



## **Licensing Sub Committee Hearing Panel**

Date: Monday, 8 August 2022

Time: 10.00 am

Venue: Council Antechamber, 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 Antechamber**

Public access to the Council Antechamber 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.**

## **Membership of the Licensing Sub Committee Hearing Panel**

---

**Councillors** - Connolly, Flanagan and Reid

## Supplementary Agenda

---

**1. Urgent Business**

To consider any items which the Chair has agreed to have submitted as urgent.

- 1a. Urgent Business - Temporary Event Notice - Gibbs Grocery Store, 163 Princess Road, Manchester, M14 4RL** 3 - 34  
The report of the Director of Planning, Building Control & Licensing is attached.
- 1b. Urgent Business - Temporary Event Notice - NIAMOS Arts and Cultural Centre, Nia Centre, Chichester Road, Manchester, M15 5EU** 35 - 78  
The report of the Director of Planning, Building Control & Licensing is attached.

## Further Information

---

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

Ian Smith  
Tel: 0161 234 3043  
Email: [ian.hinton-smith@manchester.gov.uk](mailto:ian.hinton-smith@manchester.gov.uk)

This supplementary agenda was issued on **Thursday, 4 August 2022** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Sub-committee Hearing Panel – 8 August 2022

**Subject:** Gibbs Grocery Store, 163 Princess Road, Manchester, M14 4RL -  
ref: LTN278621

**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

<b>Manchester Strategy Outcomes</b>	<b>Summary of the contribution to the strategy</b>
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	
-------------------------------------------------------------------------------	--

**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](mailto:fraser.swift@manchester.gov.uk)

Name: Chloe Tomlinson  
 Position: Technical Licensing Officer  
 Telephone: 0161 234 4521  
 E-mail: [Premises.licensing@manchester.gov.uk](mailto: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 1 August 2022, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Gibbs Grocery Store, 163 Princess Road, Manchester, M14 4RL 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 Patricia Clemetson.
- 2.3 The description of the event is 'licensable activities to coincide with Caribbean Carnival.'
  - 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 Objection notices were 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
<b>GMP</b>	The local policing team have had serious issues with on street drinking after recent carnival events have finished which has led to large numbers of complaints from residents and seen episodes of anti-social behaviour on the streets close to this premises. GMP are seriously concerned that an increase in the availability of alcohol in this area will exacerbate the problems and fuel the street drinking even further. To allow this event to take place would also cause an unnecessary level of disturbance to the local residents.	Serve a counter notice
<b>Licensing and Out of Hours Compliance</b>	There have been complaints made with regard to noise nuisance within the surrounding areas close to this premises. LOOH have concerns that allowing this event to go ahead would cause further noise nuisance in the area.	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**

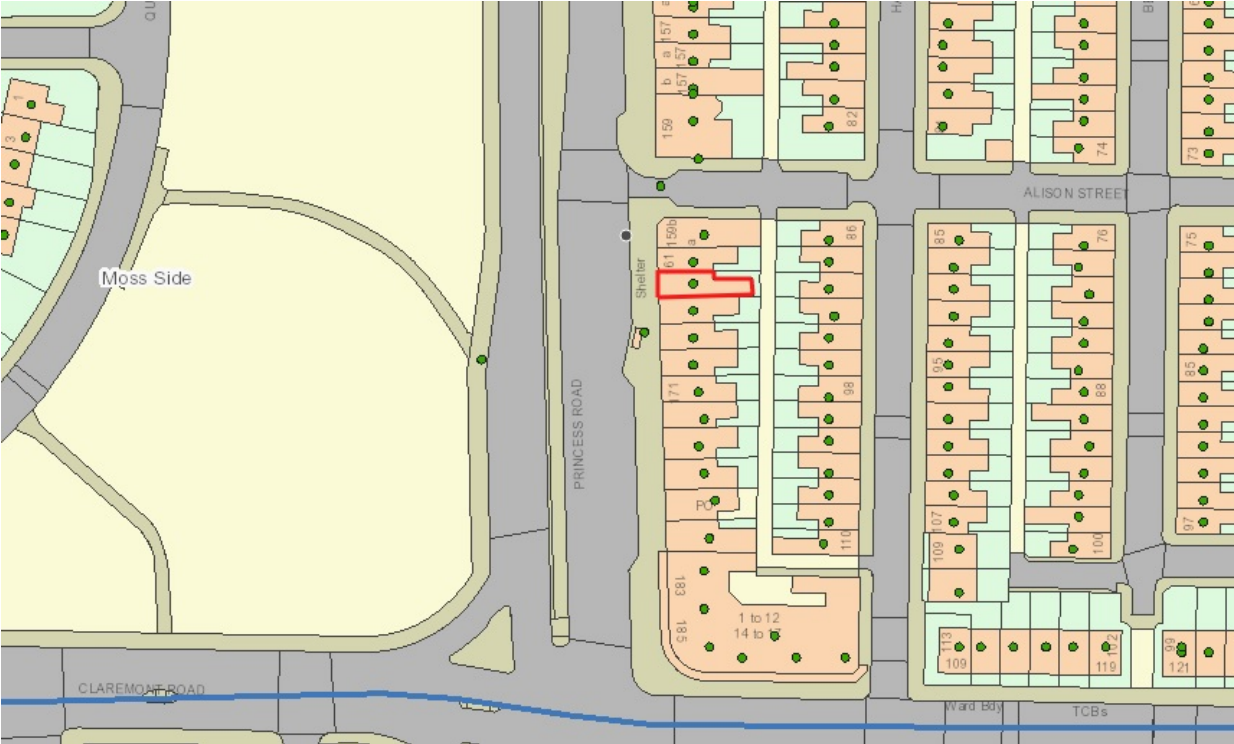
- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and 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 licensing 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.**





