



Licensing Sub Committee Hearing Panel

Date: Monday, 10 June 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 Antechamber

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

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

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Ludford (Chair), T Judge and Lyons.

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 Premises Licence Variation for Wilderness Bar & Kitchen, 30-32 Thomas Street, Manchester, M4 1ER.

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

5. Application for a Temporary Event Notice for Eva, 27 Sackville Street, Manchester, M1 3LZ.

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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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This agenda was issued on **3 June 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 Subcommittee Hearing Panel – 10 June 2019

Subject: Wilderness Bar and Kitchen, 30-32 Thomas Street, Manchester, M4 1ER - App ref: Premises Licence variation 230968

Report of: Head of Planning, Building Control and Licensing

Summary

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

Recommendations

That the Committee determine the application.

Wards Affected:

Piccadilly

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

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
Position: Principal Licensing Officer
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Name: Ashia Maqsood
Position: Technical Licensing Officer
Telephone: 0161 234 4139
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Background documents (available for public inspection):

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

1. Introduction

- 1.1 On 24/04/2019, an application for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 was made in respect of Wilderness Bar and Kitchen, 30-32 Thomas Street, Manchester, M4 1ER in the Piccadilly ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. Current Licence

- 2.1 The premises licence holder is Wilderness Trading Limited and a copy of the current licence, is attached at **Appendix 2**.

3. The Application

- 3.1 A copy of the application is attached at **Appendix 3**.

3.2 The variation is :

- To vary the layout of the licensed area in accordance with the plan submitted with the application.
- To add non-standard timings for film and live music in line with the other licensable activities
- To remove 'further details' in respect of live music.
- To vary the hours for the sale of alcohol so that they mirror the hours for regulated entertainment
- To vary the opening times to allow for dispersal

Proposed hours and licensable activities:

Addition of Non-standard timings (NST) for the activities: Exhibition of Films and Live music (indoors only)

Proposed NST:

From 10:00 on New Year's eve to the terminal hour on New Year's Day.
On the day British Summer Time commences, one additional hour following the terminal hour.

Removal of the further details section of live music

Removal of the following sentence: Acoustic acts consisting of no more than 2 performers only.

Supply of alcohol for consumption both on and off the premises:

Current hours:

Mon to Wed 11am to Midnight
Thu 11am to 1am
Fri and Sat 11am to 1.30am
Sun 11am to midnight

Current NST: From 10:00 on New Year's eve to the terminal hour on New Year's Day. On the day British Summer Time commences, one additional hour following the terminal hour

Proposed Hours

Mon to Wed 9am to 12.30am
Thurs 9am to 1.30am
Fri and Sat 9am to 2am
Sun 9am to 12.30am

Proposed NST: From 09:00 on New Year's eve to the terminal hour on New Year's Day. On the day British Summer Time commences, one additional hour following the terminal hour.

Opening hours:

Current hours:

Mon to Wed 11am to 12.30am
Thurs 11am to 1.30am
Fri and Sat 11am to 2am
Sun 11am to 12.30am

Current NST: From 10:00 on New Year's eve to the terminal hour on New Year's Day. On the day British Summer Time commences, one additional hour following the terminal hour

Proposed hours:

Mon to Wed 9am to 1am
 Thurs 9am to 2am
 Fri and Sat 9am to 2.30am
 Sun 9am to 1am

Proposed NST: From 09:00 on New Year's eve to the terminal hour on New Year's Day. On the day British Summer Time commences, one additional hour following the terminal hour.

Steps to promote licensing objectives as given by the applicant

As per the existing licence

- 3.2.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.
- 3.2.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 3**.
- 3.3 **Activities unsuitable for children**
- 3.3.1 The applicant has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

4. Relevant Representations

- 4.1 A total of one relevant representations were received in respect of the application (**Appendix 5**). The personal details of all members of the public have been redacted. Original copies of these representation will be available to the Committee at the hearing.

Responsible Authorities

- MCC Licensing and Out of Hours Compliance Team (LOOH)

4.2 Summary of the representations:

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance (LOOH)	LOOH have objected to the application on the grounds that the removal of the existing limitation on the licence <i>Acoustic acts consisting of no more than 2 performers only</i> is likely to lead to issues of public	Grant with the existing condition: Acoustic acts consisting of no more than 2 performers only

	<p>nuisance.</p> <p>LOOH also state that due to the area being heavily residential, the removal of the condition will lead to potential noise disturbance for residents in the area and other commercial premises during the operating hours</p> <p>LOOH request that this condition remains on the licence</p>	
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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 for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 5.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 5.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

5.5 Manchester Statement of Licensing Policy

- 5.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 5.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 5.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 5.5.4 Relevant to this application and the grounds of the representations made, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

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

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

Section 7: Local factors

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

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

- Evidence of pre-existing problems in the area
- Consistency with relevant Council strategies
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance
- Proximity to sensitive uses

