



Licensing Sub Committee Hearing Panel

Date: Monday, 13 November 2023
Time: 10.20 am (or at the rise of the Licensing Committee)
Venue: Council Antechamber, Level 2, Town Hall Extension

This is a **Revised Agenda** containing additional items of business (Item 5, 6, 7, 8 and 9) that were not listed on the original agenda.

Access to the Council Antechamber

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

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

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Connolly, Andrews and Hughes

Revised Agenda

- 5. Temporary Event Notice - 294941 - Eva, 27 Sackville Street, Manchester, M1 3LZ** 5 - 54
The report of the Director of Planning, Building Control and Licensing is enclosed.
- 6. Temporary Event Notice - 294942 - Eva, 27 Sackville Street, Manchester, M1 3LZ** 55 - 104
The report of the Director of Planning, Building Control and Licensing is enclosed.
- 7. Temporary Event Notice - 294943 - Eva, 27 Sackville Street, Manchester, M1 3LZ** 105 - 154
The report of the Director of Planning, Building Control and Licensing is enclosed.
- 8. Temporary Event Notice - 294944 - Eva, 27 Sackville Street, Manchester, M1 3LZ** 155 - 204
The report of the Director of Planning, Building Control and Licensing is enclosed.
- 9. Temporary Event Notice - 294945 - Eva, 27 Sackville Street, Manchester, M1 3LZ** 205 - 254
The report of the Director of Planning, Building Control and Licensing is enclosed.

Information about the Committee

The Licensing Sub-Committee Hearing Panel fulfills the functions of the Licensing Authority in relation to the licensing of premises.

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:

Callum Jones
Tel: 0161 234 4940
Email: callum.jones@manchester.gov.uk

This revised agenda was issued on **Friday, 3 November 2023** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 13 November 2023

Subject: Eva, 27 Sackville Street, Manchester, M1 3LZ - ref: LTN294941, 294942, 294943, 294944, 294945.

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

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

Wards Affected: Piccadilly

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

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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Name: Patrick Ware
 Position: Technical Licensing Officer
 Telephone: 0161 234 4858
 E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

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

1. **Introduction**

- 1.1 On 30 October 2023, five temporary event notices (TENs) were given under s100A of the Licensing Act 2003 in respect of Eva, 27 Sackville Street, Manchester, M1 3LZ in the Piccadilly ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Notice**

- 2.1 A copy of each TEN is attached at **Appendix 2**.
- 2.2 The premises user is Mr John Harvey.
- 2.3 The description of the events is Extension of hours for the festive period.
 - 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of these TENs.
 - 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
 - 2.3.3 The premises are subject to a Premises Licence issued under the Licensing Act 2003. A copy of the licence is included at **Appendix 4**.
- 2.4 **Activities unsuitable for children**
 - 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2.5 **Further documentation accompanying the application**

3. **Objection Notice(s)**

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

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	<p>Concerns that to extend the premises opening hours to 5am on a weekday is not appropriate and is highly likely to have an impact on local residents. Potential issues include public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.</p> <p>Despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.</p>	Serve a counter notice

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

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

4.2 **New Information**

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

4.3 **Hearsay Evidence**

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

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

- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

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

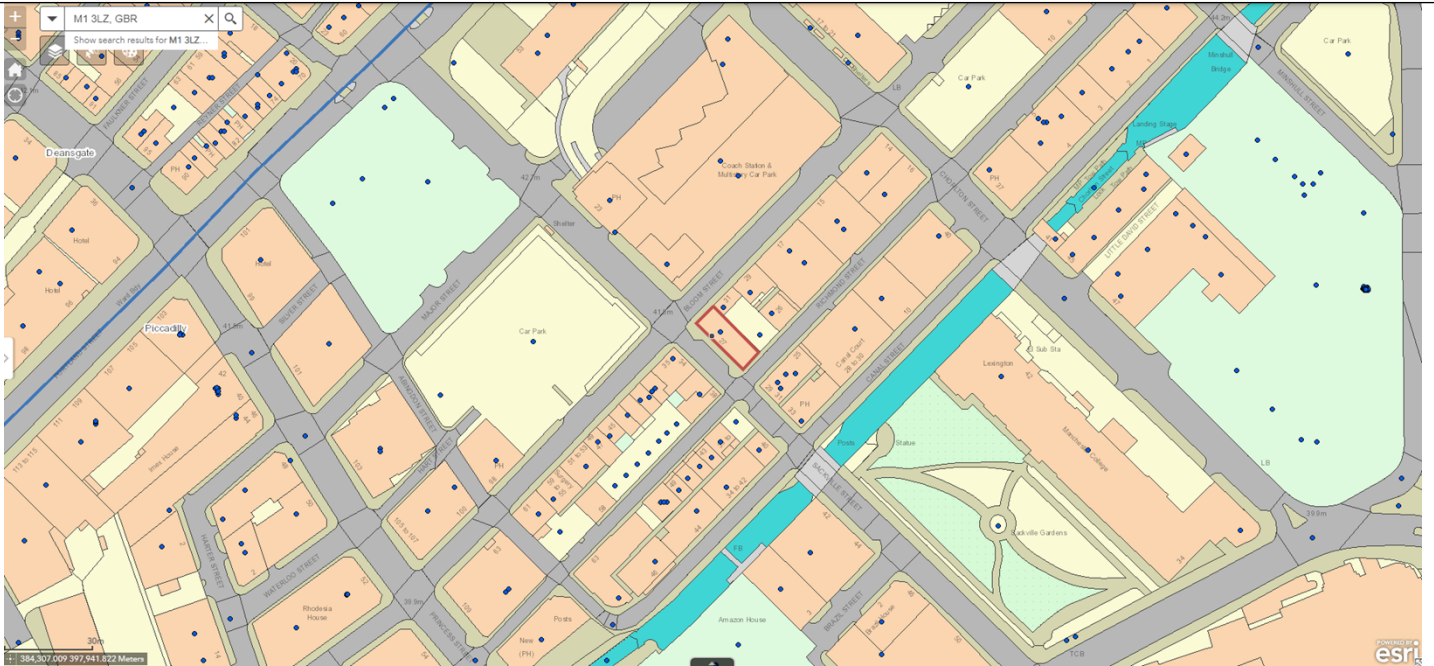
5. **Conclusion**

- 5.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and

- the protection of children from harm.
- 5.2 In considering the matter, the Panel should take into account any objections that have been received from GMP or LOOH, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 5.3 Having regard to the objection notice(s), the panel must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 5.4 If the panel decides not to give a counter notice the panel may impose one or more conditions on the TEN if –
- the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 All licensing determinations should be considered on the individual merits of the notification.
- 5.6 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
6. **The Panel is asked to determine the temporary event notice.**

Eva
27 Sackville Street, Manchester, M1 3LZ
Premises Licensing
Manchester City Council

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PREMISE NAME:	Eva
PREMISE ADDRESS:	27 Sackville Street, Manchester, M1 3LZ
WARD:	Piccadilly
HEARING DATE:	13/11/2023

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Temporary Event Notice

Payment Transaction number:- SSES00837160 | Form Reference number EF1/1007260

Premises User Information

Title

Mr

If other please state

Select

Surname

HARVEY

Forenames

JOHN

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

[REDACTED]

Your date of birth

[REDACTED]

Your place of birth

[REDACTED]

National Insurance Number

[REDACTED]

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

[REDACTED]

[REDACTED]

[REDACTED]

Telephone

[REDACTED]

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email address

[REDACTED]

Address

n/a

Telephone

n/a

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

n/a

Premises information

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

EVA
27 SACKVILLE STREET
MANCHESTER
M1 3LZ

Premises licence number

049393

Club premises certificate number

n/a

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

n/a

Please describe the nature of the premises

Operates as a late night bar serving drinks over 2 floors from 2 serveries with entertainment from drag and cabaret acts plus DJs

Please describe the nature of the event

to extend the terminal hour and all licensed activity by 2 hours to 5am for the festive period in December office parties and festive events including the markets and concerts tend to increase footfall in December to the village. I intend to operate the business as usual during the extension. With additional SIA approved door supervisors on site.

Licensable activities

The sale by retail of alcohol

Yes

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

No

The provision of regulated entertainment

Yes

The provision of late night refreshment

Yes

Are you giving a late temporary event notice?

No

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

27 NOVEMBER TO 1 DECEMBER 2023

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

0300 TO 0500

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

250

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

Both

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

No

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

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

Yes

Issuing Authority

TAMESIDE

Licence Number

PA1377

Date of Issue

JUNE 2008

Date of Expiry

n/a

Any further relevant details

This event has been held by the venue with the exception of the pandemic years every year SINCE 2018 without any issue or contradiction of the licensing objectives. the venue uses security wands, and more SIA supervisors than the licence requires.

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

Yes

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

5

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

No

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

No

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

n/a

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

No

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

No

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

n/a

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

No

Declaration and Payment New

Name

JOHN HARVEY

Capacity in which you are making this application

DPS

Additional information

I_understand

Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

On behalf of the Licensing Authority

Date:

Name of officer signing:

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

Document is Restricted

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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1838

Premise Details

Application Ref No	294941
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 27 November to 1 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors.

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact on residents with issues within the vicinity of the premises and is likely to lead

to issues of public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:	Refuse Application
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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1838

Premise Details

Application Ref No	294942
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 4 to 8 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors.

