



Licensing Sub Committee Hearing Panel

Date: Tuesday, 6 April 2021

Time: 10.00 am

Venue: Dial: 033 3113 3058 Room number: 37978770 # PIN:
2991 #

Everyone is welcome to attend this Sub-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 - Grimshaw (Chair), Andrews and Evans

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 - TBC, 135 Levenshulme Road, Manchester, M18 7NF - determination 5 - 8

The determination papers are enclosed.

5. New Premises Licence - The Progress Centre and Car park, Charlton Place, Manchester, M12 6HS 9 - 88

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

6. New Premises Licence - Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS 89 - 200

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

7. New Premises Licence - Cabrals, 735 Ashton Old Road, Manchester, M11 2HD 201 - 242

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

8. Temporary Event Notice - Zloto Polski, 2 Church Road, Manchester, M22 4NE

Agreement has been reached between GMP and the applicant. Hearing no longer necessary.

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: ian.hinton-smith@manchester.gov.uk

This agenda was issued on **Thursday, 25 March 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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Licensing Act 2003 (Hearings) Regulations 2005

Reference: 254855
Name: 135 Levenshulme Road
Address: 135 Levenshulme Road, Manchester, M18 7NF
Ward: Longsight
Application Type: Premises Licence (new)
Name of Applicant: Friendz Enterprise Ltd
Date of application: 09 February 2021

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 8am to 11pm

Opening hours:

Mon to Sun 8am to 11pm

Representations received

Trading Standards	Concerns over the applicant's awareness of the procedures needed to be implemented to protect children from harm
Licensing & Out of Hours Compliance	Concerns regarding the absence of conditions to uphold the licensing objectives and no risk assessment having been conducted.

Agreements between parties

Trading Standards:

1. The Challenge 25 scheme shall 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 HM Forces warrant card, or a card bearing the PASS hologram.
2. All staff engaged in the sale of alcohol shall be trained with regards to the Challenge 25 policy. This training will be documented, and training should be refreshed at no greater than 6 monthly Intervals. This training should also include sale of alcohol by proxy.
3. The Premises Licence Holder shall ensure that signage demonstrating the Challenge 25 policy as well as selling alcohol to children by proxy are placed at the entrance to the premises as well as being displayed in all areas selling alcohol.
4. The Premise Licence Holder shall also ensure regular checks are made around or outside of the premises for underage persons encouraging adults to buy alcohol for them. Installing CCTV should also help towards monitoring of external areas.
5. A log shall be kept and record all instances when alcohol has been refused for the reasons that the person(s) is, or appear to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log shall be available on request by the police or an authorised officer of Manchester City Council. The log shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each check shall be recorded in the log.

Licensing & Out of Hours Compliance:

6. The Licence holder shall ensure that at all times there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the Licence and the prevention of crime and disorder.
7. The Licence holder shall ensure that all staff undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons.
8. Records shall be kept of all training and refresher training.
9. An Incident book shall be kept at the Premises. All alcohol sell related incident shall be recorded formally.
10. Any incidents of a criminal nature that may occur on the Premises shall be reported to the Police.
11. The Licence holder shall install comprehensive CCTV coverage at the Premises. CCTV shall be operated and maintained on the Premises.
12. Recordings of CCTV footage shall be kept for a period of 31 days and shall be made available to Responsible Authorities upon request.
13. All customers shall be asked to leave the Premises in a quiet manner.
14. Clear and legible notices shall be prominently displayed to remind customers to leave the premises quietly and to have regard for neighbours.
15. A camera shall be located outside the premises and a monitor near the till area so staff can monitor any outside nuisance
16. Same as condition 1 agreed with Trading Standards
17. Same as condition 2 agreed with Trading Standards
18. Same as condition 5 agreed with Trading Standards

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

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**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 06 April 2021

Subject: The Progress Centre and Car park, Progress Centre, Charlton Place, Manchester, M12 6HS - App ref: Premises Licence (new) 255611

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: Ardwick

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

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
Position: Principal Licensing Officer
Telephone: 0161 234 1176
E-mail: premises.licensing@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 8 February 2021, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of The Progress Centre and Car park, Progress Centre, Charlton Place, Manchester, M12 6HS in the Ardwick 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 Progress MCR Limited.
- 2.3 The description of the premises given by the applicant is:
 Ground Floor: café for Late Night Refreshment.
 Third Floor: music & event space.
 External car park area to be used for events. The hours for the external area will be 12:00 until 23:00 when events take place.
- 2.4 The proposed designated premises supervisor is Oliver Keenan Ryder
- 2.5 **The licensable activities applied for are:**

Provision of regulated entertainment

(live music, recorded music, performances of dance and anything of a similar description to live music, recorded music or performances of dance): Indoors

Third Floor Event Space

Sunday to Thursday 10pm to 3.30am Friday and Saturday 10pm to 5am

External Area

Monday to Sunday 12 noon to 11pm

Non standard timings (NST):

An extra hour on Sundays and Mondays on a Bank Holiday weekend, and the Thursday preceding Good Friday. An extra hour when British Summer Time commences. From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day

Provision of late night refreshment: Both on and off the premises

Ground Floor Café

Sunday to Thursday 11pm to 3.30am

Friday and Saturday 11pm to 5am

NST : An extra hour on Sundays and Mondays on a Bank Holiday weekend, and the Thursday preceding Good Friday. An extra hour when British Summer Time commences. From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day

The supply of alcohol for consumption both on and off the premises:

Third floor event space

Sunday to Thursday 10pm to 3am

Friday and Saturday 10pm to 4.30am

External Area

Monday to Sunday 12 noon to 11pm

NST :

An extra hour on Sundays and Mondays on a Bank Holiday weekend, and the Thursday preceding Good Friday. An extra hour when British Summer Time commences. From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.

Opening Hours

Monday to Sunday – 24 Hours

External Area Monday to Sunday 12 noon to 11pm

NST :

An extra hour on Sundays and Mondays on a Bank Holiday weekend, and the Thursday preceding Good Friday. An extra hour when British Summer Time commences. From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.

- 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 submitted the following documents in support of their application, which are included with the application form at **Appendix 2**:

- Smoking Policy
- Dispersal Policy
- Drugs policy

3. Relevant Representations

3.1 A total of One relevant representations were received in respect of the application (**Appendix 3**):

- Ward Councillor x1

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
Ward Councillors	The Ward Councillor objected to the application on the grounds that the area the premises is located in is residential, and that local residents will not appreciate the noise generated from the premises and any external events.	Not stated

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.

3.5 The applicant has submitted further documentation in response to the objection, at **Appendix 5**.

3.6 **Appendix 5** includes a record of emails between the parties and documents submitted by the applicant in support of their application (case law and a record of Temporary events held at the premises)

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
- 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
- MS3 Responsible promotion and sale of alcohol
- MS5 Prevent on-street consumption of alcohol
- 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

Section 9: Alcohol delivery services

This section sets out specific provisions for alcohol delivery services to be considered in conjunction with relevant standards from Section 8 of the Policy

Section 10: Adult entertainment (including striptease, nudity and other entertainment of a sexual nature)

This section sets out specific considerations in respect of applications to provide adult entertainment, including entertainment of a sexual nature e.g. nudity, striptease and lap dancing.

Section 11: The use of tables and chairs on the public highway

This section provides that the operation of any areas on the public highway licensed for tables and chairs should be considered with regard to all relevant Standards set out in Section 8 of the Policy.

Section 12: Premises Licences for large-scale public events

This section sets out particular expectations regarding large scale public events, given the specific associated risks.

5. **Conclusion**

- 5.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 5.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.

- 5.3 Having regard to the representations, the Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- a) To grant the licence subject to:
 - i. the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate, and
 - ii. any mandatory conditions that must be included in the licence;
 - b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
 - c) To refuse to specify the person proposed in the application as the designated premises supervisor;
 - d) To reject the application.
- 5.4 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 5.5 All licensing determinations should be considered on the individual merits of the application.
- 5.6 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 5.8 **The Panel is asked to determine the application**

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PREMISE NAME:	The Progress Centre and Car park
PREMISE ADDRESS:	Progress Centre, Charlton Place, Manchester, M12 6HS
WARD:	Ardwick
HEARING DATE:	06/04/2021

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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 Progress MCR Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description The Progress Centre Charlton Place Ardwick			
Post town	Manchester	Postcode	M12 6HS
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£tbc	

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 | x | 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 x

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 Progress MCR Limited
Address 31 King Street West Manchester M3 2PJ
Registered number (where applicable) 11227794
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company

Telephone number (if any)
E-mail address (optional) <div style="background-color: black; width: 100px; height: 15px; margin-top: 5px;"></div>

Part 3 Operating Schedule

When do you want the premises licence to start? DD MM YYYY

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

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

Ground Floor: café for Late Night Refreshment.

Third Floor: music & event space.

External car park area to be used for events. The hours for the external area will be 12:00 until 23:00 when events take place.

The hours not covered by the proposed licensable activities will be for tenants of the various units and their guests (all floors) to access the building and various areas.

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

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

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

- | | |
|---|----------------------------|
| Provision of regulated entertainment (please read guidance note 2) | Please tick all that apply |
| a) plays (if ticking yes, fill in box A) | |
| 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) | x |
| f) recorded music (if ticking yes, fill in box F) | x |
| g) performances of dance (if ticking yes, fill in box G) | x |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | x |

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

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

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	
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)			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			
Mon			Please give further details here (please read guidance note 4)		
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			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
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)			<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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 4)	
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)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	22:00	03:30	<u>Please give further details here</u> (please read guidance note 4) Third floor event space.		
Tue	22:00	03:30		The external area will be licensed from 12:00 until 23:00 on Mondays to Sundays. This will be when events take place only.	
Wed	22:00	03:30	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5) An extra hour on Sundays and Mondays on a Bank Holiday weekend, and the Thursday preceding Good Friday. An extra hour when British Summer Time commences. From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.		
Thur	22:00	03:30			
Fri	22:00	05:00	<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)		
Sat	22:00	05:00			
Sun	22:00	03:30			

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 checked="" type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon	22:00	03:30	<u>Please give further details here</u> (please read guidance note 4) Third floor event space		
Tue	22:00	03:30		The external area will be licensed from 12:00 until 23:00 on Mondays to Sundays. This will be when events take place only.	
Wed	22:00	03:30	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) An extra hour on Sundays and Mondays on a Bank Holiday weekend, and the Thursday preceding Good Friday.		
Thur	22:00	03:30		An extra hour when British Summer Time commences. From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.	
Fri	22:00	05:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	22:00	05:00			
Sun	22:00	03:30			

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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	22:00	03:30	<u>Please give further details here</u> (please read guidance note 4) Third floor event space		
Tue	22:00	03:30		The external area will be licensed from 12:00 until 23:00 on Mondays to Sundays. This will be when events take place only.	
Wed	22:00	03:30	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5) An extra hour on Sundays and Mondays on a Bank Holiday weekend, and the Thursday preceding Good Friday. An extra hour when British Summer Time commences. From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.		
Thur	22:00	03:30			
Fri	22:00	05:00	<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	22:00	05:00			
Sun	22:00	03:30			

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 checked="" type="checkbox"/>
Mon	22:00	03:30		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	22:00	03:30	<u>Please give further details here</u> (please read guidance note 4) Third floor event space		
Wed	22:00	03:30	The external area will be licensed from 12:00 until 23:00 on Mondays to Sundays. This will be when events take place only.		
Thur	22:00	03:30	<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) An extra hour on Sundays and Mondays on a Bank Holiday weekend, and the Thursday preceding Good Friday.		
Fri	22:00	05:00	An extra hour when British Summer Time commences. From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.		
Sat	22:00	05:00	<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	22:00	03:30			

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	
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	x
Mon	23:00	03:30	<u>Please give further details here</u> (please read guidance note 4) Ground Floor Café		
Tue	23:00	03:30			
Wed	23:00	03:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) An extra hour on Sundays and Mondays on a Bank Holiday weekend, and the Thursday preceding Good Friday. An extra hour when British Summer Time commences. From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.		
Thur	23:00	03:30			
Fri	23:00	05:00	<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)		
Sat	23:00	05:00			
Sun	23:00	03:30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8) Third floor event space	On the premises	
Day	Start	Finish		Off the premises	<input type="checkbox"/>
			The external area will be licensed from 12:00 until 23:00 on Mondays to Sundays. This will be when events take place only.	Both	x
Mon	22:00	03:00	<p><u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) An extra hour on Sundays and Mondays on a Bank Holiday weekend, and the Thursday preceding Good Friday.</p> <p>An extra hour when British Summer Time commences.</p> <p>From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.</p> <p><u>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</u> (please read guidance note 6)</p>		
Tue	22:00	03:00			
Wed	22:00	03:00			
Thur	22:00	03:00			
Fri	22:00	04:30			
Sat	22:00	04:30			
Sun	22:00	03:00			

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 Oliver Keenan Ryder	
Date of birth [REDACTED]	
[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) Salford City 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).

N/A

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p>			<p><u>State any seasonal variations</u> (please read guidance note 5) An extra hour on Sundays and Mondays on a Bank Holiday weekend, and the Thursday preceding Good Friday.</p> <p>An extra hour when British Summer Time commences.</p>
Day	Start	Finish	<p>From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.</p> <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) The hours not covered by the proposed licensable activities will be for tenants of the various units and their guests (all floors).</p> <p>The external area will be licensed from 12:00 until 23:00 on Mondays to Sundays. This will be when events take place only.</p>
Mon	00:00	24:00	
Tue	00:00	24:00	
Wed	00:00	24:00	
Thur	00:00	24:00	
Fri	00:00	24:00	
Sat	00:00	24:00	
Sun	00:00	24:00	

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)

As per current Premises Licence: 246056

Entry to external events will be by ticket only, and there will be no sales of tickets at the premises so as to ensure that the number of guests is controlled.

b) The prevention of crime and disorder

As per current Premises Licence: 246056

c) Public safety

As per current Premises Licence: 246056

When external events are taking place, access will be allowed to the internal toilet facilities and temporary facilities will also be provided. These will be checked regularly by members of staff.

d) The prevention of public nuisance

As per current Premises Licence: 246056

Adequate litter bins will be placed around the external area during events and cleared away after the conclusion of the event.

e) The protection of children from harm

As per current Premises Licence: 246056

Checklist:**Please tick to indicate agreement**

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

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
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	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	<i>Licensing Legal Solicitors</i>
Date	8 th February 2021
Capacity	Solicitors & Authorised Agents for the Applicant

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) Licensing Legal Solicitors The Progress Centre Charlton Place Ardwick			
Post town	Manchester	Postcode	M12 6HS
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

Dispersal Policy

Aim

To effectively manage the dispersal of customers leaving the premises.

Objectives

1. Provide high level of visible information for delegates on transport and accommodation options.

1.1 Information will be provided by website, marketing literature and orally.

1.2 All literature will describe the transport or accommodation options available.

2. Transport options will include pre-bookable taxi facility for leaving after an event.

2.1 The Premises Licence holder will make arrangements with local taxi providers to have sufficient taxis available for the number of customers attending.

2.2 Clear notices to be displayed giving details of local taxi companies which use the ring back scheme.

3. Run down period starting one hour before close for music events.

3.1 One hour before close, the sale of alcohol will cease and the music style will change to a reduced volume and lower tempo.

3.2 One hour before close, house lights will gradually be turned up.

3.3 During the run down period, soft drinks, teas and coffees to be served.

3.4 Customers to be allowed to wait in the internal area to avoid congregating outside.

4. Manage the movement of pedestrians away from the premises.

4.1 All customers to be guided towards Charlton Place and then subsequently to Downing Street.

4.2 Stewards will be positioned outside the premises to guide customers away from residential areas.

4.3 Free maps will be available for use by customers detailing preferred walking routes.

4.4 Free lollipops to be provided to customers.

4.5 Staff to remain in supervision of the outside areas until all customers have dispersed.

4.6 Clear legible notices to be placed near the exits requesting customers to respect neighbours and to leave the premises and the area quickly and quietly.

4.7 Staff to be vigilant to ensure that alcohol is not served to any person who is drunk.

4.8 No person who is drunk to be allowed to enter the premises.

4.9 Door staff/stewards to request any customers waiting outside the premises to move away from the area quickly and quietly.

5. Collection of customers within the premises boundary and movement to destination.

5.1 The car park area located within the boundary of the premises to be used for the purpose of transport collection after an event.

6. Outside area to be cleaned.

6.1 All litter shall be removed from the external area of the premises at close.

6.2 Staff to ensure the outside area is left in a clean and tidy state.

SMOKING POLICY

AIMS

To minimise the impact of smokers on other premises within the locality.
Encourage customers smoking outside the premises to behave in a responsible manner.
Ensure that no litter is created by smokers.
Ensure a well managed external smoking area.
Ensure that non-smokers are affected as little as possible.

Objectives

The smoking area will be supervised by staff at all times it is in use after 23:00.
Smokers will be allowed out of the premises and encouraged to smoke in a designated area, situated on Charlton Place.
Smokers will be requested by door staff to smoke only in the designated area.
Smokers will be requested by door staff to act responsibly and respect the right of any neighbours to a quiet environment.
Smokers misbehaving will be informed they will not be allowed to stay outside otherwise no further admission to the premises and will be asked to leave or to come inside the premises.
Litter bins will be available in the defined area.
Staff will ensure that the smoking area is cleared of smoking debris at close each day.
Notices will be displayed inside the premises that the premises are a no-smoking environment and that a smoking policy is in force.
The location of the smoking area shall be clearly defined on the location plan forming part of this application.

Drugs Policy

Introduction

The overall aim is full compliance with The Misuse of Drugs Act 1971 and the Licensing Act 2003; as well as making a real contribution towards tackling the problem of drugs.

Drug Prevention Policy

Our aim is to be a drugs-free premises and we will work towards achieving this through:-

- Communication with customers
- Carrying out random searches
- Providing employees with guidance, information, training and procedures to assist them in identifying drugs, the effects of taking them and appropriate action
- Complying with legal responsibilities
- Working with industry bodies to promote the drug prevention message
- Working closely with the Local Authority and Greater Manchester Police.

Responsibility

The implementation of the Company procedures is the responsibility of the General Manager.

PROCEDURE FOR DEALING WITH THE MISUSE OF DRUGS

Manager's Guidelines

The circumstances of drug possession will vary. Some people will be carrying drugs for their own personal use; others will have set out to make as much money as possible from buying and selling drugs.

This procedure is to assist in taking the correct action in each set of circumstances, and takes into account not only the law, but also what is safe and practical.

We will liaise with Greater Manchester Police to determine acceptable and appropriate courses of action regarding dealing with drugs.

Drugs on Entry

- Customers should be advised that taking drugs into the premises is not acceptable
- Customers may be asked to agree to a search as a condition of entry
- If drugs are found during a search the customer will be detained and the Police will be called
- If anything is found that appears to be a drug (e.g. powder, tablet, herbal substance, liquid or tab) the customer should be detained and the Police called.
- Any customer who refuses to be searched must not be permitted to gain entry.

Powers of Search

- Only the Police have the power to search someone without their consent
- A customer's consent must be gained by our employees in order for a search of their person or belongings to take place
- Even if staff make a lawful arrest (i.e. if they are in possession of Class A or Class B drugs) there is no automatic power of search

Drugs Within The Premises

- If staff see a customer who appears to be in possession of drugs they should take them to a private room
- Search the customer if they give consent
- Always have a second member of management or a Door Supervisor present. If you find anything that appears to be Class A, B or C the drugs must be placed in an envelope and sealed
- The envelope should be signed by the finder and suspect and must be witnessed by a member of the Management
- Enter the details of the drugs found in the Drugs Register
- Detain the customer until the Police arrive.

