



Licensing Sub Committee Hearing Panel

Date: Tuesday, 18 December 2018

Time: 10.00 am

Venue: The Council Antechamber, Level 2, Town Hall
Extension

Everyone is welcome to attend this committee meeting.

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. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk.

There is no public access from the Lloyd Street entrances of the Extension.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Ludford (Chair), S Lynch and Stone.

Agenda

1. Urgent Business

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

2. Appeals

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

3. Interests

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

4. Application for a New Premises Licence for Overdraught, 855 Stockport Road, Manchester, M19 3PW 5 - 8

The report of the Head of Planning, Building Control and Licensing is attached.

5. Application for a Premises Licence Variation for Whiskey Down, 18-22 Lloyd Street, Manchester, M2 5WA 9 - 80

The report of the Head of Planning, Building Control and Licensing is attached.

6. Application for a SEV Licence Transfer for Whiskey Down, 18-22 Lloyd Street, Manchester, M2 5WA 81 - 116

The report of the Head of Planning, Building Control and Licensing is attached.

Information about the Committee

The Licensing and Appeals Committee fulfills the functions of the Licensing Authority in relation to the licensing of taxi drivers.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

Further Information

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

Beth Morgan
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Email: b.morgan@manchester.gov.uk

This agenda was issued on **Tuesday 11 December 2018** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA

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Licensing Act 2003 (Hearings) Regulations 2005

Reference: 222338
Name: Overdraught
Address: 855 Stockport Road, Manchester, M19 3PW
Ward: Levenshulme
Application Type: Premises Licence (new)
Name of Applicant: Draught Manchester Ltd
Date of application: 06/11/2018

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

Proposed licensable activities and opening hours to be granted

Proposed hours and licensable activities:

Provision of regulated entertainment (recorded music):

Sun to Thu 11am to midnight

Fri to Sat 11am to 1am

The supply of alcohol for consumption both on and off the premises:

Sun to Thu 11am to 1130pm

Fri to Sat 11am to 0030am

Opening hours:

Sun to Thu 11am to midnight

Fri to Sat 11am to 1am

Representations received

Greater Manchester Police

Concerns that conditions within the operating schedule need to be worded more robustly to best demonstrate how the 4 Licensing Objectives will be upheld.

Licensing & Out of Hours Compliance	Concerns about how the four licensing objectives will be promoted, given the nature of the area in which the premises are located and the hours applied for.
Trading Standards	Concerns about how the Protection of Children from Harm Licensing Objective will be promoted.

Agreements between parties

Greater Manchester Police:

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
2. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - (a) all crimes reported to the venue, or by the venue to the Police
 - (b) all ejections of patrons
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any visit by a relevant authority or emergency service
 - (f) All refusals of sales of alcohol
3. The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of identification to enable to verify their identity against the notice.
4. The premises shall display prominent signage indicating at any point of sale, the entrance to the premises and in all areas where alcohol is located that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
5. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log and monitor staff to ensure their training is put into practice. Documented records of training completed shall be kept for

each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals.

Licensing & Out of Hours Compliance:

1. All windows and external doors shall be kept closed from 22:00 to 01:00 or at any time when regulated entertainment takes place except for immediate access and egress of persons.
2. Speakers shall not be located, or operated outside the premises.
3. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises is open to the public.
4. Management and staff should prevent customers from congregating outside the premises other than when using the external covered seating area during opening hours.
5. Notices shall be prominently displayed at any area used for smoking, requesting patrons to respect the needs of residents and use the area quietly.
6. Staff shall monitor customers smoking outside the premises on a regular basis and ensure that patrons do not cause a public nuisance.

Trading Standards:

1. The premises shall display prominent signage indicating at any point of sale that the Challenge 25 scheme is in operation.
2. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.
3. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log, enter sales correctly on the tills so the prompts show as appropriate and monitor staff to ensure their training is put into practice.

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
- Original application form
- Representations made against application and respective agreements

**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 18 December 2018

Subject: Whiskey Down, 18-22 Lloyd Street, Manchester, M2 5WA -
Premises Licence variation 221565

Report of: Head of Planning, Building Control & Licensing

Summary

Application for the variation of a premises licence which has attracted objections.

Recommendations

That the Committee determine the application.

Wards Affected:

Deansgate

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

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
Position: Principal Licensing Officer
Telephone: 0161 234 1176
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Name: Ria Page
Position: Technical Licensing Officer
Telephone: 0161 234 4399
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
Any further documentary submissions by any party to the hearing

1. Introduction

- 1.1 On 29/10/2018, an application for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 was made in respect of Whiskey Down, 18-22 Lloyd Street, Manchester, M2 5WA in the Deansgate ward of Manchester. A location map of the premises is attached at **Annex 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. Current Licence

- 2.1 The premises licence holder is FAC251 Ltd and a copy of the current licence is attached at Annex 4.

3. The Application

- 3.1 **A copy of the application is attached at Annex 2.**
- 3.2 **The variation requests** (wording as submitted by the applicant):
- To amend the licensed layout plans: to add booths and cabaret stage to main basement floor, and reconfiguration of private hire rooms to the sub-basement, changes to bar positions.
 - Adjustment of Hours to offer consistency with SEV Premises.
 - Adding additional use categories for plays / film / sport / wrestling for flexibility of corporate hire & immersive show performances
 - To amend grandfathers and previous operator specific conditions, and to remove / prune outdated and duplicated conditions not enforced by other law or separate SEV policy (in agreement with GMP and MCC Licensing): Namely, Removal of Condition: 01,03-09,11-27 & Annex 3 Conditions 1-5,11-31

- 3.2.1 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 application.
- 3.2.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Annex 2**.
- 3.3 **Activities unsuitable for children**
- 3.3.1 The applicant has highlighted 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. Information is given at part K of the operating schedule of the application.
- 3.4 **Steps to promote the licensing objectives**
- 3.4.1 The applicant has not specified any steps to promote the licensing objectives operating schedule. Part M of the operating schedule states: "To be varied as per agreement with GMP and MCC Licesning [sic]" but does not provide any additional information

4. **Relevant Representations**

- 4.1 A total of 2 relevant representations were received in respect of the application (**Annex 3**). Original copies of these representations will be available to the Committee at the hearing.

Responsible Authorities:

- Greater Manchester Police;
- MCC Licensing and Out of Hours Compliance Team;

- 4.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	The GMP representation comments on the extension of hours, the removal of conditions and the history of issues at the premises. GMP have strong concerns that "if this variation was granted there is a very real likelihood that issues would occur at the premises and the Licensing Objectives would be undermined."	Refuse
Licensing and Out of Hours Compliance	This team has concerns "regarding extending both the premises opening hours and hours of licensable activities.	Refuse

	In addition to this, we also have concerns that whilst the application is requesting the removal / amendment of existing licensing conditions, the applicant has not provided an alternative operating schedule to replace these conditions.”	
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4.3 No conditions have been proposed by either of the objectors. Both objections recommend refusal of the application.

4.4 No agreements have been reached with either of the objectors.

5. Key Policies and Considerations

5.1 Legal Considerations

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

5.2 New Information

5.2.1 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.

5.3 Hearsay Evidence

5.3.1 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.

5.4 The Secretary of State’s Guidance to the Licensing Act 2003

5.4.1 The Secretary of State’s Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates’ courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

5.4.2 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.

