

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Friday, 23 June 2023

**Present:** Councillor Grimshaw - in the Chair

**Councillors:** Judge and Riasat

**LACHP/23/49. Temporary Event Notice - Empire House, 2 Empire Street, Manchester, M3 1JA**

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing concerning the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant legislation.

A representative of LOOH addressed the Hearing Panel and stated that their objection was based on the likely impact of the licensing objectives being undermined. The proposal was for a birthday party and associated sale of alcohol, late night refreshment and regulated entertainment for up to 400 people until 04:00. LOOH gave mention of an unlicensed event which took place at this premises on 19/20 May 2023 which was organised by the same applicant for the TEN in front of the Hearing Panel today. Regarding this unlicensed event, LOOH were made aware of the event and noted that there had been no application served. LOOH communicated to the applicant that the event could not take place without a permit and provided a link to apply on the day of the proposed event. That same day, LOOH received a response stating that the applicant had found an alternative venue which was licensed. LOOH visited the premises on 20 May at 01:01 and found the event running. When asked to speak to a manager they were met by a male who provided LOOH with a printed TEN application for the event. On inspection, LOOH noticed that the date on the form was in a larger font size and that the footer of the document was dated as 22 November 2022. The TEN turned out to be a fake and this offence could impose a penalty of 6 months imprisonment or an unlimited fine. Due to this incident, LOOH had serious concerns about the premises ability or willingness to comply with regulations. Regarding this current application, LOOH noted that the management plan for 400 people at a party until 04:00 was dated 12 November 2022 and did not cover any likelihood of Public Nuisance, Safety and/or Crime and Disorder.

In responding to questions from the applicant's licensing representative and the Hearing Panel's legal advisor, the LOOH representative stated that the incident on 19/20 May could not be discussed as investigations were ongoing and that they were not aware if there had been complaints regarding noise or disturbance at this event.

The applicant's licensing representative then addressed the Hearing Panel and stated that this was their second TEN hearing in 5 weeks and that lots of previous events have gone without issue, that TEN applications are sent to him but expressed that the unlicensed TEN was not. The representative then stated that Empire House has its own management plan which is used for all the TEN applications and added that LOOH have objected yet the latest TEN application, granted and held recently, passed without incident. For this upcoming event, it was expected that 250 people

would attend and that it was common for events to run until 04:00. Plans in place covered management and dispersal and if the applicant had made any mistake then this was one error in a list of otherwise acceptable events. There had been no objection to noise from the most recent event and the representative questioned whether the previous unlicensed event on 19/20 May could be used against this application.

The legal advisor to the Hearing Panel confirmed that they could take matters into account from previous applications and that any previous TEN hearings for Empire House would have been heard by different Licensing Committee members.

The licensing representative continued and stated that there had been one other issue where a third party caused a fight at 04:30, after the event closed. This was followed by 2 events with no issues and he could not see how any dispersal concerns from the earlier TEN could affect this application when there had been two in between that went without incident.

In responding to questions from LOOH, the licensing representative stated that this applicant had held an event in November 2022, again without incident and that Empire House had policies that were managed in-house. Any TEN applicant has to provide door security and documents had been provided to cover this. It was unlikely that 400 people would attend and have to leave at the terminal hour all at once. The representative stated that previous queue management plans had been accepted by LOOH and questioned why they were now being brought up. All events at Empire House ran with an Under 25 policy and there had not been any sound complaints due to the lack of residential premises in the area and therefore may not need assessing.

The applicant responded to LOOH to state the name of the security company booked for the event.

The applicant and their licensing representative responded to questions from the Hearing Panel, stating that 400 was a catch-all figure but 350 is the capacity for the events area, that 8 door staff are provided by the applicant and 1 other by Empire House, that a colleague of the applicant had printed the false TEN approval and told him that it could go ahead, that he trusted this person as they had worked in a licensing capacity and that it was a mistake. The dispersal policy and outside area was covered in Empire House management plan and this was to be adhered to by the security staff and they would be made aware of their responsibility. In this way there was no requirement to tailor a management plan to each application. Empire House have control of all events and the applicant and security staff are required to comply with in-house policies.

In summing up, LOOH stated that there had been an unlicensed event recently and there was no proof that the licensing objectives would be upheld.

In summing up, the applicant's representative stated that they understood the concerns around the past event but added that this was a proper application. The event would run with 8 trained door staff, music levels can be controlled, a dispersal policy was in place, no children are allowed on the premises at later hours and that this covered all 4 licensing objectives.

In their deliberations, the Hearing Panel were concerned about any unlicensed events and took the matter very seriously but considered that there had been a greater number of events that had passed without incident and had been applied for properly. The Panel felt assured that the licensing objectives would be upheld by the applicant in line with the in-house policies at Empire House.

**Decision**

Not to serve a counter notice and therefore allow the event to go ahead.