



Licensing Sub Committee Hearing Panel

Date: Tuesday, 25 February 2020

Time: 10.00 am

Venue: 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 - Ludford (Chair), Andrews and Madeleine Monaghan

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. Premises Licence Variation - McColls, 232-234 Lightbowne Road, Manchester M40 5EF

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The report of the Director of Planning, Building Control and Licensing is enclosed.

Information about the Committee

The Licensing Sub-Committee Hearing Panel fulfills the functions of the Licensing Authority in relation to the licensing of premises.

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:

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This agenda was issued on **Monday, 17 February 2020** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 25 February 2020

Subject: McColls, 232-234 Lightbowne Road, Manchester, M40 5EF
App ref: Premises Licence variation 242471

Report of: Director 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: Moston

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

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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Name: Helen Howden
Position: Technical Licensing Officer
Telephone: 0161 234 4294
E-mail: premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

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

1. Introduction

- 1.1 On 2 January 2020, an application for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 was made in respect of McColls, 232-234 Lightbowne Road, Manchester, M40 5EF in the Moston ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. Current Licence

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

3. The Application

- 3.1 A copy of the application is attached at **Appendix 3**.
- 3.2 The variation is to:
1. Extend the sale by retail of alcohol for consumption of the premises.
 2. Remove the seasonal restrictions relating to the sale by retail of alcohol.
 3. Remove all conditions under Annex 2 and replace them with up to date conditions.

Further details are as below.

Proposed changes to hours:

Supply of alcohol for consumption off the premises only:

Current hours:	Mon to Sat 8am to 11pm, Sun 10am to 10.30am
Proposed hours:	Mon to Sun 6am to 11pm

The current opening hours are “unrestricted” and are not requested to be changed:

Seasonal restriction relating to sale of alcohol – requested to be removed

Good Friday: Start 0800 Finish 2230
 Christmas Day: Start 1200 Finish 1500 Start 1900 Finish 2230.

Conditions

Conditions requested to be removed

- The above time restrictions in relation to the sale of alcohol do not prohibit: -
 - (a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - (b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (c) The sale of alcohol to a trader or club for the purposes of the trade or club;
 - (d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.
- Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Proposed new conditions

- A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request (meaning within 48 hours) by the Police or other relevant officers of a responsible authority.
- Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training (every 6 months) will also be undertaken. Training records can be made available for inspection upon reasonable request (meaning within 48 hours) by the Police or other relevant officers of a responsible authority.
- A till prompt system will be in operation at the store and used for the refusal of all age restricted products.
- An electronic refusal log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request (meaning within 48 hours).
- A Challenge 25 policy will be operated at the premise; forms of identification that will be accepted are a valid passport, photo card driving licence and PASS accredited identification card.

- The licence holder shall display prominent signage confirming the company's Challenge 25 policy.
- Spirits will be located behind the counter.

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

3.2.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 3**.

3.3 Activities unsuitable for children

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

3.4 Steps to promote the licensing objectives

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

3.4.2 These steps must be translated into conditions by the licensing authority to be included in any granted premises licence, unless the conditions are modified by the Panel following consideration of relevant representations. These conditions are set out in the Schedule of Conditions at **Appendix 5**.

4. Relevant Representations

4.1 A total of two relevant representations were received in respect of the application (**Appendix 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.

4.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	<ul style="list-style-type: none"> • GMP “have no issue with the removal of the seasonal restrictions and the replacing of the conditions in annex 2”. They have concerns regarding the extension of hours for alcohol sales. • The objection reports that the premises has issues with theft and anti-social 	Refuse