Drugs Register

- All drugs found must be recorded in the Drugs Register
- The Drugs Register must be made available upon request by an Officer of GMP, and must be monitored, checked and signed regularly by Management
- A Drug Disposal Policy should be discussed and agreed with local Police. Any item seized and booked into the Register and stored in the safe, must be reported to the Police as soon as reasonably practical and in any case within 24 hours.

Drugs Safe

- A safe (or secure cupboard) for the purpose of storing confiscated drugs will be maintained on the premises
- There will be only one key to access the safe which is to be held by the Duty Manager
- The local Police will attend on request of the Management to collect and safely dispose of the contents of the Drugs Safe, as above. Any drugs found must be disposed of within the law, by surrender to the Police as soon as reasonably practical and in any case within 24 hours of confiscation.

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Re: Premises Licence (new) 255611/AM2: The Progress Centre and Car park, Progress Centre, Charlton Place, Manchester, M12 6HS, (Ardwick ward)

Amna Abdullatif <cllr.amna.abdullatif@manchester.gov.uk>

Tue 16/02/2021 19:54

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Hi,

Can I just state my objection to this. The area this is being proposed in is a residential area and I don't think any residents would appreciate the noise or impact of a club or an outdoor events area in this location.

Thanks,

Amna

Cllr Amna Abdullatif
Labour Member for Ardwick
M + [REDACTED]
cllr.amna.abdullatif@manchester.gov.uk

From: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Sent: Tuesday, February 9, 2021 12:17 PM

Subject: Premises Licence (new) 255611/AM2: The Progress Centre and Car park, Progress Centre, Charlton Place, Manchester, M12 6HS, (Ardwick ward)

Date: 9 February 2021

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

Dear Sir / Madam

I am writing to notify you that a licence application has been received for premises in **Ardwick** ward as follows:

Application Type: Premises Licence (new)

Reference: 255611/AM2

Premises: The Progress Centre Car park, Progress Centre, Charlton Place, Manchester, M12 6HS

Applicant: Progress MCR Limited

General description of premises as given by the applicant:

Ground Floor: café for Late Night Refreshment.

Third Floor: music & event space.

External car park area to be used for events. The hours for the external area will be 12:00 until 23:00 when events take place.

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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions, particularly head and shoulders recognition. 2. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale / supply of alcohol occurs. The Premises Licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format on to DVD for officers of Responsible Authorities. 3. Equipment must be maintained in good working order and be correctly time and date stamped. Any hard drive system used must be capable of retaining images for a minimum of 31 days on a roll-over basis. 4. 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. 5. 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 GMP or an Authorised Officer of the Licensing Authority. 6. All drinks shall only be sold in a container made from non-splintering plastic, paper or shatterproof glass during any dance or DJ-led events. 7. Any persons entering or re-entering the premises may be subject to a random search by an SIA-trained member of staff. On DJ-led events all persons entering the premises will be searched. Any person refusing to be searched will not be allowed entry to the premises. 8. Door Staff to be engaged at the premises from 60 minutes before opening until 30 minutes after close whenever the premises are open beyond midnight. The number of door staff shall be such as is determined by a risk assessment by management each day, at the ratio of 1:100 (but with a minimum of 2 on the door). 9. 2 Door staff positioned at the front door will wear body cams at all times they are on duty, and will be in possession of knife wands for use during searches. 10. When employed at the premises, all door staff will wear high-visibility jackets, both when inside and outside the premises for DJ-led events, and outside only for private, corporate and/or brand-led events. 	N/A	Applicant

Schedule of Licence Conditions

<p>11. The Drugs Policy agreed by the Licensing & Out of Hours Team is attached to this Licence and is a Condition of the Premises Licence.</p> <p>12. Any person who appears to be drunk shall not be permitted to enter the premises.</p> <p>13. A minimum of 14 days' notice shall be given to Greater Manchester Police in respect of any events that are organised by an external promoter, including full details of the nature of the event and the promoter.</p> <p>14. All fire-fighting equipment shall be maintained in accordance with the necessary certification and maintenance requirements.</p> <p>15. Public Liability Insurance shall be maintained in respect of the premises.</p> <p>16. Prior to opening to the public, the premises will be available for inspection by Greater Manchester Fire Authority.</p> <p>17. An adequate fire detection service and appropriate emergency lighting system are to be installed at the premises.</p> <p>18. Staff shall make regular checks of the toilet facilities.</p> <p>19. The premises shall have a comprehensive emergency procedure, and Management shall ensure that all staff are fully trained in the safe handling of emergencies.</p> <p>20. The Dispersal Policy agreed by the Licensing & Out of Hours Team is attached to this Licence and is a Condition of the Premises Licence.</p> <p>21. No noise shall emanate from the premises, nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.</p> <p>22. All doors and windows shall remain closed during regulated entertainment except for access and egress or in case of emergency.</p> <p>23. Notices shall be placed at the exits to the premises asking customers to leave the premises quickly and quietly.</p> <p>24. There shall be no disposal of glassware or containers outside the premises between 22:00 and 07:00.</p> <p>25. The Smoking Policy agreed by the Licensing & Out of Hours Team is attached to this Licence and is a Condition of the Premises Licence.</p> <p>26. The area outside the premises will be kept clean and tidy, and staff will tidy away any litter at the conclusion of trading.</p> <p>27. There shall be regular and adequate refuse collections from the premises.</p> <p>28. Local taxi numbers shall be made available for customers, to</p>		
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Schedule of Licence Conditions

<p>assist in procuring a taxi.</p> <p>29. Adequate rubbish bins will be placed outside of the premises and cleared away when the premises close.</p> <p>30. The Challenge 25 Policy shall be implemented in full and appropriate identification shall be sought from any person who appeared under the age of 25. The only acceptable forms of identification shall be passport, photo driving licence and those carrying the PASS logo.</p> <p>31. Staff training shall include the Challenge 25 policy and its operation. The training shall be given to a new member of staff before they commence employment, and all staff will be retrained at least annually.</p> <p>32. Notices shall be displayed inside the premises warning that it is illegal to purchase – or attempt to purchase – alcohol under the age of 18.</p> <p>33. The external area will be licenced for events only.</p> <p>34. Entry to external events will be by ticket only, and there will be no sales of tickets at the premises so as to ensure that the number of guests is controlled.</p> <p>35. When external events are taking place, access will be allowed to the internal toilet facilities and temporary facilities will also be provided. These will be checked regularly by members of staff.</p> <p>36. Adequate litter bins will be placed around the external area during events and cleared away after the conclusion of the event</p>		

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Anthony Horne <[REDACTED]>
Mon 15/03/2021 17:24

To

Amna Abdullatif

Cc:

- Premises Licensing;
- Ashia Maqsood;
- Stephanie Williams <
-

TEN document.docx

PYAQuarries.pdf

Good afternoon Councillor – I refer to your e-mail below.

I have attempted a number of calls this afternoon as suggested, but unfortunately to no avail.

Assuming that the matter now needs to proceed to a Hearing, please find attached the following:-

1. Details of Temporary Event Notices issued last summer; and
2. Case Law.

Ashia – please ensure that the attached are added to the Agenda, and let us know when the date for the Hearing has been fixed.

Thanks and regards.

Anthony Horne (Director)

The Progress Centre – Temporary Event Schedule 2020

Date	Times	Comment / Incidents
15.08.2020	14:00 – 23:00	No incidents / complaints
22.08.2020	14:00 – 23:00	No incidents / complaints
29.08.2020	14:00 – 23:00	No incidents / complaints
30.08.2020	14:00 – 23:00	No incidents / complaints
05.09.2020	12:00 – 23:00	No incidents / complaints
12.09.2020	14:00 – 23:00	No incidents / complaints
19.09.2020	14:00 – 23:00	No incidents / complaints
26.09.2020	14:00 – 23:00	No incidents / complaints

2 Q.B.

QUEEN'S BENCH DIVISION.

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“have abated.” Mr. Gardiner cited that as one illustration of the cases that he referred to as the nuisance cases. But again, it does not seem to me that they carry Mr. Gardiner, and for the same reason, that it is not shown that the defendants in this case received a benefit. If an employer makes a contract for a fixed period with a servant, and agrees to pay him a fixed sum, possibly in advance, whether the servant is ill or well, fit or unfit, and if the servant is injured by a wrongdoer and is away for a week, the servant has not then suffered any loss of pay, and the wrongdoer cannot be liable for what the servant has not lost.

For these reasons it seems to me that Mr. Gardiner does not bring himself within the principle upon which he relies.

VAISEY J. Whether the law on the point arising in these two appeals is altogether satisfactory I am not sure and express no opinion, but on the law as it stands, I feel no doubt at all that the appeal from the judgment of Slade J. succeeds, and the appeal from the judgment of Lynskey J. fails. I respectfully agree with the last-mentioned judgment and with all that has fallen from my Lords, and I have nothing to add of my own.

First appeal allowed.

Second appeal dismissed.

Leave to appeal to House of Lords.

Solicitors: *Ponsford & Devenish, Tivendale & Munday; Herbert Smith & Co.; Vernon Lawrence, Newport, Mon.; Rhys Roberts & Co. for Myer, Cohen & Co., Cardiff.*

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[1952 A. No. 667.]

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Jan. 30, 31;
Feb. 1, 6,
7, 8, 11;
Mar. 15.

Nuisance—Public—Class of public affected—Whether sufficient number—Question of fact or law—Quarry—Projection of stones by blasting—Dust and vibration—Injunction—“Public nuisance”—Distinction from private nuisance—Injunction.

Fact or law.

Denning,
Romer and
Parker L.JJ.

In an action in which the Attorney-General, on the relation of the county council and the local rural district council, alleged that

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the defendant quarry owners were committing a public nuisance the trial judge granted injunctions restraining the defendants from carrying on their business of quarrying in such a manner as to cause, by blasting, stones and splinters to be projected from the confines of the quarry, or to cause a nuisance to Her Majesty's subjects by dust and vibration. The defendants, having made certain improvements in their system of blasting, which they claimed complied with the injunction as to the projection of stones, now appealed against the order as to dust and vibration. They contended, *inter alia*, that the judge had failed to distinguish between a public nuisance, which affected all the subjects of Her Majesty living in the area concerned, or passing through it, and a private nuisance affecting only a limited number of residents and giving rise only to an action for damages. They submitted that the question of dust and vibration should at the worst be treated as a private nuisance:—

Held, that any nuisance which materially affected the reasonable comfort and convenience of life of a class of Her Majesty's subjects was a public nuisance; that the sphere of the nuisance might be described generally as "the neighbourhood," but the question whether the local community within the sphere comprised a sufficient number of persons to constitute a class of the public was a question of fact in every case; and that the judge, having determined that question against the defendants, had rightly granted the injunctions, and the appeal failed.

Attorney-General v. Keymer Brick and Tile Co. Ltd. (1903) 67 J.P. 434; *Attorney-General v. Stone* (1895) 12 T.L.R. 76; *Attorney-General v. Cole & Son* [1901] 1 Ch. 205; and *Attorney-General v. Corke* [1933] Ch. 89; 48 T.L.R. 650 followed.

Per Denning L.J. I decline to answer the question how many people are necessary to make up Her Majesty's subjects generally. I prefer to look to the reason of the thing and to say that a public nuisance is a nuisance which is so widespread in its range or so indiscriminate in its effect that it would not be reasonable to expect one person to take proceedings on his own responsibility to put a stop to it, but that it should be taken on the responsibility of the community at large.

APPEAL from Oliver J. (Glamorgan Assizes).

On April 25, 1956, Oliver J. granted an injunction restraining the defendants, P.Y.A. Quarries Ltd., from carrying on their business of quarrying at Penyralltwen, near Pontardawe, in the county of Glamorgan, in such a manner as to cause stones or splinters to be projected from the confines of the quarry, or to occasion a nuisance to Her Majesty's subjects by dust or vibration. The action in which the order was made had been brought by the Attorney-General on the relation of the Glamorgan County Council and the Pontardawe Rural District Council, and it was founded upon an alleged public nuisance under the three broad

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headings dealt with by the order of the judge. The nuisances complained of were alleged to have existed since about 1947.

The defendants, having carried out certain developments in their system of blasting, which they claimed remedied the nuisance complained of in the projection of stones, now appealed against the order of the judge in so far as it dealt with the questions of dust and vibration, which, they contended, were at the worst merely private nuisances and only gave rise to actions for damages.

F. W. Beney Q.C., Dyfan Roberts and Ronald Maddocks for the defendants. The defendants are only concerned in this appeal with the order of the judge so far as it applies to the questions of vibration and dust. The order as to flying stones, it is submitted, has been complied with as far as possible. It is impossible to carry on a quarry without a certain amount of vibration and dust, and if the order of the judge is affirmed it will mean that this quarry, which has been worked for a good many years, will have to be closed down, or it may be sequestered. Only a limited number of the residents living in the vicinity have complained, but there has been something in the nature of a campaign to close down the quarry. It is not disputed that there may be a private nuisance affecting some of the residents, who may have claims for damages. But here only a public nuisance is alleged, which is in the nature of a criminal offence, and must be found to affect all Her Majesty's liege subjects living in the area concerned. The judge has drawn no distinction between a public and a private nuisance. There appears to be no case decided in which vibration has been regarded as a public nuisance. It is submitted that vibration and dust do not amount to a public nuisance. To throw stones out promiscuously on to a highway is quite a different thing. One is then doing something which is a source of danger and inconvenience to all Her Majesty's subjects in, or coming within, the area, and is a public nuisance.

Tests have been made as to the extent of the alleged vibration, and the reports showed that the vibration was very slight and were entirely favourable to the defendants. They gave no support to the damage alleged by complainants to have been done to houses, but the judge, while agreeing that there was some exaggeration, accepted the evidence of the complainants. Chitty's Criminal Law gives no precedent of an indictment either for vibration or dust as being a public nuisance (vol. 3, p. 607 et seq.). The indictment must contain the words "all the liege subjects

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“ of our Sovereign Lord the King,” or similar words. “ Divers subjects ” has been held to be not sufficient. If a private person suffers damage by a nuisance he can recover damages, but unless it affects all the Sovereign’s subjects in the area it is not a public nuisance. There have been cases where vibration has been held to be a private nuisance, but public nuisance has always been regarded as an infringement of the Sovereign’s right and therefore treated as a criminal indictment. There must be some reason for the inclusion of the words “ all the liege subjects “ of our Sovereign Lord,” etc.

So far as the question of vibration is concerned, the plaintiffs have not shown that at the date of the writ there was any public nuisance arising from that cause. Therefore there should have been no order against the defendants in respect of vibration. If there had been sufficient to amount to a public nuisance at that date, then the judge, in considering whether he should or should not grant an injunction, failed to take into account the extent to which the effect on the residents was due to freak blasts.

[DENNING L.J. Freak explosions may have resulted from the mis-numbering of the detonators.]

Or to some peculiarity in the formation of the rock. What lies at the bottom of this case is that the complainants object to the noise of the blasts. Vibration means vibration and not fear of it, as the judge has found. As to dust, it came ultimately to be rather a complaint that dust was due to leaving a door open, and the evidence fell far short of establishing that all the residents in the area were adversely affected. [Reference was made to *Southport Corporation v. Esso Petroleum Co. Ltd.*¹; *Attorney-General v. Sheffield Gas Consumers*²; *Soltau and Newall v. De Held*³; *Rex v. Lloyd*⁴; *Attorney-General v. Garner*⁵; *Attorney-General v. Great Eastern Railway Co.*⁶; *Attorney-General v. Shrewsbury (Kingsland) Bridge Co.*⁷; *Attorney-General v. Corke*,⁸ and *Rex v. White and Ward*.⁹]

H. Edmund Davies Q.C., Morgan Evans and Michael Evans for the plaintiffs. These proceedings arose following vehement complaints made for a number of years by a community living in a small village. It is not the law that in order to establish a public nuisance one must call 30 to 40 people as complainants.

¹ [1954] 2 Q.B. 182, 196; [1954] 2 All E.R. 561.

² (1850) 3 De G.M. & G. 304.

³ (1851) 2 Sim.N.S. 133.

⁴ (1800) 170 E.R. 691; 4 Esp. 200.

⁵ [1907] 2 K.B. 480.

⁶ (1879) 11 Ch.D. 449, 482.

⁷ (1889) 21 Ch.D. 752.

⁸ [1933] Ch. 89.

⁹ (1757) 1 Burr. 333, 337.

It is a matter of degree, and accordingly a matter of fact, and in coming to a conclusion it is impossible to minimize the advantage which a judge has in being on the spot.

It is submitted that: (1) "A common nuisance is an act not warranted by law or an omission to discharge a legal duty, which act or omission obstructs or causes inconvenience or damage to the public in the exercise of rights common to all Her Majesty's subjects." [Stephen's Digest of Criminal Law, 7th ed., art. 255, p. 178.] (2) A public nuisance may exist even though (a) only a limited neighbourhood is affected thereby; (b) only some of the public are inconvenienced thereby; provided that a substantial number are inconvenienced. It is not right to regard the propinquity of a highway as essential. [Reference was made to *Reg. v. Garland*¹⁰; *Attorney-General v. Keymer Brick and Tile Co. Ltd.*¹¹; *Reg. v. Price*¹²; *Attorney-General v. Plymouth Fish Guano and Oils Co.*¹³; *Attorney-General v. Stone*¹⁴; *Attorney-General v. Corke*¹⁵; *Rex v. Byers*¹⁶; *Rex v. Lloyd*¹⁷ and *Attorney-General v. Cole & Son.*¹⁸] (3) Evidence that a particular person has sustained special damage or discomfort may properly be admitted to prove a public nuisance even though that evidence may also support a claim to damages for a private nuisance: *Reg. v. Mutters*¹⁹; also *Attorney-General v. Stone*²⁰ and *Attorney-General v. Corke*.²¹ (4) Vibration and dust are each capable in law of constituting a public nuisance. There cannot be any distinction between dust and smell and vibration and noise. There appears to be no reported case of a public nuisance caused by vibration, but there is no reason why dust and vibration should not create a public nuisance. It is a matter of degree depending on its effect on a complainant. (5) The trial judge properly directed his mind to the distinction between a public and a private nuisance.

The only way in which the judgment can be attacked is by saying that the evidence was so inadequate that the judge could not hold that a public nuisance had been established. [*Bolton v. Stone*²² was referred to.] An isolated offence against the order made by the judge would not justify a charge of a breach of the order: see Kerr on Injunctions, 6th ed., pp. 673, 674; also

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¹⁰ (1851) 5 Cox C.C. 165.¹¹ (1903) 67 J.P. 434.¹² (1884) 12 Q.B.D. 247, 256.¹³ (1911) 76 J.P. 19.¹⁴ (1895) 12 T.L.R. 76.¹⁵ [1933] Ch. 89.¹⁶ (1907) 71 J.P. 205, 207.¹⁷ 4 Esp. 200.¹⁸ [1901] 1 Ch. 205.¹⁹ (1864) Leigh & Cave 491.²⁰ 12 T.L.R. 76.²¹ [1933] Ch. 89.²² [1951] A.C. 850; [1951] 1 All E.R. 1078.

