



Licensing Sub Committee Hearing Panel

Date: Monday, 26 June 2023

Time: 10.00 am

Venue: Council Antechamber, 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

Access to the Council Antechamber

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension.

There is no public access from any other entrances of the Extension.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Evans, Hilal and Reid

Supplementary Agenda

- 1a Urgent Business - Representation to Interim Measures - The Lawn Club, Hardman Square, Manchester, M4 3HG** 3 - 38
The report of the Head of Planning, Building Control and Licensing is enclosed.

Further Information

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

Callum Jones
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This supplementary agenda was issued on **Friday, 23 June 2023** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 26 June 2023

Subject: The Lawn Club, Hardman Square, Manchester, M4 3HG - (App ref: LPU288837)

Report of: Head of Planning, Building Control & Licensing

Summary

Hearing to consider representations against interim steps under s53b of the Licensing Act 2003

Recommendations

The Licensing Act 2003 at section 4(1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which Section 4(2) sets out as:-

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) The protection of children from harm

The Sub-Committee must under Section 53B of the Licensing Act 2003, having had regard to representations against interim steps taken pending a full review of a premises licence, take such steps as it considers necessary for the promotion of the licensing objectives.

Under section 53(B)(8) of the Licensing Act 2003, the Sub-Committee must:

- (a) consider whether the interim steps are necessary for the promotion of the licensing objectives; and
- (b) determine whether to withdraw or modify the steps taken.

In considering those matters the relevant licensing authority must have regard to:

- (a) the certificate that accompanied the application; .
- (b) any representations made by the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated); and
- (c) any representations made by the holder of the premises licence

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	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications

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

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
Position: Principal Licensing Officer
Telephone: 0161 234 1176
E-mail: 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 2018
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. Introduction

- 1.1 On 5 June 2023, an application was made by Greater Manchester Police under s53A of the Licensing Act 2003 for a Summary Review of Premises Licence 182538 for The Lawn Club, Hardman Square, Manchester, M4 3HG in the Deansgate ward of Manchester.
- 1.2 The grounds of the application for review are that in the opinion of a senior police officer the premises are associated with serious crime or serious disorder or both.
- 1.3 A copy of the Summary review application is attached at **Appendix 1**
- 1.4 A location map and photograph of the premises is attached at **Appendix 2**.
- 1.5 On 7 June 2023, the Licensing Committee considered whether to impose interim steps on the premises licence in order to ensure the promotion of the Licensing objectives until the full review hearing on 30 June 2023.
- 1.6 The decision of the panel was to suspend the licence.
- 1.7 A copy of the panels decision is attached at **Appendix 3**
- 1.8 On 22 June 2023 the premises licence holder made a representation against the interim steps the Licensing Committee imposed on the premises licence
- 1.9 The committee are now asked to
 - consider whether the interim steps are necessary for the promotion of the licensing objectives; and
 - determine whether to withdraw or modify the steps taken.
- 1.10 A copy of the representation is attached at **Appendix 4**.

2. Interim Steps pending the review

- 2.1.1 On the date of the review hearing, the licensing authority is required to review any interim steps that are in place and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

3. Current Premises Licence

- 3.1 A copy of the current licence is attached at **Appendix 5**. *Please note the licence holder has changed to Hardman Bars Ltd effective 21/06/2023*
- 3.2 A copy of the outdoor management policy is attached at **Appendix 6**.
- 3.3 The previous premises licence holder was Spinningfields Estate Limited and had held the licence 17/12/2015 to 21/06/2023
- 3.4 An application to transfer the premises licence was submitted on 06/06/2023 to transfer the licence to Hardman Bars Ltd .

