

**Manchester City Council
Report for Information**

Report to: Licensing Committee – 17 February 2014

Subject: Licensing (Premises) applications between 1 October and 31 December 2013

Report of: Head of Planning, Building Control & Licensing

Summary

To inform the Committee of decisions made in relation to applications managed by the Premises Licensing Team.

Recommendations

That Members note the report.

Wards Affected: All

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	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.
Reaching full potential in education and employment	
Individual and collective self esteem – mutual respect	
Neighbourhoods of Choice	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; in relation to the Licensing Act these are the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm.

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

- Equal Opportunities Policy
 - Risk Management
 - Legal Considerations
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Financial Consequences – Revenue

None

Financial Consequences – Capital

None

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Background documents (available for public inspection):

The individual licence applications and associated documentation disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of these documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

1.0 Introduction

- 1.1 This report provides the Licensing Committee with information on the decisions taken in respect of premises licence applications. The information included within the report provides an overview in respect of the full range of premises licensing but the majority of the applications relate to premises involved in the sale of alcohol.

2.0 Background

- 2.1 The Licensing Unit's Premises Team is responsible for the administration of licence applications submitted in respect of the Licensing Act 2003 and the Gambling Act 2005.
- 2.2 Where a representation is made (and not withdrawn) against a licensing application under either of these Acts, it must be considered by a Sub-Committee, which acts under delegated authority from the Licensing Committee. If agreement is reached between the applicant for the licence and those persons who have made representations, the matter is passed to the Sub-Committee for determination in order to formalise the agreement. Where there is not unilateral agreement, the application is decided by the Sub-Committee following a public hearing.
- 2.3 When no representations are made against an application, the application must be granted as applied for and authority to do this is delegated to officers.
- 2.4 This report provides Members of the Licensing Committee with information on all applications considered not only by the different Licensing Sub-Committees but also those granted under delegated authority by officers.
- 2.5 The Premises Licensing Unit dealt with a total of 820 applications during this quarter.

3.0 Licensing Act 2003

- 3.1 The Licensing Act 2003 covers premises providing the following licensable activities:
- The sale or supply of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment

New Premises Licences

- 3.2 Between October and December 2013, the Licensing Authority determined a total of 37 new premises licence applications. 34 of these resulted in licences being granted. Three applications were refused.
- 3.3 Of the 34 granted licences, ten were granted by way of determination as agreement was reached between all parties. 18 licences were granted

following decisions made by the Licensing Sub-Committee. Six were granted under delegated authority by officers, as no relevant representations were made against the applications.

- 3.4 A notable application during the quarter was for a new premises licence in respect of Mayfield Depot in Fairfield Street, Manchester, M1. This is one of the largest applications Manchester City Council has dealt with. A licence was granted following the hearing conducted on 2 non-consecutive days and a copy of the minutes from the hearing is attached at Appendix 1.
- 3.5 Five separate appeals have been made in respect of the decision to grant a licence. (see Section 6.0)
- 3.6 No appeals were received in respect of any other applications.

Table 1 – Premises Licences (New)

Total applications	37
Granted by Determination	10
Granted by LSC Decision	18
Granted by Officers	6
Refused by LSC Decision	3
Decisions Appealed	1

Premises Licence Variations

- 3.7 A total of 40 applications for variation to licensable activities of premises licences were received during the quarter. 19 were ‘full’ variations under s34 of the Act and 21 were minor variations under s41a.
- 3.8 Of the full variations, 2 were granted by determination and 7 were granted by decision of the Licensing Sub-Committee. Ten applications were granted under delegated authority by officers and no applications were refused.
- 3.9 No appeals were made in respect of any of the above decisions.
- 3.10 In respect of the 21 minor variation applications received, 20 were granted as it was considered that the variation proposed could not adversely impact upon the licensing objectives. One application was refused as it was considered that the variation proposed could adversely impact upon the licensing objectives and it has subsequently been re-submitted as a full variation. The variation related to V20 on Grosvenor Street, M1 and sought to amend conditions that had originally been imposed by the Licensing Sub-Committee upon a previous Review of the licence.

Table 2 – Premises Licences (Variations)

Total applications	40
Granted by Determination	2
Granted by LSC Decision	7
Granted by Officers	10
Refused by LSC Decision	0
Decisions Appealed	0
Minor Variations granted	20
Minor Variations refused	1

Temporary Event Notices

- 3.11 A standard temporary event notice (TEN) must be submitted no later than ten working days before the event period begins, whereas a late TEN can be submitted no later than five working days, but no earlier than nine working days, before the day the event period begins.
- 3.12 Between October and December 2013, a total of 288 TENs were submitted to the Licensing Unit. Of these, 209 were standard TENs and 79 were late TENs.
- 3.13 Objections were submitted by Greater Manchester Police against four standard TENs, all submitted together for the same premises. All four were permitted to take place; the Licensing Sub-Committee decided to apply current premises licence conditions to two of the TENs, prompting Greater Manchester Police to withdraw their objection in respect of the two remaining Temporary Event Notices. .
- 3.14 Of the 79 late TENs, 10 objections were received from either Greater Manchester Police or MCC Environmental Health department. There is no provision for a hearing when an objection is made against a late TEN. Counter notices were therefore served by officers thereby preventing the events from taking place.
- 3.15 A total of 190 standard TENs and 64 late TENs were acknowledged by the Premises Team on behalf of the Licensing Authority.

Table 3 – Temporary Event Notices

	Standard TENs	Late TENs	Totals
Total Notices received	209	79	288
Rejected not properly made	15	5	20
Notice withdrawn by applicant	1	-	1
Acknowledged by Officers	190	64	254
TEN modified	-	-	-
Counter Notice served	-	10	10

Conditions added by sub-committee	2	-	2
Counter Notice not served, no conditions	-	-	-
Notice withdrawn by applicant prior to hearing	1	-	1

Premises Licence Transfers

- 3.16 Between October and December 2013, a total of 41 applications to transfer a premises licence were received. All were granted by officers under delegated authority as no objections were received from Greater Manchester Police.

Variation of the Designated Premises Supervisor

- 3.17 Between October and December 2013, a total of 118 applications to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003 were received. All were granted by officers under delegated authority as no objections were received from Greater Manchester Police.

