



## LICENSING ACT 2003 PREMISES LICENCE

|                                |  |
|--------------------------------|--|
| <b>Premises licence number</b> | 125245   |
| <b>Granted</b>                 | 08/01/2010   |
| <b>Latest version</b>          | Transfer 221560 Granted 01/11/2018 & DPS Variation 221642 Granted 03/11/2018 |

### Part 1 - Premises details

|   |
|---|
| <b>Name and address of premises</b>                           |
| <b>Whiskey Down</b><br>18-22 Lloyd Street, Manchester, M2 5WA |
| <b>Telephone number</b>                                       |
| 0161 834 4220   |

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| <b>Licensable activities authorised by the licence</b>   |
| <ol style="list-style-type: none"> <li>1. The sale by retail of alcohol*.</li> <li>2. The provision of regulated entertainment, limited to:             <ol style="list-style-type: none"> <li>a. Live music;</li> <li>b. Recorded music;</li> <li>c. Performances of dance;</li> <li>d. Anything similar to live music, recorded music or the performance of dance.</li> </ol> </li> <li>3. The provision of late night refreshment.</li> </ol> <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

|   |      |      |      |      |      |      |      |
|---|------|------|------|------|------|------|------|
| <b>Sale by retail of alcohol</b>  |      |      |      |      |      |      |      |
| <b>Standard timings</b>   |      |      |      |      |      |      |      |
| Day   | Mon  | Tue  | Wed  | Thu  | Fri  | Sat  | Sun  |
| Start   | 1100 | 1100 | 1100 | 1100 | 1100 | 1100 | 1200 |
| Finish  | 0400 | 0400 | 0400 | 0400 | 0400 | 0400 | 0400 |
| The sale of alcohol is licensed for consumption both on and off the premises.                     |      |      |      |      |      |      |      |
| <b>Seasonal variations and Non standard Timings:</b>  |      |      |      |      |      |      |      |
| <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. |      |      |      |      |      |      |      |

|  |      |      |      |      |      |      |      |
|--|------|------|------|------|------|------|------|
| <b>Live music; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance</b> |      |      |      |      |      |      |      |
| <b>Standard timings</b>  |      |      |      |      |      |      |      |
| Day  | Mon  | Tue  | Wed  | Thu  | Fri  | Sat  | Sun  |
| Start  | 1100 | 1100 | 1100 | 1100 | 1100 | 1100 | 1200 |
| Finish   | 0400 | 0400 | 0400 | 0400 | 0400 | 0400 | 0400 |
| Licensed to take place indoors only.   |      |      |      |      |      |      |      |
| <b>Seasonal variations and Non standard Timings:</b>   |      |      |      |      |      |      |      |
| <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.                                    |      |      |      |      |      |      |      |

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

| <b>Hours premises are open to the public</b>  |      |      |      |      |      |      |      |
|---|------|------|------|------|------|------|------|
| <b>Standard timings</b>   |      |      |      |      |      |      |      |
| Day   | Mon  | Tue  | Wed  | Thu  | Fri  | Sat  | Sun  |
| Start   | 1100 | 1100 | 1100 | 1100 | 1100 | 1100 | 1200 |
| Finish  | 0430 | 0430 | 0430 | 0430 | 0430 | 0430 | 0430 |
| <b>Seasonal variations and Non standard Timings:</b>  |      |      |      |      |      |      |      |
| <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. |      |      |      |      |      |      |      |

## Part 2

| <b>Details of premises licence holder</b> |   |
|---|---|
| <b>Name:</b>                              | Fac251 Ltd  |
| <b>Address:</b>                           | Second Floor, 1 City Road East, Manchester, M15 4PN |
| <b>Registered number:</b>                 | 06161539  |

| <b>Details of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> |  |
|--|--|
| <b>Name:</b>   | Chris Bateson                          |
| <b>Personal Licence number:</b>  | RM2060                                 |
| <b>Issuing Authority:</b>  | Rotherham Metropolitan Borough Council |

| <b>Annex 1 – Mandatory conditions</b>  |
|--|
| <p><b>Door Supervisors</b></p> <p>1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -</p> <ul style="list-style-type: none"> <li>(a) Unauthorised access or occupation (e.g. through door supervision),</li> <li>(b) Outbreaks of disorder, or</li> <li>(c) Damage,</li> </ul> <p>unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.</p>                       |
| <p><b>Supply of alcohol</b></p> <p>2. No supply of alcohol may be made under this premises licence:</p> <ul style="list-style-type: none"> <li>(a) At a time when there is no designated premises supervisor in respect of the premises licence or,</li> <li>(b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.</li> </ul> <p>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.</p> |

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. The licence holder will liaise with the Crime Reduction Officer and City Centre Safe Team within a reasonable period of time after issue of this licence with regards to reducing crime and disorder and ensuring public safety within the premises and act on any recommendation promptly.
2. The management shall conduct an ongoing risk assessment in relation to the search policy operated at the premises and if necessary an effective search policy shall be implemented to ensure that drugs and offensive weapons are not brought onto the premises by patrons.
3. Known offenders or drug dealers will not be permitted on the licensed premises. information regarding known offenders/drug dealers will be shared with other licensed premises within the area.
4. Any person found using drugs shall be removed from the premises. any person found to be dealing drugs will be detained and the police informed immediately drugs seized will be handed over to the Police.
5. All exit doors will be easily openable and such doors will be regularly checked to ensure that they are not obstructed and function satisfactorily.

