



Licensing Sub Committee Hearing Panel

Date: Friday, 28 December 2018

Time: 10.00 am

Venue: Council Antechamber - Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

This is a supplementary agenda and contains information that was not available when the agenda was first published.

Access to the Council Chamber

Public access to the Council Chamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk.

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

Membership of the Licensing Sub Committee Hearing Panel

Councillors – Grimshaw (Chair), Evans and Paul.

Agenda

1. Urgent Business

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

2. Appeals

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

3. Interests

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

4. Application for a Review of a Premises Licence for Factory 251, 118-120 Princess Street, Manchester, M1 7EN.

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

Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

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

Further Information

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

Beth Morgan
Tel: 0161 234 3043
Email: b.morgan@manchester.gov.uk

This agenda was issued on **Wednesday 19 December 2018** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA

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**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 28 December 2018

Subject: Summary Review of The Factory, 118-120 Princess Street, Manchester, M1 7EN – (App Ref: 224069)

Report of: Head of Planning, Building Control & Licensing

Summary

Review of the premises licence under s53C of the Licensing Act 2003

Recommendations

That the Panel consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken.

Wards Affected:

Deansgate

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

A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to drive growth	

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Matthew Callaghan
Position: Licensing Officer
Telephone: 0161 234 4965
E-mail: m.callaghan@manchester.gov.uk

Background documents (available for public inspection):

Manchester City Council Statement of Licensing Policy 2016 - 2021
Guidance issued under section 182 of the Licensing Act 2003, April 2018
Licensing Act 2003 (Hearings) Regulations 2005
Any further documentary submissions by any party to the hearing

1. Introduction

- 1.1 On 3 December 2018, an application was made by Greater Manchester Police under s53A of the Licensing Act 2003 for a Summary Review of the Premises Licence for The Factory nightclub (also known as FAC251) on the corner of Princess Street and Charles Street in the Deansgate ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and a fast track licence review.
- 1.3 A 10 working-day public consultation exercise has been undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application published on the Council's website.
- 1.4 Under section 53C of the Licensing Act 2003, the licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the application.
- 1.5 Following the review under section 53C, the licensing authority must then review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

2. The Application

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The application for a summary review was submitted on the grounds that the premises are associated with serious disorder following a violent incident in the early hours of Sunday 2 December 2018, involving multiple door supervisors from the venue and 2 customers who had been ejected from the club shortly before the incident.
- 2.3 Interim Steps pending the review
 - 2.3.1 Within 48 hours of receiving a summary review application, under s53B of the Licensing Act 2003 the licensing authority must consider whether it is necessary to take interim steps pending the review of the licence for the promotion of the licensing objectives.
 - 2.3.2 On 5 December 2018, a Licensing Sub-Committee Hearing Panel held a hearing to consider taking such interim steps and the decision of the Panel was to suspend the licence (**Appendix 3**).
 - 2.3.3 The premises licence holder may make representations against the interim steps taken by the licensing authority. At the time of writing this report, the premises licence holder has made such representations, although the hearing

to consider these has not yet taken place. An update will be provided to the Panel at the review hearing on the outcome.

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

3. Current Premises Licence

- 3.1 A copy of the current licence is attached at **Appendix 4**.
- 3.2 The premises licence holder is FAC251 Limited and this company has held the licence since 23 December 2009.
- 3.3 The designated premises supervisor is Mr Mark Baker who has held this position since 1 May 2018.
- 3.4 The licensable activities permitted by the licence are:

Sale of Alcohol (for consumption both on and off the premises)

Monday to Thursday: 11am to 3am

Friday and Saturday: 11am to 4am

Sunday: 12 noon to 3am

Regulated Entertainment (performance of plays; exhibition of films)

Monday to Sunday: 11am to 11pm

Regulated Entertainment (recorded music; performances of dance; anything similar to live music, recorded music or the performance of dance)

Monday to Thursday: 11am to 4am

Friday and Saturday: 11am to 5am

Sunday: 11am to 4am

Provision of late night refreshment

Monday to Thursday: 11pm to 4am

Friday and Saturday: 11pm to 5am

Sunday: 11pm to 4am

Hours premises are open to the public:

Monday to Thursday: 11am to 4am

Friday and Saturday: 11am to 5am

Sunday: 11am to 4am

Seasonal variations and Non-standard timings:

