



Licensing Sub Committee Hearing Panel

Date: Wednesday, 27 September 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

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 - Grimshaw, Flanagan and Hewitson

Supplementary Agenda

- | | | |
|----|--|---------|
| 4. | Application for a New Premises Licence - Union East Tower, Union East Tower, Water Street, Manchester, M3 4JQ
Contains new information from the applicant. | 3 - 50 |
| 6. | Application for a Premises Licence Variation - Mini Megasave, 81 Cross Lane, Manchester, M18 8NY
Contains new information from the applicant. | 51 - 60 |

Further Information

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

Ian Smith
Tel: 0161 234 3043
Email: ian.hinton-smith@manchester.gov.uk

This supplementary agenda was issued on **Tuesday, 26 September 2023** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

Statement of Jake Atkinson in support of the Premises Licence Application on behalf of Vita Living T1 Ltd's development of the new Union + East Tower in St Johns Development, Manchester.

Vita Living is a successful local developer specialising in bringing high-end sustainable accommodation to both students (for example in Circle Square) and young professionals as in the case at Union + where occupants can enjoy contemporary apartments with impressive amenities.

The Union + accommodation is specifically designed for single studio occupancy. There will be 870 studios over 31 floors. Vita's objective was to curate an all-inclusive, super-convenient village community where "members" sign up to a flexible occupancy agreement which includes:

- Secure entry via mobile technology
- Free WiFi
- 24/7 Gymnasium
- 24/7 Concierge
- Co-working space
- Relaxing amenity spaces
- Housekeeping
- All utility bills included

In a manner similar to our Symphony Park development at Circle Square, we have applied for a premises licence in order to provide ad hoc facilities for pop-up residential socialising in the communal settings on the first floor as well as licensing the ground floor reception area and a modest external area to enable us to host social activities from time to time.

Within the reception we would like to install a vending machine for the exclusive use of residents. Vita are in the process of designing our own label canned drinks which we see as a nice touch to the Union + living experience.

I was advised by our solicitor [REDACTED] that prior to lodging the application it would be sensible to discuss the unusual (although not unique) vending proposal with the authorities. Arrangements were made to meet with GMP and Council representatives on the 19th June.

Initially we had in mind to locate the machine in the first floor Amenity Space, but having listened to the police and council concerns we decided to place the machine in reception in view of our trained 24/7 concierge staff.

During the meeting no mention was made of the potential for a Public Health objection. I understand the Department of Public Health are not statutory consultees in licensing matters, but of course I would have engaged had we considered there may be an issue.

Following the 19th June meeting there was continued email correspondence - see attached emails (7th, 13th and 17th July) passing between [REDACTED] and GMP/Licensing.

The application to licence the ground floor reception and external space as well as the first floor amenity space was lodged on the 8th August and advertised both on the premises and in the MEN. The last date for representations was the 5th September.

We volunteered conditions specific to the use of the vending machine which took into account the concerns expressed in the 19th June meeting.

Both the Police and Licensing were clearly satisfied with our application as neither raised any objection. However on the 21st August we did receive a representation from [REDACTED] on behalf of Trading Standards. Committee will have seen that I was able to agree to his concerns such that his representation was withdrawn.

However at the last moment we received a representation from [REDACTED] on behalf of the Department for Public Health.

I refer to the attached correspondence passing between Dr [REDACTED] and our solicitor. In it we express our reasons why the application can be favourably considered, without fear of any negative impact on children.

I am concerned to emphasise that it is important for our brand's reputation that we are always operating lawfully. We absolutely understand the need to guard against any contravention of legislation or expose our residents to criticism. We see the availability of alcohol vending to be in keeping with the convenience nature of the Vita ethos. Its convenience - in a manner akin to fresh milk being available, rather like a hotel mini-bar (in respect of which there are no controls) rather than the inconvenience of ringing for room service.

The self-explanatory email correspondence sets out our case.

In particular, I would remind committee that Union+ is an entirely private space only for over 18's and all members will have entered into a strict Tenancy Agreement as well as signing up to House Rules.

I have tried to address Dr [REDACTED] concerns. I have engaged at short notice with our IT experts to arrive at an even more robust (and significantly more expensive) solution.

