



Licensing and Appeals Sub Committee Hearing Panel

Date: Tuesday, 1 March 2022

Time: 10.00 am

Venue: Council Chamber, 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.

There is no public access from any other entrance of the Extension.

Face Masks/Track and Trace

Anyone attending the meeting is encouraged to wear a face mask for the duration of your time in the building and to provide contact details for track and trace purposes.

Membership of the Licensing and Appeals Sub Committee Hearing Panel

Councillors - Andrews, Connolly and Evans

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. Sex Establishment Licence Renewal - Whiskey Down, 18-22 Lloyd Street, Manchester, M2 5WA** 5 - 82
The report of the Head of Planning, Building Control and Licensing is enclosed.
- 5. Sex Establishment Licence Variation - Whiskey Down, 18-22 Lloyd Street, Manchester, M2 5WA** 83 - 154
The report of the Head of Planning, Building Control and Licensing is enclosed.

Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

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

Further Information

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

Ian Hinton-Smith
Tel: 0161 234 3043
Email: ian.hinton-smith@manchester.gov.uk

This agenda was issued on **Friday, 18 February 2022** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

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**Manchester City Council
Report for Resolution**

Report to: Licensing & Appeals Subcommittee Hearing Panel – 1 March 2022

Subject: Whiskey Down, 18-22 Lloyd Street, Manchester, M2 5WA - (App ref: Sex Establishment Licence - Renewal 268535)

Report of: Head of Planning, Building Control & Licensing

Summary

Application for the renewal of a sex establishment licence.

Recommendations

That the Panel determine the application.

Wards Affected: Deansgate

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

- Equal Opportunities Policy
 - Risk Management
 - Legal Considerations
-

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

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

Background documents (available for public inspection):

- Manchester City Council Sex Establishment Policy Document (Revised August 2013)
- Section 10 of Manchester City Council's Statement of Licensing Policy 2016 – 2021 (pertaining to adult entertainment)
- Any further documentary submissions by any party to the hearing

1. Introduction

- 1.1 The Local Government (Miscellaneous Provisions) Act 1982 provides the legislative framework in relation to the licensing of sex establishments. Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called a 'sexual entertainment venue', which allows local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The new powers were adopted by the Council with effect from 9 January 2011.

Sexual Entertainment Venues and Relevant Entertainment

- 1.2 A sexual entertainment venue is defined as:

"A premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer unless an exemption applies."

- 1.3 There are 2 categories of 'relevant entertainment':

- live performances, and
- live displays of nudity.

- 1.4 In each case, the entertainment must be of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purposes of sexually stimulating any member of the audience whether by verbal or other means. An audience can consist of just one person e.g. private shows.

2. Application

- 2.1 On 6 January 2022, an application for the renewal of a sexual entertainment venue (SEV) licence was made in respect of Whiskey Down, 18-22 Lloyd Street, Manchester, M2 5WA in the Deansgate ward of Manchester.
- 2.2 A copy of the application is provided at **Appendix 1**. However, personal and commercially sensitive information has been redacted. This information will be provided by way of a separate bundle and may be considered by the Committee at the hearing under Part B. A location map and photograph of the premises is attached at **Appendix 2**.
- 2.3 The current sex establishment licence is attached at **Appendix 3**.
- 2.4 The premises is currently operating as a lap dancing premises and is licensed under the Licensing Act 2003 (licence attached at **Appendix 4**).
- 2.5 A public consultation exercise was undertaken in accordance with Schedule 3 of the 1982 Act, requiring the publication of
- 2.6 Any person objecting to an application for the grant, renewal, transfer or variation of a licence under Schedule 3 shall give notice in writing of his

objection to the appropriate authority, stating in general terms the grounds of the objection, not later than 28 days after the date of the application.

2.7 All applications for the grant, renewal, transfer or variation of a sex establishment are determined by a delegated sub-committee of the Licensing and Appeals Committee, whether or not objections to the application have been received.

2.8 **Further documentation accompanying the application**

2.8.1 The applicant has not submitted any further documentation.

3. **Relevant Objections**

3.1 Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 of the Act for refusing a licence, as set out in Section 4 of this report.

3.2 Objections should not be based on moral grounds/values and objections that are not relevant to the grounds set out in paragraph 12 should not be considered.

3.3 Although the council is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.

3.4 The council shall not without the consent of the person making the objection reveal their name or address to the applicant.

3.5 No objections have been received in respect of this application.

4. **Mandatory and Discretionary Grounds for Refusal of a Licence**

4.1 Paragraph 12 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 sets out the grounds for refusing an application for the grant, renewal, transfer or variation of a licence. A decision to refuse a licence must be relevant to one or more of the below grounds.

Mandatory Grounds

4.2 A licence must not be granted:

- to a person under the age of 18;
- to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- to a body corporate which is not incorporated in an EEA state; or

- to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

Discretionary Grounds

4.3 A licence may be refused where:

- the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- if the licence were to be granted, renewed, or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal, transfer or variation of such a licence if he made the application himself;
- the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- that the grant or renewal of the licence would be inappropriate having regard
 - to the character of the relevant locality; or
 - to the use to which any premises in the vicinity are put; or
 - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

4.4 Applications should only be refused where the Council considers it as necessary and proportionate to do so, and any decision shall be on a non-discriminatory basis.

Human Rights Act

4.5 When determining a licence application Manchester City Council will have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights

4.6 Article 1 of Protocol 1 of the European Convention of Human Rights states:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

- 4.7 A licence is a possession.
- 4.8 When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Committee must consider whether the decision affects an individual, group or company's Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition consideration must be given to whether the interference is proportionate to the general purpose.

5. **Applicant Considerations**

- 5.1 The Council needs to be satisfied that the applicants for a sex establishment licence are suitable to operate the business by ensuring:
- that the operator is honest;
 - that the operator is qualified by experience to run the type of sex establishment in question;
 - that the operator understands the general conditions;
 - that the operator is proposing a management structure which will deliver compliance with operating conditions e.g. though:
 - managerial competence;
 - attendance at the premises;
 - a credible management structure;
 - enforcement of rules internally, e.g. through training and monitoring
 - a viable business plan, e.g. sufficient to employ door staff and install CCTV;
 - policies for the welfare of performers (SEV only).
 - that the operator can be relied upon to act in the best interests of the performers, e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored (SEV only);
 - that the operator can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation;
 - that the operator can show a track record of management of compliant premises, or that s/he will employ individuals who will have such a track record;
- 5.2 All applications will be considered but they are unlikely to be granted if the following apply:
- 5.2.1 the applicant has a criminal record. Offences that would be considered particularly relevant include:
- convictions for dishonesty
 - violence
 - sexual offences
 - drugs
 - public order

- people trafficking
- 5.2.2 the applicant has previously been involved in running an unlicensed sex establishment.
- 5.2.3 if the licence were to be granted, the business to which it relates would be managed by or run for the benefit of a person other than the applicant who would be refused the grant of such a licence if they made it themselves.
- 5.3 It is anticipated that these expectations would be demonstrated by the operator through their completed application form and any accompanying submissions as part of the application process. However, the Council may also take into account any oral submissions made at any hearing to determine the application.

6. Location Considerations

- 6.1 A licence can be refused if either, at the time the application, it is determined that the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises.
- 6.2 Manchester City Council's Policy for Sex Establishments states that that areas located outside the City Centre, as defined by the Planning Department's definition of the City Centre, are not appropriate locations for sex establishments. Therefore, the policy is that the appropriate number for sex establishments outside of the City Centre is nil.
- 6.3 Within the City Centre, an appropriate number for sex establishments has not been set. Applications will be determined as they arise.
- 6.4 Sex establishments will not normally be licensed near to:
- housing;
 - schools, play areas, nurseries or children's centres;
 - family shopping or leisure areas;
 - places of worship;
 - historic buildings or tourist attractions;
 - other places where relevant entertainment takes place;
 - other sensitive uses that may be relevant e.g. women's hostel;

where the proximity to such uses is likely to be considered by the Council to be inappropriate in having regard to the character of the relevant locality and the use to which any premises in the vicinity are put.

- 6.5 The spatial distribution of licensed premises is very relevant particularly with consideration to their impact upon the character of the locality. The Council

will have regard to the uses of all other premises in the area as well as any potential adverse impact upon:

- regeneration;
- tourism;
- the retail or commercial attraction of the area;
- social issues e.g. prostitution, anti-social behaviour.

- 6.6 Within the city centre no licences shall be granted for premises within the following locations:
- a. parks or external areas/squares that attract large numbers of children such as, but not limited to, Castlefield Arena, Piccadilly Gardens, Albert Square, St Anne's Square, Exchange Square;
 - b. entertainment centres which have children/family focussed entertainment;
 - c. community buildings such as, but not limited to, places of worship, libraries, GPs surgeries;
 - d. the area (framed by Deansgate to the west; Peter Street, Mount Street and Lower Mosley Street to the north; Portland Street, Oxford Street and Lower Mosley Street to the east; and Whitworth Street West to the south) as set out in Appendix A of the Council's Policy for Sex Establishments;
 - e. where further sex oriented uses would change the character of an area;
 - f. where further sex oriented uses would deter people from using the area comfortably/at all;
 - g. where further sex oriented uses raises the fear of crime in the locality; or where such locations form part of the relevant locality.
- 6.7 The decision regarding what constitutes the 'relevant locality' is a matter for the Committee. However, such questions must be decided on the facts of the individual application.
- 6.8 The Council may also have regard to the following factors:
- access routes to schools, play areas, nurseries or children's centres or other uses normally attended by children;
 - any existing licensing permissions for the premises;
 - the proximity of other licensed premises in the surrounding area and the terms of those licences;
 - the Planning permission for the premises and surrounding uses;
 - any existing Planning or Regeneration policy/plan/strategy relevant to the area;
 - history of complaints relevant to the premises;
 - the nature of the daytime and night-time economies in the surrounding area.
- 6.9 This premises is located within the City Centre (see 6.3).
- 6.10 This premises is not located within the area set out in 6.6(d) above.

