



Licensing Sub Committee Hearing Panel

Date: Monday, 16 August 2021
Time: 10.10 am (or at the rise of the Licensing Policy
Committee)
Venue: Council Chamber, Level 2, Town Hall Extension

This is a **supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

Access to the Council Chamber

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Membership of the Licensing Sub Committee Hearing Panel

Councillors - Connolly, Evans and Jeavons

Supplementary Agenda

- 1a Urgent Business - Temporary Event Notice - Redruth Street Party, Redruth Street, Manchester, M14 7PX** 3 - 36
The report of the Director of Planning, Building Control and Licensing is enclosed.

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

Ian Hinton-Smith
Tel: 0161 234 3043
Email: ian.hinton-smith@manchester.gov.uk

This supplementary agenda was issued on **Monday, 9 August 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 16 August 2021

Subject: Redruth Street Party, Redruth Street, Manchester, M14 7PX - ref: LTN262073

Report of: Director of Planning, Building Control & Licensing

Summary

Submission of a temporary event notice where an objection notice has been given.

Recommendations

That the Panel consider the objection notice(s) and give a counter notice where it considers it appropriate.

Wards Affected: Moss Side

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing regime will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.

A connected city: world class infrastructure and connectivity to drive growth	
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Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
 Position: Principal Licensing Officer
 Telephone: 0161 234 1176
 E-mail: f.swift@manchester.gov.uk

Name: Bryan Johnson
 Position: Technical Licensing Officer
 Telephone: 0161 234 1248
 E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. **Introduction**

- 1.1 On 5 August 2021, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Redruth Street Party, Redruth Street, Manchester, M14 7PX in the Moss Side ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Notice**

- 2.1 A copy of the TEN is attached at **Appendix 2**.
- 2.2 The premises user is Mr Tunde Adekoya.
- 2.3 The description of the event is: Community Party Event.
 - 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this TEN.
 - 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
- 2.4 **Activities unsuitable for children**
 - 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

3. **Objection Notice(s)**

- 3.1 An objection notice was received from GMP and from LOOH in respect of the TEN (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these objections will be available to the Panel at the hearing.

3.2 Summary of the objections:

Party	Grounds of representation	Recommends
GMP	<p>GMP are objecting to the grant of the notice on the grounds of the prevention of crime and disorder, the prevention of public nuisance and the upholding of public safety.</p> <p>GMP are not satisfied that the Premises user has provided sufficient reassurances via the notice that the Licensing Objectives will not be adversely impacted upon (no event management plan, risk/security assessment document or confirmation that the correct road closure orders have been set in place have been submitted with the notice) and, consequently, are requesting that the notice be refused.</p>	Serve a counter notice
Licensing and Out of Hours Compliance	<p>As with Greater Manchester Police, LOOH Compliance Team have expressed a wide range of concerns regarding the proposed event and are particularly concerned that the Licensing Objective relating to the prevention of public nuisance would be severely impacted upon should the event be allowed to proceed.</p> <p>The Premises User's lack of supporting information/documentation as to how the event would be managed (i.e. what security measures would be applied/set in place, how non-residents/gate-crashers would be prevented from invading the location, what types of regulated entertainment would be being played/managed, how attendees to the event would be safely dispersed, that the sale of alcohol/provision of regulated entertainment will be the responsibility of a person who does not currently hold a Personal Licence) and the lack of any documentary proof of an approved (temporary) road closure order is of great concern to LOOH Compliance and as a consequence they are not satisfied that the event would proceed without incident.</p>	Serve a counter notice

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

4.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

4.2 **New Information**

4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

4.3 **Hearsay Evidence**

4.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

4.4 **The Secretary of State's Guidance to the Licensing Act 2003**

4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.

4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.

