



Licensing Sub Committee Hearing Panel

Date: Thursday, 20 December 2018
Time: 1.00 pm, or at the rise of the Licensing and Appeals
Sub Committee Hearing Panel
Venue: Council Antechamber - Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Chamber

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

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

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Ludford (Chair), S Lynch and McHale.

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. Appeal against Interim Steps for Factory 251, 118-120 Princess Street, Manchester, M1 7EN.

5 - 48

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

Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

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

Further Information

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

Beth Morgan
Tel: 0161 234 3043
Email: b.morgan@manchester.gov.uk

This agenda was issued on **Wednesday, 12 December 2018** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA

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**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 28 December 2018

Subject: Summary Review of Factory, 118-120 Princess Street, Manchester, M1 7EN – (App Ref: 224069)

Report of: Head of Planning, Building Control & Licensing

Summary

Review of the premises licence under s53C of the Licensing Act 2003

Recommendations

That the Panel consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken.

Wards Affected:

Deansgate

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

A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to drive growth	

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Matthew Callaghan
Position: Licensing Officer
Telephone: 0161 234 4965
E-mail: m.callaghan@manchester.gov.uk

Background documents (available for public inspection):

Manchester City Council Statement of Licensing Policy 2016 - 2021
Guidance issued under section 182 of the Licensing Act 2003, April 2018
Licensing Act 2003 (Hearings) Regulations 2005
Any further documentary submissions by any party to the hearing

1. Introduction

- 1.1 On 3 December 2018, an application was made by Greater Manchester Police under s53A of the Licensing Act 2003 for a Summary Review of the Premises Licence for the Factory nightclub (also known as FAC251) on the corner of Princess Street and Charles Street in the Deansgate ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and a fast track licence review.
- 1.3 Within 48 hours of receiving a summary review application, under s53B of the Licensing Act 2003 the licensing authority must consider whether it is necessary to take interim steps pending the review of the licence for the promotion of the licensing objectives.
- 1.4 The premises licence holder may make representations against the interim steps taken by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt.
- 1.5 The premises licence holder and Greater Manchester Police have been given notice of the hearing.

2. The Review Application

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The application for a summary review was submitted on the grounds that the premises are associated with serious disorder following a violent incident in the early hours of Sunday 2 December 2018, involving multiple door supervisors from the venue and 2 customers who had been ejected from the club shortly before the incident.

3. Interim Steps currently in place

- 3.1 On 5 December 2018, a Licensing Sub-Committee Hearing Panel held a hearing to consider taking such interim steps and the decision of the Panel was to suspend the licence (**Appendix 3**).

4. Representations by the premises licence holder against the interim steps in place

- 4.1 On 18 December 2018, the premises licence holder represented by Woods Whur Solicitors made representations against the interim steps (**Appendix 4**).

5. Current Premises Licence

- 5.1 A copy of the current licence is attached at **Appendix 5**.

6. Key Policies and Considerations

6.1 Legal Considerations

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

6.2 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

6.3 Following this hearing to consider representations, the holder of the licence may only make further representations if there has been a material change in circumstances.

6.4 New Information

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

6.5 Hearsay Evidence

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

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

6.6.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

6.6.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

6.6.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

6.7 **Manchester Statement of Licensing Policy**

- 6.7.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must ‘have regard to’ its statement of licensing policy.
- 6.7.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 6.7.3 There are a number of references in the Policy to the licensing authority’s expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.

7. **Conclusion**

- 7.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 7.2 At this hearing to consider representations against interim steps the Panel must:
- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
 - determine whether to withdraw or modify the steps taken.
- 7.3 The interim steps that the licensing authority must consider taking are:
- the modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail from the scope of the licence;
 - the removal of the designated premises supervisor from the licence; and
 - the suspension of the licence.
- 7.4 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.
- 7.5 When considering the case the Panel must take into account:

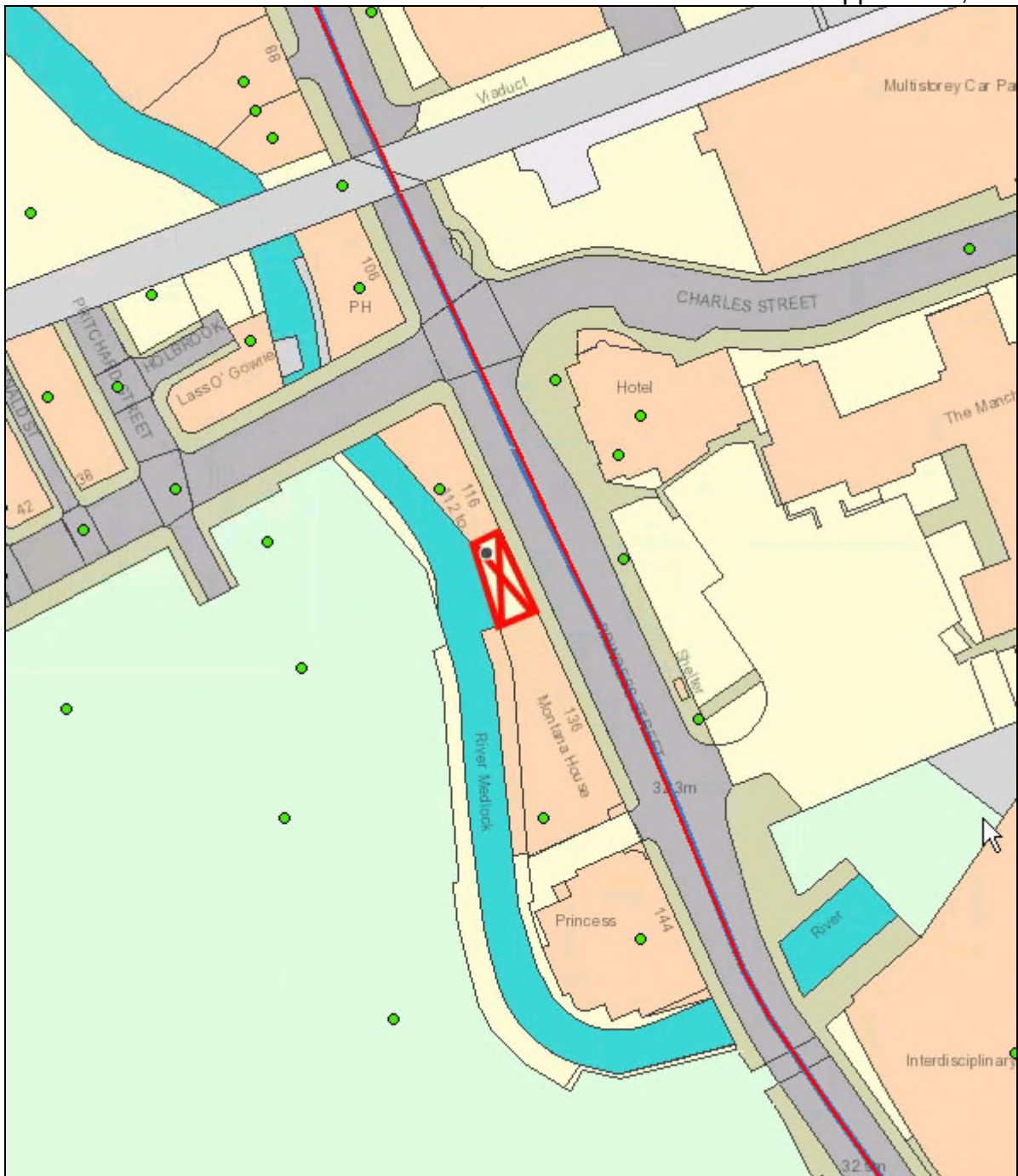
- the senior police officer's certificate that accompanied the review application;
- the chief police officer's representations (if any); and
- any representations made by the premises licence holder.

