



Licensing Sub Committee Hearing Panel

Date: Monday, 15 May 2023

Time: 3.00 pm

Venue: Council Antechamber, 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

Access to the Council Antechamber

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension.

There is no public access from any other entrances of the Extension.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Andrews, Hilal and Hughes

Supplementary Agenda

- | | | |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 1a | Urgent Business - Temporary Event Notice - Empire House, 2 Empire Street, Manchester, M3 1JA - ref: LTN287920
The report of the Director of Planning, Building Control and Licensing is enclosed. | 3 - 56 |
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| 4. | Temporary Event Notice - Empire House Manchester, 2 Empire Street, Manchester, M3 1JA - ref: LTN287866
The report of the Director of Planning, Building Control and Licensing is now enclosed. | 57 - 88 |

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 **Wednesday, 10 May 2023** 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 – 15 May 2023

Subject: Empire House, 2 Empire Street, Manchester, M3 1JA - ref: LTN287920

Report of: Director of Planning, Building Control & Licensing

Summary

Submission of a temporary event notice where objection notices have been given.

Recommendations

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

Wards Affected: Cheetham

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

A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to drive growth	

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

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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 2 May 2023, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Empire House, 2 Empire Street, Manchester, M3 1JA in the Cheetham ward of Manchester. A location map and photo 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 Bunmi Sanusi.
- 2.3 The description of the event is "the event is a birthday party. invitation only"
- 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**
- 2.5.1 The premises user submitted the documents listed on the next page in support of the TEN on 09/05/2023. The documents were received following sending of the notice of hearing and were sent by the premises user to this team, GMP and LOOH. The documents are included at the end of the TEN at **Appendix 2**:

- Dispersal plan
- Drugs Policy
- Queue management policy
- Search policy
- Think 25 and suitable forms of ID policy

3. **Objection Notices**

3.1 Objection notices were received from GMP and 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	<p>A recent Temporary Event which took place at this location resulted in a large scale brawl during which a customer received serious facial injuries and was attended by numerous police officers.</p> <p>There is no detail whatsoever within the application to show how numbers will be managed, what security will be in place, how the customers will be dispersed at the end of the night, what welfare provision there will be and how the disruption caused to local residents will be minimised.</p>	Serve a counter notice
Licensing and Out of Hours Compliance	<p>There were dispersal issues at a recent TEN at the premises. The applicant has not indicated any measures for security.</p> <p>The LOOH team are concerned about the number of potential customers and timings requested. There is an increased likelihood of issues in the early hours that would cause the licensing objectives to be undermined.</p> <p>The premises user has not offered any conditions or showed any evidence of how they will manage the event and uphold the licensing objectives.</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 licensing objectives, the policy is to give notice to the premises user that includes a statement of the conditions imposed. Copies of this notice will be provided for GMP and LOOH.
- 4.5.5 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.

Conclusion

- 4.6 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 4.7 In considering the matter, the Panel should take into account any objections that have been received from GMP or LOOH, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 4.8 Having regard to the objection notice(s), the panel must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 4.9 If the panel decides not to give a counter notice the panel may impose one or more conditions on the TEN if –
- the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 4.10 All licensing determinations should be considered on the individual merits of the notification.
- 4.11 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.

- 4.12 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

5. **The Panel is asked to determine the temporary event notice**

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Premises Licensing
Manchester City Council

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Event: TEN ref 287920 - Bunmi Sanusi, "Birthday party. invitation only"

PREMISE ADDRESS: 2 Empire Street, Manchester, M3 1JA

WARD: Cheetham

HEARING DATE: 15/05/2023

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Temporary Event Notice

Payment Transaction number:- /353260a4-0b | Form Reference number EF1/805362

Premises User Information

Title

Ms

If other please state

n/a

Surname

Sanusi

Forenames

Bunmi

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

[Redacted]
[Redacted]
[Redacted]
[Redacted]

Telephone

[Redacted]

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

[Redacted]

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)

Empire House
2 Empire Street
Manchester
M33 5RN

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

The premise is a function suite and conference centre

Please describe the nature of the event

The event is a Birthday party. invitation only.

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

n/a

The provision of regulated entertainment

Yes

The provision of late night refreshment

n/a

Are you giving a late temporary event notice?

n/a

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

17th and 18th of June

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

16.00 to 03.00

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).

