



Licensing Sub Committee Hearing Panel

Date: Monday, 8 April 2019

Time: 10.00 am

Venue: Council Antechamber - Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

This is a supplementary agenda and contains information that was not available when the Agenda was first 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. 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

Councillors - Ludford (Chair), Paul and Stone.

Agenda

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 Q Plus Tropical Taste Restaurant, 1038 Ashton New Road, Manchester, M11 4PE.

5 - 100

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

5. Application for a Premises Licence Variation for Sugar Ray's, Basement, 14 Newton Street, Manchester, M1 2AF.

101 - 192

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

Information about the Committee

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
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Manchester, M60 2LA

Further Information

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

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This agenda was issued on **1 April 2019** 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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Manchester City Council Report for Resolution

Report to: Licensing Subcommittee Hearing Panel – 8 April 2019

Subject: Q Plus Tropical Taste Restaurant, 1038 Ashton New Road,
Manchester, M11 4PE - (App ref: Premises Licence (new)226189)

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:

Clayton and Openshaw

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

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
Position: Principal Licensing Officer
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Name: Bryan Johnson
Position: Technical Licensing Officer
Telephone: 0161 234 1248
E-mail: b.johnson@manchester.gov.uk

Background documents (available for public inspection):

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

1. **Introduction**

- 1.1 On 14/02/2019, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Q Plus Tropical Taste Restaurant, 1038 Ashton New Road, Manchester, M11 4PE in the Clayton and Openshaw ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1** (NB: premises previously traded as Palms Restaurant and Bar).
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Application**

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is Mr Nimba Francois Edi.
- 2.3 The description of the premises by the applicant is:
 - 2.3.1 *'The Q Plus Tropical Taste Restaurant (QPTTR) with its internal space average of 50 square metre wide is situated on No.1038 Ashton New Road, replacing the former Palms Restaurant, recently closed. The premises is situated 150 yards from the local shopping centre Aldi, Iceland and the Spar convenience shop (on) Ashton New Road.'*
- 2.4 The proposed designated premises supervisor is Mr Nimba Francois Edi.
- 2.5 **The licensable activities applied for:**

Provision of regulated entertainment (recorded music):
 Sun to Thu 10.00am to 10.30pm
 Fri to Sat 10.00am to 00.30am

Provision of late night refreshment:
 Fri to Sat 2300 to 00.30am

The supply of alcohol for consumption both on and off the premises:

Sun to Thu 10.00am to 10.30pm
 Fri to Sat 10.00am to 00.30am

Opening hours:
 Sun to Thu 9.00am to 11.00pm
 Fri to Sat 9.00am to 1.00am

2.5.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.

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

2.6 **Activities unsuitable for children**

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

2.7 **Steps to promote the licensing objectives**

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

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

2.8 **Further documentation accompanying the application**

2.8.1 The applicant has not submitted any documents in support of their application.

3. **Relevant Representations**

3.1 A total of 5 relevant representations were received in respect of the application (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these representations will be available to the Panel at the hearing.

Responsible Authorities:

- MCC Licensing and Out of Hours Compliance Team;

Other Persons:

- Residents (x4).

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	Due to historical public nuisance issues attached to the premises (during the premises' previous operating period as 'Palms' restaurant under a different Premises Licence Holder) LOOH Compliance are not satisfied that the applicant has displayed sufficient understanding of his responsibilities in regard to adhering to and upholding The Four Licensing Objectives (with particular reference to the prevention of public nuisance). The applicant has stated that he intends to operate the premises in line with the previous operating schedule, this has caused certain concern for LOOH Compliance as 22 conditions were attached to the previous licence via a Licensing Subcommittee hearing. LOOH compliance are recommending that the application be granted with the addition of the 20 conditions as outlined in Annexe 3.	Grant with conditions
Residents (x4)	Collectively, the four private residents who have submitted representations against the application have expressed similar concerns relating to the potential re-occurrence of public nuisance and antisocial behaviour emanating from the premises, should the application be granted. They have based their concerns primarily as a consequence of their experiences when the premises was operating as Palms Restaurant and are collectively requesting that the application for a new premises licence is not granted.	Refuse application

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

4. Key Policies and Considerations

4.1 Legal Considerations

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

4.2 New Information

- 4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations

or notice either before the hearing or, with the consent of all parties, at the hearing.

4.3 **Hearsay Evidence**

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

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

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

4.5 **Manchester Statement of Licensing Policy**

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

	Closing time	Approach
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	Closing time	Approach
Non-alcohol led venues (excluding hot food takeaways)	Up to Midnight	Strongly encouraged provided that they do not harm the licensing objectives.
Non-alcohol led venues (excluding hot food takeaways)	Beyond midnight	Discouraged, unless strict compliance with set criteria can be shown. Positive proposals for the promotion of the licensing objectives from departing customers must also be demonstrated in the operating schedule.
Alcohol-led venues (on-licence)	Up to 11.30pm	Judged according to set criteria. Positive proposals for the promotion of the licensing objectives, including from departing customers, must also be demonstrated in the operating schedule. A stricter approach is likely to be taken where customers are not seated at tables and/or where a substantial food offer is not available at all times the premises are open
Alcohol-led venues (on-licence)	Beyond 11.30pm	Strong presumption against. A genuinely exceptional case would need to be shown. The reasons for the exception should be shown in the operating schedule, and must demonstrate that there will be no harm to the licensing objectives, including from departing customers.
Hot food Takeaway premises	All	Strong presumption against. A genuinely exceptional case would need to be shown. The reasons for the exception should be shown in the operating schedule, and must demonstrate that there will be no harm to the licensing objectives, including from departing customers.

	Closing time	Approach
Alcohol led venues (off licence)	All	<p>Strong presumption against.</p> <p>A genuinely exceptional case would need to be shown. The reasons for the exception should be shown in the operating schedule, and must demonstrate that there will be no harm to the licensing objectives.</p>

The policy also sets out particular measures it expects operators to pay special attention to in order to ensure their operation will not add to the problems within this area. Operators are not required to do so, but where the authority's discretion is engaged, any applications that fail to address all appropriate measures may be refused or have conditions applied to comply with the policy measures.

Ancoats and New Islington

The effect of the special policy is that the Council will generally only permit licensable activities for premises in the Ancoats and New Islington Regeneration Framework area until the terminal hours set out below whenever it receives relevant representation, unless an applicant can demonstrate there are exceptional circumstance to justify a departure from the policy in the individual circumstances:

11pm (Sunday to Thursday)

12am midnight (Friday, Saturday)

The special policy applies to on and off sales of alcohol. Where alcohol is sold for consumption on the premises, our policy will be to generally provide 30 minutes 'drinking up' time between the terminal hour for the sale of alcohol and the closing time of the premises.

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
- 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
- The availability of transport to and from the premises
- Ability to clean and maintain the street scene
- Premises in proximity to the airport

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 (e.g. 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

Section 9: Alcohol delivery services

This section sets out specific provisions for alcohol delivery services to be considered in conjunction with relevant standards from Section 8 of the Policy

Section 10: Adult entertainment (including striptease, nudity and other entertainment of a sexual nature)

This section sets out specific considerations in respect of applications to provide adult entertainment, including entertainment of a sexual nature e.g. nudity, striptease and lap dancing.

Section 11: The use of tables and chairs on the public highway

This section provides that the operation of any areas on the public highway licensed for tables and chairs should be considered with regard to all relevant Standards set out in Section 8 of the Policy.

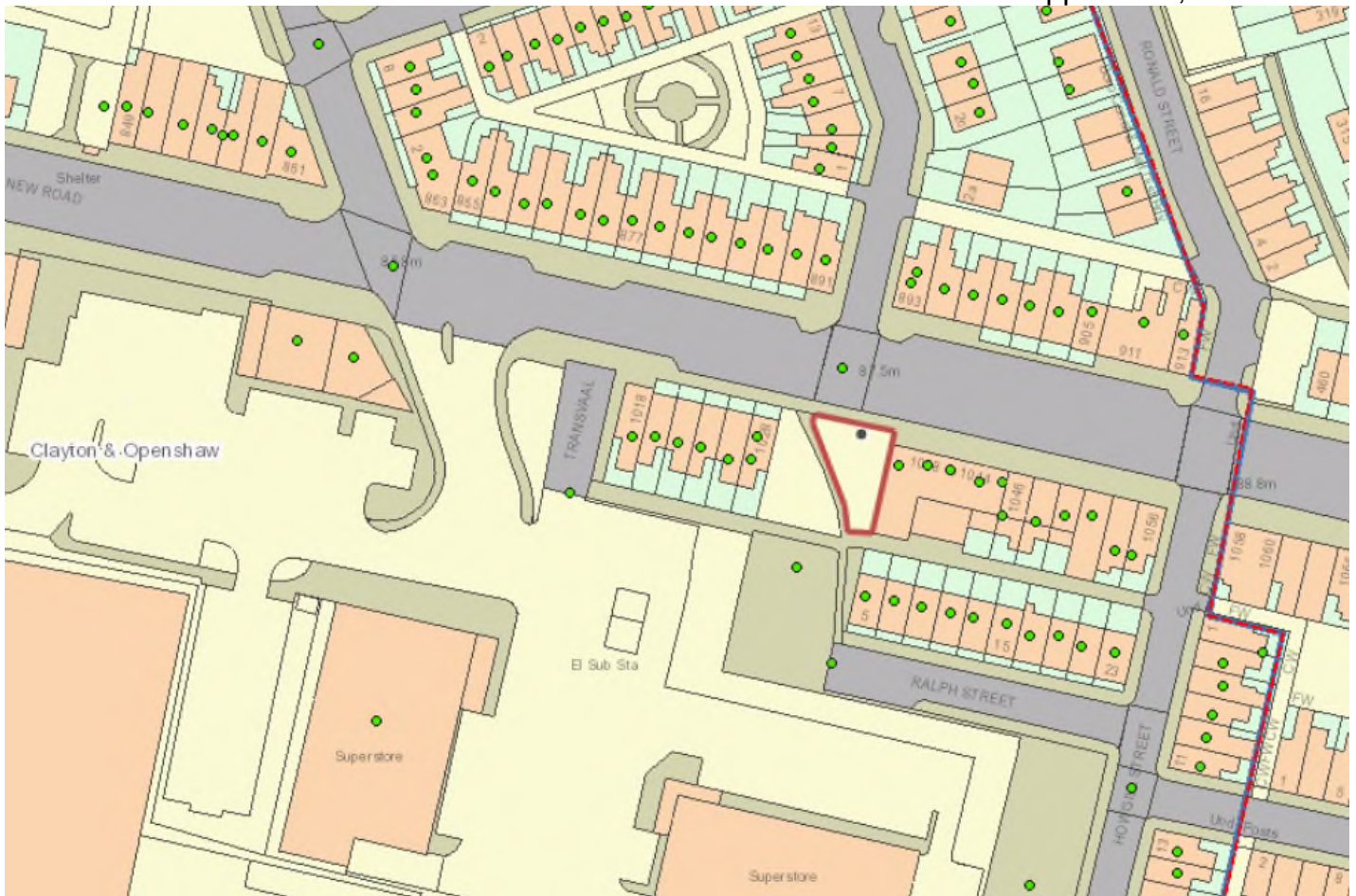
Section 12: Premises Licences for large-scale public events

This section sets out particular expectations regarding large scale public events, given the specific associated risks.