6. Striptease entertainment shall be given only by the performers and no audience participating.
7. Performances will take place only in designated areas approved by the council and arrangements for private access to the dressing room shall be maintained at all times while striptease is taking place and immediately after.
8. There shall be no physical contact between the customer and performer before during or after the performance. notices outlining this shall be clearly displayed at tables and will also be on display at the entrance to the premises and at each bar.
9. There shall be at least one member of staff in a supervisory role present on each floor where performances are taking place.
10. A written record shall be kept on the premises by the designated premises supervisor of every person employed on the premises as a door supervisor in a register kept for that purpose. that record shall contain the following details:
  - (a) the door supervisor's name, date of birth and home address
  - (b) his/her security industry authority licence number
  - (c) the time and date he/she starts and finishes duty
  - (d) each entry shall be signed by the door supervisor.

The register shall be available for inspection on demand by an authorised officer of the council, the Security Industry Authority or a police constable.
11. The management and staff will ensure that the premises and the area immediately abutting the frontage of the premises is kept free from litter.
12. The licence holder will liaise with officers from the responsible authorities and building control officers within a reasonable period of time after issue of this licence to ensure public safety within the premises and will act on any recommendation promptly,
13. Public liability insurance shall be maintained for the premises.
14. A safety plan shall be implemented that shall include: fire safety and maintenance inspections of fire safety equipment and electrical safety inspections and maintenance.
15. The management shall ensure adequate supervision of customers and make regular glass collections when required. Any broken glass which is found during inspections shall be cleared up immediately.
16. All external bottle banks shall be kept secure.
17. The licence holder will liaise with greater manchester fire service within a reasonable period of time after issue of this licence with regards to fire safety standards within the premises and act on any recommendation promptly.
18. Capacity levels at the premises shall be determined in accordance with the applicants tire risk assessment, formulated in conjunction with and guidance from Greater Manchester Police and Manchester Fire Authority.
19. Refuse shall be regularly removed from the premises in a manner so as not to cause unreasonable disturbance to local residents.
20. Refuse shall not be emptied into external receptacles between the hours of 2300 and 0700.
21. No collections of waste from the premises between 2300 and 0700 hours.
22. Noise or vibration will not emanate from the premises so as to cause a nuisance to nearby properties.
23. Sufficient extraction and ventilation systems shall be installed and maintained at the premises. anyextraction and ventilation systems operating from the premises must not produce noise so as to unreasonably disturb local residents.
24. While striptease is taking place no person under the age of 18 years will be allowed on the licensed premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so that it can be easily read by persons entering the premises. "No person under age 18 will be admitted."
25. Performers will not be less than 18 years of age.
26. There will be no displays of signage outside the premises or photographs or other images, which indicate and suggest that striptease or similar dancing is taking place on these premises.

27. No persons under the age of 18 years will be allowed entry to the premises at any time the premises is open for trade.
28. The following steps will be taken by the management to ensure the strict admission policy regarding under 18's is followed:
  - (a) a notice will be displayed in a prominent position in the premises and will inform customers of the legislation relating to children and alcohol.
  - (b) ensure that all staff are made fully aware of the legislation relating to children and alcohol.
  - (c) anyone who appears to be under the age of 21 years will be asked to produce id or proof of age card. acceptable id will be clearly stated, this being passport, photo card driving licence or citizen card.
29. Nitenet must be switched on whilst the premises is operating and used appropriately.

