

BOROUGH OF TRAFFORD**MEMORANDUM****From:** Pollution and Licensing**To:** Licensing Manager**FAO:****Ref:** NFA/170717**Ref:** PL000523**Tel** 0161 912 4026**Date:** 03 March 2020**Ext:****If telephoning please ask Miss N Ali for:****Subject:** Silver Blades Ice Rink, Oakfield Road, Altrincham

The Pollution section has reviewed the full variation licence application for Silver Blades Ice Rink, Oldfield Road/Moss Lane, Station Site, Altrincham, WA15 8EW.

The current licence for the premises, PL000523 allows for the following forms of regulated entertainment indoors: Films, indoor sports, boxing/wrestling, live music, recorded music, dance, like music/dance, between the hours of 06.00 and 23.00 hours, Mondays to Sundays. It allows for the supply of alcohol, both on and off the premises between the hours of 10.00 and 23.00 hours, Mondays to Sundays. The hours premises are open to the public are between 06.00 and 00.00 hours, Mondays to Sundays.

Condition 44 of PL000523 requires, 'Noise from music and associated sources (including DJ's and amplified voices) must not be audible to such an extent that it constitutes a nuisance at any noise sensitive properties.'

The full variation application seeks to:

- Extend the hours for all forms of entertainment currently on PL000523, indoors, from 06.00 to 00.00 hours, Mondays to Sundays.
- Include the provision of late night refreshment, indoors, from 23.00 to 23.30 hours, Mondays to Sundays
- Extend the hours for the supply of alcohol both on and off the premises, from 10.00 to 23.30, Mondays to Sundays

There has been a history of noise complaints relating to events at the premises since 2007. Complainants have raised concerns about elevated levels of music, bass noise and noise associated with people leaving the premises.

The Service previously commented on a full variation application for the premises in June 2019 where the applicant proposed to add boxing and wrestling to the types of entertainment. The application also included a variation for Friday 19th July 2019 to extend the hours to 24.00 hours for an authorised boxing event. The applicant advised that this one off extension in hours was due to the event being televised. The Pollution section agreed to the variation providing condition 44 of the licence, remains in place and the conditions proposed by the applicant in section M (d) The prevention of public nuisance section of the variation application are attached to the licence.

The conditions proposed as part of this application related to signage at the premises asking customers to leave quietly, security asking customers to leave the premises quietly, the use of an external consulting company to monitor noise levels, staff arriving and leaving the premises at sensitive times were to be advised to avoid causing disturbance to nearby residents and customers not being allowed to enter premises outside of permitted hours.

For information, Regulatory Services received 2 separate complaints from local residents relating to the event which took place on the 19th July 2019. Extracts from the complainants e-mails are reproduced below for information:

- Ultimate Boxxer IV event at Altrincham Ice Rink. Started at 5pm. Still ongoing at 23.50. Noise recordings made in excess of 59dB emanating from the ice rink sound system. Periodic deep low drumming noises. Vibration accompanying noise disturbance. Also noisy crowds outside. Shouting, screaming etc.
- Further to my earlier noise complaint made about the Ultimate Boxxer IV event at Altrincham Ice rink on July 19th, I wish to add the following. As residents we were given no prior warning of the event. Secondly, the event was published to finish at midnight but the sound system did not cease until about 00.10. In addition to the disturbance this caused, the end of the event caused continued disturbance, well into the early hours of the morning - about 2.30am. This was initially shouting, screaming and tooting of vehicle horns as spectators

dispersed. Then it was loud bangs as equipment was moved around and loaded, finally ending when a number of huge articulated trucks left the Altair compound opposite our homes where they had been parked up. I got about 3.5 hours sleep last night as a result and am driving and operating heavy machinery today in a sleep-deprived state. There are dangerous consequences from having such late night events in a residential Neighbourhood!

- Loud music until around 00:45am this morning from an event at the ice rink. The music was so loud (bass) the whole building was vibrating

It is considered that noise from such entertainment events cannot be adequately controlled so as to prevent public nuisance. It is understood that the building is a prefabricated structure which is essentially a wood and steel frame, with the lower half of the walls being made of brickwork, whilst the upper half and roof are clad in aluminum sheeting. Amplified music being played in an area with minimal mitigation and exacerbated by the playing of low frequency bass beat music; can cause serious impact and intrusion particularly during the spring / summer months when it is not unreasonable for local residents to open their windows for ventilation purposes.

This has been clearly demonstrated in relation to an event which was held at the premises on the 19th July 2019 where 2 separate complaints were received from residents living various distances from the premises. Historical complaints also reflect the potential for noise and disturbance to occur if the events are not managed properly and continue beyond 23.00 hours.

