



Licensing Sub Committee Hearing **Panel**

Date: Monday, 13 July 2020

Time: 10.00 am

Venue: Dial: 033 3113 3058

Room number: 37978770 #

Guest PIN: 2991 #

Everyone is welcome to attend this committee meeting.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Under the provisions of these regulations the location where a meeting is held can include reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. This meeting is by way of a telephone conference. You can listen to the call as it takes place, the number of people able to listen to the live call is limited to 90.

Membership of the Licensing Sub Committee Hearing Panel

Councillors – Andrews (Chair), Hughes and Reid

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. New Premises Licence - Cloudwater Brew Co, Units 12 & 13, Piccadilly Trading Estate, Giddings Road, Manchester, M1 2NP - determination 5 - 8

The determination papers are enclosed.

5. New Premises Licence - Heaton Park Golf Course, Golf Pavillion, Heaton Park, Middleton Road, Manchester, M25 2SW 9 - 46

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

6. New Premises Licence - Convenience Store, 120 Mauldeth Road, Manchester, M14 6SQ 47 - 122

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

7. Review of a Premises Licence - Abdul's, 240 Lightbourne Road, Manchester, M40 5EF 123 - 160

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:

Ian Hinton-Smith
Tel: 0161 234 3043
Email: i.hintonsmith@manchester.gov.uk

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



Licensing Act 2003 (Hearings) Regulations 2005

Reference: 246468
Name: Cloudwater Brew Co.
Address: Units 12 & 13, Piccadilly Trading Estate, Giddings Road, Manchester, M1 2NP
Ward: Piccadilly
Application Type: Premises Licence (new)
Name of Applicant: Cloudwater Brewing Company Ltd
Date of application: 18 May 2020

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

Proposed licensable activities and opening hours to be granted

The supply of alcohol for consumption off the premises only:
Mon to Sun 9am to 8pm

Opening hours:
Mon to Sun 9am to 8pm

Representations received

Trading Standards	Trading Standards feel that the application is not detailed enough and the applicant has failed to demonstrate how the premises will promote the licensing objective the Protection of Children from Harm.
Licensing & Out of Hours Compliance	Officers are not satisfied that the conditions offered at present are sufficient to uphold the Prevention of Public Nuisance licensing objective.

Agreements between parties

Trading Standards:

1. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, or a card bearing the PASS hologram.
2. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log, enter sales correctly on the tills so the prompts show as appropriate and monitor staff to ensure their training is put into practice. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals.
3. The premises shall display prominent signage indicating in all areas where alcohol is located that the Challenge 25 scheme is in operation indicating that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18 and for a person under the age of 18 to buy or attempt to buy alcohol

Licensing & Out of Hours Compliance:

1. No noise shall emanate from the premises that gives rise to a nuisance.
2. Where necessary, entry to and from the premises shall be controlled via a queuing system.
3. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - (a) any complaints received
 - (b) any incidents of crime/disorder
 - (c) any faults in the CCTV system
 - (d) any visit by a relevant authority or emergency service
4. The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol.
5. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
6. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.
7. All staff shall be trained in:
 - a. Relevant age restrictions in respect of products
 - b. Recognising signs of drunkenness and vulnerability
 - c. How to refuse service

- d. The premises' duty of care policy
- e. Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
- f. The conditions in force under this licence

8. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council
9. A refusals log must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused.
10. The premises shall install and maintain a digital colour CCTV system covering all public areas of the licensed premises, including all public entry and exit points. CCTV shall continually record whilst the premises are open to the public and the recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping.
11. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
12. All areas to which the public have legitimate access must be sufficiently illuminated for the purpose of CCTV.

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
- Original application form
- Representations made against application and respective agreements

This page is intentionally left blank

**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 13 July 2020

Subject: Heaton Park Golf Course, Golf Pavillion, Heaton Park, Middleton Road, Manchester, M25 2SW - App ref: Premises Licence (new) 244238

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

That the Panel determine the application.

Wards Affected: Higher Blackley

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

infrastructure and connectivity to drive growth	
---	--

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Ashia Maqsood
Position: Technical Licensing Officer
Telephone: 0161 234 4139
E-mail: premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

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

1. Introduction

- 1.1 On 17/03/2020, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Heaton Park Golf Course, Golf Pavillion, Heaton Park, Middleton Road, Manchester, M25 2SW in the Higher Blackley 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 Heaton Park Golf Ltd.
- 2.3 The description of the premises given by the applicant is: a Purpose built clubhouse.
- 2.4 The proposed designated premises supervisor is Julie Tatton .
- 2.5 **The licensable activities applied for are as follows:**
Provision of regulated entertainment (recorded music indoors only)
 Mon to Sun 12 Noon to 11.30pm

The supply of alcohol for consumption on the premises only:

Mon to Sun 10am to 11.30pm

Seasonal Variation- Park life weekend: sale of Alcohol to be both on and off the premises.

Opening hours:

Mon to Sun 6am to Midnight

Seasonal Variations: November to March 8am to Midnight

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

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

2.6 **Activities unsuitable for children**

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

2.7 **Steps to promote the licensing objectives**

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

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

2.8 **Further documentation accompanying the application**

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

3. **Relevant Representations**

3.1 A total of 2 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
GMP	GMP objected to the application based on the grounds that the operating schedule, as proposed by the applicant, give concerns as to how the premises will be operated. GMP also state that the operating schedule does not offer enforceable conditions to uphold the licensing objectives.	Refuse

Licensing and Out of Hours Compliance (LOOH)	LOOH objected to the application based on the grounds that the information contained in the operating schedule do not demonstrate in enough detail how the Licensing Objectives will be upheld.	Refuse
---	---	--------

- 3.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 4**
- 3.4 No Agreements on conditions have been reached between the objectors and the applicant
- 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
- Consistency with relevant Council strategies

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

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

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS3 Responsible promotion and sale of alcohol
- MS4 Prevent the use of illegal drugs, new psychoactive substances (NPS) and the spiking of drinks at the premises
- MS6 Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies
- MS7 Maintain a safe capacity
- MS8 Prevent noise nuisance from the premises
- MS9 Effectively manage exterior spaces (e.g. beer gardens, smoking areas, table and chair areas on the highway)
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse
- MS11 Ensure the wellbeing of children on the premises
- MS12 Prevent underage sales of alcohol, including proxy sales

Section 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.**



PREMISE NAME: Heaton Park Golf Course Pavillion
PREMISE ADDRESS: Golf Pavillion, Heaton Park, Middleton Road, Manchester, M25 2SW
WARD: Higher Blackley
HEARING DATE: 01/06/2020

This page is intentionally left blank

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 Heaton Park Golf Ltd.
(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			
Heaton Park Golf Course Middleton Rd Prestwich			
Post town	Manchester	Postcode	M25 2SW
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£14,750.00	

Part 2 - Applicant details

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

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <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)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

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)
Surname			First names	
Date of birth			I am 18 years old or over <input type="checkbox"/>	Please tick yes
Nationality				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)				
Current residential address if different from premises address				
Post town			Postcode	
Daytime contact telephone number				
E-mail address (optional)				

(B) OTHER APPLICANTS

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

Name	Heaton Park Golf Ltd
Address	Heaton Park Golf Course Middleton Rd Frestwich Manchester M25 2SW Office 1, Orchard House Tugby Orchards, Wood Lane Tugby, Leics LE7 9WE
Registered number (where applicable)	1188 8279
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited Company (soon to be CIC)

Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
26	03	2020

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

DD	MM	YYYY

 N/A.

