

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Wednesday, 5 October 2022

**Present:** Councillor Grimshaw (Chair) – in the Chair

**Councillors:** Hilal and Hewitson

**LACHP/21/71. Temporary Event Notice - RAG Gallery, 577-579 Wilbraham Road, Manchester, M21 9AH**

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.

GMP addressed the Hearing Panel and stated that the TEN applied for a terminal hour of 4.00am. There had been previous TENs held at this venue with a similar description, and the last one drew complaints regarding noise, litter and patrons drinking alcohol on the street. GMP felt that there was no detail within the TEN application on how the number of people at the event would be managed, how security would be utilised and a dispersal policy. GMP felt that the event would be a pop-up night club rather than an art event.

The panel sought clarity on the complaints regarding alcohol, noting the application did not seek to supply alcohol. GMP stated that reports had been received of people drinking in the street and they had seen photographs of bin containing empty alcohol containers. GMP noted that the events could operate a bring your own alcohol policy.

LOOH then addressed the Hearing Panel, noting their concerns that the event could cause a public nuisance in a highly residential area. LOOH referenced the photographs provided as part of their representation, stating to the panel that they felt this showed an inability of the applicants to manage the external area of the premises. LOOH attended a previous TEN held by the venue, citing concerns the event appeared unmanaged and pedestrian access to the highway was being restricted by patrons using the front of the premises as a smoking area. LOOH noted at that event there appeared to be no SIA or management in place to manage the external space. LOOH themselves had not witnessed a noise nuisance from the premises but had received complaints regarding this. Other complaints included public urination and drug use. LOOH did not feel that the Licensing Objectives could be upheld by the applicant and therefore requested for the TEN to be denied.

The panel sought clarity on whether alcohol was being sold by the premises at previous events and the type of event being held. LOOH confirmed that the application did not request alcohol sales, but previous complaints had referenced alcohol consumption. LOOH believed the events to be an art event/gallery until 23.00, when the event becomes a music event. LOOH noted they had not witnessed alcohol being sold but had witness intoxicated patrons. LOOH had also witnessed around 30 to 40 customers in the rear external area of the premises smoking and drinking.

The applicant then addressed the Hearing Panel, aiming to demonstrate the community values of the gallery and address the concerns raised. The applicant stated that whilst the application referenced 499 customers, their intention was not for this many. They had never had more than 250 at an event and had received information from the Fire Brigade stating the space was safe for up to 300. They noted that they had moved the smoking area to the front of the premises but due to the issues this had created, they intended to move this to the rear. The smoking area will be enclosed with fencing. The premises had previously had issues with security firms, but their intention was to always have a minimum of 2 security on the premises during their event. The applicant stated that to assist with dispersal, the event would finish at 3.00am, with 4.00am being applied for to allow time to disperse the crowd and lock the premises. The applicant noted that the premises had welfare provisions in place. The applicant explained that they were equally concerned about littering issues caused by their events and had enlisted the support of other local groups to deal with this. An account had also been set up with a waste collection company. The applicant noted that events of this kind are only intended for once a month but were vital to the financial sustainability of the premises. The applicant accepted that it was two different events, one art and one music, in one night but stated customers need only buy one ticket. This meant that the crowd would be the same all night. The applicant felt that it was difficult to stop customers bringing alcohol onto the site but stated they never had or intended to sell alcohol.

GMP sought further clarity on alcohol and the security in place at the premises. The applicant felt it difficult to stop customers bringing alcohol in as they did not yet have the facilities for a bag search. Customers would be able to bring their own alcohol and there would be no limit on how much they could bring. The applicant stated there would be provisions in place to deal with any customer who had drunk too much but noted this had not been a problem at previous events. The applicant felt they had no control on the amount of alcohol customers brought with them, however GMP did inform them that this was their responsibility. The applicant stated they had a security company in place that they had previously used at events in August and September. GMP noted that the event in September had drawn complaints. The applicant felt this related to the crowding at the front of the premises but now they had plans to move the smoking area to the back in a fenced area, this problem would be alleviated.

LOOH then questioned the applicant regarding previous sponsorship from a brewery, measures in place to deal with noise nuisance and litter. The applicant stated that the brewery was sponsoring one of their sponsors for the event. However, the applicant acknowledged that the brewery had supplied some alcohol for one of their events, free of charge. In terms of noise nuisance, the applicant planned to move the smoking area to the rear of the premises and be fenced off. The area would be limited to under 20 people at a time and a member of security staff would be located at the entrance of the smoking area to manage the space. Regarding litter, the applicant noted the previous use of a self-funded skip had not been enough. They had community help and a contract with a waste management company to manage litter in the future.

The panel then sought clarity on the fencing, issues with crowding in the external areas, security, and opening hours. The applicant stated that the fencing would be in

place for this event. They noted that the issues with crowding in the external area had been caused by the smoking area being at the front of the premises. This was the reason behind moving it to the back of the premises. The applicant noted there had been no trouble at previous events. Tickets do state that customers can bring their own booze. The premises operates at 12.00 to 18.00 on weekends, and until 23.00 for poetry nights but these events are only once a month. The applicant hoped for the premises to be open more frequently but not for events of this kind.

The panel wanted to hear more from the applicant regarding crowd control once the music part of the event began and the panel's legal adviser sought information on if children would be present. The applicant stated that they do not have raucous crowds and they utilise up-and-coming DJs for their events to give them a space to perform that is not always readily available to them. At 23.00, the front entrance is closed, and customers use the back door to exit and to use the smoking area. That area will be fenced with bins inside and a member of security on the door. The applicant confirmed children could be present at the event but felt that parents would take their children home before the music started.

GMP summed up by stating that they would have expected a robust event and alcohol management plan within the application. They noted that the applicant intended to use a security company that had been used at an event that previously drew complaints. They noted that having one security at the smoking area entrance and one for the rest of the premises would be difficult to manage. They stated that it is the applicant's responsibility to manage the event. GMP requested that the panel reject the TEN.

LOOH summed up by stating that there was a high likelihood of a noise nuisance being created by the event and this had not been addressed sufficiently. They noted there was no control measures in place, and they had concerns regarding alcohol. LOOH requested that the panel reject the TEN.

The applicant summed up by stating that they would take on board the objections. They stated they are new to this but were willing to learn. They wanted to get the event right to ensure they can operate a community space.

In their deliberations, the panel were supportive of the aims of the premises to provide a community space and to provide local talent with a place to display said talent. However, the panel had concerns regarding complaints received for previous events held at the premises. The panel noted the images of littering contained within the report and the concerns regarding using the same security company that had been in place at an event that drew complaints. The panel agreed with GMP that they expected a robust management and alcohol control system to be in place but did not believe that to be the case. The panel had serious concerns regarding children being on site until 23.00 and how they could be protected from possible anti-social behaviour. The panel also had concerns regarding that applicant's ability to control noise emitted from the premises and accepted LOOH's case that the event would cause a noise nuisance. The panel felt that the applicant had failed to demonstrate how they would uphold the licensing objectives should the application be granted.

## **Decision**

To refuse the application.