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from

customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:	Refuse Application
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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1220/ 07795010291

Premise Details

Application Ref No	294943
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 11 to 15 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from

customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation

Refuse Application



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1220 07944569720

Premise Details

Application Ref No	294944
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 18 to 22 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact

on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:

Refuse Application



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1838

Premise Details

Application Ref No	294945
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

Representation

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Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 27 to 29 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact

on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:

Refuse Application



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	049393
Granted	19/09/2005
Latest version	Variation 205557 Granted 06/02/2018

Part 1 - Premises details

Name and address of premises
Eva 27 Sackville Street, Manchester, M1 3LZ
Telephone number
0161 278 8882

Licensable activities authorised by the licence

1. The sale by retail of alcohol*.
2. The provision of regulated entertainment, limited to:
 - a. Performance of plays;
 - b. Exhibition of films;
 - c. Indoor sporting events;
 - d. Live music;
 - e. Recorded music;
 - f. Performances of dance;
3. The provision of late night refreshment.

* All references in this licence to "sale of alcohol" are to sale by retail.

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	1100
Finish	0300	0300	0300	0300	0600	0600	0300

The sale of alcohol is licensed for consumption both on and off the premises.

Seasonal variations and Non standard Timings:

On any day preceding a Public Holiday 1100 to 0600

New Year: 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.

Performance of plays; Exhibition of films; Indoor sporting events; Live music; Recorded music; Performances of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0300	0300	0300	0300	0600	0600	0300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
On any day preceding a Public Holiday 1100 to 0600							
<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	0300	0300	0300	0300	0500	0500	0300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
On any day preceding a Public Holiday 2300 to 0600							
<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.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0400	0400	0400	0400	0630	0630	0400
Seasonal variations and Non standard Timings:							
On any day preceding a Public Holiday 1100 to 0630							
<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.							

Part 2

Details of premises licence holder	
Name:	G.S. Coldstorage & Warehousing Limited
Address:	108 Admin Block - Riverpark Trading Estate, Riverpark Road, Manchester, M40 2XP
Registered number:	2878524

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	John Alan Harvey
Address:	[REDACTED]
Personal Licence number:	PA1377
Issuing Authority:	Tameside 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: -
 - (a) Unauthorised access or occupation (e.g. through door supervision),
 - (b) Outbreaks of disorder, or
 - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5.
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
 - (2) For the purposes of the condition set out in (1) above–
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

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

where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “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.

Exhibition of films

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

Annex 2 – Conditions consistent with the operating schedule

1. The above time restrictions in relation to the hours for the sale of alcohol do not prohibit:
 - a) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - b) The sale of alcohol to a trader or club for the purposes of the trade or club;
 - c) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - d) The taking of alcohol from the premises by a person residing there; or
 - e) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
2. The Licensee shall maintain good order in the premises.
3. The Licence holder shall ensure that noise shall not emanate from the Licensed premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Any form of amplification shall be so controlled by the licensee so as to prevent such a disturbance.
4. The Licence holder shall at all times ensure that persons on or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and/or persons passing by.
5. The licence holder shall take all reasonable steps to ensure that persons leaving licensed premises and using adjacent car parks and highways do not conduct themselves in a manner so as to cause annoyance to residents and/or persons passing by.
6. No glassware in the form of open bottles or glassware must be taken in or off the premises.
7. Licensees, when doorstaff are in attendance, must ensure that all glassware is removed from patrons entering or leaving the licensed area and subsequently safely disposed of.
8. Licensees, when doorstaff are not in attendance, must ensure that secure receptacles are provided at all entrances and exits for glassware to be deposited by patrons entering or leaving the licensed area.

9. Licensees must display prominent notices advising patrons of this condition.
10. Where the Licensee or his employer engages any persons at or about the entertainment premises in the capacity of security staff the Licensee shall maintain a log in a form approved by the Council, showing in respect of each period of duty of that person:
 - i. the name, date of birth and residential address of that person.
 - ii. the time at which he / she commenced that period of duty with a signed acknowledgement by that person.
 - iii. the time at which he / she finished the period of duty with a signed acknowledgement by that person.
 - iv. any times during the period of duty when he / she was not on duty.
 - v. if that person is not an employee of the Licensee or his / her employer, the name of the person by whom that security person is employed or through whom the services of that person were engaged.
11. The log shall be so kept that it can be readily inspected at any reasonable time by an authorised Officer of the Council or a Police Officer and, once a log has been completed, it must be retained on the premises for at least 12 months.
12. A Licensee, when requested, shall identify by name those persons employed by him to a Police Officer or other authorised Officer.
13. The Licensee shall ensure all security staff are given adequate oral and written instruction.
14. The Nitenet radio link system and internal radio system shall be maintained and operated after 2300 hours.
15. Hand counters shall be used to monitor the number of patrons present on the premises.
16. Notices shall be displayed near all exits from the premises asking customers to leave quietly.
17. All staff shall receive adequate and suitable training about leaving the premises after close of business with respect for local residents and will dispose of waste quietly.
18. No waste collections shall be made at the premises between the hours of 2400 hours and 0730 hours.
19. A policy shall be implemented to manage customer departure throughout the evening. This shall include a period of 'wind down' music 30 minutes before the premises closes.
20. No sale or supply of alcohol shall be made to a person who appears to be under the age of 21, unless before a sale or supply is made the purchaser produces to the seller valid identification (i.e. passport, driving licence or proof of age card) and that purchaser is over the age of 18.
21. No persons under the age of 18 shall be permitted entry to the premises at any time the premises are open to the public.

Annex 3 – Conditions attached after hearing by the licensing authority

1. No externally mounted speakers.
2. All external doors and windows should be kept closed after 2300 except for emergency (fire doors) and access/egress (non fire doors)
3. A sound limiting device should be installed, set and maintained at a level agreed by the Pollution Control section. All visiting DJ's should pass through this limiter.
4. Refuse, including all glassware shall not be collected from outside the premises or disposed of from the premises into outside waste receptacles between the hours of 2400 and 0730.
5. 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.

6. Doorstaff shall be employed at the premises at a ratio of 1:75 on a Friday and Saturday, any day proceeding a bank holiday and for the duration of the entire Pride event from 2100 hours until 30 minutes after closing to assist with the orderly dispersal of customers. Door staff shall wear high visibility jackets.
7. The premises shall adopt and adhere to a dispersal policy which shall be agreed with Greater Manchester Police and a copy of this policy shall be kept at the premises. A copy shall also be given to Greater Manchester Police.
8. The premises shall adopt and adhere to a smoking policy which shall be agreed with Greater Manchester Police and a copy of this policy shall be kept at the premises. A copy shall also be given to Greater Manchester Police.
9. The sound system must be turned off on the first floor and shall only be operated in the basement from 0300 onwards. The first floor may still be open to members of the public.
10. Drinks can be served to customers in glass containers throughout the venue before midnight.
11. There must be no glass containers in areas which customers have access to after midnight.
12. During Pride weekend, no drinks will be served in glass containers at any time.

Annex 4 – Plans

See attached

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

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 13 November 2023

Subject: Eva, 27 Sackville Street, Manchester, M1 3LZ - ref: LTN294941, 294942, 294943, 294944, 294945.

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

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

Wards Affected: Piccadilly

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

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
 Position: Principal Licensing Officer
 Telephone: 0161 234 1176
 E-mail: fraser.swift@manchester.gov.uk

Name: Patrick Ware
 Position: Technical Licensing Officer
 Telephone: 0161 234 4858
 E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

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

1. **Introduction**

- 1.1 On 30 October 2023, five temporary event notices (TENs) were given under s100A of the Licensing Act 2003 in respect of Eva, 27 Sackville Street, Manchester, M1 3LZ in the Piccadilly ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Notice**

- 2.1 A copy of each TEN is attached at **Appendix 2**.
- 2.2 The premises user is Mr John Harvey.
- 2.3 The description of the events is Extension of hours for the festive period.
 - 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of these TENs.
 - 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
 - 2.3.3 The premises are subject to a Premises Licence issued under the Licensing Act 2003. A copy of the licence is included at **Appendix 4**.
- 2.4 **Activities unsuitable for children**
 - 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2.5 **Further documentation accompanying the application**

3. **Objection Notice(s)**

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

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	<p>Concerns that to extend the premises opening hours to 5am on a weekday is not appropriate and is highly likely to have an impact on local residents. Potential issues include public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.</p> <p>Despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.</p>	Serve a counter notice