The Pollution section liaised with the person responsible for the premises/application regarding the 19th July 2019 complaints. They advised that the ice rink did not receive any complaints directly and that they undertook in house monitoring but did not have an external company monitoring noise levels as originally proposed in their application.

It is evident that despite the assurances provided about managing noise and disturbance from the event, 2 separate local residents, living at varying distances from the ice rink, contacted Regulatory Services to complain about noise from the event. It is also likely that a number of other residents in the vicinity of the ice rink may have been affected by noise from this event.

A further full variation application for the premises was submitted in October 2019. This application sought to:

- Extend the hours for all forms of entertainment on PL000523, indoors, from 06.00 to 00.30 hours, Mondays to Sundays.
- Include the provision of late night refreshment, indoors, from 10.00 to 00.00 hours, Mondays to Sundays
- Extend the hours for the supply of alcohol both on and off the premises, from 10.00 to 00.00, Mondays to Sundays

Concern was expressed about this full variation application not achieving the licensing objective of d) **The prevention of public nuisance.** In response to this concern and due to the fact that an event was already advertised to be held on the 13th December 2019, the applicant amended the application and proposed the following:

- *To amend our application to a one off variation to our licence for 1 day only for Friday 13th December 2019, extending all our licensing objectives for this day for an hour until 00:00.*
- *Change the closing time from 00:30 to 00:00 - We are comfortable that midnight allows for enough of a safety buffer. The TV show is scheduled to finish at 11pm so the extra hour is a safety net for any unforeseen circumstances to the event schedule.*
- *Limit the number of events to 8 times per year - that we operate until the later hours. Initially we didn't include a restricted number of events in the application, we feel this is a much fairer proposal for the long term, considering the wider neighbours.*
- *Noise / environmental - In addition to the security plan submitted for the previous show. We also have additional stewards in the car park in front of the building this time. To help manage the traffic and the public arriving / leaving the venue. These are there to control any noise pollution, particularly one exit and remind all attendees to respect our neighbours.*
- *Letter Drop - We will be conducting a letter drop in the area to let all the local neighbours know about the event. On this we will now include a dedicated hotline and have someone man the phone throughout the event. This will be for neighbours to have direct contact with the organisers for any issues / concerns they have. So that we can communicate our plans and/or react to solve them.*
- *Travel - Being so close to the train station and tram station, any people traveling in to Manchester have access to the train station on our doorstep to leave the area. These trains run until 00:37 so will be operating around our event egress. <https://tfgm.com/public-transport/tram/stops/altrincham-tram/tram-times/piccadilly-gardens-tram/#!/tram-times-panel>*

Whilst the concerns relating to public nuisance from the premises still stood despite the above amendments, no objection was raised to allowing for a one off event to take place on Friday 13th December 2019, extending all forms of regulated entertainment on this day for an hour until 00:00.

This was however subject to the following conditions:

1. *Noise from music and associated sources (including DJ's and amplified voices) must not be audible to such an extent that it constitutes a nuisance at any noise sensitive properties.*

2. *Acoustic consultants shall be employed to monitor noise relating to the event and associated activities to comply with the above condition.*
3. *A noise management plan shall be submitted for approval, 14 days prior to the event to demonstrate how noise associated with the event will be managed (to include proposals for monitoring noise relating to the event, noise from traffic/public arriving at/leaving the venue, measure to address noise from plant and vehicles relating to the event set up, letter drop to local residents, action phone line in the event of complaints including plans for corrective action, noise from staff and any other noise associated with the event).*
4. *All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.*
5. *There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles).*

The Pollution Section did not support the proposal for 8 events per year.

An objection to the application was raised by a local resident and the matter was therefore heard at the Licensing Sub-Committee on the 3rd December 2019. The Sub-Committee granted the variation for one day only for the 13th December 2019 subject to conditions 1 to 5 above and the following additional condition:

6. *There shall be public announcements and messages on the big screen at regular intervals reminding customers to leave the premises and area quietly.*

The applicant submitted a noise management plan prior to the event and the event took place on Friday 13th December as planned.

In order to determine the impact of this event noise monitoring equipment was installed in 2 residential premises surrounding the site. The observations from the noise monitoring undertaken are included at the end of this memorandum in Appendix 1.

The Applicant, in order to comply with condition 2 of the licence appointed acoustic consultants, Joynes Nash to monitor noise from the event. The Noise Observation Report prepared by Joynes Nash in December 2019 has been reviewed and the comments noted. It must however be pointed out that the observations contained in this report relate to a boxing event with music ancillary to the main event.