- 5.4.3 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.

5.5 **Manchester Statement of Licensing Policy**

- 5.5.1 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.

- 5.5.2 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.

- 5.5.3 Section 4 of the Policy (Operation of the Policy) sets out that an opposed application that complies with the Policy will not necessarily be granted, nor will an opposed application that does not comply with it necessarily be refused.

- 5.5.4 Where there is objection to an operating schedule that departs from the Policy, the Panel hearing an opposed application will normally expect to be given a good reason for the departure if it is to be asked to make an exception to the Policy.

- 5.5.5 The licensing authority will not interfere with an operating schedule that does not comply with the Policy where the steps proposed are sufficient to meet the licensing objectives in the individual circumstances of the case.

- 5.5.6 There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.

- 5.5.7 Relevant to this application and the grounds of the representations made, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

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

- Premises that will extend the diversity of entertainment and attract a wider range of participants

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

Section 7: Local factors

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

Having regard to the grounds of the representations made, the Panel are recommended to have regard to the following Factors:

- Identified risk factors specific to the licensed premises
- Evidence of pre-existing problems in the area
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance

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

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

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS3 Responsible promotion and sale of alcohol
- MS4 Prevent the use of illegal drugs, new psychoactive substances (NPS) and the spiking of drinks at the premises
- MS5 Prevent on-street consumption of alcohol
- MS6 Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies
- MS7 Maintain a safe capacity
- MS8 Prevent noise nuisance from the premises
- MS9 Effectively manage exterior spaces (eg beer gardens, smoking areas, table and chair areas on the highway)
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse
- MS11 Ensure the wellbeing of children on the premises
- MS12 Prevent underage sales of alcohol, including proxy sales

Section 10: Adult entertainment (including striptease, nudity and other entertainment of a sexual nature)

This section sets out specific considerations in respect of applications to provide adult entertainment, including entertainment of a sexual nature e.g. nudity, striptease and lap dancing.

6. Conclusion

6.1 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.

- 6.2 In considering the matter, the Committee should take into account any representations or objections that have been received from responsible authorities or other persons, 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.
- 6.3 The Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- a) To grant the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate;
 - b) To reject the whole or part of the application
- 6.4 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 6.5 However, conditions should not be imposed on a licence which are unrelated to the variation sought.
- 6.6 All licensing determinations should be considered on the individual merits of the application.
- 6.7 The authority'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.
- 6.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 6.9 The Panel is asked to determine the application.

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PREMISE NAME:	Whiskey Down
PREMISE ADDRESS:	18-22 Lloyd Street, Manchester, M2 5WA
WARD:	Deansgate
HEARING DATE:	18/12/2018



Whiskey Down
18-22 Lloyd Street, Manchester, M2 5WA

The premises lies within the
approximate area marked

Premises Licensing
Manchester City Council

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Ordnance Survey 100019568.

Application to vary a premises licence under the Licensing Act 2003**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 this 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.

You may wish to keep a copy of the completed form for your records.

I/We FAC251 Ltd t/as WHISKEY DOWN (MANCHESTER).....

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 125245

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
WHISKEY DOWN (MANCHESTER) 18 - 22 LLOYD STREET			
Post town	Manchester	Postcode	M2 5WA
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£45,500	

Part 2 – Applicant details

Daytime contact telephone number		[REDACTED]	
E-mail address (optional)		[REDACTED] <input type="checkbox"/>	
Current postal address if different from premises address		Fac251 Ltd 1 City Road East	
Post town	Manchester	Postcode	M15 4PN

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To amend the licensed layout plans to add booths and cabert stage to main basement floor, and reconfiguration of previate hire rooms to the sub basement, changes to bar positions

Adjustment of Hours to offer consistency with SEV Premises

Adding additional use catergories for plays / film / sport / wrestling for flexibility of corporate hire & immersive show performances

To amend grandfathers and previous operator specific conditions, and to remove / prune outdated and duplicated conditions not enforced by other law or separate SEV policy (in agreement with GMP and MCC Licensing): Namely, Removal of Conditon: 01,03-09,11-27 & Annex 3 Conditions 1-5,11-31

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

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Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment**Please tick all that apply**

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input checked="" type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	06:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	11:00	06:00			
Wed	11:00	06:00	<u>State any seasonal variations for performing plays</u> (please read guidance note 5) AS SET OUT IN BOX J		
Thur	11:00	06:00			
Fri	11:00	06:00	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	11:00	06:00			
Sun	11:00	06:00			

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	06:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	11:00	06:00			
Wed	11:00	06:00			
Thur	11:00	06:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5) AS SET OUT IN BOX J		
Fri	11:00	06:00	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	11:00	06:00			
Sun	11:00	06:00			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon	11:00	06:00	
Tue	11:00	06:00	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed	11:00	06:00	AS SET OUT IN BOX J
Thur	11:00	06:00	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri	11:00	06:00	
Sat	11:00	06:00	
Sun	11:00	06:00	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	06:00		<u>Please give further details here</u> (please read guidance note 4)	
Tue	11:00	06:00			
Wed	11:00	06:00			
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur	11:00	06:00	AS SET OUT IN BOX J		
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	11:00	06:00			
Sat	11:00	06:00			
Sun	11:00	06:00			

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11:00 ----- 	06:00 ----- 	<u>Please give further details here</u> (please read guidance note 4)		
Tue	11:00 ----- 	06:00 ----- 			
Wed	11:00 ----- 	06:00 ----- 	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5) AS SET OUT IN BOX J		
Thur	11:00 ----- 	06:00 ----- 			
Fri	11:00 ----- 	06:00 ----- 	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	11:00 ----- 	06:00 ----- 			
Sun	11:00 ----- 	06:00 ----- 			

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	06:30	<u>Please give further details here</u> (please read guidance note 4)		
Tue	11:00	06:30			
Wed	11:00	06:30	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) AS SET OUT IN BOX J		
Thur	11:00	06:30			
Fri	11:00	06:30	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	11:00	06:30			
Sun	11:00	06:30			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	06:30	<u>Please give further details here</u> (please read guidance note 4)		
Tue	11:00	06:30			
Wed	11:00	06:30			
Thur	11:00	06:30	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5) AS SET OUT IN BOX J		
Fri	11:00	06:30	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	11:00	06:30			
Sun	11:00	06:30			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon	11:00	06:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11:00	06:00	<u>Please give further details here</u> (please read guidance note 4)		
Wed	11:00	06:00			
Thur	11:00	06:00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5) AS SET OUT IN BOX J		
Fri	11:00	06:00			
Sat	11:00	06:00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun	11:00	06:00			

I

Late night refreshment Standard days and timings (please read guidance note 7)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	05:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	23:00	05:00			
Wed	23:00	05:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) AS SET OUT IN BOX J		
Thur	23:00	05:00			
Fri	23:00	05:30	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23:00	05:00			
Sun	23:00	05:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	06:00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) NEW YEARS EVE extended through to terminal hour of 2nd Jan. ON CHANGE FROM GMT TO BST AN ADDITIONAL HOUR (WHICHEVER IS THE LATER).		
Tue	11:00	06:00			
Wed	11:00	06:00			
Thur	1100	06:00			
Fri	1100	06:00	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	11:00	06:00			
Sun	11:00	06:00			