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

Purpose built clubhouse (c. 1990)
 Kitchen, toilets and bar area
 Outdoor patio area.

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

N/A.

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play 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 performing plays (please read guidance note 5)		
Wed					
Thur			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 (please read guidance note 6)		
Fri					
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				
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)	
Thur				
Fri			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)	
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			
Thur			<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)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				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 boxing or wrestling entertainment (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

E

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

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	12.00	23.30			
Tue	12.00	23.30			
Wed	12.00	23.30	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	12.00	23.30			
Fri	12.00	23.30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	12.00	23.30			
Sun	12.00	23.30			

G

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

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur			<p><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)</p>		
Fri					
Sat			<p><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)</p>		
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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
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 checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) Parklife weekend. Fri 12 th June – Sunday 14 th June Annually Alcohol off premises sale (rubber bottles)		
Mon	10.00	23.30			
Tue	10.00	23.30			
Wed	10.00	23.30			
Thur	10.00	23.30			
Fri	10.00	23.30			
Sat	10.00	23.30			
Sun	10.00	23.30			
			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.		

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	Julie Margaret Tatton
Date of birth	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known)	PA 1167
Issuing licensing authority (if known)	Rochdale Borough Council.

K

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

None.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	Winter Nov - March. opening time will be 8am to 12am 8.00 to 24.00
Mon	6.00	24.00	
Tue	6.00	24.00	
Wed	6.00	24.00	
Thur	6.00	24.00	
Fri	6.00	24.00	
Sat	6.00	24.00	
Sun	6.00	24.00	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)

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)

Meet all fire and health + safety standards promoted as family friendly establishment.
The premises will be closed along with the park no later than 12am

b) The prevention of crime and disorder

Age checks on the sale of alcohol for under 25's.

c) Public safety

Meeting fire and health + safety standards
Risk assessment for events

d) The prevention of public nuisance

Trading hours will be reasonable and in line with the park.

e) The protection of children from harm

All golf coaches to have background checks.

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 or my share code issued by the Home Office online right to work checking service (please read note 15).

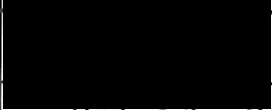
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

Part 4 – Signatures (please read guidance note 11)

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

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

	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	21.02.2020
Capacity	Director

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

This page is intentionally left blank



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Claire Cunningham
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	c.cunningham@manchester.gov.uk
Telephone Number	0161 227 3147

Premise Details	
Application Ref No	REF LAK 244238
Name of Premises	Heaton Park Golf Course
Address	Golf Course, Heaton Park, Middleton Road, Manchester, M25 2SW

Representation
Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.
<p>The Licensing and Out of Hours team have reviewed the application for a Premises Licence. The application is for the provision the supply of alcohol from 10.00-23.30 Monday to Sunday and recorded music until 23.30 Monday to Sunday.</p> <p>The hours requested to be open to the public are from 06.00 – 00.00 Monday to Sunday from April to October and from 08.00 - 00.00 November to March.</p> <p>The applicant has also requested a seasonal variation for the weekend of the Parklife Festival for off sales.</p> <p>The Licensing and Out of Hours team will assess how the applicant intends to uphold the licensing objective the Prevention of Public Nuisance.</p> <p>The application cannot be thoroughly assessed as the steps taken to promote the four licensing objectives have not been addressed correctly.</p> <p>Under Section 8 of the Statement of Licensing Policy – Manchester’s standards to promote the licensing objectives, applicants are required to set out in their operating schedule the steps they propose to take in operating the premises to promote the four licensing objectives:</p> <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm <p>Under Section 8.3 of the Statement of Licensing Policy it states applicants will be expected to consider and propose all standards they regard as appropriate to promote the licensing objectives with respect to the individual</p>

circumstances of their application.

The information contained in the application form does not demonstrate in enough detail how the Licensing Objectives will be upheld and appears to demonstrate a lack of understanding of the Licensing Objectives and therefore the Licensing and Out of Hours team are unable to accept the application.

Recommendation: Refuse Application

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.	LPA 244238
Name of the Premises	Heaton Park Golf Course Pavillion
Address of the premises including postcode	Heaton Park, Middleton Road, Manchester M25 2SW

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 and the Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm.

The operating schedule which accompanies the application offers nothing in terms of enforceable conditions which show how the 4 Licensing Objectives will be upheld.

It gives the impression that the applicant has a limited understanding of the Licensing Objectives, which raises concerns about how the premises will be operated.

The likely effect of the grant of the Premises Licence with such a scant operating schedule is that all 4 of the Licensing Objectives will be undermined.

We therefore ask that this application is refused.

This page is intentionally left blank

Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. All fire and health and safety standards will be met 2. Age checks shall be implemented for the sale of alcohol to persons under the age of 25 3. Risk assessments shall be undertaken for events 4. Golf coaches shall have background checks 5. During the Parklife weekend, alcohol will be sold in rubber bottles 	N/A	Applicant

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 13 July 2020

Subject: Convenience Store, 120 Mauldeth Road, Manchester, M14 6SQ - App ref: Premises Licence (new) 245016

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

That the Panel determine the application.

Wards Affected: Withington

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

infrastructure and connectivity to drive growth	
---	--

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Bryan Johnson
Position: Technical Licensing Officer
Telephone: 0161 234 1248
E-mail: premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

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

1. Introduction

- 1.1 On 03/03/2020, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Convenience Store, 120 Mauldeth Road, Manchester, M14 6SQ in the Withington 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 Mr Andrew Roland Izedomen.
- 2.3 The description of the premises given by the applicant is: 'A convenience store'.
- 2.4 The proposed designated premises supervisor is Mr Andrew Roland Izedomen.
- 2.5 **The licensable activities applied for:**
The supply of alcohol for consumption off the premises:
Mon to Sun 7.00am to 11.00pm
- Opening hours:
Mon to Sun 7.00am to 11.00pm
- 2.5.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.
- 2.5.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 2**.

