



Premise Details	
Application Ref No	REF226184
Name of Premises	Whiskey Down formally Silks
Address	18-22 Lloyd Street, Manchester, M2 5WA

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>The Licensing and Out of Hours Team (LOH) have assessed the likely impact of the grant of this application to vary the Sex Establishment Licence, taking into account a numbers of factors, including the nature of the area in where the premises is located, the hours applied for, the Council’s Sex Establishment Policy and any potential risk of granting this licence.</p> <p>The premises is located on Lloyd Street in the City Centre, close to Albert Square. The surrounding area is a mix of commercial properties including, restaurants, licensed premises and offices. Albert Square is often used as an event space and includes events such as memorial services, seasonal, sporting events often aimed at families. There are also a number of sensitive buildings in close proximity including the Manchester’s Registration of Births Deaths & Marriages office located directly opposite. There are two places of worship within the vicinity of the premise (approximately 117 meters), namely the Manchester Reform Synagogue located on Jacksons Row at the rear of the premises and St Mary’s Church located on Mullbery Street, as shown in exhibit BC01.</p> <p>The applicant has applied to:-</p> <ul style="list-style-type: none">• Amend the premises licensed layout plans. Exhibited BC02 & BC03• To extend the hours for the provision of Sexual Entertainment to take place Monday to Sunday from 11:00 to 06:00 hours-• To amend conditions 4, 8, 28 and 43 to 54 of the Sexual Establishment Licence. Exhibit BC04• To incorporate the heading “Conduct of Performers and Rules relating to private dance performances of Sexual entertainment” into the licence in respect of conditions 20 - 23. Exhibit BC05 <p>As a result of this assessment we have concerns regarding the extension of the SEV hours to 6am (with a 6.30am close) and the amendment of the conditions on the Sex Establishment Licence and how this will impact on the day time economy and</p>

upholding the Council's Sex Establishment Policy. In addition to this, we also have concerns with the premises plans.

The request to extend the premises opening hours is likely have an impact within the vicinity of the premises and is likely to lead to issues of public nuisance with noise and/or drunken behaviour from customers leaving the premises during the same time the public will be arriving or passing through the city centre on their daily commute.

The conditions that the applicant is requesting to amend are conditions that have been placed on the licence in accordance with the Council's Sex Establishment Policy. It is uncertain how this premises intends to operate in accordance with the Council policy given the content of the replacement conditions.

The applicant has requested that a number of conditions relating to the conduct of the performers are to only apply in areas where private dances are conducted. We feel that this request is vague as this could lead to sexual performances in the public area that are not in accordance with the Council's policy.

The applicant has requested to 'modernise' the wording in relation to the conditions regarding CCTV. To date this information has not been received by the authority and therefore we have not been in a position to consider the removal/amendment of these conditions. **See exhibit BC02.** Looking at the plans submitted by the applicant, we do not feel confident that the CCTV cameras will provide full coverage of the public areas including the areas where performance of private sexual entertainment are conducted.

We have concerns with the detail on the plan submitted by the applicant. Following a meeting on 24 January 2019 it was confirmed by the applicant that what appeared to be a stage will in fact be a Jacuzzi. The applicant has provided no detail on how this facility will be managed and maintained, furthermore there is no information on who will have access to this facility and for what purpose. We have health and safety concerns if the applicant intends the use of this facility to be for patrons who may have been drinking to excess, how will this be managed, furthermore if the facility can be used by both performers and patrons how will this be controlled. **I refer to the Health and Safety Executive document "The Control of legionella and other infectious agents in Spa- pool Systems" HSG282 (First Edition) published 2017. The Front cover exhibited BC06**

There is little information to demonstration how this premises will be operating differently to other Sexual Entertainment Venues already operating under the standard conditions in the city.

We therefore recommend that given the concerns raised above this application is refused.

Recommendation: Refuse Application

Exhibit BC01 : Location Plan:



Exhibit BC04 : Application to change following conditions:

Existing Condition 4. Rules for customers shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.

Requested amendment of condition 4. Whilst the availability of private dances is being offered rules for customers shall be displayed in prominent areas within the premises, and at each customer table and in those areas where private dancing is taking place.

Existing Condition 8. The use of flyers and similar promotional material for the premises is prohibited.

Requested Amendment of Condition 8. The use of flyers and similar promotional material for the premises will only be permitted if the imagery and content has been agreed by the Licensing Authority.

Existing Condition 10. All persons entering the premises must supply verifiable identification details that are passed through a digital scanning and recording system such as Club Scan, Idvista or similar computerised system

Requested Amendment of Condition 10. Unless attending a pre-booked corporate event all persons entering the premises after 22.00 must supply verifiable identification details that are passed through a digital scanning and recording system such as Club Scan, Idvista or similar computerised system.

Existing Condition 28. Customers must remain seated for the duration of a performance.

