



Licensing Sub Committee Hearing Panel

Date: Friday, 14 June 2019

Time: 10.00 am

Venue: Council Antechamber - Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

This is a second supplementary agenda and contains information not available when the agenda was first published.

Access to the Council Chamber

Public access to the Council Chamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk.

There is no public access from the Lloyd Street entrances of the Extension.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Ludford (Chair), T Judge and McHale

Agenda

- | | | |
|----|---|----------|
| 4. | Application for a Temporary Event Notice for Kiki, 4 Canal Street, Manchester, M1 3HE | 3 - 54 |
| 5. | Application for a Temporary Event Notice for the Church Hall, Unit 9 Vaughan Street Industrial Estate, Manchester, M12 5BT | 55 - 136 |

Further Information

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

Andrew Woods
Tel: 0161 234 3043
Email: b.morgan@manchester.gov.uk

This agenda was issued on **Thursday, 13 June 2019** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA

**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 14 June 2019

Subject: Kiki, 4 Canal Street, Manchester, M1 3HE - ref: LTN232742

Report of: Head 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 notices and give a counter notice where it considers it appropriate.

Ward Affected: Piccadilly

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

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue None

Financial Consequences – Capital None

Contact Officers:

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

Name: Helen Howden
 Position: Technical Licensing Officer
 Telephone: 0161 234 4294
 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 25 May 2019, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Kiki, 4 Canal Street, Manchester, M1 3HE in the Piccadilly ward of Manchester. A location photo and 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 Adam Edwards.
- 2.3 The description of the event is: Small pop up bar opposite entrance doors.
 - 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.
- 2.5 **Further documentation accompanying the application**
 - 2.5.1 No further documents were submitted in support of the TEN at the time that it was submitted. Since the objections were made, correspondence has been

received on behalf of the premises user in support of the TEN going ahead. The correspondence is attached as **Appendix 5**.

3. **Objection Notice(s)**

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

3.2 Summary of the objections:

Party	Grounds of representation	Recommends
GMP	<p>GMP report that there is an “informal agreement to not have venues selling directly onto Canal Street – this has been an ongoing agreement for many years and is fully supported by the Pride organisers and all other venues.” The basis for the objection is:</p> <ul style="list-style-type: none"> • Canal Street especially becomes extremely congested. Additional queueing for a bar will cause further congestion, likely to undermine the public safety objective. • Allowing the TEN is likely to cause a “ripple effect” with other venues applying to serve alcohol onto Canal Street. This could harm Public Safety and Crime & Disorder objectives. 	Serve a counter notice
Licensing and Out of Hours Compliance	<p>The LOOH team believe that it is highly likely that the licensing objectives will not be upheld and object on the following grounds:</p> <ul style="list-style-type: none"> • The TEN is likely to result in significant congestion of people outside the premises causing an obstruction to pedestrians. • There will be associated litter from people stopping, eating and drinking without anywhere to discard used receptacles. • The TEN states that there will be only 20 people present including staff, it is unclear how people will be moved on or managed to ensure that this limit is complied with. 	Serve a counter notice

	<ul style="list-style-type: none"> • There is no reference as to how security will operate within this area, which has the potential to put greater pressure on the teams that facilitate smooth running of the Manchester Pride event. • A bar in the proposed location on the highway opposite Kiki will encourage street drinking and it will be difficult for the premises to monitor proxy sales and service to intoxicated persons 	
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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.

Conclusion

4.6 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.

4.7 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.

4.8 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.

- 4.9 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.
- 4.10 All licensing determinations should be considered on the individual merits of the notification.
- 4.11 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.
- 4.12 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.
- 4.13 **The Panel is asked to determine the temporary event notice.**

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PREMISE NAME:	Kiki
PREMISE ADDRESS:	4 Canal Street, Manchester, M1 3HE
WARD:	Piccadilly
HEARING DATE:	14/06/2019

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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:- ASA/400513 | Form Reference number ASA/3136266

Premises User Information

Title

Mr

If other please state

n/a

Surname

Edwards

Forenames

Adam

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

Edwards

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

KIKI, 4 Canal Street
Manchester
M1 3HE

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)

KIKI Manchester
4 Canal Street
M1 3HE
SJ 84470 97947

Premises licence number

102834

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.

I intend to use a small 2m x 1.5m section of the cobbled area on Canal Street opposite the entrance doors

Please describe the nature of the premises

The premises is a bar and night club which is already currently licensed for the sale by retail of alcohol, the provision of regulated entertainment, limited to live music, recorded music, performance of dance or anything similar.

Please describe the nature of the event

I intend to place a small pop up bar on the cobbled area opposite the entrance doors.

Throughout the event a personal licence holder will be on the premises at all times. They will be checking ID, making sure nobody under the age of 18 is inside the venue or served alcohol on the temporary bar.

All alcohol will be served in following measures, beer or cider ½ pint/pint. Gin, Rum, Vodka or Whisky 25ml, wine 125ml.

All staff will have adequate training

CCTV will be in use throughout the whole event. CCTV covers the area in which we intend to use.

No glass will be handed over the bar at anytime; all drinks will be served in plastic.

An appropriate number of SIA registered door staff will be employed on the door and within the venue throughout the whole event. An additional member of security will be outside to watch over the sale of alcohol and a personal licence holder will be on site to ensure the premises license is adhered to.

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

No

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.

24/08/19 - 26/08/19

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 - 20:00

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).

20

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

Salford City Council

Licence Number

120787

Date of Issue

January 2017

Date of Expiry

NA

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

2

a) ends 24 hours or less before; orb) begins 24 hours or less after the 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

Unsure

a) ends 24 hours or less before; orb) begins 24 hours or less after the 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?

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.

Unsure

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

adam edwards

Capacity in which you are making this application

Individual

Additional information

I_understand

Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

**C
Tomlinson**

Digitally signed by: C Tomlinson
DN: CN = C Tomlinson email =
chloe.tomlinson@manchester.gov.
uk C = AD O = MCC OU =
Premises Licensing
Date: 2019.05.31 16:33:34 Z

On behalf of the Licensing Authority

Date:

Name of officer signing:

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

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GREATER MANCHESTER POLICE



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

To: Mr Adam Edwards



5th June 2019

Dear Sir

Please accept this letter as formal notification that Greater Manchester Police wish to object, under Section 104(2) of the Licensing Act 2003, to the **TEMPORARY EVENT NOTICE** detailed below, as we are satisfied that granting the application under these circumstances would undermine the Licensing Objectives.

PREMISES NAME:	Cobbled Area outside premises
ADDRESS:	Kiki 4 Canal Street Manchester M1 3HE
DATE OF EVENT:	24/08/19 – 26/08/19
TIME OF EVENT:	1200 - 2000 hrs

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

The premises have applied for an outside bar on Canal Street during Pride. Other premises within the Pride footprint respect our informal agreement to not have venues selling directly onto Canal Street – this has been an ongoing agreement for many years and is fully supported by the Pride organisers and all other venues.

The main reason for this is the Public Safety objective – approximately 40,000 people attend the Pride event on Saturday and Sunday and Canal Street especially becomes extremely congested - additional queueing for a bar will cause further congestion, especially with venues increasingly having outside entertainment such as

GREATER MANCHESTER POLICE

dancers, singers etc on Canal Street causing further congestion in that area.

