



## **Licensing Sub Committee Hearing Panel**

Date: Monday, 8 July 2019

Time: 10.00 am

Venue: Council Antechamber - Level 2, Town Hall Extension

This is a **Revised Supplementary Agenda** containing information that was not available when the agenda was first published and notification of two items of business that have been withdrawn (Item 4 and Item 5).

### **Access to the Town Hall Extension**

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**

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**Councillors** - Grimshaw (Chair), Jeavons and Lyons

## Revised Agenda

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**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. Application for a new Premises Licence - Shakedown, 1 Queen Street West, Manchester, M20 3BQ**

This application has been withdrawn.

**5. Temporary Event Notice - The Talleyrand, 1030 Stockport Road, Manchester, M19 3WX**

This application has been withdrawn.

**6. Temporary Event Notice - No.1 Canal Street, 1 Canal Street, Manchester, M1 3HE**

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

## Information about the Committee

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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

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

Andrew Woods  
Tel: 0161 234 3043  
Email: [andrew.woods@manchester.gov.uk](mailto:andrew.woods@manchester.gov.uk)

This revised agenda was issued on **Wednesday 3 July 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 – 8 July 2019

**Subject:** No 1 Canal Street, 1 Canal Street, Manchester, M1 3HE - ref: LTN233906

**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:** Piccadilly

| <b>Manchester Strategy Outcomes</b>   | <b>Summary of the contribution to the strategy</b>  |
|---|---|
| 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

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### **Financial Consequences – Revenue**

None

### **Financial Consequences – Capital**

None

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### **Contact Officers:**

Name: Fraser Swift  
 Position: Principal Licensing Officer  
 Telephone: 0161 234 1176  
 E-mail: 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 27 June 2019, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of No 1 Canal Street, 1 Canal Street, Manchester, M1 3HE in the Piccadilly ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

## 2. The Notice

- 2.1 A copy of the TEN is attached at **Appendix 2**.
- 2.2 The premises user is Danielle Condron.
- 2.3 The description of the event is Portable bar on cobbled area outside No1 Canal St for Pride.
  - 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this TEN.
  - 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
  - 2.3.3 The premises is subject to a premises licence issued under the Licensing Act 2003. A copy of the licence is included at **Appendix 4**.
- 2.4 **Activities unsuitable for children**
  - 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

### 3. **Objection Notice(s)**

3.1 An objection notice was received from 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:

| <b>Party</b>                                 | <b>Grounds of representation</b>   | <b>Recommends</b>      |
|--|--|------------------------|
| <b>GMP</b>                                   | Concerns regarding public safety in that, during Pride, Canal Street becomes extremely congested - additional queueing for a bar will cause further congestion, especially with venues increasingly having outside entertainment such as dancers, singers, etc. causing further congestion in that area. This is contrary to an informal agreement with GMP to not have venues selling directly onto Canal Street. | Serve a counter notice |
| <b>Licensing and Out of Hours Compliance</b> | Concerns regarding issues of public nuisance, public safety and protection of children from harm. Queueing at an external bar will increase congestion. There will be increased risk of proxy sales, pressure on staff not to undertake ID checks and an increase in litter from plastic glasses.  | Serve a counter notice |

