



Licensing Sub Committee Hearing Panel

Date: Friday, 30 June 2023
Time: 10.20 am (or at the rise of the Licensing & Appeals
Sub-Committee Hearing Panel)
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

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

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Grimshaw, Evans and Riasat

Supplementary Agenda

- | | | |
|-----------|--|---------|
| 1a | Urgent Business - Temporary Event Notice - Dr. Miao, 47-49 Bloom Street, Manchester, M1 3LY | 3 - 50 |
| | The report of the Director of Planning, Building Control and Licensing is enclosed. | |
| 4. | Summary Review - The Lawn Club, Hardman Square, Manchester, M4 3HG | 51 - 64 |
| | Now contains additional information submitted by GMP. | |

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, 27 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 Subcommittee Hearing Panel – 30 June 2023

Subject: Dr. Miao, 47-49 Bloom Street, Manchester, M1 3LY - ref: LTN289439

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

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

Wards Affected: Piccadilly

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

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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 Position: Principal Licensing Officer
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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 21 June 2023, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Dr. Miao, 47-49 Bloom Street, Manchester, M1 3LY in the Piccadilly ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Notice**

- 2.1 A copy of the TEN is attached at **Appendix 2**.
- 2.2 The premises user is Mrs Shufang Chen.
- 2.3 The description of the event is 'Manchester Pride 2023.'
- 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 GMP and 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
GMP	There is no supporting information in the TEN to explain how the Licensing Objectives will be upheld, and the start and finish times exceed the agreed times for Pride.	Serve a counter notice
Licensing and Out of Hours Compliance	There is no supporting information in the TEN to explain how the Licensing Objectives will be upheld.	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.**



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Temporary Event Notice

Payment Transaction number:- SSES00706379 | Form Reference number EF1/863149

Premises User Information

Title

Mrs

If other please state

n/a

Surname

CHEN

Forenames

SHUFANG

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)

DR.Miao
47-49 bloom street, m1 3ly

Premises licence number

n/a

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

Dr. Miao is a Cafe and restuant, and have late night refreshment and alcohol license.

Please describe the nature of the event

The Pride in Manchester. We want to have a table to sell alcohol outside of our premise.

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.

25/08/2023-28/08/2023

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

12:00-21:00

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).

50

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

Off

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

No

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

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

Yes

Issuing Authority

[REDACTED]

Licence Number

[REDACTED]

Date of Issue

[REDACTED]

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 afterthe event period proposed in this notice?

No

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

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

n/a

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

No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

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

n/a

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

No

Declaration and Payment New

Name

SHUFANG CHEN

Capacity in which you are making this application

representative of a company

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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GREATER MANCHESTER POLICE



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

To: Shufang Chen

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Monday 26th June 2023

Dear Sir,

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

PREMISES NAME:	Dr Miao
ADDRESS:	47-49 Bloom Street, Manchester City Centre, M1 3LY
DATE OF EVENT:	25 th to 28 th August 2023
TIME OF EVENT:	12:00 to 21:00 hours

Temporary Event Notice reference number - 289439/BJ1

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

The Temporary Event Notice requests a start time of midday on Friday 25th August – the relaxation of the DPPO on begins at 17:00 hours.

The Temporary Event Notice ends at 21:00 hours on Monday 28th August but we all outside bars finish at 20:00 hours to allow the Vigil to go ahead without issue.

The nature of the event is described as – “We want to have a table to sell alcohol outside of our premise.” There is no supporting information at all around exactly where the table/bar will be, the size of it, whether there will be SIA door staff on

GREATER MANCHESTER POLICE

duty, any age verification policies, any Personal Licence Holders on duty, your plan for queuing customers and anything else you think relevant.

GMP therefore requests that this Temporary Event Notice is rejected.