Vita fully appreciate the need to protect children from harm but the reality is there is absolutely no single feature of Union + that will attract children to the building.

I honestly believe we are focusing on a problem that does not/will not exist.

Dr [REDACTED] in her email of the 14th September requested a solution to how we can avoid putting "children at an increased risk of alcohol related harm". That solution has been provided (email 23rd September explains) by the use of technology to eliminate vending sales to anyone other than a member.

It surely follows that if anyone under 18 is unable to access the machine then there

is no need for challenge 25 to apply.

The quite separate inebriation point was something both the police and licensing were satisfied about.

The hotel scenario is completely different. The checks we are introducing are far more stringent.

It is of course a question of judging each case on individual merits. I respectfully ask the committee to conclude that children will not be harmed by permitting an alcohol dispense machine in Union + reception.

Incidentally our machine will be in line of sight of reception, which is more than can be said for that at the Malmaison Hotel - see photo.

[REDACTED]

From: [REDACTED]
Sent: 07 July 2023 13:10
To: [REDACTED]
Cc: [REDACTED]
Subject: Vita - Union Licence (incorporating vending machine)
Attachments: Vending - Union v2 - Final .pdf

Hi [REDACTED]

I have tried to reach you by phone but gather you may be out of the office.

Following our recent meeting [REDACTED] has been back to his colleagues and they have taken on board the feedback received such that Vita has significantly revised its alcohol vending proposition.

Responding to concerns they have abandoned the notion that the machine be located in the amenity space but rather be positioned at reception where at all times in use it will be supervised by suitably trained members of staff. Mention was made of a similar arrangement in a City Centre hotel.

In support please see the attached revised presentation pack in which the location is illustrated and highlighted. It also gives more detail of the arrangement and House Rules.

Vita trusts these amends now meet with your approval.

However, should you wish to have further discussion, or require any clarification, please let us have some suggested dates and we will be pleased to meet again.

Kind regards

[REDACTED]

As you will see I am copying in Sgt [REDACTED].
Please pass to [REDACTED] – unfortunately, I don't have his email address to hand.

[REDACTED]

Anti-fraud notice – please read carefully: We will not change our bank details during the course of this matter.
If, during the course of this matter, you receive an email or phone call purporting to be from Gosschalks informing you that our bank details have changed, it is likely to be an attempted fraud. If this happens, please report it immediately to our Cashiers Department on 01482 590203 who will verify our bank details and, if necessary, report the matter to the police.

UNION EAST ST JOHN'S ENTERPRISE CITY

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Water Street, Manchester, M3 4JQ.

U+NION

Union T1 Co-living

- All residents 18+
- Controlled fob access to reception
- All transactions verified by fob containing users age and name through custom-made Vend ID System
- The vending machine will be in view of the reception desk where 1-2 staff will be positioned
- Reception will be staffed 24/7 but when a member of staff isn't present the machine will be deactivated by an override card
- Each receptionist will be trained on the sale of alcohol and how to deactivate the machine
- CCTV supervision of the machine will also run 24/7
- 'House Rules' included in tenancy agreement including specific vending references
- Custom-made Union App with vending details – must be agreed by user to proceed
- The building manager will be the nominated DPS

55" UHD multi-touch display



Next generation PC control



Bi-directional communication



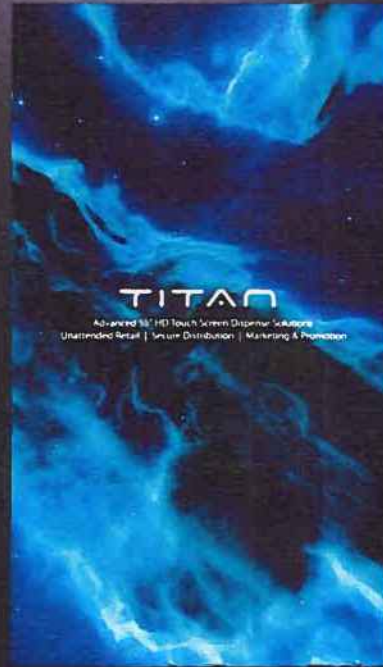
Engaging user interface



Physical & virtual product sales



IoT management suite



Remote operations



Scheduled reporting



Real time analytics & data insights



Multiple payment devices



Spiral, conveyor & pusher systems



Fragile product delivery

Vend ID

To enrol the user:

- Ensure the IV supplied USB card reader is connected to the admin PC
- Login to our VendHive cloud solution using the Vita credentials provided
- Click on the 'VendID™ Users' menu tab
- Under the 'Create New VendID™ User' widget, enter the user details as applicable. N.B. Only the details inputted will be stored against the transactions for reporting.

