



Licensing Sub Committee Hearing Panel

Date: Monday, 12 August 2019

Time: 10:10am or at the rise of the 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

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

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

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Ludford (Chair), Lyons and Stone

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. Premises Licence Variation - Mr Thomas's Chop House, 52 Cross Street, Manchester, M2 7AR

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Report of the Director of Planning, Building Control and Licensing is attached.

5. Premises Licence Variation - The Shiredale, 102 Fernclough Road, Manchester, M9 5UR

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Report of the Director of Planning, Building Control and Licensing is attached.

6. Temporary Event Notice - Club Boom, 100 Bloom Street, Manchester, M1 3LY

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Report of the Director of Planning, Building Control and Licensing is attached.

Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

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

Further Information

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

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

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Manchester City Council

Report for Resolution

Report to: Licensing Subcommittee Hearing Panel – 12 August 2019

Subject: Premises Licence variation – Mr Thomas's Chop House, 52 Cross Street, Manchester, M2 7AR (application ref: 233651)

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

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	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities

and work.	suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to drive growth	

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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Position: Technical Licensing Officer
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Background documents (available for public inspection):

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

1. **Introduction**

- 1.1 On 20/06/2019, an application for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 was made in respect of Mr Thomas's Chop House, 52 Cross Street, Manchester, M2 7AR 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 Punch Taverns 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 description of the variation as given by the applicant is to:

 'Erect an external dispense bar in the outside drinking area for the sale of alcohol, as shown on the attached plan. The locations of fire safety and other safety equipment are subject to change in accordance with the requirements of the responsible authorities or following a risk assessment. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time. All other hours, activities and conditions permitted by the premises are to remain unchanged.'
- 3.2.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.
- 3.2.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 3**.

3.3 **Activities unsuitable for children**

- 3.3.1 The applicant has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

3.4 **Steps to promote the licensing objectives**

- 3.4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule.
- 3.4.2 These steps must be translated into conditions by the licensing authority 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 3 relevant representations were received in respect of the application (**Appendix 4**). The personal details of all members of the public have been redacted. Original copies of these representation will be available to the Committee at the hearing.

Responsible Authorities:

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

Other Persons:

- St Ann's Church

- 4.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	There are already significant problems in St Ann's Square with regards to street drinking and alcohol related antisocial behaviour which the grant of this application would likely exacerbate. In particular, street drinkers may attempt to steal alcohol from the bar when left unattended.	Refuse
Licensing and Out of Hours Compliance	Concerns that the plans submitted with this application do not accurately reflect the	Refuse

	external area as it exists, such that licensable activities would possibly be carried out within an unlicensed area. The grant of this application could also exacerbate existing problems of noise and antisocial behaviour in the area particularly with regards to street drinking and the conditions suggested by the applicant do not adequately address how this would be managed.	
St Ann's Church	People using the current outside seating area already cause excessive noise and this would likely get worse in the event of this application being granted, leading to issues of public nuisance.	Refuse

- 4.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 5**.

5. Key Policies and Considerations

5.1 Legal Considerations

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

5.2 New Information

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

5.3 Hearsay Evidence

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

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

- 5.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best

practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

- 5.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 5.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

5.5 **Manchester Statement of Licensing Policy**

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

Section 6: What we aim to encourage

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

- Premises that will extend the diversity of entertainment and attract a wider range of participants
- Live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
- National cultural institutions, global sports events and cultural festivals

- Non-drink-led premises, including restaurants, cafes, theatres and cinemas
- Communication and integration with local residents and businesses through licensees consulting with those in the local area prior to an application
- Participation in Pubwatches, off licence forums and other crime-reduction partnerships
- Engagement with the NITENET radio scheme and DISC secure information sharing platform by city centre venues through the Cityco Manchester Business Crime Reduction Partnership
- Designing out crime in the layout of the premises

Section 7: Local factors

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

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

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

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

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

MS2	Effective general management of the premises
MS5	Prevent on-street consumption of alcohol
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)

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

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

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.

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PREMISE NAME: Mr Thomas's Chop House

PREMISE ADDRESS: 52 Cross Street, Manchester, M2 7AR

WARD: Deansgate

HEARING DATE: 12/08/2019



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	048457
Granted	16/07/2005
Latest version	Change of Detail 06/09/2017

Part 1 - Premises details

Name and address of premises
Mr Thomas's Chop House 52 Cross Street, Manchester, M2 7AR
Telephone number
0161 832 2245

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. 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	1030	1030	1030	1030	1030	1030	1200
Finish	2400	2400	2400	2400	2400	2400	2230
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non standard Timings:							
<u>Every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend; every Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday Weekend; Christmas Eve, Boxing Day: One additional hour</u>							
<u>New Year's Eve: From permitted start until the terminal hour on New Year's Day.</u>							

Live music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1030	1030	1030	1030	1030	1030	1200
Finish	2400	2400	2400	2400	2400	2400	2230
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
<u>Every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend; every Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday Weekend; Christmas Eve, Boxing Day: One additional hour</u>							
<u>New Year's Eve: From permitted start until the terminal hour on New Year's Day.</u>							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0730	0730	0730	0730	0730	0730	1200
Finish	2400	2400	2400	2400	2400	2400	0000
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings: <u>Every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend; every Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday Weekend; Christmas Eve, Boxing Day: One additional hour</u> <u>New Year's Eve: From permitted start until the terminal hour on New Year's Day.</u>							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	Not permitted
Finish	2400	2400	2400	2400	2400	2400	
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings: <u>Every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend; every Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday Weekend; Christmas Eve, Boxing Day: One additional hour</u> <u>New Year's Eve: From permitted start until the terminal hour on New Year's Day.</u>							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0730	0730	0730	0730	0730	0730	1200
Finish	0030	0030	0030	0030	0030	0030	2300
Seasonal variations and Non standard Timings: <u>Every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend; every Thursday, Friday, Saturday, Sunday and Monday of the Easter Bank Holiday Weekend; Christmas Eve, Boxing Day: One additional hour</u> <u>New Year's Eve: From permitted start until the terminal hour on New Year's Day.</u> <u>Christmas Day: Start 1200 Finish 1500 Start 1900 Finish 2230.</u>							

Part 2

Details of premises licence holder	
Name:	Punch Taverns Limited
Address:	Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF
Registered number:	03752645

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

Annex 1 – Mandatory conditions

Door Supervisors

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

Supply of alcohol

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

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

a licence;

- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

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

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

8. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

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

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

Annex 2 – Conditions consistent with the operating schedule

1. The above time restrictions in relation to the hours for the sale of alcohol do not prohibit:
 - a) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
 - b) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - c) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption ancillary to the meals;
 - d) Consumption of the alcohol on the premises by, or the taking or sale or supply of alcohol to any person residing in the licensed premises;
 - e) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - f) The sale of alcohol to a trader or club for the purposes of the trade or club;
 - g) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - h) The taking of alcohol from the premises by a person residing there; or
 - i) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
2. The Nitenet radio link shall implemented, maintained and used.
3. The premises shall maintain its membership of the local Pub Watch Scheme.
4. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
5. An appropriate number of SIA registered door staff shall be employed at the premises on Friday and Saturdays night and match days or similar events.
6. Table service shall be made available to patrons seated both inside and outside.
7. Additional staff shall be employed to ensure regular glass collection.
8. All staff shall be trained in their obligations to promote the licensing objectives.
9. There shall be a health and safety policy in respect of the premises.
10. Sufficient numbers and types of fire fighting equipment shall be installed at the premises and shall be maintained and serviced according to the manufacturers' instructions.
11. Regular written risk assessments shall be carried out in respect of all activities that take place at the premises.
12. No external speakers shall be operated from the premises.

13. The Management shall work closely with St Ann's Church to reduce opportunities for disturbance.
14. Notices shall be displayed requesting that the old graveyard is treated with respect.
15. A daily cleaning regime shall be introduced and maintained to provide additional tidiness in St Ann's Alley and the Churchyard.
16. Persons under the age of 16 shall only be allowed to enter or remain on the premises before 2200 if they are accompanied by a person over the age of 18 and dinning in the restaurant area.
17. Persons under the age of 16 shall not use the toilet facilities unless accompanied by a person over the age of 18.

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

Not applicable

Annex 4 – Plans

See attached

By virtue of paragraph(s) 1 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 Punch Taverns 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 048457
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Mr Thomas's Chop House 52 Cross Street			
Post town	Manchester	Postcode	M2 7AR

Telephone number at premises (if any)	n/a
Non-domestic rateable value of premises	£ Unknown – Band C

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	[REDACTED]		
Post town	[REDACTED]	Postcode	[REDACTED]

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)

This is an application to vary the layout and design of the premises in accordance with the submitted plan (drawing no 203007 Rev A). The changes consists of an external dispense bar in the outside drinking area for the sale of alcohol, as shown on the plan.

The locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

To add the following conditions:-

- When licensable activities take place in the external area, regular checks of the garden will include the removal of empty glasses and bottles.
- Whenever the external area is used for licensable activities, a sufficient number of staff members, which will be determined on a risk assessed basis, will operate, monitor and supervise the area.

All other hours, activities and conditions permitted by the premises are to remain unchanged by 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:

n/a

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

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

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

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Wed			<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)		
Thur					
Fri					
Sat					
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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			
Fri			<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)
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)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5) Outdoor live music shall be limited to 6 events per annum and must cease by 21:00h		
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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed					
Thur					
			<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)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				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 dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
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)		
Fri					
Sat			<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"/>
				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 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 type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<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)		

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>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			<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) As per current licence permission.
Wed			
Thur			
Fri			
Sat			
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.

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)

As per current licence save for those conditions added to the operating schedule by this application.

The locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

b) The prevention of crime and disorder

Whenever the external area is used for licensable activities, a sufficient number of staff members, which will be determined on a risk assessed basis, will operate, monitor and supervise the area.

c) Public safety

When licensable activities take place in the external area, regular checks of the garden will include the removal of empty glasses and bottles.

