



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

Everyone is welcome to attend this Sub-Committee meeting.

Access to the Council Chamber

Public access to the Council Chamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension.

There is no public access from any other entrance of the Extension.

Face Masks/Track and Trace

Anyone attending the meeting is encouraged to wear a face mask for the duration of your time in the building and to provide contact details for track and trace purposes.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Connolly, Evans and Jeavons

Agenda

6. **Temporary Event Notice - Total Car Parks, 87 Rochdale Road, Manchester, M4 4HY** 5 - 38
The report of the Director of Planning, Building Control and Licensing is enclosed.

Information about the Committee

The Licensing Sub-Committee Hearing Panel fulfills the functions of the Licensing Authority in relation to the licensing of premises.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

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 agenda was issued on **Wednesday, 11 August 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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**Manchester City Council
Report for Resolution**

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

Subject: Total Car Parks Total Car Parks, 87 Rochdale Road, Manchester, M4 4HY - ref: LTN261997

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: Piccadilly

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: fraser.swift@manchester.gov.uk

Name: Lauren Hyndman
 Position: Technical Licensing Officer
 Telephone: 0161 234 1460
 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 4 August 2021, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Total Car Parks, 87 Rochdale Road, Manchester, M4 4HY in the Piccadilly 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 Ugochukwu Chukwunwike Inyama.
- 2.3 The description of the event is 'An outdoor event/ BBQ with music.'
- 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 highlighted that the licensable activities will include the provision of relevant entertainment. Clarification was sought however the response received from the Premises user was not conclusive (Appendix 4).
- 2.5 **Further documentation accompanying the application**
- 2.5.1 The premises user has not submitted any documents in support of the TEN.

3. **Objection Notice(s)**

3.1 An objection notice was received from GMP 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	The Premises user has not submitted any additional documents in particular: Event/alcohol management plan, detailed security plan. It is not clear if there are any systems/procedures in place to manage the event which seeks to serve alcohol for up to 499 people. This may undermine the Licensing objectives- Prevention of crime and disorder, prevention of public nuisance and public safety.	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**

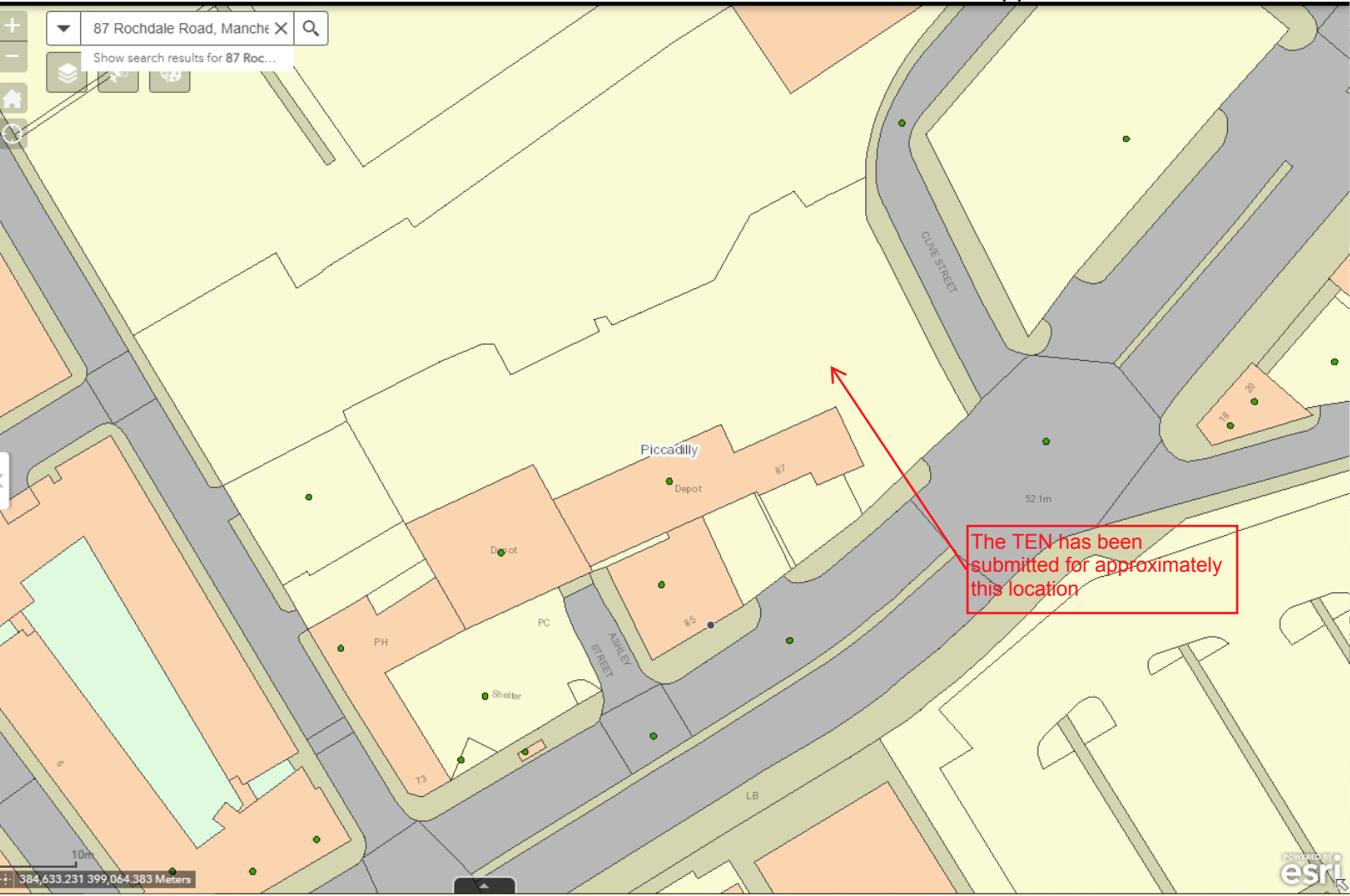
5.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

