



Licensing Sub Committee Hearing Panel

Date: Monday, 15 November 2021
Time: 10.10 am (or at the rise of the Licensing Policy Committee)
Venue: Council Chamber, Level 2, Town Hall Extension

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

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Membership of the Licensing Sub Committee Hearing Panel

Councillors - Andrews, Connolly and Hughes

Supplementary Agenda

1. Urgent Business

To consider any items which the Chair has agreed to have submitted as urgent.

Temporary Event Notice - Dukes 92, 19-25 Castle Street, Manchester, M3 4LZ

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The report of the Director of Planning, Building Control and Licensing is enclosed.

Temporary Event Notice - Hatch, 103 Oxford Road, Manchester, M1 7ED

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The report of the Director of Planning, Building Control and Licensing is enclosed.

Further Information

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

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This supplementary agenda was issued on **Tuesday, 9 November 2021** 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 – 15 November 2021

Subject: Dukes 92, 19-25 Castle Street, Manchester, M3 4LZ - ref: LTN265858

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: Deansgate

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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Name: Patrick Ware
 Position: Technical Licensing Officer
 Telephone: 0161 234 4858
 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 1 November 2021, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Dukes 92, 19-25 Castle Street, Manchester, M3 4LZ in the Deansgate 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 Daniel Rene Sanjuan.
- 2.3 The description of the event is Extension of hours for NYE party.
- 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 submitted the following documents in support of the TEN, which are included with the application form at **Appendix 2**:

- Current Premises Licence

3. **Objection Notice(s)**

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

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	Concerns regarding the Prevention of Public Nuisance Licensing Objective not being supported due to the potential noise disturbance to neighbouring residential properties and anti-social behaviour from cars revving engines and people fighting.	Serve a counter notice

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

- 4.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

4.2 **New Information**

- 4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

4.3 **Hearsay Evidence**

- 4.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

4.4 **The Secretary of State's Guidance to the Licensing Act 2003**

- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must ‘have regard to’ guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

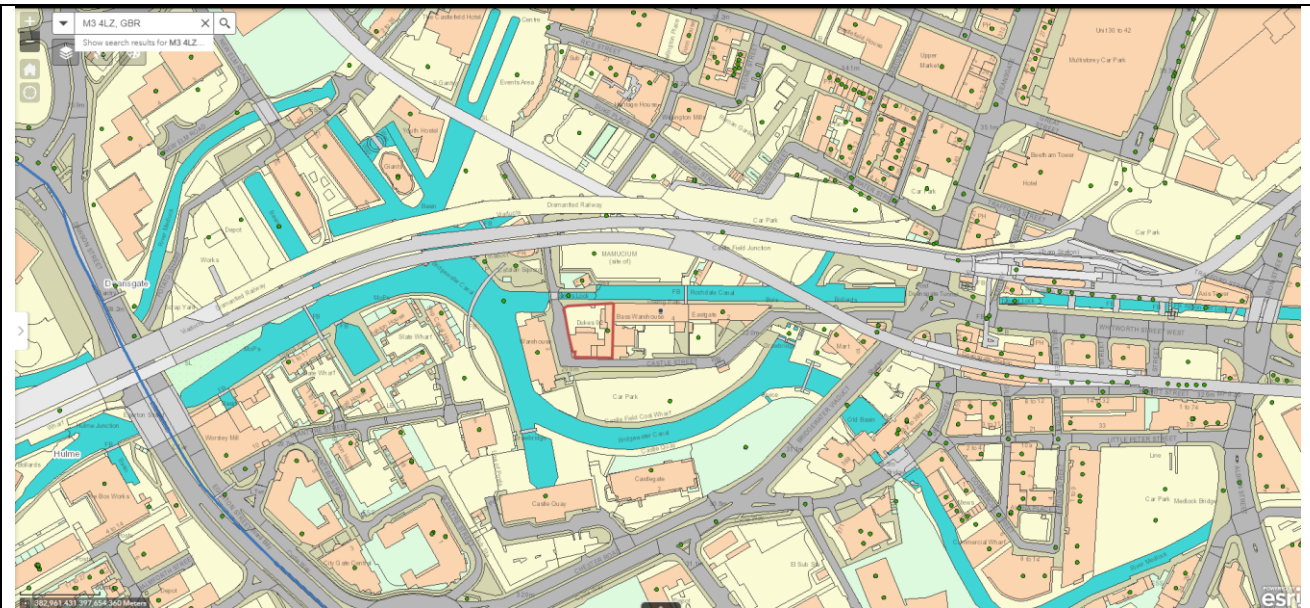
- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must ‘have regard to’ its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 4.5.4 Where the authority considers that to impose on the TEN one or more of the conditions from a premises licence or club premises certificate in force at the premises (insofar as such conditions are not inconsistent with the event) is appropriate for the promotion of the licensing objectives, the policy is to give notice to the premises user that includes a statement of the conditions imposed. Copies of this notice will be provided for GMP and LOOH.
- 4.5.5 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.

