

ROSCOE
GARDENS
RESIDENTS
ASSOCIATION

25th April 2021



Dear Cllrs Banks, Small & Toolan,

In this letter we wish to address numerous concerns about the current, ongoing, and proposed future use of Roscoe Gardens, Mount Pleasant, Liverpool City Centre, namely the current application to vary a license.

We will outline how the last 8 months have not just had a detrimental impact on the quality of life for neighbouring residents, but also at the end of the letter, we have several questions we ask of you, as your constituents about why this seems to have happened at all, let alone gone on for so long, and is now proposed to continue perpetually under license. This quite simply, should never have come about at all.

No council department has been forthcoming with clear answers and any attempts via the contact centre to point residents in the right direction fruitless. Finding out who is ultimately responsible from the council's end, has been nigh on impossible and officers have, quite frankly, been nothing short of unhelpful.

Desecration of sacred ground

First and foremost, a small history lesson, to provide some contextual background to the issues at hand, in case yourselves are unaware of the cultural significance of the space to the city and members of the Unitarian faith. The Unitarian Church has had a presence in the city, since our humble beginnings as a town on the banks of the river in the 1600s, near to the site of Liverpool Castle – it is one of our oldest faith institutions and we are sure you are all aware of the work they do in the city to this day. The congregation moved to Renshaw Street in 1811. The Methodist Grand Central Hall now stands in place of the chapel on the site it stood, however the burial ground remained. One of those interred on the site to this day, is William Roscoe, one of the country's first abolitionists. So now you are up to speed of not only the fact that this consecrated ground is sacred, but also why it is also extremely culturally significant for several community groups, let alone the very people of the city itself.

Section 3 of the Disused Burial Grounds Act 1884 prohibits the erection of a building (non-exclusively defined to include any temporary or movable building) over a disused burial ground other than for certain specified spiritual reasons. This is a blanket ban, which covers consecrated as well as unconsecrated, land. This is the law that still governs such spaces to this day.

Since July 2020 a marquee, staging, flooring, and other articles what would be defined as prohibited under the act, have been erected in the space, as well as fixtures fitted into the ground. The business that now occupies Grand Central Hall has been using the space, to facilitate the sale and consumption of alcohol, performance of live and recorded music and dancing.

No one from Liverpool City Council, elected or officer, nor the business operator had the foresight to consult the Unitarian Church beforehand on the use of the ground for such purposes, which may have avoided the misery of the last year almost, full stop. Not only are both the business and council seemingly complicit in breaking the law regarding the space in this aspect, the sheer lack of awareness and sensitivity is not only shocking, but nothing short of upsetting. The Unitarian Church, as far as we are aware, would never have sanctioned such sacrilege on a sacred space, and have only just recently been made aware of the events that have transpired.

The behaviour of both the business, and the patrons on such a ground has been deeply disturbing. From the constant profanities over the sound system from performers to the guests too, to the utter decimation of the greenspace and grass caused by the structures in place. We feel there is no need to go into this aspect any further, it is, for all involved, also the most deeply disturbing and important aspect. We have found no precedent of a local authority acting in such an insensitive way within the last few decades.

Site of Cultural & Historical Significance

As explained above, the site is of significance not just to faith but the culture and history of the city and in fact, one could argue, the world as a whole. The interment of William Roscoe on the site has seen people from all over the world come see the final resting place of one of England's abolitionists. Local historian, National Museums Liverpool's historian in residence Mr Laurence Westgaph, also utilised the site on his very popular walking tours. If you are not aware, the walking tours encompass the history of slavery in Liverpool, and in particular making use of the built environment around us to tell the story. It was a common site to see a tour group enthralled around the memorial and taking in the tranquillity of the memorial grounds. Since July 2020 the stop has been off the cards, as due to the constant padlocking of the gates, he reasonably presumed it was out of bounds, for reasons unknown. Whilst we cannot speak for Mr Westgaph direct, we are sure you will agree, that is really is not a good advertisement for the city. The city has not only in the last 12 months, promised to address with more sensitivity and awareness our historic links to slavery, it only as recently as March 2021 promised to protect all of our city's park spaces forever. This is clearly not the case with Roscoe Gardens. It is nothing short of a disgrace that the council has treated the space in such a way in this regard.

Statutory Noise

Back in July 2020, residents welcomed the idea of the city reopening and the Liverpool Without Walls scheme and concept, however if we had foresight of the misery and detriment to our quality of life this particular aspect of the scheme would have, let alone the denigration of a cultural significant and sensitive site, then we are sure that we would not have been so forthcoming in our support.

The physical geography of the space is, quite simply, an amphitheatre. Residents first began to raise issues pertaining to the noise back in July. Engaging with the business proved difficult, as no one initially seemed to be forthcoming in taking responsibility as members of the business to pass messages on to management or even make the licensee aware of issues. Residents would contact the business by phone, only to be told that it was the hotel side of the business and they could do nothing and would not be able to pass messages or details on. We had one key worker finish a night shift to return home of a day and ask the business to taper the noise due to wanting sleep, the hotel receptionist's response was to tell the resident to "Put your ear plugs in and stop moaning", not really in the spirit of good operating practise.