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

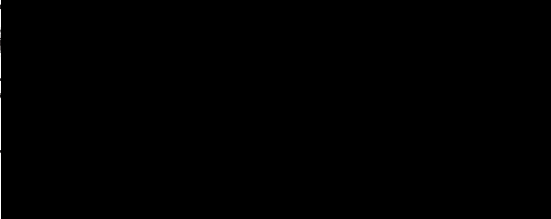
Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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




Signature		
Date		
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.

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.

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

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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 233651
Name of the Premises	Mr Thomas' Chop House
Address of the premises including postcode	52 Cross Street, Manchester M2 7AR

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 variation in relation to the above premises on the grounds of Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety

The Saints Ann's square are of Manchester City centre, where the outside area is situated is a big problem for GMP in relation to street drinking and alcohol related anti-social behaviour.

We are extremely concerned that the presence of an outside bar is likely to attract more issues into the area and we believe that the outside bar will be vulnerable to street drinkers and will potentially see issues of them attempting to steal alcohol from the bar and hanging around waiting for the bar to be left unattended.

Therefore this will increase the demand on the local policing team who work in this area and will undermine the Licensing Objectives.

As such we would ask that this variation is refused.

From: [REDACTED]
Date: Wed, 17 Jul 2019 at 11:34
Subject: Mr Thomas's Outdoor Seating Area Licensing Application
To: premises.licensing@manchester.gov.uk <premises.licensing@manchester.gov.uk>
Cc: b.cain@manchester.gov.uk <b.cain@manchester.gov.uk>

Dear Licensing Committee Members,

We have considered the application for an outside bar at the outdoor seating area of Mr Thomas's Chop House which is in the Churchyard of St Ann's Church. This email is to register the Church's concerns on the following grounds:

1. The outdoor seating area is currently without planning permission and has never received the requisite Church planning approval ('Faculty') which would be granted by the Consistory Court of the Diocese of Manchester. The area is not subject to the controls allowed by the usual seating and chairs licence as, being Churchyard, the land is not 'highway' as defined by the Highways Act.
2. Since the Parochial Church Council (PCC) last approved a scheme for the outdoor seating in 2010 (a Faculty Application by the City which failed) the area occupied by the seating has become larger. This increases the problems mentioned in (3) below.
3. Overall, there is a concern that drinkers using the seating area cause too much noise, especially when we have a warm summer evening and drinkers enjoying the sun and the environment are apt to be noisier than at other times. The seating area is surrounded by buildings on all sides and this leads to a noisy booming effect at busy times inside the church. An external bar would increase the quantity of drink being consumed in an expanded outside seating area. We believe this would increase the noise level inside the Church., interfering with services and concerts or other activities.
4. There is no Faculty in place for an outside bar, nor has any application been submitted. If a bar was put in place and utilised then the Church Council would be forced to seek a Faculty to force its removal. We would hope to avoid that outcome.

Mr Roger Ward, proprietor of Mr Thomas's Chop House, and I are in agreement that we and the City should come to an agreement about the future use of the Churchyard, including the outdoor seating area being used by Mr Thomas's. This agreed plan would then be put forward

for local authority planning permission and the Church's parallel planning control system through the Consistory Court. It may be that than an outside bar could form part of this scheme but from our side we would need to be convinced that this would be appropriate. I understand the operational convenience for the pub in having the external bar but we do need to recognise that the Churchyard is consecrated land and cannot be treated as though it was not. St Ann's Church is an important public resource which should not be spoiled by excessive noise from neighbouring outdoor licensed premises.

With my best wishes,

A black rectangular redaction box covering the signature of the sender.



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

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

Premise Details

Application Ref No	233651
Name of Premises	Mr Thomas's Chop House
Address	52 Cross Street, Manchester, M2 7AR

Representation

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

The Licensing and Out of Hours Team have assessed the likely impact of the 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 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.

The premises is located on Cross Street in the City Centre, the surrounding area is a mix of commercial properties including, restaurants, shops, offices and bars. The internal use of the premise is food led with a small bar area. There is a large seating area at the rear of the venue next to St Ann's Church and near to St Ann's square, this area is accessible through a side door located on St. Ann's Alley.

The applicant has applied to:

License and install a bar on the external seating area which is located on St Ann's Church yard at the junction of St Ann's Alley and backs on to St Ann's Church as shown in **Exhibit BC1**

Vary the layout and design of the premises in accordance with the plan submitted (drawing no 203007 Rev A) as shown in **Exhibit BC2**

The applicant has offered the following two conditions with regards to the outside area:

- When licensable activities take place in the external area, regular checks of the garden will include the removal of empty glasses and bottles.

- Whenever the external area is used for licensable activities, a sufficient number of staff members, which will be determined on a risk assessed basis, will operate, monitor and supervise the area.

All other hours, activities and conditions permitted by the premises licence are to remain unchanged by this application.

When considering the application and the external licensed area plan shown in (drawing no 203007 Rev A), this does not resemble the premises external area or location being used on site today. The premises external area has changed shape from a rectangular area on St Ann's Church Yard measuring 60m² to an L shaped external area that extended further behind St Anns Church measuring 137.8 m². The positioning of the current seating area is not in the location shown in the application, the size and current location can be seen in **Exhibit BC3 and BC4**

The LOOH team believe that approving this application will result in the applicant carrying out licensable activities in areas that are not covered on the application's plan.

The area of St Ann's Square is known to Greater Manchester Police as a problem area for Street drinking along with associated anti-social behaviour and crime; we do not feel that the conditions offered by the applicant have taken these factor into consideration or are sufficient to manage the considerable increase to the licensable area.

No information has been provided by the applicant on how they will manage patrons trying to leave the seating area with open containers of alcohol increasing the risk of a rise in Street drinking in the area. The Council has implemented a Public Space Protection Order in the City Centre to address and prevent Street drinking.

We also have concerns regarding the scale of the seating area and proximity to the church, nothing has been offered by the applicant to ensure there is no noise disturbance caused by this area, such as not using this area when the Church is in use or how staff will manage excessive noise from patrons.

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:

MS5 Prevent on-street consumption of alcohol

Manchester City Council has previously implemented Designated Public Place Orders (DPPOs) in areas throughout Manchester in order to help address and prevent numerous problems caused by public consumption of alcohol. With effect from 20 October 2014, any new or renewal of such orders are known as Public Space Protection Orders (PSPOs). Street drinking can be a major cause of antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children. Additionally, it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour. Licensees should ensure all

staff are aware of the DPPO/PSPO when situated within the designated area and reinforce the No Street Drinking warning at point of sale.

MS9 Effectively manage exterior spaces (eg. beer gardens, smoking areas, table and chair areas on the highway)

Where the premises include any exterior areas, licensees should demonstrate the measures in place to prevent issues that may give rise to problems. Relevant considerations should include:

- A limit on the number of patrons in such areas
- **Whether there is a curfew on using a limit**
- **How a limit will be delineated, if relevant**
- How premises will be kept clean and free of litter, particularly at the end of trading
- **The type of supervision to be put in place**
- **Whether the premises should be covered by CCTV**
- **Whether glasses should be allowed outside**
- **The glass collection arrangements to be put in place**
- **How to avoid customers causing noise disturbance**
- **How the premises will prevent begging at, and in the immediate exterior of, the premises.**

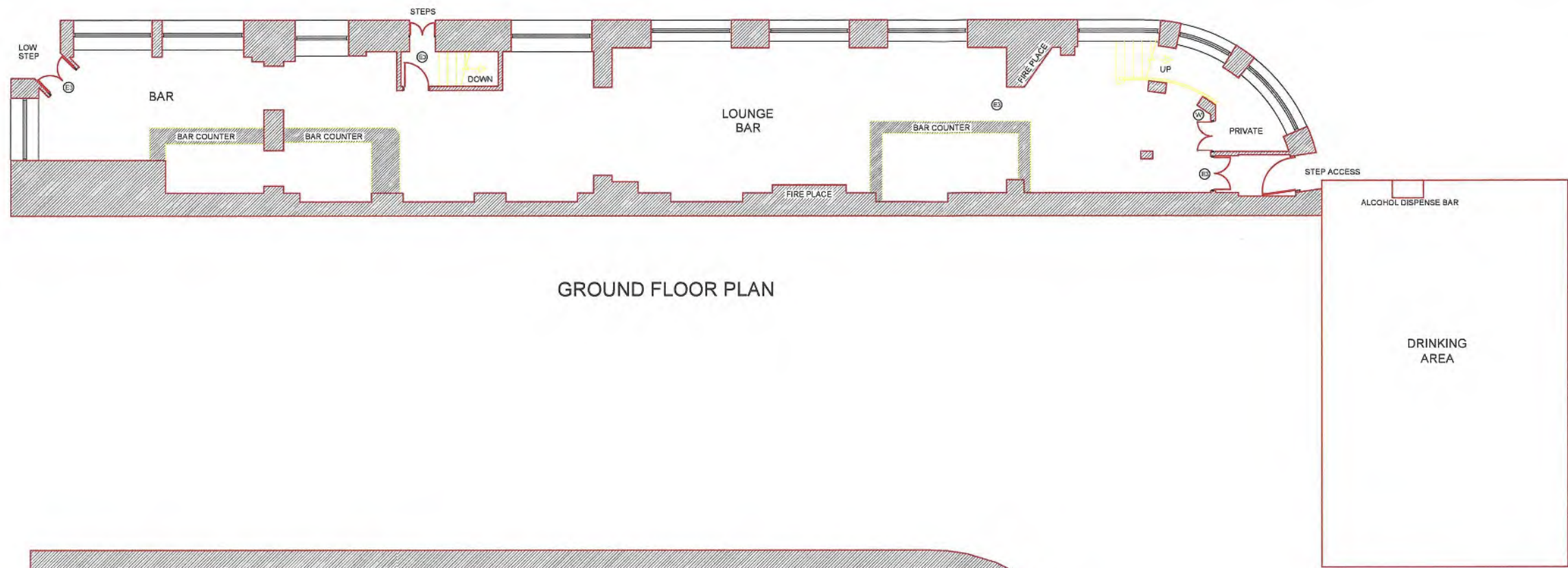
Therefore given the above concerns the Licensing and Out of Hours Team recommend that this application is refused.

