AGREEMENT WITH OOH

From: Jonathon Mathers < jonathon.mathers@manchester.gov.uk>

Sent: 07 June 2021 09:31

To: Premises Licensing < Premises. Licensing@manchester.gov.uk>

Subject: Fw: Re: Premises Licence (new) 257794/GO2: Mala, Chapter One

Books, 19 Lever Street, Manchester, M1 1BY (Piccadilly ward)

Dear Premises Licensing,

An agreement has been reached between LOOH and the MALA premises.

Please be advised that MALA (due to go to hearing 21/06) have confirmed they are happy to agree to the conditions I have stipulated within the representation from LOOH.

Many thanks,

Jon Mathers Licensing & Out of Hours Compliance Officer The Neighbourhoods Service

From: Jonathon Mathers < jonathon.mathers@manchester.gov.uk>

Sent: 07 June 2021 08:17

To:

Subject: Re: Re: Premises Licence (new) 257794/GO2: Mala, Chapter One

Books, 19 Lever Street, Manchester, M1 1BY (Piccadilly ward)

Morning ,

Thanks for getting in touch.

I've just returned to the office from a weeks AL so I'll contact Premises Licensing now to let them know the REP has been agreed.

Kind regards,

Jon Mathers

From:

Sent: 01 June 2021 11:59

To: Jonathon Mathers <jonathon.mathers@manchester.gov.uk> **Cc:** Premises Licensing <Premises.Licensing@manchester.gov.uk>

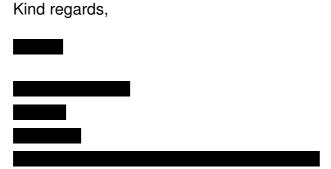
Subject: FW: Re: Premises Licence (new) 257794/GO2: Mala, Chapter One

Books, 19 Lever Street, Manchester, M1 1BY (Piccadilly ward)

Hi Jon,

Many thanks for your email, which I have discussed with my client.

I can confirm that they are happy to agree to the conditions you propose. I'd therefore be grateful if you could contact the Licensing Team to confirm that an agreement has been reached.





Licensing 8	Out of Hours	Compliance '	Team - Re	presentation
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Name	Jonathon Mathers
Job Title	Licensing Out of Hours Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	Jonathon.mathers@manchester.gov.uk
Telephone Number	0161 234 1220

Premise Details	
Application Ref No	M/257794
Name of Premises	Mala
Address	Mala, Chapter One Books, 19 Lever Street, M1 1BY

Representation

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

The Licensing and Out of Hours (LOOH) team have assessed the likely impact of the grant of this application taking into account a number of factors, including the nature of the area in which the premises is located and any potential risk the granting of this licence could lead to undermining the four licensing objectives.

The LOOH team have also given consideration to Manchester City Council's Statement of Licensing policy, in particular S7.26 which states; Where premises are in the direct vicinity of local residential properties, and where its discretion is engaged, the authority will give particular consideration to measures proposed in the application in relation to prevent nuisance.

Officers are not satisfied that the conditions offered are sufficient to uphold the four licensing objectives. LOOH therefore recommend the following conditions should be attached to the Premises licence (this includes rewritten conditions offered by the applicant)

- There shall be a documented dispersal policy, as agreed with the relevant responsible authorities, implemented at the premises and a copy lodged with the Council's Licensing Unit.
- Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
- A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This telephone

number is to be made available to residents in the vicinity.

- There shall be no events at the premises that are organised by an external promoter that gives rise to a nuisance.
- An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - (a) all crimes reported to the venue, or by the venue to the police
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service

A.) Prevention of Crime and Disorder

The applicant has proposed condition 8 which states:

'Staff will be trained in laws relating to underage sales, and that training shall be documented and repeated at 6 monthly intervals'

I propose for this condition to be replaced with the following conditions:

- Staff shall be provided with comprehensive training in preventing drunkenness; drug policy; managing and resolving conflict; emergency procedures; complying with the licence conditions; and obligations and offences under the Licensing Act that apply to the sale of alcohol.
- Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training will be given to a new member of staff before they commence paid employment. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.

