

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 5 June 2023

Present: Councillor Connolly - in the Chair

Councillors: Hewitson and Hughes

LACHP/23/35. Urgent Business - Eva, 27 Sackville Street, Manchester, M1 3LZ

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing concerning the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant legislation.

A representative of LOOH addressed the Hearing Panel and stated that their objection was based on the proposed extension of trading hours in the Temporary Event Notice (TEN). The request was during the early hours of a weekday and the premises were already licensed to trade until 03:00hours. Residents were situated above the premises in the same building and there were already noise complaints from these residents.

In responding to questions from the Hearing Panel and their legal representative, the LOOH representative stated that there had been noise complaints from events in the early hours, there were 7 dwellings and 3 objectors from this cohort, there had been a more recent complaint from May 2023 and a previous permitted TEN had generated a complaint. Previous TENs had been granted but it was felt that there had now been too great a number of complaints to allow further events past the terminal hour. There was then some confusion over the date for the TEN as two dates had been stipulated on the application. It was confirmed that the TEN was requested for 03:00-05:00 in the early hours of Monday 12 June 2023.

The applicant then addressed the Hearing Panel who stated that they were the DPS at Eva for over 7 and a half years. The premises traded on their events and the DPS stated that they considered themselves to run all aspects of Eva in line with the licensing objectives. There was a drive to keep patrons and staff safe at all times and door staff were employed inside and out. Metal detector wands were used and this was a good late night business. After the pandemic, LOOH had assisted the premises with sound equipment and the venue kept all doors and windows closed at all times other than for ingress and egress of customers. Eva ran 26 event dates last year and 98.5% had gone without issue. LOOH's objection today had been partially based on other complaints, one of which had considered video footage from the time of the Coronation in May 2023 from a nearby resident who filmed outside but the DPS expressed that the noise in the footage was general outside noise that could not be solely attributed to Eva. Another complaint from April 2023 had only been raised on application of the TEN at that time and a complaint in January 2023 had been raised when a resident contacted LOOH to state that Eva was operating illegally beyond their trading hours. Once they had been informed that Eva had a TEN for this occasion the resident then put in a complaint. The DPS stated that none of these

complaints could be proven against the premises and the venue is situated in one of Manchester's late night economy zones. Regarding the application, the DPS stated that sound levels would be lowered from 03:00 and a dispersal policy would be adhered to whereby people would leave within a 30min and some within an hour. Eva does not run live music after 00:00 and no karaoke after 03:00 which gives the venue greater control over sound levels. The DPS stated that Eva was a safe venue for all.

In responding to questions from LOOH, the DPS stated that they had engaged with LOOH over sound levels and were open to further discussions.

In responding to questions from the Hearing Panel, the DPS stated that Eva had operated with TENs throughout December 2023 to 05:00 and then received a complaint from a resident in January. The DPS considered that this complaint was likely to have been from late December and not for the whole month. Regarding the link with the Parklife event, the DPS stated that there was a bus drop off point nearby and the TEN would allow attendees to wind down at the venue. There had been no complaints in previous instances of this arrangement. The management company of the building had the DPS's telephone contact details available for anyone to use and there was interaction via a social media messaging page also.

In summing up their objection, LOOH stated that they could not allow passion and profit to stop their objections when there were recent noise complaints against the premises. Objectors get weary of having to make several objections and get to a breaking point. The premises was a good operator but the sound levels travel through brickwork easily. The LOOH rep stated that they had been to the venue and heard noise breakout and asked the Hearing Panel to consider that this was a request to continue until 05:00 within the working week which would create very localised noise disturbance.

In summing up their case, the DPS of Eva stated that, without any follow ups from LOOH regarding complaints, it was considered that the venue was operating responsibly. Now, 6 months later from the December run of TENs, the DPS stated they were hearing more from LOOH about complaints and questioned whether objections were "live" indefinitely. The DPS considered that they had made effective changes to address complaints and stated that they were willing to make further changes.

In their deliberations, the Hearing Panel considered that there had been no noise abatement notices served on the premises and noted that it had been mentioned that they were a good operator.

Decision

Not to serve a counter notice and therefore allow the event to go ahead.

LACHP/23/36. Application for a Premises Licence Transfer - Queens Hotel, Sedgeford Road, Harpurhey, Manchester, M40 8QU

The applicant did not arrive and was contacted. They had mistakenly prepared for a different date and could not arrange for their representative to join at short notice.

Decision

To defer the hearing until Friday 9 June 2023 to allow the applicant to attend with their appointed representative.