The application requests permission for various other forms of regulated entertainment such as live music until 00.00 hours. The events which will be permitted to take place should this licence be granted will inevitably be varied, each with their own associated noise problems and not comparable to the bespoke boxing event which has been observed by the acoustic consultant.

There are concerns that granting in effect a 'carte blanche' type permission for all the forms of regulated entertainment to take place in a building which was designed as a temporary structure with minimal and thereby inadequate acoustic integrity to insulate against the internal break out of noise due to inherent inadequacies will be inevitably detrimental. In addition to this, the noise associated with customers leaving from the wide variety of permitted events is likely to vary significantly to the one event that has been observed.

The Pollution team received 5 separate complaints relating to the event on the 13th December 2019. Observations from the residents are reproduced in Appendix 2.

The extension of hours of entertainment activity by 1 hour each day of the week has the potential to impact upon local residents as late as 01.00 hours. Allowing the premises to be used even later than currently permitted will inevitably result in an increase in activity in an area at a time where there was no activity previously and could impact upon local residents in a negative way on a regular basis. Whilst it is accepted that the ice rink is in a town centre location with various transport links, one cannot ignore the fact that it is surrounded by numerous residential premises that could be negatively impacted by noise after 23.00 hours on a regular basis.

Importantly, it should be mentioned that noise control in respect of regulatory entertainment can be most difficult for activities taking place within acoustically robust structures that have sufficient mass and density provided by for example brick walls and tiled roofs that can minimise noise break out. Conversely, it would be very difficult to control and mitigate noise relating to a light structure which is undoubtedly acoustically weak already unless significant changes are made to the building itself.

The complaints received relating to the events on the 19th July 2019 and the 13th December 2019 at the premises have clearly demonstrated that the noise associated with such events is inevitable and detrimental.

I am mindful that when the Ice Rink was constructed in 2006, it was subject to a temporary planning permission (H/63424) and included a condition restricting the use to that of solely an ice rink and for no other purpose. The pertinent reason specified was that other uses within the same use class may have a detrimental effect on the neighbourhood. A subsequent application 81115/O/2013 included a provision that granted the use of the Ice Rink as

permanent following the implementation of conditional controls such that its use is now lawful; however this approval did not include any prohibitive restrictions as applied in the temporary permission.

Therefore in the absence of a planning control and in order to safeguard the residential amenity of local residents from the impact of noise and disturbance generated from certain activities at sensitive times, it is important that the licensing objective of the prevention of public nuisance is met.

In addition to this, whilst there may be regulatory controls available to the local authority in respect of nuisance, there are certain types of noise and disturbance which fall outside of the statutory nuisance provisions, therefore it is likely that affected residents would have to endure such problems with very little recourse to a suitable remedy.

In this regard I recommend if licensing hours are extended beyond what is currently permitted; problems of nuisance as stated are likely to occur well into the early hours of the morning on a regular basis.

In view of the foregoing, the Pollution section therefore objects to the above variation on the grounds of public nuisance.

N Ali

Nasreen Ali
Environmental Health Officer

Appendix 1: Noise Monitoring (13/12/19)

Noise Monitoring-Resident 1 (Oakfield Road area)

10 separate recordings made between the hours of 21.28 and 00.35. Most of the recordings being after 22.53 and related to traffic in the area, loud talking, shouting, singing, chanting, horns beeping and other traffic noise associated with people leaving the venue. Some bass music was audible in the background early on but not as much as in the other complainant's property. The main noise is linked to people leaving the venue and vehicles. Would not consider the noise recorded to be a nuisance but the recordings highlight the fact that more of an intensive use of the premises on a regular basis for a wide range of events could result in an increase in noise on a regular basis.

The complainant observed the following:

- Car alarm going off, disturbed over sound of TV.
- Deep bass sound and vibration.
- Loud voices from people leaving venue, whistling, car doors, car horns, singing, chanting, screams.
- Lorry parked opposite with engine running at 00.02.
- Noise from the smoking area was continuous and only superseded later on by the crowd's exodus.

Noise Monitoring-Resident 2 (Moss Lane/Denmark Street area)

27 separate recordings made from 17.47 until 23.37. Bass music noise is audible in the background for most of the recordings. Occasional announcements are also audible during the monitoring time. Judging by the noise from the television it is unlikely that the bass music noise would be clearly audible above the television noise. It is however audible when the television sound is muted during recordings, albeit faintly at most times. Would not consider the noise recorded to be a nuisance but the recordings highlight the fact that more of an intensive use of the premises on a regular basis for a wide range of events could result in an increase in noise on a regular basis.

