



## **Licensing Sub Committee Hearing Panel**

Date: Monday, 22 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 of the Extension.**

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

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**Councillors** - Connolly, Andrews and Hassan

## Supplementary Agenda

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**1. Urgent Business**

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

**1a. Urgent Business - Temporary Event Notice - Flamingo Restaurant and Bar, 6 Honey Street, Manchester, M8 8RG** 3 – 50

The report of the Director of Planning, Building Control and Licensing is enclosed.

**1b. Urgent Business - Temporary Event Notice - Car Park, Cakebread Street, Manchester** 51 - 70

The report of the Director of Planning, Building Control and Licensing is enclosed.

## Further Information

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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 **Wednesday, 17 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 – 22 August 2022

**Subject:** Flamingo Restaurant and Bar, 6 Honey Street, Manchester, M8 8RG - ref: LTN278975

**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:** Cheetham

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

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### **Financial Consequences – Revenue**

None

### **Financial Consequences – Capital**

None

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### **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: Bryan Johnson  
 Position: Technical Licensing Officer  
 Telephone: 0161 234 1248  
 E-mail: [Premises.licensing@manchester.gov.uk](mailto:Premises.licensing@manchester.gov.uk)

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### **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 9<sup>th</sup> August 2022, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Flamingo Restaurant and Bar, 6 Honey Street, Manchester, M8 8RG in the Cheetham 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 Samsom Kahsay.
- 2.3 The description of the event is: 'DJ Music 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**.
- 2.3.3 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 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>Licensing and Out of Hours Compliance</b>	<p>A representation has been served against the notice on the grounds of repeated incidents of noise disturbance emanating from the premises at highly antisocial times of the day and, also, the premises operating as an illegal shisha bar.</p> <p>Despite repeated visits to the premises by LOOH Officers (in response to reports of noise nuisance and disturbance from the premises by local residents and to issues warnings regarding the premises operating illegally as a shisha bar) the premises has continued to allow serious noise breakout to occur at the premises and has also not taken appropriate measures to ensure compliance with The Health Act 2006 (in regard to the recorded shisha smoking activities taking place at the premises.</p> <p>LOOH are currently investigating the premises in regard to the premises operating outside of its permitted licensable operating timings and believes that the granting of the notice would only serve to enable the premises to further breach and undermine the Four Licensing Objectives.</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 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.**





Flamingo Restaurant and Bar  
6 Honey Street, Manchester, M8 8RG

Premises Licensing  
Manchester City Council

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Survey100019568.



<b>PREMISE NAME:</b>	Flamingo Restaurant and Bar
<b>PREMISE ADDRESS:</b>	6 Honey Street, Manchester, M8 8RG
<b>WARD:</b>	Cheetham
<b>HEARING DATE:</b>	22/08/2022

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

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# Temporary Event Notice

Payment Transaction number:- SSES00420097 | Form Reference number EF1/526621

## Premises User Information

Title

Mr

If other please state

n/a

Surname

KAHSAY

Forenames

SAMSOM

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

[Redacted]

Address

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

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)

FLAMINGO RESTAURANT AND BAR  
6 HONEY STREET  
MANCHESTER  
M8 8RG

Premises licence number

268123

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

RESTAURANT AND BAR

Please describe the nature of the event

MUSIC EVENT, DJ, DANCING

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

n/a

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.

28/8/2022

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

0200 TO 0400 HOURS

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).

80

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

MANCHESTER

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 afterthe event period proposed in this notice?

No

## Declaration and Payment New

Name

IAN RUSHTON

Capacity in which you are making this application

AGENT

## 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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**MANCHESTER  
CITY COUNCIL**
**Licensing & Out of Hours Compliance Team - Representation**

Name	Lauren Connell
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	278975
Name of Premises	Flamingo Restaurant and Bar
Address	6 Honey Street, Manchester, M8 8RG

**Representation**

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.

The Licensing and Out of Hours Team (LOOHT) have assessed the likely impact of the grant of this Temporary Event Notice into account a numbers of factors, including the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this application could lead to undermining the prevention of public nuisance as a licensing objective under the Licensing Act 2003.

