

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Monday, 14 August 2023

**Present:** Councillor Riasat – in the Chair

**Councillors:** Andrews and Flanagan

**LACHP/23/75. Urgent Business - Temporary Event Notice - Cabral's Ltd, 735 Ashton Old Road, Manchester, M11 2HD**

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

GMP addressed the Hearing Panel and stated that they objected to this Temporary Event Notice on the grounds of crime & disorder and public nuisance. It was explained that the TEN was for 2 concurrent daily events over the Bank Holiday weekend (26 and 27 August) for 60 people during the hours 23:00 to 06:00. The restaurant was very close to residential properties and it was considered that people allowed outdoors to smoke would create noise and disturbance to any nearby residents. This would subsequently lead to GMP involvement which was not a good use of resources. No security staff details or details on how numbers of attendees would be managed were within the application. GMP requested that the Hearing Panel refuse this TEN.

The Applicant addressed the Hearing Panel and stated that he was planning an end of summer private event for a small community of Brazilians across the North West. He stated he was happy to provide security staff and explained that he had been trading at the restaurant for the last 4 years. Current licensable hours at the restaurant were 09:00 to 00:00 and the premises had no previous issues or complaints. The weekend event was a one-off. The premises itself was next to a plot of land and the closest neighbouring residents were approximately 25 metres away. All buildings were solid brick so noise would be contained. Customers would not cause problems with parking and taxis. The Applicant had 2 previous TENs go ahead without issue or incident in June 2023 at the nearby car wash. In closing his statement, the Applicant stated that he was experienced and that the event would be well managed.

In responding to questions from the Hearing Panel, the Applicant stated that

- The premises were licensed until midnight
- Having a capacity of 60 people was a way of controlling the event
- It was a private event for friends and family
- It was for a small British-based Brazilian community to enjoy music, drinks and discussion
- The previous outdoor events required market rights at the nearby Car Wash where the owner is a friend

- These events had a footfall of over 1000 people and were successful
- The applicant was prepared for 03:00/04:00 to be the actual winding down time and numbers to potentially be a lower amount than 60 but wanted to keep within the law in case it did go on later, hence the 06:00 terminal hour
- The 2 events would draw a variety of people over the Bank Holiday weekend
- There was nothing else booked to take place specifically for this community
- 60 people would be on an invite list
- The invite list had not been compiled as the applicant wanted to know the outcome of the TEN application first
- No attendees were yet confirmed
- No smoking would be allowed inside and lots of city centre venues allowed people outside to smoke in the early hours
- Security staff would be useful but no-one would be allowed back inside if they went outside
- The applicant did not see that this would cause any problems as there had to be rules put in place
- Ashton Old Road was busy with lots of traffic so residents would be used to some background noise
- The area next to the car wash and premises was an empty plot of land, away from residents
- The applicant stated that he could not control how taxi drivers would behave when they were arriving and leaving with customers

In summing up their case, GMP stated that there were concerns over the lack of noise and disturbance mitigation and requested that the Hearing Panel serve a counter-notice to this TEN.

The applicant summed up by stating that he would be happy to curtail the event to a closing time of 04:00.

In their deliberations the Hearing Panel understood what the applicant was aiming to do and respected his efforts to support a community event for British-based Brazilians but felt that the operational conditions were not robust enough to uphold the licensing objectives.

## **Decision**

To serve a counter-notice to the application.

**LACHP/23/76. Application for a New Premises Licence - Goodtime Games, 212 Burton Road, Manchester, M20 2LW - Application reference 288868**

The item was agreed and withdrawn ahead of the hearing.

**LACHP/23/77. Application for a New Premises Licence - Panacea, Basement, Ridgefield House, 14 John Dalton Street, Manchester, M2 6JR - Application reference 287310**

The item was deferred to a later date on request of the applicant.

**LACHP/23/78. Application for New Premises Licence - Finders Keepers, 7 Keepers Quay, Manchester, M4 6JL - Application reference 289496**

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

The Applicant addressed the Hearing Panel and stated that the application and all policies before them today mirrored the next door premises licence. One resident objector remained and they had not responded to collaborate on reaching an agreement. Everything the Hearing Panel may need to consider was all within the application.

The one remaining objector did not attend the hearing.

In responding to a question from the Hearing Panel, the Applicant stated that he had been a resident in the area for 36 years and many neighbours welcomed this application.

In summing up, the applicant stated that they had made best attempts to cover all eventualities within the conditions and added that the next door premises was running well without any incidents, issues or complaints.

In their deliberations, the Hearing Panel noted that there were no objections from responsible authorities and that the one remaining objector had not responded to the applicant or appeared at the hearing. The Hearing Panel felt satisfied that the conditions within the application would uphold the licensing objectives.

**Decision**

To grant the licence as applied for.