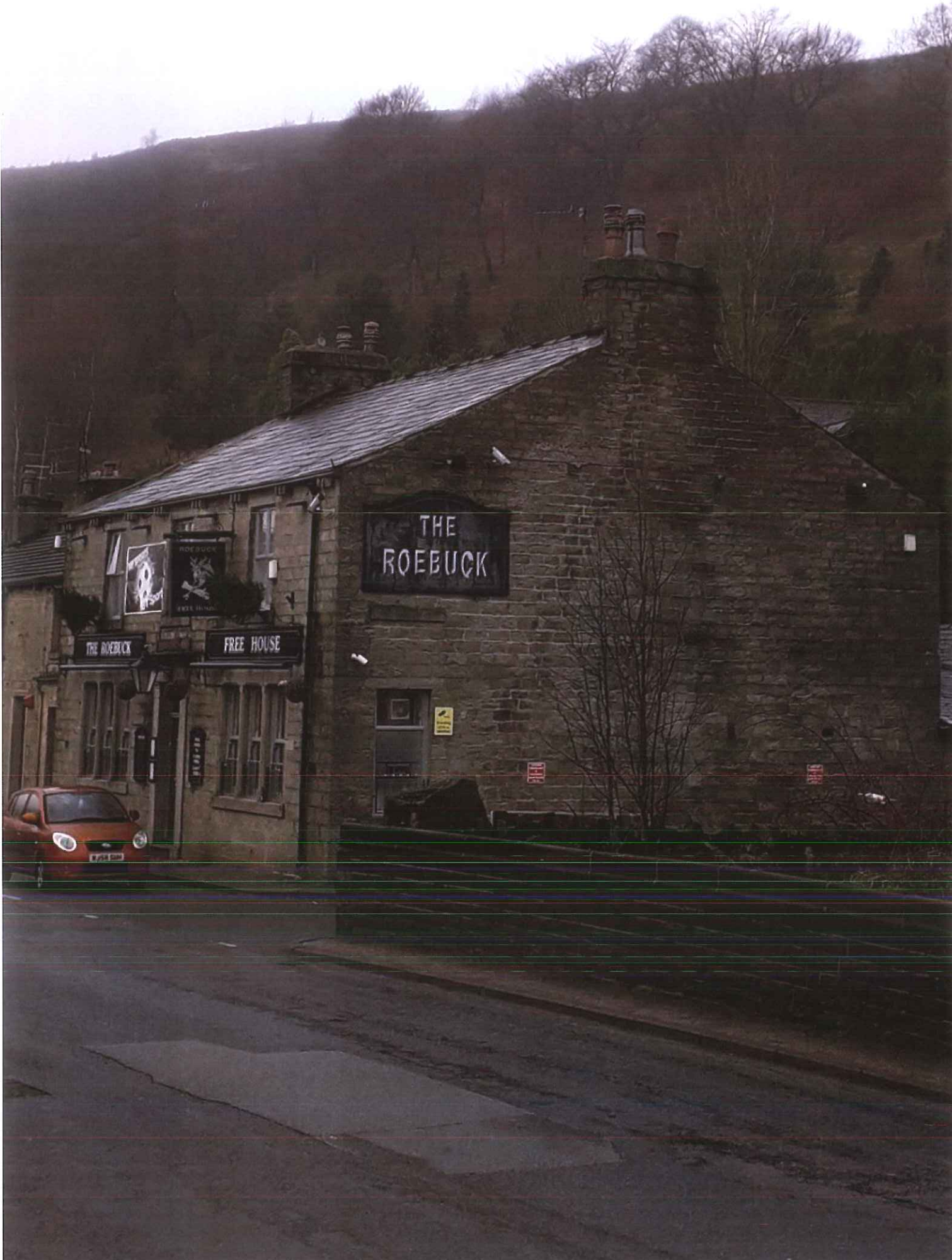
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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.