Allowing this TEN is likely to cause a ripple effect of other venues applying to serve alcohol onto Canal Street which could harm Public Safety and Crime & Disorder objectives.

As such we ask that this TEN application is refused.

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

Date/Time 5th June 2019 1715 hrs

.....



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

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

Premise Details	
Application Ref No	232724
Name of Premises	Kiki
Address	4 Canal Street, Manchester M1 3HE

Representation
<p>Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.</p> <p>The Licensing and Out of Hours Team (LOOHT) have assessed the likely impact of the grant of this temporary event. Taking into account a numbers of factors including the nature of the area, hours applied for and any potential risk that the granting of this Temporary Event Notice (TEN) could lead to issues of public nuisance.</p> <p>The premises is on Canal Street within the village. The proposed event is for the supply of alcohol outside of the premises during Manchester Pride. The premises propose to place an external bar on the cobbled pavement of Canal Street. This in addition to a further TEN proposing the placement of a stage area and Marquee.</p> <p>As a result of this assessment we have concerns that the grant of this application is likely to lead to issues of public nuisance, public safety and prevention of children from harm.</p> <p>Canal Street is the main arterial route for the Manchester Pride event with the majority of licensed premises located along its length. With large groups of people using the street to access premises and moving through to other parts of the village. LOOHT feel this may cause people to stop and cause significant congestion of people outside the premises. Due to the location of the proposed bar on the public highway this has potential to also cause an obstruction to pedestrians and people enjoying Manchester Pride. There will also be associated litter from people stopping, eating and drinking without anywhere to discard used receptacles.</p> <p>The TEN states that there will be only 20 people present including staff, it is unclear how people will be moved on or managed to ensure that this limit is complied with. There is no reference as to how security will operate within this area, this has potential to put greater pressure on the agencies such as Show Sec Security and St Johns Ambulance who have been brought in by Pride</p>

organisers to facilitate smooth running of the Manchester Pride event.

A bar in the proposed location on the highway opposite Kiki will encourage street drinking and it will be difficult for the premises to monitor proxy sales and service to intoxicated persons undermining the licensing objective, protection of children from harm.

LOOHT believe that the granting of this temporary event notice would also be counterproductive of the Manchester Standards to promote the licensing objectives set out in the Manchester City Councils Statement of Policy – under MS1, MS7, MS8, MS9 and MS12. LOOHT believe it is highly likely that the licensing objectives will not be upheld and therefore recommend that the TEN to be refused.

Recommendation:

Refuse TEN

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 ACT 2003 PREMISES LICENCE

Premises licence number	102834
Granted	19/02/2008
Latest version	DPS Variation 226097 Granted 15/02/2019

Part 1 - Premises details

Name and address of premises
Kiki 4 Canal Street, Manchester, M1 3HE
Telephone number
0161 236 5437

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1. The sale by retail of alcohol*. 1. The provision of regulated entertainment, limited to: <ul style="list-style-type: none"> Live music; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance. 2. The provision of late night refreshment. <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

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	0000	0000
Finish	0400	0400	0400	0700	2400	2400	0400
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non-standard Timings:							
<u>Bank Holidays:</u> 1100 hours on Saturday to 0400 hours on Tuesday (No entry after 0200 hours on Tuesday of Pride Bank Holiday Weekend)							
<u>On the day British Summer Time commences:</u> one additional hour following the terminal hour.							
<u>New Year:</u> All licensable activities extended from end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.							
Licensable activities extended from 0400 or 0700 hours on the morning of 27 th December (depending on the day on which that falls) until 0700 hours on the 28 th December.							

Live music; Performances of dance; Anything similar to live music, recorded music or the performance of dance**Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	0000	0000
Finish	0400	0400	0400	0700	2400	2400	0400

Licensed to take place indoors only.

Seasonal variations and Non-standard Timings:Bank Holidays: 1100 hours on Saturday to 0400 hours on Tuesday

(No entry after 0200 hours on Tuesday of Pride Bank Holiday Weekend)

On the day British Summer Time commences: one additional hour following the terminal hour.New Year: All licensable activities extended from end of permitted hours on New Year's Eve to the beginning of permitted hours on New Year's Day.Licensable activities extended from 0400 or 0700 hours on the morning of 27th December (depending on the day on which that falls) until 0700 hours on the 28th December.**Recorded music****Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0000	0000	0000	0000	0000	0000	0000
Finish	2400	2400	2400	2400	2400	2400	2400

Licensed to take place indoors only.

Seasonal variations and Non-standard Timings:

None

Provision of late night refreshment**Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0500	0500	0500	0500	0500	0500	0500

Licensed to take place indoors only.

Seasonal variations and Non-standard Timings:

None

Hours premises are open to the public**Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0000	0000	0000	0000	0000	0000	0000
Finish	2400	2400	2400	2400	2400	2400	2400

Seasonal variations and Non-standard Timings:

None

Part 2**Details of premises licence holder**

Name:	Troy Leisure UK Ltd
Address:	8 Long Meadow, Westbury Park, Newcastle-under-Lyme, Staffordshire, ST5 4HY
Registered number:	08656728

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

Name:	Adam Carl Edwards
Address:	
Personal Licence number:	120787
Issuing Authority:	Salford 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) “valued 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. All staff and management shall be provided with adequate and suitable training to enable them to deal with incidents of disorder within the premises.
2. An effective search policy shall be implemented to ensure that drugs and offensive weapons are not brought onto the premises by patrons.
3. Known offenders or drug dealers will not be permitted on the licensed premises. Information regarding known offenders/drug dealers will be shared with other licensed premises within the area.
4. Any person found using drugs shall be removed from the premises. Any person found to be dealing drugs will be detained and the police informed immediately. Drugs seized will be handed over to the police.
5. All staff shall be provided with adequate and suitable training to make them aware of the problems associated with the spiking of drinks and how to reduce the risks of the same.
6. Management shall monitor information from local Pub Watch or Club Watch scheme and local area partnerships and act on such information as necessary.
7. Customer departure from the premises shall be effectively managed and shall be supervised and/or monitored by CCTV where considered necessary.
8. A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details: -
 - a) The Door Supervisors name, date of birth and home address
 - b) His/her Security Industry Authority licence number
 - c) The time and date he/she starts and finishes duty
 - d) Each entry shall be signed by the Door Supervisor

That register shall be available for inspection on demand by an Authorised Officer of the Council, Security Industry Authority or a Police Constable.

9. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
10. Telephone numbers of taxi companies shall be displayed in a prominent position near to exits. Only companies using ring back facilities shall have their number displayed.
11. An appropriate number of SIA registered door staff shall be employed at the premises.
12. All external bottle banks shall be kept secure.
13. The management and staff will ensure that glasses are collected regularly. Regular inspections for broken glass will be made by staff and any broken glass found will be cleared away immediately by staff.
14. An evacuation procedure shall be implemented at the premises and all staff shall be fully briefed in the procedure.

