



Licensing Sub Committee Hearing Panel

Date: Thursday, 27 August 2020

Time: 10.00 am

Venue: Dial: 033 3113 3058 Room number: 37978770 #
PIN: 2991 #

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

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Under the provisions of these regulations the location where a meeting is held can include reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Grimshaw (Chair), Hewitson and Jeavons

Supplementary Agenda

4. **Temporary Event Notice - New Union Hotel 111 Princess Road Manchester M1 6JB** 3 - 36
The report of the Director of Planning, Building Control & Licensing was to follow and is now enclosed.

Further Information

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

Ian Hinton-Smith
Tel: 0161 234 3043
Email: i.hintonsmith@manchester.gov.uk

This supplementary agenda was issued on **Thursday, 20 August** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 27 August 2020

Subject: The New Union, 111 Princess Street, Manchester, M1 6JB - ref: LTN248803

Report of: Director of Planning, Building Control & Licensing

Summary

Submission of a temporary event notice where an objection notice has been given.

Recommendations

That the Panel consider the objection notice(s) and give a counter notice where it considers it appropriate.

Wards Affected: Piccadilly

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

A connected city: world class infrastructure and connectivity to drive growth	
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Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
 Position: Principal Licensing Officer
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 E-mail: f.swift@manchester.gov.uk

Name: Ashia Maqsood
 Position: Technical Licensing Officer
 Telephone: 0161 234 4139
 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 14 August 2020, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of The New Union, 111 Princess Street, Manchester, M1 6JB in the Piccadilly ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Notice**

- 2.1 A copy of the TEN is attached at **Appendix 2**.
- 2.2 The premises user is Elaine Ramsbottom.
- 2.3 The description of the event is: August bank holiday event with a stage and bar on Canal Street.
 - 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 subject to a premises licence issued under the Licensing Act 2003. A copy of the licence is included at **Appendix 4**.
- 2.4 **Activities unsuitable for children**
 - 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2.5 Further documentation accompanying the application

2.5.1 The premises user has not submitted any further documents in support of the TEN.

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 have been redacted.

3.2 Summary of the objections:

Party	Grounds of representation	Recommends
GMP	GMP object to the TEN based on the grounds that the presence of an external bar and stage will make the location extremely congested. GMP further state that additional queueing for a bar will cause further congestion and this will make social distancing very difficult to manage and maintain in the current Covid-19 pandemic. GMP request that the TEN is refused	Serve a counter notice
Licensing and Out of Hours Compliance (LOOH)	LOOH objected to the TEN based on the grounds that the positioning of a stage with entertainment and outdoor bar would, in effect, be a like Pride event. Due to the current Covid -19 pandemic Pride was cancelled and LOOH have concerns that the flow of people coming through a main arterial route through to Canal Street will likely become very congested, similar to previous years. This congestion will be further exasperated by the addition of an external bar and the likely queues that are associated with an external bar. LOOH state that there is no reference in the TEN as to how current Covid-19 local restrictions will be considered or how to mitigate the risk of infections. It is unlikely that people attending this type of entertainment will be within the limits set under current legislation. LOOH request that the TEN is refused	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.

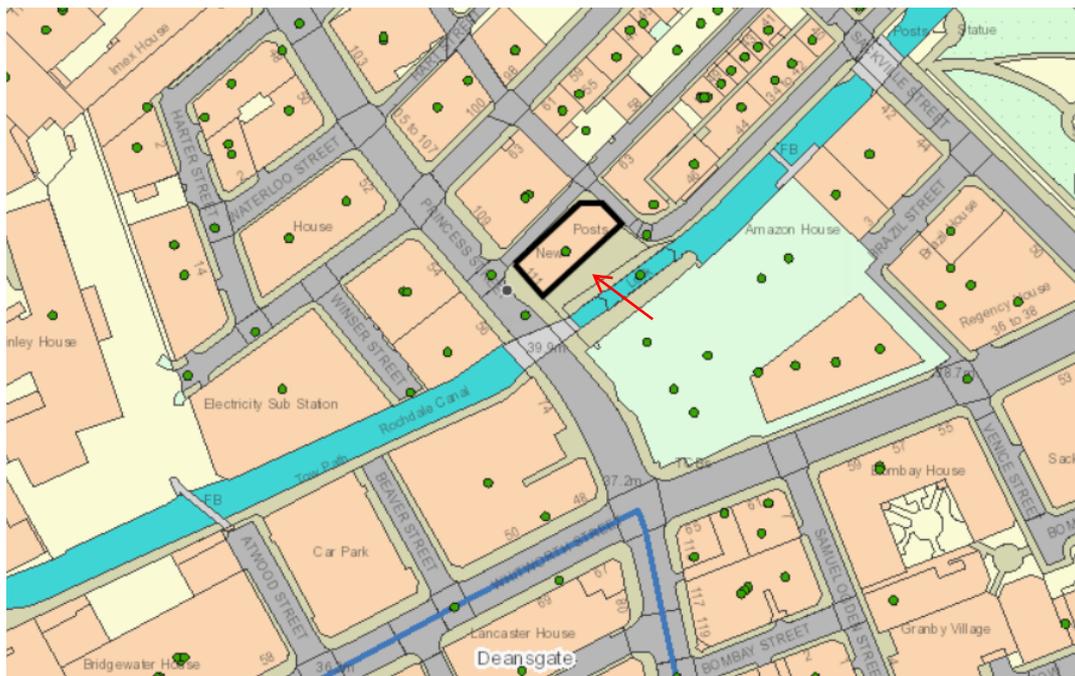
- 4.5.4 Where the authority considers that to impose on the TEN one or more of the conditions from a premises licence or club premises certificate in force at the premises (insofar as such conditions are not inconsistent with the event) is appropriate for the promotion of the licencing objectives, the 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. **Conclusion**