Signed:.....PC 11680 Simon Braithwaite..... (rank/pin/name)

Date/Time: Monday 26th June 2023 / 09:00 hours

From: Margaret Lewis <margaret.lewis@manchester.gov.uk>

Sent: 26 June 2023 05:18

To: [REDACTED] Premises Licensing <Premises.Licensing@manchester.gov.uk>

Cc: [REDACTED]
[REDACTED]

Subject: Pride TEN Dr Miao 289439

Hello

They have applied for a TEN to sell alcohol over Pride but have not said how this will be managed, What alcohol will be sold are they cans bottles from a pump, nor the size of the tables or where precisely. the table will be You state you are a licence premises, I am aware that alcohol is not the main thing your premises is known for it is more food led, you have not mentioned anything regarding Challege 25. you have also ticked late nick refreshments but the times stated is only till 9pm. Pride is very busy as you know and I do not believe that you have given due consideration how you will manage your area and uphold the licensing objective of public nuisance and public safety given the sheer number of people expected in the area,

We are therefore objecting to the application

Margaret Lewis

Licensing and OOH Compliance Officer

The Neighbourhoods Service

Growth and Neighbourhoods

Tel: 0161 234 1220 (internal 31220)

07795010291

[Manchester City Council](#)

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	254532
Granted	01/02/2021
Latest version	DPS Variation 262523 granted 31/08/2021

Part 1 - Premises details

Name and address of premises
Dr. Miao 47-49 Bloom Street, Manchester, M1 3LY
Telephone number
0161 923 4819

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1. The sale by retail of alcohol*. 2. 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	1130	1130	1130	1130	1130	1130	1130
Finish	2300	2300	2300	2300	2300	2300	2300
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non-standard Timings:							
None							

Provision of late-night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0500	0500	0500	0500	0500	0500	0500
Licensed to take place outdoors only.							
Seasonal variations and Non-standard Timings:							
None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1130	1130	1130	1130	1130	1130	1130
Finish	0500	0500	0500	0500	0500	0500	0500
Seasonal variations and Non-standard Timings:							
None							

Part 2

Details of premises licence holder	
Name:	Oh Drink Ltd
Address:	47-49 Bloom Street, Manchester, M1 3LY
Registered number:	11708692

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

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.

Annex 2 – Conditions consistent with the operating schedule

- 1) All staff engaged in licensable activity at the premises shall receive training and information in relation to the following:
 - a) the 'Challenge 25' Policy, including the forms of identification that are acceptable;
 - b) the hours and activities and conditions permitted in the premises licence;
 - c) how to complete and maintain the refusal register in operation at the premises;
 - d) recognising the signs of drunkenness;
 - e) the operating procedures for refusing service to any person who is drunk, underage or appears to be underage, or appears to be making a proxy purchase;
 - f) action to be taken in the event of an emergency, including reporting an incident to the emergency services.
- 2) Training shall be recorded in documentary form and shall be regularly refreshed every year. Training records shall be made available for inspection.
- 3) We shall adhere to the Portman Group Code of Practice for the promotion of alcoholic drinks and follow the Home Office guidance on selling alcohol responsibly. A drink, its packaging and any promotional material or activity shall not in any direct or indirect way appeal to under 18s or incorporate images of people who are or look as if they are under 25 years of age where there is any suggestion that they are drinking alcohol.
- 4) There shall be a responsible trained person on duty at the premises at all times when the premises are open and selling alcohol.
- 5) Potable water shall be available for all customers.
- 6) We shall not seek custom by means of personal solicitation outside or in the vicinity of the premises or charge a tariff for late night refreshment.
- 7) An incident log shall be kept and maintained at the premises which shall include the time and date of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The logs shall be kept for at least 12 months following the date of entry and be made available for inspection.
- 8) Open containers of alcohol shall not be removed from the premises.
- 9) All alcohol on display shall be in such a position so as not to be obscured from the constant view of staff.