15. All staff and management shall be provided with adequate and suitable training to enable them to identify customers who have consumed excessive alcohol and deal with incidents of disorder within the premises.
16. All staff shall be trained in how to handle emergencies.
17. An adequate number of prominently positioned litterbins shall be provided. These shall be clearly signed and emptied on a regular basis.
18. Vermin proof bins shall be used.
19. The management and staff shall ensure that the premises and the area immediately surrounding the exterior of the premises are cleaned on a regular basis and remain free from debris and litter.
20. Refuse shall be regularly removed from the premises in a manner so as not to cause unreasonable disturbance to local residents.
21. Any extraction and ventilation systems operating from the premises must not produce noise so as to unreasonably disturb local residents.
22. There shall be no external speakers operated at the premises.
23. After 2300 doors and windows shall not be held open whilst amplified music is being played at the premises. There shall be no external speakers.
24. No collection of waste from the premises between 2200 and 0800.
25. When regulated entertainment is being played at the premises licence holder shall ensure that staff patrol the perimeter of the premises in order to monitor noise levels and to ensure that noise does not emanate from the premises so as to cause unreasonable disturbance to residents.
26. When trading beyond 0400, only the exit on Richmond Street shall be used.
27. Anyone who appears to be under the age of 21 and who is attempting to buy alcohol shall be required to produce photographic proof of age such as a proof of age card, passport, photo card driving licence or Citizen Card before such a sale is made, with adequate training given to all members of management.
28. Apart from between the hours of midday and 2000 there shall be no under 18's admitted to the premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so that it can be easily read by persons entering the premises – "No under 18's except between midday and 2000".

Annex 3 – Conditions attached after hearing by the licensing authority

1. The premises shall notify GMP of risk assessment 14 days before a bank holiday weekend.
2. Door staff will wear some form of high visibility outerwear to distinguish them from members of the public
3. When the premises trades beyond 4am there will be a personal licence holder on duty at the venue.
4. All off-sales will be in sealed containers other than to patrons in the designated external areas between midday and 2300.
5. A smoking policy which shall include a clearly defined area shall be operated at the premises and agreed with Greater Manchester Police.
6. A dispersal policy to be drawn up by the Premises Licence Holder or Designated Premises Supervisor and lodged with City Safe within 14 days of the variation being granted.

Annex 4 – Plans

See attached

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

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From: [REDACTED]
Date: Fri, 7 Jun 2019 at 09:54
Subject: FW: TEN Notice - KIKI
To: <premises.licensing@manchester.gov.uk>

Hearing ref TENS notice on Monday

We wish to present the below email as evidence

Our case is that Velvet had their outside bar granted

Please confirm receipt

Yours Sincerely

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

This e-mail and any attachment are confidential and contain proprietary information, some or all of which may be legally privileged. It is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient, please notify the author immediately by telephone or by replying to this e-mail, and then delete all copies of the e-mail on your system. If you are not the intended recipient, you must not use, disclose, distribute, copy, print or rely on this e-mail.

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From: Alan.Isherwood@gmp.police.uk [mailto:Alan.Isherwood@gmp.police.uk]
Sent: 07 June 2019 09:11
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: TEN Notice - KIKI

Hi [REDACTED]

We also objected to Velvet's outside bar and this went before a committee hearing who, despite our concerns, granted the TEN.

Therefore you will also have the opportunity to appear before the committee and put forward your own case and the committee may allow it to go ahead.

Kind Regards

Alan

PC 17659 Alan Isherwood
Divisional Licensing Officer
Greater Manchester Police

City of Manchester Division
1st Floor
Manchester Town Hall Extension
Lloyd Street
Manchester
M2 5DB

alan.isherwood@gmp.police.uk

NOT PROTECTIVELY MARKED

From: [REDACTED]
Sent: 07 June 2019 09:01
To: Alan Isherwood
Cc: [REDACTED]
Subject: TEN Notice - KIKI

Alan

Please could you call me regarding your recent TEN notice objection to KIKI for Pride

Im concerned that Velvet have been allowed an outside bar despite your comments that this does not happen during Pride

Yours Sincerely

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

This e-mail and any attachment are confidential and contain proprietary information, some or all of which may be legally privileged. It is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient, please notify the author immediately by telephone or by replying to this e-mail, and then delete all copies of the e-mail on your system. If you are not the intended recipient, you must not use, disclose, distribute, copy, print or rely on this e-mail.

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Unless encrypted, internet email is not to be treated as a secure means of communication. Greater Manchester Police records and monitors all email activity and content and you are advised that any email you send may be subject to monitoring.

Thank you for your co-operation.

**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 14 June 2019

Subject: Church Hall, Unit 9, Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT - ref: LTN232771

Report of: Head 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	

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: f.swift@manchester.gov.uk

Name: Louise Dormer
 Position: Technical Licensing Officer
 Telephone: 0161 234 1460
 E-mail: Louise.dormer@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 3 June 2019, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Church Hall, Unit 9, Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT 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 Gloria Dorteý.
- 2.3 The description of the event is Party.
 - 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	GMP believe by granting this TEN it would undermine the Prevention of Crime & Disorder and Prevention of Public Nuisance objectives. GMP are aware of complaints and issues relating to the premises which Licensing & Out of Hours have dealt with and have no confidence that the event would be operated in a manner which upholds the Licensing Objectives.	Serve a counter notice
Licensing and Out of Hours Compliance	Licensing & Out of Hours Team have provided recent examples of visits made to the premises following noise complaints, where they witnessed offences which are currently under investigation. The times given on the TEN are late in consideration of the proximity of local residents and LOOHT have no confidence that the Licensing Objectives will be upheld.	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.

Conclusion

- 4.6 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.
- 4.7 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.
- 4.8 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.
- 4.9 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.
- 4.10 All licensing determinations should be considered on the individual merits of the notification.
- 4.11 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.
- 4.12 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.
- 4.13 **The Panel is asked to determine the temporary event notice.**



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Devon Bennett
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	devon.bennett@manchester.gov.uk
Telephone Number	0161 227 3147

