

## Record of emails confirming agreement to amend condition 8 Annex 1

From: [REDACTED] >

Date: Fri, 31 Jan 2020 at 20:59

Subject: Re: Sex Establishment Licence - Renewal ( Reference: 242639/AM2) :  
Whiskey Down, 18-22 Lloyd Street

To Bob Cain [REDACTED]

Cc: Premises Licensing <[premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)>

Thanks Bob - Apologies I missed you call today I was in a meeting.

Yes that is confirmed - also the timings for a BH Sunday should be as per a weekend night - this was corrected by Paddy why but did not seem to make its way through to the license

Bests

[REDACTED]

On 31 Jan 2020, at 19:55, Bob Cain <[REDACTED]> wrote:

Dear [REDACTED]

I refer to the application to renew the Sex Establishment Licence for the above premises.

On assessing the above application i have identified an administrative error has occurred on the premises Sex Establishment Licence ref 225259 issued on 28.06.19, regarding : Annex 1, Condtion 8 : The use of flyers and similar promotional material for the premises is prohibited..

I have attached a copy of the notice of hearing decision letter which states condition 8 has been amended as follows: 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 Authority.

Please confirm in writing if you agree for Annex 1, Condition 8 to amended to comply with the notice of hearings decision. Kind regards Bob Cain Compliance Officer

## Hearing Notification sent to all parties

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From: Premises Licensing <[premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)>

Date: Fri, 14 Jun 2019 at 13:11

Subject: Variation of Sex Establishment Licence application - notice of hearing decision ref 226184 - Whiskey Down, 18-22 Lloyd Street, Manchester, M2 5WA

To: [REDACTED]  
[REDACTED]  
[REDACTED]

Dear Sir / Madam

Local Government (Miscellaneous Provisions) Act 1982, Part II, Schedule 3

Notice of hearing decision: Sex Establishment Licence - Variation

Following the Licensing Sub-committee hearing on 06/06/2019, I write to formally advise you of the sub-committee's decision regarding:

Whiskey Down 18-22 Lloyd Street Manchester M2 5WA

Decision:

To grant the application subject to the agreement reached with Licensing and Out of Hours and GMP in respect of the hours the premises are open to the public and the conditions agreed between the parties save for condition 8 which has been amended as follows:

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 Authority.

Reasons:

The Committee considered the representations from all parties and noted that although this was an existing licence it had recently been transferred to the applicant who was a new operator of these premises. These premises did have a history of problems however the Committee took account of the fact that this had been under the management of a different operator. The Committee considered that the hours now requested would alleviate the concerns of the objectors that commuters would be coming across patrons leaving the premises. The Committee was satisfied that the conditions agreed between the parties with the amendment added above would ensure the premises were managed appropriately. The

Committee therefore considered there were no grounds on which to refuse the application.

Following further correspondence from Paddy Whur at Woods Whur LLP regarding the Sunday before bank holidays, referred to at the end of the hearing, there appeared to some confusion as to what had been applied for. Mr Whur pointed out that the original variation application was for longer hours for every night of the week, including Sundays, and therefore an extension of hours for Sundays preceding Bank Holidays could be granted by the Committee.

He goes on to say that there was no objection to this. We agree with him that this was a decision which technically the sub-committee could have made at the time. The sub-committee didn't refuse this application, as it appeared no application for these hours had been made. Although the parties didn't object, their views about the Bank Holidays weren't specifically sought.

Under the Hearings Regulations any clerical mistakes in a document recording a determination or errors in a document due to an accidental slip or omission can be corrected. However, although this may appear to be relatively uncontroversial it isn't a mistake in recording a decision it simply wasn't decided, therefore in our view it can't be included in the licence.

Where the application to grant, renew, transfer or vary the licence is refused, the applicant has a right of appeal against the decision

The holder of any licence who is aggrieved by any term, condition or restriction imposed by the decision of the Licensing Sub-committee, or whose licence is revoked, also has a right of appeal.

Any appeal must be made to Manchester City Magistrates' Court, Crown Square, Manchester, M60 1PR (tel 0161 830 4200) and must be commenced within the period of 21 days beginning with the day on which you were notified by the licensing authority of the decision, as provided for in Section 27 of the Local Government (Miscellaneous Provisions) Act 1982, Part II, Schedule 3.