The premises licence for Flamingo Restaurant and Bar was granted in February 2021 with operating hours of 09:00-00:30 Sunday to Thursday and 09:00 – 02:30 Friday and Saturday with 02:30 also on Bank Holidays. Whilst on proactive monitoring in the area the premises was found to be operating as a 'Shisha Bar'. A full licensing inspection was then carried out in April 2022 and Officer Lauren Connell warned DPS Samson that patrons were not permitted to smoke shisha indoors as it was not permitted under the Health Act 2006. DPS Samson showed Officers an "outside area". This area was deemed to be fully enclosed and as such DPS Samson was advised it was not compliant with The Health Act 2006. DPS Samson provided reassurance that patrons would not be permitted to smoke in these areas and he would seek further advice from his builder.

3 complaints were received in May 2022 by nearby residents alleging they were being disturbed by loud music emanating from the premises mainly from weekends. Proactive monitoring was carried out and on Sunday 29<sup>th</sup> May Officer Sion Roberts approached the premises after witnessing music emanating from the premises 40 meters away. A male staff member, not the DPS, agreed to reduce the volume. Officer Roberts identified the rear of the premises to be in use occupied by 8 customers split across three tables each with pipes and hot coals. Officer Roberts raised this with the male staff member who showed little understanding of The Health Act 2006.

A further reinspection was carried out on 1<sup>st</sup> June 2022 by Officer Connell and

the premises was now found to be compliant with its premises licence. Again Officer Connell advised DPS Samson that the external area was not compliant with The Health Act 2006. The process of enforcement and prosecution was explained to DPS Samson with warning that this would be the next course of action if he continued to allow patrons to smoke Shisha in an area that is not 50% open. DPS Samson again provided his reassurances that he would not permit patrons to smoke Shisha and that he would seek advice from his builder.

On 6<sup>th</sup> June 2022 LOOHT team received a call out from a resident at 02:18 reporting loud music emanating from the premises. Officers attended and at 03:10 found the premises with neon lights on with music audible from street level. Officers approached the premises door which was bolted shut however a staff member let Officers in. Officers found 2 customers seated at the bar with 2 full bottles of beer and 2 single measures in shot glasses. Upon sight of the Officers DPS Samson reduced the volume and approached Officers. He apologised advising he believed it to be a bank holiday and he had a wedding party. Officers advised Samson that it was not a Bank Holiday and in any event the licensable hours would only extended until 02:30. Officers witnessed approx. 30-40 customers seated in the rear, many with full drinks of alcohol. Officers advised DPS to close the premises immediately and remained on site until all customers left.

Following this incident 4 additional complaints were received from residents living nearby. They all reported noise nuisance from the premises ongoing until the early hours. More recently another complaint has been received again reporting noise emanating from the premises. Again, Officers carried out proactive monitoring on the night of the 23<sup>rd</sup> July at 00:08 officers approached the premises due to music emanating. On approach Officers Connell and Roberts could immediately smell Shisha odour and believed it to be escaping from the premises. Officers spoke with DPS Samson who confirmed patrons were smoking shisha on the premises. Officers entered the premises to witness approx. 30 customers within the front of the premises, 4 pots with hot glowing coals within them. The music within the premises was so loud officers had to request the volume to be reduced in order to hold a conversation. The DPS Samson was warned that he has previously been advised with regards to the volume of music and permitting patrons to smoke indoors. DPS Samsom responded that there was a family party that evening and that's why it is busy. Officers checked within rear of premises, approx. 50 patrons, no hot coals or pipes in use at the time. Officers advised DPS Samsom to remove hot coals and pipes in the front of the premises and Officers would return to monitor dispersal.

Before officers could revisit the premises proactively a callout was received. Officers arrived at 02:08. Officers attended and loud music was audible within the vehicle approx 20 meters away. The music was turned off at 02:11 and dispersal began. Officers remained onsite until 02:55 monitoring the dispersal from the premises. At no point did officers witness any SIA or DPS attempt to disperse the crowd which at its maximum was approx. 50 patrons spilt out onto the roads and streets surrounding the premises. Officers decided to approach DPS Samsom approximately 50 minutes after dispersal had begun as patrons were still leaving the premises. 2 x SIA emerged from inside the premises and assisted DPS in requesting the remaining 20 patrons to



disperse from the area. DPS Samson was forced to physically place patrons within cars in attempts to disperse them from the area.