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

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

- | | |
|-----|---|
| MS1 | Implement effective security measures at the premises |
| MS2 | Effective general management of the premises |
| MS3 | Responsible promotion and sale of alcohol |
| MS4 | Prevent the use of illegal drugs, new psychoactive substances (NPS) and the spiking of drinks at the premises |
| MS5 | Prevent on-street consumption of alcohol |
| MS6 | Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies |
| MS7 | Maintain a safe capacity |
| MS8 | Prevent noise nuisance from the premises |
| MS9 | Effectively manage exterior spaces (e.g. beer gardens, smoking areas, table and chair areas on the highway) |

- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse
- MS11 Ensure the wellbeing of children on the premises
- MS12 Prevent underage sales of alcohol, including proxy sales

Section 9: Alcohol delivery services

This section sets out specific provisions for alcohol delivery services to be considered in conjunction with relevant standards from Section 8 of the Policy

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

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

Section 11: The use of tables and chairs on the public highway

This section provides that the operation of any areas on the public highway licensed for tables and chairs should be considered with regard to all relevant Standards set out in Section 8 of the Policy.

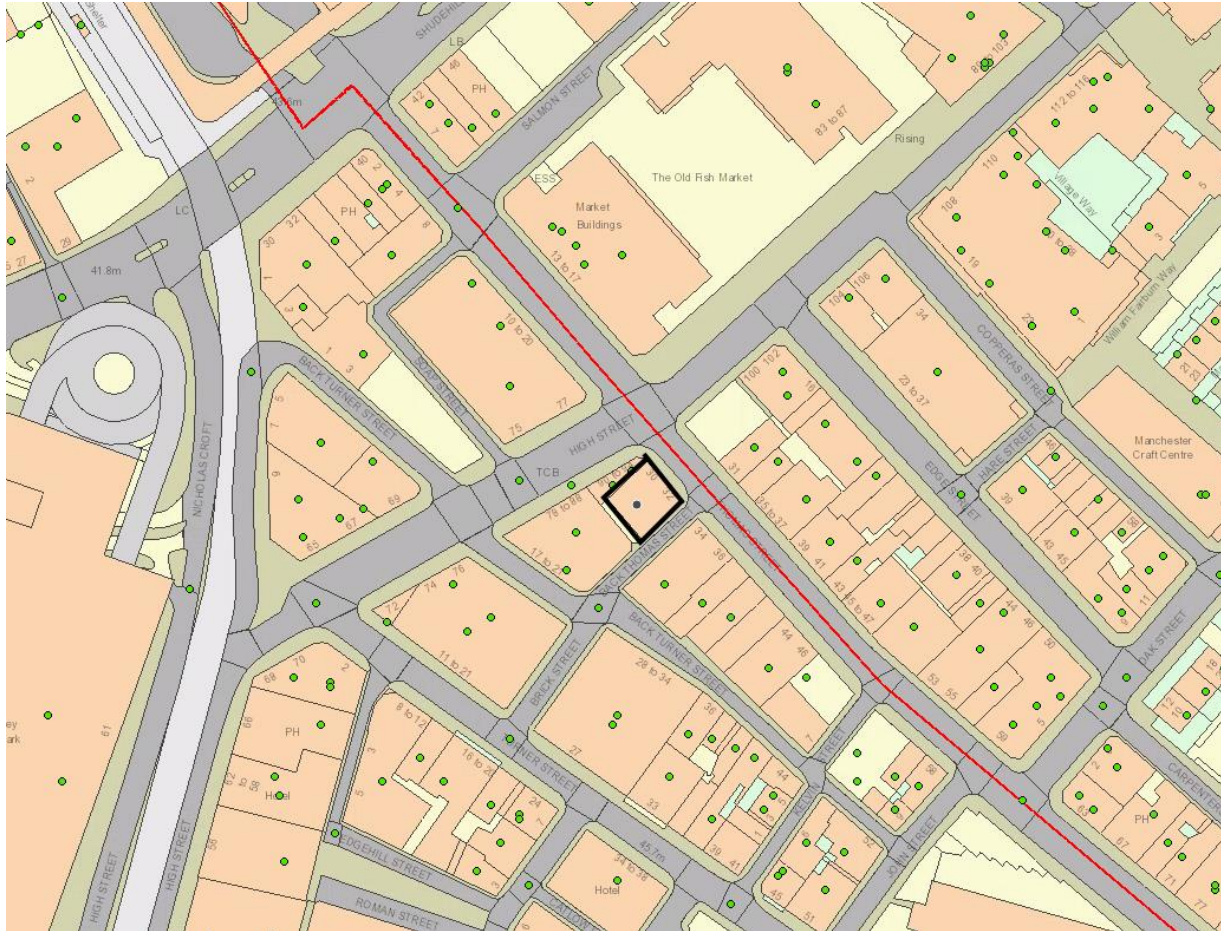
Section 12: Premises Licences for large-scale public events

This section sets out particular expectations regarding large scale public events, given the specific associated risks.