2.6 Activities unsuitable for children

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

2.7 Steps to promote the licensing objectives

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

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

3. Relevant Representations

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

Responsible Authorities:

- MCC Licensing and Out of Hours Compliance Team;

Other Persons:

- Withington Ward Councillors;
- Fallowfield Community Guardians;
- South East Fallowfield Residents Group.
- Private Resident (x1)

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
<p>Licensing and Out of Hours Compliance</p>	<p>It is of concern to LOOH Compliance that, combined with the existing number of licensed premises/retail outlets (located, in some instances, within feet of the premises) and the fact that that the premises is located within a short distance of the Withington Cumulative Impact Zone, there exists great potential for the undermining of the Licensing Objectives (with specific regard to the prevention of public nuisance) should the application be granted in its current form. To allay their concerns LOOH Compliance are requesting a range of conditions be imposed on the premises licence. should it be granted.</p>	<p>Grant with conditions</p>

	N.B. – Representation agreed between LOOH Compliance Team and applicant on 24/04/2020	
Withington Ward Councillors	The Ward Councillors have collectively expressed concerns that the licensing objective relating to the prevention of public nuisance would be undermined should the application be granted. It is felt by the ward Councillors that there are sufficient existing retail outlets for purchasing alcohol within the locality and that approving the sale of alcohol via another retail outlet would only serve to add further to the antisocial behaviour and public nuisance issues that already occur and exist within the local area.	Refuse
Fallowfield Community Guardians	Fallowfield Community Guardians have submitted a representation against the application on the basis of the likelihood of the licensing objectives being further adversely affected should another outlet for the sale of alcohol be authorised via the application. FCG have highlighted previous and on-going antisocial behaviour and public nuisance incidents that occur on a highly regular (almost daily) basis within the local area, due principally to the local, substantial student population who reside in official 'Halls of Residence' facilities and also numerous large 'HMO' type properties within the local area. It is the firm belief of Fallowfield Community Guardians that the addition of another retail outlet, selling alcohol for the times as applied for, would add substantially to the recorded antisocial behaviour/public nuisance, on-street drinking and littering that occurs within the Mauldeth Road/ general Withington area and that, consequently so, they are requesting that the application be refused.	Refuse
South East Fallowfield Residents Group	South East Fallowfield Residents Group have submitted their representation in direct support of that as submitted by Fallowfield Community Guardians. They are of the same opinion as Fallowfield Residents Group that the addition of a further licensed premises within the local area (and specifically in the location on which the premises is situated on Mauldeth Road) would only serve to further undermine the licensing objectives of preventing public	Refuse

	nuisance and public disorder within the Withington ward. As with Fallowfield Residents Group, SEFRG are requesting that the application be refused.	
Residents (x1)	The representation submitted by Resident 1 follows the general theme of the representations submitted by both local resident groups: that in allowing a further licensed premises to operate within the defined area that this will/shall only serve to exacerbate and add further to the existing public order/public nuisance issues already affecting the local area. Resident 1 has explained how they encounter large amounts of takeaway/alcohol related litter debris in the locality of the premises (which is also removed by Resident 1) and that, in their own opinion, the volume of such waste would only be likely to increase in the eventuality of the licence application being granted.	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:

- Evidence of pre-existing problems in the area
- 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
- Ability to clean and maintain the street scene

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

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

MS2 Effective general management of the premises

MS5 Prevent on-street consumption of alcohol

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

Conclusion

4.5.5 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.

4.5.6 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.

- 4.5.7 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.
- 4.5.8 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.
- 4.5.9 All licensing determinations should be considered on the individual merits of the application.
- 4.5.10 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.
- 4.5.11 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.
- 4.6 **The Panel is asked to determine the application.**

This page is intentionally left blank



Convenience Store
120 Mauldeth Road, Manchester, M14 6SQ

Premises Licensing
Manchester City Council

© Crown copyright and database rights 2018. Ordnance
Survey100019568.



PREMISE NAME:	Convenience Store
PREMISE ADDRESS:	120 Mauldeth Road, Manchester, M14 6SQ
WARD:	Withington
HEARING DATE:	20/04/2020

**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 **Andrew Roland IZEDOMEN**

(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			
120 Mauldeth Road			
Post town	Manchester	Postcode	M14 6SQ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£9,600.00

Part 2 - Applicant details

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

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

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

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

(B) OTHER APPLICANTS

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

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

E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
0	1	042020

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

DD	MM	YYYY

<p>The store where alcohol is to be sold will be a convenience store selling all types of products such as household goods, toiletries, fresh and frozen foods etc. Alcohol will be sold as part of the convenience offering but will form only around 15% of the total goods available to customers.</p> <p>The applicant owns another store locally and is experienced in making sales of alcohol and upholding the licensing objectives</p>
--

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

- | | |
|--|--|
| <ul style="list-style-type: none"> a) plays (if ticking yes, fill in box A) b) films (if ticking yes, fill in box B) c) indoor sporting events (if ticking yes, fill in box C) d) boxing or wrestling entertainment (if ticking yes, fill in box D) e) live music (if ticking yes, fill in box E) f) recorded music (if ticking yes, fill in box F) g) performances of dance (if ticking yes, fill in box G) h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<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"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed			<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)		
Thur					
Fri					
Sat					
Sun					

B

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

C

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

E

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

G

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

H

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

I

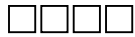
Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish						
Tue								
Wed								
Thur								
Fri								
Sat								
Sun								
						<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)		

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)		
Mon	0700	2300			
Tue	0700	2300			
Wed	0700	2300			
Thur	0700	2300			
Fri	0700	2300			
Sat	0700	2300			
Sun	0700	2300			
			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)		

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 Andrew Roland Izedomen	
Date of birth – [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence no [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	



K

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

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0700	2300	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Tue	0700	2300	
Wed	0700	2300	
Thur	0700	2300	
Fri	0700	2300	
Sat	0700	2300	
Sun	0700	2300	

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)

Staff will be trained before making sales of alcohol in their responsibilities under the Licensing Act 2003. Refresher training will take place at 6 monthly intervals. All training will be documented and made available to the authorities on reasonable request.

b) The prevention of crime and disorder

A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 31 days. CCTV images will be provided to the police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images, subject of the provisions of the DPA.

c) Public safety

A register of refusals of alcohol will be maintained at the premises. The register shall be examined on a regular basis by the duty manager/ DPS and the date and time of each examination will be endorsed in the register. The register will be made available for inspection by the Police and other.

An incident register will be maintained at the premises and made available to the authorities on request.

d) The prevention of public nuisance

A notice will be on display asking that the customers leave the area quietly and respect the local residents.

e) The protection of children from harm

The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older.

Posters will be on display advising customers of the 'Challenge 25' policy.

The only forms of identification that will be accepted at the premises are a passport, UK photo-card driving licences, military ID & cards bearing the 'PASS' hologram.

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.**

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

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
██████████			
Post town	Clitheroe	Postcode	██████
Telephone number (if any)	██████████		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
██████████			

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

Document is Restricted

This page is intentionally left blank



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

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

Premise Details

Application Ref No	M/245016
Name of Premises	Convenience Store
Address	120 Mauldeth Road, Manchester, M14 6SQ

Representation

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

The Licensing and Out of Hours Team have assessed the likely impact of the grant of this application taking into account a number of factors, including the nature of the area in which the premises is located and any potential risk the granting of this licence could lead to issues of public nuisance.

The location of the premises is on Mauldeth Road which is just outside of the main stress area for Withington, however is local to residents and other establishments which could give way to noise nuisance.

The premises wishes to open and serve alcohol from 0700-2300 Monday to Sunday. There are other local shops within feet of this premises, there is a concern that the objectives may not be met with the prevention of noise nuisance. Therefore the LOOH team agree the below conditions should be imposed on the licence.

