



## **Licensing Sub Committee Hearing Panel**

Date: Monday, 19 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**

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**Councillors** - Grimshaw, Jeavons and Reid

## Agenda

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**1. Urgent Business**

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

**2. Appeals**

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

**3. Interests**

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

**4. New Premises Licence - Whalley Range Stadium, Wilbraham Road, Manchester M16 8GW - determination** 5 - 8

The determination papers are enclosed.

**5. New Premises Licence - Be The Bartender, Unit 1C18, Storage World Manchester Central, 40-46 Ashton Old Road, Manchester, M12 6LP - determination** 9 - 12

The determination papers are enclosed.

**6. New Premises Licence - Archies Burgers and Shakes, 6-7 Gateway House, Piccadilly Station Approach, Manchester, M1 2GH - determination** 13 - 16

The determination papers are enclosed.

**7. New Premises Licence - NIAMOS, Chichester Road, Manchester, M15 5EU** 17 - 88

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

**8. Premises Licence Variation - 256, 256 Wilmslow Road, Manchester, M14 6LB** 89 - 172

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

**9. New Premises Licence - TBC, 99a Lapwing Lane, Manchester, M20 6UR** 173 - 256

The report of the Director of Planning, Building Control and

Licensing is enclosed.

## Information about the Committee

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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

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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](mailto:ian.hinton-smith@manchester.gov.uk)

This agenda was issued on **Friday, 9 April 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA



## Licensing Act 2003 (Hearings) Regulations 2005

**Reference:** 243366  
**Name:** Whalley Range Stadium  
**Address:** Wilbraham Road, Manchester, M16 8GW  
**Ward:** Whalley Range  
**Application Type:** Premises Licence (new)  
**Name of Applicant:** Greenwich Leisure Limited  
**Date of application:** 03 March 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 on the premises only:  
 Mon to Thurs 5pm to 10pm, Fri 5pm to 11pm and Sat to Sun 11am to 11pm

Opening hours:  
 Mon to Thurs 6:30am to 10pm, Fri 6:30am to 11pm and Sat to Sun 9am to 11pm.

### Representations received

Greater Manchester Police	GMP raise concerns that the operating schedule “offers nothing in terms of enforceable conditions. 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.”
Licensing & Out of Hours Compliance	LOOH have concerns relating to the noise emanating from the premises which would significantly undermine the public nuisance objective, particularly due to the proximity to residential premises.
Trading Standards	Trading Standards comment that “The application contains little information in relation to addressing the Licencing Objectives. Key points in public safety, public nuisance and protecting children from harm are not considered.”

## Agreements between parties

### Greater Manchester Police:

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

An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:

- (a) all crimes reported to the venue, or by the venue to the Police
- (b) all ejections of patrons
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (e) any visit by a relevant authority or emergency service
- (f) All refusals of sales of alcohol

The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of identification to enable to verify their identity against the notice.

The premises shall display prominent signage indicating at any point of sale, the entrance to the premises and in all areas where alcohol is located that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.

In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log and monitor staff to ensure their training is put into practice. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals.

### Licensing & Out of Hours Compliance:

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

**Trading Standards**

The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.

All staff engaged in the sale of alcohol will 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 include sale of alcohol by proxy.

The Premises Licence Holder will 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 serving alcohol. Staff training should incorporate this.

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 will 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.

The use of CCTV and regular monitoring of areas to ensure persons under 18 are not encouraging adults to purchase alcohol on their behalf.

**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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## Licensing Act 2003 (Hearings) Regulations 2005

**Reference:** 256223  
**Name:** Be The Bartender  
**Address:** Unit 1C18, Storage World Manchester Central, 40-46 Ashton Old Road, Manchester, M12 6LP  
**Ward:** Ardwick  
**Application Type:** Premises Licence (new)  
**Name of Applicant:** Michael Wynne Ramsden  
**Date of application:** 09 March 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 8.30am to 10pm

Opening hours:  
The premises will not be open to the public

### Representations received

Trading Standards	The original application is vague in parts especially in relation to addressing the Licencing Objectives. Key points in protecting children from harm are not considered and information not supplied
Licensing & Out of Hours Compliance	The Licensing and Out of Hours Team have assessed the likely impact of the granting of this application taking into account a number of factors, including style of operation, the nature of the area, hours applied for and any potential risks that the granting of this application could lead to.