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Create New VendID™ User

* User Name:

User DOB:

User Auth ID:

User Email:

Spend Limit:

Cost Code:

Department:

Facilities Code:

Manager Name:

Manager Email:

Permission Group:

Save New User

•Essential fields:

- User Name
- User DOB
- Apartment number
- User Auth ID

This field would be populated by clicking in the editable field with a mouse and then scanning the card or fob on the IV supplied USB card reader.

•Click 'Save New User'

•The user details would then be added to the main database of VendID™ users which can be edited or deleted later as applicable.

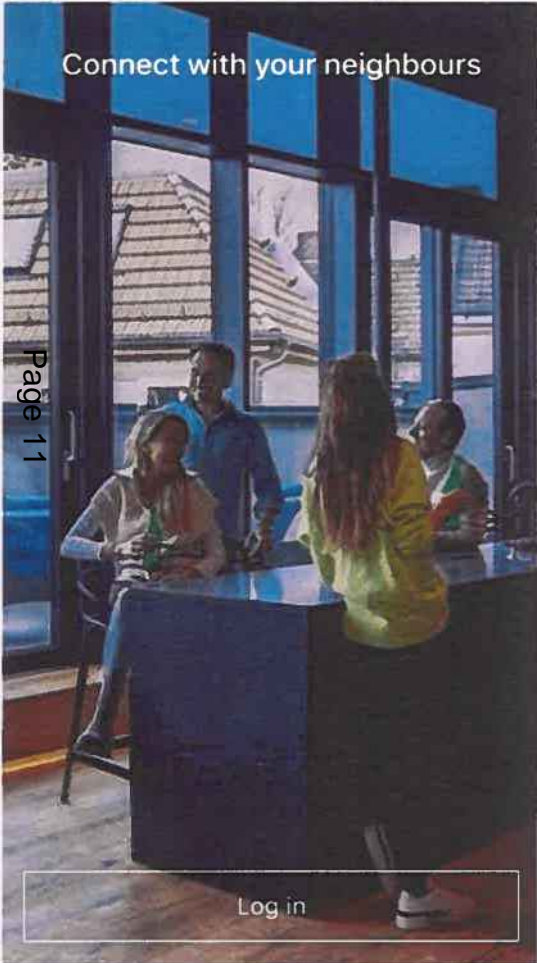
Vend flow:

Please note that the user & their card/fob must have been enrolled to use the service (as per the above) or the machine will deny transactions.

- User selects products at the machine
- User clicks to buy
- Machine interface displays an authentication page on screen and asks the user to scan their card/fob against the card reader
- The machine will perform a lookup against our VendID™ system to validate & authenticate the user:
 - If the card/fob is on the system and the users DOB is over 18, the machine will ask for card payment and continue to the next stage of the transaction
 - If the card/fob is not on the system or the users DOB is under 18, the machine will display a message on screen and cancel the transaction

U+NION

Connect with your neighbours



Log in

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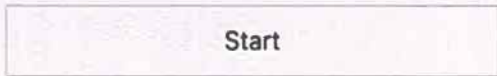


HELLO

Welcome to Union.

We have a few questions to ask you so you can have the best experience at Union.

Start



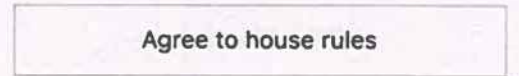
House rules

The reception area includes an alcohol vending machine for the exclusive use of residents.

The machine will only operate with the use of your key fob. each fob will be activated when you enrol. The machine will only be in use when there is a member of staff present.

Payment will only be accepted once the sale is validated by the key fob. The dispense facility must be used responsibly - any irresponsible use or behaviour will result in you being barred from vending use by deactivating your key fob from the vending machine.