Premises Licence Reviews

- 3.18 A Summary Review is a fast-track process under section 53A of the Licensing Act 2003 to review a premises licence where the police consider that the premises are associated with serious crime or serious disorder or both. On receipt of an application the Licensing Authority must within 48-hours consider whether it is necessary to take interim steps pending determination of the review. The review hearing must be held within 28-days of receipt of the application.
- 3.19 There was one Summary Review of a premises licences during the quarter in respect of Circle Media Club, 13-16 Barton Arcade, Manchester, M3 2BB, following a large-scale disturbance inside the premises.

1) Circle Media Club, 13-16 Barton Arcade, Manchester, M3 2BB	
Applicant for Review:	Greater Manchester Police
Review Type:	Summary Review of Premises Licence
Interim Steps Taken:	Suspension
Summary of action taken:	<p>Conditions imposed – licence modified</p> <ol style="list-style-type: none"> 1. Additional cameras shall be installed within 21 days in the Inner Circle to the satisfaction of GMP's crime reduction advisor. 2. On Fridays and Saturday nights, door supervisors shall be employed on a ratio of 1:50, one door supervisor to fifty guests in the venue at all times and until 30 minutes after licensable

	<p>activities cease.</p> <ol style="list-style-type: none">3. All members of staff, including existing staff involved in the sale and supply of alcohol (i.e. bar staff and waitresses) shall sit the BII Accredited Award I Responsible Alcohol Retail (ARAR) within 21 days.4. All vessels from which customers drink shall be made from polycarbonate, plastic or shatterproof material or fruit. Customers shall not be permitted to drink from glassware at any time.5. No glass bottles shall be permitted at tables. All glass bottles will be kept behind the bar at all times.6. No self service of spirits. Spirits shall be served in measures of 25ml or 35ml or multiples thereof.7. The dispersal policy dated 7 October 2013 to be implemented at the premises forthwith and shall form part of the licence by way of a condition.8. When the premises are being used for externally promoted events then City Centre Partnership/Licensing of Greater Manchester Police must be notified at least 28 days prior to the event taking place in order that a risk assessment is carried out by the premises in relation to any such event.9. Staff Training will include the Challenge 21 policy and its operation. In particular staff will be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18 years. The training will be given to new members of staff before they commence paid employment and all staff will be retained quarterly, Training also to include drugs, drunkenness and conflict management. All staff will be retrained and documentary evidence produced
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	<p>to City Centre Partnership/Licensing of Greater Manchester Police to the premises re-opening.</p> <p>Following conditions removed from the licence:</p> <p>Condition 6 of Annex 2</p> <p>Condition 4 of Annex 3</p> <p>Condition 12 of Annex 3</p> <p>Condition 2 of Annex 2</p> <p>Condition 5 of Annex 2</p>
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- 3.20 There was no review of a premises licence under section 51 of the Licensing Act 2003 during the quarter.

Surrendered / Lapsed Licences

- 3.21 14 premises licences were surrendered by the respective licence holders between October and December 2013.
- 3.22 6 premises licence lapsed between October and December 2013 due to insolvency of the licence holders.

Personal Licences

- 3.23 Between October and December 2013, a total of 111 applications for personal licences were received. 110 were granted under delegated authority by officers as no objections were received from Greater Manchester Police. One application was refused by decision of the Licensing Sub-Committee following an objection to the application by Greater Manchester Police.

4.0 Gambling Act 2005

- 4.1 The Gambling Act 2005 came fully into force in September 2007. It introduced a new system of licensing and regulation for commercial gambling which, amongst other changes, gave licensing authorities new and extended responsibilities for licensing premises for gambling.

Premises Licences

- 4.2 Premises licences granted by the Licensing Authority may authorise the provision of facilities on:
- casino premises;
 - bingo premises;
 - betting premises, including tracks;
 - adult gaming centres; and
 - family entertainment centres.

- 4.3 Except in the case of tracks e.g. greyhound racing track such as Belle Vue (where the occupier of the track who gets the premises licence may not be the person who actually offers the gambling) premises licences may only be issued to people with a relevant gambling operating licence (issued by the Gambling Commission). For example, to obtain a bingo premises licence the applicant must hold a bingo operating licence. Premises licences are transferable to someone else holding a valid operating licence.

New Premises Licences

- 4.4 One new licence for a betting shop under the Gambling Act 2005 was granted at hearing by a Licensing Sub-Committee during this quarter.

Premises Licence Variations

- 4.5 There were no applications to vary a premises licence under the Gambling Act 2005 during this quarter.

Premises Licence Reviews

- 4.6 There were no reviews of any premises licences under the Gambling Act 2005 during this quarter.

Transfer of a Gambling Premises Licence

- 4.7 There were no applications to transfer a premises licence under the Gambling Act 2005 during this quarter.

Surrendered / Lapsed / Revoked Licences

- 4.8 One Betting Premises licence was surrendered under the Gambling Act 2005 during this quarter. No licences lapsed and no licences were revoked.

Permits / Notifications / Small Society Lotteries

- 4.9 The 2005 Act introduced a range of permits for gambling that are granted by licensing authorities. Permits are required when premises provide a gambling facility but either the stakes or prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premises.
- 4.10 Holders of alcohol-licensed premises gaming machine permits and club permits are required to comply with codes of practice, drawn up by the Commission, on the location and operation of machines.
- 4.11 The following are the various permits that the licensing authority is responsible for issuing:
- Part 24 – family entertainment centre gaming machine permits

- Part 25 – club gaming permits and club machine permits
 - Part 26 – alcohol-licensed premises gaming machine permits
 - Part 27 – prize gaming permits
- 4.12 It is only possible to grant or reject an application for a permit as no conditions may be attached to a permit.
- 4.13 During the quarter, one application for an Alcohol Licensed Premises Gaming Machine Permit was granted as applied for during this quarter.
- 4.14 Licensing authorities are also responsible for receiving, from holders of alcohol-licensed premises (under the 2003 Act), notifications that they intend to exercise their automatic entitlement to two gaming machines in their premises under section 282 of the Act. Such applications are made to the authority upon the expiry of the 3-yearly permit issued under the previous licensing regime.
- 4.15 During the quarter, four notifications under section 282 were received and acknowledged by the Licensing Unit.
- 4.16 The Gambling Act 2005 requires the local authority to register non-commercial societies who wish to conduct fund-raising lotteries. It is possible to refuse a registration based on certain criteria as defined in the Act. One example is if the Authority is not satisfied the society in question cannot be deemed non-commercial.
- 4.17 Eight registrations to conduct a small society lottery were received and granted during the quarter.

