



## **Licensing Sub Committee Hearing Panel**

Date: Monday, 25 March 2019

Time: 10.00 am

Venue: Council Antechamber - Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

### **Access to the Council Chamber**

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

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

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

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**Councillors** – Stone (Chair), Madeleine Monaghan and Reid.

## Agenda

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**1. Urgent Business**

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

**2. Appeals**

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

**3. Interests**

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

**4. Application for a New Premises Licence for Shesha Lounge, First Floor, 137-139 Cheetham Hill Road, Manchester, M8 8LY.**

5 - 58

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

## Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

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

## Further Information

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

Beth Morgan  
Tel: 0161 234 3043  
Email: [b.morgan@manchester.gov.uk](mailto:b.morgan@manchester.gov.uk)

This agenda was issued on **Friday, 15 March 2019** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA



**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Subcommittee Hearing Panel – 25 March 2019

**Subject:** Shesha Lounge, First Floor, 137-139 Cheetham Hill Road, Manchester, M8 8LY - (App ref: Premises Licence (new)224518)

**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:**

Cheetham

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

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

Equal Opportunities Policy  
Risk Management  
Legal Considerations

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**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

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**Contact Officers:**

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

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

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**Background documents (available for public inspection):**

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

## 1. Introduction

- 1.1 On 14/01/2019, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Shesha Lounge, First Floor, 137-139 Cheetham Hill Road, Manchester, M8 8LY in the Cheetham ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

## 2. The Application

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is Shesha Lounge (MCR) Limited.
- 2.3 The description of the premises by the applicant is - Café/Restaurant
- 2.4 **The licensable activities applied for:**

Proposed hours and licensable activities:

Provision of regulated entertainment (live music, recorded music):

Mon to Sun 11pm to 2am

Non-standard timings:

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

On the day British Summer Time commences one additional hour following the terminal hour.

Provision of late night refreshment:

Mon to Sun 11pm to 2am

**Non-standard timings:**

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

On the day British Summer Time commences one additional hour following the terminal hour.

**Opening hours:**

Mon to Sun 5pm to 2am

**Non-standard timings:**

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

On the day British Summer Time commences one additional hour following the terminal hour.

- 2.4.1 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.
- 2.4.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 2**.
- 2.5 **Activities unsuitable for children**
- 2.5.1 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.
- 2.6 **Steps to promote the licensing objectives**
- 2.6.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule.
- 2.6.2 These steps must be translated into conditions by the licensing authority to be included in any granted premises licence, unless the conditions are modified by the Panel following consideration of relevant representations. These conditions are set out in the Schedule of Conditions at **Appendix 4**.
3. **Relevant Representations**
- 3.1 A total of two relevant representations were received in respect of the application (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these representations will be available to the Panel at the hearing.

**Responsible Authorities:**

- Greater Manchester Police;



- MCC Licensing and Out of Hours Compliance Team;

### 3.2 Summary of the representations:

Party	Grounds of representation	Recommends
<b>GMP</b>	This representation has been made on the grounds of public nuisance, public safety and the prevention of crime and disorder due to the following reasons. The premises has allowed customers to smoke Shisha within the premises. Even with the shutters open, they would not 50% open to the elements. Previous visits have been made and the shutters were found to be closed. If shutters were to be open, this would then create a noise nuisance. Clips have been shown on You Tube, showing people smoking inside the premises with the shutters closed.	Refuse
<b>Licensing and Out of Hours Compliance</b>	This representation has been made on the grounds of public nuisance, public safety, the prevention of crime and disorder and the protection of children from harm, due to the following reasons. The premises has previously been trading as a Shisha venue, where HMRC has visited and confiscated tobacco for non-duty paid, also a member of staff has been arrested for being an illegal immigrant. LOOH staff visited the premises on the 18/12/18. They found that smoking was been taking place and staff were obstructive and would not allow them to enter. They also have concerns regarding noise and disturbance due to the location of residents in the nearby area. There are also concerns for the protection of children from harm, due to there already being a “children and toddlers” play area within the same building.	Refuse

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:

##### ***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
- MS4 Prevent the use of illegal drugs, new psychoactive substances (NPS) and the spiking of drinks at the premises
- MS7 Maintain a safe capacity
- MS8 Prevent noise nuisance from the premises
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse

### ***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.



Shesha Lounge  
First Floor, 137-139 Cheetham Hill Road, Manchester,  
M8 8LY



<b>PREMISE NAME:</b>	Shesha Lounge
<b>PREMISE ADDRESS:</b>	First Floor, 137-139 Cheetham Hill Road, Manchester, M8 8LY
<b>WARD:</b>	Cheetham
<b>HEARING DATE:</b>	11/03/2019