7.6 All licensing determinations should be considered on the individual merits of the application.

7.7 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.

7.8 **The Panel is asked to:**

- a. consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- b. determine whether to withdraw or modify the steps taken.



Factory 251
118-120 Princess Street, Manchester, M1 7EN

Premises Licensing
Manchester City Council

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Ordnance Survey 100019568.



PREMISE NAME: Factory 251

PREMISE ADDRESS: 118-120 Princess Street, Manchester, M1 7EN

WARD: Deansgate

HEARING DATE: 28/12/2018

ANNEX B

Greater Manchester Police
Central Park
Northampton Road
Manchester

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:
Factory 251
118-120 Princess Street
Manchester
M1 7EN

Premises licence number (if known): 50150

Name of premises supervisor (if known): Mark Barker

I am a Superintendent ³ in the Greater Manchester police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns as to the extreme violence which has occurred at the premises and the lack of action from the premises.

Greater Manchester Police (GMP) will say that the premises are associated with Serious Disorder. Therefore due to the Serious Disorder which has taken place at the premises GMP feel that it is necessary for an expedited review to take

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

place.

The premises are situated on Princess Street in the Village area of Manchester city centre and the premises licence was issued on 18/08/2005. The Premises Licence Holder (PLH) is FAC 251 Limited and the Designated Premises Supervisor (DPS) is Mark Barker who has held this position since 1st May 2018.

The incident which has triggered this Summary Review is as follows:

At 0320 hours on Sunday 2nd December 2018 GMP received a telephone call from a female stating that as she was getting into a taxi outside the premises about 10 minutes earlier she had witnessed 6 bouncers kicking a male who was lying on the ground. She stated that one of the bouncers in particular was kicking the male on the floor very violently.

At 0324 hours GMP contacted the North West Ambulance service to inform them of this incident and request that they attend.

At 0405 hours the first police officers arrived on the scene and have viewed the CCTV footage which shows at 0253 hours the door staff fighting with 2 males who had been ejected from the premises a short time earlier, and one of these males is seen to be punched to the ground and then left motionless before members of the public go over to assist him. The other male is seen to be punched numerous times by several of the door staff. The male who was knocked to the ground is seen getting up again at 0303 hours, 10 minutes after the incident started.

During this time nobody from the premises contacted the police to inform them that the incident was taking place and the first that we learned of the incident was at 0320 hours when the member of the public contacted us.

A report of crime for Affray has been submitted but it is highly likely that this will be upgraded to a Violent Disorder once all the facts have been established by the CID.

PC 17659 Isherwood attended at the premises on the morning of Monday 3rd December to obtain a copy of the CCTV footage and from speaking to the DPS Mark Barker it is clear that nobody from the premises phoned an ambulance either and as far as he was aware they were contacted by another member of the public.

Enquiries are ongoing with North West Ambulance service to determine who did contact them and at what time.

What is clear however is that an extremely violent incident occurred on the doorstep of the premises involving 2 customers and numerous door staff which resulted in the male who was knocked to the ground suffering a bleed on the brain, which has resulted in him being hospitalised.

This incident has now gained national notoriety as it has been captured on numerous peoples' mobile phones and circulated on various media platforms.

It would be easy for the premises to try put this down solely to the actions of the door staff and it is clear from the footage that the door staff are indeed very blameworthy for their part in the incident but what is abundantly clear from

looking at the incident, and how it was dealt with, is that there was a huge lack of duty of care from the premises themselves. A male has been left with a bleed on the brain, which thankfully is believed to be non life threatening but this could very easily have ended up as a fatality and the fact that the premises didn't bother to contact the police is extremely concerning.

This would suggest either a worrying level of incompetence at best or a more seriously a possible attempt to cover up the incident.

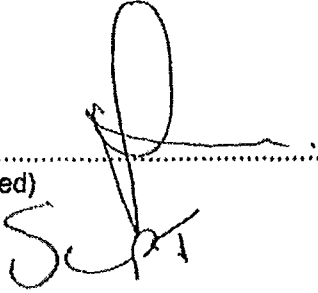
The extreme level of violence used in this incident is shocking and has resulted in a serious injury to a customer.

Therefore GMP have serious concerns as to the lack of a duty of care from the premises and their lack of contact with the police in reporting this very serious incident. We believe that this shows that the premises have had little regard for upholding the Licensing Objectives of the Prevention of Crime and Disorder and Public Safety.

The powers contained under section 53A of the Licensing Act 2003 are necessary and proportionate in light of the association that the premises has to Serious Crime and Serious Disorder.

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. Serious Disorder has occurred at the premises and until the Licensing Committee hear the full review and all the evidence that will be disclosed, to allow the premises to continue to operate as a licensed premises gives concerns that further violent incidents will occur at the premises and the safety of both customers and staff will be placed in jeopardy. Greater Manchester Police will say that the licensing objectives of the Prevention of Crime and Disorder and Public Safety can only be promoted if the premises licence was suspended until the final determination of the summary review application.

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take. There are serious concerns as to the extreme level of violence that has occurred. Greater Manchester Police believe that Serious Disorder has occurred at the premises.

