



Licensing Sub Committee Hearing Panel

Date: Thursday, 11 July 2019
Time: 10.10 am (or at the rise of Licensing and Appeals Sub
Committee Hearing Panel)
Venue: Council Antechamber - Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Chamber and Antechamber

Public access to the Council Chamber and 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 - Grimshaw (Chair), Evans 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. Victoria's, Part Basement, 8 Dantzic Street, Manchester, M4 2AD - (Application - Premises Licence variation 226967)

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

5. Obsessions, First Floor, 2b Whitworth Street West, M1 5WZ - (Application: Premises Licence Variation 226989)

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

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:

Andrew Woods
Tel: 0161 234 3011
Email: andrew.woods@manchester.gov.uk

This agenda was issued on **Wednesday, 3 July 2019** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA

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Manchester City Council

Report for Resolution

Report to: Licensing Sub Committee Hearing Panel – 11 July 2019

Subject: Victoria's, Part Basement, 8 Dantzic Street, Manchester, M4 2AD -
(App ref: Premises Licence variation 226967)

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 | |
|---|--|

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: Helen Howden
 Position: Technical Licensing Officer
 Telephone: 0161 234 4294
 E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

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

1. Introduction

- 1.1 On 18/02/2019, an application for the variation of an existing premises licence under s34 of the Licensing Act 2003 was made in respect of Victoria's, part basement, 8 Dantzic Street, Manchester, M4 2AD 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 Roefax Ltd 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 requests to:
- a) Extend the hours for licensable activities each Friday and Saturday;
 - b) Extend the hours for licensable activities on Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:00; and
 - c) Make amendments to conditions

Further details are as follows:

a) Proposed amendments to hours on Fridays and Saturdays

Provision of regulated entertainment (Exhibition of films; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance):

Current hours: Mon to Sun 7pm to 4am
Proposed hours: Sun to Thurs 7pm to 4am, Fri and Sat 7pm to 6am

Supply of alcohol for consumption on the premises only:

Current hours: Mon to Sun 7pm to 4am
Proposed hours: Sun to Thurs 7pm to 4am, Fri and Sat 7pm to 6am

Opening hours:

Current hours: Mon to Sun 7pm to 4.30am
Proposed hours: Sun to Thurs 7pm to 4.30am, Fri and Sat 7pm to 6.30am

b) Proposed amendments to hours at other times

Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 6am (opening hours until 6.30am).

c) Proposed amendments to conditions/ steps to promote licensing objectives as given by the applicant

The application proposes to add and amend conditions as follows:

Conditions to be added:

There will be no entry or re-entry allowed at the premises after 03:30 apart from smokers returning from the designated smoking area.

A minimum of 1 member of door staff to remain on site for 30 minutes following close on those days when the premises are trading until 06:00.

Condition to be amended:

Annex 2, Number 3: The application request to amend the wording within this condition from “The time of any breaks taken whilst on duty” to “The time of any meal breaks taken whilst on duty”.

(For information the full condition is: “A written record shall be kept on the premises 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: The door supervisor’s name, date of birth and home address; His/her Security Industry Authority licence number; The time and date he/she starts and finished duty; The time of any breaks taken whilst on duty; Each entry shall be signed by the door supervisor.”)

- 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 premises also holds a sex establishment licence.

3.4 Steps to promote the licensing objectives

3.4.1 The applicant proposes to promote the licensing objectives by adding and amending conditions as outlined para 3.2 (c) above. No additional steps have been identified in the operating schedule of the application.

3.4.2 The conditions referred to above are to be included in any granted premises licence, unless the conditions are modified by the Panel following consideration of relevant representations. These conditions are set out in the Schedule of Conditions at **Appendix 5**.

4. Relevant Representations

4.1 A total of two relevant representations were received in respect of the application (**Appendix 4**).

Responsible Authorities:

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

4.2 Summary of the representations:

| Party | Grounds of representation | Recommends |
|------------|---|------------|
| GMP | <p>There are pre-existing problems requiring police assistance in the area, and “in the early hours a significant number of the calls made to the police relate to the premises in this area and the locality in general”</p> <p>The hours requested are later than other premises in the area which are highly likely to attract an “unruly element to the premises and cause issues. This will probably lead to issues on the door, with new customers coming from the other venues in the locality and trying to gain entry. This will then see an increase in calls to service that</p> | Refuse |

| | | |
|--|--|--------|
| | GMP are already overstretched to deal with.” | |
| Licensing and Out of Hours Compliance | <p>The premises is close to the Arndale Centre, with a number of residential properties above the venue. The objection raises the following concerns:</p> <ul style="list-style-type: none"> • The proposed hours will lead to increased nuisance from noise: The proposed hours will lead to nuisance from noise from people leaving, and those permitted to temporarily leave to smoke, particularly at the proposed new hours when there is less transient noise in the area The hours will also impact on people arriving or passing through in the early morning. • Pressure on the Council's teams who clean and maintain the street scene ahead of the arrival of the day time economy • That that the premises will become a 'go to' location for football fans wanting to continue their stay in the City, with a high probability that patrons arriving at the premises will have already been drinking for an extended period of time. Large numbers of people who attempt to gain entry may then subsequently loiter outside the premises once refused, engaging in conversation directly below residential properties. | Refuse |

4.3 No conditions have been proposed by either of the objectors, and no agreements have been reached.

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:

- Identified risk factors specific to the licensed premises

- Evidence of pre-existing problems in the area
- Proximity of takeaways and licences to nightlife entertainment areas
- 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
- Ability to clean and maintain the street scene

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
- 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

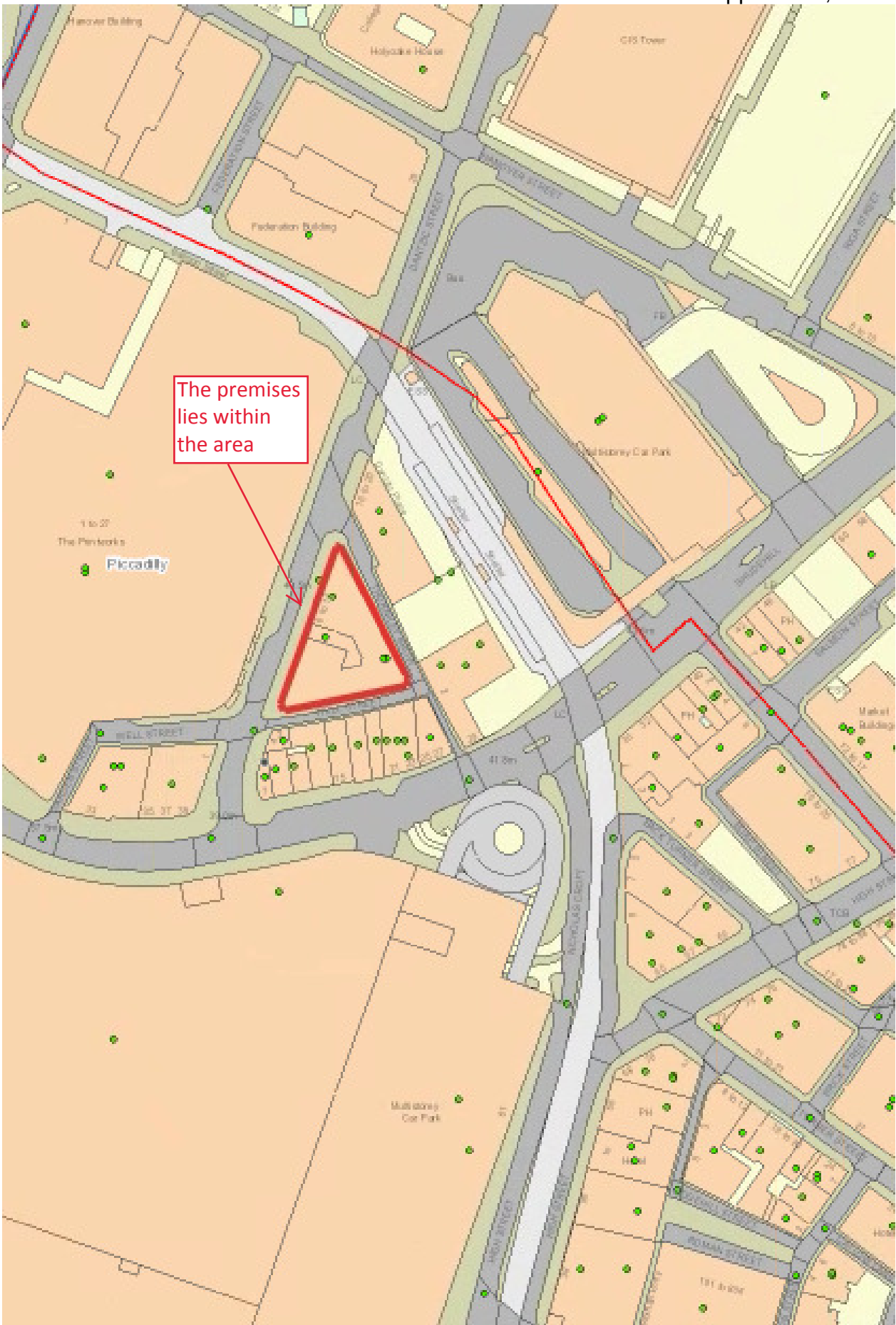
Section 10: Adult entertainment (including striptease, nudity and other entertainment of a sexual nature)

