



Licensing Sub Committee Hearing Panel

Date: Monday, 15 February 2021

Time: 10.00 am

Venue: Dial: 033 3113 3058 Room number: 37978770 #
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 – Reid (Chair), Andrews and Jeavons

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. Chakalaka, 105a Oldham Street, Manchester, M4 1LW - Premises Licence variation 254601

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

Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

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

Further Information

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

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This agenda was issued on **Thursday, 4 February 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 15 February 2021

Subject: Chakalaka, 105a Oldham Street, Manchester, M4 1LW –
App ref: Premises Licence variation 254601

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

That the Committee determine the application.

Wards Affected: Piccadilly

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

	amenities suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to drive growth	

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue - None

Financial Consequences – Capital - None

Contact Officers:

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

Background documents (available for public inspection):

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

1. Introduction

- 1.1 On 23/12/2020, an application for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 was made in respect of Chakalaka, 105a Oldham Street, Manchester, M4 1LW in the Piccadilly ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. Current Licence

- 2.1 The premises licence holder is Mr Stewart Dean and a copy of the current licence is attached at **Appendix 2**.

3. The Application

- 3.1 A copy of the application is attached at **Appendix 3**.
- 3.2 The variation requests to

- extend opening times to 4am on Fridays & Saturdays, with the retail of alcohol until 3:30am; and
- add the activity of live music to the license.

The current and proposed hours and licensable activities are:

Provision of regulated entertainment (live music):

Current hours: This activity is not currently included on the licence

Proposed hours: Sun to Thurs 11pm to 2am, Fri and Sat 11pm to 4am

Provision of late night refreshment:

Current hours: Mon to Sun 11pm to 2am

Proposed hours: Sun to Thurs 11pm to 2am, Fri and Sat 11pm to 4am

Supply of alcohol for consumption on the premises only:

Current hours: Mon to Sun 8am to 1.30am

Proposed hours: Sun to Thurs 8am to 1.30am, Fri and Sat 8am to 3.30am

Opening hours:

Current hours: Mon to Sun 8am to 2am

Proposed hours: Sun to Thurs 8am to 2am, Fri and Sat 8am to 4am

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

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

3.3 **Activities unsuitable for children**

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

3.4 **Steps to promote the licensing objectives**

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

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

4. **Relevant Representations**

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

Responsible Authorities:

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

4.2 Summary of the representations:

(See next page)

Party	Grounds of representation	Recommends
GMP	<ul style="list-style-type: none"> • The conditions offered are inadequate and do not demonstrate how the licensing objectives will be upheld at the later hours of operation. • The area where the premises are situated has issues with late night anti-social behaviour. Opening later at weekends will add to these problems due to the increased numbers of inebriated people in the area. 	Refuse
Licensing and Out of Hours Compliance	<ul style="list-style-type: none"> • The premises is close to residential properties both at the front and the rear. • LOOH team are concerned that the business is now changing into a late night live-music venue or club rather than a restaurant, which would be inappropriate and detrimental to the area. • Noise complaints have been received about the premises from residents, some as recently as August 2020, including unauthorised use of the outside area at the rear of premises. Further investigation has resulted in warning letters being sent. • A change of style of will further increase noise disturbance and will result in more noise complaints to Manchester City Council. • The applicant has proposed only three additional measures to promote the Licensing Objectives. The LOOH Team considers that these conditions fall far below the standard and principles set out in the Council's Statement of Licensing Policy. • The frontage of the premises is for the most part a large single-glazed window, which will facilitate noise transmission. This was not addressed in the application. • The proposed later hours would mean that the premises would be one of the latest open in the vicinity, thereby encouraging already intoxicated people to attend the venue. • The increased risk of undermining the Prevention of Public Nuisance Licensing Objective was not addressed in the application. • Regulations have been found to have been breached at the premises. • The poor quality of the application raises serious competency concerns. 	Refuse

4.3 No conditions have been proposed by objectors.

4.4 No agreements have been reached with objectors.

5. Key Policies and Considerations

5.1 Legal Considerations

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

5.2 New Information

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

5.3 Hearsay Evidence

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

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

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

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

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

5.5 Manchester Statement of Licensing Policy

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

5.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the

standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.

