

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Thursday, 20 June 2024

Present: Councillor Grimshaw – in the Chair

Councillors: Hughes and Riasat

LCHP/24/41. Urgent Business - Common, 39 - 41 Edge Street, Manchester, M4 1HW

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing concerning an application for a Temporary Event Notice (TEN) for an event proposed to take place at Common, 39-41 Edge Street, Manchester, M4 1HW. The Hearing Panel considered the written papers of the parties submitted and the oral representations of the parties who attended, as well as the relevant legislation.

The applicants representatives, Ms Jasmine Boardman (DPS and General Manager), Ms Antonio Lallemon (Premises user) and Mr Robbie Laybourn (Head of Operations) attended the hearing along with Gemma Smith and Stuart Alderson (Licensing and Out of Hours compliance Team) and PC Alan Isherwood (Greater Manchester Police)

The Chair conducted the hearing in accordance with the agreed procedure.

The Hearing Panel heard that objections had been received from Greater Manchester Police (GMP) and Manchester Council Licensing and Out of Hours Compliance Team (LOOH) to the granting of the TEN for outside music performed by DJs' to take place on Saturday 29 June between 15:00hrs and 23:00hrs.

GMP attended the hearing and advised the Panel that there were concerns due to limited policing resources within the city centre area of Manchester, that the carrying on of an 'open-air' event in the location of the Northern Quarter district would attract un-ticketed revellers from adjacent premises and/or locations, thereby creating a potentially uncontrollable 'street party' event that would stretch beyond the breaking point of policing capacity of the city centre. Furthermore, as the proposed event was to take place on a date that corresponded with the 2nd round of the European Football Championship matches (which could mean that a match involving England would be screened in nearby licensed premises), GMP believed that there would be even greater potential for the event to expand uncontrollably and for serious antisocial behaviour and disorder to take place.

LOOH also reported on similar concerns that there was the potential for the event to spiral out of control and to subsequently over-stretch the limited policing resources operating within the city centre. LOOH Compliance also highlighted the existence of a 'Public Space Protection Order' (PSPO) that strictly prohibited the on-street consumption of alcohol within the city centre area of Manchester. LOOH Compliance further expressed concerns relating to the impact of previous unauthorised street

parties on local residents and believed that similar adverse effects would occur should the applied for event be allowed to take place.

For the reasons set out above, GMP and LOOH requested that the Hearing Panel serve a counter notice to this event.

There were no question by the Panel to either GMP or LOOH in regards to the concerns that they had raised.

Ms Antonio Lallemon then addressed the Panel. She stated that the premises was a food led business and not a bar and as such there was no capacity for standing. She understood the concerns raised by GMP in relation to the concerns associated with the European Football Championship matches but stated that the area had not had regular high footfall for some time. She stated all customers would be seated and the event was not being externally advertised. It was also stated that the business had always been mindful of its neighbours and as such the level of music would be controlled by the DJ's and played at a volume that would still allow patrons to hold conversations over their meals. Ms Lallemon also advise that she would be willing to reduce operating hours to 15:00hrs to 21:30hrs if required.

Responding to questions from the Panel, Ms Lallemon confirmed that there would be two security staff employed from 15:00hrs until the premises closed and that the DJ's would be positioned within the pavement licenced area. It was also clarified staff would undertake regular outdoor soundchecks throughout the event and if there was evidence of overcrowding occurring, the DJ's would be re-located to inside the premises and if necessary, windows/doors at the front of the premises closed.

GMP summed up by stating that their concerns remained relating to the prevention of crime and disorder and the prevention of public nuisance likely to be being undermined should the planned event take place.

LOOH summed up by stating that their concerns also remained that there was potential for the event to spiral out of control and to subsequently over-stretch the limited policing resources operating within the city centre area of Manchester.

Ms Lallemon confirmed she had nothing further add to her case apart from providing a reassurance that she was a responsible operator and would ensure music level would be monitored.

After hearing the representations from all parties concerned, the Hearing Panel retired to consider the statements and evidence submitted.

After considering the application the Chair of the Hearing Panel informed all parties present of the decision.

In considering all evidence and representations submitted, the Panel considered carefully the concerns raised by the Responsible Authorities and shared those concerns. However, the Panel took into account that the venue was a food led premises and the applicant was an experienced and responsible operator who was intending to put in place mitigation measures if required.

Taking into account all the circumstances the Committee did not consider the Licensing Objectives would be undermined if these the event took place with these measures in place.

Decisions

The Panel approve the application for a Temporary Event Notice for an event Common, 39-41 Edge Street, Manchester, M4 1HW.

LCHP/24/42. Summary Review of a Premises Licence - Cargo, Units 5 And 6, The Printworks, Withy Grove, Manchester, M4 2BS

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing concerning a review of a premises licence under s53C of the Licensing Act 2003. The Hearing Panel also considered the written papers of the parties submitted and the oral representations of the parties who attended as well as the relevant legislation.

In line with the established procedure for such hearings, the Panel considered the oral representations from PC Alan Isherwood of Greater Manchester Police (GMP) and the content of the report. The Panel heard that on 29 May 2024, an application was made by GMP under s53A of the Licensing Act 2003 for a Summary Review of the Premises Licence for Cargo, Units 5 And 6, The Printworks, Withy Grove, Manchester, M4 2BS. The application for a summary review was submitted on the grounds that the premises were associated with serious disorder involving an under 18 event that had been put on for young people. On 31 May 2024, a Licensing Sub-Committee Hearing Panel held a hearing to consider taking such interim steps and the decision of the Panel was to modify conditions on the licence.

The Premises Licence Holder clarified that they had not made any representations against the interim steps taken by the licensing authority and had implemented the steps with immediate effect following the Hearing.

GMP stated that they were now seeking the interim steps to be made as permanent conditions on Premises Licence Holder's license.

The Premises Licence Holder confirmed that they would not object to making the interim steps permanent conditions on their license.

After hearing the representations from all parties concerned, the Hearing Panel retired to consider the statements and evidence submitted.

After considering the application the Chair of the Hearing Panel informed all parties present of the decision

The Panel took into account the content of the report and the representation of both parties. The Panel noted that the incident which led to the review was an isolated incident resulting from an event for 11-16 year olds and heard from GMP that this was not a problematic premises when operating with their usual customer base and there had been no incidents of concern prior to this event. The Committee was

satisfied that in all the circumstances the licensing objectives should not be undermined if the licence was modified with the addition of these conditions and considered it appropriate to amend the licence in this way.

Decisions

The Panel agree:-

- (1) That the interim steps should remain in place
- (2) To modify the licence on the grounds of protection of children from harm and prevention of crime and disorder with the addition of the below conditions:-
 - No under 18 events to take place at the premises.
 - All SIA registered door staff on duty to wear body cam and use it to record incidents of concern.
 - To amend condition 20 to include the following
 - 20. ii. *and to actively deter customers from congregating outside the premises.*