5. **Conclusion**

- 5.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 5.2 In considering the matter, the Panel should take into account any objections that have been received from GMP or LOOH, and representations made by the applicant or premises user as the case may be. In reaching the decision,

regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.

- 5.3 Having regard to the objection notice(s), the panel must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 5.4 If the panel decides not to give a counter notice the panel may impose one or more conditions on the TEN if –
 - the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 All licensing determinations should be considered on the individual merits of the notification.
- 5.6 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
6. **The Panel is asked to determine the temporary event notice.**



PREMISE NAME:	Dukes 92
PREMISE ADDRESS:	Dukes 92, 19-25 Castle Street, Manchester, M3 4LZ
WARD:	Deansgate
HEARING DATE:	15 November 2021

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Temporary Event Notice

Payment Transaction number:- SSES00174879 | Form Reference number EF1/214900

Premises User Information

Title

Mr

If other please state

n/a

Surname

Sanjuan

Forenames

Daniel Rene

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

n/a

Your date of birth

Your place of birth

National Insurance Number

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

Telephone

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email address

[Redacted]

Address

[Redacted]

[Redacted]

Telephone

[Redacted]

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

[Redacted]

Premises information

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

Dukes 92
18-25 Castle street
Castlefield
M3 4LZ

Premises licence number

096329

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.

We would like to extend the opening time for our outside area from 1.30am to 4am

Please describe the nature of the premises

Bar and Restaurant

Please describe the nature of the event

New Years Eve Party

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

Yes

Are you giving a late temporary event notice?

No

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

31/12/2021

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

01.30-04.00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (maximum 499).

499

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

On

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

No

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

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

Yes

Issuing Authority

Newcastle City Council

Licence Number

NCCOOCJ2739

Date of Issue

n/a

Date of Expiry

n/a

Any further relevant details

n/a

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

No

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

n/a

a) ends 24 hours or less before; orb) begins 24 hours or less after the 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 after the 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

Capacity in which you are making this application

Office Manager

Additional information

I_understand	Yes
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These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

On behalf of the Licensing Authority

Date:

Name of officer signing:

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

Document is Restricted

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

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

Premise Details

Application Ref No	REF 214900
Name of Premises	Dukes 92
Address	18 – 25 Castle Street M3 4LZ

Representation

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

The Licensing and Out of Hours team have assessed the likely impact of granting the TEN to Duke 92, taking into account a number of factors, and the licensing objectives, having particular regard to the prevention of public nuisance.

The Licensing and Out of Hours (LOOH) team has given consideration to Manchester City Council's Statement of Licensing Policy 2021-2026 with particular reference to paragraph 7.25 and 7.26.

'Where discretion is engaged, the licensing authority will ensure that due consideration is given to the proximity of licensed premises not only to local and businesses, but also in relation to other licensed premises, to ensure they are located in a position that does not adversely affect their ability to ensure the promotion of licensing objectives. The potential impact on any residents will be an important matter for consideration'.

Where premises are in the direct vicinity of local residents' properties, and where discretion is engaged, the authority will give particular consideration to measures proposed in the application in relation to prevent nuisance namely Prevention of noise disturbance from people outside the premises.

The premises is located at 18 – 25 Castle Street, which is in the Castlefield part of the city centre. This is in a residential area of Castlefield with the closest dwellings being 2A Chester Road Apartments which is the other side of the Bridgewater canal. This area has also been highlighted with attracting Anti-Social Behaviour namely vehicles parking outside premises revving engines and fighting.

LOOH would refuse the application in its current form.

Recommendation: Approve with Conditions (Outlined Above)



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	096329
Granted	01/03/2007
Latest version	DPS Variation 260026 Granted 03/07/2021

Part 1 - Premises details

Name and address of premises
Dukes 92 18-25 Castle Street, Manchester, M3 4LZ
Telephone number
0161 839 8642

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: <ul style="list-style-type: none"> Performance of plays; Exhibition of films; Live music; Recorded music; Performances 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	1000	1000	1000	1000	1000	1000	1000
Finish	0200	0200	0200	0200	0200	0200	0200
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non-standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
<u>On the day British Summer Time commences:</u> one additional hour following the terminal hour.							

