



Licensing Sub Committee Hearing Panel

Date: Monday, 21 August 2023

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

Councillors - Andrews, Flanagan and Reid

Supplementary Agenda

- 1a. Urgent Business - Temporary Event Notice - Car park, 40-48, Ashton Old Road, Manchester, M12 6LP** 3 - 38
The report of the Director of Planning, Building Control and Licensing is enclosed.
- 1b. Urgent Business - Temporary Event Notice - Queens Hotel, Sedgeford Road, Manchester, M40 8Q** 39 - 72
The report of the Director of Planning, Building Control and Licensing is enclosed.

Further Information

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

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

This supplementary agenda was issued on **Thursday, 17 August 2023** 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 Subcommittee Hearing Panel – 21 August 2023

Subject: Car park, 42-46 Ashton Old Road, Manchester, M12 6LP - ref: LTN291864

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

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
 Position: Principal Licensing Officer
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 E-mail: fraser.swift@manchester.gov.uk

Name: Chloe Tomlinson
 Position: Technical Licensing Officer
 Telephone: 0161 234 4521
 E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

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

1. Introduction

- 1.1 On 10 August 2023, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of the car park at 42-46 Ashton Old Road, Manchester, M12 6LP 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**.
- 2.2 The premises user is Damilola Ewetuga.
- 2.3 The description of the event is 'food truck selling food and alcohol.'
- 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this TEN.
- 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
- 2.4 **Activities unsuitable for children**
- 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

3. Objection Notice(s)

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

3.2 Summary of the objections:

Party	Grounds of representation	Recommends
GMP	<p>GMP 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.</p> <p>The application is seeking to allow a food truck situated on a car park to sell alcohol from 7pm until 3am for up to 50 people.</p> <p>There is no detail whatsoever within the application as to how the event will be managed numbers wise and what security provision there will be. There is nothing to show how litter will be regulated, what age verification processes will be in place or how the 4 licensing objectives will be upheld. The location is such that persons will most likely drive to it so GMP are concerned that drink driving would become an issue.</p> <p>The applicant is not a Personal Licence Holder so this also raises GMP's concerns as to how the 4 licensing objectives will be upheld.</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.

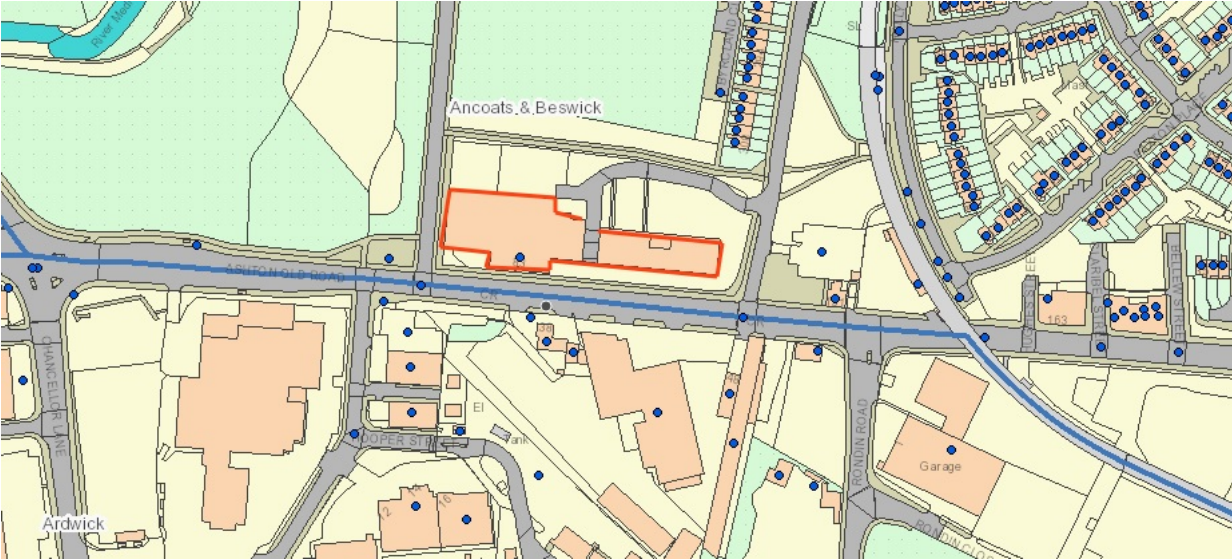
4.5 **Manchester Statement of Licensing Policy**

- 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.**



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Temporary Event Notice

Payment Transaction number:- SSES00756479 | Form Reference number EF1/918604

Premises User Information

Title

Miss

If other please state

manchester

Surname

Ewetuga

Forenames

Damilola

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

40-48 Ashton old road.
M12 6lp

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)

40-48 Ashton old, Macnehster. M12 6lp

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

Food truck in open space share space with Car equipment company

Please describe the nature of the event

Food truck selling takeout food and drinks during late hours

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

No

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.

