



Licensing Sub Committee Hearing Panel

Date: Monday, 11 September 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 Hughes

Supplementary Agenda

- 1a. Urgent Business - Temporary Event Notification - Outside clothing shop, Spear Street, Manchester** 3 - 28
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:

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This supplementary agenda was issued on **Tuesday, 5 September 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 – 11 September 2023

Subject: Outside clothing shop, Spear Street, Manchester - ref: LTN292815

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

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

Wards Affected: Piccadilly

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

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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Name: Chloe Tomlinson
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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 29 August 2023, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of the area outside a clothing shop on Spear Street, Manchester in the Piccadilly ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. The Notice

- 2.1 A copy of the TEN is attached at **Appendix 2**.
- 2.2 The premises user is Robert Vance.
- 2.3 The description of the event is 'clothing launch.'
- 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 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
<p>Licensing and Out of Hours Compliance</p>	<p>LOOH have concerns that the event could lead to the Prevention of Crime and Disorder and the Prevention of Public Nuisance and Public Safety Licensing objectives being undermined.</p> <p>Spear Street is adopted highway and to close the street or part of it would require a Temporary Traffic Regulation Order. Enquires have been made with Manchester City Council Highways Team who have confirmed that an application to close Spear Street between the junctions of Stevenson Square and Faraday Street on 24th September 2023 has not been received.</p> <p>LOOH have concerns regarding how the premises intend to effectively manage the external area and the noise nuisance which could potentially be created by the provision of regulated entertainment in this space with a maximum capacity of 250 patrons.</p> <p>Furthermore, there is a potential risk of crowds gathering outside or near to the proposed area, due to the regulated entertainment, which could encourage street drinking. There is a City Centre Public Space Protection Order (PSPO) in place in Manchester which prohibits people drinking alcohol or having open containers of alcohol in the streets.</p>	<p>Serve a counter notice</p>

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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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:- SSES00772704 | Form Reference number EF1/936300

Premises User Information

Title

Miss

If other please state

n/a

Surname

Vance

Forenames

Robert

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)

40 spear street
Manchester

Premises licence number

No

Club premises certificate number

No

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.

Spear street closure

Between faraday street and Stevenson square

Please describe the nature of the premises

Clothing shop

Please describe the nature of the event

Clothing launch

Licensable activities

The sale by retail of alcohol

No

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

No

The provision of regulated entertainment

Yes

The provision of late night refreshment

No

Are you giving a late temporary event notice?

No

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

24 September 2023

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

1400-2100

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).

250

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

Please choose...

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

Robert Vance

Capacity in which you are making this application

Business owner (retail)

Additional information

I understand

no

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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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Gemma Smith
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	gemma.smith2@manchester.gov.uk
Telephone Number	0161 234 1220

Premise Details	
Application Ref No	292815
Name of Premises	Outside clothing shop
Address	Spear Street (between Faraday St and Stevenson Sq)

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.	
<p>The Licensing and Out of Hours Team (LOOHT) have assessed the likely impact of the grant of the late Temporary Event Notice (TEN) taking into account several factors, including the activities being applied for, the nature of the area in which the premises is located and any potential risk the granting of the Temporary Events could have on any of the four licensing objectives.</p> <p>As a result of this assessment the LOOHT have concerns that the grant of the temporary event is likely to lead to the Prevention of Crime and Disorder and the Prevention of Public Nuisance and Public Safety Licensing objectives being undermined.</p> <p>The Temporary Event application proposes to utilise Spear Street between Stevenson Square and Faraday Street, by way of a road closure, for the provision of regulated entertainment for a clothing launch. The event is intended to take place 24th September 2023 between 1400 to 2100 for 250 people.</p> <p>Spear Street is adopted highway and to close the street or part of it would require a Temporary Traffic Regulation Order. Enquires have been made with Manchester City Council Highways Team who have confirmed that an application to close Spear Street between the junctions of Stevenson Square and Faraday Street on 24th September 2023 has not been received.</p> <p>The LOOHT have concerns regarding how the premises intend to effectively manage the external area and the noise nuisance which could potentially be created by the provision of regulated entertainment in this space with a maximum capacity of 250 patrons.</p> <p>Furthermore, there is a potential risk of crowds gathering outside or near to</p>	

the proposed area, due to the regulated entertainment, which could encourage street drinking. There is a City Centre Public Space Protection Order (PSPO) in place in Manchester which prohibits people drinking alcohol or having open containers of alcohol in the streets.

For the above reasons the LOOHT recommend that this Temporary Event is refused.

Recommendation: Refuse TEN