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

6. Conclusion

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

- the prevention of public nuisance; and
 - the protection of children from harm.
- 6.2 In considering the matter, the 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.**



Victoria's
Part Basement, 8 Dantzic Street, Manchester, M4 2AD



PREMISE NAME: Victoria's

PREMISE ADDRESS: Part Basement, 8 Dantzic Street, Manchester, M4 2AD

WARD: Piccadilly

HEARING DATE: 23/04/2019

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 | 116431 |
| Granted | 06/02/2009 |
| Latest version | DPS variation 217617 granted 04/09/2018 |

Part 1 - Premises details

| |
|---|
| Name and address of premises |
| Victoria's Ground/Lower Floor Victoria Bu, Dantzic Street, Manchester, M4 2AD |
| Telephone number |
| 0161 832 4444 |

| |
|--|
| Licensable activities authorised by the licence |
| <ol style="list-style-type: none"> The sale by retail of alcohol*. The provision of regulated entertainment, limited to: Exhibition of films; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance. <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 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Finish | 0400 | 0400 | 0400 | 0400 | 0400 | 0400 | 0400 |
| The sale of alcohol is licensed for consumption on the premises only. | | | | | | | |
| Seasonal variations and Non standard Timings: | | | | | | | |
| New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day | | | | | | | |
| On the day British Summer Time commences: one additional hour following the terminal hour. | | | | | | | |

| | | | | | | | |
|---|------|------|------|------|------|------|------|
| Exhibition of films; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance | | | | | | | |
| Standard timings | | | | | | | |
| Day | Mon | Tue | Wed | Thu | Fri | Sat | Sun |
| Start | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Finish | 0400 | 0400 | 0400 | 0400 | 0400 | 0400 | 0400 |
| Licensed to take place indoors only. | | | | | | | |
| Seasonal variations and Non standard Timings: | | | | | | | |
| New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day | | | | | | | |
| On the day British Summer Time commences: one additional hour following the terminal hour. | | | | | | | |

| Hours premises are open to the public | | | | | | | |
|--|------|------|------|------|------|------|------|
| Standard timings | | | | | | | |
| Day | Mon | Tue | Wed | Thu | Fri | Sat | Sun |
| Start | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 | 1900 |
| Finish | 0430 | 0430 | 0430 | 0430 | 0430 | 0430 | 0430 |

Seasonal variations and Non standard Timings:
 New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day
 On the day British Summer Time commences: one additional hour following the terminal hour.

Part 2

| Details of premises licence holder | |
|---|---|
| Name: | Roefax Ltd |
| Address: | Unit 2, 275 Deansgate, Manchester, M3 4EL |
| Registered number: | 09430931 |

| Details of designated premises supervisor where the premises licence authorises for the supply of alcohol | |
|--|--------------------------------------|
| Name: | Aaron Matthew Jarvis |
| Address: | |
| Personal Licence number: | 017420 |
| Issuing Authority: | Newcastle under Lyme Borough Council |

| Annex 1 – Mandatory conditions | |
|---------------------------------------|---|
| Door Supervisors | |
| 1. | <p>Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -</p> <ul style="list-style-type: none"> (a) Unauthorised access or occupation (e.g. through door supervision), (b) Outbreaks of disorder, or (c) Damage, <p>unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.</p> |
| Supply of alcohol | |
| 2. | <p>No supply of alcohol may be made under this premises licence:</p> <ul style="list-style-type: none"> (a) At a time when there is no designated premises supervisor in respect of the premises licence or, (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended. |
| 3. | <p>Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.</p> |
| 4. | <ul style="list-style-type: none"> (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 – <ul style="list-style-type: none"> (a) a holographic mark, or (b) an ultraviolet feature. |

5. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purposes of the condition set out in (1) above—
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) “permitted price” is the price found by applying the formula—
- $$P = D + (D \times V)$$
- where –
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

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. An effective and adequate CCTV system equipped with a recording facility shall be installed, maintained and operated at the premises. Recorded images shall be kept in date order and numbered consequentially.
Recording equipment and tapes shall be kept in a secure environment under the control of the DPS or other nominated responsible individual.
2. Notices shall be prominently displayed inside the premises advising patrons that there is a CCTV system in operation.
3. A written record shall be kept on the premises 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:
 - i. The door supervisor's name, date of birth and home address;
 - ii. His/her Security Industry Authority licence number;

- iii. The time and date he/she starts and finished duty;
- iv. The time of any breaks taken whilst on duty;
- v. Each entry shall be signed by the door supervisor.

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

4. There shall be provided at the premises Door Supervisors who are registered with the security industry authority from 1900 until the close of business.
5. There shall be an adequate number of registered door supervisors on the premises when the authorised entertainment is taking place to ensure good order and the safety of performers and customers. At least one door supervisor shall be positioned at the entrance(s) in use at all times when adult entertainment is taking place.
6. Notices providing taxi firm numbers shall be displayed near the exits of the premises.
7. Fire fighting equipment shall be maintained and serviced on an annual basis.
8. An adequate supply of first aid equipment shall be made available on the premises at all times.
9. All electrical equipment shall be inspected on an annual basis.
10. Amplified music shall not be played outside the premises.
11. Glassware shall not be collected from the premises, or disposed of into outside waste receptacles, between 2000 and 0800.
12. All external windows and doors shall be kept closed when regulated entertainment is being provided except for access and egress to and from the premises and/or in the event of an emergency.
13. Signage shall be displayed at the exits requesting that customers leave the premises quietly.
14. No person under the age of 18 shall be permitted on the premises at any time when licensable activities are taking place.
15. Signage shall be displayed at all entrances informing the customers that persons under 18 years shall not be admitted on the premises.
16. 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 a document containing a photograph of the purchaser (such as a passport, driving licence or proof of age card) and that purchaser is over the age of 18.
17. There shall be no touching of performers by customers before, during or after the performance, other than the placing of banknotes by the customer in a garter worn by the performer for that purpose. There shall be no exchange of personal information between the performers and customers. Notices to this effect shall be clearly displayed at each entrance to the premises.
18. Adult entertainment shall only take place in the licensed area as shown on the plan attached to the premises licence.
19. Safe and controlled access to the dressing room for performers shall be maintained at all times when the performance is taking place and immediately afterwards. Members of the public shall not be allowed to access the dressing rooms.
20. Dancers not performing shall not be in the licensed area in a state of undress.
21. The performance area shall be supervised by a member of staff at all times when performances are taking place. The management at the premises shall take all reasonable steps to ensure that customers remain seated whilst adult entertainment is taking place.
22. Entertainment, including dancing, which involves nudity or sexual performance of any kind shall not be visible from outside the premises.
23. There shall be no display outside the premises of photographs or other images which indicate that entertainment involving nudity or sexual performance taking place on the premises.

