

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 16 January 2023

Present: Councillor Reid – in the Chair

Councillors: Hewitson and T Judge

LACHP/23/3. Application for a New Premises Licence - Factory International, Water Street, Manchester, M3 4JQ

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The Hearing Panel also considered the written papers of the parties and the oral representations of the parties in attendance as well as the relevant legislation.

The applicant's agent addressed the Hearing Panel, first by displaying a video explaining the purposes of the Premises. They noted that this was an exciting and significant project that could have a large impact on the city. It would be a cultural, arts and events venue that would have an impact nationally and globally. The applicant had applied for a licence to supply alcohol from 8.00am until 4.00am daily. The applicant had also applied for external Licensable activities. The applicant's agent noted that they sought an extensive and flexible licence but felt that this was necessary for the intentions of the venue.

The applicant's agent stated that the applicant had liaised with all objectors but noted that some resident objections and a local ward councillor objection remained. It was felt there had been some suggestion from objectors that the consultation had not been extensive enough. The applicant's agent felt this is not true, stating they had gone above and beyond their legal requirements in this regard. They noted that the first meeting with the Responsible Authorities took place in September 2019 and a meeting with the local ward councillor in November 2019. The project, following this, suffered delays due to the COVID-19 pandemic. However, the applicant had done a letter drop to local residents inviting them to a meeting regarding the licence that would be applied for. Around 50 residents attended that meeting. The applicant initially wanted a 24-hour alcohol licence but reduced their request following this meeting with residents. A further two meetings were held with residents following the consultation ending, after which the Operating Schedule and Licence Conditions were revised.

The applicant's agent moved on to address the remaining objectors concerns. They stated that the applicant sought a flexible licence with extensive hours as the venue was intended for various events, requiring the possibility of 24/7 entertainment provision. Residents had questioned why alcohol had to be available at all events and not just music. The applicant's agent noted that some customers would want a drink if attending an event during the early hours of the morning. They also stated that there could be some music events that go past 23.00 where the licence would need to be flexible. It was said that this would not be all the time but for certain events, hence the need for flexibility. Factory International is intended to have a variety of acts and events, and not intended to be a late-night bar. The applicant's

agent felt they had been as transparent as they could. They did note that long-term the applicant did not know the type of events that would be available at Factory International as the programming for the event schedule would be fluid.

Factory International did have a Business Plan, with the visitor forecast for the first year being 800,000. It is forecast that 500,000 would be for ticketed events and the others for various reasons. The applicant's agent felt that the solution to not knowing what events will be on should not be to reduce the hours of the licence. The project would not be viable with a 23.00 terminal hour as this would reduce the appeal of the venue for certain events. However, the applicant had committed to ongoing communication with the Responsible Authorities. This would take different forms, including but not limited to, submitting a specific event management plan at least 28 days prior to any event that has a capacity of 2000 or more, or any event that finishes after 23.00 with its main focus on live or recorded music. These safeguards had been committed to as to ensure the Licensing Objectives are upheld by the Premises. It was noted that these were regular conditions for Premises that held various events.

The applicant's agent informed the Hearing Panel that the applicant sought the external area of the Premises to be Licensed. They stated this would mostly be space for customer to sit and relax during the day. For up to 12 weekends of the year, the applicant requested this area to be Licensed until 02.00am, proposing that 3 of those weekends would be for the Manchester International Festival. It was proposed that prior to any late outdoor event, a noise and event management plan would be submitted. The applicant's agent stated that there would be measures in place to reduce noise emanation. Outdoor events would not take place at Factory International if the applicant was not satisfied that a noise nuisance would not occur.

Dispersal from the Premises had been raised as a concern. Whilst accepting that dispersal would be different on an event-by-event basis, the applicant's agent had submitted a general plan. This showed that Grape Street would be prohibited as an exit as this was where most residents in the area lived.