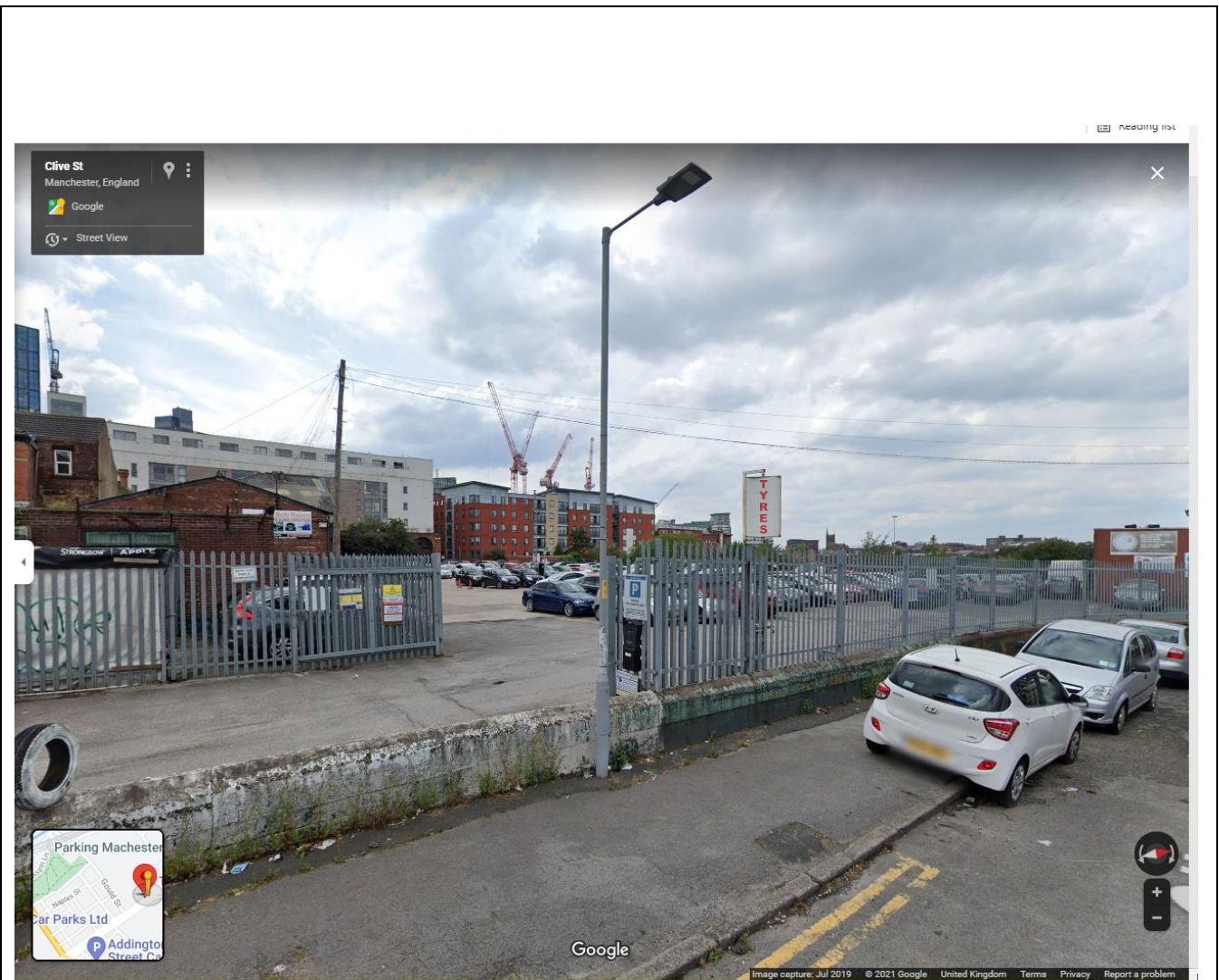
5.2 In considering the matter, the Panel should take into account any objections that have been received from GMP or LOOH, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard