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Halsbury's Laws of England, vol. 24, p. 24. The words of the judgment clearly show that the judge had under consideration the distinction between a public and a private nuisance. It is not essential even in the case of a private nuisance to prove that the damage is real. It is sufficient that the complainant has fear of damage if the judge finds that the fear is reasonable. Inconvenience and interference being established, it does not matter whether the nuisance is private or public. Public nuisance need not in law be shown to be injurious to health: *Attorney-General v. Keymer Brick and Tile Co. Ltd.*²³

(6) There was ample evidence that a public nuisance by both dust and vibration had been committed. Four questions arise on this submission: Have common rights been invaded? Were they substantially invaded so as to interfere with reasonable comfort? Have the public been inconvenienced thereby? Assuming a public nuisance, did it exist at the date of the writ? (7) Upon the evidence the granting of an injunction, limited as this one was, was a proper exercise of the judge's discretion. This is entirely a matter of fact and the judge's finding ought not to be disturbed. An injunction cannot be enforced by a writ of sequestration unless the order has been deliberately breached: Halsbury's Laws of England, vol. 18, p. 125. In the present case there was clear and satisfactory evidence that the matters complained of need never have arisen if the defendants had followed the advice given to them by their own advisers. [*Wing v. London General Omnibus Co.*²⁴ and *Spokes v. Banbury Board of Health*²⁵ were also referred to.]

Beney Q.C. in reply. The judge has not correctly applied the law. This is an action to stop a public nuisance and not an action to restrain the defendants from annoying their neighbours.

Cur. adv. vult.

DENNING L.J. I will ask Romer L.J. to deliver the first judgment.

ROMER L.J. This is an appeal from an order of Oliver J., dated April 25, 1956, whereby he granted an injunction restraining the defendants from carrying on the business of quarrying at Penyralltwen, near Pontardawe, in the county of Glamorgan, in such a manner as to cause stones or splinters to be projected

²³ 67 J.P. 434.

²⁵ (1865) L.R. 1 Eq. 42.

²⁴ [1909] 2 K.B. 652.

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from the confines of the quarry or to occasion a nuisance to Her Majesty's subjects by dust or by vibrations. It will be observed that whereas the injunction is unqualified as to the stones and splinters therein mentioned, it is confined, so far as dust and vibration are concerned, to occasioning a nuisance to Her Majesty's subjects. The defendant appellants are only challenging the second part of the order, namely, the injunction with regard to dust and vibration. The action has been brought by the Attorney-General on the relation of the Glamorgan County Council and the Pontardawe Rural District Council, and it is founded upon a public nuisance under the three broad headings which were dealt with by the order of the judge. The statement of claim alleges that the nuisances complained of have existed since about 1947.

The defendant company was incorporated in 1929 but apparently carried on its activities on a somewhat modest scale for some years. In 1947 the Pontardawe Rural District Council granted permission to the company, under the Town and Country Planning Acts, for the further working of the then existing quarry, subject to certain conditions, one of which was that the council should be satisfied that the utmost precautions would be taken to prevent nuisance from dust. In 1949 Bryndley Thomas became a director of the defendant company: there were then three other directors, namely, Wyndham Thomas, Jim Morris and Illyd Williams, the last named gentleman being also the manager. From 1951 onwards Bryndley Thomas and Wyndham Thomas took over the management of the business, and Illyd Williams left in the same year.

The defendants' quarry adjoins a highway called the Alltwen-Brynlewellyn highway, which runs roughly east and west. Immediately east of the quarry is a footpath which leads in a northerly direction from the highway. To the east of this footpath are eight dwelling-houses abutting onto the highway and on the north side of it. The nearest of these houses is about 50 yards from the nearest point of the quarry. Close to the quarry on the west side of it, and also abutting onto the highway on the north side, are some 20 houses, of which the nearest is 35 yards from the quarry and the furthest about 260 yards. About 250 yards to the south of the quarry is a farm called Alltwenganol, which is surrounded by fields. To the north-west of the quarry is another highway, called Dyffryn Road, which, at its closest proximity to the quarry (a matter of some 360 yards), is used for residential purposes.

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The locality is shown in detail in a plan which was put in evidence at the trial, and the judge gave the following general description of it. "Round the quarry on both sides of it," he said, "can be seen groups of houses. The quarry, according to the evidence, is not more than about 25 or 26 years old; that is to say, it has not been an open quarry for longer than that; that it has not been worked. But many of these little houses, I think, have been built much longer than that. They form a little colony. One does not see any particular reason for their existence at that place; certainly nothing to do with the quarry. But one assumes that they were houses for people who found Pontardawe—which is away to the left of the plan—not a particularly charming place to live in and came to move out to these little houses, where they have, certainly on three sides, some very beautiful Welsh scenery, with fine hills and valleys. That, I take it, was the reason these houses were built, and that is the nature of the people who occupy them; people who are not interested in the quarry at all, who have other occupations, who follow all sorts of occupations. Some work in steel; there is a lady, Mrs. Davies, who is a justice of the peace; there is a schoolmaster or two, and one with academic distinction, a bachelor of science; and there are all sorts of mixed people."

Some time before the year 1949 the activities of the defendants in their quarrying operations considerably increased, and some of the householders living in the vicinity of the quarry began to complain to the local authorities. In June of 1949 thirty local residents presented a petition to the Pontardawe Rural District Council in which, after stating that innumerable complaints had been made to the managing director of the defendant company over a long period, they stated: "On a number of occasions damage by flying stones has been done to houses in the vicinity of the quarry and recently a pane of a kitchen window was blown in by blast, littering a breakfast table with jagged pieces of glass, the wife in the home narrowly escaping injury. We sincerely believe that your authority cannot fail to realize the seriousness of the position and the earnestness of our protest against: 1. The manner in which blasting operations are carried out regardless of the risk of damage to our homes. 2. The flying pieces of rock on occasions following blasting operations landing some distance from the quarry constitute a very serious menace to life inside and outside the home and to users of the public highway. 3. The dust nuisance caused

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" by stone crushing, the dust penetrating the houses and having injurious effects. The dust on occasions makes the use of the main road for some distance unpleasant and unhealthy. We appeal to the members of your authority responsible for the interests of the ratepayers to take immediately whatever action may be necessary to remove the causes of our protest."

Following upon the receipt by the council of this petition their public health committee held a number of meetings at which they considered the position, and after a meeting which took place on December 13, 1949, between the committee and representatives of the defendants and a deputation from the residents, a sub-committee of the council, which had been appointed, visited the quarries and watched the defendants' operations and as a result reported that the dust nuisance at the quarries was negligible, and further that no splinters fell outside the perimeter of the quarry during blasting operations. As a result, however, of further complaints from local residents further trials were carried out, and on April 27, 1950, a vibration test was conducted at the quarry. As the result partly of this test the committee still appeared to be of the opinion that no action could be taken against the defendants, as appears from some minutes which were put in evidence.

Complaints from the residents continued to be made, and on July 8, 1950, the clerk of the Glamorgan County Council wrote to the defendants calling their attention to the fact that stones and splinters were falling upon or being blasted across the highway which adjoined the quarry and asking them for an assurance that adequate steps would be taken forthwith to ensure that such a practice should cease. That letter remained unanswered. The clerk of the county council wrote again on July 20, 1950, and on July 26, 1950, received a letter from the defendants to the effect that they were "taking extraordinary precautions" during the blasting operations. A meeting took place between the Pontardawe Rural District Council and the defendants, and on March 15, 1951, the clerk to the council wrote to the defendants saying that the nuisance resulting from their quarrying operations had not been abated and was unlikely to be abated for a substantial period if at all, and that the council had decided to take appropriate proceedings to secure the abatement of the nuisance. In fact, however, the writ in this action was not issued until July 4, 1952. In the meantime, however, and indeed from the early summer of 1950, letters of complaint had been arriving in a steady stream at the offices of the relator councils

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from persons who lived in the neighbourhood of the quarry. It will be necessary to refer in greater detail to these complaints later on in this judgment, but it is enough for the moment to say that although most of them related to the projection of stones from the quarry (a natural emphasis, having regard to the potential danger to property and personal safety arising from the bombardment), some of the complaints referred also to vibration and dust.

During the last few years certain changes and developments have taken place in the quarrying plant on the defendants' premises and in their operational methods. Up to 1950 the defendants drilled 12 ft. holes of 1½ ins. diameter. The holes, four to six in number, were drilled 3 ft. to 4 ft. back from the face of the quarry and about 6 lb. of explosive were used in each hole. These charges were fired simultaneously and produced a fall of 80 to 100 tons of stone. This material was then lifted by crane from the base of the quarry, put on to skips and taken to a crusher, which was in the open. This crusher was only capable of dealing with stones of about 10 ins. by 6 ins. In order to reduce large stones to the capacity of the crusher they were drilled to about half of their depth, stemmed with 1-oz. or 2-oz. cartridges and detonated. This process was known as "popping," and it was the practice to explode 12 to 15 stones in this manner by simultaneous detonation. At this time there were four or five main explosions every week, and "popping" took place up to three times a day.

In 1950 the defendants obtained planning permission to instal vibratory screens and a new crusher, with a view to reducing the dust which emanated from the plant. In the same year they began on the installation of these units and also on the construction of a new road leading to the quarry base. The object of this road, which came into use towards the end of 1951, and was completed in 1952, was to enable an excavator to be taken to the face of the quarry so as to save men from having to load stone on to the skips. The construction of this road involved a good deal of blasting near the highway. The defendants obtained the new crusher in April, 1951, and it was capable of taking stones up to 20 ins. by 10 ins. At the end of 1952 the defendants bought an additional crusher, known as a "skull breaker," which could take stones of 4 ft. by 16 ins. thick. The object of this piece of plant was to reduce "popping," and since its acquisition this procedure had been reduced to some three times a month. Bryndley Thomas said in evidence that

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the defendants have been able to go for four or five weeks without having to "pop" at all.

The system of major blasting, already referred to, continued up to 1953, when the defendants obtained drills capable of drilling down to 24 ft. These drills had the same bore as the previous ones but the holes were drilled 4 ft. to 6 ft. back from the face and 12 lb. of powder were used in each hole. The charges, usually four to six in number, were fired simultaneously, as before, and a fall of 300 to 400 tons of rock was obtained from each explosion. In June, 1952, the defendants had consulted one F. C. Rosling, who is an associate member of the Institute of British Engineers, a member of the Institute of Quarrying, and is in private practice as a consultant in quarry blasting, etc. This gentleman, who gave evidence at the trial, advised the defendants to procure what is called a "wagon drill," which, in his view, would eliminate all further cause for complaint arising from their operations at the quarry. This apparatus drills to a depth of 40 ft. with a diameter of $2\frac{1}{2}$ ins., and the defendants somewhat belatedly bought one: it was installed in their quarry towards the end of 1953 and the defendants have used it ever since. With it they drill up to 12 holes, 12 ft. to 14 ft. back from the face, and put a charge of 30 to 35 lb. of explosive in each hole. The charges are fired by what are called delayed detonators. This involves an almost infinitesimal time lag between each detonation. The effect of this procedure is that, although a bystander is only conscious of one explosion, each charge is in fact detonated separately. The object of installing the wagon drill was not only to prevent the ejection of stones outside the quarry but also to obviate vibration from the main explosions. As each of these explosions brings down 3,000 to 4,000 tons of stone they only have to be effected once every five or six weeks.

On August 26, 1952, a second vibration test was carried out by one D. Stenhouse. This gentleman, who is a B.Sc. in Mining, furnished the defendants with a report upon this test and also gave evidence about it at the trial. I refer further to this hereafter.

The action came on for hearing before Oliver J. on April 11, 1956, and the trial occupied nine or 10 days. In addition, the judge devoted a day to a view of the premises, and blasting operations were carried out in his presence. In the course of his judgment he arrived (in brief) at the following findings. So far as the flying stones were concerned, he said that there was

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really no defence at all; that the case was "absolutely proved" "at the time the writ was issued"; and that, notwithstanding the installation of the wagon drill, he was quite satisfied that the nuisance had not been wholly abated and that he should grant an injunction. As to vibration, he came to the conclusion "that" "for some reason—I cannot tell what it is—there is on occasion" "such vibration as to frighten people, to shake their houses and" "to make them thoroughly uncomfortable, and that such vibration as that, when it is caused, is a nuisance and must cease." With regard to dust, he said that it would not be right to base an injunction on the explosions, having regard to their comparative rarity since the end of 1953, but that excessive dust emanated from the secondary crusher when the door leading into it was left open, as was frequently the case. Finally he said: "I have no doubt that there is dust nuisance from this place—" "of course, only in dry weather. I have no doubt that they" "have not done anything to cope with it and I am going to order" "them to do so by injunction."

Mr. Beney, in challenging the injunction which the judge granted in relation to vibration and dust, based his criticisms of the judgment on the following general grounds. He first submitted that the judge approached the matter as though it was a private, and not a public, nuisance which was in issue; and that he applied tests and followed lines of inquiry which are apt and relevant in cases of private nuisance but which are to some extent irrelevant, and are certainly indecisive, where a public nuisance is alleged. Mr. Beney's second submission (which is to some extent associated with the first) was that the judge paid insufficient attention to the expert evidence which was called before him. The third criticism of the judgment is that the judge failed to address his mind to the position as it existed at the date of the writ but primarily founded his decision to grant the injunctions now complained of on incidents which had occurred between the writ and the trial.

Before considering these contentions in any detail it would, I think, be convenient to consider the nature of a public nuisance as distinct from nuisances which are customarily described as "private." At page 1392 of the 33rd edition of Archbold's Criminal Pleading there is given a precedent of an indictment for carrying on an offensive trade; so far as material it is in the following form: "A.B. (on such and such a day) in the County" "of London, caused a nuisance to the public by allowing offensive" "and unwholesome smells to be emitted from furnaces or

“boilers in which tripe was being burnt or boiled by the said A.B., which nuisance the said A.B. still continues.” We were told that that form and the notes which follow it have appeared substantially unchanged in each successive edition since earliest times. It is stated in these notes (inter alia): “prove that the “smoke or smell arising from (the boiler) was either injurious “to health or so offensive as to detract sensibly from the enjoyment of life and property in its neighbourhood . . . It is not “necessary that the smells produced by it should be injurious “to health; it is sufficient if they are offensive to the senses . . . “Prove also that it is in a populous neighbourhood, or near a “highway . . . for its being a nuisance depends in a great “measure upon the number of houses and the concourse of “people in its vicinity, which is a matter of fact to be determined “by the jury.”

In Stephen's Digest of the Criminal Law (8th ed.), page 184, it is stated that “A common nuisance is an act not warranted “by law or an omission to discharge a legal duty, which act or “omission obstructs or causes inconvenience or damage to the “public in the exercise of rights common to all His Majesty's “subjects.”

The following definition of nuisance appears in Blackstone's Commentaries (Vol. III, Chapter 13, page 216): “Nuisance, nocuum, or annoyance, signifies anything that worketh hurt, “inconvenience, or damage. And nuisances are of two kinds; “*public* or common nuisances, which affect the public, and are an “annoyance to *all* the King's subjects; for which reason we “must refer them to the class of public wrongs, or crimes and “misdemeanors: and *private* nuisances; which are the objects of “our present consideration, and may be defined, anything done “to the hurt or annoyance of the lands, tenements or hereditaments of another.” This passage from Blackstone is cited in Pearce & Meston's Law of Nuisances, page 1, and the learned authors point out that “anything that worketh hurt, inconvenience or damage” is too broad as including many things which are not nuisances, being *damna sine injuria*.

Finally, in a form of indictment for a public nuisance by smells given in Chitty on Criminal Law (2nd ed.), volume III, pages 652-654, the relevant allegation is that the air was “corrupted and rendered very insalubrious to the great damage “and common nuisance of all the liege subjects of our said “Lord the King, not only there inhabiting and residing, but also

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1957 "highways, and against the peace, etc."

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It is difficult to ascertain with any precision from these citations how widely spread the effect of a nuisance must be for it to qualify as a public nuisance and to become the subject of a criminal prosecution or of a relator action by the Attorney-General. It is obvious, notwithstanding Blackstone's definition, that it is not a prerequisite of a public nuisance that all of Her Majesty's subjects should be affected by it; for otherwise no public nuisance could ever be established at all.

In *Soltau v. De Held*¹ Kindersley V.-C. said: "I conceive that, to constitute a public nuisance, the thing must be such as, in its nature or its consequences, is a nuisance—an injury or a damage, to all persons who come within the sphere of its operation, though it may be so in a greater degree to some than it is to others."

In *Rex v. White and Ward*² the defendants had been convicted of a public nuisance on an indictment which charged that "at the parish of Twickenham, etc., near the King's Common highway there, and near the dwelling-houses, of several of the inhabitants, the defendants erected twenty buildings for making noisome, stinking and offensive liquors." Objection was made that the indictment was only laid generally "in the parish of Twickenham." Lord Mansfield rejected the objection, saying: "It is sufficiently laid, and in the accustomed manner. The very existence of the nuisance depends upon the number of houses and concourse of people: and this is a matter of fact, to be judged by the jury."

In *Rex v. Lloyd*³ an indictment for a nuisance by noise was preferred by the Society of Clifford's Inn. It appeared in evidence that the noise complained of affected only three houses in the Inn. Lord Ellenborough said that upon that evidence the indictment could not be sustained; and that it was, if anything, a private nuisance. It was confined to the inhabitants of three numbers of Clifford's Inn only; it did not extend to the rest of the Society and could be avoided by shutting the windows; It was, therefore, not sufficiently general to support an indictment.

In *Attorney-General v. Sheffield Gas Consumers Co.*⁴ it was submitted in argument that it was the duty of the Court of

¹ (1851) 2 Sim.N.S. 133, 142.

² (1757) 1 Burr. 333, 337.

³ (1800) 4 Esp. 200.

⁴ (1853) 3 De G.M. & G. 304,

320.

Chancery to interfere by way of injunction in all cases of public nuisance, whatever might be the position in the case of private nuisances. In the course of his judgment Turner L.J. said: "It is not on the ground of any criminal offence committed, or for the purpose of giving a better remedy in the case of a criminal offence, that this court is or can be called on to interfere. It is on the ground of injury to property that the jurisdiction of this court must rest; and taking it to rest upon that ground, the only distinction which seems to me to exist between cases of public nuisance and private nuisance is this— that in cases of private nuisance the injury is to individual property, and in cases of public nuisance the injury is to the property of mankind."

In *Reg. v. Price*⁵ a question arose whether the burning of a dead body, instead of burying it, amounted to a public nuisance. In the course of his charge to the jury Stephen J. said⁶: "The depositions in this case do not state very distinctly the nature and situation of the place where this act was done, but if you think upon inquiry that there is evidence of its having been done in such a situation and manner as to be offensive to any considerable number of persons, you should find a true bill."

In *Attorney-General v. Keymer Brick and Tile Co. Ltd.*⁷ Joyce J. said: "The only question I have to decide is purely one of fact, namely, whether or not what the defendants have done has created or occasioned a public nuisance within the neighbourhood of their brickfields. Now, in law a public nuisance need not be injurious to health. It is not necessary to show that people have been made ill by what had been done. It is sufficient to show that there has been what is called injury to their comfort, a material interference with the comfort and convenience of life of the persons residing in or coming within the sphere of the influence of that which has been done by the defendants on their works . . . The conclusion I have arrived at is that . . . a serious and disgusting public nuisance has been occasioned by the defendants in the neighbourhood of their brickworks." The form of injunction granted in that case was (so far as relevant) to restrain the defendants from performing specified acts "so as by noxious or offensive odours or vapours arising therefrom or otherwise to be or occasion a nuisance to the annoyance of persons in the neighbourhood of

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⁵ (1884) 12 Q.B.D. 247.⁷ (1908) 67 J.P. 434.⁶ *Ibid.* 256.