7. Licence Conditions

- 7.1 The Council has adopted standard conditions in respect of sexual entertainment venues, which will apply to all respective licences granted, unless such conditions have been expressly excluded or varied. These proposed standard conditions will be provided separately to the report.
- 7.2 However, following a hearing, the Licensing and Appeals Committee may attach such further conditions to a licence as are considered necessary and proportionate in the public interest including, but not limited to, the interest of public policy, public security, public health or the protection of the environment. This could include conditions restricting the opening and closing times of the premises.
- 7.3 The applicant has not requested any variations to the standard conditions.

8. Conclusion

- 8.1 In determining an application for a sex establishment licence, any decision to refuse an application may only be made in accordance with the mandatory and discretionary grounds for refusal as set out in Section 4 of the report.
- 8.2 None of the mandatory grounds for refusal are met in respect of this application.
- 8.3 The discretionary grounds are set out in full at 4.3.
- 8.4 The decision regarding what constitutes the 'relevant locality' is a matter for the Committee. However, such questions must be decided on the facts of the individual application.
- 8.5 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority's view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered. Case law also indicates that a relevant locality cannot be an entire local authority area or an entire town or city.
- 8.6 Once the Committee has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and whether it considers any sex establishments, or sex establishment of a particular kind, are appropriate for that relevant locality.
- 8.7 When considering the application, the Committee must have regard to:
- the Council's Policy for Sex Establishments;
 - information submitted as part of the application;
 - any observations submitted to it by the chief officer of police;

- any objections received from anyone else within 28 days of the application
- 8.8 Members may also take into account any oral submissions made at any hearing to determine the application. Additionally, the Committee may have regard to any objections received after 28 days of the application.
- 8.9 Applications should only be refused where the Council considers it as necessary and proportionate to do so, and any decision shall be on a non-discriminatory basis.
- 8.10 Where the Committee has decided to grant a licence, it may impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions made by the Council under paragraph 13 of Schedule 3.
- 8.11 The Council has adopted Standard Conditions applicable to Sexual Entertainment Venues.
- 8.12 Any licence granted shall be subject to those Standard Conditions, save for where they have been expressly excluded or varied by the Committee.



**MANCHESTER
CITY COUNCIL**

Premises Licensing Team

Telephone: +44 (0)161 234 5004
 premises.licensing@manchester.gov.uk
 Level 1 Town Hall Extension, Albert
 Square, PO Box 532, M60 2LA

**Application for Renewal of a Sex Establishment Licence pursuant to
 Schedule 3, Local Government (Miscellaneous Provisions) Act 1982**

This form should be completed and forwarded to the Manchester City Council Premises Licensing Team at the above address with the required fee. Cheques, etc. should be made payable to the Manchester City Council. Payment may also be made by credit or debit card upon request.

Important Notes

1. All questions must be answered, save where otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and returned to the Applicant.
2. Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.

Part 1 – Premises Details

I/We FAC251 Ltd t/as Whiskey Down (Manchester)
(Insert name(s) of applicant)

apply for the Renewal of a Sex Establishment Licence as described below.

1. This renewal application is for a:

- | | |
|----------------------------|-------------------------------------|
| Sex Shop | <input type="checkbox"/> |
| Sex Cinema | <input type="checkbox"/> |
| Sexual Entertainment Venue | <input checked="" type="checkbox"/> |

Please state the Licence Number of the Sex Establishment premises to be renewed	205546
----------------------------------------------------------------------------------------	--------

Name and Postal address of premises			
Whiskey Down (Manchester)			
18-22 Lloyd Street			
Post town	Manchester	Post code	M2 5WA

Telephone number	
------------------	--

Part 2 – The Applicant

2. Please state whether you are applying for a renewal as:

- a) an individual please complete section (A)
- b) a company or other corporate body please complete section (B)
- c) a partnership or other unincorporated body please complete section (C)

(A) INDIVIDUAL APPLICANT (fill in as applicable)

You must complete and submit the form at Annex A for the individual named in this section

		Annex A completed?
Full Name of Applicant		<input type="checkbox"/>

Former name (if applicable)¹	
------------------------------------------------	--

¹ If the Applicant has been formerly known by a different name, please provide details

(B) A COMPANY OR OTHER CORPORATE BODY

You must complete and submit the form at Annex A for all individuals named in this section

Applicant Name¹	FAC251 Ltd
Address	1 City Road East Manchester M15 4PN
Registered number²	06161539
Telephone number	[REDACTED]
E-mail address	[REDACTED]
Previous Name (if	

¹ If your business is registered, use its registered name

² If business is not registered, put "none"

applicable) ³	
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³ If the Applicant has been formerly known by a different name, please provide details

Please state the names of:		
(i) the Applicant's Directors;		
(ii) Company Secretary;		
(iii) any other persons responsible for the management of the Applicant; and		
(iv) any persons with a shareholding of greater than 10% in the Applicant		
<u>Position</u>	<u>Name of Individual</u>	<u>Annex A completed?</u>
MD	Aaron Mellor	<input checked="" type="checkbox"/>
Senior GM	Chris Bateson	<input checked="" type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

Is the applicant a wholly owned subsidiary of another company or corporate body? If so state the name, place of registration and identity of its Directors and Company Secretary		
<u>Name</u>		
<u>Place of registration</u>		
Names of Directors and Company Secretary		
<u>Position</u>	<u>Name of Individual</u>	<u>Annex A completed?</u>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

(C) A PARTNERSHIP OR OTHER UNINCORPORATED BODY

You must complete and submit the form at Annex A for all individuals named in this section

Applicant Name	
-----------------------	--

Names of Partners	<u>Annex A completed?</u>
	<input type="checkbox"/>
	<input type="checkbox"/>

	<input type="checkbox"/>
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Please state the names of than other persons responsible for the management of the Applicant other than the partners.

<u>Position</u>	<u>Name of Individual</u>	Annex A completed?
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

Questions 3-6 to be completed in all cases

3	Does the applicant have a different trading name from that given above in (A), (B) or (C)? If yes, please provide details.
	Whiskey Down (Manchester)

4	What is the Applicant's trading address?
	Whiskey Down 18-22 Lloyd Street Manchester M2 5WA

5	Will the business be carried on for the benefit of a person other than the applicant? If yes, please provide full details.
	No

6	Does the applicant operate any other sex establishment? If yes, please provide full details.
	YES Whiskey Down (Leeds) Black Orchid (York) City Vaults (Newcastle)

Part 3 – Operation of the Business

I confirm that the following matters related to the Operation of the Business have <u>not</u> changed since the last grant of the licence, as below:	Tick to confirm
The name of the Business from that stated on the licence	<input checked="" type="checkbox"/>
Any agreement (whether written or oral) in connection with the business, other than a tenancy agreement or lease, for example, a management agreement, partnership agreement or profit share agreement.	<input type="checkbox"/>
Any requirement of the business to purchase merchandise from a particular person or body	<input type="checkbox"/>
The identity of the person responsible for the day to day management of the business at the premises, vehicle, vessel or stall ('the Manager')	<input checked="" type="checkbox"/>
The identity of the person(s) responsible for the day to day management of the business in the absence of the Manager ('the Relief Manager(s)')	<input checked="" type="checkbox"/>
The system for checking the age and right to work in the UK for all employees.	<input type="checkbox"/>
The exterior signage and advertising, including the nature, content and size of such signage and any images used.	<input checked="" type="checkbox"/>
The means taken to prevent the interior of the premises being visible to passers-by.	<input type="checkbox"/>
The window displays exhibited at the premises.	<input checked="" type="checkbox"/>
Methods for solicitation of business in public areas, e.g. through fliers, business cards, billboard advertising, personal solicitation or advertising on motor vehicles.	<input type="checkbox"/>
The age restrictions applied in respect of admissions, and how these are enforced.	<input type="checkbox"/>
The arrangements for CCTV (including the location of cameras). and for retention of recordings	<input type="checkbox"/>
The arrangements for private booths or areas for sexual entertainment, including supervision for such areas. (SEV only)	<input type="checkbox"/>
The nature of the entertainment, e.g. lap-dancing, pole dancing, stage striptease. (SEV only)	<input type="checkbox"/>
The Code of Practice for performers, as well as the methods for	<input checked="" type="checkbox"/>

monitoring and enforcing compliance in it. (SEV only)	
The Rules for Customers as well as the methods for monitoring and enforcing compliance in it. (SEV only)	<input checked="" type="checkbox"/>
The Policy for the Welfare of Performers as well as the methods for monitoring and enforcing compliance in it. (SEV only)	<input checked="" type="checkbox"/>
<p>If there are changes to any of the matters listed above, please provide full details. The Licensing and SEV have changed slightly but to no detriment of the licensing or SEV objectives. 'As built' copy of the licensing plans are attached.</p> <p><i>Where the Code of Practice for Performers, Rules for Customers, or Policy for the Welfare of Performers have been amended, copies must be provided.</i></p>	

Part 4 – Further Information

Please include any further information which you wish the authority to take into account here.

The site has traded without any incident or complaint since July 2019
Following substantial investment and total remodel

Part 5 – Checklist and Declaration

Checklist	Mark as appropriate
I have completed all relevant section of the application	<input checked="" type="checkbox"/>
I declare that a public notice advertising this application shall be displayed upon the premises where it may be conveniently read by the public and shall remain displayed for a period of no less than 21 consecutive days. A copy of the notice and completed statutory declaration shall be provided to the Licensing Unit.	<input checked="" type="checkbox"/>
I declare that within seven days of the date of this application a public notice advertising this application will be publicised in the legal notices column of the Manchester Evening News and an original copy of the published advertisement shall be forwarded to the Licensing Unit at Manchester City Council forthwith.	<input checked="" type="checkbox"/>
I understand that if I do not comply with the requirements above that my application shall be rejected.	<input checked="" type="checkbox"/>

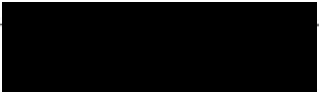
I declare I have served a copy of this application on Greater Manchester Police.	<input checked="" type="checkbox"/>
I have completed Annex A for each person whose details have been included in this application	<input checked="" type="checkbox"/>
I have enclosed the relevant fee	<input checked="" type="checkbox"/>

Declaration & Signature

The following declaration must be signed in all cases

Should the information provided in relation to this application form cease to be correct, or if there are any changes in the information provided in the application form between the date the application is submitted and the date it is determined, the Applicant must advise the licensing authority immediately. Failure to do so may result in any licence issued being revoked.

