



Licensing Sub Committee Hearing Panel

Date: Monday, 1 July 2019

Time: 10.00 am

Venue: Council Chamber - Manchester City Council

Everyone is welcome to attend this committee meeting.

This is a revised agenda showing changes to the planned business since the agenda was originally 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 - T Judge (Chair), Lynch and Lyons

Agenda

1. Urgent Business

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

2. Appeals

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

3. Interests

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

4. Temporary Event Notice - Road outside New York New York, 98 Bloom Street, Manchester, M1 3LY

Previously circulated.

5. Application for New Premises Licence - Cafe/Bar (Name to be confirmed), 67 Church Road, Manchester, M22 4WD

Previously circulated.

6. Application for a New Premises Licence - Wolf Italian Street Food, Unit G23, 1 Spinningfields Square, Manchester, M3 3AP

Previously circulated.

7. Temporary Event Notice - Parrs Wood Sports Centre, Sports Hall, Parrs Wood High School, Wilmslow Road, Manchester, M20 5PG

5 - 34

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

8. Temporary Event Notice - Church Hall, Unit 9, Vaughan Street Industrial Estate,, Vaughan Street, Manchester

35 - 38

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

9. Premises Licence Variation - Spinningfields Public Realm - Determination

39 - 40

Information about the Committee

The Licensing and Appeals Committee fulfills the functions of the Licensing Authority in relation to the licensing of taxi drivers.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

Further Information

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

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This agenda was issued on **Wednesday, 26 June 2019** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 1 July 2019

Subject: Parrs Wood Sports Centre, Sports Hall, Parrs Wood High School, Wilmslow Road, Manchester, M20 5PG

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:

Didsbury East

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: Patrick Ware
Position: Technical Licensing Officer
Telephone: 0161 234 4858
E-mail: p.ware@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 17 June 2019, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Parrs Wood Sports Centre, Sports Hall, Parrs Wood High School, Wilmslow Road, Manchester, M20 5PG in the Didsbury East 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 Luke Potts.
- 2.3 The description of the event is Boxing Event.
- 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this TEN.
- 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
- 2.4 **Activities unsuitable for children**
- 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

3. **Objection Notice**

- 3.1 An objection notice was received from GMP in respect of the TEN (**Appendix 3**). The personal details of all members of the public have been redacted.

Original copies of these objections will be available to the Panel at the hearing.

3.2 Summary of the objections:

Party	Grounds of representation	Recommends
GMP	<p>Concerns regarding Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance.</p> <p>There is no detail within the application as to who the people involved in the boxing matches are GMP have had issues with boxing events recently whereby large scale disorder has broken out due to rivalries between followers of certain boxers.</p>	Serve a counter notice