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

- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
6. **The Panel is asked to determine the temporary event notice.**

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PREMISE NAME:	The New Union
PREMISE ADDRESS:	111 Princess Street, Manchester, M1 6JB
WARD:	Piccadilly
HEARING DATE:	27/08/2020

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Temporary Event Notice

Payment Transaction number:- ASB/511642 | Form Reference number ASB/3800971

Premises User Information

Title

Mrs

If other please state

n/a

Surname

Ramsbottom

Forenames

Elaine

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

n/a

Your date of birth

[REDACTED]

Your place of birth

[REDACTED]

National Insurance Number

[REDACTED]

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

[REDACTED]

Telephone

[REDACTED]

Evening telephone

n/a

Mobile phone

[REDACTED]

Fax number

n/a

Email address

[REDACTED]

Address

n/a

Telephone

n/a

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

[REDACTED]

Premises information

Please give the name and address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references)

111 Princess Street
Manchester
M1 ^JB

Premises licence number

050378

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.

Stage Outside right hand side of front door on Canal Street

7ft x 3 ft and 2.5 ft high

and Bar outside on Canal Street. to the left of the fire door

6ft x 2.5 ft and 3ft high.

Drag queen will be on stage playing music

Please describe the nature of the premises

Public House/ Nightclub/Hotel

Please describe the nature of the event

The event is normally pride but it is just a bank holiday now

Licensable activities

The sale by retail of alcohol

Yes

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

No

The provision of regulated entertainment

Yes

The provision of late night refreshment

No

Are you giving a late temporary event notice?

No

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

28/29/30/31 August 2020

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

2pm to 11pm

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).

125

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

Both

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

No

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

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

Yes

Issuing Authority

[REDACTED]

Licence Number

[REDACTED]

Date of Issue

December2004

Date of Expiry

life

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?

Yes

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

Due to lockdown t wasnt allowed

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

Elaine

Capacity in which you are making this application

Proprietor

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:

[Redacted]

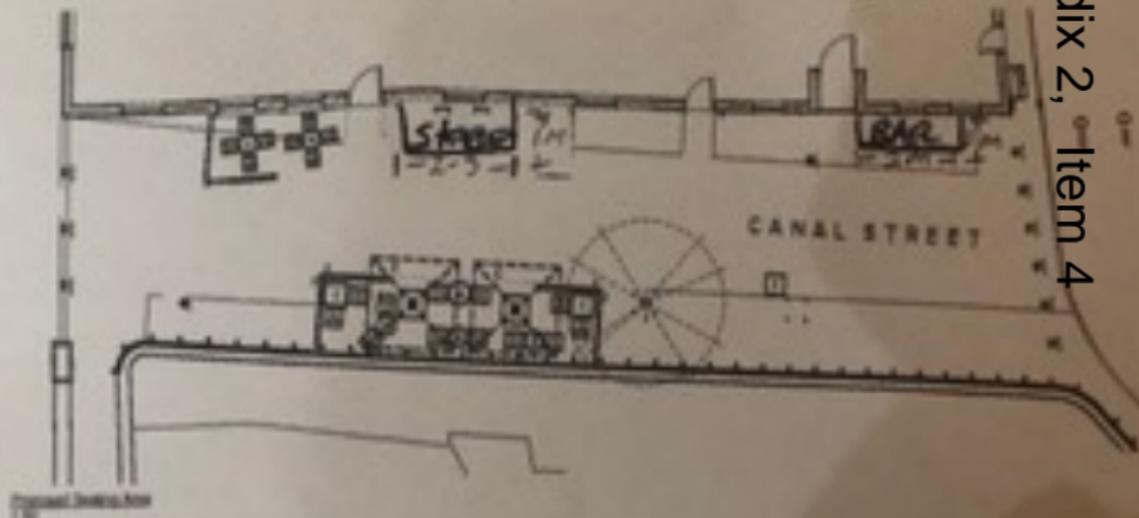
[Redacted]