### 4. **Key Policies and Considerations**

#### 4.1 **Legal Considerations**

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

#### 4.2 **New Information**

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

#### 4.3 **Hearsay Evidence**

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



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

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

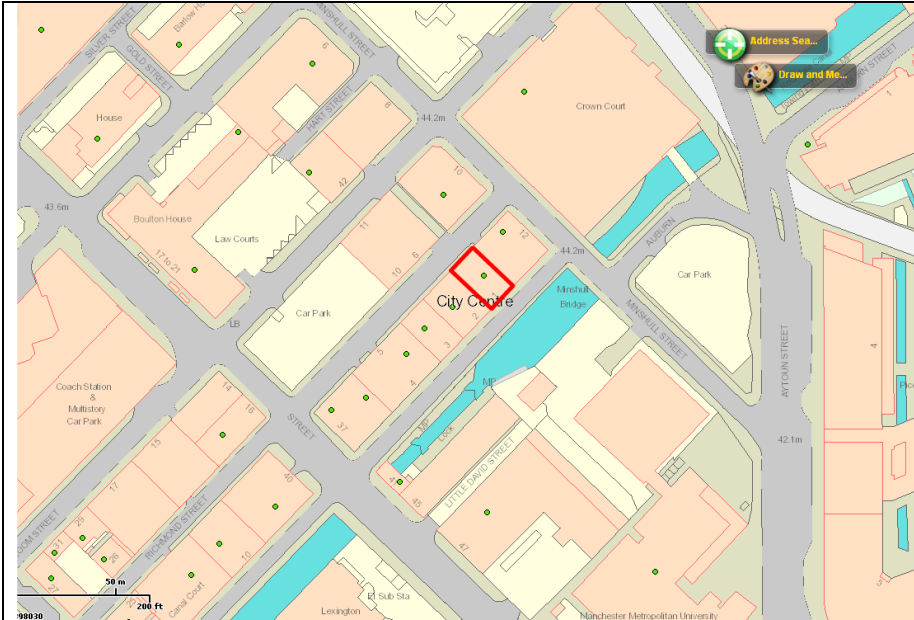
#### 4.5 **Manchester Statement of Licensing Policy**

- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 4.5.4 Where the authority considers that to impose on the TEN one or more of the conditions from a premises licence or club premises certificate in force at the premises (insofar as such conditions are not inconsistent with the event) is appropriate for the promotion of the licencing objectives, the policy is to give notice to the premises user that includes a statement of the conditions imposed. Copies of this notice will be provided for GMP and LOOH.
- 4.5.5 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.

### 5. **Conclusion**

- 5.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:

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



|                         |                                    |
|-------------------------|------------------------------------|
| <b>PREMISE NAME:</b>    | No 1 Canal Street                  |
| <b>PREMISE ADDRESS:</b> | 1 Canal Street, Manchester, M1 3HE |
| <b>WARD:</b>            | Piccadilly                         |
| <b>HEARING DATE:</b>    | 08/07/2019                         |

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

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### Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

|  |  |                 |        |
|--|--|-----------------|--------|
| <b>1. The personal details of premises user (Please read note 1)</b>   |  |                 |        |
| <b>1. Your name</b>  |  |                 |        |
| Title  | Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state) |                 |        |
| Surname  | ██████████   |                 |        |
| Forenames  | ██████████   |                 |        |
| <b>2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)</b> |  |                 |        |
| Title  | Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)            |                 |        |
| Surname  |  |                 |        |
| Forenames  |  |                 |        |
| <b>3. Your date of birth</b>   |  | Day             | Year   |
|  |  | ██████          | ██████ |
| <b>4. Your place of birth</b>  |  |                 |        |
| ██████████   |  |                 |        |
| <b>5. National Insurance Number</b>  |  |                 |        |
| ██████████   |  |                 |        |
| <b>6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)</b>             |  |                 |        |
| ██████████   |  |                 |        |
| Post town  |  | Postcode        |        |
| ██████   |  | ██████████      |        |
| <b>7. Other contact details</b>  |  |                 |        |
| Telephone numbers  |  |                 |        |
| Daytime  |  |                 |        |
| Evening (optional)   |  |                 |        |
| Mobile (optional)  | ██████████   |                 |        |
| Fax number (optional)  |  |                 |        |
| E-Mail address (if available)  |  |                 |        |
| <b>8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)</b>                  |  |                 |        |
| Kuit Steinart Levy LLP<br>3 St Mary's Parsonage  |  |                 |        |
| Post town Manchester   |  | Postcode M3 2RD |        |
| <b>9. Alternative contact details (if applicable)</b>  |  |                 |        |

|  |            |
|--|------------|
| Telephone numbers:<br>Daytime<br>Evening (optional)<br>Mobile (optional)   | [REDACTED] |
| Fax number (optional)  |            |
| E-Mail address<br>(if available)   | [REDACTED] |
| <b>2. The premises</b>   |            |
| Please give the 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)<br>(Please read note 2)  |            |
| External area across from No1 Canal Street<br>1 Canal Street<br>Manchester<br>M1 3HE   |            |
| Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.   |            |
| Premises licence number  |            |
| Club premises certificate number   |            |
| 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 below. (Please read note 3)  |            |
| Please see attached plan.  |            |
| Please describe the nature of the premises below. (Please read note 4)   |            |
| External area.   |            |
| Please describe the nature of the event below. (Please read note 5)  |            |
| The purpose of this notification is to allow for a portable bar to be placed on the cobbled side of the road opposite No 1 Canal Street to allow for the sale of alcohol during Pride 2019. The bar shall be operated by No 1 Canal Street. All drinks shall be served in plastic drinking containers/plastic bottles/cans. Challenge 21 shall be operated at all times. The bar shall be manned at all times and monitored by security. |            |