**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 Shesha Lounge (MCR) Limited**

*(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 <b>1<sup>st</sup> Floor</b> <b>137/139 Cheetham Hill Road</b>			
<b>Post town</b>	<b>Manchester</b>	Postcode	<b>M8 8LY</b>
Telephone number at premises (if any)			
Non-domestic rateable value of premises		<b>£24,750.00</b>	

**Part 2 - Applicant details**

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

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

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

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

**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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<b>Surname</b>		<b>First names</b>	
<b>Date of birth over</b>		I am 18 years old or	<input type="checkbox"/> Please tick yes
<b>Nationality</b>			
Current residential address if different from premises address			
Post town		Postcode	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

**(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.

<b>Name</b> Shesha Lounge (MCR) Limited
<b>Address</b> 1 <sup>st</sup> Floor 137/139 Cheetham Hill Road Manchester M8 8LY
<b>Registered number (where applicable)</b> [REDACTED]
<b>Description of applicant (for example, partnership, company, unincorporated association etc.)</b> Private Limited Company
<b>Telephone number (if any)</b>
<b>E-mail address (optional)</b>

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD		MM		YYYY			
1	1	1	2	2	0	1	8

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

DD		MM		YYYY			

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

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- |   |                                     |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>            |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>            |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input checked="" 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)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Wed			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

**B**

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

C

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



## D

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

## E

Live music Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day				Start	Finish
				Outdoors	<input type="checkbox"/>
Mon	23:00	02:00		Both	<input type="checkbox"/>
Tue	23:00	02:00		<b><u>Please give further details here</u></b> (please read guidance note 4) Most of the Live music activities that will be carried out won't require authorisation due to The Live Music Act 2012 extending the range of live music performances that can take place without a licence under the 2003 Licensing Act. Predominantly, the main activity will be unamplified karaoke. However, on occasion there may be a limited live singing performance from a celebrity artist. Also, on occasion, there may be a DJ playing a set which consists mixing recorded music to create new sounds on his/her own equipment which may be amplified.	
Wed	23:00	02:00		<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5) None	
Thur	23:00	02:00			
Fri	23:00	02:00		<b><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></b> (please read guidance note 6)	
Sat	23:00	02:00		New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day	
Sun	23:00	02:00		On the day British Summer Time commences : one additional hour following the terminal hour	

**F**

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	02:00	<b>Please give further details here</b> (please read guidance note 4) Background Music (unamplified)	Both	<input type="checkbox"/>
Tue	23:00	02:00			
Wed	23:00	02:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5) None		
Thur	23:00	02:00			
Fri	23:00	02:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)  <u>New Year</u> : From the start time on New Year's Eve to the terminal hour for New Year's Day  <u>On the day British Summer Time commences</u> : one additional hour following the terminal hour		
Sat	23:00	02:00			
Sun	23:00	02:00			

## G

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

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 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"/>
Mon	23:00	02:00	<b>Please give further details here</b> (please read guidance note 4)  Hot food and hot drink provided as and when required.	Both	<input type="checkbox"/>
Tue	23:00	02:00			
Wed	23:00	02:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5) None		
Thur	23:00	02:00			
Fri	23:00	02:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)  New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day  On the day British Summer Time commences : one additional hour following the terminal hour		
Sat	23:00	02:00			
Sun	23:00	02:00			

**J**

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

**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	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

□□□□

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

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5)  New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day  On the day British Summer Time commences : one additional hour following the terminal hour
Day	Start	Finish	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6) None
Mon	17:00	02:00	
Tue	17:00	02:00	
Wed	17:00	02:00	
Thur	17:00	02:00	
Fri	17:00	02:00	
Sat	17:00	02:00	
Sun	17:00	02:00	



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**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)**

1. There will be no supply or consumption of alcohol on the premises.
2. Substantial food and soft drinks (including water) shall be available throughout opening hours.
3. Staff training and effective management will ensure that there is no drinking or taking of any intoxicating substances on the premises.
4. Staff training and effective management will ensure that no intoxicated persons will be allowed to enter the premises.

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

1. An effective and adequate CCTV system equipped with a recording facility shall be installed, maintained and operated at the premises. Recorded images will be retained for 31 days.
2. Effective lighting shall be maintained and operated on all internal and external aspects of the premises
3. All staff and management shall be provided with adequate and suitable training to enable them to deal with incidents of disorder within the premises
4. The management shall conduct an ongoing risk assessment in relation to the search policy operated at the premises and if necessary an effective search policy shall be implemented to ensure that drugs and offensive weapons are not brought onto the premises by patrons
5. Known offenders or drug dealers will not be permitted on the licensed premises. Information regarding known offenders/drug dealers will be shared with other licensed premises within the area.
6. Any person found using drugs will be removed from the premises. Any person found to be dealing drugs will be detained and the police informed immediately. Drugs seized will be handed over to the police.
7. All staff and management shall be provided with adequate and suitable training in issues of drug awareness.