SHALE CANAL



1 STREET

Page 20



Appendix 2, Item 4



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Signe Johansen
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	[REDACTED]
Telephone Number	[REDACTED]

Premise Details	
Application Ref No	REF: 674450
Name of Premises	New Union
Address	111 Princess Street, Manchester

Representation
<p>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.</p> <p>The Licensing and Out of Hours Team (LOOH) have assessed the application submitted for the provision for a temporary event at The New Union. LOOH have consulted the Council's Licensing Policy and assessed any potential risk that the granting of this could lead to issues of public nuisance. The applicant has applied to erect a stage on Canal Street providing entertainment and an outside bar on the August bank holiday 28-31 August.</p> <p>As a result of this assessment we have concerns regarding the application.</p> <p>The premises is situated in the Gay Village. The application is for the weekend which is traditionally Pride weekend. Due to the current Covid crisis Pride was cancelled. The VLBA submitted a proposal to MCC to continue with planned events for people who had already booked and planned to attend Pride. This proposal was not supported by MCC or GMP.</p> <p>LOOH believe that positioning a stage with entertainment and outdoor bar would, in effect, be a like Pride event.</p> <p>The flow of people coming through a main arterial route through to Canal Street will likely become very congested, similar to previous years. This congestion will be further exasperated by the addition of an external bar and the likely queues that are associated with an external bar.</p> <p>There will also be associated litter from people disposing of single-use plastic cups on the highway.</p> <p>The application does not satisfy steps that will be taken to prevent proxy sales, which will be difficult to consistently manage in an open, busy, noisy space.</p> <p>The Temporary Event Notice states that there will be 125 people attending</p>

including staff. It is unclear how people will be moved on if the area becomes overcrowded or where the premises will include as their designated responsibility or how the queuing system will work. There is no reference as to how security will operate within this area.

There is no reference to how current Covid Local restrictions will be considered or how to mitigate the risk of infections. It is unlikely that people attending this type of entertainment will be within the limits set under current legislation.

We therefore recommend that given the concerns the temporary event notice is not granted.

Recommendation:

Refuse

GREATER MANCHESTER POLICE



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

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

18th Aug 2019

Dear Madam

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

PREMISES NAME:	Outside Area
ADDRESS:	New Union Hotel Princess Street Manchester M1 6JB
DATE OF EVENT:	28/08/20 – 31/08/20
TIME OF EVENT:	1400 – 2300 hrs

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

The premises have applied for an outside bar and stage during August Bank Holiday weekend which has always been the Manchester Pride weekend. Due to the Corona virus pandemic this year's Pride festival has been cancelled but large number of visitors are still expected to visit the Village over this weekend and it is anticipated that although the numbers of people will be lower than during Pride they will still be significantly higher than a usual weekend.

We are concerned that the presence of an external bar and stage will make the location extremely congested - additional queueing for a bar will cause further

GREATER MANCHESTER POLICE

congestion and this will make social distancing very difficult to manage and maintain and in the current climate this is a risk that is simply not worth taking as the spread of this deadly virus is still very much a serious threat to everyone's safety.

As such we ask that this TEN application is refused.

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

Date/Time 18th August 2020 0710 hrs
.....



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	050378
Granted	23/09/2005
Latest version	Variation 244120 Granted 11/05/2020

Part 1 - Premises details

Name and address of premises
The New Union New Union Hotel, Princess Street, Manchester, M1 6JB
Telephone number
0161 228 1492

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1. The sale by retail of alcohol*. 2. The provision of regulated entertainment, limited to: Live music; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance. 3. The provision of late night refreshment. <p>* All references in this licence to "sale of alcohol" are to sale by retail.</p>

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0400	0400	0400	0400	0600	0600	0400
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non standard Timings:							
New Year: Start: 1100 New Year's Eve Finish: 0400 New Year's Day.							

