

**TRAFFORD COUNCIL**

**THE LICENSING SUB COMMITTEE – 14<sup>TH</sup> DECEMBER 2018**

**REPORT OF THE HEAD OF REGULATORY SERVICES**

**REPORT REF. NO.**

**OBJECTION FROM GREATER MANCHESTER POLICE AND ENVIRONMENTAL HEALTH TO TEMPORARY EVENT NOTICES ISSUED FOR STATION BAR & GRILL, 25-29 STATION ROAD, URMSTON**

**PURPOSE**

To consider whether or not to accept the objections from Greater Manchester Police and Environmental Health and to decide whether to issue a counter notice under section 105 of the Licensing Act 2003.

**RECOMMENDATIONS**

Having regard to the objection notices, consider whether it is necessary to accept the objection, and if the authority does accept the objections, to give the premises user a counter notice under section 105 of the Licensing Act 2003.

**Nigel Smith**  
**Head of Regulatory Services**

Further Information From:

Name: Joanne Boyle  
Licensing Team Leader

Extension: 4129

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



## BACKGROUND

1. Part 5 of the Licensing Act 2003 provides a system of permitted temporary activities, under which licensable activities can be carried out on a temporary basis (for a period not exceeding 168 hours) without the need for a premises licence or a club premises certificate.
2. These activities can take place on any premises by the authority of a temporary event notice (TEN) given by an individual, a 'premises user', to the relevant licensing authority.
3. No permission is required from the licensing authority and only the Police and Environmental Health may intervene with a view to preventing such an event going ahead or to modify the arrangements for it.
4. A temporary event notice must be given to the authority at least 10 working days before the event and a copy of the notice must also be given to the Police and Environmental Health.
5. Where the Police or Environmental Health are of the view that allowing the event to proceed would undermine the licensing objectives, they must, within three working days of receiving the TEN, give an objection notice to the premises user and the licensing authority, giving reasons for their decision.
6. If the Police or Environmental Health object to a TEN; the licensing authority must hold a hearing to determine whether or not it accepts the objections. Where the authority accepts the objections, it must issue a counter notice to the premises user in which case the event cannot proceed.

## TEMPORARY EVENT NOTICE

7. On the 3<sup>rd</sup> December 2018 Mr Mehmet Keskin served two temporary event notices on the licensing authority for premises known as Station Bar & Grill, 25-29 Station Road, Urmston, M41 9JG.
8. The premises currently benefit from a premises licence as follows:

### Live & Recorded Music (Indoors)

Sunday to Wednesday	23:00 to 00:30
Thursday to Saturday	23:00 to 01:30

### Alcohol (on premises)

Sunday to Wednesday	12:00 to 00:30
Thursday to Saturday	12:00 to 01:30



9. Details of Temporary Event Notice1:

Date: 24/12/2018

Times: 23:30 to 02:00

Location: Ground Floor Restaurant

Activities: Regulated Entertainment & Sale of Alcohol

Nature of Event: Tribute Night – Live singer

Details of Temporary Event Notice 2:

Date: 31/12/2018

Times: 23:30 to 02:00

Location Ground Floor Restaurant

Activities: Regulated Entertainment & Sale of Alcohol

Nature of Event: Tribute Night – Live singer

10. An objection to the notice was received from Greater Manchester Police, on the 5<sup>th</sup> December 2018, a copy of which is attached at Appendix A.
11. An objection to the notice was received from Environmental Health on the 5<sup>th</sup> December 2018, a copy of which is attached at Appendix B.

## RECOMMENDATIONS

12. The Sub-Committee is requested to consider the objection notices, and consider whether it is necessary for the promotion of the licensing objectives to accept the objections; and if the authority does accept the objections, to give the premises user a counter notice under section 105 of the Licensing Act 2003.

Attached

Appendix A – Objection Notice from Greater Manchester Police

Appendix B – Objection Notice from Environmental Health



## GREATER MANCHESTER POLICE



To: Trafford Council Licensing  
Trafford Town Hall  
Talbot Road  
Stretford  
M32 0TH

To: Mr Mehmet Keskin  
25-29 Station Road  
Urmston  
M41 9JG

Wednesday 5th December 2018

Dear Sir

Please accept this letter as formal notification that Greater Manchester Police wish to object, under Section 104(2) of the Licensing Act 2003, to the **TEMPORARY EVENT NOTICE** detailed below, as we are satisfied that granting the application under these circumstances would undermine the Licensing Objectives.

PREMISES NAME:	Student Accommodation	
ADDRESS:	Station Bar & Grill, 25-29 Station Road Urmston M41 9JG	
DATE OF EVENT:	24/12/18	31/12/18
TIME OF EVENT:	23.30 / 02.00	23.30 / 02.00hrs



## GREATER MANCHESTER POLICE

Since coming into post in March 2018 I have received a high number of complaints from the local residents to The Station Bar & Grill who are and remain to be experiencing noise nuisance which has a continued impact to their quality of life.

