



Licensing Sub Committee Hearing Panel

Date: Tuesday, 27 November 2018

Time: 10.00 am

Venue: The Council Antechamber, Level 2, Town Hall
Extension.

Everyone is welcome to attend this committee meeting.

Access to the Council Antechamber

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk.

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

Membership of the Licensing Sub Committee Hearing Panel

Councillors – Paul (Chair), Lynch 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 China Buffet, Basement, 16 Nicholas Street, Manchester, M1 4EJ.

The report of the Head of Planning, Building Control and Licencing will follow.

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

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

5 – 52

Ardwick Ward

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

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

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Piccadilly Ward

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

The report of the Head of Planning, Building Control and Licencing will follow.

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
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

Further Information

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

Beth Morgan
Tel: 0161 234 3043
Email: b.morgan@manchester.gov.uk

This agenda was issued on **Monday, 19 November 2018** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 27 November 2018

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

Report of: Head of Planning, Building Control and Licensing

Summary

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

Recommendations

That the Panel determine the application.

Wards Affected:

Ardwick

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

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Helen Howden
 Position: Technical Licensing Officer
 Telephone: 0161 234 4294
 E-mail: h.howden@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 28/09/2018, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 in respect of G B Stores, 4 Polygon Street, Manchester, M13 9SG in the Ardwick ward of Manchester. A location map of the premises is attached at Annex 1.
- 1.2. A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3. Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4. Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. The Application

- 2.1. A copy of the application is attached at Annex 2.
- 2.2. The **applicant** is Mr Abid Mahmood.
- 2.3. The **description of the premises** by the applicant is: The premises are a new convenience store. The application is off sales only and alcohol will form only around 20% of the complete offering to customers. Fresh food and all other types of goods will be sold including toiletries, household, frozen food, newspapers etc. The premises are within a brand-new development of apartments and will include high spec CCTV equipment.
- 2.4. The proposed **designated premises supervisor** is Mr Abid Mahmood
- 2.5. **The licensable activities applied for:**

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

Opening hours:
Mon to Sun 7am to 10pm

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

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

2.6. Activities unsuitable for children

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

2.7. Steps to promote the licensing objectives

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

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

3. Relevant Representations

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

Responsible Authorities:

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

3.2 Summary of the representations:

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

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

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

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

4. Key Policies and Considerations

4.1. Legal Considerations

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

4.2. New Information

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

4.3. Hearsay Evidence

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

4.4. The Secretary of State’s Guidance to the Licensing Act 2003

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

4.5. Manchester Statement of Licensing Policy

- 4.5.1. Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 4.5.2. The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 4.5.3. Section 4 of the Policy (Operation of the Policy) sets out that an opposed application that complies with the Policy will not necessarily be granted, nor will an opposed application that does not comply with it necessarily be refused.
- 4.5.4. Where there is objection to an operating schedule that departs from the Policy, the Panel hearing an opposed application will normally expect to be given a good reason for the departure if it is to be asked to make an exception to the Policy.
- 4.5.5. The licensing authority will not interfere with an operating schedule that does not comply with the Policy where the steps proposed are sufficient to meet the licensing objectives in the individual circumstances of the case.
- 4.5.6. There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy

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

4.5.7. Relevant to this application and the grounds of the representations made, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

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

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

Section 7: Local factors

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

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

- Identified risk factors specific to the licensed premises
- Evidence of pre-existing problems in the area
- Proximity of takeaways and licences to nightlife entertainment areas
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance
- Ability to clean and maintain the street scene