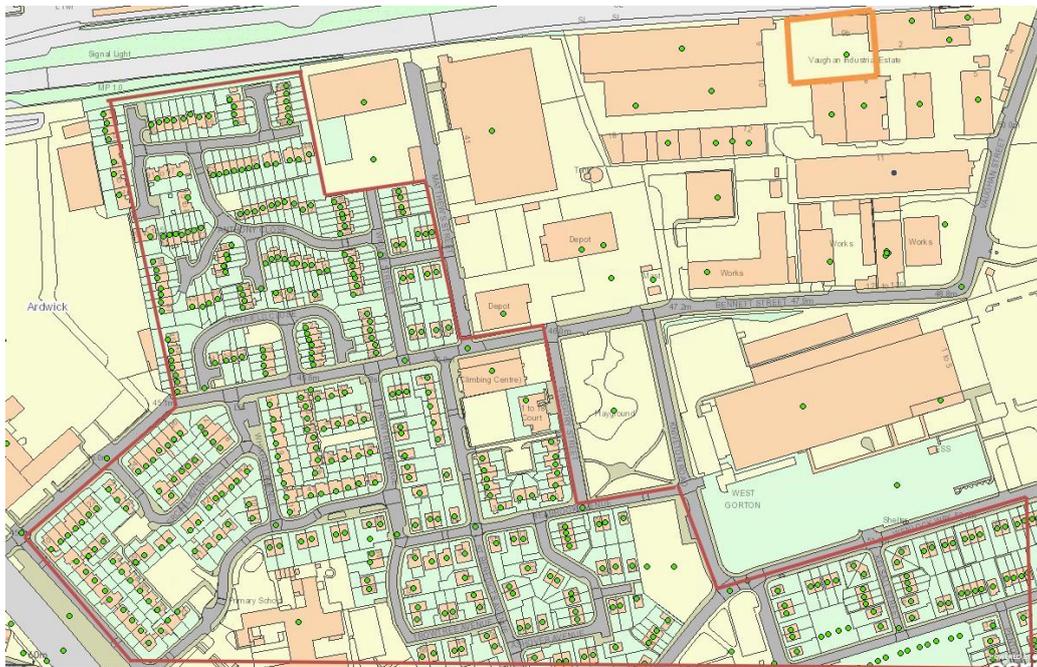
Premise Details

Application Ref No	232771
Name of Premises	Church Hall
Address	Unit 9, Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT

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 church hall resides at Unit 9 Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT. The premises is set up with offices and a hall. The industrial estate hold approximately 15 other units and is located within an area of other industrial sites and residential properties. (see residential properties delineated on the map below in red with the TEN delineated in Orange).



The TEN has applied for 15th and 16th June 2019 with times of 15:00hrs to 04:30hrs on both days. The TEN has applied for the sale of alcohol on the premises. The Provision of Regulated Entertainment. The TEN has listed 250 persons in attendance.

On the 25th April 2019, Licensing and Out of Hours Team (LOOHT) received a noise complaint from a local resident regarding loud music and bass emanating from the Vaughan Street Industrial Estate, being described as “banging bass” Every Bank Holiday or within the School Holidays. The complainant was advised to call the team when the noise was disturbing them so officers could attend to witness the noise. At that time the exact location was unknown and therefore the standard warning letter sent to the alleged perpetrators was not sent.

On the 19th May 2019, LOOHT were requested to attend the residential property to witness a noise disturbance from the premises. Officers attended and assessed from both street level and within the residential property where music could be heard approximately 100m away from the industrial estate.

LOOHT investigated further the source of the noise and located to be emanating from the car park of the industrial estate. Two females were sat at the entrance to the estate. Officers spoke to a female who advised she was a trustee of the charity based at unit 9 and the unit was a church the Disciples Pentecostal Church.

On investigation LOOHT noted on the carpark a DJ set up with 4 speakers on the ground and 2 speakers on poles at head height, BBQ/food stall, and persons in attendance consuming alcohol. The trustee advised the event was in aid of a charity and no alcohol was on site. LOOHT advised they had witnessed a number of people outside with cans of Red Stripe lager, the trustee denied people had alcohol at the event. Explained the offences’ due to there being no authorisation regarding the regulated entertainment. The music was of a loud nature and was set-up on a car park on an unlicensed premises. The entertainment was not incidental music as provided central entertainment for the event, the entertainment was also not inside the church hall (or the entertainment could have been exempt). Under 16.3 of the Section Guidance 182 Licensing Act 2003 the event was not in private as any person could attend and therefore is open to a public audience.

Similarly the trustee was informed that the area was open to the public without payment and as per the Local Government Miscellaneous Provisions Act 1982 Schedule 4 Section 1(a). That the sale of food from the BBQ could require the need for authorisation under that Act. LOOHT advised again on how to apply for permission for future events of a similar nature. Later that evening LOOHT received another noise complaint and subsequently spoke to the organisers to reduce the sound levels.

On the 26th May 2019 LOOHT received a further noise complaint emanating from the Vaughan Street Industrial Estate. On investigation officers arrived at Vaughan Industrial Estate and observed 2 females selling pink paper wristbands for £5 at the entrance noted 2 SIA badged door staff with the females who agreed to alert the event organiser for LOOHT.

Officers walked through to a large outdoor industrial space and could see a drinks stand being set up with 3 spirits with optics on the end of the bottles. There were 2 gazebos set up, one side with seating and the other with a DJ and BBQ food. Loud excessive music and bass was audible again LOOHT

observed licensable activities taking place without authorisation and struggled to hold a conversation with organisers over the music volume. Officers believe there were 5 SIA doorman working.

The TEN applied for relating to this representation indicates the event will take place within the church hall, which will not cover the external area of the premises as previously used. The inside of the church hall is small in size and doubtful to hold 250 persons. We therefore have concerns as to how the capacity will be managed without causing disturbances to the local area.

The times applied for by the TEN are late in consideration to the proximity of local residents. We have concerns that allowing the TEN may cause further disturbance to local residents and events have taken place in the day time before, yet this TEN will allow the “party” to take place till 04:30hrs.

Due to LOOHT having witnessed licensing offences that are currently under investigation, officers feel they have no confidence that the Licensing Objectives will be upheld during this TEN. LOOHT therefore ask for the TEN to be refused.

Recommendation: Refuse

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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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Witness Statements
(Criminal Procedure Rules, Part 27)

Statement of witness

*(Criminal Procedure Rules, r27.1 (1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Devon Bennett

Age of witness: Over 18

Occupation of witness: **Licensing and Out of Hours Compliance Officer**

This statement consisting of 2 pages, signed by me and is true to the best of my knowledge and belief and I make it knowing that, if tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

I am employed by Manchester City Council as a Licensing and Out of Hours Compliance Officer. Parts of my duties include the enforcement of Section 136, 137 and 138 of the Licensing Act 2003 in relation to the offence of Unauthorised Licensable Activities; Exposing Alcohol for Unauthorised Sale and Keeping Alcohol on the Premises for Unauthorised Sale.

On the 30th May 2019, Manchester City Council's Premises Licensing Team took receipt of a Late Temporary Event Notice from [REDACTED]. The event was proposed to take place at the Church Uni 9 Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT for 8th to 9th June 14:00 – 04:30 and the 9th to 10th June 14:00 – 04:30 for a 'Event BBQ party, birthday parties, weddings, christening ,etc'. (Copy of TEN Exhibited as DB01)

On the 31st May 2019 PC 17659 Alan Isherwood, issued an objection to the Late Temporary Event Notice under Section 104(2) of the Licensing Act 2003. (Copy of Objection exhibited at DB02)

On the 3rd June 2019, Manchester City Councils Premises Licensing Team issued a Counter Notice to [REDACTED] under Section 104A of the Licensing Act 2003 which stated that due to the objection by GMP, the temporary event applied for could not go ahead. (Copy of Counter Notice Exhibited as DB03)

On the 9th June 2019 at 00:07hrs, Manchester City Council's Licensing and Out of Hours Compliance Officers visited the Church, Unit 9 Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT. The visit was requested by myself to ensure that the event did not go ahead. The officers noted that there was a large event taking place at the premises and observed a number of licensable activities taking place.