I/We certify to the best of our/my knowledge and belief that the information given in this application is complete and correct in every respect. I/We agree to notify the Licensing Authority should any of the information given in this application change.

Name	Aaron Mellor
Position in organisation	Managing Director
Date	30th December 2021
Signature	

Contact Details

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
FAC251 Ltd t/a WHISKEY DOWN (MANCHESTER) 1 CITY ROAD EAST			
Post town	MANCHESTER	Post code	M15 4PN

DOCUMENTS EVIDENCING PUBLIC NOTICE AND SERVICE *(for office use only)*

Complete copy of newspaper circulating in this area of the authority, containing advertisement of this application to be provided upon publication	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Copy of notice of application displayed on or near the premises	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Copy of affidavit or statutory declaration that notice has been displayed as required by Schedule 3 paragraph 10(10) Local Government (Miscellaneous Provisions) Act 1982.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Evidence of service of this application form and all enclosures upon <i>Licensing Partnership Office at Bootle Street Police Station, Bootle Street, Manchester, M2 5GU</i> within 7 days after the date of this application.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

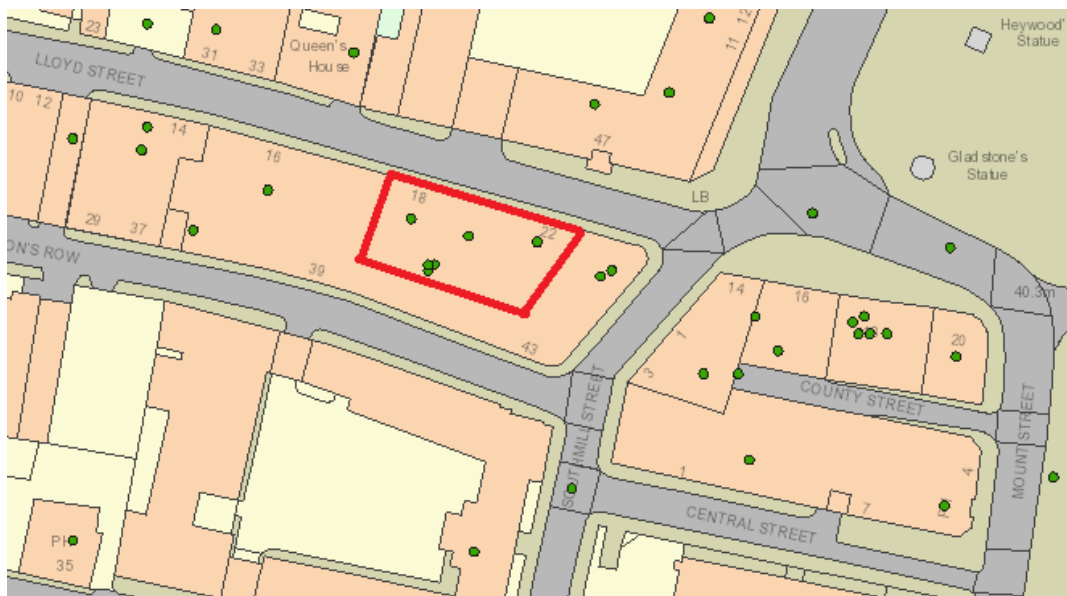
When the application is made electronically, including all enclosures, the licensing authority will serve the Chief Officer of Police.

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

Document is Restricted

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PREMISE NAME:	Whiskey Down
PREMISE ADDRESS:	18-22 Lloyd Street, Manchester, M2 5WA
WARD:	Deansgate
HEARING DATE:	01/03/2022

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MANCHESTER CITY COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, PART II, SCHEDULE 3

SEX ESTABLISHMENT LICENCE

Licence number	254668
Effective Date	9 January 2021
Expiry Date	8 January 2022

Part 1 - Premises details

Name and address of premises		
Whiskey Down 18-22 Lloyd Street, Manchester		
Post town	Post code	Telephone number
Manchester	M2 5WA	0161 834 4220

Activities authorised by the licence
<p>1 Operation as a sexual entertainment venue –</p> <p>a Provision of relevant entertainment before a live audience for the financial gain of the organiser or the entertainer. “Relevant entertainment” means –</p> <p>i any live performance; or</p> <p>ii any live display of nudity;</p> <p>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).</p>

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	0430	0430	0430	0430	0630	0630	0430
Seasonal variations and Non-standard Timings: None							

Designated areas permitted for performances of sexual entertainment
Whole of premises

State whether full nudity is permitted or restricted
Permitted

Part 2

Name and (registered) address of holder of licence
FAC251 Limited 1 City Road East, Manchester, M15 4PN

Registered number of holder, for example company number, charity number (where applicable)
06161539

Annex 1 – Licence conditions

External Appearance of the Premises and Public Displays of Information

1. The exterior of the premises must be presented in a manner appropriate for the character of the area. There shall be no advertisement or promotional material used by the premises that is unsuitable to be viewed by children, for example, by way of sexually provocative imagery. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises. Any external displays or advertising may only be displayed with the prior approval of the Licensing Unit Manager of Manchester City Council.
2. The prices for entrance and any compulsory purchases within the venue, shall be clearly displayed on the exterior of the premises.
3. All charges for products and services shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
4. Rules for customers relating to private performances shall be displayed in prominent areas where private performances are taking place. This condition also applies to the first floor of the premises when cabaret /stage shows or corporate events are **not** taking place. When applicable these rules will be displayed at each customer table and in the bar area.
5. No charge shall be applied unless the customer has been made aware of the tariff of charge by the performer in advance of the performance.
6. There shall be no performers or persons employed at the premises in a state of undress, or scantily-clad, outside the premises at any time it is open.
7. The use of cruising cars by the premises to solicit for custom and/or transport people to or from the premises is prohibited.
8. The use of flyers and similar promotional material to promote SEV activities at the premises is prohibited. A sample of each flyer or similar promotional material is to be kept by the management of the premises and on request is to be made available for inspection by officers from the licensing authority or any responsible authorities

Control of Entry to the Premises

9. The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
10. The premises shall maintain a Refusals log whereby any occasion a person is refused entry shall be recorded and available upon request by the Police or an authorised officer of the Council.
11. All individuals employed on the premises to conduct a security activity (within the meaning of paragraph 2(1) (a) of Schedule 2 to the Private Security Act 2001) must be licensed by the Security Industry Authority.
12. Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.
13. A policy of random searches of persons entering the premises shall be operated.
14. Any person found to be in possession of illegal drugs upon entry shall be prevented entry and, where possible, restrained until the Police can take such person into custody. Any persons found using illegal drugs on the premises shall be removed from the premises or, where possible, restrained until the Police can take such person into custody.
15. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises shall not be visible to persons outside the building.
16. The premises shall subscribe to the NiteNet radio system and radios shall be operational at all times the premises is open to the public.

Conduct of performers and Rules relating to performances of sexual entertainment

17. There shall be a written code of conduct for performers. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the Police or an authorised officer of the Council. The code shall include the following:
 - a. There shall be no intentional physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand

to, or from, an area permitted for performances of sexual entertainment in advance of, or following, a performance.

- b. The performer may not simulate any sexual act during a performance.
 - c. Performers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.
 - d. Performers must not touch the breasts or genitalia of another performer, at any time as part of a performance.
 - e. There shall be no use of sex articles (as defined by paragraph 4(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982) at any time.
18. There shall be no nudity by performers in public areas of the premises, unless the Council has agreed in writing that area may be used for performances of sexual entertainment.
19. Performers must fully dress (i.e. no nudity) at the end of each performance.
20. Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council
21. There shall be no photography permitted by customers on the premises.
22. Customers must remain seated for the duration of a private performance.
23. Performers shall not arrange to meet, or have further contact with, customers outside of the premises.
24. Patrons are not allowed to partake in any stage show of a sexual nature.

The protection of performers and the prevention of crime on the premises

25. Performers shall be provided with secure and private changing facilities.
26. All entrances to private areas to which members of the public are not permitted access shall have clear signage stating that access is restricted.
27. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.
28. The licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work.
29. Private booths must not be fully enclosed. There must be a clear sight-line from outside the booth so that any performance of sexual entertainment can be directly monitored.
30. There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place.
31. Any private booths shall be fitted with a panic button or security alarm.
32. There shall be no alterations to the layout plan of the premises without the prior written approval of the Council.

Record Keeping and Management

33. All performers shall be required to provide valid identification prior to first employment at the premises. Acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or national ID card.
34. All performers and staff shall be eligible to work in the UK and proof of eligibility records shall be kept on the premises. Management shall ensure that such records are regularly checked to ensure compliance.
35. Payment and remuneration records for both performers and staff shall be kept for a minimum of 6 months following cessation of their employment or work at the premises.
36. Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council. All fees and charges for performers shall be stated in writing and prominently displayed within the changing area.
37. No films may be shown at the premises unless they have been passed by the British Board of Film Classification. No films classified as R18 shall be shown on the premises.

CCTV

38. The CCTV system must comply with:
- a. British Standard 7958:2009 - Closed circuit television (CCTV). Management and operation.

Code of practice.