The LOOH team propose the below conditions are to be upheld –

1. A documented incident log and refusals book shall be kept at the premises for at least 6 months, and made available on request to GMP or an authorised officer of the licensing authority.
2. Staff shall monitor customers smoking and gathering outside the premises on a regular basis and ensure patrons do not cause a public nuisance. A dispersal and policy will be implemented and adhered to.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance
4. The exterior of the building shall be cleared of litter at regular intervals.
5. Notices will be positioned at the exits to the buildings requesting customers to leave in a quiet manner
6. The premises shall install and maintain a comprehensive digital [colour] CCTV system. All public areas of the licensed premises, including all public entry and exit points, and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of [28] days with the date and time stamping.
7. Documented staff training should be provided to ensure adequate public safety on the premises, this shall include but not limited to Age Restrictions, signs of drunkenness

and conflict management.

8. The premises shall implement a Challenge 25 Policy to ensure that any person who appears to be under the age of 25 shall provide documented proof they he/she is over 18 years of age. Proof of age shall only comprise of a : Passport, Photo Card Driving Licence, EU/EEA national ID card or similar document, HM Forces Warrant Card, or a card bearing the PASS hologram.
9. All sales of alcohol for consumption off the premises shall be in sealed containers only, and not be consumed on the premises.

Recommendation:

Approve with Conditions (Outlined Above)

From: **Councillor Chris Wills** <[REDACTED]>
Date: Tue, 31 Mar 2020 at 22:00
Subject: Re: Premises Licence (new) 245016/BJ1: Convenience Store, 120
Mauldeth Road, Manchester, M14 6SQ, (Withington ward)
To: Premises Licensing <premises.licensing@manchester.gov.uk>

Dear Bryan

I am emailing to raise concerns regarding this application. Whilst Ladybarn is not in the Cumulative Impact Policy area, this convenience store would be located near two others that already sell alcohol.

There have been complaints from local residents' groups regarding disruptive behaviour in the local area. Concerns are that an additional outlet for alcohol sales would exacerbate these problems. Therefore it is not something that would help with the prevention of public nuisance, or the prevention of public disorder.

On balance I would therefore not support the off licence aspect of this premises.

Kind regards.

Chris

Two emails as below:

From: **Tony Black** <[REDACTED]>
Date: Sat, 28 Mar 2020 at 10:17
Subject: Convenience Store 120 Mauldeth Road M14 6SQ (245016/BJ1)
To: Premises Licensing <PREMISES.LICENSING@manchester.gov.uk>

Sir, I write to object to this application.

I live round the corner from this shop.
There are two other places selling alcohol in Ladybarn - a convenience store and the Co-op. We do not need another.
Every morning I do a litter pick and there is frequently left-over rubbish from drinkers - cans, beer bottles, wine bottles, and so on - which blights our lovely but already declining village.
I feel another alcohol premises would add to this problem, especially when our students return.
I ask you to refuse this application.

Anthony Black Community Guardian
[REDACTED] Withington Manchester [REDACTED]

From: **Tony Black** <[REDACTED]>
Date: Fri, 13 Mar 2020 at 15:50
Subject: Convenience store (245016/BJ1)
To: Premises Licensing <PREMISES.LICENSING@manchester.gov.uk>

Convenience Store 120 Mauldeth Road M14 6SQ
I write to object to the selling of alcohol off premises 7am to 11pm every day.
In Ladybarn we already have a shop near this premises selling alcohol, as does the Co-op across the road.
I live round the corner on [REDACTED] and every morning I go along the shops picking up litter. Much of it is food wrapping from the many takeaways that have moved into our village, but there is frequently plenty of discarded alcohol cans, wine and spirits bottles.
I think this application would increase this public nuisance, and I therefore object.

Anthony Black Community Guardian [REDACTED] [REDACTED]

Premises Licence (new) 245016/BJ1: Convenience Store, 120 Mauldeth Road, Manchester, M14 6SQ

Fallowfield Community Guardians



Dear Sirs

Premises Licence (new) 245016/BJ1: Convenience Store, 120 Mauldeth Road, Manchester, M14 6SQ

I am writing on behalf of Fallowfield, Ladybarn & Withington Community Guardians to strongly object to a new off licence for the sale of alcohol Monday-Sunday between 7.00am - 11pm at 120 Mauldeth Road, Ladybarn. Although Ladybarn village does not fall within the Cumulative Impact area, there are very high numbers of students living in this mixed residential area and we believe that the reasons for the CIP being established are equally valid for Ladybarn which is so close by and should be brought into consideration when determining this application.

Residents from our CG group feel that the licensing objectives will be undermined if this application is granted. This convenience store is located amongst a small row of commercial retail units, two of which already sell alcohol for off sales. There have been so many issues with alcohol related anti social behaviour in this area in recent years which have caused much distress for local residents. Some long term elderly resident members of our groups live in very close proximity to this address. They daily litter pick the shop frontages in Ladybarn and alcohol litter forms a large proportion of the litter collected. In addition to this, residents are subjected to sports society events which are fuelled by alcohol and occur during the early evening. Please see example tweets which relate to incidents in the Ladybarn area.

As coordinator of the CG group I regularly get emails from distressed residents like this one from a Community Guardian who lives in Ladybarn. Problems that lead to crime and disorder and anti social behaviour require huge council funding to try and resolve these problems. **How can the addition of another off licence in an area with known problems, not undermine the licensing objectives?**

Hi Sue,

Had problem with next door students, they had a sports meet and greet starting at 7-30pm. About 50+ arrived and lads started to strip to waist and run round the garden urinating at the same time with much applause from the girls. My granddaughter was disgusted by this. The police broke up the party as many neighbours watched on. Speaking to poppy at 4pm tonight. After they went to Kingswood park and started to trash the park.

Regards Peter.

The location of a new off licence close to so many student Houses in Multiple Occupation is highly likely to add to increased on-street drinking and associated anti-social behaviour given the experiences and history of problems in this student dominated area. It is not a normal residential area because of the skewed population of young people that are located here during University term times. We also note that many University of Salford students now choose to live in Ladybarn because of easy access by train from Mauldeth Road Station to Salford Crescent. Another off licence in Ladybarn is likely to lead to an increase in public nuisance in terms of noise and litter and the possibility of increased crime and disorder. There is a large amount of evidence to suggest this from the history of problems leading to the implementation of the Cumulative Impact Policy for Fallowfield (2013). Despite the introduction of this policy, levels of anti social behaviour are still a problem due to the number of late night licensed premises that are open. Residents are regularly disturbed at night by loud singing, shouting, chanting and screaming. Other anti social behaviour related to alcohol consumption includes bin tipping, tree vandalism and glass smashing. This can happen during the daytime, evening or early hours but alcohol is a key factor. Early opening hours could also fuel house parties which sometimes go on through the night until mid morning the next day.

There are also a number of rough sleepers in Manchester. An extra off licence facility is likely to attract begging and alcohol dependent people to hang around the village especially as this off licence proposes to open from 7am. Some of these rough sleepers are very aggressive after consuming alcohol and further alcohol supply could also lead to an increase in crime and disorder.