K

<p>Please highlight 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 (please read guidance note 9).</p> <p>The Premises also benefits a full SEV licnese for the provision of fully nude lapcdancing and stage performances</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	11:00	06:30	<p>NEW YEARS EVE extended through to terminal hour of 2nd Jan.</p> <p>ON CHANGE FROM GMT TO BST AN ADDITIONAL HOUR (WHICHEVER IS THE LATER).</p> <p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Tue	11:00	06:30	
Wed	11:00	06:30	
Thur	11:00	06:30	
Fri	11:00	06:30	
Sat	11:00	06:30	
Sun	11:00	06:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The PL has numerous outdated and historic conditions we believe could be removed. We have suggested all conditions are reviewed in consultation with GMP and MCC Licensing to adopt the councils new standard wording.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

To be varied as per agreement with GMP and MCC Licesning

b) The prevention of crime and disorder

To be varied as per agreement with GMP and MCC Licesning

c) Public safety

To be varied as per agreement with GMP and MCC Licesning

d) The prevention of public nuisance

To be varied as per agreement with GMP and MCC Licesning

e) The protection of children from harm

To be varied as per agreement with GMP and MCC Licencing

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in
relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where
applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be
rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING
LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003,
TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[REDACTED]
Date	15 th October 2018
Capacity	Managing Director

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC Alan Isherwood
Address including postcode	1 st Floor Manchester Town Hall Extension Lloyd Street Manchester
Contact Email Address	alan.isherwood@gmp.police.uk
Contact Telephone Number	0161 856 6017

About the Premises

Application Reference No.	LPV 221565
Name of the Premises	Whiskey Down
Address of the premises including postcode	18-22 Lloyd Street, Manchester M2 5WA

Your Representation

Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the variation on the licensing objectives on and in the vicinity of the premises in question.

Please accept this as formal notification of the Greater Manchester Police objection to the premises licence variation in relation to the above premises on the grounds of Prevention of Crime and Disorder, the Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm.

The application seeks to extend the hours of operation by 2 hours every day to allow them to carry out licensable activities until 6am with a closing time of 6.30am.

At the same time the applicant is seeking the removal of numerous conditions from the premises licence, whilst offering nothing further as up to date replacements of those conditions, which, if granted, would result in a later licence with a much weaker operating schedule.

These premises have historically been a very challenging venue and under previous ownership have been the subject of 2 Expedited Reviews following incidents of extreme violence. This shows that, although the applicants had nothing to do with the previous operation of the premises, it has the ability to attract clientele who bring a high level of risk with them.

GMP have strong concerns that if this variation was granted there is a very real likelihood that issues would occur at the premises and the Licensing Objectives would be undermined.

We therefore ask that this variation is refused.



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Bob Cain
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	b.cain@manchestergov.uk
Telephone Number	0161 234 1220

Premise Details	
Application Ref No	LPV 221565
Name of Premises	Whiskey Down formally Silks
Address	18-22 Lloyd Street, Manchester, M2 5WA

Representation
Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.
<ul style="list-style-type: none"> • <i>Prevention of Crime and Disorder</i> • <i>Public Safety</i> • <i>Prevention of Public Nuisance</i> <p>Licensing / Out of hours Team have assessed the likely impact of the grant of this application to vary the premises licence for Whiskey Down (Manchester), 18-22 Lloyd Street, taking into account a number of factors, including the nature of the area in which the premises is located, the hours applied for and any potential risk the granting of this licence.</p> <p>The premises is located on Lloyd Street in the City Centre. The surrounding area is a mix of commercial properties including, restaurants, licensed premises and offices.</p> <p>The applicant has applied to:-</p> <ul style="list-style-type: none"> • Amend the premises licensed layout plans. • To add additional use categories for Plays / Film / Sport / Wrestling for flexibility of corporate hire & immersive show performances, to take place Monday to Sunday from 11:00 to 06:00 hours. • To extend the hours of Supply of Alcohol to take place Monday to Sunday from 11:00 to 06:00 hours • To extend the hours of Provision of regulated entertainment (Live music, anything of a similar description to live music, recorded music or performances of dance) to take place Monday to Sunday from 11:00 to 06:00 hours • To extend the hours of Provision of regulated entertainment (Recorded

music, Performance and dance) to take place Monday to Sunday from 11:00 to 06:30

- To extend the hours of Provision Late Night Refreshment to take place Saturday to Thursday from 23:00 to 05:00 hours and Friday from 23:00 to 05:30 hours .
- To extend the hours of the premises opening hours Monday to Sunday from 11:00 to 06:30 hours
- To amend / remove existing licence conditions (in agreement with GMP and MCC Licensing): Annex 2, conditions 01, 03-09, 11-27 & Annex 3 Conditions 1-5,11-31.

As a result of this assessment we have concerns regarding extending both the premises opening hours and hours of licensable activities. In addition to this, we also have concerns that whilst the application is requesting the removal / amendment of existing licensing conditions, the applicant has not provided an alternative operating schedule to replace these conditions.

The LOH team were also concerned with the wording on the application form. The words 'in agreement with MCC Licensing and GMP' appeared in the application form, however this was simply not the case.

A meeting took place with the applicant and a Licensing out of Hours Officer and GMP Licensing Officer on 28 September 2018 to discuss the potential removal / amendments of the existing premises licence conditions. However upon receipt of the application, it was noted that the applicant has requested the removal / amendment of a further twenty conditions that had not been discussed during the meeting on 28th September.

Whilst the applicant is willing to work with LOOH/ GMP to agree conditions, the onus is on the applicant to complete a risk assessment based upon the licensing objectives prior to submitting the application and to offer appropriate conditions.

We also have concerns that the request to extend the premises opening hours and licensable active hours is likely have an impact within the vicinity of the premises and likely lead to issues of public nuisance with noise and/or drunken behaviour from customers leaving the premises during the same time the public will be arriving or passing through the city centre on their way to work.

The request to remove existing licence conditions from the premises licence, whilst at the same time also seeking to increase licensable activities and extend licensable hours without offering suitable alternatives suggests that the applicant may not have a clear understanding of the Council's licensing objectives.

We therefore recommend that in order to prevent the problems described above the application is refused.

Recommendation: Refuse Application

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	125245
Granted	08/01/2010
Latest version	Transfer 221560 Granted 01/11/2018 & DPS Variation 221642 Granted 03/11/2018

Part 1 - Premises details

Name and address of premises
Whiskey Down 18-22 Lloyd Street, Manchester, M2 5WA
Telephone number
0161 834 4220

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

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1200
Finish	0400	0400	0400	0400	0400	0400	0400
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
On the day British Summer Time commences: One additional hour following the terminal hour.							

Live music; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1200
Finish	0400	0400	0400	0400	0400	0400	0400
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
On the day British Summer Time commences: One additional hour following the terminal hour.							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0400	0400	0400	0400	0400	0400	0400
Licensed to take place indoors 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	1100	1100	1100	1100	1100	1100	1200
Finish	0430	0430	0430	0430	0430	0430	0430
Seasonal variations and Non standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
<u>On the day British Summer Time commences:</u> One additional hour following the terminal hour.							