Officers spoke to two females who claimed to be in charge of the event. One of those spoken to was [REDACTED] whilst the other was [REDACTED] who is a [REDACTED]. This individual has previously been in attendance when offences had been witnessed

and has also been issued verbal warnings on each offence date and written warnings.

Whilst Officers were in attendance they witnessed Licensing Act 2003 Offences taking place and therefore a criminal investigation is now underway. The facts and matters set out in this statement were compiled from documents held by the Authority. The documents to which I have referred form part of the Authority's records maintained in the course of its profession. These records were compiled by people who had or may reasonably be supposed to have had, personal knowledge of the matters dealt with in the course of their profession but of which those people cannot reasonably be expected to have recollection of those matters having regard to the time which has elapsed since they created the document and to all the relevant circumstances.

Dated: 10th June 2019

Signed: 

Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (SI 1981/553), relating to rule 70 of the Magistrates' Courts Rules 1981, section 9 of the Criminal Justice Act 1967 and section 5B of the Magistrates' Courts Act 1980.

Temporary Event Notice

Payment Transaction number:- ASA/403813 | Form Reference number ASA/3142261

Premises User Information

Title

[REDACTED]

If other please state

Greater Manchester

Surname

[REDACTED]

Forenames

[REDACTED]

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

n/a

Your date of birth

[REDACTED]

Your place of birth

[REDACTED]

National Insurance Number

[REDACTED]

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

[REDACTED]

[REDACTED]

Telephone

[REDACTED]

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email address

[REDACTED]

Address

n/a

Telephone

n/a

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

n/a

Premises information

Please give the name and address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references)

Unit 9 Vaughan Industrial estate.
Vaughan Street
M12 5BT
Gorton

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

Events, Charities programmes, Church meetings and different type of events

Please describe the nature of the event

Event BBQ party, birthday parties, weddings, christening ,etc

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?

Yes

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

7th June 2019

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

14:00 to 04.30

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (maximum 499).

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

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

[REDACTED]

Capacity in which you are making this application

I will like to have it within the week of the date stated for the licence

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:

[REDACTED]>
Date: Thu, 30 May 2019 at 12:54
Subject: Re: Submission of TEN: Unit 9 Vaughan Industrial estate. Vaughan Street M12 5BT Gorton, 7th June 2019, ASA/3142261
To: Premises Licensing <premises.licensing@manchester.gov.uk>

It's both on the premises. Thanks

On Thu, 30 May 2019, 12:46 Premises Licensing, <premises.licensing@manchester.gov.uk> wrote:
Hello [REDACTED]

You have also put that alcohol will be for consumption off the premises. Surely people will be drinking the alcohol at the event so you should have put "On" or "both on and off the premises". Please confirm which you require.

Regards

Patrick

----- Forwarded message -----

From: **Premises Licensing** <premises.licensing@manchester.gov.uk>
Date: Thu, 30 May 2019 at 12:34
Subject: Fwd: Submission of TEN: Unit 9 Vaughan Industrial estate. Vaughan Street M12 5BT Gorton, 7th June 2019, ASA/3142261
To: <[REDACTED]>

Dear [REDACTED]

Further to our telephone call, please confirm the following by replying to this email:

The premises is a church and church hall.
The part of the premises where the event will take place is the Church Hall.
The event will start on 8th June 2019 **(Please confirm finish date and finish time on 9th or 10th)**
There will be a party and barbecue starting at 1400 and finishing at 0430 on 9th June.
There will be a second party starting on 9th June **(Please confirm start time and finish time).**

Regards
Patrick Ware
0161 234 4858

GREATER MANCHESTER POLICE



To: Manchester City Council
Licensing Unit
Town Hall Extension

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

31st May 2019

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 **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:	Church Hall
ADDRESS:	Unit 9 Vaughan Street Industrial Estate Vaughan Street Manchester M12 5BT
DATE OF EVENT:	08/06/19 – 10/06/19
TIME OF EVENT:	1400 – 0430hrs

This is a Late TEN submission.

Greater Manchester Police have already dedicated resources to safely police the area over this period and by allowing this Temporary Event will mean that Police resources will be stretched even further and, because of the late notification for the event, there is insufficient time for the local officers to factor this event into their patrol plan.

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

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

Date/Time 31/05/19.....1840 hrs



**MANCHESTER
CITY COUNCIL**

Premises Licensing Team

Telephone: +44 (0)161 234 5004

premises.licensing@manchester.gov.uk

Level 1 Town Hall Extension, Albert Square

PO Box 532, M60 2LA

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

3 June 2019

Ref: LT7232671

[REDACTED]

Subject line: Counter Notice following objection to Late Temporary Event Notice – TEN ref 232671/AM2: Church Hall, Unit 9, Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT, from 8 June 2019 to 10 June 2019.

Dear Sir / Madam

COUNTER NOTICE (LATE TEMPORARY EVENT NOTICE)

Premises name: Church Hall

Premises address: Unit 9, Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT

On 31 May 2019 Manchester City Council Licensing Unit received from [REDACTED] a late temporary event notice in respect of proposed temporary licensable activities due to take place on 8 June 2019 to 10 June 2019 at Church Hall, Unit 9, Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT.

Please be advised that the Licensing Unit has received an objection under section 104(2) of the Licensing Act 2003 ("the Act").

Where an objection notice is given in respect of a late temporary event notice the Licensing Unit must give the premises user a counter notice under section 104A of the Act. The counter notice is enclosed with this letter.

The serving of a counter notice means the event cannot take place.

Should you require any further information, please contact the undersigned on 0161 234 4139.

Yours faithfully

Ashia Maqsood



Premises Licensing Team
Manchester City Council
PO Box 532
Manchester M60 2LA

Counter Notice (Late Temporary Event Notice) – Permitted Temporary Activities

On 31 May 2019 the licensing authority received from you, [REDACTED], a late temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on 8 June 2019 to 10 June 2019 at Church Hall, Unit 9, Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT. The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 (“the Act”).

The objection which applies is indicated by an “X” in the following table.

Objection	Insert “X” as applicable
A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	X
A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	

A copy of this counter notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the late temporary event notice you gave is situated.

The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

Signature:	On behalf of the licensing authority	Date:	
Name of Officer signing:			



**MANCHESTER
CITY COUNCIL**

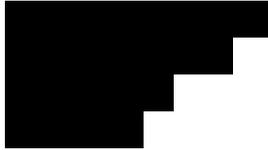
Premises Licensing Team

Telephone: +44 (0)161 234 5004

premises.licensing@manchester.gov.uk

Level 1 Town Hall Extension, Albert Square

PO Box 532, M60 2LA



3 June 2019

Ref: LT7232671



Subject line: Counter Notice following objection to Late Temporary Event Notice – TEN ref 232671/AM2: Church Hall, Unit 9, Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT, from 8 June 2019 to 10 June 2019.

Dear Sir / Madam

COUNTER NOTICE (LATE TEMPORARY EVENT NOTICE)

Premises name: Church Hall

Premises address: Unit 9, Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT

On 31 May 2019 Manchester City Council Licensing Unit received [REDACTED] a late temporary event notice in respect of proposed temporary licensable activities due to take place on 8 June 2019 to 10 June 2019 at Church Hall, Unit 9, Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT.

