

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 16 May 2022

Present: Councillor Andrews – in the Chair

Councillors: Evans and Hassan

LACHP/21/38. Application for a Premises Licence Variation - Birch Community Centre, Brighton Grove, Manchester, M14 5JT - WITHDRAWN

The Hearing Panel were advised that the application had been withdrawn prior to the hearing and therefore no decision was necessary.

LACHP/21/39. Application for a Premises Licence Variation - Turkiss Shawarma, 244 Wilmslow Road, Manchester, M14 6LDT - WITHDRAWN

The Hearing Panel were advised that the application had been withdrawn prior to the hearing and therefore no decision was necessary.

LACHP/21/40. Temporary Event Notice - Shindigger Secret Garden, 44 Ellesmere St, Manchester, M15 4JY

The Hearing Panel was invited to consider a report of the Director of Planning, Building Control and Licensing regarding an application for a Temporary Event Notice for the above application.

LOOH addressed the Hearing Panel, stating their belief that this application felt to them as more of a temporary licence than a TEN. LOOH felt there was a lack of detail on the application regarding public safety and how to alleviate concerns about causing a public nuisance. LOOH informed the Panel that the application was for a space on the outskirts of the City Centre, an area which LOOH had received a number of complaints regarding a public nuisance for before. LOOH noted the applicant had reduced their capacity from 400 to 250 and had submitted an operating schedule. LOOH had concerns that the applicant had not written the operating schedule and that it had been done by their legal agent to satisfy the Panel.

LOOH went on to discuss previous events that the applicant had held and sought to introduce new evidence, however the Panel's legal advisor interjected stating that as this information had not been submitted prior to the hearing, the applicant and their agent could object to it being heard. They did object to the information being discussed and therefore LOOH moved on.

LOOH then informed the Hearing Panel that the last event held by the applicant was closed by GMP due to fears over public safety. LOOH had met with the applicant and put their concerns to the applicant. LOOH finished by stating their main concerns were around previous events held by the applicant and possible public nuisance and public safety.

The Panel then sought clarity regarding the main concerns of LOOH concerning the application. LOOH stated that initially the location was the main concern. They stated there is only one Licensed premises in the area and LOOH already received a number of resident complaints about this. When LOOH met with the applicant at the proposed site, they noticed how small the site was and had concerns that the capacity would be a recipe for disaster.

The applicant's agent then addressed the Hearing Panel, stating the original application sought alcohol sales only from 11.00 to 23.00 on a Friday, Saturday, and Sunday across the nine events. The events are being ran in partnership with Capital and Centric who want to use the events for publicity before redevelopment in the area. The applicant's agent stated there is no intention for a premises licence for the venue in the future. The applicant's agent stated there would be one bar and one street food vendor on site, and there would be no DJs, only background music. The aim of the events is to create a beer garden. The applicant's agent stated they had received no objection from GMP, only from LOOH. There had been a suggestion that only one event was held to see how things went but the applicant's agent informed the Panel that this was not commercially viable. The applicant's agent accepted that the proposed site needs works doing to it, but plans are in place for it to be ready by 2 July. LOOH visited the site with the applicant, who then proposed changes to LOOH based on their concerns. The applicant's agent noted that letters of support had been provided to the Panel. The applicant's agent stated that the closing time of 22.00 made them confident that it will not cause a nuisance.

The applicant then addressed the Hearing Panel, stating that they accepted mistakes had been made at previous events they had held. However, the applicant stated they were back in 2017 when they were less experienced. The applicant noted their respect for the Licensing Objectives and their own responsibility to adhere to this. The applicant informed the Panel of their belief that there are not many beer gardens nearby Manchester City Centre, therefore this event would bring something unique to the area. As the events are outdoors, the applicant was confident that most patrons would leave site around 18.00 to 19.00 as it became darker and colder. The applicant also noted that they had reduce capacity from 400 to 250 on the application and would have SIA trained staff on site at all times.

In questioning, LOOH sought to establish further information on the previous events held by the applicant, an allegation of intoxication at a previous event, if the applicant understood the concerns about noise emanation and if there was not another venue this could be held. The applicant informed LOOH of the previous events they had held. The applicant accepted mistakes had been made at a previous event but explained that was five years ago. The applicant accepted there will be some noise emanation but will do what they can to mitigate that. The applicant understood that the events could be closed down should noise become too loud. The applicant also stated that there will be SIA staff at the entrance and exit to the event to deal with the noise of people leaving. The applicant then explained that they had looked at 7 different locations across the city and felt that this was the best site.

The Panel then sought to establish more information on why the applicant decreased the capacity, if they had thought about parking in the area and what music would be

played. The applicant decreased the capacity based on the floor plan with furniture inside the venue. The applicant stated that the venue is close to 2 tram stops and people will be drinking at the event, so they did not anticipate any parking issues. Music would only be played in the background, and this would be done via a phone through speakers which only the applicant would control.

In summing up, LOOH stated that past dealings with the applicant raised concerns and felt that the events were likely to cause issue for local residents. LOOH encouraged the applicant to find a new location.

In summing up, the applicant's agent stated that they had liaised with LOOH and modified the application to find a compromise but had been unable to do so. The applicant's agent was confused that LOOH tried to say the applicant was irresponsible but encouraged the applicant to apply elsewhere. An operating schedule had been provided by the applicant and that would be adhered to as if they were conditions on a normal Licence.

In their deliberations, the Panel took on board LOOH's concerns regarding their previous experience of the applicant. However, they noted that five years have now passed and acknowledged his increased experience of events management. They were satisfied that it was a suitable area and the operating schedule addresses concerns raised by LOOH regarding upholding the Licensing objectives of public nuisance and public safety. The Panel would like the applicant to work alongside LOOH during these events, particularly regarding noise levels.

Decision

Not to serve a counter-notice. The following events are approved;

1,2 and 3 July 2022

8,9 and 10 July 2022

15,16 and 17 July 2022

22,23 and 24 July 2022

29,30 and 31 July 2022

5,6 and 7 August 2022

12,13 and 14 August 2022

19,20 and 21 August 2022

26,27 August 2022.

LACHP/21/41. Temporary Event Notice - Café, "Hillkirk House", 6-8 Hillkirk Street, Manchester, M11 3EZT - WITHDRAWN

The Hearing Panel were advised that agreement had been reached with objectors prior to the hearing and therefore no decision was necessary.