Table 4 – Permits and Notifications (GA2005)

Permit Type	Total (granted)
Alcohol Licensed Premises Gaming Machine Permit (more than 2 machines) (new permit)	1
Alcohol Licensed Premises Gaming Machine Permit (more than 2 machines) (variation to existing permit)	0
Alcohol Licensed Premises Gaming Machine Notification (1 or 2 machines)	4
Club Machine Permits	1
Club Gaming Permits	0
Family Entertainment Centre Gaming Machine Permits	0
Small Society Lottery Registration	8
Transfer of Licensed Premises Gaming Machine Permit	0

5.0 Other miscellaneous licences

5.1 Other licences and permits granted during the quarter are listed below:

Table 5 – Other Permits and Licences granted

Permit / Licence Type	Total (granted)
Personal / Practitioner Registration (body piercing, tattooing, ear piercing, electrolysis)	10
Premises Registration (body piercing, tattooing, ear piercing, electrolysis)	8
Skip Permit	123
Registration as a Skip Provider	1
Street Collection Permit	52
House to House Collection Licence	13
Street Trading Consent	6
Tables and Chairs on the highway (New)	5
Tables and Chairs on the highway (Renewal)	3
Juvenile Employment Licence - Modelling	3
Juvenile Employment Licence – Performance / Sports	41
Hairdresser Registration	3

5.2 No other licences or permits were refused during the quarter.

5.3 The Scrap Metal Dealers Act 2013 came into force on 1 October 2013. All registrations under the previous legislation, the Scrap Metal Dealers Act 1964, lapsed upon the enactment of the new legislation.

5.4 Previously, under the 1964 Act, any person could register with the council as a scrap metal dealer and there were no powers to refuse registration. The new Act brought in a stricter regime where only persons considered suitable to operate as a scrap metal dealer shall be licensed and requires a number of checks against those applying for licences.

5.5 There was a transition period, between 01/10/2013 and 15/10/2013, during which all traders registered under the 1964 act were able to submit an

application for a licence under the 2013 Act. Any dealers previously registered who submitted an application during the transition period were permitted to continue trading pending the determination of the new application. However, they have no automatic entitlement to a licence under the 2013 Act.

5.6 Any other person could also submit an application under the Scrap Metal Dealers Act 2013 at any time after 1 October 2013.

5.7 To date, 67 applications under the Scrap Metal Dealers Act 2013 have been received. The determination of these applications is currently ongoing and so information regarding the outcome of these applications will be contained in the next quarterly report.

6.0 Appeals

6.1 As noted in 3.5, five separate appeals were made in respect of one application; the decision of the Licensing Sub-committee to grant a licence for the Mayfield Depot, Fairfield Street, Manchester, M1.

6.2 The appeals were made by 5 separate objectors to the application and, therefore, the Council and the licence holder are joint-respondents in the matter.

6.3 There is a preliminary hearing on 20th February to be heard by Manchester Magistrates Court to deal with preliminary legal arguments and the matter is currently listed for a full appeal hearing, which is scheduled for a 4-day hearing commencing 21st July.

7.0 Contributing to the Community Strategy

7.1 Performance of the economy of the region and sub region

7.1.1 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.

7.2 Reaching full potential in education and employment

7.3 Individual and collective self esteem – mutual respect

7.4 Neighbourhoods of Choice

7.4.1 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; in relation to the Licensing Act these are the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm.

8.0 Key Policies and Considerations

8.1 Legal Considerations

- 8.1.1 All applications have to be processed in accordance with the requirements of their respective legislation. The Licensing Act 2003 and Gambling Act 2005 are prescriptive in terms of who should be consulted on applications, and the timescales that have to be applied.

9.0 Conclusion

- 9.1 The report provides the Committee with statistical information regarding premises licensing applications processed between 1 October and 31 December 2013. The information provides members with an update and overview of the number of applications being processed and the decisions made in respect of those applications.

Decision: Granted with the following hours and conditions:

Hours/Licensable Activities

Trading hours for the provision of regulated entertainment (plays, films, indoor sporting events, live music, recorded music, performances of dance and anything of a similar description to live music, recorded music or performances of dance):
Sun to Thurs 1000 to 0000, Fri and Sat 1000 to 0300

Trading hours for the provision of late night refreshment:
Sun to Thurs 2300 to 0000, Fri and Sat 2300 to 0300

Trading hours for the supply of alcohol for consumption on the premises only:
Sun to Thurs 1000 to 0000, Fri and Sat 1000 to 0300

Opening hours for the premises:
Sun to Thurs 1000 to 0030, Fri and Sat 1000 to 0330

Seasonal variation:

The terminal hour for licensable activities on New Year's Eve, New Year's Day, Boxing Day and on a Sunday preceding a Bank Holiday to be 03:00, closing at 03:30.

Conditions

1. Whenever the premises are to be used:
 - (a) for a Music Event or
 - (b) for any event with a capacity of more than 1,500
 - (c) any other event where, as a result of a risk assessment undertaken (see Condition 34, below), Greater Manchester Police (GMP) consider it necessary

GMP are to be requested to provide such numbers of officers as they deem necessary, to be engaged at the premises for such purposes as GMP consider necessary, including for managing the arrival and dispersal of customers.

In the event that no request is made to GMP or they decline to provide officers for any reason, the event may not take place.

2. There shall be no more than 25 DJ led events in any calendar year. For the avoidance of doubt, an "event" may not extend over multiple days (although may extend beyond midnight on one day into the next)
3. For DJ led events, the headline artist shall be scheduled to finish no later than one hour before the terminal hour for the sale of alcohol.