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The expression "the neighbourhood" has been regarded as sufficiently defining the area affected by a public nuisance in other cases also. (See, for example, *Attorney-General v. Stone*,⁸ *Attorney-General v. Cole*,⁹ and *Attorney-General v. Corke*.¹⁰)

I do not propose to attempt a more precise definition of a public nuisance than those which emerge from the textbooks and authorities to which I have referred. It is, however, clear, in my opinion, that any nuisance is "public" which materially affects the reasonable comfort and convenience of life of a class of Her Majesty's subjects. The sphere of the nuisance may be described generally as "the neighbourhood"; but the question whether the local community within that sphere comprises a sufficient number of persons to constitute a class of the public is a question of fact in every case. It is not necessary, in my judgment, to prove that every member of the class has been injuriously affected; it is sufficient to show that a representative cross-section of the class has been so affected for an injunction to issue.

It is convenient now to turn to the evidence which was called before the judge as to the state of affairs with regard to vibration and to dust as it existed in the summer of 1952. The criticisms of the judgment to which I have already referred must, of course, be considered, but it is on the evidence, when related to the legal principles just mentioned, that this appeal falls to be determined.

[His Lordship summarized the evidence, including that of Mr. Ieuan Lewis, senior sanitary inspector of the Pontardawe Rural District Council, and continued:] Upon that evidence the question has to be resolved whether the plaintiffs succeeded in establishing that a public nuisance from (a) vibration and (b) dust was being caused by the defendants' quarrying operations at the date of the writ; and, if so, whether in view of the remedial measures which the defendants have taken since July, 1952, the court should interfere with the injunctions which the judge thought it right to grant.

Mr. Beney's main submission with regard to vibration was that, even on the assumption (which he did not admit) that one or more individuals might have successfully instituted proceedings for private nuisance in 1952, the evidence does not show that a

⁸ (1895) 12 T.L.R. 76.

¹⁰ [1933] Ch. 89; 48 T.L.R. 650.

⁹ [1901] 1 Ch. 205.

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sufficient number of persons were affected by vibration to justify the nuisance (if any) being regarded as a public nuisance. He said that vibration differs fundamentally from such things as noise or the pollution of the atmosphere. In nuisances such as those, he said, the court might well infer from the evidence of some of the affected class an injury to the class as a whole; but that no such inference can fairly be drawn in the case of vibration, which is largely a matter of individual susceptibility. I agree with Mr. Beney that vibration is in some respects to be approached on a different footing from noise and smell; and the fact that one person reasonably suffers discomfort from vibration does not necessarily establish that his neighbour has been similarly affected. I am in the present case satisfied, however, that a nuisance from vibration existed in 1952 and that it was sufficiently widespread to amount to a common, or public, nuisance.

As I have earlier indicated, this question is one of fact, and the judge decided it adversely to the defendants, and it appears to me to be impossible to say that in view of the 1949 petition, the letters of complaint and the oral evidence, the judge arrived at a wrong decision. It is true that the complaints as to vibration (and indeed as to dust) were fewer and less emphatic than the complaints as to flying stones; they came, however, from a number of persons living to the east and south of the quarry; and the judge, who saw the witnesses, was satisfied that the complaints were genuine. Mr. Beney's complaint that the judge paid no or insufficient attention to the vibration tests and to the evidence of Stenhouse (an expert on vibration on the staff of I.C.I.) is, in my opinion, ill-founded. It seems clear to me that he had these matters in mind when he considered in the course of his judgment whether the plaintiffs had established that the vibration had caused structural damage to houses and came to the conclusion that they had not.

By reason of the judge's finding on this point I omitted in my review of the evidence most of the complaints (and they were many) of damage, both structural and otherwise, to the complainants' houses. The principal ground on which the judge gave relief was that "if reasonable people on reasonable grounds do believe that their houses are being shaken to pieces they will be just as much harassed and distressed, and just as much unjustly harassed and distressed, as if the damage was in fact being so caused." I see no reason to quarrel with that view. Moreover, there was a body of evidence as to personal discomfort,

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apart from fear of damage to houses. It is true, as Mr. Beney pointed out, that the judge was particularly impressed by three incidents which occurred on July 1, 1955, August 30, 1955, and January 3, 1956; and that all of these occurred a considerable time after the issue of the writ. It is clear from the judgment, however, that he was mindful of past history; for example, he said: "The question is, do I accept the evidence of these witnesses that this vibration has existed for so long and has recently been intensified in degree, though lessened in frequency," which shows beyond doubt that he was not confining his attention to the current or recent position.

It is also to be observed that the principal interest at the trial centred not so much on whether the various nuisances which were complained of had existed in 1952, but whether they still continued to exist notwithstanding the efforts which the defendants had made (and successfully made according to them) to stop them. In these circumstances it is not surprising that the emphasis of much of the evidence, as of the judgment also, was rather upon recent than upon former events. But it is clear to me that the judge was intending to find, and did find, that a public nuisance existed before action brought in relation to vibration as well as to flying stones; and there is, in my judgment, no ground for disturbing his decision.

The observations which I have made with reference to vibration apply in the main also to the question of dust. Mr. Beney's submissions as to the local effect of vibration do not, of course, apply to dust, which pollutes the air just as much as smoke or smells pollute it; and subject, of course, to such considerations as the direction of the prevailing wind it is a legitimate inference that if one householder is affected by the emanation and deposits of dust then his neighbour will be affected likewise. On the other hand, a dust nuisance, such as that of which residents complained in the 1949 petition, and in their letters, is seasonal in that, generally speaking, it only exists in the summer. It could hardly be suggested, however, on that score, that a dust nuisance could not be actionable; nor was it suggested in the present case. What was suggested on behalf of the company was that the inconvenience from dust of which witnesses gave evidence at the trial arose from the doors to the crusher being left open and that this causation did not arise until after these proceedings had been commenced. This, however, is not so, as is shown by Lewis's reports on dust in 1952. The evidence of Lewis and the 1949 petition and the complaints of the

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residents to which I have earlier referred leave me in no doubt that the judge was amply justified in the view that a nuisance from dust existed in 1952, and that a sufficient number of people were affected by it to constitute, for relevant purposes, a class of Her Majesty's subjects. It is true that the judge does not seem to hold in so many words that the nuisance existed in 1952, but I need not repeat on this subject what I said with regard to it in relation to vibration. It is quite clear that the judge was fully alive to the importance of the position as it existed at the date of the writ notwithstanding that his judgment on this, as well as on the other issues, was directed more to later events.

Before proceeding to the final question which has to be considered, namely, whether, although a nuisance from vibration and dust existed when the action was started, the position has so improved since then that no injunction should issue, I should like to say a word or two on a question which resulted in the amendment of the statement of claim in these proceedings and on which there was some discussion before us. In the statement of claim, as originally delivered, allegations were made to the effect that the nuisances complained of caused damage to the occupiers of the adjacent houses and land; that the vibrations were a source of danger to the houses, and that the dust settled upon them and made them dirty and uncomfortable to live in. The statement of claim was subsequently amended by striking out these allegations, because it was thought that they were irrelevant in an action founded upon public nuisance (though, rather curiously, they substantially reappeared in some very detailed particulars of the statement of claim which were given later). The reasons underlying these amendments were supported before us by counsel for the appellants, and it was suggested, as I followed the argument, that in a public nuisance action evidence of individual experiences should not be received, although such evidence would be highly relevant in cases of alleged private nuisance. I cannot for myself accept this contention. Some public nuisances (for example, the pollution of rivers) can often be established without the necessity of calling a number of individual complainants as witnesses. In general, however, a public nuisance is proved by the cumulative effect which it is shown to have had on the people living within its sphere of influence. In other words, a normal and legitimate way of proving a public nuisance is to prove a sufficiently large collection of private nuisances. I am therefore of opinion that there was nothing improper or irregular in the statement of claim as

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originally delivered or in the reception at the trial of evidence of the local residents' experiences.

Finally, then comes the question already mentioned, is the Attorney-General entitled to an injunction or ought some more limited form of relief to be granted in view of the various steps which the defendants have taken since 1952? The defendants contend that these measures have been so effectual that the proper order is to give the plaintiffs liberty to apply for injunctions with regard to vibration and dust; and that the injunctions granted by the judge should accordingly be discharged. Prima facie, if a nuisance, whether public or private, is shown to have existed at the time the writ was issued the plaintiff is entitled to an injunction. If, however, between the writ and the trial the nuisance has been abated the court will usually stay its hand and merely give the plaintiff leave to apply in the action for an injunction if the trouble should recur. It seems to me, however, that it is quite impossible to say that the nuisance from vibration or dust had been wholly abated at the time when this action came to trial. As a result of installing the wagon drill towards the end of 1953 blasting had undoubtedly become far less frequent; on the other hand, its effects had become far more violent.

Dealing with this aspect of the matter the judge said: "There are three main dates complained of, but there are a number of other occasions when tremendous vibration is complained of. The three main dates, as I call them, are July 1, 1955, August 20, 1955, and January 3, 1956, and there is a mass of evidence to the effect that, whilst in recent times the explosions have been far fewer, and therefore the incidents far fewer . . . they have been far more violent, at least on occasions, and those three dates I have given are three occasions. Each of them resulted in a petition signed by many people in the neighbourhood and presented to the local authority, complaining of this frightful shattering vibration." The judge then referred to some of the evidence which had been called before him as to these recent explosions and which left him in no doubt as to their violence. There is obviously, therefore, still ground for serious complaint of vibration, and in my judgment the judge was quite right in granting an injunction.

With regard to dust, the judge relied to some extent on what he saw when he visited the quarry premises towards the end of the trial. The main thing which impressed him was the amount of dust which resulted from the crushing operations. He said

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that he saw the door into the secondary crusher both open and shut, "and no one who saw it open could avoid seeing the cloud "of stuff that came pouring out from inside into the air." Apart altogether, however, from the judge's own observations there was ample evidence from local residents to show that they were still being troubled at the time of the trial by dust from the quarry during dry weather. There is no ground, therefore, in my opinion, upon which this court should interfere with regard to the injunction which the judge granted to restrain this nuisance.

Apart from the fact that the defendants had not abated (or, at all events, had not wholly abated) the nuisances by vibration and dust when the action came on for hearing, there are certain additional considerations which support the granting of the injunctions. In the first place, there is expert evidence to show that these nuisances are not inevitable; they can be avoided by the exercise of proper care. The second consideration arises from the past conduct of the defendants and their attitude from the outset to the very reasonable complaints which were brought to their attention. This element affords no ground in itself, of course, for any penal order being made; but it seems to me that an attitude of indifference to complaints tends to show irresponsibility and that, I think, is not an irrelevant consideration where the granting of an injunction is concerned. The judge expressed strongly his view that the defendants in the present case paid scant attention to the complaints of the residents or to the representations of the local authorities before (somewhat belatedly) the writ was issued; that they were dilatory in adopting an expert's suggestion as to the wagon drill; and that they never really exerted themselves to ensuring that the door to the crusher was kept shut as they were constantly being pressed to do, or to take other steps by the use of water or otherwise to prevent the escape of dust from the crushing plant. I do not propose to add to this already lengthy judgment by referring further than I have already done to the material upon which the judge based his view as to the defendants' conduct in the past, but it is obvious to me that the view was amply justified.

In my judgment, accordingly, the injunctions against which this appeal has been brought were rightly granted and the appeal fails. Mr. Beney, on behalf of the appellants, expressed some concern as to the future if the injunctions were not discharged. He said that, even though the expert witnesses had expressed views (as to vibration and dust respectively) that the quarry could be operated without occasioning a nuisance, an occasional

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incident might from time to time arise, unpredictable and unavoidable, which would or might lead to applications based upon contempt of court. Mr. Beney had especially in mind the fact that for no apparent reason some particular explosion was far more violent than those which normally occurred. Such an explosion had in fact occurred, for example, on January 3, 1956. Wyndham Thomas (a director of the company), amongst other witnesses, gave evidence as to these particularly heavy explosions and said they may occur when blasting for what he described as a "tight corner." He said: "It is a very unusual shot, a freak blast which you get sometimes, that might not happen in another 10 years." The defendants fear that this kind of thing, if and when it happens again, may be regarded by the inhabitants as a breach of the injunction as to vibration and be followed by an application for sequestration or attachment. I would point out, however, that none of the inhabitants could make such an application. The Attorney-General alone could make it, and presumably he would not apply unless, in his view, the circumstances warranted it. It may well be that he would not found an application upon some isolated incident if he were satisfied that no reasonable care on the part of the defendants could have avoided it. The defendants will doubtless adopt such expert advice as may be given to them with somewhat greater energy than they have shown at times in the past.

I would dismiss the appeal.

DENNING L.J. I entirely agree with the judgment of Romer L.J. and have little to add. Mr. Beney raised at the outset this question: what is the difference between a public nuisance and a private nuisance? He is right to raise it because it affects his clients greatly. The order against them restrains them from committing a public nuisance, not a private one. The classic statement of the difference is that a public nuisance affects Her Majesty's subjects generally, whereas a private nuisance only affects particular individuals. But this does not help much. The question, "When do a number of individuals become Her Majesty's subjects generally?" is as difficult to answer as the question "When does a group of people become a crowd?" Everyone has his own views. Even the answer "Two's company, three's a crowd" will not command the assent of those present unless they first agree on "which two." So here I decline to answer the question how many people are necessary to make up Her Majesty's subjects generally. I prefer to look

to the reason of the thing and to say that a public nuisance is a nuisance which is so widespread in its range or so indiscriminate in its effect that it would not be reasonable to expect one person to take proceedings on his own responsibility to put a stop to it, but that it should be taken on the responsibility of the community at large.

Take the blocking up of a public highway or the non-repair of it. It may be a footpath very little used except by one or two householders. Nevertheless, the obstruction affects everyone indiscriminately who may wish to walk along it. Take next a landowner who collects pestilential rubbish near a village or permits gypsies with filthy habits to encamp on the edge of a residential neighbourhood. The householders nearest to it suffer the most, but everyone in the neighbourhood suffers too. In such cases the Attorney-General can take proceedings for an injunction to restrain the nuisance: and when he does so he acts in defence of the public right, not for any sectional interest: see *Attorney-General v. Bastow*.¹¹ But when the nuisance is so concentrated that only two or three property owners are affected by it, such as the three attornies in Clifford's Inn, then they ought to take proceedings on their own account to stop it and not expect the community to do it for them: see *Rex v. Lloyd*,¹² and the precedent in Chitty's Criminal Law (1826), vol. III, pp. 664-665.

Applying this test, I am clearly of opinion that the nuisance by stones, vibration and dust in this case was at the date of the writ so widespread in its range and so indiscriminate in its effect that it was a public nuisance.

But the defendants have now taken such good remedial measures that objectionable incidents take place only rarely and then by accident. So far as stones are concerned, the injunction is absolute: but so far as dust and vibration are concerned it is dependent on it being a nuisance "to Her Majesty's subjects," that is, a public nuisance. The question then arises whether every rare incident is a public nuisance. Suppose six months went by without any excessive vibration and then there was by some mischance a violent explosion on an isolated occasion terrifying many people. Would that be a public nuisance? Would it subject the defendants to proceedings for contempt? I should have thought that it might, but the punishment would

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¹¹ [1957] 1 Q.B. 514; [1957] 1 ¹² 4 Esp. 200.
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I quite agree that a private nuisance always involves some degree of repetition or continuance. An isolated act which is over and done with, once and for all, may give rise to an action for negligence or an action under the rule in *Rylands v. Fletcher*,¹³ but not an action for nuisance. A good example is an explosion in a factory which breaks windows for miles around. It gives rise to an action under *Rylands v. Fletcher*,¹³ but no other action if there was no negligence: see *Read v. J. Lyons & Co.*¹⁴ But an isolated act may amount to a public nuisance if it is done under such circumstances that the public right to condemn it should be vindicated. I referred to some authorities on this point in *Southport Corporation v. Esso Petroleum Co.*¹⁵ In the present case, in view of the long history of stones, vibrations and dust, I should think it incumbent on the defendants to see that nothing of the kind happens again such as to be injurious to the neighbourhood at large, even on an isolated occasion.

I, too, would dismiss the appeal.

PARKER L.J. I entirely agree with both judgments.

Appeal dismissed.

Solicitors: *Waterhouse & Co. for T. W. James & Co., Swansea; Lewin, Gregory, Mead & Sons for Richard John, Cardiff.*

A. W. G.

¹³ (1868) L.R. 3 H.L. 330.

¹⁵ [1954] 2 Q.B. 182, 197; [1954]

¹⁴ [1947] A.C. 156; 62 T.L.R. 2 All E.R. 561.
646; [1946] 2 All E.R. 471.

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May 2, 10.

REGINA v. GRIFFITHS AND OTHERS. *Ex parte*
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Lord Goddard
C.J.,
Hilbery and
Donovan JJ.

Contempt of Court—Mens rea—Newspaper article—Innocent dissemination—Foreign periodical—Article prejudicial to defendant in criminal proceedings—Periodical edited and printed abroad—No

From: Amna Abdullatif [mailto:cllr.amna.abdullatif@manchester.gov.uk]
Sent: 11 March 2021 15:25
To: Anthony Horne <[REDACTED]>
Subject: Re: The Progress Centre, Charlton Place, Manchester M12 6HS

Hi,

My number is: [REDACTED]

Just to note I am in meetings so I'm only free between 1pm-5pm on Monday.

Have a good day,

Amna

Cllr Amna Abdullatif
Labour Member for Ardwick

[REDACTED]
cllr.amna.abdullatif@manchester.gov.uk

From: Anthony Horne <[REDACTED]>
Sent: Thursday, March 11, 2021 2:35 PM
To: Amna Abdullatif <cllr.amna.abdullatif@manchester.gov.uk>
Cc: Stephanie Williams <[REDACTED]>
Subject: RE: The Progress Centre, Charlton Place, Manchester M12 6HS

Good afternoon Councillor – thank you for your e-mail.

If you supply me with contact details, I will call you on Monday.

Regards.

Anthony Horne (Director)

From: Amna Abdullatif [<mailto:cllr.amna.abdullatif@manchester.gov.uk>]
Sent: 10 March 2021 19:55
To: Stephanie Williams <[REDACTED]>
Cc: Anthony Horne <[REDACTED]>
Subject: Re: The Progress Centre, Charlton Place, Manchester M12 6HS

Hi,

Thank you for your email.

I appreciate your response but it hasn't alleviated my concerns.

I'm happy to discuss over the phone and get a sense of how this proposal won't impact residents. I am busy this week, but happy to discuss on Monday after 11am.

Take care,

Amna

From: Stephanie Williams [REDACTED]
Sent: Wednesday, March 10, 2021 1:59 PM
To: Amna Abdullatif <clr.amna.abdullatif@manchester.gov.uk>
Cc: Anthony Horne <[REDACTED]>
Subject: FW: The Progress Centre, Charlton Place, Manchester M12 6HS

Dear Councillor Abdullatif

Further to my e-mail of the 17th February 2021 I would be grateful for a response.

There have been no Representations from any other party, including local residents.

Kind regards,

Stephanie

Stephanie Williams
(Practice Manager)

Stephanie Williams <[REDACTED]>
Wed 03/03/2021 14:46

To : Premises Licensing

Cc: Anthony Horne <[REDACTED]>
246056 LIC.pdf

Please see below an e-mail sent to Cllr Abdullatif on the 17th February 2021. We would be grateful if this would be filed with the papers regarding this application. We have not had a response to this e-mail.

Kind regards,

Stephanie Williams

(Practice Manager)

From: Stephanie Williams
Sent: 17 February 2021 14:29

To: 'cllr.amna.abdullatif@manchester.gov.uk' <cllr.amna.abdullatif@manchester.gov.uk>
Subject: The Progress Centre, Charlton Place, Manchester M12 6HS
Importance: High

Dear Cllr Abdullatif,

We act on behalf of the Applicant for the above Premises Licence, and have today received a copy of your Representation sent to Manchester City Council.