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

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

4.2 **New Information**

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

4.3 **Hearsay Evidence**

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

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

- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

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

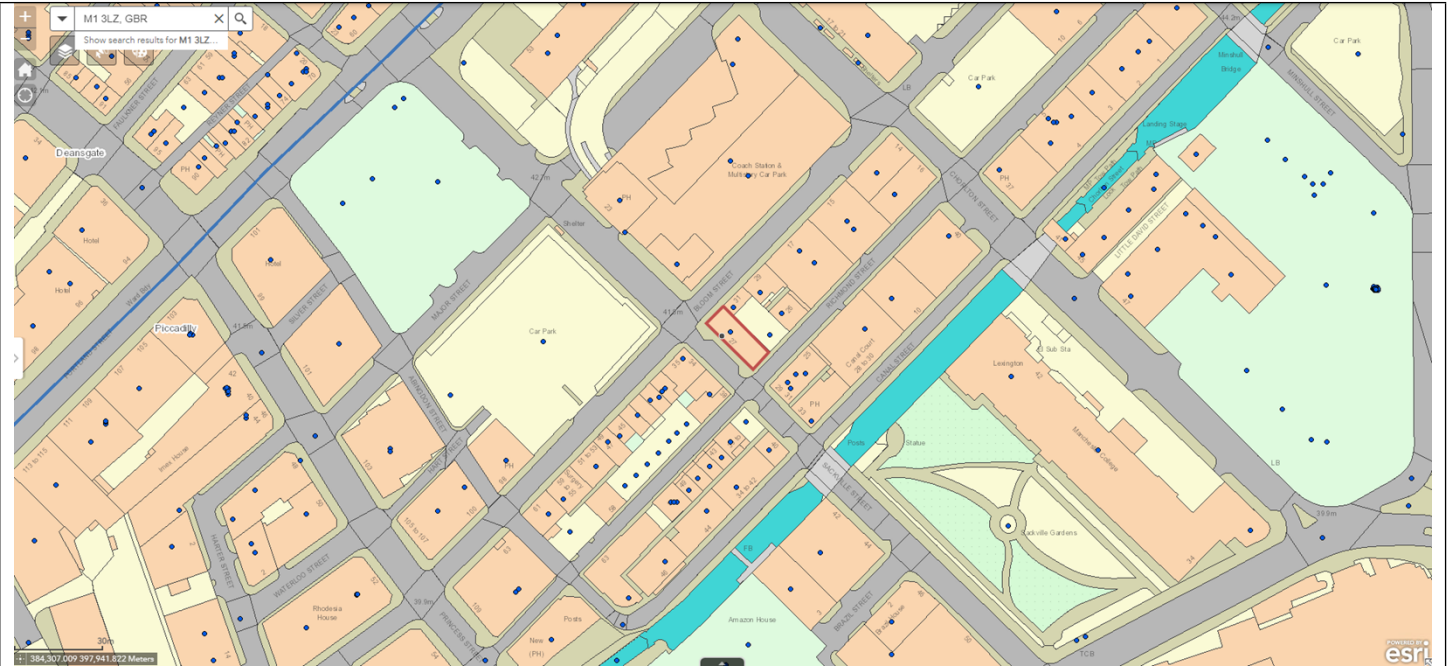
5. **Conclusion**

- 5.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and

- the protection of children from harm.
- 5.2 In considering the matter, the Panel should take into account any objections that have been received from GMP or LOOH, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 5.3 Having regard to the objection notice(s), the panel must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 5.4 If the panel decides not to give a counter notice the panel may impose one or more conditions on the TEN if –
- the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 All licensing determinations should be considered on the individual merits of the notification.
- 5.6 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
6. **The Panel is asked to determine the temporary event notice.**

Eva
27 Sackville Street, Manchester, M1 3LZ
Premises Licensing
Manchester City Council

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PREMISE NAME: Eva

PREMISE ADDRESS: 27 Sackville Street, Manchester, M1 3LZ

WARD: Piccadilly

HEARING DATE: 13/11/2023

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Temporary Event Notice

Payment Transaction number:- SSES00837116 | Form Reference number EF1/1007200

Premises User Information

Title

Mr

If other please state

Select

Surname

HARVEY

Forenames

JOHN

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

[REDACTED]

Your date of birth

[REDACTED]

Your place of birth

[REDACTED]

National Insurance Number

[REDACTED]

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

[REDACTED]

[REDACTED]

[REDACTED]

Telephone

[REDACTED]

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email address

[REDACTED]

Address

n/a

Telephone

n/a

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

n/a

Premises information

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

EVA
27 SACKVILLE STREET
MANCHESTER
M1 3LZ

Premises licence number

049393

Club premises certificate number

n/a

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

n/a

Please describe the nature of the premises

Operates as a late night bar serving drinks over 2 floors from 2 serveries with entertainment from drag and cabaret acts plus DJs

Please describe the nature of the event

to extend the terminal hour and all licensed activity by 2 hours to 5am for the festive period in December office parties and festive events including the markets and concerts tend to increase footfall in November and December to the village. I intend to operate the business as usual during the extension. With additional SIA approved door supervisors on site.

Licensable activities

The sale by retail of alcohol

Yes

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

No

The provision of regulated entertainment

Yes

The provision of late night refreshment

Yes

Are you giving a late temporary event notice?

No

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

4TH TO 8TH DECEMBER 2023

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

0300 TO 0500

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

250

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

Both

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

No

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

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

Yes

Issuing Authority

TAMESIDE

Licence Number

PA1377

Date of Issue

JUNE 2008

Date of Expiry

n/a

Any further relevant details

This event has been held by the venue with the exception of the pandemic years every year SINCE 2018 without any issue or contradiction of the licensing objectives. the venue uses security wands, and more SIA supervisors than the licence requires.

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

Yes

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

2

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

No

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

No

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

n/a

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

No

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

No

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

n/a

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

No

Declaration and Payment New

Name

JOHN HARVEY

Capacity in which you are making this application

DPS

Additional information

I understand

Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

On behalf of the Licensing Authority

Date:

Name of officer signing:

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

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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1838

Premise Details

Application Ref No	294941
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 27 November to 1 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors.

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact on residents with issues within the vicinity of the premises and is likely to lead

to issues of public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:	Refuse Application
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Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1838

Premise Details

Application Ref No	294942
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 4 to 8 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors.

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from

customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:	Refuse Application
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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1220/ 07795010291

Premise Details

Application Ref No	294943
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 11 to 15 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from

customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation

Refuse Application



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1220 07944569720

Premise Details

Application Ref No	294944
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 18 to 22 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact

on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:

Refuse Application



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1838

Premise Details

Application Ref No	294945
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 27 to 29 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact

on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:

Refuse Application



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	049393
Granted	19/09/2005
Latest version	Variation 205557 Granted 06/02/2018

Part 1 - Premises details

Name and address of premises
Eva 27 Sackville Street, Manchester, M1 3LZ
Telephone number
0161 278 8882

Licensable activities authorised by the licence

1. The sale by retail of alcohol*.
2. The provision of regulated entertainment, limited to:
 - a. Performance of plays;
 - b. Exhibition of films;
 - c. Indoor sporting events;
 - d. Live music;
 - e. Recorded music;
 - f. Performances of dance;
3. The provision of late night refreshment.

* All references in this licence to "sale of alcohol" are to sale by retail.

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	1100
Finish	0300	0300	0300	0300	0600	0600	0300

The sale of alcohol is licensed for consumption both on and off the premises.

Seasonal variations and Non standard Timings:

On any day preceding a Public Holiday 1100 to 0600

New Year: 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.

Performance of plays; Exhibition of films; Indoor sporting events; Live music; Recorded music; Performances of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0300	0300	0300	0300	0600	0600	0300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
On any day preceding a Public Holiday 1100 to 0600							
<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	0300	0300	0300	0300	0500	0500	0300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
On any day preceding a Public Holiday 2300 to 0600							
<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.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0400	0400	0400	0400	0630	0630	0400
Seasonal variations and Non standard Timings:							
On any day preceding a Public Holiday 1100 to 0630							
<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.							

Part 2

Details of premises licence holder	
Name:	G.S. Coldstorage & Warehousing Limited
Address:	108 Admin Block - Riverpark Trading Estate, Riverpark Road, Manchester, M40 2XP
Registered number:	2878524

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	John Alan Harvey
Address:	[REDACTED]
Personal Licence number:	PA1377
Issuing Authority:	Tameside 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: -
 - (a) Unauthorised access or occupation (e.g. through door supervision),
 - (b) Outbreaks of disorder, or
 - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5.
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
 - (2) For the purposes of the condition set out in (1) above–
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

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

where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “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.

Exhibition of films

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

Annex 2 – Conditions consistent with the operating schedule

1. The above time restrictions in relation to the hours for the sale of alcohol do not prohibit:
 - a) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - b) The sale of alcohol to a trader or club for the purposes of the trade or club;
 - c) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - d) The taking of alcohol from the premises by a person residing there; or
 - e) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
2. The Licensee shall maintain good order in the premises.
3. The Licence holder shall ensure that noise shall not emanate from the Licensed premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Any form of amplification shall be so controlled by the licensee so as to prevent such a disturbance.
4. The Licence holder shall at all times ensure that persons on or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and/or persons passing by.
5. The licence holder shall take all reasonable steps to ensure that persons leaving licensed premises and using adjacent car parks and highways do not conduct themselves in a manner so as to cause annoyance to residents and/or persons passing by.
6. No glassware in the form of open bottles or glassware must be taken in or off the premises.
7. Licensees, when doorstaff are in attendance, must ensure that all glassware is removed from patrons entering or leaving the licensed area and subsequently safely disposed of.
8. Licensees, when doorstaff are not in attendance, must ensure that secure receptacles are provided at all entrances and exits for glassware to be deposited by patrons entering or leaving the licensed area.

9. Licensees must display prominent notices advising patrons of this condition.
10. Where the Licensee or his employer engages any persons at or about the entertainment premises in the capacity of security staff the Licensee shall maintain a log in a form approved by the Council, showing in respect of each period of duty of that person:
 - i. the name, date of birth and residential address of that person.
 - ii. the time at which he / she commenced that period of duty with a signed acknowledgement by that person.
 - iii. the time at which he / she finished the period of duty with a signed acknowledgement by that person.
 - iv. any times during the period of duty when he / she was not on duty.
 - v. if that person is not an employee of the Licensee or his / her employer, the name of the person by whom that security person is employed or through whom the services of that person were engaged.
11. The log shall be so kept that it can be readily inspected at any reasonable time by an authorised Officer of the Council or a Police Officer and, once a log has been completed, it must be retained on the premises for at least 12 months.
12. A Licensee, when requested, shall identify by name those persons employed by him to a Police Officer or other authorised Officer.
13. The Licensee shall ensure all security staff are given adequate oral and written instruction.
14. The Nitenet radio link system and internal radio system shall be maintained and operated after 2300 hours.
15. Hand counters shall be used to monitor the number of patrons present on the premises.
16. Notices shall be displayed near all exits from the premises asking customers to leave quietly.
17. All staff shall receive adequate and suitable training about leaving the premises after close of business with respect for local residents and will dispose of waste quietly.
18. No waste collections shall be made at the premises between the hours of 2400 hours and 0730 hours.
19. A policy shall be implemented to manage customer departure throughout the evening. This shall include a period of 'wind down' music 30 minutes before the premises closes.
20. No sale or supply of alcohol shall be made to a person who appears to be under the age of 21, unless before a sale or supply is made the purchaser produces to the seller valid identification (i.e. passport, driving licence or proof of age card) and that purchaser is over the age of 18.
21. No persons under the age of 18 shall be permitted entry to the premises at any time the premises are open to the public.

