



## **Licensing Sub Committee Hearing Panel**

Date: Tuesday, 27 November 2018

Time: 10.00 am

Venue: The Council Antechamber, Town Hall Extension,  
Albert Square

Everyone is welcome to attend this committee meeting.

### **Access to the Council Antechamber**

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk. **There is no public access from the Lloyd Street entrances of the Extension.**

## **Membership of the Licensing Sub Committee Hearing Panel**

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**Councillors** – Stone (Chair), Lynch and Paul.

## Agenda

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**1. Urgent Business**

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

**2. Appeals**

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

**3. Interests**

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

**4. Application for a New Premises Licence for China Buffet, Basement, 16 Nicholas Street, Manchester, M1 4EJ. 5 - 8**

The report of the Head of Planning, Building Control and Licencing is attached.

**5. Application for a New Premises Licence for G B Stores, 4 Polygon Street, Manchester, M13 9SG 9 - 56**

The report of the Head of Planning, Building Control and Licencing is attached.

**6. Application for a Premises Licence Variation for Alfaisal 2, 69 Thomas Street, Manchester, M4 1LQ 57 - 112**

The report of the Head of Planning, Building Control and Licencing is attached.

**7. Application for a Premises Licence Variation for 256, 256 Wilmslow Road, Manchester, M14 6LB 113 - 208**

The report of the Head of Planning, Building Control and Licencing is attached.

## Information about the Committee

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The Licensing and Appeals Committee fulfills the functions of the Licensing Authority in relation to the licensing of taxi drivers.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE  
Chief Executive  
Level 3, Town Hall Extension,  
Albert Square,  
Manchester, M60 2LA

## Further Information

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

Beth Morgan  
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This agenda was issued on **Wednesday, 21 November 2018** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA

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## Licensing Act 2003 (Hearings) Regulations 2005

**Reference:** 220448  
**Name:** China Buffet  
**Address:** Basement, 16 Nicholas Street, Manchester, M1 4EJ  
**Ward:** Deansgate  
**Application Type:** Premises Licence (new)  
**Name of Applicant:** Wai Kong Ltd  
**Date of application:** 03/10/2018

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

### Proposed licensable activities and opening hours to be granted

Provision of regulated entertainment (recorded music):

Mon to Sat 12.00pm to 10.50pm

Sun 12.00pm to 10.00pm

The supply of alcohol for consumption on the premises only:

Mon to Sat 12.00pm to 10.50pm

Sun 12.00pm to 10.00pm

Opening hours:

Mon to Sat 12.00pm to 10.50pm

Sun 12.00pm to 10.00pm

### Representations received

Greater Manchester Police	Prevention of Public Nuisance Prevention of Crime and Disorder The upholding of Public Safety The protection of children from harm
Licensing & Out of Hours Compliance	Prevention of Public Nuisance Prevention of Crime and Disorder The upholding of Public Safety

	The protection of children from harm
The Trading Standards Service	The protection of children from harm

## Agreements between parties

### Greater Manchester Police:

- 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. The CCTV cameras shall continually record whilst 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 so it 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.
- An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
  - (a) all crimes reported to the venue, or by the venue to the Police
  - (b) all ejections of patrons
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system
  - (e) any visit by a relevant authority or emergency service
  - (f) All refusals of sales of alcohol
- The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of identification to enable to verify their identity against the notice.
- The premises shall display prominent signage indicating at any point of sale, the entrance to the premises and in all areas where alcohol is located that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
- In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log and monitor staff to ensure their training is put into practice. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals.

### Licensing & Out of Hours Compliance:

- Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry to the premises.
- An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
  - (a) all crimes reported to the venue, or by the venue to the Police
  - (b) all ejections of patrons
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system
  - (e) any visit by a relevant authority or emergency service
  - (f) All refusals of sales of alcohol**(Also agreed by GMP)**
- All staff shall be trained (and documented) in:
  - recognising signs of drunkenness
  - how to refuse service
  - the conditions attached to the premises licence
  - action to be taken in the event of an emergency
  - age restrictions in relation to products
  - challenge 25 age verification
- The supply of alcohol shall only be to a person seated taking a table meal there and for consumption by such person as ancillary to their meal.
- A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be kept for a minimum of 6 months and made available to GMP and an Authorised Officer of the Licensing Authority.
- There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
- The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of identification to enable to verify their identity against the notice. **(Also agreed by GMP)**
- The premises licence holder shall ensure that at all times when the public is present there is at least one competent person able to administer first aid.
- The premises licence holder shall ensure that at all times an adequate supply of first aid equipment and materials is available on the premises, and records of any first aid treatments are logged.
- All staff shall be trained (and documented) in:
  - fire safety procedures
  - evacuation procedures

- reporting of an emergency to the relevant emergency service

- Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
- Notices shall be displayed in any area used for smoking requesting patrons respect the needs of the local residents and use the area quietly.
- There shall be a documented Dispersal Policy, as agreed with Manchester City Council prior to this licence being agreed.

**The Trading Standards Service:**

- 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.
- Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.

**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
- Original application form
- Representations made against application and respective agreements



**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Subcommittee Hearing Panel – 27 November 2018

**Subject:** G B Stores, 4 Polygon Street, Manchester, M13 9SG - 220516

**Report of:** Head of Planning, Building Control and Licensing

**Summary**

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

**Recommendations**

That the Panel determine the application.

**Wards Affected:**

Ardwick

<b>Manchester Strategy Outcomes</b>	<b>Summary of the contribution to the strategy</b>
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

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**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

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**Contact Officers:**

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**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 28/09/2018, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 in respect of G B Stores, 4 Polygon Street, Manchester, M13 9SG in the Ardwick ward of Manchester. A location map of the premises is attached at Annex 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 Annex 2.
- 2.2. The **applicant** is Mr Abid Mahmood.
- 2.3. The **description of the premises** by the applicant is: The premises are a new convenience store. The application is off sales only and alcohol will form only around 20% of the complete offering to customers. Fresh food and all other types of goods will be sold including toiletries, household, frozen food, newspapers etc. The premises are within a brand-new development of apartments and will include high spec CCTV equipment.
- 2.4. The proposed **designated premises supervisor** is Mr Abid Mahmood
- 2.5. **The licensable activities applied for:**

The supply of alcohol for consumption off the premises only:  
Mon to Sun 8am to 10pm

Opening hours:  
Mon to Sun 7am to 10pm

- 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 Annex 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 Annex 4.

## 3. Relevant Representations

3.1. A total of **5** relevant representations were received in respect of the application and are included as Annex 3. Three of the representations are in support of the application. The personal details of all members of the public have been redacted. Original copies of these representation will be available to the Panel at the hearing.

### Responsible Authorities:

- MCC Licensing and Out of Hours Compliance Team;
- Other Persons: Residents (3 supporting the application, 1 objecting).

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	<p>Insufficient information in the operating schedule particularly with regard to:</p> <ul style="list-style-type: none"> <li>• Staff training and knowledge of the DPS – this leads to concerns regarding upholding the licensing objectives.</li> <li>• Exacerbation of existing issues in the area, such as street drinking, particularly considering the proximity to a large music venues.</li> <li>• Potential for customers who are vulnerable persons in the area wanting to buy alcohol, and the issues that could arise from this</li> </ul>	Grant with conditions
Resident x 3 (in support of)	RES2: States that sales of alcohol at the applicant's former nearby premises was not	Grant

application)	<p>connected to the presence of homeless people in the area</p> <p>RES3: States “I have never witnessed any social problems whenever I have been in the shop</p> <p>RES4: States that the store “is a focal point for the community to shop and congregate. For some of the elderly residents it is a meeting place for news and to obtain information regarding events and housing issues”</p>	
Resident x 1 (objecting to application)	<p>The grounds for objection that “there are already three off licence premises within a short distance and with the history of GB Stores with customers being a public disturbance and loitering around the shop, with later closing times this would be worse for the residents around the area. Now being located on a main thoroughfare for local children after school this would potentially put them at risk of harm.”</p>	None

3.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at Annex 4.

3.4 Agreements on conditions have been reached with **Licensing Out of Hours and Compliance team**

#### 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 to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. 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 that an opposed application that complies with the Policy will not necessarily be granted, nor will an opposed application that does not comply with it necessarily be refused.
- 4.5.4. Where there is objection to an operating schedule that departs from the Policy, the Panel hearing an opposed application will normally expect to be given a good reason for the departure if it is to be asked to make an exception to the Policy.
- 4.5.5. The licensing authority will not interfere with an operating schedule that does not comply with the Policy where the steps proposed are sufficient to meet the licensing objectives in the individual circumstances of the case.
- 4.5.6. There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy

rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.

4.5.7. 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:

- Communication and integration with local residents and businesses through licensees consulting with those in the local area prior to an application.

### **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 licences to nightlife entertainment areas
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance
- 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
- MS5 Prevent on-street consumption of alcohol
- 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.

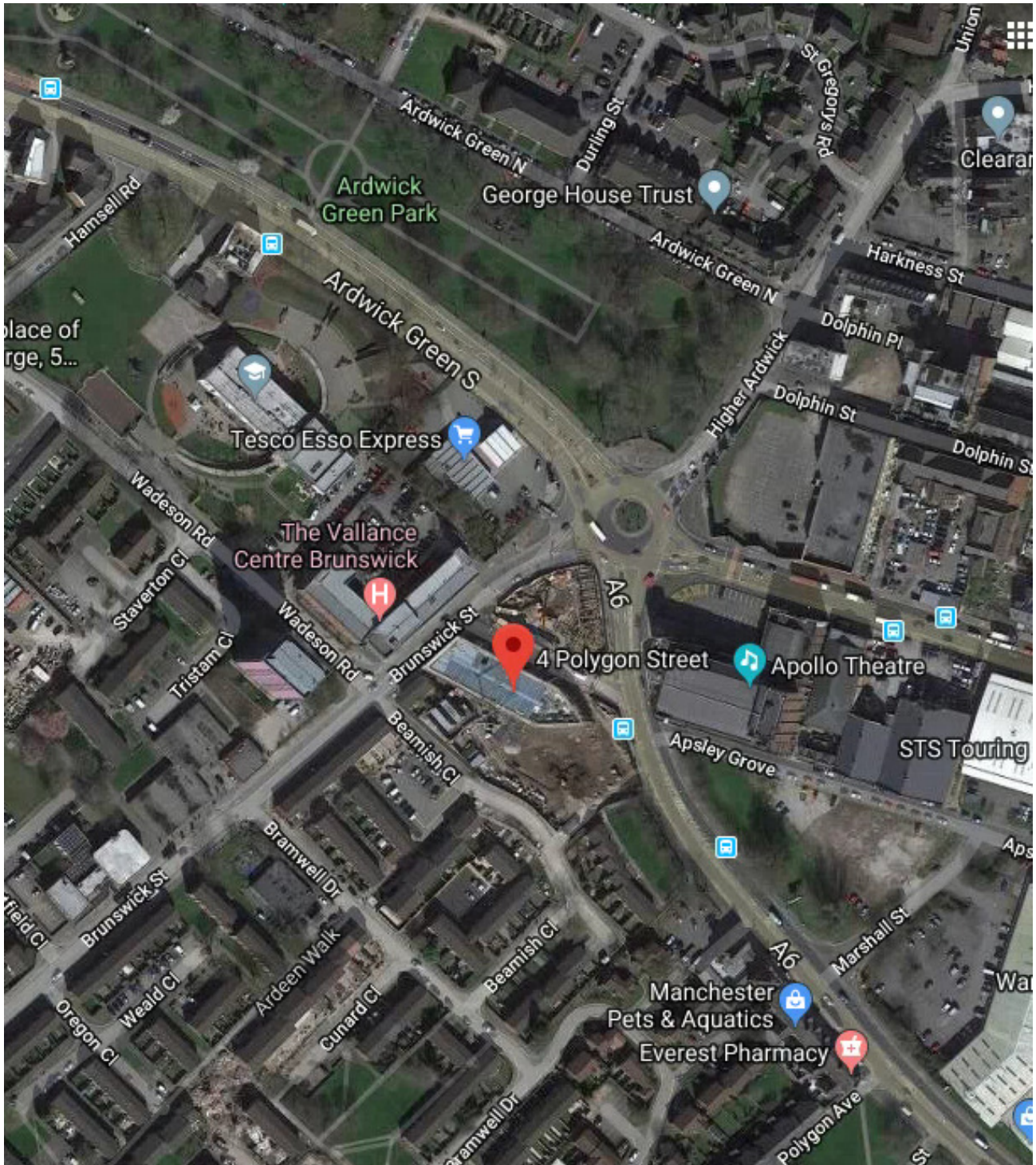
## **5 Conclusion**

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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.
- 5.5 All licensing determinations should be considered on the individual merits of the application.
- 5.6 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.
- 5.7 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.
- 5.8 The Panel is asked to determine the application.