I have attached a copy of the existing Premises Licence which was granted in June 2020. This application received no residential objections even though later hours were originally applied for. These hours were reduced as part of an agreement reached with the Licensing & Out of Hours Team at the time.

The current application merely seeks to add an external area to the Premises Licence, and this area will trade shorter hours than the rest of the Licence currently permits (12:00 until 23:00 Mondays to Sundays).

I hope this satisfies your concerns in respect of residents in your area, and would be grateful if you could reconsider your Representation in light of the above.

If you wish to discuss this further, then please don't hesitate to contact either Anthony Horne or myself.

Kind regards,
Stephanie

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

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**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 06 April 2021

Subject: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS - App ref: Premises Licence (new) 255581

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: Fallowfield

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

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Bryan Johnson
Position: Technical Licensing Officer
Telephone: 0161 231 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 08 February 2021, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS in the Fallowfield 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 Mohammed Zubair.
- 2.3 The description of the premises given by the applicant is:
'The premises currently operates as a Dixy Chicken Franchise from 11:00am to 23:00pm, mainly serving burgers, grilled chicken, pizza, desserts and non-alcoholic drinks.'
- 2.4 **The licensable activities applied for:**
Provision of late-night refreshment:
Mon to Sun 11.00pm to 3.00am
(Telephone/Online orders for home delivery only between 1.00am to 3.00am)
- 2.4.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.
- 2.4.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 2**.
- 2.5 **Activities unsuitable for children**

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

2.6 Steps to promote the licensing objectives

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

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

3. Relevant Representations

3.1 A total of 22 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;
- Licensing Authority

Other Persons:

- Residents (x20)

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	LOOH compliance have submitted a representation against the application on the grounds of the prevention of public nuisance. The premises is located within the Fallowfield Cumulative Impact Zone (which is currently subject to review). It is of concern to LOOH Compliance that the licensable activities and operating timings applied for could, potentially, have a negative impact upon those residents residing within the immediate and nearby vicinity of the premises. To off-set the likelihood of public nuisance issues arising, as a direct consequence of the proposed/applied for licensable activities at the premises, LOOH Compliance are requesting the imposition of a range of extra conditions on to any subsequently granted premises licence.	Grant with conditions

<p>Licensing Authority</p>	<p>The Licensing Authority has submitted a representation against the application on the grounds of prevention of public nuisance. Although the Licensing Authority recognises that the Fallowfield Cumulative Impact Zone policy is currently undergoing review (and, therefore, consequently cannot be directly applied in this instance) it is still relevant to take cumulative impact into account when granting a premises licence, particularly where there already exists a proliferation of similar types of licensed premises within a confined geographical location.</p> <p>The Licensing Authority is not convinced that the granting of the application would ensure that the licensing objectives would be upheld within the locality of the premises, as it is felt that the application does not provide the required assurances or is an acceptable improvement on the previous premises licence application (as was submitted/applied for by the same applicant in 2020, and rejected at hearing in August of that year).</p> <p>Consequently so, the Licensing Authority is requesting that the application be rejected in line with the current City Council Licensing Policy (re: <i>'4.13 However, where all the above steps are not considered appropriate and sufficient to promote the licensing objectives by the authority, the policy is to refuse the application.'</i>).</p>	<p>Refuse</p>
<p>Residents (x20)</p>	<p>There have been 20 valid representations served against the application by local residents. Collectively, in their own opinion, they are objecting to the application on the basis of all Four Licensing Objectives likely to being further undermined within their local area, should the application be granted.</p> <p>In their representations numerous, repeated references have been made by the private residents to existing/ongoing antisocial behaviour affecting their area: drunkenness/drunken behaviour by groups of students, littering (i.e. food packaging and waste food materials dropped on the public highway and in private gardens etc., with waste</p>	<p>Refuse</p>

	<p>products/materials from the applicants premises being found amongst such waste/litter), noise nuisance (i.e. noise generated by delivery vehicles, delivery drivers knocking/ringing doorbells loudly on customers premises front doors, shouting/loud conversations by groups of people frequenting existing licensed premises etc.).</p> <p>It is collectively regarded by all those private residents (who have submitted representations against the application) that the addition of another Late Night Refreshment premises would/will only serve to further add to, exacerbate and make worse the existing issues relating to antisocial behaviour, littering and noise nuisance that are affecting their local area. Consequently so, the refusal of the application is requested by each private resident who has submitted a representation against the application.</p>	
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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 5: Special Policy Area

The premises is located within the following special policy area:

Fallowfield and Wilmslow Road

The effect of the Special Policy is that the Council will refuse applications for a new Premises Licence or Club Premises Certificate, or variation of an existing licence or certificate, whenever it receives relevant representation, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced. In relation to variations, this includes any variation that seeks to add a licensable activity, increase the capacity/size of a licensed premises, or extend the hours for licensable activities, but will usually exclude minor variations.

	Closing time	Approach
Hot food Takeaway premises	All	<p>Strong presumption against.</p> <p>A genuinely exceptional case would need to be shown. The reasons for the exception should be shown in the operating schedule, and must demonstrate that there will be no harm to the licensing objectives, including from departing customers.</p>

The policy also sets out particular measures it expects operators to pay special attention to in order to ensure their operation will not add to the problems within this area. Operators are not required to do so, but where the authority's discretion is engaged, any applications that fail to address all appropriate measures may be refused or have conditions applied to comply with the policy measures.

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
- Proximity of takeaways and off-licences to nightlife entertainment areas
- Consistency with relevant Council strategies
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance
- 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
- MS6 Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies
- MS8 Prevent noise nuisance from the premises
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse
- MS11 Ensure the wellbeing of children on the premises

Section 9: Alcohol delivery services

This section sets out specific provisions for alcohol delivery services to be considered in conjunction with relevant standards from Section 8 of the Policy.

Section 10: Adult entertainment (including striptease, nudity and other entertainment of a sexual nature)

This section sets out specific considerations in respect of applications to provide adult entertainment, including entertainment of a sexual nature e.g. nudity, striptease and lap dancing.

Section 11: The use of tables and chairs on the public highway

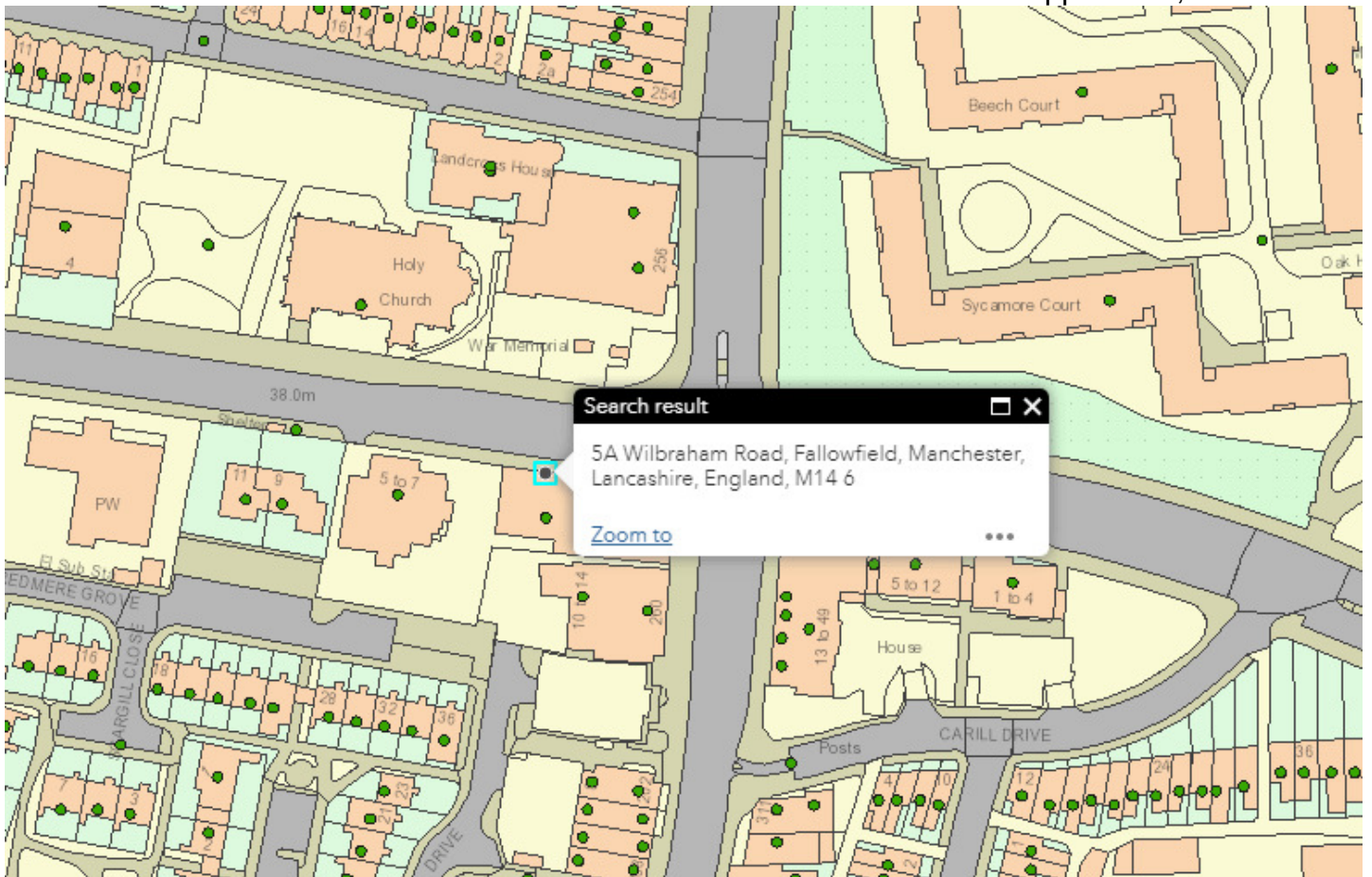
This section provides that the operation of any areas on the public highway licensed for tables and chairs should be considered with regard to all relevant Standards set out in Section 8 of the Policy.

Section 12: Premises Licences for large-scale public events

This section sets out particular expectations regarding large scale public events, given the specific associated risks.

5. **Conclusion**

- 5.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 5.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 5.3 Having regard to the representations, the Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- a) To grant the licence subject to:
 - i. the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate, and
 - ii. any mandatory conditions that must be included in the licence;
 - b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
 - c) To refuse to specify the person proposed in the application as the designated premises supervisor;
 - d) To reject the application.
- 5.4 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 5.5 All licensing determinations should be considered on the individual merits of the application.
- 5.6 The Panel’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 5.8 **The Panel is asked to determine the application.**



Dixy Chicken
Unit 1, 5a Wilbraham Road, Manchester, M14 6JS

Premises Licensing
Manchester City Council

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PREMISE NAME: Dixy Chicken

PREMISE ADDRESS: Unit 1, 5a Wilbraham Road, Manchester, M14 6JS

WARD: Fallowfield

HEARING DATE: 6th April 2021

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 MOHAMMED ZUBAIR

(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			
Dixy Chicken Fallowfield 5a Wilbraham Road			
Post town	Manchester	Postcode	M14 6JS

Telephone number at premises (if any)	0161 224 5577
Non-domestic rateable value of premises	£ 10,000

Part 2 - Applicant details

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *

- i as a limited company/limited liability please complete section (B) partnership
- ii as a partnership (other than limited please complete section (B) liability)
- iii as an unincorporated association or please complete section (B) iv
- other (for example a statutory corporation) please complete section (B)
- c) a recognised club 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 please complete section (B)
Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ga) a person who is registered under Chapter 2 of please complete section (B)
Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England
- h) the chief officer of police of a police force in please complete section (B)
England and Wales

* 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 First names Zubair Mohammed					
Date of birth [REDACTED]	I am 18 years old or over <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 [REDACTED]					

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)	
N/A	

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

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

DD MM YYYY

When do you want the premises licence to start?

0	8	0	2	2	0	2	1
---	---	---	---	---	---	---	---

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

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

We currently operate as a Dixy Chicken Franchise from 1100:00am to 23:00pm, mainly serving burgers, grilled chicken, pizza, desserts and non-alcoholic drinks.

We would like to extend our operational times from 23:00 to 03:00am Monday-Sunday. We would like to trade from 11pm-1am instore available when normality returns, from 1am-3am we will be doing deliveries via 3rd party app uber and Deliveroo. The reason for this proposed variation is that we have noticed a number of restaurants within close vicinity, in Fallowfield and Rusholme area that are open until 5:00am. Due to Covid-19 premises have to be closed from 11pm, which they can carry on doing deliveries. Because of our timing we cannot do deliveries from dixy Fallowfield after 11am and we have started to struggle a lot from the pandemic. The footfall in Fallowfield has dropped dramatically. Therefore, we believe this proposed timing is reasonable. Under our current operational hours, we have not experienced any issues or complaints with trading from local residents, council, police and environmental health. In addition to this, the management team of dixy Fallowfield, have extensive experience of managing a late licence, as they have done so previously with another business down the road: dixy chicken (Rusholme). Therefore, it is unlikely we will experience any issues during longer operational hours and are able to control for factors mentioned in section M effectively. Finally, this area is highly populated with students and this proposed timing will help meet local demand for fast food, and ultimately help our business thrive in sales and profit. With no students and the footfall dropped in rate. This has affected our sales and profits by an enormous amount

We are aware there is a special policy in Fallowfield, and therefore we have strategies in places to help support this policy (see section M). It is unlikely for our business that doesn't sell alcoholic beverages to promote

crime and antisocial behaviour, as it seems this is how the issues first arise. In terms of litter, we have experience in controlling this. We strongly believe with the extended timing to 1am and allowing the premises to carry on with deliveries using 3rd platforms will give us a better opportunity to raise our sales. We are in the timings of other business and due to closing instore at 1am and carrying on deliveries, this will not have an impact on the cumulative policy put into place. We will not be adding to the current situation. Like all business we need the most help we can in these current times.

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

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			

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			
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			

C

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

<p>Live music Standard days and timings</p>	<p><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></p>	Indoors	<input type="checkbox"/>
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D

(please read guidance note 7)			(please read guidance note 3)		Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue						
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)			
Thur						
Fri			<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)			
Sat						
Sun						
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"/>
Day	Start	Finish			Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)			
Tue						
Wed						

E

			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)
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			

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

F

Sun		

<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> <p>Indoors <input type="checkbox"/></p> <p>Outdoors <input type="checkbox"/></p> <p>Both <input type="checkbox"/></p>		
Mon					
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur					
Fri			<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>		
Sat					
Sun					

<p>Late night refreshment Standard</p>		<p>Indoors <input type="checkbox"/></p>
---	--	---

G

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)	Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	23:00	03:00	<p><u>Please give further details here</u> (please read guidance note 4)</p> <p>23:00: 03:00 Monday to Saturday and on Thursday till 1am only. will not be played during these hours, to avoid public nuisance and any disorderly crime, music CCTV signs warning customers and the general public will be displayed. To minimise all this, we would like to operate instore TILL 1AM, and carry deliveries on the premises from 1am-3am STRICTLY</p> <p><u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)</p> <p>There will be no seasonal variation. by trading until 3:00am, this will help meet additional demands during national holidays and any other seasonal demands, such as religious/community celebrations (Eid, fun fairs Christmas).</p> <p><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)</p> <p>None as stated above, we would like to trade till 1am instore and then close the shutter and carry on with deliveries using third party apps. We do not expect to do deliveries beyond 3am.</p>		
Tue	23:00	03:00			
Wed	23:00	03:00			
Thur	23:00	03:00			
Fri	23:00	03:00			
Sat	23:00	03:00			
Sun	23:00	0:100			

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"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Mon			<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		

H

Tue			<p><u>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</u> (please read guidance note 6)</p>
Wed			
Thur			
Fri			
Sat			
Sun			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

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

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).

I

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) Currently the business operates from 11:00am to 23:00pm, we would like to increase our hours to provide hot food and non-alcoholic drinks from 23:00pm to 03:00am, Monday-Saturday and Till 1am on Sunday/. To avoid public nuisance and any disorderly crime, music will not be played during these hours, CCTV signs warning customers and the general public will be displayed. Staff will remind customers to keep quiet and not cause disturbance when leaving the shop, especially during night hours between 23:00pm-01:00am. After 1 am shutters to the premises will be put down and only delivery couriers from 3 rd party apps can pick up. Considering the time from 1am the streets tend to start getting quieter and we are more than happy to trade for an extended 2 hours instore and the rest only deliveries
Day	Start	Finish	
Mon	11:00	03:00	<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) NONE - as stated above, opening until 01:00am will give us enough flexibility and capacity to meet any increased seasonal demands Carrying on deliveries from 01:00AM – 03:00AM will then help us in these stressing times We do not expect to trade past this time.
Tue	11:00	03:00	
Wed	11:00	03:00	
Thur	11:00	03:00	
Fri	11:00	03:00	
Sat	11:00	03:00	
Sun	11:00	01:00	

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)

In order to promote all four licensing objectives and ensure the business is ran in accordance to the Fallowfield/Wilmslow Road Special Policy, certain measures and protocols will be initiated. This includes strong management control and effective training of staff, so they are all aware of what the premises licence requires.

Great focus will be put on:

- preventing crime, drunk and antisocial disorderly behaviours, particularly through installing and maintaining comprehensive 4k digital (colour) CCTV system, which will record continuously whilst the premises is open to the public. These recordings will be available for a minimum of 28 days upon request by a police officer or an authorised officer of licensing authority. Other measures to deter criminal activity will include hiring a security guard, employing more staff during late evening and early hours of morning, and displaying CCTV signs.
- preventing harm to children
- maintaining appropriate training records for each staff member, and this is to be refreshed at no longer than 12 months intervals. these records will be available for inspection upon request by a police officer or an authorised officer of Manchester city council.
- ensuring a log book is kept on any actual or near miss risk events which may otherwise impact meeting the four licensing objectives. these events will be noted, discussed with staff and appropriate measures will be put into place to mitigate reoccurrence.

As a business, we understand it is necessary to operate our business with a purpose of promoting all four-licensing objective and mitigate the negative impact the running of the business may have on the Fallowfield/Wilmslow Road Special policy. Please see below for further examples on how we plan to achieve this.

b) The prevention of crime and disorder

It is evident from the special policy, that crime rates tend to be higher during late evening and early morning hours, in particular crime recorded with an alcohol marker and antisocial behaviours. In order to minimise the impact of longer operational times on these factors: - any person who appears intoxicated shall not be permitted on the premises or will be removed if they are disruptive and loud.

- staff will be well trained in asking customers to use premises in an orderly and respectful manner, to reduce the likelihood of any drunk, disorderly and antisocial behaviour within retail area or outside the premises.
- staff will be trained on what sort of behaviours to expect and suggestions on how to deal with it, whilst staying vigilant at all times.
- if staff were to encounter aggressive customers, they will be trained to deal with this. for example, staying calm, listening to the customer and trying to understand the situation to find a solution. this will avoid aggregating the situation further and causing harm/discomfort to anyone in close proximity.
- signs will be put up in the restaurant and outside, warning customers there is active CCTV present to deter unpleasant behaviour.
- as late evening and early morning hours are common period where individuals will enter the shop drunk or display disorderly behaviours, extra staff will be employed during these hours to help disperse large groups that may be acting inappropriately and minimise disruption caused to the general public. additionally, we will consider hiring a security

guard which will help deter violent behaviour and allow staff to seek immediate help. if the security guard is not available, staff will be encouraging to call the police.