Appendix 1

Photograph of the Roebuck



THE
ROEBUCK

THE ROEBUCK

FREE HOUSE



Appendix 2

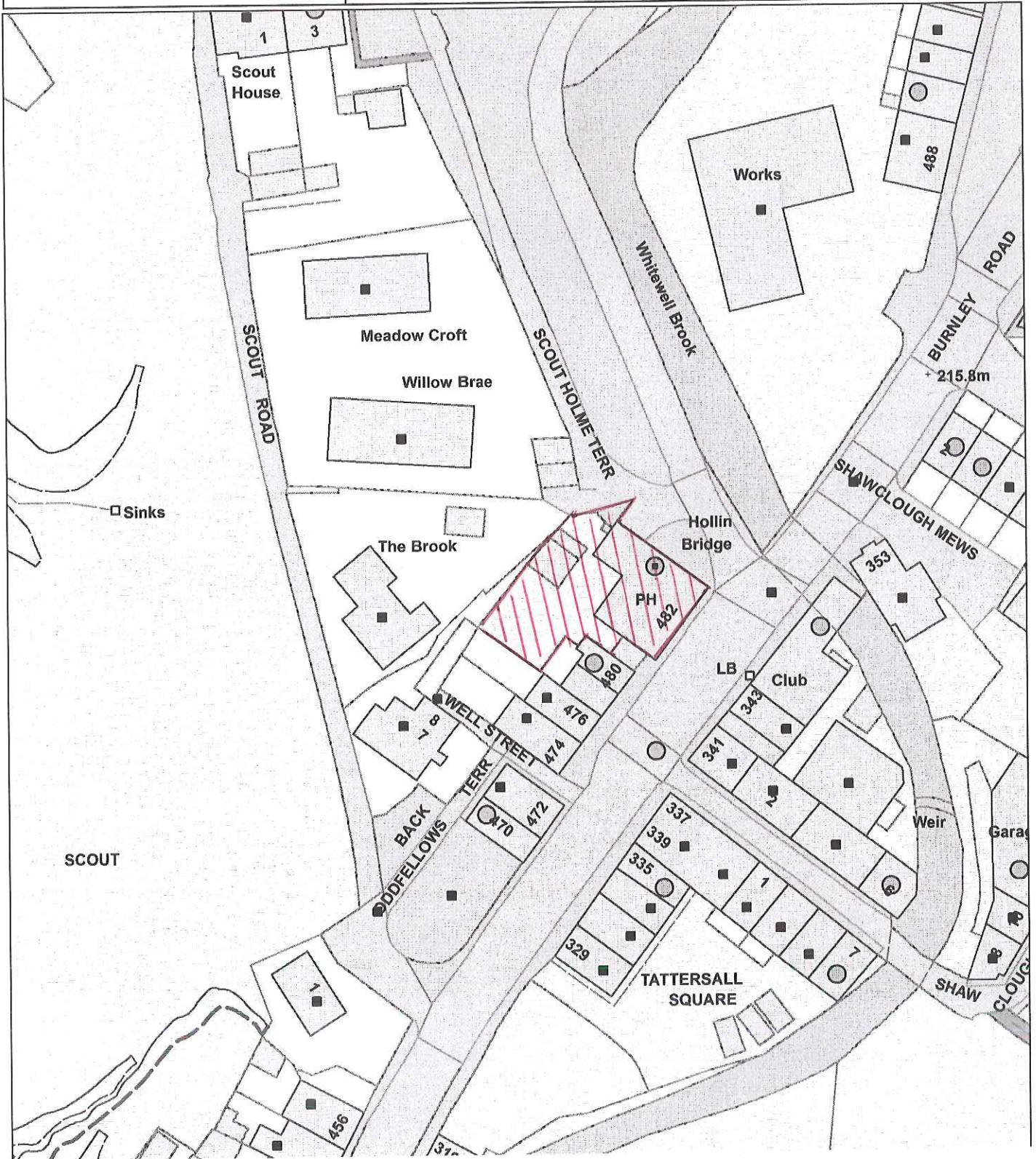
Location plan of the Roebuck pub showing its proximity to surrounding residential property

Scale 1:803

Roebuck

10/12/21
Date

Proximity to residential property



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Appendix 3

Out of hours noise service officer report dated 22nd May 2021

Night-Time Noise Service Response Sheet

Date:

22.5.21

Time call received:
(24 hour clock)

8.10pm

Officer:



Nature of noise (music, barking, etc):

MUSIC

Is noise happening now? YES NO

Proactive? YES NO

Complainant's name:

Address:

Postcode:

Phone no:

Council (circle):

Hyndburn

Pendle

Burnley

Blackburn

Rossendale

Offending address:

pub.