- 3.5 The transfer application was granted on 21/06/2023
- 3.6 The designated premises supervisor is Thomas McCartney who has held this position since 23/12/2021
- 3.7 The licensable activities permitted by the licence are:

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2400	2400	2400	0030	0130	0130	2400
The sale of alcohol is licensed for consumption on the premises only.							
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Performance of plays; Exhibition of films							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1130	1130	1130	1130	1130	1130	1130
Finish	2400	2400	2400	2400	2400	2400	2400
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Live music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1130	1130	1130	1130	1130	1130	1130
Finish	2300	2300	2300	2300	2400	2400	2300
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1130	1130	1130	1130	1130	1130	1130
Finish	2400	2400	2400	0030	0130	0130	2400
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for 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	0030	0030	0030	0100	0200	0200	0030
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	0030	0300	0300	0100	0200	0200	0030
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

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 to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. 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 There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 4.5.4 Relevant to this application, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

This section identifies certain types of venues and initiatives the licensing authority aims to encourage in order to promote an inclusive evening and night-time economy not simply focused on the consumption of alcohol. We aim to encourage:

- Premises that will extend the diversity of entertainment and attract a wider range of participants
- Live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
- National cultural institutions, global sports events and cultural festivals
- Non-drink-led premises, including restaurants, cafes, theatres and cinemas
- Communication and integration with local residents and businesses through licensees consulting with those in the local area prior to an application
- Participation in Pubwatches, off licence forums and other crime-reduction partnerships
- Engagement with the NITENET radio scheme and DISC secure information sharing platform by city centre venues through the Cityco Manchester Business Crime Reduction Partnership
- Designing out crime in the layout of the premises

Section 7: Local factors

This section sets out key issues that applicants are expected to take into account relevant to the individual characteristics of the premises and address any local factors relevant to their premises.

Having regard to this application, the Panel are recommended to have regard to the following Factors:

- Identified risk factors specific to the licensed premises
- Evidence of pre-existing problems in the area
- Consistency with relevant Council strategies

Section 8: Manchester's standards to promote the licensing objectives

This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises. The degree to which standards would be appropriate is expected to be proportionate to the risk posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. The standards are not exhaustive and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside them.

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS3 Responsible promotion and sale of alcohol
- MS4 Prevent the use of illegal drugs, new psychoactive substances (NPS) and the spiking of drinks at the premises
- MS5 Prevent on-street consumption of alcohol

- MS6 Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies
- MS7 Maintain a safe capacity
- MS8 Prevent noise nuisance from the premises
- MS9 Effectively manage exterior spaces (eg beer gardens, smoking areas, table and chair areas on the highway)
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse
- MS11 Ensure the wellbeing of children on the premises
- MS12 Prevent underage sales of alcohol, including proxy sales

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 reaching the decision, regard must be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 5.3 The Panel must consider what steps are appropriate for the promotion of the licensing objectives.
- 5.4 In making its decision with regard to the representation against the interim steps, the steps the Panel can take are:
- a) To modify the conditions of the licence;
 - b) To exclude any of the licensable activities from the licence;
 - c) To remove the designated premises supervisor;
 - d) To suspend the licence
- 5.5 The conditions of the licence, with the exception of mandatory conditions in Appendix 1 of the licence, may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 5.6 All licensing determinations should be considered on the individual merits of the application.
- 5.7 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.

- 5.8 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.
- 5.9 **The Panel is asked to determine what steps, as set out in 5.4 above, are appropriate for the promotion of the licensing objectives.**

ANNEX B

Greater Manchester Police
Central Park
Northampton Road
Manchester

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:

The Tavern
Hardman Square
Manchester
M4 3HG

Premises licence number (if known): 182538

Name of premises supervisor (if known): Thomas McCartney

I am a Superintendent ³ in the Greater Manchester police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns as to the serious crime and serious disorder which has occurred at the premises.

Greater Manchester Police (GMP) will say that the premises are associated with Serious Crime and Serious Disorder. Therefore due to the Serious Crime and Serious Disorder which has taken place at the premises GMP feel that it is

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

necessary for an expedited review to take place.

The premises are situated in the Spinningfields area of Manchester City Centre and the premises licence was issued in December 2015. The Premises Licence Holder (PLH) is Spinningfields Estate Limited and Designated Premises Supervisor (DPS) is Thomas McCartney.

On the Greater Manchester Police computer systems the premises is still listed under its previous name The Lawn Club.

The incident which has triggered this Summary Review is as follows:

At 2214 hours on Sunday 4th June 2023 Greater Manchester Police (GMP) received a member of staff at the premises who stated that there was a large group of people fighting at the premises and that one of these people had a gun. They went on to say that there was another male who was lying unconscious and that they think that the male with the gun had now left.