Please be advised that the Licensing Unit has received an objection under section 104(2) of the Licensing Act 2003 ("the Act").

Where an objection notice is given in respect of a late temporary event notice the Licensing Unit must give the premises user a counter notice under section 104A of the Act. The counter notice is enclosed with this letter.

The serving of a counter notice means the event cannot take place.

Should you require any further information, please contact the undersigned on 0161 234 4139.

Yours faithfully

Ashia Maqsood



Premises Licensing Team
Manchester City Council
PO Box 532
Manchester M60 2LA

Counter Notice (Late Temporary Event Notice) – Permitted Temporary Activities

On 31 May 2019 the licensing authority received from you, [REDACTED], a late temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on 8 June 2019 to 10 June 2019 at Church Hall, Unit 9, Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT. The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 (“the Act”).

The objection which applies is indicated by an “X” in the following table.

Objection	Insert “X” as applicable
A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	X
A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	

A copy of this counter notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the late temporary event notice you gave is situated.

The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

Signature:	On behalf of the licensing authority	Date:	
Name of Officer signing:			

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PREMISE NAME: Church Hall

PREMISE ADDRESS: Unit 9, Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT

WARD: Ardwick

HEARING DATE: 14/06/2019

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

Document is Restricted

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Temporary Event Notice

Payment Transaction number:- ASB/125469 | Form Reference number ASB/3146153

Premises User Information

Title

██████

If other please state

n/a

Surname

██████

Forenames

██████

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

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)

Unit 9 Vaughan Industrial estate
Vaughan Street.
Manchester
M12 5BT

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

Church hall

Please describe the nature of the event

Party

Licensable activities

The sale by retail of alcohol

Yes

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

No

The provision of regulated entertainment

Yes

The provision of late night refreshment

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.

15/06/2019 - 16/06/2019

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

15:00 - 0430

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).

200

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?

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

[REDACTED]

Capacity in which you are making this application

Party

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
Town Hall Extension

To: Miss Gloria Dortey

6th June 2019

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 Prevention of Crime and Disorder and the Prevention of Public Nuisance Objectives.

PREMISES NAME:	Church Hall
ADDRESS:	Unit 9 Vaughan Street Industrial Estate Vaughan Street Manchester M12 5BT
DATE OF EVENT:	15/06/19 – 16/06/19
TIME OF EVENT:	1500 – 0430hrs

Since GMP have had receipt of this TEN I have spoken to my colleagues, who work in the Manchester City Council Licensing and Out of Hours Team, and it has been brought to my attention that there are issues with the premises and its operation.

They have received several noise complaints in relation to events that have taken place at the premises and when the LOOH officers have attended to deal with these complaints they have witnessed unauthorised licensable activities taking place.

As such GMP have no confidence that the event would be operated in a manner which upholds the Licensing Objectives.

Therefore Greater Manchester Police ask that this application is refused.

GREATER MANCHESTER POLICE

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

Date/Time 06/06/19.....1240 hrs



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Devon Bennett
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	devon.bennett@manchester.gov.uk
Telephone Number	0161 227 3147

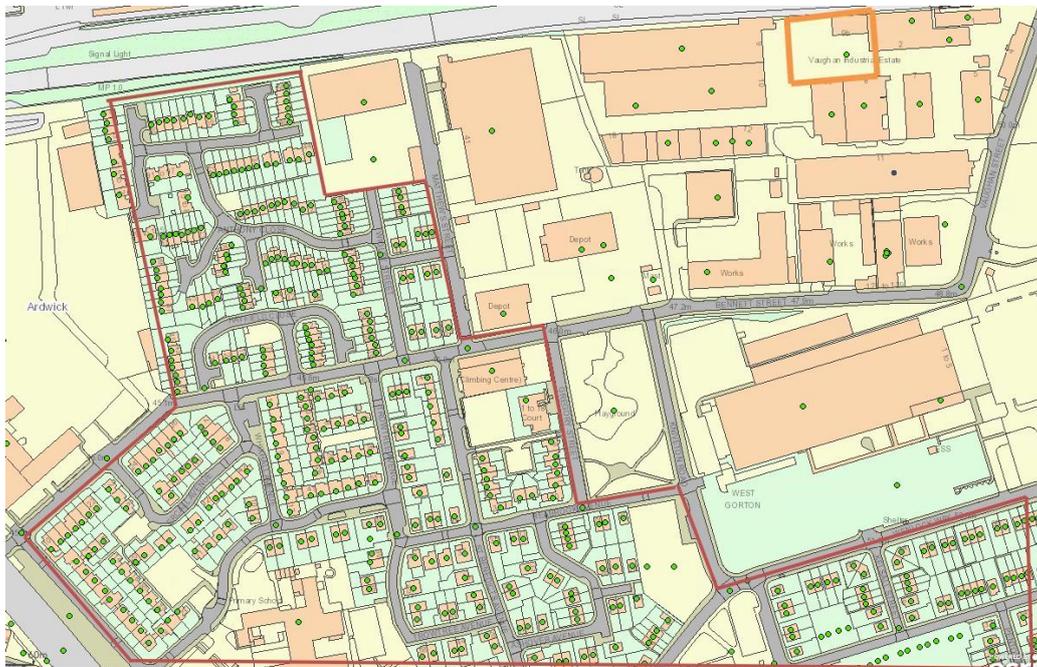
Premise Details

Application Ref No	232771
Name of Premises	Church Hall
Address	Unit 9, Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT

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 church hall resides at Unit 9 Vaughan Street Industrial Estate, Vaughan Street, Manchester, M12 5BT. The premises is set up with offices and a hall. The industrial estate hold approximately 15 other units and is located within an area of other industrial sites and residential properties. (see residential properties delineated on the map below in red with the TEN delineated in Orange).



The TEN has applied for 15th and 16th June 2019 with times of 15:00hrs to 04:30hrs on both days. The TEN has applied for the sale of alcohol on the premises. The Provision of Regulated Entertainment. The TEN has listed 250 persons in attendance.

On the 25th April 2019, Licensing and Out of Hours Team (LOOHT) received a noise complaint from a local resident regarding loud music and bass emanating from the Vaughan Street Industrial Estate, being described as “banging bass” Every Bank Holiday or within the School Holidays. The complainant was advised to call the team when the noise was disturbing them so officers could attend to witness the noise. At that time the exact location was unknown and therefore the standard warning letter sent to the alleged perpetrators was not sent.

On the 19th May 2019, LOOHT were requested to attend the residential property to witness a noise disturbance from the premises. Officers attended and assessed from both street level and within the residential property where music could be heard approximately 100m away from the industrial estate.

LOOHT investigated further the source of the noise and located to be emanating from the car park of the industrial estate. Two females were sat at the entrance to the estate. Officers spoke to a female who advised she was a trustee of the charity based at unit 9 and the unit was a church the Disciples Pentecostal Church.