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 or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.

- 6.3 The Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- a. To grant the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate;
 - b. To reject the whole or part of the application
- 6.4 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 6.5 However, conditions should not be imposed on a licence which are unrelated to the variation sought.
- 6.6 All licensing determinations should be considered on the individual merits of the application.
- 6.7 The 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 the application.



PREMISE NAME:	Wilderness Bar & Kitchen
PREMISE ADDRESS:	30-32 Thomas Street, Manchester, M4 1ER
WARD:	Piccadilly
HEARING DATE:	10/06/2019 Page 15

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	131899
Granted	16/11/2010
Latest version	Transfer 228358 & DPS Variation 228362 Granted 09/04/2019

Part 1 - Premises details

Name and address of premises
Wilderness Bar and Kitchen 30-32 Thomas Street, Manchester, M4 1ER
Telephone number

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

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0000	0000	0000	0100	0130	0130	0000
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non standard Timings:							
<u>New Year</u> : From 1000 on New Year's Eve to the terminal hour on New Year's Day.							
On the day British Summer Time commences: one additional hour following the terminal hour.							

Exhibition of films							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0030	0030	0030	0130	0200	0200	0030
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
None							

Live music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0030	0030	0030	0130	0200	0200	0030
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
None							
Further details:							
Acoustic acts consisting of no more than 2 performers only.							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0030	0030	0030	0130	0200	0200	0030
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
New Year: From 1000 on New Year's Eve to the terminal hour on New Year's Day.							
On the day British Summer Time commences: one additional hour following the terminal hour.							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0030	0030	0030	0130	0200	0200	0030
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
New Year's Eve Start 2300 Finish 0500							

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	0030	0030	0030	0130	0200	0200	0030
Seasonal variations and Non standard Timings:							
New Year: From 1000 on New Year's Eve to the terminal hour on 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:	Wildreness Trading Limited
Address:	82 The Greenhouse, Mediacityuk, Salford, M50 2EQ
Registered number:	11706455

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Daniel Peter Morris
Address:	
Personal Licence number:	135983
Issuing Authority:	Manchester 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 management and staff shall make regular checks of the toilet areas.
2. An effective and adequate alarm system, incorporating personal attack alarms for staff, shall be operated and maintained at the premises.
3. An adequate and effective procedure for use in emergencies shall be implemented at the premises.
4. The maximum number of patrons permitted inside the premises at any one time shall not exceed such figure as may time to time be agreed by the appropriate officer of the Fire Authority in writing.
5. Sufficient numbers and types of firefighting equipment shall be installed at the premises and shall be maintained and serviced on an annual basis.
6. An effective and adequate fire alarm system shall be operated and maintained at the premises and shall be inspected on an annual basis.
7. All doors at the premises shall operate on self-closing mechanisms.
8. Doors shall be kept closed except for access and egress.
9. A tamper proof noise-limiting device shall be fitted to the sound system within the premises, all amplified music played at the premises must pass through this sound limiter.
10. Notices shall be prominently displayed near all exits from the premises asking patrons to leave quietly with consideration for neighbours.
11. The licence holder shall ensure that noise shall not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Any form of amplification shall be so controlled by the licensee so as to prevent such a disturbance.
12. The premises shall install and maintain an adequate ventilation system.
13. Persons under the age of 16 shall not be allowed on the premises, at any time that the premises are open to the public, unless the child is accompanied and supervised by a person over the age of 18.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. Staff shall ensure that customers do not congregate outside the premises so as to cause a noise disturbance to nearby residents.
2. All windows and doors shall be closed when entertainment is taking place, except for access and egress.

3. The premises shall operate the Challenge 21 policy whereby any person attempting to buy alcohol who appears to be under 21 should be asked to produce appropriate ID – that being passport, photo driving licence or PASS accredited proof of age card.
4. All staff shall be trained with regards to the Challenge 21 policy and forms of acceptable ID and training to be recorded in writing. Training shall be repeated on a regular basis and written records kept.
5. The CCTV system shall be of a standard that is acceptable to the Crime Reduction Advisor at Bootle Street Police Station. All images will be retained for a minimum of 28 days and made available to an Agent of a Responsible Authority on request. CCTV shall be provided in the form of recordable system capable of providing images of evidential quality in all lighting conditions, particularly facial recognition. Cameras shall encompass all ingress and egress to the premises and all areas where the sale/supply of alcohol occurs. The recording equipment and tapes shall be kept in a secure environment under the control of the premises licence holder or other responsible named individual. There must be a member of management trained in the retrieval of CCTV footage, with the ability of downloading the relevant footage onto a disc or video, on request from the Police or relevant Authority.
6. A member of management shall attend the Pub and Club watch meetings, at least 6 per year.
7. Two SIA registered door supervisors will be employed each evening from 2000 hours when the premises trade after 0000.
8. A written record shall be kept on the premises by the Designated Premises Supervisor/Manager of every person employed on the premises as a Door Supervisor in a register kept for that purpose. That record shall contain the following details: -
 - a) the Door Supervisor's name, date of birth and home address
 - b) his/her Security Industry Authority licence number
 - c) the time and date he/she starts and finishes duty
 - d) the time of any breaks taken whilst on duty
 - e) each entry shall be signed by the Door Supervisor

That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.