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

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

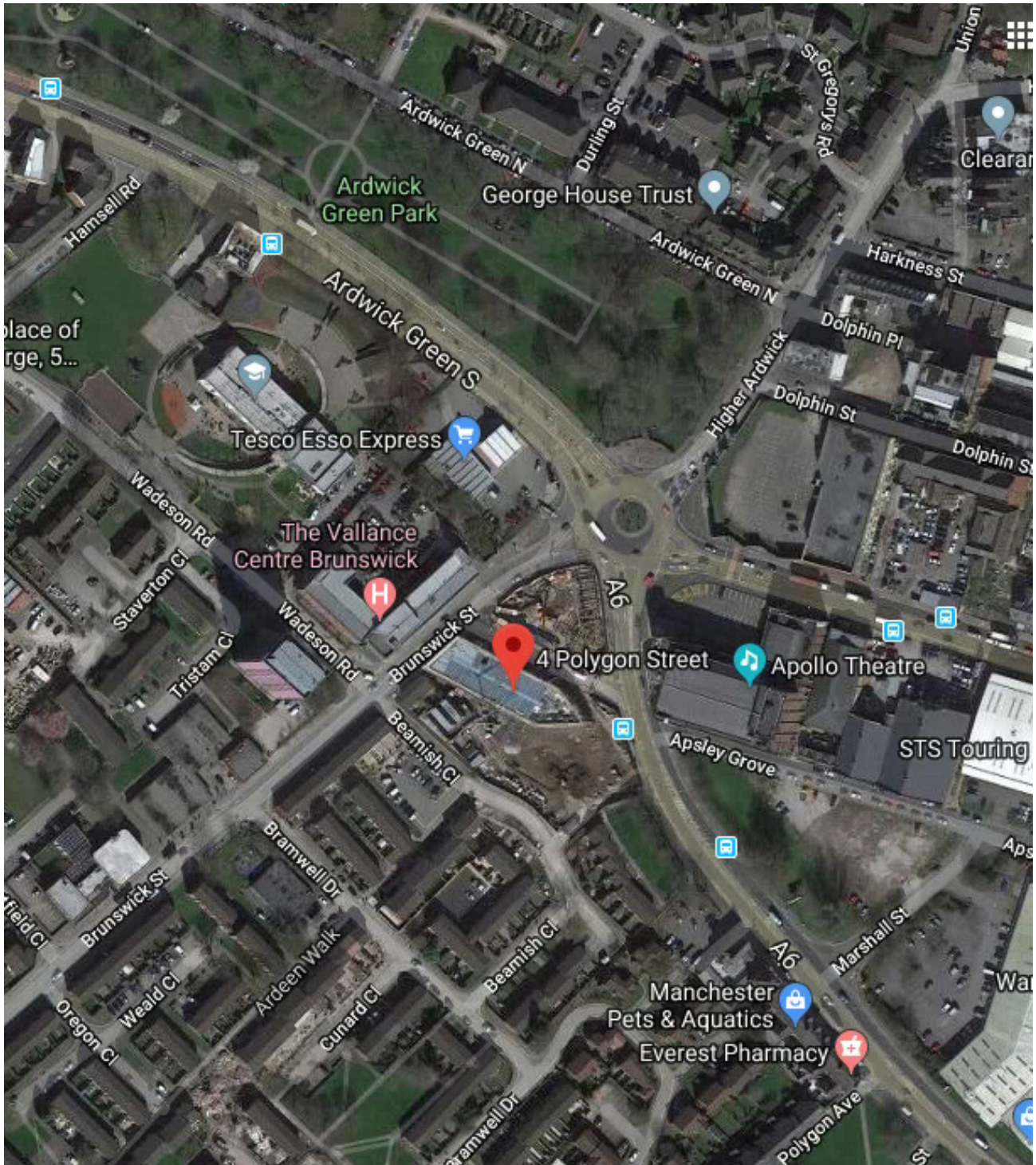
- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS5 Prevent on-street consumption of alcohol
- MS8 Prevent noise nuisance from the premises
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse
- MS11 Ensure the wellbeing of children on the premises
- MS12 Prevent underage sales of alcohol, including proxy sales.

5 Conclusion

- 5.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 5.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 5.3 Having regard to the representations, the Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- a) To grant the licence subject to:
 - i. the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate, and
 - ii. any mandatory conditions that must be included in the licence;
 - b) To exclude from the scope of the licence any of the licensable activities to which the application relates;

- c) To refuse to specify the person proposed in the application as the designated premises supervisor;
 - d) To reject the application.
- 5.4 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 5.5 All licensing determinations should be considered on the individual merits of the application.
- 5.6 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 5.8 The Panel is asked to determine the application.

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

Premises Licensing
Manchester City Council

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Ordnance Survey 100019568.