.....
(Signed)  (Date) 3 / 12 / 18

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Manchester City Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Alan Isherwood [on behalf of] the chief officer of police for the Greater Manchester police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

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

**Factory 251
118-120 Princess Street**

Post town: Manchester

Post code (if known): **M1 7EN**

2. Premises licence details:

Name of premises licence holder (if known): **FAC 251 Limited**

Number of premises licence holder (if known): **6161539**

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns as to the extreme violence which has occurred at the premises and the lack of action from the premises.

Greater Manchester Police (GMP) will say that the premises are associated with Serious Disorder. Therefore due to the Serious Disorder which has taken place at the premises GMP feel that it is necessary for an expedited review to take place.

The premises are situated on Princess Street in the Village area of Manchester city centre and the premises licence was issued on 18/08/2005. The Premises Licence Holder (PLH) is FAC 251 Limited and the Designated Premises Supervisor (DPS) is Mark Barker who has held this position since 1st May 2018.

The incident which has triggered this Summary Review is as follows:

At 0320 hours on Sunday 2nd December 2018 GMP received a telephone call from a female stating that as she was getting into a taxi outside the premises about 10 minutes earlier she had witnessed 6 bouncers kicking a male who was lying on the ground. She stated that one of the bouncers in particular was kicking the male on the floor very violently.

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At 0405 hours the first police officers arrived on the scene and have viewed the CCTV footage which shows at 0253 hours the door staff fighting with 2 males who had been ejected from the premises a short time earlier, and one of these males is seen to be punched to the ground and then left motionless before members of the public go over to assist him. The other male is seen to be punched numerous times by several of the door staff. The male who was knocked to the ground is seen getting up again at 0303 hours, 10 minutes after the incident started.

During this time nobody from the premises contacted the police to inform them that the incident was taking place and the first that we learned of the incident was at 0320 hours when the member of the public contacted us.

A report of crime for Affray has been submitted but it is highly likely that this will be upgraded to a Violent Disorder once all the facts have been established by the CID.

PC 17659 Isherwood attended at the premises on the morning of Monday 3rd December to obtain a copy of the CCTV footage and from speaking to the DPS Mark Barker it is clear that nobody from the premises phoned an ambulance either and as far as he was aware they were contacted by another member of the public.

Enquiries are ongoing with North West Ambulance service to determine who did contact them and at what time.

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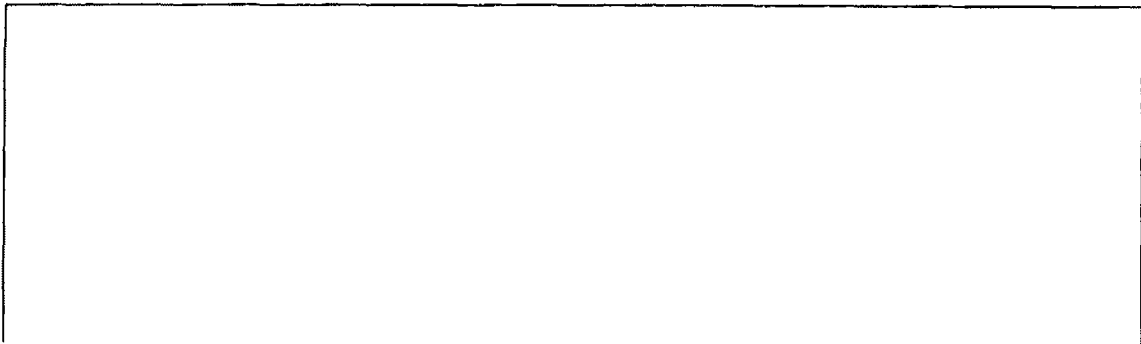
The extreme level of violence used in this incident is shocking and has resulted in a serious injury to a customer.


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The powers contained under section 53A of the Licensing Act 2003 are necessary and proportionate in light of the association that the premises has to Serious Crime and Serious Disorder.

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. Serious Disorder has occurred at the premises and until the Licensing Committee hear the full review and all the evidence that will be disclosed, to allow the premises to continue to operate as a licensed premises gives concerns that further violent incidents will occur at the premises and the safety of both customers and staff will be placed in jeopardy. Greater Manchester Police will say that the licensing objectives of the Prevention of Crime and Disorder and Public Safety can only be promoted if the premises licence was suspended until the final determination of the summary review application.

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take. There are serious concerns as to the extreme level of violence that has occurred. Greater Manchester Police believe that Serious Disorder has occurred at the premises.



Signature of applicant: 
Date: 3/12/18
Capacity: Licensing Constable

Contact details for matters concerning this application:

Address:
**Manchester Town Hall Extension
Lloyd Street
Manchester
M2 5DB**

Telephone number(s): 0161 856 6017

Email: alan.isherwood@gmp.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

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Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Wednesday, 5 December 2018

Present: Councillor Ludford (Chair) – in the Chair

Councillors: T Judge and S Lynch

LACHP/18/177. Application for a Summary Review of a Premises Licence for Factory 251, 118-120 Princess Street, Manchester, M1 7EN.

The Committee considered the application and the CCTV evidence and oral representations from both GMP and the premises licence holder. Following a request by Greater Manchester Police the Committee excluded the public from part of the proceedings under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 on the grounds that the evidence being viewed formed part of the criminal investigation and any release to the public may jeopardise any future criminal proceedings and therefore the Committee considered it was in the public interest for the public to be excluded for this part of the hearing.

Following consideration of everything presented by the parties the Committee considered this was a very disturbing and serious incident and noted that both parties were in agreement that in the circumstances a suspension was necessary and appropriate to promote the Licensing Objectives of the prevention of crime and disorder and public safety. The Committee was in full agreement with the parties that a suspension was necessary to promote the Licensing Objectives of the prevention of crime and disorder and public safety. The Committee also noted that the premises had voluntarily closed following the incident and that the operator currently has no door supervisors employed at the premises. The Committee also noted the intention of the operator to take stock of the operation of these premises and review its practices and procedures in relation to the premises.

Decision

To suspend the licence pending the full review hearing on 28 December 2018.

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woodswhur

Devonshire House
38 York Place
Leeds
LS1 2ED

33 Cavendish Square
London
W1 0PW

Rotterdam House
116 Quayside
Newcastle Upon Tyne
NE1 3DU

Appendix 4, Item 4

info@woodswhur.co.uk
www.woodswhur.co.uk

Tel: 0113 234 3055

All correspondence should be sent to our Leeds office

Premises Licensing
Manchester City Council
Level 1 Town Hall Extension
Albert Square
PO Box 532
M60 2LA

Our ref PW/EH/FAC001-3-4/4171

Your ref

18 December 2018

By Email Only

Dear Sirs

**Re: Factory 251, 118-120 Princess Street, Manchester, M1 7EN
Representations against Interim Steps - Section 53 B (6)**

Please take this letter as formal representations against the Interim Steps imposed against our clients premises licence by the Licensing Sub-Committee on 5 December 2018.

