Public Document Pack



Licensing Sub Committee Hearing Panel

Date:Monday, 31 October 2022Time:10.00 amVenue:Council Antechamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

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. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk.

There is no public access from the Lloyd Street entrances of the Extension.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Connolly (Deputy Chair), Andrews and T Judge

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 - Empire House Manchester, 2 Empire Street, Manchester, M3 1JA

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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:

Ian Hinton-Smith Tel: 0161 234 3043 Email: ian.hinton-smith@manchester.gov.uk

This agenda was issued on **Friday, 21 October 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 – 31 October 2022
Subject:	Empire House Manchester, 2 Empire Street, Manchester, M3 1JA - ref: LTN281530
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:	Grace Ollier
Position:	Technical Licensing Officer
Telephone:	0161 234 4375
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 17 October 2022, 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 Jayvon Morgan.
- 2.3 The description of the event is "Private music event".
- 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 not subject to a premises licence or club premises certificate issued under the Licensing Act 2003. There is currently an application in consultation for a premises licence at this premises, the applicant is Achievable Community Services Ltd.

2.4 Activities unsuitable for children

2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

3. Objection Notice(s)

- 3.1 An objection notice was received from GMP and from LOOH in respect of the TEN (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these objections will be available to the Panel at the hearing.
- 3.2 Summary of the objections:

Party	Grounds of representation	Recommends
GMP	Concerned re lack of detail in application re security, numbers at event, dispersal and welfare provision for attendees. GMP have now withdrawn their objection on the basis of further information supplied by the applicant (see appendix 3)	Objection now withdrawn
Licensing and Out of Hours Compliance	Concerns include the proximity of premises to residential properties, lack of detail provided by the premises user, potential for noise and lack of sound proofing, safe dispersal.	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. <u>Conclusion</u>

- 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: Empire House Manchester **PREMISE ADDRESS:** 2 Empire Street, Manchester, M3 1JA **WARD:** Cheetham **HEARING DATE:** 31 October 2022





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Temporary Event Notice

Payment Transaction number:- SSES00479914 | Form Reference number EF1/596826

Premises User Information

Title	
Mr	
If other please state	
n/a	
Surname	
morgan	
Forenames	
Jayvon	
Previous names (Please e	enter details of any previous names or maiden names, if applicable)
n/a	
Your date of birth	
Your place of birth	
National Insurance Numb	er
Your current address (We correspondence box)	e will use this address to correspond with you unless you complete the separate
Telephone	
Evening telephone	
Dof - EE1/506926	15/1 /2309:01

n/a
Nobile phone
n/a
ax number
n/a
Email address
Address
n/a
elephone
n/a
Evening telephone
n/a
<i>l</i> obile phone
n/a
ax 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 house Manchester. 2 Empire street 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.

Ground floor only.

Please describe the nature of the premises

Banquet hall.

Please describe the nature of the event

private, music.

Licensable activities

The sale by retail of alcoho)l	
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 tempo	prary event notice?	
Yes		
Please state the dates on v	which you intend to use these premises for licensable activities.	
12/11/2022	GO Phoned premises user to confirm dates/times of event - the event will begin at 9pm on 12th November and finish at 4.30am on 13th November	
Ref : EF1/596826	15/10/2019 11:03:04	Page 3 of 7

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 - 04:30

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).

400

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?

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 Jayvon Morgan Capacity in which you are making this application event 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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Licensing & Out of Hours Compliance Team - Representation		
Name	Lauren Connell	
Job Title	Neighbourhood Compliance Officer	
Department	Licensing and Out of Hours Compliance Team	
Address	Level 1, Town Hall Extension, Manchester, M60 2LA	
Email Address	lauren.connell@manchester.gov.uk	
Telephone Number	0161 227 3147	

Premise Details	
Application Ref No	281530
Name of Premises	Empire House Manchester
Address	2 Empire Street, Manchester, M3 1JA

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 this Temporary Event Notice 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 risk that the granting of this application could lead to undermining the prevention of public nuisance as a licensing objective under the Licensing Act 2003.

The applicant has requested to run an 'event' which includes the sale of alcohol and also the use of regulated entertainment until 04:30am at a premises which is located within 10 minute walking distance of the city centre. The premises itself is situated just off Cheetham Hill Road, a main thoroughfare into the city centre and also faces the Green Quarter. This area of Cheetham has recently seen a rise in the number of residential blocks being built and lived in, which in recent months have resulted in a large number of noise complaints from surrounding premises not managing noise breakouts when holding events.

The majority of the buildings that are located within this area of the Cheetham are intended for commercial use and therefore are not built with the sound proofing needed to hold music events. There has been no detail given as to how the music is being played during this event or how the noise levels will be monitored and where from throughout the duration of the event to ensure the public nuisance licensing objective is upheld. There has been no consideration given to this element of the event which LOOT would expect given the late terminal hour.

The applicant has specified 04:30 as the intended finishing time for the event, however, has failed to detail how they intend to manage not only the safe and orderly dispersal of the 400 patrons that will be attending but the noise from patrons leaving the venue or those who will be attempting to arrange transport to get home or onwards from the event. There has been no smoking policy

received with this application which would outline how the premises plan to manage the use of a particular area for smoking and how they will manage the numbers and noise from this given the late hours applied for.

The applicant has failed to include any details to how the event will be managed or any assurances as to how any potential concerns may be dealt with. The applicant has not included any information which involves the use of SIA which LOOHT would expect to see given the event will be expecting 400 patrons to ensure the prevention of crime and disorder licensing objective is upheld.

