



Licensing Sub Committee Hearing Panel

Date: Tuesday, 3 August 2021

Time: 10.00 am

Venue: Council Chamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Chamber

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There is no public access from the Lloyd Street entrances of the Extension.

Face Masks/ Track and Trace

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Membership of the Licensing Sub Committee Hearing Panel

Councillors - Ludford (Chair), Andrews and Jeavons

Agenda

1. Urgent Business

To consider any items which the Chair has agreed to have submitted as urgent.

Temporary Event Notice - Britannia Hotel Car Park (A) -
Between Bloom Street, Richmond Street and Chorlton Street –
now withdrawn

Temporary Event Notice - Britannia Hotel Car Park (B) -
Between Bloom Street, Richmond Street and Chorlton Street –
now withdrawn

4. Application for Variation of Premises Licence - Joe's Grill, 317 Wilmslow Road, Manchester, M14 6NW 3 - 104

The report of the Director of Planning, Building Control and Licensing is enclosed.

5. Application for New Premises Licence - Divine Wellness, 1 Withington Road, Manchester, M16 7BW 105 - 172

The report of the Director of Planning, Building Control and Licensing is enclosed.

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

Ian Hinton-Smith
Tel: 0161 234 3043
Email: i.hintonsmith@manchester.gov.uk

This agenda was issued on **Monday, 26 July 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

Manchester City Council

Report for Resolution

Report to: Licensing Sub-committee Hearing Panel – 3 August 2021

Subject: Joel's Grill, 317 Wilmslow Road, Manchester, M14 6NW - App
ref: Premises Licence variation 257310

Report of: Director of Planning, Building Control & Licensing

Summary

Application for the variation of a premises licence which has attracted objections.

Recommendations

That the Committee determine the application.

Ward Affected: Fallowfield

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing Policy and implementation will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A connected city: world class infrastructure and connectivity to drive growth	

Full details are in the body of the report, along with any implications for:

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue - None

Financial Consequences – Capital - None

Contact Officers:

Name: Fraser Swift
Position: Principal Licensing Officer
Telephone: 0161 234 1176
E-mail: f.swift@manchester.gov.uk

Name: Bryan Johnson
Position: Technical Licensing Officer
Telephone: 0161 234 1248
E-mail: premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Any further documentary submissions by any party to the hearing

1. **Introduction**

- 1.1 On 19/04/2021, an application for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 was made in respect of Joel's Grill, 317 Wilmslow Road, Manchester, M14 6NW in the Fallowfield ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **Current Licence**

- 2.1 The premises licence holder is Joel's Grill Ltd and a copy of the current licence is attached at **Appendix 2**.

3. **The Application**

- 3.1 A copy of the application is attached at **Appendix 3**.

- 3.2 The variation is to:

The application is to permit the sale of alcohol (both on and off the premises) every day from 11am until 11pm and to also update the premises licence plan as per the enclosed.

*Supply of alcohol for consumption both on and off the premises:
Current hours: (the premises is not currently licensed to sell alcohol)
Proposed hours: Mon to Sun 11am to 11pm*

- 3.2.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.
- 3.2.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 3**.
- 3.3 **Activities unsuitable for children**

- 3.3.1 The applicant has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

3.4 **Steps to promote the licensing objectives**

- 3.4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule.
- 3.4.2 These steps must be translated into conditions by the licensing authority to be included in any granted premises licence, unless the conditions are modified by the Panel following consideration of relevant representations. These conditions are set out in the Schedule of Conditions at **Appendix 6**.

4. **Relevant Representations**

- 4.1 A total of 8 relevant representations were received in respect of the application (**Appendix 5**). The personal details of all members of the public have been redacted. Original copies of these representation will be available to the Committee at the hearing.

Responsible Authorities:

- Greater Manchester Police;
- MCC Licensing and Out of Hours Compliance Team;

Other Persons:

- South East Fallowfield Residents Group;
- Fallowfield and Withington Community Guardians;
- Sherwood Tenants and Residents Association;
- Withington Civic Society
- Residents (x2).

- 4.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	Representation submitted against the application on the grounds that all Four Licensing objectives would be likely to be undermined if the application were to be granted. GMP have made express reference in their representation to the fact that the premises is located within the Fallowfield-Wilmslow	Refuse

	<p>Road Special Policy Area and that, taking into account the numerous issues related to the sale and consumption of alcohol already affecting the locality (on-street drinking, alcohol related antisocial behaviour/public nuisance and begging activities, which all have a combined negative impact and effect upon local residents and visitors to the area), granting the application would only serve to unacceptably add further to the existing adverse situation affecting the area. The large, locally resident student population is also a factor in GMP determining that the application should be refused as it is regarded that</p> <p>Therefore, taking the reasons expressed via their representation, GMP are requesting that the application be refused.</p>	
Licensing and Out of Hours Compliance	<p>Representation served against the application on the grounds of the Licensing Objective relating to public nuisance likely to be being undermined if the application were to be granted.</p> <p>LOOH Compliance are concerned that, despite engaging in discussions with the applicant, it has not been adequately explained to them (by the applicant) that the proposal to provide off-sales of alcohol from the premises post 11.30pm (clarified as being via delivery only) would not serve to add further to the negative cumulative impact issues already affecting the local area (no additional information or conditions were/have been put forward to LOOH Compliance by the applicant in regard to this matter).</p> <p>As the applicant has not been able to satisfactorily demonstrate or explain to LOOH Compliance how the application would not contribute further to the negative cumulative impact issues currently affecting the locality they are requesting that the application be refused.</p>	Refuse
South East Fallowfield Residents	SEFRG has submitted a representation against the application on the grounds of the Licensing Objectives relating to the	

Group	<p>prevention of public nuisance, the prevention of crime and disorder and the upholding of public safety being negatively impacted upon should the application be granted.</p> <p>As with GMP and LOOH Compliance, SEFRG see no exceptional reasons being demonstrated via the application as to why the Cumulative Impact Policy should be departed from. SEFRG are satisfied that there are enough licensed premises already operating in the locality, that provide adequate levels of service and entertainment to local residents/visitors to the area, and that the addition of another licensed premises would only serve to further exacerbate and increase the levels of antisocial incidents/issues already affecting the local area.</p> <p>SEFRG are, therefore, requesting that the application be refused.</p>	
Fallowfield and Withington Community Guardians	<p>FWCG are objecting to the application on the grounds of the Licensing Objectives relating to public nuisance and crime and disorder likely to be being undermined should the application be granted.</p> <p>FWCG have expressed similar reasons as GMP, LOOH Compliance and SEFRG as to why the current Cumulative Impact Policy should not be departed from in regard to the application (as no exceptional reasons are being put forward by the applicant as to why the policy should be disregarded in reference to his application).</p> <p>Furthermore, the representation submitted by FWCG clearly illustrates the levels of antisocial behaviour and public nuisance issues that local residents are regularly subjected to (and have already experienced over a long period of time) and do not wish for the existing situation to be added to any further by the granting of the application. Therefore, FWCG are requesting that the application be refused.</p>	Refuse
Withington Civic	Withington Civic Society have submitted a representation against the application on	Refuse

Society	<p>the grounds of the Licensing Objectives relating to the prevention of public nuisance, the prevention of crime and disorder and the upholding of public safety.</p> <p>Furthermore, as with all previously recorded objections to the application, Withington Civic Society see no merits or exceptional reasons being displayed or demonstrated via the application that should convince the Licensing Authority to depart from its current Cumulative Impact Policy for the Fallowfield/Wilmslow Road Cumulative Impact Zone and that the application should, therefore, be refused.</p>	
Sherwood Tenants and Residents Association	<p>Sherwood TRA are objecting to the application on the grounds of the public nuisance, crime and disorder and public safety Licensing Objectives.</p> <p>The representation submitted by Sherwood TRA outlines specific reasons as to why the application should not be granted (i.e. alcohol fuelled noise nuisance and antisocial behaviour incidents impacting directly on residents living within the immediate vicinity of the Wilmslow Road corridor, adequate existing numbers of licensed retail/hospitality premises that are already providing sufficient means/opportunities to purchase alcohol for on/off sales consumption etc).</p> <p>Sherwood TRA also does not see any exceptionality in the application that means that the current Cumulative Impact Policy attached to the Fallowfield/Wilmslow Road Cumulative Impact Zone should be disregarded or set aside. Consequently so, Sherwood TRA are requesting that the application be refused.</p>	Refuse
Residents (x2)	<p>A local private resident and the manager of an elderly persons Sheltered Housing Scheme have both submitted representations against the application. In both instances, the representations have been submitted in regard to the undermining of the Licensing Objectives relating to public nuisance, crime and disorder and public safety (should the</p>	Refuse