Is complaint:

OPEN

CLOSED

NEW

Flare ref:

Caution?

/

Visit made?

YES NO


Arrival time:

Brief observations (to be backed-up by notebook entries, statement, etc):

price notes. Happening everyday this week parties / DJ's / speakers in back yard (observed) Hearing noise in house I was told on phone. He claimed it starts about 3pm & finishes between 11pm/2am. I asked them to carry on making notes throughout the week as I wasn't there during the week to observe. [redacted] told me he needed some diary sheets.

Appendix 4

Out of hours noise service officer report dated 2nd July 2021

Night-Time Noise Service Response Sheet		
Date: 2/7/21	Time call received: (24 hour clock) 21.35	Officer: 
Nature of noise (music, barking, etc): Noise, odours		
Is noise happening now? YES / <input checked="" type="radio"/> NO	Proactive? <input checked="" type="radio"/> YES / NO	
Complainant's name: Address: Postcode: Phone no:		
Request to visit proactive		
Council (circle):	Hyndburn	Pendle
	Burnley	Blackburn
		<input checked="" type="radio"/> Rossendale
Offending address: The Roebuck Pub.		
Is complaint:	OPEN	CLOSED
		<input checked="" type="radio"/> NEW
Flare ref:		
Caution?		
Visit made?	<input checked="" type="radio"/> YES / NO	Arrival time: 21.35 - 22.00
Brief observations (to be backed-up by notebook entries, statement, etc): <p>Visit to the Roebuck pub 482 Burnley Road East, Watford, Rossendale. Patrons could be heard periodically to the rear but more so at the front in my opinion not excessive but as a quiet area then probably more noticeable with no background traffic noise less at night. There was levels of raised voices noticeable. No evidence of management. I did notice 4 kids smoking Sub Stone at 21.50 at the side of the building that I suspect was drug use.</p>		

Appendix 5

Out of hours noise service officer report dated 11th September 2021

Date

11/9/2021

Time call received
(24 hour clock)

Officer



Nature of noise (music, barking, etc)

Proactive Visit The Rose Bush Inn

Is noise happening now? YES / NO

Proactive? YES / NO

Complainant's name:

Address:

Postcode:

Phone no:

Council (circle): Hyndburn

Pendle

Burnley

Blackburn

Rossendale

Proactive Visit

482 Burnley Road East,

Rawstall BB4 6AF

Offending address:

The Rose Bush Inn

Is complaint:

OPEN

CLOSED

NEW

Flare ref:

Caution?

Visit made?

YES / NO

Arrival time:

23:26 - 23:55

Brief observations (to be backed-up by notebook entries, statement, etc):

Visit to the Rose Bush inn. On arrival music could be heard approx 150 feet up the main road. I could clearly hear Oasis song being played + song "Don't look back in anger". I noticed that the front door and the internal door were both open. I left site at 23:55 and the doors were still open. I took a photo per SR1 on leaving I could hear a Whitney song "I will always love you" playing - Good

HEBUCK

ST SPORTS

WHAT'S ON
LIVE
MUSIC

Special
Offers
2-3pm
FREE
Traditional
PUB



Appendix 6

Warning letter sent to the Roebuck Inn dated 14th September 2021

Communities Directorate

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

The DPS
Roe Buck Inn
482 Burnley Road East
Waterfoot
Rossendale
Lancashire
BB4 9JR

This matter is being dealt with by:
Name: Mrs Lorna Robinson
Telephone: 01706 252564
Email: lornarobinson@rossendalebc.gov.uk
Our Ref:21/01697/EHN25

Date: 14.09.2021

COPY

COPY

Dear Sir/Madam,

**Re: Loud music arising from the Roe Buck Inn
Environmental Protection Act 1990 s79
Clean Neighbourhoods and Environment Act 2005**

We write to inform you that between 23.26hrs and 23.55hrs on 11th September 2021 audible loud music was witnessed on Burnley Road outside residential property and the source was the Roe Buck Inn.

