



## **Licensing Sub Committee Hearing Panel**

Date: Tuesday, 30 May 2023

Time: 10.00 am

Venue: Council Antechamber, Level 2, Town Hall Extension

This is a **supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

### **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.

**There is no public access any other entrances of the Extension.**

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

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**Councillors** - Grimshaw, Andrews and Evans

## Supplementary Agenda

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- 1a Urgent Business - Temporary Event Notice - NIAMOS Arts and Cultural Centre, Nia Centre, Chichester Road, Manchester, M15 5EU** 3 - 28  
The report of the Director of Planning, Building Control and Licensing is enclosed.
- 4. Application for a New Premises Licence - La Buka African Cuisine Ltd., 286-288 Moston Lane, Manchester, M40 9WB** 29 - 40  
Now contains additional information submitted by LOOH.

## Further Information

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

Ian Smith  
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Email: [ian.hinton-smith@manchester.gov.uk](mailto:ian.hinton-smith@manchester.gov.uk)

This supplementary agenda was issued on **Wednesday, 24 May 2023** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Subcommittee Hearing Panel – 30 May 2023

**Subject:** NIAMOS Arts and Cultural Centre, Nia Centre, Chichester Road, Manchester, M15 5EU - ref: LTN288360

**Report of:** Director of Planning, Building Control & Licensing

**Summary**

Submission of a temporary event notice where an objection notice has been given.

**Recommendations**

That the Panel consider the objection notice(s) and give a counter notice where it considers it appropriate.

**Wards Affected:** Hulme

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

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

**Contact Officers:**

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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 18 May 2023, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of NIAMOS Arts and Cultural Centre, Nia Centre, Chichester Road, Manchester, M15 5EU in the Hulme ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

## 2. **The Notice**

- 2.1 A copy of the TEN is attached at **Appendix 2**.
- 2.2 The premises user is Mr Lewis Flinders.
- 2.3 The description of the event is World music night.
  - 2.3.1 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 TEN.
  - 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
  - 2.3.3 The premises is subject to a premises licence issued under the Licensing Act 2003. A copy of the licence is included at **Appendix 4**.
- 2.4 **Activities unsuitable for children**
  - 2.4.1 The premises user 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.
- 2.5 **Further documentation accompanying the application**
  - 2.5.1 The premises user has not submitted any documents in support of the TEN.

### 3. **Objection Notice(s)**

3.1 An objection notice was received from GMP in respect of the TEN (**Appendix 3**).

3.2 Summary of the objections:

Party	Grounds of representation	Recommends
<b>GMP</b>	<p>GMP state that recent events held at the premises have caused severe disruption and disturbance to local residents who have escalated their complaints to the local councillors.</p> <p>GMP state that to allow this event to take place would cause an unnecessary level of disturbance to the local residents and would therefore impinge on their quality of life.</p>	Serve a counter notice

### 4. **Key Policies and Considerations**

#### 4.1 **Legal Considerations**

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

#### 4.2 **New Information**

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

#### 4.3 **Hearsay Evidence**

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

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

4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of

State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

#### 4.5 **Manchester Statement of Licensing Policy**

4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.

4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.

4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.

4.5.4 Where the authority considers that to impose on the TEN one or more of the conditions from a premises licence or club premises certificate in force at the premises (insofar as such conditions are not inconsistent with the event) is appropriate for the promotion of the licencing objectives, the policy is to give notice to the premises user that includes a statement of the conditions imposed. Copies of this notice will be provided for GMP and LOOH.

4.5.5 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.

#### 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 objections that have been received from GMP or LOOH, 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 objection notice(s), the panel must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 5.4 If the panel decides not to give a counter notice the panel may impose one or more conditions on the TEN if –
- the authority considers it appropriate for the promotion of the licensing objectives to do so,
  - the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
  - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 All licensing determinations should be considered on the individual merits of the notification.
- 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.
6. **The Panel is asked to determine the temporary event notice.**



NIAMOS Arts and Cultural Centre  
 Nia Centre, Chichester Road, Manchester, M15 5EU  
 Premises Licensing  
 Manchester City Council



<b>PREMISE NAME:</b>	NIAMOS Arts and Cultural Centre
<b>PREMISE ADDRESS:</b>	Nia Centre, Chichester Road, Manchester, M15 5EU
<b>WARD:</b>	Hulme
<b>HEARING DATE:</b>	30/05/2023