	<p>behaviour: In the past month “there have been at least eight reported incidents of theft / theft related crime”. The objection outlines severe difficulties GMP have experienced in investigating the incidents due to ongoing problems in accessing CCTV footage.</p> <ul style="list-style-type: none"> • The objection also states that alcohol related crime in the area “is a general problem including domestic assaults, anti-social behaviour in the park area behind the store and outside the shops on the same row as McColl’s. “ • The hours for sale of alcohol at a neighbouring premises start at 9am. GMP consider that the proposed 6am start “would see an increase in thefts and anti-social behaviour around these premises.” • GMP ask that the request to extend the licensable hours is refused. 	
<p>Licensing and Out of Hours Compliance</p>	<ul style="list-style-type: none"> • This objection raises no concerns regarding the removal of seasonal restrictions and the introduction of the proposed annex 2 conditions. The objection relates to the proposed hours for sale of alcohol. • The basis for the objection is that the prevention of public nuisance objective is “very likely” to be undermined. The objection reports that the premises is in “a large residential area that is already subject to high levels of public nuisance in the form of anti-social behaviour”. The objection cites information reported from GMP that the premises itself is a “focal point” and there are “high levels of alcohol related anti-social behaviour both directly outside the premises and in nearby streets and park areas”. The team consider that this application does not adequately address how this early start “will not contribute to the current public nuisance issues experienced by the local community”. • The applicant has not demonstrated an understanding of the local risks and any local factors relevant to their premises, for example the proximity of local Primary schools and nearby children’s centres. 	<p>Grant with conditions</p>

4.3 No conditions have been proposed by objectors so there are none to include in the Schedule of Conditions at **Appendix 5**.

4.4 Agreements have not been reached with either of the objectors.

5. Key Policies and Considerations

5.1 Legal Considerations

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

5.2 New Information

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

5.3 Hearsay Evidence

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

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

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

5.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

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

5.5 Manchester Statement of Licensing Policy

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

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

Section 6: What we aim to encourage

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

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

Section 7: Local factors

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

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

- Identified risk factors specific to the licensed premises.

- Evidence of pre-existing problems in the area.
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance.
- Proximity to sensitive uses.

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
MS12	Prevent underage sales of alcohol, including proxy sales

6. Conclusion

- 6.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 6.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 6.3 The Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- a) To grant the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate;
 - b) To reject the whole or part of the application.
- 6.4 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.

- 6.5 However, conditions should not be imposed on a licence which are unrelated to the variation sought.
- 6.6 All licensing determinations should be considered on the individual merits of the application.
- 6.7 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 6.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 6.9 The Panel is asked to determine the application.



McColls
232-234 Lightbowne Road, Manchester, M40 5EF

Premises Licensing
Manchester City Council

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PREMISE NAME: McColls

PREMISE ADDRESS: 232-234 Lightbowne Road, Manchester, M40 5EF

WARD: Moston

HEARING DATE: 25/02/2020



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	051256
Granted	04/09/2005
Latest version	DPS Variation 213804 Granted 14/06/2018

Part 1 - Premises details

Name and address of premises
McColls 232-234 Lightbowne Road, Manchester, M40 5EF
Telephone number
0161 682 8917

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

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	1000
Finish	2300	2300	2300	2300	2300	2300	2230
The sale of alcohol is licensed for consumption off the premises only.							
Seasonal variations and Non-standard Timings:							
Good Friday: Start 0800 Finish 2230 Christmas Day: Start 1200 Finish 1500 Start 1900 Finish 2230.							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0000	0000	0000	0000	0000	0000	0000
Finish	2400	2400	2400	2400	2400	2400	2400
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings:							
Not permitted on Good Friday or Christmas Day							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	Not applicable
Finish	2330	2330	2330	2330	2330	2330	
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings: Not permitted on Good Friday or Christmas Day							
Hours premises are open to the public							
Standard timings							
Unrestricted							

Part 2

Details of premises licence holder	
Name:	Martin McColl Ltd
Address:	Martin McColl House, Ashwells Road, Brentwood, Essex, CM15 9ST
Registered number:	298945

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Rachael Whalen
Address:	
Personal Licence number:	138304
Issuing Authority:	Manchester City Council

Annex 1 – Mandatory conditions	
Door Supervisors	
1.	Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: - <ul style="list-style-type: none"> (a) Unauthorised access or occupation (e.g. through door supervision), (b) Outbreaks of disorder, or (c) Damage, unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.
Supply of alcohol	
2.	No supply of alcohol may be made under this premises licence: <ul style="list-style-type: none"> (a) At a time when there is no designated premises supervisor in respect of the premises licence or, (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3.	Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence
4.	<ul style="list-style-type: none"> (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- (a) a holographic mark, or
- (b) an ultraviolet feature.
5. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purposes of the condition set out in (1) above—
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) “permitted price” is the price found by applying the formula—
- $$P = D + (D \times V)$$
- where –
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

1. The above time restrictions in relation to the sale of alcohol do not prohibit: -
- (a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) The sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces..