150

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

On

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

No

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

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

No

Issuing Authority

n/a

Licence Number

n/a

Date of Issue

n/a

Date of Expiry

n/a

Any further relevant details

n/a

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

No

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

n/a

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

No

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

Yes

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?

Yes

For information - our records show that no other TEN has been submitted for this premises that takes place within 24 hours of this TEN, HH

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?

Yes

Declaration and Payment New

Name

Capacity in which you are making this application

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:



Luxury Banqueting | Seminar Rooms | Board Room | Hot Desking | Saturday Class | Home Work Club

EMPIRE HOUSE DISPERSAL PLAN

This plan is designed to ensure that all members of staff and contracted door supervisors support Empire House to prevent all actions that may constitute public nuisance or a breach of the peace at all times but especially at the end of an event.

The primary aim of this plan is to ensure that we practice a robust and consistent approach to winding activities / events in a way that ensures that we are able to uphold our legal licensing obligations.

Our Objectives:

- To ensure that we retain control of the management of our events / activities through policy and agreed action plans.
- To provide team members with clear guidance and directives on activities and specific actions that must be taken towards the end of any event / activity in ways that prevent any incident.
- To disperse guests and customers without any incident or complaint.

Implementation

Pursuant to supporting the 4 licensing objectives, at the end of all events and when the venue is closing, staff and door supervisors shall assist with safe, quiet and orderly dispersal of patrons from the area in such that minimise any disturbance to our neighbours.

In specific, the plan detailed below will be supervised by the duty manager on event days with guidance and directives from the designated premises supervisor (DPS).



Luxury Banqueting | Seminar Rooms | Board Room | Hot Desking | Saturday Class | Home Work Club

S/NO	TIME UNTILL EVENT ENDS	ACTION REQUIRED	AIM
1	60 Minutes	Br staff uses DJ's system to announce that events ends in one hour and that the bar will be shut in 30 minutes.	To prompt patrons to start planning their departure
2	60 -30 minutes	Start clearing / removing all unused bottles, drinks and empty all receptacles	To prevent last minute clear up, send further signals of closing and remove potential hazards.
3	30 minutes	DJ begins to reduce music volume and changes to on music with lower tempo	To further signal end of event and trigger decision by patrons to leave.
4	30 minutes	Bar shuts down and will serve ONLY tap water. DJ announces to patrons to be respectful of neighbours as they depart.	To stop further consumption of alcohol. Ensure that patrons are reminded to exit quietly and orderly.
5	30 minutes	Staff and Door Supervisors in high visibility vests relocate to designated exists.	To encourage patrons to leave quietly and respect neighbours.
6	10 minutes	Staff begins to encourage customers to drink up and make their ways quietly to the exits.	To encourage gradual dispersal and avoid mass exit.
7	5 minutes	DJ announces last song	To signal end of event
8	0 minute	DJ thanks all patrons and request them to leave quietly. Music stopped and public address system is disabled. Door Supervisors continue to coordinate safe, quiet dispersal of customers	To ensure quiet and peaceful dispersal
9	Plus 10 minutes	Firmly request all remaining patrons to leave premises and be ready to enforce a respectful environment	To ensure that all patrons leave the premises without any incident.
10	Plus 30 minutes	Final lockdown checks	End of day

Reviewed: September 2022



Empire House Drugs Policy

The Misuse of Drugs Act 1971 puts controlled drugs into three Classes defined by the amount of harm that they have the potential to cause. They are categorised as follows:

CLASS A: Which includes Cocaine, Crack Cocaine, Heroin, Ecstasy, Cannabis Oil and LSD.

CLASS B: Which includes Cannabis, Cannabis Resin and Amphetamine

CLASS C: Which generally include prescription drugs which are abused such as Diazepam and Steroids.

The Misuse of Drugs Act 1971 also defines the offences with the main ones being:

Possession: Also known as personal use where the individual has a small amount of a controlled drug on their person.

Possession with Intent to Supply: This is where an individual has a controlled drug in their possession and the reason for this is to supply it to another.

Supply: This is where a person supplies or offers to supply a controlled drug to another person.

The part of the Act which directly effects licensed premises is:

Section 8 of the 1971 Act which states that it is an offence to “Knowingly permit or suffer any drug related activity on the premises”. Activity could relate to any of the above offences

Drugs seized or found on premises

Where items suspected of being illegal drugs are found on an individual following a voluntary search, the police must be called, and the items handed over to the attending officer as part of an evidential package.