4. The dispersal policy agreed by Environmental Health (EH) is attached to this licence and is a condition on the premises licence. The event-specific Dispersal Policy (referred to in Condition 37.e below) may waive or amend this dispersal policy.
5. All drinks shall only be sold in a container made from non-splintering plastic, paper or shatterproof glass. This is subject to any provision to the contrary in an event-specific Event Management Policy (referred to in Conditions 35 and 36, below).
6. Any person who appears to be drunk shall not be permitted to enter the premises.
7. There shall be no entry to the premises for customers after 01.00 on Fridays and Saturdays, New Year's Eve, New Year's Day, Boxing Day and on a Sunday preceding a Bank Holiday.
8. All fire fighting equipment shall be maintained in accordance with necessary certification and maintenance requirements.
9. Public liability insurance shall be maintained in respect of the premises.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public or private nuisance.
11. All amplified music shall be routed through a sound limiter which shall be set at level(s) agreed with EH, designed to ensure that any such music will not give rise to a public or private nuisance.
12. There shall be no speakers mounted outside the premises.
13. All doors and windows shall remain closed during regulated entertainment except for access and egress.
14. Notices shall be placed at the exits to the premises asking customers to leave the premises quickly and quietly.
15. There is to be no disposal of glassware or containers outside the premises between 23:00 and 07:00
16. An acoustic survey must be undertaken by a qualified acoustic engineer in respect of the premises, whose identity is to be approved by EH in advance.

The completed survey must then be served upon EH. All recommendations contained in the report must be implemented to the reasonable satisfaction of EH, and before the premises may be used for regulated entertainment. Failing compliance with this condition, no regulated entertainment may take place.

17. The 'Challenge 25' scheme shall be operated at the premises.
18. Notices shall be displayed inside the premises warning that it is illegal to purchase alcohol under the age of 18.
19. Prior to each event taking place, a designated smoking area is to be agreed with GMP and EH. The smoking policy attached to this licence is to apply to this area and takes effect when licensable activities commence at the premises.
20. A Fire Strategy and Management Control Procedure is to be prepared by an independent fire engineer. This is to be submitted to Greater Manchester Fire Authority (GMFA) for approval. The premises may not open to the public until this approval is given.
21. A Building Regulations Application will be submitted for the premises to Building Control, in which GMFA will take part in the consultation process. Before the premises are open to the public a final building certificate must be obtained from MCC Building Control.
22. Prior to opening to the public, the premises will be available for inspection by GMFA.
23. An adequate fire detection service and appropriate emergency lighting system are to be installed at the premises, to the reasonable satisfaction of MCC Building Control, and prior to the premises opening to the public
24. The premises are to have and maintain such fire fighting systems and equipment in place as required by GMFA.
25. Fire Risk Assessments will be prepared for all events and will be available for inspection by the Responsible Authorities at all reasonable times.
26. Fire Safety and Management is to be the responsibility of the Designated Premises Supervisor.
27. Any area of the premises to which customers have legitimate access must be sufficiently illuminated for the purposes of CCTV.

Monitors will be situated at all entrances to the premises. The monitors are to display the individuals entering the premises.

CCTV must be in operation at any times that any members of the public are on the premises.

All CCTV recorded images will have sufficient clarity / quality / definition to enable facial recognition.

CCTV will be kept in an unedited format for a minimum period of 28 days.

CCTV will be maintained on a regular basis and kept in good working order at all times.

CCTV maintenance records to be kept with details of the contractor(s) engaged and the work carried out by them, recorded.

Where CCTV is recorded on to a hard drive system any DVDs subsequently produced will be in a format so they can be played back on a standard personal computer or standard DVD player.

Where CCTV is recorded on to a hard drive system, the hard drive system must have a minimum of 28 day 'roll-over' recording period.

Any person left in charge of the premises must be trained in the use of the CCTV equipment and be able to produce / download / burn CCTV images upon request by any Responsible Authority.

Plans indicating the position of CCTV cameras to be submitted to the Responsible Authorities within one week of the granting of this licence.

Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums must be provided.

The CCTV system for the premises must be installed to the satisfaction and approval of GMP's Crime Reduction Specialist (to include cameras within the smoking area(s)). The premises may not open to members of the public until this approval has been given.

Door security/entry

28. All door staff engaged at the premises will be provided by an SIA ACS approved door security company.
29. The requirement for door staff will be risk assessed for each event in conjunction with GMP. The numbers (and ratio) of staff then employed, and the times during which are employed, are to be determined by what GMP considers to be necessary.
30. When employed at the premises all door staff will wear high visibility jackets, both when inside and outside the premises.
31. 'Club scan' or an equivalent system must be in operation and used for each individual entering the premises when the risk assessment deems it necessary or GMP otherwise requires it.

Training

32. All staff shall be trained in relation to following matters:

Underage sales;

Drunkenness;

Drug awareness;

Conflict management;

Crime prevention.

This training will be documented and repeated quarterly and must be available for inspection upon request from the responsible authorities.

Age

33. No person under 18 years of age shall be permitted to enter or be inside the premises after 21.00 hours. This is subject to any event-specific Event Management Policy (referred to in Conditions 35 and 36, below) which may provide to the contrary.

Risk assessment for individual events

34. No later than 28 days before each event, the City Centre Partnership/Licensing Office must be notified of the proposed event and what it is intended to be. This is so that a Risk Assessment may be carried out in

relation to that event. Each assessment will be undertaken in conjunction with GMP.

If GMP concludes, in the light of that Risk Assessment, that the event should not take place, it may not take place. Otherwise, the following provisions as to event-specific policies are to apply.

Event-specific Policies

35. An Event Management Policy (“Event Management Policy”) is to be agreed with all Responsible Authorities at least 28 days prior to each event, and for each specific event. In the absence of agreement from all Responsible Authorities (or the withdrawal of agreement already given), the event shall not take place.

No variation to an Event Management Policy may take place without the written consent of all Responsible Authorities.

36. Each Event Management Policy will include, as a minimum:

- a. Provisions as to overall event safety control.
- b. Medical, ambulance, welfare and first aid provision.
- c. Crowd management stewarding and security provisions.
- d. Fire safety and control provisions.