39. Where CCTV system incorporates a digital recording function, it must also comply with:
- a. British Standard 8495:2007 - Code of practice for digital CCTV recording systems for the purpose of image export to be used as evidence.
40. The premises owner must maintain an annual registration with the Information Commissioners Office – as stipulated under the Data Protection Act 1998.
41. At all times, the CCTV system and recordings must be kept in a secured environment under the control of a nominated responsible named individual. Also, a full instructions manual for the CCTV system must be available to the Police and other Responsible Authorities.
42. The CCTV system must be maintained in good working order to:
- a. Operate on 'real-time' at a minimum rate of 20 frames-per-second, with constant, correct time/date generation.
 - b. Have a recording capability capable of providing individual pictures.
 - c. Provide clean, clear and unobstructed camera views of evidential quality in all lighting conditions.
 - d. Provide correctly timed and date stamped recordings - which must be stored in date order, numbered sequentially and kept for a period of 31 days and handed to the Police or Licensing Authority on request.
 - e. Export footage to a removable storage medium with a time and date integral to the image – where possible, to also include any software needed to replay the footage.
 - f. Ensure exported footage at the same, or similar quality to that recorded on the system recording.
43. During all periods of licensable activity a nominated and trained 'CCTV Operator' must be on duty, in order to:
- a. inspect the CCTV system on a daily basis, and ensure that all cameras are in full working order.
 - b. record each inspection on a 'CCTV maintenance' log sheet, and endorse with their signature.
 - c. facilitate the downloading of CCTV footage.
44. During all periods of non-licensable activity, a 'CCTV Operator' must be contactable by the police on a designated emergency-only telephone number. This number must be registered with the local police licensing officer and MCC Licensing Out of Hours Team.
45. The CCTV system must:
- a. Incorporate at least one camera on every entrance and exit to the premises – individuals must be clearly identifiable.
 - b. Incorporate at least one camera on all areas where the sale/supply of alcohol occurs – individuals must be recognisable.
 - c. Incorporate at least one camera on any potential queue area external to the premises and car parking area within the boundary of the premises – individuals must be detectable.
 - d. Ensure that all other cameras at the premises allow for individuals to be recognisable.
 - e. Incorporate a dedicated CCTV camera for each private booth - individuals must be clearly identifiable.
46. In the event of a technical failure of the CCTV system, the nominated CCTV Operator or DPS will ensure the matter is reported to the MCC Licensing Out of Hours Team within 2 hours.
47. A camera which records a facial picture of customers entering the premises shall be situated at the reception and a monitor situated there so customers entering can see same.
48. CCTV shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted.
49. All CCTV must be approved and agreed in writing with MCC Licensing Out of Hours Team before the premises opens to the public.

Dress Code

50. The premises shall operate a dress code for customers to the satisfaction of Greater Manchester Police
51. All customers must be fully clothed during private performances.

Jacuzzi

52. The Health and Safety Executive document "control of Legionella and other infectious agents in spa pool systems" (HSG 282) will be complied with by the operator.
53. Customers who have booked the Jacuzzi VIP area will change in the WC/Changing room provided. At all times customers will wear a suitable swimming costume for use in the Jacuzzi and a robe will be provided for them when they leave the Jacuzzi.
54. All customers using the Jacuzzi must be fully dressed and de-robed before leaving the Jacuzzi room.
55. The Jacuzzi area will be supervised by a dedicated and adequately trained member of staff, with a radio link to the premises security team at all times when in use.
56. The maximum number of persons allowed in the Jacuzzi at any one time will be limited to six people.
57. Patrons who appear to be intoxicated shall be prevented from entering the VIP Jacuzzi area.
58. When the Jacuzzi area is not in use, the Jacuzzi will be lock covered for the duration of the clubs opening hours.
59. The Jacuzzi is for customers only. There will be no performers allowed to enter the Jacuzzi at any time or under any circumstances.
60. There will be no private performances in the Jacuzzi room.

Annex 2 – Plans

See attached.

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

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LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	125245
Granted	08/01/2010
Latest version	Minor variation 268327 granted 18/01/22

Part 1 - Premises details

Name and address of premises
Whiskey Down 18-22 Lloyd Street, Manchester, M2 5WA
Telephone number
0161 834 4220

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: <ul style="list-style-type: none"> Performance of plays; Exhibition of films; Indoor sporting events; Boxing or wrestling entertainments; Live music; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance. 3. The provision of late night refreshment. <p>* All references in this licence to "sale of alcohol" are to sale by retail.</p>

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1200
Finish	0400	0400	0400	0400	0600	0600	0400
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. On the day British Summer Time commences: One additional hour following the terminal hour.							

Recorded music; Performances of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1200
Finish	0400	0400	0400	0400	0630	0630	0400
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day. On the day British Summer Time commences: One additional hour following the terminal hour.							

Performance of plays; Exhibition of films; Indoor sporting events; Boxing or wrestling entertainments; Live music; 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	0400	0400	0400	0400	0600	0600	0400
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day. On the day British Summer Time commences: One additional hour following the terminal hour.							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0400	0400	0400	0400	0500	0500	0400
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings: None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1200
Finish	0430	0430	0430	0430	0630	0630	0430
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day. On the day British Summer Time commences: One additional hour following the terminal hour.							

Part 2

Details of premises licence holder	
Name:	Fac251 Ltd
Address:	Kay Johnson Gee LLP, 1 City Road East, Manchester, M15 4PN
Registered number:	06161539

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

Name: Joseph Nguty

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) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

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

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

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

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol

- sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

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

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

Exhibition of films

9. The admission of children under the age of 18 to film exhibitions permitted under the

terms of this certificate shall be restricted in accordance with any recommendations made:

- (a) by the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
- (b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or where the licensing authority has notified the club which holds the certificate that section 20 (3) (b) (74 (3)(b) for clubs) of the Licensing Act 2003 applies to the film.

Annex 2 – Conditions consistent with the operating schedule

None

Annex 3 – Conditions attached after hearing by the licensing authority

1. The management shall conduct an ongoing risk assessment in relation to the search policy operated at the premises and if necessary an effective search policy shall be implemented to ensure that drugs and offensive weapons are not brought onto the premises by patrons.
2. Known offenders or drug dealers will not be permitted on the licensed premises. Information regarding known offenders/drug dealers will be shared with other licensed premises within the area.
3. A written record shall be kept on the premises by the designated premises supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. that record shall contain the following details:
 - a. the door supervisor's name, date of birth and home address
 - b. his/her security industry authority licence number
 - c. the time and date he/she starts and finishes duty
 - d. each entry shall be signed by the door supervisor.
4. The register shall be available for inspection on demand by an authorised officer of the council, the Security Industry Authority or a police constable.
5. The following steps will be taken by the management to ensure the strict admission policy regarding under 18's is followed:
 - a. a notice will be displayed in a prominent position in the premises and will inform customers of the legislation relating to children and alcohol.
 - b. ensure that all staff are made fully aware of the legislation relating to children and alcohol.
 - c. anyone who appears to be under the age of 21 years will be asked to produce id or proof of age card. Acceptable ID will be clearly stated, this being passport, photo card driving licence or citizen card.
6. Staff will ask customers to leave the area in a responsible and quiet manner.
7. At least one internal door will be maintained in the closed position except for access and egress whilst regulated entertainment is taking place.
8. Members of staff shall monitor the external area, and ensure that customers and / or

regulated entertainment do not cause a nuisance.

9. Staff will take all reasonable steps to discourage and prevent people from congregating outside the entrance / exit of the premises. This will include asking any people congregating there to leave the area.
10. Deliveries to the premises shall not take place outside the hours of 07:00 to 23:00
11. Last entry to the premises shall be Sunday - Thursday 03:30 Friday - Saturday 05:00, no persons (save for those re-entering the premises) shall be allowed admittance to the premises after this time.
12. All staff shall be trained and be aware of their responsibilities and relevant company operating procedures before they commence paid duty at the premise.
13. Any queue to enter the premises that forms outside the premises shall be kept orderly and supervised by licensed or supervisors to ensure there is no public nuisance or obstruction to the public highway.
14. Any persons who appears intoxicated or who is behaving in a disorderly manner shall not be allowed to enter the premises.
15. The premises licence holder / DPS shall risk assess the need for door supervisors on days/ times when no Sexual Entertainment is taking place.
16. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - a. all crimes reported to the venue, or by the venue to the police
 - b. all ejections of patrons
 - c. any complaints received
 - d. any incidents of disorder
 - e. seizures of drugs, offensive weapons, fraudulent ID or other items
 - f. any faults in the CCTV system
 - g. any refusal of the sale of alcohol
 - h. any visit by a relevant authority or emergency service
 - i. the times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.
17. The DPS and/or a nominated member of staff shall carry out searches of the premises before the premises open, during the hours of operation and at closing. Any relevant items recovered, e.g. illegal drugs, lost property, shall be managed accordingly in accordance with company procedures.
18. The Nitenet radio link shall be operated at all times the premises are open to the public. The radio shall be kept in good working order, operated by a responsible member of staff and used to report incidents of crime and disorder to the CCTV control room and other radio users.
19. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
20. All staff shall be trained in:
 - a. relevant age restrictions in respect of products
 - b. recognising signs of drunkenness

- c. how to refuse service
 - d. the premises' duty of care
 - e. challenge 25 and proxy sales
 - f. company policies and reporting procedures
 - g. the conditions in force under this licence
 - h. definition of Nudity, Sexual Entertainment Venue and Relevant Entertainment as per the Policing and Crime Act 2009
21. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment will be covered, enabling facial identification of every person entering, in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 31 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc flash card etc.), a secure storage system to store those recording mediums shall be provided.
22. The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.
23. The premises licence holder will be a member of the Manchester Club and Pubwatch and must attend a minimum of 6 meetings annually.
24. The premises licence holder shall ensure that at all times when the public are present there is at least one person able to administer first aid; that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to other supply of any first aid treatment.
25. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
26. Speakers shall not be located/operated in the entrance lobby or outside the premises.
27. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, or a card bearing the PASS hologram.
28. The Health and Safety Executive document "control of Legionella and other infectious agents in spa pool systems" (HSG 282) will be complied with by the operator.
29. Customers who have booked the Jacuzzi VIP area will change in the WC/Changing room provided. At all times customers will wear a suitable swimming costume for use in the Jacuzzi and a robe will be provided for them when they leave the Jacuzzi.
30. All customers using the Jacuzzi must be fully dressed and de-robed before leaving the Jacuzzi room.