Part 2

Details of premises licence holder	
Name:	Fac251 Ltd
Address:	Second Floor, 1 City Road East, Manchester, M15 4PN
Registered number:	06161539

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Chris Bateson
Address:	
Personal Licence number:	RM2060
Issuing Authority:	Rotherham Metropolitan Borough Council

Annex 1 – Mandatory conditions	
Door Supervisors	
1.	Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: - <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (a) At a time when there is no designated premises supervisor in respect of the premises licence or, (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3.	Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

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

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

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

8. The responsible person must ensure that –

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

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

Annex 2 – Conditions consistent with the operating schedule

1. The licence holder will liaise with the Crime Reduction Officer and City Centre Safe Team within a reasonable period of time after issue of this licence with regards to reducing crime and disorder and ensuring public safety within the premises and act on any recommendation promptly.
2. The management shall conduct an ongoing risk assessment in relation to the search policy operated at the premises and if necessary an effective search policy shall be implemented to ensure that drugs and offensive weapons are not brought onto the premises by patrons.
3. Known offenders or drug dealers will not be permitted on the licensed premises. information regarding known offenders/drug dealers will be shared with other licensed premises within the area.
4. Any person found using drugs shall be removed from the premises. any person found to be dealing drugs will be detained and the police informed immediately drugs seized will be handed over to the Police.
5. All exit doors will be easily openable and such doors will be regularly checked to ensure that they are not obstructed and function satisfactorily.

6. Striptease entertainment shall be given only by the performers and no audience participating.
7. Performances will take place only in designated areas approved by the council and arrangements for private access to the dressing room shall be maintained at all times while striptease is taking place and immediately after.
8. There shall be no physical contact between the customer and performer before during or after the performance. notices outlining this shall be clearly displayed at tables and will also be on display at the entrance to the premises and at each bar.
9. There shall be at least one member of staff in a supervisory role present on each floor where performances are taking place.
10. A written record shall be kept on the premises by the designated premises supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. that record shall contain the following details:
 - (a) the door supervisor's name, date of birth and home address
 - (b) his/her security industry authority licence number
 - (c) the time and date he/she starts and finishes duty
 - (d) each entry shall be signed by the door supervisor.

The register shall be available for inspection on demand by an authorised officer of the council, the Security Industry Authority or a police constable.
11. The management and staff will ensure that the premises and the area immediately abutting the frontage of the premises is kept free from litter.
12. The licence holder will liaise with officers from the responsible authorities and building control officers within a reasonable period of time after issue of this licence to ensure public safety within the premises and will act on any recommendation promptly,
13. Public liability insurance shall be maintained for the premises.
14. A safety plan shall be implemented that shall include: fire safety and maintenance inspections of fire safety equipment and electrical safety inspections and maintenance.
15. The management shall ensure adequate supervision of customers and make regular glass collections when required. Any broken glass which is found during inspections shall be cleared up immediately.
16. All external bottle banks shall be kept secure.
17. The licence holder will liaise with greater manchester fire service within a reasonable period of time after issue of this licence with regards to fire safety standards within the premises and act on any recommendation promptly.
18. Capacity levels at the premises shall be determined in accordance with the applicants tire risk assessment, formulated in conjunction with and guidance from Greater Manchester Police and Manchester Fire Authority.
19. Refuse shall be regularly removed from the premises in a manner so as not to cause unreasonable disturbance to local residents.
20. Refuse shall not be emptied into external receptacles between the hours of 2300 and 0700.
21. No collections of waste from the premises between 2300 and 0700 hours.
22. Noise or vibration will not emanate from the premises so as to cause a nuisance to nearby properties.
23. Sufficient extraction and ventilation systems shall be installed and maintained at the premises. anyextraction and ventilation systems operating from the premises must not produce noise so as to unreasonably disturb local residents.
24. While striptease is taking place no person under the age of 18 years will be allowed on the licensed premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so that it can be easily read by persons entering the premises. "No person under age 18 will be admitted."
25. Performers will not be less than 18 years of age.
26. There will be no displays of signage outside the premises or photographs or other images, which indicate and suggest that striptease or similar dancing is taking place on these premises.

27. No persons under the age of 18 years will be allowed entry to the premises at any time the premises is open for trade.
28. The following steps will be taken by the management to ensure the strict admission policy regarding under 18's is followed:
 - (a) a notice will be displayed in a prominent position in the premises and will inform customers of the legislation relating to children and alcohol.
 - (b) ensure that all staff are made fully aware of the legislation relating to children and alcohol.
 - (c) anyone who appears to be under the age of 21 years will be asked to produce id or proof of age card. acceptable id will be clearly stated, this being passport, photo card driving licence or citizen card.
29. Nitenet must be switched on whilst the premises is operating and used appropriately.

Annex 3 – Conditions attached after hearing by the licensing authority

1. The area to which the public have access shall be supervised and signs advising clients of the rules and conditions of the licence regarding improper performances shall be displayed
2. No performance shall include any sex act with any other performers, persons in the audience, or the use of any object
3. On the upper floor performers / dancers not performing must not be in the licensed area in a state of nudity
4. Scantily clad individuals must not exhibit in the entrance way or in the areas surrounding the premises.
5. Booths and private rooms must be visible to supervision and must not have closing doors or non-transparent curtains that prevent the performance from being supervised
6. Staff will ask customers to leave the area in a responsible and quiet manner
7. At least one internal door will be maintained in the closed position except for access and egress whilst regulated entertainment is taking place
8. Members of staff shall monitor the external area, and ensure that customers and / or regulated entertainment do not cause a nuisance
9. Staff will take all reasonable steps to discourage and prevent people from congregating outside the entrance / exit of the premises. This will include asking any people congregating there to leave the area.
10. Deliveries to the premises shall not take place outside the hours of 0700 to 2300
11. Training Shall be provided to all management and staff in the following areas and to a quality approved by GMP:
 - i. Training shall be provided to all management and staff in the following areas and to a quality approved by GMP.
 - ii. Recognition of drunkenness and care of persons under the influence of intoxicants or controlled substances.
 - iii. Challenge 21.
 - iv. Refusal of sale of alcohol and associated conflict management issues.
 - v. Awareness of problems associated with the spiking of drinks and how to deal.
 - vi. Identify and take appropriate action in response to incidents of crime and disorder at the premises.
 - vii. Crime scene preservation.

All training shall be documented and recorded, and refreshed on a quarterly basis and staff files shall be available on request for inspection for relevant authorities.
12. CCTV at the premises shall be tamperproof and stored in a secure location with a nominated member of management only having access to the system. The CCTV shall be maintained in good working order in accordance with the manufacturer's instructions. All duty managers shall be trained in the use of the system and able to download required footage at request of relevant authorities. The images recorded by the CCTV system to be retained in unedited form for a period of not less than 28 days. The CCTV shall include head/body cams worn by the door staff. Additional cameras shall be fitted at the following locations, rear entrance underground carpark and rear entrance into venue. These