Recorded music; Performances of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0400	0400	0400	0400	0600	0600	0400
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
New Year: Start: 1100 New Year's Eve Finish: 0400 New Year's Day.							

Live music; Anything similar to live music, recorded music or the performance of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0400	0400	0400	0400	0400	0400	0400
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
New Year: Start: 1100 New Year's Eve Finish: 0400 New Year's Day.							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0400	0400	0400	0400	0400	0400	0400
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
New Year's Eve: Start 2300 Finish 0500							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0400	0400	0400	0400	0600	0600	0400
Seasonal variations and Non standard Timings:							
New Year: Start: 1100 New Year's Eve Finish: 0400 New Year's Day.							

Part 2

Details of premises licence holder	
Name:	Ms Elaine Ramsbottom
Address:	[REDACTED]
Registered number:	N/A

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Ms Elaine Ramsbottom
Address:	[REDACTED]
Personal Licence number:	[REDACTED]
Issuing Authority:	Salford City Council

Annex 1 – Mandatory conditions	
Door Supervisors	
<p>1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -</p> <ul style="list-style-type: none"> (a) Unauthorised access or occupation (e.g. through door supervision), (b) Outbreaks of disorder, or (c) Damage, <p>unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.</p>	
Supply of alcohol	
<p>2. No supply of alcohol may be made under this premises licence:</p> <ul style="list-style-type: none"> (a) At a time when there is no designated premises supervisor in respect of the premises licence or, 	

- (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- (a) a holographic mark, or
- (b) an ultraviolet feature.
5. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purposes of the condition set out in (1) above–
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) “permitted price” is the price found by applying the formula–
- $$P = D + (D \times V)$$
- where –
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

8. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

For the purposes of conditions 6, 7 and 8 above, a responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Annex 2 – Conditions consistent with the operating schedule

1. The above time restrictions in relation to the hours for the sale of alcohol do not prohibit:

- a) During the first thirty minutes after the above hours the consumption of the alcohol on the premises if the sale of alcohol is permitted beyond 2300 (2230 on a Sunday);
- b) During the first twenty minutes after the above hours the consumption of the alcohol on the premises if the sale of alcohol is not permitted beyond 2300 (2230 on a Sunday);

- c) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- d) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption ancillary to the meals if the sale of alcohol is not permitted beyond 2300 (2230 on a Sunday);
- e) Consumption of the alcohol on the premises by, or the taking or sale or supply of alcohol to any person residing in the licensed premises;
- f) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- g) The sale of alcohol to a trader or club for the purposes of the trade or club;
- h) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- i) The taking of alcohol from the premises by a person residing there; or
- j) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

- 2. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment;
- 3. On any day where music and dancing is not provided after midnight the sale of alcohol shall end at midnight
- 4. On any day where music and dancing end between midnight and the terminal hour for the sale of alcohol, the sale of alcohol shall end when the music and dancing end

CHARGE OF THE PREMISES

- 5. The Licensee, or some responsible person over the age of 21 years, nominated by the Licensee in writing, shall be in charge and be present upon the licensed premises during the whole of the time that they are open for the purpose of this licence.
- 6. The Licensee shall inform the Council immediately in writing of any such nomination.
- 7. The Licensee shall ensure that a notice is conspicuously displayed at the entrance of the premises indicating the maximum number of persons allowed entry under the conditions of the licence.

ATTENDANTS

- 8. All employees and attendants shall have allotted to them specific duties in the event of emergency and particulars of such duties shall be notified to them in writing.
- 9. The fire fighting equipment shall be in the charge of a person who has been trained in its use, and that person, or some other suitable person deputed to be in charge of the fire fighting equipment, shall be present whenever the premises are in use for the purpose of this licence, and also for such period before and after the use of the premises, as may be necessary to check that the fire fighting equipment is in order.
- 10. The staff should be instructed and trained in fire routines including evacuation procedures.
- 11. Fire routines and evacuation procedures should be exercised at least once every calendar month and the holding of such event shall be recorded in a log book kept solely for that purpose and signed by the Licensee. The log book must be kept available at all times for inspection by a duly authorised Officer of the Council.

CONDUCT OF THE PREMISES

- 12. The Licensee shall maintain good order in the premises.