8/09/2023

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

7pm-3am

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).

50

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

Off

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

No

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

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

No

Issuing Authority

n/a

Licence Number

n/a

Date of Issue

n/a

Date of Expiry

n/a

Any further relevant details

n/a

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

No

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

n/a

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

No

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

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

Damilola Ewetuga

Capacity in which you are making this application

Owner

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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Email thread with premises user prior to consultation

From: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Sent: 10 August 2023 16:45
To: damilola Ewetuga <[REDACTED]>
Subject: Re: Submission of TEN: 40-48 Ashton old, Macnehster. M12 6lp / 8/09/2023 / EF1/918604

Hi Damilola

I'll process the TEN now but I'd advise you to put a street trading licence application unless people are paying to access the site, otherwise you aren't going to be able to trade whether or not there is a TEN in place.

Thanks
Chloe

From: damilola Ewetuga <[REDACTED]>
Sent: 10 August 2023 16:40
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Re: Submission of TEN: 40-48 Ashton old, Macnehster. M12 6lp / 8/09/2023 / EF1/918604

Hello Chloe,

How are you today?

As I explained to you before. We rent space from a private company in charge of the space to put our truck and sell food and drinks. We are mainly a takeout food and drink business and start selling from 6 pm upward.

Any form or application you think is the best for us. We are more than happy to go for it.

Thanks
Damilola Ewetuga

From: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Sent: 10 August 2023 08:11
To: damilola Ewetuga <[REDACTED]>
Subject: Re: Submission of TEN: 40-48 Ashton old, Macnehster. M12 6lp / 8/09/2023 / EF1/918604

Hi Damilola

If it's going to be a private event so no street trading licence is required it would be a good idea to amend the description on the TEN form because otherwise objections are likely to be received - if you can give me some more information I can add this onto the form.

Thanks
Chloe

From: damilola Ewetuga <[REDACTED]>
Sent: 09 August 2023 16:47
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Re: Submission of TEN: 40-48 Ashton old, Macnehster. M12 6lp / 8/09/2023 / EF1/918604

Hello Chloe,

Thanks
You can continue. We don't need the street trader licences.

Thanks
Damilola Ewetuga

From: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Sent: 09 August 2023 15:38
To: damilola Ewetuga <[REDACTED]>
Subject: Re: Submission of TEN: 40-48 Ashton old, Macnehster. M12 6lp / 8/09/2023 / EF1/918604

Hi Damilola

Yes, that makes sense, it does sound like you would need a street trading consent in that case. Please see here for information - [Licensing - Street trader licence and consent | Manchester City Council](#)

However please note that there is a 28-day consultation period for such applications and if objections are received a hearing may also be required, in which case it could be up to eight weeks before the licence could be granted.

I can check if it might be possible to reduce the consultation period in this instance given that this is for a one-off event if you would like?

Alternatively, if people had to pay an entry fee to attend the event (e.g. had to buy a ticket to get into the car park) you might not have to apply for a street trading consent at all as it would count as a private event and therefore not 'street trading'. Please let me know how you'd like to proceed.

Thanks,
Chloe

From: damilola Ewetuga <[REDACTED]>
Sent: 09 August 2023 14:55
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Re: Submission of TEN: 40-48 Ashton old, Macnehster. M12 6lp / 8/09/2023 / EF1/918604

Hello Chloe,

Thanks for the explanation.

The space is rented to us by the car company for our food truck, and we are mainly takeaway expecting our customers to order from the online food platform.

but is some occasions we might see a public member that wants to buy too.

I don't know if that makes sense.