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

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**Manchester City Council
Report for Resolution**

Report To: Licensing Subcommittee Hearing Panel – 27 November 2018

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

Report of: Head of Planning, Building Control & Licensing

Summary

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

Recommendations

That the Committee determine the application.

Wards Affected:

Piccadilly

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Patrick Ware
 Position: Technical Licensing Officer
 Telephone: 0161 234 4858
 E-mail: p.ware@manchester.gov.uk

Background documents (available for public inspection):

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

1.0 Introduction

- 1.1 On 08/10/2018, an application was made for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 in respect of Alfaisal 2, 69 Thomas Street, Manchester, M4 1LQ in the Piccadilly ward of Manchester. A location map of the premises is attached at Annex 1.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2.0 Current Licence

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

3.0 The Application

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

Provision of late night refreshment:

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

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

Opening hours:

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

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

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

3.3 Activities unsuitable for children

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

3.4 Steps to promote the licensing objectives

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

3.4.2 These steps must be translated into conditions by the licensing authority to be included in any granted premises licence, unless the conditions are modified by the Panel following consideration of relevant representations. These conditions are set out in the Schedule of Conditions at Annex 3.

4 Relevant Representations

4.1 A total of 4 relevant representations were received in respect of the application (Annex 4). The personal details of all members of the public have been redacted. Original copies of these representation will be available to the Committee at the hearing.

Responsible Authorities:

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

Other Persons:

- Residents (x2).

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

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

4.4 Summary of the representations:

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

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

Key Policies and Considerations

4.1. Legal Considerations

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

4.2. New Information

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

4.3. Hearsay Evidence

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

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

4.4.1. The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

4.4.2. Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as

licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

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

4.5. Manchester Statement of Licensing Policy

- 4.5.1. Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 4.5.2. The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 4.5.3. Section 4 of the Policy (Operation of the Policy) sets out that an opposed application that complies with the Policy will not necessarily be granted, nor will an opposed application that does not comply with it necessarily be refused.
- 4.5.4. Where there is objection to an operating schedule that departs from the Policy, the Panel hearing an opposed application will normally expect to be given a good reason for the departure if it is to be asked to make an exception to the Policy.
- 4.5.5. The licensing authority will not interfere with an operating schedule that does not comply with the Policy where the steps proposed are sufficient to meet the licensing objectives in the individual circumstances of the case.
- 4.5.6. There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 4.5.7. Relevant to this application and the grounds of the representations made, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

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

- Premises that will extend the diversity of entertainment and attract a wider range of participants

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

Section 7: Local factors

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

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

- Identified risk factors specific to the licensed premises
- Evidence of pre-existing problems in the area
- Proximity of takeaways and licences to nightlife entertainment areas
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance
- Ability to clean and maintain the street scene

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

This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises, and applicants are not obliged to include all standards in their operating schedule. The degree to

which standards would be appropriate is expected to be proportionate to the risk posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. The standards are not exhaustive and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside them.

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS8 Prevent noise nuisance from the premises
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse

5 Conclusion

- 5.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 5.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 5.3 Having regard to the representations, the Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- a) To grant the licence subject to:
 - a) the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate, and
 - b) any mandatory conditions that must be included in the licence;
 - b) To exclude from the scope of the licence any of the licensable activities to which the application relates;

- c) To refuse to specify the person proposed in the application as the designated premises supervisor;
 - d) To reject the application.
- 5.4 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 5.5 All licensing determinations should be considered on the individual merits of the application.
- 5.6 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 5.8 The Panel is asked to determine the application.

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Alfaisal 2
69 Thomas Street, Manchester, M4 1LQ



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

Application to vary a premises licence under the Licensing Act 2003**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We TARIQ MAHMOOD MALIK

(Insert name(s) of applicant)

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

Premises licence number LPA203670.