4. Key Policies and Consideration

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**

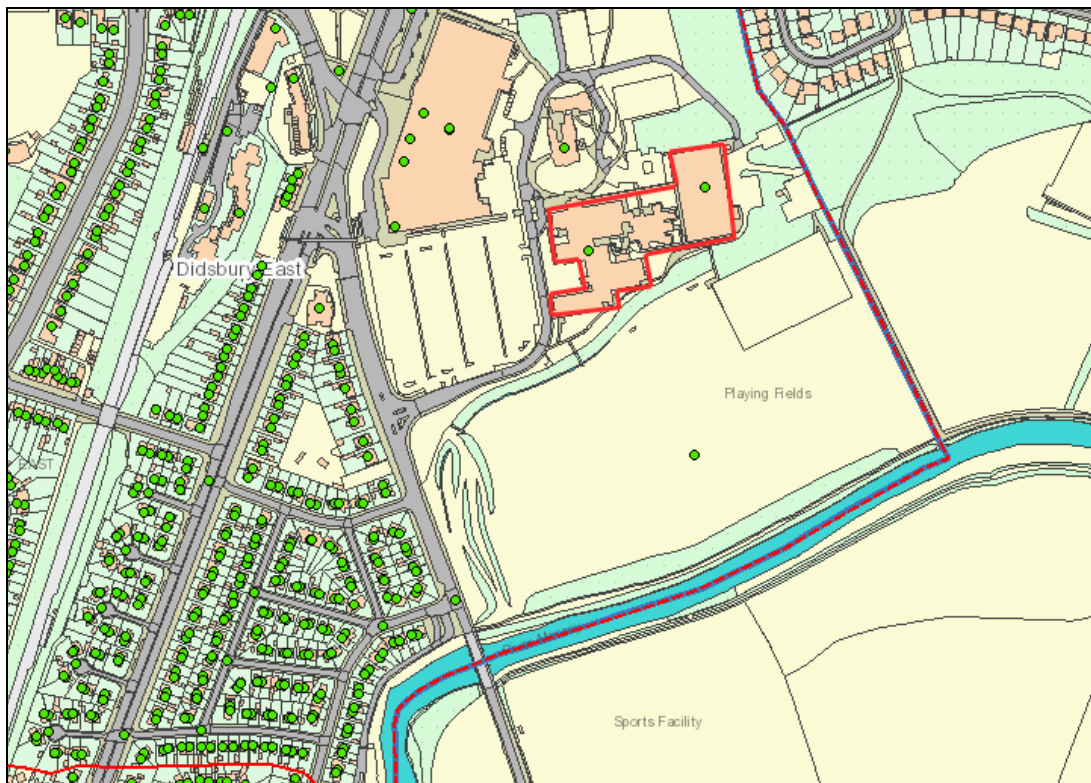
- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and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



PREMISE NAME:	Parrs Wood Sports Centre
PREMISE ADDRESS:	Sports Hall, Parrs Wood High School, Wilmslow Road, Manchester, M20 5PG
WARD:	Didsbury East
HEARING DATE:	01/07/2019

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Temporary Event Notice

Payment Transaction number:- ASB/139155 | Form Reference number ASB/3169718

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)

n/a

Your date of birth

Your place of birth

National Insurance Number

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

Telephone

Evening telephone

n/a

Mobile phone

[REDACTED]

Fax number

n/a

Email address

[REDACTED]

Address

n/a

Telephone

n/a

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

n/a

Premises information

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

Parrs Wood Sports Centre,
Wilmslow Road,
East Didsbury,
Manchester,
M20 5PG

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.

Sports Hall/Side Room/Upstairs Dance Studio

Please describe the nature of the premises

Sports Centre

Please describe the nature of the event

Boxing Event

Licensable activities

The sale by retail of alcohol

Yes

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

No

The provision of regulated entertainment

Yes

The provision of late night refreshment

Yes

Are you giving a late temporary event notice?

No

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

20/07/2019

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

12:00-22:30

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).

499

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both

On

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

No

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

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

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

Capacity in which you are making this application

Event Manager

Additional information

I_understand Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

On behalf of the Licensing Authority

Date:

Name of officer signing:

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

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GREATER MANCHESTER POLICE



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

To:



20th 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:	Parrswood Sports Centre
ADDRESS:	Parrswood High school Wilmslow Road Manchester M20 5PG
DATE OF EVENT:	20/07/19
TIME OF EVENT:	1200 – 2230 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 TEN is to allow alcohol, regulated entertainment and late night refreshment at a boxing event for up to 499 people.

There is no detail within the application as to who the people involved in the boxing matches are and GMP have had issues with boxing events recently whereby large scale disorder has broken out due to rivalries between followers of certain boxers.

GMP have sent out a risk assessment form to the applicant requesting more details about the event and the fighters but at this time of submitting this objection this has not been completed and returned.

GREATER MANCHESTER POLICE

Therefore GMP are concerned that without the level of information we require being provided we are unable to risk assess this event.

As such we ask that this TEN application is refused.