## **Agreements between parties**

### **Trading Standards:**

1. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.
2. A message will be displayed on the website notifying customers of the Challenge 25 policy in place and that orders will not be left with any person under 18 years of age upon delivery and that the courier may request the recipient to produce satisfactory identification evidence to prove that they are at least 18 years of age.
3. All sales will be made through online sales only, there shall be no other means to place an order.
4. All staff engaged in the delivery of alcohol will be trained with regards to the Challenge 25 policy and proxy sales to persons under 18. This training will be documented, and training should be refreshed at no greater than 12 monthly intervals.
5. At the point of delivery, the Challenge 25 policy should be operated. The only ID that should be accepted is a passport, photo driving licence, PASS accredited proof of age card or military identification card.
6. The Premises Licence Holder will ensure that a sticker is applied to all consignments of alcohol. It shall read "Note to delivery service, this package contains age restricted products. Ensure recipient is over 18".
7. A log shall be kept and record all instances when a consignment of alcohol has not been delivered 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 will 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:**

1. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. For the avoidance of doubt, this includes the avoidance of slamming doors, playing loud music, shouting, over-revving the engine and sounding their horn to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerably without causing an obstruction on the highway.
2. Customers must be instructed when placing the order that they will not be able to collect the order from the vehicle. All deliveries will only be made directly to the property address and customers will not be permitted to take orders from the vehicle.

3. No unauthorised advertisement of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or distributed to the public, that advertises or promotes the establishment, its premises, goods or services.
4. All staff shall be trained in:
  - I. Recognising signs of drunkenness
  - II. The premises' duty of care
  - III. The conditions in force under this licence
5. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals.

**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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## Licensing Act 2003 (Hearings) Regulations 2005

**Reference:** 256175  
**Name:** Archies Burgers & Shakes  
**Address:** 6-7 Gateway House, Piccadilly Station Approach,  
 Manchester, M1 2GH  
**Ward:** Piccadilly  
**Application Type:** Premises Licence (new)  
**Name of Applicant:** AIR (UK) Piccadilly Ltd  
**Date of application:** 05 March 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

Provision of late-night refreshment:  
 Sun to Thu 11pm to 3am  
 Fri to Sat 11pm to 4am

Opening hours:  
 Mon to Thu 8am to 3am  
 Fri to Sat 8am to 4am  
 Sun 10am to 3am

### Representations received

Greater Manchester Police	GMP are concerned that all of the Four Licensing Objectives are likely to be adversely affected due to their belief that there are insufficient provisions being put forward via the application to provide adequate security measures at the premises, with specific regard to the provision of door security staff. Due to the operating timings applied for, in conjunction with the location of the premises, GMP would expect to see more robust
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	<p>measures being put in place to ensure that the premises' customers are correctly managed (i.e. dealing with conflict management and intoxicated/aggressive customers, preventing littering in the immediate vicinity of the premises etc). Consequently so, GMP have requested the addition of specific conditions on to any granted premises licence that will sufficiently allay their concerns and enable full compliance in upholding and enforcing the Four Licensing Objectives at the premises.</p>
<p>Licensing &amp; Out of Hours Compliance</p>	<p>Licensing Out of Hours and Compliance are objecting to the application on the grounds of the licensing objectives relating to the prevention of crime and disorder and the prevention of public nuisance likely to be being undermined for the same reasons as outlined via the Greater Manchester Police representation. As with the GMP representation, LOOH Compliance are requesting the addition of extra conditions to any granted premises licence (combined with amendments to certain conditions proposed via the applications Operating Schedule) that will ensure that the Four Licensing Objectives are correctly upheld and enforced at the premises.</p>

### Agreements between parties

#### Greater Manchester Police:

- SIA registered door staff shall be on duty at the premises from 2200 hours until close every day. At all other times the requirement for door staff shall be determined in accordance with a risk assessment carried out by the DPS. When employed door staff shall wear hi-vis armbands.
- When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - The SIA number of door staff on duty;
  - the identity of each member of door staff;
  - the times the door staff are on duty.

#### Licensing & Out of Hours Compliance:

The following conditions, as proposed via the applications Operating Schedule, are to be changed as indicated:

From: *'Keeping the outside area clean and tidy at all times.'*

To: 'The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises is open to the public and cleaned at the end of trading each day.'

From: *'Posting suitable signs asking customers to keep the noise down and leave in an orderly manner.'*

To: 'Notices shall be prominently displayed at all exits requesting patrons to leave the area quietly and in an orderly manner.'

From: *'Limiting large groups of people congregating outside the premises and in the short waiting area.'*

To: 'Staff shall take all reasonable steps to discourage and prevent people from congregating outside the premises. This shall include monitoring the area outside the premises and asking any people congregating there to leave the area.'

From: *'The downstairs seating area shall be physically and visually monitored at all times.'*

To: 'The ground floor and the first-floor seating areas shall be monitored by staff at all times that the premises is open to the public.'