Performance of plays; Exhibition of films; Live music; Recorded music; Performances of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0200	0200	0200	0200	0200	0200	0200
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
On the day British Summer Time commences: one additional hour following the terminal hour.							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0200	0200	0200	0200	0200	0200	0200
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
<u>On the day British Summer Time commences:</u> one additional hour following the terminal hour.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0300	0300	0300	0300	0300	0300	0300
Seasonal variations and Non-standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
<u>On the day British Summer Time commences:</u> one additional hour following the terminal hour.							

Part 2

Details of premises licence holder	
Name:	Elle R Leisure Limited
Address:	33 Collier Street, Manchester, M3 4NA
Registered number:	00890260

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Daniel Rene Sanjuan
Address:	
Personal Licence number:	NCCOOCJ2739
Issuing Authority:	Newcastle City Council

Annex 1 – Mandatory conditions	
Door Supervisors <ol style="list-style-type: none"> Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: - <ol style="list-style-type: none"> Unauthorised access or occupation (e.g. through door supervision), Outbreaks of disorder, or Damage, unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities. 	
Supply of alcohol <ol style="list-style-type: none"> No supply of alcohol may be made under this premises licence: <ol style="list-style-type: none"> At a time when there is no designated premises supervisor in respect of the premises licence or, At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence. (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.

Exhibition of films

9. The admission of children under the age of 18 to film exhibitions permitted under the terms of this certificate shall be restricted in accordance with any recommendations made:
- (a) by the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
 - (b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or where the licensing authority has notified the club which holds the certificate that section 20 (3) (b) (74 (3)(b) for clubs) of the Licensing Act 2003 applies to the film.

Annex 2 – Conditions consistent with the operating schedule

1. Closed Circuit TV cameras shall be maintained at the premises and recordings kept for no less than 31 days.
2. The premises shall close no later than one hour after the end of all licensable activities.
3. The premises shall operate the NiteNet radio system.
4. The premises shall participate in the local Pubwatch or Clubwatch schemes and use best endeavours to ensure the premises is represented at no less than 6 meetings per calendar year.
5. Appropriate security shall be employed at the premises, registered with the Security Industry Authority, to manage the door, minimise disorder and prevent drunken people from entering in accordance with the rota.
6. A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:
 - a. the door supervisor's name, date of birth and home address;
 - b. his/her Security Industry Authority licence number;
 - c. the time and date he/she starts and finishes duty;
 - d. the time of any breaks taken whilst on duty;
 - e. each entry shall be signed by the door supervisor.

That register shall be available for inspection on demand by an authorised officer of the council, the Security Industry Authority or a police constable.
7. Regular toilet checks shall be provided.
8. Fire extinguishers and the fire alarm system shall be maintained and inspected on an annual basis.
9. Electrical equipment shall be inspected on an annual basis.
10. The maximum occupancy of the premises as recommended by the Fire Authority and Building Control shall be maintained.
11. A comprehensive procedure for use in emergencies shall be operated at the premises.
12. All staff shall be trained in the safe handling of emergencies.
13. Signs requesting that customers leave the premises quietly shall be displayed at the exit.
14. The operator shall use his/her best endeavours to ensure that noise shall not emanate from the premises so as to cause persons in the neighbourhood to be unreasonably disturbed. Any form of amplification shall be so controlled as to prevent such a disturbance.
15. There shall be regular and adequate refuse collection from the premises.
16. The outside areas shall cease to trade at 0000.
17. Anyone who attempts to purchase/consume alcohol and appears to be below the age of 18 – other than those permitted by section 150(4) of the Licensing Act 2003 – must produce valid ID (i.e. passport, photo driving licence, proof of age card).
18. Staff shall be trained on age identification.
19. Adequate ventilation shall be provided at the premises.
20. Children shall not be permitted in the vicinity of any gaming machines.

Annex 3 – Conditions attached after hearing by the licensing authority

1. When regulated entertainment is taking place, a member of staff shall make regular external checks to ensure that music shall not emanate from the premises so as to cause a noise nuisance to local residents.
2. Taxi numbers shall be displayed inside the premises.
3. Speakers in internal areas shall be set at a level agreed by Environmental Health.
4. The outside areas shall be cleared of patrons and glassware by 0130 every night of the week.