Likewise, there is no power to detain an individual under the Misuse of Drugs Act 1971 and individuals must remain at the premises voluntarily before being handed over to the police as soon as possible.

Detention is only lawful if the individual has committed a Common Law offence such as an assault or a Breach of the Peace

If the individual agrees to remain on the premises they can be handed over to the police at the same time.

A written statement documenting the search and the subsequent handover will be required to provide continuity of the evidence chain.



Where items are located inside the premises and a person is NOT identified and there is no prospect of doing so, the process outlined below must be followed:

The process is that the person finding the substance is required to place the items in a sealable bag or envelope and seal it. Once sealed, that person will sign across the seal and this will be counter signed by the duty manager/DPS. The staff member will then fill out the drug register before depositing the package into a secure drug safe (drop box) which is kept in a secure location of the building. Please note that no member of staff or visitor can retrieve the drugs from the drop box. The item(s) must only be removed by a Police Officer who will be required to sign the register to confirm that it has been removed. This will need to be counter signed by a manager/DPS at the premises. The completed drugs register will be retained on the premises for at least 6 months after the completion date for auditing purposes.

It is the expectation of the Police that when drugs are deposited in the safe, a call is made to the control room of the local policing area to arrange collection. The call should be made as soon as is practical and an incident log created flagged for the attention of the Licensing Officer. If the venue is busy and this occurs on a weekend or public holiday, this call MUST be placed no later than the first working day after the drugs are found and deposited.

Failing to adhere to this may amount to a staff member or manager committing an offence of unlawful possession as outlined above.

The defence to this is knowing or suspecting it to be a controlled drug, he/she took possession of it for the purpose of delivering it into the custody of a person lawfully entitled to take custody of it and that as soon as possible after taking possession of it he/she took all such steps as were reasonably open to him/her to deliver it into the custody of such a person.

All staff and managers have a duty to support this policy to make sure that people coming into Empire House feel safe and can enjoy themselves in a drug free environment.

This document is intended to form part of Empire House Assignment Instruction for security personnel on duty.

Reviewed: September 2022



Empire House Queue Management Policy

Overview

This document has been produced to guide our queuing arrangements in a way that supports prevention of public nuisance and promotes public health by taking into account social distancing measures.

The document will be reviewed in line with the release of any further Government guidance and as best practice is developed and maintained by Empire House

When designing our queuing strategy, consideration was given to the nature of the area, the immediate streetscape, and neighbouring premises including the pub and breweries who are our immediate neighbours.

How to plan and manage a queue

We would ensure that que is arranged to be off the road and starts right from the front door and extend round the corner to Brent street. An acceptable que management plan will ensure at least 2.5m space is provided on the pavement for pedestrians.

- A staffing or stewarding plan should be implemented for the queue space to ensure sufficient resource is allocated to manage and monitor the queue space
- Consideration needs to be given to existing street furniture in the vicinity of a premises as well as bus stops or waste collection routes. Plans must ensure that a pinch point for public access isn't created.
- Clear lines of communication are crucial to ensure staff and customers are provided with accurate information.
- Ensure there are sufficient numbers and suitably trained staff and/or stewarding resources to manage the queuing area.
- Ensure signage is visible and displayed in appropriate locations including at the end of the queue.

to be monitored to ensure they do not exceed capacity.

- At the end of the trading day, only allow customers in the queue who will be able to enter the premises before closing.

A queue management plan and full risk assessment must be approved for each event.



Capacity

Maximum capacity for Empire House is 350. At no point should there be more than 350 people (including staff, band team members and all guests) in the premises.

Entry/Exit Points

The entry and exit points at start and end of event shall be main entrance on Empire Street.

Exit point during event will be fire exit on Empire Street

Emergency exits will be through all doors including fire exists on Brent street, fire exit and main door on Empire Street.

If there is a high volume of persons leaving the premises, there may need to consider for a holding area with social distancing enforced inside the exit for people to queue as they exit.

- Ensure emergency exits remain accessible at all times.

How to manage a queue

- Clear lines of communication are crucial to ensure staff and customers are provided with accurate information.
- Ensure there are sufficient numbers and suitably trained staff and/or stewarding resources to manage the queuing area.
- Ensure signage is visible and displayed in appropriate locations including at the end of the queue.

Ques need to be monitored to ensure they do not exceed capacity.

- At the end of the trading day, only allow customers in the queue who will be able to enter the premises before closing.