New Year's Eve: 24 hours

4. Relevant Representations

- 4.1 Representations may be made by any person or 'responsible authority' during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 4.2 One relevant representation has been received in respect of this application from the Council's Licensing and Out of Hours Team, who are a responsible authority (**Appendix 5**).
- 4.3 Summary of the representation:

Party	Grounds of representation	Recommends
Licensing and Out of Hours Team	<p>There have been a number of ongoing noise complaints relating to:</p> <ul style="list-style-type: none"> • noise breakout from the premises affecting surrounding residents; and • noise from patrons in the external areas surround the venue <p>Concerns over a lack of a duty of care by management of the venue</p>	No recommendation

5. Key Policies and Considerations

5.1 Legal Considerations

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

5.2 New Information

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

5.3 Hearsay Evidence

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

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

- 5.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 5.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 5.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

5.5 **Manchester Statement of Licensing Policy**

- 5.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 5.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 5.5.3 There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 5.5.4 Relevant to this application, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

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

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

Section 7: Local factors

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

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

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

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

This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises. The degree to which standards would be appropriate is expected to be proportionate to the risk

posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. The standards are not exhaustive and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside them.

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

6. Conclusion

- 6.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
 - the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 6.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant. In

reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.

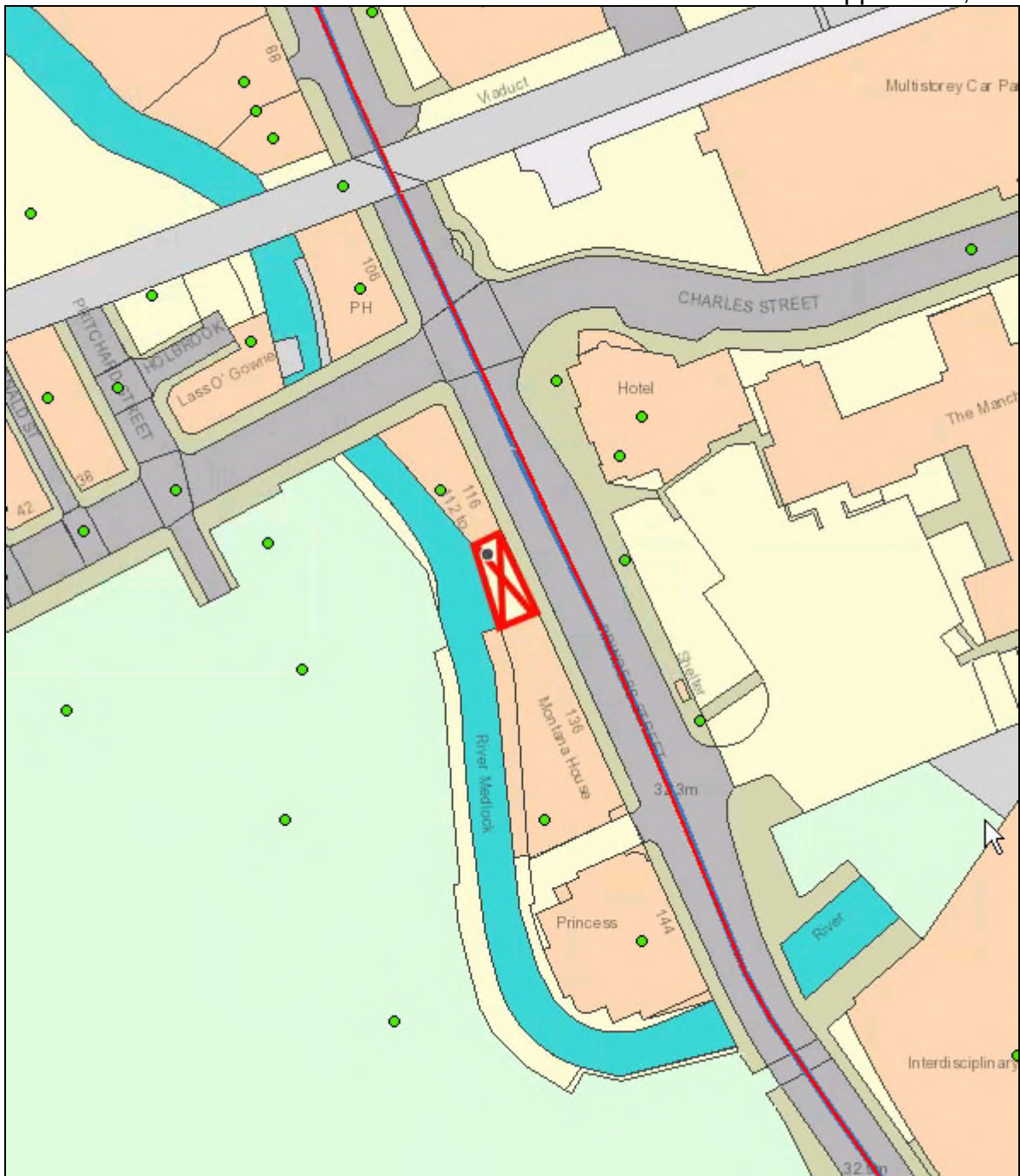
- 6.3 The Panel must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, any relevant representations, and review the interim steps already taken (if any).
- 6.4 In making its final determination, the steps the Panel can take are:
- a) To modify the conditions of the premises licence
 - b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
 - c) To remove the designated premises supervisor from the licence;
 - d) To suspend the licence for a period not exceeding 3 months; and
 - e) To revoke the premises licence.
- 6.5 The conditions of the licence, with the exception of mandatory conditions in Appendix 1 of the licence, may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 6.6 All licensing determinations should be considered on the individual merits of the application.
- 6.7 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 6.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 6.9 **The Panel is asked to determine what steps, as set out in 6.4 above, are appropriate for the promotion of the licensing objectives.**
- Review of the interim steps
- 6.10 The Panel's determination of the review does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged.
- 6.11 To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the final review hearing. This is to be done immediately after the determination of the review under s53C. In