Agree to house rules



Licensed
areas –
Reception
and Level 1

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Item 4

[REDACTED]

From: [REDACTED]
Sent: 13 July 2023 11:25
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Vita - Union Licence (incorporating vending machine)

Hi [REDACTED]

Trust you have had an opportunity to consider my email (and attachment) of the 7th July and look forward to hearing from you.

Kind regards

[REDACTED]

From: [REDACTED]
Sent: 07 July 2023 13:10
To: [REDACTED]
Cc: [REDACTED] >
Subject: Vita - Union Licence (incorporating vending machine)

Hi [REDACTED]

I have tried to reach you by phone but gather you may be out of the office.

Following our recent meeting [REDACTED] has been back to his colleagues and they have taken on board the feedback received such that Vita has significantly revised its alcohol vending proposition.

Responding to concerns they have abandoned the notion that the machine be located in the amenity space but rather be positioned at reception where at all times in use it will be supervised by suitably trained members of staff. Mention was made of a similar arrangement in a City Centre hotel.

In support please see the attached revised presentation pack in which the location is illustrated and highlighted. It also gives more detail of the arrangement and House Rules.

Vita trusts these amends now meet with your approval.

However, should you wish to have further discussion, or require any clarification, please let us have some suggested dates and we will be pleased to meet again.

Kind regards

[REDACTED]

As you will see I am copying in Sgt [REDACTED]
Please pass to [REDACTED] – unfortunately, I don't have his email address to hand.

[REDACTED]

From: [REDACTED]
Sent: 17 July 2023 17:21
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Vita - Union Licence (incorporating vending machine)

Thanks [REDACTED]

The application will follow soon.

Regards

[REDACTED]

From: [REDACTED]
Sent: 17 July 2023 13:22
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Vita - Union Licence (incorporating vending machine)

CAUTION: This email originated from outside the firm. Think before opening attachments and following links.

That's fine, submit the application. Please can you add somewhere within it that this has been following conversations with myself. Im off for two weeks at the beginning of August so if an officer picks it up in my absence they know what has proceeded the application.

Thank you

[REDACTED]

Team Lead
Licensing & Out of Hours Compliance
The Neighbourhoods Service
Growth and Neighbourhoods Directorate
Contact Centre: 0161 234 5004
Direct [REDACTED]
Mobile [REDACTED]

Location Address: Level 1, Town Hall Extension, M60 2LA
Postal Address: Manchester City Council, PO Box 532, Town Hall, Manchester, M60 2LA
Web: <http://www.manchester.gov.uk>

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[Redacted]

From: [Redacted]
Sent: 17 July 2023 13:30
To: [Redacted]
Cc: [Redacted]
Subject: RE: Vita - Union Licence (incorporating vending machine)

CAUTION: This email originated from outside the firm. Think before opening attachments and following links.

[Redacted]

As per the below email trail the new proposal is more appropriate to GMP. Once the revised application is submitted it can be further reviewed.

Thanks

[Redacted]

Divisional Licensing Unit
City of Manchester Division
1st Floor Manchester Town Hall Extension
Lloyd Street
Manchester
M2 5DB

Tel: [Redacted]
Ema [Redacted]



From: [Redacted]
Sent: 17 July 2023 13:22
To: [Redacted]
Cc: [Redacted]
Subject: RE: Vita - Union Licence (incorporating vending machine)

Caution: This email came from outside GMP. Do not open attachments or click on links unless you recognise the sender's e-mail address and know the content is safe.

That's fine, submit the application. Please can you add somewhere within it that this has been following conversations with myself. Im off for two weeks at the beginning of August so if an officer picks it up in my absence they know what has proceeded the application.

Thank you

This page is intentionally left blank

From: [REDACTED]
Sent: 12 September 2023 13:41
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: App 291659 Union East

Dear Dr [REDACTED],

I thought it may have been helpful to have discussed your representation but instead you have requested my client responds in writing.