At that stage the premises licence holder had voluntarily closed their premises and did not challenge the Interim Steps suspension being sought by the police.

We understand that this application can be considered by a Licensing Sub-Committee on December 20th in the afternoon. It is our submission that there have been material changes in circumstances since our client did not challenge the Police application for the suspension of the premises licence on the 5th December.

Since that time there have been meetings with the police and licensing authority representatives.

We would ask the licensing authority to consider varying the Interim Steps by removing the suspension of the premises licence and imposing the following interim steps as being appropriate to promote the licensing objectives:-

1. That the premises remain closed until after the hearing of the review on the 28th December 2018.
2. That the conditions on the schedule attached to this representation be added to the premises licence.

We have also included a copy of the report prepared by Darrell Butterworth, a copy of the new Door Supervisors Policy and a copy of the job specification for the independent auditor/compliance manager.

We look forward to hearing from you with a time and venue for the hearing to take place.

Yours faithfully

Woods Whur

Schedule of conditions to be offered

1. Professional security will be removed from their contract at the premises.
2. None of the door staff working on the night of the incident will be employed by any new company providing door supervisors for the premises.
3. Any door company employed by the premises licence holder will be an ACS accredited company.
4. All door supervisors will wear high visibility professional attire/uniform ensuring that they are easily recognisable as door supervisors.
5. All SIA door supervisors will wear body worn cameras. These cameras will be used to record all ejections from the premises, and all incidents involving physical or verbal confrontation at the premises. The DPS will ensure that the body worn cameras are in good working order at all times. Footage of incidents recorded on body worn video will be downloaded and stored for a period of 28 days, and available for viewing and downloading to disk/USB device by police officers on request. Door supervisors will be given training on how to use body worn videos, and this training will be documented.
6. An independent compliance auditor will be employed by the premises licence holder who will audit compliance with the conditions on the premises licence and the provision of door supervisors.
7. A bespoke premises door supervisor policy written in conjunction with the independent compliance office auditor will be in operation at the premises. All door supervisors working at the premises will be trained on the door staff policy before they are allowed to work at the premises. Refresher training will be given in relation to this policy at regular intervals.
8. The compliance auditor will arrange for covert mystery shopper visits to take place at the premises to assess procedures and focus on the door supervision and management of the premises.
9. The premises licence holder will operate a nightnet or other communication link radio to other venues in the city centre. This will be the system recognised by the Greater Manchester Police and Licensing Authority. This communication link will be operational for every trading session at the premises. The communication link will be kept in working order at all times when licensable activities are taking place. If the night net radio system

is down/unusable for any or part of a trading session the police will be made aware immediately.

10. At all times the premises are open to the public after midnight a qualified first aider will be employed at the premises whose primary job will be to care for customers health and welfare. A log will be maintained at the premises to show the first aider on duty, and their start and finish times, and signature.
11. Door staff will be employed at the premises to a ratio of 1 door supervisor to 75 customers. A door supervisor deployment plan will be written and door staff will be deployed where risk assessed to ensure sufficient members of the SIA door team are placed at areas within the premises requiring additional supervision. The premises licence holder will deploy at least 1 door supervisor per 100 people in the queue.
12. At least one metal detection wand will be used at the entrance of the premises on every trading night.
13. The smoking terrace will be supervised by at least 1 SIA door supervisor at all times and will not have more than 100 people contained in it. Door supervisors and staff will maintain order in the smoking terrace and ensure that people do not stay in the smoking terrace after they have finished smoking.
14. All staff at the premises will receive appropriate training in relevant legislation for their employment (including the licence conditions) and managing patrons behaviour. Training will be documented and training records will be kept on the licensed premises and made available for inspection by Police and responsible authorities.
15. Door supervisors and senior members of management will receive training on the policy in relation to management of queues at the premises which will include:
 - Identifying the areas where queueing will be permitted to take place
 - Where the barriers are to be used
 - At any times and capacity restrictions to be enforced
16. A staff member will be responsible for using a click accounting device, or similar device, to ensure that the maximum capacity of the venue and maximum capacity of each floor and smoking area is not exceeded. The maximum capacity for the premises includes staff members.
17. The premises will have at least 2 management level members of staff at the premises for each trading session. These 2 management level members of staff will be personal

licence holders. One of these members of staff will be positioned at the entrance of the venue whilst customers are queuing and entering the premises.

18. All crimes and incidents involving physical harm will immediately be reported to the police.

Report following the incident at Factory Manchester

This report has been compiled following a serious incident at Factory, 118 Princess Street, Manchester, M1 7EN.

Qualifications and Experience

I am an independent licensing consultant and a former Police Inspector, having completed 30 years' service with the Greater Manchester Police in a variety of uniform and non-uniformed roles.

The longest period of attachment to a department was between 1998 and 2006 when I performed the role of Force Licensing Inspector. This role involved the supervision of 12 divisional licensing officers, tasking and management of a covert licensing unit comprising a sergeant and six constables, developing force policy and enforcement in relation to all licensed units and employment and briefing of a licensing solicitor to act on behalf of the force in more complex licensing hearings.

During the period as the Force Licensing Inspector I was responsible for the good conduct of outlets involved in selling alcohol but also those that provided gambling, betting and bingo facilities. I have represented Greater Manchester Police at Magistrates Court hearings, Crown Court Appeals, The High Court and Council Licensing Committee hearings to oppose unsuitable applications and to take enforcement action against those premises whose standards had fallen below an acceptable level. I was responsible for the Force's response to support the Government led Alcohol Misuse Enforcement Campaigns (AMEC) which was highly acclaimed for reducing alcohol related crime and disorder.

Throughout my period in the central licensing role Assistant Chief Constable Robert Taylor, also from the Greater Manchester Police, was the Association of Chief Police Officers (ACPO) lead spokesman on Alcohol and Licensing matters. As a result of this connection I became secretariat to the ACPO National Licensing officers group and National Licensing Forum (NLF). The latter group was made up of trade organisations including the British Beer and Pub Association, Retail Trade Consortium, Business in Sport and Leisure, Magistrates Association, Justices Clerks Society, Local Government Association, Home Office, and Department for Culture, Media and Sport. During the period above, these groups scrutinised and made recommendations for amendments to the proposed Green and White papers, which were subsequently presented to the House of Commons as the Licensing Act 2003.