Agreed additional conditions:

- Any queue to enter the premises that forms outside the premises shall be kept orderly and supervised by staff to ensure that there is no public nuisance or obstruction to the public highway.
- Litter bins shall be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter.
- Notices shall be prominently displayed at all exits requesting patrons to dispose of refuse in the litter bins provided at the premises.
- All staff shall be trained in managing and resolving conflict. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.

**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 Subcommittee Hearing Panel – 19 April 2021

**Subject:** NIAMOS Arts and Cultural Centre, Nia Centre, Chichester Road, Manchester, M15 5EU - App ref: Premises Licence (new) 255868

**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:** Hulme

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

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**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

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**Contact Officers:**

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

Name: Grace Ollier  
Position: Technical Licensing Officer  
Telephone: 0161 234 4375  
E-mail: premises.licensing@manchester.gov.uk

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

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

## 1. **Introduction**

- 1.1 On 18 February 2021, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of NIAMOS Arts and Cultural Centre, Nia Centre, Chichester Road, Manchester, M15 5EU in the Hulme 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 N.I.A.M.O.S Ltd.
- 2.3 The description of the premises given by the applicant is an "Arts and cultural centre and multi-use event space."
- 2.4 The proposed designated premises supervisor is Marc Memphis Andrew Anderton
- 2.5 **The licensable activities applied for:**

Provision of regulated entertainment - plays, films, live music, recorded music, performances of dance and anything of a similar description to live music, recorded music or performances of dance (all indoors):  
Mon to Sun 8am to midnight

Non Standard timings: Until 03:00 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween. From the start time on New Year's Eve until the terminal hour for New Year's Day.

Provision of late night refreshment (indoors):  
Mon to Sun 11pm to 12.30am

Non Standard timings: Until 03:30 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween. From the start time on New Year's Eve until the terminal hour for New Year's Day.

The supply of alcohol for consumption both on and off the premises:  
Mon to Sun 8am to midnight

Non Standard timings: Until 03:00 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween. From the start time on New Year's Eve until the terminal hour for New Year's Day.

Opening hours:  
Mon to Sun 8am to 12.30am

Non Standard timings: Until 03:30 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween. From the start time on New Year's Eve until the terminal hour for New Year's 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.

## 2.6 **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 & Al Fresco Dining Policy
- Dispersal Policy

## 3. **Relevant Representations**

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

Responsible Authorities:

- MCC Licensing and Out of Hours Compliance Team

Other Persons:

- Hulme Ward Councillor

- 3.2 Summary of the representations

Party	Grounds of representation	Recommends
<b>Licensing and Out of Hours Compliance</b>	Concerns include: close proximity of residential properties, noise, dispersal of patrons Recommends reduced hours as follows: <u>Provision of regulated entertainment</u> Mon - Sun: 08:00 - 23:00 <u>Provision of late night refreshment</u> Mon - Sun: 23:00 - 23:30 <u>Supply of alcohol</u> Mon - Sun: 8am - 23:00 <u>Opening Hours</u> Mon – Sun: 08:00 - 23:30	Grant with reduced hours
<b>Hulme ward Councillors</b>	Concerns include: lack of parking at the premises, noise nuisance, the close proximity of residential properties, smoking and lack of engagement with residents	None

- 3.3 No conditions were proposed by objectors.

- 3.4 Agreement on reduced hours have been reached with the Licensing and Out of Hours Compliance Team

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
- 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.

