



Licensing Sub Committee Hearing Panel

Date: Wednesday, 6 December 2023

Time: 10.00 am

Venue: Room G1, Friends Meeting House, 6 Mount Street,
Manchester, M2 5NS

Everyone is welcome to attend this committee meeting.

Access to Friends Meeting House

Public access to Friends Meeting House is through the main entrance on Mount Street.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Connolly, Andrews and Ludford

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 - 295794 - Pot Kettle Black, Angel Gardens, 1 Rochdale Road, Manchester, M4 4GE** 5 - 44
The report of the Director of Planning, Building Control and Licensing is enclosed.

- 5. Temporary Event Notice - 295797 - Pot Kettle Black, Angel Gardens, 1 Rochdale Road, Manchester, M4 4GE** 45 - 84
The report of the Director of Planning, Building Control and Licensing is enclosed.

Information about the Committee

The Licensing Sub-Committee Hearing Panel fulfills the functions of the Licensing Authority in relation to the licensing of premises.

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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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 6 December 2023

Subject: Pot Kettle Black, Angel Gardens, 1 Rochdale Road, Manchester, M4 4GE - ref: LTN295794

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

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

Wards Affected: Piccadilly

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

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Lauren Wade
 Position: Technical Licensing Officer
 Telephone: 0161 234 1460
 E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. **Introduction**

- 1.1 On 22 November 2023, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Pot Kettle Black, Angel Gardens, 1 Rochdale Road, Manchester, M4 4GE 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 Mr Mark Flanagan.
- 2.3 The description of the event is Corporate event starting 4pm, food served 9pm, DJ playing.
 - 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 LOOH in respect of the TEN (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these objections will be available to the Panel at the hearing.

3.2 Summary of the objections:

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	<p>Granting the TEN is likely to lead to the Prevention of Public Nuisance licensing objective being undermined.</p> <p>The LOOHT have concerns with regards to granting the TENs following receipt of recent noise complaints from a resident in respect of previous TENs at the premises of a similar nature. At present LOOH have no confidence that the premises can operate a late night event responsibly / without effecting residents.</p>	<p>Serve a counter notice</p>

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

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

4.2 **New Information**

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

4.3 **Hearsay Evidence**

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

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

4.4.1 The Secretary of State’s Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice,

ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must ‘have regard to’ guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must ‘have regard to’ its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 4.5.4 Where the authority considers that to impose on the TEN one or more of the conditions from a premises licence or club premises certificate in force at the premises (insofar as such conditions are not inconsistent with the event) is appropriate for the promotion of the 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.
6. **The Panel is asked to determine the temporary event notice.**

Pot Kettle Black
 Angel Gardens, 1 Rochdale Road, Manchester, M4 4GE
 Premises Licensing
 Manchester City Council

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PREMISE NAME:	Pot Kettle Black
PREMISE ADDRESS:	Angel Gardens, 1 Rochdale Road, Manchester, M4 4GE
WARD:	Piccadilly
HEARING DATE:	06/12/2023

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Temporary Event Notice

Payment Transaction number:- SSES00860511 | Form Reference number EF1/1032860

Premises User Information

Title

Mr

If other please state

n/a

Surname

Flanagan

Forenames

Mark

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

n/a

Your date of birth

[REDACTED]

Your place of birth

[REDACTED]

National Insurance Number

[REDACTED]

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

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

Telephone

[REDACTED]

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email address

[REDACTED]

Address

n/a

Telephone

n/a

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

n/a

Premises information

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

Pot Kettle Black Angel Gardens
1 Rochdale Road
M44GE

Premises licence number

258878

Club premises certificate number

n/a

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details.

n/a

Please describe the nature of the premises

Cafe serving brunch and coffee during the day, closed evenings except for private events

Please describe the nature of the event

Corporate event starting at 4pm. Food served at 9pm. DJ playing through our speakers, no live music

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?

Yes

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

07/12/23 - 08/12/23

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

23:00 - 02:00

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

100

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?

Yes

Issuing Authority

Manchester City Council

Licence Number

170972

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?

Yes

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

7th

a) ends 24 hours or less before; orb) begins 24 hours or less after the 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 after the event period proposed in this notice?

No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

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 after the event period proposed in this notice?

No

Declaration and Payment New

Name

Mark Flanagan

Capacity in which you are making this application

Owner

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.