- 4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 4.5.4 Where the authority considers that to impose on the TEN one or more of the conditions from a premises licence or club premises certificate in force at the premises (insofar as such conditions are not inconsistent with the event) is appropriate for the promotion of the licencing objectives, the policy is to give notice to the premises user that includes a statement of the conditions imposed. Copies of this notice will be provided for GMP and LOOH.
- 4.5.5 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.

5. **Conclusion**

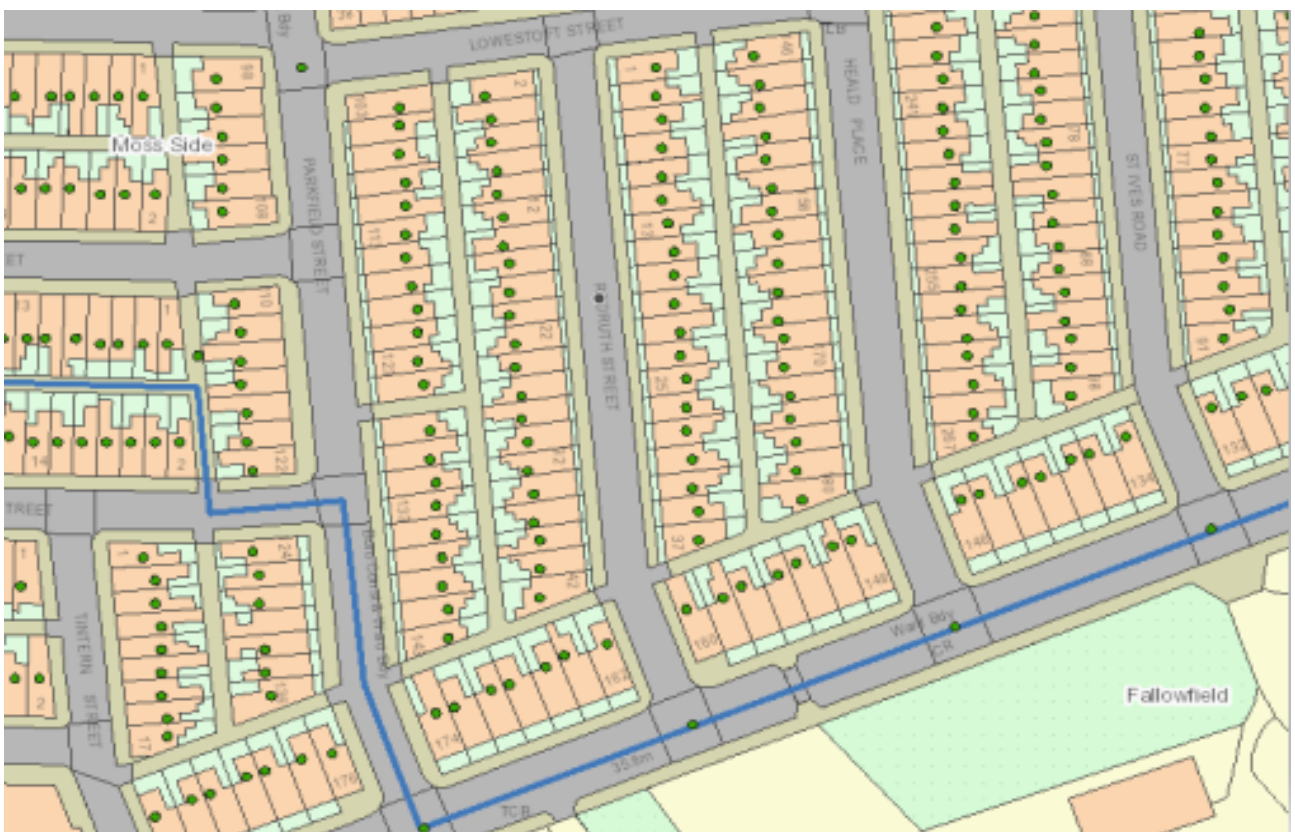
- 5.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 5.2 In considering the matter, the Panel should take into account any objections that have been received from GMP or LOOH, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 5.3 Having regard to the objection notice(s), the panel must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 5.4 If the panel decides not to give a counter notice the panel may impose one or more conditions on the TEN if –
- the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 All licensing determinations should be considered on the individual merits of the notification.
- 5.6 The Panel’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to

what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.