In 2006 on leaving the Central Licensing Unit I received a Chief Officer's Commendation, recognising the contribution I had made to licensing enforcement across Greater Manchester, particularly in relation to my leadership and commitment shown in developing force policy and training in response to the Licensing Act 2003

Between 2006 and my retirement from the Greater Manchester Police in December 2010 I took up the role of Neighbourhood Inspector for the town of Heywood on the Rochdale division. I continued to work with the licensed trade in that area to improve safety in and around licensed premises and reduce crime and disorder. I was chairperson of the Heywood Pub Watch and closed a number of premises in the town that failed in their licensing objectives using my powers under the Licensing Act 2003 and subsequent amendments.

In recent years I have continued my professional development in regard to licensing knowledge by taking and passing the National Licensees Certificate and National Door Supervisors course. This enabled me both to successfully apply for a Personal Licence and to become approved by the Security Industry Authority (SIA) as a front line operative. In September 2011 I successfully applied to become a nominated tutor with the British Institute of Inn keeping enabling me to carry out training in the award for responsible alcohol retailing and the award for personal licence holders which are National Vocational Qualifications. In October 2018 I attended a Licensing Seminar to update solicitors and practitioners on licensing changes.

Since January 2011 I have worked in a consultancy role with licensed premises in Bedford, Birmingham, Blackpool, Brighton, Canterbury, Cardiff, Chester, Derby, Guildford, Harrogate, Lancaster, Leeds, London, Manchester, Mildenhall, Newcastle, Nottingham, Preston, Sheffield, Stratford, Watford and York, producing strategies aimed at reducing crime and disorder in and around venues. In addition to conducting investigations on behalf of operators I have also been engaged by Camden LBC and residents in Cardiff, Chester, Newcastle and York to conduct observations and reports on licensed venues. I would estimate that since January 2011 I have visited in excess of 550 premises licensed under the Licensing Act 2003. In all of these cases I believe that I have been able to make a positive impact on the licensing objectives.

I am experienced in the production of independent written reports and giving evidence before Licensing Sub-Committees and Magistrates' Courts. It is important to stress that in carrying out this work, I act independently, record what I see and express my own opinions. Due to concerns expressed by a number of Licensing Committees and Magistrates Courts that premises modify their behaviour in anticipation of a compliance visit I always endeavour to conduct my observations without the local operators being made aware of my impending visit.

The report does not seek to minimise or detract from the seriousness of the incident or make judgement on the actions of members off staff and sub contracted door staff. The incident is being rightfully investigated by the Police and other statutory agencies and the outcome of their enquiries will formulate a large part of any response to ensure that no such incident occurs at this venue in the future.

Pending those outcomes this report must be viewed as an interim measure to ensure that the venue is able to reopen in a safe and lawful manner.

As well as this report I have drafted the following Policies which will ensure that such an incident does not occur in the future. By training staff on these policies, implementing the actions and ensuring that they are complied with at all times, there will also be a reduction in other less serious crimes and incidents occurring at the venue.

Security Policy
Customer Service Policy
Monitoring of external contractors policy
Nitenet radio policy

Recommendation

It is recommended that there is a closer scrutiny of sub-contracted employees working on behalf of the company.

Action

The security company providing door staff at the venue will be changed. Only a company satisfying the Security Industry Authorities approved contractor status (ACS) or approved by the G.M.P will be engaged to supply third party door staff. None of the personnel employed at the time of the incident will be employed at the venue. I understand that their SIA licences have been suspended in any event.

Action

A new corporate uniform will be worn by all new door staff with an image that they are meet and greet door hosts and not “bouncers”. This refreshed image will be a visible sign to customers that the venue's security and policies have been amended and improved.

Action

A new role has been created of Licensing and Security Manager. The individual fulfilling this role will be notified to Greater Manchester Police. Any change to the person engaged in this role will also be notified to Greater Manchester Police.

Action

New policies have been created for the engagement of external security personnel and how they will be monitored. Training will be given to all staff (including sub-contracted door hosts) on the new policies. Staff training will be repeated to all new employees and repeated on a 6 monthly basis. Overt and covert compliance visits, covering Licensing and company policies will be conducted on a monthly basis. Mystery shopper exercises will be conducted to support these compliance checks.

Action

A member of the management team (DPS, GM, AGM) or other person identified and agreed with Greater Manchester Police will be deployed outside the venue during peak trading periods in order to assist with customer service issues. The name, their role and contact details will be clearly displayed outside the venue to enable customers to be aware of who is in charge and responsible for customer service related issues.

Action

To protect our staff and customers body worn cameras will be issued to front of house security staff. These have been shown to reduce aggression shown by customers towards staff and may provide staff with evidence to support the use of force by staff on the rare occasions when it has been necessary to use it. Body worn cameras have also been shown to reduce the numbers of complaints made against staff where they have been deployed.

Recommendations

The Nitenet radio was not being used on the evening when the incident occurred, although enquiries at CityCo reveal that the radio is used on a regular basis. The Nitenet radio is a useful tool to any late night venue and should be available for use on all occasions.

Action

A condition will be given that the Nitenet radio will be utilised on all occasions that the venue is open to the public. Any failure detected in the radio will be reported to CityCo at the beginning of any trading period when it cannot be used. Venue staff will conduct a radio check with the control

room at the commencement of any trading period and inform the control room at the conclusion of the nights trade. Any noteworthy incident will be reported over the Nitenet radio.

Recommendations

No report was made to Greater Manchester Police at the time of the incident.

Action

Any incident during which physical force is used on a person will be recorded in the incident book at the premises and reported to Greater Manchester Police as soon as practicable. Any other incident worthy of note will be recorded in the incident book at the venue. The reporting of incidents of note not involving physical force and any other matters will be reported to Greater Manchester Police at the discretion of the Licensing and Security Compliance manager.

The above recommendations and courses of action have been made based on the information to hand at the time of writing. They are made to address the immediate concerns and issues that the author of this report and the company are aware of at the time of writing. Following the conclusion of the Police investigation and the disclosure of other incidents alleged to have occurred at, or near to the premises, other recommendations and actions may be required in order to fully address the situation at the venue.

Darrell Butterworth
Licensing and Security Compliance Manager

Factory

Door Supervisor Policy

Author	Darrell Butterworth Security Manager
Date of Origin	December 2018
Last Updated	N/A
Next review date	December 2019
Relevant Audience	Site Managers, Door Supervisors

Introduction

This manual contains the company's Security Policies and documents. It should be read and adhered to by all members of Management and Door Supervisors. The Policies will be strictly enforced by the company and it is the General Managers responsibility to ensure that these procedures are followed.