C.) The Prevention of Public Nuisance

The applicant has proposed condition 2 which states:

'The exterior of the building shall be cleared of litter at regular intervals'

I propose for this condition to be replaced with the following conditions:

- The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.
- Any external smoking areas used by patrons of the premises are to be cleaned routinely when the area is in use and be free of litter at the end

of each trading day.

LOOH believe these conditions are proportionate and necessary to uphold the four licensing objectives.

Recommendation: Approve with Conditions (Outlined Above)

REPRESENTATION FROM RES 1

From:

Sent: 07 May 2021 00:02

To: Premises Licensing < Premises. Licensing@manchester.gov.uk>

Subject: Re: Mala Chapter One Books 257794/GO2

Hi yes

My name is

Thanks

From:

Sent: 30 April 2021 16:56

To: Premises Licensing < Premises. Licensing@manchester.gov.uk>

Subject: Mala Chapter One Books 257794/GO2

To whoever it may concern,

I would like to raise some comments on the Licensing Application for this bar/cafe. As a resident who lives nearby I have the following concerns relating to this licensing application.

- The prevention of crime and disorder This area on dale street including back Piccadilly/ Spear street has had issues with street drinking/ excess noise levels /public urination and drug dealing. The request to purchase alcohol and drink it outside of the premises will encourage all of these things.
- Public safety The police and residents have worked hard to stop the gathering of large groups drinking and taking drugs on the street in the area where this bar is situated. This will undo all our good work.
- The prevention of public nuisance This bar/cafe is next to a residential block of flats some which are directly overlooking the outside space. This will cause excess noise for people living directly above it particularly related to the serving of alcohol. The streets around this area already have issue's for people hanging round, making noise and drinking

allowing people to purchase alcohol and drink it outside will only increase these issues of anti social behaviour.

thanks

REPRESENTATION FROM RES 2

From:

Sent: 03 May 2021 20:57

To: Premises Licensing < Premises.Licensing@manchester.gov.uk > **Subject:** Regarding Mala, Chapter One Books Application (257794/GO2)

Dear Premises Licensing department

I am writing with regards to Mala, Chapter One Books application.

The details are as follows.

Application Type: Premises Licence (new)

Reference: 257794/GO2

Premises: Mala, Chapter One Books, 19 Lever Street, Manchester, M1 1BY

Applicant: Buzz Ventures Ltd

I am a resident (owner occupier) at

I would like to express my concerns about Buzz

Venture's application.

Mala is located at the communal gardens of Chatsworth House. Chatsworth House is a residential building with 64 apartments. The types of residents include single occupants, couples, friends, and families with babies and children. The communal garden was initially planned to be developed into a Parisian-style garden for the residents at Chatsworth House and Chapter One Book's customers. The residents were never informed about Buzz Venture's decision to convert it into a "beer garden" serving alcohol. Currently, the communal garden space is fenced off due to issues with anti-social behaviour in the area.

Serving alcohol until late evenings will attract drunks and party goers to the area which is often related to crime, public disorder, public nuisance, and safety threat to the residents. The nearby area of Chatsworth House is already suffering from anti-social behaviour from homeless people, drug dealers, illegal graffiti and activities of human excrement. The type of customers at an alcohol-serving venue will only make the existing problem worse.

Moreover, a recent announcement from one of the Buzz Venture's owners in the Chatsworth House Facebook group says that they will be playing music in the gardens. There are 21 apartments facing Mala directly. The combination of the music and their customers chattering, laughing and shouting will result in unbearable noise pollution that the residents have to suffer.

I have already seen the public nuisance the drunks create at Stevenson Square's outdoor drinking space. If Mala's application goes ahead, it would bring public nuisance and disorder to a residential apartment where people try to keep a friendly and safe community. There are families with young children in the building. It will be difficult for them to cope with the noise and the drunks who would constantly roam around the area.