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.



Q Plus Tropical Taste Restaurant
1038 Ashton New Road, Manchester, M11 4PE



PREMISE NAME: Q Plus Tropical Taste Restaurant

PREMISE ADDRESS: 1038 Ashton New Road, Manchester, M11 4PE

WARD: Clayton & Openshaw

HEARING DATE: 08/04/2019

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

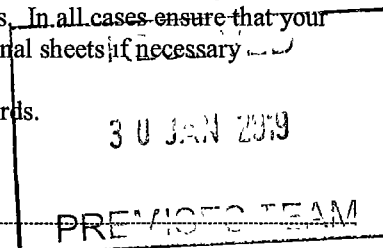
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. ~~In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.~~

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

I/We **Nimba François EDI**

(Insert name(s) of applicant)

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



Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

**Q Plus Tropical Taste Restaurant (QPTTR) is a Restaurant and Bar
On Number 1038, Ashton New Road , Mancheste**

Post town	MANCHESTER	Postcode	M11 4PE
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Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£5,000.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

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

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

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

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

I am making the application pursuant to a
 statutory function or ☐
 a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname EDI			First names NIMBA FRANÇOIS		
Date of birth : [REDACTED]		I am 18 years old <input checked="" type="checkbox"/> Please tick yes			
Nationality: French					
Current residential address if different from premises address		[REDACTED]			
Post town	[REDACTED]			Postcode	[REDACTED]
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)	[REDACTED]				

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
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Surname		First names	
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
1	0	0	3	2	0	1	9

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

DD		MM		YYY			

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

The "Q Plus Tropical Taste Restaurant (QPTTR)" with its Internal space average of 50 square metre wide is state on Number 1038 Ashton New Road, remplacing the former Palm's Restaurant recently Closed. We are keeping the same activities as the previous owner Palm's The premises is situated 150 yards from the local shopping center ALDI, Ice Land and the SPAR convenient shop Ashton new road

It is a small sole trader Business, that shall supplys a wide variety of authentic Tropical meals from oversease and also in the sale of Alcohol and none-Acohol drinks to Clayton's local residents and its general public when passing by, and while having their meals.

The Capacity of is 40 people including staff,

The (QPTTR) is bringing to the area the originality of the Afro-Caribbean Taste that is missing in Northern Clayton area.

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

Provision of late night refreshment (if ticking yes, fill in box I)☒**Supply of alcohol** (if ticking yes, fill in box J)☒**In all cases complete boxes K, L and M**

A

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

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed					
Thur					
			<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 6)		
Fr1					
Sat					
Sun					

C

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

D

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

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue						
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)			
Thur						
Fr1			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	X
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) The Music will be unamplified.		
Mon	10:00 AM	22:30			
Tue	10:00 AM	22:30	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) The Licensed activities will take place indoors only		
Wed	10:00 AM	22:30			
Thur	10:00 AM	22:30	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6) Seasonal Variations and Non standard Timings CHRISTMAS: From the start of the Christmas Eve to the terminal hour of Christmas day NEW YEAR: From the start of the New Years Eve to the terminal of New Years Day		
Fri	10:00 AM	00:30 AM			
Sat	10:00 AM	00:30 AM			
Sun	10:00 AM	22:30			

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) The Music will be unamplified.		
Mon	N/A	N/A			
	N/A	N/A			
Tue	N/A	N/A			
	N/A	N/A			
Wed	N/A	N/A	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) The Licensed activities will take place indoors only		
	N/A	N/A			
Thur	N/A	N/A			
	N/A	N/A			
Fri	22:30	00:30	<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> (please read guidance note 6)		
		AM			
Sat	22:30	00:30	Seasonal Variations and Non standard Timings Christmas Eve and New Years Eve 22:30 to 05am		
	AM	AM			
Sun	N/A	N/A			
	N/A	N/A			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	
				Off the premises	
Day	Start	Finish		Both	X
Mon	10:00	22:30	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) The Licensed activities will take place indoors only		
	AM				
Tue	10:00	22:30			
	AM				
Wed	10:00	22:30	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
	AM				
Thur	10:00	22:30			
	AM	AM	Seasonal Variations and Non standard Timings CHRISTMAS: From the start of the Christmas Eve to the terminal hour of Christmas day NEW YEAR: From the start of the New Years Eve to the terminal of New Years Day		
Fri	10:00	00:30			
	AM	AM			
Sat	10:00	00:30			
	AM	AM			
Sun	10:00	22:30			
	AM				

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

Name EDI NIMBA FRANÇOIS	
Date of birth : 25 NOVEMBER 1968	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) 130186	
Issuing licensing authority (if known) 26 / 07 / 2010	

□□□□

K

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

Notice will be display indicating the Challenge 25 policy is in force.

Staff training will include the Challenge 25 policy and its operation. In particular staff will 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 will be given to a new member of staff before they commence paid employment and all staff will be trained twice yearly. Training to also included underage sales drunkenness and drugs. All Training will be documented.

Anyone 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, but not exclusively, they must be accompany with their parents or a person over 18 years of age.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	The Licensed activities will take place indoors only
Mon	09:00	23:00	
	AM		
Tue	09:00	23:00	
	AM		
Wed	09:00	23:00	
	AM		
Thur	09:00	23:00	
	AM		
Fri	09:00	01:00	
	AM		<u>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</u> (please read guidance note 6)
Sat	09:00	01:00	
	AM		
Sun	09:00	23:00	
	AM		Seasonal Variations and Non standard Timings CHRISTMAS: From the start of the Christmas Eve to the terminal hour of Christmas day NEW YEAR: From the start of the New Years Eve to the terminal of New Years Day

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

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

-Supply of Alcohol: No supply of alcohol may be made under this premises:

- At a time when there is no designated premises supervisor in respect of the premises licence
- At a time when the DPS does not hold a personal licence or his personal licence is suspended
- Every retail sale or supply of alcohol made under this licence must be made or authorised by a Person who hold a Personal Licence

-DPS: A (Designated Premises Supervisor) must be present at the premises at all time when licence activities are taking place

-Door Supervisors : Only individuals licenced by the security industry Authority shall be used at the premises to undertake security activities include guarding against:

Unauthorised access or occupation (e.g. door supervision) Outbreak of disorder, or Damage

- CCTV: A good performance digital hard drive CCTV system to be in operation in and outdoor premises at all time

b) The prevention of crime and disorder

-A digital hard drive CCTV system to be in operation rotated for a period of 24 hours non stop to cover internal and external area of the premises, any area where customers have legitimate access must be sufficiently illuminated for the facial recognition. All CCTV recorded to be kept for 28 days and all images will have sufficient clarity, quality and great definition to enable facial recognition

-Door Supervisors

Only individuals licenced by the security industry Authority shall be used at the premises to undertake security activities include guarding against:

Unauthorised access or occupation (e.g. door supervision)

Outbreak of disorder, or Damage

c) Public safety

-Door Supervisors

Only individuals licenced by the security industry Authority shall be used at the premises to undertake security activities include guarding against: Unauthorised access or occupation (e.g. door supervision) outbreak of disorder or damage

-The DPS

The responsible shall take all reasonable steps to ensure that all staff does not carry out, arrange or participate in any irresponsible promotions in relation to the premises, those activities which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

d) The prevention of public nuisance

-Door Supervisors -The DPS- To all staff members

Any person who tries to gain entry the premises who is involved in disorderly conduct or anti social behaviour outside the premises, will not be permitted entry to the premises

The Premises Licence Holder or the DPS shall ensure that any person within the premises who is involved in disorderly conduct or anti social behaviour inside the premises will be removed from the premises Not allow to enter or allow to remain in the premises any person who is notified to the DPS (Designated Premises Supervisor) by Great Manchester Police as being a person of bad character byway of association to other persons or by conviction of court.

e) The protection of children from harm**The challenge 25 policy**

The challenge 25 policy will be implement in full and appropriate identification will be sought from any person who appear under the age of 25. The only acceptable forms of identification will be the Passport, photo driving licence and those carrying the Pass logo.

The responsible as well as the Door Supervisor and all staff member of the Alcohol licence premises must be prevented from any suspicious activities or substantially similar that could carry out a risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children

Checklist:

Please tick to indicate agreement


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

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15) The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	29 January 2019
Capacity	40

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

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

Consent of individual to being specified as premises supervisor

I NIMBA FRANCOIS EDI

[full name of prospective premises supervisor]

Of

90 ,COATBRIDGE STREET , Clayton , MANCHESTER

M11 4QY

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises Licence for the sale of Alcohol in the Restaurant state at 1038 Ashton New Road, M11 4PE,named The Q*Plus* Tropical Taste Restaurant(QPTTR),former Palm's Restaurant

[type of application]

by

NIMBA FRANCOIS EDI

[name of applicant]

relating to a premises licence 130186

[number of existing licence, if any]

for

The QPTTR (Q *Plus* Tropical Taste Restaurant) ,former Palm's Restaurant at Number , 1038 Ashton New Road , M11 4PE, Manchester

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

NIMBA FRANCOIS EDI

[name of applicant]

concerning the supply of alcohol at

The QPTTR (Q Plus Tropical Taste Restaurant) ,former Palm's Restaurant at Number , 1038 Ashton New Road , M11 4PE, Manchester

The QPTTR (Q Plus Tropical Taste Restaurant) ,former Palm's Restaurant at Number , 1038 Ashton New Road , M11 4PE, Manchester

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

130186

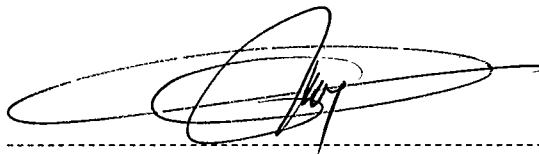
[insert personal licence number, if any]

Personal licence issuing authority

Manchester City Council

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

NIMBA FRANCOIS EDI

Date

29 / 01 / 2019

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**
Licensing & Out of Hours Compliance Team - Representation

Name	Steven Titterton
Job Title	Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	s.titterton@manchester.gov.uk
Telephone Number	0161 227 3147

Premise Details

Application Ref No	REF 226189LD2
Name of Premises	Q Plus Tropical Taste Restaurant
Address	1038 Ashton New Road, Manchester, M11 4PE

Representation

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

The licensing and out of hours team have assessed the likely impact of the grant of this new premise licence taking into account a numbers of factors, including the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this application could lead to undermining the prevention of public nuisance as a licensing objective under the Licensing Act 2003.