At the same time GMP received a call from another person who shouted " Get the police here now. There's a massive brawl and someone has a gun!"

GMP Firearms officers were directed to attend the location.

At 2225 hours GMP received a phone call from North West Ambulance Service (NWAS) stating that they had received a report of a male being stabbed in the leg at the Lawn Club but that the knife was no longer in his leg and they didn't know where it was.

GMP Firearms officers attended at the premises a short time later and confirmed that there was blood on the floor outside the premises and that they had been told that the victim had got up and walked away.

Other GMP officers were then deployed to the location and the CCTV from the premises was viewed and it showed an argument taking place between 2 males and then a 3rd male turns up and pulls out a black handgun, which thankfully was not fired.

Officers also noted that there was blood inside the premises, near to the door of the premises and then a trail of blood leading away from the premises.

Staff at the premises were spoken to and they confirm that they saw the firearm and they provided the CCTV to the officers.

A crime for Possession of a Firearm with Intent to cause Fear of Violence has now been submitted and there is a huge amount of investigation that now needs to take place in relation to this incident and to identify those responsible. Also the victim who was stabbed in the leg is still to be traced.

GMP therefore have serious concerns as to the safety of the customers and staff at the premises due to possible reprisals.

The powers contained under section 53A of the Licensing Act 2003 are necessary and proportionate in light of the association that the premises has to Serious Crime and Serious Disorder.

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. Serious Crime and Serious Disorder has occurred at the premises and until the Licensing Committee hear the full review and all the evidence that will be disclosed, to allow the premises to continue to operate as a licensed premises gives concerns that further incidents of this nature will occur at the premises and the licensing objectives will be further undermined. Greater Manchester Police will say that the licensing objectives of the Prevention of Crime and Disorder and Public Safety can only be promoted if the premises licence was suspended until the final determination of the summary review.

[Redacted Signature]

(Signed)

05/06/23

(Date)

[Redacted Title]

SUPERINTENDENT
GREATER MANCHESTER POLICE

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Manchester City Council

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

<p>I Alan Isherwood [on behalf of] the chief officer of police for the Greater Manchester police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.</p>

1. Premises details:

<p>Postal address of premises, or if none or not known, ordnance survey map reference or description:</p>

**The Tavern
Hardman Square**

Post town: Manchester

Post code (if known): **M4 3HG**

2. Premises licence details:

<p>Name of premises licence holder (if known): Spinningfields Estate Limited</p>
--

<p>Number of premises licence holder (if known): 08008259</p>

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with

serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns as to the serious crime and serious disorder which has occurred at the premises.

Greater Manchester Police (GMP) will say that the premises are associated with Serious Crime and Serious Disorder. Therefore due to the Serious Crime and Serious Disorder which has taken place at the premises GMP feel that it is necessary for an expedited review to take place.

The premises are situated in the Spinningfields area of Manchester City Centre and the premises licence was issued in December 2015 . The Premises Licence Holder (PLH) is Spinningfields Estate Limited and Designated Premises Supervisor (DPS) is Thomas McCartney.

On the Greater Manchester Police computer systems the premises is still listed under its previous name The Lawn Club.

The incident which has triggered this Summary Review is as follows:

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Staff at the premises were spoken to and they confirm that they saw the firearm and they provided the CCTV to the officers.

A crime for Possession of a Firearm with Intent to cause Fear of Violence has now been submitted and there is a huge amount of investigation that now needs to take place in relation to this incident and to identify those responsible. Also the victim who was stabbed in the leg is still to be traced.

GMP therefore have serious concerns as to the safety of the customers and staff at the premises due to possible reprisals.

The powers contained under section 53A of the Licensing Act 2003 are necessary and proportionate in light of the association that the premises has to Serious Crime and Serious Disorder.

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. Serious Crime and Serious Disorder has occurred at the premises and until the Licensing Committee hear the full review and all the evidence that will be disclosed, to allow the premises to continue to operate as a licensed premises gives concerns that further incidents of this nature will occur at the premises and the licensing objectives will be further undermined. Greater Manchester Police will say that the licensing objectives of the Prevention of Crime and Disorder and Public Safety can only be promoted if the premises licence was suspended until the final determination of the summary review.