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.**



Total Car Parks
Total Car Parks, 87 Rochdale Road, Manchester, M4
4HY



PREMISE NAME:	Total Car Parks
PREMISE ADDRESS:	Total Car Parks, 87 Rochdale Road, Manchester, M4 4HY
WARD:	Piccadilly
HEARING DATE:	16 August 2021

Temporary Event Notice

Payment Transaction number:- SSES00088281 | Form Reference number EF1/116845

Premises User Information

Title

Mr

If other please state

n/a

Surname

Inyama

Forenames

Ugochukwu Chukwunwike

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

n/a

Your date of birth

██████████

Your place of birth

██████████

National Insurance Number

██████████

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

████████████████████

Telephone

██████████

Evening telephone

n/a

Mobile phone*n/a***Fax number***n/a***Email address****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)

Total Car Parks
87 Rochdale Road,
Manchester,
M4 4HY

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

OPEN SPACE CAR PARK

Please describe the nature of the event

Outdoor event/BBQ with Music.

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

Yes

Are you giving a late temporary event notice?

No

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

29/08/21

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

14:00 to 23:30

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).

499

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.

Yes

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

18:00 to 22:30

Personal Licence Details

Do you currently hold a valid Personal Licence?

Yes

Issuing Authority

Trafford Council

Licence Number

PA066099

Date of Issue

03/10/2017

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?

No

If answering yes, please state the total number of temporary event notices your associate have given for events in the 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 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 afterthe event period proposed in this notice?

No

Declaration and Payment New

Name

Ugochukwu Inyama

Capacity in which you are making this application

self/taxpayer

Additional information

I understand

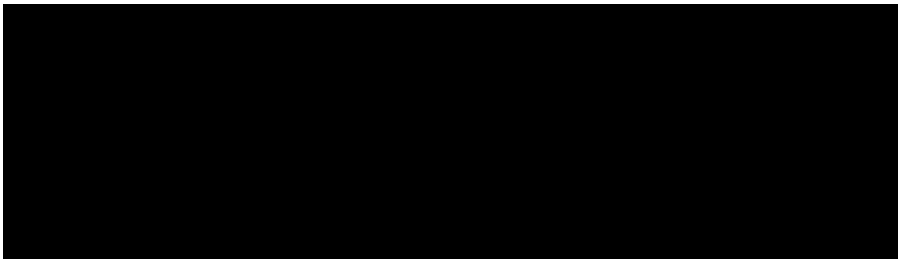
Yes

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:

Name of officer signing:

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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: Mr Ugochukwu Chukwunwike
Inyama

[REDACTED]
[REDACTED]
[REDACTED]

5th 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:	Total Car Parks
ADDRESS:	87 Rochdale Road Manchester M4 4HY
DATE OF EVENT:	29/08/21
TIME OF EVENT:	1400-2330hrs

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 car park for the sale of alcohol, regulated entertainment and late night refreshment from 2pm until 11.30pm for up to 499 people.

As such GMP would have expected a comprehensive event management plan and an alcohol management plan to have been submitted 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

GREATER MANCHESTER POLICE

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 5th August 2021 0730 hrs

.....

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

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Fw: Further info required: Submission of TEN: Total Car Parks 87 Rochdale Road, Manchester, M4 4HY / 29/08/21 / EF1/116845

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

Tue 03/08/2021 14:42

To: Lauren Hyndman <lauren.hyndman@manchester.gov.uk>

[Redacted]

[Redacted]

Sent: 03 August 2021 14:33

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

Subject: Re: Further info required: Submission of TEN: Total Car Parks 87 Rochdale Road, Manchester, M4 4HY

[Redacted]

Good afternoon Lauren

Thank you for your reply

My address is [Redacted]

Yes there will be a live performance and a live presentation from Sickle Cell Care Manchester as I want to raise awareness for this charity and also HIV.

Kind Regards,
Ugo

[Redacted]

On 3 Aug 2021, at 13:59, Premises Licensing <Premises.Licensing@manchester.gov.uk> wrote:

Good Afternoon,

Before we can accept the above notification can you please provide the following information:

- Your full postal address including the Postcode

Can you also confirm whether you want to provide relevant entertainment? You answered "yes" to this on the online form but i think this may be an error. The definition of Relevant entertainment is below:

“Relevant entertainment” means – a) any live performance; or b) any live display of nudity; which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

Kind regards,

Lauren Hyndman

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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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