reaching its decision, the panel must consider any relevant representations made.

6.12 The steps available to the Panel are:

- a) To modify the conditions of the licence;
- b) To exclude the sale of alcohol by retail from the scope of the licence;
- c) To remove the designated premises supervisor from the licence;
and
- d) To suspend the licence.

6.13 Upon the determination of the licence review, the Panel is asked to review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.



Factory 251
118-120 Princess Street, Manchester, M1 7EN

Premises Licensing
Manchester City Council

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Ordnance Survey 100019568.



PREMISE NAME:	Factory 251
PREMISE ADDRESS:	118-120 Princess Street, Manchester, M1 7EN
WARD:	Deansgate
HEARING DATE:	28/12/2018

ANNEX B

Greater Manchester Police
Central Park
Northampton Road
Manchester

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

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

*Premises*²:
Factory 251
118-120 Princess Street
Manchester
M1 7EN

Premises licence number (if known): 50150

Name of premises supervisor (if known): Mark Barker

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

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

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

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

¹ Delete as applicable.

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

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

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

place.

The premises are situated on Princess Street in the Village area of Manchester city centre and the premises licence was issued on 18/08/2005. The Premises Licence Holder (PLH) is FAC 251 Limited and the Designated Premises Supervisor (DPS) is Mark Barker who has held this position since 1st May 2018.

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

At 0320 hours on Sunday 2nd December 2018 GMP received a telephone call from a female stating that as she was getting into a taxi outside the premises about 10 minutes earlier she had witnessed 6 bouncers kicking a male who was lying on the ground. She stated that one of the bouncers in particular was kicking the male on the floor very violently.

At 0324 hours GMP contacted the North West Ambulance service to inform them of this incident and request that they attend.

At 0405 hours the first police officers arrived on the scene and have viewed the CCTV footage which shows at 0253 hours the door staff fighting with 2 males who had been ejected from the premises a short time earlier, and one of these males is seen to be punched to the ground and then left motionless before members of the public go over to assist him. The other male is seen to be punched numerous times by several of the door staff. The male who was knocked to the ground is seen getting up again at 0303 hours, 10 minutes after the incident started.

During this time nobody from the premises contacted the police to inform them that the incident was taking place and the first that we learned of the incident was at 0320 hours when the member of the public contacted us.

A report of crime for Affray has been submitted but it is highly likely that this will be upgraded to a Violent Disorder once all the facts have been established by the CID.

PC 17659 Isherwood attended at the premises on the morning of Monday 3rd December to obtain a copy of the CCTV footage and from speaking to the DPS Mark Barker it is clear that nobody from the premises phoned an ambulance either and as far as he was aware they were contacted by another member of the public.