The complainant observed the following:

- Low bass music on and off.
- Constant music.
- Drums pounding.
- ~~Music and PA announcements.~~
- Note that the double glazed windows were all closed at the time of the audio monitoring. Should future events occur during warmer weather, windows would be open and the noise would become more of an issue.

Appendix 2: Resident complaints

1. Great Oak Drive, Altrincham, Altrincham, Cheshire

"I received a flyer through my door regarding an event at the Ice Rink today for tonight. The letter was disturbing in a few ways. If you the council are aware the ice rink is surrounded on three sides by residences and then soon to be Altair, explain please why the leaflet states the ice rink will be applying for more late licences for future large crowd events, concerts, film and sport events. If you know this is a built up area with shops, leisure center and residences close by, then why would you grant a building which is deemed as temporary more licences suitable to that of a permanent venue in a residential area for entertainment purposes. Why on earth did you grant planning for Altair where you are locating residential apartments next to a building that is not sound proofed and being used for such purposes. Your strategy is not logical. The car park outside the rink is not suitable for this purpose, and you will pit resident against entertainment seeker against commuter. I am shocked by your decisions regarding this licence and future licence approvals. If I came to you and asked to build a sport venue in a residential area as a temporary building and by the way it would still be there in 12 years and wanted to hold concerts, boxing events, musical events and sports events you would turn me down very quickly. Next point Health and Safety - when is a temporary venue deemed unsafe as part of a formal risk assessment? exactly at the point when they intend to increase the use and that would put everyone in and around the venue at risk from the venue itself and in the event of alcohol each other - this is an accident waiting to happen.. Next point noise pollution - if I played my music loud and performed donuts in my car in our car park it would not be long before I was served with a desist order. So why is this venue not sound proofed? Because it is a temporary building and was never constructed for the obvious purpose it is being used for now and intended to be used for in the future. What are you playing at with this venue? I am really concerned and will seek to form further petition, I will also investigate the original terms of consent given by you to this venue in 2007. Please do not ask for more residents in this area and then pit them against what they are not obviously aware of. They could invest thousands buying accommodation at Altair - I am sure they would not be aware that the venue wants to increase traffic"

2. Great Oak Drive, Altrincham, Cheshire

"hi there, i live opposite the ice rink in altrincham and tonight there is a boxing event on. the crowds are totally unsustainable for this venue and there is illegal parking up and down the whole of oakfield road on both sides. people have parked right outside my front door illegally on the road to the extent i would struggle to actually get out of my house. i also would raise the ability of emergency services to actually access the venue should there be events like this in the future, likewise the ability of crowds to actually disperse or be evacuated. we have had people coming onto the estate to try and park illegally and no doubt there will be massive noise disruption later on this morning when people leave and the venue is broken down. the building has no sound proofing as you know so i cant see how events like this can be viable in the future without creating huge disruption."

3. Denmark Street, Altrincham, Cheshire

Disappointing night with the boxing match at the Ice Rink. We were told that measures would be taken to reduce noise. From around 10.00 pm the sound system got much louder. I don't understand why it would not be louder early in the evening and then quieter later on. But it has been the reverse. The walls of our flat are shaking when the music plays. We need to get up early on Saturday but, in effect, the ice rink is deciding when we will go to bed and interfering with our lives. Unfortunately I am diagnosed AUTISTIC and loud noises are very disruptive and actually put me on edge. My senses are overloaded by this kind of thing. I pay my council tax and I am entitled to feel safe and secure in my own home. So why is Trafford doing this to me. It is very upsetting. Basically, ALTRINCHAM ICE RINK IS NOT BUILT FOR THIS KIND OF THING. The council might want to promote Altrincham as a place but the ice rink is not suitable. It is just a fact. The building is not the MEN arena. Why can't the council see that.

4. Oakfield Road, Altrincham, Cheshire

- Car alarm going off in car park.
- Deep bass sound and vibration of my house.
- Loud voices from people leaving, whistling at each other, car doors being banged, continuous car horns along the road.
- Loud voices, engines running close to property, singing, chanting, car doors being banged.
- Lorry parked opposite with engine running.
- Noise from the smoking area was continuous and only superseded later on by the crowd's exodus.

5. Denmark Street, Altrincham, Cheshire

- Low bass music on and off.
- Constant music.
- Drums pounding.
- Music and PA announcements.
- Note that the double glazed windows were all closed at the time of the audio monitoring. Should future events occur during warmer weather, windows would be open and the noise would become more of an issue.