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

Annex 3 – Conditions attached after hearing by the licensing authority

Not applicable

Annex 4 – Plans

See attached

Manchester City Council Licensing Register Copy

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

Document is Restricted

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Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We MARTIN MCCOLL LIMITED

(Insert name(s) of applicant)

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

Premises licence number 051256
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description MCCOLLS 232-234 LIGHTBOWNE ROAD			
Post town	MANCHESTER	Postcode	M40 5EF
Telephone number at premises (if any)	0161 682 8917		
Non-domestic rateable value of premises	£17,750.00		

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	MARTIN MCCOLL LIMITED MCCOLL'S HOUSE ASHWELLS ROAD		
Post town	BRENTWOOD, ESSEX	Postcode	CM15 9ST

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

 Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
 (Please see guidance note 1) Yes No

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

THE VARIATION LOOKS TO:

1. EXTEND THE SALE BY RETAIL OF ALCOHOL HOURS TO 06:00 HOURS – 23:00 HOURS, MONDAY TO SUNDAY, FOR CONSUMPTION OFF THE PREMISE.
2. REMOVE THE SEASONAL RESTRICTIONS RELATING TO THE SALE BY RETAIL OF ALCOHOL FROM THE PREMISES LICENCE.
3. REMOVE ALL CONDITIONS UNDER ANNEX 2 AND REPLACE THEM WITH UP TO DATE CONDITIONS.

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

Part 4 Operating Schedule

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

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

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 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)			Will the exhibition of films 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	-----	-----	State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed	-----	-----			
Thur	-----	-----	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 (please read guidance note 6)		
Fri	-----	-----			
Sat	-----	-----			
Sun	-----	-----			

C

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

D

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

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

G

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

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 checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) NONE		
Mon	06:00 ----- 	23:00 ----- 			
Tue	06:00 ----- 	23:00 ----- 			
Wed	06:00 ----- 	23:00 ----- 			
Thur	06:00 ----- 	23:00 ----- 			
Fri	06:00 ----- 	23:00 ----- 			
Sat	06:00 ----- 	23:00 ----- 			
Day	Start	Finish	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) NONE		
Sun	06:00 ----- 	23:00 ----- 			

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). NONE.</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)
Day	Start	Finish	
Mon	-----	-----	
Tue	-----	-----	
Wed	-----	-----	
Thur	-----	-----	
Fri	-----	-----	
Sat	-----	-----	
Sun	-----	-----	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)

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.

THE VARIATION LOOKS TO REMOVE THE SEASONAL RESTRICTIONS FROM THE PREMISES LICENCE AND ALSO LOOKS TO REMOVE ALL CONDITIONS UNDER ANNEX 2 AND REPLACE THEM WITH UP TO DATE CONDITIONS. THE VARIATION ALSO LOOKS TO REMOVE THE EXISTING SALE OF ALCOHOL BY RETAIL HOURS OF 08:00 – 23:00 MONDAY – SATURDAY AND 10:00 – 22:30 SUNDAY AND REPLACE THEM WITH THE SALE OF ALCOHOL BY RETAIL HOURS OF 06:00 – 23:00 MONDAY – SUNDAY.

Please tick as appropriate

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

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

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

M

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

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

PLEASE SEE THE ATTACHED DOCUMENT OUTLINING THE NEW CONDITIONS.

b) The prevention of crime and disorder

PLEASE SEE THE ATTACHED DOCUMENT OUTLINING THE NEW CONDITIONS.

c) Public safety

PLEASE SEE THE ATTACHED DOCUMENT OUTLINING THE NEW CONDITIONS.

d) The prevention of public nuisance

PLEASE SEE THE ATTACHED DOCUMENT OUTLINING THE NEW CONDITIONS.

e) The protection of children from harm

PLEASE SEE THE ATTACHED DOCUMENT OUTLINING THE NEW CONDITIONS.