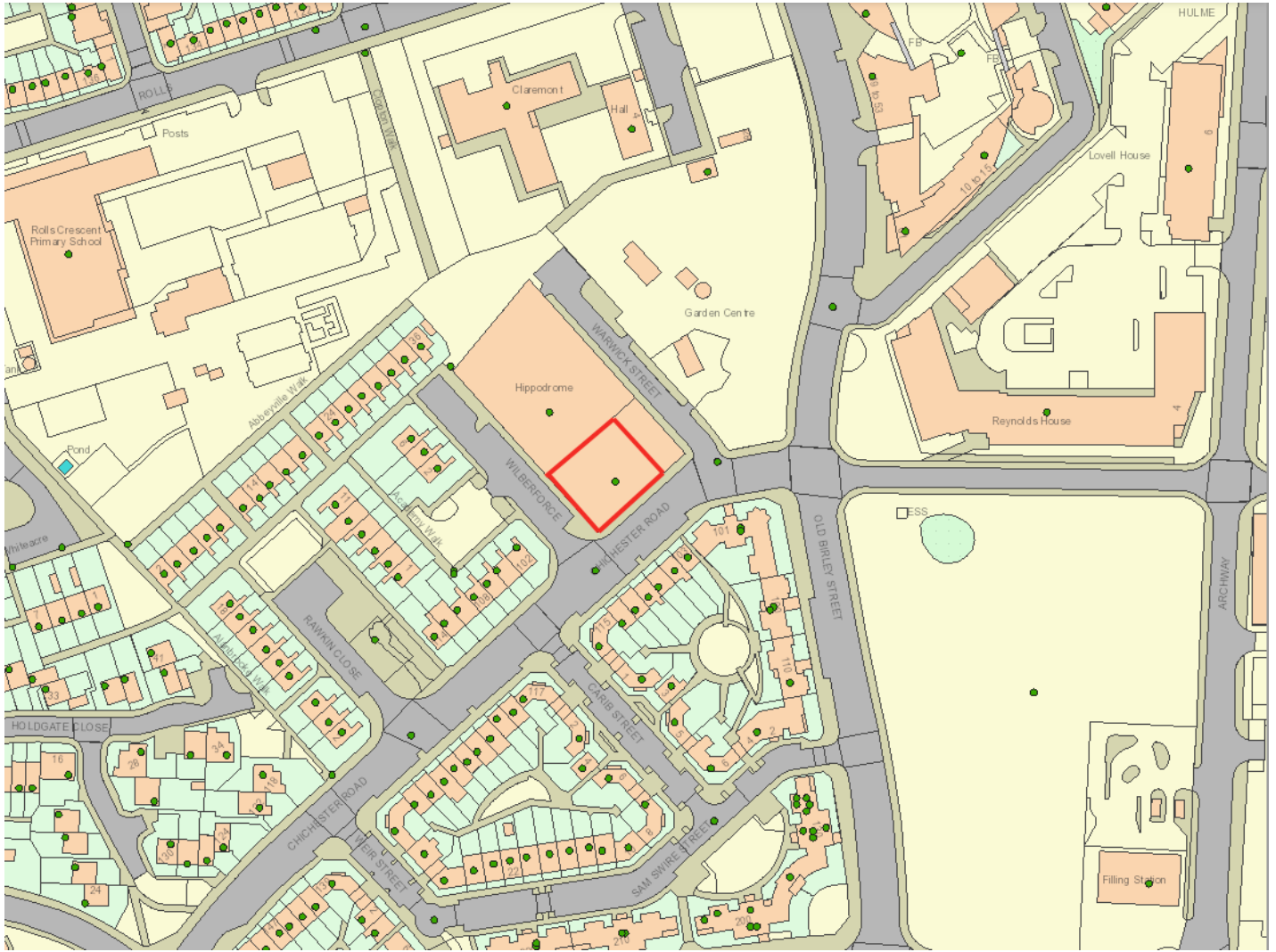
- MS2 Effective general management of the premises
- MS3 Responsible promotion and sale of alcohol
- MS8 Prevent noise nuisance from the premises
- MS9 Effectively manage exterior spaces (e.g. beer gardens, smoking areas, table and chair areas on the highway)
- MS10 Operate effective cleansing arrangements, 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