Recommendation: Refuse Application

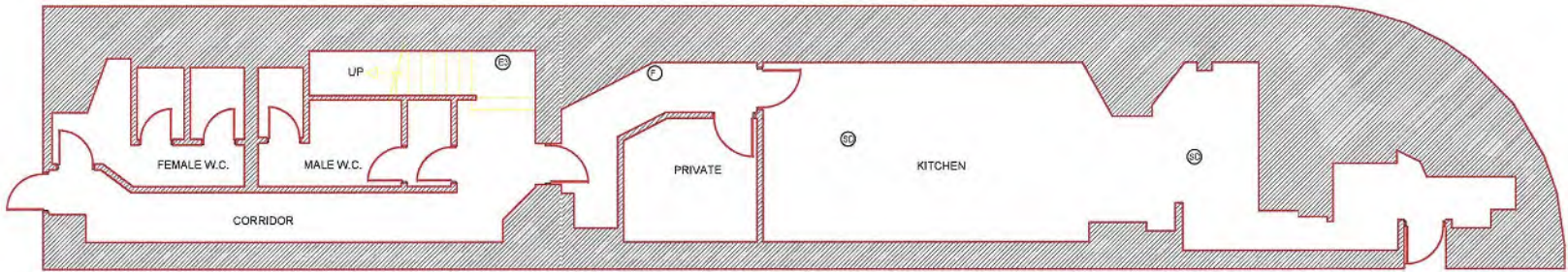
Location plan showing: Thomas Chop House External Seating Area.



Exhibit BC1.



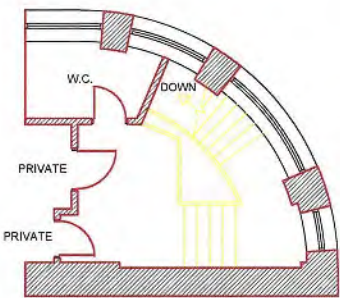
GROUND FLOOR PLAN



PART BASEMENT PLAN




LOCATION PLAN
SCALE 1:500



PART FIRST FLOOR PLAN

- KEY
- Ⓢ SMOKE DETECTOR
 - Ⓦ WATER EXTINGUISHER
 - ⓕ FOAM EXTINGUISHER
 - Ⓢ ILLUMINATED 'EXIT' SIGN WITH DIRECTIONAL ARROW

A		03.06.19	Addition of external alcohol dispense bar	GT
REV	DATE	DETAILS		DRAWN



ROMANS

Surveyors

4 KING STREET LANE, WINNERSH, BERKSHIRE, RG41 5AS.
TELEPHONE: 0118 936 6699

35 THE AVENUE, SOUTHAMPTON, HAMPSHIRE, SO17 1XN.
TELEPHONE: 02380 920110

84 HEATH ROAD, TWICKENHAM, MIDDLESEX, TW1 4BW.
TELEPHONE: 0208 288 0330

E-MAIL: ROMANS@ROMANS.CO.UK
WWW.ROMANS.CO.UK

ON BEHALF OF


PUNCH TAVERNS

PROJECT TITLE

**Mr Thomas' Chop House,
52 Cross Street, M2 7AR**

DRAWING TITLE		SCALE	
Existing Floor Plans		1:100	
DATE		23.03.05	
DRAWN	SA	CHECKED	SL
DWG NO.	203007	REV	A

ROMANS SURVEYORS ARE PART OF THE ROMANS GROUP INCORPORATING:		The ROMANS Group	
COMMERCIAL LAND & NEW HOMES LETTINGS	SURVEYORS RESIDENTIAL	ARCHITECTURAL FLOWER IFA RELOCATIONS	

OUTLET NO. 203007	 ISO 9001
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Mr Thomas Chop House External Seating Area = 137 m2

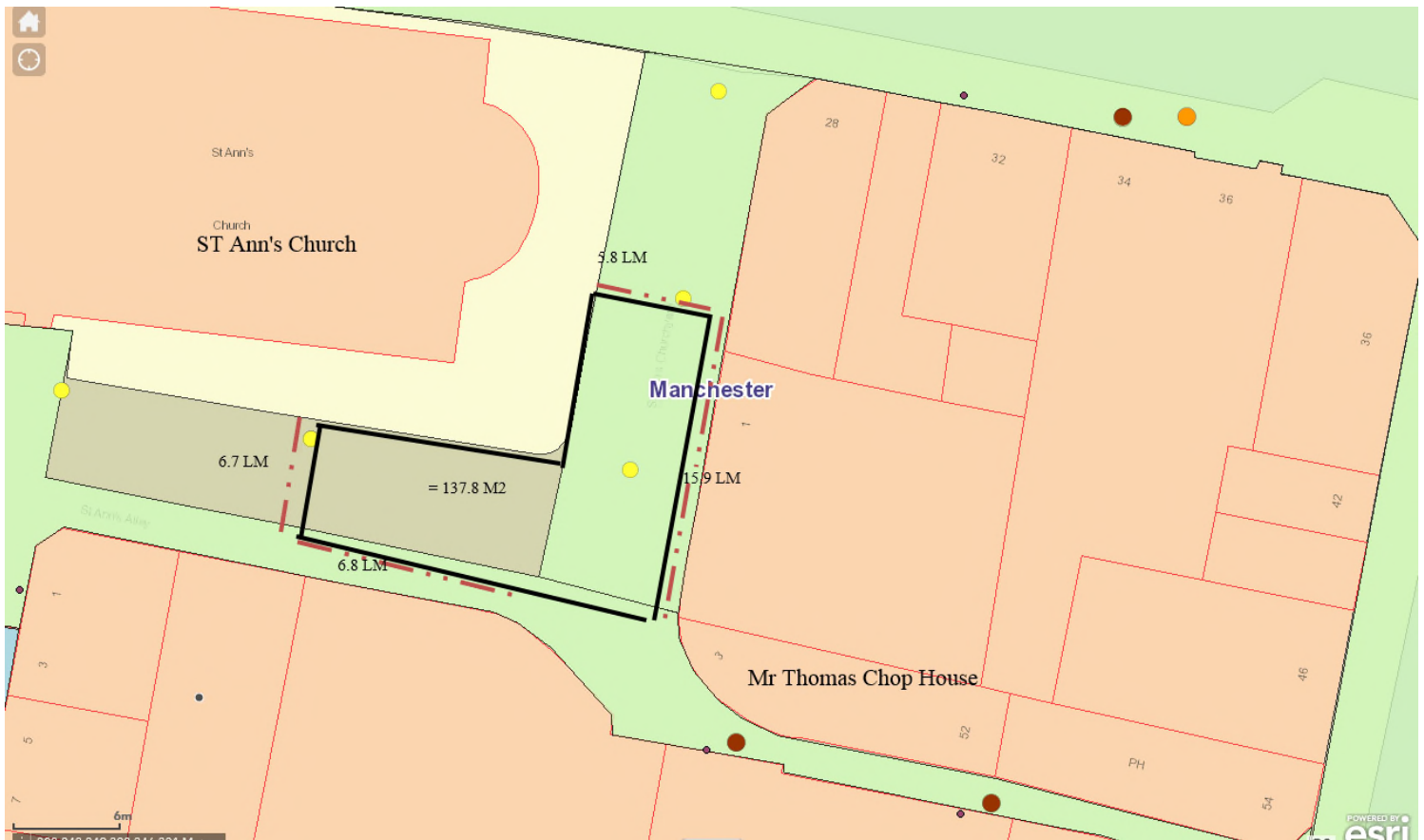


Exhibit BC3

Exhibit BC4 : Photographs of Thomas chop House external seating area.





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

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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. When licensable activities take place in the external area, regular checks of the garden shall include the removal of empty glasses and bottles. 2. Whenever the external area is used for licensable activities, a sufficient number of staff members, which will be determined on a risk assessed basis, shall operate, monitor and supervise the area. 	N/A	Applicant
Conditions proposed by objectors	Agreed	Proposed by
Not applicable		

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

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Manchester City Council

Report for Resolution

Report to: Licensing Subcommittee Hearing Panel – 12 August 2019

Subject: Premises Licence Variation - The Shiredale, 102 Fernclough Road, Manchester, M9 5UR (application ref: 233586)

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

That the Committee determine the application.

Wards Affected: Harpurhey

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	An effective licensing system supports and enables growth and employment in our City

and work.	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:

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Position: Technical Licensing Officer
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Background documents (available for public inspection):

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

1. Introduction

- 1.1 On 20/06/2019, an application for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 was made in respect of The Shiredale, 102 Fernclough Road, Manchester, M9 5UR in the Harpurhey 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 Miss Debra Jayne Thompson and a copy of the current licence is attached at **Appendix 2**.

3. The Application

- 3.1 A copy of the application is attached at **Appendix 3**.
- 3.2 The variation is as follows:

Description of proposed variation as given by the applicant:

- I. To extend the opening hours of the premises
- II. To extend the retail sale of alcohol / late night refreshment and regulated entertainment times
- III. To remove Condition 9, Annex 3 in order allow children on the premises until the later time of 10pm (this would be at our discretion – not every customer's child would be allowed on the premises, just on private bookings and also for the children of regular customers. Children would still not be allowed on the premises unaccompanied by an adult and would be supervised by staff at all times.)
- IV. To remove Condition 25, Annex 3 (relating to risk assessments) as we will not take bookings that will jeopardise the safety of our staff or other members of the public

- V. To amend Condition 26, Annex 3 so that all references to the random search policy are removed.

Proposed hours and licensable activities:

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

Current hours: Mon to Sun 10am to midnight

Proposed hours: no changes proposed to hours

Provision of regulated entertainment (recorded music):

Current hours: Mon to Sun 10am to midnight

Proposed hours: Sun to Thurs 10am to midnight, Fri and Sat 10am to 2am

Proposed seasonal variation: New Year's Day: 10am to 2am, Boxing Day 10am to 2am

Provision of regulated entertainment (live music):

Current hours: Mon to Sun 10am to 11.30pm

Proposed hours: Sun to Thurs 10am to midnight, Fri and Sat 10am to 2am

Proposed seasonal variation: New Year's Eve 10am to 2am, Boxing Day 10am to 2am

Provision of late night refreshment:

Current hours: Mon to Sun 11pm to midnight

Proposed hours: Sun to Thurs 11pm to 1am, Fri and Sat 11pm to 2am

Proposed seasonal variation: New Year's Eve: 11pm to 3am, Christmas Day 11pm to 2am, Boxing Day 11pm to 2am

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

Current hours: Mon to Sun 10am to 11.30pm

Proposed hours: Sun to Thurs 9am to 1am, Fri to Sat 9am to 2am

Proposed seasonal variation: Christmas Day 9am to 2am, Boxing Day 9am to 2am

Opening hours:

Current hours: Mon to Sun 10am to midnight

Proposed hours: Sun to Thurs 9am to 2am, Fri to Sat 9am to 3am

Proposed seasonal variation: Christmas Eve 9am to 3am, Christmas Day 9am to 3am

- 3.2.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.