Annex 3 – Conditions attached after hearing by the licensing authority

1. CCTV shall cover the point of sale at all times. The recordings shall be retained for a minimum of 28 days and all images shall be made available to responsible authorities on request.
2. Noise from music and associated sources (including amplified voices) shall not be a nuisance inside noise sensitive properties.
3. All staff shall be trained with regards to Challenge 21 policy and forms of acceptable ID. Staff shall also be trained to look out for and take action to prevent proxy sales taking place. This training shall be recorded on writing. Training shall be repeated on a regular basis and details of repeat training shall also be recorded in writing.
4. The premises shall operate a refusals book and this shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff.

Annex 4 – Plans

See attached

MCC LICENSING REGISTER

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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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 Roefax 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 116431 |
|--|

Part 1 – Premises Details

| | | | |
|--|------------|----------|--------|
| Postal address of premises or, if none, ordnance survey map reference or description Victoria's Ground/Lower Floor 8 Dantzie Street | | | |
| Post town | Manchester | Postcode | M4 2AD |

| | |
|---|---------------|
| Telephone number at premises (if any) | 0161 832 4444 |
| Non-domestic rateable value of premises | £27000 |

Part 2 – Applicant details

| | | | |
|---|-------------------------|----------|--------|
| Daytime contact telephone number | 0161 832 4444 | | |
| E-mail address (optional) | | | |
| Current postal address if different from premises address | Unit 2 275 Deansgate | | |
| Post town | Manchester | Postcode | M3 4EL |

Part 3 - Variation

Please tick as appropriate

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

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

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

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)

To extend the hours for licensable activities on Fridays, Saturdays.

Seasonal Variations: Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:00.

From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

An additional hour on the day British Summer Time commences.

To add and amend Conditions to the Operating Schedule as outlined in Section M of this application.

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) | x |
| 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) | |
| f) recorded music (if ticking yes, fill in box F) | x |
| g) performances of dance (if ticking yes, fill in box G) | x |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | x |

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

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

In all cases complete boxes K, L and M

A

| | | | | | |
|--|-------|--------|--|----------|--------------------------|
| Plays Standard days and timings (please read guidance note 8) | | | Will the performance of a play take place <u>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) | | | Will the exhibition of films 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 | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 5) | | |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6) From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day. An additional hour on the day British Summer Time commences. Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:00. | | |
| Thur | | | | | |
| Fri | 12:00 | 06:00 | <u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| Sat | 19:00 | 06:00 | | | |
| Sun | | | | | |

The applicant has confirmed that this is a typing error and should be 19:00

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 | | | |
| Thur | | | <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) |
| 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 <u>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 | | | <u>Please give further details here</u> (please read guidance note 5) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 6) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| | | | | | |
| Sat | | | | | |
| Sun | | | | | |
| | | | | | |

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 checked="" type="checkbox"/> |
|---|--------|-------|--|--------------------------|-------------------------------------|
| Day | | | | Outdoors | <input type="checkbox"/> |
| 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 playing of recorded music</u> (please read guidance note 6) From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day. An additional hour on the day British Summer Time commences. Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:00. | | |
| Thur | | | | | |
| Fri | 19:00 | 06:00 | <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 | 19:00 | 06:00 | | | |
| 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 checked="" type="checkbox"/> |
|---|-------|--------|--|----------|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| | | | | 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) From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day. An additional hour on the day British Summer Time commences. Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:00. | | |
| Thur | | | | | |
| Fri | 19:00 | 06:00 | <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 | 19:00 | 06:00 | | | |
| 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 checked="" 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 | | | | | |
| Thur | | | <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) From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day. An additional hour on the day British Summer Time commences. Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:00. | | |
| Fri | 19:00 | 06:00 | | | |
| Sat | 19:00 | 06:00 | <u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| 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"/> |
|--|-------|--------|---|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| | | | | 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 provision of late night refreshment</u> (please read guidance note 6) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <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) | | |
| | | | | | |
| 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 checked="" type="checkbox"/> |
|--|-------|--------|--|---------------------|-------------------------------------|
| | | | | Off the premises | <input type="checkbox"/> |
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | | | <p>State any seasonal variations for the supply of alcohol (please read guidance note 6)</p> <p>From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.</p> <p>An additional hour on the day British Summer Time commences.</p> <p>Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:00.</p> <p><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)</p> | | |
| 1 | | | | | |
| Wed | | | | | |
| Thur | | | | | |
| Fri | 19:00 | 06:00 | | | |
| Sat | 19:00 | 06:00 | | | |
| Sun | | | | | |
| | | | | | |

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>The premises holds a Sexual Entertainment Venue Licence with Manchester City Council (number: 224111)</p> |
|---|

L

| | | | |
|---|-------|--------|---|
| Hours premises are open to the public Standard days and timings (please read guidance note 8) | | | State any seasonal variations (please read guidance note 6) From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day. An additional hour on the day British Summer Time commences. Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:30. |
| Day | Start | Finish | |
| Mon | 19:00 | 04:30 | 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 (please read guidance note 7) |
| Tue | 19:00 | 04:30 | |
| Wed | 19:00 | 04:30 | |
| Thur | 19:00 | 04:30 | |
| Fri | 19:00 | 06:30 | |
| Sat | 19:00 | 06:30 | |
| Sun | 19:00 | 04:30 | |
| | | | |
| | | | |
| | | | |

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

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)

See Premises Licence Number: 116431

There will be no entry or re-entry allowed at the premises after 03:30 apart from smokers returning from the designated smoking area.

b) The prevention of crime and disorder

See Premises Licence Number: 116431

Annex 2, Number 3 to be slightly amended at iv to read: “the time of any meal breaks taken whilst on duty”.

A minimum of 1 member of door staff to remain on site for 30 minutes following close on those days when the premises are trading until 06:00.

c) Public safety

See Premises Licence Number: 116431

d) The prevention of public nuisance

See Premises Licence Number: 116431

e) The protection of children from harm

See Premises Licence Number: 116431

Checklist:

Please tick to indicate agreement

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

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 | ██ |
| Date | 15 th February 2019 |
| Capacity | ██ |

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)

██

| | | | |
|----------------------------------|--|------------------|------------------|
| Post town | ██ | Post code | ████████████████ |
| Telephone number (if any) | ██ | | |

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

████████████████████

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.

GREATER MANCHESTER POLICE - REPRESENTATION

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

| About the Premises | |
|--|--|
| Application Reference No. | 226968 |
| Name of the Premises | Victoria's |
| Address of the premises including postcode | Part Basement, 8 Dantzic Street, Manchester M4 2AD |

| Your Representation | |
|--|--|
| Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the SEV variation on the licensing objectives on and in the vicinity of the premises in question. | |
| <p>Please accept this as formal notification of the Greater Manchester Police objection to the premises licence in relation to the above premises on the grounds of Prevention of Crime and Disorder and the Prevention of Public Nuisance and Public Safety.</p> <p>The application is seeking to allow the premises to extend its SEV licensable hours and closing time until 0630 hrs on Fridays and Saturdays in an area where there is a high concentration of assaults and disorder. They are also seeking to do the same thing on Sundays preceding a Bank Holiday and whenever Manchester United or Manchester City have a home fixture in the UEFA Champions League.</p> <p>A significant number of officers who are deployed on the weekend policing operation Custodian are located in the Dantzic Street/Withy Grove area due to the issues that the area attracts and in the early hours a significant number of the calls made to the police relate to the premises in this area and the locality in general.</p> <p>All but one of the other alcohol licensed venues in this vicinity finish trading by 4am on a weekend and by allowing these premises to remain open for another 2 ½ hours will almost certainly attract this unruly element to the premises and cause issues. This will probably lead to issues on the door, with new customers coming from the other venues in the locality and trying to gain entry. This will then see an increase in calls to service that GMP are already overstretched to deal with.</p> <p>Between 14th March 2018 and 14th March 2019 there were 112 incidents of violence and 52 incidents of ASB recorded on Dantzic Street and Withy Grove combined and a number of these were in the later hours of the early morning.</p> <p>We therefore ask that this application is refused.</p> | |

