

Licensing & Out of Hours Compliance Team - Representation	
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Premise Details	
Application Ref No	224069
Name of Premises	Factory 251
Address	118 – 120 Princess Street M1 7EN

Representation
<p>Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.</p> <p>Licensing and Out of Hours Team (LOOHT) are writing to support the application to review the premises licence by Greater Manchester Police (GMP). We have concerns about the premises licence holder's ability to uphold the licensing objectives, namely the <i>prevention of public nuisance</i> and <i>prevention of crime and disorder</i>.</p> <p>Factory Nightclub is a busy and popular city centre nightclub situated on the junction of Princess Street and Charles Street. The venue is open until 4am Sunday to Wednesday and until 5am Thursday to Saturdays. Fac251 is extremely popular with college age and university students. Fac251 hold a various number of promoted nights during the week. An example of one of Fac251's popular promotions is Quids In on a Monday night offering £1 entry and drinks for £1.</p> <p>Licensing and Out of Hours Team have been proactively involved with the licensed premises Fac251 management due to a number of ongoing noise complaints. Over the past twelve months there have been approximately eight reported noise complaints received relating to noise breakout from the premises affecting surrounding residents within their homes, and complaints regarding noise from patrons in the external areas surrounding Fac215.</p> <p>LOOHT have investigated the complaints which have involved a significant number of interventions and engagements with the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) making them aware of the complaints and highlighting their responsibility of upholding the Licensing Objectives. We also reminded them of the condition on their licence relating to noise breakout:</p> <p>Annex 3, Condition 1. <i>No noise shall emanate from the premises so as to cause a noise nuisance at the nearest noise sensitive points.</i></p> <p>On 21st February 2018 a formal letter was sent to Mark Baker who at the time was the general manager and now the DPS reminding him of obligations under the Licencing Act 2003 and upholding the Licensing Objectives. Attached to the letter</p>

was a copy of the premises licence.

On 13th March 2018 at approximately 02:30 hours, LOOHT responded to a noise complaint and observed noise emanating from Fac251. On engagement with management it was reported they were arranging a new noise limiter to be fitted to the sound system. During the visit officers observed a vulnerable girl vomiting and extremely intoxicated slumped across the road from the venue. LOOHT requested for her to be looked after by management / security and we believe that, without intervention from LOOHT she would have been left.

LOOHT have also received a number of noise complaints arising from patron noise in two external areas from Fac251: namely noise from patrons queuing on Princess Street, shouting and raised voices and from the designated smoking area on Charles Street. LOOHT have proactively visited the venue and spoke with the management on a number of occasions to remind them of their responsibility of upholding the Licensing Objective to prevent public nuisance.

On 1st October 2018 at approximately 04:10 hours LOOHT witnessed staff emptying one of the glass recycling bins. LOOHT raised concerns with the FAC251 management at the time on the basis that this contravened one of their licence conditions:

Annex 2, Condition 10 - *Refuse shall not be emptied into external receptacles between the hours of 2:30 and 7:00 hours.*

On 12th October 2018 LOOT sent an email DPS Mark Baker requesting for steps to be documented and actioned to mitigate and reduce the noise complaints regarding patrons in external areas to an acceptable level. This was again to ensure the Licensing Objective to prevent public nuisance is upheld. Within the email LOOHT outlined failure to respond would result in a standard review of the premises licence for not upholding the public nuisance objective. The DPS agreed a number of actions. See exhibit **RC01**.

Then followed the violent incident outlined in the summary review application at approximately 02.55 hours on Sunday 2nd December 2018. This involved the door supervisors from Professional Security employed by the management of Fac 251, and left a patron motionless on the floor for ten minutes resulting with a bleed on the brain. Investigations suggest that the management at the venue did not contact the emergency services to request an ambulance or to report the crime, and this was actually done by a member of the public on her way home at 03.20 hours. It was response officers from Greater Manchester Police (GMP) who reported the incident to the North West Ambulance Service. It is the view of LOOHT that this shows a serious lack of duty of care by the management at the licensed premises Fac 251.

We would make reference to the Section 8 of Manchester's Standards to promote the Licensing Objectives, set out in Manchester City Council's Statement of Licensing Policy:

MS6 Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies.

Procedures are expected to be in place at the premises to initiate 999 calls when an emergency concerning a person's physical safety is in progress.

Clearly the procedure to call emergency services was not followed on Sunday 2nd December 2018 resulting in a young patron who was clearly in a serious condition remaining unattended. It is the view of LOOHT that the failure to report the incident to the relevant services clearly demonstrates a failure in management and a lack of control and regard for upholding the Licensing Objectives.

All of the above raises serious concerns and questions the ability of the management, namely the licence holder and the DPS, to uphold the Licensing Objectives. We also feel that it throws doubt on whether the licence holder is a fit and proper person to run the premises.

LOOHT support GMP's application to review this premises licence.

Exhibit - RC01

- I have heeded your advice and placed an order for signs to be designed on al corex boards. They will simply say" sssh be considerate to our neighbours" Hopefully they will be designed and printed within the next week.

- head door has been briefed to ask people to move on politely if they are loitering around the front door or The side of the door on princess street The head doorman has also agreed to go over the road to ask people to move on politely. He is instructed not to be pushy as he has no official power to move people on - he is aware of this.

en't got any lollies yet but it is on my agenda. I am hopefully introducing our own kind of welfare team pre drinkaware. These will be handing them out. They will also be walking up and down the queue looking for vulnerable people aswell as encouraging quiet

In terms of operation.

- the main concern is the lower end / bass This will be monitored closely to ensure it isn't excessive. As I mentioned our in house djs (Thursday, Friday and Saturday) are usually really good with this.

- I highlighted that Monday and Tuesday may be of concern due to the type of music that gets played as well as non in house djs. I now turn down the amplifiers to give the sound system less power.

- doorstaff are also being more vigilant when it comes to the two front doors being open due to egress. They are trying to encourage people through the doors quicker

- I am also looking at getting stronger door closers on the front door in an attempt to limit the amount of time they are open.

End of
night

- the barriers have alright been extended and manned to encourage people to head as far down Charles street as possible. Busses to fallow field and a lot of student accommodation are towards OXFORD road so there should be no reason to back track and head near the hotel.

- head doorman to attempt to move people on from ibis if they are loitering