| 3. The licensable activities  |                       |                          |
|---|-----------------------|--------------------------|
| Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)   |                       |                          |
| The sale by retail of alcohol   |                       | X                        |
| The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club  |                       | <input type="checkbox"/> |
| The provision of regulated entertainment  |                       | <input type="checkbox"/> |
| The provision of late night refreshment   |                       | <input type="checkbox"/> |
| Are you giving a late temporary event notice? (Please read note 7)  |                       | <input type="checkbox"/> |
| Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)  |                       |                          |
| 23 <sup>rd</sup> , 24 <sup>th</sup> , 25 <sup>th</sup> and 26 <sup>th</sup> August 2019   |                       |                          |
| Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)  |                       |                          |
| 12noon until 23:00 each day   |                       |                          |
| 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. (Please read note 10) |                       | 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 (please tick as appropriate). (Please read note 11)  | On the premises only  | <input type="checkbox"/> |
|   | Off the premises only | <input type="checkbox"/> |
|   | Both                  | X                        |

|   |
|---|
| <p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)</p> <p>N/A</p> |
|---|

| 4. Personal licence holders (Please read note 13)                                 |                  |                                |
|---|------------------|--------------------------------|
| Do you currently hold a valid personal licence?<br>(Please tick)                  | Yes<br>X         | No<br><input type="checkbox"/> |
| If "Yes" please provide the details of your personal licence below.               |                  |                                |
| Issuing licensing authority   | Trafford Council |                                |
| Licence number<br>Date of issue<br>Date of expiry<br>Any further relevant details | PA063590         |                                |

| 5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)  |                                 |         |
|--|---------------------------------|---------|
| 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<br><input type="checkbox"/> | No<br>X |
| If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year                                 |                                 |         |
| Have you already given a temporary event notice for the same premises in which the event period:<br>a) ends 24 hours or less before; or<br>b) begins 24 hours or less after<br>the event period proposed in this notice? | Yes<br><input type="checkbox"/> | No<br>X |

| 6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)   |                                 |         |
|--|---------------------------------|---------|
| 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<br><input type="checkbox"/> | No<br>X |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.   |                                 |         |
| Has any associate of yours already given a temporary event notice for the same premises in which the event period:<br>a) ends 24 hours or less before; or<br>b) begins 24 hours or less after<br>the event period proposed in this notice?   | Yes<br><input type="checkbox"/> | No<br>X |
| 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<br><input type="checkbox"/> | No<br>X |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.  |                                 |         |
| Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:<br>a) ends 24 hours or less before; or<br>b) begins 24 hours or less after<br>the event period proposed in this notice? | Yes<br><input type="checkbox"/> | No<br>X |

| 7. Checklist (Please read note 16)   |   |
|--|---|
| I have: (Please tick the appropriate boxes)  |   |
| Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated   | X |
| Sent a copy of this notice to the chief officer of police for the area in which the premises are situated  | X |
| Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated                                | X |
| If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority                        | X |
| If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police  | X |
| If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions | X |
| Made or enclosed payment of the fee for the application  | X |
| Signed the declaration in Section 9 below  | X |

| 8. Condition (Please read note 17)  |
|---|
| It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user. |