Enquiries are ongoing with North West Ambulance service to determine who did contact them and at what time.

What is clear however is that an extremely violent incident occurred on the doorstep of the premises involving 2 customers and numerous door staff which resulted in the male who was knocked to the ground suffering a bleed on the brain, which has resulted in him being hospitalised.

This incident has now gained national notoriety as it has been captured on numerous peoples' mobile phones and circulated on various media platforms.

It would be easy for the premises to try put this down solely to the actions of the door staff and it is clear from the footage that the door staff are indeed very blameworthy for their part in the incident but what is abundantly clear from

looking at the incident, and how it was dealt with, is that there was a huge lack of duty of care from the premises themselves. A male has been left with a bleed on the brain, which thankfully is believed to be non life threatening but this could very easily have ended up as a fatality and the fact that the premises didn't bother to contact the police is extremely concerning.

This would suggest either a worrying level of incompetence at best or a more seriously a possible attempt to cover up the incident.

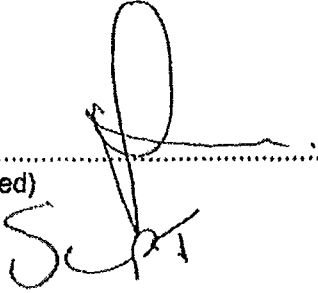
The extreme level of violence used in this incident is shocking and has resulted in a serious injury to a customer.

Therefore GMP have serious concerns as to the lack of a duty of care from the premises and their lack of contact with the police in reporting this very serious incident. We believe that this shows that the premises have had little regard for upholding the Licensing Objectives of the Prevention of Crime and Disorder and Public Safety.

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

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

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take. There are serious concerns as to the extreme level of violence that has occurred. Greater Manchester Police believe that Serious Disorder has occurred at the premises.

.....
 (Signed)  (Date) 3 / 12 / 18

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Manchester City Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

1. Premises details:

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

**Factory 251
118-120 Princess Street**

Post town: Manchester

Post code (if known): **M1 7EN**

2. Premises licence details:

Name of premises licence holder (if known): **FAC 251 Limited**

Number of premises licence holder (if known): **6161539**

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

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm) ☒

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

[Please read guidance note 2]

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

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

The premises are situated on Princess Street in the Village area of Manchester city centre and the premises licence was issued on 18/08/2005. The Premises Licence Holder (PLH) is FAC 251 Limited and the Designated Premises Supervisor (DPS) is Mark Barker who has held this position since 1st May 2018.

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

At 0320 hours on Sunday 2nd December 2018 GMP received a telephone call from a female stating that as she was getting into a taxi outside the premises about 10 minutes earlier she had witnessed 6 bouncers kicking a male who was lying on the ground. She stated that one of the bouncers in particular was kicking the male on the floor very violently.

At 0324 hours GMP contacted the North West Ambulance service to inform them of this incident and request that they attend.

At 0405 hours the first police officers arrived on the scene and have viewed the CCTV footage which shows at 0253 hours the door staff fighting with 2 males who had been ejected from the premises a short time earlier, and one of these males is seen to be punched to the ground and then left motionless before members of the public go over to assist him. The other male is seen to be punched numerous times by several of the door staff. The male who was knocked to the ground is seen getting up again at 0303 hours, 10 minutes after the incident started.

During this time nobody from the premises contacted the police to inform them that the incident was taking place and the first that we learned of the incident was at 0320 hours when the member of the public contacted us.

A report of crime for Affray has been submitted but it is highly likely that this will be upgraded to a Violent Disorder once all the facts have been established by the CID.

PC 17659 Isherwood attended at the premises on the morning of Monday 3rd December to obtain a copy of the CCTV footage and from speaking to the DPS Mark Barker it is clear that nobody from the premises phoned an ambulance either and as far as he was aware they were contacted by another member of the public.

Enquiries are ongoing with North West Ambulance service to determine who did contact them and at what time.

What is clear however is that an extremely violent incident occurred on the doorstep of the premises involving 2 customers and numerous door staff which resulted in the male who was knocked to the ground suffering a bleed on the brain, which has resulted in him being hospitalised.

This incident has now gained national notoriety as it has been captured on numerous peoples' mobile phones and circulated on various media platforms.

