



Licensing Sub Committee Hearing Panel

Date: Monday, 14 February 2022

Time: 10.00 am

Venue: Council Chamber, Level 2, Town Hall Extension

This is a **supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

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Membership of the Licensing Sub Committee Hearing Panel

Councillors - Grimshaw, Andrews and Reid

Supplementary Agenda

- 1b Urgent Business - Temporary Event Notice - Sol House, 117 Fairfield Street, Manchester, M12 6EL** 3 - 34
The report of the Director of Planning, Building Control and Licensing is enclosed.

Further Information

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

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This supplementary agenda was issued on **Thursday, 10 February 2022** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 14 February 2022

Subject: SOL House, 117 Fairfield Street, Manchester, M12 6EL - ref:
LTN270136

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(s) 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:

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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 7 February 2022, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of SOL House, 117 Fairfield Street, Manchester, M12 6EL 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 Yara Cristina De Freitas Cadete Santos.
- 2.3 The description of the event is Angolan Party where alcohol will be sold.
- 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this TEN.
- 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
- 2.4 **Activities unsuitable for children**
- 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2.5 **Further documentation accompanying the application**

3. **Objection Notice(s)**

- 3.1 Objection notices were received from GMP and from LOOH in respect of the TEN (**Appendix 3**). The personal details of all members of the public have

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

3.2 Summary of the objections:

Party	Grounds of representation	Recommends
GMP	GMP have witnessed previous unlicensed events at these premises where alcohol has been seized and security arrangements were difficult to establish. The notice giver has made no reference to how they will safely manage this large event for 250 persons until 0600hrs or how this number of potentially inebriated people will be safely dispersed without causing a disturbance.	Serve a counter notice
Licensing and Out of Hours Compliance	LOOH are not satisfied that the conditions offered are sufficient to uphold the four licensing objectives. Officers have witnessed a vast array of issues that have led to serious concerns about the premises being able to operate legally. Previous monitoring of TENs at these premises found that the events were not as described, psychoactive substances and alcohol were being consumed unchallenged outside, there was non-existent crowd control and inadequate CCTV and security measures.	Serve a counter notice

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

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

4.2 **New Information**

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

4.3 **Hearsay Evidence**

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

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

4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.

4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.

4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.

4.5.4 Where the authority considers that to impose on the TEN one or more of the conditions from a premises licence or club premises certificate in force at the premises (insofar as such conditions are not inconsistent with the event) is appropriate for the promotion of the licensing objectives, the policy is to give notice to the premises user that includes a statement of the conditions imposed. Copies of this notice will be provided for GMP and LOOH.

4.5.5 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.

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.**



PREMISE NAME:	SOL House
PREMISE ADDRESS:	117 Fairfield Street, Manchester, M12 6EL
WARD:	Piccadilly
HEARING DATE:	14/02/2022

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Temporary Event Notice

Payment Transaction number:- SSES00269564 | Form Reference number EF1/321379

Premises User Information

Title

█

If other please state

n/a

Surname

████████████████████

Forenames

██████████

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

n/a

Your date of birth

██████████

Your place of birth

██████████

National Insurance Number

██████████

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

████████████████████

██████████

██████████

Telephone

██████████

Evening telephone

n/a

Mobile phone

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)

Sol house
117 Fairfield Street
Manchester
M12 6EL

Premises licence number

n/a

Club premises certificate number

n/a

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

n/a

Please describe the nature of the premises

Venue hired for events purposes such as private parties, charitable events and many others

Please describe the nature of the event

Angolan Party where alcohol will be sold

Licensable activities

The sale by retail of alcohol

Yes

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

No

The provision of regulated entertainment

Yes

The provision of late night refreshment

Yes

Are you giving a late temporary event notice?

No

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

26/02/22 and 27/02/22

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

21:00 (26/02/22) to 06:00 (27/02/22)

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

250

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

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

Oldham council

Licence Number

PA2582

Date of Issue

17/10/16

Date of Expiry

N/a

Any further relevant details

n/a

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

No

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

n/a

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

No

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

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

n/a

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

No

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

No

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

n/a

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

No

Declaration and Payment New

Name

[REDACTED]

Capacity in which you are making this application

Party organiser

Additional information

I understand

Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

On behalf of the Licensing Authority

Date:

Name of officer signing:

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

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GREATER MANCHESTER POLICE



To: Manchester City Council
Licensing Unit
Town Hall Extension

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

9th February 2022

Dear Sir,

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

PREMISES NAME:	Sol House
ADDRESS:	117 Fairfield Street Manchester M12 6EL
DATE OF EVENT:	26/02/2022 - 27/02/2022
TIME OF EVENT:	12100 - 0600hrs

This premises were recently visited by Greater Manchester Police and Manchester City Council Licensing officers after reports that an unlicensed event was taking place.