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G B Stores  
4 Polygon Street, Manchester, M13 9SG

Premises Licensing  
Manchester City Council

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## Schedule of Licence Conditions

<b>Conditions consistent with the operating schedule</b>	<b>Agreed</b>	<b>Proposed by</b>
<ol style="list-style-type: none"> <li>1. Staff will be trained before making sales of alcohol in their responsibilities under the Licensing Act 2003. Training will be documented &amp; made available to the Police &amp; authorised officers of the council upon reasonable request.</li> <li>2. A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 31 days. At least one camera will be located to capture the outside of the premises. All CCTV images will be provided to the police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images, subject of the provisions of the DPA.</li> <li>3. A register of refusals of alcohol will be maintained at the premises. The register shall be examined on a regular basis by the duty manager/ DPS and the date and time of each examination will be endorsed in the register. The register will be made available for inspection by the Police and other authorised officers of the council upon reasonable request.</li> <li>4. An incident register will be maintained at the premises and made available to the authorities on request.</li> <li>5. A notice will be on display asking that the customers leave the area quietly and respect the local residents.</li> <li>6. All staff at the store will be trained in how to manage any person who they suspect may create a public nuisance in the area of the store. Such people will be asked to leave the area quietly (if safe to do so) an entry will be made in the incident register.</li> <li>7. The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25 they will be asked for proof of their age, to prove that they are 18 years or older.</li> <li>8. Posters will be on display advising customers of the 'Challenge 25' policy.</li> <li>9. The only forms of identification that will be accepted at the premises are a passport, UK photo-card driving licences, &amp; cards bearing the 'PASS' hologram.</li> </ol>	N/A	Applicant
<b>Conditions proposed by objectors</b>	<b>Agreed</b>	<b>Proposed by</b>
<ol style="list-style-type: none"> <li>10. When events are held at the Apollo the licence holder will be vigilant in relation to any persons consuming alcohol outside the premises. Should they do so, if appropriate, they will be asked to move away. The outside of the store will also be monitored and kept clear of litter.</li> </ol>	Yes (all)	Licensing and Out of Hours

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**Manchester City Council  
Report for Resolution**

**Report To:** Licensing Subcommittee Hearing Panel – 27 November 2018

**Subject:** Alfaisal 2, 69 Thomas Street, Manchester, M4 1LQ - Premises Licence variation 220991

**Report of:** Head 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.

**Wards Affected:**

Piccadilly

<b>Manchester Strategy Outcomes</b>	<b>Summary of the contribution to the strategy</b>
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 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

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**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

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**Contact Officers:**

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**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

## 1.0 Introduction

- 1.1 On 08/10/2018, an application was made for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 in respect of Alfaisal 2, 69 Thomas Street, Manchester, M4 1LQ in the Piccadilly ward of Manchester. A location map of the premises is attached at Annex 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.

## 2.0 Current Licence

- 2.1 The premises licence holder is Tariq Mahmood Malik and a copy of the current licence is attached at Annex 5.

## 3.0 The Application

- 3.1 A copy of the application is attached at Annex 2.
- 3.2 The **variation is to** extend the closing time and the terminal hour for serving hot food and drinks on Friday and Saturday nights from 3am to 5am:

### **Provision of late night refreshment:**

Current hours: Sun to Thu 11pm to 1am, Fri to Sat 11pm to 3am

Proposed hours: Sun to Thu 11pm to 1am, Fri to Sat 11pm to 5am

### **Opening hours:**

Current hours: Sun to Thu 9am to 1am, Fri to Sat 9am to 3am

Proposed hours: Sun to Thu 9am to 1am, Fri to Sat 9am to 5am

- 3.2.1 Any further details provided relating to any of the individual licensable activities are specified on the application form at Annex 2.

## 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 Annex 3.

## **4 Relevant Representations**

4.1 A total of 4 relevant representations were received in respect of the application (Annex 4). 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:

- Residents (x2).

4.2 Any conditions proposed by objectors are set out in the Schedule of Conditions at Annex 3.

4.3 An agreement on conditions has subsequently been reached with Greater Manchester Police.

4.4 Summary of the representations:

<b>Party</b>	<b>Grounds of representation</b>	<b>Recommends</b>
GMP	No extra conditions have been offered to ensure that the later hours do not cause issues relating to levels of intoxication of customers likely to undermine the crime & disorder, public safety and public nuisance licensing objectives.	Grant subject to agreed condition (originally Refuse)
Licensing and Out of Hours Compliance	Concerns that the late hours applied for will lead to a higher risk of noise problems and that the applicant has not proposed additional conditions regarding the control of customers who are likely	Refuse

	to be intoxicated thus undermining the public nuisance objective.	
Residents (x2)	Concerned over noise levels, litter and anti-social behaviour into the early hours and the lack of additional steps the applicant intends to implement to support increased opening hours until 5am in a predominantly residential area.	Refuse

## 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 to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. 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 that an opposed application that complies with the Policy will not necessarily be granted, nor will an opposed application that does not comply with it necessarily be refused.
- 4.5.4. Where there is objection to an operating schedule that departs from the Policy, the Panel hearing an opposed application will normally expect to be given a good reason for the departure if it is to be asked to make an exception to the Policy.
- 4.5.5. The licensing authority will not interfere with an operating schedule that does not comply with the Policy where the steps proposed are sufficient to meet the licensing objectives in the individual circumstances of the case.
- 4.5.6. There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 4.5.7. 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
- Evidence of pre-existing problems in the area
- Proximity of takeaways and licences to nightlife entertainment areas
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance
- 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
- 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

## 5 Conclusion

- 5.1 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.
- 5.2 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.
- 5.3 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:
    - a) the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate, and
    - b) 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.
- 5.4 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.
- 5.5 All licensing determinations should be considered on the individual merits of the application.
- 5.6 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.
- 5.7 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.
- 5.8 The Panel is asked to determine the application.

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Alfaisal 2  
69 Thomas Street, Manchester, M4 1LQ



<b>PREMISE NAME:</b>	Alfaisal 2
<b>PREMISE ADDRESS:</b>	69 Thomas Street, Manchester, M4 1LQ
<b>WARD:</b>	Piccadilly
<b>HEARING DATE:</b>	27/11/2018

**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 TARIQ MAHMOOD MALIK.....

*(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 LPA203670.
---------------------------------------

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
69 Thomas street Manchester , Northern Quarter M411Q			
Post town	MANCHESTER	Postcode	M4 1LQ
Telephone number at premises (if any)	/		
Non-domestic rateable value of premises	£14250		

**Part 2 – Applicant details**

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	as above		
Post town		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
[ ] [ ]	[ ] [ ]	[ ] [ ] [ ] [ ]

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

The proposed variation is a change of closing times on Friday and Saturday nights to 5:00 AM, including the serving of hot food and soft drinks up to 5:00 AM.

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:

**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 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

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					



**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b>Please give further details</b> (please read guidance note 4)
Day	Start	Finish	
Mon			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 5)
Tue			
Wed			
Thur			<b>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</b> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)					
Mon								
Tue								
Wed						<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur								
Fri						<b>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</b> (please read guidance note 6)		
Sat								
Sun								

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> 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	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 4)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri					
Sat			<b>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</b> (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 <b>place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>		
Day				Start	Finish	Outdoors	<input type="checkbox"/>
						Both	<input type="checkbox"/>
Mon	2300	0100		<b>Please give further details here</b> (please read guidance note 4) Provision of hot food and soft drinks indoors			
Tue	2300	0100					
Wed	2300	0100	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5) None				
Thur	2300	0100					
Fri	2300	0500	<b>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</b> (please read guidance note 6) /				
Sat	2300	0500					
Sun	2300	0100					



**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	-----	-----			
Tue	-----	-----			
Wed	-----	-----			
Thur	-----	-----			
Fri	-----	-----			
Sat	-----	-----			
Sun	-----	-----	<b>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</b> (please read guidance note 6)		
Thur	-----	-----			
Fri	-----	-----			
Sat	-----	-----			
Sun	-----	-----			
Mon	-----	-----			
Tue	-----	-----			

**K**

<p>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). Not applicable</p>
---

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5) None
Day	Start	Finish	
Mon	0900	0100	
Tue	0900	0100	
Wed	0900	0100	
Thur	0900	0100	
Fri	0900	0500	
Sat	0900	0500	
Sun	0900	0100	<b>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</b> (please read guidance note 6) /

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.  
 None known- extra two hours trading applied for on Friday and Saturday only

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.  
Applying for a variation of premises license has already been granted, if copy of premises license is required I can forward in due course

**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 10)**

No further additional steps

**b) The prevention of crime and disorder**

No further additional steps

**c) Public safety**

No further additional steps

**d) The prevention of public nuisance**

No further additional steps

**e) The protection of children from harm**

No further additional steps

**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, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING  
LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003,  
TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures** (please read guidance note 11)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[REDACTED]
Date	8/10/18
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 13). **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 14)

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

## Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

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## Schedule of Licence Conditions

<b>Conditions consistent with the operating schedule</b>	<b>Agreed</b>	<b>Proposed by</b>
No steps additional to those in the currently issued licence	N/A	Applicant
<b>Conditions proposed by objectors</b>	<b>Agreed</b>	<b>Proposed by</b>
1. On Fridays and Saturdays SIA registered doorstaff shall be employed at the premises from 0100 hours until 0500 hours to assist with the orderly dispersal of customers. When on duty door staff shall wear Hi-Vis jackets.	Yes	GMP

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# GREATER MANCHESTER POLICE - REPRESENTATION

## About You

Name	<b>PC Alan Isherwood</b>
Address including postcode	1 <sup>st</sup> Floor 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.	<b>LPV 220991</b>
Name of the Premises	<b>Alfaisal 2</b>
Address of the premises including postcode	69 Thomas Street, Manchester M4 1LQ

## 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 on the grounds of Prevention of Crime and Disorder and the Prevention of Public Nuisance and Public Safety.

The operating schedule which accompanies the application offers nothing in terms of extra measures that will be put in place to ensure that the later hours do not cause issues in the location of the premises.

GMP would expect that extra conditions would have been offered by the applicant to demonstrate how the extended hours will not undermine the licensing objectives.

If these later hours were granted the number of customers and their level of intoxication is likely to increase significantly.

This is not reflected anywhere within this application.

We therefore ask that this application is refused.



From: <Alan.Isherwood@gmp.police.uk>  
Date: Tue, 13 Nov 2018 at 06:44  
Subject: RE: Doorstaff Condition  
To: <[REDACTED]>, <premises.licensing@manchester.gov.uk>  
Cc: <CentralLicensing@gmp.police.uk>

Dear All,

In view of the email below from the applicant, in which they agree to the condition requested by GMP being attached to the licence, GMP are happy for the variation to be granted with this condition attached.

Please can this application now be shown as agreed between the applicant and GMP.

