



MANCHESTER
CITY COUNCIL

Licensing Act 2003 (Hearings) Regulations 2005

Reference: 225040
Name: Toybox
Address: St Johns House, 2 Queen Street, Manchester, M2
5JB
Ward: Deansgate

Hearing Date: 04/01/2019

Application Type: Summary Review of Premises Licence
Licence Holder: Blue Oak Limited
Date of application: 02/01/2019

Summary of application

An application for the summary review of premises licence number 162506 under section 53A of the Licensing Act 2003 was submitted by Greater Manchester Police on 02/01/2019. The grounds of the application for review are that in the opinion of a senior police officer the premises are associated with serious crime or serious disorder or both.

Contents

Considerations	1
Location plan	2
Application	3
Existing licence	10

Considerations

In determining the application, the Sub-Committee must give appropriate weight to:

- a) the steps that are appropriate to promote the licensing objective(s);
- b) the representations (including supporting information) presented by all the parties;

In determining the application, the Sub-Committee must also have regard to:

- c) the s182 Guidance to the Licensing Act 2003 by the Home Secretary;
- d) Manchester City Council's Statement of Licensing Policy
- e) The Licensing Act 2003 and the regulations made there under
- f) Licensing Objectives

Reasons should be given for any departure from c and d above.

Summary Review – Interim Steps

The Sub-Committee must take such of the steps under section 53(B) of the Licensing Act 2003 (if any), that it considers appropriate for the promotion of the licensing objectives. The steps are:

1. To modify the conditions of the licence;
2. To exclude any of the licensable activities from the licence;
3. To remove the designated premises supervisor;
4. To suspend the licence

The conditions of the licence are modified if any of them is altered or omitted or any new condition is added. Modification of the conditions of the premises licence can include altering or modifying existing conditions or adding any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

Where the Sub-Committee consider that none of the above steps are appropriate for the promotion of the licensing objectives, no action should be taken in respect of the licence.



Toybox
St Johns House, 2 Queen Street, Manchester, M2 5JB

Premises Licensing
Manchester City Council

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Expedited Review Application - Schedule 8A

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

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, Police Constable 15194 [REDACTED]

On behalf of the chief officer of police for City of Manchester Division, Greater Manchester Police, apply for the review of a premises licence under section 53A of the Licensing Act 2003.

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

Toybox, St Johns House, 2 Queen Street,

Post town: Manchester

Post code (if known): **M2 5JB**

Name of premises licence holder: Blue Oak Limited, 130 Shaftsbury Avenue, London, W1D 5EU

Premises licence number (Local Authority reference) : **162506**

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 serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



Details of association of the above premises with serious crime, serious disorder or both: *[Please read guidance note 2]*

Greater Manchester Police have received evidence of serious crime and disorder at the premises Toybox, St Johns House, Queen Street, Manchester.

At 0326hrs on 1st January 2019 police were notified via city centre CCTV of a male kicking off at Toybox, in possession of a baseball bat. At this time no record can be found of the premises notifying police. On arrival of officers there were 2 males fighting with the door staff. The disturbance was of a sufficiently serious nature for an officer to press their emergency button requesting other patrols urgently. One of the males fighting with the door staff was in possession of a baseball bat and had to be tasered by police to disarm him. This male was arrested by police for possession of an offensive weapon and affray. A number of officers were required at the scene to quell the frayed tempers of persons present at the scene.

The offender was removed from the scene and escorted to custody whilst officers at scene remained to obtain evidence. Whilst they were present there was a further disturbance originating from inside the premises and spilling outside. This resulted in officers present, having to request back up again. This disturbance continued and one male was headbutted and then stabbed in the arm and abdomen. The offender made off and was chased by officers. Other pockets of disorder occurred resulting in another police officer being assaulted, although relatively minor in nature. A knife was also recovered at the scene.

