



Licensing Sub Committee Hearing Panel

Date: Friday, 25 January 2019

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 - Ludford (Chair), Hughes and Lynch.

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 Toy Box Manchester, St Johns House, 2-10 Queen St, Manchester M2 5JB.

5 - 30

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

Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

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

Further Information

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

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Tel: 0161 234 3043
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This agenda was issued on **Friday, 18 January 2019** 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 – 25 January 2019

Subject: Toybox, St Johns House, 2 Queen Street, Manchester, M2 5JB - (App ref: 225040)

Report of: Head of Planning, Building Control and 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	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities

and work.	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: Patrick Ware
 Position: Technical Licensing Officer
 Telephone: 0161 234 4858
 E-mail: p.ware@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 2 January 2019, an application was made by Greater Manchester Police under s53A of the Licensing Act 2003 for a Summary Review of the Premises Licence for Toybox, St Johns House, 2 Queen Street, Manchester, M2 5JB 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 two incidents of a violent nature which occurred in the early hours of 1st January 2019. The first incident involved two males fighting with door staff. One of the two males was in possession of a baseball bat and had to be tasered. Whilst officers were still present, a second incident occurred with a disturbance originating inside the premises and spilling outside. One male was headbutted and stabbed in the arm and abdomen. The injuries received were considered life-threatening by the attending ambulance crew and the victim was rushed to hospital where he received surgery. Other pockets of disorder resulted in a minor assault to a police officer. A knife was recovered at the scene.
- 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 4 January 2019, 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. Under s53B of the Licensing Act 2003 the licensing authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- 2.3.4 At the time of preparing this Committee Report no representations have been received against the interim steps taken by the licensing authority. Please note that representations may be received at any time prior to the date of the review hearing.
- 2.3.5 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 Blue Oak Limited and has held the licence since 3 August 2017.
- 3.3 The designated premises supervisor is Richard Stansfield who has held this position since 6 September 2018.
- 3.4 The licensable activities permitted by the licence are:

Sale by retail of alcohol (for consumption on the premises)

Monday to Sunday: 10pm to 5am

Provision of regulated entertainment (Live music; Recorded music; Performances of dance)

Monday to Sunday: 10pm to 5am

Provision of late night refreshment

Monday to Sunday: 11pm to 5am

Hours premises are open to the public

Monday to Sunday: 10pm to 6am

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.

On the day British Summer Time commences: One additional hour following the terminal hour.

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 relevant to one or more 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 No relevant representations have been received regarding the review application.

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

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

This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises. 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)

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.

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Toybox
St Johns House, 2 Queen Street, Manchester, M2 5JB



PREMISE NAME: Toybox

PREMISE ADDRESS: St Johns House, 2 Queen Street, Manchester, M2 5JB

WARD: Deansgate

HEARING DATE: 25/01/2019



Expedited Review Application - Schedule 8A

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

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, Police Constable 15194 Christian ABBOTT,

On behalf of the chief officer of police for City of Manchester Division, Greater Manchester Police, apply for the review of a premises licence under section 53A of the Licensing Act 2003.

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

Toybox, St Johns House, 2 Queen Street,

Post town: Manchester

Post code (if known): **M2 5JB**

Name of premises licence holder: Blue Oak Limited, 130 Shaftsbury Avenue, London, W1D 5EU

Premises licence number (Local Authority reference) : **162506**

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 serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

Details of association of the above premises with serious crime, serious disorder or both: [Please read guidance note 2]

Greater Manchester Police have received evidence of serious crime and disorder at the premises Toybox, St Johns House, Queen Street, Manchester.

At 0326hrs on 1st January 2019 police were notified via city centre CCTV of a male kicking off at Toybox, in possession of a baseball bat. At this time no record can be found of the premises notifying police. On arrival of officers there were 2 males fighting with the door staff. The disturbance was of a sufficiently serious nature for an officer to press their emergency button requesting other patrols urgently. One of the males fighting with the door staff was in possession of a baseball bat and had to be tasered by police to disarm him. This male was arrested by police for possession of an offensive weapon and affray. A number of officers were required at the scene to quell the frayed tempers of persons present at the scene.

The offender was removed from the scene and escorted to custody whilst officers at scene remained to obtain evidence. Whilst they were present there was a further disturbance originating from inside the premises and spilling outside. This resulted in officers present, having to request back up again. This disturbance continued and one male was headbutted and then stabbed in the arm and abdomen. The offender made off and was chased by officers. Other pockets of disorder occurred resulting in another police officer being assaulted, although relatively minor in nature. A knife was also recovered at the scene.