5. All music shall be set at a level as agreed with Environmental Health and notices displayed on all amplification systems used.
6. The premises shall avoid the emptying of bins containing bottles and glass and early refuse collections before 0800 and after 2200.

Annex 4 – Plans
See attached

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

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Manchester City Council Report for Resolution

Report to: Licensing Sub-Committee Hearing Panel – 15 November 2021

Subject: Mancunian Way Scheme Public Realm, Hatch, 628 Oxford Road, Manchester, M1 7ED - ref: LTN265797

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: Deansgate

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
 Telephone: 0161 234 1176
 E-mail: fraser.swift@manchester.gov.uk

Name: Chloe Tomlinson
 Position: Technical Licensing Officer
 Telephone: 0161 234 4521
 E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. **Introduction**

- 1.1 On 1 November 2021, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Mancunian Way Scheme Public Realm, Hatch, 628 Oxford Road, Manchester, M1 7ED in the Deansgate 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 Rowan Hadfield.
- 2.3 The description of the event is Ticketed event consisting of live DJs.
- 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.

3. **Objection Notice(s)**

- 3.1 An objection notice was received from LOOH in respect of the TEN (**Appendix 3**). The personal details of all members of the public have been

redacted. Original copies of these objections will be available to the Panel at the hearing.

3.2 Summary of the objections:

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	LOOH are concerned that without effective controls in place to manage the escape of music from the site, there is the potential for regulated entertainment to cause a nuisance to nearby residents, especially when considering the proposed terminal hour. To alleviate these concerns, LOOH as a responsible authority would require the ten user to comply with all conditions imposed on the premises licence whilst the event is taking place.	Approve with conditions

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

- 4.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

4.2 **New Information**

- 4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

4.3 **Hearsay Evidence**

- 4.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

4.4 **The Secretary of State's Guidance to the Licensing Act 2003**

- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of

State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 4.5.4 Where the authority considers that to impose on the TEN one or more of the conditions from a premises licence or club premises certificate in force at the premises (insofar as such conditions are not inconsistent with the event) is appropriate for the promotion of the licensing objectives, the policy is to give notice to the premises user that includes a statement of the conditions imposed. Copies of this notice will be provided for GMP and LOOH.
- 4.5.5 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.

5. **Conclusion**

- 5.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 5.2 In considering the matter, the Panel should take into account any objections that have been received from GMP or LOOH, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.

- 5.3 Having regard to the objection notice(s), the panel must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 5.4 If the panel decides not to give a counter notice the panel may impose one or more conditions on the TEN if –
- the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 All licensing determinations should be considered on the individual merits of the notification.
- 5.6 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
6. **The Panel is asked to determine the temporary event notice.**



PREMISE NAME:	Mancunian Way Scheme Public Realm
PREMISE ADDRESS:	Hatch, 628 Oxford Road, Manchester, M1 7ED
WARD:	Deansgate
HEARING DATE:	15/11/2021

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Temporary Event Notice

Payment Transaction number:- SSES00172589 | Form Reference number EF1/212285

Premises User Information

Title
Miss
If other please state
n/a
Surname
Hadfield
Forenames
Rowan
Previous names (Please enter details of any previous names or maiden names, if applicable)
n/a
Your date of birth
Your place of birth
National Insurance Number
Your current address (We will use this address to correspond with you unless you complete the separate correspondence box)
Telephone

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email address

[REDACTED]

Address

n/a

Telephone

n/a

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

n/a

Premises information

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

Hatch
103 Oxford Road
Manchester
M1 7ED

Premises licence number

200769

Club premises certificate number

n/a

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details.

n/a

Please describe the nature of the premises

Food, Drink, and Retail space consisting of independent traders

Please describe the nature of the event

Ticketed event consisting of live DJ's

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

Yes

Are you giving a late temporary event notice?

Yes

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

18/12/2021

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

04:00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (maximum 499).

Maximum 900

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

On

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

No

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

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

Yes

Issuing Authority

Manchester City Council

Licence Number

200995

Date of Issue

10/08/2017

Date of Expiry

n/a

Any further relevant details

n/a

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

No

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

n/a

a) ends 24 hours or less before; orb) begins 24 hours or less after the 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 after the 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?