9. Management procedures to support staff in refusing service to persons who are drunk or seriously affected by alcohol shall be documented and staff made familiar with them.
10. A minimum of 1 person shall be employed at all times to ensure that glass and bottles are removed from tables and other parts of the premises, and that no build up of glass bottles or other articles that have or had contained alcohol or other drinks is allowed to occur.
11. No person who is drunk shall be allowed to remain on the premises.
12. Staff shall undergo staff training, all training be documented in relation to licensing legislation. This training should take place every 4 -6 months.
13. No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.
14. A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.
15. Every incident of crime and disorder in the premises shall be recorded in an incident book and be made available for any person from a relevant authority that requests it. The incident book must be retained for 12 months from the date it commenced.
16. At any times the premises intends to show sporting events, hold an event that involves live music, or host any other event that is out of the normal remit of the premises including promotional events the DPS will complete and submit a risk assessment form 28 days prior to the event detailing how the event will be managed to the satisfaction of Greater Manchester Police.
17. A letter of authority should be in place when the Designated Premises Supervisor is not at the premises and be available for inspection by any person from a relevant authority.

18. The premises shall operate a method of communication between the council central watch (nite net radio / CCTV) and other licensed premises by way of radio link.
19. By way of dispersal policy the DPS or other person nominated in writing to be in charge shall:
 - a) provide local taxi numbers as displayed inside the premises
 - b) request that door supervisor's use their best endeavours to remind patrons to leave in a quiet and orderly manner.
20. All door supervisors who are engaged on door duties outside the premises shall wear high visibility armbands.
21. No children shall be permitted on the premises past 2000 hours each night the premises is open for licensable activities.
22. A dispersal policy shall be written for the premises, to the satisfaction of Greater Manchester Police and implemented at all times. A copy of the policy will form licensing conditions.
23. A plan of CCTV camera locations shall be given to the City Safe Office.
24. Persons identified as known trouble makers or persons with history of violence identified to management shall not be permitted to congregate inside the premises.
25. Two door supervisors shall be employed on weekends from 1930 hours until closing to control entry to the bar and to be responsible for monitoring patrons that eat or drink (in designated licensed area) or smoke outside the building.
26. One of these doormen shall be primarily responsible for controlling entry to the premises and shall monitor capacity levels by use of a clicker. The other doorman shall be responsible for monitoring the behaviour of any smokers who may be outside.
27. Both doormen shall be responsible for efficiently dispersing customers from the bar by:
 - a) making sure people leave the bar quietly;
 - b) making sure people leave quickly; and
 - c) making sure people do not loiter either around the bar or in the immediate vicinity.
28. Tables and chairs shall be brought inside by 2200 hours.
29. No customers shall be permitted to drink outside after 2200 hours.
30. Any customers drinking outside shall only be allowed plastic glassware and no bottles.
31. All customers must stand behind the rope barriers so as not to obstruct the highway.
32. Noise shall be kept to a minimum and any rowdy customers shall be requested to leave.
33. Signs asking people to leave quietly shall be clearly displayed in the windows, around the doorway and on the doors themselves.
34. The front doors shall be maintained in the closed position from 2300 hours.
35. The premises shall operate an arrangement with a private hire taxi firm whose telephone number will be prominently displayed within the premises for customers' use on the basis that such company will operate a ring back system and not sound horns when collecting their fare.
36. Consideration shall be given to staff departures. Staff shall be instructed to leave the premises quietly and to request that any waiting taxis do not leave their engines running or sound their horns whilst waiting.

Annex 4 – Plans

See attached plan

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Application to vary a premises licence under the Licensing Act 2003**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We Wilderness Trading Limited

(Insert name(s) of applicant)

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

Premises licence number 131899
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Wilderness Bar and Kitchen, 30 – 32 Thomas Street

Post town	Manchester	Postcode	M4 1ER
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Telephone number at premises (if any)	
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Non-domestic rateable value of premises	£35,000
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Part 2 – Applicant details

Daytime contact telephone number	
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E-mail address (optional)	
---------------------------	--

Current postal address if different from premises address	
---	--

Post town	Manchester	Postcode	M50 2EQ
-----------	------------	----------	---------

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐
No

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

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☐ No

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

The purpose of this application is to:

1. Vary the layout of the premises in accordance with the plans attached to this application;
2. To permit the premises to open and the sale of alcohol to commence at 09:00 daily;
3. To extend the hours for the sale of alcohol so that they mirror the hours for regulated entertainment;
4. To add an additional 30 minutes opening time daily to allow for dispersal.
5. To add non-standard timings for film and live music as per other licensable activities;
6. To remove the 'further details' in respect of live music.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment (Please see guidance note 3)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input checked="" type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input checked="" type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11:00	00:30	<u>Please give further details here</u> (please read guidance note 5)		
Tue	11:00	00:30			
Wed	11:00	00:30	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur	11:00	01:30			
Fri	11:00	02:00	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	11:00	02:00	From 10:00 on New Year's eve to the terminal hour on New Year's Day.		
Sun	11:00	00:30	On the day British Summer Time commences, one additional hour following the terminal hour.		