Document is Restricted

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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

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

Premise Details	
Application Ref No	792098 & 792136
Name of Premises	Pot Kettle Black Angel Gardens
Address	Angel Gardens, 1 Rochdale Road, Manchester, M4 4GE

Representation
Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.
<p>The Licensing and Out of Hours Team (LOOHT) have assessed the likely impact of the grant of the Temporary Event Notices (TENs) on the Licensing Objectives taking into account a number of factors, including the activities being applied for, the nature of the area in which the premises is located and any potential risk the granting of the TENs could have on any of the four licensing objectives.</p> <p>As a result of this assessment the LOOHT have concerns that the grant of the TENs is likely to lead to the Prevention of Public Nuisance licensing objective being undermined.</p> <p>The premises is located on the ground floor of Angels Gardens, 1 Rochdale Road, Manchester, M4 4GE with resident's above. Pot Kettle Black normally operates as a café, serving brunch during the day and is usually closed in the evenings except for private events.</p> <p>The existing premises licence for Pot Kettle Black authorises the sale by retail of alcohol for consumption both on and off the premises and the provision of regulated entertainment limited to recorded music Monday to Sunday 0800 to 2300. It permits the premises to be open to the public Monday to Sunday 0800 to 2300.</p> <p>The TENs propose to extend licensable activities at the premises and to allow late night refreshment on the following dates and times: 7th December 2023 from 2300 to 0200 14th to 16th December 2023 from 2200 to 0400</p> <p>The TEN user and Designated Premises Supervisor for the premises, Mark Flanagan has notified that both TENs are in respect of corporate events, where a DJ will be present and playing music through the premises speakers.</p>

The LOOHT have concerns with regards to granting the TENs following receipt of recent noise complaints from a resident in respect of previous TENs at the premises of a similar nature.

On 06th October 2023 a TEN to extend licensable activities at the premises from 2300 to 0230 for a corporate event with a DJ was operated.

On 7th October 2023 at 00:10 the LOOHT received a complaint from a resident to report a loud party and music emanating from the premises.

At 00.40 LOOH officers arrived outside the premises and reported that they heard low level music and bass audible coming from Pot Kettle Black. They then attended the complainant's property, and within the living room described that they could hear prominent bass, R&B type music and raised voice coming from the premises. Officers remained in the property until 00:58, stating that the noise from the premises remained the same for the duration of the visit.

The attending officers agreed that the noise witnessed would prevent an ordinary person from sleeping and therefore engaged with premises, who complied with the request to reduce the music and bass.

Following the complaint, a letter was sent to TEN user and Designated Premises Supervisor, Mark Flanagan on 13th October 2023 to make him aware of the complaint.

On 25th October 2023 an additional TEN to extend licensable activities at the premises was received. This related to an event with a DJ on 11th November 2023 from 2300 until 0400.

On receipt of the TEN I spoke with the TEN user and Designated Premises Supervisor, Mark Flanagan. I have explained that the complainant would be made aware of the event and asked to contact the service if they are disturbed by noise from it. I also made him aware that any further noise complaints could result in future TENS being objected to.

During our conversation the TEN user and Designated Premises Supervisor, Mark Flanagan requested the complainants contact details in order to reach out to them with regards to the event. I spoke with the complainant and he was in agreement for his details to be provided.

At 22.19 on 11th November 2023 the LOOHT received a call from the complainant to report loud music from the premises. However, a request for officers to attend was not made because whilst on the phone with LOOH the complainant stated that the premises had messaged in respect of reducing the volume.

The complainant made a second call to LOOHT at approximately 00:50hrs. This call was diverted to our contact centre, due to officers being out of the office. A CRM reference was created but details of the call not passed to officers on shift and therefore they did not attend the complainant's property.

At present LOOH have no confidence that the premises can operate a late

night event responsibly / without effecting residents and as a consequence of the above LOOH recommend that the TENs are refused.

Recommendation: Refuse TEN

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	258878
Granted	05/07/2021
Latest version	Change of detail 23/11/2023

Part 1 - Premises details

Name and address of premises
Pot Kettle Black Angel Gardens
Angel Gardens, 1 Rochdale Road, Manchester, M4 4GE
Telephone number
To be confirmed

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1. The sale by retail of alcohol*. 2. The provision of regulated entertainment, limited to: Recorded music.
* All references in this licence to "sale of alcohol" are to sale by retail.

The times the licence authorises the carrying out of licensable activities
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Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2300	2300	2300	2300	2300	2300	2300
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non standard Timings: None							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2300	2300	2300	2300	2300	2300	2300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings: None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2300	2300	2300	2300	2300	2300	2300
Seasonal variations and Non standard Timings: None.							