Thanks

From: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Sent: 09 August 2023 14:38
To: damilola Ewetuga <[REDACTED]>
Subject: Re: Submission of TEN: 40-48 Ashton old, Macnehster. M12 6lp / 8/09/2023 / EF1/918604

Hi Damilola

A TEN would cover the sale of alcohol and the provision of late night refreshment but street trading is something separate - would members of the public be able to come into the car park and buy things from the food truck or is the space being rented out for a private use? If the truck is open to anyone then it doesn't matter if it's not technically on the street as the site is still publicly accessible.

Thanks
Chloe

From: damilola Ewetuga <[REDACTED]>
Sent: 09 August 2023 14:30
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Re: Submission of TEN: 40-48 Ashton old, Macnehster. M12 6lp / 8/09/2023 / EF1/918604

Hello Chloe,

Thanks for your fast response.

I've included the truck's exact location, 40-48 Ashton Old, Manchester. M12 6lp

I rang the licensing department yesterday to ask which license to apply for.

I was told about personal licenses and TEN licenses.

Please let me know if we need a street trading license because we are off the street if that makes sense.

Thanks
Damilola Ewetuga

From: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Sent: 09 August 2023 10:33
To: damilola Ewetuga <[REDACTED]>
Subject: Fw: Submission of TEN: 40-48 Ashton old, Macnehster. M12 6lp / 8/09/2023 / EF1/918604

Good morning

I am just reviewing this temporary event notice. Please could you clarify where exactly this truck would be located? It may be that you would also need to apply for a street trading consent in order to trade.

Thanks,
Chloe

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

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GREATER MANCHESTER POLICE



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

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

11th August 2023

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.

PREMISES NAME:	Food Truck
ADDRESS:	40-48 Ashton Old Road Manchester M12 6LP
DATE OF EVENT:	08/09/2023 – 09/09/2023
TIME OF EVENT:	1900 – 0300 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 a food truck situated on a car park to sell alcohol from 7pm until 3am for up to 50 people.

There is no detail whatsoever within the application as to how the event will be managed numbers wise and what security provision there will be. There is nothing to show how litter will be regulated, what age verification processes will be in place or how the 4 licensing objectives will be upheld. The location is such that persons will most likely drive to it so GMP are concerned that drink driving would become an issue.

GREATER MANCHESTER POLICE

The applicant is not a Personal Licence Holder so this also raises GMP's concerns as to how the 4 licensing objectives will be upheld.

To allow this event to take place would almost certainly undermine the 4 licensing objectives.

As such we ask that this TEN application is refused.

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

Date/Time 11th August 2023 0845 hrs
.....

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
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 21 August 2023

Subject: Queens Hotel, Sedgeford Road, Harpurhey, Manchester, M40 8QU -
ref: LTN291945

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: Harpurhey

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

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Chloe Tomlinson
 Position: Technical Licensing Officer
 Telephone: 0161 234 4521
 E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

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

1. Introduction

- 1.1 On 11 August 2023, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Queens Hotel, Sedgeford Road, Harpurhey, Manchester, M40 8QU in the Harpurhey 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 Janice Flint.
- 2.3 The description of the event is fundraising event.
 - 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this TEN.
 - 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
- 2.4 **Activities unsuitable for children**
 - 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

3. Objection Notice(s)

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

3.2 Summary of the objections:

Party	Grounds of representation	Recommends
GMP	<p>This premises had its Premises Licence revoked at a committee hearing on 6th April 2023 and this decision is currently under review proceedings.</p> <p>The committee made the decision that the interim steps suspension should remain in force during any appeal period, so the licence is still suspended.</p> <p>GMP ask that this TEN be subjected to the same scrutiny that resulted in the committee decision to revoke the premises licence and keep it suspended.</p>	Serve a counter notice
Licensing and Out of Hours Compliance	<p>The premises held a licence which was subject to a summary review for serious crime and disorder. The licensing committee revoked the premises licence and confirmed the licence was to remain suspended throughout any appeal period. In the decision notice the reasons were stated as follows:</p> <p><i>'The Committee considered that there was a risk of retribution attacks which put the lives of staff, customers and the public at risk therefore considered it necessary for the licence to remain suspended.'</i></p> <p>Therefore, the submission of TENs are effectively being used by the premises to override the committee's decision ahead of any appeal. The LOOH team agree with the licensing committee's decision in that there is a serious risk to public safety and all four licensing objectives should the premises operate and ask that the TEN is refused.</p>	Serve a counter notice

4. **Key Policies and Considerations**4.1 **Legal Considerations**

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

4.2 **New Information**

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

4.3 **Hearsay Evidence**

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

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

- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 4.5.4 Where the authority considers that to impose on the TEN one or more of the conditions from a premises licence or club premises certificate in force at the

premises (insofar as such conditions are not inconsistent with the event) is appropriate for the promotion of the licencing objectives, the policy is to give notice to the premises user that includes a statement of the conditions imposed. Copies of this notice will be provided for GMP and LOOH.