Queuing Behaviours

- During this pandemic there is a likelihood that customers will have a heightened anxiety around social distancing measures. Create reassurance that there is compliance with Government advice and guidelines to create trust with customers. Ensure that stewards, staffs and security officers are briefed to show empathy and understanding.
- People may become frustrated with long wait times. To help with this, give customers information about queuing times to manage their expectations when they join the queue.
- Consider the type of demographic visiting the premises and how their behaviour is likely to affect their queuing. Studies have shown that family groups or groups of friends prefer to move together as a unit rather than as individuals. Mobility should also be considered.



- Place hand sanitiser stations at entry and exit points (considering pedestrian flows).

Security

Where possible, appoint a queue manager to monitor behaviours in and around the queue. This should include monitoring for people loitering so they know they have been seen and noted.

Those staff involved in managing the queue should engage the public using tact and good humour. People in queues may become increasingly intolerant of other people's behaviour at social distancing queues. The time waiting in the queue and seasonal heat will affect people's behaviour.

Recommendations

Utilise a 'meet and greet' philosophy at entrances – you can control numbers, convey any instructions, etc. whilst imparting a subliminal message of regulation: control the door, control the crime.

- Have a qualified first aider in the vicinity to administer basic first aid should someone faint in a queue.
- Monitor for begging and take action to ensure this behaviour does not establish itself. If a problem persists or person becomes aggressive, call 999. The personal safety of the queue manager and people in the queue is the primary importance.
- Engage in positive crime prevention measures. It will be harder for offences such as pickpocketing to be committed with social distancing in place. However, those managing the queue should remind those queuing to keep bags closed and valuables out of sight.
- Keep an eye out for individuals loitering nearby or other suspicious activity.

Other considerations

- Provide clear guidance on social distancing and hygiene to people on arrival – signage and visual aids, for example.
- Give consideration to the size of groups allowed and the impact on queue space required (as well as inside).
- Review opening hours when considering how to manage deliveries to de-conflict where possible.
- Ensure any changes to entries, exit and queue management take into account reasonable adjustments for those who need them, including those with accessibility requirements.



- Consider support that may be required for those with hidden disabilities such as deafness and visual impairments when following instructions and queueing.
- Always maintain emergency access.

All employers must carry out a COVID-19 risk assessment which should take into account internal management of the premises, staff and visitor welfare as well as external plans. The HSE has guidance on how to manage risk and risk assessment at work along with specific advice to help control the risk of coronavirus in workplaces.

This document is intended to form part of Empire House Assignment Instruction for security personnel on duty.

Reviewed: September 2022



Empire House Search Policy

Searching is a standard part of the entry policy for Empire House, Cheetham Hill, Manchester, M3 1JA.

Signs advertising this policy are displayed at all public entrances to the venue and voluntary searches are a condition of entry into this venue for purposes of protecting lives and complying with relevant provisions the licensing act 2003.

Searches can **ONLY** take place with the consent of the individual who is to be searched. Under no circumstance can force be used to perform a search. If an individual initially gives their permission to be searched but then withdraws this consent, the search must be stopped immediately. There are no legal powers for staff including SIA door supervisor staff to search. And where consent is refused, consideration should be given to record it in the search register.

It is best practice to have another person witness the search to prevent any malicious claims of assault and to provide evidential corroboration of any items found. **If the individual declines to be searched, entry must be refused on all occasions.**

Trespass / Aggravated Trespass

You have a right to refuse entry or to ask someone to leave at any point. If they refuse to leave when requested to do so and are displaying drunk OR disorderly behaviour, it is allowed to use minimum force to remove such persons from the premises and the police should be contacted for assistance if there is threat to life and properties. It can be considered as a civil offence of trespass for a person to refuse to leave the venue when requested to do so, this may be a criminal offence of aggravated trespass if force is used by a customer to remain in Empire House after being told in clear terms to leave the premises.

Extent of searching

The search of a person must be restricted to outer clothing and pockets but can and should include bags.

The search should only be performed by a staff member who is of the same gender as the individual to be searched; male to search male and female to search female. Self-search may be done for non-binary customers.

Once inside the venue, voluntary searching is still permitted however should only be conducted where information exists to suggest that drugs are being used (as opposed to the screening option that may be employed on the entrance(s)). The same rules apply as with condition of entry searches and where consent is refused, the individual should be asked to leave and escorted off the premises.



Where practical, the search should take place out of the way of the public. When the venue is busy taking an individual to one side and being discreet may be more proportionate to ensure that the safety and security of the venue is not compromised.