- cameras shall have an infra-red facility to enable recording during hours of darkness. A CCTV monitor shall be placed in a public place that shows images of those entering the premises from Lloyd Street.
13. Customers visiting the premises for the first time must present appropriate identification so that their details can be recorded by the facial recognition system installed at the premises. A fingerprint system will then be available as a means of entry for returning visitors. A camera which records a facial picture of customers entering the premises shall be situated at the reception. This system shall cover the rear entrances when in use
 14. Last entry to the premises shall be 0330, no persons (save for those re-entering the premises) shall be allowed admittance to the premises after this time.
 15. A dress code shall be introduced and maintained in agreement with Greater Manchester Police. The dress code shall be clearly displayed at the premises and on all advertising including internet sites.
 16. All persons employed at the venue in a non-dancing capacity shall receive payment via an hourly rate/salary rather than a commission or profit related pay agreement, to ensure that staff members are encouraged to uphold the licensing objectives.
 17. All fire exits shall be fitted with an audio alarm which alerts management when open.
 18. 28 days' notice to be given to GMP City Safe office of any externally promoted event and a risk assessment to be completed if required.
 19. The Premises licence holder shall agree with Greater Manchester Police a code of practice regarding the Hummer drivers.
 20. The premises shall not carry out licensable activities until a new IDScan machine has been installed at the premises.
 21. The premises shall not carry out licensable activities until Dominique Banks has been replaced as Designated Premises Supervisor.
 22. The premises shall not carry out licensable activities until a new SIA ACS accredited security company have been employed to provide SIA registered door supervisors to the premises, in the ratios required.
 23. A dedicated member of staff shall be employed within the reception area of the premises with their sole role to be inputting or supervising the inputting of customers identifications/fingerprint data onto the IDScan machine. It shall be the role of this member of staff to ensure that every customer who enters the premises has their details inputted into the machine.
 24. On Sundays — Thursdays, 2 members of SIA registered security staff shall be employed at the premises from 2100 until 2400. From 2400 until close, 3 members of SIA registered security staff shall be employed at the premises. From 2400 until close, 2 of those members of SIA registered security staff shall be ordinarily stationed at the main entrance to the premises and 1 shall be ordinarily stationed within the reception/ground floor bar area.
 25. On Fridays and Saturdays 2 members of SIA registered security staff shall be employed at the premises from 21:00 until 2400. From 2400 until close, 4 members of SIA registered security staff shall be employed at the premises. From 2400 until close, 2 of those members of SIA registered security staff shall be ordinarily stationed at the main entrance to the premises, 1 shall be ordinarily stationed within the reception/ground floor bar area and 1 shall be ordinarily stationed within the dance booth area.
 26. All members of security staff shall wear high visibility jackets and body cameras, which must record all incidents which take place at the premises which the relevant member of security staff is involved in.
 27. A dedicated member of staff shall be in charge of monitoring the ground floor VIP and bar area, and in particular monitoring the supply of alcohol and customers' levels of intoxication.
 28. There shall be no use of external barriers to delineate smoking areas or for any other purpose.
 29. There shall be no use of barriers to delineate queuing areas within reception, nor for any other purpose.
 30. No entry shall be permitted to the premises to any person under the age of 21.
 31. Customers and/or members of staff shall not be permitted to bring glasses/bottles into the reception area of the premises.
 32. The premises shall maintain membership of the local pub watch scheme and a representative of the

premises must attend regular meetings.

Annex 4 – Plans

See attached

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

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**MANCHESTER
CITY COUNCIL**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982,
PART II, SCHEDULE 3**

Reference: 221634
Name: Whiskey Down
Address: 18-22 Lloyd Street, Manchester, M2 5WA
Ward: Deansgate

Hearing Date: 18/12/2018

Application Type: Sex Establishment Licence - Transfer
Name of Applicant: FAC251 Ltd
Date of application: 27/10/2018

Objections Received against the Application

No objections

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1. Introduction

- 1.1 The Local Government (Miscellaneous Provisions) Act 1982 provide the legislative framework in relation to the licensing of sex establishments. Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called a 'sexual entertainment venue', which allow local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The new powers were adopted by the Council with effect from 9 January 2011.

Sexual Entertainment Venues and Relevant Entertainment

- 1.2 A sexual entertainment venue is defined as:

“A premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer unless an exemption applies.”

- 1.3 There are 2 categories of 'relevant entertainment':

- live performances, and
- live displays of nudity.

- 1.4 In each case, the entertainment must be of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purposes of sexually stimulating any member of the audience whether by verbal or other means. An audience can consist of just one person e.g. private shows.

2. Application

- 2.1. This is an application to transfer the Sex Establishment Licence for Whiskey Down (formerly Silks), 18-22 Lloyd Street, Manchester, M2 5WA, from Elizabeth Mary Morris to FAC251 Ltd.
- 2.2. The licence permits lap dancing, pole dancing and striptease; all including full nudity, at the premises.
- 2.3. A copy of the full application is provided as a separate bundle (Annex 1).
- 2.4. The premises is currently operating as a lap dancing premises and is licensed under the Licensing Act 2003 (Annex 2).

3. Objections received against the Application

- 3.1. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 of the Act for refusing a licence as set out in Section 4 of the report.

- 3.2. Objections should not be based on moral grounds/values and objections that are not relevant to the grounds set out in paragraph 12 should not be considered.
- 3.3. Although the council is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.
- 3.4. The council shall not without the consent of the person making the objection reveal their name or address to the applicant.
- 3.5. No objections have been received against this application.

4. Mandatory and Discretionary Grounds for Refusal of a Licence

- 4.1. Paragraph 12 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence. A decision to refuse a licence must be relevant to one or more of the below grounds.

Mandatory Grounds

- 4.2. A licence must not be granted:
 - a) to a person under the age of 18;
 - b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
 - c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
 - d) to a body corporate which is not incorporated in an EEA state; or
 - e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- 4.3. None of the above mandatory grounds for refusal are met in respect of this application.

Discretionary

- 4.4. A licence may be refused where:
 - a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

- b) if the licence were to be granted, renewed, or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- 4.5. Applications should only be refused where the Council considers it as necessary and proportionate to do so, and any decision shall be on a non-discriminatory basis.

Human Rights Act

- 4.6. When determining a licence application Manchester City Council will have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.
- 4.7. Article 1 of Protocol 1 of the European Convention of Human Rights states:
- “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”
- 4.8. A licence is a possession.
- 4.9. When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Committee must consider whether the decision affects an individual, group or company’s Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition consideration must be given to whether the interference is proportionate to the general purpose.
- 4.10. The applicant has submitted a statement they wish to be considered in respect of this matter, which can be found before Tab 1 in their submitted application bundle (Annex 1).

5. Applicant Considerations

- 5.1. The Council needs to be satisfied that the applicants for a sex establishment licence are suitable to operate the business by ensuring:
- a) that the operator is honest;
 - b) that the operator is qualified by experience to run the type of sex establishment in question;
 - c) that the operator understands the general conditions;

- d) that the operator is proposing a management structure which will deliver compliance with operating conditions e.g. through:
- i) managerial competence;
 - ii) attendance at the premises;
 - iii) a credible management structure;
 - iv) enforcement of rules internally, e.g. through training and monitoring
 - v) a viable business plan, e.g. sufficient to employ door staff and install CCTV;
 - vi) policies for the welfare of performers.
- e) that the operator can be relied upon to act in the best interests of the performers, e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored;
- f) that the operator can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation;
- g) that the operator can show a track record of management of compliant premises, or that s/he will employ individuals who will have such a track record;

5.2. All applications will be considered but they are unlikely to be granted if the following apply:

- a) the applicant has a criminal record. Offences that would be considered particularly relevant include:
- convictions for dishonesty
 - violence
 - sexual offences
 - drugs
 - public order
 - people trafficking
- b) the applicant has previously been involved in running an unlicensed sex establishment;

- c) if the licence were to be granted, the business to which it relates would be managed by or run for the benefit of a person other than the applicant who would be refused the grant of such a licence if they made it themselves.
- 5.3. It is anticipated that these expectations would be demonstrated by the operator through their completed application form and any accompanying submissions as part of the application process. However, the Council may also take into account any oral submissions made at any hearing to determine the application.