It would be easy for the premises to try put this down solely to the actions of the door staff and it is clear from the footage that the door staff are indeed very blameworthy for their part in the incident but what is abundantly clear from looking at the incident, and how it was dealt with, is that there was a huge lack of duty of care from the premises themselves. A male has been left with a bleed on the brain, which thankfully is believed to be non life threatening but this could very easily have ended up as a fatality and the fact that the premises didn't bother to contact the police is extremely concerning.

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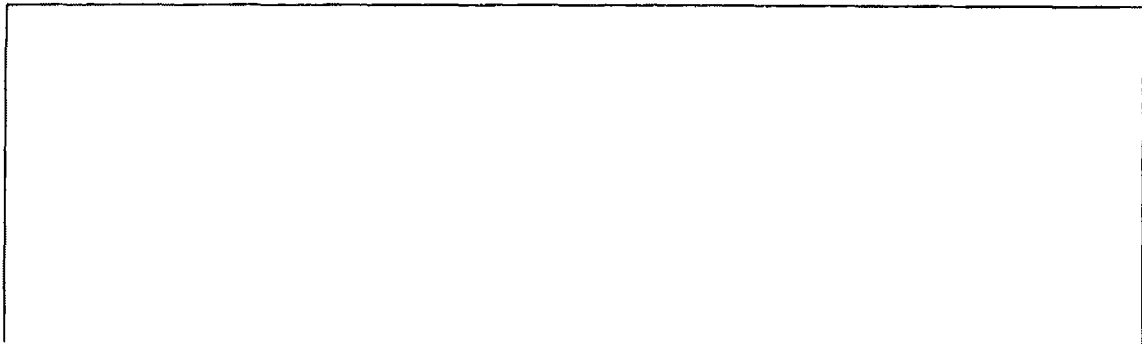
The extreme level of violence used in this incident is shocking and has resulted in a serious injury to a customer.


Therefore GMP have serious concerns as to the lack of a duty of care from the premises and their lack of contact with the police in reporting this very serious incident. We believe that this shows that the premises have had little regard for upholding the Licensing Objectives of the Prevention of Crime and Disorder and Public Safety.

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

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

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take. There are serious concerns as to the extreme level of violence that has occurred. Greater Manchester Police believe that Serious Disorder has occurred at the premises.



Signature of applicant: 
Date: 3/12/18
Capacity: Licensing Constable

Contact details for matters concerning this application:

Address:
**Manchester Town Hall Extension
Lloyd Street
Manchester
M2 5DB**

Telephone number(s): 0161 856 6017

Email: alan.isherwood@gmp.police.uk

Notes for guidance:

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

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

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

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

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

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Licensing Sub Committee Hearing Panel**Minutes of the meeting held on Wednesday, 5 December 2018**

Present: Councillor Ludford (Chair) – in the Chair

Councillors: T Judge and S Lynch

LACHP/18/177. Application for a Summary Review of a Premises Licence for Factory 251, 118-120 Princess Street, Manchester, M1 7EN.

The Committee considered the application and the CCTV evidence and oral representations from both GMP and the premises licence holder. Following a request by Greater Manchester Police the Committee excluded the public from part of the proceedings under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 on the grounds that the evidence being viewed formed part of the criminal investigation and any release to the public may jeopardise any future criminal proceedings and therefore the Committee considered it was in the public interest for the public to be excluded for this part of the hearing.

Following consideration of everything presented by the parties the Committee considered this was a very disturbing and serious incident and noted that both parties were in agreement that in the circumstances a suspension was necessary and appropriate to promote the Licensing Objectives of the prevention of crime and disorder and public safety. The Committee was in full agreement with the parties that a suspension was necessary to promote the Licensing Objectives of the prevention of crime and disorder and public safety. The Committee also noted that the premises had voluntarily closed following the incident and that the operator currently has no door supervisors employed at the premises. The Committee also noted the intention of the operator to take stock of the operation of these premises and review its practices and procedures in relation to the premises.

Decision

To suspend the licence pending the full review hearing on 28 December 2018.