	<p>application be granted).</p> <p>The manager of the elderly persons residence has described how intoxicated/inebriated persons loiter in the vicinity of the residential premises (creating noise and antisocial behaviour incidents/issues) and how, on occasion, such persons walk on to the grounds of the premises and even attempt to enter the (secure) premises, which causes distress and fear to the residents. It has been explained that such incidents usually occur in the evening, when there are no scheme staff present on the premises.</p> <p>The private resident has outlined how the ongoing alcohol-fuelled antisocial behaviour from persons patronising existing licensed premises impacts directly upon his premises (i.e. litter being casually thrown into his premises garden, inebriated persons attempting to trespass on to his premises to use the premises as a urinal, passing groups of drunken individuals creating noise disturbance, etc.).</p> <p>Both the private resident and the sheltered scheme manager have expressed concern at the application and neither see any reason for the current Cumulative Impact Policy to be disregarded and not adhered to in regard to the application. Consequently so, both persons are requesting that the application be refused.</p>	
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5. Key Policies and Considerations

5.1 Legal Considerations

- 5.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

5.2 New Information

- 5.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

5.3 Hearsay Evidence

- 5.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

5.4 **The Secretary of State's Guidance to the Licensing Act 2003**

- 5.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 5.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 5.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

5.5 **Manchester Statement of Licensing Policy**

- 5.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 5.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 5.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 5.5.4 Relevant to this application and the grounds of the representations made, the Panel are recommended to have regard to the following sections of the Policy:

Section 5: Special Policy Area

The premises is located within the following special policy area:

Fallowfield and Wilmslow Road

The effect of the Special Policy is that the Council will refuse applications for a new Premises Licence or Club Premises Certificate, or variation of an

existing licence or certificate, whenever it receives relevant representation, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced. In relation to variations, this includes any variation that seeks to add a licensable activity, increase the capacity/size of a licensed premises, or extend the hours for licensable activities, but will usually exclude minor variations.

Section 6: What we aim to encourage

This section identifies certain types of venues and initiatives the licensing authority aims to encourage in order to promote an inclusive evening and night-time economy not simply focused on the consumption of alcohol. We aim to encourage:

- Premises that will extend the diversity of entertainment and attract a wider range of participants
- Live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
- National cultural institutions, global sports events and cultural festivals
- Non-drink-led premises, including restaurants, cafes, theatres and cinemas
- Communication and integration with local residents and businesses through licensees consulting with those in the local area prior to an application
- Participation in Pubwatches, off licence forums and other crime-reduction partnerships
- Engagement with the NITENET radio scheme and DISC secure information sharing platform by city centre venues through the Cityco Manchester Business Crime Reduction Partnership
- Designing out crime in the layout of the premises

Section 7: Local factors

This section sets out key issues that applicants are expected to take into account relevant to the individual characteristics of the premises when preparing their operating schedule and address any local factors relevant to their premises.

Having regard to the grounds of the representations made, the Panel are recommended to have regard to the following Factors:

- Identified risk factors specific to the licensed premises
- Evidence of pre-existing problems in the area
- Proximity of takeaways and off-licences to nightlife entertainment areas
- Consistency with relevant Council strategies
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance
- Proximity to sensitive uses

- Ability to clean and maintain the street scene

Section 8: Manchester's standards to promote the licensing objectives

This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises, and applicants are not obliged to include all standards in their operating schedule. The degree to which standards would be appropriate is expected to be proportionate to the risk posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. The standards are not exhaustive and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside them.

- | | |
|------|--|
| MS1 | Implement effective security measures at the premises |
| MS2 | Effective general management of the premises |
| MS3 | Responsible promotion and sale of alcohol |
| MS5 | Prevent on-street consumption of alcohol |
| MS6 | Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies |
| MS7 | Maintain a safe capacity |
| MS8 | Prevent noise nuisance from the premises |
| MS10 | Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse |
| MS11 | Ensure the wellbeing of children on the premises |
| MS12 | Prevent underage sales of alcohol, including proxy sales |

6. Conclusion

- 6.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 6.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible

authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.

- 6.3 The Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- a) To grant the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate;
 - b) To reject the whole or part of the application
- 6.4 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 6.5 However, conditions should not be imposed on a licence which are unrelated to the variation sought.
- 6.6 All licensing determinations should be considered on the individual merits of the application.
- 6.7 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 6.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 6.9 **The Panel is asked to determine the application.**

Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. A personal licence holder to be on site between 19:00 and 23:00 Thursday to Saturday 2. The premises shall operate as a restaurant and alcohol shall only be sold as ancillary to partaking in a table meal, with the exception of customers using the bar area while they are waiting for tables. 3. Off-sales of alcohol shall be in sealed containers only for consumption away from the premises. 4. A CCTV system shall be installed and maintained at the premises. CCTV cameras will cover, as a minimum, the entrance and exit to the premises and any bar area. CCTV footage will be capable of being stored for a minimum of 31 days and downloaded onto a portable device, such as memory stick or DVD. Where requested in relation to the investigation of a criminal offence, CCTV footage will be made available to a police officer within such timeframe as agreed. 5. The premises licence holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an 'incident/refusals logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required. 6. The collection of refuse, bottles and recyclable materials shall only take place between 07:00 and 22:00 daily. Refuse will be stored securely and only placed outside on the public highway in anticipation of a scheduled collection. 7. Activities relating to deliveries shall only take place between 07.00 and 22.00. 8. Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity. 9. Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly. 10. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming 	N/A	Applicant

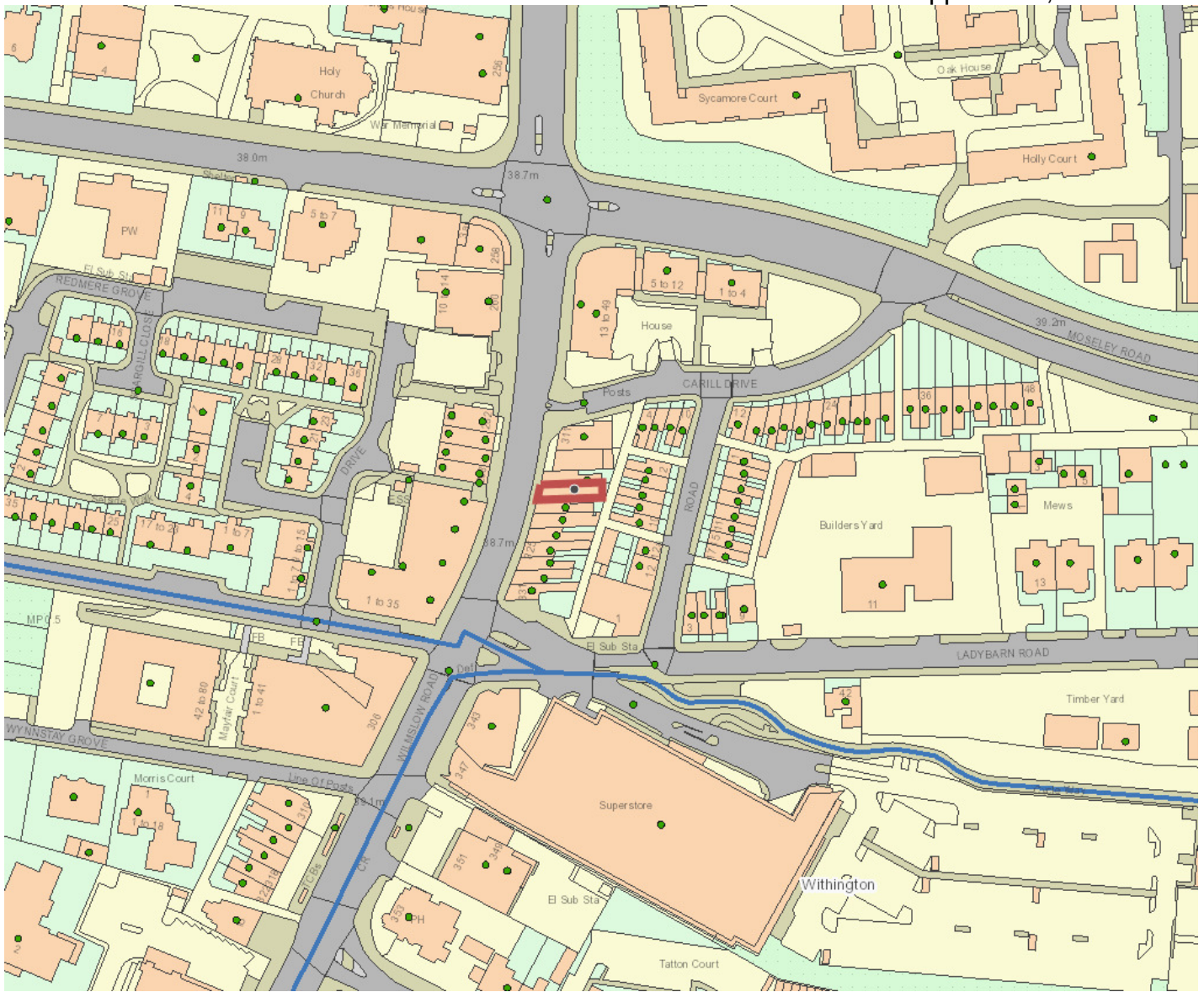
Schedule of Licence Conditions

<p>a part of the premises.</p> <p>11. Music levels will be maintained at the premises such as they do not disturb residents either above or in the immediate vicinity of the premises.</p> <p>12. Smokers outside the premises will be monitored to ensure that as far as practicable they are not causing a disturbance.</p> <p>13. The premises will enter into an agreement with a hackney carriage provider and/or private hire firm to provide transport for customers, with contact numbers available to customers, who will be encouraged to use such services. A call back system must be operated and drivers instructed not to sound their horns when collecting customers.</p> <p>14. A direct telephone number for the manager of the premises shall be publicly available at all time the premises is open for licensable activities.</p> <p>15. Appropriate cleaning arrangements will be in place to ensure that the premises and surrounding area are always kept clean and free of litter when the premises are open to the public.</p> <p>16. No unauthorised advertisement of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.</p> <p>17. An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.</p> <p>18. All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training in how to refuse sales to difficult customers. A record of all staff training shall be maintained at the premises and made immediately available upon request to an authorised officer of the Council or the Police. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.</p>		
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Schedule of Licence Conditions

Conditions proposed by objectors	Agreed	Proposed by
No conditions have been proposed by any of the objectors to the application. All objectors have requested that the application be refused.		