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	11:00	00:30			
Tue	11:00	00:30			
			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed	11:00	00:30			
Thur	11:00	01:30			
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	11:00	02:00			
Sat	11:00	02:00			
			From 10:00 on New Year's eve to the terminal hour on New Year's Day.		
Sun	11:00	00:30			
			On the day British Summer Time commences, one additional hour following the terminal hour.		

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	09:00	00:30			
Tue	09:00	00:30			
Wed	09:00	00:30			
Thur	09:00	01:30			
Fri	09:00	02:00	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7) From 09:00 on New Year's eve to the terminal hour on New Year's Day. On the day British Summer Time commences, one additional hour following the terminal hour.		
Sat	09:00	02:00			
Sun	09:00	00:30			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>n/a</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	09:00	01:00	
Tue	09:00	01:00	
Wed	09:00	01:00	
Thur	09:00	02:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7) From 09:00 on New Year's eve to the terminal hour on New Year's Day. On the day British Summer Time commences, one additional hour following the terminal hour.
Fri	09:00	02:30	
Sat	09:00	02:30	
Sun	09:00	01:00	

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

n/a

Please tick as appropriate

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

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

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

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

Please see conditions attached to existing licence.

b) The prevention of crime and disorder

Please see conditions attached to existing licence.

c) Public safety

Please see conditions attached to existing licence.

d) The prevention of public nuisance

Please see conditions attached to existing licence.

e) The protection of children from harm

Please see conditions attached to existing licence.

Checklist:

Please tick to indicate agreement

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**


Signature	Kuit Steinart Levy LLP
Date	24/04/2019
Capacity	Solicitors and Authorised Agents

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Kuit Steinart Levy LLP, 3 St Mary's Parsonage

Post town	Manchester	Post code	M3 2RD
Telephone number (if any)			

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

████████████████████

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.


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

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

Premise Details

Application Ref No	REF: 230968
Name of Premises	Wilderness Bar & Kitchen
Address	30-32 Thomas Street, Manchester, M4 1ER

Representation

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

The Licensing and Out of Hours Team (LOOH) have assessed the likely impact of the granting of this application taking into account a number of factors, including the nature of the area in which the premises is located, the hours applied for and any potential risks that the granting application in its current form could undermine the licensing objective, prevention of public nuisance.

The premise is situated on the corner of Thomas Street and High Street in Northern Quarter and has previously operated as a restaurant/bar which is in keeping with the licensed premises within the area.

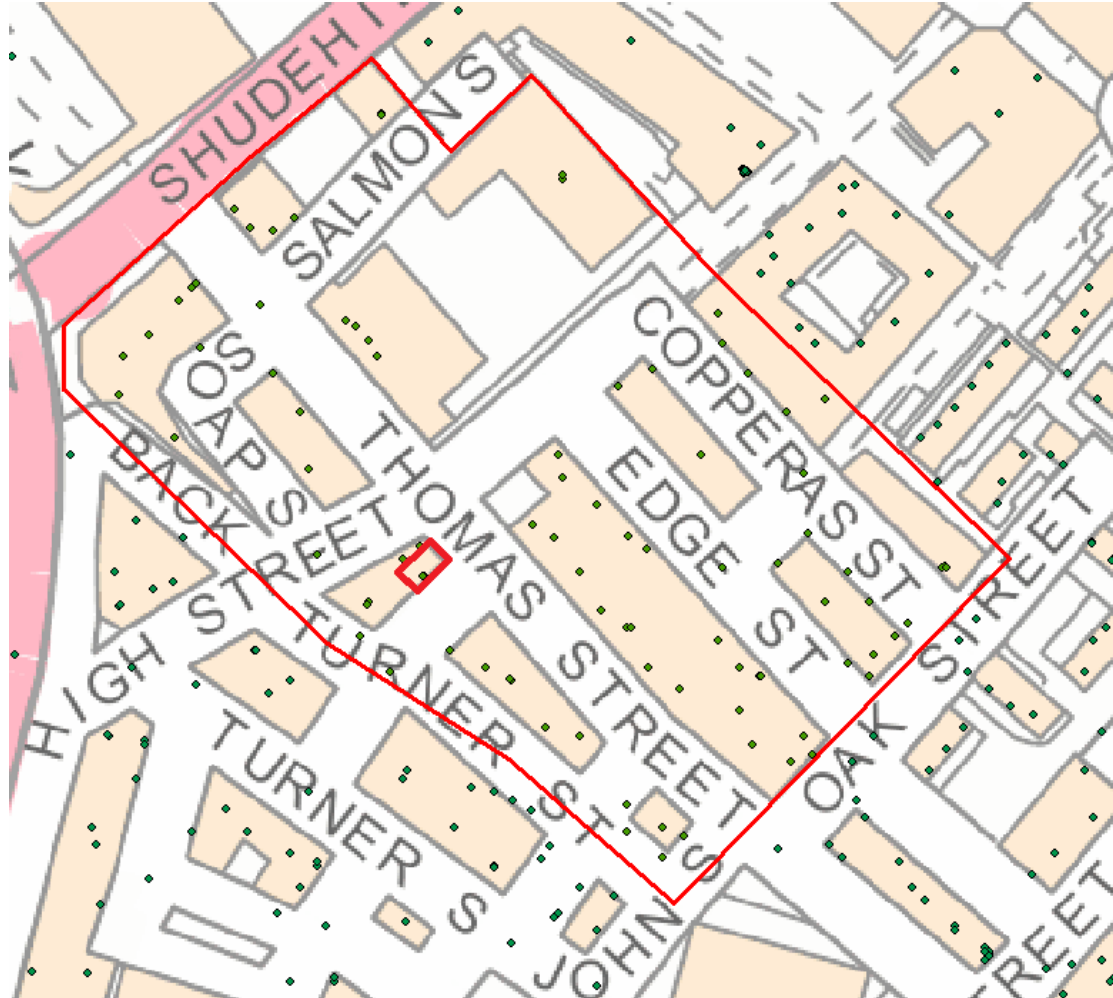
Wilderness Bar & Kitchen is located within the vicinity of multiple noise sensitive locations such as residential dwellings, markets, commercial units and places of worship. The closest domestic residence is located at 92 High Street, immediately adjacent to the premises address.