So, we have a space that amplifies the noise as it reverberates up buildings, meaning residents on the higher floors, can often be privy to the private conversations of patrons, and staff. That's before the music starts.

The physical nature in design of Central Gardens, as an apartment block is one of many vented and grated walls. In fact, the only 'solid' walls are the walls of individual units. This means that small clusters of units become totally enveloped by sound. Particularly on the lowest floor of the block, which has the car park underneath, the sound travels up through the floor of these units too.

In all it has been very distressing for many residents, quite simply the noise is too loud. The operator defended the noise and claimed that employing a sound engineer resolved all these problems. That is simply clearly not true. Output sound monitoring is one thing, but not taking into consideration the physicality of the space within which you are projecting and amplifying the sound is another.

Bins are consistently emptied very late at night, with the latest reaching 1.30am in the morning on occasion. Power tools are operated on bank holidays, and even were this Easter Weekend, when public access to the park should have been available but, it was locked. The operator was busy rebuilding their bar structure, at this point.

The subject matter projected over the sound system is often of lurid subject matter. From what can only be described as disgusting foul language constantly, and sometimes indecent, to the chants supporting proscribed terrorist organisations shouted over the microphone constantly. It is content of a guttural quality. Often residents have been left offended and one has to question not only the legalities of amplifying sexual profanities & obscenities outside the houses of children (let alone adults) but also the constant chants encouraged by performers every Thursday, of offensive, pertaining to proscribed terrorist organisations.

Noise complaints have been raised consistently by one resident since July and no contact has been made with this resident by any council official by phone or email. Another resident has engaged in a telephone conversation recently with an environmental health officer, and a visit was received. We feel the Environmental Health Officer who visited on Saturday 24th April made a comment that was somewhat inappropriate and insensitive to the situation, as he said "Oh well, that's city centre living isn't it" – this is an unacceptable and flippant comment to make to residents when discussing noise complaints, and the officer was reminded, residents have moved overlooking a memorial garden, not Concert Square. The officer advised he would recommend an improvement notice would be served due to them bearing witness to audible transgressions whilst visiting. The inconsistency is disappointing, especially when several previous complaints were logged to the same address, and we find Liverpool City Council to be failing in their duty of care to residents in this instance. Residents going 8 months with complaints unanswered is unacceptable, especially pertaining to statutory noise. Is it only due to the sheer stroke of luck for residents, that an EHO to visit the site twice in one night that an improvement notice is served, especially disappointing considering evidence has been supplied consistently by residents to officers in other departments, who seemingly have not passed it over to responsible officers.

Residents lives has been made a misery by the noise, mental health has been eroded and Liverpool City Council have stood by and done nothing. It is outrageous this has been allowed to take place in the first place, let alone whilst desecrating a burial ground.

Streetscene & Park Byelaws

Since July 2020 we as residents have tried to ascertain what exactly was the agreement reached between the business and the landowner, in this case the council, to maintain public access and the state of the park. After several weeks of “I have a deal with the council and there’s nothing you can do about it” We gave up trying to engage with the licensee and started to try and get answers from the council. Initially again it was very frustrating and no one at the contact centre could point to the responsible department. We exhausted all avenues and our professional connections, however thankfully, and only very recently, one particularly helpful officer pointed us in the right direction.

A response was eventually received from a parks officer after two weeks and several repeated appeals for an answer to a simple request to outline the Land Use Agreement, so residents were aware of their rights of access. The information supplied in the response was vague, non-descript and in short, unhelpful from the Parks Officer. After pressing for clarification, Christina Williams provided the outline of access times, which were the most practical information residents needed in July 2020.

The gate for the public park was padlocked from December 2020 until April 2021 when the operator decided to open again. This is unacceptable that a public park has been, quite simply, abandoned by the authority and as such, the wanton abandonment of dignity of the burial ground by Liverpool City Council and the business.

Since the April to May LAU has been in place, there has been what could only be described as little to zero adherence to the terms conveyed to us by Liverpool City Council. The gate constantly shut, and beer being sold, and music performed from 12pm every day, in contravention of the agreement held between the parties concerned. We must also point out that the operator feels removing a padlock to be sufficient in the provision of public access, giving no thought to those who are less able of body. Let alone it is done quite clearly to deter public accessing the space, leaving gates bolted closed. Leaving them to set up all their furniture and fixtures in the space, depriving the public of the very access time they promised to maintain.

Liverpool City Council’s standard Land Use Agreement’s that we have been party to ourselves in the past or that are available in the public domain, have the general clause stipulating adherence to all other relevant laws and statutory requirements must be maintained. This has clearly not been the case as outlined on several occasions throughout this letter, and also documented with evidence to the responsible officers over the course of time.