6. Conclusion

- 6.1. In determining an application for the transfer of a sex establishment licence, any decision to refuse an application may only be made in accordance with the mandatory and discretionary grounds for refusal as set out in Section 4 of the report.
- 6.2. None of the mandatory grounds have been met in respect of this application.
- 6.3. The discretionary grounds relating to the transfer of a sex establishment licence are set out at 4.4.
- 6.4. In determining the suitability of the applicant, the Committee should consider the matters set out in Section 5 of the report as well as any other matters they consider relevant.
- 6.5. Applications should only be refused where the Council considers it as necessary and proportionate to do so, and any decision shall be on a non-discriminatory basis.
- 6.6. Where the Committee are satisfied that none of the mandatory or discretionary grounds are applicable, the application to transfer the licence should be granted.

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Premises Licensing Team

Telephone: +44 (0)161 234 5004
 premises.licensing@manchester.gov.uk
 Level 1 Town Hall Extension, Albert
 Square, PO Box 532, M60 2LA

Application for the Transfer of a Sex Establishment Licence pursuant to Schedule 3, Local Government (Miscellaneous Provisions) Act 1982

This form should be completed and forwarded to the Manchester City Council Premises Licensing Team at the above address with the required fee. Cheques, etc. should be made payable to the Manchester City Council. Payment may also be made by credit or debit card upon request.

Important Notes

1. **All questions must be answered, save where otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and returned to the Applicant.**
2. **Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.**

Part 1 – The Applicant

We FAC251 Ltd t/as WHISKEY DOWN (Manchester).....

apply for a Sex Establishment Licence as described below.

1. This application is for a:

- | | |
|----------------------------|-------------------------------------|
| Sex Shop | <input type="checkbox"/> |
| Sex Cinema | <input type="checkbox"/> |
| Sexual Entertainment Venue | <input checked="" type="checkbox"/> |

2. Please state whether you are applying for a licence as:

- a) an individual please complete section (A)
- b) a company or other corporate body please complete section (B)
- c) a partnership or other unincorporated body please complete section (C)

(A) INDIVIDUAL APPLICANT (fill in as applicable)

You must complete and submit the form at Annex A for the individual named in this section

		Annex A completed?
Full Name of Applicant		<input type="checkbox"/>

Former name (if applicable) ¹	
---	--

¹ If the Applicant has been formerly known by a different name, please provide details

(B) A COMPANY OR OTHER CORPORATE BODY

You must complete and submit the form at Annex A for all individuals named in this section

Applicant Name ¹	FAC251 Ltd
Address	1 City Road East Manchester M15 4PN
Registered number ²	06161539
Telephone number	[REDACTED]
E-mail address	[REDACTED]
Previous Name (if applicable) ³	

¹ If your business is registered, use its registered name

² If business is not registered, put "none"

³ If the Applicant has been formerly known by a different name, please provide details

Please state the names of:		
(i) the Applicant's Directors;		
(ii) Company Secretary;		
(iii) any other persons responsible for the management of the Applicant; and		
(iv) any persons with a shareholding of greater than 10% in the Applicant		
<u>Position</u>	<u>Name of Individual</u>	Annex A completed?
█	██████████	<input checked="" type="checkbox"/>
██████████	██████████	<input checked="" type="checkbox"/>
██████████	██████████	<input checked="" type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

Is the applicant a wholly owned subsidiary of another company or corporate body? If so state the name, place of registration and identity of its Directors and Company Secretary	
Name	
Place of registration	
Names of Directors and Company Secretary	
<u>Position</u>	<u>Name of Individual</u>

(C) A PARTNERSHIP OR OTHER UNINCORPORATED BODY

You must complete and submit the form at Annex A for all individuals named in this section

Applicant Name	
Names of Partners	Annex A completed?
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

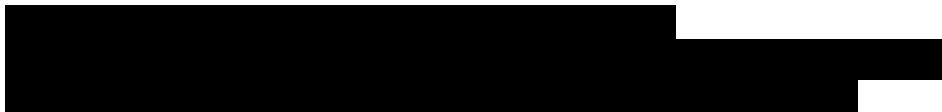
Please state the names of than other persons responsible for the management of the Applicant other than the partners.		
Position	Name of Individual	Annex A completed?
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

Questions 3-6 to be completed in all cases

3	Does the applicant have a different trading name from that given above in (A), (B) or (C)? If yes, please provide details.
	Whiskey Down (Manchester)

4	What is the Applicant's trading address?
	Whiskey Down (Former Silks) 18-22 Lloyds Street Manchester M2 5WA

5	Will the business be carried on for the benefit of a person other than the applicant? If yes, please provide full details.
	No & no association at all to previous occupiers

6	Does the applicant operate any other sex establishment? If yes, please provide full details.
	

End of Part 1

Part 2 – The Premises, Vehicle, Vessel or Stall

7	Please state the Licence Number of the Sex Establishment premises to be transferred 205546
----------	--

8	Current Name and Postal address of premises SILKS 18-22 Lloyd Street			
	Post town	Manchester	Post code	M2 5WA
	Telephone number			

9	Name of existing Sex Establishment Licence Holder Mrs Elizabeth Mary Morris
----------	---

10	Has the existing licence holder of the Sex Establishment Licence provided their written consent to the transfer application?	Mark as appropriate
	Yes (please provide original copy)	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
	If “No”, please provide full reasons why the consent has not been provided.	

11	Does the Applicant intend to obtain a licence under any other Act or to apply to vary any existing licence under any other Act?	Mark as appropriate
	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
12	Does the applicant intend to operate the sex establishment in conjunction with any other licence?	Mark as appropriate
	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
	If “Yes” to (a) or (b), please provide full details Premises License and variations applications to layout and conditions of both existing SEV and Premises License as pre-discussed with GMP	

Part 3 – Operation of the Business

13	Under what name will the Business be known? Whiskey Down (Manchester)	
14	Has the Applicant entered into any agreement (whether written or oral) in connection with the business, other than a tenancy agreement or lease, for example, a management agreement, partnership agreement or profit share agreement? If so, provide full details together with a copy of any such agreement. <div style="background-color: black; width: 100%; height: 60px;"></div>	
15	Is the business required to purchase merchandise from a particular person or body? If so, provide full details. No	
16	Set out the Applicant's system for checking the age and right to work in the UK for all employees. Copies of all passports and work suitability are held along with strict code of practise & council approved guidance / work & wellbeing policies.	
17	State the identity of the person who will be responsible for the day to day management of the business at the premises, vehicle, vessel or stall ('the Manager') <div style="background-color: black; width: 100%; height: 20px;"></div>	Annex A completed? <input checked="" type="checkbox"/>
18	Confirm that the Manager will be based at the premises, vehicle, vessel or stall and that management of the business there will be his/her sole occupation Yes No	Mark as appropriate <input type="checkbox"/> <input checked="" type="checkbox"/>

	<p>If “No”, provide details</p> <div style="background-color: black; width: 100%; height: 40px; margin-top: 10px;"></div>
--	--