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Joel's Grill
317 Wilmslow Road, Manchester, M14 6NW

Premises Licensing
Manchester City Council

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PREMISE NAME:	Joel's Grill
PREMISE ADDRESS:	317 Wilmslow Road, Manchester, M14 6NW
WARD:	Fallowfield
HEARING DATE:	14/06/2021

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	157915
Granted	22/01/2014
Latest version	Variation 242833 (Granted: 09/03/2020)

Part 1 - Premises details

Name and address of premises
Joel's Grill 317 Wilmslow Road, Manchester, M14 6NW
Telephone number
0161 848 0210

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1. The sale by retail of alcohol*. 2. 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

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2300	2300	2300	2300	2300	2300	2300
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings:							
None							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	2400	2400	2400	2400	2400	2400	2400
Licensed to take place both indoors and outdoors.							
No takeaways to be purchased from the shop after 23:00. The restaurant to operate a dine-in and delivery service only from this time							
Seasonal variations and Non-standard Timings:							
None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2400	2400	2400	2400	2400	2400	2400
Seasonal variations and Non-standard Timings:							
None							

Part 2

Details of premises licence holder	
Name:	Joel's Grill Ltd
Address:	317 Wilmslow Road, Manchester, M14 6NW
Registered number:	11398607

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol
Not applicable

Annex 1 – Mandatory conditions
<p>Door Supervisors</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"> (a) Unauthorised access or occupation (e.g. through door supervision), (b) Outbreaks of disorder, or (c) Damage, <p>unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.</p>

Annex 2 – Conditions consistent with the operating schedule
<ol style="list-style-type: none"> 1. An effective and adequate CCTV system shall be installed, maintained and operated at the premises. 2. Notices shall be displayed to inform customers that any anti-social behaviour will be reported to the police. 3. Management shall work with the officers from the Council to set the limit of the sound played from the jukebox, which will play background music only. 4. Any complaints will be dealt with promptly. 5. Delivery drivers shall be instructed not to use "high beam" lights. 6. The loading of orders into delivery vehicles shall take place as quickly as possible.

Annex 3 – Conditions attached after hearing by the licensing authority
<ol style="list-style-type: none"> 1. No takeaways to be purchased from the shop after 2300. The restaurant shall operate a dine-in and delivery service only from this time. 2. Noise or vibration shall not emanate from the premises so as to give rise to a nuisance to other premises. 3. Delivery drivers shall be instructed to enter and leave their vehicles quietly and considerately, not to leave engines running, to park considerately, and at all times to have in mind the neighbours and in particular residential occupiers. 4. Delivery drivers shall not sound their vehicle horns whilst outside the delivery address. 5. A written record of all staff training shall be held at the premises. 6. An adequate number of litter bins shall be provided for waste packaging and food. 7. Notices shall be displayed in the premises instructing customers to leave the premises in a quiet, orderly manner and to give consideration to nearby residents. 8. Staff shall take all reasonable steps to ensure that customers do not congregate outside the premises. 9. Refuse shall not be emptied into bins between the hours of 2000 and 0800.

10. Waste collections shall not take place between 2000 and 0800.
11. The area outside the premises shall be kept clean and tidy. Staff shall be required to remove all litter associated with the premises on a regular basis throughout the licensed hours and in particular shall clear any litter when the premises closes.
12. Regulated entertainment shall cease at 2300.

Annex 4 – Plans

See attached

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Application to vary a premises licence under the Licensing Act 2003**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 this 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.

You may wish to keep a copy of the completed form for your records.

I/We Joel's Grill Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

157915

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Joels Grill
317 Wilmslow Road

Post town	Manchester	Postcode	M14 6NW
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Telephone number at premises (if any)	n/a
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Non-domestic rateable value of premises	£15,500 (Band B)
---	------------------

Part 2 – Applicant details

Daytime contact telephone number	n/a
----------------------------------	-----

E-mail address (optional)	
---------------------------	--

Current postal address if different from premises address	
---	--

Post town	Manchester	Postcode	
-----------	------------	----------	--

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? ☒ Yes ☐ No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

This is an application to permit the sale of alcohol (on and off the premises) every day from 11:00h until 23:30h.

To add the following conditions to the operating schedule: -

- A personal licence holder to be on site between 19:00 and 23:00 Thursday to Saturday
- The premises shall operate as a restaurant and alcohol shall only be sold as ancillary to partaking in a table meal, with the exception of customers using the bar area while they are waiting for tables.
- Off-sales of alcohol shall be in sealed containers only for consumption away from the premises.
- A CCTV system shall be installed and maintained at the premises. CCTV cameras will cover, as a minimum, the entrance and exit to the premises and any bar area. CCTV footage will be capable of being stored for a minimum of 31 days and downloaded onto a portable device, such as memory stick or DVD. Where requested in relation to the investigation of a criminal offence, CCTV footage will be made available to a police officer within such timeframe as agreed.
- The premises licence holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an 'incident/refusals logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.
- The collection of refuse, bottles and recyclable materials shall only take place between 07:00 and 22:00 daily. Refuse will be stored securely and only placed outside on the public highway in anticipation of a scheduled collection.
- Activities relating to deliveries shall only take place between 07.00 and 22.00.
- Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity.
- Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.
- No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
- Music levels will be maintained at the premises such as they do not disturb residents either above or in the immediate vicinity of the premises.
- Smokers outside the premises will be monitored to ensure that as far as practicable they are not causing a disturbance.

(continued)

- The premises will enter into an agreement with a hackney carriage provider and/or private hire firm to provide transport for customers, with contact numbers available to customers, who will be encouraged to use such services. A call back system must be operated and drivers instructed not to sound their horns when collecting customers.
- A direct telephone number for the manager of the premises shall be publicly available at all time the premises is open for licensable activities.
- Appropriate cleaning arrangements will be in place to ensure that the premises and surrounding area are always kept clean and free of litter when the premises are open to the public.
- No unauthorised advertisement of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
- An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
- All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training in how to refuse sales to difficult customers. A record of all staff training shall be maintained at the premises and made immediately available upon request to an authorised officer of the Council or the Police. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.

To also update the premises licence plan as per the enclosed. Any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed. Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

All other aspects of the existing premises licence to remain unchanged by this application.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

n/a

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) **Please tick all that apply**

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or <u>outdoors or both</u> – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5) As per current licence permission.
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			
Fri			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7) As per current licence permission.
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	00:00	
Tue	08:00	00:00	
Wed	08:00	00:00	
Thur	08:00	00:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Fri	08:00	00:00	
Sat	08:00	00:00	
Sun	08:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence ☐
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Since the last variation application in March of 2020, I have not received the up-to-date premises license certificate from the council.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

As per current licence permission, plus the additions made by this application;

A personal licence holder to be on site between 19:00 and 23:00 Thursday to Saturday.

The premises shall operate as a restaurant and alcohol shall only be sold as ancillary to partaking in a table meal, with the exception of customers using the bar area while they are waiting for tables.

b) The prevention of crime and disorder

Off-sales of alcohol shall be in sealed containers only for consumption away from the premises.

A CCTV system shall be installed and maintained at the premises. CCTV cameras will cover, as a minimum, the entrance and exit to the premises and any bar area. CCTV footage will be capable of being stored for a minimum of 31 days and downloaded onto a portable device, such as memory stick or DVD. Where requested in relation to the investigation of a criminal offence, CCTV footage will be made available to a police officer within such timeframe as agreed.

The premises licence holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an 'incident/refusals logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.

c) Public safety

The capacity of the premises shall be determined by an up to date Fire Risk Assessment.

d) The prevention of public nuisance

The collection of refuse, bottles and recyclable materials shall only take place between 07:00 and 22:00 daily. Refuse will be stored securely and only placed outside on the public highway in anticipation of a scheduled collection.

Activities relating to deliveries shall only take place between 07.00 and 20.00.

Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity.

Clear notices displayed at all points where customers leave the building must instruct them to

respect the needs of local residents and leave the premises and the area quietly.

No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.

Music levels will be maintained at the premises such as they do not disturb residents either above or in the immediate vicinity of the premises.

Smokers outside the premises will be monitored to ensure that as far as practicable they are not causing a disturbance.