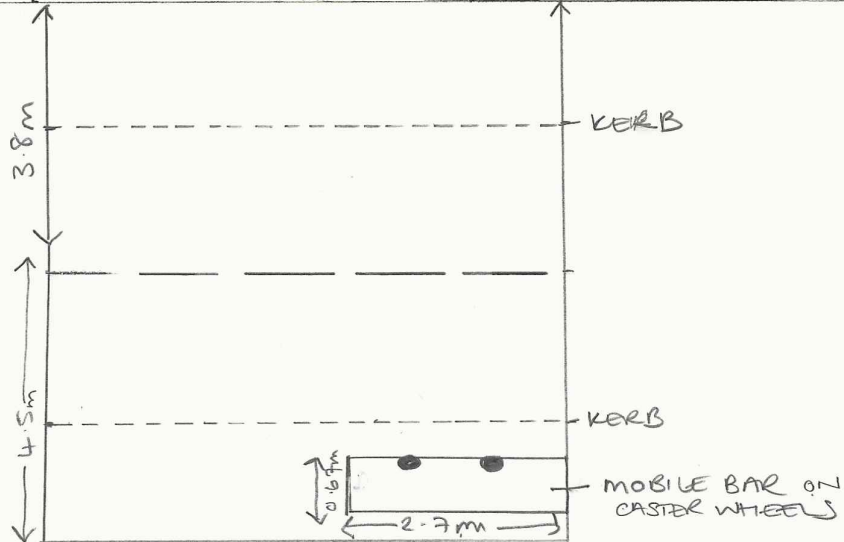
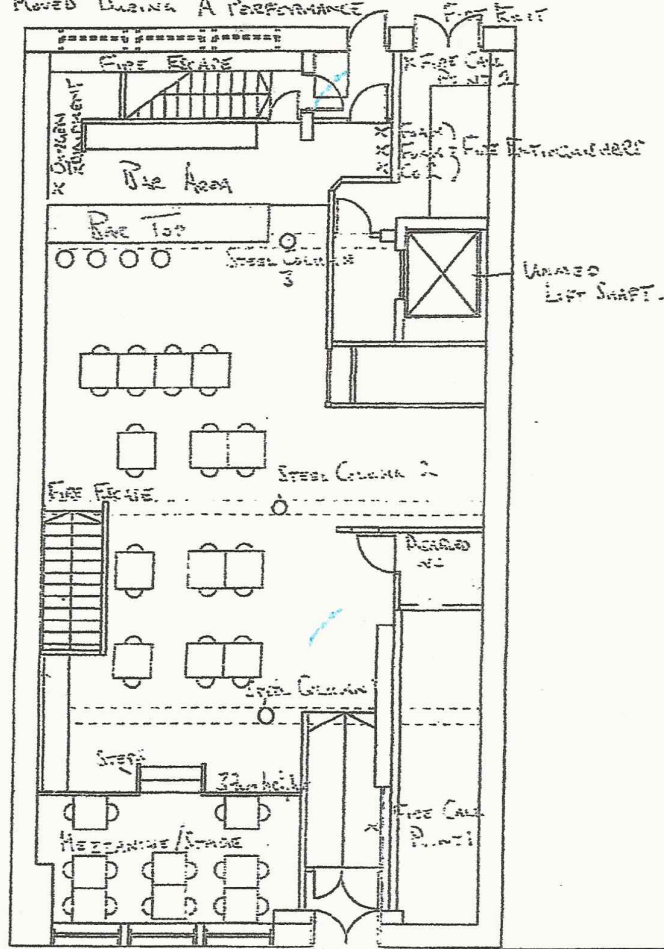
| 9. Declarations (Please read note 18)  |                                 |
|--|---------------------------------|
| <p>The information contained in this form is correct to the best of my knowledge and belief.<br/>           I understand that it is an offence:</p> <p>(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and</p> <p>(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.</p> |                                 |
| Signature  | Kuit Steinart Levy LLP          |
| Date   | 26 <sup>th</sup> June 2019      |
| Name of Person signing   | Solicitors and authorised agent |

For completion by the licensing authority

| 10. Acknowledgement (Please read note 19)             |                                      |
|---|--------------------------------------|
| I acknowledge receipt of this temporary event notice. |                                      |
| Signature   | On behalf of the licensing authority |
| Date  |                                      |
| Name of Officer signing                               |                                      |

Client's Floor Layout

- Duplicate with TABLE + SEATING PLAN. TABLES ARE NOT FIXED AND ARE MOVED DURING A PERFORMANCE



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

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## GREATER MANCHESTER POLICE



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

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

28<sup>th</sup> 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 Licensing Objectives.

|                       |  |
|-----------------------|--|
| <b>PREMISES NAME:</b> | <b>No 1 Canal Street</b>               |
| <b>ADDRESS:</b>       | 1 Canal Street<br>Manchester<br>M1 3HE |
| <b>DATE OF EVENT:</b> | 23/08/19 – 26/08/19                    |
| <b>TIME OF EVENT:</b> | 1200 - 2300 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. Most 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 dancers, singers etc on Canal Street causing further congestion in that area.