31. The Jacuzzi area will be supervised by a dedicated and adequately trained by a member of staff, with a radio link to the premises security team at all times when in use.
32. The maximum number of persons allowed in the Jacuzzi at any one time will be limited to 6 people.
33. Patrons who appear to be intoxicated should be prevented from entering the VIP Jacuzzi area.
34. When the Jacuzzi area is not in use, the Jacuzzi will be lock covered for the duration of the clubs opening hours.
35. Entry by children under the age of 18 to the premises is prohibited whilst the following licensable activities take place: Sexual Entertainment, including nudity.
36. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
37. There shall be a documented dispersal policy, as agreed with the relevant responsible authorities, implemented at the premises and a copy lodged with the Council's Licensing Unit.
38. At the end of trading each day, the pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept or washed, and litter and sweepings collected and stored in accordance with the approved waste storage arrangements.

Annex 4 – Plans

See attached

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

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**Manchester City Council
Report for Resolution**

Report to: Licensing & Appeals Subcommittee Hearing Panel – 1 March 2022

Subject: Whiskey Down, 18-22 Lloyd Street, Manchester, M2 5WA - (App ref: Sex Establishment Licence - Variation 268585)

Report of: Head of Planning, Building Control & Licensing

Summary

Application for the variation of a sex establishment licence.

Recommendations

That the Panel determine the application.

Wards Affected: Deansgate

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

- Equal Opportunities Policy
 - Risk Management
 - Legal Considerations
-

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

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

Background documents (available for public inspection):

- Manchester City Council Sex Establishment Policy Document (Revised August 2013)
- Section 10 of Manchester City Council's Statement of Licensing Policy 2016 – 2021 (pertaining to adult entertainment)
- Any further documentary submissions by any party to the hearing

1. Introduction

- 1.1 The Local Government (Miscellaneous Provisions) Act 1982 provides the legislative framework in relation to the licensing of sex establishments. Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called a 'sexual entertainment venue', which allows local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The new powers were adopted by the Council with effect from 9 January 2011.

Sexual Entertainment Venues and Relevant Entertainment

- 1.2 A sexual entertainment venue is defined as:

"A premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer unless an exemption applies."

- 1.3 There are 2 categories of 'relevant entertainment':

- live performances, and
- live displays of nudity.

- 1.4 In each case, the entertainment must be of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purposes of sexually stimulating any member of the audience whether by verbal or other means. An audience can consist of just one person e.g. private shows.

2. Application

- 2.1 On 6 January 2022, an application for the variation of a sexual entertainment venue (SEV) licence was made in respect of Whiskey Down, 18-22 Lloyd Street, Manchester, M2 5WA in the Deansgate ward of Manchester. The variation is to amend the plan attached to the licence to reflect the removal of the hot tub and the formation of 3 new booths and also to removal conditions 52-60 as these relate to the hot tub and so are no longer considered relevant.
- 2.2 A copy of the application is provided at **Appendix 1**. However, personal and commercially sensitive information has been redacted. This information will be provided by way of a separate bundle and may be considered by the Committee at the hearing under Part B. A location map and photograph of the premises is attached at **Appendix 2**.
- 2.3 The current sex establishment licence is attached at **Appendix 3**.
- 2.4 The premises is currently operating as a lap dancing premises and is licensed under the Licensing Act 2003 (licence attached at **Appendix 4**).
- 2.5 A public consultation exercise was undertaken in accordance with Schedule 3 of the 1982 Act, requiring the publication of an advertisement in a local

newspaper circulating in the appropriate authority's area, not later than 7 days after the date of the application, and the display of a notice for 21 days beginning with the date of the application, on or near the premises and in a place where the notice can conveniently be read by the public.

- 2.6 Any person objecting to an application for the grant, renewal, transfer or variation of a licence under Schedule 3 shall give notice in writing of his objection to the appropriate authority, stating in general terms the grounds of the objection, not later than 28 days after the date of the application.
- 2.7 All applications for the grant, renewal, transfer or variation of a sex establishment are determined by a delegated sub-committee of the Licensing and Appeals Committee, whether or not objections to the application have been received.

2.8 **Further documentation accompanying the application**

- 2.8.1 The applicant has not submitted any further documentation.

3. **Relevant Objections**

- 3.1 Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 of the Act for refusing a licence, as set out in Section 4 of this report.
- 3.2 Objections should not be based on moral grounds/values and objections that are not relevant to the grounds set out in paragraph 12 should not be considered.
- 3.3 Although the council is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.
- 3.4 The council shall not without the consent of the person making the objection reveal their name or address to the applicant.
- 3.5 No objections have been received in respect of this application.

4. **Mandatory and Discretionary Grounds for Refusal of a Licence**

- 4.1 Paragraph 12 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 sets out the grounds for refusing an application for the grant, renewal, transfer or variation of a licence. A decision to refuse a licence must be relevant to one or more of the below grounds.

Mandatory Grounds

- 4.2 A licence must not be granted:
- to a person under the age of 18;

- to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- to a body corporate which is not incorporated in an EEA state; or
- to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

Discretionary Grounds

4.3 A licence may be refused where:

- the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- if the licence were to be granted, renewed, or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal, transfer or variation of such a licence if he made the application himself;
- the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- that the grant or renewal of the licence would be inappropriate having regard
 - to the character of the relevant locality; or
 - to the use to which any premises in the vicinity are put; or
 - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

4.4 Applications should only be refused where the Council considers it as necessary and proportionate to do so, and any decision shall be on a non-discriminatory basis.

Human Rights Act

4.5 When determining a licence application Manchester City Council will have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights

4.6 Article 1 of Protocol 1 of the European Convention of Human Rights states:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public

interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

4.7 A licence is a possession.

4.8 When considering matters relating to the grant, revocation, renewal or refusal of licences and the placing of conditions on licences, the Committee must consider whether the decision affects an individual, group or company’s Human Rights as set out in the Convention and if it does, whether the interference with those rights is permissible by reason of the justifications set out in the Convention. In addition consideration must be given to whether the interference is proportionate to the general purpose.

5. **Applicant Considerations**

- 5.1 The Council needs to be satisfied that the applicants for a sex establishment licence are suitable to operate the business by ensuring:
- that the operator is honest;
 - that the operator is qualified by experience to run the type of sex establishment in question;
 - that the operator understands the general conditions;
 - that the operator is proposing a management structure which will deliver compliance with operating conditions e.g. though:
 - managerial competence;
 - attendance at the premises;
 - a credible management structure;
 - enforcement of rules internally, e.g. through training and monitoring
 - a viable business plan, e.g. sufficient to employ door staff and install CCTV;
 - policies for the welfare of performers (SEV only).
 - that the operator can be relied upon to act in the best interests of the performers, e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored (SEV only);
 - that the operator can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation;
 - that the operator can show a track record of management of compliant premises, or that s/he will employ individuals who will have such a track record;
- 5.2 All applications will be considered but they are unlikely to be granted if the following apply:

- 5.2.1 the applicant has a criminal record. Offences that would be considered particularly relevant include:
- convictions for dishonesty
 - violence
 - sexual offences
 - drugs
 - public order
 - people trafficking
- 5.2.2 the applicant has previously been involved in running an unlicensed sex establishment.
- 5.2.3 if the licence were to be granted, the business to which it relates would be managed by or run for the benefit of a person other than the applicant who would be refused the grant of such a licence if they made it themselves.
- 5.3 It is anticipated that these expectations would be demonstrated by the operator through their completed application form and any accompanying submissions as part of the application process. However, the Council may also take into account any oral submissions made at any hearing to determine the application.

6. **Location Considerations**

- 6.1 A licence can be refused if either, at the time the application, it is determined that the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises.
- 6.2 Manchester City Council's Policy for Sex Establishments states that that areas located outside the City Centre, as defined by the Planning Department's definition of the City Centre, are not appropriate locations for sex establishments. Therefore, the policy is that the appropriate number for sex establishments outside of the City Centre is nil.
- 6.3 Within the City Centre, an appropriate number for sex establishments has not been set. Applications will be determined as they arise.
- 6.4 Sex establishments will not normally be licensed near to:
- housing;
 - schools, play areas, nurseries or children's centres;
 - family shopping or leisure areas;
 - places of worship;
 - historic buildings or tourist attractions;
 - other places where relevant entertainment takes place;
 - other sensitive uses that may be relevant e.g. women's hostel;

where the proximity to such uses is likely to be considered by the Council to be inappropriate in having regard to the character of the relevant locality and the use to which any premises in the vicinity are put.