Kind Regards

Alan

PC 17659 Alan Isherwood  
Divisional Licensing Officer  
Greater Manchester Police  
City of Manchester Division  
1st Floor  
Manchester Town Hall Extension  
Lloyd Street  
Manchester  
M2 5DB

[alan.isherwood@gmp.police.uk](mailto:alan.isherwood@gmp.police.uk)

0161 856 6017

Follow us on Twitter: @gmpolice

\*NOT PROTECTIVELY MARKED\*

From: Tariq Malik [mailto:[REDACTED]]  
Sent: 11 November 2018 22:56  
To: Alan Isherwood  
Subject: Re: Doorstaff Condition

Dear Alan , hope this email finds you well .i am in tita,l agreement with the condition of the doorman .this would be adhered to from 01:00-05:00or variation hours applied for . This will enable us to move the public along . There will be avoidance of

challenging customers , Queues would not be long and would be managed effectively and the doorman would be able to talk to customers about noise and any litter . we will make sure that there is no litter being dropped outside . We have looked in to a company called Sia security. they will be properly clothed as per your conditions

Thanks,  
Tariq Malik

On 7 Nov 2018, at 13:35,  
<[Alan.Isherwood@gmp.police.uk](mailto:Alan.Isherwood@gmp.police.uk)<mailto:[Alan.Isherwood@gmp.police.uk](mailto:Alan.Isherwood@gmp.police.uk)>>  
<[Alan.Isherwood@gmp.police.uk](mailto:Alan.Isherwood@gmp.police.uk)<mailto:[Alan.Isherwood@gmp.police.uk](mailto:Alan.Isherwood@gmp.police.uk)>> wrote:  
Hi Mrs Malik,

Thank you for your phone call earlier.

The condition that GMP would require on the premises licence would read as follows:

On Fridays and Saturdays SIA registered doorstaff shall be employed at the premises from 0100 hours until 0500 hours to assist with the orderly dispersal of customers. When on duty door staff shall wear Hi-Vis jackets.

Please can you let me know that you are in agreement.

Kind Regards

Alan

PC 17659 Alan Isherwood  
Divisional Licensing Officer  
Greater Manchester Police  
City of Manchester Division  
1st Floor  
Manchester Town Hall Extension  
Lloyd Street  
Manchester  
M2 5DB

[alan.isherwood@gmp.police.uk](mailto:alan.isherwood@gmp.police.uk)<mailto:[alan.isherwood@gmp.police.uk](mailto:alan.isherwood@gmp.police.uk)>

0161 856 6017

<b>Licensing &amp; Out of Hours Compliance Team - Representation</b>	
Name	Gemma Smith
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	gemma.smith2@manchester.gov.uk
Telephone Number	0161 234 1220

<b>Premise Details</b>	
Application Ref No	220991
Name of Premises	Faisal 2
Address	69 Thomas Street, Manchester, M4 1LQ

<b>Representation</b>	
Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.	
<p>Licensing and Out of Hours have assessed the likely impact of the grant of this variation application taking into account a number of factors, including the activities and extensions being applied for, the nature of the area in which the premises is located and any potential risk that granting the variation could have on any of the four licensing objectives.</p> <p>As a result of this assessment the Licensing and Out of Hours Team have concerns that the grant of the application, in its current form, is likely to lead to The Prevention of Public Nuisance being undermined. Namely that the late hours applied for on the application will lead to a higher risk of noise problems as outlined in Manchester Councils Statement of Licensing Policy 2016-2021 7.29.</p> <p>The premises is located on Thomas Street, within The Northern Quarter district of the City. There are commercial properties nearby, with residential dwellings and a number of alcohol led, licensed premises in close proximity.</p> <p>The premises currently operates as a food outlet providing Late Night Refreshment Sunday to Thursday 2300 – 0100 and Friday to Saturday 2300 – 0300. The variation application proposes to extend Late Night Refreshment on Friday and Saturday to 0500.</p> <p>The premises currently attracts people to the area from nearby late night venues who are under the influence of alcohol. The extension of Late Night Refreshment to such a late hour could create a higher risk of the customers causing a noise nuisance to residents who live nearby, as they queue or wait for their orders and are likely to be intoxicated. In addition to this Licensing and Out of Hours have concerns regarding how the premises intend to manage customers congregating outside the premises. The applicant has not proposed any additional or robust conditions as to how they will ensure that their customers will be managed effectively.</p> <p>Licensing and out of hours therefore recommend that the application is refused.</p>	
<b>Recommendation: Refuse Application</b>	



Premises Licensing &lt;premises.licensing@manchester.gov.uk&gt;

## OBJECTION - Premises Licence variation 220991/PW5: Alfaisal 2, 69 Thomas Street, Manchester, M4 1LQ, (Piccadilly ward)

16 October 2018 at 08:31

To: premises.licensing@manchester.gov.uk  
 Cc: Cllr Adele Douglas <cllr.adele.douglas@manchester.gov.uk>, Cllr Sam Wheeler <cllr.sam.wheeler@manchester.gov.uk>, Cllr Jon-Connor Lyons <cllr.jon-connor.lyons@manchester.gov.uk>, [REDACTED]

For the attention of Mr Ware,

Dear Mr Ware,

I would like to add the following points to my Objection below:

The extension of trading hours to Al-Faisal 2 will have a detrimental effect in our residential street (Tib Street) in the following areas:

1. Noise Levels
2. Litter thrown into pocket park opposite Al-Faisal 2.
3. Antisocial Behaviour of customers being under the effect of alcohol at such late hour in the morning.

Please add these points to my formal objection below.

Thanks for your help

Kind regards

Sent from my iPad

On 14 Oct 2018, at 11:12, [REDACTED] > wrote:

For the attention of Patrick Ware

Dear Mr Ware,

I wish to lodge a formal objection to the proposed variation of the above-named Premises Licence in so far as the Premises Licence Holder wishes to extend his opening hours and the provision of late night refreshment from 3am to 5am, Friday to Saturday.

I am an owner-occupier of a flat within [REDACTED] and lies in close proximity to the licensed premises.

The reason for my formal objection is that I believe it will negatively impact on two of the four Licensing Objectives, namely:

- \* the prevention of crime and disorder
- \* the prevention of public nuisance

My objection is reinforced by the fact that the Applicant provides no additional steps by which he intends to promote any of the Licensing Objectives. This indicates to me that he has given little (if any) consideration to the practical realities of the proposed Variation (which I understand relates to his new premises on Thomas Street (at No 69) rather than his existing premises on Thomas Street (at No 58) in light of his having received a Notice to Quit from his Landlord (Agecroft Developments)).

The proposed variation is yet another example of "mission creep" whereby Premises Licences in the Northern Quarter (which remains a predominantly residential



neighbourhood) are being incrementally changed which is undoubtedly harming the unique character of the neighbourhood not least in the significant increase in anti-social behaviour and the disproportionately high amount of litter and human detritus which is now blighting it.

Put simply, it is my firm belief that, should the proposed Variation be granted, it will then set an unwelcome Licensing precedent and encourage other Premises Licence Holders to seek similar variations of their respective Premises Licences to 5am and later still such that, in a relatively short space of time, the new benchmark for the Northern Quarter could soon sit on a par with Canal Street (which I understand is 6am). That is wholly out of keeping in a residential neighbourhood. It would not be tolerated in Ancoats and should accordingly not be tolerated in the Northern Quarter.

Yours sincerely,

Sent from my iPad

On 10 Oct 2018, at 08:48, Premises Licensing <[premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)> wrote:

**Date:** 10 October 2018

**Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005**

Dear Sir / Madam

I am writing to notify you that a licence application has been received for a premises in **Piccadilly** ward as follows (Deansgate and Ancoats & Beswick wards included due to proximity to ward boundary):

**Application Type:** Premises Licence variation

**Reference:** 220991/PW5

**Premises:** Alfaisal 2, 69 Thomas Street, Manchester, M4 1LQ

**Applicant:** Tariq Mahmood Malik

**Description of proposed variation as given by the applicant:**

To change the closing time and the terminal hour for serving hot food and drinks on Friday and Saturday nights to 5am.

**Proposed hours and licensable activities:**

Provision of late night refreshment:

Current hours: Sun to Thu 11pm to 1am, Fri to Sat 11pm to 3am

Proposed hours: Sun to Thu 11pm to 1am, Fri to Sat 11pm to 5am

Opening hours:

Current hours: Sun to Thu 9am to 1am, Fri to Sat 9am to 3am

Proposed hours: Sun to Thu 9am to 1am, Fri to Sat 9am to 5am

**Steps to promote licensing objectives as given by the applicant**

No additional steps.

The application is in consultation until midnight on **05/11/2018**.

Any person wishing to comment on the application must do so in writing to [premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk) no later than this date.



Premises Licensing &lt;premises.licensing@manchester.gov.uk&gt;

## OBJECTION - Premises Licence variation 220991/PW5: Alfaisal 2, 69 Thomas Street, Manchester, M4 1LQ, (Piccadilly ward)

14 October 2018 at 09:15

To: premises.licensing@manchester.gov.uk

Cc: Cllr Adele Douglas &lt;cllr.adele.douglas@manchester.gov.uk&gt;, Cllr Sam Wheeler &lt;cllr.sam.wheeler@manchester.gov.uk&gt;, Cllr Jon-Connor Lyons &lt;cllr.jon-connor.lyons@manchester.gov.uk&gt;, [REDACTED]

For the attention of Patrick Ware

Dear Mr Ware,

I wish to lodge a formal objection to the proposed variation of the above-named Premises Licence in so far as the Premises Licence Holder wishes to extend his opening hours and the provision of late night refreshment from 3am to 5am, Friday to Saturday.

I am an owner-occupier of a [REDACTED] and lies in close proximity to the licensed premises.

The reason for my formal objection is that I believe it will negatively impact on two of the four Licensing Objectives, namely:

- \* the prevention of crime and disorder
- \* the prevention of public nuisance

My objection is reinforced by the fact that the Applicant provides no additional steps by which he intends to promote any of the Licensing Objectives. This indicates to me that he has given little (if any) consideration to the practical realities of the proposed Variation (which I understand relates to his new premises on Thomas Street (at No 69) rather than his existing premises on Thomas Street (at No 58) in light of his having received a Notice to Quit from his Landlord (Agecroft Developments)).

The proposed variation is yet another example of "mission creep" whereby Premises Licences in the Northern Quarter (which remains a predominantly residential neighbourhood) are being incrementally changed which is undoubtedly harming the unique character of the neighbourhood not least in the significant increase in anti-social behaviour and the disproportionately high amount of litter and human detritus which is now blighting it.

Put simply, it is my firm belief that, should the proposed Variation be granted, it will then set an unwelcome Licensing precedent and encourage other Premises Licence Holders to seek similar variations of their respective Premises Licences to 5am and later still such that, in a relatively short space of time, the new benchmark for the Northern Quarter could soon sit on a par with Canal Street (which I understand is 6am). That is wholly out of keeping in a residential neighbourhood. It would not be tolerated in Ancoats and should accordingly not be tolerated in the Northern Quarter.

Yours sincerely,

Sent from my iPad

On 10 Oct 2018, at 08:48, Premises Licensing &lt;premises.licensing@manchester.gov.uk&gt; wrote:

**Date:** 10 October 2018

### **Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005**

Dear Sir / Madam

I am writing to notify you that a licence application has been received for a premises in **Piccadilly** ward as follows (Deansgate and Ancoats & Beswick wards included due to proximity to ward boundary):

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# MANCHESTER CITY COUNCIL

## LICENSING ACT 2003 PREMISES LICENCE

<b>Premises licence number</b>	203670
<b>Granted</b>	14/12/2017
<b>Latest version</b>	Change of details issued 23/03/2018

### Part 1 - Premises details

<b>Name and address of premises</b>
<b>Alfaisal 2</b> 69 Thomas Street, Manchester, M4 1LQ
<b>Telephone number</b>
To be confirmed

<b>Licensable activities authorised by the licence</b>
1. The provision of late night refreshment.
* All references in this licence to "sale of alcohol" are to sale by retail.