Manchester Council ArcMap investigation shows 232 residential properties within approximately 2 blocks away from the Wilderness Bar and Kitchen premises. Map in question is exhibited as Annex 1 below.

Due to this area being heavily residential and increased volume of noise complaints within Northern Quarter area in recent months, Licensing and Out of Hours Team have concerns that shall "Live Music - further details: Acoustic acts consisting of no more than 2 performers only" be removed, there is a strong potential of noise disturbance for residents in the area and other commercial premises opened during the operating hours. Additionally the proposed licensable area consist of the ground floor and first floor only. We believe this would enhance the outbreak of music onto the street level as opposed to the music being played in the basement.

As a result of the above assessment we have concerns that removal of the existing limitation: “Live Music - further details: Acoustic acts consisting of no more than 2 performers only” from the Premises Licence is likely to lead to issues of public nuisance and therefore we would request this condition to remain unedited.

Annex 1:



Name: Mikolaj Czechanowski

Signature: *Mikolaj Czechanowski*

Recommendation: Approve with Conditions (Outlined Above)

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

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 10 June 2019

Subject: Eva, 27 Sackville Street, Manchester, M1 3LZ - ref: LTN232520

Report of: Head of Planning, Building Control & Licensing

Summary

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

Recommendations

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

Wards Affected:

Piccadilly

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

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Chloe Tomlinson
 Position: Technical Licensing Officer
 Telephone: 0161 234 4521
 E-mail: chloe.tomlinson@manchester.gov.uk

Background documents (available for public inspection):

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

1. **Introduction**

- 1.1 On 28 May 2019, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Eva, 27 Sackville Street, Manchester, M1 3LZ in the Piccadilly ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Notice**

- 2.1 A copy of the TEN is attached at **Appendix 2**.
- 2.2 The premises user is John Harvey.
- 2.3 The description of the event is: "to allow outdoor amplified entertainment and staging over the Manchester Pride weekend to include acts, drag, DJs. This would take up space at the front of the venue on Sackville Street as detailed in diagram."
- 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this TEN.
- 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
- 2.3.3 The premises is subject to a premises licence issued under the Licensing Act 2003. A copy of the licence is included at **Appendix 4**.
- 2.4 **Activities unsuitable for children**
- 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
- 2.5 **Further documentation accompanying the application**

2.5.1 The premises user has submitted the following documents in support of the TEN, which are included with the application form at **Appendix 2**:

- Diagram

3. **Objection Notice(s)**

3.1 An objection notice was received from GMP and from LOOH in respect of the TEN (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these objections will be available to the Panel at the hearing.

3.2 Summary of the objections:

Party	Grounds of representation	Recommends
GMP	This event would undermine the licensing objective of public safety as the area around the premises is likely to be extremely congested over the weekend and additional queuing for a bar would exacerbate this.	Serve a counter notice
Licensing and Out of Hours Compliance	This event would likely lead to issues of public nuisance, public safety and the prevention of children from harm, due to increased congestion of the area, increased litter, the potential of emergency vehicles not being able to access the area, and noise nuisance. It would be difficult for the premises to monitor proxy sales. Furthermore there is no reference as to how security will operate within this proposed location or how potential overcrowding would be addressed.	Serve a counter notice

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

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

4.2 **New Information**

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

4.3 **Hearsay Evidence**

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

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

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

4.5 **Manchester Statement of Licensing Policy**

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

- 4.5.5 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.