It should also be noted, that also due to the Disused Burial Grounds Act, legally, the operators Public Liability Insurance is not valid when trading and occupying that space, there is precedent for this, ergo they are in breach of their Land Use Agreement with yourselves.

It is extremely concerning the council has failed in basic standards of quality assurance in granting this agreement in the first place. It is also an unacceptable explanation from the Parks Operations officer, that the activities took place under the guise of the ‘Liverpool Without Walls’ scheme from July to December 2020, when clearly there was no legal grounds for such activities to take place on the site, let alone the clear failure of moral decency on behalf of the council as custodians of the burial ground to consult the church.

In terms of the byelaws as laid down in ‘Byelaws for pleasure grounds, public walks and open spaces’ available on Liverpool City Council’s website, we find the past, current and ongoing operation to also be in breach of, continually or in the instance, the following byelaws: 3; 4; 5(ii); 8(i); 8(ii); 9(i); 9(ii); 13; 15 (i) – (iii); 17 (i) – (v) and 24 (c). The greenery in the park is in dire need of some care and attention.

The grass has been covered for almost 6 months out of the last 8 and has been stripped bare in large parts underneath the temporary flooring put down.

Licensing

Now let us address how since July 2020, the operator has shown scant regard for the Licensing Objectives, as set out in the Licensing Act 2003, but also how Liverpool City Council's Licensing Department has also failed in its duty to uphold the Licensing Act & Objectives.

We feel the application to vary the license, should be rejected for the following reasons when applying the Licensing Objectives;

The prevention of crime and disorder; when addressing this objective, it is clear, that disorder is a regular occurrence. Regular profanity on the microphones is amplified in the space from the sound system, including chants about the IRA to sexually explicit references. The very fact the business is occupying the space in contravention of the Disused Burial Grounds Act is in itself an ongoing crime. The operator has not been able to maintain order consistently since Step 2 reopening, as has been documented with Licensing Officers. The operator has also failed to adhere to the Land Use Agreement between the parties involved, consistently now, since April 12th. There is a clear precedent of disregard for rules and regulation displayed here. The anti-social behaviour of both patrons of the business in the space, and also staff in the desecration of a burial ground is ongoing and we feel grounds to object under this objective. The footprint for which licensable activities are to take place is increasing greatly and no other conditions have been proposed to mitigate any public order and safety issues that may rise because of such. We also doubt the area is sufficiently covered by CCTV..

Public Safety; due to the nature of the business operating on a disused burial ground, any public liability insurance is potentially void. This means the operator has been potentially trading illegally now since July 2020. This is a clear endangerment to public safety. Since April 12th Step 2 reopening the operator has consistently shown scant regard for the Coronavirus regulations, which is well documented with the Licensing Department. At evenings there is no effort to stagger the ejection of the customers, which besides being best practise, is now an essential guideline to Covid-19 regulations. The egress onto the street late at night causes a huge volume of noise at once, and is nearly always after 11pm, but also the potential for an aerosol transmission flashpoint with regard to hundreds of patrons congregating at once. We have only once seen the operator stick to the terms of their agreement and not operate past the agreed times. They consistently operate before the agreed times. The operator has shown scant regard for public safety when 'maintaining public access', by keeping the gate bolted meaning those less able of body would struggle to gain access and potentially injure themselves. We are also concerned that due to the erection of the marquees, and a seeming lack of CCTV now covering the space, that licensable activities would be taking place out of sight of CCTV.

The prevention of public nuisance; residents lives have been a misery now for months, from the statutory noise complaints, which are numerous and ongoing, to the deprivation of our public space. Also, residents cannot open their windows, due to the volume of noise, profane language and smoke vapour emanating from the site. Also, as the space is a burial ground, and as such, living descendants of those who are interred at the site are unable to pay their respects peacefully, and have been for some time now. Residents are unable to pray and meditate peacefully in their homes day and night. Those less able of body have been deprived access of their nearest open space for eight months now, as has the wider immediate community, the impact on mental and physical health of this has been amplified during the pandemic. The litter in the memorial gardens is now an ongoing issue, with the

operator only seemingly bothering to maintain the section of the burial grounds under the cover of their marquee and their temporary flooring. The light emanating from the infrastructure deployed in the grounds by the operator also encroaches on residents homes. Ongoing failure to adhere to the times agreed in the land use agreement, and frustrating public access to the space is a regular occurrence. Residents are being deprived of their right to a private and family life.

The protection of children from harm; children reside in the units directly overlooking the space. Ranging in age from new-born to toddlers, the children since July have been subjected to the ongoing disturbance and deprived of their right to a peaceful family life in their home. The noise and foul language emanating from the site, is not only disturbing but traumatising for some of the children, and explicit and obscene language is often heard from staff, patrons and over the sound system. Children are often woken up at night by the bottle bins being emptied also. Adult themed entertainment seems a regular occurrence and with the consumption of alcohol taking place so close to children’s homes, there is a grave concern over some of them having been exposed to alcohol before their years, especially for those families of particular faiths.