- 6.5 The spatial distribution of licensed premises is very relevant particularly with consideration to their impact upon the character of the locality. The Council will have regard to the uses of all other premises in the area as well as any potential adverse impact upon:
- regeneration;
 - tourism;
 - the retail or commercial attraction of the area;
 - social issues e.g. prostitution, anti-social behaviour.
- 6.6 Within the city centre no licences shall be granted for premises within the following locations:
- a. parks or external areas/squares that attract large numbers of children such as, but not limited to, Castlefield Arena, Piccadilly Gardens, Albert Square, St Anne's Square, Exchange Square;
 - b. entertainment centres which have children/family focussed entertainment;
 - c. community buildings such as, but not limited to, places of worship, libraries, GPs surgeries;
 - d. the area (framed by Deansgate to the west; Peter Street, Mount Street and Lower Mosley Street to the north; Portland Street, Oxford Street and Lower Mosley Street to the east; and Whitworth Street West to the south) as set out in Appendix A of the Council's Policy for Sex Establishments;
 - e. where further sex oriented uses would change the character of an area;
 - f. where further sex oriented uses would deter people from using the area comfortably/at all;
 - g. where further sex oriented uses raises the fear of crime in the locality; or where such locations form part of the relevant locality.
- 6.7 The decision regarding what constitutes the 'relevant locality' is a matter for the Committee. However, such questions must be decided on the facts of the individual application.
- 6.8 The Council may also have regard to the following factors:
- access routes to schools, play areas, nurseries or children's centres or other uses normally attended by children;
 - any existing licensing permissions for the premises;
 - the proximity of other licensed premises in the surrounding area and the terms of those licences;
 - the Planning permission for the premises and surrounding uses;
 - any existing Planning or Regeneration policy/plan/strategy relevant to the area;
 - history of complaints relevant to the premises;

- the nature of the daytime and night-time economies in the surrounding area.

6.9 This premises is located within the City Centre (see 6.3).

6.10 This premises is not located within the area set out in 6.6(d) above.

7. **Licence Conditions**

7.1 The Council has adopted standard conditions in respect of sexual entertainment venues, which will apply to all respective licences granted, unless such conditions have been expressly excluded or varied. These proposed standard conditions will be provided separately to the report.

7.2 However, following a hearing, the Licensing and Appeals Committee may attach such further conditions to a licence as are considered necessary and proportionate in the public interest including, but not limited to, the interest of public policy, public security, public health or the protection of the environment. This could include conditions restricting the opening and closing times of the premises.

7.3 The applicant has not requested any variations to the standard conditions.

8. **Conclusion**

8.1 In determining an application for a sex establishment licence, any decision to refuse an application may only be made in accordance with the mandatory and discretionary grounds for refusal as set out in Section 4 of the report.

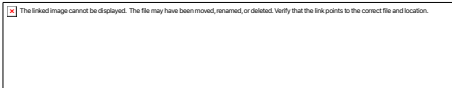
8.2 None of the mandatory grounds for refusal are met in respect of this application.

8.3 The discretionary grounds are set out in full at 4.3.

8.4 The decision regarding what constitutes the 'relevant locality' is a matter for the Committee. However, such questions must be decided on the facts of the individual application.

8.5 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority's view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered. Case law also indicates that a relevant locality cannot be an entire local authority area or an entire town or city.

- 8.6 Once the Committee has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and whether it considers any sex establishments, or sex establishment of a particular kind, are appropriate for that relevant locality.
- 8.7 When considering the application, the Committee must have regard to:
- the Council's Policy for Sex Establishments;
 - information submitted as part of the application;
 - any observations submitted to it by the chief officer of police;
 - any objections received from anyone else within 28 days of the application
- 8.8 Members may also take into account any oral submissions made at any hearing to determine the application. Additionally, the Committee may have regard to any objections received after 28 days of the application.
- 8.9 Applications should only be refused where the Council considers it as necessary and proportionate to do so, and any decision shall be on a non-discriminatory basis.
- 8.10 Where the Committee has decided to grant a licence, it may impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions made by the Council under paragraph 13 of Schedule 3.
- 8.11 The Council has adopted Standard Conditions applicable to Sexual Entertainment Venues.
- 8.12 Any licence granted shall be subject to those Standard Conditions, save for where they have been expressly excluded or varied by the Committee.



Premises Licensing Team

Telephone: +44 (0)161 234 5004
 premises.licensing@manchester.gov.uk
 Level 1 Town Hall Extension, Albert
 Square, PO Box 532, M60 2LA

Application Variation of a Sex Establishment Licence pursuant to Schedule 3, Local Government (Miscellaneous Provisions) Act 1982

This form should be completed and forwarded to the Manchester City Council Premises Licensing Team at the above address with the required fee. Cheques, etc. should be made payable to the Manchester City Council. Payment may also be made by credit or debit card upon request.

Important Notes

1. All questions must be answered, save where otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and returned to the Applicant.
2. Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.

Part 1 – Premises Details

I/We FAC251 Ltd t/as WHISKEY DOWN (Manchester)
(Insert name(s) of applicant)

apply for the Variation of a Sex Establishment Licence as described below.

1. This variation application is for a:

- | | |
|----------------------------|-------------------------------------|
| Sex Shop | <input type="checkbox"/> |
| Sex Cinema | <input type="checkbox"/> |
| Sexual Entertainment Venue | <input checked="" type="checkbox"/> |

Please state the Licence Number of the Sex Establishment premises to be varied	205546
---------------------------------------------------------------------------------------	--------

Name and Postal address of premises			
Whiskey Down (Manchester) 18-22 Lloyd Street			
Post town	Manchester	Post code	M2 5WA

Telephone number	
------------------	--

Part 2 – Applicant details

Applicant Name	Fac251 Ltd
Address	1 City Road East Manchester M15 4PN
Registered number	06161539
Telephone number	[REDACTED]
E-mail address	[REDACTED]

Part 3 – Variation Details

3	Please describe the nature of the proposed variation
	<p>Changes to Operating Hours to match those of other SEV venues. Amendments to licensed plan Removal of Jacuzzi conditions 52 though 60 no longer present.</p>

3a	Are you seeking to vary the operating hours?		Mark as appropriate	
	Yes		<input checked="" type="checkbox"/>	
	No		<input type="checkbox"/>	
	<i>If Yes, please provide details of the proposed changes:</i>			
		Start	Finish	
	Monday	11:00	06:30	
	Tuesday	11:00	06:30	
	Wednesday	11:00	06:30	
	Thursday	11:00	06:30	
	Friday	11:00	06:30	
Saturday	11:00	06:30		
Sunday	11:00	06:30		

3b	Are you seeking to alter the internal layout of the premises?	Mark as appropriate
	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
	<i>If Yes, please provide details of the proposed changes:</i> Amendments to Licensed Plans removing hot tub and forming 3 new booths	

3c	Are you seeking to remove, or amend, any conditions in Annex 1?	Mark as appropriate
	Yes	<input checked="" type="checkbox"/>
	No	<input type="checkbox"/>
	<i>If Yes, please provide details:</i> Removal of conditions relating to hot tub no longer needed	

Part 4 – Further Information

Please tick yes (as applicable)

I have enclosed the sex establishment licence

I have enclosed the relevant part of the sex establishment licence

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

Please include any further information which you wish the authority to take into account here.

Part 5 – Checklist and Declaration


Checklist	Mark as appropriate
I have completed all relevant section of the application	<input checked="" type="checkbox"/>
I declare that a public notice advertising this application shall be displayed upon the premises where it may be conveniently read by the public and shall remain displayed for a period of no less than 21 consecutive days. A copy of the notice and completed statutory declaration shall be provided to the Licensing Unit.	<input checked="" type="checkbox"/>
I declare that within seven days of the date of this application a public notice advertising this application will be publicised in the legal notices column of the Manchester Evening News and an original copy of the published advertisement shall be forwarded to the Licensing Unit at Manchester City Council forthwith.	<input checked="" type="checkbox"/>
I understand that if I do not comply with the requirements above that my application shall be rejected.	<input checked="" type="checkbox"/>
I declare I have served a copy of this application on Greater Manchester Police.	<input checked="" type="checkbox"/>
I have enclosed the relevant fee	<input checked="" type="checkbox"/>

Declaration & Signature

The following declaration must be signed in all cases

Should the information provided in relation to this application form cease to be correct, or if there are any changes in the information provided in the application form between the date the application is submitted and the date it is determined, the Applicant must advise the licensing authority immediately. Failure to do so may result in any licence issued being revoked.

I/We certify to the best of our/my knowledge and belief that the information given in this application is complete and correct in every respect. I/We agree to notify the Licensing Authority should any of the information given in this application change.

Name	A Mellor
Position in organisation	Managing Director
Date	5 th January 2022
Signature	

Contact Details

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
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)			

DOCUMENTS EVIDENCING PUBLIC NOTICE AND SERVICE *(for office use only)*

Complete copy of newspaper circulating in this area of the authority, containing advertisement of this application to be provided upon publication	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Copy of notice of application displayed on or near the premises	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Copy of affidavit or statutory declaration that notice has been displayed as required by Schedule 3 paragraph 10(10) Local Government (Miscellaneous Provisions) Act 1982.	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Evidence of service of this application form and all enclosures upon <i>Licensing Partnership Office at Bootle Street Police Station, Bootle Street, Manchester, M2 5GU</i> within 7 days after the date of this application.	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

When the application is made electronically, including all enclosures, the licensing authority will serve the Chief Officer of Police.

DOCUMENTS SUPPLIED WITH THIS APPLICATION**(Only include such documents that are subject to change as part of the variation):**

A site scale plan (1:1250)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Drawings showing the front elevation as existing	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Drawings showing the front elevation as proposed including signage, advertising and window display.	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Scale layout plan of premises Note, the requirements of the layout plan are set out below	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Planning Permission	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Certificate of lawful use or development	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If the Applicant is a company, copies of Memorandum and Articles of Association of the Company	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If the Applicant is a partnership, a certified copy of the Partnership Deed	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
A copy of any other licences for the premises, vehicle, vessel or stall	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Code of Practice for Performers	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Rules for Customers	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Policy for Welfare of Performers.	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

REQUIREMENTS FOR LAYOUT PLAN:

The layout plan must show;

1. The layout of the premises including, e.g. stage, bars, cloakroom, WCs, performance area, dressing rooms.
2. The extent of the boundary of the premises outlined in red
3. The extent of the public areas outlined in blue.
4. Uses of different area in the premises, e.g. performance areas, reception.
5. Structures or objects (including furniture) which may impact on the ability of individuals to use exits or escape routes without impediment.

