

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 20 May 2024

Present: Councillor Connolly – in the Chair

Councillors: Hewitson and Judge

LCHP/24/30. Application for a New Premises Licence - Royal Vida, Deansgate Court, 244 Deansgate, Manchester, M3 4BQ

The Hearing Panel considered a report the Director of Planning, Building Control and Licensing. The written papers of the parties that were submitted and the oral representations of the parties who attended the hearing were also considered. The hearing was conducted in line with the established procedure for premises applications.

In reaching its decision, the Panel has also considered 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 as well as the licensing objectives.

The Panel heard from the Applicant's representative that, following discussions with GMP, the application had been modified in respect of the licensable hours sought, with conditions to be added should the Premises Licence be granted.

The Applicant explained that the premises would effectively operate as a restaurant until 10pm and then be converted to a late-night venue with events running from 11pm. The kitchen area of the premises would be upgraded to offer a wider range of food options should the licence be granted.

The original application was for the premises to open seven days a week with licensable activities continuing until at least 2am. However, after objections received from the Responsible Authorities, local councillors and local residents, this was changed to five days a week with the premises closing at 10.30pm on Mondays and Tuesdays. The Applicant advised that Salsa and Latin Dance classes would be taking place on Wednesdays and Thursdays whilst Sundays would be exclusively set aside for private functions to be held. Fridays and Saturdays would be theme nights and entry to the premises would be by ticket invitation only. To assist the Panel an event breakdown sheet was produced showing all ticketed events for the rest of the year. All events would be organised by bona fide and professional promoters. The Applicant stated that they understood the concerns of local residents and indicated that they did want to engage with them, keep them updated as to the events that were taking place at the premises and address any concerns that they may have.

The Applicant then referred to the licensing objectives and explained in detail how the premises would uphold these. He referred to the substantial number of conditions and those offered following discussions with GMP. He stated that placing these on its licence demonstrated a willingness on the part of the premises to work with the community and uphold the licensing objectives. The Panel was advised that the

premises had only opened recently in November 2023 and that no complaints had been raised since such time, a point accepted by Licensing Out Of Hours (LOOH) team. The Applicant noted that there had been issues with how the premises had been managed previously but re-iterated that it would be run differently as a late-night venue with organised events being held rather than being run as a nightclub. The Premises indicated that they had a zero-tolerance drugs policy and the manager indicated how, on one occasion, GMP were notified when drugs were seized from a customer trying to enter the premises. As regards security, the door staff would be wearing high-visibility jackets, inside and outside the premises and, as a consequence, their presence would be noticeable. They would be able to quickly and firmly address any issues that may arise with customers.

LOOH addressed the Panel and stated that it was concerned about the potential disruption to local residents and the lack of prior consultation regarding the application. Panel was advised that since 2019, 21 complaints had been received from residents relating to noise emanation from the venue and anti-social behaviour that it brought to the area, including vehicle engine noise, nitrous oxide misuse, littering around the premises and general problems when customers were dispersing into the nearby residential area.

The Premises itself is advertised as a “tarot restaurant” and luxurious venue and bar but given concerns about the activities that went on at the previous premises it was felt that it was important to hold a meeting with the Applicant to share their concerns that the premises would undermine the licensing objectives. The Panel was advised that a meeting took place with the premises where the Responsible Authorities were told that the premises was to operate as a restaurant and hold Salsa, Latin and other dance type classes. This was confirmed by the Designated Premises Supervisor during two separate meetings. Despite such assurances there were several proactive visits carried out by the LOOH team which revealed that this was not the case and that the premises was found to be acting more as a nightclub, holding themed nights as well as artists’ afterparties. This was confirmed by social media posts which did not reveal any dancing classes taking place, rather just R & B, House or club-style music. It was also explained to Panel that the premises had now decided to operate 7 days a week opening policy as opposed to the previous 3 nights per week. Given the increase in opening times, LOOH expressed the view that this would significantly increase the likelihood of public nuisance, crime and disorder and anti-social behaviour undermining the licensing objectives.

The Neighbourhoods Team addressed the Panel and asked that the licence be refused, emphasising that the premises now wished to open on more days and this would inevitably result in noise pollution from increased numbers of customers attending and leaving the premises in the early hours of the morning, causing significant disturbance for local residents.

A local Ward Councillor addressed the Panel and re-iterated many of the concerns that had been raised by the LOOH and the Neighbourhoods Teams, namely that to allow the application would result in public nuisance, anti-social behaviour in the vicinity of the premises creating problems daily for local residents.