The LOOH team have also given consideration to Manchester City Council's Statement of Licensing policy, in particular S7.25 in relation to the proximity of the premises to local residents and other local businesses particularly in relation to the potential for nuisance.

'Where premises are in the direct vicinity of local residents properties, and where discretion is engaged, the authority will give particular consideration to measures proposed in the application in relation to prevent nuisance.'

The premise is located on a very busy arterial route in and out of Manchester City Centre and has residential properties above, to the side, rear and opposite, please see attached map of the location in relation to the nearby residential properties, the premise is the black dot:



The applicant has applied to open the premise on

Sun –Thurs 0900 to 2300

Fri - Sat 0900 to 0100

To supply alcohol

Sun – Thurs 1000 to 2230

Fri – Sat 1000 to 0030

To provide late night refreshments

Fri – Sat 2230 to 0030

To play recorded music only

Sun – Thurs 1000 to 2230

Fri – Sat 1000 to 0030

Section K of the application asks the applicant to highlight if 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:

The applicant has filled this section with information relating to Challenge 25, staff training on Challenge 25, underage sales, drunkenness and drugs and anyone under 18 will be accompanied by an adult, this is not what this section is intended for and anything offered in this section would not be included in any conditions attached to the premise licence if granted and demonstrates that the applicant has no understanding of the form.

Section M of the application allows the applicant to describe the steps in which they will promote the licensing objectives, the applicant does not show that they have a full understanding of the 4 licensing objectives as they seem to have put a lot of duplicated information in all sub sections which relates to CCTV, Door supervision, and alcohol sales and does not take into account anything relating to prevention of public nuisance in the form of noise break out from music or from customers inside, congregating outside, any dispersal policy or policy relating to outside area in the late hours applied for.

According to the records held by the premise licensing team the property previously had a premise licence until 06/11/2018 in the name of Palms, the previous licence lapsed due to the licence holding company being dissolved and although there is no links between the old owner and the new applicant, the new applicant makes reference in the application in part 3 of the operating schedule that they want to operate the premise in line with the previous premise known as Palms. The previous premises licence had 26 conditions attached to it, 22 conditions were added to the licence after an hearing by the licensing authority.

So based on the above information I would recommended the application being approved with slight amendment to the operating schedule to allow them to :

Open to the public

Sun –Thurs 1100 to 2300
Fri - Sat 1100 to 0100

To supply alcohol

Sun – Thurs 1100 to 2230
Fri – Sat 1100 to 0030

To provide late night refreshments

Fri – Sat 2230 to 0030

To play recorded music only

Sun – Thurs 1100 to 2230
Fri – Sat 1100 to 0030

I would also request that the following conditions are added to the Licence in line with the previous licence held at the premise

1. All windows and external doors shall be kept closed between 19:00 and close, except for immediate access and egress of persons.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to nuisance.
3. A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents in the vicinity.

4. The licence holder shall enter into an agreement with a taxi company to provide transport for customers. A call-back system must be operated and drivers instructed not to sound their horns when collecting customers.
5. Alcohol shall only be sold to persons as ancillary to food.
6. All customers shall be seated.
7. Alcohol shall be supplied by waiter/waitress service only.
8. Alcohol shall not be taken off the premises.
9. Any person who appears intoxicated shall be refused entry to the premises.
10. No glassware to be collected from the premises or to be disposed of into outside waste receptacles between 2200 and 0800.
11. Staff shall ensure patrons do not congregate outside the premises causing a nuisance to nearby residents.
12. Signs requesting that customers leave the premises quietly having respect for nearby residents shall be displayed at the exit.
13. Staff shall regularly clean (and endeavour to keep clear of litter) the area immediately in front of the premises.
14. No children under the age of 16 years shall be on the premises after 20:00.
15. No persons under the age of 18 years shall be on the premises after 2100 unless accompanied by an adult over 18 years of age.
16. A refusals book containing records of instances/persons who have been refused the supply of alcohol on the basis of their perceived age shall be compiled and maintained.
17. Staff shall use their best endeavours to ensure that customers using the outside smoking area shall not cause a noise nuisance to nearby residents.
18. The restaurant shall be restricted to 40 covers.
19. The last orders for food shall be taken by 2345 hours on Friday and Saturday Nights.
20. The premises shall install and maintain a comprehensive digital [colour] CCTV system. All areas to which the public have legitimate access must be sufficiently illuminated for the purpose of CCTV. 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.

The Licensing and Out of Hours Team consider the conditions 'appropriate and proportionate' to uphold the licensing objectives.

Recommendation: Approve with Conditions (Outlined Above)

Fwd: Notice of hearing re 226189MC3: Premises Licence (new) Q Plus
Tropical Taste Restaurant, 1038 Ashton New Road M11 4PE

----- Forwarded message -----

From: **Steven F Titterton** <s.titterton@manchester.gov.uk>

Date: Tue, 19 Mar 2019 at 19:26

Subject: Fwd: Notice of hearing re 226189MC3: Premises Licence (new) Q Plus
Tropical Taste Restaurant, 1038 Ashton New Road M11 4PE

To: Premises Licensing <premises.licensing@manchester.gov.uk>,
<eydoh@hotmail.com>, <alan.isherwood@gmp.police.uk>

Dear Premises Licensing, could you please put on record that an agreement has been made between the applicant and Licensing and Out of Hours team in line with the representation submitted.

Open to the public
Sun –Thurs 1100 to 2300
Fri - Sat 1100 to 0100

To supply alcohol
Sun – Thurs 1100 to 2230
Fri – Sat 1100 to 0030

To provide late night refreshments
Fri – Sat 2230 to 0030

To play recorded music only
Sun – Thurs 1100 to 2230
Fri – Sat 1100 to 0030

and to also include the below conditions to the premises licence if granted.

1. All windows and external doors shall be kept closed between 19:00 and close, except for immediate access and egress of persons.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to nuisance
3. A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents in the vicinity.
4. The licence holder shall enter into an agreement with a taxi company to provide transport for customers. A call-back system must be operated and drivers instructed not to sound their horns when collecting customers.
5. Alcohol shall only be sold to persons as ancillary to food.
6. All customers shall be seated.
7. Alcohol shall be supplied by waiter/waitress service only.
8. Alcohol shall not be taken off the premises.

9. Any person who appears intoxicated shall be refused entry to the premises.
10. No glassware to be collected from the premises or to be disposed of into outside waste receptacles between 2200 and 0800.
11. Staff shall ensure patrons do not congregate outside the premises causing a nuisance to nearby residents.
12. Signs requesting that customers leave the premises quietly having respect for nearby residents shall be displayed at the exit.
13. Staff shall regularly clean (and endeavour to keep clear of litter) the area immediately in front of the premises.
14. No children under the age of 16 years shall be on the premises after 20:00.
15. No persons under the age of 18 years shall be on the premises after 2100 unless accompanied by an adult over 18 years of age.
16. A refusals book containing records of instances/persons who have been refused the supply of alcohol on the basis of their perceived age shall be compiled and maintained.
17. Staff shall use their best endeavours to ensure that customers using the outside smoking area shall not cause a noise nuisance to nearby residents.
18. The restaurant shall be restricted to 40 covers.
19. The last orders for food shall be taken by 2345 hours on Friday and Saturday Nights.
20. The premises shall install and maintain a comprehensive digital [colour] CCTV system. All areas to which the public have legitimate access must be sufficiently illuminated for the purpose of CCTV. 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.

Please note that Licensing and Out of Hours will not be attending the hearing.

Kind regards
Steve Titterton

----- Forwarded message -----

From: **raymond EYDOH** <eydoh@hotmail.com>

Date: Tue, 19 Mar 2019 at 12:33

Subject: RE: Notice of hearing re 226189MC3: Premises Licence (new) Q Plus
Tropical Taste Restaurant, 1038 Ashton New Road M11 4PE

To: Steven F Titterton <s.titterton@manchester.gov.uk>

Dear Mr Titterton

Thank you for your quick response,

My answer is YES. I confirm that i am also happy with the proposed hours

Regards

Nimba Edi

Sat, 16 Feb 2019 at 11:47, [REDACTED] wrote:

On 14/02/2019 16:24, Premises Licensing wrote:

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

Application Type: Premises Licence (new)

**Premises: Q Plus Tropical Taste Restaurant, 1038 Ashton New Road,
Manchester, M11 4PE**

Further to our previous e-mail, please be advised that the consultation period for the above application has been restarted as the application was not advertised correctly.

Please note that the applicant has also submitted amended licensable activity timings in respect of the provision of regulated entertainment (recorded music) and for the supply of alcohol for consumption both on and off the premises. The applicant has also submitted amended operating times for the premises.

The new date by which representations must be received is **14/03/2019** and any representations received prior to this e-mail must be resubmitted.

Yours sincerely

Bryan Johnson
Premises Licensing Team

Premises Licensing
Manchester City Council
Level 1 Town Hall Extension
Albert Square
PO Box 532
M60 2LA
Tel: 0161 234 5004 (call centre)
Email: premises.licensing@manchester.gov.uk
Web: www.manchester.gov.uk/licensing

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Please contact internet.administrators@manchester.gov.uk with any queries.

My objection still stand. We do not need or want any more food outlets on Ashton New Road. Can you for once listen to and act on the concerns for the local residents who a least deserve some respite from the noise, the smell of fried greasy food and the food and litter that is left outside our houses.