Annex 3 – Conditions attached after hearing by the licensing authority

1. No externally mounted speakers.
2. All external doors and windows should be kept closed after 2300 except for emergency (fire doors) and access/egress (non fire doors)
3. A sound limiting device should be installed, set and maintained at a level agreed by the Pollution Control section. All visiting DJ's should pass through this limiter.
4. Refuse, including all glassware shall not be collected from outside the premises or disposed of from the premises into outside waste receptacles between the hours of 2400 and 0730.
5. 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.

6. Doorstaff shall be employed at the premises at a ratio of 1:75 on a Friday and Saturday, any day proceeding a bank holiday and for the duration of the entire Pride event from 2100 hours until 30 minutes after closing to assist with the orderly dispersal of customers. Door staff shall wear high visibility jackets.
7. The premises shall adopt and adhere to a dispersal policy which shall be agreed with Greater Manchester Police and a copy of this policy shall be kept at the premises. A copy shall also be given to Greater Manchester Police.
8. The premises shall adopt and adhere to a smoking policy which shall be agreed with Greater Manchester Police and a copy of this policy shall be kept at the premises. A copy shall also be given to Greater Manchester Police.
9. The sound system must be turned off on the first floor and shall only be operated in the basement from 0300 onwards. The first floor may still be open to members of the public.
10. Drinks can be served to customers in glass containers throughout the venue before midnight.
11. There must be no glass containers in areas which customers have access to after midnight.
12. During Pride weekend, no drinks will be served in glass containers at any time.

Annex 4 – Plans

See attached

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

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 13 November 2023

Subject: Eva, 27 Sackville Street, Manchester, M1 3LZ - ref: LTN294941, 294942, 294943, 294944, 294945.

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

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

Wards Affected: Piccadilly

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

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
 Position: Principal Licensing Officer
 Telephone: 0161 234 1176
 E-mail: fraser.swift@manchester.gov.uk

Name: Patrick Ware
 Position: Technical Licensing Officer
 Telephone: 0161 234 4858
 E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

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

1. **Introduction**

- 1.1 On 30 October 2023, five temporary event notices (TENs) were given under s100A of the Licensing Act 2003 in respect of Eva, 27 Sackville Street, Manchester, M1 3LZ in the Piccadilly ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Notice**

- 2.1 A copy of each TEN is attached at **Appendix 2**.
- 2.2 The premises user is Mr John Harvey.
- 2.3 The description of the events is Extension of hours for the festive period.
 - 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of these TENs.
 - 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
 - 2.3.3 The premises are subject to a Premises Licence issued under the Licensing Act 2003. A copy of the licence is included at **Appendix 4**.
- 2.4 **Activities unsuitable for children**
 - 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2.5 **Further documentation accompanying the application**

3. **Objection Notice(s)**

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

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	<p>Concerns that to extend the premises opening hours to 5am on a weekday is not appropriate and is highly likely to have an impact on local residents. Potential issues include public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.</p> <p>Despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.</p>	Serve a counter notice

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

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

4.2 **New Information**

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

4.3 **Hearsay Evidence**

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

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

- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

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

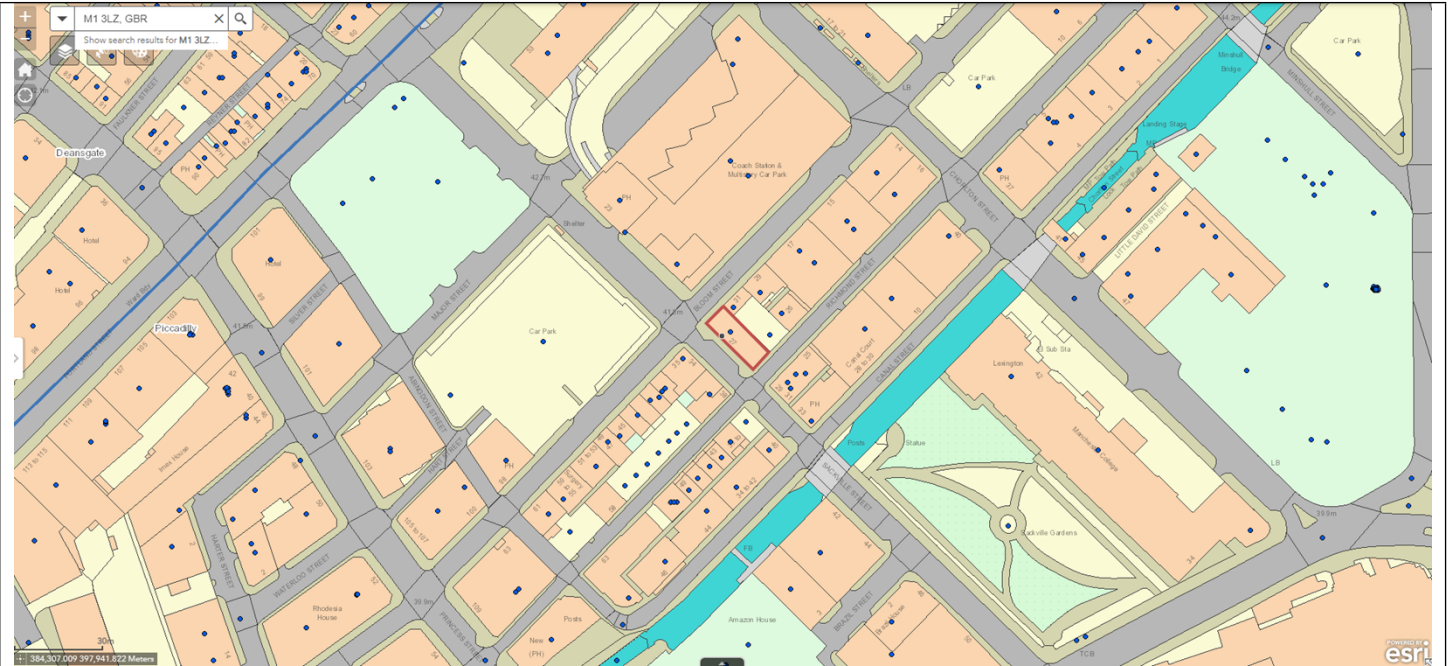
5. **Conclusion**

- 5.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and

- the protection of children from harm.
- 5.2 In considering the matter, the Panel should take into account any objections that have been received from GMP or LOOH, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 5.3 Having regard to the objection notice(s), the panel must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 5.4 If the panel decides not to give a counter notice the panel may impose one or more conditions on the TEN if –
- the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 All licensing determinations should be considered on the individual merits of the notification.
- 5.6 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
6. **The Panel is asked to determine the temporary event notice.**

Eva
27 Sackville Street, Manchester, M1 3LZ
Premises Licensing
Manchester City Council

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PREMISE NAME:	Eva
PREMISE ADDRESS:	27 Sackville Street, Manchester, M1 3LZ
WARD:	Piccadilly
HEARING DATE:	13/11/2023

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Temporary Event Notice

Payment Transaction number:- SSES00837119 | Form Reference number EF1/1007213

Premises User Information

Title

Mr

If other please state

Select

Surname

HARVEY

Forenames

JOHN

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

[REDACTED]

Your date of birth

[REDACTED]

Your place of birth

[REDACTED]

National Insurance Number

[REDACTED]

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

[REDACTED]

[REDACTED]

[REDACTED]

Telephone

[REDACTED]

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email address

[REDACTED]

Address

n/a

Telephone

n/a

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

n/a

Premises information

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

EVA
27 SACKVILLE STREET
MANCHESTER
M1 3LZ

Premises licence number

049393

Club premises certificate number

n/a

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

n/a

Please describe the nature of the premises

Operates as a late night bar serving drinks over 2 floors from 2 serveries with entertainment from drag and cabaret acts plus DJs

Please describe the nature of the event

to extend the terminal hour and all licensed activity by 2 hours to 5am for the festive period in December office parties and festive events including the markets and concerts tend to increase footfall in December to the village. I intend to operate the business as usual during the extension. With additional SIA approved door supervisors on site.

Licensable activities

The sale by retail of alcohol

Yes

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

No

The provision of regulated entertainment

Yes

The provision of late night refreshment

Yes

Are you giving a late temporary event notice?

No

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

11 TO 15 DECEMBER 2023

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

0300 TO 0500

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

250

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

Both

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

No

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

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

Yes

Issuing Authority

TAMESIDE

Licence Number

PA1377

Date of Issue

JUNE 2008

Date of Expiry

n/a

Any further relevant details

This event has been held by the venue with the exception of the pandemic years every year SINCE 2018 without any issue or contradiction of the licensing objectives. the venue uses security wands, and more SIA supervisors than the licence requires.