37. The following additional policies and plans are also to be agreed with the specified agencies for each event:

- a. A Traffic management plan is to be drawn up in consultation with and agreed by the traffic sub group that will involve the event organiser, Manchester City Council, GMP, Greater Manchester Fire Service, NWAS, GMPTE, Metrolink, BTP and Northern Rail.
- b. An alcohol management policy is to be drawn up and agreed with GMP.
- c. A comprehensive drugs policy will be agreed with all Responsible Authorities.
- d. A door entry and queue management policy will be agreed with GMP, which will include last condition of entry, searching and scanning of all customers.
- e. A Dispersal Policy is to be agreed with GMP and EH. The policy shall:

- (1) include the provision of a marshalled taxi rank.
- (2) provide that queuing will take place in an internal room used specifically for this purpose and therefore there will be no congregation of people outside of the premises. This is to include any queuing for access to the premises and also customers waiting for taxis.
- (3) ensure that no nuisance is caused by the presence of taxis in the neighbourhood of the premises.

If any of these policies have not been agreed by the relevant agencies before an event, the event may not take place.

Safety Advisory Group Meetings

38. Following the first event held under the terms of this Licence, monthly Safety Advisory Group meetings shall be held. The City Centre Spokesperson and all City Centre councillors are to be invited to attend.

Capacity

39. The first event which takes place under this Licence shall have a maximum capacity not exceeding 2,500. The second event shall have a maximum capacity not exceeding 3,500 and the third event shall have a maximum capacity not exceeding 5,000. Thereafter the capacity shall be determined by the Fire Risk Assessment, subject to a maximum capacity of 7,500.

40. In addition, the first DJ led event (whenever that takes place) will have a maximum capacity of 2,500. The second such event shall have a maximum capacity not exceeding 3,500 and the third such event shall have a maximum capacity not exceeding 5,000. Thereafter the capacity shall be determined by the Fire Risk Assessment, subject to a maximum capacity of 7,500.

Dispersal Policy

Aim

To effectively manage the dispersal of customers leaving the premises.

Objectives

1. Provide high level of visible information for delegates on transport and accommodation options.
 - 1.1 Information will be provided by web site, marketing literature and orally.

- 1.2 All literature will describe the transport or accommodation options available.
2. Transport options will include pre-bookable taxi facility for leaving after an event.
 - 2.1 The Premises Licence holder will make arrangements with local taxi providers to have sufficient taxis available for the number of customers attending.
 - 2.2 Clear notices to be displayed giving details of local taxi companies which use the ring back scheme.
3. Run down period starting one hour before close for music events.
 - 3.1 One hour before close, the sale of alcohol will cease and the music style will change to a reduced volume and lower tempo.
 - 3.2 One hour before close, house lights will gradually be turned up.
 - 3.3 During the run down period, soft drinks, teas and coffees to be served.
 - 3.4 Customers to be allowed to wait in the internal area to avoid congregating outside.
4. Manage the movement of pedestrians away from the premises.
 - 4.1 Stewards will be positioned outside the premises to guide customers away from residential areas.
 - 4.2 Free maps will be available for use by customers detailing preferred walking routes.
 - 4.3 Free lollipops to be provided to customers.
 - 4.4 Staff to remain in supervision of the outside areas until all customers have dispersed.
 - 4.5 Clear legible notices to be placed near the exits requesting customers to respect neighbours and to leave the premises and the area quickly and quietly.
 - 4.6 Staff to be vigilant to ensure that alcohol is not served to any person who is drunk.
 - 4.7 No person who is drunk to be allowed to enter the premises.
 - 4.8 Door staff/stewards to request any customers waiting outside the premises to move away from the area quickly and quietly.
5. Collection of customers within the premises boundary and movement to destination.
6. Outside area to be cleaned.
 - 6.1 All litter shall be removed from the external area of the premises at close.
 - 6.2 Staff to ensure the outside area is left in a clean and tidy state.

SMOKING POLICY

AIMS

To minimise the impact of smokers on other premises within the locality.

Encourage customers smoking outside the premises to behave in a responsible manner.

Ensure that no litter is created by smokers.

Ensure a well managed external smoking area.

Ensure that non-smokers are affected as little as possible.

Objectives

Smokers will be allowed out of the premises and encouraged to smoke in a designated area.

Smokers will be requested by door staff to smoke only in the designated area.

Smokers will be requested by door staff to act responsibly and respect the right of neighbours to a quiet environment.

Smokers misbehaving will be informed they will not be allowed to stay outside otherwise no further admission to the premises and will be asked to leave or to come inside the premises.

Litter bins will be available in the defined area.

Staff will ensure that the smoking area is cleared of smoking debris at close each day.

Notices will be displayed inside the premises that the premises are a no smoking environment and that a smoking policy is in force.

Findings/ Reasons

The application before the Sub Committee is for a premises licence for Mayfield Depot, Fairfield Street, Manchester. The amended hours applied for are stated above. The Committee note that Environmental Health (EH), Greater Manchester Police (GMP) and Manchester Fire and Rescue have reached an agreement with the Applicant subject to the imposition of a number of conditions and subject to the

Committee's approval. As set out below, the absence of relevant representations from the Responsible Authorities is a material, and weighty consideration.

Over two days the Committee have heard a great deal of evidence from a number of parties and whilst assessing this evidence and the written evidence, the Committee also have considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the Licensing Objectives.

These written reasons are not intended to be, nor could they be comprehensive. Rather, they seek to set out the Committee's reasoning and conclusions on the main issues raised by the parties to enable all to know why the Committee has concluded that the performance of its obligations are met by the grant of this licence, subject to conditions. The fact that a particular issue or point is not mentioned in these written reasons does not mean the Committee has not had regard to it. Indeed, the imposition of the attached conditions demonstrates the breadth of the issues that the Committee considered were engaged and needed to be taken into account. Where a particular condition has been imposed, it demonstrates that the Committee considered that a relevant issue had been raised, but that it was capable of being met by the imposition of an appropriate condition.

The Committee accept that this application is not the typical application which comes before Licensing Sub-Committee. This application has been referred to as the 'largest club in the UK, even the world' during the hearing. The Committee are fully aware that the premises would be used for large-scale dance events and not just corporate events but the Committee do not accept that this is an application solely for a night club. This event space will also be used for a whole range of events as outlined by the Applicant during the hearing. That said, the Applicant's counsel, Stephen Walsh QC was candid with the Committee in saying that the large-scale events are what will make the enterprise financially viable.