Community Guardians wish to see a reduction in street drinking, noise and anti social behaviour. We feel that another off license premise would add to the significant existing problems and would undermine the Cumulative Impact Policy which exists nearby. Residents therefore request that this application for a new off licence is refused because once an off licence is added to an area it is very difficult and time consuming to prove the harm and get this decision changed.

Yours

Sue Hare
Community Guardian Coordinator
Fallowfield, Ladybarn & Withington



From: **Kattie Kincaid** <[REDACTED]>
Date: Tue, 31 Mar 2020 at 15:33
Subject: Licence Application 245016/BJ1: Convenience Store, 120 Mauldeth Road, M14 6SQ
To: Premises Licensing <premises.licensing@manchester.gov.uk>

Dear Sirs/Madam,

Re: Licence Application 245016/BJ1: Convenience Store, 120 Mauldeth Road, M14 6SQ

SEFRG would like to write in support of the objection made by Sue Hare (Community Guardian Coordinator - Fallowfield, Ladybarn and Withington) to this application.

Members of our group are worried that the well documented problems we see in Fallowfield, which have lead to the destruction of a long established residential community, are also now affecting the Ladybarn area. More students are moving to Ladybarn from Salford University because the direct rail service from Mauldeth Road to Salford Crescent and the allure of Fallowfield and this is causing increased levels of anti social behaviour and mob rule. Another licenced premises on this very small strip will only add to these problems and cause more litter, fuel more house parties and create more noise, especially at night.

There is no real community gain to an additional off licence and the effect of another off licence will be damaging. As residents in neighbouring Fallowfield we can clearly see this pattern repeating itself and we know how difficult it is to roll back these licences after they have been granted. The damage has been done. Ladybarn district centre is very small and the effects of an extra off licence will mean that the balance of shops and what they offer to the local community, can soon be skewed towards a very high percentage of licensed premises.

We would like to point out that we are not against all licensed premises per se and we were in fact supportive of a recent planning application to expand a local licensed restaurant but our main concern is about preserving and creating a balanced, diverse and harmonious local community.

Yours faithfully,

Kattie Kincaid
Chair of SEFRG (South East Fallowfield Residents' Group)

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. Staff shall be trained (before making sales) in their responsibilities under the Licensing Act 2003. Refresher training shall take place at 6 monthly intervals. All training shall be documented and made available to the authorities on reasonable request. 2. A CCTV system shall be in operation at the premises and recorded images shall be retained for a period of 31 days. CCTV images shall be provided to the police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images, subject of the provisions of the DPA. 3. A register of refusals shall be maintained at the premises. The register shall be examined on a regular basis by the duty manager/ DPS and the date and time of each examination shall be endorsed in the register. The register shall be made available for inspection by the Police and other responsible authorities. 4. An incident register shall be maintained at the premises and made available to the authorities upon request. 5. A notice shall be on display asking that the customers that they leave the area quietly and respect the local residents. 6. The premises shall adopt a 'Challenge 25' Policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they shall be asked for proof of their age, to prove that they are 18 years or older. 7. Notices shall be on display advising customers of the Challenge 25 Policy. 8. The only forms of identification that shall be accepted at the premises shall be a passport, UK photo-card driving licences, military ID & cards bearing the 'PASS' hologram. 	N/A	Applicant
Conditions proposed by objectors	Agreed	Proposed by
<ol style="list-style-type: none"> 9. A documented incident log and refusals book shall be kept at the premises for at least 6 months, and made available on request to GMP or an authorised officer of the licensing authority. 10. Staff shall monitor customers smoking and gathering outside the premises on a regular basis and ensure patrons do not cause a public nuisance. A dispersal and policy shall be implemented and adhered to. 11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise 	Yes	Licensing and Out of Hours

Schedule of Licence Conditions

<p>to a nuisance.</p> <p>12. The exterior of the premises shall be cleared of litter at regular intervals.</p> <p>13. Notices shall be positioned at the exits to the premises requesting customers to leave in a quiet manner.</p> <p>14. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points, and the street environment shall be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping.</p> <p>15. Documented staff training shall be provided to ensure adequate public safety on the premises, this shall include but not limited to Age Restrictions, signs of drunkenness and conflict management.</p> <p>16. The premises shall implement a Challenge 25 Policy to ensure that any person who appears to be under the age of 25 shall provide documented proof they he/she is over 18 years of age. Proof of age shall only comprise of a : Passport, Photo Card Driving Licence, EU/EEA national ID card or similar document, HM Forces Warrant Card, or a card bearing the PASS hologram.</p> <p>17. All sales of alcohol for consumption off the premises shall be in sealed containers only, and not be consumed on the premises.</p>		
--	--	--



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

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

Premise Details

Application Ref No	M/245016
Name of Premises	Convenience Store
Address	120 Mauldeth Road, Manchester, M14 6SQ

Representation

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

The Licensing and Out of Hours Team have assessed the likely impact of the grant of this application taking into account a number of factors, including the nature of the area in which the premises is located and any potential risk the granting of this licence could lead to issues of public nuisance.

The location of the premises is on Mauldeth Road which is just outside of the main stress area for Withington, however is local to residents and other establishments which could give way to noise nuisance.

The premises wishes to open and serve alcohol from 0700-2300 Monday to Sunday. There are other local shops within feet of this premises, there is a concern that the objectives may not be met with the prevention of noise nuisance. Therefore the LOOH team agree the below conditions should be imposed on the licence.

The LOOH team propose the below conditions are to be upheld –

1. A documented incident log and refusals book shall be kept at the premises for at least 6 months, and made available on request to GMP or an authorised officer of the licensing authority.
2. Staff shall monitor customers smoking and gathering outside the premises on a regular basis and ensure patrons do not cause a public nuisance. A dispersal and policy will be implemented and adhered to.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance
4. The exterior of the building shall be cleared of litter at regular intervals.
5. Notices will be positioned at the exits to the buildings requesting customers to leave in a quiet manner
6. The premises shall install and maintain a comprehensive digital [colour] CCTV system. All public areas of the licensed premises, including all public entry and exit points, and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of [28] days with the date and time stamping.
7. Documented staff training should be provided to ensure adequate public safety on the premises, this shall include but not limited to Age Restrictions, signs of drunkenness

and conflict management.

8. The premises shall implement a Challenge 25 Policy to ensure that any person who appears to be under the age of 25 shall provide documented proof they he/she is over 18 years of age. Proof of age shall only comprise of a : Passport, Photo Card Driving Licence, EU/EEA national ID card or similar document, HM Forces Warrant Card, or a card bearing the PASS hologram.
9. All sales of alcohol for consumption off the premises shall be in sealed containers only, and not be consumed on the premises.

Recommendation:

Approve with Conditions (Outlined Above)

Fwd: 120 Mauldeth Road, Manchester, M14 6SQ

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

From: **Rhiannon Owen** [REDACTED]
Date: Fri, 24 Apr 2020 at 12:23
Subject: Fwd: 120 Mauldeth Road, Manchester, M14 6SQ
To: Premises Licensing [REDACTED]
[REDACTED]

Good Afternoon,

Please see attached email agreeing to all of the conditions set by LOOH. For 120 Mauldeth Road - MAU 245016

Kind Regards,

Rhiannon Owen

Licensing & Out of Hours Compliance Officer
The Neighbourhoods Service
Growth and Neighbourhoods Directorate

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: **Gill Sherratt** [REDACTED]
Date: Fri, 24 Apr 2020 at 12:02
Subject: 120 Mauldeth Road, Manchester, M14 6SQ
To: [REDACTED]

Hi Rhiannon,

Apologies if we have already been in touch but due to the situation with Covid I cant remember!!