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

Yes

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

3

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

No

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

No

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

n/a

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

No

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

No

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

n/a

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

No

Declaration and Payment New

Name

JOHN HARVEY

Capacity in which you are making this application

DPS

Additional information

I understand

Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

On behalf of the Licensing Authority

Date:

Name of officer signing:

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

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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1838

Premise Details

Application Ref No	294941
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 27 November to 1 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors.

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact on residents with issues within the vicinity of the premises and is likely to lead

to issues of public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:	Refuse Application
-----------------	--------------------



Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1838

Premise Details

Application Ref No	294942
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 4 to 8 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors.

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from

customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:	Refuse Application
-----------------	--------------------



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1220/ 07795010291

Premise Details

Application Ref No	294943
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 11 to 15 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from

customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation

Refuse Application



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1220 07944569720

Premise Details

Application Ref No	294944
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 18 to 22 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact

on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:

Refuse Application



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1838

Premise Details

Application Ref No	294945
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 27 to 29 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact

on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:

Refuse Application



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	049393
Granted	19/09/2005
Latest version	Variation 205557 Granted 06/02/2018

Part 1 - Premises details

Name and address of premises
Eva 27 Sackville Street, Manchester, M1 3LZ
Telephone number
0161 278 8882

Licensable activities authorised by the licence

1. The sale by retail of alcohol*.
2. The provision of regulated entertainment, limited to:
 - a. Performance of plays;
 - b. Exhibition of films;
 - c. Indoor sporting events;
 - d. Live music;
 - e. Recorded music;
 - f. Performances of dance;
3. The provision of late night refreshment.

* All references in this licence to "sale of alcohol" are to sale by retail.

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	1100
Finish	0300	0300	0300	0300	0600	0600	0300

The sale of alcohol is licensed for consumption both on and off the premises.

Seasonal variations and Non standard Timings:

On any day preceding a Public Holiday 1100 to 0600

New Year: 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.

Performance of plays; Exhibition of films; Indoor sporting events; Live music; Recorded music; Performances of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0300	0300	0300	0300	0600	0600	0300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
On any day preceding a Public Holiday 1100 to 0600							
<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	0300	0300	0300	0300	0500	0500	0300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
On any day preceding a Public Holiday 2300 to 0600							
<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.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0400	0400	0400	0400	0630	0630	0400
Seasonal variations and Non standard Timings:							
On any day preceding a Public Holiday 1100 to 0630							
<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.							

Part 2

Details of premises licence holder	
Name:	G.S. Coldstorage & Warehousing Limited
Address:	108 Admin Block - Riverpark Trading Estate, Riverpark Road, Manchester, M40 2XP
Registered number:	2878524

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	John Alan Harvey
Address:	[REDACTED]
Personal Licence number:	PA1377
Issuing Authority:	Tameside 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: -
 - (a) Unauthorised access or occupation (e.g. through door supervision),
 - (b) Outbreaks of disorder, or
 - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5.
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
 - (2) For the purposes of the condition set out in (1) above–
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

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

where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “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.

Exhibition of films

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

Annex 2 – Conditions consistent with the operating schedule

1. The above time restrictions in relation to the hours for the sale of alcohol do not prohibit:
 - a) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - b) The sale of alcohol to a trader or club for the purposes of the trade or club;
 - c) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - d) The taking of alcohol from the premises by a person residing there; or
 - e) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
2. The Licensee shall maintain good order in the premises.
3. The Licence holder shall ensure that noise shall not emanate from the Licensed premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Any form of amplification shall be so controlled by the licensee so as to prevent such a disturbance.
4. The Licence holder shall at all times ensure that persons on or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and/or persons passing by.
5. The licence holder shall take all reasonable steps to ensure that persons leaving licensed premises and using adjacent car parks and highways do not conduct themselves in a manner so as to cause annoyance to residents and/or persons passing by.
6. No glassware in the form of open bottles or glassware must be taken in or off the premises.
7. Licensees, when doorstaff are in attendance, must ensure that all glassware is removed from patrons entering or leaving the licensed area and subsequently safely disposed of.
8. Licensees, when doorstaff are not in attendance, must ensure that secure receptacles are provided at all entrances and exits for glassware to be deposited by patrons entering or leaving the licensed area.

9. Licensees must display prominent notices advising patrons of this condition.
10. Where the Licensee or his employer engages any persons at or about the entertainment premises in the capacity of security staff the Licensee shall maintain a log in a form approved by the Council, showing in respect of each period of duty of that person:
 - i. the name, date of birth and residential address of that person.
 - ii. the time at which he / she commenced that period of duty with a signed acknowledgement by that person.
 - iii. the time at which he / she finished the period of duty with a signed acknowledgement by that person.
 - iv. any times during the period of duty when he / she was not on duty.
 - v. if that person is not an employee of the Licensee or his / her employer, the name of the person by whom that security person is employed or through whom the services of that person were engaged.
11. The log shall be so kept that it can be readily inspected at any reasonable time by an authorised Officer of the Council or a Police Officer and, once a log has been completed, it must be retained on the premises for at least 12 months.
12. A Licensee, when requested, shall identify by name those persons employed by him to a Police Officer or other authorised Officer.
13. The Licensee shall ensure all security staff are given adequate oral and written instruction.
14. The Nitenet radio link system and internal radio system shall be maintained and operated after 2300 hours.
15. Hand counters shall be used to monitor the number of patrons present on the premises.
16. Notices shall be displayed near all exits from the premises asking customers to leave quietly.
17. All staff shall receive adequate and suitable training about leaving the premises after close of business with respect for local residents and will dispose of waste quietly.
18. No waste collections shall be made at the premises between the hours of 2400 hours and 0730 hours.
19. A policy shall be implemented to manage customer departure throughout the evening. This shall include a period of 'wind down' music 30 minutes before the premises closes.
20. No sale or supply of alcohol shall be made to a person who appears to be under the age of 21, unless before a sale or supply is made the purchaser produces to the seller valid identification (i.e. passport, driving licence or proof of age card) and that purchaser is over the age of 18.
21. No persons under the age of 18 shall be permitted entry to the premises at any time the premises are open to the public.

Annex 3 – Conditions attached after hearing by the licensing authority

1. No externally mounted speakers.
2. All external doors and windows should be kept closed after 2300 except for emergency (fire doors) and access/egress (non fire doors)
3. A sound limiting device should be installed, set and maintained at a level agreed by the Pollution Control section. All visiting DJ's should pass through this limiter.
4. Refuse, including all glassware shall not be collected from outside the premises or disposed of from the premises into outside waste receptacles between the hours of 2400 and 0730.
5. 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.

6. Doorstaff shall be employed at the premises at a ratio of 1:75 on a Friday and Saturday, any day proceeding a bank holiday and for the duration of the entire Pride event from 2100 hours until 30 minutes after closing to assist with the orderly dispersal of customers. Door staff shall wear high visibility jackets.
7. The premises shall adopt and adhere to a dispersal policy which shall be agreed with Greater Manchester Police and a copy of this policy shall be kept at the premises. A copy shall also be given to Greater Manchester Police.
8. The premises shall adopt and adhere to a smoking policy which shall be agreed with Greater Manchester Police and a copy of this policy shall be kept at the premises. A copy shall also be given to Greater Manchester Police.
9. The sound system must be turned off on the first floor and shall only be operated in the basement from 0300 onwards. The first floor may still be open to members of the public.
10. Drinks can be served to customers in glass containers throughout the venue before midnight.
11. There must be no glass containers in areas which customers have access to after midnight.
12. During Pride weekend, no drinks will be served in glass containers at any time.

Annex 4 – Plans

See attached

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

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 13 November 2023

Subject: Eva, 27 Sackville Street, Manchester, M1 3LZ - ref: LTN294941, 294942, 294943, 294944, 294945.

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

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

Wards Affected: Piccadilly

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

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
 Position: Principal Licensing Officer
 Telephone: 0161 234 1176
 E-mail: fraser.swift@manchester.gov.uk

Name: Patrick Ware
 Position: Technical Licensing Officer
 Telephone: 0161 234 4858
 E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

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

1. **Introduction**

- 1.1 On 30 October 2023, five temporary event notices (TENs) were given under s100A of the Licensing Act 2003 in respect of Eva, 27 Sackville Street, Manchester, M1 3LZ in the Piccadilly ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Notice**

- 2.1 A copy of each TEN is attached at **Appendix 2**.
- 2.2 The premises user is Mr John Harvey.
- 2.3 The description of the events is Extension of hours for the festive period.
 - 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of these TENs.
 - 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
 - 2.3.3 The premises are subject to a Premises Licence issued under the Licensing Act 2003. A copy of the licence is included at **Appendix 4**.
- 2.4 **Activities unsuitable for children**
 - 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2.5 **Further documentation accompanying the application**

3. **Objection Notice(s)**

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

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	<p>Concerns that to extend the premises opening hours to 5am on a weekday is not appropriate and is highly likely to have an impact on local residents. Potential issues include public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.</p> <p>Despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.</p>	Serve a counter notice