### **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.**

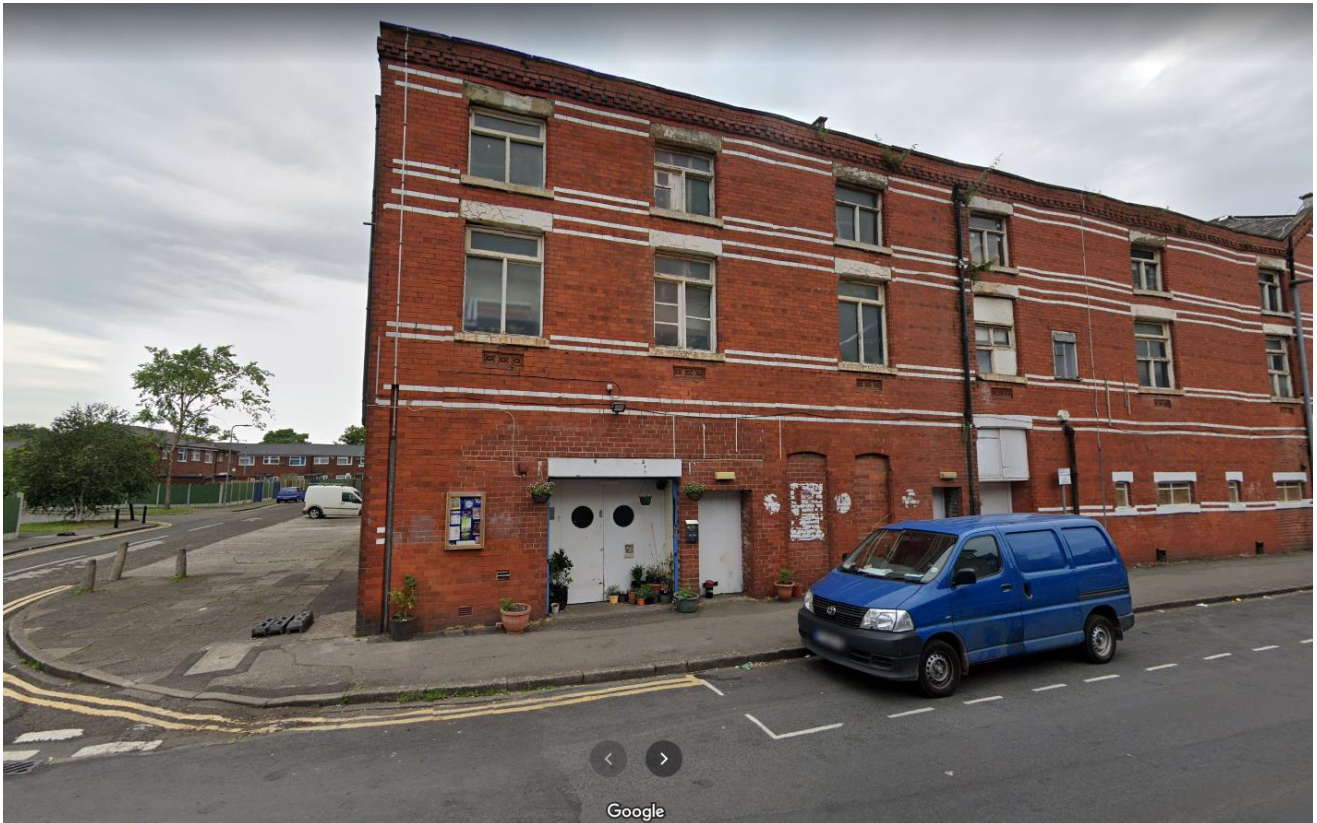




NIAMOS Arts and Cultural Centre  
Nia Centre, Chichester Road, Manchester, M15 5EU

Premises Licensing  
Manchester City Council

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Survey100019568.



<b>PREMISE NAME:</b>	NIAMOS Arts and Cultural Centre
<b>PREMISE ADDRESS:</b>	Nia Centre, Chichester Road, Manchester, M15 5EU
<b>WARD:</b>	Hulme
<b>HEARING DATE:</b>	19/04/2021

**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 N.I.A.M.O.S 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 <b>NIAMOS Arts and Cultural Centre, Warwick Street/Chichester Road, Hulme</b>			
<b>Post town</b>	Manchester	<b>Postcode</b>	M15 5EU
Telephone number at premises (if any)			
Non-domestic rateable value of premises		<b>£40,000</b>	

**Part 2 - Applicant details**

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

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

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

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

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

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

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

**(B) OTHER APPLICANTS**

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

Name N.I.A.M.O.S Ltd
Address NIAMOS Arts and Cultural Centre, Chichester Road, Hulme, Manchester, M15 5EU
Registered number (where applicable) 11232278
Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited 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
1	9	032021

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)

Arts and cultural centre and multi-use event space.

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)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	08:00	00:00		<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue	08:00	00:00			
Wed	08:00	00:00		<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)	
Thur	08:00	00:00			
Fri	08:00	00:00		<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)	
Sat	08:00	00:00		Until 03:00 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween.	
Sun	08:00	00:00		From the start time on New Year's Eve until the terminal hour for New Year's Day.	



**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish			Both	<input type="checkbox"/>
Mon	08:00	00:00	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	08:00	00:00			
Wed	08:00	00:00	<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)		
Thur	08:00	00:00			
Fri	08:00	00:00	<b><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></b> (please read guidance note 6)		
Sat	08:00	00:00	Until 03:00 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween.		
Sun	08:00	00:00	From the start time on New Year's Eve until the terminal hour for New Year's Day.		

**C**

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

## D

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

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish	Both		<input type="checkbox"/>	
Mon	08:00	00:00		<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue	08:00	00:00			
Wed	08:00	00:00	<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur	08:00	00:00			
Fri	08:00	00:00	<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)  Until 03:00 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween. From the start time on New Year's Eve until the terminal hour for New Year's Day.		
Sat	08:00	00:00			
Sun	08:00	00:00			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	08:00	00:00		<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue	08:00	00:00			
Wed	08:00	00:00		<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)	
Thur	08:00	00:00			
Fri	08:00	00:00		<b><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></b> (please read guidance note 6)	
Sat	08:00	00:00			
Sun	08:00	00:00		Until 03:00 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween. From the start time on New Year's Eve until the terminal hour for New Year's Day.	