The employment of door staff at Factory is an essential and important part of the operation of the premises. Door staff are normally the first and the last person that a customer sees when visiting Factory and consequently their impression can be long lasting in the customers mind. So the standards of their appearance and behaviour are important. As security officers our door staff will be seen by members of the public as the professional, regardless of their experience, knowledge or skill.

A considerable amount of legislation now effects the employment of Door Supervisors. The principle Acts of Parliament are as follows:

The Fire Precautions Act 1971

The Health & Safety At Work Act 1974

The Crime and Disorder Act 1998

The Private Security Industry Act 2001

The Criminal Justice and Police Act 2002

The Licensing Act 2003

As well as all this legislation, there are now various codes of practice and training handbooks, all of which lay down various standards. Consequently it is now essential for a modern bar operator to lay down clear procedures and requirements for the employment of door staff, which are outlined in the rest of this document. This document will be reviewed on a regular basis in order to keep up to date with these legislative and Policy changes.

Door Staff Duties

Door Supervisors working at Factory will be employed either in house, directly via the company, or via a third party door company. Regardless of which type of supplier, all staff act on behalf of Factory and will work under the supervision and direction of the General Manager whose decisions on appropriate action will be adhered to.

All door staff working at Factory will adhere to the agreed dress code whilst on duty.

All Door Supervisors working at Factory must hold a currently valid Door Supervisors SIA Licence issued by the Security Industry Authority. It is the Managers responsibility to check licence badges are current and not out of date. In the event that a door supervisor does not have his badge or the badge is out of date, then that person is not allowed to start work. It is a condition of Security Industry legislation that the SIA Licence must be worn outside of the jacket or coat and must be clearly visible.

All door supervisors working at the premises are required to sign on duty before starting work and sign off duty at the end of their shift. This will include their name, Security Industry Authority number, time started, time finished (including breaks if taken) and their signature. A book is provided by the company for this purpose.

Induction Process

Before being allowed to start work for the first time at Factory, new door staff will carry out a basic induction programme with the Licensing Compliance Manager or head Door Supervisor. As part of this induction they will need to bring proof of their identification (passport or driving licence) and their SIA Door Supervisors licence. A colour photocopy of the SIA licence will be taken at this time and this will be attached to the operatives personal file.. They will also need to submit their personal details including home address and contact telephone numbers. This confidential information will be held by the Manager and retained

by the company for six months after the last date that the individual worked at the premises. The reading of this door policy document forms a part of the induction process.

General requirements:-

You are working on behalf of Factory and will adhere to direction and instruction of the Designated Premises Supervisor or General Manager.

Always wear clothes that comply with the agreed dress code, are smart and clean.

Always wear clean shoes.

Make sure that you are cleanly shaven.

You may not smoke, eat, drink, or chew while on duty unless on a break. Never consume alcohol while on duty or before commencing work.

You must not wear any jewellery other than a wedding band.

Always be polite to customers and greet them on entry.

Do not use your mobile telephone for personal calls while on duty.

Never discriminate or be offensive in any way.

Ensure that any complaint is referred to the Manager.

Say Goodnight to customers leaving the premises and encourage them to depart quietly, keeping disturbance to a minimum.

Make use of clickers to ensure that the premises are not overcrowded.

Admissions Policy

It is the policy of Factory to admit customers, guests, visitors and any member of the public irrespective of their colour, race, religion, sex or disability provided that:

- 1) They are not considered to be underage
- 2) They meet the dress standards
- 3) They meet any local licensing requirements
- 4) They abide by the house rules

- 5) They don't refuse to be searched, where appropriate
- 6) They are not under the influence of drugs or alcohol
- 7) They have not previously been excluded
- 8) They are not subject to an exclusion order issued by HM Courts
- 9) Their behaviour at the time of admission is not likely to cause a disturbance, create disorder or be offensive to any customer or employee

When denying a customer entry, Door Staff should ensure that they do so in a polite but clear manner. Door staff should not engage in arguments with customers. If it becomes necessary to speak to a person about their behaviour, then diplomacy and tact are the key words. Under no circumstances may door staff take the initiative to use force or offer violence. Where refusing entry, explain courteously the reason for refusal.

For example:

"I am sorry Sir you do not meet our age policy".

"We are at capacity at the moment, you are more than welcome to queue".

"Sorry the time of last entry was at 0200 am".

Whenever appropriate, Door Supervisors should ensure that the customer recognises that refusal is just for that particular night, the reasons for the refusal and that they are welcome on another occasion subject to the usual Door Policy.

Even customers who are turned away on the basis of age should be treated with respect and advised of an appropriate age when they will be able to frequent the establishment.

In order to promote good business, there are instances where discretion on entry is required. These instances will normally centre on the dress code and the time of entry.

For example:

A 30 plus year old man and 25 years old female companion turn up at 11.00pm. The man is wearing trainers; however he looks fashionable rather than scruffy. The venue is not at capacity. Entry should be allowed to these people.

Age Checks

The venue complies with the Challenge 25 Policy, which determines that if a person appears to be under 25 then I.D. should be requested and checked. The only acceptable form of I.D. is a Passport or Photographic Driving Licence.

Drugs Policy

Factory operates a policy of zero tolerance with regards to drugs. The Management, Door Supervisors and Bar staff are instructed to be vigilant in this area and provide each other with support to maintain this initiative.

Admission must be refused to anyone suspected of dealing in illegal drugs on the premises. Toilet attendants are employed by the company to discourage the selling or misuse of drugs in the toilet areas.

Door Supervisors will have received training on how to deal with drug related situations through their National Door Supervisors Course. Whilst working at Factory any suspected drugs found will be handed to the duty manager, put in a sealed envelope and placed in the safe until it can be collected by the Police. The premises will comply with any advice from the Police in regards to detaining of persons suspected of drug dealing.

All drug related incidents must be reported by way of an incident Report.

Searches

It is not normal company policy to carry out searches. However at the Managers discretion Door Supervisors may be instructed to adopt a search policy. For example, as a result of staff observations or information received from a statutory authority

Where a search is required the following guidelines must be observed:

- Consent must be asked for before a search can be carried out
- If a search is carried out without consent then it may be viewed as assault.
- Refusal to consent to a search is a justifiable reason to refuse admission or request a customer to leave.
- Searches must be restricted to non-intimate areas only.

- If a male Door Supervisor must search a woman, then the search must be restricted to bags and outside pockets.
- Door Supervisors are not allowed to put their hands in a handbag or empty it themselves; this must be done by the person who owns the bag.