- 5.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 5.5.4 Relevant to this application and the grounds of the representations made, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

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

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

Section 7: Local factors

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

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

- Identified risk factors specific to the licensed premises
- Evidence of pre-existing problems in the area
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance

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 |
| 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) |

6. Conclusion

6.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

6.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.

- 6.3 The Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- a) To grant the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate;
 - b) To reject the whole or part of the application
- 6.4 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 6.5 However, conditions should not be imposed on a licence which are unrelated to the variation sought.
- 6.6 All licensing determinations should be considered on the individual merits of the application.
- 6.7 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 6.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 6.9 **The Panel is asked to determine the application.**

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Chakalaka
105a Oldham Street, Manchester, M4 1LW

The premises lies within the area marked

Premises Licensing
Manchester City Council

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Survey100019568.



Google

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PREMISE NAME:	Chakalaka
PREMISE ADDRESS:	105a Oldham Street, Manchester, M4 1LW
WARD:	Piccadilly
HEARING DATE:	15/02/2021

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

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	216644
Granted	02/10/2018
Latest version	Change of Detail 15/07/2020

Part 1 - Premises details

Name and address of premises
Chakalaka 105a Oldham Street, Manchester, M4 1LW

Licensable activities authorised by the licence
<ol style="list-style-type: none"> The sale by retail of alcohol*. The provision of late night refreshment. <p>* All references in this licence to "sale of alcohol" are to sale by retail.</p>

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	0130	0130	0130	0130	0130	0130	0130
The sale of alcohol is licensed for consumption on the premises only.							
Seasonal variations and Non-standard Timings: None							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0200	0200	0200	0200	0200	0200	0200
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings: None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	0200	0200	0200	0200	0200	0200	0200
Seasonal variations and Non-standard Timings: None							

Part 2

Details of premises licence holder	
Name:	Mr Stewart Dean
Address:	
Registered number:	N/A

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol

Name: Stewart Dean
Address:
Personal Licence number: IN/20160046
Issuing Authority: Doncaster Metropolitan Borough Council

Annex 1 – Mandatory conditions**Door Supervisors**

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

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5.
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
 - (2) For the purposes of the condition set out in (1) above–
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

$$P = D + (D \times V)$$
 where –
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (ii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
8. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

For the purposes of conditions 6, 7 and 8 above, a responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Annex 2 – Conditions consistent with the operating schedule

1. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers shall be displayed.
1. Custom shall not be sought by means of personal solicitation outside or in the vicinity of the premises.
2. Staff shall be well trained in asking customers to use premises in an orderly and respectful manner.
3. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, shall be maintained at all times in good order and in a safe condition.
4. Prominent, clear and legible notices shall be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
5. The Premises Licence Holder shall ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
6. Customers shall be asked not to stand around loudly talking in the street outside the premises.
7. Customers shall not be admitted to premises above opening hours.
8. Any lighting on or outside the premises shall be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Annex 3 – Conditions attached after hearing by the licensing authority

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.

2. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - (a) all crimes reported to the venue, or by the venue to the Police
 - (b) all ejections of patrons
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any visit by a relevant authority or emergency service
3. The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice.
4. The premises shall display prominent signage indicating at any point of sale, the entrance to the premises and in all areas where alcohol is located that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
5. 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 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.
6. Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry into the premises.
7. 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.
8. All staff shall be trained on 'Challenge 25', conflict management, and the laws relating to underage sales, training will be documented and repeated at 6 monthly intervals.
9. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance. A dispersal and smoking policy will be implemented and adhered to.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
11. Patrons permitted to leave and re-enter the premises shall not be permitted to take drinks with them.
12. Regular safety checks shall be carried out by staff.
13. The exterior of the building shall be cleared of litter at regular intervals.
14. Notices shall be positioned at the exits to the buildings requesting customers to leave in a quiet manner.
15. The emptying of bins into skips, and refuse collections shall not take place between 2300 and 0700.