**c) Public safety**

1. Staff will be trained in first aid and emergency procedures. All training and incidents shall be recorded in writing.
2. Public liability insurance shall be maintained for the premises.
3. Fire fighting equipment shall be maintained and serviced according to the manufacturer's instructions
4. The capacity for the number of persons at the premises will be:  
150 in the front seating area  
300 in the rear seating area.
5. The management and staff will ensure that glasses are collected regularly. Regular inspections for broken glass will be made by staff and any broken glass found will be cleared away immediately by staff.
6. A safety plan shall be implemented that shall include fire safety.
7. An evacuation procedure which includes emergency exit from the premises by disabled customers shall be implemented at the premises and all staff shall be fully briefed in the procedure.
8. All staff shall be trained in how to handle emergencies.

9. The management and staff shall make regular checks to ensure the toilets are well maintained and clear of all spillages.
10. All staff shall be provided with adequate and suitable training to make them aware of the problems associated with the spiking of drinks and how to reduce the risks of the same.
11. Anyone who appears to be under the age of 18 will not be allowed access unless they are able to produce satisfactory "proof of age" that they are over the age of 18, such identification must be in the form of a recognised photographic identification card, such as a passport or photo card driving licence.

**d) The prevention of public nuisance**

1. The management and staff will ensure that the premises and the area immediately abutting the frontage of the premises are kept free from litter.
2. Management shall instruct staff to remind people to be quiet in the vicinity of the premises.
3. No external speakers shall be operated from the premises.
4. There shall be no activity on the outside area of the premises after 2230 on any night.
5. In the external areas of the premises drinking and eating shall only be permitted in clearly defined areas.
6. No collections of waste from the premises between 2300 and 0700 hours.
7. Refuse shall not be emptied into external receptacles between the hours of 2300 and 0700.
8. The licence holder shall ensure that any external lighting is not directed towards residential properties so as not to cause nuisance.
9. Sufficient extraction and ventilation systems shall be installed and maintained at the premises. Any extraction and ventilation systems operating from the premises must not produce noise so as to unreasonably disturb local residents

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

1. Anyone who appears to be under the age of 18 will not be allowed access unless they are able to produce satisfactory "proof of age" that they are over the age of 18, such identification must be in the form of a recognised photographic identification card, such as a passport or photo card driving licence.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- 

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I


have included documents demonstrating my entitlement to work in the United Kingdom (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.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [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).</li> <li>• 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)</li> </ul>
Signature	
Date	11 <sup>th</sup> December 2018
Capacity	Director

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)			

#### Notes for Guidance

1. 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.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the 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 agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations

2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.

- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.



# GREATER MANCHESTER POLICE - REPRESENTATION

## About You

Name	<b>PC Alan Isherwood</b>
Address including postcode	1 <sup>st</sup> Floor Manchester Town Hall Extension Lloyd Street Manchester
Contact Email Address	alan.isherwood@gmp.police.uk
Contact Telephone Number	0161 856 6017

## About the Premises

Application Reference No.	<b>LPA 224518</b>
Name of the Premises	<b>Shesha Lounge</b>
Address of the premises including postcode	First Floor, 137-139 Cheetham Hill Road, Manchester M8 8LY

## Your Representation

Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the licence 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 in relation to the above premises on the grounds of Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance.

The applicant Mr Jawad Butt has been involved with these premises for at least 12 years as there is an article in the Manchester Evening News from 2007 regarding him opening the premises.