Yes

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

n/a

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

No

Declaration and Payment New

Name

Rowan Hadfield

Capacity in which you are making this application

Venue Manager

Additional information

I_understand Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

On behalf of the Licensing Authority

Date:

Name of officer signing:

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

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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Mr. Gary Cook
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	gary.cook@manchester.gov.uk
Telephone Number	0161 234 1220

Premises details	
Application Ref No	265957
Name of Premises	Hatch, Mancunian Way Scheme Public Realm
Address	628 Oxford Road, Manchester, M1 7ED

Representation
<p>The Licensing and Out of Hours (LOOH) team have assessed the likely impact of the grant of this Temporary Event application taking into account a number of factors, including the nature of the area in which the premises is located and any potential risk the granting of this temporary event could lead to issues of public nuisance.</p> <p>The premises is situated within a public realm space, directly underneath the Mancunian Way on Oxford Road. The temporary event notice proposes to hold a ticketed event consisting of live DJ's between the hours of 1400 and 0400hrs.</p> <p>LOOH are concerned that without effective controls in place to manage the escape of music from the site, there is the potential for regulated entertainment to cause a nuisance to nearby residents, especially when considering the proposed terminal hour.</p> <p>To alleviate these concerns, LOOH as a responsible authority would require the ten user to comply with all conditions imposed on the premises licence whilst the event is taking place.</p> <p>In reaching this decision we have given particular consideration to Manchester City Councils Statement of Licensing Policy 2016 – 2021 specifically: MS8</p> <p>Recommendation: Approve with adherence to all conditions imposed on premises licence, reference: 200769.</p>

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MANCHESTER
CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	200769
Granted	03/10/2017
Latest version	DPS variation 260553 granted 10/07/2021

Part 1 - Premises details

Name and address of premises
Hatch, Mancunian Way Scheme Public Realm 628 Oxford Road, Manchester, M1 7ED

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: Exhibition of films; 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	0700	0700	0700	0700	0700	0700	0700
Finish	0200	0200	0200	0200	0200	0200	0200
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non-standard Timings:							
From the start time on New Year's Eve to the terminal hour for New Year's Day.							
On the day that British Summer Time commences, one additional hour to disapply its effect.							

Exhibition of films; performances of dance; live music; recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0200	0200	0200	0200	0200	0200	0200
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings:							
From the start time on New Year's Eve to the terminal hour for New Year's Day.							
On the day that British Summer Time commences, one additional hour to disapply its effect.							

Provision of late-night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0200	0200	0200	0200	0200	0200	0200
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: From the start time on New Year's Eve to the terminal hour for New Year's Day. On the day that British Summer Time commences, one additional hour to disapply its effect.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0700	0700	0700	0700	0700	0700	0700
Finish	0230	0230	0230	0230	0230	0230	0230
Seasonal variations and Non-standard Timings: From the start time on New Year's Eve to the terminal hour for New Year's Day. On the day that British Summer Time commences, one additional hour to disapply its effect.							

Part 2

Details of premises licence holder	
Name:	Bruntwood Circle Square 4 Limited
Address:	Union, Albert Square, Manchester, M2 6LW
Registered number:	09909969

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Mr James Wrigley
Address:	[REDACTED]
Personal Licence number:	[REDACTED]
Issuing Authority:	[REDACTED]

Annex 1 – Mandatory conditions	
Door Supervisors <ol style="list-style-type: none"> Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: - <ol style="list-style-type: none"> Unauthorised access or occupation (e.g. through door supervision), Outbreaks of disorder, or Damage, unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities. 	
Supply of alcohol <ol style="list-style-type: none"> No supply of alcohol may be made under this premises licence: <ol style="list-style-type: none"> At a time when there is no designated premises supervisor in respect of the premises licence or, At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence. (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.

Exhibition of films

9. The admission of children under the age of 18 to film exhibitions permitted under the terms of this certificate shall be restricted in accordance with any recommendations made:
- (a) by the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
 - (b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or where the licensing authority has notified the club which holds the certificate that section 20 (3) (b) (74 (3)(b) for clubs) of the Licensing Act 2003 applies to the film.

Annex 2 – Conditions consistent with the operating schedule

1. A CCTV system shall be maintained and operated at the site with cameras positioned within the premises.
2. Recorded CCTV images shall be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV shall be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced shall be in a format so it can be played back on a standard PC or DVD player.