This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

# Temporary Event Notice

Payment Transaction number:- SSES00409703 | Form Reference number EF1/513050

## Premises User Information

Title

Mrs

If other please state

*n/a*

Surname

Clemetson

Forenames

Patricia Merle

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

clemetson

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]

[REDACTED]

Telephone

[REDACTED]

Evening telephone

n/a

Mobile phone

[REDACTED]

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)

Gibbs Grocery Store  
163 Princess Road  
Manchester  
M14 4RL

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

Grocery Store

Please describe the nature of the event

50th Year Of Caribbean Carnival Of Manchester Celebration

## 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.

13/08/2022 14/08/2022

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

1100- 0100

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).

40

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

Both

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?

Yes

Issuing Authority

██████████

Licence Number

██████████

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?

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 after the event period proposed in this notice?

No

## Declaration and Payment New

Name

Patricia Clemetson

Capacity in which you are making this application

Business Partner

## 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:

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank



### Licensing & Out of Hours Compliance Team - Representation

Name	Andrea Brooks
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	[REDACTED]
Telephone Number	[REDACTED]

Premise Details	
Application Ref No	748938
Name of Premises	Gibbs Grocery Store
Address	163 Princess Road, Manchester, M14 5AL

Representation
<p>Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.</p> <p>The Licensing and Out of Hours Team have assessed the likely impact on granting this application, looking at a number of factors, which includes current problems in the area, such as noise nuisance, and the locality to neighbouring residential properties, with the hours applied for, with any potential risk that the granting of the application could lead to public nuisance.</p> <p>The application in question requests that the licence be extended to</p> <p>Late Night Refreshment: 11.00-01.00 hrs, on 13<sup>th</sup> &amp; 14<sup>th</sup> August 2022</p> <p>The Sale by Retail of Alcohol-Both on and off the premises.</p> <p>The Provision of Regulated Entertainment</p> <p>This coincides with the Caribbean Carnival weekend which finishes at 8pm on each consecutive evening.</p> <p>Unfortunately, there have been complaints made in regard to noise nuisance within the surrounding areas close to this premises and I have assessed the application and have concerns this would cause noise nuisance complaints in the area, and support GMP in their refusal.</p> <p>LOOH would ask that the committee refuse the application.</p>

Recommendation: Refuse Application



## GREATER MANCHESTER POLICE



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

To: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

2<sup>nd</sup> August 2022

Dear Madam

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.

<b>PREMISES NAME:</b>	<b>Gibbs Grocery Store</b>
<b>ADDRESS:</b>	163 Princess Road Manchester M14 4RL
<b>DATE OF EVENT:</b>	13/08/22 – 14/08/22
<b>TIME OF EVENT:</b>	1100– 0100 hrs

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

The application is seeking to allow the premises to make alcohol sales from 1100 hours until 0100 hours on 2 consecutive nights.

The premises is situated in a heavily residential area and is in extremely close proximity to the nearest residential dwellings.

The dates of the application coincide with those of the Manchester Caribbean Carnival which takes place across the road in Alexandra Park and this event finishes at 8pm each evening.

The local policing team have unfortunately had serious issues with on street drinking after recent carnival events have finished which has led to large

**GREATER MANCHESTER POLICE**

numbers of complaints from residents and seen episodes of anti-social behaviour on the streets close to this premises.

There have serious ASB issues in particular on Roseberry Street which has led to a community meeting in attempt to tackle the issues, and a number of the residents stated that they are dreading the prospect of carnival weekend and the on-street issues it brings.

Therefore, GMP are seriously concerned that an increase in the availability of alcohol in this area will exacerbate the problems and fuel the street drinking even further.

To allow this event to take place would cause an unnecessary level of disturbance to the local residents and would therefore impinge on their quality of life.