Part 2

Details of premises licence holder	
Name:	PKB Angel Gardens Ltd
Address:	Unit 14, Barton Arcade, Manchester, M3 2BB
Registered number:	12216161

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Mark James Flanagan
Address:	[REDACTED]
Personal Licence number:	170972
Issuing Authority:	Manchester City Council

Annex 1 – Mandatory conditions
<p>Door Supervisors</p> <p>1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -</p> <ul style="list-style-type: none"> (a) Unauthorised access or occupation (e.g. through door supervision), (b) Outbreaks of disorder, or (c) Damage, <p>unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.</p> <p>Supply of alcohol</p> <p>2. No supply of alcohol may be made under this premises licence:</p> <ul style="list-style-type: none"> (a) At a time when there is no designated premises supervisor in respect of the premises licence or, (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended. <p>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.</p> <p>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.</p>

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purposes of the condition set out in (1) above–
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

$$P = D + (D \times V)$$
 where –
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
8. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
- (i) beer or cider: ½ pint;

- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

For the purposes of conditions 6, 7 and 8 above, a responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Annex 2 – Conditions consistent with the operating schedule

1. All staff shall be briefed and aware of their responsibilities and relevant company operating procedures before they commence paid duty at the premises.
2. Any queue to enter the premises that forms outside the premises shall be kept orderly to ensure there is no public nuisance or obstruction of the public highway.
3. Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry into the premises
4. The premises licence holder will risk assess the need for door supervisors and where they are necessary they will use SIA approved door supervisors
5. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months and, when requested, be made available to GMP 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) Seizures of drugs, offensive weapons, fraudulent ID or other items
 - c) Any visit by any authority or emergency service
 - d) The times on duty, names and licence numbers of all licenced door supervisors employed by the premises.
6. The premises shall install and maintain a comprehensive digital CCTV system. All public areas of the licenced premises, including all public entry and exit points will be covered, enabling facial identification for every person entering in any light condition . The CCTV cameras shall continually record whilst record whilst the premises are open to the public, and recordings shall be kept available and unedited for a minimum of 28 days with the date and time stamping.

7. 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.
8. The premises licence holder will be a member of any local club and pub watch scheme should one exist.
9. The premises licence holder shall ensure that at all times where the public are present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that an adequate record is maintained in relation to first aid treatment.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance
11. The Challenge 25 policy must be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of identification will be a passport, photographic driving licence, military ID, and those carrying the PASS logo.
12. Staff training on Challenge 25 policy shall be given to all staff prior to employment and all staff must receive regular refresher training. Details of training and repeat training shall be recorded in writing. Staff shall also be trained to look out for and prevent proxy sales

Annex 3 – Conditions attached after hearing by the licensing authority

1. Documented records of staff training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
2. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
3. All sales of alcohol for consumption off the premises shall not be removed from premises unless in sealed containers only.
4. No bottles, glasses or similar items may be disposed of in outside receptacles between the hours of 2300 and 0700.
5. The premises and immediate surrounding area shall always be kept clean and free from litter during the hours the premises are open to the public.
6. The premises shall display prominent signage indicating at any point of sale that the Challenge 25 scheme is in operation
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of residents and leave the area quietly.

Annex 4 – Plans

See attached

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

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 6 December 2023

Subject: Pot Kettle Black, Angel Gardens, 1 Rochdale Road, Manchester, M4 4GE - ref: LTN295797

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

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

Wards Affected: Piccadilly

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

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Lauren Wade
 Position: Technical Licensing Officer
 Telephone: 0161 234 1460
 E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. **Introduction**

- 1.1 On 22 November 2023, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Pot Kettle Black, Angel Gardens, 1 Rochdale Road, Manchester, M4 4GE 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 Mr Mark Flanagan.
- 2.3 The description of the event is Corporate event starting 6pm, food served 8.30pm, DJ playing.
 - 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 LOOH in respect of the TEN (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these objections will be available to the Panel at the hearing.
- 3.2 Summary of the objections:

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	<p>Granting the TEN is likely to lead to the Prevention of Public Nuisance licensing objective being undermined.</p> <p>The LOOHT have concerns with regards to granting the TENs following receipt of recent noise complaints from a resident in respect of previous TENs at the premises of a similar nature. At present LOOH have no confidence that the premises can operate a late night event responsibly / without effecting residents.</p>	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.
6. **The Panel is asked to determine the temporary event notice.**

Pot Kettle Black
 Angel Gardens, 1
 Rochdale Road,
 Manchester, M4
 4GE
 Premises Licensing
 Manchester City Council

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PREMISE NAME:	Pot Kettle Black
PREMISE ADDRESS:	Angel Gardens, 1 Rochdale Road, Manchester, M4 4GE
WARD:	Piccadilly Page 51