The Committee appreciate the concerns raised by local residents and business upon learning of such an application. Based upon the Applicant's submissions, this is a 7,500 capacity event space which will house 25 DJ led events to the early hours of the morning in the city centre. The question that then arises for the Committee is can such events be controlled and regulated within the licensing regime and the Licensing Objectives be upheld.

There appears to have been a lot of speculation regarding who is actually going to be using the premises and it was suggested during the evidence that the Warehouse Project will be using the premises. The Applicant however, clearly stated there is no such contract in place. It was submitted during evidence that they would 'love' the Warehouse Project to use the premises but only if the Responsible Authorities deemed it appropriate. The Applicant advised the Committee that Adam Geoffrey Management Ltd an objector to this application (represented by Sarah Clover/ Philip Kolvin QC) were in fact the current landlords of the Warehouse Project at the Victoria Warehouse in Trafford. This was noted by the Committee. However, the Committee recognised that if the points made on behalf of that objector were relevant ones for it to consider, the fact there was (part) commercial motivation for their objection was

neither here nor there. In addition Ms Clover / Mr Kolvin QC also represented two other objectors.

It was very clear to the Committee that these 25 DJ events were one of the major concerns raised by objectors, along with the suitability and safety of the building. It was even suggested by Philip Kolvin QC that the Committee could grant the application until 00:00 which would obviously cut out the DJ led events. The Committee noted the comments made by Cllr Davies who stated "she welcomed the use of the premises on a temporary basis and thought that it would revitalise the area." She said she was broadly in favour of the applications but had some reservations. Freddie Humphries said that his clients did not object to a great deal of the application, their main concern was the 25 DJ-led events for 7,500 people.

The Committee will now give their assessment of the evidence under the Licensing Objectives.

Public Nuisance/ Public Safety

Planning/Licensing

The case of R (on the application of KVP Ent Ltd) v South Bucks District Council [2013]EWHC 926 (Admin) and R(on the application of Blackwood) v Birmingham Magistrates Court and Others [2006]EWHC 1800 were submitted by Philip Kolvin QC. These authorities were submitted for consideration but were not referred to at the hearing. However, reference was made to the overlap between Licensing and Planning regimes. The Committee have considered the authorities submitted and are fully aware that when considering a licensing application whilst planning and licensing are separate regimes there will obviously be matters which overlap. However in the case of R (on the application of KVP Ent Ltd) v South Bucks District Council paragraph 57 of the judgment states:

"Despite the existence of overlap in objectives and relevant factors between the licensing and planning regimes, there is nonetheless a difference in focus between them. Planning controls in relation to the use of land are concerned with the wider impact of a proposed change of use and not so directly with the individual operation of premises. The licensing regime is focused on the specific ways in which premises are operated and the impact of such operation."

The Committee has had regard to that statement of Mr Justice Sales, in particular, in considering the issues raised.

Public Safety/Issues with the Building

The Committee are aware that there will be a planning application in due course and that application will be scrutinised by their elected colleagues under the planning criteria. They would consider matters such as contamination, being one of the main issues raised by Ben Williams (for Mr Aftab). It is noted, however, that the Applicant disavowed any issue as to contamination.

The Committee understand that local residents, local businesses and the local councillor have concerns that this is a very old building which needs a lot of money spent on it before this premises can open to the public and operate under this premises licence. The Applicant is fully aware that this building needs money spent on it and is going to have to spend the money needed on the premises to make sure that it meets the standards under the Licensing Act, Planning and Building Control regimes. It is not for parties to speculate as to how much such a refurbishment will cost. If sufficient money is not invested into these premises, the business will not get off the ground. The effect of granting a premises licence would not be to permit the Applicant to open the premises for business, tomorrow. This is not possible for a number of reasons firstly, due to the conditions which are attached to this licence which have to be satisfied before it can open and secondly, planning permission and building regulations approval is required. With all of this having to take place before the licence can operate the Committee are satisfied that the building will be in a safe condition and the Licensing Objective of Public Safety will be upheld.

There were also concerns raised about the nearby river not been fenced off and the risk to public safety. The Applicant advised the Committee that they will fence off part of the river but as the Committee would be fully aware they would not be in a position to fence off the entire river. The measures proposed were acceptable for the Committee from a licensing perspective.

Acoustic Report

Sarah Clover questioned why a noise survey was not "on the table" at this stage. She then submitted the acoustic report prepared by Peter Rogers. The Committee have considered the content of the report. The Committee were advised that the report referred to by Peter Rogers was prepared by the Applicant for an earlier planning application. However the Applicant advised the Committee that they do not seek to reply on any such report.

Further, it was noted by the Committee that there was a condition put forward by the Applicant about an acoustic report being prepared and signed off by EH. The Committee are satisfied that with the conditions it proposes to attach (which give EH control and supervision over such a report, including the suitability of the professional undertaking it, and that any recommendations from the report must be implemented before this premises can operate) the licensing objective of the prevention of public nuisance, from this form of noise, can be upheld.

The Committee concluded, in light of the above, that little weight was to be attached to the acoustic report prepared by Peter Rogers.

Public Nuisance/Effect on local residents.

Cllr Davies together with residents, businesses, companies providing accommodation for students and the university are quite rightly concerned about the noise outbreak from the premises and the effect it will have on them. Further they have concerns about the numbers of taxis arriving and departing causing a nuisance, and questions of dispersal.

These are serious issues, given the potential capacity for the premises. The Committee have looked at these issues very closely and are satisfied that the imposition of the proposed conditions above will promote the Licensing Objective of the prevention of public nuisance and would address the concerns raised.

Crime and Disorder/Policing

Chief Constable of Greater Manchester v Wigan Athletic AFC Ltd [2008]EWCA CIV 1449

This case was referred to during the hearing but the reasons for submitting the case were not expanded upon. Sarah Clover advised the Committee “that this type of policing is regulated by contract and it is a complex area.” She said “that it would be very difficult for the licensing authority to enforce.” That was the extent of her submission. The Committee have considered the case and are aware that a contract is likely to be drawn up between parties regarding the policing at the venue and that the legal basis for additional policing under s.25 Police Act 1996 is a “request”. However in regards to having such conditions attached to a premises the Committee are satisfied with the current drafting, such conditions are enforceable (and were offered, in substance, by the Applicant). Further, the agreement offered by the Applicant (which the Committee considers is appropriate) again gives GMP exclusive power to control policing at events and if the Applicant does not agree then, due to the conditions the event cannot take place. This is not problematic for the licensing authority to enforce. It is also a appropriate and proportionate condition giving the many and varied uses to which the premises may be put, with the attendant variation in the need for policing.