[REDACTED]
Date: Mon, 11 Feb 2019 at 13:04
Subject: Objection to Licence Application 1038 Ashton New Road Clayton
Manchester M11 4PE
To: premises.licensing@manchester.gov.uk
<premises.licensing@manchester.gov.uk>

Licence application for 1038 Ashton New Road, Clayton, Manchester, M11 4PB

Hi, here we go again. This is getting like ground hog day. This premises has gone beyond a joke. It seems like once a year somebody applies for a licence or planning permission to alter it or extend the licensing hours. This shop has been nothing but trouble since it was first allowed to open as a fast food outlet (against the wishes of the local residents)

How can a food outlet that is no more than 30yds from its nearest residential property even consider asking for license to play music anywhere from 9am in the morning through till 00:30 the following day. The last time this was allowed to happen if the music stopped before 3am in the morning we were lucky. I have lost count of how many times I have walked past it and seen people urinating against the shop wall because they could or would not go back into the premises to the toilets in there.

There is also the question of (still) why is there so many fast food outlets in such a small area eight at least and that is without crossing Edge Lane into Tameside where there is five more? Do we need any more? Do we want anymore? The answer is no!

Why should the residents of Ashton New Road, Dargia Street and Ralph Street have to put up with this noise pollution? Sleep deprivation is a form of torture. How can the council even consider inflicting the on the local residents once again?

IU strongly object to the premises once again being used for the purpose of serving food and playing music

Yours

[REDACTED]

From: <webfeedback@manchester.gov.uk>
 Date: Mon, 18 Feb 2019 at 12:35
 Subject: Make representation to a licensing or gambling application
 To: <premises.licensing@manchester.gov.uk>

Question	Response
<i>First name:</i>	[REDACTED]
<i>Last name:</i>	[REDACTED]
<i>Building number or name:</i>	[REDACTED]
<i>Street:</i>	[REDACTED]
<i>Area:</i>	[REDACTED]
<i>Postcode:</i>	[REDACTED]
<i>Email :</i>	[REDACTED]
<i>Application reference number:</i>	
<i>Premises name (if known) and full address this representation relates to:</i>	QPlus tropical taste restaurant & Bar 1038 Ashton new road M114pe
<i>Which of the licensing objectives are relevant to your comments on this application: :</i>	The prevention of public nuisance
<i>Please state your comments on this application :</i>	<p>I / we local residents do not want this to open as another restaurant or more like a She been.....as was with the previous tenants PALMS Restaurant.... They abused the licensing rules.. Hours of opening and noise.</p> <p>We actually had the licensing out of hours team here as I was wakened up to the racket/music.....case number566443. This is residential area.houses and flats above the shops/takeaways..there are 3 flats above this so - called restaurant.....</p> <p>This restaurant is not wanted. I object most profusely. Its been very nice and quiet and can have in disturbed sleep.....</p>



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

Appendix 4, Item 4

Fw: Premises License

1 message

contact@manchester.gov.uk <contact@manchester.gov.uk>

Reply-To: contact@manchester.gov.uk

To: premises.licensing@manchester.gov.uk

22 February 2019 at 08:50

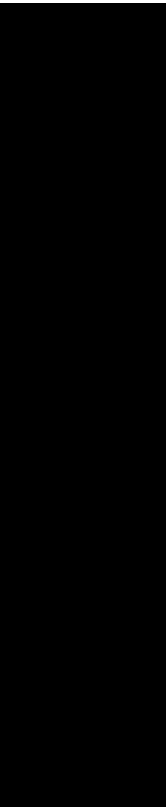
Hi Team,

Please see objection below

Thanks

Email sent by: Danielle McCluskey

----- Forwarded by SWCP-Contact on 22/02/2019 08:49 -----



22/02/2019 08:48

|

->

Manchester City Council <contact@manchester.gov.uk>

|

To|

|

cc|

|

Subject|

->

Premises License

>
>----->
>---|
| |
>---|

Hello there,

I am objecting to the premises License attached on the ground thats it is basically a night club in disguise.
This night club will disturb residents on Ashton New Road and the surrounding streets as has done in the past as previous usage as a restaurant come night club. We also are experiencing problems from the previous owner who now has a restaurant on Ashton New Road playing loud music and throwing parties every night. Please keep me updated.

Kind regards,



(See attached file: DSC02355.JPG)



DSC02355.JPG
7254K

Against

plus Tropical Taste
Restaurant & Bar
1038 Ashton New Rd
MM / LPE Manchester

To Whom it May Concern.

My husband and myself are not
happy about Tropical Taste &
Restaurant & Bar opening.

This has been open before by
other person's and was terrible
Loud music, rubbish, cars;
Unill early morning people shouting
and screaming. We are in our
late 70's and donot want or
need these premises opening.

Yours Sincerely

RECEIVED

15 FEB 2019

PREMISES TEAM

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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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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. No supply of alcohol shall be made under this premises: <ul style="list-style-type: none"> • at a time when there is no DPS in respect of the premises licence; • at a time when the DPS does not hold a Personal Licence or his/her Personal Licence is suspended. 2. Every retail sale or supply of alcohol made under this premises licence must be made or authorised by a person who holds a Personal Licence. 3. A Designated Premises Supervisor shall be present at the premises at all times when licensable activities are taking place. 4. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, including guarding against: <ul style="list-style-type: none"> • unauthorised access or occupation; • outbreaks of disorder; • or damage. 5. A digital hard-drive CCTV system shall to be in operation rotated for a period of 24 hours non-stop to cover internal and external area of the premises, any area where customers have legitimate access shall be sufficiently illuminated for the facial recognition. All CCTV recorded to be kept for 28 days and all images shall have sufficient clarity, quality and great definition to enable facial recognition. 6. The premises shall take all reasonable steps to ensure that all staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises, and those activities which carry a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children. 7. Any person who tries to gain entry to the premises or who is involved in disorderly conduct or antisocial behaviour outside the premises, shall not be permitted entry to the premises. 8. The Premises Licence Holder or DPS shall ensure that any person within the premises who is involved in disorderly conduct or antisocial behaviour inside the premises shall be removed from the premises, and shall not allow to enter or allow to remain in the premises any person who is notified to the DPS (Designated Premises Supervisor) by Great Manchester Police as being a person of bad character byway of association to other persons or by conviction of court. 9. The 'Challenge 25' Policy shall be implemented in full and appropriate identification shall be sought from any person who appears under the age of 25. The only acceptable forms of 	N/A	Applicant

Schedule of Licence Conditions

<p>identification will be passport, photo driving licence and those identification cards carrying the Pass logo.</p> <p>10. The Premises Licence Holder, as well as all door supervisors and members of staff of the licensed premises, must be prevented from any suspicious activities or substantially similar that could carry out a risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children.</p>		
Conditions proposed by objectors	Agreed	Proposed by
<p>11. All windows and external doors shall be kept closed between 19:00 and close, except for immediate access and egress of persons.</p> <p>12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to nuisance.</p> <p>13. A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents in the vicinity.</p> <p>14. The licence holder shall enter into an agreement with a taxi company to provide transport for customers. A call-back system must be operated and drivers instructed not to sound their horns when collecting customers.</p> <p>15. Alcohol shall only be sold to persons as ancillary to food.</p> <p>16. All customers shall be seated.</p> <p>17. Alcohol shall be supplied by waiter/waitress service only.</p> <p>18. Alcohol shall not be taken off the premises.</p> <p>19. Any person who appears intoxicated shall be refused entry to the premises.</p> <p>20. No glassware to be collected from the premises or to be disposed of into outside waste receptacles between 2200 and 0800.</p> <p>21. Staff shall ensure patrons do not congregate outside the premises causing a nuisance to nearby residents.</p> <p>22. Signs requesting that customers leave the premises quietly having respect for nearby residents shall be displayed at the exit.</p> <p>23. Staff shall regularly clean (and endeavour to keep clear of litter) the area immediately in front of the premises.</p> <p>24. No children under the age of 16 years shall be on the premises after 20:00.</p> <p>25. No persons under the age of 18 years shall be on the premises</p>	<p>Yes (19/03/19)</p>	<p>Licensing and Out of Hours</p>

Schedule of Licence Conditions

<p>after 2100 unless accompanied by an adult over 18 years of age.</p> <p>26. A refusals book containing records of instances/persons who have been refused the supply of alcohol on the basis of their perceived age shall be compiled and maintained.</p> <p>27. Staff shall use their best endeavours to ensure that customers using the outside smoking area shall not cause a noise nuisance to nearby residents.</p> <p>28. The restaurant shall be restricted to 40 covers.</p> <p>29. The last orders for food shall be taken by 2345 hours on Friday and Saturday Nights.</p> <p>30. The premises shall install and maintain a comprehensive digital [colour] CCTV system. All areas to which the public have legitimate access must be sufficiently illuminated for the purpose of CCTV. 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.</p>		
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**MANCHESTER
CITY COUNCIL**
Licensing & Out of Hours Compliance Team - Representation

Name	Steven Titterton
Job Title	Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	s.titterton@manchester.gov.uk
Telephone Number	0161 227 3147

Premise Details

Application Ref No	REF 226189LD2
Name of Premises	Q Plus Tropical Taste Restaurant
Address	1038 Ashton New Road, Manchester, M11 4PE

Representation

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

The licensing and out of hours team have assessed the likely impact of the grant of this new premise licence taking into account a numbers of factors, including the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this application could lead to undermining the prevention of public nuisance as a licensing objective under the Licensing Act 2003.

The LOOH team have also given consideration to Manchester City Council's Statement of Licensing policy, in particular S7.25 in relation to the proximity of the premises to local residents and other local businesses particularly in relation to the potential for nuisance.

'Where premises are in the direct vicinity of local residents properties, and where discretion is engaged, the authority will give particular consideration to measures proposed in the application in relation to prevent nuisance.'

The premise is located on a very busy arterial route in and out of Manchester City Centre and has residential properties above, to the side, rear and opposite, please see attached map of the location in relation to the nearby residential properties, the premise is the black dot:



The applicant has applied to open the premise on

Sun –Thurs 0900 to 2300

Fri - Sat 0900 to 0100

To supply alcohol

Sun – Thurs 1000 to 2230

Fri – Sat 1000 to 0030

To provide late night refreshments

Fri – Sat 2230 to 0030

To play recorded music only

Sun – Thurs 1000 to 2230

Fri – Sat 1000 to 0030

Section K of the application asks the applicant to highlight if 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:

The applicant has filled this section with information relating to Challenge 25, staff training on Challenge 25, underage sales, drunkenness and drugs and anyone under 18 will be accompanied by an adult, this is not what this section is intended for and anything offered in this section would not be included in any conditions attached to the premise licence if granted and demonstrates that the applicant has no understanding of the form.