Police officers tended first aid to the victim whose condition appeared to deteriorate. Ambulance crew attended and the victims injuries were considered life threatening and enough to warrant rushing to hospital using emergency equipment. In the day that followed the victim had 2 surgeries and at the time of writing is in the High Dependency Unit still.

These are 2 incidents of such a serious nature involving multiple weapons. It is not inconceivable to believe that either could have proved fatal. It appears the clientele are of a violent nature and the

suspension is required to protect the public from harm. If the premises were to remain open to the public further serious offences may occur. As it stands the police feel the venue has lost control and the closure would prevent any further victims of violence.

On Wednesday 2nd January 2019 I have requested an expedited review take place, following this serious incident of crime.

Greater Manchester Police request that the licensing authority consider the suspension of the premises licence until the full review is heard before the committee.

Signature of applicant: C. Abbott PC15194

Date: 02/01/19

Capacity / role: Licensing Officer, Manchester City Centre

Contact details for matters concerning this application: P.C. 15194 Christian ABBOTT

Address: Town Hall Extension, First Floor, Town Hall, Lloyd Street, Manchester

Telephone number(s): 0161 856 3073/ 07387099467

Email: 15194@gmp.pnn.police.uk

ANNEX B

Greater Manchester Police
Central Park
Northampton Road
Manchester
M40 5BP

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:

Toybox
St Johns House
2 Queen Street
Manchester
M2 5JB

Premises licence number (if known): 162506

Name of premises supervisor (if known): Richard Stansfield

I am a Superintendent Chris HILL³ 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 clientele frequenting the premises. Greater Manchester Police (GMP) will say that the premises are associated with Serious Crime and Serious Disorder. Therefore due to the Serious Crime and

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.

Serious Disorder which has taken place at the premises GMP feel that it is necessary for an expedited review to take place.

The premises is situated on Queen Street in the Commercial district of Manchester city centre. The licence was granted on 22/07/14 and transferred to the new owners. The last variation was granted on 12/11/2018 ref 221892. The Premises Licence Holder is Blue Oak Limited and the Designated Premises Supervisor is Richard Stansfield.

The incidents which have given rise to this review being triggered are outlined below:

At 0326hrs on 1st January 2019 police were notified via city centre CCTV of a male kicking off at Toybox, in possession of a baseball bat. At this time no record can be found of the premises notifying police. On arrival of officers there were 2 males fighting with the door staff. The disturbance was of a sufficiently serious nature for an officer to press their emergency button requesting other patrols urgently. One of the males fighting with the door staff was in possession of a baseball bat and had to be tasered by police to disarm him. This male was arrested by police for possession of an offensive weapon and affray. A number of officers were required at the scene to quell the frayed tempers of persons present at the scene.

The offender was removed from the scene and escorted to custody whilst officers at scene remained to obtain evidence. Whilst they were present there was a further disturbance originating from inside the premises and spilling outside. This resulted in officers present, having to request back up again. This disturbance continued and one male was headbutted and then stabbed in the arm and abdomen. The offender made off and was chased by officers. Other pockets of disorder occurred resulting in another police officer being assaulted, although relatively minor in nature. A knife was also recovered at the scene.

Police officers tended first aid to the victim whose condition appeared to deteriorate. Ambulance crew attended and the victim's injuries were considered life threatening and enough to warrant rushing to hospital using emergency equipment. In the day that followed the victim had 2 surgeries and at the time of writing is in the High Dependency Unit still.

These are 2 incidents of such a serious nature involving multiple weapons. It is not inconceivable to believe that either could have proved fatal. It appears the clientele are of a violent nature and the suspension is required to protect the public from harm. If the premises was to remain open to the public further serious offences may occur. As it stands the police feel the venue has lost control and the closure would prevent any further victims of violence.

I am satisfied that the conduct constitutes an offence for which a person aged 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 or more years as per section 81 (3) Regulation of Investigatory Powers Act 2000 (RIPA 2000).

The incident which occurred on Tuesday 1st January 2019 raises concerns over the management of the premises and the ability of the Premises Licence Holder and Designated Premise Supervisor to promote the licensing objectives.

I have considered all powers available and feel that closure powers contained

within Section 76 of the Anti-Social Behaviour, Crime & Policing Act 2014 are inappropriate due to the limited 48-hour closure not being sufficient to protect the public.

Section 51 of the Act in addition to the above is inappropriate due to the serious nature of the offences being investigated.

