

Boyle, Joanne

From: Belfield, Peter
Sent: 04 October 2023 12:49
To: Licensing
Cc: phil.crier@pbclicensing.co.uk; Duckworth, Nicola; Pollitt, Richard; Pickup, Jade; Whittaker, Suzanne
Subject: REPRESENTATION re: Application for a Review of Premises Licence PL000631 - Victoria Warehouse, Trafford Park Road, Trafford Park, Manchester, M17 1AB
Attachments: REPRESENTATION FORM - Peter Belfield.pdf
Importance: High
Categories: Management

Dear Licensing Team,

On behalf of a responsible authority (Environmental Health – Pollution Team), I wish to provide the following Representation in support of a Review of the Premises Licence granted to the above premises. I consider that the current Licence does not adequately promote the Licensing Objective for the Prevention of Public Nuisance, with respect to the control of noise emissions from regulated entertainment taking place on the premises. I have detailed the reasoning for my Representation within the attached Form, which also includes a set of revised conditions that can be attached to any reviewed Licence that would resolve my concern.

I would invite the Licence Holder’s representative to agree the revised set of conditions, whereupon I should be able to support a reviewed Licence being granted subject to the said conditions being attached to it.

Alternatively I would welcome any feedback should this not be possible.

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

Trafford, a place where all residents, communities and businesses prosper. Our Trafford, Our Future 2021-24 - Better Health, Better Jobs, Greener Future.

Trafford Council

The Licensing Act 2003

Responsible Authority Representation Form

FAO The Licensing Service, Licensing Section, Trafford Town Hall, Talbot Road, Stretford, M32 0TH

Section 1 - Application Details	
I wish to make a representation against the following application: Applicant's name (if known):	
Premises name and address: 02 Victoria Warehouse, Trafford Wharf Road, M17 1AG	
Type of Application: Application for the review of a premises licence	
Application Number (if known):	PL000631

Section 2 – Responsible Authority's Details	
Responsible Authority's Details: Please tick appropriate box:	
<input type="checkbox"/>	Chief Officer of Police
<input type="checkbox"/>	Fire and Rescue Authority
<input type="checkbox"/>	Local Planning Authority
<input type="checkbox"/>	Health and Safety Authority
<input checked="" type="checkbox"/>	Environmental Health Authority (Pollution Control Team)
<input type="checkbox"/>	Bodies recognised as being responsible for protection of children from harm
<input type="checkbox"/>	Local Authority Director of Public Health
<input type="checkbox"/>	Local Weights and Measures Authority (Trading Standards)
<input type="checkbox"/>	Licensing Authority
<input type="checkbox"/>	Home Office Immigration Enforcement
<input type="checkbox"/>	Other
Full name:	Peter Belfield
Job Title:	Environmental Health Officer
Tele number:	07760 167385
Email:	peter.belfield@trafford.gov.uk

Address:

Pollution Control Team
Regulatory Services
Trafford Council
Trafford Town Hall
Talbot Road
Stretford
Manchester
M32 0TH

Section 3 – Representations

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|-------------------------------------|---|
| <input type="checkbox"/> | We object to the application being granted at all |
| <input checked="" type="checkbox"/> | We object to the application being granted in its current form* |

*If you choose this option remember to tell us in section 3B what changes you would like to see.

Your representation must be relevant to the effect of the application on the promotion of one or more of the four licensing objectives. Please complete the boxes below as fully as possible. If you do not then your representation may not be accepted.

Please attach supporting documents/further pages as necessary. Please number all extra pages and add the applicant's name and your name to each page.

Section 3A – The Licensing Objectives

To prevent crime and disorder	<i>Please state your reasons: N/A</i>
Public safety	<i>Please state your reasons: N/A</i>

