

AGENDA ITEM NO.

TRAFFORD COUNCIL

THE LICENSING SUB-COMMITTEE – 4TH December 2017

REPORT OF THE HEAD OF REGULATORY SERVICES

REPORT REF. NO

OBJECTION FROM ENVIRONMENTAL HEALTH TO A TEMPORARY EVENT NOTICE ISSUED FOR THE STATION BAR & GRILL, 25-29 STATION ROAD, URMSTON, M41 9JG

PURPOSE

To determine whether or not to accept the objection from Environmental Health.

OPTIONS

The Sub-Committee should take such steps as they consider necessary for the promotion of the Licensing Objectives in accordance with the provisions Section 100 of the Licensing Act 2003.

Iain Veitch
Head of Regulatory Services

Further Information From:

Name: David Smith
Senior Licensing Officer
Extension: 2593

Proper Officer for the purposes of L.G.A 1972,S.100D
(background papers): Head of Regulatory Services

Appendices:

Appendix 1 – TEN066895
Appendix 2 – TEN066896
Appendix 3 – Objection – Environmental Health

1. Introduction

- 1.1 Section 100 of the Licensing Act 2003 outlines the procedure whereby an application can be made to the Licensing Authority for a Temporary Event Notice.
- 1.2 The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to make the Local Authority's Environmental Health department a "relevant person" in making objections to a Temporary Event Notice.
- 1.3 Section 105(2) of the Licensing Act 2003 states that when an objection is made by a relevant person in respect of a Temporary Event Notice, the authority must:
- (a) hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the objection notice and the authority agree that a hearing is unnecessary, and
 - (b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it necessary for the promotion of a licensing objective to do so.
- 1.4 Section 105(4) of the Licensing Act 2003 states that a decision must be made under subsection (2)(b), and the requirements of subsection (3) must be met, at least 24 hours before the beginning of the event period specified in the Temporary Event Notice.

2. Background

- 2.1 On the 23rd November 2017 the Licensing section received two Temporary Event Notices from Mr. Mehmet Keskin of the Station Bar & Grill Limited, for the premises known as Station Bar & Grill, 25-29 Station Road, Urmston, M41 9JG. Station Bar & Grill currently has a Premises Licence (PL049273) authorising licensable activities for the ground floor restaurant.
- 2.2 The applications were electronically served via the GOV.UK facility in the evening (18:10hrs – 18:20hrs) of the 22nd November 2017 and subsequently served on the relevant persons on the 23rd November 2017, therefore the last day for objections being the 28th November 2017 (being 3 working days after day of being served).
- 2.3 A copy of the first Temporary Event Notice (066895) is attached at **Appendix 1**. This TEN indicated he wished to provide the following licensable activities in the ground floor restaurant and the first floor function room;
- Sale by retail of alcohol & provision of regulated entertainment for the following time and dates;

- Friday 22nd December 2017 – 00:01-03:00
- Saturday 23rd December 2017 – 00:01-02:00
- Sunday 24th December 2017 – 23:01-03:00
- Monday 25th December 2017 – 23:01-02:00
- Tuesday 26th December 2017 – 23:01-03:00

2.4 A copy of the second Temporary Event Notice (066896) is attached at **Appendix 2**. This Station Bar & Grill indicated he wished to provide the following licensable activities in the ground floor restaurant and the first floor function room;

- Sale by retail of alcohol & provision of regulated entertainment for the following time and dates;
 - Thursday 28th December 2017 – 12:00-02:00
 - Friday 29th December 2017 – 12:00-02:00
 - Saturday 30th December 2017 – 12:00-02:00
 - Sunday 31st December 2017 – 12:00-03:00
 - Monday 1st January 2018 – 12:00-02:00

2.5 The Temporary Event Notice is deemed to have been correctly submitted within the prescribed limits in that the applications have not exceeded what is permitted under the Licensing Act 2003 Act.

3. Objection

3.1 On the 28th November 2017 the Licensing section received an objection from Environmental Health Officer Mr. Peter Belfield objecting to both Temporary Event Notices. A copy of the representation is attached at **Appendix 3**.

4. Licensing Policy and Guidance

4.1 The Committee are respectfully referred to the Council's own Licensing Policy relating to the Licensing Act 2003 objectives and to the Secretary of State's Guidance – at chapter 7 (copy available at meeting).

5. Options

5.1 Section 105(3) of the Licensing Act 2003 states that the licensing authority must—

- (a) in a case where it decides not to give a counter notice under this section, give the premises user and the relevant person notice of the decision, and

(b) in any other case—

- (i) give the premises user the counter notice and a notice stating the reasons for its decision, and
- (ii) give each relevant person a copy of both of those notices.

5.2 The Licensing Act 2003 provides that only the licensing authority can impose conditions to a Temporary Event Notice from the existing conditions on the premises licence or club premises certificate at the venue.