The premises will enter into an agreement with a hackney carriage provider and/or private hire firm to provide transport for customers, with contact numbers available to customers, who will be encouraged to use such services. A call back system must be operated and drivers instructed not to sound their horns when collecting customers.

A direct telephone number for the manager of the premises shall be publicly available at all time the premises is open for licensable activities.

Appropriate cleaning arrangements will be in place to ensure that the premises and surrounding area are kept clean and free of litter at all times the premises are open to the public.

No unauthorised advertisement of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.

e) The protection of children from harm

An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training in how to refuse sales to difficult customers. A record of all staff training shall be maintained at the premises and made immediately available upon request to an authorised officer of the Council or the Police. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.

Checklist:

Please tick to indicate agreement

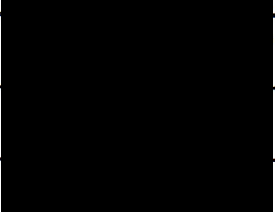
- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒

- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature		
Date		
Capacity		

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC Alan Isherwood
Address including postcode	Manchester Town Hall Extension Lloyd Street Manchester M2 5DB
Contact Email Address	[REDACTED]
Contact Telephone Number	[REDACTED]

About the Premises

Application Reference No.	LPV 257310
Name of the Premises	Joel's Grill
Address of the premises including postcode	317 Wilmslow Road, Manchester M14 6NW

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 the Greater Manchester Police objection to the premises licence variation in relation to the above premises.

The grounds for the objection are the Prevention of Crime and Disorder, the Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm.

The premises are situated on Wilmslow Road, Fallowfield which is one of the main arterial routes into and out of Manchester City centre.

It is in close proximity to residential properties and is also in an area where there are a large number of bars, public houses, off licenses, late night refreshment outlets and one of the largest student populations in Europe.

Specifically the application is seeking to allow the provision of alcohol until 11pm each day for consumption both on and off the premises.

The Wilmslow Road corridor already suffers from begging, street drinking and other anti social behaviour and to allow the premises to remain open until these times is likely to exacerbate these problems and undermine the hard work of the local Neighbourhood Policing Team.

The area where the premises are situated is now subject to a Cumulative Impact Policy due to the problems in the area with night time economy related incidents.

There is therefore a strong presumption against further premises which sell alcohol in this area and GMP can see no reason why this should not be the case with this application. The applicant has not demonstrated how by making alcohol more available in this area they will not add to the cumulative issues within the area.

MCC's licensing policy states that a genuinely exceptional case would need to be shown. The reasons for this exception should be shown within the operating schedule, and must demonstrate that there will be no harm to the licensing objectives, including from departing customers.

Greater Manchester Police would therefore ask that the application be refused.



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Sion Roberts
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	[REDACTED]
Telephone Number	[REDACTED]

Premise Details

Application Ref No	REF 257310
Name of Premises	NQ (Formerly Joel's Grill)
Address	Ground Floor, 317 Wilmslow Road, Manchester, M14 6NW

Representation

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.

Licensing & Out of Hours Compliance Team (LOOHT) as the responsible authority have assessed the likely impact of the grant of this application taking into account a number of factors, including the nature of the area in which the premises is located and the proximity to residential accommodation, the hours applied for, and any potential risk that the grant of this application could lead to issues of public nuisance.

Summary of the application is a variation to the existing late-night refreshment licence to permit the sale of alcohol (on and off the premises) every day from 11:00h until 23:30h.

The existing restaurant is within the boundary Of the Fallow field/Wilmslow Road Special Policy Area. A thriving student area.

The premises is situated in a terrace block of mixed use premises, including restaurant/takeaways and hairdressers/barber shops.

Residential flats exist above several of these existing premises and traditional terraces approximately 20 metres to the rear of the premises.

Recent discussions with the applicant has highlighted that the off sales is intended for delivery only.

This information hadn't been made clear in the initial variation application. However no additional information or conditions could be provided to during these discussions to clarify how off sales will be managed or will not contribute negatively to the existing Impact zone, in respect to noise & litter.

Within Manchester City Councils licensing Policy: subsection 5.7 it states the effect of the Special Policy is that the Council will refuse applications for a new Premises Licence or Club Premises Certificate, or variation of an existing licence or certificate, whenever it receives relevant representation, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.

Also, in subsection 5.8, in relation to variations, this includes any variation that seeks to add a licensable activity, increase the capacity/size of a licensed premises, or extend the hours for licensable activities, but will usually exclude minor variations.

Taking into consideration of the policy guidance above, the applicant has failed to provide enough additional detail in their application why the addition of sale of alcohol to their late-night refreshment licence will not add to the cumulative impact already being experienced in this area.

As such LOOHT recommends that the variation, in its current format, for the sale of alcohol is refused on the grounds of being not upholding of the licensing objectives in relation to public nuisance.

Recommendation:

Refuse Application

Premises Licence variation 242833/LD2: Joel's Grill, 317 Wilmslow Road, Manchester, M14 6NW

From: Alan Shaw [REDACTED]

Sent: 12 May 2021 19:56

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Subject: Premises Licence variation 242833/LD2: Joel's Grill, 317 Wilmslow Road, Manchester, M14 6NW

I have just filled out a Manchester City Council Survey about the problems of street drinking. Obviously then the council are well aware that this is a major problem in some areas. Unfortunately I have lived in, and suffered the effects [REDACTED] in Fallowfield for the last 7 years. I have written similar letters of objection many times in the past but I will repeat the reasons why you should reject this application.

- Noise nuisance; Drunken groups and individuals have regularly passed our house at all hours between 22:30 and 06:00 shouting and chanting resulting in broken sleep patterns
- Litter; Same drunks leave/throw bottles, tins and fast food wrappings into the street and gardens.
- Criminal behaviours; Occasionally disputes can be heard which might require police attendance.
- Street urination and vomit; I had to fit a gate to stop people coming up the drive to piss against the fence.
- Drug related crime; The people who drink and come home at all hours are ably provisioned by an army of drug couriers who hang around the streets awaiting clients.
- Burglary and assaults; Drunks leave their doors and windows open. Drunks are vulnerable to robbery and sexual harassment.

The above can all be laid at the door of drink and its ready availability at all times of day and night and an imbalance in the local population in favour of people who take full advantage of Manchester's night time economy.

On its own, in a quiet suburban street, an outlet like Joel's, providing a drink with its meals would not lead to the above excessive behaviours.

However given the oversupply of similar establishments in the area and the proclivities of the inhabitants who destroy my human right to a peaceful existence this licence should be refused on the grounds that it will worsen the observations above.

Kind regards

Alan Shaw
[REDACTED]

Re: Premises Licence variation

Reference: 257310/BJ1

Premises: Joel's Grill, 317 Wilmslow Road, Manchester, M14 6NW

Applicant: Joel's Grill Ltd

Description of proposed variation as given by the applicant:

This application is to permit the sale of alcohol (both on and off the premises) every day from 11am until 11pm and to also update the premises licence plan as per the submitted plan drawing (N.B. any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed).

Proposed hours and licensable activities:

Supply of alcohol for consumption both on and off the premises:

Current hours: *(the premises is not currently licensed to sell alcohol)*

Proposed hours: Mon to Sun 11am to 11pm

Comments of Withington Civic Society

We object to the application.

The premises fall within the Cumulative Impact area of Fallowfield.

According to the Council's Statement of Licensing Policy 2021 – 2026:

"The Council has received satisfactory evidence (considered by the Licensing Policy Committee at its meeting on 21 January 2013 and Council on 30 January 2013) that the cumulative impact of licensed premises in the geographical area identified on the map in Appendix 7 is undermining the promotion of the licensing objectives in relation to crime and disorder and public nuisance. The Council has taken into consideration the contents of the 'Review of the Impact of Licensed Premises in Fallowfield – Consultation Analysis' Licensing Policy Committee Report dated 21 January 2013, and determined the Special Policy should be implemented as proposed in that report. The reasons for this policy approach, originally set out in section 8 of that report, are set out below:

'The predominant concentration of licensed premises is within the Fallowfield area. This area suffers from the greatest levels of crime (both general and alcohol-related) compared to surrounding areas, which is demonstrated in the Cumulative Impact Analysis (Appendix 5 of The Review of the Impact of Licensed Premises in Fallowfield and Withington considered by the Licensing Policy Committee on 19 March 2012). The levels of crime recorded with an alcohol marker have risen annually between 2009 and 2011, of which there is the strongest concentration in the late evening and early hours of the morning. The degree of antisocial behaviour recorded in the area is also significantly disproportionate compared to the rest of the former B & C policing divisions, since conjoined to form the E division. Between 2009 and 2011, the average rate of antisocial behaviour per square kilometre in the E division was 343 incidents per square kilometre compared to an average of 2,180 incidents per square kilometre in Fallowfield. Similarly, antisocial behaviour levels peak during the late night/early morning, and correlate with the closing times of alcohol-led licensed premises.