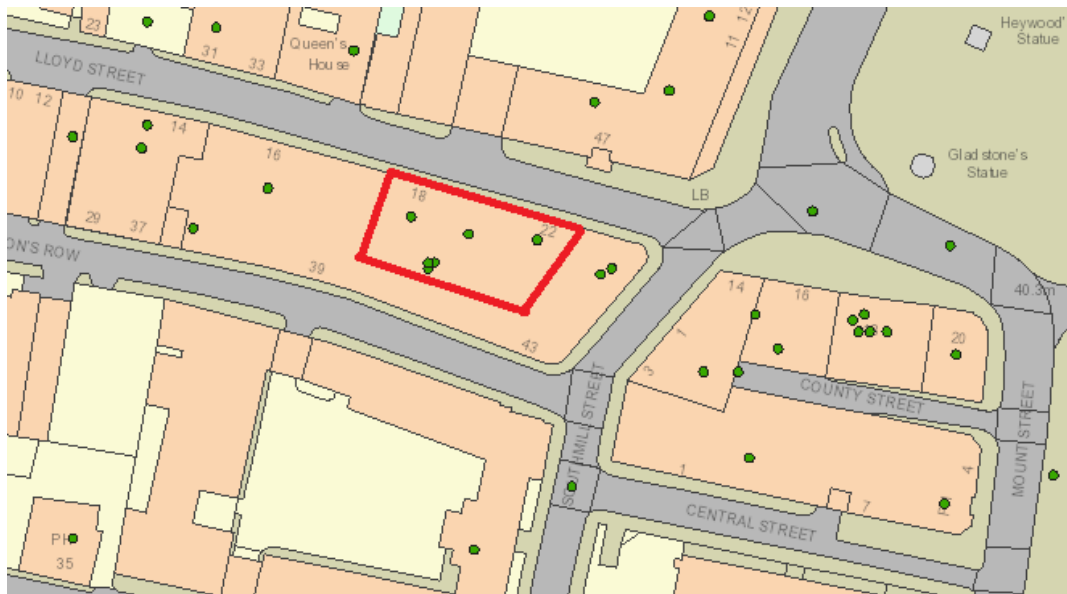
6. Location of points of access to and egress from the premises.
7. Any parts used in common with other premises.
8. Position of CCTV cameras.
9. Where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
10. Where the premises includes any steps, stairs, elevators or lifts, the location of the same.
11. The location of any public conveniences, including disabled WCs.
12. The position of any ramps, lifts or other facilities for the benefit of disabled people.
13. Any level changes at the entrance to or within public parts of the premises which may be inaccessible to disabled people.
14. The location and type of any fire safety and any other safety equipment.
15. The location of any kitchen on the premises.
16. The location of emergency exits.

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

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PREMISE NAME:	Whiskey Down
PREMISE ADDRESS:	18-22 Lloyd Street, Manchester, M2 5WA
WARD:	Deansgate
HEARING DATE:	01/03/2022

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MANCHESTER CITY COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, PART II, SCHEDULE 3

SEX ESTABLISHMENT LICENCE

Licence number	254668
Effective Date	9 January 2021
Expiry Date	8 January 2022

Part 1 - Premises details

Name and address of premises		
Whiskey Down 18-22 Lloyd Street, Manchester		
Post town	Post code	Telephone number
Manchester	M2 5WA	0161 834 4220

Activities authorised by the licence
<p>1 Operation as a sexual entertainment venue –</p> <p>a Provision of relevant entertainment before a live audience for the financial gain of the organiser or the entertainer. “Relevant entertainment” means –</p> <p>i any live performance; or</p> <p>ii any live display of nudity;</p> <p>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).</p>

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	0430	0430	0430	0430	0630	0630	0430
Seasonal variations and Non-standard Timings: None							

Designated areas permitted for performances of sexual entertainment
Whole of premises

State whether full nudity is permitted or restricted
Permitted

Part 2

Name and (registered) address of holder of licence
FAC251 Limited 1 City Road East, Manchester, M15 4PN

Registered number of holder, for example company number, charity number (where applicable)
06161539

Annex 1 – Licence conditions

External Appearance of the Premises and Public Displays of Information

1. The exterior of the premises must be presented in a manner appropriate for the character of the area. There shall be no advertisement or promotional material used by the premises that is unsuitable to be viewed by children, for example, by way of sexually provocative imagery. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises. Any external displays or advertising may only be displayed with the prior approval of the Licensing Unit Manager of Manchester City Council.
2. The prices for entrance and any compulsory purchases within the venue, shall be clearly displayed on the exterior of the premises.
3. All charges for products and services shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
4. Rules for customers relating to private performances shall be displayed in prominent areas where private performances are taking place. This condition also applies to the first floor of the premises when cabaret /stage shows or corporate events are **not** taking place. When applicable these rules will be displayed at each customer table and in the bar area.
5. No charge shall be applied unless the customer has been made aware of the tariff of charge by the performer in advance of the performance.
6. There shall be no performers or persons employed at the premises in a state of undress, or scantily-clad, outside the premises at any time it is open.
7. The use of cruising cars by the premises to solicit for custom and/or transport people to or from the premises is prohibited.
8. The use of flyers and similar promotional material to promote SEV activities at the premises is prohibited. A sample of each flyer or similar promotional material is to be kept by the management of the premises and on request is to be made available for inspection by officers from the licensing authority or any responsible authorities

Control of Entry to the Premises

9. The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
10. The premises shall maintain a Refusals log whereby any occasion a person is refused entry shall be recorded and available upon request by the Police or an authorised officer of the Council.
11. All individuals employed on the premises to conduct a security activity (within the meaning of paragraph 2(1) (a) of Schedule 2 to the Private Security Act 2001) must be licensed by the Security Industry Authority.
12. Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.
13. A policy of random searches of persons entering the premises shall be operated.
14. Any person found to be in possession of illegal drugs upon entry shall be prevented entry and, where possible, restrained until the Police can take such person into custody. Any persons found using illegal drugs on the premises shall be removed from the premises or, where possible, restrained until the Police can take such person into custody.
15. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises shall not be visible to persons outside the building.
16. The premises shall subscribe to the NiteNet radio system and radios shall be operational at all times the premises is open to the public.

Conduct of performers and Rules relating to performances of sexual entertainment

17. There shall be a written code of conduct for performers. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the Police or an authorised officer of the Council. The code shall include the following:
 - a. There shall be no intentional physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand

to, or from, an area permitted for performances of sexual entertainment in advance of, or following, a performance.

- b. The performer may not simulate any sexual act during a performance.
 - c. Performers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.
 - d. Performers must not touch the breasts or genitalia of another performer, at any time as part of a performance.
 - e. There shall be no use of sex articles (as defined by paragraph 4(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982) at any time.
18. There shall be no nudity by performers in public areas of the premises, unless the Council has agreed in writing that area may be used for performances of sexual entertainment.
19. Performers must fully dress (i.e. no nudity) at the end of each performance.
20. Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council
21. There shall be no photography permitted by customers on the premises.
22. Customers must remain seated for the duration of a private performance.
23. Performers shall not arrange to meet, or have further contact with, customers outside of the premises.
24. Patrons are not allowed to partake in any stage show of a sexual nature.

The protection of performers and the prevention of crime on the premises

25. Performers shall be provided with secure and private changing facilities.
26. All entrances to private areas to which members of the public are not permitted access shall have clear signage stating that access is restricted.
27. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.
28. The licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work.
29. Private booths must not be fully enclosed. There must be a clear sight-line from outside the booth so that any performance of sexual entertainment can be directly monitored.
30. There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place.
31. Any private booths shall be fitted with a panic button or security alarm.
32. There shall be no alterations to the layout plan of the premises without the prior written approval of the Council.

Record Keeping and Management

33. All performers shall be required to provide valid identification prior to first employment at the premises. Acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or national ID card.
34. All performers and staff shall be eligible to work in the UK and proof of eligibility records shall be kept on the premises. Management shall ensure that such records are regularly checked to ensure compliance.
35. Payment and remuneration records for both performers and staff shall be kept for a minimum of 6 months following cessation of their employment or work at the premises.
36. Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council. All fees and charges for performers shall be stated in writing and prominently displayed within the changing area.
37. No films may be shown at the premises unless they have been passed by the British Board of Film Classification. No films classified as R18 shall be shown on the premises.

CCTV

38. The CCTV system must comply with:
- a. British Standard 7958:2009 - Closed circuit television (CCTV). Management and operation.

Code of practice.

39. Where CCTV system incorporates a digital recording function, it must also comply with:
- a. British Standard 8495:2007 - Code of practice for digital CCTV recording systems for the purpose of image export to be used as evidence.
40. The premises owner must maintain an annual registration with the Information Commissioners Office – as stipulated under the Data Protection Act 1998.
41. At all times, the CCTV system and recordings must be kept in a secured environment under the control of a nominated responsible named individual. Also, a full instructions manual for the CCTV system must be available to the Police and other Responsible Authorities.
42. The CCTV system must be maintained in good working order to:
- a. Operate on 'real-time' at a minimum rate of 20 frames-per-second, with constant, correct time/date generation.
 - b. Have a recording capability capable of providing individual pictures.
 - c. Provide clean, clear and unobstructed camera views of evidential quality in all lighting conditions.
 - d. Provide correctly timed and date stamped recordings - which must be stored in date order, numbered sequentially and kept for a period of 31 days and handed to the Police or Licensing Authority on request.
 - e. Export footage to a removable storage medium with a time and date integral to the image – where possible, to also include any software needed to replay the footage.
 - f. Ensure exported footage at the same, or similar quality to that recorded on the system recording.
43. During all periods of licensable activity a nominated and trained 'CCTV Operator' must be on duty, in order to:
- a. inspect the CCTV system on a daily basis, and ensure that all cameras are in full working order.
 - b. record each inspection on a 'CCTV maintenance' log sheet, and endorse with their signature.
 - c. facilitate the downloading of CCTV footage.
44. During all periods of non-licensable activity, a 'CCTV Operator' must be contactable by the police on a designated emergency-only telephone number. This number must be registered with the local police licensing officer and MCC Licensing Out of Hours Team.
45. The CCTV system must:
- a. Incorporate at least one camera on every entrance and exit to the premises – individuals must be clearly identifiable.
 - b. Incorporate at least one camera on all areas where the sale/supply of alcohol occurs – individuals must be recognisable.
 - c. Incorporate at least one camera on any potential queue area external to the premises and car parking area within the boundary of the premises – individuals must be detectable.
 - d. Ensure that all other cameras at the premises allow for individuals to be recognisable.
 - e. Incorporate a dedicated CCTV camera for each private booth - individuals must be clearly identifiable.
46. In the event of a technical failure of the CCTV system, the nominated CCTV Operator or DPS will ensure the matter is reported to the MCC Licensing Out of Hours Team within 2 hours.
47. A camera which records a facial picture of customers entering the premises shall be situated at the reception and a monitor situated there so customers entering can see same.
48. CCTV shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted.
49. All CCTV must be approved and agreed in writing with MCC Licensing Out of Hours Team before the premises opens to the public.