As outlined above LOOHT currently have a number of ongoing investigations into the premises for operating outside their licensable hours, failure to uphold the licensing objectives and offences under the Health Act 2006. As such LOOHT have concerns that the granting of this Temporary Event Notice would further undermine the licensing objectives. We therefore would request that it is refused.

Recommendation: Refuse Application

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of the Local Government Act 1972.

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# MANCHESTER CITY COUNCIL

## LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	268123
Granted	15/01/2022
Latest version	As above

### Part 1 - Premises details

Name and address of premises
<b>Flamingo Restaurant and Bar</b> 6 Honey Street, Manchester, M8 8RG
Telephone number
TBC

Licensable activities authorised by the licence
<ol style="list-style-type: none"> <li>1. The sale by retail of alcohol*.</li> <li>2. The provision of regulated entertainment, limited to: Live music; Recorded music;</li> <li>3. The provision of late-night refreshment.</li> </ol> <p>* All references in this licence to "sale of alcohol" are to sale by retail.</p>

The times the licence authorises the carrying out of licensable activities
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Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2400	2400	2400	2400	0200	0200	2400
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non-standard Timings:							
New Year's Eve: Finish 0300							
Christmas Eve, Boxing Day & Bank holidays: Finish 0200							

Live music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1200	1200	1200	1200	1200	1200	1200
Finish	2300	2300	2300	2300	0100	0100	2300
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings: Christmas Eve, Boxing Day, New years Eve & Bank holiday: Finish 0200							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0900	0900	0900	0900	0900	0900	1000
Finish	2430	2430	2430	2430	0230	0230	2430
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: New Year's Eve: Finish 0330 Christmas Eve, Boxing Day & Bank holidays: Finish 0230							

Provision of late-night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	2400	2400	2400	2400	0200	0200	2400
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: Christmas Eve, Boxing Day, New Years' Eve & Bank holiday: Finish 0200							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0900	0900	0900	0900	0900	0900	0900
Finish	2430	2430	2430	2430	0230	0230	2430
Seasonal variations and Non-standard Timings: New Year's Eve: Finish 0330 Christmas Eve, Boxing Day & Bank holidays: Finish 0230							

## Part 2

Details of premises licence holder	
Name:	Mr Samsom Kahsay
Address:	

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Mr Samsom Kahsay
Address:	
Personal Licence number:	
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.

## Annex 2 – Conditions consistent with the operating schedule

1. A CCTV camera system capable of providing evidential quality images in all lighting conditions shall be used. Images will be retained for a period of at least 28 days and be made available to Police Officers on reasonable written request for evidential purposes, in accordance with the relevant data protection legislation (currently GDPR 2018).
2. The CCTV recording equipment shall be kept in a secure environment under the control of the premises licence holder (PLH) and/or another named responsible individual.
3. There shall be sufficient members of trained staff available to be able to download or view CCTV evidence with the minimum of delay at the reasonable request of an authorised officer.
4. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
  - a) any crimes reported to the premises;
  - b) all ejections of patrons;
  - c) any incidents of disorder;
  - d) any faults in the CCTV system;
  - e) any refusal of the sale of alcohol;
  - f) any visit by a relevant authority or emergency service.
5. The Designated Premises Supervisor (DPS) shall ensure that a written notice of authority is kept at the premises for all staff who are involved in alcohol sales. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority.
6. The PLH / DPS will aim to develop and maintain good working relationships with Responsible Authorities, in particular with the Police.
7. The premises shall employ SIA registered doorman on a risk assessed basis which shall have regard to various factors including the expected number of customers, the time of the year, special occasions etc.
8. When using doorstaff, a minimum of 2 SIA registered door supervisors shall be on duty and they shall be clearly identifiable as door supervisors.
9. The PLH / DPS shall ensure that the following details for each door supervisor are entered in a register:
  - a) Full name;
  - b) SIA Certificate number and/or badge number;
  - c) The time they began and completed their duty;
  - d) The full details of any agency through which they have been allocated to work at the premises, if appropriate.
10. The register shall be kept on the premises and made available at all reasonable times to an authorised officer of the Licensing Authority or the Police. The register shall be so maintained as to enable an authorised officer to establish the particulars of all door supervisors engaged at the premises during the period of not less than the previous 12 months.