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# Temporary Event Notice

Payment Transaction number:- SSES00673684 | Form Reference number EF1/825791

## Premises User Information

Title

Mr

If other please state

*n/a*

Surname

Flinders

Forenames

Lewis

Previous names (Please enter details of any previous names or maiden names, if applicable)

*n/a*

Your date of birth

[REDACTED]

Your place of birth

[REDACTED]

National Insurance Number

[REDACTED]

Your current address (We will use this address to correspond with you unless you complete the separate correspondence box)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Telephone

[Redacted]

Evening telephone

*n/a*

Mobile phone

*n/a*

Fax number

*n/a*

Email address

[Redacted]

Address

*n/a*

Telephone

*n/a*

Evening telephone

*n/a*

Mobile phone

*n/a*

Fax number

*n/a*

Email

*n/a*

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## Premises information

Please give the name and address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references)

Nia Centre Chichester Road  
Hulme

Manchester

Premises licence number

255868

Club premises certificate number

n/a

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details.

n/a

Please describe the nature of the premises

Theatre/Venue

Please describe the nature of the event

world music vinyl night

## Licensable activities

The sale by retail of alcohol

Yes

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

Yes

The provision of regulated entertainment

Yes

The provision of late night refreshment

Yes

Are you giving a late temporary event notice?

No

Please state the dates on which you intend to use these premises for licensable activities.

9/06/2023- 10/06/2023

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock).

7pm- 2am

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (maximum 499).

150

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both

On

Please state if the licensable activities will include the provision of relevant entertainment.

No

If yes selected, please state the times during the event period that you propose to provide relevant entertainment.

n/a

## Personal Licence Details

Do you currently hold a valid Personal Licence?

Yes

Issuing Authority

The Manchester City Council

Licence Number

██████

Date of Issue

12/04/22

## Date of Expiry

N/A

## Any further relevant details

*n/a*

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

7

a) ends 24 hours or less before; orb) begins 24 hours or less after the event period proposed in this notice?

No

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

If answering yes, please state the total number of temporary event notices your associate have given for events in the same calendar year

*n/a*

a) ends 24 hours or less before; orb) begins 24 hours or less after the event period proposed in this notice?

No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

*n/a*

a) ends 24 hours or less before; orb) begins 24 hours or less after the event period proposed in this notice?

No

## Declaration and Payment New

Name

Lewis Flinders

Capacity in which you are making this application

DPS/ Licensee

## Additional information

I understand

Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:



On behalf of the Licensing Authority

Date:

Name of officer signing:

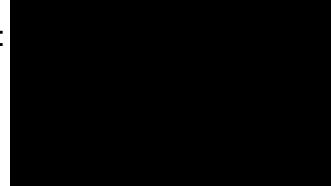
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## GREATER MANCHESTER POLICE



To: Manchester City Council  
Licensing Unit  
Manchester Town Hall Extension  
Lloyd Street  
Manchester

To:



23<sup>rd</sup> May 2023

Dear Sir

Please accept this letter as formal notification that Greater Manchester Police wish to object, under Section 104(2) of the Licensing Act 2003, to the **TEMPORARY EVENT NOTICE** detailed below, as we are satisfied that granting the application under these circumstances would undermine the Licensing Objectives.

<b>PREMISES NAME:</b>	<b>NIAMOS</b>
<b>ADDRESS:</b>	Chichester Road Hulme Manchester M15 5EU
<b>DATE OF EVENT:</b>	09/06/23 – 10/06/23
<b>TIME OF EVENT:</b>	1900– 0200 hrs

GMP objects to the grant of this Temporary Event Notice on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety.

The application is seeking to allow the premises to host vinyl music night from 7pm until 2am for up to 150 people.

GMP have been made aware that recent events held at these premises have caused severe disruption and disturbance to local residents who have escalated their complaints to the local councillors.

Specific issues that they have raised are as follows:

**GREATER MANCHESTER POLICE**

1. Illegal road closure of Warwick Street witnessed by a local councillor, a GMP officer and residents.
2. Doors to the venue open with loud music and bass of equipment affecting the homes in the area.
3. No identified smoking areas and customers outside residential properties disturbing residents.
4. Cars parked in front of drives, illegally parked, people being loud when leaving the venue, playing loud music in their vehicles and loud banging of doors.
5. Customers drinking alcohol in the street.
6. Extending the hours agreed by the TENS.
7. No communication with resident living around the premises.
8. Drug taking and urinating outside the premises.
9. No order for monitoring the events.

To allow this event to take place would cause an unnecessary level of disturbance to the local residents and would therefore impinge on their quality of life.

As such we ask that this TEN application is refused.