I have this morning received the notice of hearing for the above application and I am sure we can resolve your representation by agreeing the conditions within your document. Can you let me know if we agree these you will be happy with this application? You wont then need to be involved in the hearing.

Please confirm the position.

Thanks,

Gill

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 13/07/2020

Subject: Abduls, 240 Lightbowne Road, Manchester, M40 5EF (Review of Premises Licence, App ref - 246605)

Report of: Head of Planning, Building Control & Licensing

Summary

Review of the premises licence under s51 of the Licensing Act 2003

Recommendations

That the Panel, having regard to the application and any relevant representations, take what steps are appropriate for the promotion of the licensing objectives.

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 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	
---	--

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Chloe Tomlinson
Position: Technical Licensing Officer
Telephone: 0161 234 4521
E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2018
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

Introduction

- 1.1 On 20/05/2020 an application was made by Manchester City Council's Trading Standards Service under s51 of the Licensing Act 2003 for a Review of the Premises Licence for Abduls, 240 Lightbowne Road, Manchester, M40 5EF in the Moston ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 A 28 day public consultation exercise has been 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 and details of the application to be published on the Council's website.
- 1.3 The licensing authority must hold a hearing to consider an application to review a premises licence and any relevant representations.

The Application

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is Holly Raw on behalf of Trading Standards.
- 2.3 The application for a review was submitted on the grounds that the licence holder has failed to uphold the licensing objective of the protection of children from harm.
- 2.4 Further details of the grounds for the review are as follows: the Premises Licence Holder failed to promote the licensing objective of the prevention of children from harm on an occasion where an employee from the premises sold tobacco to a child under the age of eighteen.

Current Premises Licence

- 3.1 A copy of the current licence is attached at **Appendix 3**.
- 3.2 The premises licence holder is Abdul Rehman who has held the licence since 03/10/2013.
- 3.3 The designated premises supervisor is Abdul Rehman who has held this position since 03/10/2013.
- 3.4 The licensable activities permitted by the licence are:

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0900	0900	0900	0900	0900	0900	0900
Finish	2100	2100	2100	2100	2100	2100	2100
The sale of alcohol is licensed for consumption off the premises only.							
Seasonal variations and Non standard Timings:							
None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0900	0900	0900	0900	0900	0900	0900
Finish	2100	2100	2100	2100	2100	2100	2100
Seasonal variations and Non standard Timings:							
None							

Relevant Representations

4.1 Representations may be made for or against a review application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must relate to one or more of the licensing objectives. Representations may be made by the holder of the premises licence, a responsible authority or any other person. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.

4.2 A total of 2 relevant representations have been received in respect of this application (**Appendix 4**). The personal details of all members of the public have been redacted. Original copies of the representations will be available to the Panel at the hearing. Representations were received from the following persons / bodies:

Responsible Authorities:

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

Summary of the representation(s):

Party	Grounds of representation	Recommends
Greater Manchester Police	The Licensing Objectives of the Prevention of Crime and Disorder is being undermined. The premises has been selling counterfeit cigarettes in unlawful packaging.	Revocation of licence
Licensing and Out of Hours Compliance	This illegal activity of sales of tobacco to children, sales of illicit tobacco, operating with no Designated Premises Supervisor in day to day control whilst breaching conditions on the premises licence shows complete disdain for the Licensing Objectives but most importantly the safety of the	Revocation of licence

	public who frequent the premises.	
--	-----------------------------------	--

Additional information

- 5.1 No additional information has been received from any party to the application.

Key Policies and Considerations

6.1 Legal Considerations

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

6.2 New Information

- 6.2.1 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.

6.3 Hearsay Evidence

- 6.3.1 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.

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

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

- 6.4.2 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.

6.4.3 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.

6.5 **Manchester Statement of Licensing Policy**

6.5.1 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.

6.5.2 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.

6.5.3 There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.

6.5.4 Relevant to this application, 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 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. 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.

MS2 Effective general management of the premises

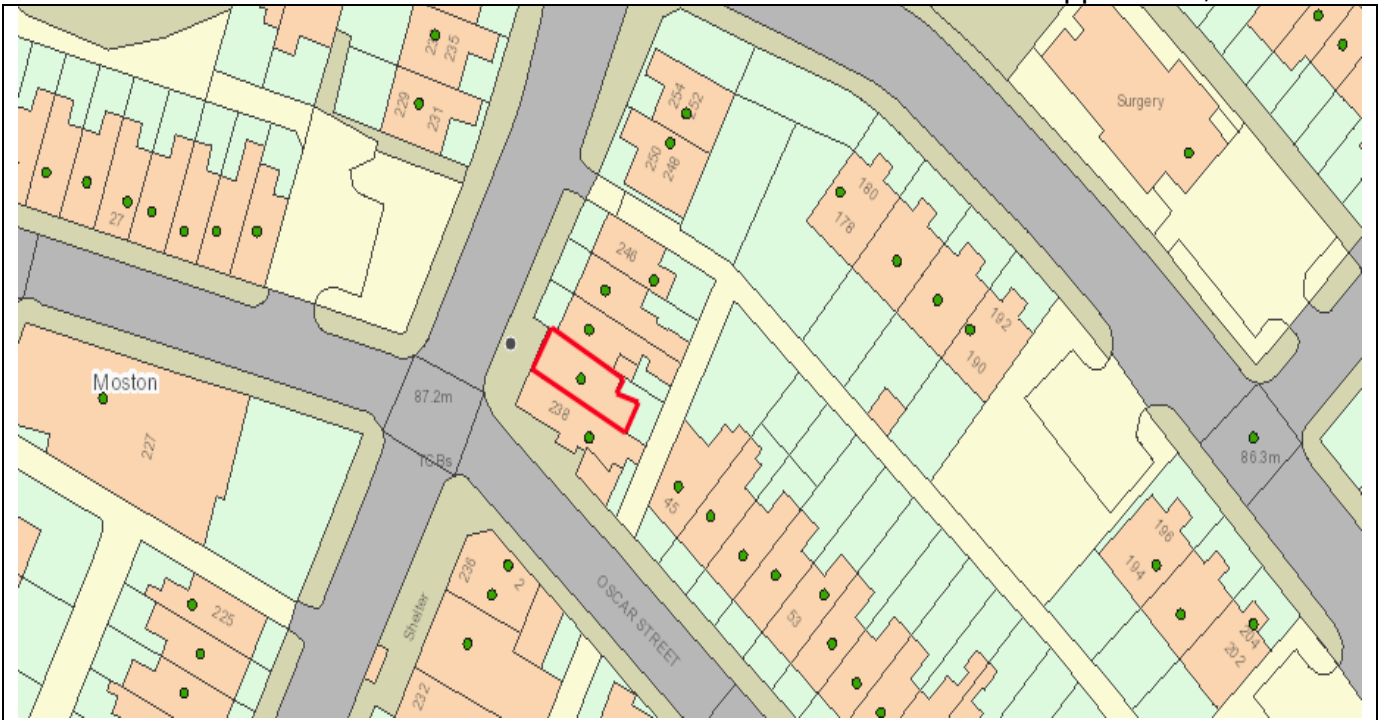
MS3 Responsible promotion and sale of alcohol

MS12 Prevent underage sales of alcohol, including proxy sales

Conclusion

- 7.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- a) the prevention of crime and disorder
 - b) public safety;
 - c) the prevention of public nuisance; and
 - d) the protection of children from harm.
- 7.2 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 licence holder. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 7.3 The authority must take such of the steps below as it considers appropriate for the promotion of the licensing objectives. The steps are –
- a) to modify the conditions of the licence;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence.
- 7.4 The conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- 7.5 All licensing determinations should be considered on the individual merits of the application.
- 7.6 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.