11. A staff training scheme shall be used for all staff authorised to sell alcohol. The training will emphasise the importance of responsible alcohol retailing and compliance with the licence conditions. Refresher training will be provided annually, records will be kept and be made available to responsible authorities.
12. The premises has a zero tolerance to drugs. Staff shall be vigilant, including checking the toilets, with the aim of ensuring that no drugs are being used on the premises.
13. A notice shall be displayed advising customers that the Police will be informed if anyone is found in possession of controlled substances or weapons.
14. A contact telephone number for the DPS or another nominated manager shall be made available for customers at all times when the premises are open.
15. The PLH shall comply with other legislative requirements to ensure that the premises are safe for customers and staff.
16. Deliveries to the premises will be arranged so as not to cause public nuisance.
17. The disposal of empty bottles/waste will be carried out at times that do not to cause any public nuisance.
18. Prominent, clear and legible notices shall be displayed at the exits asking customers to leave the premises quickly and quietly.
19. Staff shall monitor customers smoking outside on a regular basis to ensure that they are not causing any nuisance.
20. Staff shall regularly monitor the outside area.
21. The DPS or another nominated manager shall be in control of the sound levels of the music / entertainment to ensure that there is no nuisance.
22. The Challenge 25 scheme shall be adopted.
23. Any person who appears to be under 25 years old who attempts to buy alcohol will be asked to prove their age by producing an acceptable form of photographic ID such as a passport, photo driving licence, or PASS accredited proof of age cards.
24. The premises shall display clear and prominent signage advising customers of Challenge 25.
25. An alcohol refusals register will be kept and maintained. The register will include details of the date of the refusal, the time, and the reason(s) for refusing the sale. The register will be checked on a regular basis by the DPS or another manager and be made available for inspection by authorised officers.

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

None

#### Annex 4 – Plans

See attached

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## Manchester City Council Report for Resolution

**Report to:** Licensing Sub-Committee Hearing Panel – 22 August 2022

**Subject:** Car Park, Cakebread Street, Manchester - ref: LTN279038

**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:** Ardwick

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

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### **Financial Consequences – Revenue**

None

### **Financial Consequences – Capital**

None

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### **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: Ashia Maqsood  
 Position: Technical Licensing Officer  
 Telephone: 0161 234 4139  
 E-mail: [Premises.licensing@manchester.gov.uk](mailto:Premises.licensing@manchester.gov.uk)

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### **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 11 August 2022, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Car Park, Cakebread Street, Manchester in the Ardwick 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**. Personal details have been redacted.
- 2.2 The premises user is: Harold Mckenzie.
- 2.3 The description of the event is: two day music 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.
- 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 and LOOH in respect of the TEN (**Appendix 3**).
- 3.2 Summary of the objections:

<b>Party</b>	<b>Grounds of representation</b>	<b>Recommends</b>
<b>GMP</b>	<p>GMP objected to the notice on the grounds that the TEN user has not provided any detail within the application to show how 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.</p> <p>GMP further state that a recent event held in the same location drew numerous noise complaints from residents.</p>	Serve a counter notice
<b>Licensing and Out of Hours Compliance</b>	<p>LOOH objected to the TEN based on the grounds that the location of the event is in the vicinity of numerous residential buildings and the event will undermine the licensing objective the prevention of public nuisance. The LOOH team have also received numerous complaints from previous events in the location.</p> <p>LOOH state that the TEN user has not provided any details on how the event will be managed. LOOH further state that the allowing of the event to take place will cause unnecessary disturbance to residents impinging on their quality of life.</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 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.**