3.2.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 3**.

3.3 **Activities unsuitable for children**

3.3.1 The applicant has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

3.4 **Steps to promote the licensing objectives**

3.4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule.

3.4.2 These steps must be translated into conditions by the licensing authority 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 3 relevant representations were received in respect of the application (**Appendix 4**). The personal details of all members of the public have been redacted. Original copies of these representation will be available to the Committee at the hearing.

Responsible Authorities:

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

4.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	The prevention of public nuisance – the proposed hours are considered excessive given the residential nature of the area and if granted would likely cause an unacceptable level of disturbance resulting from people leaving the premises and also using the smoking area	Refuse
Licensing and Out of Hours Compliance	The prevention of public nuisance – the proposed hours are considered excessive given	Part refuse, part grant

	<p>the residential nature of the area and if granted would likely cause an unacceptable level of disturbance (this includes the request to open an hour earlier in the morning). Also, the area around the premises already has high levels of antisocial behaviour and later opening hours could exacerbate this.</p> <p>The protection of children from harm – varying Condition 9, Annex 3 so as to allow children onto the premises beyond 2000 would undermine this licensing objective due to the presence of intoxicated adults and also possible drug use in the toilets.</p> <p>However, LOOH would support the removal of Condition 25, Annex 3 relating to the requirement to send risk assessments to GMP although would expect risk assessments to continue.</p> <p>LOOH would also support the amendment of Condition 25, Annex 3 as requested.</p>	
Greater Manchester Fire and Rescue	Public safety – the description of how fire safety has been assessed was inadequate	Grant with a condition

4.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 5**.

4.4 Agreements on conditions have been reached with Greater Manchester Fire and Rescue.

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 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
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance

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

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

- | | |
|------|---|
| MS2 | Effective general management of the premises |
| MS4 | Prevent the use of illegal drugs, new psychoactive substances (NPS) and the spiking of drinks at the premises |
| MS8 | Prevent noise nuisance from the premises |
| MS11 | Ensure the wellbeing of children on the premises |

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.

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PREMISE NAME: The Shiredale

PREMISE ADDRESS: 102 Fernclough Road, Manchester, M9 5UR

WARD: Harpurhey

HEARING DATE: 12/08/2019

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	050578
Granted	27/09/2005
Latest version	Transfer 218124 Granted 29/09/2018

Part 1 - Premises details

Name and address of premises
The Shiredale 102 Fernclough Road, Manchester, M9 5UR
Telephone number
TBC

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: Indoor sporting events; Live music; Recorded music; Anything similar to live music, recorded music or the performance of dance; Provision of facilities for making music; Provision of facilities for dancing; 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	1000	1000	1000	1000	1000	1000	1000
Finish	2330	2330	2330	2330	2330	2330	2330
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non standard Timings:							
New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day							
Christmas Eve: Start 1000 Finish 0000							
Boxing Day: Start 1000 Finish 0000							

Indoor sporting events; Recorded music; Anything similar to live music, recorded music or the performance of dance; Provision of facilities for making music; Provision of facilities for dancing							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0000	0000	0000	0000	0000	0000	0000
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

Christmas Eve: Start 1000 Finish 0030

Boxing Day: Start 1000 Finish 0030

Live music

Standard timings

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	2330	2330	2330	2330	2330	2330	2330

Licensed to take place indoors only.

Seasonal variations and Non standard Timings: None

Provision of late night refreshment

Standard timings

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0000	0000	0000	0000	0000	0000	0000

Licensed to take place indoors only.

Seasonal variations and Non standard Timings:

New Year: Start 2300 Finish 0500

Christmas Eve: Start 2300 Finish 0030

Boxing Day: Start 2300 Finish 0030

Hours premises are open to the public

Standard timings

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0000	0000	0000	0000	0000	0000	0000

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

Christmas Eve: Start 1000 Finish 0030

Boxing Day: Start 1000 Finish 0030

Part 2

Details of premises licence holder

Name: Debra Jayne Thompson

Address: [REDACTED]

Registered number: N/A

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

Name: Mr John Malone

Address: [REDACTED]

Personal Licence number: [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 – Mandatory conditions

Door Supervisors

Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -

- Unauthorised access or occupation (e.g. through door supervision),
- Outbreaks of disorder, or
- Damage

Supply of alcohol

1. No supply of alcohol may be made under this premises licence:
 - a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
3.
 - (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - 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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - 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;
 - d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - i) the outcome of a race, competition or other event or process, or
 - ii) the likelihood of anything occurring or not occurring;
 - e) 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.
4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
7. The responsible person shall 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; and
 - b) customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the operating schedule

1. Persons under the age of 16 shall not be allowed on the premises at any time that the premises are open to the public, unless accompanied and supervised by a person over the age of 18.

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

Attached at Committee hearing on 27/09/2005

1. Windows and doors shall remain closed after 2300 during all regulated entertainment, except for access and egress.
2. Regular checks shall be made from outside the premises to ensure regulated entertainment is inaudible at the nearest residential properties.
3. The external drinking area shall be closed after 2300.
4. There shall be no disposal of bottles or waste into external receptacles outside the hours of 0900 and 2200.
5. Display prominent signs requesting that 'customers respect local residents and to leave quietly' shall be placed near exits.
6. Telephone numbers for taxi firms shall be displayed in a prominent location or a facility for customers to order cabs shall be provided at the premises.
7. Glasses shall be removed and tables cleared regularly when the outside drinking area is in use.
8. The area around the premises shall be cleaned regularly.
9. No persons under the age of 16 shall be allowed into the premises after 2000.
10. There shall be in place for the premises a written policy to prevent the sale or supply of alcohol to persons under 18 years of age. That policy shall require any person who appears to be under the age of 18 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence, passport or accredited student card.
11. A notice or notices shall be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.
12. Persons who appear to be under 18 years of age shall be required to produce proof of age by way of a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence, passport or accredited student card.
13. There shall be displayed on the premises notice(s) to warn members of the public visiting the premises of the incidence of crime, which may affect them. The notice(s) shall be displayed in a position where it is clearly visible to members of the public.
14. There shall be displayed at the entrance to the premises a sign, which is clearly visible members of the public visiting those premises containing details of the trading hours under the premises licence, the licensable activities permitted on those premises and any maximum occupancy level set for the premises.
15. Where the premises licence has restrictions relating to the admission of children, a sign detailing those restrictions shall be displayed at the entrance to the premises where it is clearly visible to members of the public visiting those premises.
16. No person under the age of 12 years, unless they are accompanied by a person over 18 years, shall be permitted on the premises at any time between 2200 and 0700 when the premises are being used for the purposes of a licensable activity other than the supply of alcohol.

Attached at review hearing on 07/02/2011

17. CCTV

- Must be provided in the form of a recordable system, capable of providing pictures, particularly facial recognition in all lighting conditions.
 - Export footage to a removable storage medium with a time and date integral to the image and to include any software needed to replay the footage.
 - Cameras must encompass all ingress and egress to the premises, fire exits, all areas where the sale/ supply of alcohol occurs and all external areas.
 - All equipment must have constant time/date generation, which must be checked for accuracy on a daily basis.
 - Equipment must be maintained in good working order and be correctly time and date stamped. The system instruction manual must be available at the premises.
 - There must be a member of trained staff available to be able to download evidence at the request of an Authorised Officer or a Police Constable within 24 hours of request.
 - A contact list for all staff qualified to operate the CCTV system must be provided to an Authorised Officer or Police Constable immediately.
 - Recordings must be kept for a minimum of 31 days.
 - An operational daily log report must be maintained & endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
 - CCTV warning signs must be fitted in public areas of the premises and displayed.
 - In addition to the control equipment an additional high-resolution 15" monitor must be sited in or near the bar service area or foyer entrance. This will give customers and staff visible reassurance on the installation and quality of images provided.
 - In the event of a CCTV system malfunction, the Designated Premises Supervisor or Premises Licence Holder must immediately notify the Licensing Authority Tel: 0161 234 4512 and Police Licensing Department 0161 856 0037/3171. Details of the malfunction must be recorded in the premises incident book. The Licensing Authority and Police Licensing Department must be notified when the system is again operational.
18. The external drinking area must be closed at 10pm, except for use as a smoking area. No drinks to be taken outside after 10pm (supercedes annex 3, condition 3).
19. The Challenge/Think 21 policy must be implemented immediately in full and appropriate identification will be sought from any person who appears under the age of 21. The only acceptable forms of identification will be passport, photo driving licence and those carrying the PASS logo. Notices will be displayed at the entrances to the premises and bar service indicating that the Challenge / Think 21 policy is in force (supercedes annex 3, conditions 11 & 13).
20. The need for door security must be assessed by the Premises Licence Holder or Designated Premises Supervisor on a regular basis and SIA registered door staff will be employed when and where the risk assessment deems this appropriate. The risk assessment must be available for inspection by a Police Constable and retained for 12 months.
21. A written record must 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 will 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 finishes duty;
 - (iv) the time of any breaks taken whilst on duty;
 - (v) each entry will be signed by the door supervisor.

That register must be available for immediate inspection on demand by an Authorised Officer of the Council,

the Security Industry Authority or a Police Constable.