The licensing authority can only do so:

- if the police or the EHA have objected to the Temporary Event Notice;
- if that objection has not been withdrawn;
- if there is a licence or certificate in relation to at least a part of the premises in respect of which the Temporary Event Notice is given;
- and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

This decision is one for the licensing authority alone, regardless of the premises user's views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

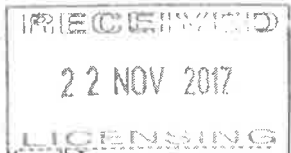
5.3 The Sub-Committee is advised that any findings on any issues of fact should be on the balance of probability and any decision should be based on the individual merits of the application.

5.4 The Sub-Committee, in arriving at its decision, must have regard to relevant provisions of national guidance and its own statement of licensing policy and reasons should be given for any departure.

APPENDIX 1

TEN066895

TEN 066895



[Insert name and address of relevant licensing authority and its reference number (optional)]

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) mr		
Surname	keskin		
Forenames	Mehmet		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day 06	Month 09	Year 1985
4. Your place of birth	turkey		
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
25-29 Station Road Urmston Manchester M41 9JG			
17 Lupin Avenue, farnworth, B51ton, BL4 0EP			
Post town Urmston		Postcode M41 9JG	
7. Other contact details			
Telephone numbers Daytime	07908850212		
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)	info@stationbargrill.co.uk		

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
25-29 Station Road Urmston Manchester M41 9JG	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	PL04973
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Restaurant bar / FUNCTION ROOM.	
Please describe the nature of the event below. (Please read note 5)	
Late night entertainment	

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3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol		<input type="checkbox"/> yes
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		<input type="checkbox"/>
The provision of regulated entertainment		<input type="checkbox"/> yes
The provision of late night refreshment		<input type="checkbox"/> no
Are you giving a late temporary event notice? (Please read note 7)		<input type="checkbox"/> no
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
Friday 22 nd December 2017 Saturday 23 rd December 2017 Sunday 24 th December 2017 Monday 25 th December 2017 Tuesday 26 th December 2017 Wednesday 27 th December 2017 <i>stet.</i>		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
Friday 22 nd December 2017 00.01 – 03.00 Saturday 23 rd December 2017 00.01 – 02.00 Sunday 24 th December 2017 23.01-02.00 Monday 25 th December 2017 23.01-02.00 Tuesday 26 th December 2017 23.01-03.00 Wednesday 27 th December 2017: <i>stet.</i>		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		250 <i>stet.</i>
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	<input type="checkbox"/> yes
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

4. Personal licence holders (Please read note 12)			
Do you currently hold a valid personal licence? (Please tick)		yes <input type="checkbox"/>	<input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.			
Issuing licensing authority	Bolton		
Licence number	126658		
Date of issue	19.05.2017		
Date of expiry			
Any further relevant details			


5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	<input type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

6. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	<input type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?		No <input type="checkbox"/>

If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/>


7. Checklist (Please read note 15)		
I have: (Please tick the appropriate boxes)		
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>	ELECTRONIC SERVICE
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>	
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>	
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>	
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>	
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>	
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>	
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>	

8. Condition (Please read note 16)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	Mehmet keskin 
Date	22.11.2017

Name of Person signing	Mehmet Keskin
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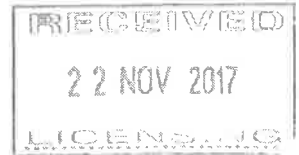
For completion by the licensing authority

10. Acknowledgement (Please read note 18)	
I acknowledge receipt of this temporary event notice.	
Signature	 On behalf of the licensing authority
Date	24.11.17
Name of Officer signing	J Veitch

APPENDIX 2

TEN066896

72N066896



Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) mr		
Surname	keskin		
Forenames	mehmet		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day 06	Month 09	Year 1985
4. Your place of birth	turkey		
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
25-29 station road urmston 17. Lupin Avenue Farnworth Bolton BL4 0EP			
Post town	urmston	Postcode m41 9jg	
7. Other contact details			
Telephone numbers Daytime	07908850212		
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)	info@stationbargrill.co.uk		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			

Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	07908850212
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
25-29 station road Urmston m41 9jg	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
1ST FLOOR Function/ bar & RESTAURANT.	
Please describe the nature of the event below. (Please read note 5)	
Late night entertainment	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input type="checkbox"/> yes
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/> no
The provision of regulated entertainment (Please read note 7)	<input type="checkbox"/> yes
The provision of late night refreshment	<input type="checkbox"/> no
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/> no
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	
Thursday 28 th December 2017 12.00-02.00 Friday 29 th December 2017 12.00 - 02.00 Saturday 30 th December 2017 12.00 - 02.00 Sunday 31 st December 2017 12.00- 02.00 Monday 1 st January 2018 12.00-02.00 Tuesday 2nd January 2018 12.00 - 01.00 <i>WEDS 3RD</i>	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)	
Thursday 28 th December 2017 12.00-02.00 Friday 29 th December 2017 12.00 - 04.00 Saturday 30 th December 2017 12.00 -04.00 Sunday 31 st December 2017 12.00- 04.00 Monday 1 st January 2018 12.00-02.00 Tuesday 2nd January 2018 12.00 - 01.00	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	250 <i>[Signature]</i>
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only <input type="checkbox"/> yes
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