13. The Licence holder shall ensure that noise shall not emanate from the Licensed premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Any form of amplification shall be so controlled by the licensee so as to prevent such a disturbance.
14. The Licence holder shall at all times ensure that persons on or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and/or persons passing by.
15. The licence holder shall take all reasonable steps to ensure that persons leaving licensed premises and using adjacent car parks and highways do not conduct themselves in a manner so as to cause annoyance to residents and/or persons passing by.
16. Whilst the premises are being used for public entertainment, drunkenness or other disorderly conduct shall not be permitted. In case any disorderly conduct should occur, the Licensee shall assist in the capture, expulsion and conviction of the offender.
17. In circumstances deemed appropriate the Council may impose a condition that the licence holder shall not permit any person to be admitted to the premises after a specific hour on various days of the week.
18. Nothing shall be done, recited, sung exhibited, or performed, and no dancing shall be permitted which is licentious, indecent, profane, improper or of a suggestive nature, or is likely to cause a breach of the peace (for the avoidance of doubt this condition prohibits the performance of strip-tease or similar dancing).
19. Drunkenness or other disorderly conduct shall not be permitted nor shall reputed prostitutes, thieves or other persons of notoriously bad character be knowingly allowed to forgather and assemble on the said licensed premises.
20. No unlawful gaming or betting shall be allowed on the said licensed premises.
21. No exhibition, demonstration or performance of hypnotism shall be given on any person at the premises except with the express consent of the City Council and in accordance with any conditions attached to such consent.
22. Application for consent shall be made, and a detailed description of the proposed exhibition furnished, to the Chief Executive's Licensing Unit, not less than twenty-one days before the day on which the exhibition is to be given and notice of such a application shall immediately be given to the Chief Officer of Police.
23. No entertainments likely to present special risks shall be presented unless prior consent in writing has been given by the Council.
24. The foregoing condition includes the use of:
 - Flammable or explosive substance
 - Pyrotechnics
 - Laser beams
 - Naked flame
 - Dangerous animals
25. No person shall be refused admission to the premises on the grounds of sex, sexual orientation, colour, race, religion or ethnic or national origin.
26. No glassware in the form of open bottles or glassware must be taken in or off the premises.
27. Licensees, when doorstaff are in attendance, must ensure that all glassware is removed from patrons entering or leaving the licensed area and subsequently safely disposed of.
28. Licensees, when doorstaff are not in attendance, must ensure that secure receptacles are provided at all entrances and exits for glassware to be deposited by patrons entering or leaving the licensed area.
29. Licensees must display prominent notices advising patrons of this condition.

DOOR SUPERVISORS

30. Where the Licensee or his employer engages any persons at or about the entertainment premises in the capacity of security staff the Licensee shall maintain a log in a form approved by the Council, showing in respect of each period of duty of that person:
- i. the name, date of birth and residential address of that person.
 - ii. the time at which he / she commenced that period of duty with a signed acknowledgement by that person.
 - iii. the time at which he / she finished the period of duty with a signed acknowledgement by that person.
 - iv. any times during the period of duty when he / she was not on duty.
 - v. if that person is not an employee of the Licensee or his / her employer, the name of the person by whom that security person is employed or through whom the services of that person were engaged.
31. The log shall be so kept that it can be readily inspected at any reasonable time by an authorised Officer of the Council or a Police Officer and, once a log has been completed, it must be retained on the premises for at least 12 months.
32. A Licensee, when requested, shall identify by name those persons employed by him to a Police Officer or other authorised Officer.
33. The Licensee shall ensure all security staff are given adequate oral and written instruction.

FIRE PRECAUTIONS

34. The licensed premises shall be provided with an adequate number of exits clearly indicated and so placed and maintained so as to readily afford the audience ample means of safe egress.
35. The means of ingress and egress and the passages and gangways are to be kept clear and unobstructed during the whole time that the licensed premises are used for the purpose of this licence.
36. Emergency doors must not be fitted with any securing device other than an approved type of panic bolt fitting. This must be so maintained that horizontal pressure on the cross bars, which must be placed at a height of 900mm measured from the bottom of the door, will open the door(s)
37. Doors not in normal use, which are regarded as emergency exits, should be fitted with an alarm which is activated when they are opened. The alarm should be inaudible in public areas and should sound in an area permanently manned by management/staff whilst the premises are occupied. Also, the alarms must be distinguishable from any fire alarm within.
38. The legend, in block letters, not less than 100mm in height "PUSH BAR TO OPEN" must be displayed on every emergency door.
39. Doors and openings other than exits must be suitably and clearly marked "PRIVATE", or have notices fixed on or over them indicating the use of portions of the premises to which they give access.
40. Security shutters which are fitted on the outside of entrances and exit doors must be fitted with a suitable locking mechanism to enable the shutters to be locked in the open position whilst the public are present and which will prevent the shutters being either accidentally or deliberately closed whilst persons are on the premises, thereby rendering the exit door unusable. A suitable warning notice to that effect must be displayed.
41. All interior and exterior passages, gangways, staircases and steps leading to exits must be adequately lit whenever the premises are in use for the purposes of this licence.
42. Unless the Council otherwise agrees in writing, adequate and suitable emergency lighting must be provided in the premises and maintained to the satisfaction of the City Architect and must be illuminated whenever the premises are in use for the purpose of this licence.
43. Notices giving instructions on how to call the Greater Manchester County Fire Service must be prominently displayed adjacent to any commercial telephones in the premises.