- 10) A written drugs policy shall be in place and operated at the premises. It shall detail the actions taken to minimise the opportunity to use or supply illegal substances within the premises. The policy shall be made available for inspection.
- 11) The CCTV system is monitored and operated by the Designated Premises Supervisor. The premises shall operate 5 CCTV cameras: 3 on the Ground Floor (1 located at the front entrance door, 1 at the main serving counter, 1 at the rear door) and 2 on the First Floor. The system shall be registered with the Information Commissioners Office (ICO) and the premises shall operate a CCTV GDPR policy. This policy shall be made available for inspection. The CCTV system shall be fully compliant with the guidance contained in the ICO guidance document. Clear signage stating that CCTV is operating at the premises shall be displayed.
- 12) The Designated Premises Supervisor shall ensure participation in any Pub Watch or similar scheme operating in the locality and shall attend any meeting convened by the Police to discuss matters relating to the premises.
- 13) In the absence of adequate daylight, artificial lighting in any area accessible to the public shall be fully operational whilst the public are present.
- 14) All exits/entrances shall be kept clear at all times.
- 15) The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.
- 16) Regular/ongoing Health & Safety risk assessments shall be conducted to identify and deal with hazards that may involve tripping, manual handling, electric shock, hazardous substances, etc.
- 17) Regular/ongoing Fire risk assessments shall be conducted.
- 18) A logbook shall be maintained to show that regular checks have been carried out.
- 19) Staff shall be advised of the findings from the risk assessments during training.
- 20) All designated escape routes and exits shall be maintained and kept free from obstructions.
- 21) All exits to the premises shall be clearly identified.
- 22) All regulatory checks of fire extinguishers and smoke detectors shall be in place.
- 23) Fire alarm activation points shall be situated at the front and rear doors, first and second floors and the basement.
- 24) All portable equipment shall be kept in good working order and tested regularly.
- 25) The premises shall maintain a first-aid box and accident book. The Designated Premises Supervisor and a full-time member of staff shall be 'Emergency First aid at Work' and defibrillator trained.
- 26) All internal and external doors, fixtures and fittings, lighting and emergency lighting shall be kept in good working order and regular checks made.
- 27) A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours in the surrounding vicinity.
- 28) Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the vicinity as quickly and quietly as possible.
- 29) No deliveries (in relation to licensable activities) to the premises shall take place between 18:00 hours and 07:00 hours.
- 30) No collections of waste or recycling materials (including bottles) from the premises shall take place between 18:00 hours and 07:00 hours on the following day.
- 31) All waste shall be properly presented and placed out for collection. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22:00 hours and 07:00 hours on the following day.
- 32) A sufficient number of suitable receptacles shall be located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter by customers.