The complaints about antisocial behaviour from local residents, received both prior to and in response to the policy consultation, repeatedly cite problems of noise, vandalism and antisocial behaviour from persons going out to and returning from licensed premises, including complaints of preloading and drunkenness. Additionally, there was evidence of litter caused as a result,

including discarded alcohol containers and takeaway wrappers in the street. Extra street cleaning services are required in the local area as a result of the disproportionate levels of litter, particularly caused by the high number of late-night takeaways in Fallowfield. Problems of preloading en route to licensed premises persist despite the existence of a Designated Public Place Order for Fallowfield. Therefore, the policy in Fallowfield aims to prevent further alcohol-related crime and antisocial behaviour arising in the area from the customers of licensed premises (including any premises that might act as a flashpoint), particularly during such hours with higher levels of crime and antisocial behaviour, and hours likely to affect the ability of local residents to get a good night's sleep. Additionally, the policy aims to prevent premises that are likely to contribute to litter problems in the area, particularly in relation to preloading en route to licensed premises, and hot food takeaway wrappers at the end of the night".

We agree with these findings. Yet another outlet for alcohol sales is very likely to add to problems involving:

Public Safety (e.g broken glass)

Public Nuisance (noise & litter)

Crime & disorder.

From our perspective in Withington these issues are highly relevant for two reasons:

1. Our members have to travel through the area on their way home from central Manchester; and
2. The problems of Fallowfield grow ever closer to the District Centre of Withington.

Accordingly, we believe the application should be refused.

Steve Allen, [REDACTED]

For and on behalf of Withington Civic Society

13th May 2021

From: Zahra Mufti [REDACTED]
Sent: 14 May 2021 11:05
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: RE: Premises Licence variation 257310/LD2: Joel's Grill, 317 Wilmslow Road, Manchester, M14 6NW, (Fallowfield ward)

Hi,
I am writing as Scheme Manager of [REDACTED] sheltered scheme [REDACTED] in Fallowfield, [REDACTED] to object to the application made by Joel's Grill's to sell alcohol every day from 11am to 11.00pm.

This falls within a Cumulative Impact Policy area and the addition of another outlet for alcohol sales is most certainly going to add to all the current problems our residents and others are experiencing in the surrounding areas which involve:

Public Safety (eg broken glass)
Public Nuisance (noise, litter & drunken behaviour)
Crime & disorder (tree vandalism etc)

We regularly suffer from noise nuisance and constant littering all around our building. This includes empty beer cans and bottles thrown into the shrubs and hedges around our premises. People hanging around in a drunken state. Drunken people entering our car park and trying to enter our building. This usually happens late in the evening when there are no staff present in the building. The residents are all elderly and are afraid to confront anyone. The Police are aware of the situation.

Our residents would be very upset if another local venue is selling alcohol in the Fallowfield district as this could cause the current situation to worsen further. I am requesting on behalf of our residents that the Cumulative Impact Policy be upheld. There would be no exceptional reason to depart from the policy in this situation.

Best Regards

Zahra

Zahra Mufti
Scheme Manager

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Application 257310 - Joel's Grill, 317 Wilmslow Road, M14 6NW

Premises Licensing

Tue 18/05/2021 07:49

From: Kattie Kincaid [REDACTED]**Sent:** 17 May 2021 23:25**To:** Premises Licensing <Premises.Licensing@manchester.gov.uk>**Subject:** Application 257310 - Joel's Grill, 317 Wilmslow Road, M14 6NW

Dear Sirs/Madam,

This premises is within Fallowfield's Cumulative Impact Policy area (CIP) and our understanding is that any new licences - or variation of licences (as in this application) - should not be granted unless there are exceptional circumstances for doing so. We believe there are no exceptional circumstances in this case and that this application should therefore be refused. At the last count we noted c39 licensed premises in the district centre which stretches just a few hundred metres. There are very many town and city centres around the country that do not see such a density of licensed premises in such a short distance and I want to emphasise that this is just a residential suburb in Manchester. We are not a city - or even a town - centre. In March 2020 the licensing panel granted these premises a change in opening hours however they refused the sale of alcohol on and off the premises because they obviously considered that granting such an application would negatively impact on the licensing objectives. We do not see any reason why this decision should not remain in force, the demographics in this area have not radically changed and, if anything, once pandemic restrictions have been lifted we will see a lot of people in high spirits who are desperate to get out for a drink and the potential for noise, ASB and litter etc is likely to be even higher for a time at least, before it returns to its (abnormal), normal level.

We are quite sure that many people who do not live in this area - or have direct experience of it - would see nothing particularly harmful in an application of this nature and consider us 'kill-joys', however, when you factor in that there are now 11,196 students in the M14 6 postcode (<http://wonkhe.com/blogs/the-start-of-term-is-not-just-a-problem-for-universities/>) and that pretty much all of them are looking for entertainment on their doorstep, I think you might perhaps understand where we are coming from. Residents in our group do not want to have to keep on objecting to licence applications, it is extremely time consuming and stressful to do so and (very importantly) not everyone is able to. It is for this reason that I am writing on their behalf and I can say with total confidence that very many local people (including some students) are absolutely fed up with the sheer number of licensed premises in Fallowfield because of the problems that arise from them and they do not want any more. If the patrons of these places, left the premises quietly and walked home quietly, without dropping litter, smashing glass, urinating etc and if we still had a reasonably diverse high street offering, we would not have to object. We do not want to have to do this.

The introduction of the CIP (which we believe is still the only one in Manchester) is in recognition of the fact that the sheer numbers of these premises are negatively impacting on the lives of local residents. I know of 3 couples within a one minute walk of our house who are looking to move and we live in an area where there are not many residents left. These couples are in their 30s, 40s and early 70s, all of them have complained on many occasions about the noise and ASB coming from people going to and from the licensed premises and the fact that they often find it very difficult to get a good night's sleep. They have also mentioned the impact that this has on children. It is not surprising to me that all of them are planning to leave this city altogether because they have had enough. The council's core strategy mentions the need to create balanced, diverse and sustainable neighbourhoods of choice but how can we hope to achieve this if more licences are to be granted in this area and, in particular, this applies to alcohol licences?

More alcohol licences (both on and off sales) would very definitely mean more; more litter, more drunken behaviour, more people (especially those fitting the student demographic) being attracted to living in this area simply because they want the nightlife and more disturbed nights (for adults and children). In turn this means that people who do not fit this very limited demographic will feel increasingly alienated, unwelcome and disenfranchised in the city they call home.

Effects of the pandemic:

During the lockdown we have seen very large gatherings of people at Platt Fields which have produced vast quantities of waste, much of it alcohol bottles - many of us (myself included) have witnessed these crowds descend on the park and we have also litter picked the area afterwards. I think the scale of the waste in such a public space reveals just how much alcohol is being consumed in this area and is a clear indication of why the ASB figures are so high. A refuse collector told me that after one night, they collected 1500 bin bags of rubbish - much of it alcohol bottles. These levels of alcohol consumption would normally be more concealed because much of the alcohol is drunk at the licensed premises and, of course, we often see the bottles (from off licence sales) strewn all across our neighbourhood on our streets, in our hedges and gardens rather than concentrated in one place.

We urge you to refuse this application for alcohol sales - both on and off sales - there is no exceptional reason for departing from the CIP and we think that the policy was introduced with very good reason.

Yours faithfully,

Kattie Kincaid

Chair of SEFRG (South East Fallowfield Residents' Group)

Premises Licence variation 257310/BJ1: Joel's Grill, 317 Wilmslow Road, Manchester, M14 6NW, (Fallowfield ward)

From: Fallowfield Community Guardians [REDACTED]

Sent: 17 May 2021 21:30

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>; Fraser Swift

[REDACTED]; Alex Hill [REDACTED]; alan.isherwood
[REDACTED]

Cc: Jade Doswell [REDACTED] Ali Ilyas

[REDACTED] Zahra Alijah [REDACTED]

Subject: Premises Licence variation 257310/BJ1: Joel's Grill, 317 Wilmslow Road, Manchester, M14 6NW, (Fallowfield ward)

Dear Sirs

I am writing on behalf of Fallowfield & Withington Community Guardians and we wish to object to this application for a variation of licence. We are particularly concerned about the requested sale of alcohol for both on and off sales. We feel alcohol sales of any kind will undoubtedly add to **public nuisance** in a Cumulative Impact Policy area. We feel there are no measures that can be applied that will cause this to be a special deviation from the policy.

Nearby Arabian Nites is the most recent restaurant to open in Fallowfield District Centre. This was refused a licence to sell hot food after 11pm as it is in a CIP area. We consider that the cumulative impact of another venue selling alcohol will add problems to the area. It is well researched and documented that increasing the number of outlets for alcohol has an impact on local communities. The effects of on-street drinking of alcohol is one of the reasons that the CIP was established in 2013 and was recently renewed because issues of anti social behaviour are significant in this CIP area.

There are many restaurants and bars in Fallowfield which currently serve food and have a licence for alcohol. This often causes increased noise nuisance during the daytime as well as the evening and early hours. This is because there is a large density of students living in Fallowfield and it has become a destination venue particularly for students who may come from other parts of the city. There are also thousands of students living in Owen's Park Halls of Residence in Fallowfield and hundreds more in HMOs in our residential streets. There are over 11 000 students in the M14 6 sub-postcode. The consumption of food with alcohol often results in very high levels of noise, antisocial behaviour and litter in this area because of the demography being very highly skewed. Residents regularly suffer sleep deprivation and anxiety because of the long standing problems that this sort of disturbance results in. It is not only the night economy that contributes to this. Afternoon and evening drinking is common and occurs at many licensed premises in Fallowfield, even during cold weather now that outdoor heating is provided in some beer gardens. We feel that another premises selling alcohol will significantly add to **public nuisance** in terms of noise, on-street drinking and litter. We do not feel that any measures can be taken to prevent this from making matters worse. Even if off sales are in sealed containers, this does not prevent patrons from opening and drinking them on the street once purchased. There is no effective measure provided that demonstrates how this could be prevented.