The Out of Hours Officer who assessed it could clearly hear the lyrics to the songs approximately 150feet away on the main road. It was clearly audible and very loud. The front door and the internal doors where wide open.

This is clearly not acceptable.

You were contacted previously explaining noise complaints had been received and strongly advised of the need to keep the music level to a level so as not to cause nuisance to neighbours.

We are deferring service of an abatement notice for 7 days to give you the opportunity to lower the volume of the music and keep the front door closed.

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

We hope that you will take the necessary steps to reduce the loud music and that a review of your premises licence will not be necessary.

"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

Yours sincerely,



Mrs Lorna Robinson
Senior Environmental Health Officer

*"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

Appendix 7

Out of Hours officer report dated 9th October 2021

From: [REDACTED]
Sent: 11 October 2021 09:45
To: Envhealth
Subject: NN 9TH October 2021 Saturday only
Attachments: 2325_001.pdf

Categories: [REDACTED]

Hi Team,

On Saturday 9th October 2021 I visited [REDACTED] in relation to The Roebuck Pub, Burnley Road East, Waterfoot. I visited at 9.55hrs I could hear loud music and bass over the complainants tv which was at a reasonable listening volume. I went in the upstairs rear bedroom and could hear music and bass. I couldn't hear any lyrics but could hear the tune of music and bass. I noted that [REDACTED] clearly disturbed by the music. I could also hear patrons in the beer garden shouting and talking loudly. The music and bass were at a level that could be heard inside the complainants premises. At one point of the visit I could hear a man speaking through a microphone. In my opinion it was a statutory nuisance. I left at 10.15hrs. I noted that the front doors to the public house were open. The music and bass was loud on the street.

Subject:
I also spoke to a [REDACTED] also wishes to make a complaint about the Roebuck, Please can you instigate an investigation on her behalf.

Categories:
Best Wishes,

Clare

Night-Time Noise Service Response Sheet		
Date: 9/10/21	Time call received: (24 hour clock) 21.18hrs	Officer: CB
Nature of noise (music, barking, etc): Loud music		
Is noise happening now? <input checked="" type="radio"/> YES <input type="radio"/> NO	Proactive? YES / NO <input checked="" type="radio"/>	
Complainant's name: Address: Postcode: Phone no:		
Council (circle): Hynodurn Pendle Burnley Blackburn Rossendale		
Offending address: Roebuck, Bunby Road, Waterfoot		
Is complaint: OPEN <input checked="" type="checkbox"/> CLOSED NEW	Flare ref:	
Caution?		
Visit made? <input checked="" type="radio"/> YES / <input type="radio"/> NO	Arrival time: 9.50hrs	
Brief observations (to be backed-up by notebook entries, statement, etc): visited at 9.55hrs - Loud music + bass audiable inside bedroom. stat nuisance witnessed.		

Appendix 8

Noise abatement notice dated 15th October 2021

Rossendale

BOROUGH COUNCIL

Communities Directorate

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

Marie Burke
Roe Buck Inn
482 Burnley Road East
Waterfoot
Rossendale
BB4 9JR

This matter is being dealt with by:
Name: Mrs Lorna Robinson
Telephone: 01706 252564
Email: lornarobinson@rossendalebc.gov.uk
Our Ref: 21/00048/EPA80

Date: 15.10.2021

COPY

Dear Ms Burke ,

Environmental Protection Act 1990

Re: Loud music arising from the Roe Buck Inn, 482 Burnley Road East

* 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 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 faithfully,

A solid black rectangular box redacting the signature of Mrs Lorna Robinson.

Mrs Lorna Robinson
Senior Environmental Health Officer

Rossendale

BOROUGH COUNCIL

ENVIRONMENTAL PROTECTION ACT 1990

Section 80

Abatement Notice in respect of Statutory Nuisance

To Marie Burke

Of The Roe Buck Inn, 482 Burnley Road Waterfoot Rossendale BB4 9JR

Notice number: 21/00048/EPA80

COPY

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

Roe Buck Inn, 482 Burnley Road East, Waterfoot, Rossendale, Lancashire BB4 9JR

within the district of the Council arising from † loud 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 loud music arising from the premises

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.