I hope you would understand and consider my concerns. I am happy to discuss further if needed.

Kind Regards

REPRESENTATION FROM RES3

From:

Sent: 25 May 2021 11:21

To: Premises Licensing < Premises.Licensing@manchester.gov.uk > **Subject:** Objection to premises licence application 257794/GO2: Mala,

Chapter One Books, 19 Lever Street, Manchester, M1 1BY



Dear Premises Licensing department,

I am writing with regards to Mala, Chapter One Books application:

Premises Licence (new) Reference: 257794/GO2

Premises: Mala, Chapter One Books, 19 Lever Street, Manchester, M1 1BY

Applicant: Buzz Ventures Ltd

[Please note the 13 images attached with this message and referenced below].

am an owner occupier at	a residential apartment block
where I have lived for over	16 years. Like many others who will be affected in
my apartment block, every	room of my
	Chatsworth House Communal Gardens

- the site of the proposed Mala bar.

to the

upkeep of the gardens, including trimming of the trees on site, through the Service Charge.

I wish to strongly object to this licensing application on the following grounds, which I have organised according to the four licensing objectives:

1. The prevention of a public nuisance

I have witnessed the public nuisance that drunk people create at Stevenson Square's outdoor drinking space and that level of nuisance is likely to be considerably worse when immediately next to a residential apartment block
where families with young children reside, such as Chatsworth House. As
previously noted, the proposed bar is It is in the very nature of groups of
people drinking that there will be an unacceptable level of noise pollution caused by chatting, laughter, and shouting for those residents whose windows are directly above and overlooking the bar. This noise pollution is likely to have an unbearable impact on the quality of life of the residents attempting to live, work, and sleep (i.e., to peacefully enjoy their homes without nuisance) in the apartments
particularly in summer months when we will need our windows open for ventilation. Aside from the fact that it will be in breach of the lease to create a noise nuisance to the noise pollution from a bar is also likely to have a negative impact on residents' ability to work from home: I depend on there being no noise nuisance in order to be able to carry out my work meetings and
in a professional manner. because it was relatively quiet. My family should not be prevented from carrying out our daily life, including me performing in my job, in peace, free from noise nuisance from and drunk revellers.
I understand from a Facebook post by one of the applicants that there is a plan to play music at the proposed venue. This falls wholly outside of what was discussed with residents and leaseholders about a Parisian garden that was originally proposed for the site and for which planning permission was granted (see attached architect images of the Parisian garden – a wholly different type of establishment). We were originally told that the Parisian garden would be accessed via the entrance to Chapter One Books Café, not the street, and that no alcohol would be served and no music played. I would have been able to attend and enjoy the Parisian Garden with —our communal garden should be fully accessible to including children with disabilities, because we pay for it. Because of the sale of alcohol and intention to play music, Mala
Bar is not a place where I will be able to bring and I regard this as unacceptable for residents including young children who are seemingly
expected to suffer the noise pollution from the bar and yet continue to pay for

the upkeep of the land. Music of whatever level will clearly increase the noise as customers attempt to talk over it – further exacerbating the problems identified above.

The additional proposal to have non-standard opening hours - later opening on Sundays preceding Bank Holidays and overnight on New Year's Eve is totally unacceptable for residents including young children who will struggle to cope with noise disturbance and will not be able to peacefully enjoy their homes or sleep at those times.

It is not clear if smoking or vaping will be allowed in the garden, but clearly it would be an unacceptable health hazard for residents, including young children, whose bedrooms and living spaces are directly above the bar.

Finally, it is likely that the public nuisance caused by a noisy bar will reduce resale values of our homes, push families like mine out of the city centre, and deter families from moving in. I believe it would be morally and ethically irresponsible to allow this to happen. This city should be creating environments and living spaces that welcome families in, not push them out.