Seizures

In the event of items being seized an incident form must be filled in detailing a description of items seized and where found. Also included should be details of any action taken (person detained, police called, etc) and the signature of the person who seized the items.

Weapons

An offensive weapon is legally defined as “anything which has been made, adapted or is intended to cause injury”. Door Supervisors are trained through the Door Supervisors National Course to be vigilant for weapons and the ways of dealing with them if the situation arises.

An example of how to deal with offensive weapons is to: Seize the weapon; refuse entry to the person; fill in Incident Log. If a person refuses to hand over an offensive weapon, a Door Supervisor's first priority is to ensure that the person is not allowed on the premises. Once outside, Door Supervisors should avoid engaging with person and call for police assistance if necessary. Immediately the person has left the police should be notified of the event in case the person attempts re-entry or visits another licensed premises.

Communications

The company have purchased a number of radios for use by door supervisors at the venue to assist with their duties and responsibilities. Should the number of staff exceed the number of radios available the Head Door Supervisor will decide which members of staff will have possession of the radios. Staff should only use the radio for the purpose that they have been issued. Should staff need to use the radio system the following codes will be used to prevent unnecessary concern amongst nearby customers.

Code 1- General incident. Non violent

Code 2- Incident that has the potential to escalate

Code 3- Incident that has degenerated in to violence and more support is required.

Nitenet

The company also contribute to the Nitenet radio system. At the start of the days trading period the head doorman will check that the Nitenet radio is working by conducting a test call with the radio control room. During the trading period Any incident of note should be brought to the attention of the radio control room and any incidents involving the use of force should also be reported to the Police. At the end of the trading period the control room should be notified that the premises is closing and the radio put on charge. If for any reason the Nitenet radio is defective then City Co will be informed as to the issue and reason why it cannot be used.

Incident Reports

All Serious Incidents and reports must be reported to the Security Manager immediately and all other incidents must be reported to the Security Manager within 24 hours. It is essential that the personal details of all parties involved are included on the report as well as details of any visiting Authority, such as Police, Fire, EHO, Trading Standards and SIA Inspectors. Always note their name, number and incident reference number on the report as this will assist in following up the incident at a later date. To assist staff, report forms are provided at the venue for the recording of incidents. Report forms should be completed as soon as is reasonably practicable after an incident has been dealt with.

The site manager must be informed of all visits by any statutory authority (police, fire, ambulance, Licensing Authority and Security Industry Authority) so that they are aware of all reports and allegations being made in respect of the venue or staff and complete the required records.

All employees need to be mindful that any incident or accident may result in a criminal, Licensing or civil investigation. In order to ensure that our actions are not misrepresented months or years after the event has passed we need to ensure staff secure as much information at the time as is reasonable under the circumstances. The complexity of that information will depend on the seriousness of the incident or extent of the injury. In cases involving a minor injury, small cut, trip or fall, the full details of the person, a photograph of the injury and details of witnesses should be the minimum information recorded. If the person says they are okay or decline first aid then this should also be recorded. In more serious incidents and all incidents involving the attendance of the emergency services the details of the person, witness statements and CCTV evidence should be the minimum information recorded. If staff are uncertain as to the extent of the incident/ injury then they should secure all available supporting evidence until the seriousness can be assessed.

CCTV

Extensive CCTV has been installed by the company throughout the venue to promote public safety and reduce crime and disorder. Only the General Manager, Assistant Manager or Security Manager should access the CCTV recording equipment. It is the General Managers responsibility to ensure that all systems are operating correctly when the venue is open for business.

Body worn Cameras

In order to protect its staff and customers the company will utilise body worn cameras at the front entrance to the venue. These will support security staff by recording the actions of unruly customers and support the security officer in the rare scenario when force is needed to eject an individual.

Exclusions and ejections

Factory is a responsible retailer and will not tolerate drunkenness on its premises. The Manchester Licensing Policy emphasises that all premises must take a positive stance in promoting the Licensing Objectives. It is a breach of our Licence to allow persons who have consumed excessive amounts of alcohol or suspected to have taken illegal substances to remain on the premises. Any person who shows signs of intoxication will be refused service of further alcohol and encouraged to have non alcoholic beverages. People who show signs of being drunk or under the influence of other substances will be requested to leave. Door Supervisors receive training on their National Door Supervisors Course on appropriate methods of escorting customers from premises. It is a Policy of Factory that two members of the security team will escort any person who it is assessed needs escorting from the premises. Under no circumstances should Door Supervisors use more force than is necessary or appropriate in the circumstances. This will require a judgement call by the members of the security staff present but will include an assessment of the individual, their size and potential strength, the reaction of the customer, their compliance with your verbal request, verbal and non verbal responses. The amount of force necessary will be dependent on many factors but you may have to account for your actions in court at a later date. Ejections should normally be conducted via the main entrance. However, on particularly busy evenings, it may be more effective to remove someone involved in an incident out via the fire exit.

Conflict Management & Physical Intervention Policy

Introduction

This part of the Policy document outlines the company's position and expectations in relation to managing situations that are, or could lead to heightened levels of conflict and the need to use increased levels of force. It is based on the Association of Chief Police Officers Conflict Management resolution model. Its aim is to ensure that all door supervisors and premises managers are aware of the company's position towards the use of physical force without compromising the lawful right of the operative to use a level of restraint that is proportionate, reasonable and necessary. By complying with the Policy employees will be able to assist the company in reducing complaints of violence and liability in the event of a civil claim and personal stress on the individual subject of an investigation.

Verbal Communication

In the first instance the company expects all operatives to attempt to resolve escalating situations with verbal communication using the 5 step approach to secure voluntary compliance from a resistant subject.

Step 1. Simple Appeal. Would you please stop doing that.

Step 2. Reasoned Appeal. Point out what they are doing and why it is wrong.

Step 3. Ethical or Personal Appeal. Tell them what the outcome of their actions might be.

Step 4. Final Appeal. Give them a last chance to comply with your request.

Step 5. Take action. Eject the person; call the police...

Lawful use of force

Lawful use of force is allowed under the following legislation.