During the pandemic, Fallowfield DC has been a much quieter place. However, during days of warm weather, there has been a mass migration of young people taking alcohol into the local parks and drinking on the streets. It has caused major antisocial behaviour on many

occasions as can be seen in the attached photographs which were also reported on the national news. Here is one article:

<https://www.manchestereveningnews.co.uk/news/greater-manchester-news/platt-fields-park-gatherings-warning-19932030>

The Cumulative Impact Policy needs to be upheld to prevent more problems which are linked to on and off sales of alcohol.

There are residential flats all around this site including immediately above the premises. Opposite there are 35 brand new flats and there are many more flats and houses in close proximity. Many of the residents in Fallowfield are students and only live here for a short time. Some of them accept the night noise as part of their University experience for a few months over two or three years. Those of us who live here all the time (many of our group have lived in the area for more than 20 years) regularly have our sleep disturbed by groups of young people who are going out to eat, drink and go to clubs and events. The combined effect on our lives from the volume of people doing this is very harmful to our health and wellbeing. Young families with children often see discarded drug packets, vomit, litter, broken glass, alcohol and evidence of other antisocial behaviour linked to the consumption of food and alcohol on their way to school. This sort of litter is generated mostly during the evening hours and is often not cleansed until mid-morning the next day, sometimes not at all.

There is also a marked rise in 'airbnb' accommodation in this area and visitors to the area often eat out. We welcome diversity of restaurant choice but do not wish any more alcohol outlets to be added to this area because of existing issues.

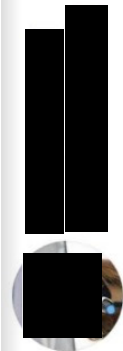
Crime and disorder through alcohol related antisocial behaviour is an issue in this area. We therefore object to the sale of alcohol completely. Ex-offenders and homeless persons are being given temporary accommodation in nearby hostel / hotels. Residents regularly see alcohol dependent persons causing nuisance which requires police intervention on the streets of Fallowfield. We do not wish to see another business selling alcohol to add to these problems. Gang conflicts are also a problem in Fallowfield and alcohol sales at another premises could fuel further gang problems.

In summary we cannot see anything that makes this an exceptional case enough to deviate from the CIP recommendation to refuse a late night license. We are concerned about many aspects as outlined above and we hope you will be able to recommend a refusal of this license in respect to the sale of alcohol both on and off the premises. A very similar application went to a hearing in February 2020 and we objected to that. We were pleased that the outcome of that hearing was to refuse all alcohol sales. We ask you to uphold the CIP once again and refuse this variation.

Yours

Sue Hare
Community Guardian Coordinator
Fallowfield & Withington

#Fallowfield #SpringHasSprung



We've had multiple complaints of mass gatherings at **Platt Fields** Park over the last few days. Fallowfield Councillors have reported it and take it very seriously. When visiting the park, you should *only* be out for exercise with one other person

11:57 · 02/03/2021 · [Twitter for Android](#)

2 Retweets 10 Likes

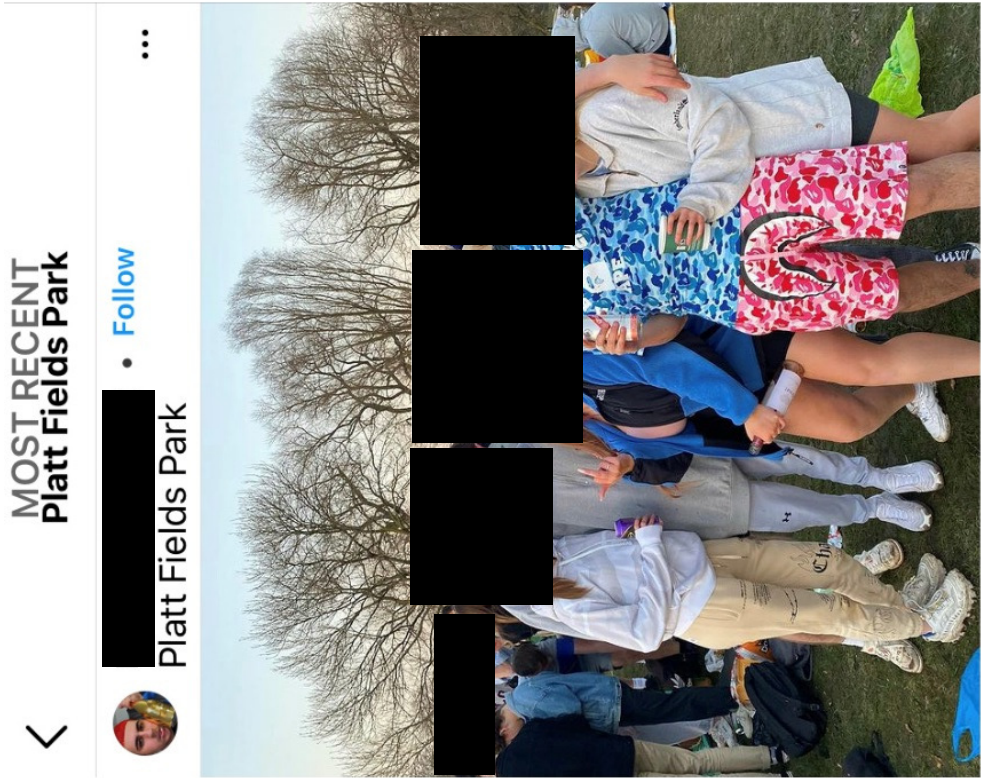


[Redacted] · 15h ·
A contrast to the good mood, is the bad mood locals likely find themselves in once the students have packed up for the evening.
[#litter #PlattFields](#)



Q1 ↺ ♡ ↻ ↗







Premises Licence variation 257310/BJ1: Joel's Grill, 317 Wilmslow Road, Manchester, M14 6NW, (Fallowfield ward)

Premises Licensing

Tue 18/05/2021 07:53

From: Sherwood TRA <[REDACTED]>

Sent: 17 May 2021 21:10

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Cc: Ali Ilyas [REDACTED]; Jade Doswell

[REDACTED]; Zahra Alijah [REDACTED]

Subject: Premises Licence variation 257310/BJ1: Joel's Grill, 317 Wilmslow Road, Manchester, M14 6NW, (Fallowfield ward)

Dear Sir/Madam,

I write on behalf of the residents who live on the Sherwood Estate which is situated just over the other side of Wilmslow Road from these premises. Our residents age from babies right through to the elderly, many of whom have lived here since our homes were built around 1980 when Fallowfield District Centre looked very different with only 2 or 3 licenced premises with much shorter trading hours together with shops selling everything from knitting wool to a bakers. These days it has many late-night bars and a much larger number of students living in HMOs or flats, Sherwood probably has the closest family homes to these premises.

We suffer from ASB in various forms - noise (shouting/shrieking/loud voices), littering, cans & bottles being left on garden walls or simply just thrown on the pavements or roads which leads to the terrible problem we have in this area with broken glass everywhere from on street drinking. This has been much reduced during the pandemic because licenced premises have not been open. However, the lockdown easing has already led to the return of street noise and nuisance. When there has been warm weather during the lockdown, anti-social behaviour has been associated with thousands of young people drinking on the streets and in the local park. We do not want another licensed premises in Fallowfield selling alcohol on and off the premises. By permitting another alcohol outlet to open in Fallowfield District Centre residents are concerned that it will add further ASB.

These premises are only 2mins walk away from Sainsbury (11pm) and to the north there are another 2 late night closing off-licences (12pm & 2am), again within a few minutes walk and residents ask is another off-licence needed, especially when we are covered by a Cumulative Impact Policy due to the large number of licenced premises we have with their associated ASB.

There are a vast number of students who live in Fallowfield, for many first years living at Owens Park it may be their first time living away from the family home and due to the easy accessibility of alcohol some of these young people may fall into the trap of using alcohol as a maladaptive coping strategy. This part of Fallowfield already has many

alcohol outlets and so to permit this application to sell alcohol for off sales residents are concerned that it will only add to the problem.

These premises are opposite the newly built Sherwood House apartments and residents who live on the Redmere Grove side of Sherwood often report being disturbed by noise travelling across the car park from Wilmslow Road which wakes their children at night. They are concerned that there will be more noise in the evening if these premises being so close to their homes begin trading as an off licence.

It is for these reasons Sherwood residents are opposed to alcohol being sold on or off these premises. There are many alcohol-free restaurants these days which is good to see and better for everyone's health and well-being.

Residents do not feel this application gives any exceptional reasons to divert from the Cumulative Impact Policy so we ask you to refuse it in full.