Police officers tended first aid to the victim whose condition appeared to deteriorate. Ambulance crew attended and the victims injuries were considered life threatening and enough to warrant rushing to hospital using emergency equipment. In the day that followed the victim had 2 surgeries and at the time of writing is in the High Dependency Unit still.

These are 2 incidents of such a serious nature involving multiple weapons. It is not inconceivable to believe that either could have proved fatal. It appears the clientele are of a violent nature and the

suspension is required to protect the public from harm. If the premises were to remain open to the public further serious offences may occur. As it stands the police feel the venue has lost control and the closure would prevent any further victims of violence.


On Wednesday 2nd January 2019 I have requested an expedited review take place, following this serious incident of crime.

Greater Manchester Police request that the licensing authority consider the suspension of the premises licence until the full review is heard before the committee.

Signature of applicant: ...  P.C. 15194

Date: 02/01/19

Capacity / role: Licensing Officer, Manchester City Centre

Contact details for matters concerning this application: P.C. 15194 

Address: Town Hall Extension, First Floor, Town Hall, Lloyd Street, Manchester

Telephone number(s): 0161 856 3073/ 07387099467

Email: 15194@gmp.pnn.police.uk

ANNEX B

Greater Manchester Police
Central Park
Northampton Road
Manchester
M40 5BP

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.

Premises²:

Toybox
St Johns House
2 Queen Street
Manchester
M2 5JB

Premises licence number (if known): 162506

Name of premises supervisor (if known): R [REDACTED] S [REDACTED]

I am a Superintendent Chris HILL³ 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 clientele frequenting the premises. Greater Manchester Police (GMP) will say that the premises are associated with Serious Crime and Serious Disorder. Therefore due to the Serious Crime and

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.

Serious Disorder which has taken place at the premises GMP feel that it is necessary for an expedited review to take place.

The premises is situated on Queen Street in the Commercial district of Manchester city centre. The licence was granted on 22/07/14 and transferred to the new owners. The last variation was granted on 12/11/2018 ref 221892. The Premises Licence Holder is Blue Oak Limited and the Designated Premises Supervisor is Richard Stansfield.

The incidents which have given rise to this review being triggered are outlined below:

At 0326hrs on 1st January 2019 police were notified via city centre CCTV of a male kicking off at Toybox, in possession of a baseball bat. At this time no record can be found of the premises notifying police. On arrival of officers there were 2 males fighting with the door staff. The disturbance was of a sufficiently serious nature for an officer to press their emergency button requesting other patrols urgently. One of the males fighting with the door staff was in possession of a baseball bat and had to be tasered by police to disarm him. This male was arrested by police for possession of an offensive weapon and affray. A number of officers were required at the scene to quell the frayed tempers of persons present at the scene.

The offender was removed from the scene and escorted to custody whilst officers at scene remained to obtain evidence. Whilst they were present there was a further disturbance originating from inside the premises and spilling outside. This resulted in officers present, having to request back up again. This disturbance continued and one male was headbutted and then stabbed in the arm and abdomen. The offender made off and was chased by officers. Other pockets of disorder occurred resulting in another police officer being assaulted, although relatively minor in nature. A knife was also recovered at the scene.

Police officers tended first aid to the victim whose condition appeared to deteriorate. Ambulance crew attended and the victim's injuries were considered life threatening and enough to warrant rushing to hospital using emergency equipment. In the day that followed the victim had 2 surgeries and at the time of writing is in the High Dependency Unit still.

These are 2 incidents of such a serious nature involving multiple weapons. It is not inconceivable to believe that either could have proved fatal. It appears the clientele are of a violent nature and the suspension is required to protect the public from harm. If the premises was to remain open to the public further serious offences may occur. As it stands the police feel the venue has lost control and the closure would prevent any further victims of violence.

I am satisfied that the conduct constitutes an offence for which a person aged 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 or more years as per section 81 (3) Regulation of Investigatory Powers Act 2000 (RIPA 2000).

The incident which occurred on Tuesday 1st January 2019 raises concerns over the management of the premises and the ability of the Premises Licence Holder and Designated Premise Supervisor to promote the licensing objectives.