A map of the area was produced, and this identified the areas where residents resided who had complained and submitted written representations against the premises licence being granted. The Panel was told that the operation of the premises as a restaurant and a controlled late-night venue was not a true reflection of how the premises would be run on a daily basis. It was felt that all of the problems that had existed under a previous regime would return and result in a range of problems for local residents, most notably families including young children suffering from sleep deprivation, anti-social behaviour occurring regularly including drug use, vehicles and taxis causing disturbance in the early hours of the morning, rowdy behaviour, urination in public places and inevitable noise nuisance. Concern was also expressed as to why the Applicant had taken on a new lease with restricted hours but was now applying to open seven days a week advertising event nights which did not mirror what was identified in its business model.

As part of the proceedings, the Panel was shown a video clip of an artist who was due to be performing in the coming months and it was stated that such acts would not align with the activities described by the premises (i.e. Salsa, Latin and other dance classes).

The view was expressed that there had been a lack of consultation with residents and consequently a question mark remained over the nature of the premises (i.e. would it be operating as a dance club, a restaurant or a night club?) The Applicant refuted the lack of consultation.

A local resident also addressed the Panel and conveyed concerns that had been raised by the local ward councillor. In addition, the resident also explained that he had personally observed groups coming out of the premises together, congregating, individuals urinating in public places, screaming and fights breaking out between gangs of males. He advised that his grandchildren used to stay over but this was no longer the case because of the problems described. He stated that drug taking was a regular occurrence and that he conducted litter picking often collecting numerous Nitrous oxide canisters, the following day.

The Panel deliberated at length and took account of all the representations, both written and those made at the hearing. They felt that on balance the premises had put enough measures in place to ensure that the licensing objectives would be upheld. It recognised that the premises had amended its opening times and confirmed that it would be adding additional conditions to its licence to allay the concerns of residents. This had occurred following discussions with GMP, who had subsequently withdrawn its objection to the Application.

The Panel was satisfied that the premises had clearly defined what activities would be taking place at the premises on given days and felt that the Premises had fully demonstrated how it would monitor such activities to ensure that it upheld the licensing objectives. This included ensuring that weekend events were subject to ticket invitation only and were to be issued and controlled by established and experienced promoters.

The Panel also noted the willingness of the premises to regularly engage with the residents and decided to reflect this by placing a condition on the licence that meetings should take place quarterly with the residents.

The Panel noted that there had been no complaints since the premises opened in November 2023 whilst recognising the submissions of LOOH that the premises had only been open for 3 days a week.

It noted that conditions had been put in place to ensure that door staff would be required to be present when customers were leaving the premises to control any issues regarding noise nuisance and general anti-social behaviour that may occur.

Decision

To grant the application with the following amended hours: -

Late Night Refreshment

Sun/ Weds / Thurs – 11pm to 2am
Friday & Saturday – 11pm to 4am

Alcohol /regulated entertainment

Monday & Tuesday– 11am to 10pm
Sun/ Weds / Thurs – 11am to 2am
Friday & Saturday – 11am to 4am

Opening Hours

Monday & Tuesday –11am to 10.30pm
Sun/ Weds / Thurs – 11am to 2.30am
Friday & Saturday – 11am to 4.30am

Plus, the following additional conditions –

1. Glassware bottle security and table service will apply at all times whilst the premises are open.
2. Under queue management door supervisors after 2200 hours will monitor any queuing for entry to the premises and ensure as far as is possible that any noise emanating from queuing patrons is kept to a minimum.
3. After 2200 hours a IDSSCAN system will be utilised.
4. Local residents shall be invited to quarterly residents' meetings held by the premises licence holder to resolve any problems associated with the carrying on of licensable activities at the premises. The minutes of the meeting and any action to be taken shall be lodged with the Council's Licensing Unit by the premises licence holder within seven days of the meeting.

And the following conditions referred to in the Application are to be reworded to read:

1. Condition 16 - "After **2200** hours all customers entering the premises must pass through an effective metal detector arch. Those triggering an alarm must be searched, if they refuse to be searched or if they cannot pass through the arch without triggering the alarm, they will be denied entry to the venue."
2. Condition 17 – "After **2200** hours only SIA registered door staff will be employed as security at the premises.
3. Condition 19 – "After **2200** hours and for 30 minutes after closing at least **two** door supervisors must wear body cameras with recording facilities, which must be operational and recording at all times.
4. Condition 45 – "In order to assist in the orderly dispersal of customers, from 0200 hours customers will be directed to leave the club via Longworth Street and Artillery Street. From 30 minutes before the premises closes to 30 minutes after it closes, at least **2** door supervisors shall be positioned at the junction of Longworth Street and Artillery Street and shall encourage customers to disperse towards Byron Street. The door supervisors shall wear high visibility clothing and shall have a Nitenet radio in their possession at all times. These door staff shall remain in position until Longworth Street and Artillery Street are clear of customers.