Yours faithfully

Alis McCabe
Chair
Sherwood TRA

[REDACTED]
[REDACTED]
[REDACTED]

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 3 August 2021

Subject: Divine Wellness, 1 Withington Road, Manchester, M16 7BW - App
ref: Premises Licence (new) 259383

Report of: Director of Planning, Building Control & Licensing

Summary

Application for the grant of a premises licence which has attracted objections.

Recommendation

That the Panel determine the application.

Ward Affected: Moss Side

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing regime will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.

A connected city: world class infrastructure and connectivity to drive growth	
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Full details are in the body of the report, along with any implications for:

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue None

Financial Consequences – Capital None

Contact Officers:

Name: Fraser Swift
Position: Principal Licensing Officer
Telephone: 0161 234 1176
E-mail: fraser.swift@manchester.gov.uk

Name: Chloe Tomlinson
Position: Technical Licensing Officer
Telephone: 0161 234 4521
E-mail: premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. **Introduction**

- 1.1 On 08/06/2021, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Divine Wellness, 1 Withington Road, Manchester, M16 7BW in the Moss Side ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Application**

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is Valerie Torpey.
- 2.3 The description of the premises given by the applicant is a vegan café selling hot and cold drinks.
- 2.4 The proposed designated premises supervisor is Peter Underhill.
- 2.5 **The licensable activities applied for:**
 The supply of alcohol for consumption both on and off the premises:
 Mon to Sun 9.30am to 9pm
 Opening hours:
 Mon to Sun 9.30am to 9pm
- 2.5.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.

2.5.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 2**.

2.6 **Activities unsuitable for children**

2.6.1 The applicant has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2.7 **Steps to promote the licensing objectives**

2.7.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule.

2.7.2 These steps must be translated into conditions by the licensing authority to be included in any granted premises licence, unless the conditions are modified by the Panel following consideration of relevant representations. These conditions are set out in the Schedule of Conditions at **Appendix 4**.

3. **Relevant Representations**

3.1 A total of 3 relevant representations were received in respect of the application (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these representations will be available to the Panel at the hearing.

Responsible Authorities:

- Greater Manchester Police;
- MCC Licensing and Out of Hours Compliance Team;
- MCC Trading Standards

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	<p>The proposed licence holder is now Valerie Torpey, and the proposed DPS is Peter Underhill (with Valerie Torpey to be named as DPS once she has obtained her personal licence).</p> <p>However, initially the application was made by Valerie Torpey and Paul Costello <u>jointly</u>, with Paul Costello also named as the proposed DPS. GMP have concerns about Paul Costello's involvement in the business as he has 2 relevant live convictions for Possession of Class A Drugs with Intent to Supply, dated 20th June 2014 for which he received a 44 month custodial sentence. The conviction</p>	Refuse

	<p>carries a rehabilitation period under the Rehabilitation of Offenders Act 1974 of 7 years, from the end of the sentence. The sentence would have ended on 20/02/18 so the convictions will remain live until 20/02/25. GMP have concerns that all four Licensing Objectives would be undermined if Paul Costello was involved in the business.</p> <p>In addition, GMP have concerns that the operating schedule which accompanies the application offers almost nothing in terms of enforceable conditions, which gives the impression that the applicants have a limited knowledge of the 4 licensing objectives and how they should be upheld.</p>	
Licensing and Out of Hours Compliance	<p>LOOH have concerns relating to the noise emanating from the premises due to the proximity of numerous residential properties. To prevent public nuisance, a number of conditions have been proposed.</p>	Grant with conditions
Trading Standards	<p>LOOH thought more robust were needed in order to better uphold the Licensing Objective of the protection of children from harm.</p>	Grant with conditions

- 3.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 4**.
- 3.4 Agreements on conditions have been reached with Licensing and Out of Hours and Trading Standards.
- 4. Key Policies and Considerations**
- 4.1 Legal Considerations**
- 4.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.
- 4.2 New Information**
- 4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.
- 4.3 Hearsay Evidence**

- 4.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

4.4 **The Secretary of State's Guidance to the Licensing Act 2003**

- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 4.5.4 Relevant to this application and the grounds of the representations made, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

This section identifies certain types of venues and initiatives the licensing authority aims to encourage in order to promote an inclusive evening and night-time economy not simply focused on the consumption of alcohol. We aim to encourage:

- Premises that will extend the diversity of entertainment and attract a wider range of participants
- Live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
- National cultural institutions, global sports events and cultural festivals
- Non-drink-led premises, including restaurants, cafes, theatres and cinemas
- Communication and integration with local residents and businesses through licensees consulting with those in the local area prior to an application
- Participation in Pubwatches, off licence forums and other crime-reduction partnerships
- Engagement with the NITENET radio scheme and DISC secure information sharing platform by city centre venues through the Cityco Manchester Business Crime Reduction Partnership
- Designing out crime in the layout of the premises

Section 7: Local factors

This section sets out key issues that applicants are expected to take into account relevant to the individual characteristics of the premises when preparing their operating schedule and address any local factors relevant to their premises.

Having regard to the grounds of the representations made, the Panel are recommended to have regard to the following Factors:

- Identified risk factors specific to the licensed premises
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance

Section 8: Manchester's standards to promote the licensing objectives

This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises, and applicants are not obliged to include all standards in their operating schedule. The degree to which standards would be appropriate is expected to be proportionate to the risk posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. The standards are not exhaustive and the licensing authority will have regard

to any relevant issues raised in any representation that may fall outside them.

- MS2 Effective general management of the premises
- MS3 Responsible promotion and sale of alcohol
- MS8 Prevent noise nuisance from the premises
- MS11 Ensure the wellbeing of children on the premises
- MS12 Prevent underage sales of alcohol, including proxy sales

Conclusion

4.6 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

4.7 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.

4.8 Having regard to the representations, the Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:

- a) To grant the licence subject to:
 - i. the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate, and
 - ii. any mandatory conditions that must be included in the licence;
- b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) To refuse to specify the person proposed in the application as the designated premises supervisor;
- d) To reject the application.

- 4.9 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 4.10 All licensing determinations should be considered on the individual merits of the application.
- 4.11 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 4.12 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 4.13 **The Panel is asked to determine the application.**

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PREMISE NAME: Divine Wellness

PREMISE ADDRESS: 1 Withington Road, Manchester, M16 7BW

WARD: Moss Side

HEARING DATE: 03/08/2021

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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28 MAY 2021

PREMISES TEAM

Application for a premises licence to be granted under the Licensing Act 2003**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 this 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.

You may wish to keep a copy of the completed form for your records.

I/we Ms Valerie Torrey / Paul Costello
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
1 WITHINGTON ROAD Manchester			
Post town	Manchester	Postcode	M16 7BW
Telephone number at premises (if any)		[REDACTED]	
Non-domestic rateable value of premises		£ 4300	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input checked="" type="checkbox"/>	Other Title (for example, Rev)	
Surname TORPEY			First names VALERIE		
Date of birth [REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
Nationality [REDACTED]					
Current residential address if different from premises address		[REDACTED]			
Post town Manchester		Postcode [REDACTED]			
Daytime contact telephone number [REDACTED]					
E-mail address (optional) [REDACTED]					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname COSTELLO			First names PAUL		
Date of birth [REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
Nationality [REDACTED]					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address		[REDACTED]			
Post town		MANCHESTER		Postcode [REDACTED]	
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)		[REDACTED]			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
20	05	2021

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

DIVINE WELLNESS is a VEGAN CAFE
 (www.facebook.com/divinewellnessuk/)
 We are serving Hot and cold drinks
 in an open area around the Premise and
 inside as well.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

☐

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

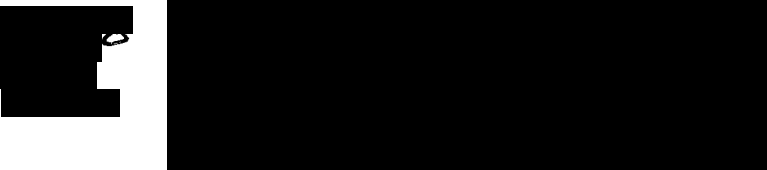
I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)			
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	9.30am	9pm			
Tue	9.30	9pm			
Wed	9.30	9pm			
Thur	9.30	9pm	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	9.30	9pm			
Sat	9.30	9pm			
Sun	9.30	9pm			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Peter Underhill	
Date of birth	25/02/1964	
Address	<div style="display: flex; align-items: center;"> <div style="flex: 1;">  </div> <div style="flex: 1; padding-left: 10px;"> Elm Cottage Bryntirion Bridgend CF31 4DX </div> </div>	
Postcode		
Personal licence number (if known)	077578	
Issuing licensing authority (if known)	Swansea	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

n
1A

L

Hours premises are open to the public
Standard days and timings (please read guidance note 7)

Day	Start	Finish
Mon	9.30am	9pm
Tue	9.30am	9pm
Wed	9.30am	9pm
Thur	9.30am	9pm
Fri	9.30am	9pm
Sat	9.30	9am
Sun	9.30am	9pm

State any seasonal variations (please read guidance note 5)

n
1A

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

n
1A

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Age Verification Policy
Refusal log.