The Responsible Authorities were content with the arrangement of being involved in event management plans. No representation had been received from either LOOH or GMP. One representation was received from the Licensing Unit, but this was agreed and withdrawn.

Residents also had concerns that the venue would transition from a culture and arts events space into a nightclub. The applicant's agent stated that this would not, and could not, happen. The Premises would receive funding from the Arts Council that would be lost if they did not have a diversity of events. The Premises also had conditions relating to noise nuisance within their operating schedule. There would be a method of sharing information with residents regarding events. There was also a condition that the Premises shall have a phone number for residents to contact a duty manager regarding any issues. Alongside the dispersal conditions, the applicant's agent felt that the conditions were more than sufficient to uphold the Licensing objectives.

A Local Ward Councillor asked questions of the applicant and their agent, starting with clarifying that the Licence was for 365 days, what they meant by 12 weekends

per year and concerns relating to the venue becoming a late-night drinking venue. The applicant's agent noted that Manchester International Festival was 18 days every two years but that the applicant wanted their Licence for 365 days for similar types of events to be held all year. 12 weekends per year related to events held in the external space into the early hours of the morning of Friday, Saturday, Sunday, or Monday. On the weekends in question, only 3 of the days requested would be used. 3 of the weekends are to hold events related to Manchester International Festival. Regarding concerns relating to the venue becoming a late-night drinking venue, the applicant's agent stated that the applicant would work closely with other event holders nearby, particularly Castlefield Bowl, for crowd management.

The Local Ward Councillor felt that the offer nearby to Castlefield Bowl is limited for drinking and would encourage customers to head to Factory, questioned if the first events intended to be held would require an Event Management Plan and the capacity of the external area. The applicant's agent explained that the Premises would have the power to stop admission. However, the agent did also believe that the offer nearby to Castlefield Bowl was sufficient as to not encourage customers to go to Factory International. The initial event at the Premises would not require an Event Management Plan due to its capacity. The external area can hold a maximum of 2,000 people when empty. Once the area has fixtures and fittings in place as per an events requirement, that number will fall. The external area would always be open when not being used for events.

The Local Ward Councillor then questioned the number of late-night events, the timeline for an Event Management Plan and the impact of dispersal from the venue. The applicant's agent noted it was within the Committees power to restrict the number of late-night events the venue could hold but had asked them not to as the applicant had put forward sufficient safeguards. The requirement for an Event Management Plan to be submitted would be 28 days prior to an event to the Responsible Authorities. There is nothing to stop the applicant doing that sooner. The applicant noted that they would meet with the Responsible Authorities once every 4 months to address any concerns and would continue to be in regular contact with residents too. The applicant's agent then noted that a Resident Portal would provide information to residents that is not available to the public. There was a condition relating to this put forward in the Operating Schedule to reduce the impact of dispersal from the venue.

The panel requested further information regarding dispersal, numbers of security staff for the external area, and the issue of the venue remaining open when others close. Dispersal would be as described, with the intention not to use Grape Street where a number of residents live. Customers would be diverted towards Quay Street and Liverpool Road. The number of security staff would be determined on an event-by-event basis. The venue is proposed as an events space, not for late-night drinking. The applicant's agent felt there was sufficient options in the vicinity for late-night drinking that those not attending an event would not be attracted to Factory International.

The panel then requested clarity on the 'vague' Christmas events, any consultation with Salford and how customers would be stopped going outdoors if at capacity. The proposal was for a family Christmas show but there had been a struggle in landing it.

The intention was still that Christmas would be family friendly. The resident consultation had a wide radius, including parts of Salford. However, no Responsible Authority from Salford had requested a meeting. For the outdoor space, that would be managed by Crowd Management Plans. If a large event was to be held indoors, the applicant accepted they would not be able to accommodate a large outdoor event at the same time.

