Statement of Community Involvement

A Freedom of Information request was submitted in January 2016, and was followed up with regular liaison with Environmental Health, in order to obtain a clear picture of the bar's performance in upholding noise amenity.

The results show that with the exception of two complaints when the current owner took charge in June 2013, and a further two complaints in response to the planning application (March 2015), the pattern of complaints is very similar to that under the previous management, which was permitted to open until 1am. The performance of Cord Bar is very good, and there have been no legitimate complaints since 17 December 2015 – a full four months.

Environmental Health officers confirm that the majority of complaints relating to Cord have been made by two individuals. A number have been found not to be legitimate complaints, or to have nothing to do with Cord. Data received under the Freedom of Information Act (submitted with this application) confirms that in relation to the two noise complaints received in January 2016 regarding persons outside the premises, Environmental Health officers viewed the bar's CCTV records and the record states that there were in fact no persons outside the premises at the claimed time.

Summary

The applicant took over the premises in April/May 2013, following which two noise complaints were received. Officers Liam Sands (Environmental Health, EH) and Kelly Oakland (neighbourhood officer) visited the premises to test noise levels and equipment at full volume and confirmed they were within acceptable limits. The applicant put measures in place and complaints ceased.

The applicant kept in touch with Eve Richards of EH on a regular basis. The Council's weekend street team visited on a number of occasions and found noise levels satisfactory.

Between 8 August 2013 and 16 September 2014, five complaints were made and on each occasion, the complainant took matters no further. The bar was operating to 1am as the personal nature of the permission had not been made clear to the applicant. The bar appeared to be operated and managed to the satisfaction of all parties.

The applicant holds regular meetings every quarter at the venue, with afternoon and evening slots. He has tried a range of methods to publicise these meetings including dropping letters through doors on the Smithfield Estate, Dorsey Street and neighbouring streets, posting letters through the mail to these addresses, seeking the assistance of Environmental Health officers to spread the word, and putting up posters in the bar windows.

In October 2015, Environmental Health closed the complaint against Cord, following a period of four months with no complaints. Environmental Health advised that one resident remained unhappy with the presence of a bar on Dorsey Street. As a result, the applicant voluntarily installed a noise limiter to restrict amplified music below the permitted level in order to satisfy this tenant. He has responded positively and actively to every complaint raised, and has complied with the terms of the planning permission by closing the bar at 11pm on Friday and Saturday nights despite significant financial costs.

Environmental Health officers confirm through a review of CCTV footage that recent complaints are bogus. Letters in support of extended opening hours have been received from neighbours.

Detailed Timeline

The applicant took over the premises in April/May 2013. Two noise complaints were received. Officers Liam Sands (Environmental Health, EH) and Kelly Oakland (neighbourhood officer) visited the premises to test noise levels and equipment at full volume . They confirmed that noise was within acceptable limits. Various measures were put in place to further minimise noise egress ,and complaints ceased.

Two complaints regarding refuse were both shown to have nothing to do with Cord, and apologies were made to the applicant.

The applicant kept in touch with Eve Richards of EH on a regular basis. The Council's weekend street team visited on a number of occasions and found noise levels satisfactory.

The licensing agreement requires the owner to engage 'regularly' with residents. The owner holds a meeting every quarter and advertises them to local residents by letter sent with proof of postage and by a poster in the bar window. As the events were poorly attended, he made (and continues to make) regular approaches to the local residents group and its representatives. He offered to attend their meetings to discuss any issues. The Smithfield Residents' Association has not accepted this offer. Events are still poorly attended, despite his best efforts.

Between 8 August 2013 and 16 September 2014, five complaints were made and on each occasion, the complainant took matters no further. The bar was operating to 1am as the personal nature of the permission had not been made clear to the applicant. The bar appeared to be operated and managed to the satisfaction of all parties.

In January 2014, a complaint was made about music noise. This was not followed up by the complainant so was not taken further.

In February 2014, a complaint was made about refuse, but was found not to be Cord's fault. An apology was issued. There were no complaints in following months.

In July 2014, a complaint was made regarding noise from people congregating on the street. A meeting was held between Cord, Greater Manchester police and local residents. It was decided that monitoring visits would be carried out. Environmental Health note that no further complaints were received.