b) The prevention of crime and disorder

CCTV in all areas of Building to
prevent disorder.

c) Public safety

SAFETY SIGNS and Symbols in working
spaces.
COVID MASK in line with Government
restrictions - Plus Sanitisers in all areas.

d) The prevention of public nuisance

Signs asking for clients to leave the
Premises Quietly in the evening.

e) The protection of children from harm

STAFF TRAINING in all aspects on child
protection.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☒

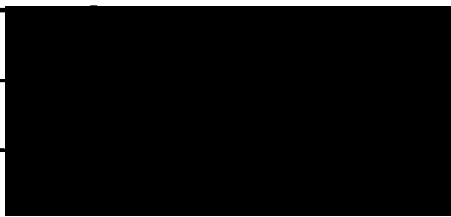
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

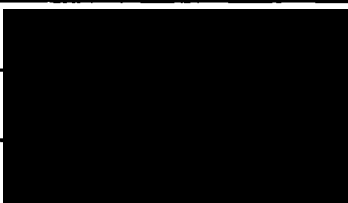
Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or
--------------------	--

	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)	
Signature		
Date		
Capacity		

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature		
Date		
Capacity		

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC Alan Isherwood
Address including postcode	Manchester Town Hall Extension Lloyd Street Manchester
Contact Email Address	alan.isherwood@gmp.police.uk
Contact Telephone Number	0161 856 6017

About the Premises

Application Reference No.	LPA 259383
Name of Premises	Divine Wellness
Address of the Premises including postcode	1 Withington Road, Manchester M16 7BW

Your Representation

Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the application on the licensing objectives.

The grounds for the objection are the undermining of the Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm licensing objectives.

The operating schedule which accompanies the application offers almost nothing in terms of enforceable conditions, which gives the impression that the applicants have a limited knowledge of the 4 licensing objectives and how they should be upheld.

In addition to this [REDACTED] 2 relevant live convictions for Possession of Class A Drugs with Intent to Supply, dated 20th June 2014 for which [REDACTED] received a 44 month custodial sentence. The conviction carries a rehabilitation period under the Rehabilitation of Offenders Act 1974 of 7 years, from the end of the sentence. The sentence would have ended on 20/02/18 so the convictions will remain live until 20/02/25.

The circumstances of the offences which lead to the convictions are that [REDACTED] was found in possession of a quantity of Cocaine and MDMA pills at a licensed music event in the Old Trafford area.

As such GMP has no confidence that the grant of this application would uphold the 4 licensing objectives and that they are highly likely to be undermined.

Therefore GMP asks that this application is refused.


**MANCHESTER
CITY COUNCIL**
Licensing & Out of Hours Compliance Team - Representation

Name	Mitchell Ward
Job Title	Licensing and Out of Hours Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	mitchell.ward@manchester.gov.uk
Telephone Number	0161 234 1220

Premise Details

Application Ref No	259383
Name of Premises	Divine Wellness
Address	1 Withington Road, Manchester, M16 7BW

Representation

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.

The Licensing and Out of Hours Team (LOOH) have assessed the likely impact of granting this premises licence for Divine Wellness, a Vegan café, at 1 Withington Road, Whalley Range, M16 7BW taking into account a number of factors. This includes the location of nearby residential properties, the hours applied for and any potential risk that the granting of this licence, could lead to issues of Public Nuisance. LOOHT have given particular consideration to Manchester City Council's Statement of Licensing Policy, specifically s.7.25 in that the licensing authority will ensure that due consideration will be given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises; as well as s.7.28 in that the licensing authority will give consideration to the appropriateness of hours applied for, having regard for the location of premises and their likely effect of the promotion of the four Licensing Objectives.

The premises is situated on Withington Road in a prominent location at the crossroads with Chorlton Road, Upper Chorlton Road and Moss Lane West. This is a popular area of Whalley Range and mainly surrounded by residential properties along with a number of licensed premises (takeaways), cafes and retail units to the front positioned along Moss Lane West. Chorlton Road and Upper Chorlton Road.

There are many residential properties positioned directly opposite the premises consisting of a large apartment building on the corner of Withington Road. Furthermore there are a number of residential properties made up of terraced and semi-detached properties directly behind the premises on Dunsmore Close.

The application is for a new premises licence for the following licensable activities:

Supply of Alcohol:

Monday to Sunday 09:30 to 21:00

LOOH have concerns relating to the noise emanating from the premises. Given the relatively close proximity of numerous residential properties, especially those to the rear on Dunsmere Close, there is a considerable risk that noise nuisance may arise from the external area by way of people noise and also from the premises itself by way of music noise prior to the regulated hours of 23:00.

LOOH also believe there is a potential for public nuisance in the form of noise generated from customers whilst utilising the external area of the premises. Given the close proximity to residential properties this could lead to potential noise disturbances, which would significantly undermine the public nuisance objective.

We therefore recommend that in order to prevent the problems described above the following conditions should be attached to the Premises Licence to ensure the licensing objectives are upheld:

1. Staff shall monitor customers outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

We believe these conditions are proportionate and necessary to prevent the problems described and promote the licensing objectives.

Recommendation: Approve with Conditions (Outlined Above)

PLEASE NOTE: ALL REPRESENTATIONS AND SUPPORTING EVIDENCE MUST BE SUBMITTED TO MANCHESTER CITY COUNCIL WITHIN 28 DAYS, STARTING THE DAY AFTER THE PREMISES IN QUESTION MAKES AN APPLICATION (TO FIND OUT THE CLOSING DATE CALL THE LICENSING UNIT ON 0161 234 4512)

ABOUT YOU		PLEASE NOTE: LICENSING OFFICERS, LICENSING COMMITTEE MEMBERS AND THE APPLICANT CAN VIEW THE INFORMATION PROVIDED ON THIS FORM
Your first name (required)	Your last name (required)	
Bernard	McMenamin	
Your address including postcode (required)		
Trading Standards Service 1 Hammerstone Road Manchester M18 8EQ		
Contact email address	Contact phone no	
Bernard.McMenamin@manchester.gov.uk	0161 234 1589	

ABOUT THE PREMISES
Application Ref No. (if known):
LPA 259383
Name of the Premises about which you would like to make a representation:
Divine Wellness
Address of the Premises (including postcode if known):
1 Withington Road, Manchester M16 7BW.

YOUR REPRESENTATION
Please outline your representation below and continue overleaf. This should be the likely effect of the grant of the licence / certificate on the licensing objectives on and in the vicinity of the premises in question. (Please continue on a separate sheet of paper if necessary)
<p>The Trading Standards Team have assessed the likely impact of the granting of this application taking into account a number of factors, including the conditions offered and times applied for and any potential risk that the granting of this application could lead to issues which do not uphold the licensing objectives specifically the protection of children from harm.</p> <p>The application is for a vegan café selling alcoholic drinks outside and, in the premises, based in a suburb of Manchester.</p> <p>When considering the application, the Trading Standards Team have given consideration to Manchester City Councils Statement of Licensing Policy 2016 – 2021.</p> <p>The original application addresses certain issues relating to the protection of children from harm.</p> <p>Giving consideration to the above application, the Trading Standards Team therefore recommend that should the application be accepted, the following conditions are attached.</p>

1. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.
2. All staff engaged in the sale of alcohol will be trained with regards to the Challenge 25 policy. This training will be documented, and training should be refreshed annually.
3. The Premises Licence Holder will ensure that signage demonstrating the Challenge 25 policy as well as selling alcohol to children by proxy are placed at the entrance to the premises as well as being displayed in all areas serving alcohol. Staff training should incorporate this.
4. The Premise Licence Holder will also ensure regular checks are made around or outside of the premises for underage persons encouraging adults to buy alcohol for them.

Supporting Evidence: In addition to your own written / oral testimony to the Licensing Sub-Committee, you may wish to provide evidence to support your representation. You will need to show how this evidence relates to the premises in question. Examples of supporting evidence include oral testimony, written testimony, noise records, video or photographic material, crime and disorder data, other statistical data, reports etc.)

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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly. 2. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points, and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/ burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. 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. 3. A log shall be kept at the premises to record all refused sales of alcohol for the reasons that the person(s) is/are, or appear(s) to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be available on request by the police or an authorised officer of Manchester City Council. The log shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each check shall be recorded in the log. 	N/A	Applicant
Conditions proposed by objectors	Agreed	Proposed by
<ol style="list-style-type: none"> 1. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram. 2. All staff engaged in the sale of alcohol will be trained with regards to the Challenge 25 policy. This training will be documented, and training should be refreshed annually. 3. The Premises Licence Holder will ensure that signage 	Yes	Trading Standards

Schedule of Licence Conditions

<p>demonstrating the Challenge 25 policy as well as selling alcohol to children by proxy are placed at the entrance to the premises as well as being displayed in all areas serving alcohol. Staff training should incorporate this.</p> <p>4. The Premise Licence Holder will also ensure regular checks are made around or outside of the premises for underage persons encouraging adults to buy alcohol for them.</p>		
<p>1. Staff shall monitor customers outside the premises on a regular basis and ensure patrons do not cause a public nuisance.</p> <p>2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.</p>	Yes	Licensing and Out of Hours