- 33) A telephone number shall be made available for neighbours and local residents to contact in the case of noise-nuisance or anti-social behaviour by persons or activities associated with the premises. The telephone number shall be a direct number to the named Designated Premises Supervisor. A record shall be kept by management of all calls received, including the time, date and information of the caller, including action taken following the call. Records shall be made available for inspection and copying by an authorised officer of a responsible authority throughout the trading hours of the premises.
- 34) All external doors and windows shall be kept shut at all times when the premises are open/during regulated entertainment except for entry and egress.
- 35) Taxi operator's telephone numbers shall be advertised to customers. The operators shall be advised that drivers should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines idling unnecessarily.
- 36) No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated. Ventilation equipment shall be regularly cleaned and maintained to control the levels of odour generated by the premises.
- 37) We shall ensure all staff leave the premises quietly at the end of their shifts so as to avoid causing disturbance or nuisance to local residents.
- 38) The outside area shall be regularly swept and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- 39) All packaging provided with take away food shall be marked to show its point of origin.
- 40) All bar staff, supervisors and managers shall be trained in the legality and procedure of alcohol sales to Level 1 Responsible Alcohol Retailing Training or similar. All training shall be signed and documented. Training records shall be kept on the premises and be made available for inspection. The documentation relating to training shall extend back to a period of three years and shall specify the time, date and details of the persons both providing the training and receiving the training.
- 41) There shall be in place a written age verification policy in relation to the sale or supply of alcohol, which shall specify a Challenge 25 policy. The poster shall be on display. All staff working at the premises shall ask individuals who appear to be under 25 years of age, attempting to purchase alcohol, to produce identification. The only acceptable identification documents shall be:
- a) a photocard driving licence;
 - b) a passport;
 - c) an identification card carrying the 'PASS' hologram.
- Unless such identification is produced the sale of alcohol shall be refused.
- 42) The age verification policy shall include documented steps taken to prevent adults from purchasing alcohol for or on behalf of children under 18 (proxy sales).
- 43) An alcohol sales refusal register shall be kept at the premises and be maintained to include details of all alcohol sales refused. The register shall include the date and time and reason for refusal, details of the person refusing the sale and description of the customer. The refusals register shall be made available for inspection.
- 44) Children over 16 years of age shall be allowed unaccompanied on the premises, under 16's shall be accompanied by an adult over 18 years of age.
- 45) No children under the age of 18 years of age shall be allowed on the premises after 2100 hours.
- 46) All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 years of age and shall refuse such sales where they suspect that this may be about to occur.
- 47) Our website shall have a tick box at the point of sale for confirmation of age. Particular attention shall be paid to ensure that the receipt of orders that contain alcohol must be by an adult.
- 48) Delivery drivers shall check all ID for any customers who appear to be under the age of 25 years of age, to confirm the customer is over 18 years of age.

- 49) Our policy requires individuals who appear to the delivery drivers (responsible persons) to be under 25 years of age to produce on request, before the order is delivered, identification bearing their photograph, date of birth and a holographic mark.
- 50) If there is no-one at the delivery address who is 18 years of age and over, we shall leave notification of our visit and shall return the delivery to the shop. Personal details shall be retained to comply with Licensing Act 2003 (name and address). Card details will never be stored electronically.

Annex 3 – Conditions attached after hearing by the licensing authority

- 1) SIA registered door staff shall be on duty at the premises from 2200 hours until close every Friday and Saturday, on every day preceding a Bank Holiday and on each day of the Pride Festival. At all other times the requirement for door staff shall be determined in accordance with a risk assessment carried out by the DPS. When employed door staff shall wear hi-vis armbands.
- 2) When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - a) the SIA number of door staff on duty;
 - b) the identity of each member of door staff;
 - c) the times the door staff are on duty.
- 3) From 2200 hours each day the NiteNet radio system shall be operated at the premises.
- 4) At least one member of door staff situated at the entrance to the premises shall wear and use a bodycam to capture incidents of violence and/or antisocial behaviour.

Annex 4 – Plans

See attached

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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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IN THE MANCHESTER CITY TOWN HALL

BETWEEN:

THE CHIEF CONSTABLE
OF GREATER
MANCHESTER POLICE

APPLICANT

AND

THE LAWN CLUB

RESPONDENT

INDEX TO BUNDLE
OF DOCUMENTS

<u>No Applicant's</u>	<u>Evidence</u>	DOCUMENT	PAGE No
1	Witness statement of PC Isherwood date 27/06/2023		1-4
2	Summary Review Certificate signed by Superintendent Spurgeon		5-6
3	Summary Review application signed by PC Isherwood		9-12

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN [] [] [] []

Statement of: Alan Isherwood

Age if under 18: 18+ (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false.

Signature: [Redacted]

Date: 27/6/2023

Check box if witness evidence is visually recorded [] (supply witness details on last page)

I am Police Constable 17659 Isherwood of the Greater Manchester Police, Licensing Officer for the City of Manchester Division, currently based in the Licensing Team at Manchester Town Hall Extension.