2. The protection of children from harm

a	nd both of us go to bed early
in order to function the next day. My daughter als	60
Harm will be caused because	she and I will not cope with
any level of noise pollution from a bar	
	It will prevent us
both from sleeping and functioning the next day a	and consequently will
negatively impact my family's mental and physica	al health. I do not want, and
should not have to raise	where her abiding
childhood memory will be	
Whe	en I tried to raise this issue
with one of the applicants they refused to engage	e with me (see attached text

3. The prevention of crime and disorder

Residents living in the local area currently have to deal with and witness public urination and defecation, the open selling of drugs by drug dealers on the street, anti-social behaviour from homeless people sleeping in doorways

and gaining illegal access to the building, and graffiti. The communal garden space was originally fenced off due to problems with anti-social behaviour in the area. The addition of a bar serving alcohol, including for off-site consumption, will increase the problems we have with crime and disorder in the area rather than decrease them, especially as drinkers filter out onto local streets at closing time.

4. Public safety

I am concerned that the serving of alcohol until late evenings will attract more crime to the area as above, and represent a safety threat to residents, with drunk people roaming around the building in the evenings. In recent years we have had drunk people from short term rentals sleeping in corridors, causing damage to the building, and arriving back to the building so drunk that they try to get into apartments on the wrong floors - causing fear and alarm to residents. It is likely that a bar serving alcohol on site will be a selling point that encourages more leaseholders in to rent out their flats by the night, and attract more of these types of people who will use the flats as 'party flats'. This apartment block should not be treated like a cheap hotel with a bar on site: e strive to live in a peaceful and supportive community and expect all parties involved with the building, including the applicants, to help us to make our building safer and a pleasant environment to live. Anything that attracts more partygoers to our building will prevent this and magnify existing safety concerns.

Lack of consultation

Finally I would like to object to the <u>total lack of consultation</u> with residents and leaseholders about the proposed bar.

I first became aware of the intention to open a bar serving alcohol in our
communal gardens when I noticed a board outside the bar's proposed
entrance on Dale Street advertising for bar staff:
had not been consulted about the
venture at all at this point - I understand our managing agent was completely
unaware of the proposals. We have received no notification from the
Freeholder (represented by that they have approved use of our
garden as a bar, or had the opportunity to raise objections with the
Freeholder. In terms of the planning permission for the Parisian garden – my
understanding is that this did not include permission to operate a bar serving
alcohol or playing music. I understand the applicants may have also
overstepped their boundary.

Most disturbingly, the bar opening was advertised to residents and leaseholders as a 'fait accomplis' (see attached 22 April Facebook invitation to a 'Residents' opening': Please note this was clearly not advertised as a

'consultation' event where we would be able to raise any objections. We were given one day's notice for this event, to be held 23rd April 5pm. The invite says 'We'd love to invite you all for a drink at Mala before the opening next week'. Being invited to a residents' bar opening for a drink a week before the planned bar opening does not constitute consultation by any stretch of the imagination. It is also extraordinarily presumptuous of fellow leaseholder's approval and willingness to live and sleep noisy bar, and the outcome of any licensing application – which at that point I believe had not been made. It concerns me greatly that the applicants could think it appropriate to open a bar without consultation with fellow leaseholders, the managing agents of the building and without securing licensing permission first.

The Facebook message from also gives residents misleading information by way of reassurance: It states last orders will be at 9 not 10 as per the licensing application. It fails to inform residents of the proposals to open later on bank holidays and New Year's Eve.

When I tried to discuss my concerns with directly, he refused to engage

I would be very grateful if you could give serious consideration to my objections. Please do not hesitate to contact me if you require any further information.