Upon attendance there were people preparing the premises to host an event and there was a large amount of alcohol present. The organisers told the officers that they had a TEN in place to host the event but when checks were made this was found not to be the case and no TEN had even been applied for.

The officers were told that security had been booked for this event and eventually they were given contact details for the security company that they stated they were using.

MCC Licensing officers contacted this security company and were informed that they had no knowledge of this event and were not supplying any staff to it.

It was claimed that the large amount of alcohol was to be given away for free and that nobody attending the event would be charged an entrance fee but this seemed

GREATER MANCHESTER POLICE

highly doubtful to the officers present so all the alcohol was seized and booked into the GMP property system.

This isn't the only recent issues with events operating at this premises and it has been visited during events by officers who have found it very difficult to establish who is in charge and how many security they have employed.

They have encountered people standing at the door appearing to be carrying out security duties but then when spoken to have stated that they are nothing to do with the event.

The applicant has made no reference to how they will safely manage this large event for 250 persons until 0600hrs or how this number of potentially inebriated people will be safely dispersed without causing a disturbance.

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

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

Date/Time 09/02/22.....1030 hrs



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

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

Premise Details

Application Ref No	M/270136
Name of Premises	Sol House
Address	117 Fairfield Street, Manchester, M12 6EL

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 (LOOH) have assessed the likely impact of the grant of this application taking into account a number of factors, including the hours and activities applied for, the nature of the area in which the premises is located and the potential risk to the licensing objectives as a result of granting this application. As a result of this assessment the Licensing and Out of Hours Team (LOOH) are not satisfied that the conditions offered are sufficient to uphold the four licensing objectives.

Sol House is located at 117 Fairfield Street within the Piccadilly Trading Estate within a few hundred metres of Piccadilly Train Station. TEN applications for Sol House have been regularly submitted to the council for review since 2014. Officers from the Licensing Out of Hours team have conducted regular monitoring of these events and during several visits, officers have witnessed a vast array of issues that have led to LOOH having serious concerns about the premises being able to operate legally.

Previous TEN monitoring visits to the Sol House premises have found that the event taking place was not as described as in the original TEN application. LOOH officers have also witnessed customers whilst stood queueing to go inside the premises using psychoactive substances unchallenged. Patrons have also been witnessed drinking alcohol unchallenged outside on Fairfield Street whilst an event was taking place which is a breach of the Public Spaces Protection Order currently in place within Manchester City Centre. Issues with litter surrounding the premises have also been identified.

We have serious concerns regarding the management of events that take place at Sol House. During visits, LOOH officers have reported concerns regarding crowd control measures being non-existent and when challenged the people in charge of the event have no knowledge of the person who has applied for the TEN, and an unwillingness to identify who is responsible.

LOOH also hold serious concerns regarding the security measures that are implemented for events that take place at Sol House due to various issues identified during previous visits. LOOH officers have witnessed the following issues:

- The CCTV system for the venue when reviewed by officers was found to be in a poor quality with the wrong date and time stamp. The person in charge during this visit did not understand how to operate the CCTV system correctly.
- Unlicensed SIA working as Security
- During one visit, 1 SIA on door with 300 patrons in attendance
- Security staff unable or unwilling to tell officers who employs them.

On more than one occasion, LOOH officers have arrived on site and found no security staff in place. One officer described one visit to Sol House as being like a 'free for all'. On another multi-agency visit to Sol House, no security personnel were found to be in place again, therefore due to serious concerns about how the event could unfold, Greater Manchester Police undertook a seizure of all alcohol on site.

Due to the various issues witnessed by LOOH officers described above, LOOH recommend that the TEN application should be refused.

Recommendation: Approve Application
Approve with Conditions (Outlined Above)
Refuse Application

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

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