Signed:.....PC 17659 Isherwood..... (rank/pin/name)

Date/Time 23<sup>rd</sup> May 2023 0815 hrs

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# MANCHESTER CITY COUNCIL

## LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	255868
Granted	19/04/2021
Latest version	DPS variation 273722 granted 04/05/2022

### Part 1 - Premises details

Name and address of premises
<b>NIAMOS Arts and Cultural Centre</b> Nia Centre, Chichester Road, Manchester, M15 5EU
Telephone number
TBC

### Licensable activities authorised by the licence

1. The sale by retail of alcohol\*.
2. The provision of regulated entertainment, limited to:
  - Performance of plays;
  - Exhibition of films;
  - Live music;
  - Recorded music;
  - Performances of dance;
  - Anything similar to live music, recorded music or the performance of dance.
3. The provision of late night refreshment.

\* All references in this licence to "sale of alcohol" are to sale by retail.

### The times the licence authorises the carrying out of licensable activities

#### Sale by retail of alcohol

##### Standard timings

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2300	2300	2300	2300	2300	2300	2300

The sale of alcohol is licensed for consumption both on and off the premises.

##### Seasonal variations and Non-standard Timings:

Until 03:00 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween.

From the start time on New Year's Eve until the terminal hour for New Year's Day

Performance of plays; Exhibition of films; Live music; Recorded music; Performances of dance; Anything similar to live music, recorded music or the performance of dance

**Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2300	2300	2300	2300	2300	2300	2300

Licensed to take place indoors only.

Seasonal variations and Non-standard Timings:

Until 03:00 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween.

From the start time on New Year's Eve until the terminal hour for New Year's Day

**Provision of late night refreshment**

**Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	2330	2330	2330	2330	2330	2330	2330

Licensed to take place indoors only.

Seasonal variations and Non-standard Timings:

Non Standard timings: Until 03:30 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween. From the start time on New Year's Eve until the terminal hour for New Year's Day.

**Hours premises are open to the public**

**Standard timings**

Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2330	2330	2330	2330	2330	2330	2330

Seasonal variations and Non-standard Timings:

Until 03:30 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween.

From the start time on New Year's Eve until the terminal hour for New Year's Day.

## Part 2

**Details of premises licence holder**

Name: N.I.A.M.O.S Ltd  
 Address: Nia Centre, Chichester Road, Manchester, M15 5EU  
 Registered number: 11232278

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

Name: Lewis Thomas Flinders  
 Address: [REDACTED]  
 Personal Licence number: [REDACTED]  
 Issuing Authority: Manchester City Council

### Annex 1 – Mandatory conditions

#### Door Supervisors

1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -
  - (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) “value 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 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. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS on an event by event basis. When employed, door staff will wear high visibility armbands.
6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - a. the number of door staff on duty;
  - b. the identity of each member of door staff;
  - c. the times the door staff are on duty.
7. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
8. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives, and the laws relating to under age sales and the sale of alcohol to intoxicated persons, and that training shall be documented and repeated at 6 monthly intervals.
9. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
10. A first aid box will be available at the premises at all times.
11. Regular safety checks shall be carried out by staff.
12. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
13. The premises shall maintain an Incident Log and public liability insurance.
14. Noise from amplified music or voices shall not be such as to cause a noise nuisance to

occupants of nearby premises.

15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. The exterior of the building shall be cleared of litter at regular intervals.
17. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
18. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
19. A Dispersal and Smoking Policy will be implemented and adhered to.
20. The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.
21. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.
22. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. 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.
23. Notices advising what forms of ID are acceptable must be displayed.
24. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

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

Not applicable

### Annex 4 – Plans

See attached

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15 April 2023 -monitored between 00:20 to 01:00 am



25 April 2023- Monitored between 23:25 to 23:40



**Licensing and Out of Hours Compliance Team**

Manchester City Council  
PO Box 532  
Town Hall  
Manchester  
M60 2LA

[REDACTED]  
La Buka African Cuisine Ltd  
286-288 Moston Lane  
Manchester  
M40 9WB.

[REDACTED]  
[REDACTED]

Date: 8 May 2019

Our Ref: 120663

Dear [REDACTED]

**Re: Noise Abatement Notice Enclosed**

Attached to this letter is an Abatement Notice that is being served upon you by Manchester City Council.

This is being served as a result of nuisance coming from 286-288 Moston Lane, Manchester, M40 9WB consisting of excessively raised voices and excessively loud music on 07<sup>th</sup> May 2019. This was witnessed by officers from Manchester City Council, the noise from your property was assessed by officers deemed to be a statutory nuisance.