19	Which person(s) will be responsible for the day to day management of the business in the absence of the Manager (‘the Relief Manager(s)’) 	Annex A completed?
	To be appointed (approved by GMP)	<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

20	<p>Set out the system for training all staff in the Code of Practice for performers, and for monitoring and enforcing compliance. <i>Please note: the Code of Practice must be attached to this form.</i></p> <p>As per attached policy and procedures</p>
20a	<p>Set out the system for notifying customers of the Rules for Customers, and for monitoring and enforcing compliance. <i>Please note: the Rules for Customers must be attached to this form.</i></p> <p>As per attached policy and procedures</p>
20b	<p>Set out the system for monitoring compliance with the venue’s Policy for Welfare of Performers. <i>Please note, the Policy for Welfare of Performers must be attached to this form</i></p> <p>As per attached policy and procedures</p>

21	<p>Set out any further information that you wish the authority to take into account. <i>Include here any proposed conditions (you may attach a schedule of such conditions) or any reason relied upon to provide an exception to the authority’s Sex Establishment Licensing Policy.</i></p> <div style="background-color: black; width: 100%; height: 60px; margin-top: 10px;"></div>
-----------	---

22	<p>Is there any information on this form that you do not wish to be seen by members of the public? If so, state which information and the reasons why you do not wish it to be seen.</p> <div style="background-color: black; width: 100%; height: 60px; margin-top: 10px;"></div>
-----------	---

Checklist	Mark as appropriate
I have completed all relevant section of Parts 1, 2, and 3 of the application	<input checked="" type="checkbox"/>
I have completed Annex A for each person whose details have been included in this application.	<input checked="" type="checkbox"/>
I have completed Annex B	<input checked="" type="checkbox"/>
I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed	<input checked="" type="checkbox"/>
I have sent a copy of this application to the chief officer of police today	<input checked="" type="checkbox"/>
I have enclosed the relevant fee	<input checked="" type="checkbox"/>
I declare that a public notice advertising this application has been displayed upon the premises where it may be conveniently read by the public and shall remain displayed for a period of no less than 21 consecutive days. A copy of the notice and statutory declaration is enclosed.	<input checked="" type="checkbox"/>
I declare that within seven days of the date of this application a public notice advertising this application will be publicised in the legal notices column of the Manchester Evening News and an original copy of the published advertisement shall be forwarded to the Licensing Unit at Manchester City Council forthwith.	<input checked="" type="checkbox"/>
I understand that if I do not comply with the requirements above that my application shall be rejected.	<input checked="" type="checkbox"/>

Declaration & Signature

The following declaration must be signed in all cases

Should the information provided in relation to this application form cease to be correct, or if there are any changes in the information provided in the application form between the date the application is submitted and the date it is determined, the Applicant must advise the licensing authority immediately. Failure to do so may result in any licence issued being revoked.

I/We certify to the best of our/my knowledge and belief that the information given in this application is complete and correct in every respect. I/We agree to notify the Licensing Authority should any of the information given in this application change.

Name	[REDACTED]
Position in organisation	[REDACTED]
Date	15 th October 2018
Signature	[REDACTED]

Contact Details

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
As previous			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	125245
Granted	08/01/2010
Latest version	Transfer 221560 Granted 01/11/2018 & DPS Variation 221642 Granted 03/11/2018

Part 1 - Premises details

Name and address of premises
Whiskey Down 18-22 Lloyd Street, Manchester, M2 5WA
Telephone number
0161 834 4220

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

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1200
Finish	0400	0400	0400	0400	0400	0400	0400
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
On the day British Summer Time commences: One additional hour following the terminal hour.							

Live music; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1200
Finish	0400	0400	0400	0400	0400	0400	0400
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
On the day British Summer Time commences: One additional hour following the terminal hour.							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0400	0400	0400	0400	0400	0400	0400
Licensed to take place indoors 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	1100	1100	1100	1100	1100	1100	1200
Finish	0430	0430	0430	0430	0430	0430	0430
Seasonal variations and Non standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
<u>On the day British Summer Time commences:</u> One additional hour following the terminal hour.							

Part 2

Details of premises licence holder	
Name:	Fac251 Ltd
Address:	Second Floor, 1 City Road East, Manchester, M15 4PN
Registered number:	06161539

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Chris Bateson
Personal Licence number:	RM2060
Issuing Authority:	Rotherham Metropolitan Borough Council

Annex 1 – Mandatory conditions	
Door Supervisors	
1.	Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: - <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (a) At a time when there is no designated premises supervisor in respect of the premises licence or, (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3.	Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4.	(1) The premises licence holder or club premises certificate holder must ensure that an age

verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

5. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purposes of the condition set out in (1) above–
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

$$P = D + (D \times V)$$

where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or

supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
8. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

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

Annex 2 – Conditions consistent with the operating schedule

1. The licence holder will liaise with the Crime Reduction Officer and City Centre Safe Team within a reasonable period of time after issue of this licence with regards to reducing crime and disorder and ensuring public safety within the premises and act on any recommendation promptly.
2. The management shall conduct an ongoing risk assessment in relation to the search policy operated at the premises and if necessary an effective search policy shall be implemented to ensure that drugs and offensive weapons are not brought onto the premises by patrons.
3. Known offenders or drug dealers will not be permitted on the licensed premises. information regarding known offenders/drug dealers will be shared with other licensed premises within the area.
4. Any person found using drugs shall be removed from the premises. any person found to be dealing drugs will be detained and the police informed immediately drugs seized will be handed over to the Police.
5. All exit doors will be easily openable and such doors will be regularly checked to ensure that they are not obstructed and function satisfactorily.

6. Striptease entertainment shall be given only by the performers and no audience participating.
7. Performances will take place only in designated areas approved by the council and arrangements for private access to the dressing room shall be maintained at all times while striptease is taking place and immediately after.
8. There shall be no physical contact between the customer and performer before during or after the performance. notices outlining this shall be clearly displayed at tables and will also be on display at the entrance to the premises and at each bar.
9. There shall be at least one member of staff in a supervisory role present on each floor where performances are taking place.
10. A written record shall be kept on the premises by the designated premises supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. that record shall contain the following details:
 - (a) the door supervisor's name, date of birth and home address
 - (b) his/her security industry authority licence number
 - (c) the time and date he/she starts and finishes duty
 - (d) each entry shall be signed by the door supervisor.