<b>The times the licence authorises the carrying out of licensable activities</b>
---

<b>Provision of late night refreshment</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0100	0100	0100	0100	0300	0300	0100
Licensed to take place indoors only.							
<b>Seasonal variations and Non-standard Timings:</b>							
None							

<b>Hours premises are open to the public</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0900	0900	0900	0900	0900	0900	0900
Finish	0100	0100	0100	0100	0300	0300	0100
<b>Seasonal variations and Non-standard Timings:</b>							
None							

### Part 2

<b>Details of premises licence holder</b>	
<b>Name:</b>	Mr Tariq Mahmood Malik
<b>Address:</b>	69 Thomas Street, Manchester, M4 1LQ
<b>Registered number:</b>	Not applicable

<b>Details of designated premises supervisor where the premises licence authorises for the supply of alcohol</b>
Not applicable

### Annex 1 – Mandatory conditions

#### Door Supervisors

1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -
  - (a) Unauthorised access or occupation (e.g. through door supervision),
  - (b) Outbreaks of disorder, or
  - (c) Damage
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

### Annex 2 – Conditions consistent with the operating schedule

1. Notices shall be prominently displayed near all exits from the premises asking patrons to leave quietly with consideration for neighbours.
2. Staff shall ensure customers do not congregate outside the premises.
3. Refuse shall be collected from the premises regularly.

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

1. 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 whilst 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 so it 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.
2. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
  - (a) all crimes reported to the venue, or by the venue to the Police
  - (b) all ejections of patrons
  - (c) any incidents of disorder
3. Staff shall be trained to deal with challenging customers and customers who are under the influence of intoxicants. This training shall be repeated at no greater than 6 monthly intervals.
4. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 month intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
5. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.
6. No rubbish, including bottles shall be moved, removed or placed in outside areas between 23:00 and 07:30 Hours.
7. No rubbish shall be collected from the premises between 20:00 and 07:30 Hours.

**Annex 4 – Plans**

See attached

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Subcommittee Hearing Panel – 27 November 2018

**Subject:** 256, 256 Wilmslow Road, Manchester, M14 6LB - Premises  
Licence variation 221276

**Report of:** Head 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.

**Wards Affected:**

Fallowfield

<b>Manchester Strategy Outcomes</b>	<b>Summary of the contribution to the strategy</b>
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 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	
---	--

**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

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**Contact Officers:**

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

Name: Ashia Maqsood  
 Position: Technical Licensing Officer  
 Telephone: 0161 234 4139  
 E-mail: a.maqsood@manchester.gov.uk

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**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 15/10/2018, an application was made for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 in respect of 256, 256 Wilmslow Road, Manchester, M14 6LB in the Fallowfield ward of Manchester. A location map of the premises is attached at Annex 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 Sanctuary Leisure Limited and a copy of the current licence is attached at Annex 5.

## **3 The Application**

- 3.1 A copy of the application is attached at Annex 2.
- 3.2 The **variation is to** replace the conditions in Annex 2 and Annex 3 conditions from the current licence with the submitted operating schedule and policies.
  - 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 Annex 2.

### **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 proposed 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 Annex 3.

### 3.5 Further documentation accompanying the application

3.5.1 The applicant has submitted the following documents in support of their application, which are included at Annex 6:

- Smoking Policy
- Dispersal Policy

## 4 Relevant Representations

4.1 A total of **10** relevant representations were received in respect of the application (Annex 4). 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:

- MCC Licensing and Out of Hours Compliance Team;

#### Other Persons:

- Withington Ward Councillor;
- Residents (x8).

4.2 Summary of the representations:

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	The Out of Hours team are satisfied with the proposed operating schedule submitted with regard to the conditions, though they wish to retain the existing condition 1 under Annex 3. They also propose additional conditions to be attached to the licence to reduce public nuisance and anti-social behaviour.	Grant with conditions
Withington Ward Councillor	Concerns regarding crime and disorder, noise, litter and the health and safety of both staff, customers and local residents. The objector states that the variation application is not	Refuse

	sufficient enough to address their concerns.	
Residents (x8)	<p>The proposed variation will have an adverse impact on the local area and will undermine the licensing objectives.</p> <p>Concerns over the fear of violence, excessive alcohol/drug consumption of patrons, anti-social behaviours as a result of excessive alcohol/drug consumption, littering and noise disturbances.</p> <p>The variation will have an adverse impact on the users of the adjacent premises The Holy Innocents Church.</p> <p>The proposed variation offers less detail than the licensing conditions currently imposed.</p>	Refuse

4.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at Annex 3.

## **5 Key Policies and Considerations**

### **5.1 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 to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. 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 that an opposed application that complies with the Policy will not necessarily be granted, nor will an opposed application that does not comply with it necessarily be refused.
- 4.5.4. Where there is objection to an operating schedule that departs from the Policy, the Panel hearing an opposed application will normally expect to be given a good reason for the departure if it is to be asked to make an exception to the Policy.
- 4.5.5. The licensing authority will not interfere with an operating schedule that does not comply with the Policy where the steps proposed are sufficient to meet the licensing objectives in the individual circumstances of the case.
- 4.5.6. There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 4.5.7. 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
- 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
- MS4 Prevent the use of illegal drugs, new psychoactive substances (NPS) and the spiking of drinks at the premises
- 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
- MS9 Effectively manage exterior spaces (eg beer gardens, smoking areas, table and chair areas on the highway)



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

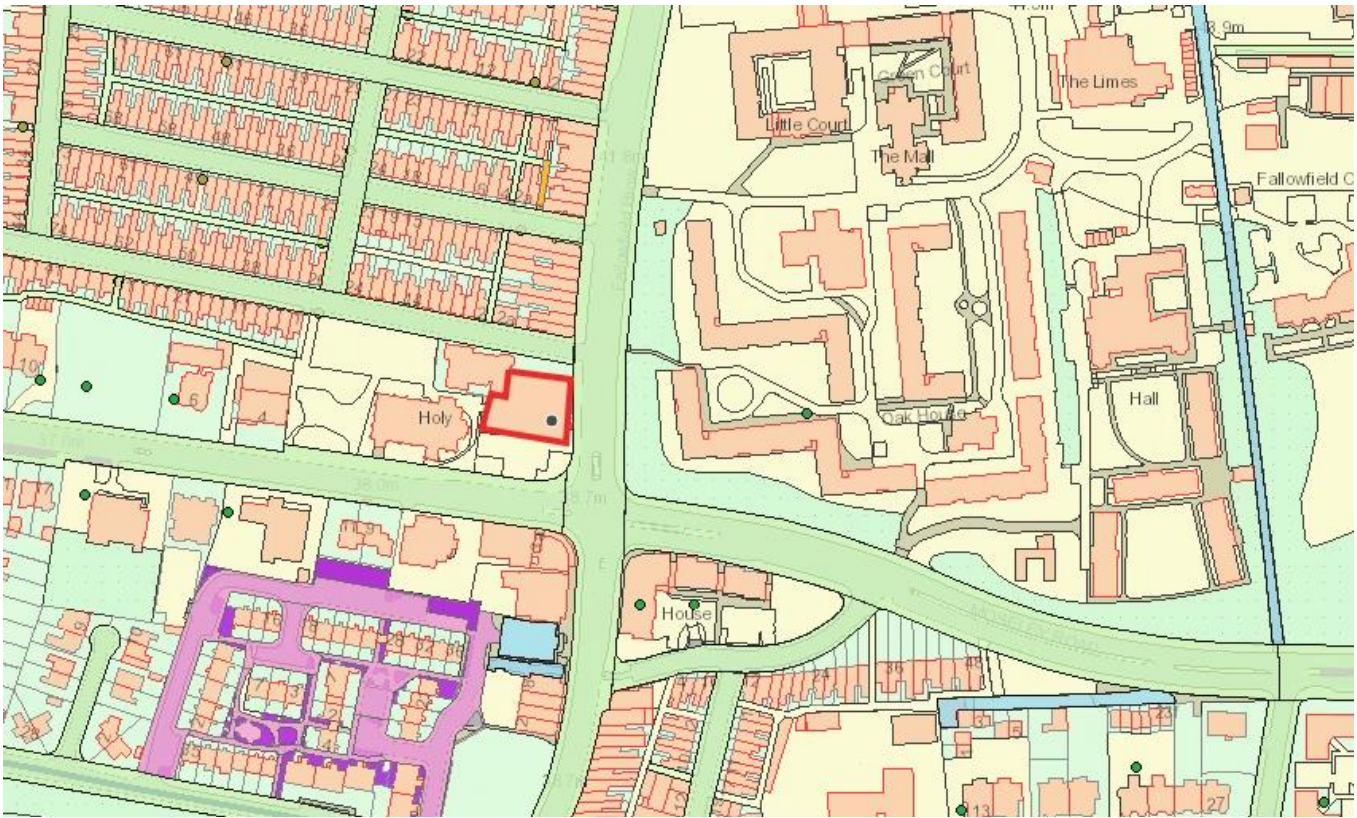
MS12 Prevent underage sales of alcohol, including proxy sales

## **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 Committee 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 authority’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.



256  
256 Wilmslow Road, Manchester, M14 6LB

Premises Licensing  
Manchester City Council

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**PREMISE NAME:** 256

**PREMISE ADDRESS:** 256 Wilmslow Road, Manchester, M14 6LB

**WARD:** Fallowfield

**HEARING DATE:** 27/11/2018

**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 Sanctuary Leisure 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

<b>Premises licence number</b> 049511
--

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description 256, 256 Wilmslow Road, Fallowfield			
Post town	Manchester	Postcode	M14 6LB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£110000

**Part 2 – Applicant details**

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address			
Post town		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)

The purpose of this application is to remove the existing Annex 2 and 3 conditions and replace with the attached operating schedule and policies.

There are to be no other changes to the licence.

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:

**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.

- | <b>Provision of regulated entertainment (Please see guidance note 3)</b>                                    | <b>Please tick all that apply</b> |
|---|-----------------------------------|
| 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 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 8)			<u>Will the performance of a play take place 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)			<u>Will the exhibition of films take place 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 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)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			<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 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place 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 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)			<u>Will the performance of live music take place 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	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
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)			<u>Will the playing of recorded music take place 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	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
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

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Wed			<b><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></b> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> 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	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Fri					
Sat			<b><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></b> (please read guidance note 7)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>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</u></b> (please read guidance note 7)		
Sat					
Sun					



J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)					
Mon								
Tue								
Wed								
Thur								
Fri								
Sat								
Sun								
						<b>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</b> (please read guidance note 7)		
Thur								
Fri								
Sat								
Sun								

K

<p><b>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</b> (please read guidance note 10).</p> <p>n/a</p>
---

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	00:01	00:00	
Tue	00:01	00:00	
Wed	00:01	00:00	
Thur	00:01	00:00	
Fri	00:01	00:00	
Sat	00:01	00:00	
Sun	00:01	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)

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.

As above, the existing annex 2 and 3 conditions are to be removed and replaced with the attached operating schedule and policies.

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**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)**

Please see attached operating schedule and policies.

**b) The prevention of crime and disorder**

Please see attached operating schedule and policies.

**c) Public safety**

Please see attached operating schedule and policies.

**d) The prevention of public nuisance**

Please see attached operating schedule and policies.

**e) The protection of children from harm**

Please see attached operating schedule and policies.