Also, this has been applied for as a minor variation. We feel a minor variation is not sufficient in this instance to cover any sort of application of this type, due to the scale in which the operator is proposing to increase the licensable area for activities. The area for licensable activities of the premises is increasing greatly in size.

Now let us address our dealings with the Licensing Department, they can be described as inconsistent at best, not only with reference to the diligence applied to dealing with this premises, application and ongoing issues and complaints but how it compares to past performance previously. Below is a table outlining email exchanges between residents and the Licensing Officer responsible for regulatory compliance, highlighting some serious and concerning inconsistencies of application of law and regulation, let alone provided citizens with information requested, of which it is their duty to supply.

Date	Resident or Licensing Officer?	Notes on email exchanged
24/3/21	Resident	Requested to be pointed in the direction of the license covering the area for licensable activities due to the advertisement of use of the space again.
1/4/21	Resident	Had to repeat request for information
1/4/21	Officer	“The premises operated in the area with the permission of the landowner and in accordance with Covid rules at the time. They have been sent a letter about the Step 2 rules and compliance will be monitored along with many other premises across the City.”
1/4/21	Resident	<p>“thanks for the response but that is not what I requested. The space is a public park, maintained by the city and governed by the Park Byelaws, so presume you are referring to the council as the landowner in this instance.</p> <p>I asked, can you provide me with a copy of the license, that covers licensable activities on this space. As it stands there is not one for the area, and the neighbouring premises does not have the space on theirs.</p> <p>Can you please provide me with a copy of the License that covers this area for licensable activities, as per the Licensing Act 2003.”</p>
1/4/21	Officer	“The licence covers the indoor activities in the premises. There is not licence for the garden area.”

1/4/21	Resident	<p>“Can you please explain why this public park has been took over by a private business and licensable activities are planned to be taking place on it, including the sale of alcohol? After a summer of noise abatement, Covid regulation breaches, and clear breaches of the licensing objectives, it is concerning this is happening again, yet no one in the council can point to where this is licensed, or who signed off on it. “</p>
1/4/21	Officer	<p>“I am not aware of the matters you raise as the premises have not contacted us over the use of the area, which may not commence yet as you will be aware. I will contact them to ascertain their plans and compliance issues with Stage 2 Covid matters.”</p> <p><i>NOTE: At this point the premises was advertising and selling tickets for events as far forward as July.</i></p>
7/4/21	Resident	<p>“Can you present us with a copy of the public license covering licensable activities on the site of Roscoe Gardens?</p> <p>Also concerned the venue is advertising live music from April 12th onwards, inside a marquee. The latest Step 2 guidance says an event CAN take place if it, takes place outdoors, attendees are expected to arrive and leave at a staggered manner throughout the day, and lastly it does not involve attendees converging on and congregating in a site for a specific discrete performance or activity such as a theatre or music performance.</p> <p>It is also set out in the latest guidelines from Gov.uk that as per regulation 2(6)(f) of The Health Protection Act (Coronavirus, Restrictions)(All Tiers)(England) Regulations 2020, a place is indoors if it would be considered to be enclosed or substantially enclosed for the purposes of Section 2 of The Health Act 2006 under the Smoke-free (Premises and Enforcement) Regulations 2006. It is quite clear that the marquee erected with fully enclosed sides, is defined as an indoor space in this instance.</p> <p>It is more than reasonable in this instance to say this is not going to be the case given the evidence of past trading, and the current set up, which seems rather unsafe too.</p> <p>If you can please let us know about the license as soon as possible please, as we as a local residents group have been trying to ascertain this information for weeks now and will be escalating our grievances cross agency on Friday.”</p>
8/4/21	Officer	<p>“I will advise on your questions below. The use of the area is however always subject to the landowner granting permission for it to be used by anyone, this is not a permission this service grants.</p> <p>The garden area does not have a premises licence (I have advised of this in a previous email), so there is nothing for me to send to you.</p> <p>The alcohol to be consumed within the marquee will be purchased through waiter service from within the Dome and taken to the marquee to be consumed. Consumption of alcohol is not a licensable activity so there is no licence required for that. Any music in the marquee will be subject of a Temporary Event Notice that will be applied for.</p> <p>The use of the marquee will need to meet the necessary requirements of the regulation you note regarding open areas to the sides. The person who is to use it has been made aware of this.”</p> <p><i>NOTE: Regardless of breaking Covid regulations, the erection of the marquee on the ground, is a breach of the Disused Burial Grounds Act.</i></p>