22. The area outside the premises will be kept clean and tidy and staff will be required to check & remove all and any litter at the start and finish of licensable activity and periodically during opening hours (supercedes annex 3, condition 8).
23. Upon notice given by the Police Licensing Department of Greater Manchester Police the premises will agree not to sell alcohol when high profile events are being held within the North Manchester Division of Greater Manchester Police (e.g. Manchester Derby, marches).
24. Any person who is involved in disorderly conduct or anti-social behaviour outside the premises will not be permitted entry to the premises. The Premises Licence Holder, Designated Premises Supervisor or Personal Licence Holder will ensure that any persons in the premises who are involved in disorderly conduct or anti-social behaviour inside the premises will be removed from the premises immediately and a record made in the incident book.
25. The Premises Licence Holder or Designated Premises Supervisor must conduct a risk assessment prior to any private party, function or planned gathering in the public areas of the premises and will produce a documented risk assessment prior to any events held at the premises to include the need for doorstaff, plastic & polycarbonate drinking vessels and decanting of glass bottled beverages. The Premises Licence Holder or Designated Premises Supervisor must notify Police Licensing Department on 0161 856 0037/3171 14 days prior to the event. If less than 14 days the Premises Licence Holder or Designated Premises Supervisor must liaise with Police Licensing Department. The risk assessment must be available for inspection by a Police Constable and retained for 12 months.
26. The Premises Licence Holder or Designated Premises Supervisor must implement & document policies as follows. The documented policies must be available for inspection immediately upon request by an Authorised Officer of the Council or a Police Constable and retained for 12 months.
 - (i) A random search policy to prevent drugs, offensive weapons etc to include roles of staff and doorstaff.
 - (ii) A dispersal policy to include roles of staff and doorstaff.
 - (iii) Staff training will include Random search policy, Dispersal policy, control of external areas & the Challenge / Think 21 policy and its operation. Staff will be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence paid employment and all staff will be retrained twice yearly.
 - (iv) An incident book must be kept and updated daily by the Premises Licence Holder or Designated Premises Supervisor.
27. All Premises Licence conditions must be implemented within 21 days from ratification by the committee.

Annex 4 – Plans

See attached.

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

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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 MISS DEBRA JAYNE THOMPSON

(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 050578

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description THE SHIREDALE 102 FERNCLOUGH ROAD, HARPURHEY			
Post town	MANCHESTER	Postcode	M9 5UR

Telephone number at premises (if any)	01613129292
Non-domestic rateable value of premises	£0 5,100

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	SAME AS ABOVE		
Post town		Postcode	

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)

i) TO EXTEND THE OPENING HOURS OF THE PREMISES.

ii) TO EXTEND THE RETAIL SALE OF ALCOHOL / LATE NIGHT REFRESHMENTS TIMES.

iii) TO ALLOW CHILDREN ON THE PREMISES UNTIL THE LATER TIME OF 10pm
 (This would be at our discretion not every customers child would be allowed on the premises, just on private bookings and also customers that are regulars, their children – which is why we have stated at our discretion as this would not be a permanent fixture – It would just allow us to be a little more helpful to our regulars. (They would not be allowed on the premises unaccompanied by an adult and they would also be supervised by staff at all times).

iv) TO REMOVE ALL OF THE UNNECESSARY ITEMS FROM THE TERMS AND CONDITIONS OF THE LICENCE THAT ONLY WOULD OF APPLIED BACK IN 2005.

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

--

Part 4 Operating Schedule

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

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

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

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

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input 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)		
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					
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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			
Fri			<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)
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)			<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	<u>Please give further details here</u> (please read guidance note 5) AMPLIFIED MUSIC BY WAY OF KARAOKE / DISCO. WE WILL ALSO ENSURE THAT THE MUSIC VOLUME WILL BE LOWERED FROM 11:30PM. TO PREVENT NOISE POLLUTION TO THE NEIGHBOURS.					
Mon	10:00	00:00						
	AM	AM						
Tue	10:00	00:00						
	AM	AM						
Wed	10:00	00:00				<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
	AM	AM						
Thur	10:00	00:00						
	AM	AM						
Fri	10:00	02:00	<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)					
	AM	AM						
Sat	10:00	02:00						
	AM	AM						
Sun	10:00	00:00						
	AM	AM						

NEW YEARS EVE 10:00AM – 02:00AM

BOXING DAY 10:00AM-02:00AM

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>		
				Outdoors	<input type="checkbox"/>		
				Both	<input checked="" type="checkbox"/>		
Day	Start	Finish					
Mon	10:00	00:00	Please give further details here (please read guidance note 5) THE MUSIC OUTDOORS WILL BE FROM ONE LOW WATT SPEAKER IN THE FRONT AREA OF THE GARDENS AND WILL BE KEPT AT A REASONABLE VOLUME THROUGHOUT THE DAY AND ALSO SWITCHED OFF IMMEDIATELY AT 9PM. TO RESPECT THE NEIGHBOURS AND REDUCE NOISE POLLUTION. MUSIC INDOORS WILL ALSO BE REDUCED IN VOLUME AFTER 11:30PM.				
	AM	AM					
Tue	10:00	00:00					
	AM	AM					
Wed	10:00	00:00				<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)	
	AM	AM					
Thur	10:00	00:00					
	AM	AM					
Fri	10:00	02:00	<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)				
	AM	AM					
Sat	10:00	02:00					
	AM	AM					
Sun	10:00	00:00			BOXING DAY – 10:00AM – 02:00AM		
	AM	AM					

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
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)		
Fri					
Sat			<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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	09:00	01:00	<u>Please give further details here</u> (please read guidance note 5) TO PROVIDE AN EXTENTION TO OUR CURRENT LICENCE ENABLING US TO SELL ALCOHOL OR REFRESHMENTS AT A LATER TIME.		
	AM	AM			
Tue	09:00	01:00			
	AM	AM			
Wed	09:00	01:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
	AM	AM			
Thur	09:00	01:00			
	AM	AM			
Fri	09:00	02:00	<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) NEW YEARS EVE – 09:00AM – 03:00AM CHRISTMAS DAY – 09:00AM-02:00AM BOXING DAY – 09:00AM – 02:00AM		
	AM	AM			
Sat	09:00	02:00			
	AM	AM			
Sun	09:00	01:00			
	AM	AM			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>	
				Off the premises	<input type="checkbox"/>	
				Both	<input checked="" type="checkbox"/>	
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)			
Mon	09:00	01:00				
	AM	AM				
Tue	09:00	01:00				
	AM	AM				
Wed	09:00	01:00				
	AM	AM				
Thur	09:00	01:00				<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7) NEW YEARS EVE – 09:00AM – 03:00AM CHRISTMAS DAY – 09:00AM – 02:00AM BOXING DAY – 09:00AM – 02:00AM
	AM	AM				
Fri	09:00	02:00				
	AM	AM				
Sat	09:00	02:00				
	AM	AM				
Sun	09:00	01:00				
	AM	AM				

K

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).

GAMING MACHINES:-

WE WILL ENSURE THAT OUR GAMING MACHINES ARE LABELLED AND SIGNED CORRECTLY WITH 18 YEARS OR OLDER SIGNS, WE WILL ALSO MONITOR THESE MACHINES TO ENSURE THAT ONLY ADULTS ARE ALLOWED ON THEM.

ALSO ALL CHILDREN ON THE PREMISES UNTIL 10PM ARE SUPERVISED BY AN ADULT AT ALL TIMES.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6) NEW YEARS EVE : - 09:00AM – 04:00AM CHRISTMAS EVE:- 09:00AM – 03:00AM CHRISTMAS DAY :- 0900AM – 03:00AM
Day	Start	Finish	<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) AS STATED ABOVE.
Mon	09:00	02:00	
	AM	AM	
Tue	09:00	02:00	
	AM	AM	
Wed	09:00	02:00	
	AM	AM	
Thur	09:00	02:00	
	AM	AM	
Fri	09:00	03:00	
	AM	AM	
Sat	09:00	03:00	
	AM	AM	
Sun	09:00	02:00	
	AM	AM	

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.

TERM 9).

WE PROPOSE THAT CHILDREN/PERSONS UNDER THE AGE OF 18 ARE ALLOWED ON THE PREMISES UNTIL 10PM (WITH THE DISCRETION OF THE DPS) .

OUR CONDITION IS THAT WE WILL NOT ALLOW ALL PERSONS, BUT, PERSONS WHO ARE RELATED TO OUR REGULAR CUSTOMERS, THAT WE KNOW WILL MONITOR THEIR SAFETY AND WHO WE KNOW NOT TO BE CAUSING A NUISANCE TO OTHER PATRONS.

ONLY ON PRIVATE BOOKINGS WILL THEIR BE CHILDREN ALLOWED ON THE PREMISES UNTIL 10PM THAT WE ARE NOT FAMILIAR WITH.

TERM 25).

REMOVAL OF THIS NOTICE: AS WE WILL NOT TAKE BOOKINGS THAT WILL JEOPARDISE THE SAFETY OF OUR STAFF OR OTHER MEMBERS OF THE PUBLIC.

TERM 26)

- i) PROPOSE TO REMOVE THIS TERM, AS I DO NOT FEEL SAFE TO PUT MYSELF OR MY STAFF IN THE POSITION TO DO THIS, ALSO IT CREATES A BAD ATOMSPHERE AMONG CUSTOMERS AND COULD THEREFORE HAVE AN ILL EFFECT ON THE BUSINESS AND A DECLINE IN PATRONS. (WE WILL HOWEVER STRICTLY MONITOR AND TRY TO PREVENT THE USE OF DRUGS AND OR WEAPONS AND WILL REPORT SUCH BEHAVIOUR IMMEDIATELY TO THE POLICE, AS WE HAVE DONE IN THE PAST).
- ii) DISPERSAL TRAINING WILL BE GIVEN AND ALSO CHALLENGE 21 TRAINING.
- iii) A BUTTON ON THE TILL WILL ALSO BE AVAILABLE FOR STAFF TO SHOW THAT THEY HAVE CHECKED FOR ID DURING BUSIER TIMES. THIS WILL BE IN EFFECT FROM MONDAY 24TH JUNE 2019.