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

Date/Time 20th June 2019 0640 hrs

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

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Raw & Ready Charity Boxing Event 20th July 2019

**Parrswood Sports Centre
East Didsbury
M20 5PG**

We are hosting a charity boxing event on the 20th July 2019, at Parrswood Sports Centre, East Didsbury. The event is in aid of raising money towards the RSPCA in Salford.

We have 13 bouts in total all of which are 3 rounds x 2 minutes, all participants have trained in house together for 8 weeks at 2 Technical Muay Thai.

There is an expected attendance of 400-450 people

Doors to the event open at 3pm with the first bout due to start at 4pm

We expect the event to be completed by 9.30pm

We will have 6 SIA registered security, these will be covering the main entrance, food & beverage area, and in the main hall.

We will also have between 8-10 of our own staff in various positions around the main hall. Making sure walk ways, stairways, entrances and exits are not obstructed.

Bar staff used all have previous bar and catering experience, and apply a challenge 25 policy.

Bar staff only serve into plastic cups, as there are no glass bottles being served to anyone.

We have held 4 previous Muay Thai events at Parrswood Sports centre, with the TEN previously being applied for by MARTYN EYRE & DEASHA BERRY. Both of these two are unavailable on this date hence it is being applied by LUKE POTTS, who has been co-promoter on the previous events.

Previous events have ran smoothly with no issues or trouble, we have also asked the venue for a reference and also the previous security.

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**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	233606
Name of Premises	Church Hall
Address	Unit 9 Vaughan Street Industrial Estate", Vaughan Street, Manchester

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 Tem (LOOHT) have assessed the late temporary event notice for the date 7th July 2019. Upon assessing this TEN the LOOHT have found concerns regarding the Public Nuisance Licensing Objective.</p> <p>The TEN applied for is 7th July 2019 times 13:00hrs – 22:00hrs for 200 persons. The TEN has applied for the Sale of Alcohol and Regulated Entertainment. The event is a family fun day BBQ. Which will have fairground rides, a DJ, stalls and games.</p> <p>The LOOHT have an active noise complaint against this premises and believes that allowing this TEN will become a Public Nuisance for local residents. The LOOHT are also investigating Licensing Offences witnessed at the premises from previous events.</p> <p>The LOOHT have contacted the TEN to discuss the organisation and the TEN has little to no knowledge on what the Licensing Objectives are and what they mean. They have shown no understanding of how noise will be managed and how they will be able to avoid noise nuisance affecting local residents.</p> <p>The TEN has not shown enough evidence to mitigate the concerns of the LOOHT, that the event will uphold the Licensing Objectives.</p> <p>We therefore object to this late TEN and ask for a counter-notice be issued.</p>
Recommendation: Refuse Application

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GREATER MANCHESTER POLICE



To: Manchester City Council
Licensing Unit
Town Hall Extension

To: Miss Tenesha Manning



24th 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:	07/07/19
TIME OF EVENT:	1300 – 2200 hrs

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 24/06/19.....1030 hrs



MANCHESTER
CITY COUNCIL

Licensing Act 2003 (Hearings) Regulations 2005

Reference: 232464
Name: Spinningfields Public Realm
Address: Manchester
Ward: Deansgate
Application Type: Premises Licence variation
Name of Applicant: Allied London Properties Limited
Date of application: 23/05/2019

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

Proposed amendment to licence

Amendment to plan that forms part of the licence

Representations received

Licensing & Out of Hours Compliance	The plan as submitted with the application raises concerns that the public nuisance and public safety objectives could be undermined
Resident x 1	The resident comments that “allowing the licence to be exercised to the extended realm will lead to a degradation of lifestyle for the residents of the apartments”

Agreements between parties

The application requested to amend the plan attached to the licence. Agreement was reached with the OOH team following submission of an amended plan for a new, smaller area. The amended plan that is the basis of the agreement is attached. The agreement reached with OOH team also satisfies the concerns raised by the resident.

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
- Original application form
- Representations made against application and respective agreements