

**Rt Hon Don Foster MP**  
**House of Commons**  
**London SW1A 0AA**

**1 December 2011**

**Dear Don,**

## **LIVE MUSIC BILL**

The National Organisation of Residents' Associations, of which FoBRA is an active member, has alerted us that you are taking the Live Music Bill through the House of Commons. Residents in Bath and elsewhere have serious concerns about the impact of this measure, which seems likely to increase disturbance to them in the evenings, with minimal benefits to other people.

As you know, FoBRA represents residents' groups throughout Bath. We have 25 traditional residents' associations in our membership, together with the student unions at the two universities, the Bath Bus Users' Group and the Bath Independent Guest House Association. We have a wide and diverse membership, and are the principal representative voice for residents in Bath.

We are very concerned that the Bill will undermine conditions designed to reduce noise pollution from premises licensed to sell alcohol. There are clusters of licensed premises in certain quarters of the city, such as George Street and Manvers Street, which are very close to residential premises. One of the great things about this city is that large numbers of residents still live in the centre – around 10,000 in Abbey and Kingsmead, the two central wards. These people's lives are already subject to disruption from licensed premises and their clientele, and we are strongly opposed to measures of deregulation which could make the present situation worse. Most working adults and the elderly retire not long after 22.00 hours, but small children are put to bed from 19.00 hours. It is unacceptable that more noise should be allowed during the period when people are trying to get to sleep.

The Bill relies heavily on a cut-off of 200 patrons, as if implying that a function with such a number is unlikely to cause a problem. We believe that this is completely misguided. Most premises in the hotspots in Bath have a lower capacity than this, but have great potential to disturb nearby residents if not properly controlled. Most licensed premises in Bath have licence conditions relating to noise i.e. closed windows, noise limiters etc. The Bill would remove these conditions unless residents had gone to the enormous trouble and stress of seeking a licence review to re-impose them. It is not right that the onus for obtaining a reasonable outcome should rest on residents, rather than the businesses who will be making a profit out of the increased noise.

Some licensed premises, such as restaurants, which do not have regular entertainment, may have no conditions concerning noise. These can cause a problem when a band or DJ is brought in for an occasional function. It would be wrong to allow them to be deregulated.

## **PROMOTING RESIDENTS' INTERESTS IN BATH**

7 St Andrews Terrace, Bath BA1 2QR; [henrybrown@bethere.co.uk](mailto:henrybrown@bethere.co.uk); 01225 427497, 07990 585493

It is unclear to us how the Bill distinguishes between noise relating to musical performance and crowd noise. The latter can be a problem from people on the premises, as well as from noisy groups making their way between premises, or staggering home late at night.

For other premises, the supporters of the bill appear to have in their vision fairly benign music promoters such as local community groups, schools, morris men etc. But the Bill opens up scope for commercial promoters to hire other premises and spread the noise pollution associated with their activities, (amplified hip hop comes to mind), to places where it does not happen currently. Worse than that, it could attract guerrilla promoters who will create events in unpredictable places with little or no consideration for their neighbours.

In general we believe that implementation issues have been completely ignored in this debate. Who is going to count the size of audiences for instance or monitor the end time? Many of these events may be one-offs but several one-offs can be very damaging in a small area, such as the clusters of licensed premises in Bath. There is a kind of cumulative impact here, of which the Bill takes no account.

A key issue underlying all this is the continual assumption that the existing noise complaint process via environmental protection is robust. It is, with respect, nonsense for the Explanatory Notes on the Bill (para 30) to say that 'licensing authorities will continue to have a range of powerful sanctions available'. In B&NES environmental protection is in a separate department from licensing. In most parts of the country the service is notoriously under-resourced for its workload, even before the present round of budget cuts. The complaints process is bureaucratic and imposes considerable work on the complainant. And effective action can only really be taken against regular offenders, whereas it is in the nature of live music events, that many are irregular and cause unpredictable patterns of nuisance.

We understand that the promoters of the Bill themselves guesstimate that implementation would lead to a 10% increase in complaints about excessive noise from entertainment events. No evidence for this figure has been produced, but we would say that any increase is a problem, which cannot be offset by increased profit to business, let alone by the claimed 'wellbeing from attendance and participation in more live music performance' (para 30 of the Explanatory Notes).

FoBRA would be very grateful if you would use your influence to ensure that reasonable noise controls are not lifted. We should be grateful if we could meet you as soon as possible to discuss how the Bill might be made acceptable to the majority of residents in Bath.

**Yours sincerely,  
Henry Brown, Chairman**