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	08:00	00:00	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	08:00	00:00			
Wed	08:00	00:00	<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Thur	08:00	00:00			
Fri	08:00	00:00	<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat	08:00	00:00	Until 03:00 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween.		
Sun	08:00	00:00	From the start time on New Year's Eve until the terminal hour for New Year's Day.		

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon	08:00	00:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	08:00	00:00	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed	08:00	00:00			
Thur	08:00	00:00	<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri	08:00	00:00			
Sat	08:00	00:00	<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun	08:00	00:00			

## I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	00:30	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	23:00	00:30			
Wed	23:00	00:30	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur	23:00	00:30			
Fri	23:00	00:30	<b><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></b> (please read guidance note 6)		
Sat	23:00	00:30			
Sun	23:00	00:30	Until 03:30 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick's Day; Valentine's Day; and Halloween. From the start time on New Year's Eve until the terminal hour for New Year's Day.		



**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"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	08:00	00:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Tue	08:00	00:00			
Wed	08:00	00:00			
Thur	08:00	00:00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri	08:00	00:00			
Sat	08:00	00:00			
Sun	08:00	00:00			

**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 Mark Memphis Andrew Anderton	
Date of birth [REDACTED]	
Address  [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) TBC	
Issuing licensing authority (if known) TBC	

**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><b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)</p>			<p><u>State any seasonal variations</u> (please read guidance note 5)</p>
Day	Start	Finish	
Mon	08:00	00:30	
Tue	08:00	00:30	
Wed	08:00	00:30	
Thur	08:00	00:30	
Fri	08:00	00:30	<p><b><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></b> (please read guidance note 6)</p> <p>Until 03:30 on Fridays, Saturdays and Sundays of Bank Holiday weekends; the Thursday before Good Friday; Christmas Eve; Boxing Day; St Patrick’s Day; Valentine’s Day; and Halloween. From the start time on New Year’s Eve until the terminal hour for New Year’s Day.</p>
Sat	08:00	00:30	
Sun	08:00	00:30	

## 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)**

Please see attached operating schedule and policies.

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

Please see attached operating schedule and policies.

**c) Public safety**

Please see attached operating schedule and policies.

**d) The prevention of public nuisance**

Please see attached operating schedule and policies.

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

Please see attached operating schedule and policies.

**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.**

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

	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	18 February 2021
Capacity	Solicitors and Authorised Agents

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

Signature	
Date	
Capacity	

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

**OPERATING SCHEDULE****A) The Prevention of Crime and Disorder**

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS on an event by event basis. When employed, door staff will wear high visibility armbands.
6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - (i) the number of door staff on duty;
  - (ii) the identity of each member of door staff;
  - (iii) the times the door staff are on duty.
7. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
8. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives, and the laws relating to under age sales and the sale of alcohol to intoxicated persons, and that training shall be documented and repeated at 6 monthly intervals.
9. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

**B) Public Safety**

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain an Incident Log and public liability insurance.

**C) The Prevention of Public Nuisance**

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. The exterior of the building shall be cleared of litter at regular intervals.
4. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
5. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
6. A Dispersal and Smoking Policy will be implemented and adhered to.
7. The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.

**D) The Protection of Children From Harm**

1. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

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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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**NIAMOS**

**SMOKING & AL FRESCO DINING POLICY**

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1. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
2. The outside area shall be monitored by staff or door staff (when employed) regularly when it is in use.
3. The area will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
7. Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.

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**NIAMOS**

**DISPERSAL POLICY**

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The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising pro-active measures towards and at the end of the evening.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this does not apply in the case of alcohol sold for consumption off the premises or sold for consumption in any delineated external drinking area).
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.

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

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**AGREEMENT WITH LOOH**

**From:** Nathan Mistry <nathan.mistry@manchester.gov.uk>  
**Sent:** 18 March 2021 11:42  
**To:** Premises Licensing <Premises.Licensing@manchester.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** Fw: NIAMOS License Application

Good Morning,

Please see attached the email chain confirming a reduction of hours as agreed by the applicants solicitor.

If you have any issues please let me know.

Kind regards,

Nathan.

Nathan Mistry  
Neighbourhood Officer  
Licensing & Out of Hours Compliance

---

**From:** [REDACTED]  
**Sent:** 18 March 2021 9:36 AM  
**To:** Nathan Mistry <nathan.mistry@manchester.gov.uk>; [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** RE: NIAMOS Lic App

Morning Nathan,

Hope you're well. I can confirm that my client is happy to agree to the reduction in hours as proposed by you below.

Any queries, please do let me know.

