

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Monday, 13 November 2023

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

**Councillors:** Andrews and Hughes

**LCHP/23/101. Application for a New Premises Licence - The Fing Fong Cloud, 31 Bloom Street, Manchester, M1 3JE**

The Hearing Panel were informed that all representations had been agreed and withdrawn and therefore no decision was necessary.

**LCHP/23/102. Temporary Event Notice - 294941, 294942, 294943, 294944 and 294945 - Eva, 27 Sackville Street, Manchester, M1 3LZ**

The Hearing Panel considered the report from the Director of Planning, Building Control and Licensing regarding the above applications. The written papers and oral representations of the parties who attended were also considered, as well as the relevant legislation. The Chair used the agreed procedure to conduct the hearing.

Licensing Out of Hours (LOOH), in their capacity as Environmental Health, addressed the Hearing Panel, noting there had been issues with noise at the Premises. The Premises is situated in a busy area of The Village and has residents living above it. There are around 8 premises, some with permanent residents and some that are used more sporadically. The Premises has a licence until 3.00am but wanted to extend to 5am on weekdays. The last complaint received was in August that stated music was at full volume with the doors open and karaoke exacerbating the problem. That resident had lived there for 10 years and suggested that noise had got worse more recently. In total, 3 complaints had been received.

The applicant queried if LOOH had spoken to that resident, as they had rectified the issues raised and the applicant had been informed by the resident that things had got better. LOOH stated they had spoken to the resident.

The panel questioned if LOOH objected to all 23 nights that had been applied for. LOOH confirmed that they did, believing that the terminal hour of 5am was unacceptable.

The panel's legal adviser queried if other TEN applications had been made and what the outcome was of those. LOOH confirmed that the premises had made previous TEN applications and they had all been approved.

The applicant addressed the Hearing Panel, noting that they had been the DPS for 8 years, always promoting the Licensing Objectives. They stated that the sound system that controls noise levels had been set by technicians and LOOH at an acceptable level that could not be changed. The Premises had operated to 6am before, having had previous TEN's, with no issue or complaints. The applicant had contacted one of the complainants and addressed their concerns. The applicant noted that sound

output would decrease from 3am with doors and windows closed, and a sufficient dispersal policy.

LOOH queried what had been done to decrease noise output and what the sound limits were. The applicant noted that they were waiting for LOOH to contact them to arrange a date to look at the noise levels and possibly reducing the limiter. They did note that they had moved Karaoke from the second floor to the first floor to reduce noise for those living above the Premises. The applicant was unaware of what the sound limits were as they had been set by LOOH and technicians a number of years ago.

The panel queried if the applicant had received complaints about any previous TEN's. The applicant had not.

LOOH summed up by stating that they had received complaints about the Premises and had received 1 complaint regarding the TEN's.

The applicant summed up by stating that the complaint was received at the end of January 2023, when all TEN's had been held during December 2022 so that complaint could not be about the TEN's. The applicant felt the Premises had a good track record.

In reaching their decision, the panel considered that the Premises had operated effectively for a number of years, including a number of TEN's that had not received any complaints. The panel also noted that the applicant had been working with the resident who had made a complaint to alleviate their concerns.

### **Decision**

To grant all TEN applications as submitted.