Acting on behalf of Vita Living Group Limited, I would make the following observations:

1. Your representation is on behalf of Public Health and yet the Licensing Objectives you refer to, namely Prevention of Crime and Disorder and Protection of Children from Harm, are more usually in the domain of the Police and Safeguarding Children Board, respectively.
2. There is of course currently no Public Health Licensing Objective in England.
3. The statistics you quote are interesting but hardly relevant to this particular application.
4. The location of the dispense machine in Union East Tower Reception is for the convenience of residents. It is an entirely private residential building, and no members of the public are permitted entry.
5. The use of the dispense machine will be strictly for over 18s and signage to that effect will be clearly displayed. There will be no cash transactions and only residents with key fobs will be able to access the machine. In using their key fob the users identity is recorded.
6. Key fobs will only be provided to residents (who must be 18+) who have already entered into a strict tenancy agreement which provides severe sanctions for any tenant found to be misbehaving or suffering from inebriation.
7. When entering into the tenancy agreement, residents are also bound by a set of "House Rules" which are designed to promote the communal living environment and guard against anti-social behaviour.
8. The sale of alcohol in this particular context is far stricter than, for example availability of alcohol in mini-bars in hotel rooms or indeed in the home environment.
9. Although it may be technically correct to say "no additional ID check is required by the machine", nevertheless the use of the machine will always be supervised by a member of reception staff. Any staff working on the reception will be trained on responsible alcohol sales and how to spot intoxication.
10. Additionally, the machine will be in view of a CCTV camera and footage will always be available to the authorities.
11. The likelihood of a resident or guest taking a key fob from another resident in this private space is, with respect, a spuriously remote suggestion.
12. Insofar as the machine being somehow responsible for increasing the risk of underage drinking is concerned, the above-mentioned tenancy agreement prohibits anyone under the age of 18 years occupying any part of the accommodation.
13. At our request on the 19th June 2023 together with [REDACTED] (representing the applicant) I attended a pre-application consultation meeting with both Sgt [REDACTED] (GMP) and [REDACTED] (Team Leader, Licensing Out of Hours Compliance) at which the location of the machine and safeguards regarding underage access were discussed in detail.
14. The form of application reflects the outcome of that meeting and it is of significance that neither the police nor Out of Hours Team has objected.
15. However, following submission, we received a representation from Trading Standards ([REDACTED] [REDACTED]), following which the applicant agreed to add the following two additional conditions to the licence:
 - All staff engaged in the sale of alcohol will be trained in regards to the Challenge 25 Policy and sales by proxy. This training will be documented and training should be refreshed at no greater than 6 monthly intervals.

- The Premises Licence holder will ensure that signage demonstrating the Challenge 25 Policy as well as selling alcohol to children by proxy is displayed adjacent to the machine.

16. [REDACTED] has withdrawn his representation.

17. The last date for representations has now passed. The LA has confirmed that other than your Public Health representation, there are no other outstanding comments.

If it is necessary for this matter to proceed to a hearing, the applicant reserves it's right to add to this response.

My client trusts this email adequately addresses the points made in your representation.

I look forward to hearing from you should you wish to clarify any continuing concerns Public Health may have.

Kind regards,

[REDACTED]

[REDACTED]

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From: [REDACTED]
Sent: Wednesday, September 6, 2023 2:45 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: App 291659 Union East

You don't often get email from laura.parker@manchester.gov.uk. [Learn why this is important](#)

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Hello

Thank you for your email

This application was discussed at a meeting this morning.

Due to the concerns raised regarding this application in the meeting, I think it would be best if moving forward all correspondence regarding this application is in writing. Therefore, in the event that the application goes to a hearing, we all have clarity on what has or has not been said in relation to the application.

You are welcome to email me with a response to the representation and I will be happy to clarify any concerns public health have with regards to the licence application.

Many thanks,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 14 September 2023 19:41
To: [REDACTED]
Subject: Re: representation 291659 (alcohol vending machine) GTE:00277000001474

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CAUTION: This email originated from outside the firm. Think before opening attachments and following links.

Hello

Based off of the detail provided in the correspondence received I do not feel this adequately satisfies the concerns outlined in the representation and I would not be happy to withdraw the representation at this stage.

However, I do wonder if it might be possible to withdraw if we can agree some additional conditions to be included in the application so we can be assured that granting of the application does not put children at an increased risk of alcohol related harm.