Annex 4 – Plans

See attached

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

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**MANCHESTER
CITY COUNCIL**

Send completed application form to:

Premises Licensing
Manchester City Council
Level 2 Town Hall Extension
Albert Square
PO Box 532, M60 2LA

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

Stewart Dean

I/We

(Insert name(s) of applicant)

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

Premises licence number

216644

Part 1 – Premises Details

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

**105A Oldham Street
Manchester**

Post town

Postcode

M41LW

Telephone number at premises (if any)

01612585188

Non-domestic rateable value of premises

£

9400

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

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

 Yes No

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

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

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

We would like to extend our opening times to 4AM on Fridays & Saturdays, with the retail of alcohol until 3:30AM.

We would also like to add live music to our license.

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

N/A

Part 4 Operating Schedule

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

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

- a) plays (if ticking yes, fill in box A)
- 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)

Sale by retail 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 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed					
Thur			<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 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
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 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	0800	0200	This alteration to the license is to cover live amplified music with a capacity of less than 500.		
Tue	0800	0200			
Wed	0800	0200	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	0800	0200	N/A		
Fri	0800	0400	<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 5)		
Sat	0800	0400	N/A		
Sun	0800	0200			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
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 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 3)	
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
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 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			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 2)	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 3)		
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 4)		
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 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	0800	0200	Please give further details here (please read guidance note 3) We intend to serve food for the extended opening time.	Both	<input type="checkbox"/>
Tue	0800	0200			
Wed	0800	0200	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) N/A		
Thur	0800	0200			
Fri	0800	0400	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 5) N/A		
Sat	0800	0400			
Sun	0800	0200			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	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 4)		
Mon	0800	0130	N/A		
Tue	0800	0130			
Wed	0800	0130			
Thur	0800	0130	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 5)		
Fri	0800	0330	N/A		
Sat	0800	0330			
Sun	0800	0130			

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 8).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	N/A
Mon	0800	0200	
Tue	0800	0200	
Wed	0800	0200	
Thur	0800	0200	
Fri	0800	0400	
Sat	0800	0400	
Sun	0800	0200	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
			N/A

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Currently we close at 2AM on Fridays & Saturdays & we want to extend this to 4AM. We are intending to only stay open later when there is a business case for this & the advertised closing time will remain at 2AM.

Please tick as appropriate

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

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

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

N/A

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

b) The prevention of crime and disorder

When we have live music & stay open later we will use trained SIA door staff, to prevent crime & disorder.

c) Public safety

The use of door staff for the proposed alterations to the license will promote public safety.

d) The prevention of public nuisance

As above

e) The protection of children from harm

Children not allowed on the site after 11PM

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	Stewart Dean
Date	21/12/2020
Capacity	License holder

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Same as above

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

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GREATER MANCHESTER POLICE - REPRESENTATION

About You

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

About the Premises

Application Reference No.	LPV 254601
Name of the Premises	Chakalaka
Address of the premises including postcode	105a Oldham Street, Manchester M4 1LW

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 and Public Safety.

The application seeks to allow the premises to extend their licensable hours by 2 hours on Fridays and Saturdays and add live music to the licence 7 days a week.

The applicant has offered some very scant extra conditions with the application and but these fall way short of demonstrating how these later hours of operation will not undermine the licensing objectives at the premises.

The area where the premises are situated has issues with late night anti-social behaviour and GMP are concerned that if the premises was allowed to remain open 2 hours later at weekends it would add to these problems due to the increased numbers of inebriated people in the area.

Therefore GMP would ask that this variation is refused.



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

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

Premise Details

Application Ref No	REF: 254601
Name of Premises	Chakalaka
Address	105a Oldham Street, Manchester, M4 1LW

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 (LOOH) Team have assessed the likely impact of the granting this application taking into account a number of factors, including the nature of the area, hours applied for and any potential risk that the granting of this could lead to issues of Crime and Disorder, Public Safety and Prevention of Public Nuisance.

As a result of this assessment we have concerns that the granting of this application is likely to lead to increased issues of Prevention of Public Nuisance, specifically relating to a noise nuisance, Public Safety and Crime and Disorder caused by the late opening and late sale of alcohol.

Chakalaka is located at 105a Oldham Street in Norther Quarter, immediately neighbouring on either side with residential properties, directly across narrow Oldham Street and at the rear of the premises.

The initial Premises Licence application made by Stuart Dean (Premises Licence Holder and Designated Premises Supervisor) leading to grant of the licence was on the basis that Chakalaka will be solely operating as a Restaurant. The application was deemed appropriate for the location.