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

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

4.2 **New Information**

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

4.3 **Hearsay Evidence**

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

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

- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

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

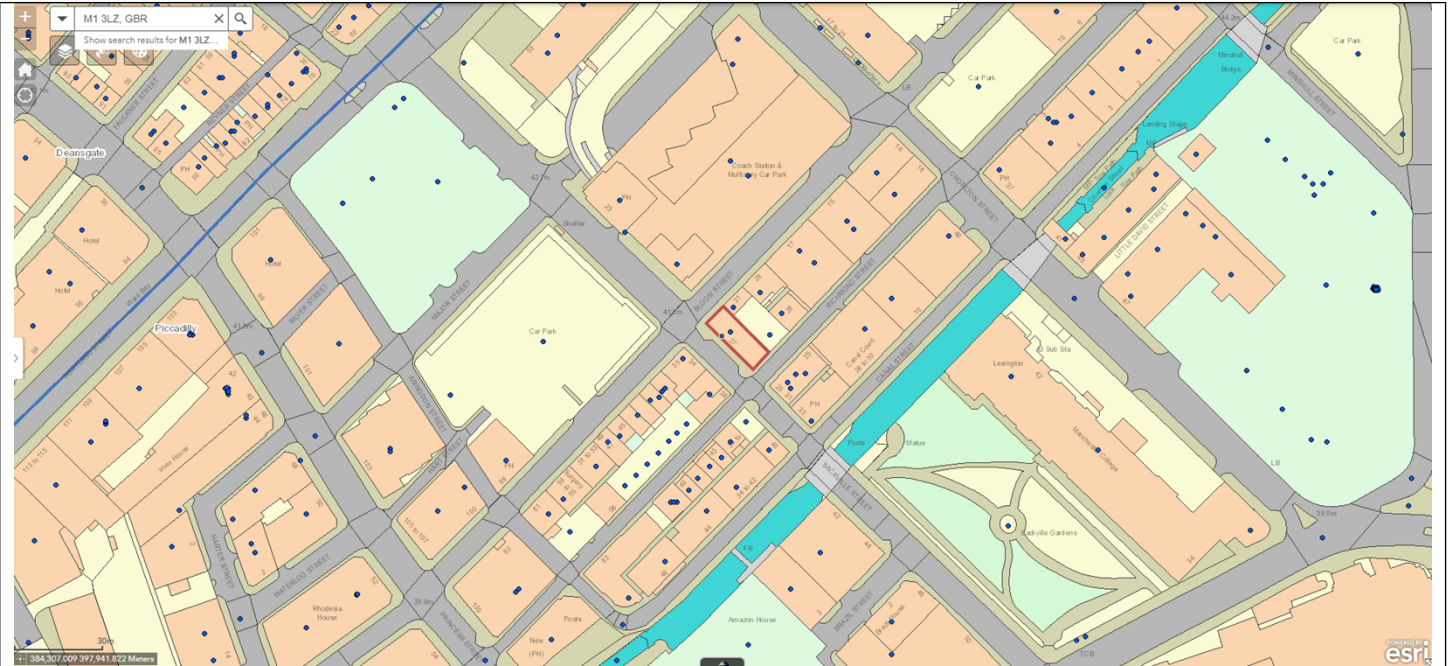
5. **Conclusion**

- 5.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and

- the protection of children from harm.
- 5.2 In considering the matter, the Panel should take into account any objections that have been received from GMP or LOOH, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 5.3 Having regard to the objection notice(s), the panel must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 5.4 If the panel decides not to give a counter notice the panel may impose one or more conditions on the TEN if –
- the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 All licensing determinations should be considered on the individual merits of the notification.
- 5.6 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
6. **The Panel is asked to determine the temporary event notice.**

Eva
27 Sackville Street, Manchester, M1 3LZ
Premises Licensing
Manchester City Council

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PREMISE NAME: Eva

PREMISE ADDRESS: 27 Sackville Street, Manchester, M1 3LZ

WARD: Piccadilly

HEARING DATE: 13/11/2023

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Temporary Event Notice

Payment Transaction number:- SSES00837127 | Form Reference number EF1/1007221

Premises User Information

Title

Mr

If other please state

Select

Surname

HARVEY

Forenames

JOHN

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

[REDACTED]

Your date of birth

[REDACTED]

Your place of birth

[REDACTED]

National Insurance Number

[REDACTED]

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

[REDACTED]

[REDACTED]

[REDACTED]

Telephone

[REDACTED]

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email address

[REDACTED]

Address

n/a

Telephone

n/a

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

n/a

Premises information

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

EVA
27 SACKVILLE STREET
MANCHESTER
M1 3LZ

Premises licence number

049393

Club premises certificate number

n/a

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

n/a

Please describe the nature of the premises

Operates as a late night bar serving drinks over 2 floors from 2 serveries with entertainment from drag and cabaret acts plus DJs

Please describe the nature of the event

to extend the terminal hour and all licensed activity by 2 hours to 5am for the festive period in December office parties and festive events including the markets and concerts tend to increase footfall in December to the village. I intend to operate the business as usual during the extension. With additional SIA approved door supervisors on site.

Licensable activities

The sale by retail of alcohol

Yes

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

No

The provision of regulated entertainment

Yes

The provision of late night refreshment

Yes

Are you giving a late temporary event notice?

No

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

18 TO 22 DECEMBER 2023

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

0300 TO 0500

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

250

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

Both

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

No

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

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

Yes

Issuing Authority

TAMESIDE

Licence Number

PA1377

Date of Issue

JUNE 2008

Date of Expiry

n/a

Any further relevant details

This event has been held by the venue with the exception of the pandemic years every year SINCE 2018 without any issue or contradiction of the licensing objectives. the venue uses security wands, and more SIA supervisors than the licence requires.

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

Yes

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

4

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

No

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

No

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

n/a

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

No

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

No

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

n/a

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

No

Declaration and Payment New

Name

JOHN HARVEY

Capacity in which you are making this application

DPS

Additional information

I_understand

Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

On behalf of the Licensing Authority

Date:

Name of officer signing:

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

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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1838

Premise Details

Application Ref No	294941
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 27 November to 1 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors.

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact on residents with issues within the vicinity of the premises and is likely to lead

to issues of public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:	Refuse Application
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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1838

Premise Details

Application Ref No	294942
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 4 to 8 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors.

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from

customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:	Refuse Application
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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1220/ 07795010291

Premise Details

Application Ref No	294943
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 11 to 15 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from

customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation

Refuse Application


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

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1220 07944569720

Premise Details

Application Ref No	294944
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 18 to 22 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact

on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:	Refuse Application
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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1838

Premise Details

Application Ref No	294945
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 27 to 29 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact

on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:

Refuse Application



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	049393
Granted	19/09/2005
Latest version	Variation 205557 Granted 06/02/2018

Part 1 - Premises details

Name and address of premises
Eva 27 Sackville Street, Manchester, M1 3LZ
Telephone number
0161 278 8882

Licensable activities authorised by the licence

1. The sale by retail of alcohol*.
2. The provision of regulated entertainment, limited to:
 - a. Performance of plays;
 - b. Exhibition of films;
 - c. Indoor sporting events;
 - d. Live music;
 - e. Recorded music;
 - f. Performances of dance;
3. The provision of late night refreshment.

* All references in this licence to "sale of alcohol" are to sale by retail.

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	1100
Finish	0300	0300	0300	0300	0600	0600	0300

The sale of alcohol is licensed for consumption both on and off the premises.

Seasonal variations and Non standard Timings:

On any day preceding a Public Holiday 1100 to 0600

New Year: 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.

Performance of plays; Exhibition of films; Indoor sporting events; Live music; Recorded music; Performances of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0300	0300	0300	0300	0600	0600	0300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
On any day preceding a Public Holiday 1100 to 0600							
<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	0300	0300	0300	0300	0500	0500	0300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
On any day preceding a Public Holiday 2300 to 0600							
<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.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0400	0400	0400	0400	0630	0630	0400
Seasonal variations and Non standard Timings:							
On any day preceding a Public Holiday 1100 to 0630							
<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.							

Part 2

Details of premises licence holder	
Name:	G.S. Coldstorage & Warehousing Limited
Address:	108 Admin Block - Riverpark Trading Estate, Riverpark Road, Manchester, M40 2XP
Registered number:	2878524

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	John Alan Harvey
Address:	[REDACTED]
Personal Licence number:	PA1377
Issuing Authority:	Tameside 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: -
 - (a) Unauthorised access or occupation (e.g. through door supervision),
 - (b) Outbreaks of disorder, or
 - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5.
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
 - (2) For the purposes of the condition set out in (1) above–
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

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

where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “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.

Exhibition of films

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

Annex 2 – Conditions consistent with the operating schedule

1. The above time restrictions in relation to the hours for the sale of alcohol do not prohibit:
 - a) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - b) The sale of alcohol to a trader or club for the purposes of the trade or club;
 - c) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - d) The taking of alcohol from the premises by a person residing there; or
 - e) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
2. The Licensee shall maintain good order in the premises.
3. The Licence holder shall ensure that noise shall not emanate from the Licensed premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Any form of amplification shall be so controlled by the licensee so as to prevent such a disturbance.
4. The Licence holder shall at all times ensure that persons on or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and/or persons passing by.
5. The licence holder shall take all reasonable steps to ensure that persons leaving licensed premises and using adjacent car parks and highways do not conduct themselves in a manner so as to cause annoyance to residents and/or persons passing by.
6. No glassware in the form of open bottles or glassware must be taken in or off the premises.
7. Licensees, when doorstaff are in attendance, must ensure that all glassware is removed from patrons entering or leaving the licensed area and subsequently safely disposed of.
8. Licensees, when doorstaff are not in attendance, must ensure that secure receptacles are provided at all entrances and exits for glassware to be deposited by patrons entering or leaving the licensed area.