During late hours the premises will be well lit, again to deter criminal activity and it will mean individuals will be easier to identify through CCTV cameras

c) Public safety

- Training staff in food and fire safety procedures and ensure they know how to use equipment safely in emergencies, for instance during a fire in the kitchen.
 - staff will be trained in food hygiene, to emphasise the importance of two step sanitation cleaning. This will prevent harm from being delivered to the public via food contamination.
 - Staff will regularly empty the bins inside the restaurant to prevent foul smell and food tipping onto the shop floor. This will promote cleanliness of the business, and safety of customers as they won't slip on the food.
 - clear access to fire exits and ensuring these are not blocked during emergencies - Ensure fire extinguisher are accessible and fire alarms are working, so when it goes off everyone present in store is made aware and guided to the nearest exit.
 - Keeping takeaway clean at all times to prevent slip and falls. If the staff have recently mopped the floor, they will put wet floor signs so incoming customers are aware of any potential fall risk.
 - Any person who appears intoxicated shall not be permitted on the premises or if they are loud and disruptive, will be removed from the premises. if any violent behaviour does break out, staff will be trained to intervene and ensure customers are removed from the premises without causing harm/discomfort to others present in the shop.
 - apparatus such as chairs and tables will be regularly checked to ensure they are safe for customers to sit and eat food at. However due to the COVID-19 pandemic staff and customers have been made aware of the 2m social distancing rule and from the 4th July 2020 furthermore signs have been placed on the doors and markings on the floor to keep these rules in place and followed, with sanitation bottles placed upon the entrance to ensure hands are sanitised when entering, furthermore on the front counter.
 - food given to customers will be freshly made to maintain very high standards and public health.
 - Correct facilities such as sinks, toilets will be provided to staff to practice and reinforce hygienic practises. if staff report to be ill, they will not enter the workplace until they are clear.
Following the 48-hour sick rule.
 - Ensure containers are kept clean to protect food from any contamination.
 - Ensure Fridge, freezers and food is kept at the correct temperature to prevent toxication of food.
- By trading only till 01:00am instore and carrying on deliveries with shutters down will give even more public safety because they will be able to order from the comfort of their house

d) The prevention of public nuisance

- in order to combat the issue of littering in Fallowfield, the premises and immediate surrounding area shall be kept clean and free from litter at all time. this can be achieved through hiring more bins and ensuring these are accessible and not full. staff will ensure the surrounding premises is clean during all operational hours and dispose of any litter left by customers at the end of the night using the correct PPE.
- Extra prominent, clear and legible notices will be displayed at the exits, reminding customers to respect the need of residents nearby and to not cause disturbance when leaving premises at night. it is evident that a lot of the commotion caused in Fallowfield is due to drunken customers; as our takeaway does not provide alcohol or will not allow intoxicated individuals into the store, it is therefore correct to assume a lot of these issues

will not come from our takeaway directly, but we can help control and minimise the situation.

- Music will not be played during the hours, this will prevent any nuisance caused to neighbours. if music is played during these hours, it will be done so at a very low volume for only staff members to hear.
- Any deliveries as part of the operation to business will be carried out in such a manner to prevent nuisance and disturbance to the nearby public, for example delivering at appropriate times, disposing any packages from the delivery correctly and not holding public traffic.
- Customers will be asked not to stand around loudly talking in the street outside the premises.

Staff will be trained in order to be effective at this.

- Any lighting on or outside the premise will be positioned in a way so it does not cause disturbance to nearby residents
- Movement of bins and rubbish shall be kept minimum after 23:00pm
- Closing to the public outside at 01:00AM and carrying on deliveries till 03:00am will minimise any noise, litter and crime associated with dixy chicken Fallowfield

e) The protection of children from harm

No use of adult entertainment or services, activities, other entertainment or matters ancillary which will give concern in respect to children

- any activity which deemed to bring harm to children shall we notified to police and relevant authorities
- General log book shall be kept on the premise to learn from events even if they did not occur, to mitigate any risk to children.

Checklist:

Please tick to indicate agreement		
●	I have made or enclosed payment of the fee.	<input checked="" type="checkbox"/>
●	I have enclosed the plan of the premises.	<input checked="" type="checkbox"/>
●	I have sent copies of this application and the plan to responsible authorities and others where applicable.	<input checked="" type="checkbox"/>
●	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	<input checked="" type="checkbox"/>
●	I understand that I must now advertise my application.	<input checked="" type="checkbox"/>

•	I understand that if I do not comply with the above requirements my application will be rejected.	<input type="checkbox"/>
•	[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).	<input checked="" type="checkbox"/>

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	08/02/2021
Capacity	Licence Holder

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)			

Notes for Guidance

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

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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Sion Roberts
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	REF 255581
Name of Premises	Dixy Chicken
Address	5a Wilbraham Road, Manchester, M14 6JS

Representation
<p>Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.</p> <p>Licensing & Out of Hours Compliance Team (LOOHT) as the responsible authority have assessed the likely impact of the granting of this application taking into account a number of factors, including the nature of the area in which the premises is located and the proximity to residential accommodation, the hours applied for, and any potential risk that the grant of this application could lead to issues of public nuisance.</p> <p>The applicant has applied for the following hours and licensable activities:</p> <p>Provision of late-night refreshment: Mon to Sun 11.00pm to 3.00am (Telephone/Online orders for home delivery only between 1.00am to 3.00am)</p> <p>Opening hours: Mon to Sun 11.00am to 1.00am (Telephone/Online orders for home delivery only between 1.00am to 3.00am)</p> <p>The premises is situated on the busy Wilbraham, Wilmslow and Mosley Road Crossroad (both with traffic and pedestrians). The premises is facing the popular student licenced music/restaurant/ bar venue 256. To the left facing the premises is a late opening Shisha bar, to the right a Noodle takeaway, a licensed burger takeaway open to public until 03.00am and a nearby licensed Indian restaurant open to public until 01.30am.</p> <p>There are residential flats above several of these existing premises, a nearby apartment block and residential housing estate 50 metres to the rear of the premises.</p>

The premises does have existing planning consent 102282/JO/2013/S1 granted in 2013 for hours of operation Mon - Sun 11am - 3am. For carrying out this activity.

The applicant acknowledges that the premises is situated within the special policy area (currently subject to review) as had previously applied in August 2020, REF 247136. It appears the applicant has reviewed the committees comments and reasons for refusal and had made significant changes to this new application.

Whilst further comprehensive conditions have been put forward in respect to all four licensing objectives, Licensing and Out of Hours Team recommend that in order to uphold the licensing objective in respect to public nuisance, the following additional conditions are attached to the Premises Licence., subject to the application being approved;-

- 1. Post 01.00am operation is strictly delivery only. e.g. via third party food ordering companies, from the premises to a delivery address. Click and collect option by customers from the premises is prohibited. Clear information regarding this is attached to promotional materials (menu etc.) and online ordering platforms.**
- 2. All takeaway packaging and wrappers shall clearly identify the premises, i.e. by way of company logo or name.**
- 3. A direct telephone number of the manager of the premises shall be publicly available at all times the premises are open. The telephone number is to be made available to residents in the vicinity.**
- 4. The premises licence holder shall attend a minimum of four local residents meetings per annum (if invited) to resolve any problems associated with the carrying on of licensable activities at the premises.**

We believe these conditions are proportionate and necessary to uphold the licensing objectives in respect to public nuisance.

Recommendation: Approve with Conditions (Outlined Above)

From: Fraser Swift [REDACTED]
Sent: 08 March 2021 22:16
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Re: Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

On behalf of the licensing authority as a responsible authority, I am objecting to the grant of this application.

Although Fallowfield has been subject to a cumulative impact policy, this is currently under review and so not in effect. Nevertheless, cumulative impact can still be considered relevant to the grant of licensing premises:

14.42 The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives, However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact. (s182 Guidance)

Fallowfield is already populated with a high number of late night food takeaways and, disregarding commercial demand, there is evidence of negative impact of such businesses on the locality, particularly in relation to discarded litter and I am familiar with the concerns of local residents over the detrimental effects that discarded litter has on the area.

The applicant has set out the steps they intend to promote the licensing objectives. However, it is submitted that the granting of an additional hot food takeaway would be likely to undermine the licensing objectives, in particular the prevention of public nuisance.

An application to extend the hours for this premises by the same applicant was rejected following a hearing last year and, besides the special policy, it is submitted that the same reasons would still apply now. (A copy of that decision is provided below)

Section 7.1 of the Council's Licensing Policy states:
The authority recognises that licensed premises and activities can play an important role in ensuring the vitality and prosperity of the city in terms of economic growth, additional employment opportunities and improved physical environments However, if not managed carefully, negative impacts can arise. Licensed premises are expected to be an asset to their local area through the promotion of the licensing objectives.

Having regard to the pre-existing issues in this area, in my opinion the grant of this licence would not be consistent with the promotion of the licensing objectives. I don't believe that conditions or reduced hours would be effective, and so the application should be refused in line with para 4.13 of the Council's Policy:

4.13 However, where all the above steps are not considered appropriate and sufficient to promote the licensing objectives by the authority, the policy is to refuse the application

Regards

Fraser Swift
Principal Licensing Officer

Decision:

To refuse the application on the grounds of prevention of public nuisance.

Reasons:

The Committee considered the content of the Report, the oral representations of all parties as well as the relevant legislation, guidance and Manchester City Councils statement of licensing policy. The Committee noted that the premises is situated in the Fallowfield and Wilmslow Road special policy area. The effect of the policy is that where there are representations against an application there is a rebuttable presumption against granting the application unless the Applicant can demonstrate why the operation of the premises will not add to the cumulative impact already being experienced.

The Applicant told the Committee he was aware of the special policy and accepted that operating the premises until 04:30 am as applied for would add to the cumulative impact in the area however taking into account the nature of the area he considered that if the hours were granted until 01:30 on Sunday and 02:00 Monday-Wednesday and 03:00 Thursday-Saturday this would not add to the cumulative impact. He told the Committee if he operated for these hours he did not consider this would change the behaviour of customers in the area as these times were in line with other restaurants and bars and therefore he considered it would not add to the issues in the area. He told the Committee he considered the measures he put forward in the application would prevent any further issues in the area. In particular he made reference to relevant signage being displayed in the premises and also trying not to serve intoxicated customers. When asked to provide more detail about some of the measures such as litter control and security the Applicant was not yet able to offer details of how those measures would be put into practice.

The Responsible Authorities and residents confirmed to the Committee that the area suffers from a disproportionate level of litter and discarded food caused by high levels of late night takeaways within this residential area. Residents frequently find discarded fast food packaging, including from Dixy Chicken within their gardens as well as on the streets surrounding their properties. Residents in the area have the additional burden to go out litter picking due to the volume of such waste being deposited in the area. The Committee also heard from Greater Manchester Police that the area suffers from begging, street drinking and other antisocial behaviour which would also be exacerbated by the addition of another late night takeaway venue in the area. Licensing out of Hours also told the Committee it was their view that there would be an increase in noise in the area if an additional late night takeaway licence was granted which would impact on residents due to the proximity to residential accommodation. Residents confirmed they are frequently woken up at night by customers from premises including late night takeaways making noise on the streets, predominantly from students who tend to attend late night takeaways in groups rather than as individuals and have usually been drinking prior to getting their food.

The Committee accepted that there are issues in the area in relation to noise and litter coming from the operation of the existing late night takeaways and considered that the Applicant had not demonstrated how the operation of these premises for the amended hours applied for would not add to the cumulative impact being experienced by residents in the area. The Committee considered that if the premises was open later this would add to the noise and litter in the area from fast food takeaways. Although the applicant had put forward some proposals the Committee considered these were vague and did not have sufficient detail, the Committee did not think these measures had been fully considered by the Applicant and therefore the Committee did not consider there were any exceptional reasons to cause it to depart from the policy and considered it appropriate to refuse the application in order to safeguard the aims of the policy.

Application objection Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

From: [REDACTED]
Sent: 07 March 2021 21:04
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Application objection Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

Dear Licensing Team,

I'm objecting to the application of a increase hours of the Dixy chicken takeaway on Wilbraham Road.

There outlet causes so much littering already and is clearly connected to the antisocial behaviour issues from students in the streets who visit the outlet and drop the food and waste on our surrounding area. In addition, with the late opening will be the increase noise in the streets from the students visiting this outlet. We are a residential area not a city centre so there no need to have a chicken shop open until 3am every night?

[REDACTED] I have [REDACTED] I have food waste from this outlet thrown in my garden. If the outlet is allowed to open later it will cause more street noise and ASB from people coming and going and more waste issues on my property.

In addition, we have a real issue with taxi drivers who throw their waste on to the street from this outlet on [REDACTED] and park up on the road with their engines running.

There is no need for the outlet to open later. We have a real problem with health and obesity in the Fallowfield ward and there further opening hours would only increase the issues.

Please do not allow this application to go though.

Regards

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

Sent from my iPhone

Premises Licence(new)255581/BJ1: Dixy Chicken

From: [REDACTED]
Sent: 07 March 2021 23:11
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Premises Licence(new)255581/BJ1: Dixy Chicken

Dear Sir/Madam,
I write to object to the above Licence Application by Dixy Chicken Takeaway to trade until 3.00am every morning.

There is a large concentration of Licensed premises in Fallowfield District Centre. Manchester City Council implemented a Cumulative Impact Policy to prevent any further increase in late night noise disturbance and littering in the locality. Such a recognition of the exceptional public nuisance caused by Licensed Premises in Fallowfield must surely be extended to this application. Another licensed takeaway trading into the small hours will make a bad situation worse.

Please see below a copy of a recent e-mail I sent to the Off-Campus Officer, [REDACTED]. I live close to Fallowfield District Centre and the nuisance of noise and littering is detrimental to my family's peace of mind.

Yours faithfully,

[REDACTED]
[REDACTED]
[REDACTED]

Sent: Wednesday, March 3, 2021, 11:48:04 AM GMT
Subject: Re: [REDACTED]

Dear [REDACTED]
I'd like to add in relation to [REDACTED] comments that I litter picked the Avenue on Sunday and again yesterday Tuesday. On both occasions I picked up several bucketfuls of mainly discarded takeaway litter, cans and masks. It is as bad as I've ever known it. I also reported on-line yesterday broken beer bottles in the Avenue and a vandalised tree on Egerton Road.

With best wishes, [REDACTED]

Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

From: [REDACTED]

Sent: 06 March 2021 09:18

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Subject: Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

I can't understand why this application has come up again. Fallowfield has enough late night takeaways without adding another one. Noise, litter and drunkenness are the reasons why I object - again - to this application. I'm fed up of Fallowfield becoming 'Studentville' and all the problems this brings for us 'normal' residents.

Read the reviews of this place - it's not even decent food served pleasantly, so that's another reason for refusing to allow it to stay open later!

[REDACTED]
[REDACTED]
[REDACTED]

Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

From: [REDACTED]

Sent: 06 March 2021 12:45

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Subject: Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

Good morning,

I am writing to object to the application for the Dixy Chicken takeaway take away to stay open until 3am.

I live in the area, and already find that the noise, litter and anti-social behaviour around businesses like this have a highly negative impact on our community.

I regularly run past Dixy Chicken in the mornings and the litter outside, along with, unfortunately, occasional piles of vomit from customers the night before is a blight. In addition, the congestion caused by delivery drivers and customers who attempt to park really close to the traffic lights is hazardous. Unfortunately, that particular parade of takeaways is also becoming a real magnet for anti-social behaviours with groups of young men hanging around, creating an unsafe atmosphere for residents. By opening later, the unit will become a focus for even more drunken anti-social behaviour.

I hope that you will turn down this application for the health, safety and wellbeing of residents in the Fallowfield community.

Kind regards

[REDACTED]
[REDACTED]
[REDACTED]

Application Reference: 255581/BJ1

From: [REDACTED]
Sent: 05 March 2021 17:44
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Application Reference: 255581/BJ1

Dear Council/Licensing

We wish to oppose this proposal for a number of reasons.
As you are aware Fallowfield has been part of a CIP in response to the problems of litter and anti-social behaviour in the area.
We feel an extension to the hours will only make the problems worse.
We live in [REDACTED] and regularly have Dixy Chicken waste dumped by walking customers AND increasingly by those who sit outside in a car and then dump their waste on the pavement or road. This weekend we actually removed two chicken waste bone carcasses from the front garden which had been thrown there.

While not all the waste dumped is from Dixy, there has been plenty that was in their packaging and so clearly identifiable.

Later opening means more people wandering down the street in early hours disturbing our family in what is a mixed neighbourhood where many of us have work in the morning. Indeed we and a number of our neighbours are key workers who don't enjoy having our sleep disturbed in the early hours, nor having to clear their litter.

We hope we will reject this application and support families in this area.

Regards

[REDACTED]
[REDACTED]
[REDACTED]

Subject: Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

From: [REDACTED]

Sent: 05 March 2021 17:46

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Subject: Subject: Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

Re the premises licensing application below

Subject: Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

To The Premises Licencing Officer, Manchester
Council PREMISES.LICENSING@MANCHESTER.GOV.UK

I wish to lodge my strongest objection to this license application, on the grounds that there are already more than enough take away premises within the crossroads area of Fallowfield and to extended the operating time of this one for four further hours up to 3.00 is unacceptable. I believe that it will harm our community further by adding more public nuisance if this late licence is granted.

- Late night deliveries bring issues of wrong delivery calls at our home late at night and also the unwanted noise of deliveries nearby ... all disturbing our sleep.
- The Dixie Chicken rubbish already thrown in our garden and on our street is not only a nuisance and eyesore – it also creates a health hazard. More sales time to produce more rubbish will only exacerbate matters.
- The parking from customers and delivery drivers, often on the pavement near the outlet and near a very busy crossroads, causes a traffic hazard.
- In addition to creating a public nuisance and a safety hazard, it is the case that that the nature of the product sold from these premises is classed as a health hazard by our medical practitioners and Council public health practitioners.

In conclusion, It is clear that this food outlet is a liability and not an asset to our community. This is confirmed by the tenor of negative reviews on TripAdvisor..

https://www.tripadvisor.co.uk/Restaurant_Review-g187069-d1023161-Reviews-Dixy_Chicken_Fallowfield-Manchester_Greater_Manchester_England.html

This is a repeated late night licence request which has been refused four times before and should not be granted on the fifth application. Furthermore, the applicant should be instructed to cease and desist from making further applications as s/he is wasting public money in this way.

I trust that Premises Licensing, Manchester Council will take the right decision here in refusing the request as part of an ongoing process/journey towards restoring some greater degree of health, wellbeing, peace and harmony to our over-exposed and poorly-served neighbourhood in the Fallowfield ward.

Yours sincerely,

[REDACTED]

255581/BJ1 Dixy Chicken Unit 1, 5A Wilbraham Road, M14 6UW

From: [REDACTED]
Sent: 07 March 2021 12:06
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: 255581/BJ1 Dixy Chicken Unit 1 5A wilbraham Road M14 6UW

Dear Sir,

I wish to object to any extension of opening hours for this premises.

Fallowfield already has a problem with late night disturbances and for this business to open until 3am every day will bring more people to the area. Even delivery and take away only will cause additional disturbance as more traffic will be driving along the neighbouring streets.

Fallowfield has a big problem with litter. A lot of this is from discarded takeaway wrappers and I have certainly seen Dixy Chicken packaging lying about the place. I have twice in the last three days had to clear up broken bottles and food wrappers from [REDACTED] [REDACTED] [REDACTED] Additional opening hours will just add to this.

I hope the licensing committee will refuse this application for additional opening hours.