**GREATER MANCHESTER POLICE**

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 28th June 2019 0950 hrs

.....





**MANCHESTER  
CITY COUNCIL**

**Licensing & Out of Hours Compliance Team - Representation**

|                  |   |
|------------------|---|
| Name             | Niall Johnson                                     |
| Job Title        | Neighbourhood Compliance Officer                  |
| Department       | Licensing and Out of Hours Compliance Team        |
| Address          | Level 1, Town Hall Extension, Manchester, M60 2LA |
| Email Address    | Niall.johnson@manchester.gov.uk                   |
| Telephone Number | 0161 234 1220                                     |

**Premise Details**

|                    |                             |
|--------------------|-----------------------------|
| Application Ref No | 233906                      |
| Name of Premises   | No.1 Canal Street           |
| Address            | 1 Canal Street, Manchester. |

**Representation**

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

The Licensing and Out of Hours Team 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 risk that the granting of this temporary event could likely involve.

The premises is on Canal Street within the area of the Village that will be enclosed for Pride 2019, however, open to the general public.

The application is for the supply of alcohol only, directly opposite the premises during Manchester Pride. The premises propose to place a bar on the cobbled area, accessible to passing customers and persons taking advantage of the on-street entertainment. (See Image 1).

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 concerns around the prevention of harm to children.

The flow of people coming through the security entrance on Canal Street particularly following the Pride Parade and people moving to/from the food court (old main stage arena) and particularly as a main arterial route through to Bloom/Sackville/Richmond Street will likely become very congested, similar to previous years. This congestion will be further exasperated by the addition of an external bar directly next to the security entrance and exit and the likely queues that are associated with an external bar.

There will also be associated litter from people disposing of single-use plastic cups on the highway.

The application also does not satisfy steps that will be taken to prevent proxy sales, which will be difficult to consistently manage in an open, busy, space.

We would also expect to see a personal licence holder responsible for the external space at all times as well as an explanation on how security personnel will manage the area.

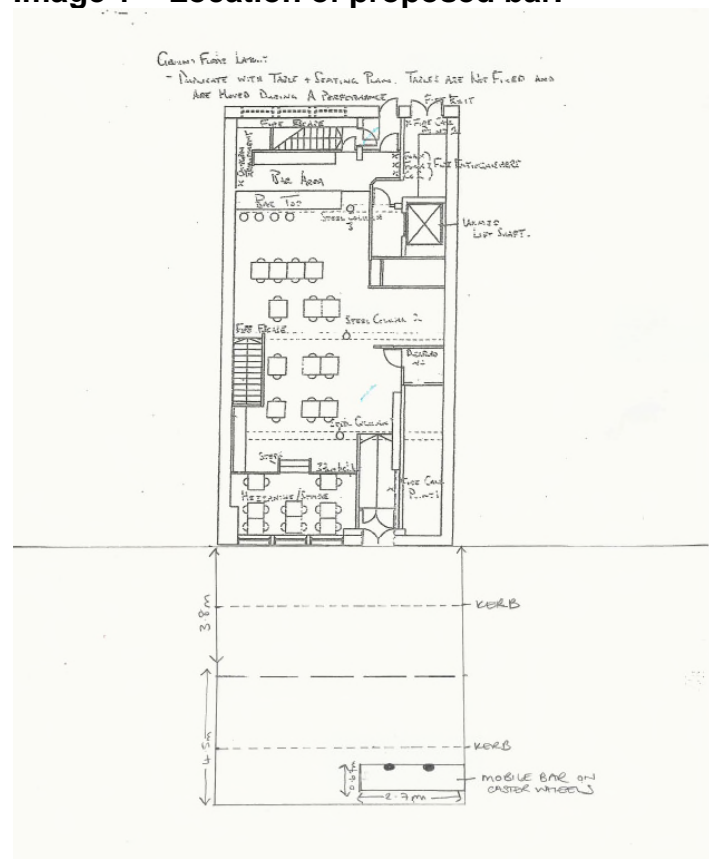
The Temporary Event Notice states that there will be 200 people attending, it is unclear how people will be moved on if the area becomes overcrowded or where the premises will include as their proposed responsibility or how the queuing system will work at peak times. A significant queue may also put additional pressure on the bar staff to consider speed a priority, rather than consistent and satisfactory I.D checks, undermining the protection of children from harm objective.