Signature of applicant: 

Date: 5/6/23

Capacity: Licensing Constable

Contact details for matters concerning this application:

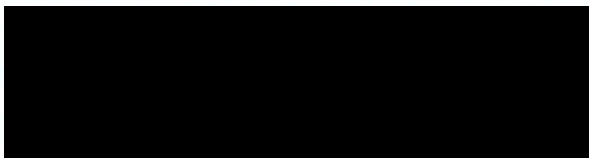
Address:

Manchester Town Hall Extension

Lloyd Street

Manchester

M2 5DB



Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

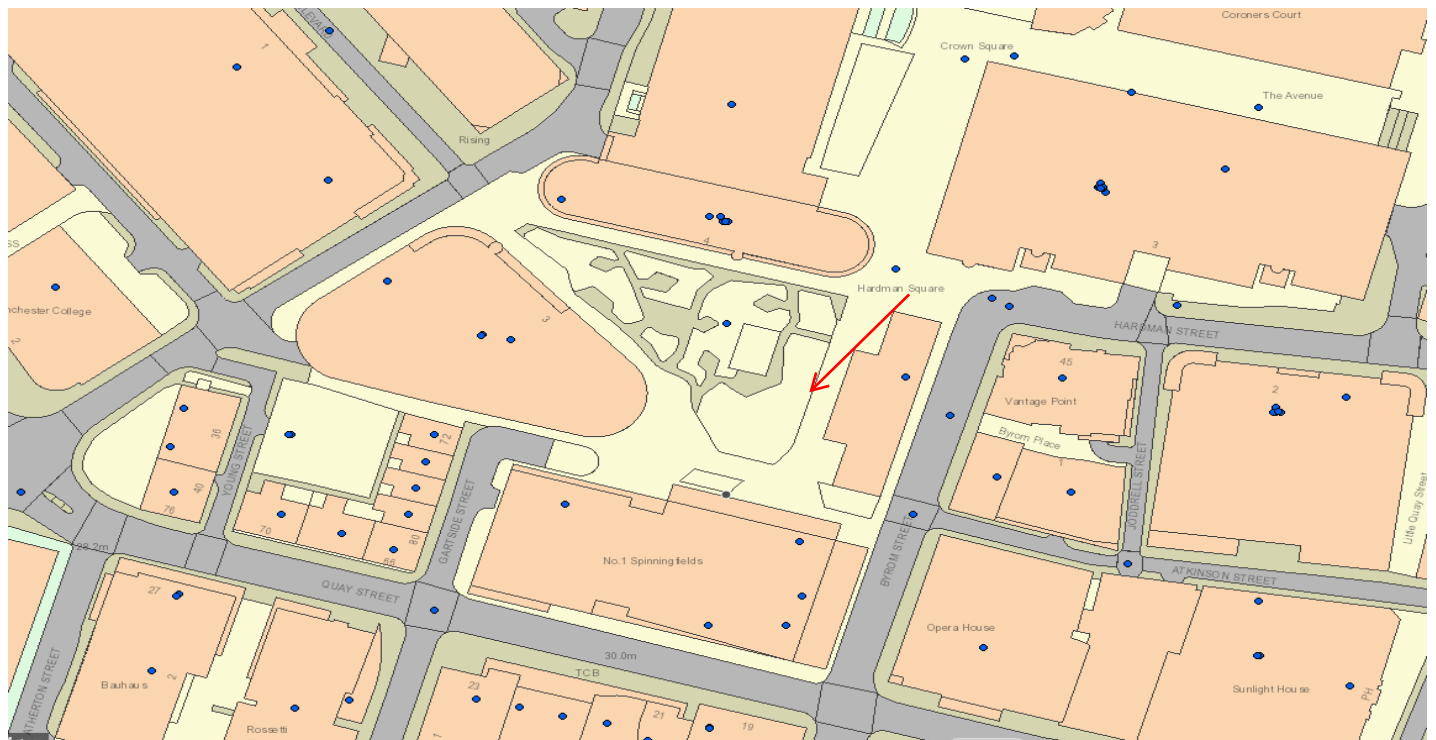
Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

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The Lawn Club
 Hardman Square, Manchester, M4 3HG
 Premises Licensing
 Manchester City Council

© Crown copyright and database rights 2018. Ordnance Survey100019568.