Please note, the licensing decision is separate from any planning decision; the licensing decision does not confer planning consent. Please ensure you have the proper planning consent before commencing trading.

Should you require any further information, please contact the undersigned on

[REDACTED]

Yours faithfully

Matthew Callaghan

## Minutes of the hearing 06/06/2019

From: **Barbara Gora** [REDACTED]  
Date: Wed, 12 Jun 2019 at 16:21  
Subject: Decision and Reasons 6 June 2019  
To: Councillor Donna Ludford <[REDACTED]>, Councillor Glynn Evans <[REDACTED]>, Councillor Sam Lynch <[REDACTED]>  
Cc: Andrew Woods <[REDACTED]>, Matthew Callaghan <[REDACTED]>, Premises Licensing <[premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)>

Hello everyone,

I enclose below the draft decision and reasons from 6 June 2019. I apologise it's taken a few days but we've had an office move and been very busy over the last few days. let me know if you want any amendments or additions.

### Item 4 Clone Zone

Decision: To grant the application .

Reasons: The Committee noted there had been no objections to the application and heard that the premises had been established for 18 years without any complaints in respect of its operation. In all the circumstances the Committee was satisfied there were no grounds for refusal.

### Item 6 Whiskey Down (SEV licence variation)

Decision: To grant the application subject to the agreement reached with Licensing and Out of Hours and GMP in respect of the hours the premises are open to the public and the conditions agreed between the parties save for condition 8 which has been amended as follows:

*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 to be kept by the management of the premises and on request are to made available for inspection by officers from the Licensing Authority or any Responsible Authority.*

Reasons:

The Committee considered the representations from all parties and noted that although this was an existing licence it had recently been transferred to the applicant who was a new operator of these premises. These premises did have a history of problems however the Committee took account of the fact that this had been under the management of a different operator. The Committee considered that the hours now requested would alleviate the concerns of the objectors that commuters would be coming across patrons leaving the premises. The Committee was satisfied that the conditons agreed between the parties with the amendment added above would ensure the premises were managed appropriately. The

Committee therefore considered there were no grounds on which to refuse the application.

Item 5 Whiskey Down ( premises Licence variation)

Decision : To grant the variation subject to the agreement between the Applicant and the Responsible Authorities.

Reasons: The Committee heard that an agreement had been reached between the Applicant and the Responsible Authorities . The Committee considered the content of the agreement and was satisfied that a licence granted on these terms should not undermine the Licensing Objectives.

The Edge Theatre and Arts Centre

Decision: To grant the application subject to the agreements reached with GMP and LOH.

Reasons: The Committee considered the content of the agreement and was satisfied that a licence granted on these terms should not undermine the Licensing Objectives.

MRH Civic Centre

Decision: To grant the application subject to the agreements reached with LOH.

Reasons: The Committee considered the content of the agreement and was satisfied that a licence granted on these terms should not undermine the Licensing Objectives.

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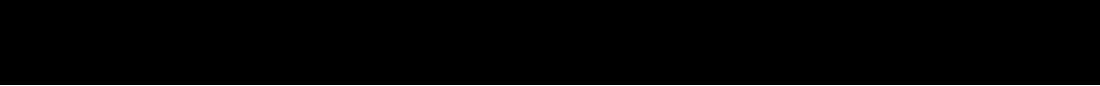
We've also had some further correspondence from Paddy Whur regarding the Sunday before bank holidays which if you remember was referred to at the end of the hearing, there appeared to some confusion as to what had been applied for . He pointed out that his original variation application which if you remember was for longer hours was for every night of the week including Sundays and therefore an extension of hours for Sundays preceding Bank Holidays could be granted by the Committee. He goes on to say that there was no objection to this.

I agree with him that this was a decision which technically you could have made at the time. You didn't refuse this application as it appeared no application for these hours had been made. Although the parties didn't object their views about the Bank Holidays weren't specifically sought. Under the Hearings Regulations any clerical mistakes in a document recording a determination or errors in a document due to an accidental slip or omission can be corrected. However although this may appear to be relatively uncontroversial it isn't a mistake in recoding a decision it simply wasn't decided therefore in my view it can't be included in the licence.

Regards

Barbara

Barbara Gora  
Principal Solicitor  
Regulatory and Enforcement Services (Legal)  
Neighbourhood Services Group



Post: Manchester City Council  
Legal Services, PO Box 532  
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