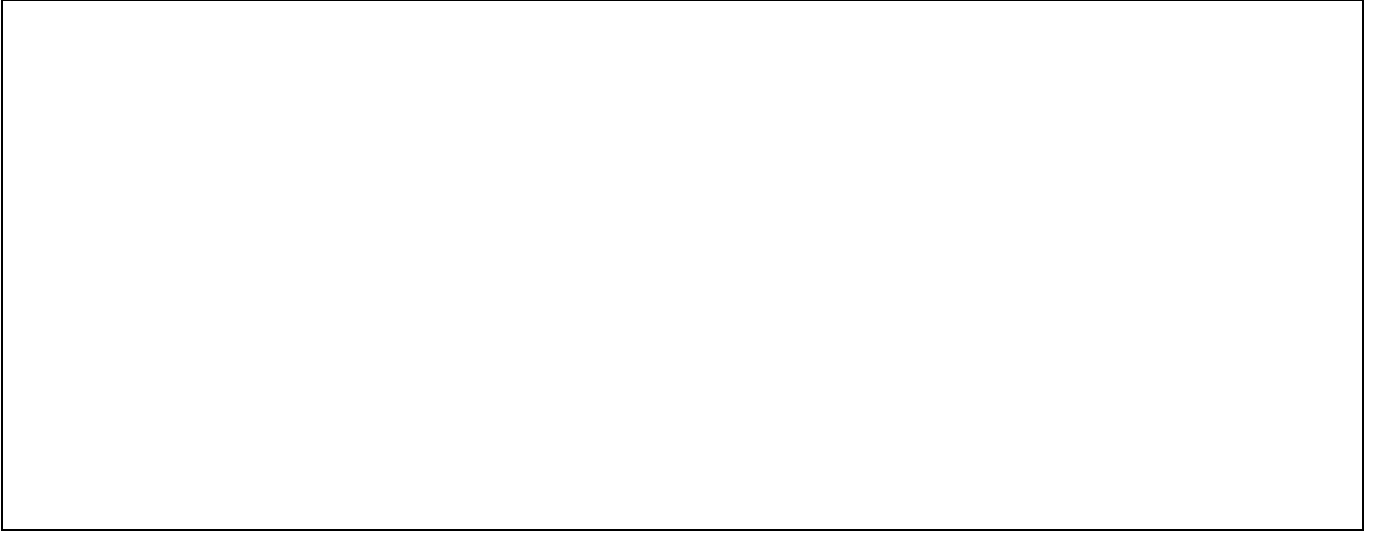
The applicant has allowed customers to smoke Shisha inside the premises which are not 50% open to the elements. The premises has large shutters in the 2 main walls which open to allow fresh air into the premises but even with these fully open it would not be 50% open. On previous visits to the premises by GMP and Manchester City council the shutters were found to be closed.

If the shutters were open when the regulated entertainment was taking place this could also cause a noise nuisance.

There are videos clips on YouTube showing customers smoking Shisha inside the premises with the shutters fully closed and GMP will show these at the hearing.

Therefore the applicant would clearly be undermining the licensing objectives of the Prevention of Crime and Disorder, Public Safety and potentially the Prevention of Public Nuisance.

We therefore ask that this application is refused.





**MANCHESTER  
CITY COUNCIL**

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

Name	Luke Solczak
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	<a href="mailto:Luke.solczak@manchester.gov.uk">Luke.solczak@manchester.gov.uk</a>
Telephone Number	0161 234 1220

<b>Premise Details</b>	
Application Ref No	224518
Name of Premises	Shesha Lounge
Address	First Floor, 137-139 Cheetham Hill Road, Manchester, M8 8LY

<b>Representation</b>
<p>Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.</p> <p>The Licensing and Out of Hours Team (LOOH) have assessed the likely impact of the grant of this application taking into account a number of factors, including the nature of the area, hours applied for and any potential risk that the granting of the licence could lead to issues of crime and disorder, public nuisance, public safety and the protection of children from harm. All of the comments below have been made in consideration of Manchester City Council's Statement of Licensing Policy (SOLP) 2016 -2021.</p> <p>Paragraph 7.25 of Manchester City Council's Statement of Licensing Policy (SOLP) 2016 - 2021 provides that: Where its discretion is engaged, 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, to ensure they are located in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives. The potential impact on any local residents will be an important matter for consideration.</p> <p>As a result of the assessment carried out for this application, the Licensing and Out of Hours team have concerns that the application and the proposed conditions in the operating schedule are not enough to uphold the four licensing objectives.</p> <p>The applicant has applied to operate Monday to Sunday from 1700hrs to 0200hrs (Monday morning) and to serve hot food and drink refreshments, the provision of live and recorded music after 2300hrs. The location of the premises is shown below:</p>



The premises is currently operating under the name of Shesha Lounge and the premises are conducting activities that are in breach of the Health Act 2006 by allowing patrons to smoke tobacco products in an enclosed area that is below the required 50%. According to site visits carried out by the licensing compliance officers and building plans, there is no outside area where the use of shish pipes may be permitted.

The premises is located on Cheetham Hill road, the buildings consists of several floors. The ground floor is a business called Monolos which is a children's play area and café. The first floor is where Shesha Lounge is located and a residential flat on the top floor. The building has two entrances to the two businesses which shares a single outdoor area to gain access (See outline plans below).

Front Floor Restaurant/Cafe Bar



**Fire Protection Legend**

- CCTV Camera
- Fire Risk Door
- Fire Door 30 min rating
- Fire Door 60 min rating
- Smoke Detector
- Heat Detector
- Fire Alarm Control Panel
- Alarm Sounder
- Call Point
- Dry CO2 and Wet Water
- Fire Alarm