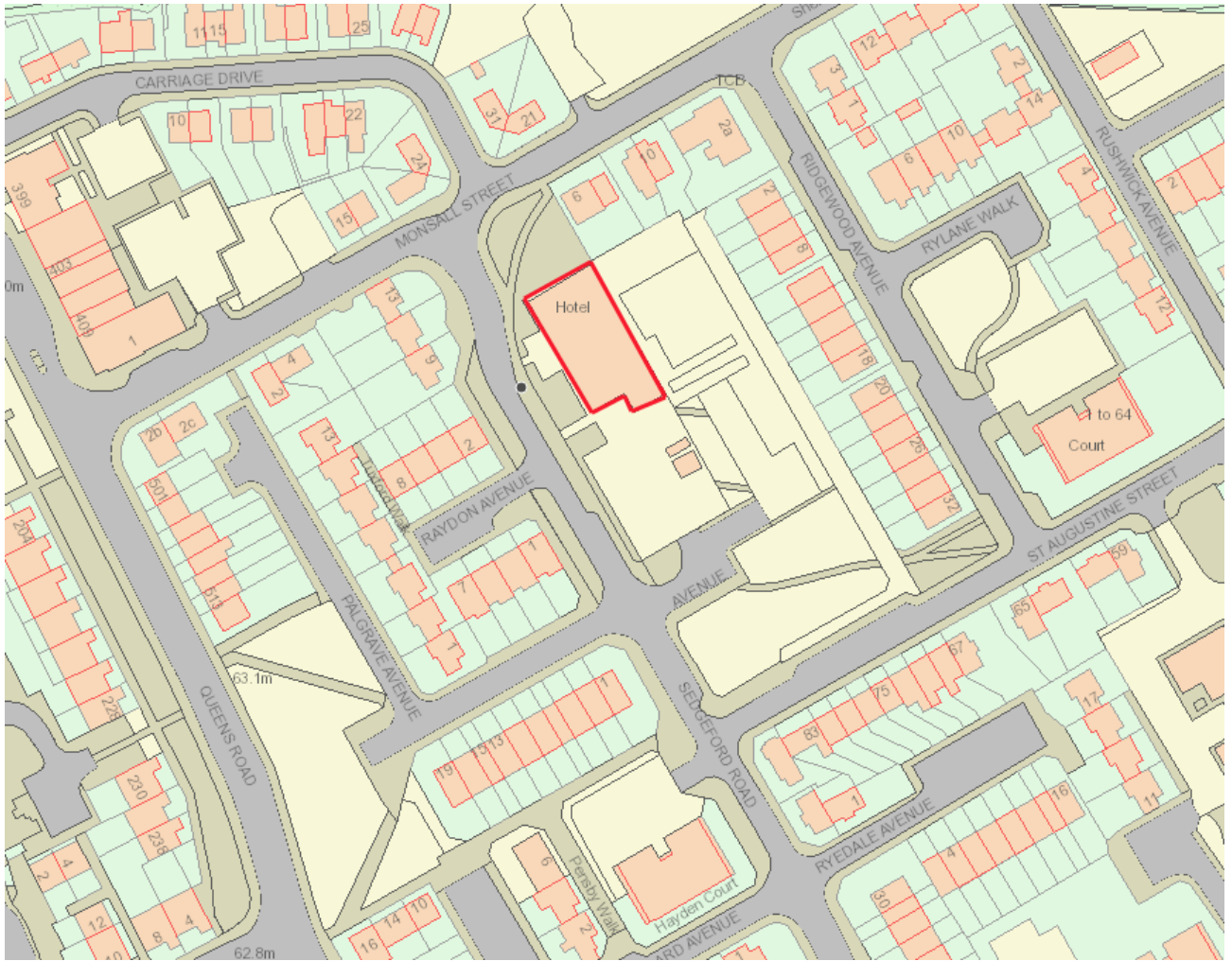
- 4.5.5 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.