| Licensing & Out of Hours Compliance Team - Representation | |
|--|---|
| Name | Robert Mason |
| Job Title | Team Lead Licensing Out of Hours Team |
| Department | Licensing and Out of Hours Compliance Team |
| Address | Level 1, Town Hall Extension, Manchester, M60 2LA |
| Email Address | r.mason@manchester.gov.uk |
| Telephone Number | 0161 234 1220 |

| Premise Details | |
|--------------------|--|
| Application Ref No | 226967 |
| Name of Premises | Victoria's |
| Address | Ground/Lower Floor Victoria Bu, Dantzic Street, Manchester, M4 2AD |

| Representation |
|--|
| <p>Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.</p> |
| <p>The Licensing and Out of Hours Team have assessed the likely impact of the granting of this application taking into account a number of factors, including the nature of the business, location of the premise, the Councils Statement of Licensing Policy 2016-2021 and any potential risk that the granting of this variation application will undermine the Council Licensing Policy including the four licensing objectives of public nuisance, crime and disorder, protection of children from harm and public health.</p> <p>The premise is a Sexual Entertainment Venue situated on Dantzic in Manchester City Centre which is an area of the City Centre with a thriving night time economy close to a number of late night premises including the Printworks. The location of the premise is also located close to the Arndale Shopping Centre which is a focal point of the daytime economy within Manchester City Centre. We therefore have concerns regarding the extension of operating hours requested. There are also a number of residential properties above the venue.</p> <p style="text-align: center;">The applicant has applied to:-</p> <ul style="list-style-type: none"> • Extend the hours of licensable activities on Fridays, Saturdays to 6am, open to the public until 6.30am. • Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League played at either Old Trafford or Etihad until 6am. • Make amendments to the Operating schedule <p>As a result of our assessment we have concerns that the granting of this application is likely to lead to issues of public nuisance and the undermining of the Council's Licensing Policy.</p> <p>When considering the request to extend the hours of licensable activities on Fridays, Saturdays to 6am, open to the public until 6.30am, we feel these hours will greatly impact on residents in the vicinity of the premise from noise by people leaving at the terminal hour and those permitted to temporarily leave to smoke. In addition to the residents we have also taken into account the effect on the day time economy when the public will be arriving or passing through, on a daily commute or visiting the City.</p> |

The hours also raise concerns over the ability of the Council to clean and maintain the street scene ahead of the arrival of the day time economy due to the change over time of the Councils Street Cleansing Teams.

When assessing this application we have given particular consideration to Manchester City Council's statement of Licensing Policy 2016-2021 and how the granting of this application would undermine our Policy, specifically to:

Paragraph 7.26 refers to consideration the Authority should make to prevention of nuisance such as noise disturbance from people entering and leaving the premises, prevention of disturbance by people outside the premises, litter from premises.

Paragraph 7.28 in that the licensing authority will give consideration to the appropriateness of hours applied for, having regard for the location of premises and their likely effect of the promotion of the four Licensing Objectives

Paragraph 7.29 the authority considers that late hours will typically be more sensitive and higher risk in causing problems

Paragraph 7.31 states that the lateness of terminal hour for the premises will often be a contributory factor in the potential for disturbance.

Paragraph 7.39 The night-time economy presents particular service needs in relation to street cleaning to ensure the streets are cleansed following the departure of night-time crowds, but ahead of the arrival of other users the following morning. Use of mechanised equipment, or even broom-sweeping, is often impractical when streets are busy with people and litter continues to be discarded.

As the applicant has also requested to extend the hours of licensable activities until 06:00 hours following UEFA Champions League matches played at either Old Trafford or Etihad.

The Manchester City Council's statement of Licensing Policy 2016-2021 stated that a number of risk factors should be taken into consideration when applying for and granting a licence application, specifically paragraph 7.8

Paragraph 7.8 Relevant factors include:

- Physical design of the premises, including:
 - physical hazards arising from type and placement of furniture
 - lighting that facilitates deviance and increases anonymity
 - insufficient and unclean toilets
- Activities at the premises, including entertainment
- **Style of operation, particularly related to the likelihood of alcohol consumption**
 - The potential for pre-loading by customers
- **Social mix of patrons**
- **Patron type (age, gender)**
- Visible staffing of the local public realm, including policing, wardens, Street Angels etc
 - The surrounding locality including:
 - public CCTV coverage
 - any pedestrian and vehicular pathways likely to be used by customers when leaving the premises late at night.

Given that football and Sexual Entertainment Venues are predominantly frequented by males, a number of these risk factors are met before any other considerations have taken place.

Another risk factor to be taken into consideration for events where there is a drinking culture associated, such as football, is the fact that there is a high probability that patrons arriving at the premises will have already been drinking for an extended period of time.

A further concern is that the premises will become a 'go to' location for football fans wanting to continue their stay in the City. It is common amongst football fans to chant and more so

when in large numbers. The concern of the Licensing and Out of Hours Team is that this would lead to an increase of noise disturbance in an area which contains residential properties. It is also worth pointing out that during the week the majority of premises in the area will be closed and therefore there will be less transient noise in the area. The applicant has offered a last entry time of 03:30 however this does not mitigate our concerns about the large numbers of people who may attempt to gain entry but then subsequently loiter outside the premises once refused. From the applicant's proposals, there will be a three hour period between last entry and closing where the premises will appear to be open with staff and customers outside in the smoking area and this may encourage those refused entry to remain outside engaging in conversation directly below residential properties.

The exemption to the standard hours for UEFA Champions League matches means that the hours are extended during weekdays and the Licensing and Out of Hours Team have concerns that these events will have a greater impact on residents and the daytime economy. Given that patrons will have been consuming alcohol until 6:00 hours they are therefore more likely to cause a public nuisance on dispersal.

Therefore given the above concerns the Licensing and Out of Hours Team recommend that this application is refused.

Recommendation: Refuse Application

Schedule of Licence Conditions

| Conditions consistent with the operating schedule | Agreed | Proposed by |
|---|----------------|-------------|
| <p><u>Conditions to be added:</u></p> <p>There will be no entry or re-entry allowed at the premises after 03:30 apart from smokers returning from the designated smoking area.</p> <p>A minimum of 1 member of door staff to remain on site for 30 minutes following close on those days when the premises are trading until 06:00.</p> <p><u>Condition to be amended:</u></p> <p>Annex 2, Number 3: The application request to amend the wording within this condition from “The time of any breaks taken whilst on duty” to “The time of any meal breaks taken whilst on duty”.</p> <p>(For information the full condition is: “A written record shall be kept on the premises 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: The door supervisor’s name, date of birth and home address; His/her Security Industry Authority licence number; The time and date he/she starts and finished duty; The time of any breaks taken whilst on duty; Each entry shall be signed by the door supervisor.”)</p> | N/A | Applicant |
| | | |
| Conditions proposed by objectors | | |
| No conditions have been proposed by objectors | Not applicable | |

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Manchester City Council

Report for Resolution

Report to: Licensing Sub-Committee Hearing Panel – 11 July 2019

Subject: Obsessions, First Floor, 2b Whitworth Street West, M1 5WZ –
(App ref: Premises Licence variation 226989)

Report of: Head of Planning, Building Control and Licensing

Summary

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

Recommendation

That the Committee determine the application.

Wards Affected:

Deansgate

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

| | |
|---|--|
| A connected city: world class infrastructure and connectivity to drive growth | |
|---|--|

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: Helen Howden
Position: Technical Licensing Officer
Telephone: 0161 234 4294
E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

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

1. **Introduction**

- 1.1 On 18/02/2019, an application for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 was made in respect of Obsessions, First Floor, 2b Whitworth Street West, Manchester, M1 5WZ in the Deansgate 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 Primehill Properties 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 requests to
- a) Extend the hours for licensable activities each Friday and Saturday;
 - b) Extend the hours for licensable activities on Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:00; and
 - c) Make amendments to conditions

Further details are as follows:

a) Proposed amendments to hours on Fridays and Saturdays

Provision of regulated entertainment (live music, recorded music, performances of dance and anything of a similar description to live music, recorded music or performances of dance):

Current hours: Mon to Sun 12noon to 4am

Proposed hours: Mon to Thurs 12noon to 4am, Fri & Sat noon to 6am

Supply of alcohol for consumption on the premises only:

Current hours: Mon to Sun 12noon to 4am

Proposed hours: Mon to Thurs 12noon to 4am, Fri & Sat noon to 6am

Opening hours:

Current hours: Mon to Sun 12noon to 4.30am

Proposed hours: Mon to Sun 12noon to 4.30am, Fri & Sat noon to 6.30am

b) Proposed amendments to hours at other times

Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:00.