		<i>Also at this point the officer should have recognised there was a need for a license on the space, as we had made them aware of music planned.</i>
8/4/21	Resident	<p>“We did not mention anything further on the issue of the landowner, and again find it somewhat curious you don't refer to the landowner as Liverpool City Council as is the case in this instance.</p> <p>OK, consumption of alcohol may not be a licensable activity under the LA 2003 but playing of recorded music, dance performance and facilities for making music, dancing and entertainment of a similar description are certainly, and it is no unreasonable to say that is definitely what is planned to take place at the moment. Normally commercial operators have to have their own license on the public space or utilise the council's existing one. Why is this not the case in this instance?</p> <p>There are under your admission other licensable activities taking place on the site, have you received the TENs? We are well past the 5 working day cut off for a late TEN and we as a group of residents are about to submit representations to our local councillors to push for action on this.</p> <p>We notice you have completely ignored our very clear reference to the Step 2 legislation, and this concerns us for the sake of transparency, so we will ask again,</p> <p>The latest Step 2 guidance says an event CAN take place if it, takes place outdoors, attendees are expected to arrive and leave at a staggered manner throughout the day, and lastly it does not involve attendees converging on and congregating in a site for a specific discrete performance or activity such as a theatre or music performance.</p> <p>What assurances from the venue do you have that ingress and egress will be staggered, particularly as in the past, the operator has in the past, consistently, just emptied everyone out into the Park, at 11pm/ midnight creating a public nuisance each night?</p> <p>Why does it seem LCC is happy for music events to take place, contrary to the <u>GOV.UK</u> guidelines? Clearly people will be congregating listening to music.</p> <p>And lastly from a JAG/SAG point of view, are Licensing happy with the safety of the current set up? Right now, a marquee with no ballasts to weigh it down could sweep up and blow into the neighbouring residential buildings it has been erected right next to.”</p> <p><i>NOTE: Why would the compliance officer, who is fully aware of ongoing complaints pertaining to this venue, ignore this very important request that was time sensitive? This would also have been the cut off point for a TEN to have been submitted.</i></p>
15/4/21	Resident	“Still waiting for a response on this, if we haven't received one by close of business tomorrow, we will proceed with our escalation of this matter without the information requested.”
15/4/21	Officer	“I would advise that an officer from Environmental Health will be inspecting the site and will deal with all matters of Covid compliance.”
15/4/21	Resident	“No response on the licensing issues?”
16/4/21	Resident	<p>“As well as responding to the Licensing issues [...] could you also ensure some action is taken over last night's disgrace.</p> <p>The screaming and shouting of both profanities and sectarian chants were beyond offensive and probably criminal in terms of the subject matter being shouted over the</p>

		<p>sound system, namely pertaining to proscribed terrorist organisations. Attached are videos from the venue's performer, clearly showing him encouraging the attendees to engage in such behaviour., [...] as previously pointed out, this seems to be in contravention of government guidelines around leisure.</p> <p>I myself attempted to phone the licensee 5 times last night, from 19.00 to 19.30 hours when this was happening, to try and address the issue but they did not answer their phone. I also noticed the licensee walking across in one video, so clearly, they are complicit in this nuisance. We have had children unable to sleep throughout the night due to being scared from the ruckus that transpired, and the crowd all emptied out at the same time, causing once more a large volume of noise later on in the night. I have attached videos of the profanities heard from a resident's <u>bedroom on the 5th floor</u>.</p> <p>I eagerly look forward to your response.”</p> <p><i>NOTE: As of 24th April 2021 Environmental Health Officers had still not received this particular evidence mentioned, or any details of it, according to an officer in that department.</i></p>
17/4/21	Resident	<p>Repeated request to answer questions put to them on 8th April 2021, with the addition of “We notice you have completely ignored our very clear reference to the Step 2 legislation, and this concerns us for the sake of transparency, so we will ask again,</p> <p>The latest Step 2 guidance says an event CAN take place if it, takes place outdoors, attendees are expected to arrive and leave at a staggered manner throughout the day, and lastly it does not involve attendees converging on and congregating in a site for a specific discrete performance or activity such as a theatre or music performance.</p> <p>What assurances from the venue do you have that ingress and egress will be staggered, particularly as in the past, the operator has in the past, consistently, just emptied everyone out into the Park, at 11pm/ midnight creating a public nuisance each night?</p> <p>Why does it seem LCC is happy for music events to take place, contrary to the <u>GOV.UK</u> guidelines? Clearly people will be congregating listening to music.”</p>
19/4/21	Resident	<p>“Having not had a response and having had to repeat several reasonable requests for clarification on matters, I now take it that you have no response and we will proceed with our intended action.</p> <p>It is particularly concerning the lack of transparency around the TENs and licensable activities, especially as a minor variation has been put in on the premises license. Why would you purposefully be ignoring neighbouring residents in the lead up to such a crucial time, when information matters?”</p>
20/4/21	Officer	<p>“(facilities of... is not a licensable matter and has not been for a long time) (there is no performance of dance) The playing of live music is permitted by the Government guidance providing there is no charge for it, which there is not, however note TEN’s below.</p> <p>TENs have been applied for outdoor music – 15/04; 17/04-19/04; 22/04-26/04; 28/04-03/05. As you may know TEN’s are not approved by this service they are simply acknowledged. The only parties that can comment on a TEN are Environmental Health and the Police.</p>