Conclusion

- 4.6 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.
- 4.7 In considering the matter, the Panel should take into account any objections that have been received from GMP or LOOH, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 4.8 Having regard to the objection notice(s), the panel must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 4.9 If the panel decides not to give a counter notice the panel may impose one or more conditions on the TEN if –
- the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 4.10 All licensing determinations should be considered on the individual merits of the notification.
- 4.11 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.
- 4.12 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.
- 4.13 The Panel is asked to determine the temporary event notice.



PREMISE NAME:	Eva
PREMISE ADDRESS:	27 Sackville Street, Manchester, M1 3LZ
WARD:	Piccadilly
HEARING DATE:	10/06/2019

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Temporary Event Notice

Payment Transaction number:- ASB/117915 | Form Reference number ASB/3132768

Premises User Information

Title

Mr

If other please state

n/a

Surname

Harvey

Forenames

John

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

n/a

Your date of birth

Your place of birth

National Insurance Number

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

Telephone

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email address

Address

EVA
27 Sackville Street
Manchester
M1 3LZ

Telephone

n/a

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

n/a

Premises information

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

EVA
27 Sackville Street
Manchester
M1 3LZ

Premises licence number

049393

Club premises certificate number

n/a

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

n/a

Please describe the nature of the premises

LATE NIGHT BAR OPERATING 2 FLOORS 2 BARS WITH DJS AND ENTERTAINMENT

Please describe the nature of the event

TO ALLOW OUTDOOR AMPLIFIED ENTERTAINMENT AND STAGING OVER THE MANCHESTER PRIDE WEEKEND TO INCLUDE ACTS, DRAG, DJS. THIS WOULD TAKE UP SPACE AT THE FRONT OF THE VENUE ON SACKVILLE STREET AS DETAILED IN DIAGRAM
OPERATIONAL HOURS OF THE ENTERTAINMENT 23RD AUGUST 1800 TO 2200 24TH AND 25TH AUGUST 1200 TO 2200 AND 26TH AUGUST 1200 TO 2000 AND A TEMPORARY BAR AT THE ENTRANCE OF VENUE OPERATIONAL 23RD AUGUST 1800 TO 2300 24TH AND 25TH AUGUST 1200 TO 2300 AND 26TH AUGUST 1200 TO 2100

Licensable activities

The sale by retail of alcohol

Yes

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

n/a

The provision of regulated entertainment

Yes

The provision of late night refreshment

n/a

Are you giving a late temporary event notice?

No

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

23RD AUGUST 24TH AUGUST 25TH AUGUST AND 26TH AUGUST 2019

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

1800 TO 2200 23RD AUGUST 2019 1200 TO 2200 24TH AND 25TH AUGUST 2019 AND 1200 TO 2000 26TH AUGUST 2019

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

499

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

Both

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

No

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

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

Yes

Issuing Authority



Licence Number

[REDACTED]

Date of Issue

[REDACTED]

Date of Expiry

n/a

Any further relevant details

n/a

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

No

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

n/a

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

No

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

No

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

n/a

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

No

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

No

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

n/a

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

No

Declaration and Payment New

Name

John Harvey

Capacity in which you are making this application

Licensee of EVA

Additional information

I_understand

Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

On behalf of the Licensing Authority

Date:

Name of officer signing:

EVA ↑

STAGE

layby. on Sackville Street.

Sackville Street

Napoleons.

Clene Zone.

Richmond
Street.

bloom
street

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

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

Name	Signe Johansen
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	signe.johansen@manchester.gov.
Telephone Number	0161 234 1220

Premise Details

Application Ref No	232520
Name of Premises	Eva
Address	27 Sackville Street, M1 3LZ

Representation

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

The Licensing and Out of Hours Team have assessed the likely impact of the grant of this temporary event. Taking into account a numbers of factors including the nature of the area, hours applied for and any potential risk that the granting of this temporary event could lead to issues of public nuisance.

The premises is on Sackville Street within the area of The Village. The application is for the supply of alcohol and provision of entertainment outside of the premises during Manchester Pride. The premises propose to put a stage on the pavement and a bar in the entrance.

As a result of this assessment we have concerns that the grant of this application is likely to lead to issues of public nuisance, public safety and prevention of children from harm.

The flow of people coming through the entrance on Sackville Street and moving from the Expo to Sackville Gardens, which is the hub of The Gay Village Party, will pass by the stage and bar proposed. This may cause people to stop and cause congestion. Due to the location of the proposed bar and stage this has potential to also cause an issue on the road meaning emergency and event vehicles would not be able to pass. There will be associated litter from people stopping, eating and drinking.