PREMISE NAME: The Lawn Club

PREMISE ADDRESS: Hardman Square, Manchester, M4 3HG

WARD: Deansgate

HEARING DATE: 26/06/2023

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A Summary Review – Application under Section 53A of the Licensing Act 2003 brought by GMP

Name of the premises: The Lawn Club, (previously The Tavern), Hardman Square, Manchester M4 3HG
Date: 07/06/2023

The committee has listened to and considered the representations made by

Body/ individual

GMP – Alan Isherwood	X
Licensee/representative – Spinningfield Estates Ltd/ [REDACTED] - Kuits	X
New Licensee & representative – Hardman Bars Ltd/ [REDACTED] - Kuits	X

and has taken both the written and oral representations into account.

The Committee has also considered section 53B of the Licensing Act 2003, section 182 guidance, and the summary review guidance.

Decision

To suspend the licence with immediate effect pending the full Review to be heard on the 26th of June 2023 pursuant to s53B(3)(d) of the Licensing Act 2003

hearing date
has been
amended to
30/06/2023

Reasons

The Committee noted the premises were not opposing the Application however they considered the options open to them.

Notwithstanding the fact this was a third party event, the committee was extremely concerned that a person had been able to enter the venue in possession of a gun and went on to brandish the weapon.

Although there was a dispute as to the presence of a knife, a member of the public had still felt the need to phone the police and a male had been reported as unconscious at/in the premises.

The Committee was concerned as to the safety of the staff and the public and also with regard to any potential reprisals from the offender(s).

The Committee did not consider modifying any licence conditions, excluding the sale of alcohol or the removal of the DPS would immediately address these concerns and the Committee was of the opinion that the only immediate measure to address these would be the immediate suspension of the licence to enable the premises to liaise with the police in relation to preventative measures they could put in place going forward.

They therefore considered the immediate suspension the only measure and that it was necessary and proportionate to prevent serious crime or serious disorder occurring or re-occurring and was appropriate for the promotion of the licensing objective of the *Prevention of Crime and Disorder*.

Full Review Hearing Date: 26th June 2023

The hearing date
has been amended
to 30/06/2023

RE: Notification of Summary Review of Premises Licence, ref 288837: The Lawn Club, Hardman Square, Manchester, M4 3HG (HAR938/2)

[Redacted]

Thu 22/06/2023 13:24

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

Cc: [Redacted]

Good afternoon,

I write in relation to the above matter and to the interim steps imposed on the premises licence on 7th June 2023.

As you are aware, the decision of the Committee was to suspend the licence at this time.

We write in order to make representations against the interim step of suspension on the basis that:

1. The time since 7th June 2023 has allowed the premises licence holder to investigate the incident in full and consider a response to it;
2. This has allowed the premises licence holder to formulate a proposed alternative set of interim steps – namely the addition of further conditions to the premises licence;
3. These conditions have been discussed with GMP, who are supportive of the proposals.

I look forward to hearing from you with regards to a time for the hearing of these representations.

Kind regards,

[Redacted]

[Redacted]

Senior Associate | Licensing

For and on behalf of Kuit Steinart Levy LLP

[Redacted]

Page 25

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Appendix 4, Item 1a

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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 ACT 2003 PREMISES LICENCE

Premises licence number	182538
Granted	17/12/2015
Latest version	Variation 268212 (granted: 19/01/2022)

Part 1 - Premises details

Name and address of premises
The Tavern Hardman Square, Manchester, M4 3HG
Telephone number
tbc