5. Conclusion

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

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

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Temporary Event Notice

Payment Transaction number:- SSES00758892 | Form Reference number EF1/921371

Premises User Information

Title

Miss

If other please state

n/a

Surname

Flint

Forenames

Janice

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

n/a

Your date of birth

[REDACTED]

Your place of birth

[REDACTED]

National Insurance Number

[REDACTED]

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

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Telephone

[REDACTED]

Evening telephone

[REDACTED]

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)

The queens hotel
Sedgeford road
Harpurhey
Manchester
M40 8QU

Premises licence number

051244

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

Public house/ pub

Please describe the nature of the event

Fundraising events

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.

25/08/23 26/08/23 27/08/23

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

0012 to 0000 on the 25/08/23 0012 to 0000 on the 26/08/23 0012 to 0000 on the 27/08/24

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).

150

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

Rochdale

Licence Number

PA0136

Date of Issue

01/09/15

Date of Expiry

Permanent

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

3

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

Janice flint

Capacity in which you are making this application

Owner and PERSONAL LICENCE HOLDER

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:

On 11 Aug 2023, at 10:08, Premises Licensing <premises.licensing@manchester.gov.uk> wrote:

Hi Janice

Could I check the timings for this please, would it be 1200 (midday) to midnight each day?

Thanks

Chloe

From: [REDACTED]

Sent: 12 August 2023 10:50

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

Subject: Re: Submission of TEN: The queens hotel Sedgeford road Harpurhey Manchester M40 8QU / 25/08/23 26/0823 27/08/23 / EF1/921371

Yes sorry did we do it wrong it's 1200 midday

To midnight

Thank you Chloe

Janice

Sent from my iPhone

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	Mike Wilson
Job Title	Licensing & Out of Hours Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Hammerstone Road Depot, Gorton M18 8EQ
Email Address	Michael.wilson@manchester.gov.uk
Telephone Number	01612341220

Premise Details

Application Ref No	M291945
Name of Premises	Queens Hotel
Address	Sedgeford Road M40 8QU

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 (LOOH) team have risk assessed the notice received for a temporary licence between 25th August and 27 August 2023.

The premises held a licence which was subject to a summary review for serious crime and disorder. The licensing committee revoked the premises licence and confirmed the licence was to remain suspended throughout any appeal period.

In the decision notice the reasons were stated as follows:

'The Committee considered that there was a risk of retribution attacks which put the lives of staff, customers and the public at risk therefore considered it necessary for the licence to remain suspended.'

Therefore, the submission of TENs are effectively being used by the premises to override the committee's decision ahead of any appeal.

The LOOH team agree with the licensing committee's decision in that there is a serious risk to public safety and all four licensing objectives should the premises operate and ask that the TEN is refused.

Recommendation:	Refuse Notice
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GREATER MANCHESTER POLICE



To: Manchester City Council
Licensing Unit
Town Hall Extension

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

14th August 2023

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 **LATE TEMPORARY EVENT NOTICE** detailed below, as we are satisfied that granting the application under these circumstances would undermine the Prevention of Crime and Disorder and the Prevention of Public Nuisance Objectives.

PREMISES NAME:	Queens Hotel
ADDRESS:	Sedgeford Road Manchester M40 8QU
DATE OF EVENT:	25/08/23, 26/08/23 & 27/08/23
TIME OF EVENT:	0012 to 0000 on the 25/08/23, 0012 to 0000 on the 26/08/23 & 0012 to 0000 on the 27/08/24

This premises had its Premises Licence revoked at a committee hearing on 6th April 2023 and this decision is currently under review proceedings. The committee made the decision that the interim steps suspension should remain in force during any appeal period, so the licence is still suspended. GMP ask that this TEN be subjected to the same scrutiny that resulted in the committee decision to revoke the premises licence and keep it suspended.

The timings applied for would also to allow the premises to remain open for 24 hours a day (save for 12 minutes) and this is completely unacceptable even for a premises under different circumstances to this one.

Therefore, Greater Manchester Police ask that this application is refused.

GREATER MANCHESTER POLICE

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

Date/Time 14/08/23.....0710 hrs

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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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