It is a criminal offence to fail to comply with this notice, and if there is any reported breach of the notice, this could be witnessed at any time. This could include the use of recording equipment, or professional witnessing.

The consequences of breaching the notice could involve the Council applying to the courts for a warrant that will enable officers to enter your property, by force if necessary, and seize any equipment that may be used to create noise nuisance. You could also be liable to a prosecution which could lead to an unlimited fine.

If you wish to appeal this Notice, you have 21 days to do so under Section 80(3) of the Environmental Protection Act 1990, and this is explained within the notice.

If you have any queries about this notice or anything stated in this letter, you are entitled to seek independent legal advice.

Yours sincerely

[REDACTED]  
[REDACTED]  
Licensing and Out of Hours Team

**Environmental Protection Act  
1990  
Section 80  
Statutory Nuisance  
Abatement Notice**

LOH/120663(CC6)



**Section 80 Environmental Protection Act 1990**

**STATUTORY NUISANCE ABATEMENT NOTICE**

To: [REDACTED]  
Of: 286-288 Moston Lane, Manchester M40 9WB.

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the City of Manchester, being satisfied of the existence and likelihood of recurrence a statutory nuisance by virtue of Section 79(1)(g) arising from:

Excessively loud raised voices and excessively loud music.

at: 286-288 Moston Lane, Manchester, M40 9WB

DO HEREBY REQUIRE you with immediate effect from the service of this notice to abate the same and prohibit its recurrence and for that purpose to carry out the requirements of the attached schedule.

This notice shall have effect notwithstanding any appeal to a Magistrates' Court which has not been decided by the court because in the opinion of the Council paragraph 2 of regulation 3 of The Statutory Nuisance (Appeals) Regulations 1995 applies viz:-

Is likely to be of a limited duration such that suspension of the notice would render it of no practical effect.

An appeal against the requirements of this notice may by virtue of Section 80(3) of the Act be brought by way of a complaint for an Order to the Magistrates' Court within 21 days of the service of this notice.

Any such appeal is governed by the relevant provisions of The Statutory Nuisance (Appeals) Regulations 1995 and the Magistrates' Courts Act 1980.

All communications regarding this appeal should be addressed to:-

Clerk to the Justices, Greater Manchester Magistrates' Court, Crown Square, Manchester M60 1PR



**Environmental Protection  
Act 1990  
Section 80**  
Statutory Nuisance  
Abatement Notice



**MANCHESTER  
CITY COUNCIL**

██████████

286-288 Moston Lane, Manchester, M40 9WB

**SCHEDULE**

- 1) TO ABATE THE NOISE AND PREVENT A RECURRENCE.**

Dated this **08<sup>th</sup>** day of **May 2019**.

By Order of the said Council

Signed

**On behalf of, and in the name of, Fiona Worrall  
Strategic Director for Neighbourhoods**

**Environmental Protection Act 1990**  
**Section 80**

**NOTES**

1. Failure to comply with any requirement of this notice, without reasonable excuse, constitutes a contravention of Part III of the Environmental Protection Act 1990. The penalties which may be incurred by a person found guilty of such a contravention are set out in Section 80(5) and Section 80(6) of the Act which may be summarised as follows:-
  - (a) offences on industrial, trade or business premises – an unlimited fine.
  - (b) offences on other premises – an unlimited fine with a further fine of one tenth of £5000 for each day on which the offence continues after the conviction
2. If the local authority is of the opinion that proceedings for an offence under Section 80(4) of the Act would afford an inadequate remedy in the case of any statutory nuisance, they may take proceedings in the High Court to secure the abatement, prohibition or restriction of the nuisance.
3. Persons authorised by the City Council may enter any premises to determine whether or not a statutory nuisance exists or for the purpose of taking any action or executing any work, authorised by Part III of the Act. (See Schedule 3, paragraph 2).
4. If an abatement notice is not complied with the local authority may abate the nuisance and do whatever is necessary in execution of the notice.

Any expenses reasonably incurred by the local authority in abating or preventing the recurrence of a statutory nuisance may be recovered by them from the person(s) by whose act of default the nuisance was caused and the Court may apportion the expenses between persons by whose acts or defaults the nuisance is caused in such a manner as the Court consider fair and reasonable.

Written enquiries regarding this notice should be sent to:-

  
Licensing & Out of Hours Team  
The Neighbourhoods Service  
PO Box 532  
Town Hall  
Manchester  
M60 2LA


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

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