Kind regards







REPRESENTATION FROM RES4

From:

Sent: 26 May 2021 23:54

To: Premises Licensing < Premises.Licensing@manchester.gov.uk>

Subject: Mala/Chapter One License

Dear Sir/Madam,

I'm writing with regards to the Mala Bar license application:

Reference: 257794/GO2

Premises: Mala, Chapter One Books, 19 Lever Street, Manchester, M1 1BY

Applicant: Buzz Ventures Ltd

Background to the premises in question:

The premises is proposed to be in Chatsworth Gardens which belongs to a communal part of Chatsworth House, a block of 64 apartments. The ground floor features commercial units (a mailbox company, and two cafes) and then from 1st floor to 7th floor there are apartments, 21 of which which directly overlook the gardens. The apartments facing the gardens are 2 bed apartments which mean that 42 people could easily be directly affected by any activities in the gardens as both living rooms and bedrooms open out onto the gardens. Chatsworth House has been apartments since 2001, and is home to many families, owner occupiers, and tenants many of whom have lived here for multiple years. Chatsworth House does not feature air conditioning or central ventilation and so being able to open windows is essential for ventilation throughout the year.

The site is managed by and the Freeholder is who is represented by To the best of my knowledge, currently the gardens are maintained and paid for by leaseholders via the service charge.

It is my understanding that Mala will be run separately from Chapter One and there will not be passage between the two venues. Therefore my comments are specifically to Mala, the outside bar, and not Chapter One which is the cafe inside the building.

The sale and consumption of alcohol:

Under the licensing objective to prevent a public nuisance I must make an objection to the sale and consumption of alcohol.

We were told that the gardens would be extra seating as part of Chapter One but it's since become clear that the venue will be separate from Chapter One. Once alcohol is served the venue ceases to be a cafe as stated in the description and instead becomes an outside bar which is of a completely different nature and level of noise. Customers going for a drink will be louder than those going for a coffee or tea given the nature of alcohol, and this will cause noise pollution and disturbance to the residents above. Customers will come specifically to drink and be merry, as is the nature of going out, and customers will inevitably get louder as they drink. This will negatively affect the quality of life of residents who live above the gardens both in the day and evening due to the noise pollution:

- Daytime: Many people have worked from home over the past year and will continue to do so even after the pandemic. It would therefore be a nuisance to have a bar operating below as the noise will disturb those working from home who need to focus such as for Zoom meetings and detailed work. There will be little peace during the day.
- Evenings: In the evenings it's essential to be able to open the windows
 throughout the year in order to ventilate the apartment as well as keep
 the temperature tolerable. Apartments get extremely hot in summer
 and humid in winter, so being able to open windows as needed is
 essential. Evenings will be the peak time when people are going out
 and it's reasonable to expect the venue to be busy at this time and thus
 extremely noisy causing considerable disturbance to residents above.
 This will cause a great deal of nuisance when trying to relax and
 unwind at home, or have an early night as often needed.

I don't see how the applicant can mitigate this either. Even if the huts offer some soundproofing, the outside tables and veranda benches wont offer any soundproofing at all.

I also don't think there's any huge need for a new bar in this area. Within the immediate surroundings there are literally tens of bars, and hundreds within a short walk. However, there are precious few quiet green spaces nearby, so I argue these gardens need to be kept as a quieter, relaxed area for the wellbeing of residents and visitors.

Some noise is to be expected given the location but all the noise that we have is low level and transient - for example buses, cars, passing pedestrians and so on, nothing unreasonable for a city centre. I have no objection to the quiet murmer of people enjoying coffee or tea which is inherently a quieter activity and what was originally proposed, but I do object to having an outside bar with people drinking and getting loud immediately below my home. I bought my home here because it faces the gardens which act as a buffer to the noise of the city.

Therefore I have to object to the sale of alcohol in this outside venue, as it would directly have a negative effect on the residents living above.

The proposed late hours:

Under the licensing objective to prevent a public nuisance, I have concerns over the proposed hours. I note that Cask bar in New Islington, which is sited underneath a far smaller selection of apartments is only open until 8.30pm. Therefore any extension of hours beyond these is absolutely unreasonable for this area. It's unreasonable to expect drinkers to keep quiet especially in the evenings which will invariably lead to more noise pollution as the evening goes on and people start to go on a night out. This will in turn create more disturbance to residents.