Requested Amendment of Condition 28. In the Private Booths all customers must remain seated for the duration of a performance. Customers are permitted to stand in the main bar/stage area on the first floor.

Existing Condition 43. The CCTV system must comply with:

- a) *British Standard 7958:2009 - Closed circuit television (CCTV). Management and operation. Code of practice.*

Existing Condition 44. Where CCTV system incorporates a digital recording function, it must also comply with:

- a) *British Standard 8495:2007 - Code of practice for digital CCTV recording systems for the purpose of image export to be used as evidence.*

Existing Condition 45. The DPS / premise owner must maintain an annual registration with the Information Commissioners Office - as stipulated under the Data Protection Act 1998.

Existing Condition 46. At all times, the CCTV system and recordings must be kept in a secured environment under the control of the DPS or other nominated responsible named individual. Also a full instruction manual for the CCTV system must be available to the Police and other Responsible Authorities.

Existing Condition 47. The CCTV system must be maintained in good working order to:

- a) Operate on 'real-time' at a minimum rate of 20 frames-per-second, with constant, correct time/date generation.
- b) Have a recording capability capable of providing individual pictures.
- c) Provide clean, clear and unobstructed camera views of evidential quality in all lighting conditions.
- d) Provide correctly timed and date stamped recordings - which must be stored in date order, numbered sequentially and kept for a period of 31 days and handed to the Police on request.

- e) Export footage to a removable storage medium with a time and date integral to the image – where possible, to also include any software needed to replay the footage.
- f) Ensure exported footage at the same, or similar quality to that recorded on the system recording.

Existing Condition 48. During all periods of licensable activity a nominated and trained 'CCTV Operator' must be on duty, in order to:

- a) inspect the CCTV system on a daily basis, and ensure that all cameras are in full working order.
- b) record each inspection on a 'CCTV maintenance' log sheet, and endorse with their signature.
- c) facilitate the downloading CCTV footage.

Existing Condition 49. During all periods of non-licensable activity, a 'CCTV Operator' must be contactable by the police on a designated emergency-only telephone number. This number must be registered with the local police licensing officer.

Existing Condition 50. The CCTV system must:

- a) Incorporate at least one camera on every entrance and exit to the premises - individuals must identifiable, and occupy at least 120% of the available screen height.
- b) Incorporate at least one camera on all areas where the sale/supply of alcohol occurs - individuals must recognisable, and occupy at least 50% of the available screen height.
- c) Incorporate at least one camera on any potential queue area external to the premises, and car parking area within the boundary of the premises - individuals must be detectable, and occupy at least 10% of the available screen height.
- d) Ensure that all other cameras at the premises allow for individuals to be recognisable, and occupy at least 50% of the screen height.

Existing Condition 51. In the event of a technical failure of the CCTV system, the nominated CCTV Operator or DPS will ensure the matter is reported to the MCC Licensing Unit within 24 hours.

Existing Condition 52. A camera which records a facial picture of customers entering the premises shall be situated at the reception and a monitor situated there so customers entering can see same.

Existing Condition 53. CCTV shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted.

Requested Amendment of Condition 43 to 53. To modernise to the current CCTV police required position, wording to be provided.

Existing Condition 54. The premises shall operate a dress code for customers to the satisfaction of Greater Manchester Police.

Requested Amendment of Condition 54. The premises shall operate a dress code for customers at all times.

Exhibit BC05 :

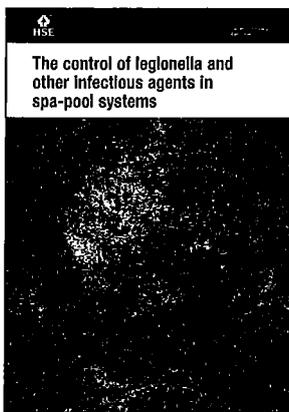
Application request: To incorporate the heading "Conduct of performers and Rules relating to private dance performances of sexual entertainment" into the licence in respect of conditions 20 - 23.

Below shows existing conditions 20 – 23 are headed by :

Conduct of performers and Rules relating to performances of sexual entertainment

1. Condition 20. The performer may not simulate any sexual act during a performance.
2. Condition 21. Performers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.
3. Condition 22. Performers must not touch the breasts or genitalia of another performer, at any time as part of a performance.
4. Condition 23. There shall be no use of sex articles (as defined by paragraph 4(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982) at any time.

The control of legionella and other infectious agents in spa-pool systems



HSG282
(First edition)
Published 2017

Spa-pool systems are a recognised source of diseases caused by infectious agents including the organism that causes legionnaires' disease, primarily *Legionella pneumophila*. There have been a number of outbreaks linked to spa pools in leisure centres, hotels, holiday homes, on cruise ships and on display.

This guidance is primarily for those who manage or operate spa-pool systems and explains how to manage and control the risks from legionella and other infectious agents. It will also help service suppliers, designers, manufacturers, importers, suppliers and installers of spa-pool systems meet their legal responsibilities.