## 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	Kuit Steinart Levy LLP
Date	15 October 2018
Capacity	Solicitors and Authorised Agents

**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)

Kuit Steinart Levy LLP, 3 St Mary’s Parsonage

<b>Post town</b>	<b>Manchester</b>	<b>Post code</b>	<b>M3 2RD</b>
<b>Telephone number (if any)</b>	<b>0161 838 7888</b>		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

\_\_\_\_\_

### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

**OPERATING SCHEDULE****A) The Prevention of Crime and Disorder**

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. During University term time, door staff shall be employed at the premises from 21:00 until close at a ratio of 1:100 subject to a minimum of 3 door staff on Fridays and Saturdays and a minimum of 2 door staff Sunday to Thursday.
6. Out of University term time, door staff shall be employed at the premises from 21:00 until close on Fridays and Saturdays subject to a minimum of 2 door staff. At all other times, door staff shall be employed in accordance with a risk assessment to be carried out by the premises licence holder or designated premises supervisor.
7. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - (i) the number of door staff on duty;
  - (ii) the identity of each member of door staff;
  - (iii) the times the door staff are on duty.
8. Polycarbonate, or other such safety glass as agreed with the police, shall be in use at the premises from 21:00 daily. At all other times, the premises licence holder or designated premises supervisor shall undertake a continued risk assessment in terms of the use of polycarbonate or other such safety glass and implement its use where deemed appropriate.
9. The designated premises supervisor or nominated member of staff will regularly attend, and fully support the local Pubwatch or similar scheme whilst ever in operation.
10. No persons carrying open or sealed containers of alcohol shall be admitted to the premises except from the beer garden area.
11. No persons shall be permitted to remove open containers of alcohol from the premises except to the beer garden area.
12. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the licensing objectives and the laws in relation to under age sales and the sale of alcohol to intoxicated persons. That training shall be documented and repeated at 6 monthly intervals.
13. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

**B) Public Safety**

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.

3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain public liability insurance.
5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following:
  - a. all crimes reported;
  - b. any complaints received;
  - c. any ejections;
  - d. any incidents of disorder;
  - e. seizure of drugs or offensive weapons;
  - f. any faults in the CCTV system;
  - g. any visit by a responsible authority or emergency service.

### **C) The Prevention of Public Nuisance**

1. The beer garden area shall cease to be used at midnight, with the exception of a designated smoking area.
2. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
4. The exterior of the building shall be cleared of litter at regular intervals.
5. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
6. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
7. A Dispersal and Smoking Policy will be implemented and adhered to (see attached).
8. The emptying of bins into skips, and refuse collections will not take place between 11pm and 8am.

### **D) The Protection of Children From Harm**

1. A "Challenge 21" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 21 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 21 policy is in force.



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**256 WILMSLOW ROAD**

**SMOKING & AL FRESCO DINING POLICY**

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1. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
2. The outside area shall be monitored by staff or door staff regularly at all times it is in use.
3. The area will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
7. Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.

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**256 WILMSLOW ROAD**

**DISPERSAL POLICY**

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The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising pro-active measures towards and at the end of the evening.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this does not apply in the case of alcohol sold for consumption in any external area or in the case of alcohol sold for the purpose of consumption off the premises).
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> <li>1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.</li> <li>2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.</li> <li>3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.</li> <li>4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.</li> <li>5. During University term time, door staff shall be employed at the premises from 21:00 until close at a ratio of 1:100 subject to a minimum of 3 door staff on Fridays and Saturdays and a minimum of 2 door staff Sunday to Thursday.</li> <li>6. Out of University term time, door staff shall be employed at the premises from 21:00 until close on Fridays and Saturdays subject to a minimum of 2 door staff. At all other times, door staff shall be employed in accordance with a risk assessment to be carried out by the premises licence holder or designated premises supervisor.</li> <li>7. When employed, a register of those door staff employed shall be maintained at the premises and shall include: <ol style="list-style-type: none"> <li>(i) the number of door staff on duty;</li> <li>(ii) the identity of each member of door staff;</li> <li>(iii) the times the door staff are on duty.</li> </ol> </li> <li>8. Polycarbonate, or other such safety glass as agreed with the police, shall be in use at the premises from 21:00 daily. At all other times, the premises licence holder or designated premises supervisor shall undertake a continued risk assessment in terms of the use of polycarbonate or other such safety glass and implement its use where deemed appropriate.</li> <li>9. The designated premises supervisor or nominated member of staff will regularly attend, and fully support the local Pubwatch or similar scheme whilst ever in operation.</li> <li>10. No persons carrying open or sealed containers of alcohol shall be admitted to the premises except from the beer garden area.</li> </ol>	N/A	Applicant

11. No persons shall be permitted to remove open containers of alcohol from the premises except to the beer garden area.
12. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the licensing objectives and the laws in relation to under age sales and the sale of alcohol to intoxicated persons. That training shall be documented and repeated at 6 monthly intervals.
13. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

### **B) Public Safety**

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain public liability insurance.
5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following:
  - a. all crimes reported;
  - b. any complaints received;
  - c. any ejections;
  - d. any incidents of disorder;
  - e. seizure of drugs or offensive weapons;
  - f. any faults in the CCTV system;
  - g. any visit by a responsible authority or emergency service.

### **C) The Prevention of Public Nuisance**

1. The beer garden area shall cease to be used at midnight, with the exception of a designated smoking area.
2. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
4. The exterior of the building shall be cleared of litter at regular intervals.
5. Notices will be positioned at the exits to the building requesting

<p>customers to leave in a quiet manner.</p> <p>6. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.</p> <p>7. A Dispersal and Smoking Policy will be implemented and adhered to.</p> <p>8. The emptying of bins into skips, and refuse collections will not take place between 11pm and 8am.</p> <p><b><u>D) The Protection of Children From Harm</u></b></p> <p>1. A "Challenge 21" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.</p> <p>2. Staff training will include the Challenge 21 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.</p> <p>3. Notices advising what forms of ID are acceptable must be displayed.</p> <p>4. Notices must be displayed in prominent positions indicating that the Challenge 21 policy is in force.</p>		
<b>Conditions proposed by objectors</b>	<b>Agreed</b>	<b>Proposed by</b>
<p>1. A direct telephone number for the manager of the premises is made publically available at all times that the premises are open. This number would then be made available to the local residents within the vicinity of the premises.</p> <p>2. Notices shall be prominently displayed at any area used for smoking, requesting that patrons respect the needs of the local residents and use the area quietly.</p> <p>Revise Condition C) 1 as follows;</p> <p>3. The beer garden area shall cease to be used at midnight, with</p>	No	Licensing and Out of Hours

<p>the exception of a designated smoking area. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.</p> <p>Revise condition C) 4 as follows:</p> <p>4. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.</p>		
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From: [REDACTED] >

Date: 29 October 2018 at 14:39

Subject: Premises Licence Variation 221276/AM2 - 256 Wilmslow Road

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

We are emailing with regards Premises Licence Variation 221276/AM2, in respect of 256 Wilmslow Road. Whilst this premises is situated in Fallowfield ward, as Withington ward Councillors we wish to express a number of concerns, which we believe fall under the following criteria. The numbers in brackets after each of the criteria refer to the points made below.

The prevention of crime and disorder (1, 3, 4, 5)

Public safety (1, 2, 5, 9)

The prevention of public nuisance (3, 4, 5, 6, 7, 8)

In Annex 3.5 of the previously approved licence, it states that "Out of University term time, door staff shall be employed at the premises to a ratio of 1:100 subject to a minimum of 2 door supervisors from 2100 each day." Point A.6 of the variation only states 2 door staff on Friday and Saturday, with a risk assessment to be carried out the rest of the time. This seems to be a watering down of what is currently in place, which could compromise staff and customer safety.

In Annex 2.9 of the previously approved licence, it states that "Polycarbonate glassware (or other such safety glass agreed with the police) shall be in use at the premises". Point A.8 of the variation only makes this a requirement from 2100 daily, with a risk assessment to be carried out. Again, this looks like watering down and compromising of safety.

Annex 2.7 of the previously approved licence states that "In order to assist members of bar staff with refusals... a member of door staff shall be allocated responsibility to monitor the bar when the bar is open for the sale of alcohol as from 2200". This appears to have been weakened considerably with Point A.13 of the variation merely talking about a "refusals book". It is not made clear who is responsible for backing up staff when they refuse to serve customers, and this raises concerns regarding staff safety.

There is no equivalent of Annex 2.10 of the previously approved licence requiring the operator to consult with GMP at least 7 days before advertising any promotions that occur outside Fresher's weeks. They should still have and discharge this responsibility.

Point B.5 of the variation describes an incident log and what this will record. It is not clear however whether this will replace the Property Watch and Floor Watch outlined in Annex 2.5 and Annex 2.6 of the previously approved licence. This detailed requirements and responsibilities regarding suspicious behaviour, abandoned and unattended property, areas of concern in relation to drunkenness, localised overcrowding, toilet checks, and monitoring of entry and exit points for obstructions and hazards. All of these are safety concerns, and they are not covered explicitly in the variation. Points B.2 and B.3 of the variation make mention of safety checks, but not to the level in the previously approved licence.

Points C.2 and C.3 of the variation do not make clear how noise or vibration nuisances will be measured or determined, or who is responsible for this. This needs to be much clearer, as these are going to be the main source of complaints from local residents.

Point C.4 of the variation does not state how regularly the building will be cleared of litter. Again, littering outside venues such as this is a major source of complaints from residents.

There is no equivalent of Annex 3.6 of the previously approved licence requiring Hydes to inform GMP of University term times at the beginning of each year. They should still have and discharge this responsibility.

There is no equivalent of Annex 3.7 of the previously approved licence requiring seating in the premises for 40% of the capacity. This should be stated clearly, as there are both health and safety and accessibility issues if there is not sufficient seating.

The proposed variation therefore contains a number of concerns regarding crime and disorder, noise, litter, health and safety (of both staff and customers), compared with the terms of the current licence. On these grounds we would therefore ask that the Licensing Panel refuse the application for the variation.

Kind regards.

[Redacted signature block]

[Redacted signature block]





**MANCHESTER  
CITY COUNCIL**

**Licensing & Out of Hours Compliance Team - Representation**

Name	[REDACTED]
Job Title	Licensing and Out of Hours Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	[REDACTED]
Email Address	[REDACTED]
Telephone Number	[REDACTED]

<b>Premise Details</b>	
Application Ref No	611462
Name of Premises	256
Address	256 Wilmslow Road, Manchester, M14 6LB

<b>Representation</b>
<p>Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.</p> <p>The Licensing and Out of Hours Team (LOOHT) have considered this variation application taking into account the area in which the premises is situated, the activities and extensions being applied for, Manchester City Councils' Cumulative Impact Policy (CIP), <i>Statement of Licensing Policy 2016 – 2021 (SOLP)</i> and the four licensing objectives.</p> <p>The application is to remove annexes 2 and 3 of the current premises licence and replace them with a new operating schedule.</p> <p>The premises is situated within Manchester City Council's Fallowfield CIP, <i>SOLP Appendix 7</i>.</p> <p>The policy advises that an application should be refused for new and variation applications unless the applicant can demonstrate why they will not add to the existing problems in the CIP, <i>SOLP Section 5.7</i>.</p> <p>Section 5.2 of SOLP addresses problems which arise when patrons leave the premises late at night/early morning and includes:</p> <ul style="list-style-type: none"> <li>• Preloading</li> <li>• Anti-social behaviour</li> <li>• Noise nuisance</li> <li>• Drunkenness</li> <li>• Vandalism</li> <li>• Litter</li> </ul> <p>The LOOHT are satisfied with the proposed operating schedule submitted with regard to the conditions, though we wish to retain the existing condition 1 (Under Annex 3). There shall be no music played at the premises on Sundays between the hours of 10.00pm and 12.00am.</p> <p>As per the model licensing conditions suggested by Manchester City Council</p>

model conditions, LOOH would like to include the below additional conditions to the license.

Due to the current location of the premises and the impact on the local residents, LOOH would like to suggest that a direct telephone number for the manager of the premises is made publically available at all times that the premises are open. This number would then be made available to the local residents within the vicinity of the premises and allow for a better and more cohesive community working approach to complaints.

**Display of Notices.**

Notices shall be prominently displayed at any area used for smoking, requesting that patrons respect the needs of the local residents and use the area quietly.

**Revise Condition C) 1 as follows;**

The beer garden area shall cease to be used at midnight, with the exception of a designated smoking area. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.

**Revise condition C) 4 as follows:**

The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.

LOOH would like to accept the application and new operating schedule with the additions of the above proposed conditions.