From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.

An additional hour on the day British Summer Time commences.

c) Proposed amendments to conditions/ steps to promote licensing objectives as given by the applicant

The application proposes to add and amend conditions as follows:

Conditions to be added:

There will be no entry or re-entry allowed at the premises after 03:30 apart from smokers returning from the designated smoking area.

A minimum of 1 member of door staff to remain on site for 30 minutes following close on those days when the premises are trading until 06:00.

Condition to be amended:

Annex 3, condition 8: The application request to amend the wording within this condition from "The time of any breaks taken whilst on duty" to "The time of any meal breaks taken whilst on duty".

(For information the full condition is: "A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details: (a) the door supervisor's name, date of birth and home address; (b) his/her Security Industry Authority licence number; (c) the time and date he/she starts and finishes duty; (d) the time of any breaks taken whilst on duty; (e) each entry shall be signed by the door supervisor.")

- 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 premises also holds a sex establishment licence.

3.4 Steps to promote the licensing objectives

- 3.4.1 The applicant proposes to promote the licensing objectives by adding and amending conditions as outlined para 3.2 (c) above. No additional steps have been identified in the operating schedule of the application.
- 3.4.2 The conditions referred to above are to be included in any granted premises licence, unless the conditions are modified by the Panel following consideration of relevant representations. The conditions are set out in the Schedule of Conditions at **Appendix 5**.

4. Relevant Representations

- 4.1 A total of two relevant representations were received in respect of the application (**Appendix 4**).

Responsible Authorities:

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

- 4.2 Summary of the representations:

| Party | Grounds of representation | Recommends |
|------------|---|------------|
| GMP | <p>There are pre-existing problems requiring police assistance in the area, and “in the early hours a significant number of the calls made to the police relate to the premises in this area and the locality in general”</p> <p>The hours requested are later than other premises in the area which GMP consider “will probably lead to issues on the door, with new customers coming from the other venues on the Locks and</p> | Refuse |

| | | |
|--|---|--------|
| | trying to gain entry. This will then see an increase in calls to service that GMP are already overstretched to deal with” | |
| Licensing and Out of Hours Compliance | <ul style="list-style-type: none"> • The premises is in an area with a mix of licensed premises and other commercial premises, with residential accommodation nearby. The latest time nearby bars are open to is 4am. Deansgate rail station is approx. 20m away. The objection raises the following concerns: • Intoxicated customers will be leaving the premises at times when a significant number of commuters will be making their way into the city centre for work during the daytime economy. • Potential for public nuisance from noise and/or drunken behaviour from customers leaving, and from people smoking outside. • The premises will become a ‘go to’ premises for football fans, potentially in large numbers, wanting to stay out after other bars have closed. • The potential that customers leaving will go directly onto public transport, including to the airport, having consumed alcohol until 6am. • The ability of the Council to clean and maintain the street scene ahead of the arrival of the day time economy. • The probability that patrons arriving at the premises will have already been drinking for an extended period of time. • Potential for large numbers of | Refuse |

| | | |
|--|---|--|
| | people attempting to gain entry and subsequently loitering outside the premises if refused entry. | |
|--|---|--|

4.3 No conditions have been proposed by either of the objectors, and no agreements have been reached.

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:

- Identified risk factors specific to the licensed premises
- 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
- Ability to clean and maintain the street scene

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.

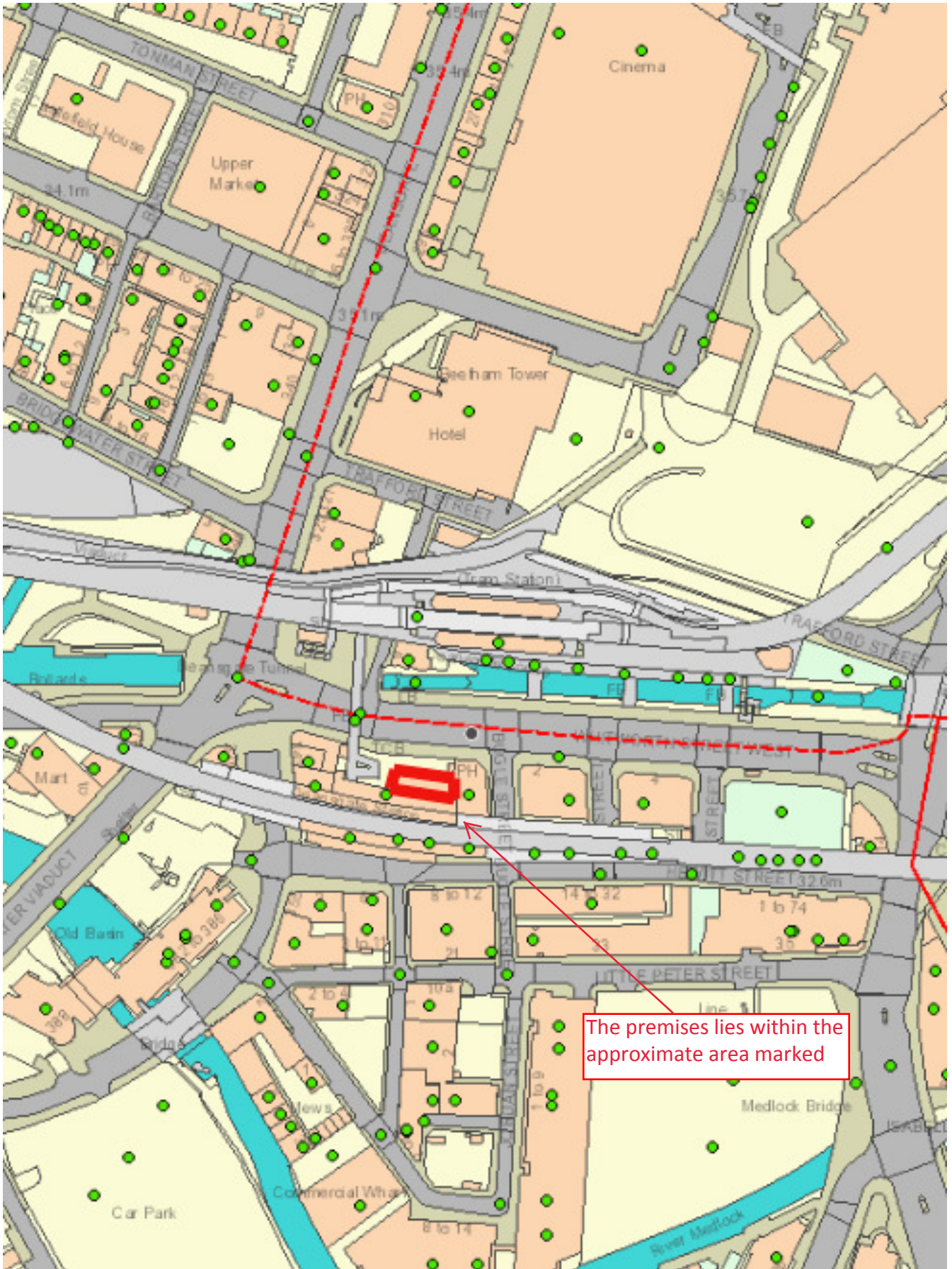
- | | |
|------|--|
| MS1 | Implement effective security measures at the premises |
| MS8 | Prevent noise nuisance from the premises |
| MS9 | Effectively manage exterior spaces (e.g. beer gardens, smoking areas, table and chair areas on the highway) |
| MS10 | Operate effective cleansing arrangements, 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 |

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

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

6. **Conclusion**

- 6.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 6.2 In considering the matter, the 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.**