This temporary event will likely undermine the objective of Prevention of Public Nuisance, Public Safety and Protection of Children from Harm.

I believe that the granting of this temporary event notice would be counterproductive to the Manchester Standards to promote licensing objectives-

MS1, MS7, MS9 and MS12.

### Image 1 – Location of proposed bar.



Recommendation: Reject T.E.N

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

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# MANCHESTER CITY COUNCIL

## LICENSING ACT 2003 PREMISES LICENCE

|                                |                                       |
|--------------------------------|---------------------------------------|
| <b>Premises licence number</b> | 190820                                |
| <b>Granted</b>                 | 22/11/2016                            |
| <b>Latest version</b>          | Variation 200226, granted 12/08/2017. |

### Part 1 - Premises details

|   |
|---|
| <b>Name and address of premises</b>                             |
| <b>No. 1 Canal Street</b><br>1 Canal Street, Manchester, M1 3HE |
| <b>Telephone number</b>   |
| 0161 244 5282   |

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

|   |
|---|
| <b>The times the licence authorises the carrying out of licensable activities</b> |
|---|

|  |      |      |      |      |      |      |      |
|--|------|------|------|------|------|------|------|
| <b>Sale by retail of alcohol</b>   |      |      |      |      |      |      |      |
| <b>Standard timings</b>  |      |      |      |      |      |      |      |
| Day  | Mon  | Tue  | Wed  | Thu  | Fri  | Sat  | Sun  |
| Start  | 0900 | 0900 | 0900 | 0900 | 0900 | 0900 | 0900 |
| Finish   | 2330 | 2330 | 2330 | 0030 | 0130 | 0130 | 0030 |
| The sale of alcohol is licensed for consumption both on and off the premises.                      |      |      |      |      |      |      |      |
| <b>Seasonal variations and Non-standard Timings:</b>   |      |      |      |      |      |      |      |
| <u>New Year</u> : From the start time on New Year's Eve to the terminal hour for New Year's Day.   |      |      |      |      |      |      |      |
| <u>On the day British Summer Time commences</u> : One additional hour following the terminal hour. |      |      |      |      |      |      |      |
| On days preceding Bank Holidays until 0330.  |      |      |      |      |      |      |      |

|  |      |      |      |      |      |      |      |
|--|------|------|------|------|------|------|------|
| <b>Performance of plays; Live music; Recorded music; Performances of dance</b>                     |      |      |      |      |      |      |      |
| <b>Standard timings</b>  |      |      |      |      |      |      |      |
| Day  | Mon  | Tue  | Wed  | Thu  | Fri  | Sat  | Sun  |
| Start  | 0900 | 0900 | 0900 | 0900 | 0900 | 0900 | 0900 |
| Finish   | 2300 | 2300 | 2300 | 2300 | 2300 | 2300 | 2300 |
| Licensed to take place indoors only.   |      |      |      |      |      |      |      |
| <b>Seasonal variations and Non-standard Timings:</b>   |      |      |      |      |      |      |      |
| <u>New Year</u> : From the start time on New Year's Eve to the terminal hour for New Year's Day.   |      |      |      |      |      |      |      |
| <u>On the day British Summer Time commences</u> : One additional hour following the terminal hour. |      |      |      |      |      |      |      |
| On days preceding Bank Holidays until 0400.  |      |      |      |      |      |      |      |

| <b>Provision of late night refreshment</b>  |      |      |      |      |      |      |      |
|---|------|------|------|------|------|------|------|
| <b>Standard timings</b>   |      |      |      |      |      |      |      |
| Day   | Mon  | Tue  | Wed  | Thu  | Fri  | Sat  | Sun  |
| Start   | 2300 | 2300 | 2300 | 2300 | 2300 | 2300 | 2300 |
| Finish  | 0000 | 0000 | 0000 | 0100 | 0200 | 0200 | 0100 |
| Licensed to take place indoors only.  |      |      |      |      |      |      |      |
| <b>Seasonal variations and Non standard Timings:</b>  |      |      |      |      |      |      |      |
| <u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.   |      |      |      |      |      |      |      |
| <u>On the day British Summer Time commences:</u> One additional hour following the terminal hour. |      |      |      |      |      |      |      |
| On days preceding Bank Holidays until 0400.   |      |      |      |      |      |      |      |