The next multi-agency licence meeting is due to take place on Wednesday 20th September and I would be keen to raise this application at that meeting. Then, following the meeting, I could send some proposed recommendations to the applicant.

Would that timeline be acceptable?

[REDACTED]
She/Her

Specialist Trainee Registrar in Public Health
Department of Public Health
Manchester City Council

[REDACTED]

From: [REDACTED]
Sent: 19 September 2023 10:55
To: [REDACTED]
Cc: [REDACTED]
Subject: Union+

Dear Dr [REDACTED]

Like you, my client is aware of the importance to avoid any underage sales.

For that reason they have introduced a combination of robust staff monitoring with especially commissioned bespoke technology with a view to eliminating the potential for this occurrence.

Please see my client's further responses below:

So, is it the case that nobody under the age of 18 can live in the building? I understand that the named tenant would have to be 18 or over, but is it the case that no one with children can live in the building?

Correct, the new Union+ Tower is specifically designed for single studio occupancy. The occupation agreement makes it clear that no children can live in the building. The wording is "Anyone under 18 years is prohibited from occupying any part of the accommodation."

Also, what would be the policy regarding people visiting the building? Is nobody under the age of 18 allowed to enter the building? And how would this policy be enforced?

Non-members and children will be allowed entry to visit residents.

However they will not be able to use the vending machine which is for the exclusive use of members and can only be activated using the members pre-programmed fob.

Just in the absence of somebody requesting ID for residents and guests every time they enter the building, it seems that you wouldn't be able to guarantee that people under the age of 18 were not in the building and would not be able to access the vending machine if they took a named tenant's fob.

As previously explained – see Additional Condition (9) the reception will be manned 24/7. See also condition (13) and comments in email of 12th September.

Furthermore, if the resting state of the vending machine is activated, someone could use a fob (could, but hypothetical) to access the machine and purchase alcohol without showing a recognised form of ID as proof of age.

I appreciate the receptionist would be in the same room as the vending machine, but relying on them to make an assessment of age / intoxication from a distance, when they may be distracted performing other duties, such as responding to tenant queries, or taking a phone call, or receiving a package etc, and to then go and deactivate the machine if they have concerns, increases the likelihood they may miss the opportunity to deactivate the machine and thus allow the sale of alcohol to someone underage or intoxicated.

Trained receptionist in line of sight of machine as well as dedicated 24/7 CCTV. Plus 24/7 on site security.

Again my email of 12th September refers.

The system you describe is also not comparable to other licensed premises. For example, if you go to purchase alcohol in a shop using self-service check out, prior to purchasing the alcohol, a challenge 25 message pops up, and someone comes over to verify your age and has to confirm they have done that before you can actually buy the alcohol. The system for purchasing alcohol using the vending machine as you describe it does not ensure every person who is attempting to buy alcohol undergoes a challenge 25 assessment by the receptionist.

Agreed the “system” is different but far more rigorous in terms of checks to eliminate any underage vending:

Shop scenario – open to public – Union+ is entirely private with trained 24/7 entry reception staff monitoring

Shop customer can handle merchandise so an opportunity to steal.

Only over 18 fob holders (members) will be able to activate the machine

A challenge 25 warning equally applies – see additional conditions

Only sales to members – machine will only dispense to a member who has previously provided DoB details.

By using a Fob each sale is recorded to a member

Deterrent of sanction for breaching Agreement/House Rules which could result in loss of accommodation.

I will continue to liaise with my colleagues and yourself to see if we can agree a set of conditions in which we are all satisfied harm is minimised, but as it stands, we can not withdraw our representation at this stage.

My client trusts their responses provide sufficient reassurance to address your concerns.

If you could kindly respond confirming the policies currently in place regarding people under the age of 18 living or visiting the building and how these are enforced that would be greatly appreciated.

In practical terms it is envisaged that visiting children will be the exception rather than the norm.

We look forward to hearing from you.

Kind regards

From: [REDACTED]
Sent: 20 September 2023 15:43
To: [REDACTED]
Cc: PH Regulatory
Subject: application 291659

CAUTION: This email originated from outside the firm. Think before opening attachments and following links.