		<p>The activities are not an ‘event’. They are the same licensable activities that are being carried out at many licensed premises. They do not constitute an ‘event’ as considered under the guidance as that would be something of a larger scale. “</p> <p><i>NOTE: the officer is nothing short of facetious in his response, the resident is trying to express the fact that licensable activities have been taking place, that is without a doubt, just which is a case of splitting hairs. The resident had been raising this issue since the end of March, why now is the Officer justifying the licenses in place, despite repeated requests for more information? The officers had been provided with video evidence of the performance of live music taking place at this point on several occasions. Now all of a sudden, the activities taking place do need a license, but didn't on the 8th?</i></p>
20/4/21	Resident	<p>“I think we can agree the matters of transparency are serious and it is still our intention to refer everything to the monitoring officer.</p> <p>Please confirm the TENS were received on time as you admitted in the chain earlier, they were not?</p> <p>Please provide proof of this for transparency.</p> <p>Please provide a copy of the variation of public license that has been applied for the site.</p> <p>There is no public notice up within the vicinity of the premises, nor have I seen a public notice announce it.”</p>
20/4/21	Resident	<p>“Please also explain why this venue is trading in breach of their land use agreement with Liverpool City Council?</p> <p>They should not be occupying the space and trading on a Tuesday.”</p> <p><i>NOTE: The business has traded in the space Tuesday 13th and 20th April 2021, in contravention of the LUA</i></p>
20/4/21	Officer	<p>“The premises is trading licensable activities outside of its license parameters and the agreed LUA with LCC.”</p> <p><i>NOTE: officers have been provided with evidence to the contrary, perhaps they have not even had sight of the LUA themselves? So this statement is incorrect, intentionally or not.</i></p>
20/4/21	Resident	<p>I know other premises have been served improvement notices for far less transgressions and considering the consistency of which the transgressions at this particular site take place, it is curious this approach.</p> <p>You admitted earlier in the chain TENS had not been received within the 5-day time period allowed?</p> <p>I am explicitly telling you, that we have seen nothing of a license application notice for the last 7 days, and in fact, one was only placed up after 10am this morning on the site it seems.</p> <p>I am also asking you to provide full details of the variation application as it your duty. I will not ask again.”</p>

		<p><i>NOTE: The third time a resident had to ask for the full details of the application. In terms of diligence considering, I had been engaging with the officer over a period of time, he did not think to mention the application. We contest the fact the TEN was received in time and contest the fact that the variation application was received on the time stated.</i></p> <p>TO DATE THIS EMAIL HAS GONE UNANSWERED</p>
21/4/21	Resident	<p>“Considering I have previously brought to your attention the lack of public notice displayed in the lead up to the cut off time, pertaining to the minor variation application for Grand Central Hall, Renshaw Street, L1 into Roscoe Gardens, Mount Pleasant, L1, I am now formally requesting you implore the licensee restart the public consultation period and place the notice up clearly and properly, for the minimum time period required by law.</p> <p>And as I informed you yesterday, a public notice only went up in the afternoon of April 20th, leaving only 3 days’ notice for the public. The notice was also initially placed far back, within the site, making it illegible to the public, as inferred public right of way is removed by the operators when they are trading on the space, as per the LUA. I have also had to ask several times for full details of the application from the Licensing Department, but as yet, I have received nothing, meaning I am unable to lodge a formal representation thoroughly, as information is currently being withheld. Whilst I'm sure it is by no way malicious, I'm sure we can all agree, for the sake of diligence, this needs to be addressed.</p> <p>The burden of proof is of course on the licensed premises to prove the notice was up in suitable locations for a suitable amount of time. This has been the precedent adhered to by yourselves in the past, as a Licensing Department it seems. I also think it is very clear from our conversations that I only became aware of the application due to notification from another department. No notices were displayed outside the licensed premises itself, let alone on the proposed area of extension.</p> <p>If you are not inclined to implore the public consultation period to be restarted, I really will be more than interested in knowing the full legal reasoning behind the decision.”</p>
21/4/21	Officer	<p>“I asked the applicant for evidence that the notice were in place and they sent evidence that a notice was placed on the small tent at the entrance (which is approximately 2 foot from the fence so would be legible) and on the main building elevation near Renshaw Street dated the 13th April (there is evidence of when the photo on the tent was taken on the 13th). The notices had an error on it with regard to the date for representations which was noted as the 23rd April and I advised it should infact be the 26th April. This has now been changed and the notice is on the fence, small tent and Renshaw Street elevation. In this regard whilst the notice had an error on it, it has been corrected and is on more than one face of the building so I think compliance has been attained.</p> <p>The application is to –</p> <p>To amend the current live and recorded provision on the licence which is currently only for indoors to be for outdoors also in Roscoe Gardens (behind Grand Central Hall) for live music events in a marquee. Performance of live music outdoors Monday-Sunday 13.00-23.00 and playing of recorded music outdoors</p>