The lack of detail in the application and consideration to the surrounding residential properties gives rise to the potential for noise nuisance given there has been no management plan put in place or any thought to these potential issues. Therefore we would request that this application is refused.

Recommendation: Refuse Application

GREATER MANCHESTER POLICE



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

To:	

18th October 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 Licensing Objectives.

PREMISES NAME:	Empire House
ADDRESS:	2 Empire Street Manchester M3 1JA
DATE OF EVENT:	12/11/22 – 13/11/22
TIME OF EVENT:	2100 – 0430 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 hold a music event with up to 400 people in attendance but doesn't say how customers are allowed admittance. It doesn't say if it is by pre purchased tickets or by paying on the door.

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 or how the music will be played and by whom.

To allow this event to take place without these measures in place is likely to

GREATER MANCHESTER POLICE

result in the licensing objectives being undermined.

As such we ask that this TEN application is refused.

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

Date/Time 18th October 2022 0700 hrs

EMAILS BETWEEN GMP & PREMISES USER – GMP OBJECTION WITHDRAWN

From: Alan Isherwood <Alan.Isherwood@gmp.police.uk> Sent: 19 October 2022 10:51

To: Premises Licensing < Premises.Licensing@manchester.gov.uk>;

Cc: Central Licensing <CentralLicensing@gmp.police.uk>; Lauren Connell <lauren.connell@manchester.gov.uk>

Subject: RE: Objection to Temporary Event Ref: 281530/GO2: Empire House Manchester, 2 Empire Street, Manchester (ward) 12 November 2022 to 13 November 2022

Dear All

The applicant Jayvon has provided an update as to what security, welfare, entrance criteria etc that will be in place on the night of the event. I have also spoken to the local policing team who are also satisfied that appropriate measures will be in place so I wish to withdraw my objection to this event and GMP are now happy for it to go ahead.

The local policing team will be on duty on the night of the event so they can monitor it as required.

Many Thanks

Alan

PC 17659 Alan Isherwood Divisional Licensing Officer Greater Manchester Police City of Manchester Division 1st Floor Manchester Town Hall Extension Lloyd Street Manchester M2 5DB

From: Alan Isherwood <Alan.Isherwood@gmp.police.uk> Sent: 19 October 2022 07:23

To:

Cc: Premises Licensing <Premises.Licensing@manchester.gov.uk>; Central Licensing <CentralLicensing@gmp.police.uk>; Lauren Connell <lauren.connell@manchester.gov.uk>; Paul O'Donnell <<Paul.ODonnell@gmp.police.uk>

Subject: RE: Objection to Temporary Event Ref: 281530/GO2: Empire House Manchester, 2 Empire Street, Manchester (ward) 12 November 2022 to 13 November 2022

Hi Jayvon,

Thanks for the extra information. I have forwarded your email to the local policing team who cover the Cheetham Hill/Strangeways area to see if they are now happy for the event to go ahead.

In the meantime if you could send me some more details of the DJs who are booked to perform that would be really helpful.

Thanks

Alan

PC 17659 Alan Isherwood Divisional Licensing Officer Greater Manchester Police City of Manchester Division 1st Floor Manchester Town Hall Extension Lloyd Street Manchester M2 5DB

From:

Sent: 18 October 2022 15:26

To: alan.isherwood <alan.isherwood@gmp.police.uk> Cc: Premises Licensing <Premises.Licensing@manchester.gov.uk>; Central Licensing <CentralLicensing@gmp.police.uk>; Lauren Connell <lauren.connell@manchester.gov.uk> Subject: Re: Objection to Temporary Event Ref: 281530/GO2: Empire House

Manchester, 2 Empire Street, Manchester (ward) 12 November 2022 to 13 November 2022

Good afternoon.

Thank you for getting back to me in regards to the objection to the TEN.

I have read the email and understand and agree to the reasons to why the objection was made.

The first reason being that in the application it does not state how customers are allowed admittance I can provide and prove we do have an online link for the even which in only 300 tickets can be sold, this will be a ticket only event no purchases will be made on the door.

This also does help with the management of the number of people attending the event.

iN TERMS OF SECURITY we are working alongside B1 security, they have agreed that if necessary all badge numbers can be forwarded to GMP & the TEN licensing team.

WELFARE PROVISIONS - due to the venue being a banqute hall on the rounds clean and safe changing facilities are available and facilities to rest with refreshments E.G bottled water.

THE MUSIC - this is a multi genre music event and will be played from standard speakers, music will be provided

By FINAL WARNING SOUND & INVASION SOUND who both will be coming from the north west part of London these are fully licesned DJS and any more info on them can be sent across.

I Respect the decisions all made and do fully understand why it was made, I would love for you to have a look at what I missed out on my application and maybe consider working with me with this event which we have done before working along side with GMP.

Maybe a police presence around the venue on the night? Communication with police and security and myself during the event? More details can be provided upon request.

Kind regards, Jayvon Morgan. YOUTH DIRECTOR 84YOUTH.

From: Alan Isherwood <Alan.Isherwood@gmp.police.uk>
Sent: 18 October 2022 07:15
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>;

Cc: Central Licensing <CentralLicensing@gmp.police.uk>; Lauren Connell <lauren.connell@manchester.gov.uk>

Subject: Objection to Temporary Event Ref: 281530/GO2: Empire House Manchester, 2 Empire Street, Manchester (ward) 12 November 2022 to 13 November 2022

Dear All,

Please see attached objection notice in relation to the above TEN submission.

Kind Regards

PC 17659 Alan Isherwood Divisional Licensing Officer Greater Manchester Police City of Manchester Division 1st Floor Manchester Town Hall Extension Lloyd Street Manchester M2 5DB This page is intentionally left blank

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

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