9. Licensees must display prominent notices advising patrons of this condition.
10. Where the Licensee or his employer engages any persons at or about the entertainment premises in the capacity of security staff the Licensee shall maintain a log in a form approved by the Council, showing in respect of each period of duty of that person:
 - i. the name, date of birth and residential address of that person.
 - ii. the time at which he / she commenced that period of duty with a signed acknowledgement by that person.
 - iii. the time at which he / she finished the period of duty with a signed acknowledgement by that person.
 - iv. any times during the period of duty when he / she was not on duty.
 - v. if that person is not an employee of the Licensee or his / her employer, the name of the person by whom that security person is employed or through whom the services of that person were engaged.
11. The log shall be so kept that it can be readily inspected at any reasonable time by an authorised Officer of the Council or a Police Officer and, once a log has been completed, it must be retained on the premises for at least 12 months.
12. A Licensee, when requested, shall identify by name those persons employed by him to a Police Officer or other authorised Officer.
13. The Licensee shall ensure all security staff are given adequate oral and written instruction.
14. The Nitenet radio link system and internal radio system shall be maintained and operated after 2300 hours.
15. Hand counters shall be used to monitor the number of patrons present on the premises.
16. Notices shall be displayed near all exits from the premises asking customers to leave quietly.
17. All staff shall receive adequate and suitable training about leaving the premises after close of business with respect for local residents and will dispose of waste quietly.
18. No waste collections shall be made at the premises between the hours of 2400 hours and 0730 hours.
19. A policy shall be implemented to manage customer departure throughout the evening. This shall include a period of 'wind down' music 30 minutes before the premises closes.
20. No sale or supply of alcohol shall be made to a person who appears to be under the age of 21, unless before a sale or supply is made the purchaser produces to the seller valid identification (i.e. passport, driving licence or proof of age card) and that purchaser is over the age of 18.
21. No persons under the age of 18 shall be permitted entry to the premises at any time the premises are open to the public.

Annex 3 – Conditions attached after hearing by the licensing authority

1. No externally mounted speakers.
2. All external doors and windows should be kept closed after 2300 except for emergency (fire doors) and access/egress (non fire doors)
3. A sound limiting device should be installed, set and maintained at a level agreed by the Pollution Control section. All visiting DJ's should pass through this limiter.
4. Refuse, including all glassware shall not be collected from outside the premises or disposed of from the premises into outside waste receptacles between the hours of 2400 and 0730.
5. 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.

6. Doorstaff shall be employed at the premises at a ratio of 1:75 on a Friday and Saturday, any day proceeding a bank holiday and for the duration of the entire Pride event from 2100 hours until 30 minutes after closing to assist with the orderly dispersal of customers. Door staff shall wear high visibility jackets.
7. The premises shall adopt and adhere to a dispersal policy which shall be agreed with Greater Manchester Police and a copy of this policy shall be kept at the premises. A copy shall also be given to Greater Manchester Police.
8. The premises shall adopt and adhere to a smoking policy which shall be agreed with Greater Manchester Police and a copy of this policy shall be kept at the premises. A copy shall also be given to Greater Manchester Police.
9. The sound system must be turned off on the first floor and shall only be operated in the basement from 0300 onwards. The first floor may still be open to members of the public.
10. Drinks can be served to customers in glass containers throughout the venue before midnight.
11. There must be no glass containers in areas which customers have access to after midnight.
12. During Pride weekend, no drinks will be served in glass containers at any time.

Annex 4 – Plans

See attached

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

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 13 November 2023

Subject: Eva, 27 Sackville Street, Manchester, M1 3LZ - ref: LTN294941, 294942, 294943, 294944, 294945.

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

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

Wards Affected: Piccadilly

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

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
 Position: Principal Licensing Officer
 Telephone: 0161 234 1176
 E-mail: fraser.swift@manchester.gov.uk

Name: Patrick Ware
 Position: Technical Licensing Officer
 Telephone: 0161 234 4858
 E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

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

1. **Introduction**

- 1.1 On 30 October 2023, five temporary event notices (TENs) were given under s100A of the Licensing Act 2003 in respect of Eva, 27 Sackville Street, Manchester, M1 3LZ in the Piccadilly ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Notice**

- 2.1 A copy of each TEN is attached at **Appendix 2**.
- 2.2 The premises user is Mr John Harvey.
- 2.3 The description of the events is Extension of hours for the festive period.
 - 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of these TENs.
 - 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
 - 2.3.3 The premises are subject to a Premises Licence issued under the Licensing Act 2003. A copy of the licence is included at **Appendix 4**.
- 2.4 **Activities unsuitable for children**
 - 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2.5 **Further documentation accompanying the application**

3. **Objection Notice(s)**

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

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	<p>Concerns that to extend the premises opening hours to 5am on a weekday is not appropriate and is highly likely to have an impact on local residents. Potential issues include public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.</p> <p>Despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.</p>	Serve a counter notice

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

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

4.2 **New Information**

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

4.3 **Hearsay Evidence**

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

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

- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

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

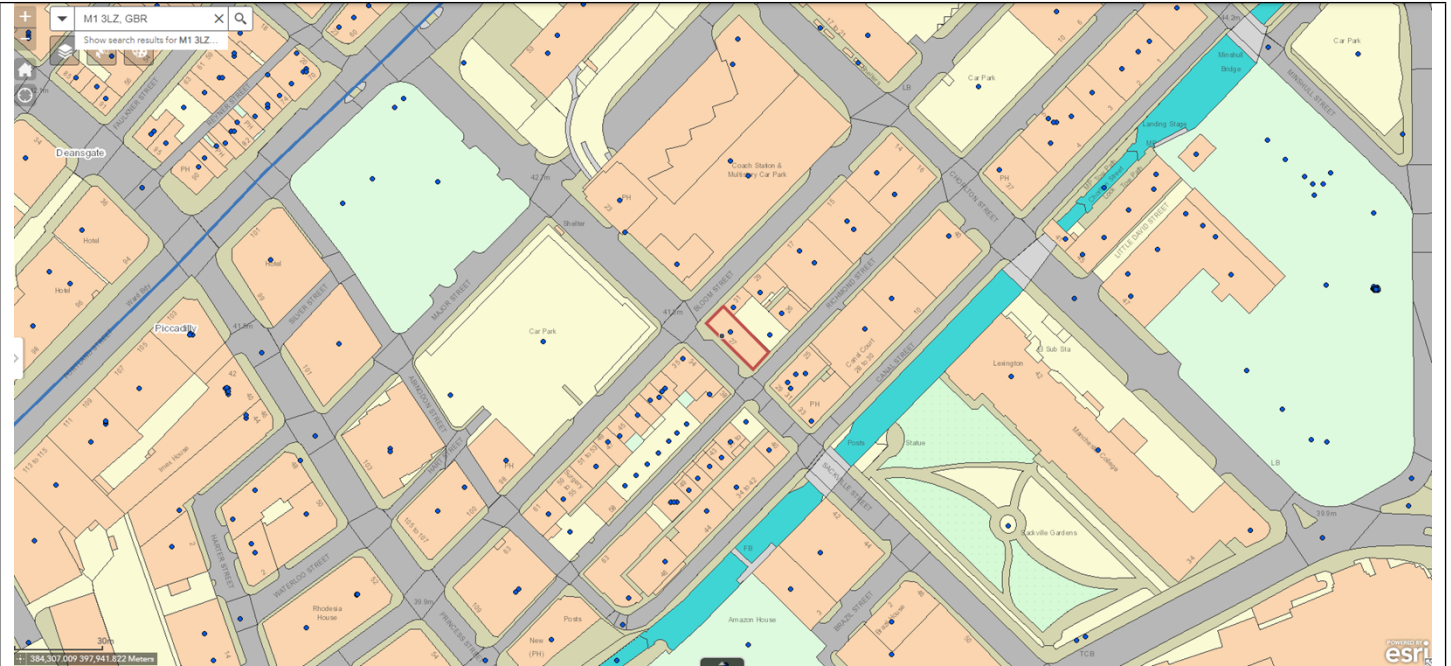
5. **Conclusion**

- 5.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and

- the protection of children from harm.
- 5.2 In considering the matter, the Panel should take into account any objections that have been received from GMP or LOOH, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 5.3 Having regard to the objection notice(s), the panel must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 5.4 If the panel decides not to give a counter notice the panel may impose one or more conditions on the TEN if –
- the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 All licensing determinations should be considered on the individual merits of the notification.
- 5.6 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
6. **The Panel is asked to determine the temporary event notice.**

Eva
27 Sackville Street, Manchester, M1 3LZ
Premises Licensing
Manchester City Council

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PREMISE NAME: Eva

PREMISE ADDRESS: 27 Sackville Street, Manchester, M1 3LZ

WARD: Piccadilly

HEARING DATE: 13/11/2023

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Temporary Event Notice

Payment Transaction number:- SSES00837143 | Form Reference number EF1/1007242

Premises User Information

Title

Mr

If other please state

Select

Surname

HARVEY

Forenames

JOHN

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

[REDACTED]

Your date of birth

[REDACTED]

Your place of birth

[REDACTED]

National Insurance Number

[REDACTED]

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

[REDACTED]

[REDACTED]

[REDACTED]

Telephone

[REDACTED]

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email address

[REDACTED]

Address

n/a

Telephone

n/a

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

n/a

Premises information

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

EVA
27 SACKVILLE STREET
MANCHESTER
M1 3LZ

Premises licence number

049393

Club premises certificate number

n/a

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

n/a

Please describe the nature of the premises

Operates as a late night bar serving drinks over 2 floors from 2 serveries with entertainment from drag and cabaret acts plus DJs

Please describe the nature of the event

to extend the terminal hour and all licensed activity by 2 hours to 5am for the festive period in December office parties and festive events including the markets and concerts tend to increase footfall in December to the village. I intend to operate the business as usual during the extension. With additional SIA approved door supervisors on site.