		<p>Monday-Sunday 13.00-23.00”</p> <p>NOTE: Considering the gravity of the situation ongoing, and the magnitude of complaints, why have the public been deprived of the full 10 days notice they are entitled too properly? The officer admits that the original notice was factually wrong in its content, and incorrectly displayed, why has it taken until 21st April to realise this, if proof was sent on 13th?</p>
21/4/21	Resident	<p>“Unfortunately, I don't feel that has been compliant at all. We were quite clearly only made aware of this application on the public highway yesterday. You now have several neighbouring residents, contesting the businesses version of events. I think in the interests of transparency it would be prudent to ask the business to start the consultation period again. I also think in the interest of transparency you can share the proof of this notice. Can you confirm you are not intending to implore the public consultation period to be restarted? If so, please provide your full legal reasoning. “</p>
21/4/21	Officer	<p>“There is no requirement for persons to be informed of applications under the Licensing Act only that notices are in place on the premises (the LA is different from Planning in this regard). I am satisfied the notices are in place. Should anyone wish to make a representation please feel free to do so.”</p>
22/4/21	Resident	<p>“How can you be satisfied, when the correct notice has not been up for the required time, by your own admission? You have given no explanation for abandoning procedure in this instance. This is a recurring theme with this site and irks us residents and citizens”</p>
23/4/21	Officer	<p>“I have explained the position on the notices in earlier emails. You are aware of the notice and the date any representation must be made by. It is for any person to decide if they wish to make a representation by the known time.”</p> <p><i>NOTE: As far as we are aware, as of the date of this letter, at no point has a notice been up on the front of the building, the actual address of 35 Renshaw Street, to which the license pertains also.</i></p>

We feel the approach of the Licensing Department and behaviour of this particular officer is not in the spirit of the Nolan Principles in this instance. In particular; Selflessness, there has been no attempt to proactively engage with the community by the department in advance of this application submission, which they have no doubt advised the business on, despite the ongoing complaints; Integrity and Objectivity, we feel the exchange above demonstrates an abandonment from this principles; Accountability and Openness are none existent, particular in sign posting to other departments where they may be responsible, the failure to signpost to Streetscene as the team responsible for the Land Use Agreement for example; we are questioning the Honesty of the conduct of the officer involved; and Leadership has been clearly lacking in the department in this instance as we often only received a response after copying other colleagues into emails.

It is of particular concern simple requests pertaining to information that officers are obliged to provide are frustrated. Also very concerning is the providing of evidence of direct transgressions to which officers have seemingly ignored. It is also concerning the lack of consistent application of guidelines and regulations, for example, completely ignoring the email and video evidence of a Licensee breaching their obligations on April 15th, 2021 or operating in the space on a Tuesday, outside the terms of their Land Use Agreement.

Overall, the gravest concern, is the lack of diligence in even knowing if the land the license has been applied for on, is indeed able to be licensed by law.

The Right to Family Life

Article 8 of the Human Rights Act protects your right to respect for your private life, your family life, your home and your correspondence. This is quite simply one of the most important rights, that has been deprived from hundreds of residents now since July 2020. We have had residents unable to mediate or pray in peace since that time, with obscene content being exposed outside their homes constantly, and the volume of noise unbearable. The mental health of some of our residents is also suffering immeasurably now. Small children, babies and elderly residents in the immediately neighbouring blocks are often scared and disturbed by the noise and what is happening right outside their homes. We have been deprived of our nearest green space during lockdown, meaning residents have been stuck in apartments if they are less able of body to travel further for green space and open air. We have been deprived of our right to privacy from the constant barrage of noise from customers, staff and the sound system. We have even been deprived of fresh air, as the volume of cigarette and vape smoke congeals and billows into people's homes if they have their windows open. Let alone the volume of background noise perpetuates annoyance and disturbance in the home. Residents working nights have found the last 8 months particularly challenging, and one resident working as a key worker on the Covid-19 testing programme, had to leave their role due to the impact on the quality of their sleep the business and its operation had on them. Residents of those interred on the site are being deprived of the ability to pay their respects.

Conduct of the operator

When anything new is tried, there are naturally teething problems, however given the experience in years of the licensee, and the duty of the council, we are nothing short of shocked in the lack of transparency in terms of information forthcoming and disgusted in the way a city centre business can desecrate a sacred space and have such scant regard for their neighbours. Residents have tried over many months to discuss with the operator the issues.

Grand Central Hall was a shopping centre when Central Gardens was built, for example, and even on the repugnant logic of the licensee, whom has told residents "You knew what you were getting into when you bought a place in town" several times when they tried to engage in discussion with her with regards to the anti-social behaviour and noise, well residents moved here over looking one of the city's oldest memorial gardens, next to a shopping centre when the blocks were built, not a karaoke extension of their bar. This seems to be a complete disregard for a situation in which under normal circumstances, the agent of change principle.