<p>To prevent public nuisance</p>	<p><i>Please state your reasons:</i></p> <p><u>Noise Management Plan</u></p> <p>I have reviewed the current Premises Licence conditions which relate to the prevention of public nuisance, specifically regarding the emission of noise from regulated entertainment held on the premises.</p> <p>Noise emissions are controlled by Victoria Warehouse principally through the implementation of a Noise Management Plan (NMP) that has been agreed by this service. Since the plan was implemented, complaint levels have been relatively low.</p> <p>However, the Premises Licence does not include any condition to require the implementation of the NMP. The council therefore has no means of enforcing the implementation of the NMP, should a valid complaint from a resident or other noise sensitive premises be received.</p> <p>An additional condition is therefore proposed to ensure that the implementation of the NMP is required by Licence condition to uphold the Licensing Objective for the Prevention of Public Nuisance. I have proposed such a condition (no. 4.11.1) in section 3B.</p> <p><u>Redundant Conditions</u></p> <p>The current Premises Licence contains conditions relating to the control of noise from the premises which are no longer considered to be relevant. I have referred to these conditions and present the reason for them being considered redundant below:</p> <p><i>1. Licensable activities shall not commence until the start of operations of the associated hotel.</i></p> <p>The associated hotel has now commenced operation, therefore the condition is not enforceable.</p> <p><i>3. All amplified music shall be routed through the sound limiter.</i></p> <p><i>4. Neither the sound limiter nor its settings shall be changed save with the consent in advance of Trafford Borough Council, Pollution Section</i></p> <p>The current NMP does not specify a noise limiter for the control of internal sound levels. In addressing complaints during the first few years of operation, Victoria Warehouse's acoustic consultants recommended an alternative approach based on a regime for off-site noise monitoring at identified receptor positions with sound level logging, including within the frequency bands associated with 'bass beat' nuisance effects. This approach is detailed within the latest NMP and complaint levels have since been relatively low.</p> <p>In view of this, it is considered that conditions referring to a noise</p>
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	<p>limiter are no longer required and do not reflect the current agreed approach to the control of noise emissions.</p> <p><u>Conditions requiring revision</u></p> <p>The current Premises Licence contains two conditions with essentially the same objective but with slightly differing requirements:</p> <p><i>2. For premises where entertainment takes place on a regular basis, music and associated sources (including DJs and amplified voices) should generally not be audible inside noise sensitive properties at any time. Where entertainment takes place less frequently, such noise should generally not be audible inside noise sensitive properties. (Based on IOA Good Practice Guide on the Control of Noise from Pubs and Clubs)</i></p> <p><i>12. Noise from the premises shall not be such as to cause nuisance in Salford or at the nearest noise sensitive location. (Agreed with both Salford City Council and Trafford Council). The licensable activities shall take place in areas C and D as shown on the Licensing Plan attached to the Application.</i></p> <p>In order to ensure that conditions are precise and avoid duplication or contradiction, I would request that the above conditions are replaced with one more precisely worded condition. I have proposed such a condition (no. 4.11.2) in section 3B.</p> <p><u>Existing conditions to be retained</u></p> <p>The remaining existing conditions of the Premises Licence relating to the control of noise at Victoria Warehouse are still relevant and it is requested that they be retained within any reviewed Licence.</p> <p>For clarity I have collated the additional, revised and retained conditions into a complete set presented within Section 3B. I recommend that this set of conditions replaces those currently presented within section 4.11 <i>Noise Management Plan and Sound Assessment</i> of the document <i>Proposed Licence Conditions 02 Victoria</i> supporting the review application.</p> <p>The reviewed Licence should then contain clear and sufficient conditions pertaining to the control of noise emissions, which better promotes the Licensing Objective for the Prevention of Public Nuisance.</p>
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<p>The protection of children from harm</p>	<p><i>Please state your reasons:</i> N/A</p>
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Section 3B – Suggestions/Further information

Please give any suggested conditions that could be added to the licence to remedy the cause of your representations, or other considerations you would like the Licensing Sub-Committee to take into account.

See next page

- 4.11.1. *Any regulated entertainment shall be provided in accordance with a Noise Management Plan that has been agreed in writing by the Licensing Authority*
- 4.11.2. *No noise shall emanate from the premises that gives rise to a nuisance at any residential or noise sensitive properties, including those within Salford City Council's jurisdiction.*
- 4.11.3. *All doors and windows to be kept closed, except for normal access and egress whenever regulated entertainment is taking place.*
- 4.11.4. *Lobbies must be provided at each entrance to the venue where there is a direct sound transmission path between the noise source and external areas.*
- 4.11.5. *There shall be no external regulated entertainment or "funfairs" or similar outdoor activity at the premises.*
- 4.11.6. *Smokers shall use a designated smoking area shown marked on a plan which shall be lodged with Trafford Borough Council, Pollution Section. The smoking area shall be supervised by a minimum of one member of staff after 23.00 until close to ensure that smokers do not cause a disturbance. Any smoker behaving in a noisy manner shall be required to return inside the premises.*
- 4.11.7. *Only smokers shall be allowed to use the designated smoking area.*
- 4.11.8. *The premises licence holder shall give not less than 28 days notice of events to be held at the premises to Greater Manchester Police (unless a shorter time is agreed with Greater Manchester Police).*
- 4.11.9. *Each calendar year a minimum of one month's written notice (or a lesser period if agreed in writing with the Licensing Authority) will be given to the Police and Trafford Council Pollution Control of proposed events to be held at the venue. The notice will contain a brief description of the event and the licensable activities proposed, including the start and finish time, attendance numbers, nature of event and details of artistes / performers, whether there is live and/or recorded music, and any proposed alterations to sound limits.*
- 4.11.10. *When required by Trafford Council, sound propagation tests will be undertaken prior to specified events. The specified events shall be those notified by the Council to the premises licence holder. If required, the sound limits shall be modified to the satisfaction of Trafford Council prior to the specified events taking place and retained thereafter.*
- 4.11.11. *For music events continuing later than 02:00 Trafford Council will be notified to agree sound limits prior to each event unless sound limits have been previously set in agreement with Trafford Council and those limits are not to be altered.*

I confirm that this representation may become a public document

Signed *PB* dated 4 October 2023

N.B if you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in connection with this representation. This is punishable, on summary conviction, by a fine not exceeding level 5 on the standard scale.

Please return this form along with any additional sheets to: **The Licensing Service, Trafford Council; Trafford Town Hall, Talbot Road, Stretford, Manchester, M32 0HT** or email to licensing@trafford.gov.uk.

This form must be returned within the Statutory Period. Please check with the Licensing Section by emailing licensing@trafford.gov.uk