Dress Code

50. The premises shall operate a dress code for customers to the satisfaction of Greater Manchester Police
51. All customers must be fully clothed during private performances.

Jacuzzi

52. The Health and Safety Executive document “control of Legionella and other infectious agents in spa pool systems” (HSG 282) will be complied with by the operator.
53. Customers who have booked the Jacuzzi VIP area will change in the WC/Changing room provided. At all times customers will wear a suitable swimming costume for use in the Jacuzzi and a robe will be provided for them when they leave the Jacuzzi.
54. All customers using the Jacuzzi must be fully dressed and de-robed before leaving the Jacuzzi room.
55. The Jacuzzi area will be supervised by a dedicated and adequately trained member of staff, with a radio link to the premises security team at all times when in use.
56. The maximum number of persons allowed in the Jacuzzi at any one time will be limited to six people.
57. Patrons who appear to be intoxicated shall be prevented from entering the VIP Jacuzzi area.
58. When the Jacuzzi area is not in use, the Jacuzzi will be lock covered for the duration of the clubs opening hours.
59. The Jacuzzi is for customers only. There will be no performers allowed to enter the Jacuzzi at any time or under any circumstances.
60. There will be no private performances in the Jacuzzi room.

Annex 2 – Plans

See attached.

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

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	125245
Granted	08/01/2010
Latest version	Minor variation 268327 granted 18/01/22

Part 1 - Premises details

Name and address of premises
Whiskey Down 18-22 Lloyd Street, Manchester, M2 5WA
Telephone number
0161 834 4220

Licensable activities authorised by the licence

1. The sale by retail of alcohol*.
2. The provision of regulated entertainment, limited to:
 - Performance of plays;
 - Exhibition of films;
 - Indoor sporting events;
 - Boxing or wrestling entertainments;
 - Live music;
 - Recorded music;
 - Performances of dance;
 - Anything similar to live music, recorded music or the performance of dance.
3. The provision of late night refreshment.

* 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	0400	0400	0400	0400	0600	0600	0400

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

Recorded music; Performances of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1200
Finish	0400	0400	0400	0400	0630	0630	0400
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day. On the day British Summer Time commences: One additional hour following the terminal hour.							

Performance of plays; Exhibition of films; Indoor sporting events; Boxing or wrestling entertainments; Live music; 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	0400	0400	0400	0400	0600	0600	0400
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day. On the day British Summer Time commences: One additional hour following the terminal hour.							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0400	0400	0400	0400	0500	0500	0400
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings: None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1200
Finish	0430	0430	0430	0430	0630	0630	0430
Seasonal variations and Non-standard Timings: New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day. On the day British Summer Time commences: One additional hour following the terminal hour.							

Part 2

Details of premises licence holder	
Name:	Fac251 Ltd
Address:	Kay Johnson Gee LLP, 1 City Road East, Manchester, M15 4PN
Registered number:	06161539

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

Name: Joseph Nguty

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) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

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

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

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

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol

- sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

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

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

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

Exhibition of films

9. The admission of children under the age of 18 to film exhibitions permitted under the

terms of this certificate shall be restricted in accordance with any recommendations made:

- (a) by the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
- (b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or where the licensing authority has notified the club which holds the certificate that section 20 (3) (b) (74 (3)(b) for clubs) of the Licensing Act 2003 applies to the film.

Annex 2 – Conditions consistent with the operating schedule

None

Annex 3 – Conditions attached after hearing by the licensing authority

1. The management shall conduct an ongoing risk assessment in relation to the search policy operated at the premises and if necessary an effective search policy shall be implemented to ensure that drugs and offensive weapons are not brought onto the premises by patrons.
2. Known offenders or drug dealers will not be permitted on the licensed premises. Information regarding known offenders/drug dealers will be shared with other licensed premises within the area.
3. A written record shall be kept on the premises by the designated premises supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. that record shall contain the following details:
 - a. the door supervisor's name, date of birth and home address
 - b. his/her security industry authority licence number
 - c. the time and date he/she starts and finishes duty
 - d. each entry shall be signed by the door supervisor.
4. The register shall be available for inspection on demand by an authorised officer of the council, the Security Industry Authority or a police constable.
5. The following steps will be taken by the management to ensure the strict admission policy regarding under 18's is followed:
 - a. a notice will be displayed in a prominent position in the premises and will inform customers of the legislation relating to children and alcohol.
 - b. ensure that all staff are made fully aware of the legislation relating to children and alcohol.
 - c. anyone who appears to be under the age of 21 years will be asked to produce id or proof of age card. Acceptable ID will be clearly stated, this being passport, photo card driving licence or citizen card.
6. Staff will ask customers to leave the area in a responsible and quiet manner.
7. At least one internal door will be maintained in the closed position except for access and egress whilst regulated entertainment is taking place.
8. Members of staff shall monitor the external area, and ensure that customers and / or

regulated entertainment do not cause a nuisance.

9. Staff will take all reasonable steps to discourage and prevent people from congregating outside the entrance / exit of the premises. This will include asking any people congregating there to leave the area.
10. Deliveries to the premises shall not take place outside the hours of 07:00 to 23:00
11. Last entry to the premises shall be Sunday - Thursday 03:30 Friday - Saturday 05:00, no persons (save for those re-entering the premises) shall be allowed admittance to the premises after this time.
12. All staff shall be trained and be aware of their responsibilities and relevant company operating procedures before they commence paid duty at the premise.
13. Any queue to enter the premises that forms outside the premises shall be kept orderly and supervised by licensed or supervisors to ensure there is no public nuisance or obstruction to the public highway.
14. Any persons who appears intoxicated or who is behaving in a disorderly manner shall not be allowed to enter the premises.
15. The premises licence holder / DPS shall risk assess the need for door supervisors on days/ times when no Sexual Entertainment is taking place.
16. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - a. all crimes reported to the venue, or by the venue to the police
 - b. all ejections of patrons
 - c. any complaints received
 - d. any incidents of disorder
 - e. seizures of drugs, offensive weapons, fraudulent ID or other items
 - f. any faults in the CCTV system
 - g. any refusal of the sale of alcohol
 - h. any visit by a relevant authority or emergency service
 - i. the times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.
17. The DPS and/or a nominated member of staff shall carry out searches of the premises before the premises open, during the hours of operation and at closing. Any relevant items recovered, e.g. illegal drugs, lost property, shall be managed accordingly in accordance with company procedures.
18. The Nitenet radio link shall be operated at all times the premises are open to the public. The radio shall be kept in good working order, operated by a responsible member of staff and used to report incidents of crime and disorder to the CCTV control room and other radio users.
19. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
20. All staff shall be trained in:
 - a. relevant age restrictions in respect of products
 - b. recognising signs of drunkenness

- c. how to refuse service
 - d. the premises' duty of care
 - e. challenge 25 and proxy sales
 - f. company policies and reporting procedures
 - g. the conditions in force under this licence
 - h. definition of Nudity, Sexual Entertainment Venue and Relevant Entertainment as per the Policing and Crime Act 2009
21. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment will be covered, enabling facial identification of every person entering, in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 31 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc flash card etc.), a secure storage system to store those recording mediums shall be provided.
22. The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.
23. The premises licence holder will be a member of the Manchester Club and Pubwatch and must attend a minimum of 6 meetings annually.
24. The premises licence holder shall ensure that at all times when the public are present there is at least one person able to administer first aid; that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to other supply of any first aid treatment.
25. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
26. Speakers shall not be located/operated in the entrance lobby or outside the premises.
27. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, or a card bearing the PASS hologram.
28. The Health and Safety Executive document "control of Legionella and other infectious agents in spa pool systems" (HSG 282) will be complied with by the operator.
29. Customers who have booked the Jacuzzi VIP area will change in the WC/Changing room provided. At all times customers will wear a suitable swimming costume for use in the Jacuzzi and a robe will be provided for them when they leave the Jacuzzi.
30. All customers using the Jacuzzi must be fully dressed and de-robed before leaving the Jacuzzi room.

31. The Jacuzzi area will be supervised by a dedicated and adequately trained by a member of staff, with a radio link to the premises security team at all times when in use.
32. The maximum number of persons allowed in the Jacuzzi at any one time will be limited to 6 people.
33. Patrons who appear to be intoxicated should be prevented from entering the VIP Jacuzzi area.
34. When the Jacuzzi area is not in use, the Jacuzzi will be lock covered for the duration of the clubs opening hours.
35. Entry by children under the age of 18 to the premises is prohibited whilst the following licensable activities take place: Sexual Entertainment, including nudity.
36. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
37. There shall be a documented dispersal policy, as agreed with the relevant responsible authorities, implemented at the premises and a copy lodged with the Council's Licensing Unit.
38. At the end of trading each day, the pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept or washed, and litter and sweepings collected and stored in accordance with the approved waste storage arrangements.

Annex 4 – Plans

See attached

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

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