In September 2014, a complaint was made about noise from patrons, but again was not pursued by the complainant.

In October 2014, a similar complaint was issued. In November 2014, a complainant agreed to enter into email correspondence with the applicant, mediated by Environmental Health, but chose not to accept the offer of a meeting, nor to proceed with email discussions.

The complaint was then classed as 'ongoing' rather than 'closed'. However, no subsequent complaints were recorded until March 2015.

From November 2014 onwards, the applicant continued to liaise with Eve Richards of Environmental Health, who confirmed that the majority of complaints had been received from two individuals. She also confirmed that the weekend street team had visited Cord bar on a number of occasions and found nothing of any concern. A licensing re-check was carried out in February 2015 and only very minor matters were identified.

The application to extend the opening hours of the bar to 1am by removing the personal restriction was validated on 27 January 2015.

On 25 February 2015, a residents' meeting was set at a time and date to suit the convenience of local residents. There were no attendees. The applicant got in touch with Eve Richards to seek her help in liaising with the residents' association, any similar groups, and local residents generally.

During this period, six objections were lodged in relation to the application. Two complaints were made to Environmental Health in March 2015, coinciding with the end of the application's determination period.

Objections to the application

A summary of objections was provided to us by the case officer. It raises concerns as it does not tally with the facts as acknowledged by Environmental Health, as follows:

- There was a comparable level of complaints against the former operator.
- The assertions of objections do not tally with Environmental Health data secured through Freedom of Information requests.
- The acoustic report reviewed the impact of noise escaping from vents and found it to be acceptable.
- The bar is subject to rigorous procedures regarding the closing of doors and the dispersal of patrons. These rules are set out in the Operation Statement and are enforced.
- Comments made about changes to the internal layout of the bar are strange and do not reflect the professional noise assessments which have been produced to the satisfaction of the Council
- The owner has held regular meetings with local people. When there were no attendees, he redoubled his efforts to engage, seeking to attend existing residents' association meetings for residents' convenience, and arranging letter drops and mail-outs.
- Refuse complaints levelled at Cord have been shown to be unfounded.
- The new owner has a high regard for local amenity: he has consistently liaised with Environmental Health and makes ongoing efforts to engage positively with residents, and has enforced door polices and noise limits which are more stringent than those required by the licensing and environmental health regimes, in order to satisfy a minority of local residents.

Following withdrawal of the application

Following the withdrawal of the application in March 2015, the applicant closed the bar at 11pm each night at considerable financial cost. No complaints were received.

The applicant held a meeting on 18 May 2015, with slots at 3pm and 7pm. It was advertised through a letter drop to properties on the Smithfield Estate, Dorsey Street and nearby streets. Three separate individuals attended during the 7pm slot. They were supportive of Cord Bar and stated that they experience no noise or disturbance from the bar.

On 27 May 2015, we discussed the matter with Andy Bardsley, Manager in the Environmental Health team at Manchester City Council as follows:

- Although there remained an open complaint against Cord, this did not constitute a nuisance and matters were not (and never had been) such as would necessitate a noise abatement order. He advised that people have different tolerances to noise.
- He agreed to speak with residents to encourage their engagement with Cord
- He agreed to encourage residents to participate in a 'noise test' in which Environmental Health would measure noise levels at their homes in order to arrive at a noise level with which residents were content. Cord is permitted to play music at louder levels, but wish to reach agreement with neighbours.
- He advised that a reasonable period was required without complaints (eg several months) for a complaint to be closed.
- We noted that on our freedom of information request data sheet, it stated that a complainant had lodged a Stage 2 complaint. He could make no specific comment on this, but confirmed that this is not a complaint made against Cord. Rather, such complaints generally indicate that a complainant is dissatisfied despite officers having carried out their duties.

A complaint in early June regarding the premises being open at 11.20pm reflected a misunderstanding by the owner that the half hour 'drinking up time' permitted by licensing is not covered by planning permission. No further complaints have been received on this issue.