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	050150
Granted	18/08/2005
Latest version	Corrections made 18/12/2018

Part 1 - Premises details

Name and address of premises
Factory 251 118-120 Princess Street, Manchester, M1 7EN
Telephone number
0161 272 7251

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

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1200
Finish	0300	0300	0300	0300	0400	0400	0300
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non standard Timings:							
New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day							

Performance of plays; Exhibition of films							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2300	2300	2300	2300	2300	2300	2300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
None							

Live music; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance**Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0400	0400	0400	0400	0500	0500	0400

Licensed to take place indoors only.

Seasonal variations and Non standard Timings:New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day**Provision of late night refreshment****Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0400	0400	0400	0400	0500	0500	0400

Licensed to take place indoors only.

Seasonal variations and Non standard Timings:New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day**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	0500	0500	0400

Seasonal variations and Non standard Timings:New Year: From the start time on New Year's Eve to the terminal hour of New Year's Day.**Part 2****Details of premises licence holder**

Name: FAC251 Limited
Address: C/O Kay Johnson Gee LLP, Second Floor, 1 City Road East, M15 4PN
Registered number: 06161539

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

Name: Mr Mark Baker
Address:
Personal Licence number: NCC000CJ2513
Issuing Authority: Newcastle City Council

Annex 1 – Mandatory conditions**Door Supervisors**

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

Supply of alcohol

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

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

where –

 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “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. All external windows and doors shall be closed after 2300, except for emergency (fire doors) and access/egress (non fire doors).
3. No external speakers shall be operated from the premises.
4. A tamper-proof noise limiter is to operate on the top floor of the premises and is to be set at a level agreed by Pollution Control.
5. The premises shall become a member of, and maintain its membership of, the local Pub Watch Scheme.
6. Alcoholic and other drinks shall not be removed from the premises in open containers.
7. A CCTV system shall be installed at the premises. The CCTV system shall be maintained and operated during all hours that the premises are open to the public. Recorded images will be retained for 30 days.
8. The premises shall implement an incident book and ensure all incidents of crime and disorder shall be logged.
9. Fire fighting equipment shall be maintained and serviced according to the manufacturer's instructions.
10. Refuse shall not be emptied into external receptacles between the hours of 0230 and 0700.
11. Management shall ensure regular external checks are carried out for noise nuisance when the premises operate after 0200.
12. Prominent, clear and legible notices shall be displayed at all exits requesting that patrons respect local residents and leave the premises and the area quietly.
13. Anyone who appears to be under the age of 18 and who is attempting to buy alcohol must be required to produce satisfactory "proof of age" that they are over the age of 18 such as a passport, photo card driving licence or citizen card before such a sale is made.

14. A prominent notice detailing the premises age restriction policy shall be displayed outside the premises.
15. Staff shall conduct a thorough inspection of the premises after closing time to ensure that no patrons remain on the premises. This inspection is to include the toilet/rest room areas. These daily inspections are to be recorded in a log which is dated and initialled and are to be made available to authorised persons from responsible authorities.
16. An effective search policy (agreed in writing with GMP within 2 weeks of the variation) shall be implemented, this search policy shall include the use of a hand held metal detector wand and a conspicuous and legible notice shall be displayed near the entrance advising customers who refuse search shall be declined entry.
17. The premises shall install and maintain and maintain a comprehensive digital colour CCTV system.
 - (a) All public areas of the licensed premises, including all public entry and exit points and the street environment shall be covered, enabling facial identification of every person entering in any light condition.
 - (b) The CCTV cameras shall continually record whilst the premises are open to the public and kept available and unedited for a minimum of 28 days with the date and time stamping.
 - (c) 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 formal officer or an authorised officer of the licensing authority.
 - (d) Any footage shall 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 these recording mediums shall be provided.

Annex 3 – Conditions attached after hearing by the licensing authority

1. No noise shall emanate from the premises so as to cause a noise nuisance at the nearest noise sensitive properties.
2. Regular external noise monitoring shall take place at regular intervals. Written records shall be maintained to include details of any corrective action and made available to authorised officers of Manchester City Council or greater Manchester Police on request.
3. As a minimum requirement, SIA licensed door supervisors shall be employed at the premises at a ration of 1:100 customers.
4. A written record shall be kept on the premises by the designated premises supervisor or every person employed on the premise as a door supervisor in the register kept for that purpose. That record shall contain the following details:
 - (a) The door supervisor's name, date of birth and home address;
 - (b) His/her security industrial authority number;
 - (c) The time and date he/she starts and finishes duty;
 - (d) The time of any breaks taken while on duty
 - (e) Each entry shall be signed by the door supervisor
5. The register shall be available for inspection on demand by an authorised officer of the Council, the security industry authority or a police constable.
6. Documented staff training shall be given to all staff concerned in the sale of alcohol, and this training shall include underage sales and drunkenness, and shall be repeated every three to four months. Members of staff who have passed an approved course dealing with the protection of children from harm shall be exempt from this requirement.
7. Door supervisors employed at the premise shall wear high visibility jacket/tabards whilst on duty.