The register shall be available for inspection on demand by an authorised officer of the council, the Security Industry Authority or a police constable.
11. The management and staff will ensure that the premises and the area immediately abutting the frontage of the premises is kept free from litter.
12. The licence holder will liaise with officers from the responsible authorities and building control officers within a reasonable period of time after issue of this licence to ensure public safety within the premises and will act on any recommendation promptly,
13. Public liability insurance shall be maintained for the premises.
14. A safety plan shall be implemented that shall include: fire safety and maintenance inspections of fire safety equipment and electrical safety inspections and maintenance.
15. The management shall ensure adequate supervision of customers and make regular glass collections when required. Any broken glass which is found during inspections shall be cleared up immediately.
16. All external bottle banks shall be kept secure.
17. The licence holder will liaise with greater manchester fire service within a reasonable period of time after issue of this licence with regards to fire safety standards within the premises and act on any recommendation promptly.
18. Capacity levels at the premises shall be determined in accordance with the applicants tire risk assessment, formulated in conjunction with and guidance from Greater Manchester Police and Manchester Fire Authority.
19. Refuse shall be regularly removed from the premises in a manner so as not to cause unreasonable disturbance to local residents.
20. Refuse shall not be emptied into external receptacles between the hours of 2300 and 0700.
21. No collections of waste from the premises between 2300 and 0700 hours.
22. Noise or vibration will not emanate from the premises so as to cause a nuisance to nearby properties.
23. Sufficient extraction and ventilation systems shall be installed and maintained at the premises. anyextraction and ventilation systems operating from the premises must not produce noise so as to unreasonably disturb local residents.
24. While striptease is taking place no person under the age of 18 years will be allowed on the licensed premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so that it can be easily read by persons entering the premises. "No person under age 18 will be admitted."
25. Performers will not be less than 18 years of age.
26. There will be no displays of signage outside the premises or photographs or other images, which indicate and suggest that striptease or similar dancing is taking place on these premises.

27. No persons under the age of 18 years will be allowed entry to the premises at any time the premises is open for trade.
28. The following steps will be taken by the management to ensure the strict admission policy regarding under 18's is followed:
 - (a) a notice will be displayed in a prominent position in the premises and will inform customers of the legislation relating to children and alcohol.
 - (b) ensure that all staff are made fully aware of the legislation relating to children and alcohol.
 - (c) anyone who appears to be under the age of 21 years will be asked to produce id or proof of age card. acceptable id will be clearly stated, this being passport, photo card driving licence or citizen card.
29. Nitenet must be switched on whilst the premises is operating and used appropriately.

Annex 3 – Conditions attached after hearing by the licensing authority

1. The area to which the public have access shall be supervised and signs advising clients of the rules and conditions of the licence regarding improper performances shall be displayed
2. No performance shall include any sex act with any other performers, persons in the audience, or the use of any object
3. On the upper floor performers / dancers not performing must not be in the licensed area in a state of nudity
4. Scantily clad individuals must not exhibit in the entrance way or in the areas surrounding the premises.
5. Booths and private rooms must be visible to supervision and must not have closing doors or non-transparent curtains that prevent the performance from being supervised
6. Staff will ask customers to leave the area in a responsible and quiet manner
7. At least one internal door will be maintained in the closed position except for access and egress whilst regulated entertainment is taking place
8. Members of staff shall monitor the external area, and ensure that customers and / or regulated entertainment do not cause a nuisance
9. Staff will take all reasonable steps to discourage and prevent people from congregating outside the entrance / exit of the premises. This will include asking any people congregating there to leave the area.
10. Deliveries to the premises shall not take place outside the hours of 0700 to 2300
11. Training Shall be provided to all management and staff in the following areas and to a quality approved by GMP:
 - i. Training shall be provided to all management and staff in the following areas and to a quality approved by GMP.
 - ii. Recognition of drunkenness and care of persons under the influence of intoxicants or controlled substances.
 - iii. Challenge 21.
 - iv. Refusal of sale of alcohol and associated conflict management issues.
 - v. Awareness of problems associated with the spiking of drinks and how to deal.
 - vi. Identify and take appropriate action in response to incidents of crime and disorder at the premises.
 - vii. Crime scene preservation.

All training shall be documented and recorded, and refreshed on a quarterly basis and staff files shall be available on request for inspection for relevant authorities.
12. CCTV at the premises shall be tamperproof and stored in a secure location with a nominated member of management only having access to the system. The CCTV shall be maintained in good working order in accordance with the manufacturer's instructions. All duty managers shall be trained in the use of the system and able to download required footage at request of relevant authorities. The images recorded by the CCTV system to be retained in unedited form for a period of not less than 28 days. The CCTV shall include head/body cams worn by the door staff. Additional cameras shall be fitted at the following locations, rear entrance underground carpark and rear entrance into venue. These

- cameras shall have an infra-red facility to enable recording during hours of darkness. A CCTV monitor shall be placed in a public place that shows images of those entering the premises from Lloyd Street.
13. Customers visiting the premises for the first time must present appropriate identification so that their details can be recorded by the facial recognition system installed at the premises. A fingerprint system will then be available as a means of entry for returning visitors. A camera which records a facial picture of customers entering the premises shall be situated at the reception. This system shall cover the rear entrances when in use
 14. Last entry to the premises shall be 0330, no persons (save for those re-entering the premises) shall be allowed admittance to the premises after this time.
 15. A dress code shall be introduced and maintained in agreement with Greater Manchester Police. The dress code shall be clearly displayed at the premises and on all advertising including internet sites.
 16. All persons employed at the venue in a non-dancing capacity shall receive payment via an hourly rate/salary rather than a commission or profit related pay agreement, to ensure that staff members are encouraged to uphold the licensing objectives.
 17. All fire exits shall be fitted with an audio alarm which alerts management when open.
 18. 28 days' notice to be given to GMP City Safe office of any externally promoted event and a risk assessment to be completed if required.
 19. The Premises licence holder shall agree with Greater Manchester Police a code of practice regarding the Hummer drivers.
 20. The premises shall not carry out licensable activities until a new IDScan machine has been installed at the premises.
 21. The premises shall not carry out licensable activities until Dominique Banks has been replaced as Designated Premises Supervisor.
 22. The premises shall not carry out licensable activities until a new SIA ACS accredited security company have been employed to provide SIA registered door supervisors to the premises, in the ratios required.
 23. A dedicated member of staff shall be employed within the reception area of the premises with their sole role to be inputting or supervising the inputting of customers identifications/fingerprint data onto the IDScan machine. It shall be the role of this member of staff to ensure that every customer who enters the premises has their details inputted into the machine.
 24. On Sundays — Thursdays, 2 members of SIA registered security staff shall be employed at the premises from 2100 until 2400. From 2400 until close, 3 members of SIA registered security staff shall be employed at the premises. From 2400 until close, 2 of those members of SIA registered security staff shall be ordinarily stationed at the main entrance to the premises and 1 shall be ordinarily stationed within the reception/ground floor bar area.
 25. On Fridays and Saturdays 2 members of SIA registered security staff shall be employed at the premises from 21:00 until 2400. From 2400 until close, 4 members of SIA registered security staff shall be employed at the premises. From 2400 until close, 2 of those members of SIA registered security staff shall be ordinarily stationed at the main entrance to the premises, 1 shall be ordinarily stationed within the reception/ground floor bar area and 1 shall be ordinarily stationed within the dance booth area.
 26. All members of security staff shall wear high visibility jackets and body cameras, which must record all incidents which take place at the premises which the relevant member of security staff is involved in.
 27. A dedicated member of staff shall be in charge of monitoring the ground floor VIP and bar area, and in particular monitoring the supply of alcohol and customers' levels of intoxication.
 28. There shall be no use of external barriers to delineate smoking areas or for any other purpose.
 29. There shall be no use of barriers to delineate queuing areas within reception, nor for any other purpose.
 30. No entry shall be permitted to the premises to any person under the age of 21.
 31. Customers and/or members of staff shall not be permitted to bring glasses/bottles into the reception area of the premises.
 32. The premises shall maintain membership of the local pub watch scheme and a representative of the

premises must attend regular meetings.

Annex 4 – Plans

See attached

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

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