

MAIDSTONE BOROUGH COUNCIL

**ECONOMIC AND COMMERCIAL DEVELOPMENT OVERVIEW AND
SCRUTINY COMMITTEE**

TUESDAY 27 JANUARY 2015

REPORT OF RESEARCH AND PERFORMANCE OFFICER

Report prepared by Sam Bailey

1. THE NIGHT TIME ECONOMY: USE OF OUTSIDE PA SYSTEMS

1.1 Issue for Consideration

1.1.1 To consider the issues relating to the use of outside PA systems by Night Time Economy venues.

1.1.2 To make recommendations that may feed into the Town Centre Visioning exercise, due to be carried out by the Economic Development Team this year.

1.2 Recommendation of the Research and Performance Officer

1.2.1 That the committee notes the information provided by witnesses and officers, and makes recommendations as appropriate.

1.3 Reasons for Recommendation

1.3.1 The Chairman of the committee was contacted by a representative of the Night Time Economy Forum as Forum members had concerns regarding the council's actions in relation to outside PA systems.

1.3.2 Many venues in the Night Time Economy use PA systems that play music outside the front of their venues. This is in order to create atmosphere in the town centre in the evening, give passing trade an idea of the music offer inside and to entertain anyone who may be queueing to enter a venue or smoking outside. This music is kept at a low level- quiet enough to hear conversation.

1.3.3 One venue in particular has recently had enforcement action taken to prevent it from using their outside PA system at the front of their venue, due to the impact on local residents. The Night Time Economy Forum accept that this individual issue is something that needs to be resolved between the premises owner and the council's Environmental

Enforcement team. However members of the forum are concerned that similar action may now be taken for other premises, and that this would cause harm to the Night Time Economy.

- 1.3.4 Whilst it is **NOT** within the committee's remit to discuss individual enforcement cases; the wider issue of how to balance the needs of businesses within the Night Time Economy and residents who live in the town center is worthy of consideration. Any recommendations made on this wider subject could be sent to the Economic Development Team for their consideration when they undertake the Town Centre Visioning exercise later on in the year.
- 1.3.5 It would be helpful to address the specific issue of outside PA systems used by Night Time Economy venues. It would be helpful for all parties involved if the Committee were able to make recommendations on this subject that may help businesses in the Night Time Economy, whilst at the same time showing consideration for residents in the town centre.
- 1.3.6 However the committee may be limited in the recommendations it can make. This is because the council has a statutory duty to investigate complaints about noise. These investigations are carried out by Environmental Enforcement officers. Using their experience, training and relevant case law, the officers assess whether the noise is an unreasonable interference with someone's enjoyment of their property. With noise generated from the night time economy this is generally whether or not the noise is likely to interfere with sleep. Where an authority is satisfied a nuisance exists they **must** serve an abatement notice requiring the nuisance to stop.
- 1.3.7 The Environmental Enforcement Team work with premises in the town centre to help them manage their own noise. This is carried out under the CAREs scheme. An explanatory leaflet about the scheme is attached in **Appendix A**.

1.4 Alternative Action and why not Recommended

- 1.4.1 The committee could choose not to consider this subject. However if this was the case an important issue for businesses and residents in the town centre would not be discussed and recommendations to improve the situation might not be made.

1.5 Impact on Corporate Objectives

- 1.5.1 'For Maidstone to have a growing economy' and 'For Maidstone to be a decent place to live'. Ensuring that the needs of residents and businesses are managed in a mutually beneficial manner will help to contribute to both of these objectives.

1.6 Other Implications

1.6.1

1. Financial
2. Staffing
3. Legal
4. Equality Impact Needs Assessment
5. Environmental/Sustainable Development
6. Community Safety
7. Human Rights Act
8. Procurement
9. Asset Management

1.6.2 None

1.7 Relevant Documents

1.7.1 Appendices

Appendix A: CAREs Scheme Information Booklet

1.7.2 Background Documents

None

IS THIS A KEY DECISION REPORT?

THIS BOX MUST BE COMPLETED

Yes

No

If yes, this is a Key Decision because:

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Wards/Parishes affected:

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