Licensable activities

The sale by retail of alcohol

Yes

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

No

The provision of regulated entertainment

Yes

The provision of late night refreshment

Yes

Are you giving a late temporary event notice?

No

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

27 TO 29 DECEMBER 2023

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

0300 TO 0500

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

250

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

Both

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

No

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

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

Yes

Issuing Authority

TAMESIDE

Licence Number

PA1377

Date of Issue

JUNE2008

Date of Expiry

n/a

Any further relevant details

This event has been held by the venue with the exception of the pandemic years every year SINCE 2018 without any issue or contradiction of the licensing objectives. the venue uses security wands, and more SIA supervisors than the licence requires.

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

Yes

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

5

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

No

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

No

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

n/a

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

No

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

No

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

n/a

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

No

Declaration and Payment New

Name

JOHN HARVEY

Capacity in which you are making this application

DPS

Additional information

I_understand

Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

On behalf of the Licensing Authority

Date:

Name of officer signing:

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

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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1838

Premise Details

Application Ref No	294941
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 27 November to 1 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors.

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact on residents with issues within the vicinity of the premises and is likely to lead

to issues of public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:	Refuse Application
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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1838

Premise Details

Application Ref No	294942
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 4 to 8 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors.

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from

customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:	Refuse Application
-----------------	--------------------



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1220/ 07795010291

Premise Details

Application Ref No	294943
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 11 to 15 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from

customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation

Refuse Application



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1220 07944569720

Premise Details

Application Ref No	294944
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 18 to 22 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact

on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:

Refuse Application



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1838

Premise Details

Application Ref No	294945
Name of Premises	EVA
Address	27 Sackville Street, Manchester, M1 3LZ

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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the TEN, considering a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this TEN could undermine the licensing objectives.

The premises is located in the busy vibrant area of the city the known for its night-time economy, which enjoys a high footfall of revellers, throughout the week and in particular the weekends.

The applicant has applied to extend the licensable activities by 2 hours from 27 to 29 December 2023, these dates are weekday early mornings finishing at 5am. The premises already has a 3am licence during the week and 6am licence at the weekends in a mixed-use building including 8 residential dwellings. In the last 12 months we have received 3 complaints of noise.

The Manchester City Council's Statement of Licensing Policy states that a number of risk factors should be taken into consideration, when applying for and granting a licences/TENs, specifically in relation to Section 7 Local Factors

I have considered these local factors in relation to the TEN applications and considered the proximity of the premises to local residents and other businesses particularly in relation to the potential for public nuisance.

I have given consideration to the days and hours applied for and the policy considers that later hours will typically be more sensitive and higher risk in causing problems. It also looks at the appropriateness of the hours applied.

The request to extend the premises opening hours to 5am in the morning on a week day, I do not believe is appropriate and is highly likely to have an impact

on residents with issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from customers arriving and leaving the premises at a time when all the other premises have already dispersed.

It is recognised that despite the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

I believe the level of risk of nuisance arising is high and to ensure that the licensing objective are upheld they are not granted permission to trade later than the already granted 3am weekday licence.

Recommendation:

Refuse Application



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	049393
Granted	19/09/2005
Latest version	Variation 205557 Granted 06/02/2018

Part 1 - Premises details

Name and address of premises
Eva 27 Sackville Street, Manchester, M1 3LZ
Telephone number
0161 278 8882

Licensable activities authorised by the licence

1. The sale by retail of alcohol*.
2. The provision of regulated entertainment, limited to:
 - a. Performance of plays;
 - b. Exhibition of films;
 - c. Indoor sporting events;
 - d. Live music;
 - e. Recorded music;
 - f. Performances of dance;
3. The provision of late night refreshment.

* All references in this licence to "sale of alcohol" are to sale by retail.

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	1100
Finish	0300	0300	0300	0300	0600	0600	0300

The sale of alcohol is licensed for consumption both on and off the premises.

Seasonal variations and Non standard Timings:

On any day preceding a Public Holiday 1100 to 0600

New Year: 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.

Performance of plays; Exhibition of films; Indoor sporting events; Live music; Recorded music; Performances of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0300	0300	0300	0300	0600	0600	0300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
On any day preceding a Public Holiday 1100 to 0600							
<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	0300	0300	0300	0300	0500	0500	0300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
On any day preceding a Public Holiday 2300 to 0600							
<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.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0400	0400	0400	0400	0630	0630	0400
Seasonal variations and Non standard Timings:							
On any day preceding a Public Holiday 1100 to 0630							
<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.							

Part 2

Details of premises licence holder	
Name:	G.S. Coldstorage & Warehousing Limited
Address:	108 Admin Block - Riverpark Trading Estate, Riverpark Road, Manchester, M40 2XP
Registered number:	2878524

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	John Alan Harvey
Address:	[REDACTED]
Personal Licence number:	PA1377
Issuing Authority:	Tameside 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: -
 - (a) Unauthorised access or occupation (e.g. through door supervision),
 - (b) Outbreaks of disorder, or
 - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5.
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
 - (2) For the purposes of the condition set out in (1) above–
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

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

where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “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.

Exhibition of films

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

Annex 2 – Conditions consistent with the operating schedule

1. The above time restrictions in relation to the hours for the sale of alcohol do not prohibit:
 - a) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - b) The sale of alcohol to a trader or club for the purposes of the trade or club;
 - c) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - d) The taking of alcohol from the premises by a person residing there; or
 - e) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
2. The Licensee shall maintain good order in the premises.
3. The Licence holder shall ensure that noise shall not emanate from the Licensed premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Any form of amplification shall be so controlled by the licensee so as to prevent such a disturbance.
4. The Licence holder shall at all times ensure that persons on or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and/or persons passing by.
5. The licence holder shall take all reasonable steps to ensure that persons leaving licensed premises and using adjacent car parks and highways do not conduct themselves in a manner so as to cause annoyance to residents and/or persons passing by.
6. No glassware in the form of open bottles or glassware must be taken in or off the premises.
7. Licensees, when doorstaff are in attendance, must ensure that all glassware is removed from patrons entering or leaving the licensed area and subsequently safely disposed of.
8. Licensees, when doorstaff are not in attendance, must ensure that secure receptacles are provided at all entrances and exits for glassware to be deposited by patrons entering or leaving the licensed area.

9. Licensees must display prominent notices advising patrons of this condition.
10. Where the Licensee or his employer engages any persons at or about the entertainment premises in the capacity of security staff the Licensee shall maintain a log in a form approved by the Council, showing in respect of each period of duty of that person:
 - i. the name, date of birth and residential address of that person.
 - ii. the time at which he / she commenced that period of duty with a signed acknowledgement by that person.
 - iii. the time at which he / she finished the period of duty with a signed acknowledgement by that person.
 - iv. any times during the period of duty when he / she was not on duty.
 - v. if that person is not an employee of the Licensee or his / her employer, the name of the person by whom that security person is employed or through whom the services of that person were engaged.
11. The log shall be so kept that it can be readily inspected at any reasonable time by an authorised Officer of the Council or a Police Officer and, once a log has been completed, it must be retained on the premises for at least 12 months.
12. A Licensee, when requested, shall identify by name those persons employed by him to a Police Officer or other authorised Officer.
13. The Licensee shall ensure all security staff are given adequate oral and written instruction.
14. The Nitenet radio link system and internal radio system shall be maintained and operated after 2300 hours.
15. Hand counters shall be used to monitor the number of patrons present on the premises.
16. Notices shall be displayed near all exits from the premises asking customers to leave quietly.
17. All staff shall receive adequate and suitable training about leaving the premises after close of business with respect for local residents and will dispose of waste quietly.
18. No waste collections shall be made at the premises between the hours of 2400 hours and 0730 hours.
19. A policy shall be implemented to manage customer departure throughout the evening. This shall include a period of 'wind down' music 30 minutes before the premises closes.
20. No sale or supply of alcohol shall be made to a person who appears to be under the age of 21, unless before a sale or supply is made the purchaser produces to the seller valid identification (i.e. passport, driving licence or proof of age card) and that purchaser is over the age of 18.
21. No persons under the age of 18 shall be permitted entry to the premises at any time the premises are open to the public.

Annex 3 – Conditions attached after hearing by the licensing authority

1. No externally mounted speakers.
2. All external doors and windows should be kept closed after 2300 except for emergency (fire doors) and access/egress (non fire doors)
3. A sound limiting device should be installed, set and maintained at a level agreed by the Pollution Control section. All visiting DJ's should pass through this limiter.
4. Refuse, including all glassware shall not be collected from outside the premises or disposed of from the premises into outside waste receptacles between the hours of 2400 and 0730.
5. 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.

6. Doorstaff shall be employed at the premises at a ratio of 1:75 on a Friday and Saturday, any day proceeding a bank holiday and for the duration of the entire Pride event from 2100 hours until 30 minutes after closing to assist with the orderly dispersal of customers. Door staff shall wear high visibility jackets.
7. The premises shall adopt and adhere to a dispersal policy which shall be agreed with Greater Manchester Police and a copy of this policy shall be kept at the premises. A copy shall also be given to Greater Manchester Police.
8. The premises shall adopt and adhere to a smoking policy which shall be agreed with Greater Manchester Police and a copy of this policy shall be kept at the premises. A copy shall also be given to Greater Manchester Police.
9. The sound system must be turned off on the first floor and shall only be operated in the basement from 0300 onwards. The first floor may still be open to members of the public.
10. Drinks can be served to customers in glass containers throughout the venue before midnight.
11. There must be no glass containers in areas which customers have access to after midnight.
12. During Pride weekend, no drinks will be served in glass containers at any time.

Annex 4 – Plans

See attached

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

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