Section M of the application allows the applicant to describe the steps in which they will promote the licensing objectives, the applicant does not show that they have a full understanding of the 4 licensing objectives as they seem to have put a lot of duplicated information in all sub sections which relates to CCTV, Door supervision, and alcohol sales and does not take into account anything relating to prevention of public nuisance in the form of noise break out from music or from customers inside, congregating outside, any dispersal policy or policy relating to outside area in the late hours applied for.

According to the records held by the premise licensing team the property previously had a premise licence until 06/11/2018 in the name of Palms, the previous licence lapsed due to the licence holding company being dissolved and although there is no links between the old owner and the new applicant, the new applicant makes reference in the application in part 3 of the operating schedule that they want to operate the premise in line with the previous premise known as Palms. The previous premises licence had 26 conditions attached to it, 22 conditions were added to the licence after an hearing by the licensing authority.

So based on the above information I would recommended the application being approved with slight amendment to the operating schedule to allow them to :

Open to the public

Sun –Thurs 1100 to 2300
Fri - Sat 1100 to 0100

To supply alcohol

Sun – Thurs 1100 to 2230
Fri – Sat 1100 to 0030

To provide late night refreshments

Fri – Sat 2230 to 0030

To play recorded music only

Sun – Thurs 1100 to 2230
Fri – Sat 1100 to 0030

I would also request that the following conditions are added to the Licence in line with the previous licence held at the premise

1. All windows and external doors shall be kept closed between 19:00 and close, except for immediate access and egress of persons.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to nuisance.
3. A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents in the vicinity.

4. The licence holder shall enter into an agreement with a taxi company to provide transport for customers. A call-back system must be operated and drivers instructed not to sound their horns when collecting customers.
5. Alcohol shall only be sold to persons as ancillary to food.
6. All customers shall be seated.
7. Alcohol shall be supplied by waiter/waitress service only.
8. Alcohol shall not be taken off the premises.
9. Any person who appears intoxicated shall be refused entry to the premises.
10. No glassware to be collected from the premises or to be disposed of into outside waste receptacles between 2200 and 0800.
11. Staff shall ensure patrons do not congregate outside the premises causing a nuisance to nearby residents.
12. Signs requesting that customers leave the premises quietly having respect for nearby residents shall be displayed at the exit.
13. Staff shall regularly clean (and endeavour to keep clear of litter) the area immediately in front of the premises.
14. No children under the age of 16 years shall be on the premises after 20:00.
15. No persons under the age of 18 years shall be on the premises after 2100 unless accompanied by an adult over 18 years of age.
16. A refusals book containing records of instances/persons who have been refused the supply of alcohol on the basis of their perceived age shall be compiled and maintained.
17. Staff shall use their best endeavours to ensure that customers using the outside smoking area shall not cause a noise nuisance to nearby residents.
18. The restaurant shall be restricted to 40 covers.
19. The last orders for food shall be taken by 2345 hours on Friday and Saturday Nights.
20. The premises shall install and maintain a comprehensive digital [colour] CCTV system. All areas to which the public have legitimate access must be sufficiently illuminated for the purpose of CCTV. 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.

The Licensing and Out of Hours Team consider the conditions 'appropriate and proportionate' to uphold the licensing objectives.

Recommendation: Approve with Conditions (Outlined Above)

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Manchester City Council

Report for Resolution

Report to: Licensing Subcommittee Hearing Panel – 8 April 2019

Subject: Sugar Ray's, Basement, 14 Newton Street, Manchester, M1 2AF -
(App ref: Premises Licence variation226545)

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

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

Contact Officers:

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

Name: Dave Skelly
Position: Technical Licensing Officer
Telephone: 0161 234 4915
E-mail:

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 11/02/2019, an application for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 was made in respect of Sugar Ray's, Basement, 14 Newton Street, Manchester, M1 2AF in the Piccadilly ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **Current Licence**

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

3. **The Application**

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

- 3.2 The variation is to

Proposed hours and licensable activities:

Provision of regulated entertainment (recorded music):

Current hours: Mon to Sun 9am to 11pm

Proposed hours: Mon to Sun 9am to 5am

Non-standard timings: (Recorded music)

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

All other Non-standard timings to remain the same

Provision of late night refreshment:

Current hours:

- Sun to Wed not applicable
- Thu to Sat 11pm to 3am

Proposed hours:

- Mon to Sun 11pm to 5am

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

Current hours:

- Sun to Wed 11am to 10.30pm
- Thu to Sat 9am to 3am

Proposed hours:

- Sun to Wed 11am to 5am
- Thu to Sat 9am to 5am

Opening hours:

Current hours:

- Mon to Wed 6.30am to 11pm
- Thu to Sat 6.30am to 3am
- Sun 9am to 11pm

Proposed hours:

- Mon to Sat 6.30am to 5am
- Sun 9am to 5am

- 3.2.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.
- 3.2.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 3**.
- 3.3 **Activities unsuitable for children**
 - 3.3.1 The applicant has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

3.4 Steps to promote the licensing objectives

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

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 with the application form at **Appendix 4**:
- Smoking Policy
 - Dispersal Policy

4. Relevant Representations

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

Responsible Authorities:

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

- 4.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	<p>Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety.</p> <p>The premises are located close to Piccadilly Gardens the number 1 hotspot incidents within the City Centre. There is a concern that the hours applied for would further cause concerns in this area. Other than proposing to use a sound limiter and restrict the entry of under 18's, under the supervision of an adult to 8pm, the applicant has proposed nothing further to existing conditions.</p>	Refuse (subsequently agreed amended hours)

Licensing and Out of Hours Compliance	<p>Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety.</p> <p>The premises are located close to Piccadilly Gardens the number 1 hotspot incidents within the City Centre. There is a concern that the hours applied for would further cause concerns in this area. Local residents, have previously made complaints due to noise issues, against other licensed premises nearby. There are also concerns regarding noise, coming from the premises, namely the disposal of waste, customers smoking and leaving the premises. They also believe that the existing Policies (smoking and dispersal) are not robust enough to cover the proposed later hours applied for.</p>	<p>Refuse</p>
--	--	---------------

4.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 6**.

4.4 Agreements on proposed hours have been reached with Greater Manchester Police.

5. Key Policies and Considerations

5.1 Legal Considerations

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

5.2 New Information

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

5.3 Hearsay Evidence

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

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

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

5.5 **Manchester Statement of Licensing Policy**

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

Section 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
- 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
- The availability of transport to and from the premises
- Ability to clean and maintain the street scene
- Premises in proximity to the airport

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 (e.g. 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

Section 9: Alcohol delivery services

This section sets out specific provisions for alcohol delivery services to be considered in conjunction with relevant standards from Section 8 of the Policy

Section 10: Adult entertainment (including striptease, nudity and other entertainment of a sexual nature)

This section sets out specific considerations in respect of applications to provide adult entertainment, including entertainment of a sexual nature e.g. nudity, striptease and lap dancing.

Section 11: The use of tables and chairs on the public highway

This section provides that the operation of any areas on the public highway licensed for tables and chairs should be considered with regard to all relevant Standards set out in Section 8 of the Policy.

Section 12: Premises Licences for large-scale public events

This section sets out particular expectations regarding large scale public events, given the specific associated risks.

6. Conclusion

- 6.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 6.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 6.3 The Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- a) To grant the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate;
 - b) To reject the whole or part of the application
- 6.4 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 6.5 However, conditions should not be imposed on a licence which are unrelated to the variation sought.
- 6.6 All licensing determinations should be considered on the individual merits of the application.
- 6.7 The Panel’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.

- 6.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 6.9 The Panel is asked to determine the application.

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Sugar Ray's
Basement, 14 Newton Street, Manchester, M1 2AF





MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	129562
Granted	20/08/2010
Latest version	Transfer 217081 Granted 22/09/2018

Part 1 - Premises details

Name and address of premises
Sugar Ray's Basement, 14 Newton Street, Manchester, M1 2AF
Telephone number
0161 237 5757

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

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	0900	0900	0900	1100
Finish	2230	2230	2230	0300	0300	0300	2230
The sale of alcohol is licensed for consumption both on and off the premises.							
Further Details: Off sales shall only be permitted from the shop area of the premises.							
Seasonal variations and Non-standard Timings:							
New Year: From the start on New Year's Eve to the terminal hour on New Year's Day							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0900	0900	0900	0900	0900	0900	0900
Finish	2300	2300	2300	2300	0300	0300	2300
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
None							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	Not applicable			2300	2300	2300	Not applicable
Finish				0300	0300	0300	
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
New Years Eve: 2300 to 0500							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0630	0630	0630	0630	0630	0630	0900
Finish	2300	2300	2300	0300	0300	0300	2300
Seasonal variations and Non standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Part 2

Details of premises licence holder	
Name:	BPUV Ltd
Address:	7 St Petersgate, St Petersgate, Stockport, SK1 1EB
Registered number:	11298184

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Peter Skelton
Personal Licence number:	128442
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.

Annex 2 – Conditions consistent with the operating schedule

1. Fire-fighting equipment shall be installed and maintained at the premises.
2. The premises licence holder shall ensure the area outside the premise is kept clean and free from litter, whilst the premises is open.

Annex 3 – Conditions attached after hearing by the licensing authority

1. A digital hard drive CCTV system to be in operation to cover internal and external areas of the premises, any area where customers have legitimate access must be sufficiently illuminated for the purposes of CCTV. All CCTV recorded images will have sufficient clarity / quality / definition to enable facial recognition. CCTV will be kept in an unedited format for a period of 28 days, any DVD's subsequently produced will be in a format so it can be played back on a standard personal computer or standard DVD player. Any person left in charge of the premises must be trained in the use of any such CCTV equipment and able to produce / download / burn CCTV images upon request by a person from a responsible authority. CCTV will be maintained on a regular basis and kept in good working order. CCTV maintenance records to be kept details of contractor used and work carried out to be recorded. Plans indicating the position of CCTV cameras to be submitted to be lodged with City Centre Safe. Where the recording is on a removable medium (i.e. videotape, compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
2. There will be employed at the premises every Friday & Saturday 1 x SIA registered door person from 2100 until 30 minutes after the premises closes. The need for extra door security will be assessed by the Licence Holder or Designated Premises Supervisor on a regular basis and door staff shall be employed when and where the risk assessment deems this appropriate. When door staff are employed at the premises they will wear Hi-Vis jackets
3. A written record shall be kept on the premises by the Designated Premises Supervisor of every person employed on the premises as security personnel in a register kept for that purpose. That record shall contain the following details:-

- i. the door supervisor's name, date of birth and home address;
- i. his/her Security Industry Authority licence number;
- ii. the time and date he/she starts and finishes duty;
- iii. the time of any breaks taken whilst on duty;
- iv. each entry shall be signed by the door supervisor.