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)

TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL:-
 PROVIDE ALL STAFF WITH TRAINING SO THAT THEY ARE ALL AWARE OF THE PREMISES LICENCE AND THE REQUIREMENTS TO MEET ALL FOUR OBJECTIVES.
 PAYING ATTENTION TO:
 A) NO SELLING OF ALCOHOL TO UNDERAGE DRINKERS
 B) PREVENTION OF THE SALE OR USE OF DRUGS ON THE PREMISES
 C) NO DRUNK OR DISORDERLY BEHAVIOUR ON THE PREMISES.
 D) NO VIOLENT OR ANTI SOCIAL BEHAVIOUR
 E) NO HARM TO ANY CHILDREN
 WE CAN DO THIS BY USING THE CHALLENGE 21 / LOOKING AT OUR OPERATING SCHEDULES AND MONITORING.

b) The prevention of crime and disorder

ENSURE THAT A CLEAR AND OPERATING CCTV SYSTEM IS INSTALLED AND MONITORED.
 A CLEAR NOTICE OF OPERATING HOURS ARE DISPLAYED AND A COPY OF THE PREMISES LICENCE. WARNING OF POTENTIAL CRIMINAL ACTIVITY. NO SALE OF ALCOHOL TO DRUNK OR DISORDERLY OR ALREADY INTOXICATED CUSTOMERS.
 PREVENTION OF THE SALE AND USE OF DRUGS ON OR AROUND THE PREMISES.
 STAFF WILL BE TRAINED TO ASK CUSTOMERS TO USE AND LEAVE THE PREMISES IN AN ORDERLEY AND RESPECTFUL MANNER.

c) Public safety

INTERNAL AND EXTERNAL LIGHTING HAS BEEN FIXED TO THE PROPERTY TO ENSURE AND PROMOTE SAFETY.
 STAFF ARE TRAINED TO HEALTH AND SAFETY INITIATIVES AND REQUIREMENTS.
 TRAINING AND IMPLEMENTATION OF UNDERAGE ID CHECKS AND LOG BOOK KEPT AVAILABLE FOR INSPECTION BY RELEVANT AGENCIES AND PERSONS AT ANY TIME.
 ALL PARTS OF THE PUBLIC HOUSE AND FITTINGS SHALL BE WELL MAINTAINED AT ALL TIMES AND KEPT IN GOOD ORDER AND KEPT IN A SAFE CONDITION FOR BOTH MEMBERS OF THE STAFF AND THE PUBLIC.

d) The prevention of public nuisance

CLEAR NOTICES ARE DISPLAYED AT THE ENTRANCES AND EXITS REQUESTING THAT CUSTOMERS LEAVE THE PREMISES IN A QUIET AND ORDERLY MANNER. AND TO RESPECT THE NEIGHBOURS AND THE AREA WHEN LEAVING.
 DELIVERIES ARE ALWAYS CARRIED OUT BETWEEN 10:00AM AND 17:00PM TO PREVENT DISRUPTION TO NEIGHBOURS.
 THE STAFF LEAVE AND ENTER IN A DISCREET MANNER. CUSTOMERS WILL NOT BE ALLOWED ON THE PREMISES BEFORE OR AFTER THE STATED TIMES. THE BOTTLE BINS WILL NOT BE EMPTIED AFTER 19:30PM OR BEFORE 08:00AM.
 OUTDOOR LIGHTING WILL BE MONITORED AND POSITIONED CORRECTLY.

--

e) The protection of children from harm

CHALLENGE 21 SIGNS WILL BE DISPLAYED AROUND THE PREMISES AND ALSO SIGNS PROMOTING TO CHECK ID.
 NON SALE OF ALCOHOL TO PERSONS UNDER THE AGE OF 18 AND ALSO THAT IT IS UNLAWFUL TO BUY ALCOHOL RELATED REFRESHMENTS FOR ANYONE UNDER THE AGE OF 18 WILL ALSO BE DISPLAYED.
 STAFF TRAINING WILL BE GIVEN ON ALL ID, AGE, CHECKS.
 THIS WILL ALSO BE NOTED IN A LOG BOOK AND BE ON HAND AT ALL TIMES.
 NO CHILDREN WILL BE ALLOWED ON TO THE PREMISES AFTER THE TIME STATED ON THE PREMISES LICENCE.

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	MISS DEBRA JAYNE THOMPSON
Date	20/06/2019
Capacity	OWNER

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) THE SHIREDALE 10 FERNCLOUGH ROAD HARPURHEY			
Post town	MANCHESTER	Post code	M9 5UR
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

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.

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

Document is Restricted

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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 233586
Name of the Premises	The Shiredale
Address of the premises including postcode	102 Fernclough Road, Manchester M9 5UR

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 application in relation to the above premises on the grounds of the Prevention of Public Nuisance.

The application seeks to allow the premises to extend its licensable hours and closing hours which will see it remain open to 0200hrs Sunday to Thursday and until 0300hrs on Friday and Saturday

GMP believes that due to the heavily residential nature of the area the hours requested are excessive and likely to cause an unacceptable level of disturbance to nearby residents.

The premises are situated in close proximity to residential dwellings and GMP believe that persons leaving the premises at these times and persons using the smoking area in these later hours will cause an unacceptable level of disturbance to those residents and will result in calls to the police and council which will increase the demand on the local policing team and will undermine the licensing objectives.

There have been a couple of incidents over recent weeks at closing time relating to issues with customers leaving the premises, which required the police to attend so any increase in the hours is likely to see an increase in such incidents.

Therefore GMP would ask that the application is refused


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

Name	Mike Wilson
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	Michael.wilson@manchester.gov.uk
Telephone Number	0161 227 3147

Premise Details

Application Ref No	REF 233586
Name of Premises	The Shiredale
Address	102 Fernclough Road, Manchester, M9 5UR

Representation

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

Licensing & Out of Hours Compliance Team have assessed the likely impact of the granting of this application taking into account a number of factors, including the nature of the area in which the premises is located and the proximity to residential accommodation, the hours applied for, and any potential risk that the granting of this application could lead to issues of public nuisance.

This premises has a licence for the following licensable activities:

Sale of alcohol:

10:00 to 23:30 hrs Monday to Sunday

Provision of late night refreshments:

23:00 to 00:00 hrs Monday to Sunday

Provision of regulated entertainment (live music):

10:00 to 23:30 hrs Monday to Sunday

Provision of regulated entertainment (recorded music):

10:00 to 00:00 hrs Monday to Sunday

The premises is **open to the public** for the following times:

10:00 to 00:00 hrs Monday to Sunday

This application proposes that the licence be extended in the following areas:

Sale of alcohol :

09:00 to 01:00 hrs Sunday to Thursday
09:00 to 02:00 hrs Friday to Saturday

Provision of late night refreshments:

23:00 to 01:00 hrs Sunday to Thursday
23:00 to 02:00 hrs Friday to Saturday

Provision of regulated entertainment (live music):

10:00 to 00:00 hrs Sunday to Thursday
10:00 to 02:00 hrs Friday to Saturday

Provision of regulated entertainment (recorded music):

10:00 to 00:00 hrs Sunday to Thursday
10:00 to 02:00 hrs Friday to Saturday

Opening hours to the public:

09:00 to 02:00 hrs Sunday to Thursday
09:00 to 03:00 hrs Friday to Saturday

Manchester City Council Licensing and out of hours objects to the application for a variation in the hours of licensable activities on the grounds of prevention of public nuisance.

The area is heavily residential and allowing the premises to operate beyond it's current hours of operation will result in unnecessary and unacceptable levels of nuisance from people leaving the premises at the later hours.

I understand that GMP have been called to incidents recently involving people leaving the premises, and in my view the risk of further nuisance will increase the later the premises remains open.

In addition to the problems around dispersal, the pub will be at risk of becoming a place of congregation and will attract anti social behaviour from people into the early hours. The area around the premises already has high levels of anti social behaviour.

On a recent follow up inspection I observed several nitrous oxide cannisters on the pavement outside the premises.

Licensing and out of hours also objects to the request to open an hour earlier as we believe that a 10am opening time is sufficient and anything earlier will be an unnecessary risk to public nuisance.

The application has also requested some variations to the licence conditions. I have discussed these with GMP and we would support the removal of condition 25 of Annex 3, so that the premises does not have to send a risk assessment to the Police licensing department for every function. We would however expect that as a responsible licence holder that a risk assessment is carried out for any function or private party and consider the use of polycarbonate glasses where appropriate.

I also do not have any objections to the removal on condition 26 (i) (ii) (iii) of annex 3 having discussed this also with GMP.

In respect of condition 26 (iv) I would agree to it being amended so that the incident book is updated where necessary rather than daily.

I understand that the application states that the till has a button so as to record that ID has been checked. However this system will not record when service was refused due to a lack of ID and Manchester City Council expects that this information will continue to be recorded in the incident/ refusals book.

Finally in respect of the request to vary condition 9 of annex 3, the premises licensing and out of hours objects to an increase in the hours allowing under 16 year olds into the premises.

The current restriction is 20:00 hours. Licensing and out of hours believes any extension beyond 20:00 hours would undermine the licensing objective of prevention of harm to children.

I understand from a recent inspection of the premises that there is a concern about possible drug use in the toilets. I was asked to provide advice to the licence holder as to whether CCTV could be installed inside the premises. In addition to the risk of children being exposed to this risk, it is to be expected that as the evening passes 20:00 hours that any children in the premises would be exposed to increasingly intoxicated adults.

Recommendation:
variation of conditions)

Refuse Application (but allow some

Your Reference PR1002767

Our Reference PR1002767

Contact
Carl Petch
petchc@manchesterfire.gov.uk
07734275685

THE SHIREDALE
FERNCLOUGH ROAD
MANCHESTER
MANCHESTER
M9 5UR

25/06/2019



County Fire Officer Jim
Wallace

Greater Manchester Fire and
Rescue Service
146 Bolton Road
Swinton
Manchester M27 8US
Telephone 0161 736 5866
Fax 0161 743 1777
www.manchesterfire.gov.uk

Dear Applicant,

Licensing Act 2003

Premises: THE SHIREDALE
THE SHIREDALE
FERNCLOUGH ROAD
MANCHESTER
MANCHESTER
M9 5UR

The information supplied in support the application for a premises licence, variation or comparable club premises certificate, dated 24/06/2019, has been examined and Greater Manchester Combined Authority wish to make a representation to the Licensing Committee that the public safety objective of the Licensing Act has not been adequately addressed.