Hi [REDACTED]

Thank you for the additional information you sent through regarding the age of all tenants and the conditions already agreed with trading standards and the out of hours team to minimise the risk of the sale of alcohol to people who are under the age of 18 or intoxicated.

To summarise where we are at.

The initial application states

- The alcohol vending machine will be located in the building's reception area in view of reception staff.
- The reception will be staffed 24/7 and each receptionist will be trained on the sale of alcohol and how to deactivate the alcohol vending machine.
- Access to the reception is by residents and their guests and controlled by key fob entry.
- CCTV supervision of the alcohol vending machine will run 24/7.
- All alcohol vending machine transactions will be verified by residents' key fobs containing the users age and name.
- On any occasion when a member of staff is not present in the reception, the alcohol vending machine will be deactivated by an override card

Your subsequent emails have indicated that, following conversations with trading standards, the applicant agreed to add the following two additional conditions to the licence:

- All staff engaged in the sale of alcohol will be trained in regards to the Challenge 25 Policy and sales by proxy. This training will be documented and training should be refreshed at no greater than 6 monthly intervals.
- The Premises Licence holder will ensure that signage demonstrating the Challenge 25 Policy as well as selling alcohol to children by proxy is displayed adjacent to the machine.

In response to my concerns that the alcohol vending machine is to be kept in a resting state of activation so anyone with a fob can access the alcohol vending machine without appropriate proof of age, I was advised by yourself that "the use of the machine will always be supervised by a member of reception staff" and "Any staff working on the reception will be trained on responsible alcohol sales and how to spot intoxication."

However, I would argue the receptionist merely being present in reception does not guarantee that they are in a position to closely monitor who is accessing the vending machine and to properly assess whether they appear to be over the age of 25 and whether they are intoxicated. I appreciate CCTV is on all the time, but this in and of itself would not prevent someone under the age of 18 or intoxicated accessing the machine. My repeated concerns in our communications surrounding this I don't feel have been addressed to date.

In addition to the prominent challenge 25 signage, CCTV, on site security, and a trained receptionist to be in line of sight of the alcohol vending machine, public health would want to see that the machine is kept in a state of deactivation, and if residents would like to access alcohol from the machine, they must approach the receptionist

who will then activate the machine for them. This will ensure all residents are assessed by the receptionist (who will have undergone appropriate alcohol sales training) to determine whether they are over the age of 25, and if they do not appear over to be over the age of 25 they will be asked to provide an approved form of ID as proof of age. It also reduces the risk of the machine being left activated whilst unattended, either because the receptionist has left reception in a hurry and not deactivated the machine, or whether they are distracted performing other duties.

The receptionist will also be able to determine whether the person already appears intoxicated and refuse to provide access to alcohol on this basis. By having the machine in a resting state of deactivation rather than the receptionist having to go and deactivate the machine in the event they notice that someone intoxicated or underage is accessing the machine minimises the risk of harm to the receptionist as they won't have to approach the person or the machine in this situation and can remain behind the desk and have time to call for security.

Changing the way the applicant proposes to operate the alcohol vending machine would bring the application in line with how other self-service systems in other premises in the city currently operate.

Public health will be willing to consider withdrawing their representation against the application if the applicant will draw up conditions that address the above issues.

If you require any further clarification on the above please do not hesitate to contact me and we will await your response to determine next steps. In the absence of a response from yourselves, we will not be withdrawing our representation and allow for the matter to proceed to a hearing.

Best wishes,

Dr [REDACTED]
She/Her

Specialist Trainee Registrar in Public Health
Department of Public Health
Manchester City Council

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This footnote also confirms that this email message has been swept for the presence of computer viruses.

[REDACTED]

From: [REDACTED]
Sent: 21 September 2023 15:48
To: [REDACTED]
Cc: PH Regulatory
Subject: Re: application 291659

CAUTION: This email originated from outside the firm. Think before opening attachments and following links.

Hi [REDACTED]

Apologies for the delay in my response, I just wanted to double check with my licence colleagues that I was able to share the information with you re: the other premises with alcohol vending machines in the city.