(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

(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

Appendix 9

Response letter from the Roebuck Inn dated 26th October 2021

Roebuck Inn,
482 Burnley Road East
Waterfoot
Rossendale

BB4 9JR

26/OCT/2021.

Appeal regarding the Abatement Notice (REF: 21/00048/EPA80)

In response to the Abatement Notice in respect of Statutory Nuisance

The Roebuck public house is a central point for the local community, most of our customers live within half mile radius of the pub. The Roebuck performs an important part of local social cohesion and allows local people to meet up in a warm and friendly environment. It is also where local charities hold fund raising events and again giving cohesion to the local community.

With this in mind is it essential that the Roebuck continues as a public house and also continues as a focal point for the local community.

Having live music at the Roebuck is an essential part in keeping the Roebuck open, indeed without live music the roebuck would probably have to close. Live music generates the income that keeps the Roebuck open in quieter times particularly during the week.

The Complainants have been making complaints for at least 5 years to my knowledge regarding noise.

Prior to taking over the Roebuck the previous tenants received complaints from the same person over the 3 years that they were in the Roebuck and now exactly the same thing is happening to us.

We have made every effort (detailed below) to minimise the Noise levels but I cannot envisage anything that we do would stop the complaints, other than shutting the Roebuck.

Since complaints regarding noise we have made strenuous efforts at the Roebuck to lessen the noise levels that can impact on our neighbours.

Since the complaints we have made several changes in order to reduce the noise levels which emanate from the Roebuck. We also have several changes in the near future that we also intend to implement.

Changes already made.

- All artists now are only allowed to use one speaker when performing.
- The speaker is directed away from the windows.
- We have removed all door attachments so that the doors cannot be propped open
- Windows and doors are kept closed when artist is performing.
- When leaving customers who are waiting for a taxi are asked to remain inside until their taxi arrives, thus illuminating gatherings outside the Roebuck.
- Customers not waiting for a taxi are asked to leave quietly, respect our neighbours and disperse and not remain near the Roebuck.

Changes we intend to introduce:

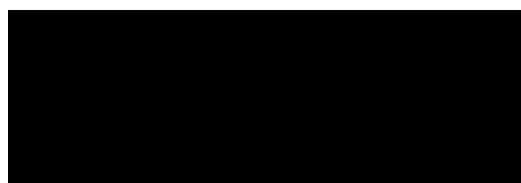
- We are currently in discussion with the landlord of the Roebuck in order to see what type of glazing would reduce the noise most effectively, once these discussions are completed the work will be done.
- We intend to introduce decibel readings when the artist and make regular recordings of those readings, this will also ensure that the music does not go above the current advisory levels of 34 dBA (decibels adjusted)
- We are also introducing a 'walk round noise level assessment' which will involve a member of staff walking the perimeter of the Roebuck when music is playing in order to assess the level of noise coming from the building.

In conclusion, we feel that it is unfair and unreasonable to serve the Roebuck with an Abatement notice as we are trying to do everything possible in order to reduce the noise levels coming from the Roebuck.

Yours sincerely

Marie Burke

If there is any thing you could suggest that could help us it would be gratefully appreciated
Thank you



Appendix 10

Out of Hours noise service officer report dated 3rd December 2021

Night-Time Noise Service Response Sheet

Date: 3-12-21

Time call received: 22:57
(24 hour clock)



Nature of noise (music, barking, etc): Live/amplified music

Is noise happening now? **YES / NO**

Proactive? **YES / NO**

Complainant's name

Address:

Postcode:

Phone no:

Council (circle): Hyndburn Pendle Burnley Blackburn **Rossendale**

Offending address: Roe Buck Inn, 482 Burnley Road East, , Waterfoot, Rossendale, BB4 9JR

Is complaint: **OPEN** CLOSED NEW

Flare ref: 21/01697/EHN25

Caution?

Visit made? **YES / NO**

Arrival time: left at

Brief observations (to be backed-up by notebook entries, statement, etc.): [REDACTED] contacted the NN service to inform me that the Roe Buck noise from live music was audible and excessively loud from within his property.