Obsessions
2b Whitworth Street West, Manchester, M1 5WZ



PREMISE NAME: Obsessions

PREMISE ADDRESS: 2b Whitworth Street West, Manchester, M1 5WZ

WARD: Deansgate

HEARING DATE: 11/07/2019

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 | 093334 |
| Granted | 22/09/2006 |
| Latest version | DPS Variation 189112, granted 16/07/2016 |

Part 1 - Premises details

| |
|--|
| Name and address of premises |
| Obsessions First Floor, 2B Whitworth Street West, Manchester, M1 5WZ |

| |
|--|
| Licensable activities authorised by the licence |
| <ol style="list-style-type: none"> 1. The sale by retail of alcohol*. 2. The provision of regulated entertainment, limited to: Live music; Recorded music; Performances of dance; 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 | 1200 | 1200 | 1200 | 1200 | 1200 | 1200 | 1200 |
| Finish | 0400 | 0400 | 0400 | 0400 | 0400 | 0400 | 0400 |
| The sale of alcohol is licensed for consumption on the premises only. | | | | | | | |
| Seasonal variations and Non standard Timings: None | | | | | | | |

| | | | | | | | |
|---|------|------|------|------|------|------|------|
| Live music; Recorded music; Performances of dance | | | | | | | |
| Standard timings | | | | | | | |
| Day | Mon | Tue | Wed | Thu | Fri | Sat | Sun |
| Start | 1200 | 1200 | 1200 | 1200 | 1200 | 1200 | 1200 |
| Finish | 0400 | 0400 | 0400 | 0400 | 0400 | 0400 | 0400 |
| Licensed to take place indoors only. | | | | | | | |
| Seasonal variations and Non standard Timings: None | | | | | | | |
| Further Details: Lapdancing and music | | | | | | | |

| | | | | | | | |
|---|------|------|------|------|------|------|------|
| Provision of late night refreshment | | | | | | | |
| Standard timings | | | | | | | |
| Day | Mon | Tue | Wed | Thu | Fri | Sat | Sun |
| Start | 2300 | 2300 | 2300 | 2300 | 2300 | 2300 | 2300 |
| Finish | 0400 | 0400 | 0400 | 0400 | 0400 | 0400 | 0400 |
| Licensed to take place indoors only. | | | | | | | |
| Seasonal variations and Non standard Timings: None | | | | | | | |

| Hours premises are open to the public | | | | | | | |
|--|------|------|------|------|------|------|------|
| Standard timings | | | | | | | |
| Day | Mon | Tue | Wed | Thu | Fri | Sat | Sun |
| Start | 1200 | 1200 | 1200 | 1200 | 1200 | 1200 | 1200 |
| Finish | 0430 | 0430 | 0430 | 0430 | 0430 | 0430 | 0430 |
| Seasonal variations and Non standard Timings: | | | | | | | |
| None | | | | | | | |

Part 2

| Details of premises licence holder | |
|---|---|
| Name: | Primehill Properties Limited |
| Address: | Unit 2, 275 Deansgate, Manchester, M3 4EW |
| Registered number: | 08087746 |

| Details of designated premises supervisor where the premises licence authorises for the supply of alcohol | |
|--|---------------------------------------|
| Name: | Francesca Amatulli |
| Address: | |
| Personal Licence number: | PA2570 |
| Issuing Authority: | Tameside Metropolitan Borough Council |

| Annex 1 – Mandatory conditions | |
|--|--|
| Door Supervisors | |
| <p>1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -</p> <ul style="list-style-type: none"> (a) Unauthorised access or occupation (e.g. through door supervision), (b) Outbreaks of disorder, or (c) Damage, <p>unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.</p> | |
| Supply of alcohol | |
| <p>2. No supply of alcohol may be made under this premises licence:</p> <ul style="list-style-type: none"> (a) At a time when there is no designated premises supervisor in respect of the premises licence or, (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended. | |
| <p>3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.</p> | |
| <p>4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.</p> <p>(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.</p> <p>(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 –</p> <ul style="list-style-type: none"> (a) a holographic mark, or (b) an ultraviolet feature. | |
| <p>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.</p> <p>(2) For the purposes of the condition set out in (1) above–</p> | |

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) “permitted price” is the price found by applying the formula–

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

where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

Annex 2 – Conditions consistent with the operating schedule

1. A House Drugs Policy shall be established and staff shall be appropriately trained in its operation.
2. Admission Procedures and Search Policies shall be established.
3. Staff shall be provided with training in identifying drugs misuse.
4. A representative of the premises shall attend any police briefings in respect to drug misuse.
5. A sufficient number of adequate and appropriately stocked First Aid Boxes shall be provided at the premises.
6. Accident Reporting Procedures shall be established at the premises.
7. A trained First Aider shall be situated on the premises when deemed necessary by the Premises Licence Holder.
8. Safe evacuation procedures shall be in place for use in the event of an emergency.
9. Actions to be taken by disabled persons in the event of an emergency shall be clearly displayed in the premises.
10. A designated person on each shift shall be responsible for evacuating disabled customers from the premises in the event of an emergency.
11. Fail-safe entry systems shall be established at the premises.
12. Escape routes shall be continuously monitored.
13. Notices shall be prominently displayed alerting customers to exit route directions.
14. Late queues shall be effectively supervised.
15. A policy for managing customer departure from the premises shall be implemented.
16. Weekly checks shall be conducted at night to detect any escape of sound, smells or anything that might cause a nuisance.
17. Any complaint shall be immediately dealt with upon receipt through appropriate channels.
18. Patrons shall be requested by way of verbal requests and prominent notices to respect nearby neighbours by leaving the premises in a quiet, courteous and orderly fashion.

19. Proper training and guidance shall be given to all staff, plus updates and training records, to ensure that all reasonable steps are taken to establish age of patrons.
20. All staff shall be requested to disclose any convictions for serving alcohol to underage persons.
21. There shall be a clear Policy of Zero Tolerance to violent and antisocial behaviour.
22. There shall be clear policies on standards of behaviour and dress.
23. The premises shall use recognised Identity Card schemes, e.g. PASS.
24. Closing Time procedures shall be implemented and understood by all staff.
25. Escape areas shall be routinely checked by a responsible member of senior management when licensable activities are taking place.
26. All escape routes shall be clearly marked and lit and duly checked and recorded on a monthly basis.
27. All fire fighting appliances shall be serviced on an annual basis. All Fire Exit signs and smoke detectors shall be checked on a monthly basis. There shall be weekly checking of Fire Bells. All of these checks shall be duly recorded methodically. There shall be daily checks to ensure that Fire Extinguishers are in their proper location.
28. Monthly/bimonthly fire evacuation procedures shall be tested and recorded.
29. Training shall be provided to all staff on all aspects of fire safety. All such training shall be recorded.
30. Entry Door Staff shall record customer numbers and be able to prove the numbers at any one time (including staff).
31. An ID Club Scan or equivalent system shall be operational at the premises whenever they are open to the public.
32. Fluorescent high visibility vests shall be worn at all times by security staff working inside and outside the premises.
33. A bodycam shall be used by security staff whenever the premises is open to the public. Footage recorded shall be retained in an unedited format for at least 28 days. Any person left in charge of the premises shall be trained in the use of any such bodycam or CCTV equipment and shall be able to produce/download/burn images upon request by a person from a responsible authority. Recordings shall be made available within 24 hours upon such request

Annex 3 – Conditions attached after hearing by the licensing authority

1. Local taxi numbers shall be displayed near the exit of the premises.
2. All windows and doors to be kept closed, except for access and egress whilst regulated entertainment is taking place.
3. Management shall ensure inaudibility of regulated entertainment at the nearest noise sensitive location, namely the residential premises at the junction of Hewitt Street and Deansgate.
4. Staff shall avoid the emptying of bins into skips especially if they contain glass, and early refuse collections before 0800 hours and after 2200 hours.
5. No external speakers shall be operated at the premises.
6. CCTV must be installed at the premises and all the images recorded by the CCTV system shall be retained in unedited form for a period of not less than 28 days.
7. There shall be provided at the premises door supervisors, who are registered with the Security Industry Authority from 1200 hours (opening) until the close of business. Door supervisors are to be employed to such a number as the management of the premises consider are sufficient to control the entry of persons to the premises and for the keeping of order in the premises when they are used for a licensable activity.
8. A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details:-
 - (a) the door supervisor's name, date of birth and home address;
 - (b) his/her Security Industry Authority licence number;

- (c) the time and date he/she starts and finishes duty;
 - (d) the time of any breaks taken whilst on duty;
 - (e) each entry shall be signed by the door supervisor.
9. That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.
10. The Designated Premises Supervisor or nominated member of staff shall attend the Pub and Club Watch meetings no less than six times a year.
11. No person aged under 18 years shall be allowed on the premises.