The malmaison hotels have alcohol vending machines in their reception areas that were brought in to replace minibars in rooms. This was sent to myself by a colleague in the licensing team when I enquired about how the malmaison vending machines worked

"The machines are located in a position where they can be continually monitored by staff, i.e. within sight of the reception desk and they are also covered by CCTV. And the sales from the machines are authorised/age-verified in a similar way to how a self-service till in a supermarket operates; ie a member of trained hotel staff will authorise the sale at the machine using a fob, having verified the customer's age."

So, a member of staff activates the machine for the customer to access after a staff member has assessed age / levels of intoxication so customers can only purchase alcohol if trained staff are satisfied they are not under the age of 18 and or intoxicated.

As I have highlighted in previous correspondence with yourself, to purchase alcohol from a self-service checkout in a supermarket (for eg tesco's and sainsburys etc that have outlets throughout the city), everyone purchasing alcohol in this way undergoes a challenge 25 assessment by staff in the shop prior to actually purchasing the alcohol.

Any further questions feel free to get in touch

Best wishes,

Dr [REDACTED]
She/Her

Specialist Trainee Registrar in Public Health
Department of Public Health
Manchester City Council

From: [REDACTED]
Sent: 20 September 2023 15:59
To: [REDACTED]
Cc: PH Regulatory <phregulatory@manchester.gov.uk>
Subject: Re: application 291659

[REDACTED]

From: [REDACTED]
Sent: 23 September 2023 13:23
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: application 291659

Dear Dr [REDACTED]

Thank you for Thursday's email which I have now had an opportunity to discuss at length with my client.

I suspect neither of us wish to occupy precious committee hearing time over this particular issue of potential for underage sales.

My client has been discussing the point with his IT team who are constantly developing their technology with a view to streamlining their resident's experience.

I am now assured that anyone, other than a registered member, obtaining an alcohol vend from the machine is all but impossible.

The reason is as follows:

Instead of a fob members will be provided with a bespoke Union + mobile telephone app which (once the phone is unlocked) will give access to the building and various other amenity spaces, as well as activating the machine.

Payment for any item purchased from the cashless machine will be through the resident's use of a credit or debit card either physically or by use of a telephone bank app.

My client suggests this satisfies your concern that an underage person may somehow obtain a fob to access alcohol.

We appreciate your concerns, and yet they do not appear to be shared by the police – custodians of guarding against crime and disorder - or the LOOH Team who are also charged with protecting children from harm.

My client suggests there are already sufficient conditions to safeguard children, who in reality are extremely unlikely to be entering this new living accommodation and if they do will not be able to use the reception vending machines.

Please urgently consider these new points and we look forward to hearing from you.

Kind regards

Union St Johns T1**PROPOSED CONDITIONS – Reception And Amenity Space**

1. The Premises shall install and maintain a comprehensive CCTV system which shall continually record whilst the premises is open for licensable activities.
2. All licensed areas will be covered enabling frontal identification of every person entering in any light condition.
3. All recordings shall be stored for a minimum period of 28 days with date and time stamping.
4. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the licenced areas are open. This staff member must be able to provide a Police or authorised Council officer viewable copies of CCTV images or data with the absolute minimum of delay when requested.
5. No noise generated on the Premises, or by its associated plant or equipment, shall emanate from the Premises nor vibration be transmitted through the structure of the Premises which gives rise to a nuisance.
6. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
7. An incident log shall be kept at the Premises detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the Premises by the Police or an authorised Council officer at all times whilst the Premises is open.

CONDITIONS IN RELATION TO THE ALCOHOL VENDING MACHINE

8. The alcohol vending machine will be located in the building's reception area in view of reception staff.
9. The reception will be staffed 24/7 and each receptionist will be trained on the sale of alcohol and how to deactivate the alcohol vending machine.
10. Access to the reception is by residents and their guests and controlled by key fob entry.
11. CCTV supervision of the alcohol vending machine will run 24/7.
12. All alcohol vending machine transactions will be verified by residents' key fobs containing the users age and name.
13. On any occasion when a member of staff is not present in the reception, the alcohol vending machine will be deactivated by an override card.

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

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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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Hyndburn Borough Council
Personal Alcohol Licence

Page 53

Name: **Naveed SADIQ**

Number: **HYP A0763**

Expires: **28 October 2023**



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of the Local Government Act 1972.

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