Part 1 – Premises Details

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

Part 4 Operating Schedule

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

Provision of regulated entertainment**Please tick all that apply**

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

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

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

In all cases complete boxes K, L and M

A

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

C

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

D

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

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>		
Day				Start	Finish	Outdoors	<input type="checkbox"/>
						Both	<input type="checkbox"/>
Mon	2300	0100		Please give further details here (please read guidance note 4) Provision of hot food and soft drinks indoors			
Tue	2300	0100					
Wed	2300	0100	State any seasonal variations for the provision of late night refreshment (please read guidance note 5) None				
Thur	2300	0100					
Fri	2300	0500	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) /				
Sat	2300	0500					
Sun	2300	0100					

J

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

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9). Not applicable</p>

L

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) None 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) /
Day	Start	Finish	
Mon	0900	0100	
Tue	0900	0100	
Wed	0900	0100	
Thur	0900	0100	
Fri	0900	0500	
Sat	0900	0500	
Sun	0900	0100	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.
 None known- extra two hours trading applied for on Friday and Saturday only

Please tick as appropriate

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

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

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

M

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

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

No further additional steps

b) The prevention of crime and disorder

No further additional steps

c) Public safety

No further additional steps

d) The prevention of public nuisance

No further additional steps

e) The protection of children from harm

No further additional steps

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in
relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where
applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be
rejected.

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

Part 5 – Signatures (please read guidance note 11)

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

Signature	[REDACTED]
Date	8/10/18
Capacity	

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

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

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

Notes for Guidance

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

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

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Schedule of Licence Conditions

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

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GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	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 220991
Name of the Premises	Alfaisal 2
Address of the premises including postcode	69 Thomas Street, Manchester M4 1LQ

Your Representation

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

Please accept this as formal notification of the Greater Manchester Police objection to the premises licence variation in relation to the above premises on the grounds of Prevention of Crime and Disorder and the Prevention of Public Nuisance and Public Safety.

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

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

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

This is not reflected anywhere within this application.

We therefore ask that this application is refused.



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

Dear All,

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

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

Kind Regards

Alan

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

alan.isherwood@gmp.police.uk

0161 856 6017

Follow us on Twitter: @gmpolice

NOT PROTECTIVELY MARKED

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

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

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

Thanks,
Tariq Malik

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

Thank you for your phone call earlier.

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

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

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

Kind Regards

Alan

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

alan.isherwood@gmp.police.uk<mailto:alan.isherwood@gmp.police.uk>

0161 856 6017

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	220991
Name of Premises	Faisal 2
Address	69 Thomas Street, Manchester, M4 1LQ

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



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

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

16 October 2018 at 08:31

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

For the attention of Mr Ware,

Dear Mr Ware,

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

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

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

Please add these points to my formal objection below.

Thanks for your help

Kind regards

Sent from my iPad

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

For the attention of Patrick Ware

Dear Mr Ware,

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

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

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

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

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

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

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

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

Yours sincerely,

Sent from my iPad

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

Date: 10 October 2018

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

Dear Sir / Madam

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

Application Type: Premises Licence variation

Reference: 220991/PW5

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

Applicant: Tariq Mahmood Malik

Description of proposed variation as given by the applicant:

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

Proposed hours and licensable activities:

Provision of late night refreshment:

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

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

Opening hours:

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

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

Steps to promote licensing objectives as given by the applicant

No additional steps.

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

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



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

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

14 October 2018 at 09:15

To: premises.licensing@manchester.gov.uk

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

For the attention of Patrick Ware

Dear Mr Ware,

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

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

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

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

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

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

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

Yours sincerely,

Sent from my iPad

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

Date: 10 October 2018

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

Dear Sir / Madam

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

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

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

Part 1 - Premises details

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

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

The times the licence authorises the carrying out of licensable activities

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

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

Part 2

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

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

Annex 1 – Mandatory conditions

Door Supervisors

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

Annex 2 – Conditions consistent with the operating schedule

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

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

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
2. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - (a) all crimes reported to the venue, or by the venue to the Police
 - (b) all ejections of patrons
 - (c) any incidents of disorder
3. Staff shall be trained to deal with challenging customers and customers who are under the influence of intoxicants. This training shall be repeated at no greater than 6 monthly intervals.
4. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 month intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
5. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.
6. No rubbish, including bottles shall be moved, removed or placed in outside areas between 23:00 and 07:30 Hours.
7. No rubbish shall be collected from the premises between 20:00 and 07:30 Hours.

Annex 4 – Plans

See attached

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

Document is Restricted

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