As such we ask that this TEN application is refused.

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

Date/Time 2nd August 2022 0800 hrs  
.....

**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Sub-committee Hearing Panel – 8 August 2022

**Subject:** NIAMOS Arts and Cultural Centre, Nia Centre, Chichester Road, Manchester, M15 5EU - ref: LTN278412

**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:** Hulme

<b>Manchester Strategy Outcomes</b>	<b>Summary of the contribution to the strategy</b>
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	
-------------------------------------------------------------------------------	--

**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](mailto:fraser.swift@manchester.gov.uk)

Name: Grace Ollier  
 Position: Technical Licensing Officer  
 Telephone: 0161 234 4375  
 E-mail: [Premises.licensing@manchester.gov.uk](mailto: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 29 July 2022, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of NIAMOS Arts and Cultural Centre, Nia Centre, Chichester Road, Manchester, M15 5EU in the Hulme 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 Lewis Flinders.
- 2.3 The description of the event is "After Carnival Celebration".
  - 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**.
  - 2.3.3 The premises is subject to a premises licence issued under the Licensing Act 2003. A copy of the licence is included at **Appendix 4**.
- 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 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:

<b>Party</b>	<b>Grounds of representation</b>	<b>Recommends</b>
<b>GMP</b>	No detail given to show how people will be dispersed, security arrangements, welfare provision and how disruption to residents will be minimised.	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.**





<b>PREMISE NAME:</b>	NIAMOS Arts and Cultural Centre
<b>PREMISE ADDRESS:</b>	"Nia Centre", Chichester Road, Manchester, M15 5EU
<b>WARD:</b>	Hulme

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

# Temporary Event Notice

Payment Transaction number:- SSES00404779 | Form Reference number EF1/507265

## Premises User Information

Title

Mr

If other please state

*n/a*

Surname

Flinders

Forenames

Lewis

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] ←

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)

NIAMOS CHICHESTER ROAD M15 5EU  
HULME  
MANCHESTER

Premises licence number

255868

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

Theatre/venue

Please describe the nature of the event

After Carnival celebration

## 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

Yes

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.

13/07/2022- 14/07/2022

← 13/08/2022 - 14/08/2022

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

20:00pm-2:30am

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).

475

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?

Yes

Issuing Authority

The Manchester City Council

Licence Number

273440

Date of Issue

06/04/2022

Date of Expiry

Indefinite

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?

Yes

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

Lewis Flinders

Capacity in which you are making this application

DPS

## Additional information

I understand

Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

**Grace  
Ollier**

Digitally signed by: Grace  
Ollier  
DN: CN = Grace Ollier email =  
premises.  
licensing@manchester.gov.uk  
C = GB  
Date: 2022.07.29 14:01:57 Z

On behalf of the Licensing Authority

Date:

Name of officer signing:

Re: Fw: URGENT - NOT CURRENTLY ACCEPTED - TEN for Niamos Ref 278412/HH

[Redacted]

Thu 28/07/2022 16:20

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

Hello Matthew,

Really good to speak to you.

Okay so yes the event it  
13/8/2022

And my full home address is:

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Thank-you,

Lewis,

On Thu, 28 Jul 2022, 10:13 Premises Licensing, <[Premises.Licensing@manchester.gov.uk](mailto:Premises.Licensing@manchester.gov.uk)> wrote:

Dear Mr Flinders

Further to the email from my colleague Helen below, if the event is taking place on 13-14 August the final date you can provide the missing information is tomorrow, 29/07, in order to give the required 10-working days notice.

We have tried phoning you several times on the mobile number you provided on the form but there is no answer.

If you do not provide the information in time then the event may not be authorised to take place.

Please reply to this email or give me a call on 0161 234 4965.

Regards  
Matthew Callaghan

Temporary Premises Licensing Section Lead  
Planning, Building Control and Licensing

Premises Licensing  
Growth and Development  
Manchester City Council

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

Document is Restricted

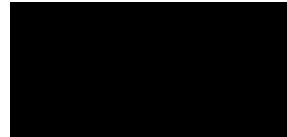
This page is intentionally left blank

## GREATER MANCHESTER POLICE



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

To: Mr Lewis Flinders



3<sup>rd</sup> August 2022

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.

<b>PREMISES NAME:</b>	<b>NIAMOS</b>
<b>ADDRESS:</b>	Chichester Road Hulme Manchester M15 5EU
<b>DATE OF EVENT:</b>	13/08/22 – 14/08/22
<b>TIME OF EVENT:</b>	2000– 0230 hrs

GMP objects 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.

The application is seeking to allow the premises to host an after-carnival celebration from 8pm until 2.30am for up to 475 people.