Part of my remit as licensing officer is to oversee all of the licensed premises on the City of Manchester Division. The objective of the role is to promote and maintain the 4 licensing objectives at licensed premises, those being the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

The Lawn Club

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 Hardman Bars Ltd and the Designated Premises Supervisor (DPS) is Thomas McCartney. It is fair to say that the premises have been operated in a manner which promotes the 4 Licensing Objectives and have not previously been on the radar of Greater Manchester Police (GMP) until the incident which triggered this Summary Review.

Incident

At 2214 hours on Sunday 4th June 2023 Greater Manchester Police (GMP) received a phone call from 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.

Signature: [Redacted] Signature witnessed by: [Redacted]

1

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 enquiries are ongoing to identify those responsible.

To date no victim has come forward or been traced in relation to the alleged stabbing and the CCTV does not show anything that would suggest that anyone has been stabbed so it appears that the call to NWS from the concerned member of the public was made with in good faith but appears to have been incorrect information.

That being said it is clear that a firearm was produced inside the premises which is of great concern.

On Monday 5th June 2023 I applied for a Summary Review of the Premises Licence and the application was signed by Superintendent Spurgeon.

Interim Steps Hearing

The Interim Steps hearing took place on Wednesday 7th June 2023 remotely via Zoom and during this hearing GMP outlined the incident and their concerns regarding the safety of customers and staff to the committee and asked for the Premises Licence to be suspended pending the full review hearing, whilst the investigation continued. The PLH did not contest the suspension and after deliberating the committee took the decision to suspend the licence until the full review hearing which was initially listed for Monday 26th June 2023.

Meeting

During the interim period a meeting took place between the PLH, their legal representative, GMP and MCC LOOH. It was agreed that the premises had operated in a well-run manner prior to the incident and positive conversations were able to formulate a list of conditions which all parties agreed were likely to diminish the likelihood of a repeat of such an incident in the future.

The date of the full review hearing was subsequently rescheduled to Friday 30th June 2023.

On Thursday 22nd June 2023 the legal representatives representing the PLH informed Manchester City Council that they wished to appeal the Interim Steps suspension and another Interim Steps hearing was listed for Monday 23rd June 2023.

2

Signature

Signature witnessed by:

2nd Interim Steps Hearing

This hearing took place in person on Monday 26th June 2023 at Manchester Town Hall where a list of conditions, which GMP had previously seen, were proposed by the PLH as an alternative to the interim suspension handed down at the first interim steps hearing.

GMP agreed that these conditions represented a proportionate and sensible alternative to the suspension and did not contest the lifting of the suspension.

Committee took the decision to attach the proposed conditions to the premises licence as the interim measure and the suspension was duly lifted pending the full review hearing.

Conclusion

As previously stated, the premises have operated without incident for a number of years, prior to this incident, and GMP believe that the incident was a result of an externally promoted event, which attracted customers who aren't the usual clientele of the premises.

We appreciate that the committee will make their own decision based on everything that has been presented to them, but we would ask that when making their decision the conditions handed down at the 2nd interim steps hearing are considered as a final determination.

3

Signature

[Redacted Signature]

Signature witnessed by:

4

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.

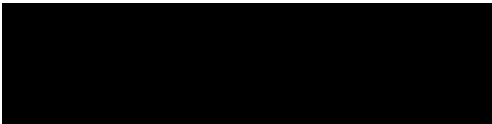
A crime for Possession of a Firearm with Intent to cause Fear of Violence has now been submitted and there is a huge amount of investigation that now needs to take place in relation to this incident and to identify those responsible. Also the victim who was stabbed in the leg is still to be traced.

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.

6

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.



05/06/23

(Date)

PHIL SURGEN
SUPERINTENDENT
GREATER MANCHESTER POLICE

8

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.**

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.

1. Premises details:

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

**The Tavern
Hardman Square**

Post town: Manchester

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

2. Premises licence details:

Name of premises licence holder (if known): Spinningfields Estate Limited

Number of premises licence holder (if known): 08008259

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:

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.

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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.

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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**

Telephone number(s): 0161 856 6017

Email: alan.isherwood@gmp.police.uk

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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