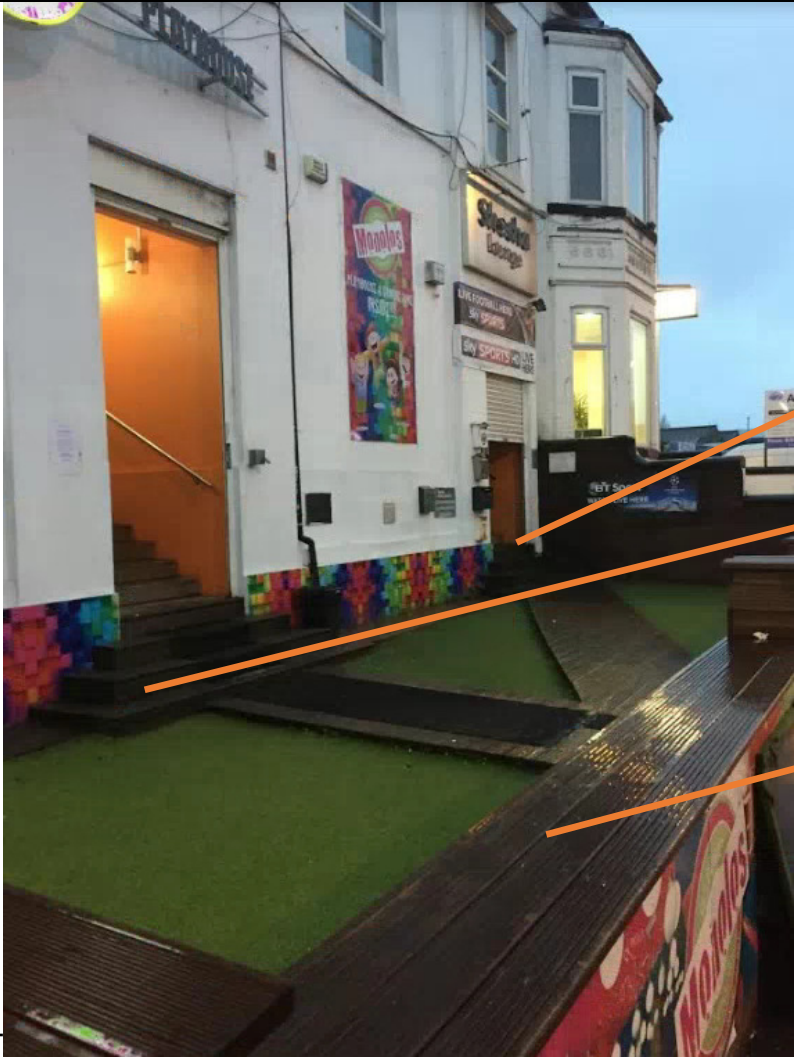
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Site @ 137-139 Cheetham Road  
Manchester  
Mr. Jawad  
Floor Layout Plan

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**NA-01**

12th Dec 2018  
12th Dec 2018  
1: 0762 852 2402  
e: info@fireprotection.co.uk

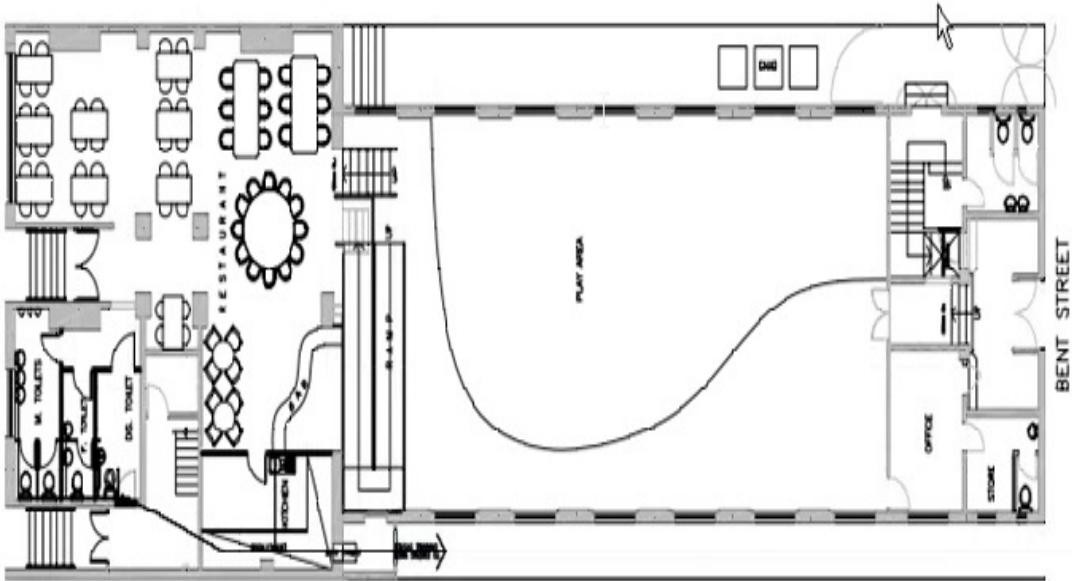


Shesha Lounge  
Entrance

Monolos Entrance

Shared Entrance to  
both businesses

T



Monolos is a children's play area and café. The LOOH team have concerns that an establishment of this type and the people, it may attract may pose a risk to children. Monolos is open from 1400hrs – 2300hrs Monday – Sunday which will be open during the requested hours of shesha lounge.