5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

6. **The Panel is asked to determine the temporary event notice.**

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PREMISE NAME:	Redruth Street Party
PREMISE ADDRESS:	Redruth Street, Manchester, M14 7PX
WARD:	Moss Side
HEARING DATE:	16/08/2021

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Temporary Event Notice

Payment Transaction number:- SSES00089842 | Form Reference number EF1/118713

Premises User Information

Title

Other

If other please state

Master

Surname

Adekoya

Forenames

Tunde

Previous names (Please enter details of any previous names or maiden names, if applicable)

n/a

Your date of birth

[REDACTED]

Your place of birth

[REDACTED]

National Insurance Number

[REDACTED]

Your current address (We will use this address to correspond with you unless you complete the separate correspondence box)

[REDACTED]

[REDACTED]

[REDACTED]

Telephone

[REDACTED]

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email address

[REDACTED]

Address

n/a

Telephone

n/a

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

n/a

Premises information

Please give the name and address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references)

REDRUTH STREET
MANCHESTER
M14 7PX

Premises licence number*n/a***Club premises certificate number***n/a*

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details.

*n/a***Please describe the nature of the premises**

The premises is a local street located on the moss side, fallowfield and rusholme border and sits besides platt fields park.

Please describe the nature of the event

The Redruth Street Party will be a family-friendly community event showcasing and highlighting moss sides multicultural communities using the medium of arts and crafts, food, creative community engagement and cultural storytelling.

The event would be a "Post Lockdown" celebration to mark the opening up of society and promotion of community cohesion through adversity.

The event is being funded by the Neighbourhood Investment Fund, programming a local get together which will take place in the heart of Moss side. The aim is to establish community connections and participation helping local residents to build meaningful relationships with those next door, during a time when social distancing has been on the agenda and people have forgotten how to be 'together'. The Redruth Street Party will be a welcoming and safe space for all local residents bridging the gap between many different cultures who are united by one thing - the area and street they live on. The long term intention is to encourage a network of souls to join forces, contributing and connecting to Manchester's cultural ecology & infrastructure.

Licensable activities

The sale by retail of alcohol

Yes

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

No

The provision of regulated entertainment

Yes

The provision of late night refreshment

No

Are you giving a late temporary event notice?

No

Please state the dates on which you intend to use these premises for licensable activities.

29th August 2021

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock).

12:00 - 20:00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (maximum 499).

400

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both

On

Please state if the licensable activities will include the provision of relevant entertainment.

No

If yes selected, please state the times during the event period that you propose to provide relevant entertainment.

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

No

Issuing Authority

n/a

Licence Number

n/a

Date of Issue

n/a

Date of Expiry

n/a

Any further relevant details

n/a

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

No

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

n/a

a) ends 24 hours or less before; orb) begins 24 hours or less afterthe event period proposed in this notice?

No

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes

If answering yes, please state the total number of temporary event notices your associate have given for events in the same calendar year

1

a) ends 24 hours or less before; orb) begins 24 hours or less afterthe event period proposed in this notice?

No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

n/a

a) ends 24 hours or less before; orb) begins 24 hours or less after the event period proposed in this notice?

No

Declaration and Payment New

Name

Tunde Adekoya

Capacity in which you are making this application

Street Party Producer

Additional information

I understand

Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

On behalf of the Licensing Authority

Date: 5th August 2021

Name of officer signing: Bryan.M.Johnson

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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GREATER MANCHESTER POLICE



To: Manchester City Council
Licensing Unit
Manchester Town Hall Extension
Lloyd Street
Manchester

To: Master Tunde Adekoya



9th August 2021

Dear Sir

Please accept this letter as formal notification that Greater Manchester Police wish to object, under Section 104(2) of the Licensing Act 2003, to the **TEMPORARY EVENT NOTICE** detailed below, as we are satisfied that granting the application under these circumstances would undermine the Licensing Objectives.