Thwaites and Section 182 Guidance

Daniel Thwaites Plc v Wirral Borough Magistrates’ Court [2008] EWHC 838 (Admin)

The above case was referred to on the first day of the hearing by the chair of the Committee as well as the Applicant’s representative. This authority was considered by the Committee and the fact that GMP do not oppose this application (subject to conditions being imposed) does weigh heavily with the Committee when deciding whether to grant this application or not. At the resumed hearing, both Mr Kolvin and Mr Walsh agreed that the law had ‘moved on’ somewhat from Thwaites. Mr Kolvin very properly referred the Committee to Section 9.12 of the Amended Statutory Guidance which takes this point further and states:

Representations from the police

“9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area.”

The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing."

Having listened carefully to all that was said to it during the course of the hearing, the Committee have concluded there is no reason to depart from the view of GMP on this matter, that to grant the licence (subject to conditions) would promote the licensing objective of crime and disorder. The Committee are content to look to GMP as the main source of advice on crime and disorder in Manchester. GMP will have a considerable amount of control over these premises and how they are run with the conditions attached. The Applicant is agreeable to this. Indeed, the Committee considers this is a good example of how operators and Responsible Authorities can work together. It is also noteworthy that, even with police resources reducing, GMP are still satisfied that they can provide sufficient number of officers. The Committee are satisfied that, in withdrawing their representations and agreeing to these conditions, GMP are satisfied that the premises can operate safely and properly, so as to promote the crime and disorder licensing objective.

The Committee noted that GMP did not attend the hearing. This was the subject of criticism by some of the objectors, which the Committee did not accept. The rationale for the approach of GMP was clear to the Committee, from the draft conditions that had been agreed.

Specialist Policing Consultancy- Bernie Gravett

The Committee accept that Bernie Gravett has considerable experience in the police service but have concerns regarding the experience he has regarding licensing matters in general (and in the City of Westminster, where he professed to have gained all his relevant experience, but accepted he had no specialist licensing involvement), and on the Manchester night time economy in particular. He questioned the amount of money the Applicant was going to spend on the refurbishment of this premises and said they were "doing this on the cheap." The Committee are not aware whether Bernie Gravett has any expertise in the building industry. As a result they questioned his ability to assess the costs of such a refurbishments without seeing any plans and being qualified to do so.

When questioned by the Committee he stated he would have imposed different conditions than the ones imposed by GMP. When asked what conditions he would impose he stated that he did not think the premises were manageable in their current form. This appeared to contradict what he said regarding different conditions. The Committee were also concerned with the crime statistics referred to by Mr Gravett which included the Gay Village. It was conceded by Mr Gravett that the crime reports "dropped off" towards the east of the city.

The Committee are satisfied that GMP are in the best position to comment on this application and provide their expert view on crime and disorder. The Committee are satisfied there is nothing before it which undermines the approach or view of GMP.

The Applicant (Operator)

The Committee are satisfied based upon the evidence provided by the Applicant that the operator of these premises is a very experienced operator with years of involvement in the field. In particular the DPS has over 25 years' experience in the entertainment industry. Furthermore, the offering of the draft conditions demonstrates that this operator is prepared to work very closely with Responsible Authorities giving them the authority to control any event at the premises. The Committee does not consider this is a case of an operator being willing to agree to anything, just to get a licence. Indeed, the nature of the conditions (both offered and imposed) would make that a futile course to take, anyway.

Mr Walsh QC, during his address, said that his client accepted that there was a potential for the premises to have an impact on the local residents and they took their concerns very seriously as well as the representations from local councillors. They have addressed the concerns raised by the parties by the imposition of the conditions put forward.

The Committee was also satisfied, based on what it was told about the Applicant's proposed operation in the premises (which was not contested by anyone else, either at all or in substance) that the requirements of section 16(1)(a) Licensing Act 2003 were met.

Section 182 Guidance/ Manchester Licensing Policy

During closing Philip Kolvin QC on behalf of Adam Geoffrey Management Limited, Liberty Living Plc and The Unite Group Plc / Unite Intergrated Solutions Plc went through in detail Manchester City Council's Licensing Policy and referred (in particular) to section 5, 6, 7, 8, and 9, the prevention of crime and disorder, the prevention of public nuisance headings and finally the section regarding Premises Licences for large- scale public events. The Committee feel it is appropriate that they go through each part as Mr Kolvin did and express their views on each point.

Section 5 deals with the Key Factors to address the principle issues related to licensed premises. The Committee do not accept the premises application is solely or substantially for a vertical drinking events space as was alleged. The Committee have heard evidence from the Applicant that they intend to hold numerous different events if the licence were to be granted. Even the larger-scale Music and DJ led events could not properly be classified as "vertical drinking" events. Therefore, by granting this licence it would not require the Committee to depart from their policy. Further consideration has been given to local residents and this was confirmed by the Applicant's representative during his submissions.

Section 6 of the policy this sets out the type of events which are encouraged in Manchester however this does not bar the Committee from granting any other type of applications.

Regarding Section 7 of the policy the Committee have taken all of the points set out in section 7 into consideration on this application. The Committee have considered the balance between the night time economy and impact on local residents and, by the imposition of these conditions, the Committee are satisfied that the Licensing objectives will be promoted and the needs of local residents and other in the locality will be fully protected by such conditions.

Section 8 of the policy deals with the hours of licensed premises. The Committee have considered in detail the location of the premises. Cllr Longsden advised the parties that he is very familiar with the location as it borders his ward. The Committee are of the view that the conditions attached to this licence provide a high level of control measures to reflect the type of premises and the location of such premises.

In regards to section 9 of the policy the Committee are fully aware that the operation schedules should set out the measures the Applicant intends to take to uphold the Licensing Objectives. This Applicant set out proposed conditions like any other application presented to the committee. Matters have developed since the submitting of the application and the Applicant has presented further conditions agreed with the Responsible Authorities following discussions. This is not uncommon with these applications. As stated in the policy at 9.3

“These measures are not exhaustive and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside the standards”.