**Recommendation: Approve opening hours reduced**

From: [REDACTED]

Date: 1 November 2018 at 20:27

Subject: Premises Licence Variation 221276/AM2: 256, 256 Wilmslow Road M14 6LB

To: "premises.licensing@manchester.gov.uk"  
<premises.licensing@manchester.gov.uk>

Dear Sir/Madam,

I write to object most strongly to the application of the above venue. I cannot believe that this venue is wishing to re-introduce glassware especially after it has a history of glassing incidents. Why? It will result in more broken glass on the streets of Fallowfield and more calls on GMP and the A & Department at MRI.

One considerable concern is that numerous sporting events are televised at this venue. Fights often occur between rival teams. Going on past experience with this venue in spite of all the verbiage set out in the application, I have no faith with this venue being well-run and responsible, given that they are specifically aiming at the Freshers market. This venue also caters for sports and social societies.

In view of the recent death of a Newcastle student following excessive drinking, can 256 confirm that they operate a responsible attitude to excessive drinking i.e. refuse to serve patrons? As a resident of Fallowfield these groups regularly disrupt the sleep pattern of full-time residents with their drunken antics and the damage they cause to the trees in the area when returning from such venues as 256..

There is an application to play music on a Sunday morning in spite of the venue now being embedded within accommodation. Is this really necessary?

I am also concerned that the indoor seating is to be decreased, thus increasing vertical drinking and the potential to increase public nuisance when the patrons leave the venue after excessive drinking. Plus if the indoor seating is to be decreased does that mean the number of patrons is to increase? How does this square with the number of door staff on duty? Presumably queue management will continue to operate? Additionally with the increased number of patrons, this has been agreed with GM Fire Service.

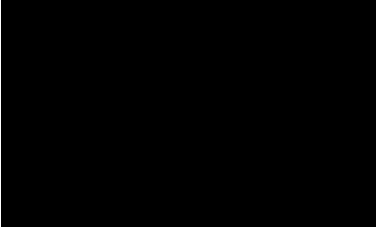
I note it is proposed to have sufficient receptacles for cigarette butts for smokers in the outdoor area. Will the venue also have some sort of patrol to keep the area on the pavement outside the external seating area free from broken glass, cigarette butts and general rubbish deposited by their patrons?

I think Hyde's Brewery are desperate to maximise on the diminishing number of students, even though this venue is regarded as a destination venue which attracts people to Fallowfield for nightlife, a reputation that local residents find very concerning.

I note the beer garden area shall cease to be used at midnight with the exception of a designated smoking area. How is this managed i.e. how are the non-smokers prevented from staying in the beer garden area after midnight?

Please note my objection to this variation of license application.

Yours faithfully,



From: [REDACTED]

Date: 5 November 2018 at 11:19

Subject: Premises Licence variation 221276/AM2: 256, 256 Wilmslow Road, Manchester, M14 6LB, (Fallowfield ward)

To: "premises.licensing@manchester.gov.uk" <premises.licensing@manchester.gov.uk>

Dear Licensing,

I'd like to object about this application - Premises Licence variation 221276/AM2: 256, 256 Wilmslow Road, Manchester, M14 6LB. This is a residential area and does not need more, and longer opening bars and clubs. We have great problems with littering [REDACTED] and literally everywhere in my neighbourhood, antisocial behaviour through alcohol and drugs keeping residents up all night with shouting and screaming and crime.

In particular relation to this application I feel that playing music Sunday morning could create public nuisance in addition to that created by removing indoor seating and introducing glass would create public safety and crime and disorder issues (previous glassing incidents). Please bear in mind that many student sports & society socials are hosted at 256 which massively multiplies the problems we are talking about here and their impact on our residential community.

Please support our community and reject this application.

[REDACTED]

From: [REDACTED]

Date: 3 November 2018 at 14:25

Subject: FW: Premises Licence variation 221276/AM2: 256, 256 Wilmslow Road, Manchester, M14 6LB, (Fallowfield ward)

To: "premises.licensing@manchester.gov.uk" <premises.licensing@manchester.gov.uk>

[REDACTED]

Dear premises licensing,

I write to OBJECT to this application for a licence variation.

I copy and paste below two points from the Dispersal Policy.

4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this does not apply in the case of alcohol sold for consumption in any external area or in the case of alcohol sold for the purpose of consumption off the premises).

5. We will actively discourage our customers from assembling outside the premises at the end of the evening.

The two new policies, attached, offer less detail than the current licensing conditions. That is, they contain no indication of how many staff will be required. In other words, the level of resourcing is not specified. Without such specification, we cannot judge the effectiveness of these proposed arrangements and must assume that these proposed changes will lead to increased PUBLIC NUISANCE. That is, noise, littering, etc. will be worse in a built-up area that already suffers from too much pedestrian street-level noise.

When this is combined with what looks to be an increase in capacity then a compelling case emerges for refusal.

I urge the full refusal of this application.

Yours faithfully,

[REDACTED]

From: [REDACTED]

Date: 11 November 2018 at 21:29

Subject: Premises Licence variation 221276/AM2: 256, 256 Wilmslow Road, Manchester, M14 6LB, (Fallowfield ward)

To: premises.licensing@manchester.gov.uk [REDACTED]

[REDACTED]

Dear Sirs

I am writing on behalf of [REDACTED]. We wish to strongly object to the variation of license at 256 to remove the conditions in Annexes 2 & 3 and replace with the proposed operating schedule.

The reasons for our objection are in relation to the long history of problems and issues that residents have been faced with over many years. Many conditions were added to this club for good reason because of serious incidents including glassing which led to a premises license review. The location is at a flash point at the crossroads in Fallowfield. It is an area which has an intense number of University students but also attracts visitors as a destination venue. There are more than 3000 students housed at Owen's Park Halls of residence opposite the premises and many thousands more living in flats and houses in our residential community nearby.

Since the change of ownership there have been very noisy and problematic outdoor events which have caused neighbourhood disruption. Here is an example of a video showing the volume of DJ music residents were subjected to in June 2018:

<https://www.instagram.com/p/BjqIzLSB4h0/>

We have many concerns about current operations at 256 and residents have had reason to contact the council with complaints on a number of occasions. We have heard several members of the public that are not part of our residents group also complaining about levels of noise emanating from garden events or music breakout from the 256 venue.

In particular we wish to comment on the following important conditions which we do not wish to be removed.

Annex 2 Condition 9. Polycarbonate glassware (or other such safety glass agreed with the police) shall be in use at the premises.

[REDACTED] feel that it is important to keep this condition in place. We do not feel that the proposed condition of using polycarbonate after 9pm will help meet the licensing objectives. Many sporting events and other events occur in the daytime and early evening. Drunken anti social behaviour is not limited to after 9pm and therefore we do not feel that introducing glass at any time of the day would help uphold the licensing objectives (public nuisance, crime and disorder, public safety, protection of children from harm) at this venue. Broken glass is a very big problem in Fallowfield particularly around licensed premises that still use glass.

Annex 3 Condition 1. There shall be no music played at the premises on Sundays between the hours of 1000 and 1200.

Some members of our [REDACTED] go to Holy Innocent's Church on a Sunday morning and have done for many years. Residents want some peace and quiet in the neighbourhood. Regularly residents have to go past (or step over) vomit, broken glass and take away litter when they walk through Fallowfield on a Sunday morning. For those going to Holy Innocent's church, they will invariably have to walk past 256 and hearing DJ music playing will add to the public nuisance already experienced. CGs had reason to make complaints to the council when 256 posted offensive media tweets at Easter last year - see attached. Members of our group who are not followers of the christian faith also found this advertising offensive.

Annex 3 Conditions 7. There must be seating provided in the premises for 40% of the capacity.

Members of our group have been to 256 to watch sporting events and there have been queues 10 persons deep all along the bar with very little seating in the premises, not meeting the condition that states that 40% of the capacity indoor should be provided with seating. We feel this is necessary as a condition to limit vertical drinking. The atmosphere is very claustrophobic when the inside is packed with people.

There are many events held during week nights and weekend nights at 256 which contribute to rowdy behaviour in Fallowfield including university sports society events and bar crawls. AU socials have their own banner advertising on barriers outside the club on Wednesdays. Please see recent photos attached of the inside of the venue packed with students and not meeting the 40% seating capacity. The capacity of this venue is 500, a considerable capacity for a club in a residential area.

<https://www.instagram.com/p/Bp73a3bg2kH/>

In addition, we feel that a clear dispersal policy should be included in the conditions (we have not seen this). Customers going noisily to and from clubs (often drunk before and after) is a serious issue causing major distress through sleep loss to many residents in our group as [REDACTED]. Patrons of 256 usually walk to and from their student houses or flats past our homes. The noise of screaming, shouting and chanting often wakes us up.

Residents attended a meeting with the owner, [REDACTED] and Out of Hours Officer [REDACTED] when the premises changed ownership last year. We were told it was going to be a family friendly pub but we have been disappointed to note that it is essentially run as a student nightclub with a very packed garden whenever the weather is fine. We do not feel it has much to offer the permanent residents and feel it contributes significantly to the problems which led to the Cumulative Impact Policy being established.

We do not feel the licensing objectives will be upheld, particularly in relation to public nuisance if this variation of license is implemented. We would ask for refusal and we particularly wish to see the conditions stated in this objection kept on the license to protect residents from further problems within this cumulative impact policy area.

Best wishes

[REDACTED]



From: [REDACTED]

Date: 11 November 2018 at 23:05

Subject: Objection to: Premises Licence variation 221276/AM2: 256, 256 Wilmslow Road, Manchester, M14 6LB

To: "premises.licensing@manchester.gov.uk" <premises.licensing@manchester.gov.uk>

F.a.o.: [REDACTED] - Licensing

Dear Sirs

I would like to object to the above Licence variation in regard to 256 Bar, Wilmslow Rd Fallowfield M14 6LB.

I live on [REDACTED] and have previously raised concerns and complained about noise and disorder relating to these premises.

In regard to the Licence Variation I would like to object to the new proposals set out by the Management Company on the following grounds:

1. The request to introduce "glassware" rather than the current "polycarbonate" glasses could pose a real threat to public safety and lead to a potential increase in crime and disorder in Fallowfield. This "residential area" with a huge student population is already subject to a Cumulative Impact Order - created to deal with the crime and public disorder directly related to the local pubs, clubs, bars, and eateries, and also has University funded "night time" patrols to deal with drink & drug related noise, crime and antisocial behaviour.

The reason for banning "glasses" in pubs and clubs was to protect people from being attacked, maimed and killed by broken glasses and bottles being used as weapons in drunken violent fights and attacks. In fact Blackburn with Darwen Council has recently agreed to ban "glassware" in Darwen pubs following the death of young man who had been stabbed in the neck with a broken champagne flute (See link below): It therefore seems completely irresponsible for 256 to seek to replace "polycarbonate" with "glassware" given the potential for serious "public injury" in the event of an alcohol related fracas. This particular venue often holds "televised sporting events" & other "club social events" which can be rowdy and where rival allegiances can lead to drink fuelled disagreements and aggression. The danger of broken glasses and bottles being used as weapons in a drunken fight, in a crowded pub is a real cause for concern, and it seems to be an ill-thought-out and regressive step on the part of 256 to seek this?

<https://www.morningadvertiser.co.uk/Article/2018/08/10/Town-bans-pub-glasses-after-Champagne-flute-murder>

Town bans pub glasses after Champagne flute murder

morningadvertiser.co.uk

Residents of a Lancashire town have succeeded in a campaign for pubs to participate in an evening glass ban, fol...