4. Any person left in charge of the premises shall be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. Plans indicating the position of CCTV cameras to be submitted to the Police prior to the premises opening.
6. Whenever the premises provide licensable activities beyond 00:30, SIA registered door staff shall be employed at the premises at a ratio of 1:100 customers from 22:00 until close. At all other times, SIA registered door staff shall be employed at the premises in accordance with a risk assessment to be carried out by the DPS, taking account of days and times when the premises are likely to be busiest. When employed, door staff will wear high visibility armbands.
7. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - a) the number of door staff on duty;
 - b) the identity of each member of door staff;
 - c) the times the door staff are on duty.
8. The sale of alcohol in glassware shall be subject to an ongoing risk assessment to be carried out by the DPS.
9. Staff in any unit which sells alcohol shall be trained in the requirements of the Licensing Act 2003 with regard to the licensing objectives, the laws relating to under-age sales and the sale of alcohol to intoxicated persons.
10. The premises shall maintain an Incident Log and public liability insurance.
11. The premises shall be cleared of litter at regular intervals.
12. Notices shall be positioned at the exits to the premises requesting customers to leave in a quiet manner.
13. A dispersal policy shall be implemented and adhered to (see attached).
14. The emptying of bins into skips, and refuse collections, shall not take place between 2300 and 0800.
15. Deliveries to site shall not take place between 2200 and 0700.
16. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.
17. Notices advising what forms of ID are acceptable shall be displayed at any unit where alcohol is sold.
18. Notices shall be displayed in prominent positions indicating that the Challenge 25 policy is in force at any unit where alcohol is sold.
19. Persons under the age of 18 shall not be permitted to enter or remain on the premises after 1800 daily, unless accompanied by an adult.

Annex 3 – Conditions attached after hearing by the licensing authority

1. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age.
2. Documented records of training completed shall be kept for each member of staff. The training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
3. The premises shall display prominent signage indicating at any point of sale, and in all areas where alcohol is located, that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
4. The refusals log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each check shall be recorded in the log.
5. The applicant shall provide a detailed plan on how they intend to stop patrons from leaving the licensable area with alcohol (at all times), agreed with the Licensing and Out of Hours Team.
6. All sales of alcohol for off the premises consumption shall be in sealed containers only and shall not be consumed or opened on the premises.

7. All sales of alcohol from 0700 until 1100 shall be ancillary to food.
8. The applicant shall provide a detailed plan on how they intend to ensure their activities do not cause a noise nuisance (at all times), agreed with the Licensing and Out of Hours Team.
9. Whilst films, performance of dance, live or recorded music takes place, the licensee or management shall undertake regular monitoring of noise levels at the nearest noise sensitive locations. A record shall be kept of any monitoring including the date, time and location of monitoring; the name of the monitor; and any action taken. Records shall be kept for no less than 6 months and shall be made available upon request by a police officer or an authorised officer of Manchester City Council.
10. Staff shall monitor customers outside the premises on a regular basis and ensure patrons do not cause a noise nuisance.
11. All staff shall be trained in:
 - a) relevant age restrictions;
 - b) recognising signs of drunkenness;
 - c) how to refuse service;
 - d) the conditions in force under this licence;
 - e) company policies and reporting procedures.
12. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
13. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects shall only be used on 20 days prior notice being given to the Licensing Authority where consent has not previously been given:
 - a) smoke machines and fog generators;
 - b) pyrotechnics, including fireworks;
 - c) firearms (e.g. blank firing pistol);
 - d) lasers;
 - e) explosives and highly flammable substances;
 - f) real flames;
 - g) strobe lighting.
14. At all alcohol points of sale there shall be signage warning patrons that open containers of alcohol should not be removed from the Mancunian Way scheme.
15. The contractual agreement between my client and any retailer of alcohol shall require that this signage is displayed in a prominent position at all times, and that customers are reminded that open containers should not be removed from the scheme.
16. Operational staff on site shall be comprehensively briefed to ensure that the retailers abide by these obligations, and to monitor customers exiting the premises on a regular basis.
17. Notices shall also be positioned at the point of exit advising customers that open containers of alcohol cannot be taken beyond this point.
18. CCTV shall be positioned at the point of entrance/exit to act as a deterrent.
19. At least 1 member of SIA registered door staff shall be employed from 1900 until close on a Friday and Saturday evening, and shall be briefed to enforce these conditions. They shall be employed in accordance with a risk assessment at all other times.
20. The dispersal policy requires that staff and door staff shall remove open containers of alcohol from customers at the end of the evening.

Annex 4 – Plans

See attached

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

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