	HEARING DATE: 06/12/2023
--	--

Temporary Event Notice

Payment Transaction number:- SSES00860529 | Form Reference number EF1/1032879

Premises User Information

Title

Mr

If other please state

n/a

Surname

Flanagan

Forenames

Mark

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

n/a

Your date of birth

[REDACTED]

Your place of birth

[REDACTED]

National Insurance Number

[REDACTED]

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

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

Telephone

[REDACTED]

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email address

[REDACTED]

Address

n/a

Telephone

n/a

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

n/a

Premises information

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

Pot Kettle Black Angel Gardens
1 Rochdale Road
M44GE

Premises licence number

258878

Club premises certificate number

n/a

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details.

n/a

Please describe the nature of the premises

Cafe serving brunch and coffee during the day, closed evenings except for private events

Please describe the nature of the event

Corporate event starting at 6pm. Food served at 830pm. DJ playing through our speakers, no live music

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?

Yes

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

14/12/23 - 16/12/23

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

22:00 - 04:00

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

100

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?

Yes

Issuing Authority

Manchester City Council

Licence Number

170972

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?

Yes

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

8

a) ends 24 hours or less before; orb) begins 24 hours or less after the 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 after the event period proposed in this notice?

Yes

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

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

Mark Flanagan

Capacity in which you are making this application

Owner

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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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

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

Premise Details

Application Ref No	792098 & 792136
Name of Premises	Pot Kettle Black Angel Gardens
Address	Angel Gardens, 1 Rochdale Road, Manchester, M4 4GE

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 (LOOHT) have assessed the likely impact of the grant of the Temporary Event Notices (TENs) on the Licensing Objectives taking into account a number of factors, including the activities being applied for, the nature of the area in which the premises is located and any potential risk the granting of the TENs could have on any of the four licensing objectives.

As a result of this assessment the LOOHT have concerns that the grant of the TENs is likely to lead to the Prevention of Public Nuisance licensing objective being undermined.

The premises is located on the ground floor of Angels Gardens, 1 Rochdale Road, Manchester, M4 4GE with resident's above. Pot Kettle Black normally operates as a café, serving brunch during the day and is usually closed in the evenings except for private events.

The existing premises licence for Pot Kettle Black authorises the sale by retail of alcohol for consumption both on and off the premises and the provision of regulated entertainment limited to recorded music Monday to Sunday 0800 to 2300. It permits the premises to be open to the public Monday to Sunday 0800 to 2300.

The TENs propose to extend licensable activities at the premises and to allow late night refreshment on the following dates and times:

7th December 2023 from 2300 to 0200

14th to 16th December 2023 from 2200 to 0400

The TEN user and Designated Premises Supervisor for the premises, Mark Flanagan has notified that both TENs are in respect of corporate events, where a DJ will be present and playing music through the premises speakers.

The LOOHT have concerns with regards to granting the TENs following receipt of recent noise complaints from a resident in respect of previous TENs at the premises of a similar nature.

On 06th October 2023 a TEN to extend licensable activities at the premises from 2300 to 0230 for a corporate event with a DJ was operated.

On 7th October 2023 at 00:10 the LOOHT received a complaint from a resident to report a loud party and music emanating from the premises.

At 00.40 LOOH officers arrived outside the premises and reported that they heard low level music and bass audible coming from Pot Kettle Black. They then attended the complainant's property, and within the living room described that they could hear prominent bass, R&B type music and raised voice coming from the premises. Officers remained in the property until 00:58, stating that the noise from the premises remained the same for the duration of the visit.

The attending officers agreed that the noise witnessed would prevent an ordinary person from sleeping and therefore engaged with premises, who complied with the request to reduce the music and bass.

Following the complaint, a letter was sent to TEN user and Designated Premises Supervisor, Mark Flanagan on 13th October 2023 to make him aware of the complaint.

On 25th October 2023 an additional TEN to extend licensable activities at the premises was received. This related to an event with a DJ on 11th November 2023 from 2300 until 0400.

On receipt of the TEN I spoke with the TEN user and Designated Premises Supervisor, Mark Flanagan. I have explained that the complainant would be made aware of the event and asked to contact the service if they are disturbed by noise from it. I also made him aware that any further noise complaints could result in future TENS being objected to.

During our conversation the TEN user and Designated Premises Supervisor, Mark Flanagan requested the complainants contact details in order to reach out to them with regards to the event. I spoke with the complainant and he was in agreement for his details to be provided.