On investigation LOOHT noted on the carpark a DJ set up with 4 speakers on the ground and 2 speakers on poles at head height, BBQ/food stall, and persons in attendance consuming alcohol. The trustee advised the event was in aid of a charity and no alcohol was on site. LOOHT advised they had witnessed a number of people outside with cans of Red Stripe lager, the trustee denied people had alcohol at the event. Explained the offences’ due to there being no authorisation regarding the regulated entertainment. The music was of a loud nature and was set-up on a car park on an unlicensed premises. The entertainment was not incidental music as provided central entertainment for the event, the entertainment was also not inside the church hall (or the entertainment could have been exempt). Under 16.3 of the Section Guidance 182 Licensing Act 2003 the event was not in private as any person could attend and therefore is open to a public audience.

Similarly the trustee was informed that the area was open to the public without payment and as per the Local Government Miscellaneous Provisions Act 1982 Schedule 4 Section 1(a). That the sale of food from the BBQ could require the need for authorisation under that Act. LOOHT advised again on how to apply for permission for future events of a similar nature. Later that evening LOOHT received another noise complaint and subsequently spoke to the organisers to reduce the sound levels.

On the 26th May 2019 LOOHT received a further noise complaint emanating from the Vaughan Street Industrial Estate. On investigation officers arrived at Vaughan Industrial Estate and observed 2 females selling pink paper wristbands for £5 at the entrance noted 2 SIA badged door staff with the females who agreed to alert the event organiser for LOOHT.

Officers walked through to a large outdoor industrial space and could see a drinks stand being set up with 3 spirits with optics on the end of the bottles. There were 2 gazebos set up, one side with seating and the other with a DJ and BBQ food. Loud excessive music and bass was audible again LOOHT

observed licensable activities taking place without authorisation and struggled to hold a conversation with organisers over the music volume. Officers believe there were 5 SIA doorman working.

The TEN applied for relating to this representation indicates the event will take place within the church hall, which will not cover the external area of the premises as previously used. The inside of the church hall is small in size and doubtful to hold 250 persons. We therefore have concerns as to how the capacity will be managed without causing disturbances to the local area.

The times applied for by the TEN are late in consideration to the proximity of local residents. We have concerns that allowing the TEN may cause further disturbance to local residents and events have taken place in the day time before, yet this TEN will allow the “party” to take place till 04:30hrs.

Due to LOOHT having witnessed licensing offences that are currently under investigation, officers feel they have no confidence that the Licensing Objectives will be upheld during this TEN. LOOHT therefore ask for the TEN to be refused.

Recommendation: Refuse

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**Charity
Commission**

**The Regulator for Charities
in England and Wales**

1170238 - DISCIPLES PENTECOSTAL CHURCH

DUE DOCUMENTS RECEIVED

Activities

NO INFORMATION RECORDED

Financial summary

Financial year end (FYE)	Income	Spending	Accounts received	Annual Return/Annual Update received
31 Aug 2017	£3,590	£3,683	15 Dec 2017	15 Dec 2017

Contact

173 MOUNT ROAD
MANCHESTER
M18 7QT

Tel: 07453625825
Email: disciplesmanchester@yahoo.com

Charity trustees

DIANA AREYETEY
REV KINGSLEY GYANSAH GHARTEY

GLORIA DOMEY

Date of registration

17 Nov 2016

Other names

- THE DISCIPLES HOPE OF LIFE MINISTRY INT (Old Name)

Governing document

CIO - FOUNDATION REGISTERED 17 NOV 2016 REGISTERED ON 29 JAN 2018

Organisation type

CHARITABLE INCORPORATED ORGANISATION

Registration history

17 NOVEMBER 2016 REGISTERED

Charitable objects

THE OBJECT OF THE CIO IS FOR THE BENEFIT OF THE PUBLIC: TO ADVANCE THE CHRISTIAN FAITH IN ACCORDANCE WITH THE STATEMENT OF BELIEFS IN SUCH WAYS AS THE TRUSTEES FROM TIME TO TIME MAY THINK FIT

Classification**What**

- RELIGIOUS ACTIVITIES

Who

- THE GENERAL PUBLIC/MANKIND

How

- PROVIDES ADVOCACY/ADVICE/INFORMATION

Area of benefit

NO INFORMATION RECORDED

Where the charity operates

- THROUGHOUT ENGLAND

Note: This report is compiled from public information that the Charity Commission holds on the Register of Charities on 12 June 2019.

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**MANCHESTER
CITY COUNCIL**

DISCIPLES PENTECOSTAL CHURCH

173 Mount Road
Manchester
M18 7QT

The Neighbourhoods Service
Growth & Neighbourhoods
PO Box 532, Town Hall,
Manchester,
M60 2LA

To reply please contact
Devon Bennett

Tel: 0161 5004

Email: devon.bennett@manchester.gov.uk

Date: 29 May 2019

Dear Sir / Madam

**Environmental Protection Act 1990, Section 79 – 80
Noise nuisance investigation**

**Licensing Act 2003, Section 136 – 138
Unauthorised Licensable Activity, Exposing Alcohol for Unauthorised Sale
and Keeping Alcohol on the Premises for Unauthorised Sale**

**At: 9a Vaughan Street Industrial Park, Vaughan Street, Manchester, M12
5DU**

The Council wrote to you on 24/05/2019 regarding a complaint of noise nuisance arising from the above premises due to loud music.

Further information has been received which suggests that the complaint may be justified. A formal investigation is now being pursued which may include monitoring of any noise and the use of recording equipment. If suitable evidence of a statutory nuisance is obtained, further action will be taken, which may result in legal proceedings being taken against you.

I have also enclosed a warning letter outlining offences of the Licensing Act 2003, which we also believe may have been taking place.

If the alleged problem stops, then no further action will be necessary.

Please contact me if you wish to discuss the matter further.

Yours faithfully,

Devon Bennett
Licensing & Out of Hours Officer

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**Licensing & Out of Hours Compliance
The Neighbourhoods Service**

PO Box 532, Town Hall
Manchester, M60 2LA

DISCIPLES PENTECOSTAL CHURCH

173 Mount Road
Manchester
M18 7QT

To reply please contact:
Devon Bennett

Tel: 0161 227 3147

Email: devon.bennett@manchester.gov.uk

Ref: 629278

Date: 29 May 2019

Dear Sir / Madam

**At: Unit 9a Vaughan Industrial Est, Vaughan Street, Manchester, M12 5DU
Environmental Protection Act 1990, Licensing Act 2003,**

Manchester City Council as a Licensing Authority has no record of receipt of an application to carry out a licensable activity at , Unit 9a Vaughan Industrial Est, Vaughan Street, Manchester, M12 5DU as required by the Licensing Act 2003.

You should be aware that under Section 136 of the Licensing Act 2003 it is an offence to carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an 'authorisation' or knowingly allow a licensable activity to be so carried on. An authorisation includes a premises licence, club premises certificate or temporary event notice. In other words you must have one of these authorisations from the City Council before carrying on the licensable activity. A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both..

Please accept this letter as notice that you are required, with immediate effect, to cease carrying out all licensable activity until you have been granted a licence to do so.

If you are in any doubt about whether you are carrying on a licensable activity you should obtain legal advice immediately. Licensable activities include providing late night refreshment between 23:00 and 05:00 hours, supplying alcohol, or providing "Regulated entertainment."