The applicant has been informed that Greater Manchester Combined Authority will be making a representation to the Licensing Committee.

The area(s) that are of concern to the Combined Authority are as follows:

Inadequate description of how the risks from fire have been assessed



Please could you advise us, at your earliest convenience, the date and time of the Licensing Committee Hearing?

If the relevant areas of concern are addressed and adequate notice is given to the Combined Authority, the representation may be withdrawn.

This letter is without prejudice to enforcing action that the Combined Authority intends to take under the Regulatory Reform (Fire Safety) Order 2005.

Should you wish to discuss the content of this letter, please contact the person indicated at the top of this letter.

Yours faithfully

A handwritten signature in black ink, appearing to be 'C. P. M.' with a stylized flourish at the end.

On behalf of
Greater Manchester Combined Authority

FS/ENF/LIC2_L

ADDITIONAL EVIDENCE

Licensing and Out of Hours Service

Application to vary a Premises Licence

The Shiredale, 102 Fernclough Road, Manchester

(Ref: 233586CT4)





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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. All staff shall be provided with training so that they are aware of the premises licence and all four licensing objectives, with particular attention paid to: <ol style="list-style-type: none"> a. The prevention of the sale of alcohol to underage drinkers b. The prevention of the sale or use of drugs on the premises c. The prevention of drunk or disorderly behaviour on the premises d. The prevention of violent or antisocial behaviour e. The prevention of harm to children 2. Staff shall be trained to ask customers to use and leave the premises in an orderly and respectful manner. 3. Effective lighting shall be maintained and operated on all internal and external aspects of the premises. 4. The management and staff shall keep an accurate record of any accidents that occur on the premises in a designated log book. 5. All parts of the public house and fittings shall be well maintained at all times and kept in a safe condition for both members of staff and the public. 6. Clear notices shall be displayed at the entrances and exits requesting that customers leave the premises in a quiet and orderly manner and respect the neighbours and the area when leaving. 7. All deliveries shall be carried out between 10am – 5pm to prevent disruption to neighbours. 8. Staff shall enter and leave the premises in a discreet manner. 9. No customers shall be allowed on the premises outside of opening hours. 10. The licence holder shall ensure that any external lighting is not directed towards residential properties so as not to cause nuisance. 11. Gaming machines shall be labelled and signed correctly with 18 years or older signs. Gaming machines shall also be monitored to ensure that only adults are using them. 	N/A	Applicant

Schedule of Licence Conditions

Conditions proposed by objectors	Agreed	Proposed by
1. A suitable and sufficient Fire Risk Assessment shall be completed.	Yes	Greater Manchester Fire and Rescue

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

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Manchester City Council Report for Resolution

Report To: Licensing Subcommittee Hearing Panel – 12 August 2019

Subject: Club Bloom, 100 Bloom Street, Manchester, M1 3LY - ref: LTN235246

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

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

Wards Affected:

Piccadilly

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

and work.	suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to drive growth	

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Ashia Maqsood
Position: Technical Licensing Officer
Telephone: 0161 234 4139
E-mail: a.maqsood@manchester.gov.uk

Background documents (available for public inspection):

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

1. **Introduction**

- 1.1 On 29 July 2019, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Club Bloom, 100 Bloom Street, Manchester, M1 3LY in the Piccadilly ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Notice**

- 2.1 A copy of the TEN is attached at **Appendix 2**.
- 2.2 The premises user is Marius Versila.
- 2.3 The description of the event is Pride Weekend.
- 2.3.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this TEN.
- 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
- 2.3.3 The premises is subject to a premises licence issued under the Licensing Act 2003. A copy of the licence is included at **Appendix 4**.
- 2.4 **Activities unsuitable for children**
- 2.4.1 The premises user has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
- 2.5 **Further documentation accompanying the application**
- 2.5.1 The premises user has not submitted any documents in support of the TEN,

3. **Objection Notice(s)**

3.1 An objection notice was received from GMP in respect of the TEN (**Appendix 3**).

3.2 Summary of the objections:

Party	Grounds of representation	Recommends
GMP	<p>GMP objects to the grant of this Temporary Event Notice on the grounds of the Prevention of Crime and Disorder and the Prevention of Public Nuisance.</p> <p>GMP state that there have been issues with this premises (fighting, assaults, high levels of intoxication) and meetings have been held to discuss these, which has seen some improvement. However issues are still occurring at the premises on a fairly regular basis .GMP are concerned that to allow the premises to extend their hours during one of the busiest weekends in the city centre calendar will see an increase in these types of issues and divert patrols from policing other important matters.</p> <p>GMP further states that by allowing alcohol consumption until 8am, it is highly likely there will be a vast increase in the level of intoxication of the customers .Previous experience has shown that this usually leads to issues of crime, anti-social behaviour and noise disturbance.</p>	Serve a counter notice

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

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

4.2 **New Information**

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

4.3 **Hearsay Evidence**

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

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

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

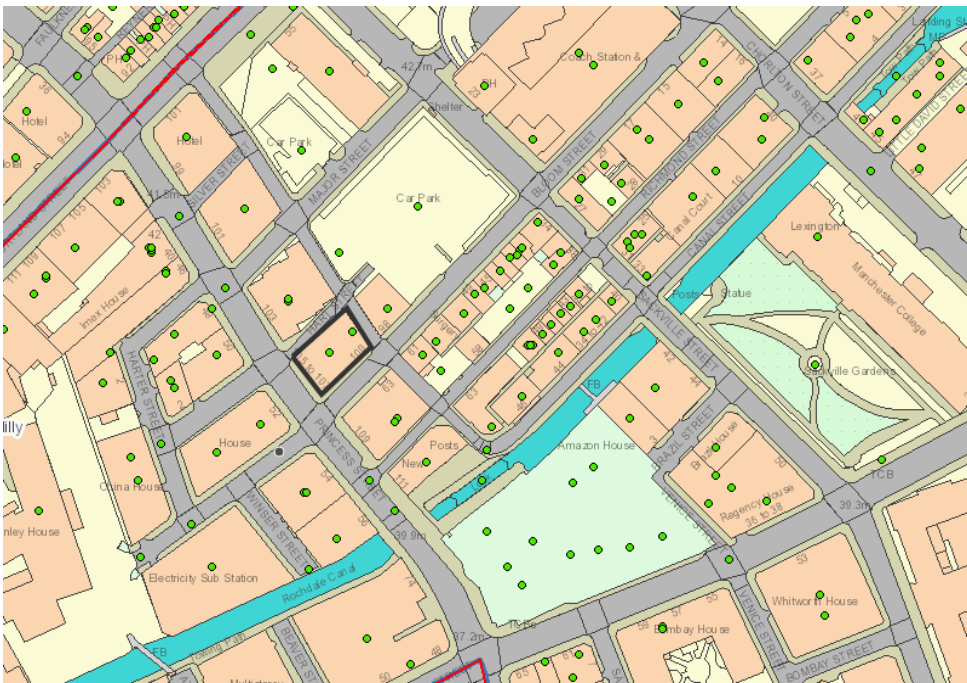
4.5 **Manchester Statement of Licensing Policy**

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

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

Conclusion

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



PREMISE NAME: Club Bloom

PREMISE ADDRESS: 100 Bloom Street, Manchester, M1 3LY

WARD: Piccadilly

HEARING DATE: 12/08/2019

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Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mrx Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	Versila		
Forenames	Marius		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		<div style="background-color: black; width: 50px; height: 15px;"></div>	<div style="background-color: black; width: 50px; height: 15px;"></div>
4. Your place of birth		<div style="background-color: black; width: 100px; height: 15px;"></div>	
5. National Insurance Number		<div style="background-color: black; width: 100px; height: 15px;"></div>	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
<div style="background-color: black; width: 150px; height: 15px;"></div>			
<div style="background-color: black; width: 100px; height: 15px;"></div>			
Post town <div style="background-color: black; width: 80px; height: 15px;"></div>		Postcode <div style="background-color: black; width: 60px; height: 15px;"></div>	
7. Other contact details			
Telephone numbers	<div style="background-color: black; width: 100px; height: 15px;"></div>		
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)	<div style="background-color: black; width: 150px; height: 15px;"></div>		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			

Licensing Legal Solicitors Unit 25 The Progress Centre Charlton Place Ardwick	
Post town Manchester	Postcode M12 6HS
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	██████████
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	████████████████████
2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Club Bloom 100 Bloom Street Manchester M1 3LY	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	050906
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
N/A	
Please describe the nature of the premises below. (Please read note 4)	
Late Night Venue	

Please describe the nature of the event below. (Please read note 5)
<p>Pride Weekend</p> <p>We will abide by the Conditions attached to the current Premises Licence.</p>

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	x
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	x
The provision of late night refreshment	x
Are you giving a late temporary event notice? (Please read note 8)	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	
Mornings of the 23 rd , 24 th , 25 th & 26 th August 2019	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)	
23 rd & 24 th August 2019 – 06:00 until 08:00 25 th & 26 th May 2019 – 04:00 until 08:00	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	499
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only
	Off the premises only
	Both

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

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4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes x	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	The Royal Borough of Kensington & CHelsea	
Licence number	09/064246/2	
Date of issue	February 2009	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes x	No
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	3	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No x

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No x
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No x
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No x

If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No x

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	x
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	x
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	x
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	x
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	x
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	x
Made or enclosed payment of the fee for the application	x
Signed the declaration in Section 9 below	x

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
<p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>I understand that it is an offence:</p> <p>(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and</p> <p>(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.</p>	
Signature	<i>Licensing Legal Solicitors</i>

Date	29 th July 2019
Name of Person signing	Solicitors & Authorised Agents for the Applicant

For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Notes for Guidance

General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 16 below sets out the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (subject to an unlimited fine on conviction);
- allowing the sale of alcohol to children under 18 (subject to an unlimited fine on conviction);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (subject to an unlimited fine, on conviction);
- allowing disorderly behaviour on the premises (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- the sale of alcohol to a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- obtaining alcohol for a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (subject to a fine not exceeding level 1 on the standard scale, on conviction); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (subject to a fine not exceeding level 3 on the standard scale, on conviction).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;

- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

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.
- 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.
- 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.
- 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.