4. Personal licence holders (Please read note 14)	
Do you currently hold a valid personal licence? (Please tick)	Yes <input type="checkbox"/> No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	bolton
Licence number	126658
Date of issue	19.05.2017
Any further relevant details	


5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)	
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	<input type="checkbox"/> Yes <input type="checkbox"/> No

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)	
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.	
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	<input type="checkbox"/> Yes <input type="checkbox"/> No

If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	<input type="checkbox"/>	No <input type="checkbox"/>


7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	Mehmet keskin 

Date	22.11.2017
Name of Person signing	mehmet keskin

For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	 On behalf of the licensing authority
Date	24.11.17
Name of Officer signing	J Veitch .

APPENDIX 3

Objection – Environmental Health

Smith, David

From: Belfield, Peter
Sent: 28 November 2017 11:17
To: Lomas, Rose; Licensing
Cc: Planning Enforcement; Bibi, Tony
Subject: RE: ELECTRONIC SERVICE - Temporary Event Notice - Station Bar & Grill, Urmston
Attachments: RE: ELECTRONIC SERVICE - MAJOR Variation Application - PL049273 - Station Bar & Grill Limited

Importance: High

Categories: Dave

Rose,

Firstly I should advise that the two submitted Temporary Event Notices (TENs) for events on 22nd-26th December 2017 and 28th December 2017 to 1st January 2018 may contravene the current planning permission that requires the bar, coffee lounge and restaurant to not be open to the public other than between the hours of 11:30 - 23:00 Monday to Friday, 11:30 - 23:30 Saturday, and 12:00 to 22:00 on Sundays and Bank Holidays, in order to protect the amenity of nearby residential properties. The use of the first floor as a function room and the late opening times of the premises are therefore potentially unauthorised.

The proposed licensable activities in each TEN relate to the supply of alcohol and the provision of regulated entertainment (assumed to be live and/or recorded music) until 2am, 3am or 4am within the restaurant/bar and function room over five successive nights from the Friday 22nd December 2017 and Thursday 28th December 2017, totalling ten nights of events over less than a two week period.

I therefore consider it necessary to raise an objection to the two submitted TENs on the grounds of the proposed events being in my opinion contrary to the promotion of the Licensing objective for the prevention of public nuisance.

I have recently objected to the granting of a Major Variation to the existing Premises Licence for these premises that seeks to extend the hours of Regulated Entertainment (indoors) for Live and Recorded Music and to incorporate the first floor function room within the licenced area due to similar concerns. This application is to be determined at a hearing of the Licensing Sub Committee at 3pm on Monday 4th December 2017.

For reference, I have attached my comments detailing the reasons for my objection to the Variation application that are relevant in considering the suitability of the two submitted TENs.

Given that residential accommodation is structurally attached to the licenced premises, with the first floor room directly sharing a party wall with a habitable room of the adjoining flat, there is a clear potential for entertainment noise to be audible within the adjoining dwellings to the extent that would cause undue disturbance, especially when residents could be expected to be relaxing or asleep.

As I pointed out in my comments relating to the Variation application, complaints from residents relating to the use of the premises for functions and events have been received over a number of years, requiring informal action to be taken by this Service. The proposal detailed by the TENs represents an intensification in the use of the premises and an extension of the operating hours well into night time hours. Any impact is therefore likely to be repeated on successive nights through the Christmas and New Year period.

I have been informed by the applicant's representative, that sound insulation materials have been applied to the first floor party wall. I would advise that sound insulation works have not been approved nor have I seen any documentation by a suitably qualified acoustician to demonstrate the benefit of such works.

I would point out however that the effectiveness of sound insulation is dependent on the quality of materials and workmanship in addition to the nature of sound to be attenuated. For example, low frequency bass beat is not well attenuated by typical sound insulation. Furthermore, structural borne sound transmission can occur through structural elements connected to the function room, resulting in 'flanking transmissions' that can pass above, below or around the partition and any sound insulation applied to it.

There is therefore an unacceptable risk that noise will be audible within the adjoining residential flats and since such noise could continue well into the night time period, the impact of any disturbance is likely to be high.

The existing Premises Licence implements a curfew on regulated entertainment at midnight between Thursday and Saturday and 2300h at other times. Whilst this exceeds the Planning restrictions to an extent, I feel that the existing Licensing restrictions impose a sensible control that should be maintained to protect residents sharing the same building from undue disturbance. The use of the first floor should be restricted to a restaurant, in line with the current planning controls that serve to protect residential amenity.

I understand that a counter notice will be issued and the matter will be determined at a forthcoming Licensing Sub-committee hearing.

Regards,
Peter Belfield

Environmental Health Officer