Annex 4 – Plans

See attached

MCC LICENSING REGISTER

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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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 Primehill Properties 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 093334 |
|--|

Part 1 – Premises Details

| | | | |
|---|------------|----------|--------|
| Postal address of premises or, if none, ordnance survey map reference or description Obsessions First Floor 2B Whitworth Street West | | | |
| Post town | Manchester | Postcode | M1 5WZ |

| | |
|---|--------|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £30000 |

Part 2 – Applicant details

| | | | |
|---|-------------------------|----------|--------|
| Daytime contact telephone number | 0161 832 4444 | | |
| E-mail address (optional) | | | |
| Current postal address if different from premises address | Unit 2 275 Deansgate | | |
| Post town | Manchester | Postcode | M3 4EL |

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)

To extend the hours for licensable activities on Fridays, Saturdays.

Seasonal Variations: Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:00.

From the start of permitted hours on New Year’s Eve to the end of permitted hours on New Year’s Day.

An additional hour on the day British Summer Time commences.

Amendments to the Operating Schedule as outlined in Section M of this application.

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)
 - b) films (if ticking yes, fill in box B)
 - c) indoor sporting events (if ticking yes, fill in box C)
 - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
 - e) live music (if ticking yes, fill in box E) x
 - f) recorded music (if ticking yes, fill in box F) x
 - g) performances of dance (if ticking yes, fill in box G) x
 - h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) x

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

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

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 | | | | | |
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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 type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for the exhibition of films</u> (please read | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <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 | | | | | |
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| Sun | | | | | |
| | | | | | |

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 | | | |
| Tue | | | |
| Wed | | | |
| Thur | | | |
| Fri | | | |
| Sat | | | |
| Sun | | | |
| | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6) |
| | | | <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) |

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 | <u>Please give further details here</u> (please read guidance note 5) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6) | | |
| Wed | | | | | |
| Thur | | | <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) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

E

| | | | | | |
|---|-------|--------|--|----------|-------------------------------------|
| Live music Standard days and timings (please read guidance note 8) | | | <u>Will the performance of live music 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 | | | <u>Please give further details here</u> (please read guidance note 5) | | |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 6) From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day. An additional hour on the day British Summer Time commences. Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:00. | | |
| Thur | | | | | |
| Fri | 12:00 | 06:00 | <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| Sat | 12:00 | 06:00 | | | |
| Sun | | | | | |

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 | x |
|---|-------|--------|--|----------|--------------------------|
| | | | | 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 playing of recorded music</u> (please read guidance note 6) From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day. An additional hour on the day British Summer Time commences. Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:00. | | |
| Thur | | | | | |
| Fri | 12:00 | 06:00 | <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 | 12:00 | 06:00 | | | |
| 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 checked="" type="checkbox"/> |
|---|-------|--------|--|----------|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| | | | | 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) From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day. An additional hour on the day British Summer Time commences. Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:00. | | |
| Thur | | | | | |
| Fri | 12:00 | 06:00 | <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 | 12:00 | 06:00 | | | |
| 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 checked="" 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 | | | | | |
| Thur | | | <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) From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day. An additional hour on the day British Summer Time commences. Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:00. | | |
| Fri | 12:00 | 06:00 | | | |
| Sat | 12:00 | 06:00 | <u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| 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"/> |
|--|-------|--------|---|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| Mon | | | <u>Please give further details here</u> (please read guidance note 5) | Both | <input type="checkbox"/> |
| Tue | | | | | |
| Wed | | | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6) | | |
| Thur | | | | | |
| Fri | | | <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) | | |
| 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 checked="" type="checkbox"/> |
|--|-------|--------|---|---------------------|-------------------------------------|
| | | | | Off the premises | <input type="checkbox"/> |
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | | | <p><u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)</p> <p>From the start of permitted hours on New Year’s Eve to the end of permitted hours on New Year’s Day.</p> <p>An additional hour on the day British Summer Time commences.</p> <p>Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:00.</p> <p><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)</p> | | |
| 1 | | | | | |
| Wed | | | | | |
| Thur | | | | | |
| Fri | 12:00 | 06:00 | | | |
| Sat | 12:00 | 06:00 | | | |
| Sun | | | | | |
| | | | | | |

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>The premises holds a Sexual Entertainment Venue Licence with Manchester City Council (number: 224111)</p> |
|---|

L

| | | | |
|---|-------|--------|--|
| <p>Hours premises are open to the public Standard days and timings (please read guidance note 8)</p> | | | <p>State any seasonal variations (please read guidance note 6) From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day.</p> <p>An additional hour on the day British Summer Time commences.</p> |
| Day | Start | Finish | <p>Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League Football Match played at either the Etihad Stadium (Manchester City) or Old Trafford (Manchester United) until 06:30.</p> <p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)</p> |
| Mon | | | |
| Tue | | | |
| Wed | | | |
| Thur | | | |
| Fri | 12:00 | 06:30 | |
| Sat | 12:00 | 06:30 | |
| Sun | | | |

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)

See Premises Licence Number: 093334

To add - There will be no entry or re-entry allowed at the premises after 03:30 apart from smokers returning from the designated smoking area.

The condition number given here is incorrect – the correct condition is Annex 3 condition 8, HH

b) The prevention of crime and disorder

See Premises Licence Number: 093334

Annex 2, Number 3 to be slightly amended at iv to read: “the time of any meal breaks taken whilst on duty”.

To add - A minimum of 1 member of door staff to remain on site for 30 minutes following close on those days when the premises are trading until 06:00.

c) Public safety

See Premises Licence Number: 093334

d) The prevention of public nuisance

See Premises Licence Number: 093334

e) The protection of children from harm

See Premises Licence Number: 093334

Checklist:

Please tick to indicate agreement

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

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 | [REDACTED] |
| Date | 15 th February 2019 |
| Capacity | [REDACTED] |

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)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

| | | | |
|---------------------------|------------|-----------|------------|
| Post town | [REDACTED] | Post code | [REDACTED] |
| Telephone number (if any) | [REDACTED] | | |

| |
|--|
| <p>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</p> <p>████████████████████</p> |
|--|

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.

GREATER MANCHESTER POLICE - REPRESENTATION

About You

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

About the Premises

| | |
|--|---|
| Application Reference No. | LPV 226989 |
| Name of the Premises | Obsessions |
| Address of the premises including postcode | First Floor, 2b Whitworth Street West, Manchester |

Your Representation

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

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

The application is seeking to allow the premises to extend its licensable hours until 0600 hrs on Fridays and Saturdays with a closing time of 6.30 hrs in an area where there is one of the highest concentrations of assaults and disorder within the City Centre. They are also seeking to do the same thing on Sundays preceding a Bank Holiday and whenever Manchester United or Manchester City have a home fixture in the UEFA Champions League.

A significant number of officers who are deployed on the weekend policing operation Custodian are located in the Deansgate Locks/Whitworth Street area due to the issues that the area attracts and in the early hours a significant number of the calls made to the police relate to the premises in this area and the locality in general.

All of the other venues in this vicinity finish trading at 4am on a weekend and by allowing these premises to remain open for another 2 ½ hours will almost certainly attract this unruly element to the premises and cause issues. The applicant has offered a last entry time of 0330 hrs and, whilst this will mean that only existing customers will be allowed in the premises after this time, the fact that they will obviously be open much later than the other premises will probably lead to issues on the door, with new customers coming from the other venues on the Locks and trying to gain entry. This will then see an increase in calls to service that GMP are already overstretched to deal with.