The use of sheisha pipes also poses a fire risk due to the hot coals used in the smoking process. As stated above, the building forms multiple businesses one of which consist of a children and toddlers play area.

Manchester City Council's SOLP sets out the following standards (MS11) that applicants need to consider in relation to protecting children from harm when making an application for a premises: Regard should be had to specific risks that may arise when children are on the premises. The risk assessment should be documented and available for inspection by the responsible authorities upon request. Special consideration is expected to be given to promoted events in licensed premises aimed at, or likely to attract, persons under 18. The licensing authority expects robust measures to be in place to address potential risks associated with such an activity. The applicant has not provided sufficient measures in the operating schedule of the application to protect the children from harm.

The area also consists of residential properties and flats of which one is located above the business (Please see below photograph). The provision of regulated entertainment of live and recorded music may potentially pose a public nuisance. The business has requested to play live and recorded music from 1700hrs – 0200hrs Monday to Sunday. In the application it is stated that the capacity will be limited to 450 people. There is no mention in the operating schedule of the application of registered door staff or how they will manage dispersal when the premises closes. This amount of people exiting the establishment at 0200hrs especially on weekday mornings will pose a statutory nuisance for residents in the surrounding area.



**Visits and observation to Shesha Lounge****2<sup>nd</sup> December 2019 – 13:05**

shutters halfway down, nobody present. Officers spoke to neighbouring premise. They stated the business were owned by the same person 'Harry' surname not known. He stated shisha premise does not open until 17.00. Officers advised to inform the management at the shisha premise that they cannot service LNR as licence has lapsed.

**18<sup>th</sup> December 2018 22:20**

Officers rang the buzzer 3 times, entrance covered by CCTV. No answer

Officers visited neighbouring business as on a previous visit I was told they had the same owner. Other premises stated they were not owned by the same owner, therefore received contradicting information.

Officers returned to Shesha Lounge and rang the buzzer a couple more times, a male then opened the door and stated the buzzer was 'dodgy' despite us hearing it ring. He said he was the manager and called Najjam Butt he said he did not know the owners name or address. Officers could smell shisha went entered the premise but were advised there were no customers.

However when officers initially tried the buzzer we could hear music and people. I explained the Health Act 2006 re smoking in an enclosed space he said they are 50% open but that he could not show me as the shutters to that space where broken. Mr Butt then gave me a lengthy explanation regarding the broken shutters.

Officers left the premises. At the side of the building officers could see the upstairs of the premise to be occupied by people, multi coloured lights in use and the atmosphere appeared to be Smokey. Officers took a photograph. The shutters then came down over the windows. Officers believe It may have been captured making observations on their cctv.

**18<sup>th</sup> January 2019 – 22:31**

Officers witnessed twenty – twenty five customers smoking on the premises. The area in which these customers were smoking was substantially enclosed and were committing offences under Section 7 of the Act. Within the premises no smoking signs were present.

The manger claims that these openings have been calculated by an architect in line with planning enforcement. At the time of the visit on each of the openings the shutters were closed.

I asked to speak to the responsible person in charge. I was greeted by the manager of the premises Mr. Jawad Butt was present, who I recognised from a previous visit in which his application for a premises licence was discussed. I asked Mr. Butt why the shutters were closed on the premises. Mr. Butt stated that they were half closed as the weather outside was bad and caused issues to the premises. I stated to Mr. Butt that the shutters were fully down, and as a result of this the premises is now in breach of the health act. As officers were present the shutters



to the premises were opened.

I explained to Mr. Butt that under Section 7 of the Health Act 2006 it is an offence to smoke within an enclosed space. I also advised that as he was the responsible person in charge under Section 8 of the Health Act 2006 the responsible person is required to prevent this from occurring and failure to do so could lead to prosecution. Furthermore I added that instances like tonight will likely hinder the chances of application being granted for a premises licence.

### **20th January 2018 – 22:00**

Manager advised they have had the shutters open all day. One shutter was closed with the remaining 5 open. Approx. 20 people inside, witnessed 4 pipes in use.

### **25th January 2018 - 19:15**

On entering the main bar area only one of the shutters was open with the remaining 5 fully closed. On the elevated area 4 people and 2 lit pipes were witnessed.

Officers informed Mr Butt that I was issuing him with a warning letter and informed him that he was in breach of the Health Act by allowing people to smoke within an enclosed area. He informed me that due to the weather he had closed some of the shutters as customers were leaving due to the cold weather.