8. A dispersal plan shall be implemented at the premise which includes:
 - (a) Notices and posters displayed at the premise asking customers to disperse quietly from the premise.
 - (b) Door supervisors actively encouraging customers to disperse quietly.
 - (c) Arrangements with local taxi firms in order to provide taxis for customers as they leave the premises.
 - (d) Monitoring of noise emanating from the premises at regulated intervals.
 - (e) The availability of the designated premises supervisor or other nominated person when the premises are open to discuss any noise issues that become apparent.
 - (f) Disallowing entry or to remain in the premises any person who is notified by Greater Manchester Police to be the designated premises supervisor as being a person of bad character.
9. The venue shall close by 2230 and then re-open at 2300 for nightclub use.
10. Only one bar shall be in operation selling alcohol and a personal licence holder shall be present to authorise sales.
11. All drinks shall be decanted into flexible plastic receptacles.
12. All tickets shall include entry conditions.
13. A full risk assessment with an Event Manager Policy (to include a designated safe area for those under 18s refused entry to be held until collected by parents) shall be submitted to City Safe a minimum of 28 days prior to the event.
14. Key members of staff who come into contact with under 18s shall be required to complete the Level 1 Manchester Basic Awareness Safeguarding Children E-learning Course.
15. Each event shall be risk assessed and, based on ticket sales, appropriate staff members shall be provided to ensure the safeguarding of children.
16. A dedicated member of staff shall be appointed to have overall responsibility for the welfare of children attending at 14+ events and such person, whether a Personal Licence Holder or otherwise, shall have obtained a Criminal Record Bureau Certificate.

Annex 4 – Plans

See attached

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Licensing & Out of Hours Compliance Team - Representation	
Name	Rachel Chappell
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	r.chappell@manchester.gov.uk
Telephone Number	0161 234 1220

Premise Details	
Application Ref No	224069
Name of Premises	Factory 251
Address	118 – 120 Princess Street M1 7EN

Representation
<p>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.</p> <p>Licensing and Out of Hours Team (LOOHT) are writing to support the application to review the premises licence by Greater Manchester Police (GMP). We have concerns about the premises licence holder's ability to uphold the licensing objectives, namely the <i>prevention of public nuisance</i> and <i>prevention of crime and disorder</i>.</p> <p>Factory Nightclub is a busy and popular city centre nightclub situated on the junction of Princess Street and Charles Street. The venue is open until 4am Sunday to Wednesday and until 5am Thursday to Saturdays. Fac251 is extremely popular with college age and university students. Fac251 hold a various number of promoted nights during the week. An example of one of Fac251's popular promotions is Quids In on a Monday night offering £1 entry and drinks for £1.</p> <p>Licensing and Out of Hours Team have been proactively involved with the licensed premises Fac251 management due to a number of ongoing noise complaints. Over the past twelve months there have been approximately eight reported noise complaints received relating to noise breakout from the premises affecting surrounding residents within their homes, and complaints regarding noise from patrons in the external areas surrounding Fac215.</p> <p>LOOHT have investigated the complaints which have involved a significant number of interventions and engagements with the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) making them aware of the complaints and highlighting their responsibility of upholding the Licensing Objectives. We also reminded them of the condition on their licence relating to noise breakout:</p> <p>Annex 3, Condition 1. <i>No noise shall emanate from the premises so as to cause a noise nuisance at the nearest noise sensitive points.</i></p> <p>On 21st February 2018 a formal letter was sent to Mark Baker who at the time was the general manager and now the DPS reminding him of obligations under the Licencing Act 2003 and upholding the Licensing Objectives. Attached to the letter</p>

was a copy of the premises licence.