Should we obtain suitable evidence that shows you are or are attempting to carry out a licensable activity without the required authorisation this matter will be passed to the City Solicitors which may result in proceedings being taken against you in the Magistrates Court.

If you have any questions about how to apply for an authorisation to carry out licensable activities please contact the Licensing Unit by telephone on 0161 234 5004 or by email on premises.licensing@manchester.gov.uk.

The Environmental Protection Act 1990 allows the Council to serve a Statutory Nuisance Abatement Notice where it is satisfied that a Statutory Nuisance exists. A Statutory Nuisance Abatement Notice is a legal document that requires those responsible for the nuisance to abate it. Failure to comply with such a Notice is a criminal offence. Should we obtain satisfactory evidence that a Statutory Nuisance is being caused by loud music we will not hesitate to take this enforcement action

You should be aware that we may now carryout monitoring visits to your premises or the area around it to ensure compliance with Licensing Act 2003 and to investigate a potential Statutory Noise Nuisance.

Should we obtain satisfactory evidence that demonstrates that Licensing Offences have taken place then this matter will be passed to the City Solicitors which may result in legal proceedings being taken against you in the Magistrates Court.

If you have any questions about this letter or wish to discuss this further please contact me on the number above.

Yours sincerely

Devon Bennett
Licensing & Out of Hours Officer



DISCIPLES PENTECOSTAL CHURCH

9 Vaughan Street Industrial Park
Vaughan Street
Manchester
M12 5DU

The Neighbourhoods Service
Growth & Neighbourhoods
PO Box 532, Town Hall,
Manchester,
M60 2LA

To reply please contact
Devon Bennett

Tel: 0161 5004

Email: devon.bennett@manchester.gov.uk

Date: 29 May 2019

Dear Sir / Madam

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Noise nuisance investigation**

**Licensing Act 2003, Section 136 – 138
Unauthorised Licensable Activity, Exposing Alcohol for Unauthorised Sale
and Keeping Alcohol on the Premises for Unauthorised Sale**

**At: 9a Vaughan Street Industrial Park, Vaughan Street, Manchester, M12
5DU**

The Council wrote to you on 24/05/2019 regarding a complaint of noise nuisance arising from the above premises due to loud music.

Further information has been received which suggests that the complaint may be justified. A formal investigation is now being pursued which may include monitoring of any noise and the use of recording equipment. If suitable evidence of a statutory nuisance is obtained, further action will be taken, which may result in legal proceedings being taken against you.

I have also enclosed a warning letter outlining offences of the Licensing Act 2003, which we also believe may have been taking place.

If the alleged problem stops, then no further action will be necessary.

Please contact me if you wish to discuss the matter further.

Yours faithfully,

Devon Bennett

Licensing & Out of Hours Officer



**Licensing & Out of Hours Compliance
The Neighbourhoods Service**

PO Box 532, Town Hall
Manchester, M60 2LA

DISCIPLES PENTECOSTAL CHURCH

9a Vaughan Street Industrial Park
Vaughan Street
Manchester
M12 5DU

To reply please contact:
Devon Bennett

Tel: 0161 227 3147

Email: devon.bennett@manchester.gov.uk

Ref: 629278

Date: 29 May 2019

Dear Sir / Madam

**At: Unit 9a Vaughan Industrial Est, Vaughan Street, Manchester, M12 5DU
Environmental Protection Act 1990, Licensing Act 2003,**

Manchester City Council as a Licensing Authority has no record of receipt of an application to carry out a licensable activity at , Unit 9a Vaughan Industrial Est, Vaughan Street, Manchester, M12 5DU as required by the Licensing Act 2003.

You should be aware that under Section 136 of the Licensing Act 2003 it is an offence to carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an 'authorisation' or knowingly allow a licensable activity to be so carried on. An authorisation includes a premises licence, club premises certificate or temporary event notice. In other words you must have one of these authorisations from the City Council before carrying on the licensable activity. A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both..

Please accept this letter as notice that you are required, with immediate effect, to cease carrying out all licensable activity until you have been granted a licence to do so.

If you are in any doubt about whether you are carrying on a licensable activity you should obtain legal advice immediately. Licensable activities include providing late night refreshment between 23:00 and 05:00 hours, supplying alcohol, or providing "Regulated entertainment."

Should we obtain suitable evidence that shows you are or are attempting to carry out a licensable activity without the required authorisation this matter will be passed to the City Solicitors which may result in proceedings being taken against you in the Magistrates Court.

If you have any questions about how to apply for an authorisation to carry out licensable activities please contact the Licensing Unit by telephone on 0161 234 5004 or by email on premises.licensing@manchester.gov.uk.

The Environmental Protection Act 1990 allows the Council to serve a Statutory Nuisance Abatement Notice where it is satisfied that a Statutory Nuisance exists. A Statutory Nuisance Abatement Notice is a legal document that requires those responsible for the nuisance to abate it. Failure to comply with such a Notice is a criminal offence. Should we obtain satisfactory evidence that a Statutory Nuisance is being caused by loud music we will not hesitate to take this enforcement action

You should be aware that we may now carryout monitoring visits to your premises or the area around it to ensure compliance with Licensing Act 2003 and to investigate a potential Sattutory Noise Nuisance.

Should we obtain satisfactory evidence that demonstrates that Licensing Offences have taken place then this matter will be passed to the City Solicitors which may result in legal proceedings being taken against you in the Magistrates Court.

If you have any questions about this letter or wish to discuss this further please contact me on the number above.

Yours sincerely

Devon Bennett
Licensing & Out of Hours Officer



Licensing Out of Hours
Manchester City Council
Hammerstone Road Depot
Gorton
Manchester
M18 8EQ

Company Secretary

[REDACTED]
Unit 9a Vaughan Industrial Est
Vaughan Street
Manchester
M12 5DU

To reply please contact:
Devon Bennett

0161 227 3147

Date: 24 May 2019
Dear Sir / Madam

Noise Disturbance

I have received a complaint about a noise problem, which might be arising from your address due to loud music.

My reason for writing is to let you know about the complaint, and to ask you to consider whether a problem is occurring of which you might not be aware. At this stage I have not carried out any other investigation, although you should be aware that if additional complaints are received I will be obliged to investigate the matter further. This may involve noise monitoring, including the use of sound recording equipment in order to make a fair assessment of the situation.

If you would like more information on how we deal with noise complaints then please visit our website on www.manchester.gov.uk.

Please contact me if you wish to discuss the matter further.

Yours faithfully,

Devon Bennett
Licensing & Out of Hours Officer



Licensing Out of Hours
Manchester City Council
Hammerstone Road Depot
Gorton
Manchester
M18 8EQ

Company Secretary
Maine Commercial Property Ltd
Unit 9a Vaughan Industrial Est
Vaughan Street
Manchester
M12 5DU

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Devon Bennett

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Yours faithfully,

Devon Bennett
Licensing & Out of Hours Officer



**MANCHESTER
CITY COUNCIL**

Licensing Out of Hours
Manchester City Council
Hammerstone Road Depot
Gorton
Manchester
M18 8EQ

The Disciples Hope of Life Ministry Int
Unit 9a Vaughan Industrial Est
Vaughan Street
Manchester
M12 5DU

To reply please contact:
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