I advised that as we had received a similar complaint from one of his neighbours and that I would call round to visit to undertake monitoring from within their property following visiting their neighbours [REDACTED] informed me that this was not possible as he had Covid-19 and I therefore advised that we record that he has called the night noise service.

Monitoring of the music was undertaken at [REDACTED] from the neighbouring property from which a complaint had been received- see other report.

Night-Time Noise Service Response Sheet

Date: 3-12-21

Time call received: 22:36
(24 hour clock)

Nature of noise (music, barking, etc): Live/amplified music

Is noise happening now? **YES / NO**

Proactive? **YES / NO**

Complainant's name

Address

Postcode

Phone no

Council (circle): Hyndburn Pendle Burnley Blackburn **Rossendale**

Offending address: Roe Buck Inn, 482 Burnley Road East, Waterfoot, BB4 9JR

Is complaint: **OPEN** **CLOSED** **NEW**

Flare ref:

Caution?

Visit made? **YES / NO**

Arrival time: 23:35 left at 00:03

Brief observations (to be backed-up by notebook entries, statement, etc.): Music was audible from Roe Buck from inside my car parked on the opposite side of the road to the pub. On walking past the pub I noticed that the front door was open to the Roe Buck.

On entering into the complainant's home the noise from amplified/live music was audible from within the complainant's kitchen. Within a couple of minutes of being within the complainant's property the music had stopped, with me only hearing it within the kitchen. Due to the timely stop I was unable to hear the music in any other occupied room. During the brief spell of witnessing the noise the base as well as guitars could be heard within the complainant's kitchen. But on the balance of probabilities if the noise had been heard over a longer duration I would have to say that it would most likely constitute to both a public and statutory noise nuisance.

Apparently, according to the complainant the live set started at 21:00 that evening.

The impact on the noise from the music is that the complainant's

Appendix 11

Out of Hours noise service officer report dated 22nd January 2022

Night-Time Noise Service Response Sheet

Date:
22/1/22

Time call received:
(24 hour clock) 2257hrs

Nature of noise (music, barking, etc):

Loud Music

Is noise happening now? YES / NO

Proactive? YES / NO

Complainant's name

Address:

Postcode:

Phone no:

Council (circle): Hyndburn Pendle Burnley **Blackburn** Rossendale

Offending address: Roebuck, Burnley Road East

Is complaint: OPEN CLOSED NEW

Flare ref:

Caution?

Visit made? YES / NO

Arrival time: 23.29hrs

Brief observations (to be backed-up by notebook entries, statement, etc):

Arrived and could hear karaoke at the Roebuck. Audible on the street. Entered complainants and was advised issue is mainly in upstairs [redacted] bedroom. Initially no noise but then Karaoke started up could hear words being sung and the tune of a song. No specific lyrics. Noted music was audible at the rear of the pub in the bedroom. Unacceptable to hear music and lyrics from a pub [redacted] Windows of comp closed. Stat nuisance witnessed.

Appendix 12

Out of Hours Noise Service officer report dated 19th February 2022

Night-Time Noise Service Response Sheet

Date: 19 TH Feb 2022	Time call received: (24 hour clock) 22.30hrs	<div style="background-color: black; width: 100%; height: 20px;"></div>
Nature of noise (music, barking, etc): Loud music		
Is noise happening now? YES / NO		Proactive? YES / NO
Complainant's name: Address: Postcode: Phone no:		
Council (circle): Hynaburn Penrith Burnley Blackburn Rosendale		
Offending address: The Roebuck Pub, Waterfoot		
Is complaint: OPEN CLOSED NEW		
Flare ref:		
Caution?		
Visit made? YES / NO		Arrival time: 11.30pm
Brief observations (to be backed-up by notebook entries, statement, etc): Comp advised ██████ was unwell for me to visit but I carried out a proactive visit due to ongoing enforcement action re licence review. I drove past and could hear loud music from the public house from where I was parked. The music was a music track and not karaoke. It was more audible when front door was opened. I couldn't observe if the music was a statutory nuisance as I didn't have access to inside the complainants property but was aware that music could be heard in the vicinity.		