I have considered all powers available and feel that closure powers contained

within Section 76 of the Anti-Social Behaviour, Crime & Policing Act 2014 are inappropriate due to the limited 48-hour closure not being sufficient to protect the public.

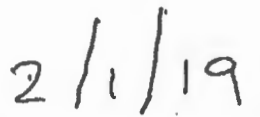
Section 51 of the Act in addition to the above is inappropriate due to the serious nature of the offences being investigated.

The powers contained under Section 53A the Licensing Act 2003 are appropriate to be exercised due to the above previously mentioned powers being inappropriate for the purposes of this review. There are real serious and immediate concerns that the mis-management of the premises is failing to promote the licensing objective of the prevention of crime and disorder. By failing to promote this licensing objective it has led to serious crime occurring at this premise.

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. At that time all matters can be fully addressed whilst being able to consider all the necessary evidence.



.....
(Signed)



.....
(Date)



LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	162506
Granted	22/07/2014
Latest version	Minor Variation 221892 Granted 12/11/2018

Part 1 - Premises details

Name and address of premises
Toybox St Johns House, 2 Queen Street, Manchester, M2 5JB
Telephone number
0161 834 8562

Licensable activities authorised by the licence
<ol style="list-style-type: none">1. The sale by retail of alcohol*.2. The provision of regulated entertainment, limited to: Live music; Recorded music; Performances 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	2200	2200	2200	2200	2200	2200	2200
Finish	0500	0500	0500	0500	0500	0500	0500
The sale of alcohol is licensed for consumption on the premises only.							
Seasonal variations and Non standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
<u>On the day British Summer Time commences:</u> One additional hour following the terminal hour.							

Live music; Recorded music; Performances of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2200	2200	2200	2200	2200	2200	2200
Finish	0500	0500	0500	0500	0500	0500	0500
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
<u>On the day British Summer Time commences:</u> One additional hour following the terminal hour.							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0500	0500	0500	0500	0500	0500	0500
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
New Year: Start 2300 Finish 0500							
On the day British Summer Time commences: One additional hour following the terminal hour.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2200	2200	2200	2200	2200	2200	2200
Finish	0600	0600	0600	0600	0600	0600	0600
Seasonal variations and Non standard Timings:							
New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							
On the day British Summer Time commences: One additional hour following the terminal hour.							

Part 2

Details of premises licence holder	
Name:	Blue Oak Limited
Address:	130 Shaftesbury Avenue, 2nd Floor London, W1D 5EU
Registered number:	10697045

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	R [REDACTED] S [REDACTED]
Address:	[REDACTED]
Personal Licence number:	000348
Issuing Authority:	Rossendale Borough 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: - <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (a) At a time when there is no designated premises supervisor in respect of the premises licence or, (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3.	Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

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

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

where –

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

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

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

8. The responsible person must ensure that –

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

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

Annex 2 – Conditions consistent with the operating schedule

1. Monitoring of patrons entering and leaving the premises shall be in place, to ensure that the maximum capacity is not exceeded.
2. A first aider shall be on the premises at all times.
3. All rubbish produced by the premises shall be stored securely and disposed of.
4. Signage shall be placed in the toilets, hallway and entrance to the premises reminding customers of the need for noise reduction on leaving the premises.
5. All persons under the age of 18 shall not be permitted on the premises.

Annex 3 – Conditions attached after hearing by the licensing authority

1. Any area where customers have legitimate access shall be sufficiently illuminated for the purposes of

CCTV. CCTV shall be operation at any time a person is in the premises.