Kind regards,

[REDACTED]

**From:** Nathan Mistry [mailto:nathan.mistry@manchester.gov.uk]  
**Sent:** 16 March 2021 21:58  
**To:** [REDACTED]  
[REDACTED]  
**Subject:** NIAMOS Lic App

Good evening,

Thank you for meeting with me today.

Please see attached the proposed amendments to the operating times on the schedule as discussed:

**Provision of Regulated entertainment Mon - Sun: 08:00 - 23:00**

**Provision of late night refreshment Mon - Sun: 23:00 - 23:30**

**Supply of alcohol Mon - Sun: 8am - 23:00**

**Opening Hours: Mon - Sun 08:00 - 23:30**

After looking at your dispersal and smoking policies I have no further conditions to add.

Please let me know if you are happy to proceed with the above amended times.

Many thanks,

Nathan

Nathan Mistry  
Neighbourhood Officer  
Licensing & Out of Hours Compliance

**REPRESENTATION FROM LOOH**

**From:** Nathan Mistry <nathan.mistry@manchester.gov.uk>  
**Sent:** 18 March 2021 11:44  
**To:** Premises Licensing <Premises.Licensing@manchester.gov.uk>

**Subject:** NIAMOS Representation LOOH

Good Morning,

Please see pasted my representation that has subsequently been agreed by the applicant and their solicitor:

***The Licensing and Out of Hours Team have assessed the likely impact of the granting of this application taking into account a number of factors, including style of operation, the nature of the area, hours applied for and any potential risks that the granting of this application could lead to.***



***The premises is located in a highly populated residential area in Hulme, with flats and houses directly across the street and numerous residential properties surrounding the premises.***

***The proposed operating times the applicant has submitted are as follows:***

***Provision of regulated entertainment: Mon - Sun 08:00 – Midnight***

***Provision of late night refreshment: Mon - Sun 23:00 - 00:30***

***Supply of alcohol: Mon - Sun 8am - 00:30***

***Opening Hours: Mon - Sun 08:00 - 00:30***

***In order to ensure the licensing objectives are upheld, in relation to The Prevention of Public Nuisance, The Licensing and Out of Hours Team recommend the following amendments to the operating schedule:***

***Provision of regulated entertainment Mon - Sun: 08:00 - 23:00***

***Provision of late night refreshment Mon - Sun: 23:00 - 23:30***

***Supply of alcohol Mon - Sun: 8am - 23:00***

***Opening Hours: Mon - Sun 08:00 - 23:30***

***The Licensing and Out of Hours Team believe the current operating times provided by the applicant could undermine the Licensing Objective in relation to the Prevention of Noise Nuisance.***

***Due to the very close proximity of residential properties, reducing the current times to 23:00 for supply of alcohol / regulated entertainment and 23:30 hours closing time, this will help prevent patrons causing noise issues later in the evening, when dispersing and leaving the area.***

***Reducing the proposed times will also help keep the premises in line with other local licensed premises which also close at 23:00 hours.***

***Recommendation: Approve with Conditions (Outlined Above)***

If you have any issues please let me know.

Kind regards,

Nathan.

Nathan Mistry  
Neighbourhood Officer  
Licensing & Out of Hours Compliance

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**REPRESENTATION FROM CLLR1**

**From:** Lee-Ann Igbon <cllr.lee-ann.igbon@manchester.gov.uk>  
**Sent:** 01 March 2021 16:42  
**To:** Premises Licensing <Premises.Licensing@manchester.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** FW: Premises Licence (new) 255868/GO2: NIAMOS, Chichester Road, Manchester, M15 5EU, (Hulme ward)

Hi

Thank you for the information regarding the premises, I have received several concerns from residents and police over the last two years and must stress my concerns.

1. The venue doesn't have a car park or access to parking and is situated in a residential area of children, families and the older generation. Vehicles are parked around the homes, adding noise very late at night and stop access for residents.
2. There isn't a covered area or place for workers or customers to smoke and this is done on the footpath on the road causing asb with smoking and cigarette butts and alcohol bottles and cans on the footpath and road.
3. As a residential area the premises closing at 12.30a.m is not acceptable and needs to be at 11.00p.m.
4. No engagement or information with the local residents as promised and the venue does cause distress.
5. The building is connect to the hippodrome and has severe leaking, damp, heating and other issues which add to the buildings safety, can we ask for an inspection of the building before re opening or do we need to go through planning?
6. Dispersal at the end of the evening doesn't exist and this is very concerning.
7. Blocking of the highway to hold events Warwick st no access for pedestrians.

Residents and myself are not against the premises holding and running events but it needs to be organised and be very mindful of the residents in it locality.