As well as guidance on operating and maintaining commercial-type systems, there is specific advice on domestic-type spa pools or hot tubs used as part of a business activity, for example in holiday park rental units, hotel bedrooms with a dedicated spa and systems on display or at exhibitions. The guide includes advice on effective ways to safely manage and control spa-pool systems through:

- design, commissioning, operation and maintenance,
- testing and monitoring spa-pool water quality,
- quality and frequency of inspections.

About the Premises

Application Reference No.	226184
Name of the Premises	Whiskey Down
Address of the premises including postcode	18-22 Lloyd Street, Manchester M2 5WA

Your Representation

Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the variation on the licensing objectives on and in the vicinity of the premises in question.

Please accept this as formal notification of [REDACTED] objection to the variation in relation to the above premises on the grounds of Prevention of Crime and Disorder and the Prevention of Public Nuisance and Public Safety.

The plan which accompanies this application is markedly different from the plan which was submitted with the application to vary the Premises Licence and as such [REDACTED] cannot be certain what the layout of the premises would be. We are therefore unable to comment on what, if any, issues we may have with the application to vary the licence.

We therefore ask that this application is refused.

Ref: 226184

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

Re: Whiskey Down, [18-22 Lloyd Street, Manchester, M2 5WA](#)

Application Type: Sex Establishment Licence - Variation

Reference: 226184/RP5

Premises: Whiskey Down, [18-22 Lloyd Street, Manchester, M2 5WA](#)

Applicant: FAC251 Ltd T/A Whiskey Down

We wish to object to the following sections on the grounds that they do not comply with the standard conditions clearly detailed in MCC's policy. In addition, we wish to oppose the extension of hours due to the effect it will have on the area at between 4.30 and 7.00am

To amend conditions 4, 8, 10, 28, 43 to 54 of the Sex Establishment Licence to read as follows

4. Whilst the availability of private dances is being offered rules for customers shall be displayed in prominent areas within the premises, and at each customer table and in those areas where private dancing is taking place.

We do not understand why this proposal is being made. Is there an intention to operate differently at certain times? We think this would be confusing for customers.

8. The use of flyers and similar promotional material for the premises will only be permitted if the imagery and content has been agreed by the Licensing Authority.

This is a significant alteration to the standard conditions. No flyers is a beneficial rule for many reasons and there should be a level playing field across all similar venues in Manchester

10. Unless attending a pre-booked corporate event all persons entering the premises after 22.00 must supply verifiable identification details that are passed through a digital scanning and recording system such as Club Scan, Idvista or similar computerised system.

We do not understand why pre-booked corporate events are excluded.

28. In the Private Booths all customers must remain seated for the duration of a performance. Customers are permitted to stand in the main bar/stage area on the first floor.

The seating arrangement on the current licence applies throughout the premises. No reason is given for the relaxation of this rule, which will significantly change the atmosphere of the premises.

54. The premises shall operate a dress code for customers at all times.

We are unclear about the reason for the removal of the reference to GMP.

To incorporate the heading "Conduct of performers and Rules relating to private dance performances of sexual entertainment" into the licence in respect of conditions 20 - 23.

We object to this proposal to limit the application of these particular rules to 'private' dances only. These rules are there to protect the interests of performers. We are concerned that without these rules performers might feel under pressure to extend their performance in new directions. We are also concerned that it will be rather more difficult to enforce these rules in 'private' dances if they are not in operation throughout the premises.

To extend hours for the provision of Sexual Entertainment detailed below:

Existing Opening hours:

Mon to Sun 11am to 4.30am

Proposed Opening hours:

Mon to Sun 11am to 6am

We do not accept this extension of operating hours. This puts more pressure on existing police resources which are already stretched. In addition, in a number of locations in this area women are arriving to start their work in local offices and food establishments.





FAO: The Licensing Unit

Thank you for considering our objection to the application by Whiskey Down for the renewal and transfer of the licence for the former Silks SEV on Lloyd Street, Unfortunately we do not feel that widespread consultation, communication and integration has been available for the benefit of the general public, local residents and businesses. We support best practice and fairness, in this case, in relation to licensing.

In terms of the variation 

 we agree that the opening hours and hours of licensable activities could pose risks (of nuisance and crime and disorder). We add that in order to reach the strategy outcome of a progressive and equitable city: making a positive contribution by unlocking the potential of our communities, and securing Equal Opportunities, the Public Sector Equality Duty is imperative.

We stress our agreement with the Strategy outcomes of a thriving and sustainable City: attracting and supporting a diverse, distinctive and inclusive economy that creates jobs and opportunities for highly skilled, world class and home grown talent and entertainment for a wide range of participants to contribute to the city's economic and cultural success. We also support the outcome of a safe, liveable city: a destination of choice to live, visit and work, including regeneration.

We look forward to receiving your response about the determination of the application.

Thank you for your consideration

Best regards