44. Any outbreaks of fire, however small, must be reported immediately to the Greater Manchester County Fire Service.
45. An adequate number of suitable and efficient fire fighting appliances shall be installed and maintained in the said licensed premises to the satisfaction of the City Architect and a record of such maintenance is to be attached or fixed to each appliance.
46. Storage of necessary combustible material shall be in a locked fire resistant enclosure in such a position as may be approved by the City Architect.
47. If it appears to the inspecting Officers that the use of a product, material, fabric or finish might assist the spread of fire in the premises, then the City Council may require such product, material fabric or finish to be replaced or to be treated in such a manner as to reduce this risk.
48. No drapery or scenery other than permanent curtains and drapery of heavy and not readily flammable materials shall be permitted. Any other curtain or drapery material shall be rendered fire resistant.
49. No decorations, artificial flowers or similar displays of a combustible or flammable nature shall be provided on the premises without the written consent of the City Council.
50. The Licensee shall ensure that at no time in any part of the premises there be allowed real flame whether part of the entertainment or not unless prior consent in writing has been given by the Council. This rule shall not prohibit approved heating or lighting installations or smoking provided that suitable precautions have been taken against the risk of fire.
51. Except with the consent of the City Council explosives, toxic, hazardous or highly flammable substances (including liquid petroleum gas) shall not be brought onto or used on the premises.
52. Whenever possible, upholstered furniture shall be covered in a suitably flameproof fabric whether the furniture is new or by way of replacement or repair.
53. All stoves, open fires, and other heating appliances shall form an integral part of the structure and shall be efficiently and effectively fixed and guarded. On no account shall any type of portable heating appliances be introduced onto the premises.

MAINTENANCE

54. All mats or other floor coverings, where used, shall be secured so as not to be in any way liable to rucking or a source of danger to persons using the premises and any drapings used in the auditorium shall be so hung as to prevent trailing on the floor.
55. On all steps and staircases the edges of the tread must be clearly defined so as to be conspicuous.
56. All parts of the premises and all fittings and apparatus therein, including seating, door fastenings and notices, and the lighting, heating, electrical and other installations must be maintained at all times in good order and condition to the satisfaction of the Council.
57. The hanging of curtains over doorways shall be permitted provided that such curtains:
 - i. be made to part at the centre while being secured at their sides.
 - ii. hang clear of the floor by at least 50mm and be easily movable on their fittings.
 - iii. be of a material which is not readily combustible, and be so hung as not to conceal any notices indicating the purpose of the door.
58. The arrangements for ventilation in all parts of the premises shall be maintained at all times in good order and condition .
59. All damaged or defective furniture shall be replaced immediately or taken out of use and stored in an area to which the public do not have access.

GENERAL

Powers of Entry

60. A duly authorised officer of the City Council, a Police Constable or a member of the Greater Manchester Council Fire Service shall, at all times, have free access to the premises for the purpose of ensuring compliance of the conditions of this licence.

Inspection of Premises

61. Accompanied by a representative of the City Architect, an appropriately qualified representative of the Licensee must, not less than every five years, or at such times as when decoration takes place, carry out an inspection and examination of the building and every place used for the purpose of the licence and shall report in writing to the City Architect as to the suitability of the premises within 7 days of the date of the inspection.

Electrical Installation

62. The electrical installations must comply with any applicable rules and regulations affecting the use of electricity for the time being in force. All electrical installation shall be inspected once a year by one of the following: (a) a chartered electrical engineer; or (b) a member of the Electrical Contractor's Association; or (c) a certificate holder of the National Inspection Council for Electrical Installation Contracting; or (d) the local Electricity Board appointed by or on behalf of the Licensee of the premises.
63. A certificate, on the prescribed form, stating the condition of the general electrical and emergency lighting installations installed at the premises shall be forwarded to the Chief Executive's Licensing Unit, forming part of the application submission. Such certification shall relate to an inspection of the installation carried out not more than 8 weeks before the expiry of the current licence.