PREMISES NAME:	REDRUTH STREET
ADDRESS:	REDRUTH STREET MANCHESTER M14 7PX
DATE OF EVENT:	29/08/21
TIME OF EVENT:	1200-2000hrs

GMP object to the grant of this Temporary Event Notice on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety.

This application seeks to allow the use of a whole street for the sale of alcohol and regulated entertainment from 12pm until 8pm for up to 400 people.

There is nothing within the application to show whether the street will be blocked off to traffic and how this will be achieved. It also doesn't say whose permission has been given for the street to be closed off.

If the street isn't closed off to traffic then this raises serious concerns regarding the safety of the persons attending.

In addition to the road closure issue GMP would have expected a comprehensive event management plan and an alcohol management plan to have been submitted

GREATER MANCHESTER POLICE

along with this TEN. Also a detailed security plan which shows the numbers of SIA door staff and their positions within the event site.

With these important documents not being included it leaves GMP in a position where we are concerned that the Licensing Objectives will be undermined, as it is not clear what systems and procedures will be in place during the dates of the events.

As such we ask that this TEN application is refused.

Signed:.....PC 17659 Isherwood..... (rank/pin/name)

Date/Time 9th August 2021 0745 hrs
.....

M262073 TEN - Redruth Street Party M14 7PX - 29/8/21 - Representation

From: Gemma Hunt [REDACTED]
Sent: 09 August 2021 10:29
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Cc: Luke Solczak [REDACTED]; alan.isherwood
[REDACTED]; Timothy Ansell [REDACTED];
[REDACTED]; Daniel Scoular
[REDACTED]
Subject: M262073 TEN - Redruth Street Party M14 7PX - 29/8/21 - Representation

Dear Premises Licensing/ Mr Tunde,

Please take this email as a notification of an objection towards the TEN for the Redruth Street Party taking place on the 29th August 2021.

The Licensing & Out of Hours Team have considered the notice and any potential impact the event taking place could have on the licensing objectives, in particular the Prevention of Public Nuisance.

The notice advises that the event will take place over the street and has requested permission for alcohol sales (on) and regulated entertainment for 400 people. Redruth Street comprises of adjacent rows of terrace houses, each have very small courtyards to the front of the houses and gated alleyways to the back streets. The organisers have not engaged in pre-consultation with responsible authorities regarding the event.

There is no information in the notice which states where exactly alcohol will be sold from, how this will be managed, what type of regulated entertainment will be played/ managed, if permissions have been sought to close the road and pavements, and if residents have been made aware of the event.

The notice requests a capacity of 400 persons, however it has not stated how this would be managed to prevent the number from increasing or how the event organisers intend to keep alcohol sales for 'on' the premises, as customers could easily walk away from the potentially licensed street with alcohol, making the sale 'off' and unauthorised. A large-scale event of 400 persons with permissions for alcohol sales and regulated entertainment on a residential street has the potential to create public nuisance by way of noise made by people and equipment, as well as littering of alcohol vessels. This could have an impact not just on Redruth Street but also the surroundings streets.

As there is no information regarding security the LOOH team would question how the organisers of the event would finish the event at 8pm, carry out dispersal and prevent the event from continuing into early morning hours. The LOOH team would also have concerns over a large-scale event and the responsibility of alcohol sales and regulated entertainment being in the charge of a person who does not hold a Personal Licence.

Kind regards

Gemma Hunt
Licensing & Out of Hours Compliance Officer
Licensing & Out of Hours Team
Hammerstone Road Depot
Hammerstone Road
Gorton
M18 8EQ
[REDACTED]

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