The panel then questioned if the applicant was seeking gating for Grape Street, emergency procedures, liaising with Castlefield Bowl and a residents' forum. The applicant's agent stated that they would discuss gating with the landowner, and should it not be possible then the area would be stewarded. Emergency Procedures had been provided within the Operating Schedule. The applicant intended to work with Castlefield Bowl, acknowledging it not being appropriate to hold large scale events at the same time. A website was intended to be set up for residents.

The Local Ward Councillor then addressed the Hearing Panel, noting that the unknown elements of the application are what was causing concern to residents. There are many residents in the area and the Local Ward Councillor stated that most buildings along Liverpool Road, intended as a dispersal route, were residential. One of Manchester's aims is to be a liveable city and the Councillor felt part of that was being able to sleep and not hear other people's noise. Residents felt as though they would not be advised of events in advance and music events were of particular concern due to their size and the lack of commitment to an 11pm curfew. The lack of clarity on the capacity of the external area was a concern to the Councillor, along with the times applied for, particularly the 36 nights of the year that are requested for a 2am curfew. The Local Ward Councillor felt their needed to be limitations regarding hours, capacity, alcohol sales and the outdoor space.

A local resident addressed the Hearing Panel and accepted that living in the city centre meant a resident would have to deal with some level of noise. They had concerns regarding the terminal hours and a lack of transport at those hours. They believed that the consumption of alcohol was not required for all events, only for music and live events. They noted that alcohol makes noise emanation worse and asked the Committee to consider restrictions on alcohol sales.

In summing up, the Local Ward Councillor acknowledged their want for the venue to succeed but the unknowns were too big a concern. The Local Ward Councillor asked for restrictions to be placed on the Licence.

The applicant's agent then summed up, addressing documents provided by the local resident. They noted that all legal requirements had been met in the consultation period and anything the applicant did outside of that was going above and beyond the minimum expected. They felt it unfair to suggest the consultation had not been extensive enough. The applicant's agent did not agree that alcohol was only relevant to music events, noting it was personal choice for a customer if they wanted to drink or not. The applicant's agent highlighted the cultural significance of the Premises and noted that the conditions put forward within the Operating Schedule were sufficient to uphold the Licensing Objectives. Those conditions allow for continuous Responsible Authority scrutiny. The agent noted that the Responsible Authorities are the experts and had not submitted a representation.

In their deliberations, the Hearing Panel considered all oral and written statements provided, the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the licensing objectives.

Decision

To grant the licence as amended, by way of submission with the supplementary agenda, and specifically: -

Condition C12 (amended Operating Schedule) to be amended as follows:

There shall be no external licensable activities between 00:00 and 07:00 daily save for on 12 weekends per year when licensable activities will be permitted beyond 00:00, until 02:00 externally. Weekend days will be defined as the early hours of Friday, Saturday, Sunday and Monday. The premises will only use 3 days on any weekend that this condition is used. 3 of these weekends will be during the Manchester International Festival.

Additional conditions:

The maximum permitted occupancy of the external licensed area shall be 2000 (excluding staff/security/performers).

The Licence holder shall establish a regular residents' forum, identify relevant stakeholder residents' properties and invite those residents/occupants to attend.

Opening Hours: Mon – Sun 24 hours

Regulated Entertainment: Mon – Sun 24 hours Indoor & Outdoor

Late Night Refreshment: Mon – Sun 23:00 – 05:00 Indoor & Outdoor

Supply of Alcohol: Mon – Sun 08:00 – 04:00 Indoor

C12 of Amended Operating Schedule refers to outdoor

LACHP/23/4. Application for a New Premises Licence - Swanky's, 320 Wilmslow Road, Manchester, M14 6XQ

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing. The Hearing Panel also considered the written papers of the parties and the oral representations of the parties in attendance as well as the relevant legislation.