Following the review of the application the LOOH Team's concern is that operation of the business is now changing into a late night, live music venue or a night club, which LOOH Team finds inappropriate and detrimental to the nature of the area. We are also confident that it will have an impact on neighbouring premises.

Number of noise complaints were already raised about the Chakalaka venue by residents of immediately neighbouring properties as recent as August 2020. Some of them relating to unauthorised use of the outside area at the rear of the premises. Further investigation by the LOOH Team proved to be substantiated and resulted in warning letters being issued to Licence Holder. Shall the style of operation of Chakalaka change, in line with the current application, the LOOH Team is confident that this would lead to increase further the noise disturbance and number of noise complaints to Manchester City Council.

Despite the late hours, additional Licensable Activity (Live Music) applied for and significant risks related to the change in operation, the applicant proposed only three additional measures to promote the Licensing Objectives, beyond their current Premises Licence conditions:

- *When we have live music & stay open later we will use trained SIA door staff, to prevent crime & disorder.*
- *The use of door staff for the proposed alterations to the license will promote public safety.*
- *Children not allowed on the site after 11PM.*

The LOOH Team finds these conditions to fall far below the standard and principles set out in paragraph 4.11 of the Manchester's Statement of Licensing Policy.

Frontage of the Chakalaka premises is mostly covered by a large single-glazed window, which would facilitate the live music to emanate onto the street level and vicinity of the area causing a disturbance. This was not addressed in the application whatsoever.

Paragraph 7.2 of the Manchester's Statement of Licensing Policy also clearly sets out expectations of the applicant:

"In accordance with the section 182 Guidance, when setting out the steps they propose to take to promote the licensing objectives, applicants are expected to obtain sufficient information to enable them to demonstrate that they understand:

- *The layout of the local area and physical environment, including crime and disorder hotspots, proximity to residential premises, and proximity to areas where children may congregate*
- *Any risk posed to the local area by the applicant's proposed licensable activities*
- *Any local initiatives (for example, local crime-reduction initiatives or voluntary schemes, including local taxi-marshalling schemes, street pastors and other schemes) that may help to mitigate potential risks."*

Disregard to the above, and entire Section 7 (*Local Factors*) of the Manchester's Statement of Licensing Policy demonstrates that the applicant did not make any attempt to identify the risk factors specific to this premises' change of operation or considered the residents of the area during the application process.

Shall the application be granted with proposed extended of hours (4am), Chakalaka would be one of the latest opened premises in the vicinity. As a result, the LOOH Team have concerns that it would encourage already intoxicated members of the public dispersing from other premises closing earlier and attracted by the late terminate hour to walk through the residential areas of Oldham Street and Tib Street to attend the venue.

Considering the volume of residential properties within such a close proximity of Chakalaka and number of noise complaints already made against the premises, there is an increased risk of undermining the Prevention of Public Nuisance Licensing Objective which was not addressed anywhere in the application.

Additionally, during two proactive visits conducted to the premises by LOOH Officers in August and September 2020 the premises were found breaching Covid19 Government Regulations. Officers witnessing the offences also deemed them to be undermining *Public Safety* Licensing Objective, which is of a grave concern. Both visits and breaches of the government guidance were followed up by official warning letters.

In January 2018 following another complaint the Applicant was witnessed carrying out unauthorised licensable activity and committing an offence under Section 136 of the Licensing Act 2003 by selling by retail of alcohol past the permitted hours.

All above along with the poor quality of the application poses serious competency concerns as a Premises Licence Holder and Designated Premises Supervisor operating such a late-night venue. It also demonstrates that the applicant did not consider or disregard to the impact and risks amending the Premises Licence may have on the local area. This is providing the LOOH Team with a very little faith in responsible running of the premises shall the extended hours until 4am and additional licensable activity were granted.

We therefore recommend to Refuse the Application, in order to prevent the problems described above.

Signed: 

Dated: 18 January 2021

Recommendation: Refuse Application

Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
1. When we have live music & stay open later we will use trained SIA door staff, to prevent crime & disorder. 2. The use of door staff for the proposed alterations to the license will promote public safety. 3. Children not allowed on the site after 11PM	N/A	Applicant
No conditions have been proposed by or agreed with objectors	N/A	N/A

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