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During the investigation into those complaints it became known the sale of alcohol permitted hours differed from what had been granted from the premises planning permission.

The alcohol licence for The Station Bar and Grill is as follows;

- Sunday to Wednesday 12.00 to 00.30
- Thursday to Saturday 12.00 to 01.30

The planning permission on the premises allowed the following hours:

- Monday to Friday 11.30 to 23.00,
- Saturday 11.30 to 23.30,
- Sunday and Bank Holidays 12.00 to 22.00

In May 2018 The Station Bar & Grill submitted a planning application with a variation to change of use of the ground and first floor bar, coffee lounge and restaurant and second floor to residential accommodation to allow for an alteration in opening hours to:

- Sunday to Thursday 11.30am to 12.30am,
- Friday to Saturday 11.30am to 01.30am
- Bank Holidays 12.00pm to 23.30pm.

On 27<sup>th</sup> June 2018 this application was refused on the basis the proposed increase in operating hours would lead to an undue loss in amenity, by reason of additional noise and disturbance from the use, for nearby residential dwellings. The proposal would result in large groups of people entering and exiting the site at unsociable hours, late into the night and this type of nuisance, coupled with music and activity within the site itself, would together be detrimental to the amenity of nearby residential occupiers. It was therefore stated:

The premises would continue to operate to their permitted hours of use.



## GREATER MANCHESTER POLICE

In July 2018 The Station Bar & Grill submitted a second planning application with a variation to change of use of ground and first floor bar, coffee lounge and restaurant and second floor to residential accommodation to allow for an alteration in opening hours to:

- Sunday to Saturday 11am to 12.30am.

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On 4<sup>th</sup> September 2018 this application was refused due to an alteration in opening hours would lead to an undue loss in amenity for nearby residential dwellings.

Since planning permission had been refused I continued to receive complaints from the residents with regards to the operating times of the Station Bar & Grill which I list below:

1. On Monday 2<sup>nd</sup> July 2018 I received information from a local resident who wanted to say thank you as they had the quietest weekend in 7 months.
2. On Monday 9<sup>th</sup> July I received information from a resident stating another peaceful weekend in regards to the bar & Grill. Having the hours cut down has stopped all noise outside the front. The resident did feel he was being intimidated by the licence holder of the premises which he could ignore with having a peaceful weekend.
3. On Monday 16<sup>th</sup> July information was received from a resident that Friday 13<sup>th</sup> July was pretty peaceful with customers leaving The Station Bar & Grill at 01.30 hours however customers had not been allowed to enter. The resident felt intimidation from the licence holder of The Station Bar & Grill which he chose to ignore. It was reported the following evening Saturday 14<sup>th</sup> July, was a little worse, the premises were not letting people in but the music was playing until nearly 3am.
4. On Wednesday 18<sup>th</sup> July I received information from a resident stating Since Monday 2<sup>nd</sup> July the upstairs flat to The Station Bar & Grill has been blasting music from 1pm till around 4pm and then again 12am till nearly 3am. The resident was trying to ignore the behaviour as they believed the staff in the premises was trying to get a rise from the residents.



## GREATER MANCHESTER POLICE

5. On Friday 14<sup>th</sup> September I received information from a resident who stated for the past 2 weekends the premises have operated until 2am and the music goes from just bearable to ridiculous levels, the previous evening was hard to cope with. The music from the flat carried on till past 02.30 hours.
6. On Saturday 22<sup>nd</sup> September at 23.57 hours I received information from a resident to state the premises was still operating and the music was very loud.
7. On Friday 19<sup>th</sup> October I received information from a resident who stated this was the first night of The Station Bar & Grills tribute acts which was really loud. They were unable to state if the noise was coming from the restaurant or the function room as the kitchen door was open at the back and music was traveling around.
8. On Saturday 20<sup>th</sup> October Pc 7116 Packer requested the district police officers conducted a visit to the premises after the premises official closing hours. Officers attended The Station Bar & Grill at 23.55 hours and reported there was still drinks on the tables with approximately 15 persons inside the premises however the officers did not witness any drinks being served from behind the bar area. The officer spoke with the licence holder who confirmed he had a drinking licence until 23.30 hours and that he had not been serving drinks past this time. The licence holder was asked what time he intended on closing the doors to which he stated when the customers leave. The licence holder commented that he believed he was being victimized by the council and the police over his licence.
9. On 20<sup>th</sup> October I received information from a resident stating it was 00.22 hours and the music was booming. They were still unsure whether the music was coming from the restaurant, function room or both. The kitchen door was wide open with the chef singing away.
10. On Friday 9<sup>th</sup> November I received information from a resident who stated they had, had an exchange of words over the telephone with a member of staff from The Station Bar & Grill. It was reported the resident had phoned the



## GREATER MANCHESTER POLICE

venue to request they turn the music down. A female member of staff who answered the phone handed the call to the licence holder. The licence holder denied the music was playing and the conversation became quite heated between both parties. The music continued to be played loud.