That register shall be available for inspection on demand by an Authorised Officer of the Council, the Security Industry Authority or a Police Constable.

4. When the premises are being used for any externally promoted events then City Safe at Bootle Street Police Station must be notified at least 28 days prior to the event taking place in order that a risk assessment be carried out in relation to any such event.
5. The Challenge 25 policy will be implemented in full and appropriate identification will be sought from any person who appears under the age of 25. The only acceptable forms of identification will be passport, photo driving licence and those carrying the PASS logo.
6. Any person who tries to gain entry to the premises who is involved in disorderly conduct or antisocial behaviour outside the premises will not be permitted entry to the premises. The premises licence holder or Designated Premises Supervisor shall ensure that any person within the premises who is involved in disorderly conduct or antisocial behaviour inside the premises will be removed from the premises.
Not to allow to enter or to allow to remain in the premises any person who is notified to the Designated Premises Supervisor by Greater Manchester Police as being a person of bad character by way of association to other persons or by convictions at court.
7. Upon reasonable notice given by the City Safe Licensing Unit of Greater Manchester Police based at Bootle Street Police Station the premises will agree not to sell alcohol when high profile events are being held within the North Manchester Division of Greater Manchester Police (e.g. Manchester Derby)
8. Notices will be displayed indicating that the Challenge 25 policy is in force.
9. Local taxi numbers shall be available for customers to assist in ordering a taxi.
10. Staff training will include the Challenge / Think 25 policy and its operation. In particular staff will 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 will be given to a new member of staff before they commence paid employment and all staff will be retrained twice yearly. Training to also included underage sales, drunkenness and drugs.
11. All training will be documented
12. A smoking policy to be drawn up by the Premises Licence Holder or Designated Premises Supervisor to include a clearly defined area and management of persons smoking and lodged with City Safe within 14 days of a premises licence being granted
13. A dispersal policy to be drawn up by the Premises Licence Holder or Designated Premises Supervisor to include roles of staff and door staff and lodged with City Safe within 14 days of a premises licence being granted.
14. Management and staff shall ensure that persons leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and/or persons passing by.
15. Signs shall be displayed at the exits from the premises requesting that customers respect local residents and leave the premises in a quiet manner.
16. Music shall not be played from the speakers located at the front entrance of the premises after 2100.
17. Litter (including cigarette ends) shall be cleared from the front of the premises on a regular basis and at the close of business.

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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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 BPUV Ltd

(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 129526

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Basement 14 Newton Street Manchester M1 2AF			
Post town	Manchester	Postcode	M1 2AF
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£N/A		

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	7 St Petersgate St Petersgate Stockport SK1 1EB		
Post town	Stockport	Postcode	SK1 1EB

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 2)We are submitting our variation application to propose a change the opening hours at the premises .
increasing our operation hours throughout the week.

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

N/A

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

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

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

☒

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

☒

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) We are looking to extend the operating hours where we plan to plan amplified recorded music to match our opening hours.		
Mon	09:00 -----	05:00 -----			
Tue	09:00 -----	05:00 -----			
Wed	09:00 -----	05:00 -----	State any seasonal variations for the playing of recorded music (please read guidance note 5) There won't be any seasonal variations in accordance to the hours of recording music		
Thur	09:00 -----	05:00 -----			
Fri	09:00 -----	05:00 -----	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 (please read guidance note 6) The only non Standard day we wish to increase the operating hours would be New Years Eve when we could potentially look to increase the operating hours as a one off event		
Sat	09:00 -----	05:00 -----			
Sun	09:00 -----	05:00 -----			

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) We are looking to extend the hours of late night refreshment to be in conjunction with the newly proposed hours the venue is to be open to the public		
Mon	23:00 -----	05:00 -----			
Tue	23:00 -----	05:00 -----			
Wed	23:00 -----	05:00 -----	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) N/A		
Thur	23:00 -----	05:00 -----			
Fri	23:00 -----	05:00 -----	<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> (please read guidance note 6) The only non Standard day we wish to increase the operating hours would be New Years Eve when we could potentially look to increase the operating hours as a one off event		
Sat	23:00 -----	05:00 -----			
Sun	23:00 -----	05:00 -----			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) n/a		
Mon	11:00	05:00			
Tue	11:00	05:00			
Wed	11:00	05:00			
Thur	09:00	05:00	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6) The only non Standard day we wish to increase the operating hours would be New Years Eve when we could potentially look to increase the operating hours as a one off event		
Fri	09:00	05:00			
Sat	09:00	05:00			
Sun	11:00	05:00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) N/A
Day	Start	Finish	
Mon	06:30	05:00	
Tue	06:30	05:00	
Wed	06:30	05:00	
Thur	06:30	05:00	
Fri	06:30	05:00	
Sat	06:30	05:00	
Sun	09:00	05:00	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 6) The only non Standard day we wish to increase the operating hours would be New Years Eve when we could potentially look to increase the operating hours as a one off event

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.

with the extension of our public openign hours we would also like to include additional time to allow for the orderly departure of customers at the end of each days service.

There would be no Seasonal variations on our licensed hours just the additional hours to the day which falls on December 31st each calender year.

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.
N/A

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)

- Employing adequately trained staff to guarantee all objectives are always being met and operating a closed door policy.
- having a good network of CCTV on site.
- Training all staff members to assess and prevent the issues from our licensing objectives
- Retaining all CCTV footage for 28days on site
- Ensuring a strict challenge 25 policy is always in place in the venue
- Serving a food offering for duration of the opening times.

b) The prevention of crime and disorder

We will help to eliminate the risk of crime & disorder by taking steps to prevent any issues beforehand. having door staff for supervision of the hours during late night refreshment, To assist in this will also have a CCTV system which helps cover the entire venue and all exits .

The bar will be well signed with methods of preventing any loss & crime happening while in the venue. we will also take into account outside risks such as larger gatherings in the area and address the concerns with the adequate response whether its to increase security presence or to limit our capacity to suit the conditions.

c) Public safety

We will monitor public safety in a number of ways, anyone who is judged to be under the influence will be refused entry and service at the venue.

CCTV is to a standard to have facial recognition in the case of any issues within the venue.

We will follow our existing smoking & dispersal policies to ensure the safe exit from the venue.

d) The prevention of public nuisance

In order to eliminate the risk of causing any public nuisance we will actively reduce any risk of noise pollution but using our current two door entrance to make sure any sound is contained inside the venue. local residents won't experience any noise issues due to the location and preventative measures already in place at the venue

Outside the venue we will have well managed exit areas where no waste is to be taken outside the venue and any negligible waste will be cleaned promptly. there is no issue with light pollution given the location in the basement of our premises.

We will operate with a sound limiter so volume can be closely monitored and limited by management.

e) The protection of children from harm

To prevent the harm to children we only allow those under 18 in the venue until 8pm and must always be under the supervision from an adult.
a strict challenge 25 policy is also in place to avoid any unlawful service in the venue

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	
Date	01/2/2019
Capacity	Director


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	

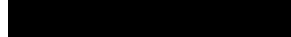
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)


 BPUV Ltd
 7 St Petersgate
 St Petersgate
 Stockport
 SK1 1EB

Post town	Stockport	Post code	SK1 1EB
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Telephone number (if any)	
----------------------------------	---

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



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

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DISPERSAL POLICY

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 will not apply in the case of alcohol sold for consumption in any delineated 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.

SMOKING & AL FRESCO DINING POLICY

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.

GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC Alan Isherwood
Address including postcode	1 st 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.	LPV 226545
Name of the Premises	Sugar Ray's
Address of the premises including postcode	Basement, 14 Newton Street, Manchester M1 2AF

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, the Prevention of Public Nuisance and Public Safety.

The premises are situated a very short distance from Piccadilly Gardens which is the number 1 problem area for incidents within the City Centre.

It is of concern to GMP that the premises are seeking to extend their hours so late within this area and we believe that there is a strong likelihood that persons leaving the premises at this time will prolong the issues that the Gardens are suffering from.

Other than offering to use a sound limiter and stating that under 18s will only be allowed in the premises until 8pm under adult supervision, the applicant has offered nothing that isn't already part of their licence conditions to show how by operating and selling alcohol to 5am, they will not add to the issues in this area.

Between 1st Feb 2018 and 1st Feb 2019 there were 6010 incidents recorded in the Piccadilly Gardens locality, 556 of which were for violence and 550 for Anti- Social behaviour.

This shows just how problematic the area is and GMP really do not want another premises at this location selling alcohol until 5am.

In Manchester City Council's own Licensing Policy it states in part;

7.12 Where its discretion is engaged, the authority will give particular consideration to the general character of the surrounding area, including crime and antisocial behaviour (ASB) levels, litter problems, issues regarding underage or proxy sales, and noise complaints.