No advance notice to residents was sent of the plans of such disruption. In fact, a letter was sent through resident's letterboxes after some residents complained. The letter, signed by her, stated the licensee was within their rights to operate in the space until 5am and it seemed as though residents should be grateful be is not perhaps. This is as we all know, simply not true. A second letter went out, promising little disturbance and such basics, that should have been a given, such as not emptying the bins after 9pm, something they have struggled to keep to.

The licensee also has stated residents should be grateful that they have took over the park and I quote, "got rid of the smack heads". How lovely this statement is when referring to fellow human beings. The problem with rough sleepers in the area was well documented, especially as Central Gardens as block had suffered a build of human excrement outside during the first lock down of last year. It was in fact ourselves as a Residents Association that resolved this hyper locally specific issue. After several

requests for assistance from the council fell on deaf ears, we liaised with the Community Policing Team and the Whitechapel centre, to get them moved on and into service provision, last year.

Issue raised with yourselves since August 2020

We have on record, several residents contacting Kim Johnson MP's office, and responses from herself, stating she had passed the concerns of residents on to yourselves, our ward councillors, this was August 2020. We also have an email off Cllr Small to a resident, in August 2020, aware of the situation and playing lip service with a generic response that officers had visited and things would be fine now. Not only is it a shocking lack of diligence on behalf of every elected member, in representing the interests of their constituents, it is an insult, and goes against every statement made by yourselves committing to the preservation of culture, history, and commitment to acknowledging our city's historic links to slavery, let alone culture as a whole. One resident has sadly, moved out of their apartment and elsewhere due to the ongoing misery and detriment to their quality of life, the business was causing.

According to Labour's election campaign material, Labour Rose for the Central Ward, in the first leaflet delivered, Cllr Banks was, and I quote, "Instrumental in delivering Liverpool Without Walls". It is then reasonable to presume Cllr Banks had some responsibility for, or sight of, the current set up in Roscoe Gardens in advance. In the latest leaflet, delivered to residents on 24th April, a reference is made to protecting parks and green spaces and the partnership with Fields in Trust that the city council has embarked upon. We feel now is the time for action and not rhetoric with particular regards to this particular promise you have made to the city as a council.

Conclusion

The fact of the matter is Roscoe Gardens is a sacred and ancient burial ground and contains a monument to one of our city's most notable citizens. Currently it is occupied by a glorified karaoke bar, where dignity is not being served. Hundreds of immediately neighbouring residents have been deprived of their right to a family life, and also their nearest green space, for almost a year, the large majority of which, most residents would have almost certainly benefited both physically and mentally health wise, if they had access to their neighbouring public park once more. The operation clearly has no regard for the law. This should never have even occurred given the grounds are the final resting place of hundreds of people.

We are imploring you as our elected representatives to make a representation to the license application based on the reasons set out above in the entire contents of this letter and to take action at a council level to resolve this repugnant transgression of dignity and heritage.

We also as your constituents, insist on an answer to the following questions from yourselves;

- How did it even come about that a public park and burial ground would be handed over to a private business for so long?
- Why did Liverpool City Council fail in its legal obligation to contact the church responsible for the burial ground before even indulging in the thought of changing the use of the land?
- Which council officer or elected official signed off on the Land Use Agreement?
- Does Liverpool City Council have an explanation for why it has broken the Disused Burial Grounds Act?
- Does Liverpool City Council have an explanation for why it has treated consecrated ground with such lack of dignity?

- Will Liverpool City Council address the inconsistencies in approaches highlighted above across all departments and its failure in duty of care?
- Why have noise complaints gone unanswered for this particular business since July 2020?
- Under what legal framework was the operation licensed, from the councils point of view, from July 2020 to December 2020?
- Why have yourselves as ward councillors sat by for so long whilst this has happened?
- Why were neighbouring residents not informed by the council of their plans to sequester a public park to a private business in advance, particularly given the impact it would clearly have on lifestyles during the pandemic and lockdown?
- Why has a public park been left, padlocked up by a private business for so long without intervention from the council, namely January 2021 until April 12th 2021?
- When can we expect the space returned to the public and restored to the state it should be?
- Will Liverpool City Council conduct a thorough investigation into how this desecration has come about and endured for so long?

CLlr Banks, due to your many years of experience pertaining to issues of licensed premises and your role as Chair of the Licensing Committee, we as your constituents are asking that you personally take this case on and represent our needs and interests.

We are certain you will hear from the other interested parties over the coming weeks and should make you aware we are exploring every avenue possible in terms of bringing any action at our disposal, with the support of a national legal action group, to ensure this comes to as swift a conclusion as possible, as this desecration has gone on for far too long now.

Sincerely,

S Weaver

A handwritten signature in black ink, appearing to be 'S Weaver', written in a cursive style.

Chair