There is no detail whatsoever within the application to show how these numbers will be managed, what security will be in place, how the customers will be dispersed at the end of the night, what welfare provision there will be and how the disruption caused to local residents will be minimised.

To allow this event to take place could cause an unnecessary level of disturbance to the local residents and would therefore impinge on their quality of life.

**GREATER MANCHESTER POLICE**

As such we ask that this TEN application is refused.

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

Date/Time 3<sup>rd</sup> August 2022 1320 hrs  
.....



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

Document is Restricted

This page is intentionally left blank



# MANCHESTER CITY COUNCIL

## LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	255868
Granted	19/04/2021
Latest version	DPS variation 273722 granted 04/05/2022

### Part 1 - Premises details

Name and address of premises
<b>NIAMOS Arts and Cultural Centre</b> Nia Centre, Chichester Road, Manchester, M15 5EU
Telephone number
TBC

### Licensable activities authorised by the licence

1. The sale by retail of alcohol\*.
2. The provision of regulated entertainment, limited to:
  - Performance of plays;
  - Exhibition of films;
  - Live music;
  - Recorded music;
  - Performances of dance;
  - Anything similar to live music, recorded music or the performance of dance.
3. The provision of late night refreshment.

\* All references in this licence to "sale of alcohol" are to sale by retail.

### The times the licence authorises the carrying out of licensable activities

#### Sale by retail of alcohol

##### Standard timings

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2300	2300	2300	2300	2300	2300	2300

The sale of alcohol is licensed for consumption both on and off the premises.

##### Seasonal variations and Non-standard Timings:

Until 03:00 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween.

From the start time on New Year's Eve until the terminal hour for New Year's Day

Performance of plays; Exhibition of films; Live music; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance

**Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2300	2300	2300	2300	2300	2300	2300

Licensed to take place indoors only.

Seasonal variations and Non-standard Timings:

Until 03:00 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween.

From the start time on New Year's Eve until the terminal hour for New Year's Day

**Provision of late night refreshment**

**Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	2330	2330	2330	2330	2330	2330	2330

Licensed to take place indoors only.

Seasonal variations and Non-standard Timings:

Non Standard timings: Until 03:30 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween. From the start time on New Year's Eve until the terminal hour for New Year's Day.

**Hours premises are open to the public**

**Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2330	2330	2330	2330	2330	2330	2330

Seasonal variations and Non-standard Timings:

Until 03:30 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween.

From the start time on New Year's Eve until the terminal hour for New Year's Day.

## Part 2

**Details of premises licence holder**

Name: N.I.A.M.O.S Ltd  
 Address: Nia Centre, Chichester Road, Manchester, M15 5EU  
 Registered number: 11232278

## Details of designated premises supervisor where the premises licence authorises for the supply of alcohol

Name: Lewis Thomas Flinders  
 Address: [REDACTED]  
 Personal Licence number: 273440  
 Issuing Authority: Manchester City Council

## Annex 1 – Mandatory conditions

### Door Supervisors

1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -
  - (a) Unauthorised access or occupation (e.g. through door supervision),
  - (b) Outbreaks of disorder, or
  - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

### Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
5.
  - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
  - (2) For the purposes of the condition set out in (1) above–

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula–

$$P = D + (D \times V)$$

where –

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol

- sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

8. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

For the purposes of conditions 6, 7 and 8 above, a responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

### Exhibition of films

9. The admission of children under the age of 18 to film exhibitions permitted under the

terms of this certificate shall be restricted in accordance with any recommendations made:

- (a) by the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
- (b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or where the licensing authority has notified the club which holds the certificate that section 20 (3) (b) (74 (3)(b) for clubs) of the Licensing Act 2003 applies to the film.

## Annex 2 – Conditions consistent with the operating schedule

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS on an event by event basis. When employed, door staff will wear high visibility armbands.
6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - a. the number of door staff on duty;
  - b. the identity of each member of door staff;
  - c. the times the door staff are on duty.
7. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
8. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives, and the laws relating to under age sales and the sale of alcohol to intoxicated persons, and that training shall be documented and repeated at 6 monthly intervals.
9. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
10. A first aid box will be available at the premises at all times.
11. Regular safety checks shall be carried out by staff.
12. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
13. The premises shall maintain an Incident Log and public liability insurance.
14. Noise from amplified music or voices shall not be such as to cause a noise nuisance to



occupants of nearby premises.

15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. The exterior of the building shall be cleared of litter at regular intervals.
17. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
18. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
19. A Dispersal and Smoking Policy will be implemented and adhered to.
20. The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.
21. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.
22. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
23. Notices advising what forms of ID are acceptable must be displayed.
24. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

### Annex 3 – Conditions attached after hearing by the licensing authority

Not applicable

### Annex 4 – Plans

See attached

This page is intentionally left blank