The powers contained under Section 53A the Licensing Act 2003 are appropriate to be exercised due to the above previously mentioned powers being inappropriate for the purposes of this review. There are real serious and immediate concerns that the mis-management of the premises is failing to promote the licensing objective of the prevention of crime and disorder. By failing to promote this licensing objective it has led to serious crime occurring at this premise.

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. At that time all matters can be fully addressed whilst being able to consider all the necessary evidence.



2/1/19

.....
(Signed)

.....
(Date)

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**The Licensing Act 2003 (Summary Review of Premises licences) Regulations
2007****Decision re interim steps to be taken with regard to the Summary Review of a
Premises Licence.**

Toybox
St Johns House
2 Queen Street
Manchester
M2 5JB

Decision: To suspend the licence pending the final review hearing.

Reasons: The Committee considered the content of the application and the representations and evidence presented orally by both parties. The Committee considered the four recent violent incidents particularly the serious incident on New Year's Eve which resulted in a patron being seriously injured as a result of being stabbed. The Committee considered that a lack of management both inside the premises and at the door enabled the incident to occur and in particular the Committee considered that had the initial altercation between the perpetrator and the victim been managed appropriately and led to the offender being removed from the premises and police being alerted this would have prevented the second altercation during which the victim was stabbed and seriously injured.

The Committee considered the proposal to install a knife arch at the premises and although this was welcomed the Committee considered that in these circumstances the incident would not have been prevented by the presence and use of a knife arch as the perpetrator did not access the venue through the front entrance. The evidence was that the perpetrator had gained entrance to the club via the door used by smokers after paying some cash to a lone doorman on duty at the front entrance. The Committee took into account the fact that this was not an isolated incident and that there had been 4 violent incidents within a short space of time, the Committee therefore shares GMP's concerns about the nature of a portion of the clientele currently being attracted to the venue.

The Committee therefore considered more time was required in order for all sides to investigate fully the incidents which have occurred and consider all possible solutions to ensure the safety of patrons. The Committee therefore considered it necessary to suspend the licence pending the review hearing.

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	162506
Granted	22/07/2014
Latest version	Minor Variation 221892 Granted 12/11/2018

Part 1 - Premises details

Name and address of premises
Toybox St Johns House, 2 Queen Street, Manchester, M2 5JB
Telephone number
0161 834 8562

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: Live music; Recorded music; Performances 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	2200	2200	2200	2200	2200	2200	2200
Finish	0500	0500	0500	0500	0500	0500	0500
The sale of alcohol is licensed for consumption on the premises only.							
Seasonal variations and Non standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
<u>On the day British Summer Time commences:</u> One additional hour following the terminal hour.							

Live music; Recorded music; Performances of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2200	2200	2200	2200	2200	2200	2200
Finish	0500	0500	0500	0500	0500	0500	0500
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
<u>On the day British Summer Time commences:</u> 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	0500	0500	0500	0500	0500	0500	0500
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
New Year: Start 2300 Finish 0500							
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	2200	2200	2200	2200	2200	2200	2200
Finish	0600	0600	0600	0600	0600	0600	0600
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.							
On the day British Summer Time commences: One additional hour following the terminal hour.							

Part 2

Details of premises licence holder	
Name:	Blue Oak Limited
Address:	130 Shaftesbury Avenue, 2nd Floor London, W1D 5EU
Registered number:	10697045

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Richard Stansfield
Address:	[REDACTED]
Personal Licence number:	000348
Issuing Authority:	Rossendale Borough Council

Annex 1 – Mandatory conditions
<p>Door Supervisors</p> <p>1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -</p> <ul style="list-style-type: none"> (a) Unauthorised access or occupation (e.g. through door supervision), (b) Outbreaks of disorder, or (c) Damage, <p>unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.</p> <p>Supply of alcohol</p> <p>2. No supply of alcohol may be made under this premises licence:</p> <ul style="list-style-type: none"> (a) At a time when there is no designated premises supervisor in respect of the premises licence or, (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended. <p>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.</p>

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

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

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

8. The responsible person must ensure that –

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

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

Annex 2 – Conditions consistent with the operating schedule

1. Monitoring of patrons entering and leaving the premises shall be in place, to ensure that the maximum capacity is not exceeded.
2. A first aider shall be on the premises at all times.
3. All rubbish produced by the premises shall be stored securely and disposed of.
4. Signage shall be placed in the toilets, hallway and entrance to the premises reminding customers of the need for noise reduction on leaving the premises.
5. All persons under the age of 18 shall not be permitted on the premises.