It further states that:

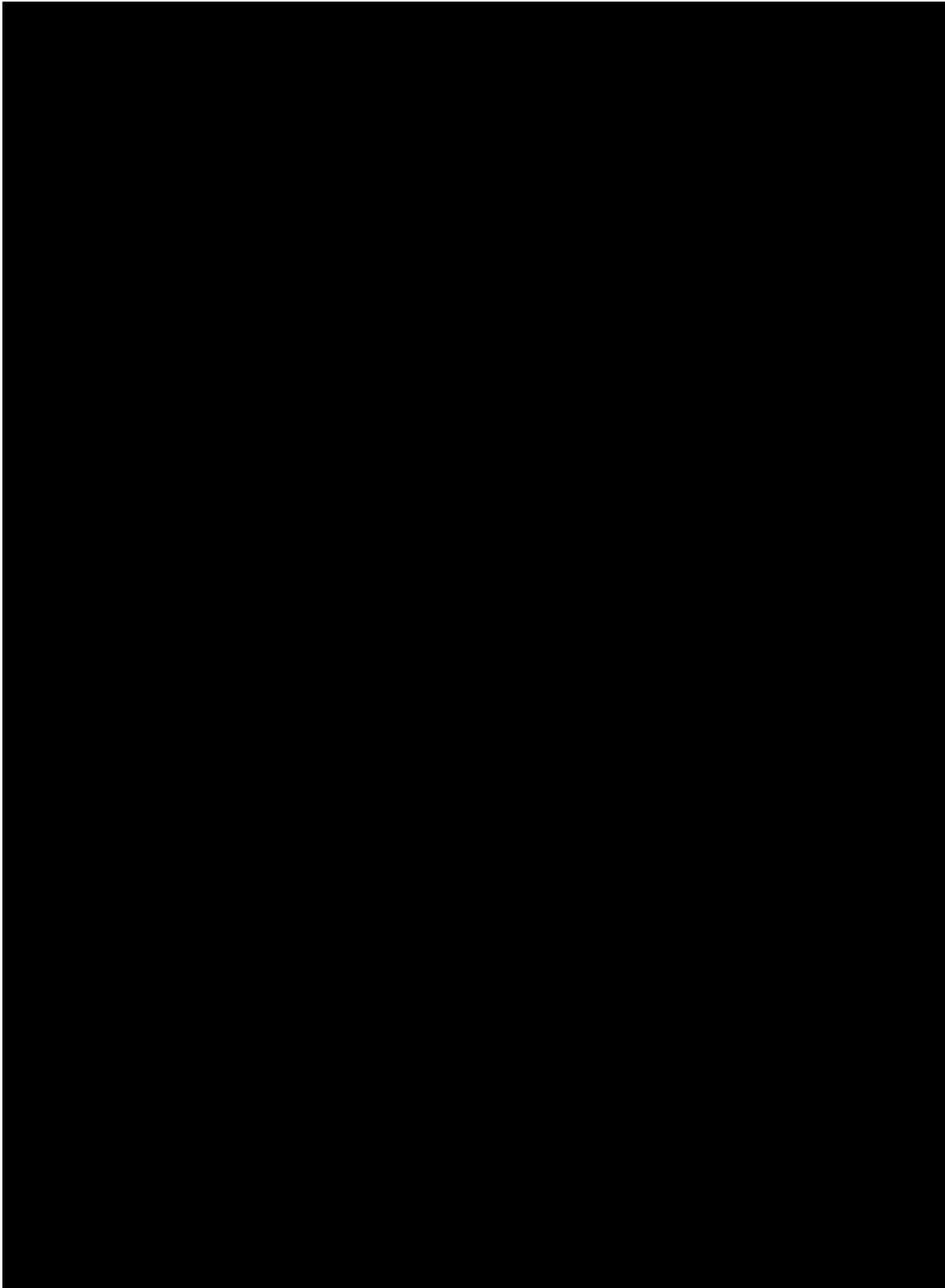
7.28 Where its discretion is engaged, the licensing authority will give consideration to the appropriateness of hours applied for, having regard to the location of premises and their likely effect on the promotion of the four licensing objectives. While it is recognised that in some circumstances flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided, the licensing authority will consider restricting hours to ensure the promotion of the licensing objectives, subject to relevant representations being made in relation to the hours applied for, should the licensing authority deem this appropriate and proportionate following a hearing.

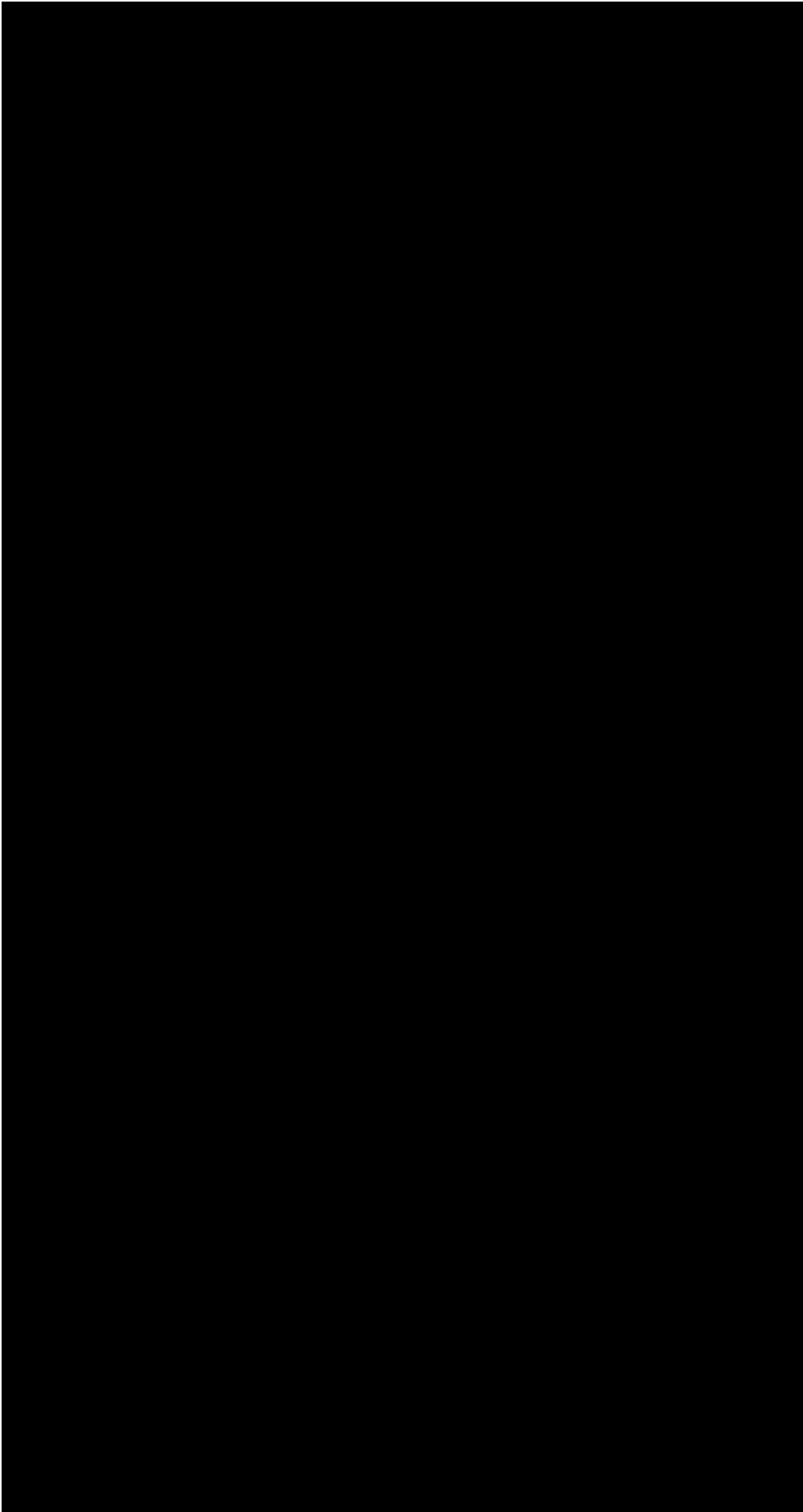
7.29 The authority considers that later hours will typically be more sensitive and higher risk in causing problems.

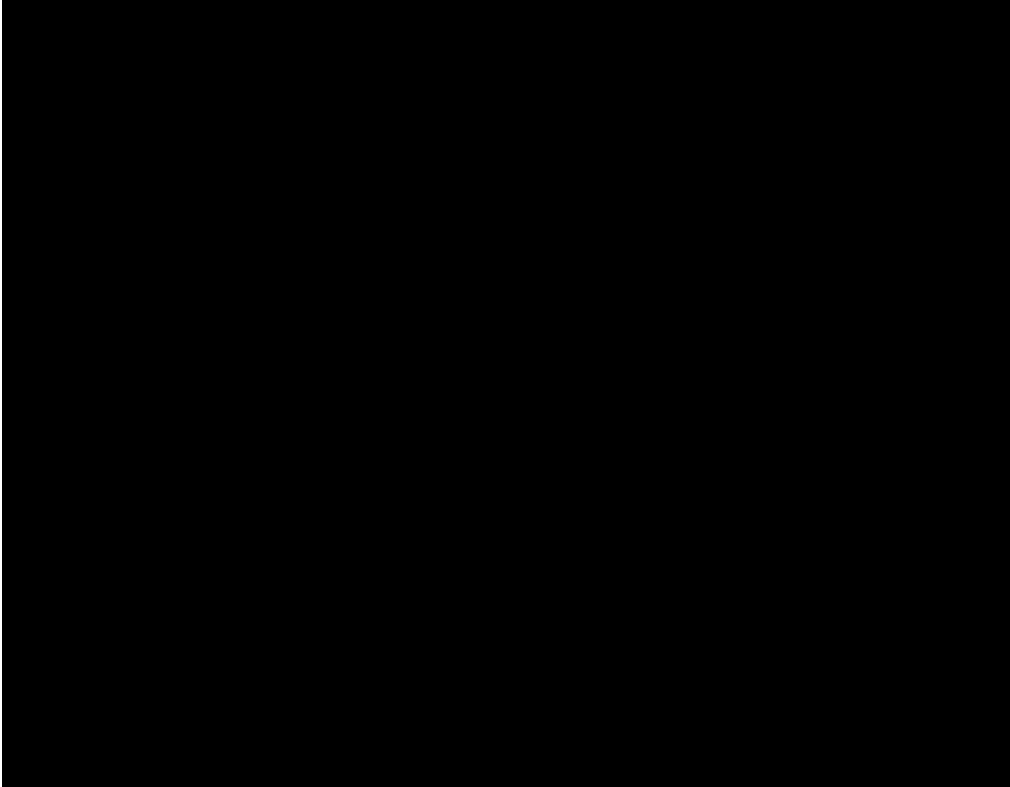
7.31 It is recognised that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

7.35 Where its discretion is engaged, the licensing authority will not consider the fact that other premises in the vicinity already have similar hours as a justification for granting similar or extended hours, and each application will be considered on its individual merits.

We therefore ask that this application is refused.







From: <Alan.Isherwood@gmp.police.uk>
Date: Thu, 14 Mar 2019 at 07:52
Subject: RE: URN:2010/0173/CLT/01 14 Newton Street Assesment
To: [REDACTED], <gemma.smith2@manchester.gov.uk>, <premises.licensing@manchester.gov.uk>
Cc: <CentralLicensing@gmp.police.uk>

Dear All,

In view of the email below for the applicant, in relation to the Sugar Ray's premises licence variation, in which the hours being requested have been amended, GMP are happy for the variation to be granted with these revised hours attached.