| <b>Hours premises are open to the public</b>  |      |      |      |      |      |      |      |
|---|------|------|------|------|------|------|------|
| <b>Standard timings</b>   |      |      |      |      |      |      |      |
| Day   | Mon  | Tue  | Wed  | Thu  | Fri  | Sat  | Sun  |
| Start   | 0900 | 0900 | 0900 | 0900 | 0900 | 0900 | 0900 |
| Finish  | 0000 | 0000 | 0000 | 0100 | 0200 | 0200 | 0100 |
| <b>Seasonal variations and Non standard Timings:</b>  |      |      |      |      |      |      |      |
| <u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.   |      |      |      |      |      |      |      |
| <u>On the day British Summer Time commences:</u> One additional hour following the terminal hour. |      |      |      |      |      |      |      |
| On days preceding Bank Holidays until 0400.   |      |      |      |      |      |      |      |

## Part 2

| <b>Details of premises licence holder</b> |   |
|---|---|
| <b>Name:</b>                              | Kettle & Condron Ltd                                      |
| <b>Address:</b>                           | Ees Cottage, 250 Glebelands Road, Sale, Cheshire, M33 5QT |
| <b>Registered number:</b>                 | 09934240  |

| <b>Details of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> |                                       |
|--|---------------------------------------|
| <b>Name:</b>   | Danielle Janine Condron               |
| <b>Address:</b>  | [REDACTED]                            |
| <b>Personal Licence number:</b>  | PA063590                              |
| <b>Issuing Authority:</b>  | Trafford Metropolitan Borough Council |

| <b>Annex 1 – Mandatory conditions</b> |  |
|---------------------------------------|--|
| <b>Door Supervisors</b>               |  |
| 1.                                    | Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -<br>(a) Unauthorised access or occupation (e.g. through door supervision),<br>(b) Outbreaks of disorder, or<br>(c) Damage,<br>unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities. |
| <b>Supply of alcohol</b>              |  |
| 2.                                    | No supply of alcohol may be made under this premises licence:<br>(a) At a time when there is no designated premises supervisor in respect of the premises licence or,<br>(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 holographic mark, or
  - 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–
- “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - “permitted price” is the price found by applying the formula–
- $$P = D + (D \times V)$$
- where –
- P is the permitted price,
  - 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
  - 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 –
- the holder of the premises licence,
  - the designated premises supervisor (if any) in respect of such a licence, or
  - 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 –
- games or other activities which require or encourage, or are designed to require or encourage, individuals to –
    - 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
    - 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 shall be fully trained and competent in areas such as health & safety, fire safety and first aid.
2. Security staff shall be employed for any event, plus Friday and Saturday nights.
3. No minors shall be permitted entry to the premises after 1800, unless accompanied by an adult.

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

1. 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.



2. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
  - (a) all crimes reported to the venue, or by the venue to the Police
  - (b) all ejections of patrons
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system or searching equipment or scanning equipment
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service
3. The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice.
4. The premises shall display prominent signage indicating at any point of sale, the entrance to the premises and in all areas where alcohol is located that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
5. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log, enter sales correctly on the tills so the prompts show as appropriate and monitor staff to ensure their training is put into practice. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals.
6. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
7. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
8. Speakers shall not be located outside the premises.
9. Whilst live or recorded music takes place, the licensee or management shall undertake regular monitoring of noise levels at the nearest sensitive locations. A record shall be kept of any monitoring including the date, time and location of monitoring; the name of the monitor; and any action taken. Records shall be kept for no less than 6 months and shall be made available upon request by a police officer or an authorised officer of Manchester City Council.
10. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
11. If the Council receives noise complaints about this premises which are substantiated, then at the request of the Environmental Health Service, a noise limiting device shall be fitted to all amplification equipment within the premises, and set to a suitable level in conjunction with the Environmental Health Service, in order to prevent a statutory noise nuisance from occurring.
12. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly
13. In circumstances deemed appropriate the Council may impose a condition that the licence holder shall not permit any person to be admitted to the premises after a specific hour on various days of the week.
14. Open containers of alcohol will not be removed from the premises, save for consumption in any delineated external area.

#### Annex 4 – Plans

See attached

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