Alterations

64. Alterations or additions, either permanent or temporary, to the structure, lighting, heating or other installations or to be the approved seating gangways or any other arrangements in the premises must not be made except with the prior written approval of the City Council.
65. Any material used as a wall or ceiling lining or as a suspended ceiling shall be to the Council's satisfaction and shall be fixed or supported in such a manner as may be approved by the Council.

Seating

66. The manner in which seating in the premises shall be arranged and, if chairs and other separate seats are used, the manner in which these shall be secured to the floor or to each other if necessary, and the minimum distance to be allowed between rows of seats shall, at all times, be to the satisfaction of the City Architect.
67. In all such premises where it is deemed necessary by the City Architect in writing a diagrammatic plan showing clearly the escape routes and the seating pattern shall be publicly displayed.

Stairways

68. Where practicable, continuous and uninterrupted hand-rails to all staircases must be fixed at a height above the nosings of the steps of 840mm, these handrails must not project more than 75mm over the width of the stairway.
69. The open side of any staircase must be protected with a securely fixed balustrade, railing or wall extending to a minimum height of 1.1m above the nosings of the steps in addition to the provision of a handrail at the required height of 840mm.
70. Any spaces contained between the embers forming the balustrade or railing shall not exceed 125mm.

Sanitary Provision

71. Sanitary accommodation with adequate appliances and appropriate water supply must be provided appropriate to the capacity of the premises and in accordance with the statutory scales of provision and be maintained at all times in good order and condition.

Cooking of Food

72. Appliances for cooking must only be installed in rooms or enclosures specially approved by the Council and suitable arrangements must be made for the proper discharge of products of combustion and cooking fumes without nuisance into the open air.

Change of Name of Premises

73. If the name of the premises or establishment is changed, the Licensee shall, within seven days of such a change, give notice thereof to the City Council in writing.

Miscellaneous

74. The Licensee, that is the person in whose name the licence is granted, shall be fully and totally responsible for the carrying out of each and every one of these terms and conditions and the safety of persons and employees on the premises in the event of an emergency.

Special Conditions

75. Permitted Occupancy: 400 persons ground floor only
76. All external windows and doors at the premises are to be kept closed after 2300 hours except for access and egress. The fire doors that exits onto Richmond Street must be kept closed at all times except for emergencies.
77. No externally mounted speakers.

General Conditions

78. There shall be a written strategy for responding to incidents of crime and disorder within the premises. All management and staff will be provided with suitable and adequate training regarding this policy.
79. The licence holder shall undertake written risk assessments to ensure that events which require door supervisors are identified and an appropriate number of SIA registered Door Supervisors will be employed at these events.
80. The licence holder will liaise with the Crime Reduction Officer and City Centre Safe Team within a reasonable period of time after issue of this licence with regards to reducing crime and disorder and ensuring public safety within the premises and act on any recommendation promptly.
81. The licence holder will liaise with Greater Manchester Fire Service within a reasonable period of time after issue of this licence with regards to Fire Safety Standards within the premises and act on any recommendation promptly.
82. The premises licence holder shall become a member of, and maintain its membership of, the local Pub Watch Scheme and local area partnerships where available.
83. The premises licence holder shall monitor information from local Pub Watch or Club Watch scheme and local area partnerships and act on such information as necessary.
84. The management shall conduct an ongoing risk assessment in relation to the search policy operated at the premises and if necessary an effective search policy shall be implemented to ensure that drugs and offensive weapons are not brought onto the premises by patrons.
85. Any person found using drugs will be removed from the premises. Any person found to be dealing drugs will be detained and the police informed immediately. Drugs seized will be handed over to the police.
86. Known offenders or drug dealers will not be permitted on the licensed premises. Information regarding known offenders/drug dealers will be shared with other licensed premises within the area.
87. All management and staff shall be provided with suitable and adequate training in issues regarding drug awareness including and reducing the risks of the spiking of drinks.
88. All staff and management shall be provided with adequate and suitable training to enable them to identify customers who have consumed excessive alcohol and deal with incidents of disorder within the premises.
89. Management & staff shall ensure that persons who have consumed excessive alcohol shall not be permitted entry to the premises.
90. Management & staff shall encourage patrons leaving the premises to do so in a quiet manner with respect for local residents.
91. Management and staff shall ensure patrons are supervised in all parts of the premises.
92. Management and staff shall ensure that all exits are regularly checked to ensure that they are not obstructed and function satisfactorily. CCTV shall be used to monitor exits from the premises if necessary.
93. The management and staff will ensure that the premises and the area immediately abutting the frontage of the premises is kept free from litter.