For clarification the 5am on Fridays and Saturdays, which was being sought by the applicant is no longer being proposed and the hours on Friday and Saturday are to remain unchanged but the hours for the rest of the week are to be extended to 1am.

Please can this variation 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

0161 856 6017

Follow us on Twitter: @gmpolice

NOT PROTECTIVELY MARKED

From: The Whiskey Jar - [REDACTED]
Sent: 13 March 2019 23:27
To: gemma.smith2@manchester.gov.uk

[REDACTED]

[REDACTED]

From: <Alan.Isherwood@gmp.police.uk>
Date: Wed, 27 Mar 2019 at 13:03
Subject: RE: RE Licence at 14 Newton Street
To: <[REDACTED]>, <premises.licensing@manchester.gov.uk>
Cc: <CentralLicensing@gmp.police.uk>

Dear All,

GMP are happy for the variation to be granted as per the times below.

Re: 226545 /DS7 Sugar Ray's, "Basement", 14 Newton Street, Manchester

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

0161 856 6017

Follow us on Twitter: @gmpolice

NOT PROTECTIVELY MARKED

From: The Whiskey Jar [REDACTED]
Sent: 22 March 2019 13:25
To: Alan Isherwood
Subject: RE Licence at 14 Newton Street

Hi Alan,

Hope you are well?

Just hoping you can confirm the below times are fine with you regarding 14 Newton Street, Manchester. There was a small error on the Thursday timings - it was

previously 11:00-01:00 which was incorrect. It now ha the correct time below.

Recorded Music

Sunday to Wednesday 0900 to 0100

Thursday to Saturday 0900 to 0300

Late night refreshment

Sunday to Wednesday - 2300 to 0100

Thursday to Saturday 2300 to 0300

Sale of alcohol

Sunday to Wednesday 1100 to 0100

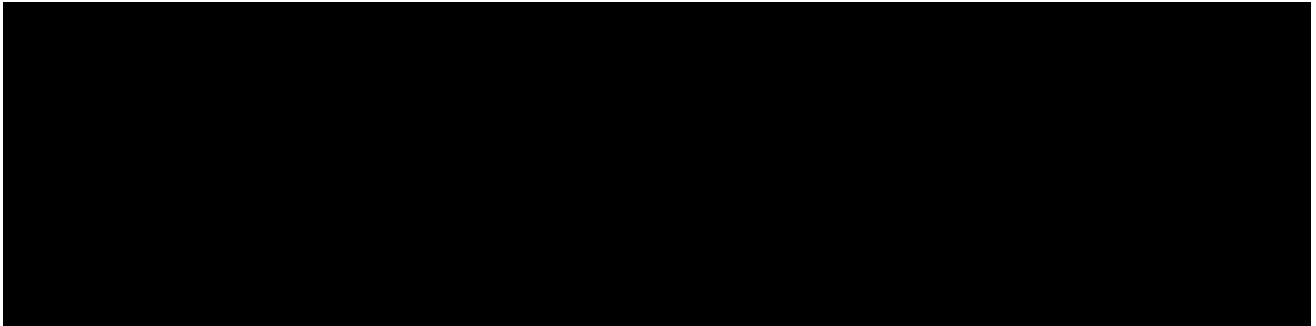
Thursday to Saturday 0900 to 0300

Opening hours

Monday to Wednesday 0630 to 0100

Thursday to Saturday 0630 to 0300

Sunday 0900 to 0100




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

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

Premise Details	
Application Ref No	226545
Name of Premises	Sugar Ray's
Address	Basement, 14 Newton Street, Manchester, M1 2AF

Representation
<p>Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.</p>
<p>The licence holder BPUV Ltd has submitted a variation application to extend the hours that the premises is open to the public and to increase the hours licensed activities are permitted as follows:</p> <p>Opening hours:</p> <p>Current hours: Mon to Wed 0630 - 2300 Thu to Sat 0630 - 0300 Sun 0900 - 2300</p> <p>Proposed hours: Mon to Sat 0630 – 0500 Sun 0900 – 0500</p> <p>Supply of alcohol for consumption both on and off the premises:</p> <p>Current hours: Sun to Wed 1100 - 2230 & Thu - Sat 0900 - 0300 Proposed hours: Sun to Wed 1100 - 0500 & Thu - Sat 0900 - 0500</p> <p>Provision of regulated entertainment (recorded music):</p> <p>Current hours: Mon to Sun 0900 - 2300 Proposed hours: Mon to Sun 0900 - 0500</p> <p>Provision of late night refreshment:</p> <p>Current hours: Thu to Sat 2300 - 0300 Proposed hours: Mon to Sun 2300 - 0500</p> <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</p>

the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety objectives being undermined.

In reaching this decision we have given particular consideration to Manchester City Councils Statement of Licensing Policy specifically:

7.12 The authority will give particular consideration to the general character of the surrounding area, including crime and antisocial behaviour (ASB) levels, litter problems, issues regarding underage or proxy sales, and noise complaints.

7.25 The licensing authority will ensure that due consideration is given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises as well.

7.26 The authority will give particular consideration to measures proposed in the application in relation to prevent nuisance.

7.28 The licensing authority will give consideration to the appropriateness of hours applied for, having regard to the location of premises and their likely effect on the promotion of the four licensing objectives.

7.29 The authority considers that later hours will typically be more sensitive and higher risk in causing problems.

7.31 It is recognised that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

The premises is not currently in operation and is located on Newton Street, within The Northern Quarter district of the city. It is situated between two licensed premises Jimmy's, 12 Newton Street and Cottonopolis Food & Liquor, 16 Newton Street. Both of which are open to the public until 0230 on a Friday and Saturday and close earlier Sunday to Thursday.

The existing premises licence indicates that the premises can open to public on Thursday to Saturday until 0300, closing earlier Sunday to Wednesday. The variation application proposes that the premises will remain open until 0500 Monday to Sunday. This is a significant increase in operational hours and to the hours that the neighbouring premises are permitted to carry out licensed activities until.

There are a number of residential properties on Newton Street adjacent to the premises and nearby on Dale Street. Manchester City Council records show that noise complaints have been received from residents on both streets pertaining to licensed premises near Sugar Rays, the most recent being March 2018.

Furthermore Piccadilly Gardens is in close proximity to the premises and is a hotspot for crime and anti- social behaviour within the city centre. GMP have documented that between 1st February 2018 and 1st February 2019 there were 6010 incidents recorded in the Piccadilly Gardens locality, 556 of which

were for violence and 550 for Anti- Social behaviour.

Licensing and Out of Hours have concerns that the sale of alcohol, particularly the sale of alcohol for consumption off premises, in this location until 0500 could potentially add to the pre-existing issues in Piccadilly Gardens locality due to the already problematic nature of the area.

Moreover the city centre of Manchester is covered by a Public Space Protection Order (PSPO) which relates to people drinking alcohol or having open containers of alcohol in the streets. There is a heightened possibility that patrons from this premises who purchase alcohol for consumption off the premises will consume this on the street breaching the PSPO, and lead to instances of disorder and public nuisance.

With consideration to the close proximity of residential properties to the premises and the potential impact in terms of public nuisance, Licensing and Out of Hours team are concerned that given the lateness of the proposed hours the venue would become a “go to” premises for late night revellers. Attracting intoxicated people to the area from nearby late night licensed premises, and would not encourage customers to vacate the area. As a consequence increasing the potential risk for public nuisance and alcohol related anti-social behaviour.

Additionally there is a likely risk of public nuisance arising from noise from music breakout from inside the venue, from customers gathering outside (e.g. smoking) and from customers leaving the premises and dispersing past residential properties.

The applicant has proposed that smoking and dispersal policies currently in place on the existing premises licence shall continue to be adhered to, however on inspection of these the detail in them, particularly the smoking policy, is not sufficient. We would expect a premises proposing to open until 0500 to have more robust policies and conditions in place which should demonstrate how they intend to control entry into the premises, capacity and how they will manage exterior areas effectively.

The applicant has proposed that a sound limiter will be operated at the premises in order to prevent the breakout of music, however insufficient detail has been provided to ensure the necessary control required.

Licensing and Out of Hours also have concerns regarding the emptying of waste into receptacles and the collection of refuse during late hours. This could potentially cause disturbance to nearby residents. The applicant has offered no additional conditions in respect of ensuring that there is adequate arrangements for the storage of refuse or appropriate arrangements for deliveries and collections.

Taking the above into consideration Licensing and Out of Hours recommend that the variation application is refused in its current form.

Recommendation: Refuse Application

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

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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. Employing adequately trained staff to guarantee all objectives are always being met and operating a closed door policy. 2. Having a good network of CCTV on site. 3. Training all staff members to assess and prevent the issues from our licensing objectives 4. Retaining all CCTV footage for 28days on site 5. Ensuring a strict challenge 25 policy is always in place in the venue 6. Serving a food offering for duration of the opening times. 7. We will help to illiminate the risk of crime & disorder by taking steps to prevent any issues beforehand. Having door staff for supervision of the hours during late night refreshment, to assist in this will also have a CCTV system which helps cover the entire venue and all exits. 8. The bar will be well signed with methods of preventing any loss & crime happening while in the venue. We will also take into account outside risks such a larger gatherings in the area and address the concerns with the adequate response whether it's to increase security presence or to limit our capacity to suit the conditions. 9. We will monitor public safety in a number of ways, anyone who is judged to be under the influence will be refused entry and service at the venue. 10. CCTV is to a standard to have facial recognition in the case of any issues within the venue. 11. We will follow our existing smoking & dispersal policies to ensure the safe exit from the venue 12. In order to eliminate the risk of causing any public nuisance we will actively reduce any risk of noise pollution but using our current two door entrance to make sure any sound it contained inside the venue. 13. Local residents won't experience any noise issues due to the location and preventative measures already in place at the venue 14. Outside the venue we will have well managed exit areas where no waste it to be taken outside the venue and any negligible waste will be cleaned abruptly. There is no issue with light pollution given the location in the basement of our premises. 15. We will operate with a sound limiter so volume can be closely monitored and limited by management. 16. To prevent the harm to children we only allow those under 18 in the venue until 8pm and must always be under the supervision from an 	N/A	Applicant

Schedule of Licence Conditions

adult. 17. A strict challenge 25 policy is also in place to avoid any unlawful service in the venue.		
Conditions proposed by objectors	Agreed	Proposed by
Proposed times amended as per agreed representation	Yes	GMP
Refuse application	N/A	Licensing and Out of Hours