- (i.) All CCTV recorded images shall have sufficient clarity/quality/definition to enable facial recognition. CCTV shall be kept in an unedited format for a minimum period of 28 days.
 - (ii.) CCTC shall be maintained on a regular basis and kept in good working order at all times. CCTV maintenance records shall be kept with details of contractor used and work carried out to be recorded.
 - (iii.) Where CCTV is recorded on to a hard drive system any DVDs subsequently produced shall be in a format so it can be played back on a standard personal computer or standard DVD player. Where CCTV is recorded on to a hard drive system, the hard drive system shall have a minimum of 28 day roll over recording period.
 - (iv.) Any person left in charge of the premises shall be trained in the use of any such CCTV equipment and able to produce/download/burn CCTV images upon request by a person from a responsible authority. Plans indicating the position of CCTV cameras shall be submitted to the responsible bodies within one week of the granting of a licence requiring CCTV. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
2. When the premises operates after midnight then SIA registered door staff shall be employed at the premises on the ratio of 1:100 from opening until 30 minutes after the premises closes to ensure persons arriving and leaving do so without causing incidents of disorder or public nuisance. On all other days the need for door staff shall be risk assessed by the Designated Premises Supervisor and employed when the risk assessment deems it necessary or when informed by Greater Manchester Police of the need for door staff. When employed at the premises door staff shall wear Hi Viz clothing both inside and outside the premises.
3. The Challenge 25 policy shall be implemented in full and appropriate identification shall be sought from any person who appears under the age of 25. The only acceptable forms of identification shall be passport, photo driving licence and those carrying the PASS logo.
4. Staff training shall include the Challenge 25 policy and its operation. In particular staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18.
5. The training shall be given to a new member of staff before they commence paid employment and all staff shall be retrained quarterly. Training shall also include drugs and drunkenness.
6. An incident book shall be implemented and open to inspection by an authorised officer from GMP or Manchester City Council.
7. Upon notice given by the City Centre Licensing Unit of Greater Manchester Police the premises shall agree not to sell alcohol for an agreed specified period when high profile events are being held in or around the City Centre of Manchester.
8. Noise from music shall be controlled to a level that does not cause nuisance.
9. A member of staff shall monitor customers smoking outside the premises on a regular basis and ensure noise is kept to a minimum so as not to cause nuisance.
10. The location of the smoking are shall be at the front of the premises on Queen Street.
11. By way of a dispersal policy the management shall:
- (i.) Provide local taxi numbers shall be displayed inside the premises. These shall have a ring back facility.
 - (ii.) Reduce the volume of the music during the wind-down period.
 - (iii.) Request that the door supervisors use their best endeavours to remind patrons to leave in a quiet and orderly manner.
12. (a) An ID Clubscan or equivalent (to the same standard) shall be in operation at the premises. All customers' identification documents shall be checked via the system before being allowed access to the premises. Any person refusing to comply shall be refused access to the premises.

- (b) Notwithstanding above a maximum number of (20) guests per night who may be admitted at the managers discretion without I.D being scanned and recorded, provided that a legible record of these people's names shall be retained on the premises for inspection by the licensing authority and GMP for a period of 31 days. The name of the manager authorising the entrance without scanning shall also be recorded. The guests permitted under (b) shall either be guests who have been pre booked to attend the venue or on a guest list which has been drawn up prior to the premises opening each night.
13. (a) With the exception of the V.I.P area as marked on the plans, all drinking vessels use in the venue shall be Polycarbonate.
- (b) All drinks in glass bottles are to be decanted into Polycarbonate containers or Polycarbonate carafes prior to being served, with the exception of Champagne, wine or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables in the V.I.P area as marked on the plans. Staff shall clear all empty Champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
- (c) Notwithstanding (a) and (b) above, with the written agreement of GMP, a copy of which shall be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the premises.
14. Only door staff from an ACS accredited company shall be employed at the premises.
15. A dress policy, which must be agreed with GMP, shall be implemented at the premises.
Any person who is dressed in a manner which falls outside the policy shall be refused entry.
16. A Nitenet radio shall be carried by a member of door staff at all times whilst the premises are open.
17. There shall be an annual training day for staff which reviews the licensing law and Premises Licence Conditions. The date is to be notified to GMP.

Annex 4 – Plans

See attached 162506 v 221892 PLN