The method of searching must be in accordance with any training approved by the SIA and be compliant with the rules laid out above.

This document is intended to form part of Empire House Assignment Instruction for security personnel on duty.

Reviewed: April 2023



Empire House - THINK 25 Policy and Acceptable forms of ID

As a responsible venue, Empire House is absolutely committed to protecting children from harm. It is really important to us that age restricted products do not end up in the hands of those underage. We are not only legally obliged to do this, but also recognise the importance of this as part of our company values to make a positive difference in our communities.

We also recognise how difficult it can be for our colleagues to judge the age of someone in their mid-late teens or early twenties. Someone who looks 18 could easily be 16, likewise, they could easily be 20 or 22. It is less likely, however, that they will be 25. For this reason, we ask all colleagues to check the age of anyone trying to gain access to the venue or buying restricted products who they believe to be under 25.

Below is the list of IDs we accept as proof of age.

- Current passports or an equivalent form of identification such as a national identity card with a photo and date of birth (all nationalities), these must show expiry dates
- Current photographic driving licences or provisional licences and date of birth (all nationalities), these must show expiry dates.
- Military IDs with a photo and date of birth (UK only)
- Cards with a PASS logo such as Citizen, Connexions, Validate or Young Scot, these must have holograms.
- Biometric residence permits (BRPs)

Under no condition will ANY young person without acceptable proof of identification be admitted and / or be allowed to purchase alcohol. Colleagues are reminded of the responsibility to prevent children from harm as prescribed by the Licensing Act. Failure to comply with the provisions of this policy will lead to serious disciplinary actions.

Refusal of Entry / Service

In the event that a prospective customer is refused access or service, entry must be made in the entry / service refusal book.

This document is intended to form part of Empire House Assignment Instruction for security personnel on duty.

Reviewed: April 2023

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of the Local Government Act 1972.

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GREATER MANCHESTER POLICE



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

To: Ms Bunmi Sanusi



9th May 2023

Dear Madam

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

PREMISES NAME:	Empire House
ADDRESS:	2 Empire Street Manchester M3 1JA
DATE OF EVENT:	17/06/2023 – 18/06/2023
TIME OF EVENT:	1600– 0300 hrs

GMP objects to the grant of this Temporary Event Notice on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety.

The application is seeking to allow the premises to host a music event from 4pm until 3am for up to 150 people.

A recent Temporary Event which took place at this location resulted in a large scale brawl during which a customer received serious facial injuries and was attended by numerous police officers.

There is no detail whatsoever within the application to show how these numbers will be managed, what security will be in place, how the customers will be dispersed at the end of the night, what welfare provision there will be and how the disruption caused to local residents will be minimised.

GREATER MANCHESTER POLICE

As such we ask that this TEN application is refused.

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

Date/Time 9th May 2023 0740hrs
.....

I


**MANCHESTER
CITY COUNCIL**
Licensing & Out of Hours Compliance Team - Representation

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

Premise Details

Application Ref No	REF 287920
Name of Premises	Empire House
Address	2 Empire Street, Manchester, M20 2LA

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 granting of this application taking into account a number of factors, including the nature of the area in which the premises is located, the hours applied for and any potential risks that the granting application could undermine the licensing objectives.

The TEN has applied for regulated entertainment and the sale of alcohol from 16:00 until 03:00 on the 17/18 June 2023 for 150 people. The event is described by the applicant as an invitation only Birthday party.

There have recently been issues outside at dispersal following an approved temporary event notice at the premises. The applicant has not indicated any measures for security.

The LOOH team are concerned with the number of potential customers and timings requested. There is an increased likelihood of issues in the early hours and undermining the licensing objectives, namely public nuisance, public safety and crime and disorder.

As the applicant has not offered any conditions or showed any evidence of how they will manage the event and uphold the licensing objectives the recommendation of LOOH is to refuse the Temporary Event Notice.