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

a) General-all four licensing objectives (b, c, d, e)

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request (meaning within 48 hours) by the Police or other relevant officers of a responsible authority.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training (every 6 months) will also be undertaken. Training records can be made available for inspection upon reasonable request (meaning within 48 hours) by the Police or other relevant officers of a responsible authority.

A till prompt system will be in operation at the store and used for the refusal of all age restricted products.

An electronic refusal log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request (meaning within 48 hours).

A Challenge 25 policy will be operated at the premise; forms of identification that will be accepted are a valid passport, photo card driving licence and PASS accredited identification card.

The licence holder shall display prominent signage confirming the company's Challenge 25 policy.

Spirits will be located behind the counter.

b) The prevention of crime and disorder.

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request (meaning within 48 hours) by the Police or other relevant officers of a responsible authority.

Spirits will be located behind the counter.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training (every 6 months) will also be undertaken. Training records can be made available for inspection upon reasonable request (meaning within 48 hours) by the Police or other relevant officers of a responsible authority.

c) Public Safety.

A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request (meaning within 48 hours) by the Police or other relevant officers of a responsible authority.

d) Prevention of public nuisance.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training (every 6 months) will also be undertaken. Training records can be made available for inspection upon reasonable request (meaning within 48 hours) by the Police or other relevant officers of a responsible authority.

e) The protection of children from harm.

Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training (every 6 months) will also be undertaken. Training records can be made available for inspection upon reasonable request (meaning within 48 hours) by the Police or other relevant officers of a responsible authority.

A till prompt system will be in operation at the store and used for the refusal of all age restricted products.

An electronic refusal log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request (meaning within 48 hours).

A Challenge 25 policy will be operated at the premise; forms of identification that will be accepted are a valid passport, photo card driving licence and PASS accredited identification card.

The licence holder shall display prominent signage confirming the company's Challenge 25 policy.

Spirits will be located behind the counter.

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	3 January 2020
Capacity	[REDACTED]

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

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

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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 242471
Name of the Premises	McColls
Address of the premises including postcode	232-234 Lightbowne Road, Manchester M40 5EF

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.	
<p>Please accept this as formal notification of the Greater Manchester Police objection to the premises licence application in relation to the above premises on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety.</p> <p>The applicant is seeking to extend their hours for alcohol sales by bringing their hours forward from 8am to 6pm each day and by extending from 10:30 pm until 11pm on a Sunday. They are also seeking to remove seasonal restrictions and replace the conditions in annex 2 with up to date conditions.</p> <p>GMP have no issue with the removal of the seasonal restrictions and the replacing of the conditions in annex 2 but we do have concerns regarding the extension of hours for alcohol sales.</p> <p>The local policing team have considered this variation and they have reported that McColls on Lightbowne Road currently has issues with theft and anti-social behaviour:</p> <p>In the past month there have been at least eight reported incidents of theft / theft related crime. These are difficult to investigate as the company has centralised CCTV which is sent via email to the OIC. It cannot be viewed as it requires downloading of a CCTV player which cannot be done on police systems. The CCTV has to then be requested again on disc which is sent via post. This still cannot be viewed and has to be sent off for formatting. All of this procedure adds to delays in investigation and ultimately prosecution. In addition to this staff cannot even view the CCTV in store either making it impossible to ascertain what we are investigating or who the suspect is. Specifically we recently had a crime series relating to one offender targeting the store and committing theft. We were unable to progress these crimes as the CCTV was sent to the wrong location and was returned to the post office.</p>	

Alcohol related crime in the area where the store is situated is a general problem including domestic assaults, anti-social behaviour in the park area behind the store and outside the shops on the same row as McColl's.

The premises next door but one to McColl's also has an alcohol licence. This premises is known as Lightbowne Convenience Store 240 Lightbowne Road. They also have licence conditions to sell alcohol for consumption off premises from 0900hours.