- 7.7 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.
- 7.8 **The Panel is asked to take such steps, as set out in 7.3 above, as it considers appropriate for the promotion of the licensing objectives.**



PREMISE NAME:	Abduls
PREMISE ADDRESS:	240 Lightbowne Road, Manchester, M40 5EF
WARD:	Moston
HEARING DATE:	13/07/2020

This page is intentionally left blank

**Application for the review of a premises licence or club
premises certificate 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 Holly Raw

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description 240 Lightbowne Road	
Post town Manchester	Post code (if known) M40 5EF

Name of premises licence holder or club holding club premises certificate (if known) Mr Abdul Rehman
--

Number of premises licence or club premises certificate (if known) 154027

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Holly Raw- Trading Standards Officer-Trading Standards 1 Hammestone Road
Manchester M18 8EQ

Telephone number (if any)

0161 234 1564

E-mail address (optional)

h.raw@manchester.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The Premises Licence Holder failed to promote the licensing objective of 'the prevention of children from harm' on an occasion where an employee from the premises sold tobacco to a child under the age of eighteen.

Please provide as much information as possible to support the application

(please read guidance note 2)

Lightbowne Convenience Store is an Off Licence and Convenience store at 240 Lightbowne Road, Manchester M40 5EF. The Premises Licence was granted in October 2013. The Premises Licence Holder (PLH) is Mr Abdul Rehman and he is the Designated Premises Supervisor (DPS).

Trading Standards carried out a visit to the premises on 17th February 2020 following on from a couple of complaints of underage sales from the premises. A test purchase was carried out which resulted in the sale of tobacco to an 16 year old volunteer. The seller gave his details as [REDACTED] and gave two addresses for himself ([REDACTED]). He informed me that the owner was called [REDACTED] and he was not present. Further, there was no alcohol license displayed in the shop. When I asked to see it, he said the owner keeps hold of it.

Two letters to invite the seller and the owner of the business to attend an interview were sent on 18th February 2020.

Checks were carried out on the two addresses given by the seller, but there were no records for him linking to those addresses.

Due to no response from the two previous letters, two further letters were sent recorded delivery to both the owner, at the business premises and the seller at his home address ([REDACTED]) on 27th February 2020. The letter to the owner at the business premises was signed for, by [REDACTED]. The letter to the seller stated 'no information available'.

Due to no response from the letters, I sent two further letters recorded delivery to the seller at both the addresses given by him ([REDACTED]). I also sent a letter to the owner on 11th March 2020 to the business premises.

On 16th March 2020, I received a phone call from the resident of one of the addresses given by the seller ([REDACTED]) who stated that there is nobody of that name at that address which leads me to believe it was false details given by the seller. Further, she stated her sister lives at the [REDACTED] address has also been receiving the letters which she said has no links to the addressee.

The letter to the owner at the business premises was signed for by [REDACTED] and the letters to the seller was signed for by [REDACTED] and the other there was no information available.

On 16th March 2020 I visited the premises and was met by a man called [REDACTED]. He told me he was not the owner and gave the name [REDACTED] and provided an address and a telephone number. I hand delivered two letters, one for the seller and one for the owner. He told me he would pass them on. Again, no licence was displayed.

I rang the number given and also the telephone number on the licence for Mr Abdul Rehman and have never been able to speak with anyone or any of my calls or letters being acknowledged.

I sent a final letter on 22nd April 2020 to Mr Rehman at both his home address, given on the licence and the business premises to request contact but I have not had any reply.

Our proposed course of action was to hold an Action Plan meeting with Mr Abdul Rehman in his capacity as PLH and DPS. The purpose of the meeting; to discuss issues arising from the sale of tobacco to a person underage from the premises and get details of who is running the business and details of the workers. Every effort was made by ourselves to contact the owner, seller and DPS/PLH.

Therefore the PLH and DPS has failed to work with us to address the problem of the supply of tobacco to a minor from the premises and the failure to promote the Licensing objectives the Protection of Children from Harm we would ask for the revocation of the Premises Licence.

We are concerned the business owner, DPS and PLH have no control over the business and there is an absence of any duty of care and disregard for promoting any of the licensing objectives.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 19/05/2020

.....

Capacity Trading Standards Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

--	--

Post town	Post Code
------------------	------------------

Telephone number (if any)

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

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	154027
Granted	03/10/2013

Part 1 - Premises details

Name and address of premises		
Off Licence 240 Lightbowne Road		
Post town	Post code	Telephone number
Manchester	M40 5EF	

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

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0900	0900	0900	0900	0900	0900	0900
Finish	2100	2100	2100	2100	2100	2100	2100
The sale of alcohol is licensed for consumption off the premises only.							
Seasonal variations and Non standard Timings:							
None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0900	0900	0900	0900	0900	0900	0900
Finish	2100	2100	2100	2100	2100	2100	2100
Seasonal variations and Non standard Timings:							
None							

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence
Mr Abdul Rehman [REDACTED] [REDACTED] [REDACTED]

Registered number of holder, for example company number, charity number (where applicable)
Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Abdul Rehman, [REDACTED]
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence number: [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 – Mandatory conditions

Door Supervisors

Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -

- a) Unauthorised access or occupation (e.g. through door supervision),
- b) Outbreaks of disorder, or
- c) Damage

Supply of alcohol

1. No supply of alcohol may be made under this premises licence:
 - a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
3.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.

Annex 2 – Conditions consistent with the operating schedule

1. An effective and adequate CCTV system equipped with a recording facility shall be installed, maintained and operated at the premises. Recorded images shall be retained for 28 days and shall be available to the Authorities upon request.
2. Anyone who appears to be under the age of 21 and who is attempting to purchase alcohol must be required to produce satisfactory "proof of age" that they are over the age of 18 before such sale is made, such identification must comply with the PASS accreditation system .
3. Posters shall be displayed notifying customers of the "Challenge 21 Policy".
4. The premises shall display signage indicating that it is an offence to buy or attempt to buy alcohol for persons under 18, and for a person under 18 to attempt to buy or attempt to buy alcohol.
5. The premises shall operate a refusals/incident log in relation to the sale of alcohol. The log shall include date/time and details of the incident and the staff member dealing with it. The log shall be inspected by the DPS/Licence Holder on a weekly basis and signed as being checked.
6. All staff shall be trained before making sales of alcohol. This training shall include the "Challenge 21 Policy", identifying and preventing underage sales, proxy sales, sales to drunks and shall include the age verification policy. All training shall be logged and repeated every 3 months. The log shall be made available to authorities upon request.