- Section 3 Criminal Law Act 1967
- Common Law
- Breach of the peace

This legislation allows the use of force and restraint in order to:

- Prevent injury to self/other
- Prevent injury to themselves (offender/subject)
- Prevent loss/damage to property
- Making off before a constable can assume responsibility

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	050150
Granted	18/08/2005
Latest version	Corrections made 18/12/2018

Part 1 - Premises details

Name and address of premises
Factory 251 118-120 Princess Street, Manchester, M1 7EN
Telephone number
0161 272 7251

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; 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	0300	0300	0300	0300	0400	0400	0300
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							

Performance of plays; Exhibition of films							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2300	2300	2300	2300	2300	2300	2300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
None							

Live music; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance**Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0400	0400	0400	0400	0500	0500	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

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:

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

Hours premises are open to the public**Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0400	0400	0400	0400	0500	0500	0400

Seasonal variations and Non standard Timings:

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

Part 2**Details of premises licence holder**

Name:	FAC251 Limited
Address:	C/O Kay Johnson Gee LLP, Second Floor, 1 City Road East, M15 4PN
Registered number:	06161539

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

Name:	Mr Mark Baker
Address:	
Personal Licence number:	NCC000CJ2513
Issuing Authority:	Newcastle City Council

Annex 1 – Mandatory conditions**Door Supervisors**

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

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
- (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purposes of the condition set out in (1) above–
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–
- $$P = D + (D \times V)$$
- where –
- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
8. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

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

Exhibition of films

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

Annex 2 – Conditions consistent with the operating schedule

1. The above time restrictions in relation to the hours for the sale of alcohol do not prohibit:
 - (a) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (b) The sale of alcohol to a trader or club for the purposes of the trade or club;
 - (c) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - (d) The taking of alcohol from the premises by a person residing there; or
 - (e) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
2. All external windows and doors shall be closed after 2300, except for emergency (fire doors) and access/egress (non fire doors).
3. No external speakers shall be operated from the premises.
4. A tamper-proof noise limiter is to operate on the top floor of the premises and is to be set at a level agreed by Pollution Control.
5. The premises shall become a member of, and maintain its membership of, the local Pub Watch Scheme.
6. Alcoholic and other drinks shall not be removed from the premises in open containers.
7. A CCTV system shall be installed at the premises. The CCTV system shall be maintained and operated during all hours that the premises are open to the public. Recorded images will be retained for 30 days.
8. The premises shall implement an incident book and ensure all incidents of crime and disorder shall be logged.
9. Fire fighting equipment shall be maintained and serviced according to the manufacturer's instructions.
10. Refuse shall not be emptied into external receptacles between the hours of 0230 and 0700.
11. Management shall ensure regular external checks are carried out for noise nuisance when the premises operate after 0200.
12. Prominent, clear and legible notices shall be displayed at all exits requesting that patrons respect local residents and leave the premises and the area quietly.
13. Anyone who appears to be under the age of 18 and who is attempting to buy alcohol must be required to produce satisfactory "proof of age" that they are over the age of 18 such as a passport, photo card driving licence or citizen card before such a sale is made.

14. A prominent notice detailing the premises age restriction policy shall be displayed outside the premises.
15. Staff shall conduct a thorough inspection of the premises after closing time to ensure that no patrons remain on the premises. This inspection is to include the toilet/rest room areas. These daily inspections are to be recorded in a log which is dated and initialled and are to be made available to authorised persons from responsible authorities.
16. An effective search policy (agreed in writing with GMP within 2 weeks of the variation) shall be implemented, this search policy shall include the use of a hand held metal detector wand and a conspicuous and legible notice shall be displayed near the entrance advising customers who refuse search shall be declined entry.
17. The premises shall install and maintain and maintain a comprehensive digital colour CCTV system.
 - (a) All public areas of the licensed premises, including all public entry and exit points and the street environment shall be covered, enabling facial identification of every person entering in any light condition.
 - (b) The CCTV cameras shall continually record whilst the premises are open to the public and kept available and unedited for a minimum of 28 days with the date and time stamping.
 - (c) 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 formal officer or an authorised officer of the licensing authority.
 - (d) Any footage shall 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 these recording mediums shall be provided.

Annex 3 – Conditions attached after hearing by the licensing authority

1. No noise shall emanate from the premises so as to cause a noise nuisance at the nearest noise sensitive properties.
2. Regular external noise monitoring shall take place at regular intervals. Written records shall be maintained to include details of any corrective action and made available to authorised officers of Manchester City Council or greater Manchester Police on request.
3. As a minimum requirement, SIA licensed door supervisors shall be employed at the premises at a ration of 1:100 customers.
4. A written record shall be kept on the premises by the designated premises supervisor or every person employed on the premise as a door supervisor in the 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 industrial authority number;
 - (c) The time and date he/she starts and finishes duty;
 - (d) The time of any breaks taken while on duty
 - (e) Each entry shall be signed by the door supervisor
5. The register shall be available for inspection on demand by an authorised officer of the Council, the security industry authority or a police constable.
6. Documented staff training shall be given to all staff concerned in the sale of alcohol, and this training shall include underage sales and drunkenness, and shall be repeated every three to four months. Members of staff who have passed an approved course dealing with the protection of children from harm shall be exempt from this requirement.
7. Door supervisors employed at the premise shall wear high visibility jacket/tabards whilst on duty.

8. A dispersal plan shall be implemented at the premise which includes:
 - (a) Notices and posters displayed at the premise asking customers to disperse quietly from the premise.
 - (b) Door supervisors actively encouraging customers to disperse quietly.
 - (c) Arrangements with local taxi firms in order to provide taxis for customers as they leave the premises.
 - (d) Monitoring of noise emanating from the premises at regulated intervals.
 - (e) The availability of the designated premises supervisor or other nominated person when the premises are open to discuss any noise issues that become apparent.
 - (f) Disallowing entry or to remain in the premises any person who is notified by Greater Manchester Police to be the designated premises supervisor as being a person of bad character.
9. The venue shall close by 2230 and then re-open at 2300 for nightclub use.
10. Only one bar shall be in operation selling alcohol and a personal licence holder shall be present to authorise sales.
11. All drinks shall be decanted into flexible plastic receptacles.
12. All tickets shall include entry conditions.
13. A full risk assessment with an Event Manager Policy (to include a designated safe area for those under 18s refused entry to be held until collected by parents) shall be submitted to City Safe a minimum of 28 days prior to the event.
14. Key members of staff who come into contact with under 18s shall be required to complete the Level 1 Manchester Basic Awareness Safeguarding Children E-learning Course.
15. Each event shall be risk assessed and, based on ticket sales, appropriate staff members shall be provided to ensure the safeguarding of children.
16. A dedicated member of staff shall be appointed to have overall responsibility for the welfare of children attending at 14+ events and such person, whether a Personal Licence Holder or otherwise, shall have obtained a Criminal Record Bureau Certificate.

Annex 4 – Plans

See attached

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