Therefore it is GMP's view that to extend the licensing hours to 0600hours would see an increase in thefts and anti-social behaviour around these premises.

We would therefore ask that the variation to extend the licensable hours is refused.



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	
Telephone Number	

Premise Details	
Application Ref No	242471
Name of Premises	McColls
Address	232-234 Lightbowne Road, Manchester, M40 5EF

Representation
<p>Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.</p> <p>Licensing & Out of Hours Compliance Team have assessed the likely impact of the granting of this application taking into account a number of factors, including the nature of the area in which the premises is located and the proximity to residential accommodation, the hours applied for, and any potential risk that the granting of this application could lead to issues of public nuisance.</p> <p>This premises already has a licence to sell alcohol for the following times:</p> <p>08:00 to 23:00 hrs Monday to Saturday 10:00 to 22:30 hrs Sunday</p> <p>The application in question requests that the licence be extended for the sale of alcohol: 06:00 to 23:00 hrs Monday to Sunday</p> <p>They are also seeking to remove seasonal restrictions and replace the conditions in annex 2 with up to date conditions.</p> <p>Licensing and out of hours have no concerns with the removal of seasonal restrictions and the introduction of the proposed annex 2 conditions.</p> <p>However Licensing and Out of Hours object to the proposed variation in hours for the sale of alcohol.</p> <p>The objection is based on grounds of public nuisance.</p> <p>The premises is located within a large residential area that is already subject to high levels of public nuisance in the form of anti social behaviour. I understand from GMP that there are already high levels of alcohol related anti social behaviour both directly outside the premises and in nearby streets and park areas.</p> <p>By extending the hours for the sale of alcohol to 06:00 am every day and to 23:00 hours on Sundays will be very likely to undermine the licensing objective of the</p>

prevention of public nuisance. The applicant has not included within their request for a variation how the public access to alcohol from 06:00 am will not contribute to the current public nuisance issues experienced by the local community.

Manchester City Council's Statement of Licensing Policy section 7.12 states that the authority should give particular consideration to the general character of the surrounding area, including crime and antisocial behaviour levels.

Licensing and Out of Hours are unclear who McColls would aim to sell alcohol to at 06:00 am, as this has not been explained in the application.

It is of particular concern as Greater Manchester Police have indicated that the premises itself is the focal point of crime and disorder and anti social behaviour, and an earlier opening time for the sale of alcohol would almost certainly increase the risk of further alcohol related anti social behaviour in the local area.

The applicant has not demonstrated an understanding of the local risks and any local factors relevant to their premises as is required under section 7.4 and 7.5 of

Manchester City Council's Statement of Licensing Policy. For example the proximity of local Primary schools and nearby children's centres. It is not reasonable for school children and their families to be exposed to alcohol related crime and disorder and anti social behaviour on their way to school in the morning.

Recommendation: Approve with Conditions (Outlined Above)

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

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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. A suitable and sufficient CCTV system with recording facilities will be in place at site and will operate at all times the premise is open for licensable activities. Images can be made available upon reasonable request (meaning within 48 hours) by the Police or other relevant officers of a responsible authority. 2. Staff will be trained with regard to their responsibilities in the retail sale of alcohol and regular refresher training (every 6 months) will also be undertaken. Training records can be made available for inspection upon reasonable request (meaning within 48 hours) by the Police or other relevant officers of a responsible authority. 3. A till prompt system will be in operation at the store and used for the refusal of all age restricted products. 4. An electronic refusal log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request (meaning within 48 hours). 5. A Challenge 25 policy will be operated at the premise; forms of identification that will be accepted are a valid passport, photo card driving licence and PASS accredited identification card. 6. The licence holder shall display prominent signage confirming the company's Challenge 25 policy. 7. Spirits will be located behind the counter. 	N/A	Applicant
Conditions proposed by objectors	Agreed	Proposed by
None. The objection concludes that GMP “ask that the variation to extend the licensable hours is refused.”	No	GMP
No specific conditions have been proposed by the objector, however the objection states that there is the potential to “Approve with Conditions”. No agreement has received as at the current time.	No	Licensing and Out of Hours

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