The Temporary Event Notice states that there will be 499 people attending including staff. While I appreciate this is given as the maximum number allowed by a Temporary Event Notice it is unclear how people will be moved on if the area becomes overcrowded or where the premises will include as their responsibility. There is no reference as to how security will operate within this area, this has potential to put greater pressure on the agencies such as Show Sec and St Johns Ambulance who have been brought in by Pride organisers to facilitate smooth running of the Pride event.

The stage would undoubtedly add to noise nuisance within the vicinity and it is not clear how the premises will manage this.

A bar in the entrance of Eva will encourage street drinking and it will be difficult for the premises to monitor proxy sales and service to drunks.

This temporary event will undermine the objective of Prevention of Public Nuisance, Public Safety and Protection of Children from Harm.

I believe that the granting of this temporary event notice would be counterproductive to the Manchester Standards to promote licensing objectives-

MS1, MS7, MS8, MS9 and MS12.

Recommendation:

Refuse Application

GREATER MANCHESTER POLICE



To: Manchester City Council
Licensing Unit
Manchester Town Hall Extension
Lloyd Street
Manchester

To: Mr John Harvey



30th May 2019

Dear Sir

Please accept this letter as formal notification that Greater Manchester Police wish to object, under Section 104(2) of the Licensing Act 2003, to the **TEMPORARY EVENT NOTICE** detailed below, as we are satisfied that granting the application under these circumstances would undermine the Licensing Objectives.

PREMISES NAME:	Eva
ADDRESS:	27 Sackville Street Manchester M1 3LZ
DATE OF EVENT:	23/08/19 – 26/08/19
TIME OF EVENT:	1800 – 2200hrs, 1200 – 2200hrs (x2) and 1200 – 2000hrs

GMP objects to the grant of this Temporary Event Notice on the grounds of the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance.

The premises have applied for an outside bar during Pride. There has been an informal agreement to not have venues selling directly onto the Street and this has been an ongoing agreement for many years and is fully supported by the Pride organisers and other venues.

The main reason for this is the Public Safety objective – approximately 40,000 people attend the Pride event on Saturday and Sunday making the area extremely congested - additional queueing for a bar will cause further congestion, especially with venues increasingly having outside entertainment

GREATER MANCHESTER POLICE

such as dancers, singers etc. Allowing this TEN is likely to cause a ripple effect of other venues applying to serve alcohol onto Canal Street which could harm Public Safety and Crime & Disorder objectives..

Also, this area is usually extremely busy because it's where the main stage usually is and there is usually a barrier system to filter people in to the main stage right outside Eva but obviously that won't be the case this year as the main acts are at a different location but it will still be an extremely busy area of the Village which will struggle with extra bars

As such we ask that this TEN application is refused.

Signed:.....PC 17659 Isherwood..... (rank/pin/name)

Date/Time 30th May 2019 0745 hrs

.....

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

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

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

Part 1 - Premises details

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

Licensable activities authorised by the licence

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

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

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

Standard timings

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0300	0300	0300	0300	0600	0600	0300

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

Seasonal variations and Non standard Timings:

On any day preceding a Public Holiday 1100 to 0600

New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.

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

Performance of plays; Exhibition of films; Indoor sporting events; Live music; Recorded music; Performances of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0300	0300	0300	0300	0600	0600	0300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings: On any day preceding a Public Holiday 1100 to 0600 <u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day <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	0300	0300	0300	0300	0500	0500	0300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings: On any day preceding a Public Holiday 2300 to 0600 <u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day <u>On the day British Summer Time commences:</u> one additional hour following the terminal hour.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0400	0400	0400	0400	0630	0630	0400
Seasonal variations and Non standard Timings: On any day preceding a Public Holiday 1100 to 0630 <u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day <u>On the day British Summer Time commences:</u> one additional hour following the terminal hour.							

Part 2

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

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	John Alan Harvey
Address:	[REDACTED]
Personal Licence number:	[REDACTED]
Issuing Authority:	[REDACTED]

Annex 1 – Mandatory conditions

Door Supervisors

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

Supply of alcohol

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

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

where –

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

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4)
 - (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
- 6.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 8. The responsible person must ensure that –
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to

customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

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

Exhibition of films

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

Annex 2 – Conditions consistent with the operating schedule

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

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

Annex 3 – Conditions attached after hearing by the licensing authority

1. No externally mounted speakers.
2. All external doors and windows should be kept closed after 2300 except for emergency (fire doors) and access/egress (non fire doors)
3. A sound limiting device should be installed, set and maintained at a level agreed by the Pollution Control section. All visiting DJ's should pass through this limiter.
4. Refuse, including all glassware shall not be collected from outside the premises or disposed of from the premises into outside waste receptacles between the hours of 2400 and 0730.
5. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it

can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.

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

Annex 4 – Plans

See attached

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

Document is Restricted

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