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; 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
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Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2400	2400	2400	0030	0130	0130	2400
The sale of alcohol is licensed for consumption on the premises only.							
Seasonal variations and Non-standard Timings:							
New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Performance of plays; Exhibition of films							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1130	1130	1130	1130	1130	1130	1130
Finish	2400	2400	2400	2400	2400	2400	2400
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Live music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1130	1130	1130	1130	1130	1130	1130
Finish	2300	2300	2300	2300	2400	2400	2300
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1130	1130	1130	1130	1130	1130	1130
Finish	2400	2400	2400	0030	0130	0130	2400
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for 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	0030	0030	0030	0100	0200	0200	0030
Licensed to take place both indoors and outdoors.							
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	0030	0300	0300	0100	0200	0200	0030
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Part 2

Details of premises licence holder

Name:	Spinningfields Estate Limited
Address:	Suite 1, Bonded Warehouse, 18 Lower Byrom Street, Manchester, M3 4AP
Registered number:	08008259

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol

Name:	Thomas McCartney
Address:	[REDACTED]
Personal Licence number:	[REDACTED]
Issuing Authority:	Nottingham City Council

Annex 1 – Mandatory conditions

Door Supervisors

1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -
 - (a) Unauthorised access or occupation (e.g. through door supervision),
 - (b) Outbreaks of disorder, or
 - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
 - (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.

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. Staff shall be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives.
2. Management and staff shall take active and effective steps to ensure that no illegal activities are permitted on the premises.
3. The premises shall be adequately controlled in order to prevent disorderly conduct within the licensing area.
4. Management and staff shall ensure the adequate measures are in place to control emergency situations.
5. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the Designated Premises Supervisor. When employed, door staff will wear high visibility armbands.
6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - i. The number of door staff on duty;
 - ii. The identity of each member of door staff;
 - iii. The times the door staffs are on duty.
7. On nights when the premises operate beyond 2400 the Premises Licence Holder shall retain a minimum of 2 SIA registered door staff for a period of 30 minutes after the cessation of licensable activities to assist with the dispersal of customers.

8. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area as shown on the plan attached to the licence.
9. Staff will be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
10. A refusal book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
11. The sale of alcohol shall be ancillary to food between the hours of 0800 to 1000
12. A first aid box will be available at the premises at all times.
13. Regular safety checks shall be carried out by staff
14. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
15. The premises shall maintain an incident Log and public liability insurance.
16. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
17. Refuse shall be collected around the premises at regular intervals.
18. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
19. A sound limiter shall be used in conjunction with the sound system on all live/recorded music events.
20. A tamper proof noise limiting device shall be fitted to the sound system used by the premises and all music played at the premises must pass through this sound limiter at a level agreed by the Council's Environmental Health Section. The noise limiter shall not be altered without prior agreement with the Council's Environmental Health Section.
21. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises is open to the public.
22. Staff shall monitor the outside area on a regular basis and ensure the patrons using the external area do not cause a public nuisance. A documented management policy of the external area shall be submitted and agreed with Environmental Health and a copy lodged with the Council's Licensing Unit. This management policy may be amended from time to time. Any amendments to the management policy shall be agreed with Environmental Health.
23. A "Challenge 21" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable photographic driving licences, passports, HM Forces card, or a form of identification with the "PASS" hologram.
24. Staff training will include the Challenge 21 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
25. Notices advising that forms of ID are acceptable must be displayed.

26. Notices must be displayed in prominent positions indicating that the Challenge 21 Policy is in force.

Annex 3 – Conditions attached after hearing by the licensing authority

Not applicable

Annex 4 – Plans

See attached

THE TAVERN, SPINNINGFIELDS
OUTDOOR MANAGEMENT POLICY

1. On Friday and Saturday nights from 21:00, and on all other days/at all other times if required on the basis of a risk assessment, at least 1 member of staff or door staff shall be in the outside area for the purposes of monitoring at all times it is in use.
2. On days when there is not a member of staff or door staff present in the outside area at all times it is in use, the outside area shall be monitored by staff or door staff on a regular basis.
3. The outside area shall be covered by the CCTV system which will be installed at the premises.
4. The area will be cleaned regularly.
5. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
6. Signs will be displayed in the area requesting customers keep noise to a minimum.
7. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
8. Any local residents with concerns regarding the use of the outdoor areas of the premises will be able to contact the premises licence holder or DPS on the following number: [x]. This will be advertised by signage displayed on or near the premises.
9. Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.

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