Regarding special days like bank holidays and NYE, I'd like to point out that there are families in the building, as well as people working shift patterns which don't get bank holidays off, so all evenings need to be consistent and calm so that residents can be able to rest and enjoy their own homes and

reliably get sleep without having to rely on earplugs due to noise immediately under their homes.

I have no objection to the venue serving non-alcoholic beverages in the evening as I don't foresee people being as loud having evening teas and coffees as part of Chapter One books. It would also be easier to manage the expectations of patrons - it will be impossible to do this in a bar setting where people want to go out and let their hair down.

Consumption of alcohol off premises:

Under the licensing objective to prevent crime and disorder, I need to object to the sale of alcohol for off premises consumption. We already have an issue with people urinating on which causes a health hazard, is extremely unpleasant, and can cost money if it needs professional cleansing. I expect this issue to worsen if people are permitted to take alcoholic drinks for consumption off site where facilities aren't available. I have further concerns that those taking alcohol to drink off premises will be in breach of alcohol laws/PSPO and this

may lead to antisocial behaviour on the surrounding streets.

Playing of music:

I'd also like to comment on the proposed playing of music under the licensing objective to prevent public nuisance. I met with the applicant where some music was already playing, and at that time it was at a low and reasonable volume in my opinion. However, the planning permission specifically forbids music being played which I presume takes precedence. I would therefore like to ensure that if music is desired that planning are made aware and residents are consulted following due process. Apartments all the way down to 1st floor should be able to open their windows and not be disturbed by music.

Summary:

This building is primarily a block of apartments and so any activity has to have this in mind first and foremost. While it's nice to see this area being revived and I wish the applicant success with it, what we were consulted on and what was proposed was a "Parisian garden" as part of Chapter One cafe serving non-alcoholic drinks which I wholeheartedly supported. However I must object to the changed plans for the serving and consumption of alcohol outside in the gardens thus turning the gardens into a beer garden or outside bar as it will guaranteed cause a nuisance to residents who already live here. The objections are all for genuine reasons as the entire nature of the gardens will be changed to the detriment of residents.

Residents have the right to enjoy their homes and the gardens, and I believe that these gardens can be put to good use in other ways, but a bar in them is not the right approach. I wish the applicant success with their new venture in whatever shape that may take, but we must look out for our homes and our own wellbeing first and foremost.

Many thanks,

REPRESENTATION FROM RES 5

Sent: 27 May 2021 09:52 To: Premises Licensing <premises.licensing@manchester.gov.uk> Subject: Re: Licensing application, Mala, Chapter One Books, Lever Street, Manchester</premises.licensing@manchester.gov.uk>	
Thank you for your email Grace.	
l'm	
Kind regards,	
From: Sent: 26 May 2021 19:48 To: Premises Licensing <premises.licensing@manchester.gov.uk> Subject: Licensing application, Mala, Chapter One Books, Lever Street, Manchester</premises.licensing@manchester.gov.uk>	
Dear sir or madam,	
Whilst supporting the fencing off of the garden adjacent to Chatsworth House Chapter One Books, I am concerned at the timings allowed under the licensing application.	,
Chatsworth House is a residential building. Although if you live in the NQ you have to accept that there will be noise from bars and restaurants, having an outdoor drinking venue open until late in the evening will lead to unacceptable noise levels, especially for those of us whose)
I am not happy that it is licensed until 10pm as I do not feel that this will mean drinkers will leave the premises quietly by 10.30pm	l
At the very least the 10.30 closing time should be enforced AT ALL TIMES and a later time should not be allowed prior to public holidays.	
How will the council ensure that the site is cleared and quiet by 10.30pm so that the can get some sleep.	
Kind regards,	