Yours sincerely,

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

Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1 5a Wilbraham Road, Manchester M14 6JS (Fallowfield ward)

From: [REDACTED]
Sent: 07 March 2021 18:03
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Cc: [REDACTED]; [REDACTED]
Subject: FW: Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1 5a Wilbraham Road, Manchester M14 6JS (Fallowfield ward)

Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1 5a Wilbraham Road, Manchester M14 6JS (Fallowfield ward)

Dear Sirs,

I write as a member of the South East Fallowfield Residents Group (SEFRG) planning sub-committee in relation to the above application from Dixy Chicken at 5a Wilbraham Road, Fallowfield for a licence to extend their normal hours which would allow them to trade up to 03.00 every night Monday through Sunday.

We vigorously object to this application on several counts including:

Public Nuisance:

Residents in the local area regularly litter pick the roads in their localities and Dixy Chicken wrappings/boxes invariably feature in the daily haul. Such litter regularly finds its way into the tree bases and gardens, on garden walls, in the gutters and pavements. Much of the litter includes the remains of food which encourages the interest of rodents in particular which are a health hazard.

Public Safety

The Dixy Chicken premises are very close to the junction of Wilbraham Road and Wilmslow Road, both of which are very busy.

Of additional concern is the parking of the Dixy Chicken delivery vehicles on the pavement outside the premises decreasing accessibility for pedestrians, wheelchair users and buggies. Delivery vehicles are often observed doing U-turns at this major crossroad junction posing a threat to road safety.

Public safety is also affected by the cavalier attitude of the catering staff to food safety this statement is born out of their comments posted on line in respect of Dixy Chicken's current offering, comments include:

The reviews make damning reading:

- Food was poor.
- My burger had green "fluff" on it
- Bread and filet were stale, food was bland and refried.
- Delivery driver was smoking in his car with my food in there the food was stone cold.
- The food is nasty enough already without it being stone cold! Not impressed.
- 'we ordered burgers and they were undercooked and it made us very unwell.

They go on.....

Dixy Chicken sounds like a real threat to health!

Another late night take-away / delivery service is only going to exacerbate the already serious rubbish and litter issues this area experiences not to say the detriment to the health of residents from the often associated noise and late night public nuisance that accompany extended opening/trading hours.

Fallowfield is already saturated with late night takeaways; the addition of a further late night takeaway will only compound the situation.

We ask for the rejection of this application.

Yours faithfully,

[REDACTED]

[REDACTED]

SEFRG Planning Sub-Committee

Premises Licence 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS

From: [REDACTED]

Sent: 08 March 2021 14:15

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Subject: Premises Licence 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS

Re: Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS

I live in the area and am constantly subject to the problems that takeaways already present to the local community.

I would therefore like you to reject this application for the following reasons.

- Increased litter nuisance.

Takeaway wrappings and discarded drink and coffee cartons placed on the pavement where a car has been parked late at night are an increasing problem in the streets surrounding this takeaway. This will only increase if people are allowed to use this in the early hours when there is no one about to question their behaviour.

- Increased noise.

Late night takeaways seem to attract cars with loud exhausts and stereo systems. If this licence is granted then there is the likelihood that this noise will extend into the small hours. Delivery vehicles would also operate later into the night with the associated traffic noise and door knocking.

- Dangerous parking

Cars and delivery vans using this takeaway and others adjacent to it often park and manoeuvre close to the busy junction with Wilmslow Road creating a danger to others. Please refuse this application

Kind Regards

[REDACTED]

Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

From: Fallowfield Community Guardians [REDACTED]

Sent: 08 March 2021 15:35

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Cc: [REDACTED]; [REDACTED]

Subject: Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

Dear Sirs

I am writing on behalf of Fallowfield & Withington Community Guardians. We strongly oppose the request for **yet another late-night licence**. This is the fifth one, the last four have been refused. The reason for our continued objection is that this area is swamped with late night takeaways and licenced premises which create a vast amount of public nuisance including night noise from (the mainly student) patrons who walk past our homes late at night and wake us up. The cumulative effect of all these licensed premises is not good for the health and wellbeing of families who live in the area all year round. Many of the licenced premises cater mainly for the student population and don't operate at all (or at greatly reduced hours) during the academic holiday periods (Christmas, Easter and summer). This is almost half of the year.

The applicant is the same as named on the last application (summer 2020). Despite the list of conditions, we do not believe that the management of the premises is acceptable or that there has been any change over recent months. Recent reviews attached indicate that staff and delivery drivers do not behave in a responsible manner.

← Dixy Chicken - Fallowfield

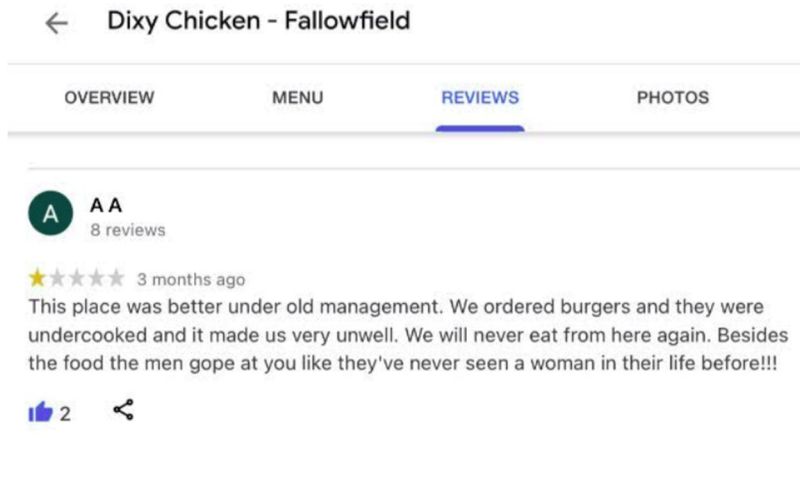
OVERVIEW MENU **REVIEWS** PHOTOS

 **John Daly**
1 review

★★★★★ 4 days ago

This place sent me and my family burgers and within one of the burgers was a massive piece of metal wire. Called them to report it and guy on the phone insisted this was impossible. Requested a refund for that burger and guy declined saying not possible. Never eat from there again



Since the last hearing for Dixy Chicken Fallowfield we note that there was a hygiene rating of 2 in October 2020 and the just eat website advertises their opening hours beyond 11pm without a licence for late night hot food. This does not inspire confidence in the upholding of the licence conditions or good management.

Public Nuisance

There is already an overabundance of licenced premises in Fallowfield which target the vast number of students that live in this suburb. Residents in our group have been suffering the effects of the excessive number of licenced premises for years. These create massive amounts of public nuisance due to the number of premises. Another opening until 1.00am every night with deliveries until 3am is not what Fallowfield needs and we are convinced that it will add to the cumulative impact of noise and litter. How can it not? Litter will be dropped and this may not be outside the premises. Dixy litter is found all over Fallowfield already. A short walk this week around Fallowfield this week led to the finding of many discarded Dixy wrappers including on the Holy Innocents church car park, Wilbraham Rd, Wellington Rd, Landcross Road as well as many others. Some example photos are attached.

Fallowfield has many restaurants, takeaways and bars selling food. This accounts for a high percentage of the retail units and is amongst the highest (probably is the highest) percentage in all district centres in Manchester:

McDonald's	Nest (nightclub)	Kebab King
Abduls	Wetherspoons	Kosmos
Saajan	Arabian Nites	The Bar
Blue Café	Yoyo Noodles	Haus
Joel's Grill	Burger Box	Cremes
Allen's Fried Chicken	House of Chai	Desi's
Subway	Turkiss	Jaipur Palace
Tzatziki	Krunchy Fried Chicken	Yahala
Dixy Chicken	Dominos	Inferno
Reds True BBQ	Chesters	Friendship (pub)
Chicken King	Papa Johns	Nandos
Fuzion	Dream Wok	Nayaab
256 (nightclub)		

Some of the above premises have a late-night licence which runs into the very early hours but many do not. The problems of noise and anti-social behaviour caused by the large number of these create noise nuisance as well as litter because takeaways rejuvenate people after a night out at a bar. They then became even louder on their walk home and often deposit their litter in our hedges and gardens.

Deliveries during the night already bring a lot of noise and traffic to residential streets and sometimes result in residents being woken during the night by delivery to the wrong address. Car door slamming and engine revving disturbs our sleep. There are many families living in Fallowfield who have children and the constant erosion of normal peace at night-time by delivery vehicles operating from late night licensed premises means that residents (including students) often suffer sleep deprivation. Parking access for delivery drivers is also near a very busy road junction where there are a high number of road traffic accidents. The extra delivery vehicles will add to these problems and add to problems of **Public Safety**

Conclusion

Residents feel that another late night take away in Fallowfield will undoubtedly add to the cumulative impact and will undermine the licensing objectives. No amount of conditions imposed will convince us that these premises will uphold the licensing objectives especially in relation to public nuisance, so we ask that this application be refused in full.

Yours

██████████

Community Guardian Coordinator
Fallowfield & Withington



just-eat.co.uk

Dixy Chicken (Fallowfield)

Opening times

Delivery	Collection
Monday	11:00 - 00:45
Tuesday	11:00 - 00:45
Wednesday	11:00 - 00:45
Thursday	11:00 - 00:45
Friday	11:00 - 02:00
Saturday	11:00 - 02:00
Sunday	11:00 - 00:45

Feedback

Tap here if you or someone you are ordering for has a food allergy.

Menu Information

Food hygiene rating

FOOD HYGIENE RATING

0 1 **2** 3 4 5

IMPROVEMENT NECESSARY

Last inspection 23/10/2020

Rating by the Food Standards Agency and your authority. This rating may have changed.

[For more information](#)



Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

Thu 25/02/2021 07:13

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Your Ref: Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

To whom it may concern;

I am a long-term resident [REDACTED] and I am objecting to the request for a license extension until 3:00am Monday > Sunday at "**Dixy Chicken**" (5a Wilbraham Road, Manchester, M14 6JS)

These premises (Dixy Chicken, 5a Wilbraham Road, Manchester, M14 6JS) are situated on Wilbraham Road Fallowfield, which is one of the main arterial routes into and out of Manchester City centre.

It is in close proximity to myself [REDACTED] and local residential properties and is also in an area where there are several bars, public houses, off licenses & takeaways and one of the largest student populations in Europe.

The extended operational hours requested (Until 3am 7 x days a week) would mean that the premises would be open later than nearly all other premises in the area.

This will create added noise disturbance which will obviously be extended beyond what is already being suffered on a regular basis by the local residents.

The Wilmslow Road corridor already suffers from begging, street drinking and other alcohol related anti-social behaviour and to allow the premises an operating window until 3am 7 x days a week will undoubtedly exacerbate these problems.

Students (of which the greater percentage of cliental to this junk food emporium would be) are a magnet for robbers and drug dealers. The inebriated student (who, quite frankly, in this condition, bless them, are the only humans purchasing this junk) staggering around with their "**Dixy Chicken**" box, is an easy pic for a robber. A drug dealer, would find this spot irresistible in the small hour time for an extra sale.

"Dixy Chicken" Operation. 51% of feedback comments, give this junk food emporium 1 star out of five stars and I will quote a most recent one from 12-01-21:-

"Poor customer service Very aggressive staffs This branch has changed hand recently and since the service and food quality is gone down, staff at this place are very rude and aggressive DO NOT ORDER OR VISIT THIS TAKEAWAY"

The extended operational hours requested (Until 3am 7 x days a week) would only be creating an addition to the 1-star reviews then, and more importantly, to affecting the wellbeing (most certainly, constitutionally) of the junk food patron.

The Wilmslow Road area of Fallowfield has a Cumulative Impact Policy (What this means is that this area has been identified as one in which there is a concentration of licensed premises which is deemed maximum for an area to contain and that the hours in which premises can open and are already at the earliest and latest times acceptable for the area) the application here in this operating window (Extension until 3am 7 x days a week) is only going to add to problems of street noise, nuisance and litter (I'm fed up with picking junk food wrappers, boxes and used tissues out of my front garden)

Manchester City Council do not create Cumulative Impact Zones lightly and quite frankly, Wilmslow Road/"Brow" area of Fallowfield does not need an operating window of this nature (3am 7 x days a week) adding to the already insufferable cacophony of noise (delivery cars coming and going, early hour inebriated patrons {mainly students} screeching and hollering etc)

I would be very grateful if you could consider these points,

Yours sincerely,



PS Comments. It has also just been brought to my attention, that, unbelievably, this is the fourth time in a few years, that "*Dixy Chicken*" has applied for a small hour's late licence. Each and every one of these has been refused. The fact of the matter is; nothing's changed, the reasons surrounding those refusals haven't changed and therefore I've every confidence that the good folk of the committee will refuse this yet again



From: [REDACTED]
Sent: 02 March 2021 11:42
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: FW: AMENDED CONSULTATION NOTIFICATION Re: Premises Licence (new) application 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

Dear Sir

Please find attached the comments of Withington Civic Society to this licensing application

Many thanks

[REDACTED]
Withington Civic Society planning coordinator

Response on behalf of Withington Civic Society Planning Group

Withington Civic Society Planning Group **opposes the application.**

This is a repeat application. We believe similar applications for the same premises have been made on several occasions and in each case have been rejected.

We believe, according to research previously carried out by Manchester City Council, that Fallowfield already suffers from the greatest levels of crime (both general and alcohol-related) compared to surrounding areas,. The degree of antisocial behaviour recorded in the area is also significantly disproportionate. Antisocial behaviour levels peak during the late night/early morning, and correlate with the closing times of alcohol-led licensed premises.

Complaints about antisocial behaviour from local residents repeatedly cite problems of noise, vandalism and antisocial behaviour from persons going out to and returning from licensed premises, including complaints of preloading and drunkenness. Additionally, there was evidence of litter caused as a result, including discarded alcohol containers and takeaway wrappers in the street. Extra street cleaning services are required in the local area as a result of the disproportionate levels of litter, particularly caused by the high number of late-night takeaways in Fallowfield. Problems of preloading en route to licensed premises persist despite the existence of a Designated Public Place Order for Fallowfield.

We would note in particular that:

- Litter in the area of the relevant premises is already a problem. Later opening hours will exacerbate this.
- Noise from delivery vehicles, not to mention hammering on doors, ringing of doorbells and so on will add to the night time disturbances
- The incidence of antisocial behaviour in the immediate area causes significant loss of amenity to families and residents, with much on street drinking and late night /all night parties by young people living in HMOs. Such a late night takeaway will lead to the congregation of large numbers of drinkers with all the attendant noise and littering.
- The problems of for example Fallowfield are working their way into Withington, and we in Withington are very anxious that the situation in Fallowfield should not get any worse.

Premises Licence. 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, M14 6JS

From: [REDACTED]

Sent: 08 March 2021 15:43

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>; [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

Subject: Premises Licence. 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, M14 6JS

I write to object to yet another premise wishing to extend its hours. We already have plenty takeaways. Granting licence extension will simply lead to more noise, more disruption of people's sleep, more litter, and more drug activity. These aspects are already at unacceptable levels for residents, have increased year on year, and have had profound effects on South East Fallowfield as a civilised living space.

Each day I fully expect to go into my front garden and find food wrappers, food trays along with beer cans or wine bottles left on my front wall, or, more usually, thrown into my garden. Adding another 28 hours of vending a week will only add to our poisoned travails.

We have had enough of a structurally fragile economy (night-time economy) which has given much anger and anxiety to the decent folks of our communities.

We do not want this. Reject it.

[REDACTED]

Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1,5a Wilbraham Road, Manchester, M14 6JS (Fallowfield ward)

From: [REDACTED]

Sent: 08 March 2021 17:00

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Subject: Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1,5a Wilbraham Road, Manchester, M14 6JS (Fallowfield ward)

Dear Sir / Madam,

I write to object to this proposal for even later night opening of this business.

On reading the owners proposals for improving matters there is very little, if any, which take into consideration the effect this proposal will have on the long-term residents in the wider area where most of the students live. We have suffered long and hard from businesses which sell their wares into the early and late nights.

We find packaging, boxes, papers, cardboard cups, straws, left-over food and bottles flung into our gardens or left on our walls or just dropped in the street for residents to clear up. The noise we suffer from due to passing revellers is enough to wake up children who have to get up for school and adults for work, there is no consideration shown for we residents.

I cannot see the necessity for food retailers to be open so late, except to fill the pockets of their owners, with no thought for others! Therefore, I ask that the Licencing committee please refuse this proposal.

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

Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

From: [REDACTED]

Sent: 08 March 2021 17:54

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Cc: [REDACTED]

Subject: Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

Subject: Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

I write to object to this license application in that there are already many take out outlets in this area—not least in the centre of Fallowfield.

I do not see how extending the opening times will enhance an already stressed area nor contribute to the wider wellbeing of those in the area.

In particular, I object on the grounds that:

- Late night/early morning deliveries from such an outlet make a disturbance in local streets.
- An extension will mean the generation of yet more meal-related rubbish:
[REDACTED]

Finally, I think that yet another application from this outlet is an abuse of the licensing process.

I urge that Premises Licensing, Manchester City Council refuse this application.

Yours sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

Dixy Chicken, M14 6JS

From: [REDACTED]
Sent: 08 March 2021 19:41
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Dixy Chicken, M14 6JS

Dear Sirs/Madam,

Re: New Premises Licence

255581/BJ1: Dixy Chicken, 5a Wilbraham Road, Manchester, M14 6JS

I am writing on behalf of South East Fallowfield Residents' Group (South East Fallowfield Residents' Group). We would like to object to the above application in the strongest terms. We believe this is the fifth time this applicant has applied for a new licence and each time the application is broadly the same. First of all, I would ask the council's legal advisors to consider whether repeated applications like this are regarded as vexatious, frivolous or repetitious and should therefore be refused at the outset? Whilst this test normally seems to apply to objectors, we haven't seen anything in the Licensing Act that specifically prevents it being applied to applicants. Repeated requests like this place a very unfair burden on local residents who have to keep a constant eye on all new licence applications, then spend time composing their objections and (where possible) attending hearings. If they do not do this, because of the permissive nature of the Act, these licences will be automatically granted.

In most areas, the Licensing Act probably works quite well because local businesses are obviously keen to serve the needs of local residents and so these types of conflicts don't normally arise however, in areas where there are very large transient populations (e.g. tourists, students etc) this issue is much more likely. In Fallowfield (M14 6 postcode area) 56% of the population are now students and there are extremely high numbers of licensed places (37 in district centre alone) which target this market and want excessively long opening hours which would simply not be tolerated, or supported, in other suburban areas. This is not a city centre.

Aside from the Act itself, we wonder whether this type of burden also constitutes an infringement of our human rights, again we would ask the council's legal team to examine whether this is the case. In particular, we note that Article 1 of the First Protocol talks about the right to peaceful enjoyment of your property and this constant intrusion into our lives certainly does affect our peaceful enjoyment. We have to spend a lot of time researching licensing law, producing evidence, writing objections and speaking at hearings. Moreover, this is not something everyone is able to do - not everyone has the necessary communication skills, confidence or time to deal with these matters and we cannot afford specialist legal advisors to do this work for us, particularly because of the sheer volume of applications we face.

Public Nuisance:

Litter Issues

It is quite clear to us that this is yet another business hoping to capitalise on the late-night student market as they return from the nearby bars/clubs, from visiting friends or simply nipping out for a late-night food fix. Most working people and families will not be looking for a meal after 11pm. We know from experience that these late-night customers are often under the influence of alcohol and/or other substances- and, as such, they are much more likely to drop takeaway litter on their way home. Any amount of litter picking in the immediate area of the shop will not stop this happening. On a recent walk to Platt Fields Park, we saw Dixy litter strewn on the streets and, in particular, we saw

several wrappers in the Fallowfield Brow area. The council already provides extra cleaning services to deal with the litter problem but, in spite of this, we still wake up to take away litter (including Dixy's wrappers). I think it is particularly sad that children growing up here will see litter as 'the norm' and I am sure that this is building up yet more problems in the future as a generation grows up thinking it's okay to drop your rubbish. Apart from the litter aspect, there are also the noise implications - (intoxicated) people out at this time of night are often in groups (and this particularly applies to students) and we know to our cost that they are often extremely noisy. It is not uncommon to be woken up several times a night by these groups and, over a period of time, I think this is very damaging to our collective health and wellbeing (again I would ask you to consider Article 1 of the first protocol of the Human Rights Act).