Mr Butt was again advised that he must keep all the shutters open and even with the shutters open it may not be compliant and further visits will be conducted. I also informed Mr Butt that he is not assisting his application for LNR as if he can not comply with officers requests in relation to keeping the shutters open then we do not have confidence that will uphold the licensing objectives if granted LNR.

Mr Butt stated he understood and was trying to be compliant but it was effecting his business.

Mr Butt was advised that random visits would be conducted and was happy with this and understood our concerns.

### **26th January 2018**

Premises was visited - all windows were fully open in the main lounge area - there was a shisha pipe in use with hot coals and 4 males all smoking from the shisha pipe.

Officers spoke with the manager of the premises and further advised him regarding the Health Act and the importance of having the windows fully open while shisha is being used.

The manager stated that the windows have been open every day and showed us evidence of rain damage on the seats within the lounge.

### **27th January 2018 - 22:25**

Officers Spoke with the owner Javad. There were 7 tables all with a number of people on up on the raised canopy with hot coals and shisha being smoked. All the side windows were fully open at the time of the visit, with water patches near the side indicating they had been open for some time. We again reiterated the importance of adhering to The Health Act.

**29<sup>th</sup> January 2018 - 21:50**

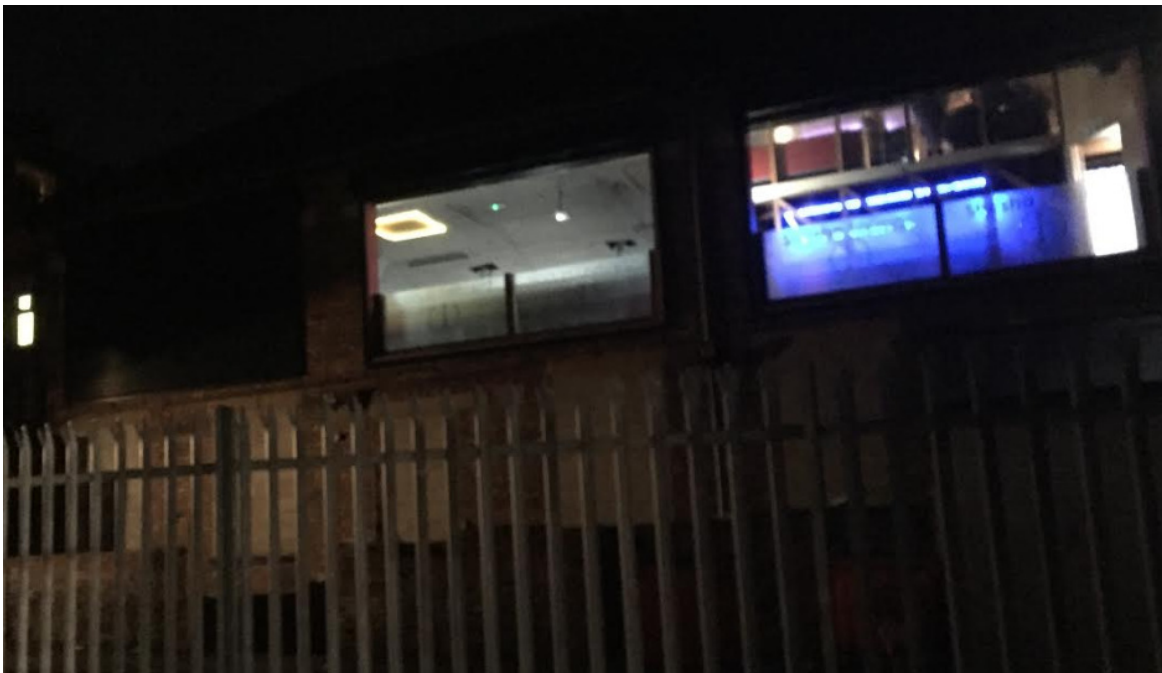
Internal Visit, spoke to a customer who presented himself to officers when we arrived. He was fully aware of why we had visited and was compliant with officer and confirmed Mr Butt was aware the shutters needed to remain open. I noticed 4 of the 6 shutters were fully open. Staff stated the two shutters were not working.

**29<sup>th</sup> January 2018 – 00:50**

4 of the 6 shutters were open.

**30<sup>th</sup> January 2018 – 23:30**

4 of the 6 shutters were open.





The LOOH team feels that due to this and the lack of compliance with Manchester City Council Officers that the applicant will not be able to manage the premises effectively to promote the licensing objectives under the Licensing Act 2003.

As a result of this assessment we have concerns that the grant of this application is likely to lead to issues of crime and disorder, public safety, public nuisance and protection of children from harm. These concerns are also specifically that the grant of this license is likely to lead to public nuisance in the way of noise issues from the premises to local residents in nearby domestic dwellings from customers arriving in vehicles and customers entering and leaving the premises late at night. There are domestic dwellings/apartments opposite the premises and also flats above the adjacent premises, we have further concerns that under the public safety element of the licensing objectives, Officers within the team have witnessed breaches of the Health Act 2006.

