



15 April 2023 -monitored between 00:20 to 01:00 am



25 April 2023- Monitored between 23:25 to 23:40



MANCHESTER
CITY COUNCIL

**Licensing and Out of Hours Compliance
Team**

Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

[REDACTED]
La Buka African Cuisine Ltd
286-288 Moston Lane
Manchester
M40 9WB.

Date: 8 May 2019

Our Ref: 120663

Dear [REDACTED]

Re: Noise Abatement Notice Enclosed

Attached to this letter is an Abatement Notice that is being served upon you by Manchester City Council.

This is being served as a result of nuisance coming from 286-288 Moston Lane, Manchester, M40 9WB consisting of excessively raised voices and excessively loud music on 07th May 2019. This was witnessed by officers from Manchester City Council, the noise from your property was assessed by officers deemed to be a statutory nuisance.

It is a criminal offence to fail to comply with this notice, and if there is any reported breach of the notice, this could be witnessed at any time. This could include the use of recording equipment, or professional witnessing.

The consequences of breaching the notice could involve the Council applying to the courts for a warrant that will enable officers to enter your property, by force if necessary, and seize any equipment that may be used to create noise nuisance. You could also be liable to a prosecution which could lead to an unlimited fine.

If you wish to appeal this Notice, you have 21 days to do so under Section 80(3) of the Environmental Protection Act 1990, and this is explained within the notice.

If you have any queries about this notice or anything stated in this letter, you are entitled to seek independent legal advice.

Yours sincerely

[REDACTED]
[REDACTED]
Licensing and Out of Hours Team



Section 80 Environmental Protection Act 1990

STATUTORY NUISANCE ABATEMENT NOTICE

To: [REDACTED]
Of: 286-288 Moston Lane, Manchester M40 9WB.

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the City of Manchester, being satisfied of the existence and likelihood of recurrence a statutory nuisance by virtue of Section 79(1)(g) arising from:

Excessively loud raised voices and excessively loud music.

at: 286-288 Moston Lane, Manchester, M40 9WB

DO HEREBY REQUIRE you with immediate effect from the service of this notice to abate the same and prohibit its recurrence and for that purpose to carry out the requirements of the attached schedule.

This notice shall have effect notwithstanding any appeal to a Magistrates' Court which has not been decided by the court because in the opinion of the Council paragraph 2 of regulation 3 of The Statutory Nuisance (Appeals) Regulations 1995 applies viz:-

Is likely to be of a limited duration such that suspension of the notice would render it of no practical effect.

An appeal against the requirements of this notice may by virtue of Section 80(3) of the Act be brought by way of a complaint for an Order to the Magistrates' Court within 21 days of the service of this notice.

Any such appeal is governed by the relevant provisions of The Statutory Nuisance (Appeals) Regulations 1995 and the Magistrates' Courts Act 1980.

All communications regarding this appeal should be addressed to:-

Clerk to the Justices, Greater Manchester Magistrates' Court, Crown Square, Manchester M60 1PR

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286-288 Moston Lane, Manchester, M40 9WB

SCHEDULE

- 1) TO ABATE THE NOISE AND PREVENT A RECURRENCE.**

Dated this **08th** day of **May 2019**.

By Order of the said Council

Signed

**On behalf of, and in the name of, Fiona Worrall
Strategic Director for Neighbourhoods**

Environmental Protection Act 1990
Section 80

NOTES

1. Failure to comply with any requirement of this notice, without reasonable excuse, constitutes a contravention of Part III of the Environmental Protection Act 1990. The penalties which may be incurred by a person found guilty of such a contravention are set out in Section 80(5) and Section 80(6) of the Act which may be summarised as follows:-
 - (a) offences on industrial, trade or business premises – an unlimited fine.
 - (b) offences on other premises – an unlimited fine with a further fine of one tenth of £5000 for each day on which the offence continues after the conviction
2. If the local authority is of the opinion that proceedings for an offence under Section 80(4) of the Act would afford an inadequate remedy in the case of any statutory nuisance, they may take proceedings in the High Court to secure the abatement, prohibition or restriction of the nuisance.
3. Persons authorised by the City Council may enter any premises to determine whether or not a statutory nuisance exists or for the purpose of taking any action or executing any work, authorised by Part III of the Act. (See Schedule 3, paragraph 2).
4. If an abatement notice is not complied with the local authority may abate the nuisance and do whatever is necessary in execution of the notice.

Any expenses reasonably incurred by the local authority in abating or preventing the recurrence of a statutory nuisance may be recovered by them from the person(s) by whose act of default the nuisance was caused and the Court may apportion the expenses between persons by whose acts or defaults the nuisance is caused in such a manner as the Court consider fair and reasonable.

Written enquiries regarding this notice should be sent to:-

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Licensing & Out of Hours Team
The Neighbourhoods Service
PO Box 532
Town Hall
Manchester
M60 2LA

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