<b>PREMISES NAME</b>	Car park
<b>PREMISES ADDRESS</b>	Cakebread Street Manchester
<b>WARD</b>	Ardwick
<b>HEARING DATE</b>	22/08/2022

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# Temporary Event Notice

Payment Transaction number:- SSES00421182 | Form Reference number EF1/527952

## Premises User Information

Title

Mr

If other please state

n/a

Surname

McKenzie

Forenames

HArold

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

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

[Redacted]

Address

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

Telephone

[Redacted]

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)

Car Park  
Cake Bread Street  
Manchester  
M12 6HF

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 premise is a carpark adjacent to the progress centre in a commercial area of Manchester

Please describe the nature of the event

The event is a two day music event

## 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

n/a

The provision of regulated entertainment

Yes

The provision of late night refreshment

n/a

Are you giving a late temporary event notice?

No



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

03/09/2022 and 04/09/2022

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 until 23.59

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.

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 Authorit

Bury

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?

Yes

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?

Yes

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

n/a

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

Yes

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?

Yes

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?

Yes

## Declaration and Payment New

Name

[REDACTED]

Capacity in which you are making this application

Agent for applicant

## 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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## GREATER MANCHESTER POLICE



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

To: Mr Harold McKenzie



15<sup>th</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>Car Park</b>
<b>ADDRESS:</b>	Cakebread Street Manchester M12 6HF
<b>DATE OF EVENT:</b>	03/09/22 – 04/09/22
<b>TIME OF EVENT:</b>	1200 – 2359 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 use an open car park for a 2-day music event for 12 hours a day with up to 499 people in attendance.

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.

A recent event held at this same location recently drew numerous noise complaints from local residents.

**GREATER MANCHESTER POLICE**

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.

As such we ask that this TEN application is refused.

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

Date/Time 15<sup>th</sup> August 2022 0900 hrs

.....

**Fw: MAU 279038**

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

Fri 12/08/2022 14:51

To: [REDACTED]

GO

---

**From:** Nathan Mistry [REDACTED]

**Sent:** 12 August 2022 14:49

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

**Cc:** Ben Moran [REDACTED]; [REDACTED]  
[REDACTED]

**Subject:** MAU 279038

Good Afternoon,

Please find my representation pasted below in relation to the Temporary Event Notice at **Car Spaces, Cakebread Street, Manchester MAU 279038**:

-----  
-----

The Licensing and Out of Hours Team (LOOHT) have assessed the likely impact of the granting of this Temporary Event Notice (TEN) taking into account a number of factors, including style of operation, the nature of the area, hours applied for and any potential risks that the granting of this application could lead to.

LOOHT have given particular consideration to Manchester City Council's Statement of Licensing Policy, specifically s.7.25 in that the licensing authority will ensure that due consideration will be given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises; as well as s.7.28 in that the licensing authority will give consideration to the appropriateness of hours applied for, having regard for the location of premises and their likely effect of the promotion of the four Licensing Objectives.

The location of the site is just off the Mancunian Way, in a carpark on Cakebread Street. There are numerous residential properties in near proximity to the venue as well as numerous high-rise flats in Manchester City Centre.

The application is seeking to allow the premises to host a 'two day music event' from 12pm until 23:59pm for up to 499 people.

LOOHT believe this Temporary Event Notice could undermine the Licensing Objectives, in particular relation to Public Nuisance.

After having assessed the application there are no details 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.

The LOOHT received numerous noise complaints as well as Statutory Nuisance's witnessed and breached at previous TENs in the same location. The latest being on 16/07/22 + 17/07/22. The amount of disruption and noise nuisance issues to the local communities and residents were profound.

When we consider the number of issues that are related to events at this location there can be little doubt that the licensing objectives, in particular Prevention of Public Nuisance, would be undermined if this event was permitted as applied for.

We therefore recommend the Temporary Event Notice Application be refused.

Kind regards,

Nathan Mistry  
Neighbourhood Officer  
Licensing & Out of Hours Compliance  
The Neighbourhoods Service  
Growth and Neighbourhoods Directorate  
Contact Centre: 0161 234 5004  


\*\*\*\*\*

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