A complaint was received on 13 June 2015 regarding the doorman's absence from his post in order to carry out internal checks. This is deemed normal, accepted procedure for door staff at licensed premises and is part of their duties. However, as a result, the bar has changed its practices so that another staff member now carries out additional internal checks to make this absence less frequent. The applicant also uses door staff outside the hours required by the licensing conditions where he deems appropriate, for example, if there is the potential for a large number of persons to be on the premises. This is a further example of the applicant going above and beyond good practice in order to respond positively to all recommendations and requests in order to ensure that amenity problems are addressed as soon as they become clear. There have been no subsequent complaints about this, as the issue has not been allowed to occur again.

During June 2015, the applicant liaised with Eve Richards in order to identify alternative contacts at the residents association and any other such groups in an ongoing attempt to engage with local people to resolve matters. Eve advised that residents claimed not to have received notice of the meeting, although the event was attended by three residents who live opposite the premises on Dorsey Street, and did receive the letter which was hand-delivered to all addresses in the area.

On 24 June, the applicant reiterated his willingness for noise levels to be tested by Environmental Health in the homes of complainants in order to resolve matters. Eve Richards advised that on 25

June, she met with local people to discuss this matter. Although they said they would consider it, they did not choose to proceed.

A meeting was held on 10 August 2015 with slots at 3pm and 7pm. On this occasion, letters were sent by Royal Mail and proof of postage to the individual addresses was obtained. There were two attendees (not a couple), both of whom live directly opposite Cord at first floor level. They reported no complaints and no issues. They advised that they are wholly supportive of Cord and the proposal to open until 1am.

In early August 2015, the applicant contacted Environmental Health for an update, and was advised that a photograph dated June 2015 had been sent to them by a local resident showing Cord's doors wedged open. We were not permitted to see the image or told its exact date, nor was it clear why the image had come to light so late on. On further investigation, it became clear that the photograph was taken outside operational hours and that furniture was being moved. There was no suggestion that disturbance was being caused, and no allegation of wrongdoing resulted.

On 1 September 2015, Environmental Health confirmed that the venue had been without complaints for two months. Under the terms of our original discussion with officers, the comment should have been closed at this point. It was not made clear why this had not occurred.

It became clear during September and October that apartments owned by a third party directly above Cord Bar were being rented out for stag and hen parties, which caused isolated incidents of disturbance in the street. This was not related to Cord, and no complaints were made in relation to this. Indeed, Cord suffered damage to its property as a result.

On 21 October 2015, the complaint against Cord was closed following a period of four months without any legitimate complaints.

Despite the complaint having been closed and no further complaints made, the applicant requested that Environmental Health continue to liaise with neighbours. On 18 November 2015, Eve Richards advised that the single dissatisfied resident was likely to be satisfied if the amplifiers were to be limited to level 7 rather than the level 10 permitted by the existing planning permission, licence and independent acoustic report. The complainant refused to allow Environmental Health to test that noise level in her property, but the applicant agreed to limit the amplifier accordingly on a permanent basis. A noise limiter was installed. On this basis, Eve advised that the complainant had no grounds to continue to complain about noise levels from amplified music.

Residents were advised by post of a meeting which was held on 25 November. Proof of postage was again obtained. There were no attendees, but a telephone call was received from one complainant confirming that from she perceived a great improvement. This is corroborated by an email from Eve Richards of Environmental Health confirming that residents were satisfied.

Both Eve Richards and the applicant advised neighbours that the Council had permitted Temporary Event Notices for Friday and Saturday nights during the last weekend in November, throughout December 2015 and on New Year's Eve. The premises opened until 1am accordingly and no complaints were received.

Applications were granted for additional Temporary Event Notices on Good Friday 25 March 2016 until 2am, and on Easter Sunday 27 March 2016 until midnight.

An application was granted for a Temporary Event Notice on Saturday 2 April 2016. An objection was received from Anthony Johns of Environmental Health. Upon investigation, this was because the officers with whom the applicant had worked closely for so many months had been transferred. The new officer had simply observed the extensive site history set out on file, and objected on that basis. Having heard the evidence, the Licensing Committee granted the TEN based on the work completed over the previous twelve months. Since this occasion, Anthony Johns and the applicant have discussed the performance of Cord Bar and the Environmental Health record, and now have a better understanding of the history.

A further residents' meeting was held on 30 March 2016. A number of local residents continue to express their support for the proposal.