

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Wednesday, 6 December 2023

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

**Councillors:** Andrews and Ludford

**LCHP/23/107. Temporary Event Notice - 295794 and 295797 - Pot Kettle Black, Angel Gardens, 1 Rochdale Road, Manchester, M4 4GE**

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 their written submission. They drew particular attention to the fact that the two most recent TENs held at the Premises had received a noise complaint each. LOOH noted that the Premises still had an active noise complaint and sought refusal of both TEN applications.

The applicant addressed the Hearing Panel, accepting that there had been complaints received and so they had thought about why that had happened. They had outsourced a DJ for those events who utilised floor speakers, which the applicant thought had caused the issues with noise emanation. The applicant stated that they would not do that again. They noted they had held TENs previously with no issues until outsourcing to this DJ. During the night of the second TEN, the premises had been in contact with the complainant, but communication had broken down which led to the complaint.

LOOH queried who was responsible for monitoring noise at a TEN, why the same complaint had been received a second time and if the Premises had engaged with the resident who had complained. The DPS and Operations Manager, both in attendance, were responsible for monitoring noise during TENs at the Premises. In terms of the second complaint, the Premises were in contact with that resident on the night but lost contact and missed messages from them. The Premises had attempted to engage with the resident by inviting them in to discuss any issues and how to alleviate them. The resident had not been made aware specifically of these applications, however the building management company had.

The panel questioned what would be different about the speakers. The applicant noted that they would be using in-house, ceiling speakers that would emanate noise down rather than up. The Premises also has full control over the volume settings for those speakers. The Premises had run previous TENs, up to twenty, with those speakers and received no complaints.

LOOH summed up their case by stating that they felt the terminal hour of 4.00am would undermine the prevention of public nuisance licensing objective.

The applicant summed up by stating that, whilst the application was until 4.00am, it was unlikely that the event would run for that long. They were confident that with the changes to the speakers used at events, they could operate without undermining the Licensing objectives.

In their deliberations, the Hearing Panel noted that the Premises had identified the problem and had taken steps to alleviate that. They noted that the Premises had ran TENs in the past with no issues when using their in-house speakers and had confidence that would happen again. The Hearing Panel requested that the Premises inform the resident who had previously made complaints about the event.

### **Decision**

To grant both TEN applications as submitted.