A resident reports almost every Friday and Saturday since the hours of The Station Bar & Grill have been reduced, the licence holder constantly and continually ignores the hours of closing with music unbearably loud. Singing from tribute acts and customers being ushered out in small groups from the fire escape at the back disturb the residents who just want a peaceful life.

Police and planning are currently investigating the appropriate course of action to prevent a continuing nuisance to the public and to address the premises licence at The Station Bar & Grill. Therefore to allow the two temporary events to remain at their requested 2am finish would provide The Station Bar & Grill that there is an implied acceptance of the 2am unofficial closing time, which is currently the source of the public nuisance.

As such I request the two temporary events submitted for 24<sup>th</sup> December and the 31<sup>st</sup> December be refused.

Signed:.....PC 07116 Packer..... (rank/pin/name)

Date/Time 5th December 2018 10.50 hrs



Boyle, Joanne

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**From:** Belfield, Peter  
**Sent:** 05 December 2018 11:16  
**To:** Taylor1, Janet  
**Cc:** Boyle, Joanne; Hinchliffe, Keiran  
**Subject:** RE: ELÉCTRONIC SERVICE - Temporary Event Notice (x2) - Station Bar and Grill  
**Importance:** High

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Janet,

The operator has submitted two Temporary Event Notices to provide an extension to permitted licensable activities on Christmas Eve and New Year's Eve 2018 until 0200h the next morning.

Since a variation to a Premises Licence was granted (despite objections from this Service) in December 2017, that extended the terminal hour of licensable activities including regulated entertainment to 01.30h, Thursday to Saturday and 00.30h, Sunday to Wednesday, the business has diversified into a regular late night entertainment venue with DJ, live acts and dancing typically each Friday and Saturday night and occasionally on other days in addition.

This has resulted in persistent complaints from local residents (the closest sharing a party wall with the venue at 1<sup>st</sup> floor level) due to loud music, raised voices, structurally transmitted impact noise from customers' footfall and disturbance from revellers outside the premises especially at closing time in the early hours.

Following investigation a Noise Abatement Notice was served on the 12<sup>th</sup> March 2018. The Notice required the abatement of amplified music and structurally transmitted impact noise. Noise mitigation works were subsequently implemented at 1<sup>st</sup> floor level that reduced the impact of these effects to an extent that was sufficient to avoid legal proceedings being commenced in the Magistrates' Court. Nonetheless, noise monitoring evidence confirmed that residual impacts were still discernible at times.

In addition, following objections by Regulatory Services, two applications to vary an existing planning condition to allow for an extension in opening hours (beyond the latest permitted time of 2330h) were refused on the grounds of the development leading to an undue loss in amenity for nearby residential dwellings.

Aside from the noise impacts affecting structurally attached neighbouring dwellings, reference was made within the aforementioned objections to the obvious impact of revellers causing a nuisance outside the premises especially at closing time that could not be addressed under statutory nuisance legislation.



In October 2018, I received a report of the premises being open past the permitted time into the early hours with noise from music reported as causing disturbance. A resident contacted me in November 2018 to advise that the premises had to be requested to reduce the volume and thereby turn the music down.

On the 3<sup>rd</sup> December 2018 I spoke to a resident who had emailed me the previous day to say that the premises were open until 0200h Saturday 2<sup>nd</sup> December with 'unbearably loud' music from live music acts and bass noise until closing. A colleague informed me that she had passed the premises shortly before midnight on the same night and witnessed loud music emanating from the ground floor of the premises.

The matter has been referred to the Planning Enforcement team for investigation to determine any non-compliance of planning conditions and in view of residents' reports of potential breaches of the Noise Abatement Notice, it will be necessary to re-investigate noise levels emanating from the premises.

In the event of such breaches being witnessed, a decision will be taken on what action is appropriate, for example a review of the Premises Licence and/or a prosecution for non-compliance with the Abatement Notice.

It is clear that entertainment held on these premises cannot take place without complaints of noise and disturbance being received and current Premises Licence controls may not be suitable or sufficient to protect local residents. In that case it would not be appropriate to allow any extension on hours for licensable activities until the Licensing Authority can be satisfied that undue noise impact would not arise.

Regards,  
Peter Belfield

Environmental Health Officer  
Pollution & Housing Team, Regulatory Services, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, Trafford M32 0TH.

**Tel:** 0161 912 4579 **Email:** [peter.belfield@trafford.gov.uk](mailto:peter.belfield@trafford.gov.uk)

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**From:** Taylor1, Janet

**Sent:** 03 December 2018 16:23

**To:** Environmental Protection; Environmental Health; Karen.Packer@gmp.police.uk;  
Trafford.PartnershipTeam@gmp.police.uk

**Cc:** Boyle, Joanne; Hinchliffe, Keiran; Pickup, Jade; Simmons, Gareth; Taylor1, Janet

**Subject:** ELECTRONIC SERVICE - Temporary Event Notice (x2)

Please find attached your copy of temporary event notices for Station Bar and Grill for Xmas Eve and New Year's Eve and these notices are deemed served in time.