Our view is that the application is a way of allowing the applicant permission to open late at night which would allow it to operate as a Shisha café.

The applicant offers no evidence in the operating schedule to show how he will promote the four licensing objectives within Section M of the application, specifically the Prevention of Public Nuisance, Public Safety and protection of children from harm, as noted above.

We therefore recommend that the application is refused in order to prevent the problems described above.

**Recommendation: Refuse Application**

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## Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> <li>1. There will be no supply or consumption of alcohol on the premises.</li> <li>2. Substantial food and soft drinks (including water) shall be available throughout opening hours.</li> <li>3. Staff training and effective management will ensure that there is no drinking or taking of any intoxicating substances on the premises.</li> <li>4. Staff training and effective management will ensure that no intoxicated persons will be allowed to enter the premises.</li> <li>5. An effective and adequate CCTV system equipped with a recording facility shall be installed, maintained and operated at the premises. Recorded images will be retained for 31 days.</li> <li>6. Effective lighting shall be maintained and operated on all internal and external aspects of the premises</li> <li>7. All staff and management shall be provided with adequate and suitable training to enable them to deal with incidents of disorder within the premises</li> <li>8. The management shall conduct an ongoing risk assessment in relation to the search policy operated at the premises and if necessary an effective search policy shall be implemented to ensure that drugs and offensive weapons are not brought onto the premises by patrons</li> <li>9. Known offenders or drug dealers will not be permitted on the licensed premises. Information regarding known offenders/drug dealers will be shared with other licensed premises within the area.</li> <li>10. Any person found using drugs will be removed from the premises. Any person found to be dealing drugs will be detained and the police informed immediately. Drugs seized will be handed over to the police.</li> <li>11. All staff and management shall be provided with adequate and suitable training in issues of drug awareness.</li> <li>12. Staff will be trained in first aid and emergency procedures. All training and incidents shall be recorded in writing.</li> <li>13. Public liability insurance shall be maintained for the premises.</li> <li>14. Fire fighting equipment shall be maintained and serviced according to the manufacturer's instructions</li> <li>15. The capacity for the number of persons at the premises will be:</li> </ol>	N/A	Applicant

## Schedule of Licence Conditions

<p>150 in the front seating area 300 in the rear seating area.</p> <ol style="list-style-type: none"> <li>16. The management and staff will ensure that glasses are collected regularly. Regular inspections for broken glass will be made by staff and any broken glass found will be cleared away immediately by staff.</li> <li>17. A safety plan shall be implemented that shall include fire safety.</li> <li>18. An evacuation procedure which includes emergency exit from the premises by disabled customers shall be implemented at the premises and all staff shall be fully briefed in the procedure.</li> <li>19. All staff shall be trained in how to handle emergencies</li> <li>20. The management and staff shall make regular checks to ensure the toilets are well maintained and clear of all spillages.</li> <li>21. All staff shall be provided with adequate and suitable training to make them aware of the problems associated with the spiking of drinks and how to reduce the risks of the same.</li> <li>22. Anyone who appears to be under the age of 18 will not be allowed access unless they are able to produce satisfactory "proof of age" that they are over the age of 18, such identification must be in the form of a recognised photographic identification card, such as a passport or photo card driving licence.</li> <li>23. The management and staff will ensure that the premises and the area immediately abutting the frontage of the premises are kept free from litter.</li> <li>24. Management shall instruct staff to remind people to be quiet in the vicinity of the premises.</li> <li>25. No external speakers shall be operated from the premises.</li> <li>26. There shall be no activity on the outside area of the premises after 2230 on any night.</li> <li>27. In the external areas of the premises drinking and eating shall only be permitted in clearly defined areas.</li> <li>28. No collections of waste from the premises between 2300 and 0700 hours.</li> <li>29. Refuse shall not be emptied into external receptacles between the hours of 2300 and 0700.</li> <li>30. The licence holder shall ensure that any external lighting is not directed towards residential properties so as not to cause nuisance.</li> </ol>		
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## Schedule of Licence Conditions

<p>31. Sufficient extraction and ventilation systems shall be installed and maintained at the premises. Any extraction and ventilation systems operating from the premises must not produce noise so as to unreasonably disturb local residents</p> <p>32. Anyone who appears to be under the age of 18 will not be allowed access unless they are able to produce satisfactory "proof of age" that they are over the age of 18, such identification must be in the form of a recognised photographic identification card, such as a passport or photo card driving licence.</p>		
<b>Conditions proposed by objectors</b>	<b>Agreed</b>	<b>Proposed by</b>
None, proposed to refuse application.	N/A	GMP
None, proposed to refuse application.	N/A	Licensing and Out of Hours

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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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