Noise

We also note the applicant would like to do late night home deliveries and we are also strongly opposed to this. Local residents complain about being woken up by these takeaway deliveries. Loud door knocking (HMOs often don't have bells), car doors slamming/motorbikes revving, deliveries going to the wrong address are all very disturbing and it is particularly damaging when you have to wake up early the next morning for school, lectures or work. I spoke to a student last year who asked how we managed to cope with the nightly disturbance, year on year. She came from South London (so not some quiet backwater) and said that she often experienced migraine attacks from lack of sleep caused by the street noise around here. Moreover, just because takeaways are delivered doesn't mean that there are no litter issues. Takeaway wrappers like the Dixy's boxes are quite bulky and we often see litter of this nature in front gardens and overflowing from wheelie bins. The most depressing thing about this type of litter is that we cannot even clear it up ourselves because it isn't on our land.

Public Safety

Dixy's is situated very close to the Wilmslow Road/Wilbraham Road junction and to have delivery drivers pulling in and out with deliveries will obviously pose an increased road safety hazard - especially bearing in mind the level of traffic, including cyclists, in the area

Conclusion

We cannot see any possible benefit in granting this licence in any form whatsoever, indeed we think there is a very strong case to say that this application should be struck out from the outset because it is substantially the same as previous applications.

However, if it does come to a hearing, we would urge the panel to refuse the application in full - there are no conditions which will prevent it causing a (significant) public nuisance and thereby undermine the licensing objectives. Allowing the potential for any more litter in this area is completely unacceptable, especially at the moment when council revenues have been slashed and there just aren't the resources to deal with any extra policing/enforcement issues associated with this type of premises. We really fear that unless firm action is taken by the various authorities to deal with these issues, we will lose yet more local people.

Yours sincerely,



Chair of SEFRG

Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

From: [REDACTED]

Sent: 08 March 2021 20:15

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Subject: Premises Licence (new) 255581/BJ1: Dixy Chicken, Unit 1, 5a Wilbraham Road, Manchester, M14 6JS, (Fallowfield ward)

Dear Licensing Team

I refer to the above request for a late-night license.

It is unfair on our locality to grant this application. There are already too many of these 'takeaways' and the increase in litter, antisocial behaviour and noise is unacceptable.

There are not enough resources in the area to deal with these additional issues.

Please refuse this license.

Regards

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

Premises Licence 255582/BJ1

From: [REDACTED]
Sent: 08 March 2021 23:36
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Premises Licence 255582/BJ1

Dear Sir/Madam,

Re: application 255581/BJ1.

Dixy Chicken
Unit 1
5a Wilbraham rd.
M14 6JS

I live in Fallowfield and I would like to strongly object to this new licence application. I understand that these premises have applied for a late licence numerous times before and the panel have rejected their application with good reason. I do not see how granting a late licence both at the premises themselves and late-night deliveries will aid the licensing objectives, in particular with regard to public nuisance.

Dixy Chicken litter wrappers are very prevalent in our neighbourhood and it's perfectly obvious that extending the opening hours will increase the amount of litter. In particular customers who visit these types of premises in the early hours are often drunk and do not care where they drop their litter. We are regularly woken up by comings and going's in the middle of the night and it's often by groups of people who have visited takeaways. I've even had to remove take away contents from my car window screen in the morning and we regularly have wrappers dumped in our hedge and thrown into our garden (including Dixy Chicken), our puppy often finds small pieces of chicken bone when we take her out in the morning which are potentially dangerous if swallowed.

I understand this business also wants to deliver food in the early hours of the morning. Again, this is totally unacceptable, and it will undoubtedly disturb neighbours.

A quick look on trip advisor reviews reveals that this is a poor-quality establishment and it is quite obviously geared towards attracting indiscriminating drunk students on a night out, who in turn will increase the noise and litter nuisance in the area. As residents we have absolutely had enough and we need the council to stand firm and reject this application in full.

Yours sincerely,

[REDACTED]

New Premises Licence: 255581/BJ1: Dixy Chicken, 5a Wilbraham Road, Manchester, M14 6JS**From:** [REDACTED]**Sent:** 08 March 2021 22:04**To:** Premises Licensing <Premises.Licensing@manchester.gov.uk>**Subject:** New Premises Licence: 255581/BJ1: Dixy Chicken, 5a Wilbraham Road, Manchester, M14 6JS

Dear Sirs/Madam,

Re: New Premises Licence - 255581/BJ1: Dixy Chicken, 5a Wilbraham Road, Manchester, M14 6JS

My family have lived in Fallowfield for over forty years and were never really aware of the processes to object to planning and licensing applications. As such we have had to live with extreme increases in the number of HMOs and students within the community, as a result of which the culture of late-night bars and takeaways has expanded and taken over our high street. Therefore, on behalf of my family and mainly my mother, we would like to strongly object to this application.

The main reason for our objection is that the application for extended hours, will only exacerbate such public nuisance issues below, that already exist in Fallowfield and haven't been resolved for years:

- Litter
- Noise
- Public safety

Litter has been an ongoing issue in the Fallowfield area for a very long time and remains a huge problem. I attach some pictures of Dixy boxes, which I saw strewn on the pavement, along with other litter which I took photos of on one of my weekend walks. It isn't just wrappers that are left on the streets, it's also chicken bones and food debris and it's horrible to see the streets I grew up on, disrespected so brazenly. Honestly, not what I would like to see when I'm out in my neighbourhood for my one walk a day in lockdown. There are already not enough bins in the area and the bins that there are, are always full and overflowing. Extending the opening hours to 3am, will cater for the late-night traffic of people. I can't believe this would be local families and residents! It would most likely be late night partygoers, mainly drunk students who won't be in the right state of mind to dispose of their fast-food containers responsibly. You can already see this in the pictures I have attached.

Noise and public safety are also compromised by these late-night partygoers. At that time in the morning, when most people are trying to sleep, people lingering in the streets to get their fast-food fix and just prolongs the amount of time residents have to endure street noise and disruption to sleep. Places being open until the early hours of the morning, will only encourage people to hang around on the streets. As they are also requesting to be able to do late night deliveries, this will also contribute to noise and public safety (including the drivers' safety).

We hope you take these reasons for our objection into serious consideration and that this application and future ones are rejected. We also hope that these comments are remembered when other applications for similar requests are proposed. Our community has suffered already so much and things need to change.

Yours sincerely,

[REDACTED]

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

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**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 6 April 2021

Subject: Cabrals, 735 Ashton Old Road, Manchester, M11 2HD - App ref:
Premises Licence (new) 255642

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: Clayton & Openshaw

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

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: 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 2017
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. **Introduction**

- 1.1 On 11 February 2021, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Cabrals, 735 Ashton Old Road, Manchester, M11 2HD in the Clayton & Openshaw 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 Cabral's Ltd.
- 2.3 The description of the premises given by the applicant is 'shop with ground and first floors. On the ground floor there is a door entrance, kitchen, a hall with bench and tables. On the first floor there's a W.C., bar area where alcohol will be supplied, two restaurant areas where alcohol and food will be consumed and two rooms of storage.'
- 2.4 The proposed designated premises supervisor is Dayane Alves Fernandes Cabral.
- 2.5 **The licensable activities applied for:**

Provision of regulated entertainment (live music, recorded music):
Mon to Sun 9am to midnight

Provision of late night refreshment:
Mon to Sun 11pm to midnight

The supply of alcohol for consumption both on and off the premises:
Mon to Sun 9am to midnight

Opening hours:

Mon to Sun 9am to midnight

Seasonal variation hours for all of the above licensable activities:
9am to 2am on Christmas Eve and New Year's Eve

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 1 relevant representation was received in respect of the application (**Appendix 3**). An original copy of this representation will be available to the Panel at the hearing.

Responsible Authorities:

- Greater Manchester Police;

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	The granting of this application would undermine the licensing objectives of Prevention of Crime and Disorder and the Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm. This is because the operating schedule which accompanies the application offers very generic conditions which are not specific to the operation of these premises. It gives the impression that the applicant has a limited	Refuse

	understanding of the Licensing Objectives, which raises concerns about how the premises will be operated.	
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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.

Section 6: What we aim to encourage

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

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

Section 7: Local factors

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

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

- Identified risk factors specific to the licensed premises
- Evidence of pre-existing problems in the area
- Proximity of takeaways and off-licences to nightlife entertainment areas
- Consistency with relevant Council strategies
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance

- Proximity to sensitive uses
- The availability of transport to and from the premises
- Ability to clean and maintain the street scene
- Premises in proximity to the airport

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

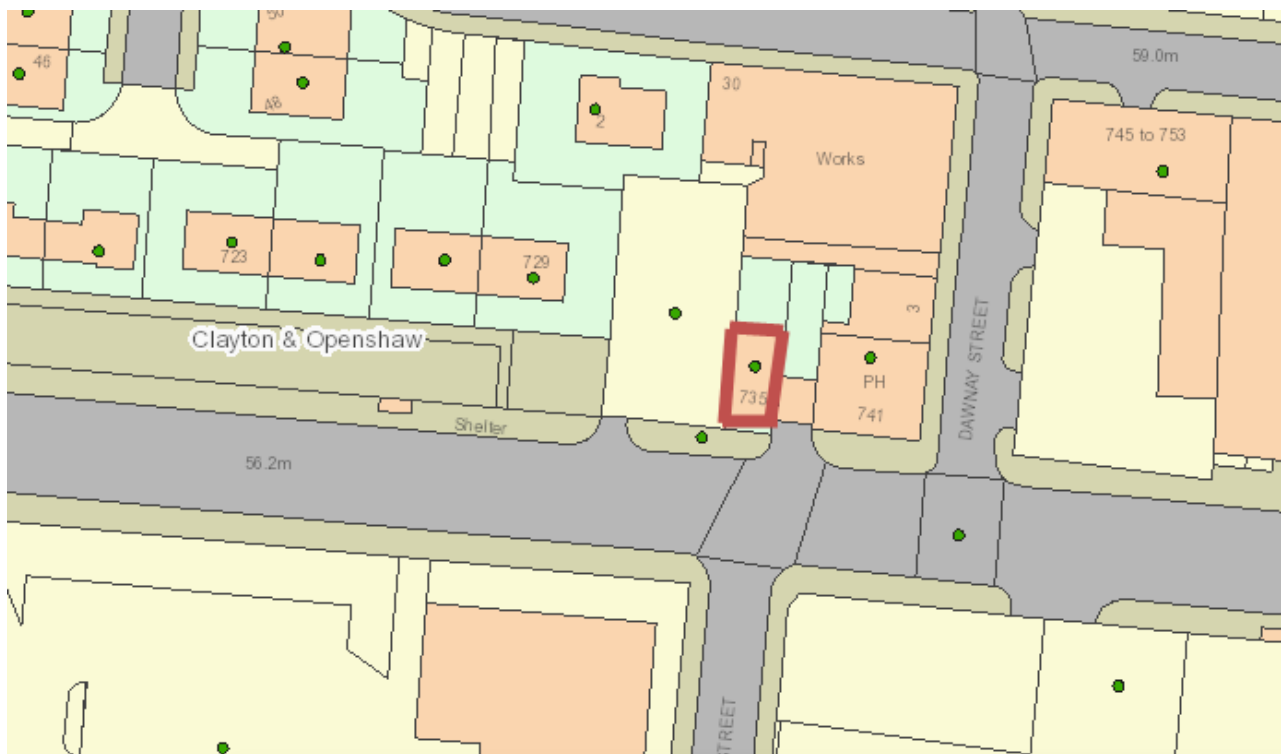
This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises, and applicants are not obliged to include all standards in their operating schedule.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

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- 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
- MS5 Prevent on-street consumption of alcohol
- 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

Conclusion

- 4.6 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.
- 4.7 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.

- 4.8 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.
- 4.9 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.
- 4.10 All licensing determinations should be considered on the individual merits of the application.
- 4.11 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.
- 4.12 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.
- 4.13 **The Panel is asked to determine the application.**



PREMISE NAME: Cabrals

PREMISE ADDRESS: 735 Ashton Old Road, Manchester, M11 2HD

WARD: Clayton & Openshaw

HEARING DATE: 06/04/2021

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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 CABRALS 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			
735 Ashton Old Road OPENSHAW			
Post town	MANCHESTER	Postcode	M14 2HD
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£ 2,400.00		

Part 2 - Applicant details

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)
- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club 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 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 CABRALS LTD
Address 735 ASHTON OLD ROAD M11 2HD
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) COMPANY

Telephone number (if any)	[REDACTED]
E-mail address (optional)	[REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
10	02	2021

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

DD	MM	YYYY

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

Shop with ground floor and 1st floor. On ground floor there's a door entrance, kitchen, hall with bench and tables. On 1st floor there's a stairs, w.c., bar area where alcohol will be supplied, two restaurant area where alcohol and food will be consumed and two rooms of storage.

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	09h	24h	<u>Please give further details here</u> (please read guidance note 4)		
Tue	09h	24h			
Wed	09h	24h	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5) 9am to 2am on New Year's Eve and Christmas Eve		
Thur	09h	24h			
Fri	09h	24h	<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)		
Sat	09h	24h			
Sun	09h	24h			

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
Day	Start	Finish		Outdoors
Mon	09h	24h	Please give further details here (please read guidance note 4)	<input checked="" type="checkbox"/>
Tue	09h	24h		<input type="checkbox"/>
Wed	09h	24h	State any seasonal variations for the playing of recorded music (please read guidance note 5) 9am to 2am on New Year's Eve and Christmas Eve	<input type="checkbox"/>
Thur	09h	24h		<input type="checkbox"/>
Fri	09h	24h	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	09h	24h		
Sun	09h	24h		

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 checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	09h	24h			
Tue	09h	24h			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed	09h	24h			
Thur	09h	24h	11pm to 2am on New Year's Eve and Christmas Eve		
			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)		
Fri	09h	24h			
Sat	09h	24h			
Sun	09h	24h			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) 9am to 2am on New Year's Eve and Christmas Eve		
Mon	09h	24h			
Tue	09h	24h			
Wed	09h	24h			
Thur	09h	24h			
Fri	09h	24h			
Sat	09h	24h			
			<u>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</u> (please read guidance note 6)		
Sun	09h	24h			

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	[REDACTED]
Date of birth	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known)	[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).

N/A

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	NEW YEAR EVE CHRISTMAS EVE
Mon	09h	24h	
Tue	09h	24h	9am to 2am on New Year's Eve and Christmas Eve
Wed	09h	24h	
Thur	09h	24h	<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)
Fri	09h	24h	
Sat	09h	24h	NEW YEAR EVE CHRISTMAS EVE
Sun	09h	24h	

A) GENERAL:

THE PREMISES MUST BE OPERATED AND MANAGED AT ALL TIMES ACCORDING TO THE OPERATING SCHEDULE. THE BEST PRACTICE POLICIES AND PROCEDURES WILL BE IMPLEMENTED TO SUPPORT THE LICENSING OBJECTIVES.

THE FOUR LICENSING OBJECTIVES AIM TO ENSURE THAT THE CARRYING ON OF LICENSABLE ACTIVITIES ON OR FROM PREMISES IS DONE IN THE PUBLIC INTEREST. THE LICENCE SHALL ENSURE THAT ALL STAFF WILL UNDERTAKE TRAINING IN THEIR RESPONSABILITIES IN RELATION TO THE SALE OF ALCOHOL. EACH OF THE FOUR LICENSING IS EQUALLY IMPORTANT AND MUST BE PROMOTED AT ALL TIMES.

B) THE PREVENTION OF CRIME AND DISORDER:

LICENCE HOLDERS AND STAFF OPERATING LICENSED PREMISES MUST PREVENT CRIMES SUCH AS DRUG ACTIVITY, THEFT, VIOLENCE AND VANDALISM FROM TAKING PLACE. THEY HAVE A DUTY TO PREVENT DRUNKEN AND DISORDERLY BEHAVIOUR ON LICENSED PREMISE.

ANY INCIDENTS OF A CRIMINAL NATURE WILL BE REPOSTED TO THE POLICE. INSTALL CCTV COVERAGE AT THE PREMISES AND ACCEPTABLE AGE VERIFICATION (PROOF OF AGE).

C) PUBLIC SAFETY:

THE PUBLIC SAFETY MUST BE MAINTAINED TO AVOID ACCIDENT OR INJURY FROM FIRE, GLASS OR POORLY MAINTAINED PREMISES.

APROPRIATE FIRE SAFETY PROCEDURE ARE IN PLACE. STAFF TRAINING ABOUT EMERGENCY AND GENERAL SAFETY PRECAUTIONS AND PROCEDURES. FREE DRINKING WATER MUST BE MADE AVAILABLE AND NO IRRESPONSIBLE DRINKS PROMOTIONS.

D) THE PREVENTION OF PUBLIC NUISANCE:

LICENCE HOLDERS AND STAFF MUST PREVENT NUISANCE FROM NOISE, LITTER OR LIGHTING BEING CAUSED TO NEIGHBOURS AND OTHERS. CLEAN AND LEGIBLE NOTICES WILL BE PROMINENTLY DISPLAYED TO REMIND CUSTOMERS TO LEAVE QUIETLY AND HAVE REGARD TO OUR NEIGHBOURS. CUSTOMERS ARE ASKED TO USE ALTERNATIVE EXITING THE PREMISES AND LICENSED DOOR SUPERVISORS.

E) THE PROTECTION OF CHILDREN FROM HARM:

LICENSED PREMISES MUST PROTECT CHILDREN FROM ANY FORM OF HARM ARISING FROM LICENSABLE ACTIVITIES. THIS INCLUDES HARM FROM ALCOHOL, ADULT ENTERTAINMENT AND UNSAFE PREMISES. KEEP A REGULAR STAFF TRAINING AND SUPERVISING OF AND BY ALL STAFF SERVING ALCOHOL, A PROOF OF AGE POLICY AND IMPLEMENTING A CHALLENGE 25 AGE VERIFICATION POLICY, INSTALLING CCTV AND INCREASED SUPERVISION OF STAFF FOR PREVENTION UNDERAGE SALE OF ALCOHOL.

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).

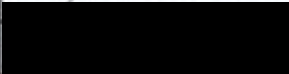
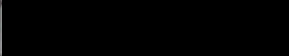
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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
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	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	
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		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.

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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.	LPA 255642
Name of the Premises	Cabrals
Address of the premises including postcode	735 Ashton Old Road, Manchester M11 2HD

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 very generic conditions which are not specific to the operation of these premises. 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 generic operating schedule is that all 4 of the Licensing Objectives will be undermined.

We therefore ask that this application is refused.

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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. The licence holder shall ensure that all staff undertake training in their responsibilities in relation to the sale of alcohol. 2. Any incidents of a criminal nature will be reported to the police. 3. There shall be CCTV coverage at the premises and acceptable age verification (proof of age). 4. Appropriate fire safety procedures shall be in place. 5. Staff shall receive training about general emergency and general safety precautions and procedures. 6. Free drinking water shall be made available. 7. There shall be no irresponsible drinks promotions. 8. Staff shall prevent nuisance to neighbours from noise, litter, lighting. 9. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to neighbours. 	N/A	Applicant
Conditions proposed by objectors	Agreed	Proposed by
None	N/A	N/A

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