The applicant addressed the Hearing Panel, stating their proposal was for a café/bar within their salon. They noted that in the Fallowfield area, businesses struggle when students are at home. When students are at home, many bars close and the applicant was proposing a family run bar for the people who are resident to Fallowfield, open all year round. The bar is intended to be a local hub. The applicant had requested a Licence until 2am for one night a month for a Soul and Motown

Night, for which conditions had been proposed. In total, the applicant had requested a late-night Licence for 21 days of the year. The applicant stated they knew the Licensing Objectives and for that reason, had soundproofed the ceiling as to not cause a noise nuisance to the HMO above the Premises. The applicant proposed the café/bar would serve food and drink, noting their awareness of the CIP but stating that they could not financially survive on the salon alone.

GMP questioned what was exceptional about this application that would allow the panel to go outside the CIP and how the applicant felt they would not add to the CIP by serving alcohol. The applicant noted this was to be a smaller, intimate café/bar. It would be family run and aim to serve the local residents, whereas other establishments are aimed at students. The applicant had done research with their clients and believed that people in the area wanted a premises similar to this. The applicant felt that the conditions added at the Planning Stage would assist in not adding to the CIP. The applicant noted they were not seeking a late-night bar.

LOOH questioned who the applicant expected to attend, and if the applicant or their salon had experience of running or working in a bar. The applicant believed their clients from the salon would attend the bar; it is what local residents want. The establishment is not just for alcohol but will also serve food. Students are welcome and the idea of a student night was referenced, but they were not the target audience. The applicant accepted they had no experience of running a bar but noted their length experience running a business. They stated that appropriate staff would be employed to run the bar.

The panel questioned the student night referenced on a Tuesday, how spiking would be prevented, and the outdoor area applied for. The applicant stated the venue was not a large one and that students may not go there due to this. The applicant felt that they did not want to discriminate against students in the area, hence the suggestion of a student night. The applicant stated that to prevent spiking they would operate table service as they did not want drinks left lying around and that CCTV would be in operation. The outdoor area applied for was at the front of the premises and planning permission had been received.

The panel's legal representative questioned the capacity and what was nearby to the premises. The applicant stated there would be 60 to 70 seats inside with a possible 24 outside. The salon is the end of the building and has an alleyway that separates it from the building next door. The HMO upstairs is accessed from a different entrance.

GMP addressed the Hearing Panel, noting the application was within the CIP. They noted the clear effort and research put into the application but felt that it would add to the CIP due to being another bar in the area, attracting people out who do not already go out.

LOOH addressed the Hearing Panel, again noting the application fell within the CIP and that there was a burden on the applicant to show there would be no negative impact on the area. LOOH felt it was clear that the premises would bring more people to the area and there were already similar establishments nearby. They noted the applicant was not aiming the venue at students but had suggested a student night.

They also noted there was a large complex of residential flats within 50m of the proposed site.

The applicant summed up by stating that the area had become disproportionate towards students and that a bar such as this was required for local residents.

In their deliberations, the Hearing Panel considered all oral and written statements provided, the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the licensing objectives. The Hearing Panel accepted that the applicant had ran a salon from the premises for over 25 years and was seeking to widen her offer to her clients. The Panel noted that the applicant sought to create a different experience to the many student bars in the area. They accepted that the applicant would hold a Soul/Motown Night once a month, whilst also creating an elite wine bar and afternoon tea venue. The Hearing Panel considered the Cumulative Impact Policy but determined that this application had sufficiently demonstrated that it would offer something different to the area. For this reason, the Hearing Panel felt this application was an exception to the Cumulative Impact Policy.

Decision

To grant the application with additional conditions and an amendment to the licensable area and Late-Night Refreshment hours applied for: -

Supply of alcohol: Mon – Sun: 09:30 – 00:00. On sale licence only and internal licensable activities permitted only for area applied for.

There shall be no external licensable activities. Licence granted for the internal area applied for only; no alcohol to be served or consumed in the external area to the premises i.e. the area owned by the premises and which formed part of the Application.

Late Night Refreshment:

Mon – Friday: 2300 – 0000

Saturday: 2300 - 0000