2. 256 also requests to "remove some indoor seating" which would increase the floor-space, allowing many more "standing customers" to be accommodated at the venue. This again has the potential to lead to "public noise nuisance" and "crime and disorder" as more

"standing customers" drinking in close proximity, often in "groups" or large parties, will greatly increase the noise volume, and the potential for inadvertent pushing and shoving, horseplay, drink spillage etc. Cramming more people into the venue could lead to accidents and altercations

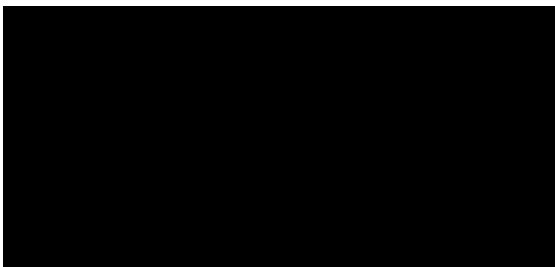
and if "glassware" was part of this mix, it would add "fuel to the fire" increasing the likelihood of drink related violence including "glassing" with

the potential for serious injury and harm. I therefore believe this request by 256 should also be rejected by Licensing.

3. My third objection pertains to the request to "play music on Sunday mornings"? I don't know whether this relates to indoor or outdoor music - or both? As I have previously formally complained about loud music and noise nuisance blaring from the outside "beer garden" at 256, I certainly do not want to experience any further "noise disturbance" from the premises on a Sunday morning, nor I'm sure do other local residents. Also, and far more pertinent, is the fact that the Holy Innocents Church is right next door to 256 and another church The Seventh Day Adventist is in very close proximity, both of which hold Services on Sunday mornings. I think the churchgoers have the right to enjoy their prayers and commemorations in peace and quiet and I find it very disrespectful of the 256 Management to disregard the importance of the Sabbath to religious worshippers, by requesting to play music whilst their services are ongoing. I sincerely hope this request will also be rejected by the Licensing Committee.

It strikes me that the Licensing terms currently in place for 256 are perfectly adequate and should not be replaced by their "proposed terms" which I believe are not only unnecessary, but have the potential to increase the well-documented, ongoing noise nuisance, antisocial behaviour and drink/drug related crime and disorder which plagues the neighbourhood. It is these problems that led to the introduction of the Cumulative Impact Policy and night-time patrols in an effort to tackle the disturbance caused by the night-time economy and its negative impact on the lives of Fallowfield residents. I would urge Licensing to reject the Variation request by 256 on the grounds outlined above and in the interests of greater "social cohesion" for the wider area.

Thank-you,

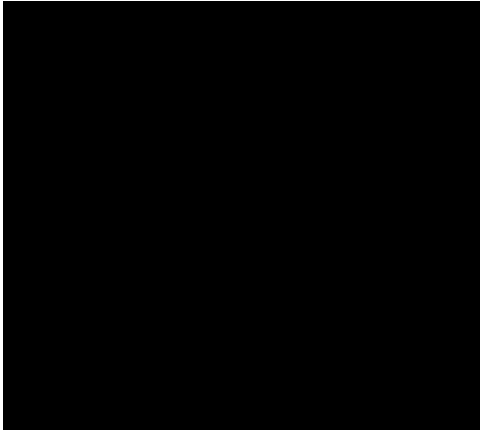


From [REDACTED]

Date: 12 November 2018 at 07:20

Subject: Premises Licence variation 221276/AM2 256, 256 Wilmslow Road, Manchester, M14 6LB

To: "premises.licensing@manchester.gov.uk" <premises.licensing@manchester.gov.uk>



Your ref: Premises Licence variation 221276/AM2 256, 256 Wilmslow Road, Manchester, M14 6LB

To whom it may concern

I am objecting to the proposed licensing variation at the 256 Premises

I am a long term resident of [REDACTED] (since 1985) and have seen many changes throughout this period.

There has been a noticeable increase in noise levels in the area over the last ten years, from revellers returning from the drinking establishments, going on until 6-7am in the morning.

This has been particularly severe in [REDACTED], prompting a handout delivered to houses in the area from [REDACTED] (The Fallowfield Area Inspector Greater Manchester Police at the time) This dates from 1st May 2007 and I quote some passages from it:-

“There have been many reports of Anti Social behaviour taking place on Landcross Rd and adjoining streets over the last several weeks. The reports concern drunken antics and shouting between the hours of midnight through until 6am.”

..... “I will not tolerate such behaviour and will be taking positive action

The following year, on 12th May 2008, [REDACTED] saw its worst anti-social behaviour when revellers clashed with riot police. Eight people were arrested, after officers moved in to disperse a crowd of around 300.

As a full time day – worker, I often arrive to work, exhausted from broken sleep, caused by the racket that these late night revellers are making.

I was therefore most disturbed by the licence variation application from the 256 premises. The 256 premises is the largest drinking venue in the area and causes immense amounts of noise and public nuisance during the term time when students are in residence.

I would be very grateful if you could consider these points,

[REDACTED]

[REDACTED]

Dear Sir/Madam

I am writing on behalf of the residents of the [REDACTED] which consists of [REDACTED] [REDACTED]. The properties range from 1 bedroom flats to family houses, with ages ranging from babies to pensioners. We believe that we are [REDACTED] [REDACTED]

We wish to object to this licence variation for numerous reasons relating to the removal of Annex 2 & 3 and substituting with a new operating schedule and policies.

Under the proposed operating schedule we note the following:

#### Annex 3

1 - We strongly oppose the removal of this condition. These premises are immediately next door to Holy Innocents church and therefore to respect church services with accompanying bell ringing we strongly feel that the original condition of no music being played between 10-12pm should remain.

7 - When Hydes sold 256 [REDACTED] invited myself & [REDACTED], together with an Officer from the OOH team to meet with the new owner. We were led to believe that he intended to turn the premises into a place where the local community of long term residents with their families would feel welcome and that it would not become a mainly student type venue. Sadly our hopes have been dashed as time has gone on.

By asking to remove the 40% of the seating from the total capacity figure of 500 this just reinforces that the owner wishes to provide more of a club experience and in turn increase vertical drinking which in turn encourages people to drink faster.

256 is directly opposite Owens Park Halls of Residence which houses thousands of 1st Year students, many away from parental control for the first time and unused to drinking large amounts of alcohol.

This increase in binge drinking leads to an increase in anti social behaviour, with risk taking behaviour which in turn can lead to an increase in STD's and unwanted pregnancies. It also encourages a development of maladaptive coping strategies, which for such young students is a recipe for disaster in their academic career.

Therefore we ask that the 40% figure remains for seating.

#### A - Prevention of Crime and Disorder

5 - In order to fulfill their obligation to this objective we disagree with the reduction of door staff Sun - Thurs. Since the new owner took over these premises from Hydes Brewery it has become apparent over time that it is very clearly aimed at the student market and there has been an increase in events for students most nights of the week and therefore we believe that a minimum of door staff should be on duty regardless of the day. See attached example of a Monday night which shows how busy 256 can be.

6 - We are concerned that should glassware be permitted up to 9pm then this will impact on safety of patrons by increasing the availability of glass which can be used as a weapon, in the past these premises had many problems which is why the polycarbonate condition was introduced. There is nothing to prevent someone saying that they're drinking inside and being given a glass to drink from,

but then moving into the Beer Garden taking their glass with them should a 'polycarbonate only' rule for outside be introduced.

#### B - Public Safety

Due to the many decking steps to be navigated in the Beer Garden we are concerned that people may cut themselves on broken glass, especially during the summer when sandals are worn barefoot. Residents have told me how they have seen cluttered tables with many empty pint pots during the summer when walking past, at least at present if knocked off they will not smash unlike glass. Likewise for drinkers inside. We cannot think of any time when it will be safe to use glassware instead of polycarbonates.

#### C - Prevention of Public Nuisance

1 & 2 - [REDACTED] residents are disturbed on a regular basis due to the late hour closing of the Beer Garden and we are of the opinion that closing hour for the garden should be brought forward to 11pm in line with the emptying of bottle bins in order to protect long term residents. Also recently by the increased use of daytime events, on those days it was impossible to enjoy the use of our gardens due to the volume/type of music being played from the outside DJ booth. Amplified noise plus the shouting/shrieking/laughing of drunk students carries across Wilbraham Road, this can be heard throughout our estate especially when The Levellers (a group of rappers) played earlier this year at an outside daytime event and also when the Parklife daytime event was held  
<https://twitter.com/Parklifefest/status/992442482897182720?s=03>

The doors leading to the Beer Garden have been seen on a regular basis propped open after 11pm during warm weather which has led to breakout noise which in turn has woken children during the night.

5 - Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner. These signs are about as much use as a chocolate teapot, as the saying goes. Drunk students in high spirits are completely oblivious to how loud they are when walking home in groups as large as 10+ and we doubt very much that they even spot these signs at the doorway! Even if reminded on their way out at closing time we have little faith that this will alter their behaviour. Street noise is one of the most complained about topics and [REDACTED] are regularly disturbed in the early hours.

#### Proposed Policies

##### Smoking & Al Fresco Dining

During my last visit in early August when a friend & I decided to go for something to eat following a meeting at Manchester Student Homes we met our first problem of how to get my wheelchair up the steps, luckily a passerby helped. In order to use the disabled access toilet I had to wait for the barman to first unlock the door and then remove the mobile bar which was stored inside(!). Hardly hygienic by any stretch of the imagination. Once inside I discovered the changing table had been left down (perhaps somewhere to keep the loo roll because the dispenser was broken?), there were also empty glasses lying about and the A frame advertising blackboard was leant against the hand dryer. This made me wonder when this toilet had last been cleaned seeing as how it was a Wednesday when we visited. I then had to go through a repeat of this when going to the loo before leaving too.

We sat outside at the only wheelchair accessible table but no ashtray other than the one fixed to the wall, fortunately I had my stubby with me to put ash/dimps, but I can't see many students carrying

one around and will just throw their discarded cig on the ground rather than to look for a wall mounted ashtray.

We didn't think that the barman had had any training on how to use the portable ramp because my friend had to show him how to place it over the steps. I'm afraid 256 failed on being a wheelchair friendly pub so it was a good job that we both enjoyed our food, although we will not be returning.

It wasn't particularly busy but we noticed that tables were not cleared that often, so hardly surprising that residents have seen tables full of empties when it is busy.

#### Dispersal Policy

A major cause of ASB happens when our late night bars/clubs close and students make their way home. As stated previously respect the neighbours signs are a waste of time likewise door staff could give a 5 minute talk on being quiet on your way home and students still wouldn't take any notice, so we have little faith in this policy.

Therefore we respectfully ask that this application is refused although [REDACTED] will be grateful if Beer Garden closing hour could be brought forward in order to give us a little respite from noise disturbance, especially when our children are studying for their exams We also fully support the [REDACTED] submission.

Yours faithfully

[REDACTED]

[REDACTED]



**Residential area**

Scholar Shack

**Student Halls of  
Residence UoM**

Oak House

**256**



**Sherwood  
Estate**

**Residential area**

Manchester Lettings









**Example of a Monday Night Event At 256**



[danneedhamvisual](#)

88 likes

- [tommy\\_\\_tickle](#)

Mad night on Monday for Discoteca, safe everyone who came through and everyone who played absolutely killed it!

□ [REDACTED]

• [REDACTED]

#disco #travel #music #love #dj #discount #party #discoteca #discover #discounts #discover\_india #discord #instagood #discos #photography #disconnected #discotheque #discovering #vinyl #discoveries #disconnect #nature #discogs #discover\_muas #discover\_catalonia #explore #discoteque #photooftheday #discounted #vinylcollection

• [REDACTED]

my g

• t [REDACTED]

@ [REDACTED] r ❤️ ❤️ ❤️

• [REDACTED]

Looking slick 💪

• [REDACTED]

ameiiii! 😊 [REDACTED]

• [REDACTED]

[REDACTED]\_ safe broski!

3 days ago

[REDACTED]  
23:59 (10 hours ago)

to me

Dear Sir/Madam,

Re: Premises Licence Variation 221276/AM2, 256. 256 Wilmslow Road, Manchester M14 6LB

I am writing on behalf of [REDACTED] to object to the above licence variation application.