Between 14th March 2018 and 14th March 2019 there were 179 incidents of violence and 114 incidents of ASB recorded on Whitworth Street and a number of these were in the later hours of the early morning.

We therefore ask that this application is refused.

| 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.uk |
| Telephone Number | 0161 234 1220 |

| Premise Details | |
|--------------------|--|
| Application Ref No | 622813 |
| Name of Premises | Obsessions |
| Address | 2b Whitworth Street West, Manchester, M1 5WZ |

| Representation |
|---|
| <p>Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.</p> |
| <p>The Licensing and Out of Hours Team (LOOHT) have assessed the likely impact of the grant of this application to vary the Sex Establishment Licence and the Premises Licence, taking into account a numbers of factors, including the nature of the area the premises is located, the hours applied for, the Council's Sex Establishment Policy, the Council's Licensing Policy and any potential risk that the granting of this could lead to issues of public nuisance.</p> <p>The premises is a sexual entertainment venue located on Whitworth Street West in the Deansgate Locks area of Manchester City Centre. The surrounding area is a mix of commercial properties including licensed premises and offices. There are a number of bars opposite the premises. The latest time the bars are open is 4:00 hours. There is a large mix of residential properties to the rear of the premises running along Little Peter Street.</p> <p>Adjacent to the premises approximately 20m away is the entrance Deansgate train station which runs to all the North West stations including Manchester Airport. It is a main commuter station. Opposite the premises is Deansgate Castlefield Metrolink station which is the junction for all Metrolink lines across the network.</p> <p>The applicant has applied to:-</p> <ul style="list-style-type: none"> ● Extend the hours of licensable activities on Fridays, Saturdays to 6am, open to the public until 6.30am. ● Sundays preceding a Bank Holiday Monday and the morning following any UEFA Champions League played at either Old Trafford or Etihad until 6am. ● Make amendments to the Operating schedule. <p>As a result of this assessment we have concerns regarding the extension of the applicant's licensable hours to 6am (with a 6.30am close) and how this will impact on the day time economy and upholding the licensing objectives, Council's Sex Establishment Policy and Licensing Policy.</p> |

The first trains arrive to Deansgate at approximately 6:00hours, and trams to Deansgate Castlefield Metrolink. A significant number of commuters will be making their way into the city centre for work during the daytime economy. How intoxicated customers will be dispersed from the premises at this time, does not appear to have been thought out within the application.

The request to extend the premises opening hours is highly likely to have an impact on issues within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from customers leaving the premises during the same time the public will be arriving or passing through the area on their daily commute or just visiting the City.

As the applicant has requested an extension of the hours for the morning until 6:00 hours following UEFA Champions League matches played at either Old Trafford or Etihad. Given the lateness of the proposed hours LOOHT have concerns that this will become the 'go to' premises for football fans wanting to stay out after other bars have closed.

The applicant has proposed a last entry time of 03:30 hours, the majority of the licensed premises on a weekday in the area close by this time, this therefore raises concerns. There is also potential for customers leaving the premises would be able to go directly to the airport via public transport having consumed alcohol until 6:00 hours with also a potential to cause public nuisance on dispersal.

The Manchester City Council's statement of Licensing Policy 2016-2021 stated that a number of risk factors should be taken into consideration when applying for and granting a licence application, specifically to:

- Paragraph 7.26 refers to consideration the Authority should make to prevention of nuisance such as noise disturbance from people entering and leaving the premises, prevention of disturbance by people outside the premises, litter from premises.
- Paragraph 7.28 in that the licensing authority will give consideration to the appropriateness of hours applied for, having regard for the location of premises and their likely effect of the promotion of the four Licensing Objectives
- Paragraph 7.31 states that the lateness of terminal hour for the premises will often be a contributory factor in the potential for disturbance.
- Paragraph 7.39 The night-time economy presents particular service needs in relation to street cleaning to ensure the streets are cleansed following the departure of night-time crowds, but ahead of the arrival of other users the following morning. Use of mechanised equipment, or even broom-sweeping, is often impractical when streets are busy with people and litter continues to be discarded.

As a result of our assessment we have concerns that the granting of this application is likely to lead to issues of public nuisance and the undermining of the Council's Licensing Policy.

When considering the request to extend the hours of licensable activities on Fridays, Saturdays to 6am, open to the public until 6.30am, we feel these hours will greatly impact on residents in the vicinity of the premise from noise by people leaving at the terminal hour and those permitted to temporarily leave to smoke. In addition to the residents we have also taken into account the effect on the day time economy when the public will be arriving or passing through, on a daily commute or visiting the City.

The hours also raise concerns over the ability of the Council to clean and maintain the street scene ahead of the arrival of the day time economy due to the change over time of the Council's contracted Street Cleansing Teams.

The Manchester City Council's statement of Licensing Policy 2016-2021 stated that a number of risk factors should be taken into consideration when applying for and granting a licence application, specifically paragraph 7.8

Paragraph 7.8 Relevant factors include:

- Physical design of the premises, including:
 - physical hazards arising from type and placement of furniture
 - lighting that facilitates deviance and increases anonymity
 - insufficient and unclean toilets
- Activities at the premises, including entertainment
- **Style of operation, particularly related to the likelihood of alcohol consumption**
 - The potential for pre-loading by customers
- **Social mix of patrons**
- **Patron type (age, gender)**
 - Visible staffing of the local public realm, including policing, wardens, Street Angels etc
- The surrounding locality including:
 - public CCTV coverage
 - any pedestrian and vehicular pathways likely to be used by customers when leaving the premises late at night.

Given that football and Sexual Entertainment Venues are predominantly frequented by males, a number of these risk factors are met before any other considerations have taken place. Another risk factor to be taken into consideration for events where there is a drinking culture associated, such as football, is the fact that there is a high probability that patrons arriving at the premises will have already been drinking for an extended period of time.

A further concern is that the premises will become a 'go to' location for football fans wanting to continue their stay in the City. It is common amongst football fans to chant and more so when in large numbers. The concern of the LOOHT is that this would lead to an increase of noise disturbance in an area which contains residential properties with potential of undermining the public nuisance licensing objective. It is also worth pointing out that during the week the majority of premises in the area will be closed and therefore there will be less transient noise in the area. The applicant has offered a last entry time of 03:30 hours, however this does not mitigate our concerns about the large numbers of people who may attempt to gain entry but then subsequently loiter outside the premises once refused. From the applicant's proposals, there will be a three hour period between last entry and closing where the premises will appear to be open with staff and customers outside in the smoking area and this may encourage those refused entry to remain outside engaging in conversation directly below residential properties.

The exemption to the standard hours for UEFA Champions League matches means that the hours are extended during weekdays and the LOOHT have concerns that these events will have a greater impact on residents and the daytime economy. Given that patrons will have been consuming alcohol until 6:00 hours they are therefore more likely to cause a public nuisance on dispersal.

We therefore recommend that given the concerns raised above this application is refused.

In the event the application goes through to a hearing, I reserve the right to include additional information to support my application.

Recommendation: Refuse Application

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Schedule of Licence Conditions

| Conditions consistent with the operating schedule | Agreed | Proposed by |
|---|----------------|--------------------|
| <p><u>Conditions to be added:</u></p> <p>There will be no entry or re-entry allowed at the premises after 03:30 apart from smokers returning from the designated smoking area. A minimum of 1 member of door staff to remain on site for 30 minutes following close on those days when the premises are trading until 06:00.</p> <p><u>Condition to be amended:</u></p> <p>Annex 3, condition 8: The application request to amend the wording within this condition from “The time of any breaks taken whilst on duty” to “The time of any meal breaks taken whilst on duty”.</p> <p>(For information the full condition is: “A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. That record shall contain the following details: (a) the door supervisor's name, date of birth and home address; (b) his/her Security Industry Authority licence number; (c) the time and date he/she starts and finishes duty; (d) the time of any breaks taken whilst on duty; (e) each entry shall be signed by the door supervisor.”)</p> | N/A | Applicant |
| | | |
| Conditions proposed by objectors | | |
| No conditions have been proposed by objectors | Not applicable | |

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