94. The management and staff will ensure that glasses are collected regularly. Regular inspections for broken glass will be made by staff and any broken glass found will be cleared away immediately by staff.
95. Public liability insurance shall be maintained for the premises.
96. A safety plan shall be implemented that shall include fire safety and maintenance inspections.
97. Fire fighting equipment shall be maintained and serviced according to the manufacturers instructions.
98. Outdoor bottle banks will be kept secure.
99. All bins used at the premises shall be vermin proof.
100. There shall be a supply of adequately prominently positioned litter bins. Litter bins will be clearly signposted and emptied on a regular basis.
101. The management and staff shall ensure that the premises and the area immediately surrounding the exterior of the premises are cleaned on a regular basis and remain free from debris and litter.
102. Refuse shall be regularly removed from the premises in a manner so as not to cause unreasonable disturbance to local residents.
103. Noise or vibration will not emanate from the premises so as to cause a nuisance to nearby properties.
104. Sufficient extraction and ventilation systems shall be installed and maintained at the premises. Any extraction and ventilation systems operating from the premises must not produce noise so as to unreasonably disturb local residents.
105. An evacuation procedure which includes emergency exit from the premises by disabled customers shall be implemented at the premises and all staff shall be fully briefed in the procedure.
106. All staff shall be trained in how to respond to emergency situations.
107. Emergency exits will remain unlocked and free from obstruction, both inside and outside, at all times.
108. Staff will be provided with comprehensive, ongoing training to make the aware of all legislation relevant to their employment.
109. Prominent, clear and legible notices shall be displayed throughout the premises advising customers on the laws relating to children and alcohol and the purchasing of alcohol on behalf of children.
110. Anyone who appears to be under the age of 21 and who is attempting to purchase alcohol must be required to produce satisfactory "proof of age" that they are over the age of 18 before such sale is made, such identification must comply with the PASS accreditation system.
111. All members of management and staff will be provided with adequate training to identify acceptable forms of identification to be requested from any person who appears to be under the age of 18 attempting to purchase alcohol. Suitable identification includes photographic proof of age such as passport, photo card driving licence or citizen card.

Conditions in relation to the performance of striptease

112. Striptease entertainment shall be given only by the performers and no audience participation shall be permitted.
113. Performances will take place only in designated areas approved by the council and arrangement for private access to the dressing room shall be maintained at all times whilst striptease is taking place and immediately thereafter.
114. Whilst striptease is taking place, no person under 18 shall be permitted to remain on the licensed premises and a clear notice shall be displayed at the entrance to the premises, in a prominent position, so that it can be easily read by persons entering the premises on the following terms " NO PERSONS UNDER 18 TO BE ADMITTED".
115. There shall be no physical contact between the customer and performer before during or after the performance. Notices outlining this shall be clearly displayed at the entrance to the premises and at each bar.
116. Performers shall be aged not less than 18 years.

117. There will be no displays of signage outside the premises or photographs or other images which indicate and suggest that striptease is taking place on the premises.
118. There shall be at least two door supervisors on the premises when performances of striptease take place.
119. Performances of striptease shall only take place between 2200 and 0000 hours.

Annex 3 – Conditions attached after hearing by the licensing authority

1. Signage to be placed in prominent positions asking people to leave quietly respecting the neighbours.
2. There will be no disposal of glassware between the hours of 00.00hrs and 07.00hrs, Monday to Sunday.
3. The applicant will continue to participate in the Night Net system.
4. All doors and windows to be closed during all regulated entertainment except for access and egress.
5. All music to go through the noise limiter, which is to be tamper proof and set to an agreed level with the Environmental Health Officer.
6. Inaudibility monitoring to take place at the nearest residential point.
7. Regular meetings with residents to be held, the minutes of which are to be copied to the Licensing Unit.
8. CCTV to be stored for 28 days.
9. All door staff to be registered with the SIA.
10. An SIA door register to be kept on the premises.
11. No persons under the age of 18 shall be allowed on the premises.
12. The premises licence holder shall attend at Pub and Clubwatch meetings a minimum of 6 times per year.
13. There shall be no admittance of new customers to the premises after 04;30.
14. There shall be a documented dispersal policy implemented at the premises, this policy is to be agreed by Licensing Out of Hours and GMP.

Annex 4 – Plans

See attached