We do not think that this variation promotes the licensing objectives for the following reasons:

#### Introducing Glassware

256 are requesting to remove the polycarbonate glasses and replace with ordinary glassware. The reason this measure was brought in was to prevent accidents in an extremely crowded venue. The venue is situated opposite the Owens Park Halls of Residents which currently houses 3000 students (and this is soon to rise to 4000 students), there are also a very large number of student HMOs in the near vicinity. A lot of the students are not used to drinking large quantities of alcohol and introducing glassware in such a confined space can only increase the risk of accidents. Local residents regularly see drunk young people stumbling out of this venue and across the very busy crossroad, they have little awareness of traffic and I am sure a lot of them will not be thinking about where they place their drinks' glasses.

Moreover, this venue often broadcast sporting events which tend to be very rowdy, alcohol fuelled events and where emotions can run high, sometimes resulting in fights. Introducing glassware may result in glasses being used as weapons and could lead to really serious injuries. The area also has a history of gang related crime and again any fights which could arise will be much more serious if glass is readily available.

This bar/club actively encourage heavy drinking - only tonight I noted a big billboard outside advertising Vodka Doubles for only £3 and so we believe that the combination of glassware, strong alcohol and young people is a potentially lethal cocktail and we cannot see any positives at all if this variation is allowed

#### Playing Live Music on Sunday Mornings

256 are requesting permission to play live music on Sunday mornings and we urge you to reject this. The bar/club is right next door to Holy Innocents Church which holds a service every Sunday and which many local residents attend. We strongly feel that residents have the right to attend the service without the disruption of competing music from 256. If we wish to encourage a sustainable, inclusive community in Fallowfield, we believe it is important for different groups of people to go about their lives in reasonable peace and with respect. Moreover Sunday mornings are traditionally a time when people like to have a lie in and they do not want to be disturbed by music from this bar

#### Removal of Indoor Seating

256 would also like to 'remove some indoor seating' to create more standing room. Obviously the intention here is to increase the number of customers and make the club even less inviting for

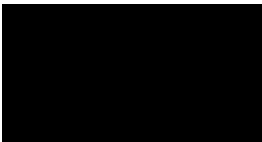
anyone who would like to have a chat and drink thereby encouraging more alcohol consumption which poses a greater health risk to the (student) customers.

Any increase in numbers will also lead to an increase in noise outbreak from the venue as well as an increase in foot fall as the customers leave the premises to walk home. Most of the student customers live within a 10 minute walk of the venue and residents are very regularly woken up by groups of students and often have to deal with the debris (vomit, broken glass and litter) from the night before and it is particularly unpleasant and hazardous for children. Anything which could increase this risk runs counter to the licensing objectives.

Finally we would like to highlight that this premises is within the Cumulative Impact Policy area, it is the only area in Manchester to have a CIP in force in an attempt to address the very high levels of crime, public nuisance and safety issues in Fallowfield district centre. and try to restore a diverse, balanced and sustainable neighbourhood for all residents.

We strongly urge you to reject this licence variation.

Yours faithfully,





# MANCHESTER CITY COUNCIL

## LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	049511
Granted	08/09/2005
Latest version	DPS Variation 199111 granted 23/06/2017

### Part 1 - Premises details

<b>Name and address of premises</b>
<b>256</b> 256 Wilmslow Road, Manchester, M14 6LB
<b>Telephone number</b>
0161 249 0271

<b>Licensable activities authorised by the licence</b>
<ol style="list-style-type: none"> <li>1. The sale by retail of alcohol*.</li> <li>2. The provision of regulated entertainment, limited to: <ul style="list-style-type: none"> <li>Exhibition of films;</li> <li>Indoor sporting events;</li> <li>Live music;</li> <li>Recorded music;</li> <li>Performances of dance;</li> </ul> </li> <li>3. The provision of late night refreshment.</li> </ol> <p>* All references in this licence to "sale of alcohol" are to sale by retail.</p>

<b>The times the licence authorises the carrying out of licensable activities</b>
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<b>Sale by retail of alcohol</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0200	0200	0200	0200	0200	0200	0100
The sale of alcohol is licensed for consumption both on and off the premises.							
<b>Seasonal variations and Non standard Timings:</b>							
The standard terminal hour shall be extended by 1 hour on each of the following days: 1 <sup>st</sup> Jan, Valentine's Night, Burns Night, 1 <sup>st</sup> Mar, Easter Sunday, Easter Monday May Bank Holiday Monday (both), August Bank Holiday Monday, Halloween							
The standard terminal hour shall be extended by 2 hours on each of the following days: 17 <sup>th</sup> Mar, Sunday immediately preceding the Bank Holiday Monday (May (both) and August) Christmas Eve, Boxing Day, 27 <sup>th</sup> Dec, 28 <sup>th</sup> Dec, 30 <sup>th</sup> Dec							
<u>On the day British Summer Time commences:</u> Where the standard permitted terminal hour is 0200 or later on the morning that British Summer Time comes into effect, one additional hour following the terminal hour.							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day							

<b>Recorded music</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0000	0000	0000	0000	0000	0000	0000
Finish	2400	2400	2400	2400	2400	2400	2400
Licensed to take place indoors only.							
<b>Further Details</b>							
There shall be no music played at the premises on Sundays between the hours of 1000 and 1200.							
<b>Seasonal variations and Non standard Timings:</b>							
<u>The standard terminal hour shall be extended by 1 hour on each of the following days:</u> 1 <sup>st</sup> Jan, Valentine's Night, Burns Night, 1 <sup>st</sup> Mar, Easter Sunday, Easter Monday May Bank Holiday Monday (both), August Bank Holiday Monday, Halloween							
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<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day							

<b>Live music; Exhibition of films; Indoor sporting events; Performances of dance</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0200	0200	0200	0200	0200	0200	0100
Licensed to take place indoors only.							
<b>Seasonal variations and Non standard Timings:</b>							
<u>The standard terminal hour shall be extended by 1 hour on each of the following days:</u> 1 <sup>st</sup> Jan, Valentine's Night, Burns Night, 1 <sup>st</sup> Mar, Easter Sunday, Easter Monday May Bank Holiday Monday (both), August Bank Holiday Monday, Halloween							
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<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day							

<b>Provision of late night refreshment</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0230	0230	0230	0230	0230	0230	0130
Licensed to take place both indoors and outdoors.							
<b>Seasonal variations and Non standard Timings:</b>							
<u>The standard terminal hour shall be extended by 1 hour on each of the following days:</u> 1 <sup>st</sup> Jan, Valentine's Night, Burns Night, 1 <sup>st</sup> Mar, Easter Sunday, Easter Monday May Bank Holiday Monday (both), August Bank Holiday Monday, Halloween							
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<u>On the day British Summer Time commences:</u> Where the standard permitted terminal hour is 0200 or later on the morning that British Summer Time comes into effect, one additional hour following the terminal hour.							
<u>New Year:</u> Start 2300 Finish 0500							

## Part 2

<b>Details of premises licence holder</b>	
<b>Name:</b>	Sanctuary Leisure Limited
<b>Address:</b>	256 Wilmslow Road, Fallowfield, Manchester, M14 6LB
<b>Registered number:</b>	10674555



### Details of designated premises supervisor where the premises licence authorises for the supply of alcohol

Name: Keith Ifield

Address: [REDACTED]

Personal Licence number: [REDACTED]

Issuing Authority: [REDACTED]

### Annex 1 – Mandatory conditions

#### Door Supervisors

1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -
  - (a) Unauthorised access or occupation (e.g. through door supervision),
  - (b) Outbreaks of disorder, or
  - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

#### Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
  - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
  - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
5.
  - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
  - (2) For the purposes of the condition set out in (1) above–
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
    - (b) “permitted price” is the price found by applying the formula–
 
$$P = D + (D \times V)$$
 where –
      - (i) P is the permitted price,
      - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
      - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –

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

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

8. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

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

#### **Exhibition of films**

9. The admission of children under the age of 18 to film exhibitions permitted under the terms of this certificate shall be restricted in accordance with any recommendations made:
- (a) by the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
  - (b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or where the licensing authority has notified the club which holds the certificate that section 20 (3) (b) (74 (3)(b) for clubs) of the Licensing Act 2003 applies to the film.

#### **Annex 2 – Conditions consistent with the operating schedule**

1. A colour CCTV system with digital recording equipment shall be maintained at the premises. All recordings used in conjunction with the CCTV shall be of evidential quality; indicate the time and date and be retained for a period of 28 days. Sufficient staff shall be trained to use the system, as a recorded image must be available for inspection and downloading immediately upon request to officers of Responsible Authorities.
2. No persons carrying open, or sealed, vessels shall be admitted to the premises except from the beer garden area.
3. No persons shall be permitted to remove open vessels from the premises except to an beer garden area.
4. The designated premise supervisor or nominated member of staff will regularly attend, and fully support the local Pubwatch or similar scheme whilst ever in operation.
5. 'Property Watch' - To assist in the prevention of theft from a person, a designated member of staff will be appointed to monitor customer activity and to report to management and/or door supervisors any suspicious behaviour. Where property is found within the premises which has been abandoned or left unattended, then it shall be removed and handed to the designated member of staff. A register will be maintained of any property stored including the date, description of property and name of person who found the property. The premises will adopt a procedure in conjunction with the police, whereby the property will be maintained at the premises for a period of time before being handed over to the police. Door supervisors working internally, together with glass collectors, shall be briefed upon Property Watch in order that they can assist and support the designated staff member. The designated staff member shall wear high visibility tab bands or vests indicating on the front and rear that they are part of 'Property Watch'.
6. 'Floor Watch' - During each trading period the premises shall complete "Floor Watch" sheets. A designated member of staff shall be appointed to be responsible to record and actively monitor areas of concern in relation to levels of drunkenness; risk customers (who are excessively loud and troublesome or aggressive) whose behaviour could have the potential of leading to crime and disorder; unattended property; localised overcrowding; and to undertake toilet checks; to monitor entry and exit points to ensure that they remain unobstructed and to monitor for trip/slip hazards.

7. In order to assist members of bar staff with refusals to serve in connection both with persons suspected of being under age and persons suspected of being drunk, then a member of door staff shall be allocated responsibility to monitor the bar when the bar is open for the sale of alcohol as from 2200 hours.
8. Staff training shall be provided upon refusals to serve in connection with underage sales and drunkenness, drugs awareness and upon Property Watch and Floor Watch.
9. Polycarbonate glassware (or other such safety glass agreed with the police) shall be in use at the premises.
10. For any promotions outside Fresher's week the operator to consult with GMP at least 7 days before advertisement of the promotion.

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

1. There shall be no music played at the premises on Sundays between the hours of 1000 and 1200.
2. The use of the beer garden shall cease at midnight, with the exception of a designated smoking area.
3. The premises shall comply with the attached dispersal policy as updated from time to time in agreement with Greater Manchester Police and Manchester City Council's Environmental Health team. Should any changes to the dispersal policy be agreed; then the amended dispersal policy shall be sent through to the Licensing Authority with 7 days of such agreed amendment.
4. During the University term timer door staff shall be employed at the premises to a ratio of 1:100 subject to a minimum of 3 door staff from 2100 on Fridays and Saturdays and a minimum of 2 door supervisors from 2100 Sunday – Thursday.
5. Out of University term time, door staff shall be employed at the premises to a ratio of 1:100 subject to a minimum of 2 door supervisors from 2100 each day.
6. Hydes Brewery shall notify Greater Manchester Police with University term times at the beginning of each academic year.
7. There must be seating provided in the premises for 40% of the capacity.

### **Annex 4 – Plans**

See attached

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**256 WILMSLOW ROAD**

**SMOKING & AL FRESCO DINING POLICY**

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1. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
2. The outside area shall be monitored by staff or door staff regularly at all times it is in use.
3. The area will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
7. Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.

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**256 WILMSLOW ROAD**

**DISPERSAL POLICY**

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The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising pro-active measures towards and at the end of the evening.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this does not apply in the case of alcohol sold for consumption in any external area or in the case of alcohol sold for the purpose of consumption off the premises).
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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