### **Annex 3 – Conditions attached after hearing by the licensing authority**

1. The area to which the public have access shall be supervised and signs advising clients of the rules and conditions of the licence regarding improper performances shall be displayed
2. No performance shall include any sex act with any other performers, persons in the audience, or the use of any object
3. On the upper floor performers / dancers not performing must not be in the licensed area in a state of nudity
4. Scantily clad individuals must not exhibit in the entrance way or in the areas surrounding the premises.
5. Booths and private rooms must be visible to supervision and must not have closing doors or non-transparent curtains that prevent the performance from being supervised
6. Staff will ask customers to leave the area in a responsible and quiet manner
7. At least one internal door will be maintained in the closed position except for access and egress whilst regulated entertainment is taking place
8. Members of staff shall monitor the external area, and ensure that customers and / or regulated entertainment do not cause a nuisance
9. Staff will take all reasonable steps to discourage and prevent people from congregating outside the entrance / exit of the premises. This will include asking any people congregating there to leave the area.
10. Deliveries to the premises shall not take place outside the hours of 0700 to 2300
11. Training Shall be provided to all management and staff in the following areas and to a quality approved by GMP:
  - i. Training shall be provided to all management and staff in the following areas and to a quality approved by GMP.
  - ii. Recognition of drunkenness and care of persons under the influence of intoxicants or controlled substances.
  - iii. Challenge 21.
  - iv. Refusal of sale of alcohol and associated conflict management issues.
  - v. Awareness of problems associated with the spiking of drinks and how to deal.
  - vi. Identify and take appropriate action in response to incidents of crime and disorder at the premises.
  - vii. Crime scene preservation.

All training shall be documented and recorded, and refreshed on a quarterly basis and staff files shall be available on request for inspection for relevant authorities.
12. CCTV at the premises shall be tamperproof and stored in a secure location with a nominated member of management only having access to the system. The CCTV shall be maintained in good working order in accordance with the manufacturer's instructions. All duty managers shall be trained in the use of the system and able to download required footage at request of relevant authorities. The images recorded by the CCTV system to be retained in unedited form for a period of not less than 28 days. The CCTV shall include head/body cams worn by the door staff. Additional cameras shall be fitted at the following locations, rear entrance underground carpark and rear entrance into venue. These

cameras shall have an infra-red facility to enable recording during hours of darkness. A CCTV monitor shall be placed in a public place that shows images of those entering the premises from Lloyd Street.

13. Customers visiting the premises for the first time must present appropriate identification so that their details can be recorded by the facial recognition system installed at the premises. A fingerprint system will then be available as a means of entry for returning visitors. A camera which records a facial picture of customers entering the premises shall be situated at the reception. This system shall cover the rear entrances when in use
14. Last entry to the premises shall be 0330, no persons (save for those re-entering the premises) shall be allowed admittance to the premises after this time.
15. A dress code shall be introduced and maintained in agreement with Greater Manchester Police. The dress code shall be clearly displayed at the premises and on all advertising including internet sites.
16. All persons employed at the venue in a non-dancing capacity shall receive payment via an hourly rate/salary rather than a commission or profit related pay agreement, to ensure that staff members are encouraged to uphold the licensing objectives.
17. All fire exits shall be fitted with an audio alarm which alerts management when open.
18. 28 days' notice to be given to GMP City Safe office of any externally promoted event and a risk assessment to be completed if required.
19. The Premises licence holder shall agree with Greater Manchester Police a code of practice regarding the Hummer drivers.
20. The premises shall not carry out licensable activities until a new IDScan machine has been installed at the premises.
21. The premises shall not carry out licensable activities until Dominique Banks has been replaced as Designated Premises Supervisor.
22. The premises shall not carry out licensable activities until a new SIA ACS accredited security company have been employed to provide SIA registered door supervisors to the premises, in the ratios required.
23. A dedicated member of staff shall be employed within the reception area of the premises with their sole role to be inputting or supervising the inputting of customers identifications/fingerprint data onto the IDScan machine. It shall be the role of this member of staff to ensure that every customer who enters the premises has their details inputted into the machine.
24. On Sundays — Thursdays, 2 members of SIA registered security staff shall be employed at the premises from 2100 until 2400. From 2400 until close, 3 members of SIA registered security staff shall be employed at the premises. From 2400 until close, 2 of those members of SIA registered security staff shall be ordinarily stationed at the main entrance to the premises and 1 shall be ordinarily stationed within the reception/ground floor bar area.
25. On Fridays and Saturdays 2 members of SIA registered security staff shall be employed at the premises from 21:00 until 2400. From 2400 until close, 4 members of SIA registered security staff shall be employed at the premises. From 2400 until close, 2 of those members of SIA registered security staff shall be ordinarily stationed at the main entrance to the premises, 1 shall be ordinarily stationed within the reception/ground floor bar area and 1 shall be ordinarily stationed within the dance booth area.
26. All members of security staff shall wear high visibility jackets and body cameras, which must record all incidents which take place at the premises which the relevant member of security staff is involved in.
27. A dedicated member of staff shall be in charge of monitoring the ground floor VIP and bar area, and in particular monitoring the supply of alcohol and customers' levels of intoxication.
28. There shall be no use of external barriers to delineate smoking areas or for any other purpose.
29. There shall be no use of barriers to delineate queuing areas within reception, nor for any other purpose.
30. No entry shall be permitted to the premises to any person under the age of 21.
31. Customers and/or members of staff shall not be permitted to bring glasses/bottles into the reception area of the premises.
32. The premises shall maintain membership of the local pub watch scheme and a representative of the

premises must attend regular meetings.

**Annex 4 – Plans**

See attached