At 22.19 on 11th November 2023 the LOOHT received a call from the complainant to report loud music from the premises. However, a request for officers to attend was not made because whilst on the phone with LOOH the complainant stated that the premises had messaged in respect of reducing the volume.

The complainant made a second call to LOOHT at approximately 00:50hrs. This call was diverted to our contact centre, due to officers being out of the office. A CRM reference was created but details of the call not passed to officers on shift and therefore they did not attend the complainant's property.

At present LOOH have no confidence that the premises can operate a late

night event responsibly / without effecting residents and as a consequence of the above LOOH recommend that the TENs are refused.

Recommendation: Refuse TEN

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	258878
Granted	05/07/2021
Latest version	Change of detail 23/11/2023

Part 1 - Premises details

Name and address of premises
Pot Kettle Black Angel Gardens
Angel Gardens, 1 Rochdale Road, Manchester, M4 4GE
Telephone number
To be confirmed

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1. The sale by retail of alcohol*. 2. The provision of regulated entertainment, limited to: Recorded music.
* All references in this licence to "sale of alcohol" are to sale by retail.

The times the licence authorises the carrying out of licensable activities
--

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2300	2300	2300	2300	2300	2300	2300
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non standard Timings: None							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2300	2300	2300	2300	2300	2300	2300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings: None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2300	2300	2300	2300	2300	2300	2300
Seasonal variations and Non standard Timings: None.							

Part 2

Details of premises licence holder	
Name:	PKB Angel Gardens Ltd
Address:	Unit 14, Barton Arcade, Manchester, M3 2BB
Registered number:	12216161

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Mark James Flanagan
Address:	[REDACTED]
Personal Licence number:	170972
Issuing Authority:	Manchester City Council

Annex 1 – Mandatory conditions
<p>Door Supervisors</p> <p>1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -</p> <ul style="list-style-type: none"> (a) Unauthorised access or occupation (e.g. through door supervision), (b) Outbreaks of disorder, or (c) Damage, <p>unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.</p> <p>Supply of alcohol</p> <p>2. No supply of alcohol may be made under this premises licence:</p> <ul style="list-style-type: none"> (a) At a time when there is no designated premises supervisor in respect of the premises licence or, (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended. <p>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.</p> <p>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.</p>

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purposes of the condition set out in (1) above–
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

$$P = D + (D \times V)$$
 where –
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
8. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
- (i) beer or cider: ½ pint;

- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

For the purposes of conditions 6, 7 and 8 above, a responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Annex 2 – Conditions consistent with the operating schedule

1. All staff shall be briefed and aware of their responsibilities and relevant company operating procedures before they commence paid duty at the premises.
2. Any queue to enter the premises that forms outside the premises shall be kept orderly to ensure there is no public nuisance or obstruction of the public highway.
3. Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry into the premises
4. The premises licence holder will risk assess the need for door supervisors and where they are necessary they will use SIA approved door supervisors
5. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months and, when requested, be made available to GMP 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) Seizures of drugs, offensive weapons, fraudulent ID or other items
 - c) Any visit by any authority or emergency service
 - d) The times on duty, names and licence numbers of all licenced door supervisors employed by the premises.
6. The premises shall install and maintain a comprehensive digital CCTV system. All public areas of the licenced premises, including all public entry and exit points will be covered, enabling facial identification for every person entering in any light condition . The CCTV cameras shall continually record whilst record whilst the premises are open to the public, and recordings shall be kept available and unedited for a minimum of 28 days with the date and time stamping.

7. 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.
8. The premises licence holder will be a member of any local club and pub watch scheme should one exist.
9. The premises licence holder shall ensure that at all times where the public are present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that an adequate record is maintained in relation to first aid treatment.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance
11. The Challenge 25 policy must be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of identification will be a passport, photographic driving licence, military ID, and those carrying the PASS logo.
12. Staff training on Challenge 25 policy shall be given to all staff prior to employment and all staff must receive regular refresher training. Details of training and repeat training shall be recorded in writing. Staff shall also be trained to look out for and prevent proxy sales

Annex 3 – Conditions attached after hearing by the licensing authority

1. Documented records of staff training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
2. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
3. All sales of alcohol for consumption off the premises shall not be removed from premises unless in sealed containers only.
4. No bottles, glasses or similar items may be disposed of in outside receptacles between the hours of 2300 and 0700.
5. The premises and immediate surrounding area shall always be kept clean and free from litter during the hours the premises are open to the public.
6. The premises shall display prominent signage indicating at any point of sale that the Challenge 25 scheme is in operation
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of residents and leave the area quietly.

Annex 4 – Plans

See attached

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

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