Annex 3 – Conditions attached after hearing by the licensing authority

1. Any area where customers have legitimate access shall be sufficiently illuminated for the purposes of

CCTV. CCTV shall be operation at any time a person is in the premises.

- (i.) All CCTV recorded images shall have sufficient clarity/quality/definition to enable facial recognition. CCTV shall be kept in an unedited format for a minimum period of 28 days.
 - (ii.) CCTC shall be maintained on a regular basis and kept in good working order at all times. CCTV maintenance records shall be kept with details of contractor used and work carried out to be recorded.
 - (iii.) Where CCTV is recorded on to a hard drive system any DVDs subsequently produced shall be in a format so it can be played back on a standard personal computer or standard DVD player. Where CCTV is recorded on to a hard drive system, the hard drive system shall have a minimum of 28 day roll over recording period.
 - (iv.) Any person left in charge of the premises shall be trained in the use of any such CCTV equipment and able to produce/download/burn CCTV images upon request by a person from a responsible authority. Plans indicating the position of CCTV cameras shall be submitted to the responsible bodies within one week of the granting of a licence requiring CCTV. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
2. When the premises operates after midnight then SIA registered door staff shall be employed at the premises on the ratio of 1:100 from opening until 30 minutes after the premises closes to ensure persons arriving and leaving do so without causing incidents of disorder or public nuisance. On all other days the need for door staff shall be risk assessed by the Designated Premises Supervisor and employed when the risk assessment deems it necessary or when informed by Greater Manchester Police of the need for door staff. When employed at the premises door staff shall wear Hi Viz clothing both inside and outside the premises.
 3. The Challenge 25 policy shall be implemented in full and appropriate identification shall be sought from any person who appears under the age of 25. The only acceptable forms of identification shall be passport, photo driving licence and those carrying the PASS logo.
 4. Staff training shall include the Challenge 25 policy and its operation. In particular staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18.
 5. The training shall be given to a new member of staff before they commence paid employment and all staff shall be retrained quarterly. Training shall also include drugs and drunkenness.
 6. An incident book shall be implemented and open to inspection by an authorised officer from GMP or Manchester City Council.
 7. Upon notice given by the City Centre Licensing Unit of Greater Manchester Police the premises shall agree not to sell alcohol for an agreed specified period when high profile events are being held in or around the City Centre of Manchester.
 8. Noise from music shall be controlled to a level that does not cause nuisance.
 9. A member of staff shall monitor customers smoking outside the premises on a regular basis and ensure noise is kept to a minimum so as not to cause nuisance.
 10. The location of the smoking are shall be at the front of the premises on Queen Street.
 11. By way of a dispersal policy the management shall:
 - (i.) Provide local taxi numbers shall be displayed inside the premises. These shall have a ring back facility.
 - (ii.) Reduce the volume of the music during the wind-down period.
 - (iii.) Request that the door supervisors use their best endeavours to remind patrons to leave in a quiet and orderly manner.
 12. (a) An ID Clubscan or equivalent (to the same standard) shall be in operation at the premises. All customers' identification documents shall be checked via the system before being allowed access to the premises. Any person refusing to comply shall be refused access to the premises.

- (b) Notwithstanding above a maximum number of (20) guests per night who may be admitted at the managers discretion without I.D being scanned and recorded, provided that a legible record of these people's names shall be retained on the premises for inspection by the licensing authority and GMP for a period of 31 days. The name of the manager authorising the entrance without scanning shall also be recorded. The guests permitted under (b) shall either be guests who have been pre booked to attend the venue or on a guest list which has been drawn up prior to the premises opening each night.
13. (a) With the exception of the V.I.P area as marked on the plans, all drinking vessels use in the venue shall be Polycarbonate.
- (b) All drinks in glass bottles are to be decanted into Polycarbonate containers or Polycarbonate carafes prior to being served, with the exception of Champagne, wine or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables in the V.I.P area as marked on the plans. Staff shall clear all empty Champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
- (c) Notwithstanding (a) and (b) above, with the written agreement of GMP, a copy of which shall be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the premises.
14. Only door staff from an ACS accredited company shall be employed at the premises.
15. A dress policy, which must be agreed with GMP, shall be implemented at the premises. Any person who is dressed in a manner which falls outside the policy shall be refused entry.
16. A Nitenet radio shall be carried by a member of door staff at all times whilst the premises are open.
17. There shall be an annual training day for staff which reviews the licensing law and Premises Licence Conditions. The date is to be notified to GMP.

Annex 4 – Plans

See attached 162506 v 221892 PLN