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

1. Upon reasonable notice given by the City Centre Licensing Unit of Greater Manchester Police the premises will agree not to sell alcohol for an agreed specified period when high risk matches are being held at FC United.
2. Should customers from the premises congregate outside the premises or in the immediate vicinity, if safe to do so a member of staff will request that they leave the area quickly and quietly.
3. A prominent, clear and legible notice shall be displayed at the exit to the premises asking customers to respect local residents and leave the area quietly.
4. The premises licence holder will ensure that appropriate staffing levels are maintained at all times. This will be based on a written risk assessment based on the four licensing objectives. The risk assessment must be available for inspection by Responsible Authorities.
5. The area outside the premises will be monitored on a regular basis by staff members. Any store associated litter will be disposed of throughout the day as necessary and at the close of business every day.
6. Whenever the premises are open to the public there must be a member of staff on duty who has had training in operating the CCTV system and is capable of downloading images upon request.
7. The premises cannot operate until Khawer Rehman and Shaban Rehman obtain personal licences.
8. The premises cannot operate until Abdul Rehman completes a recognised DPS training course.
9. One member of staff who holds an SIA licence to be present at the premises on Fridays- Saturdays 1800-2100.

Annex 4 – Plans

See attached

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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.	LPR 154027
Name of the Premises	Abduls
Address of the premises including postcode	240 Lightbowne Road, Manchester M40 5EF

Your Representation

Please outline your representation below and continue overleaf.

Please accept this as formal notification of the Greater Manchester Police support of the decision by Manchester City Council Trading Standards to apply for a Review of the Premises Licence of Abduls. GMP are firmly of the opinion that these premises are undermining the Licensing Objectives of the Prevention of Crime and Disorder.

On Tuesday 19th May 2020 I attended at Abduls off licence, 240 Lightbowne Road, Manchester, in company with Devon Bennett from the Manchester City Council Licensing & Out of Hours Team, in order to carry out a licensing inspection.

We spoke to the member of staff who was in charge and began to go through the conditions on the Premises Licence, several of which were being breached.

My attention was then drawn to a number of packets of cigarettes which were on the counter near to the till and had writing on them which was of a foreign origin and none of the packets were displaying the requisite warning pictures and none of them were in the plain green packaging as is required by law. It was apparent that no duty would have been paid on these cigarettes or that they were counterfeit and therefore I seized them as evidence. In total I seized 10 x Sealed Packets of 20 and 1 x Open Packet of 16 which I then handed to Mr Bennett.

GMP fully support the decision to bring the premises to a review and we also agree with our colleagues from the Manchester City Council Trading Standards that their premises licence should be revoked as they clearly have no regard whatsoever for upholding the Licensing Objectives.



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Devon Bennett
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	Devon.bennett@manchester.gov.uk
Telephone Number	0161 234 1220

Premise Details

Application Ref No	246605
Name of Premises	Abduls
Address	240 Lightbowne Road, Manchester, M40 5EF

Representation

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

The Licensing and Out of Hours Team received a complaint from Trading Standards that the premises known as Abduls Off-licence, 240 Lightbowne Road had recently failed a test purchase of tobacco to an underage person. The complaint also involved that the Designated Premises Supervisor was not contactable to address the offences committed and the concerns of tobacco being sold to underage persons.

Due to the concerns raised by Trading Standards I conducted a joint visit with PC Alan Isherwood from Greater Manchester Police Licensing Unit. On the 19th May 2020. Myself and PC Isherwood arrived at 240 Lightbowne Road. On arrival myself and PC Isherwood entered the premises where a female was behind the counter. Myself and PC Isherwood showed our Identification and advised we were from Manchester City Council and Greater Manchester Police Licensing. We advised we were visiting to conduct enquiries into who was operating the business at present and to conduct a check on the licensing conditions.

During the visit PC Isherwood spoke with Mr Arslan Asif on the phone Mr Asif stated he was the operator of the premises, he was informed of our visit. I spoke with the shop assistant to check compliance with the conditions on the licence. I noticed a cigarette packet on the till in non-standardised packaging. I asked about the cigarettes and was told by the shop assistant "they are the Russian ones". I asked if there were more. The shop assistant showed me a plastic bag which contained a further ten sealed packets. All in non-standardised packaging. PC Isherwood seized the cigarettes to be inspected later by Trading Standards Officers.

Myself and PC Isherwood went through the conditions on the licence and found the majority of conditions were not being complied with.

- Annex 2 Condition 1 - An effective and adequate CCTV system equipped with a recording facility shall be installed, maintained and operated at the premises. Recorded images shall be retained for 28 days and shall be available to the Authorities upon request.
- Annex 2 Condition 3- Posters shall be displayed notifying customers of the "Challenge 21 Policy".
- Annex 2 Condition 5 - The premises shall operate a refusals/incident log in relation to the sale of alcohol. The log shall include date/time and details of the incident and the staff member dealing with it. The log shall be inspected by the DPS/Licence Holder on a weekly basis and signed as being checked.
- Annex 2 Condition 6 - All staff shall be trained before making sales of alcohol. This training shall include the "Challenge 21 Policy", identifying and preventing underage sales, proxy sales, sales to drunks and shall include the age verification policy. All training shall be logged and repeated every 3 months. The log shall be made available to authorities upon request.
- Annex 3 Condition 3 - A prominent, clear and legible notice shall be displayed at the exit to the premises asking customers to respect local residents and leave the area quietly.
- Annex 3 Condition 4 - The premises licence holder will ensure that appropriate staffing levels are maintained at all times. This will be based on a written risk assessment based on the four licensing objectives. The risk assessment must be available for inspection by Responsible Authorities.
- Annex 3 Condition 6 - Whenever the premises are open to the public there must be a member of staff on duty who has had training in operating the CCTV system and is capable of downloading images upon request.
- Annex 3 Condition 9 - One member of staff who holds an SIA licence to be present at the premises on Fridays - Saturdays 1800-2100.

During the visit it was also identified that the premises was not displaying the summary licence. No licence could be produced when asked. There was also no contact for the Designated Premises Supervisor/ Premises Licence Holder.

I wrote to the Licensing Holder explaining the breaches and warned him that it was an offence to carry out licensable activity otherwise in accordance with his licence. As of 16th June 2020 I have received no response from the licence holder and the new operator has removed all alcohol from the premises.

This illegal activity of sales of tobacco to children, sales of illicit tobacco, operating with no Designated Premises Supervisor in day to day control whilst breaching conditions on the premises licence shows complete disdain for the Licensing Objectives but most importantly the safety of the public who frequent the premises

We would like to make our position clear in support of the application lodged by Trading Standards that the premises has its licence revoked.

Recommendation: Revocation of Premises Licence

This page is intentionally left blank