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 13

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment — see note 6 above). A temporary event notice may be given for this purpose.

Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Note 15

As stated under Note 14, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (15 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 16 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that

business involves carrying on licensable activities) count as if they had been given by the premises user. Note 16 below sets out the definition of an “associate”.

Note 16

An “associate” of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

Note 18

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 19

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and an unlimited fine.

Note 20

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.

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GREATER MANCHESTER POLICE



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

To: Mr Marius Versila



1st Aug 2019

Dear Sir

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

PREMISES NAME:	Club Bloom
ADDRESS:	100 Bloom Street Manchester M1 3LY
DATE OF EVENT:	23/08/19 – 26/08/19
TIME OF EVENT:	0400 – 0800hrs & 0600 – 0800hrs

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

The premises are seeking to extend their operating and licensable hours by 4 hours on 2 days and by 2 hours on 2 other days so that they can continue licensed trade until 8am in an area which has one of the highest concentrations of crime and anti-social behaviour in the City Centre.

There have been issues with these premises over a period of time and meetings have been held to discuss these, which has seen some improvement. However issues are still occurring at the premises on a fairly regular basis and GMP is concerned that to allow the premises to extend their hours during one of the busiest weekends in the city centre calendar will see an increase in these types of issues and divert patrols from policing other important matters.

There have been several reports of fighting and assaults occurring at the premises

GREATER MANCHESTER POLICE

over the last couple of months and GMP are keen that such incidents will not become more prevalent.

GMP will provide copies of these crime and incident reports at any subsequent licensing hearing.

To allow customers to consume alcohol until 8am is highly likely to see an vast increase in the level of intoxication of the customers and previous experience has shown that this usually leads to issues of crime, anti-social behaviour and noise disturbance.

This will also be at a time when there are very few Police resources on duty as the weekend night time operation finishes at 6am.

As such we ask that this TEN application is refused.

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

Date/Time 1st Aug 2019 1310 hrs

.....



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	050906
Granted	31/08/2005
Latest version	Variation 212295 (granted 26/05/2018)

Part 1 - Premises details

Name and address of premises
Bloom 100 Bloom Street, Manchester, M1 3LY
Telephone number
0161 228 7474

Licensable activities authorised by the licence		
<div><div>1. The sale by retail of alcohol*.</div><div>2. The provision of regulated entertainment, limited to:<div>Live music;<div>Recorded music;<div>Performances of dance;<div>Anything similar to live music, recorded music or the performance of dance.</div></div></div></div></div><div>3. The provision of late night refreshment.</div></div>		
Permitted Occupancy:	Ground Floor	330 persons
	First Floor	250 persons
* All references in this licence to “sale of alcohol” are to sale by retail.		

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1200
Finish	0500	0500	0500	0500	0600	0600	0500
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non-standard Timings:							
On the day British Summer Time commences: One additional hour following the terminal hour.							

Live music; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1200
Finish	0500	0500	0500	0500	0600	0600	0500
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings:							
None							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0230	0230	0230	0230	0230	0230	0230
Licensed to take place both indoors and outdoors. All off-sale/takeaway Late Night Refreshment purchases shall take place from the basement area only.							
Seasonal variations and Non-standard Timings:							
New Year's Eve: Start 2300 Finish 0500							
Sundays preceding Bank Holiday Mondays (excluding Easter Sunday): Start 2300 Finish 0500							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0530	0530	0530	0530	0630	0630	0530
Seasonal variations and Non-standard Timings:							
None							

Part 2

Details of premises licence holder	
Name:	Lapwine Limited
Address:	Clarence House, 7 Hood Street, Greenock, Scotland, PA15 1YH
Registered number:	SC164204

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Joe Lewis Maybury
Personal Licence number:	PA067085
Issuing Authority:	Trafford Metropolitan Borough Council

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

4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purposes of the condition set out in (1) above–
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

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

where –

 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –

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

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

8. The responsible person must ensure that –

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

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

Annex 2 – Conditions consistent with the operating schedule

Not applicable

Annex 3 – Conditions attached after hearing by the licensing authority

1. CCTV must be in operation at any time a person is in the premises.
2. All CCTV recorded images will have sufficient clarity / quality / definition to enable facial recognition.
3. CCTV will be kept in an unedited format for a minimum period of 28 days.
4. CCTV will be maintained on a regular basis and kept in good working order at all times.

5. CCTV maintenance records to be kept with details of contractor used and work carried out to be recorded.
6. Where CCTV is recorded on to a hard drive system any DVDs subsequently produced will be in a format so it can be played back on a standard personal computer or standard DVD player.
7. Where CCTV is recorded on to a hard drive system, the hard drive system must have a minimum of 28 day roll over recording period.
8. Where CCTV is recorded on to VHS cassette tapes there will be a minimum of 28 days-worth of VHS cassettes. These must be indexed and used on a roll over basis.
9. Any person left in charge of the premises must be trained in the use of any such CCTV equipment and able to produce / download / burn CCTV images upon request by a person from a responsible authority.
10. Plans indicating the position of CCTV cameras to be submitted to the responsible bodies within one week of the granting of a licence requiring CCTV.
11. Where the recording is on a removable medium (ie videotape, compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
12. Clubscan/IDSCAN or similar system installed with a TV monitor at the entrance capturing persons entering and leaving.
13. SIA registered doorstaff to be employed from a company with ACS accreditation
14. A written record shall be kept on the premises by the Licence Holder of every person employed on the premises as security personnel 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.
15. That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.
16. When employed all doorstaff will wear Hi-Vis jackets both internally and externally.
17. When the premises are being used for externally promoted events then the City Partnership/ Licensing and Events offices at Bootle Street Police Station must be notified at least 28 days prior to the event taking place in order that a risk assessment be carried out by the premises in relation to any such event.
18. The Challenge 25 policy will be implemented in full and appropriate identification will be sought from any person who appears under the age of 25. The only acceptable forms of identification will be passport, photo driving licence and those carrying the PASS logo.
19. Staff training will include the Challenge 25 policy and its operation. In particular staff will be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training will be given to a new member of staff before they commence paid employment and all staff will be retrained quarterly. Training also to include drugs, conflict management and drunkenness.
20. All training will be documented.
21. All drinks to be decanted into Polycarbonate/Plastic drinking vessels at point of sale
22. The Nitenet radio link shall be implemented, maintained and used
23. Documented dispersal, smoking and search/drugs policies to be implemented in agreement with Greater Manchester Police and lodged with all responsible authorities within 14 days of licence being varied.

24. An incident book shall be implemented and open to inspection by any authorized officer of GMP or Manchester City Council.
25. There shall be provided at the premises door supervisors who are registered with the Security Industry Authority to such a number, as the management of the premises consider 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
26. Start times of the Security team on a Friday and Saturday night will ensure that the main entrance will be staffed and both the ground and first floor (when open) have dedicated SIA registered security staff on duty conducting roving patrols. The Hart Street entrance to also be monitored by SIA door staff.
27. Staff Members (with proof of ID) from premises within the Village shall be granted 'automatic' membership and be allowed entrance up to 30 minutes prior to close.
28. A member of staff must attend at least 6 meetings of the Manchester Pub and Club watch annually.
29. The DPS will meet regularly with all security staff and discuss recent incidents that have occurred inside the premises. Discussion to include 'Hot Spots' and peak times for disorder to ensure staff fully aware of issues.
30. The premises licence holder shall take active steps to ensure that illegal drugs or weapons are not taken into the premises including a random search policy of patrons entering the premises. Patrons who refuse to be searched prior to entry will not be permitted entry to the premises.
31. A notice will be displayed in clear and prominent position at the entrance to the premises advising patrons they will be refused entry to the premises if they refuse to be searched.
32. Any person found to be using illegal drugs within the premises will be removed from the premises and the police must be notified.
33. Persons who appear to have consumed excessive alcohol will not be permitted entry to the premises.
34. Notices will be displayed regarding security of personal items (i.e. mobile phones, handbags) making customers more security conscious.
35. Identifiable patrol/floorwalkers to be on duty to deter theft of items/property
36. The management and staff shall make regular checks to ensure the toilets are well maintained.
37. All staff shall be provided with adequate and suitable training to make them aware of the problems associated with and how to reduce the risks of the spiking of drinks.
38. The management and staff shall ensure that the occupancy limit is not exceeded at any time.
39. Regular written risk assessments shall be carried out regarding all the regulated activities which take place in the premises.
40. A written evacuation procedure, which includes emergency exit from the premises by disabled customers, shall be implemented at the premises and all staff shall be fully briefed in the procedure.
41. No person in the possession of drink in a sealed or unsealed container shall be allowed to enter the premises except for the purpose of delivery.
42. No drink shall be removed from the premises in an unsealed container.
43. All external windows and doors are to be kept closed after 2300, except for emergency (fire doors) and access/egress (non-fire doors).
44. No external speakers shall be operated from the premises.
45. No glassware to be disposed of after 2300, and no refuse collections made before 0700.
46. Notices shall be prominently displayed near all exits from the premises asking patrons to leave quietly with consideration for local residents.
47. Door supervisors shall be required to supervise the area immediately outside the premises to encourage patrons to be quiet and reduce any noise and anti-social behaviour including the Hart Street Entrance.
48. A tamper proof noise limiting device shall be fitted to the sound system within the premises, all music played at the premises must pass through this sound limiter.

49. All patrons leaving the premises must do so by the Hart Street entrance.
50. The smoking area to be situated on Hart street and to be agreed with Greater Manchester Police and Environmental Health.
51. No person under the age of 18 shall be permitted entry to or allowed to remain on the premises after 2000 each day.
52. On Friday and Saturday the last condition of entry shall be 0430.
53. A minimum of 2 SIA trained door supervisors shall be present at the premises from whenever the premises is open to the public to 30 minutes after close of business on Sunday to Thursdays.
54. A minimum of 6 SIA trained door supervisors shall be premises at the premises from whenever the premises is open to the public to 30 minutes after close of business on Fridays and Saturdays.

Annex 4 – Plans

See attached

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