Under the heading ‘The prevention of crime and disorder’, CD1, CD2, CD 4, CD5 refers to having defined policies in place to deal with security measures, queuing and conducting searches.

In this application, it is correct that the conditions regarding security and queuing are not fixed but allow flexibility depending on the event. However, the way in which the condition has been drafted is stringent and requires GMP to sign off the relevant policies. This permits GMP to have control. They are in the best position to ensure that the Licensing Objective of prevention of crime and disorder is promoted by the premises licence holder.

Furthermore, the Committee does not consider it is possible with this type of application to have one set of conditions which one tends to see on a night club premises licence (for example). As these premises are to be used for great variety of events ranging from fashion shows, art exhibitions to DJ led events, a fixed set of conditions would be unworkable.

CD 6 states “consideration should be had to best practice advice such as the ‘Licensed Property: Security by Design (BBPA)” This does not state that this must be adopted but merely considered. The committee considered this issue but were satisfied that the conditions were comprehensive enough to address their concerns.

CD 12: There is a condition on the licence regarding training and this includes staff being trained on responsible alcohol sales and drunkenness. The Committee are satisfied with that all the other stringent conditions in place will address these issues.

CD 16 The Committee have been advised that the Applicant has a zero-tolerance approach regarding drugs. The Applicant has proposed a number of conditions including a comprehensive drugs policy which is to be agreed with the all Responsible Authorities. These conditions address the issues raised in CD16.

CD 17 deals with glassware and risk assessments. Again, due to the variety of events taking place at the premises the conditions attached to this licence deals with use of glassware at the premises and build in the added safeguards that responsible authorities will have overall say whether glass can be used at the premises during a specific events.

The prevention of public nuisance

PN 1-The acoustic report which will be prepared can address these points. Further, the policy again does not state this must be done prior to a licence being granted.

PN 3- The Applicant has advised the Committee that they have engaged with people and held an event at a hotel for parties to attend to explain what the application is about. The Committee are aware that the Applicant has complied with his duties under the 2003 Act, such as advertising the application properly.

PN4- deals with exterior spaces. Again, it states that applicants should demonstrate what measures are in place to prevent issues that may give rise to problems. The Committee are satisfied that this is dealt with by way of conditions.

13 Premises Licence for large-scale public events

13.2 sets out what should be considered for a large scale public event. The Committee again believe this is addressed, with the conditions imposed.

S182 Guidance – Philip Kolvin QC referred to the following sections of the guidance: 8.33, 8.34, 8.35 and 10.4 – The Applicant clearly has a detailed knowledge of the area and has experience of running such events in the Manchester area. The conditions put forward take into account the area and are tailored to fit the premises and the events taking place.

In regards to 10.4 the Applicant in this matter has conducted a risk assessment and has deemed it necessary for each event to have its own risk assessment carried out in advance with the input of the Responsible Authorities. This is due to the nature of the venue. The Committee has concluded it would not be possible to have such assessments carried out in full at this stage. Further the other conditions proposed, work alongside the risk assessments which are to be carried out.

Further, the application has been criticised by Mr Kolvin QC as being extremely thin, lacking detail, and with the operating schedule only containing one single plan. The Committee are satisfied that they are in a position based on the application, plans

and evidence before them to make a decision on this matter and most importantly make sure the licensing objectives can be upheld. That is not to say that the Applicant could not have provided a greater level of information from the outset. It clearly could have done.

Taylor v Manchester City Council and another [2012] EWHC 3467 (Admin) QBD

The authority was submitted by Phillip Kolvin QC but was not referred to during his submissions. The committee were not aware what part of the case he sought to rely on.

Conditions

The conditions to be imposed are, in the Committee's view, appropriate and proportionate for this multi use premises. The Applicant has agreed a number of draft conditions with Responsible Authorities as well as setting conditions out in their operating schedule.

The parties will note that the conditions put forward have been agreed by the Committee but have been scrutinised by the Committee and a number of amendments and additions made to ensure they are workable, enforceable, and reflect concessions made by the Applicant during the course of the hearing. The Committee considered that some of the suggested conditions lacked clarity and enforceability in their original drafting.

Conclusion

The Committee are fully aware of the importance of this Application, not least given the proposed capacity for the premises, and the proposed 25 DJ led events per year. If the Committee concluded that, even with the imposition of conditions, to grant any licence would not promote the licensing objectives, it would have been bound to refuse the application.

However, the Committee are persuaded that, if it is possible to impose suitable and strenuous conditions, to grant the licence would promote the licensing objectives. The Committee have further concluded that it is possible so to do.

As recorded above, the Committee have concluded that the premises are not 'typical' licensed premises, because of their multi-use and their potential capacity. The Committee does not consider that it is appropriate, in order to promote the licensing objectives, for conditions to be put in place that 'set' policies in stone for the future. Indeed, that would be short-sighted, counter-productive and would not reflect the proposed multi-use of the premises, and the different circumstances that will or may arise for different forms of events, and which need to be catered for.

Rather, the Committee have determined that it is appropriate to impose conditions which have the effect of giving Responsible Authorities great and ongoing control over all future events, whatever their size, nature or type. It will be seen from a number of the conditions that, if there is no agreement with the relevant Responsible Authorities upon the subject matter within a condition - *for each event* - the event

cannot take place. The Applicant was at pains to make clear to the Committee that they agreed to this form of condition. So too, by their agreements, did the Responsible Authorities.

The Committee agrees with Mr Stephen Walsh QC that conditions of this sort are used in the licensing of large-scale out-doors events and festivals and are entirely appropriate for use for these premises. It does not accept that to impose conditions of this sort it would, in some way, be abrogating its statutory responsibilities. The contrary is the case.

In all the circumstances, when coupled with the experience of this operator and its clear willingness to work with (and according to the requirements of those Responsible Authorities) the Committee is satisfied that the Licensing Objectives will be promoted by the grant of a licence subject to these conditions.

Finally, in so far as the grant of this licence may amount to a departure from any part of the Council's Licensing Policy, the Committee are satisfied that – for all the reasons set out above – there is ample justification for making any such departure.