On 13th March 2018 at approximately 02:30 hours, LOOHT responded to a noise complaint and observed noise emanating from Fac251. On engagement with management it was reported they were arranging a new noise limiter to be fitted to the sound system. During the visit officers observed a vulnerable girl vomiting and extremely intoxicated slumped across the road from the venue. LOOHT requested for her to be looked after by management / security and we believe that, without intervention from LOOHT she would have been left.

LOOHT have also received a number of noise complaints arising from patron noise in two external areas from Fac251: namely noise from patrons queuing on Princess Street, shouting and raised voices and from the designated smoking area on Charles Street. LOOHT have proactively visited the venue and spoke with the management on a number of occasions to remind them of their responsibility of upholding the Licensing Objective to prevent public nuisance.

On 1st October 2018 at approximately 04:10 hours LOOHT witnessed staff emptying one of the glass recycling bins. LOOHT raised concerns with the FAC251 management at the time on the basis that this contravened one of their licence conditions:

Annex 2, Condition 10 - *Refuse shall not be emptied into external receptacles between the hours of 2:30 and 7:00 hours.*

On 12th October 2018 LOOT sent an email DPS Mark Baker requesting for steps to be documented and actioned to mitigate and reduce the noise complaints regarding patrons in external areas to an acceptable level. This was again to ensure the Licensing Objective to prevent public nuisance is upheld. Within the email LOOHT outlined failure to respond would result in a standard review of the premises licence for not upholding the public nuisance objective. The DPS agreed a number of actions. See exhibit **RC01**.

Then followed the violent incident outlined in the summary review application at approximately 02.55 hours on Sunday 2nd December 2018. This involved the door supervisors from Professional Security employed by the management of Fac 251, and left a patron motionless on the floor for ten minutes resulting with a bleed on the brain. Investigations suggest that the management at the venue did not contact the emergency services to request an ambulance or to report the crime, and this was actually done by a member of the public on her way home at 03.20 hours. It was response officers from Greater Manchester Police (GMP) who reported the incident to the North West Ambulance Service. It is the view of LOOHT that this shows a serious lack of duty of care by the management at the licensed premises Fac 251.

We would make reference to the Section 8 of Manchester's Standards to promote the Licensing Objectives, set out in Manchester City Council's Statement of Licensing Policy:

MS6 Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies.

Procedures are expected to be in place at the premises to initiate 999 calls when an emergency concerning a person's physical safety is in progress.

Clearly the procedure to call emergency services was not followed on Sunday 2nd December 2018 resulting in a young patron who was clearly in a serious condition remaining unattended. It is the view of LOOHT that the failure to report the incident to the relevant services clearly demonstrates a failure in management and a lack of control and regard for upholding the Licensing Objectives.

All of the above raises serious concerns and questions the ability of the management, namely the licence holder and the DPS, to uphold the Licensing Objectives. We also feel that it throws doubt on whether the licence holder is a fit and proper person to run the premises.

LOOHT support GMP's application to review this premises licence.

Exhibit - RC01

- I have heeded your advice and placed an order for signs to be designed on al corex boards. They will simply say" sssh be considerate to our neighbours" Hopefully they will be designed and printed within the next week.

- head door has been briefed to ask people to move on politely if they are loitering around the front door or The side of the door on princess street The head doorman has also agreed to go over the road to ask people to move on politely. He is instructed not to be pushy as he has no official power to move people on - he is aware of this.

en't got any lollies yet but it is on my agenda. I am hopefully introducing our own kind of welfare team pre drinkaware. These will be handing them out. They will also be walking up and down the queue looking for vulnerable people aswell as encouraging quiet

In terms of operation.

- the main concern is the lower end / bass This will be monitored closely to ensure it isn't excessive. As I mentioned our in house djs (Thursday, Friday and Saturday) are usually really good with this.

- I highlighted that Monday and Tuesday may be of concern due to the type of music that gets played as well as non in house djs. I now turn down the amplifiers to give the sound system less power.

- doorstaff are also being more vigilant when it comes to the two front doors being open due to egress. They are trying to encourage people through the doors quicker

- I am also looking at getting stronger door closers on the front door in an attempt to limit the amount of time they are open.

End of
night

- the barriers have alright been extended and manned to encourage people to head as far down Charles street as possible. Busses to fallow field and a lot of student accommodation are towards OXFORD road so there should be no reason to back track and head near the hotel.

- head doorman to attempt to move people on from ibis if they are loitering

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

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