Recommendation: Refusal

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Manchester City Council Report for Resolution

Report to: Licensing Subcommittee Hearing Panel – 15 May 2023

Subject: Empire House Manchester, 2 Empire Street, Manchester, M3 1JA - ref: LTN287866

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: Cheetham

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

A connected city: world class infrastructure and connectivity to drive growth	
-------------------------------------------------------------------------------	--

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Chloe Tomlinson
 Position: Technical Licensing Officer
 Telephone: 0161 234 4521
 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 2 May 2023, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Empire House Manchester, 2 Empire Street, Manchester, M3 1JA in the Cheetham 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 Adijatu Tejan-kadri.
- 2.3 The description of the event is Sierra Leonean music Jamboree.
- 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this TEN.
- 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
- 2.4 **Activities unsuitable for children**
- 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

3. **Objection Notice(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	There is no detail whatsoever within the application to show how these numbers will be managed, what security will be in place, how the customers will be dispersed at the end of the night, what welfare provision there will be and how the disruption caused to local residents will be minimised. This event could therefore undermine the following Licensing Objective: the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety.	Serve a counter notice
Licensing and Out of Hours Compliance	<p>There have recently been issues outside at dispersal following an approved temporary event notice at the premises. The applicant has not indicated any measures for security.</p> <p>The LOOH team are concerned with the number of potential customers and timings requested. There is an increased likelihood of issues in the early hours and of the licensing objectives, namely the prevention of public nuisance, public safety and the prevention of crime and disorder, being undermined.</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 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.

Premises Licensing
Manchester City Council

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Survey100019568.



Event: 287866

PREMISE ADDRESS: 2 Empire Street, Manchester, M3 1JA

WARD: Cheetham

HEARING DATE: 15/05/2023

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Temporary Event Notice

Payment Transaction number:- /09735a5f-ec | Form Reference number EF1/803809

Premises User Information

Title

Miss

If other please state

n/a

Surname

Tejan-kadri

Forenames

Adijatu

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

Fax number

n/a

Email address

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)

Empire Hall
2 Empire street
Cheetham Hill
M3 1JA

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

Community Jamboree festival

Please describe the nature of the event

Sierra Leonean music Jamboree, showcasing the culture, talent and food from Sierra Leone. Bringing the community together.

Licensable activities

The sale by retail of alcohol

No

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.

26th/27 August 2023

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 to 3:00Am

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).

300

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

Please choose...

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

No

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

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

No

Issuing Authority

n/a

Licence Number

n/a

Date of Issue

n/a

Date of Expiry

n/a

Any further relevant details

n/a

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

No

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

n/a

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

No

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

No

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

n/a

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

No

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

No

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

n/a

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

No

Declaration and Payment New

Name
Adijatu Tejan-kadri
Capacity in which you are making this application

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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GREATER MANCHESTER POLICE



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

To: Miss Adijatu Tejan-Kadri



3rd May 2023

Dear Sir

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

PREMISES NAME:	Empire House
ADDRESS:	2 Empire Street Manchester M3 1JA
DATE OF EVENT:	26/08/2023 – 27/08/2023
TIME OF EVENT:	2300– 0300 hrs

GMP objects to the grant of this Temporary Event Notice on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety.

The application is seeking to allow the premises to host a music event from 11pm until 3am for up to 300 people.

There is no detail whatsoever within the application to show how these numbers will be managed, what security will be in place, how the customers will be dispersed at the end of the night, what welfare provision there will be and how the disruption caused to local residents will be minimised.

To allow this event to take place could cause an unnecessary level of disturbance to the local residents and would therefore impinge on their quality of life.

GREATER MANCHESTER POLICE

As such we ask that this TEN application is refused.

Signed:.....[REDACTED]..... (rank/pin/name)

Date/Time 3rd May 2023 0735hrs
.....


**MANCHESTER
CITY COUNCIL**
Licensing & Out of Hours Compliance Team - Representation

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

Premise Details

Application Ref No	REF 287866
Name of Premises	Empire House
Address	2 Empire Street, Manchester, M20 2LA

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 granting of this application taking into account a number of factors, including the nature of the area in which the premises is located, the hours applied for and any potential risks that the granting application could undermine the licensing objectives.

The TEN has applied for regulated entertainment and late night refreshment from 23:00 until 03:00 on the 26/27 August 2023 for 300 people. The event is described by the applicant as "Sierra Leonean music Jamboree, showcasing the culture, talent and food from Sierra Leone. Bringing the community together."

There have recently been issues outside at dispersal following an approved temporary event notice at the premises. The applicant has not indicated any measures for security.

The LOOH team are concerned with the number of potential customers and timings requested. There is an increased likelihood of issues in the early hours and undermining the licensing objectives, namely public nuisance, public safety and crime and disorder.

As the applicant has not offered any conditions or showed any evidence of how they will manage the event and uphold the licensing objectives the recommendation of LOOH is to refuse the Temporary Event Notice.

Recommendation: Refusal

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