Kind regards

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

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## Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> <li>1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.</li> <li>2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.</li> <li>3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.</li> <li>4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.</li> <li>5. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS on an event by event basis. When employed, door staff will wear high visibility armbands.</li> <li>6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:               <ol style="list-style-type: none"> <li>a. the number of door staff on duty;</li> <li>b. the identity of each member of door staff;</li> <li>c. the times the door staff are on duty.</li> </ol> </li> <li>7. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.</li> <li>8. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives, and the laws relating to under age sales and the sale of alcohol to intoxicated persons, and that training shall be documented and repeated at 6 monthly intervals.</li> <li>9. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.</li> <li>10. A first aid box will be available at the premises at all times.</li> <li>11. Regular safety checks shall be carried out by staff.</li> <li>12. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.</li> </ol>	N/A	Applicant

## Schedule of Licence Conditions

<p>13. The premises shall maintain an Incident Log and public liability insurance.</p> <p>14. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.</p> <p>15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.</p> <p>16. The exterior of the building shall be cleared of litter at regular intervals.</p> <p>17. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.</p> <p>18. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.</p> <p>19. A Dispersal and Smoking Policy will be implemented and adhered to.</p> <p>20. The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.</p> <p>1. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.</p> <p>2. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.</p> <p>3. Notices advising what forms of ID are acceptable must be displayed.</p> <p>4. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.</p>		
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## Schedule of Licence Conditions

<b>Conditions proposed by objectors</b>	<b>Agreed</b>	<b>Proposed by</b>
Recommends reduced hours as follows: Provision of regulated entertainment Mon - Sun: 08:00 - 23:00 Provision of late night refreshment Mon - Sun: 23:00 - 23:30 Supply of alcohol Mon - Sun: 08:00 - 23:00 Opening Hours Mon - Sun: 08:00 - 23:30	Yes	Licensing & Out of Hours Compliance Team
No conditions proposed	N/A	Hulme ward Councillor

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**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Subcommittee Hearing Panel – 19 April 2021

**Subject:** 256, 256 Wilmslow Road, Manchester, M14 6LB - App ref:  
Premises Licence variation 255953

**Report of:** Director of Planning, Building Control & Licensing

**Summary**

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

**Recommendations**

That the Committee determine the application.

**Wards Affected:** 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 Policy and implementation will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.

A connected city: world class infrastructure and connectivity to drive growth	
-------------------------------------------------------------------------------	--

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

Equal Opportunities Policy  
Risk Management  
Legal Considerations

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**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

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**Contact Officers:**

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

Name: Grace Ollier  
Position: Technical Licensing Officer  
Telephone: 0161 234 4375  
E-mail: premises.licensing@manchester.gov.uk

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

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

## 1. **Introduction**

- 1.1 On 23 February 2021, an application for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 was made in respect of 256, 256 Wilmslow Road, Manchester, M14 6LB in the Fallowfield ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

## 2. **Current Licence**

- 2.1 The premises licence holder is Sanctuary Leisure Limited and a copy of the current licence is attached at **Appendix 2**.

## 3. **The Application**

- 3.1 A copy of the application is attached at **Appendix 3**.
- 3.2 The variation is to:
1. To remove conditions 2, 10 and 11 of annex 3 in relation to glassware, and replace with new conditions
  2. To amend condition 9 of annex 3 for clarity

### Existing conditions 2, 10 and 11 of annex 3

2. Polycarbonate, or other such safety glass as agreed with the police, shall be in use at the premises on the day of any sporting event shown at the premises that is agreed as being high risk with the police, and in any case from 21:00 daily. At all other times, the premises licence holder or designated premises supervisor shall undertake a continued risk assessment in terms of the use of polycarbonate or other such safety glass and implement its use where deemed appropriate.

10. No glassware shall be taken into the external areas of the premises, including into the beer garden, at any time. Only polycarbonate, or other such safety glass as agreed with the police, shall be used in the external areas of the premises.

11. The designated premises supervisor or nominated member of staff shall maintain a log at the premises to confirm that all glassware is no longer in use at the premises from 2100 hours each day. This log shall be made available to an officer of a responsible authority upon request.

Proposed new conditions

Polycarbonate, or other such safety glass as agreed with the police shall be in use at the premises (both indoors and outdoors) from 23:00 daily.

Polycarbonate/safety glass shall also be in use during any sporting event shown at the premises that is agreed as being high risk with the police, and from 21:00 on any night that a DJ is playing at the premises.

At all other times, the premises licence holder or designated premises supervisor shall undertake a continued risk assessment in terms of the use of polycarbonate or other such safety glass and implement its use where deemed appropriate.'

Existing condition 9 of annex 3

9. The premises shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.

Proposed new wording of condition 9 of annex 3

The premises licence holder/DPS shall ensure that tables both internally and externally are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.

- 3.2.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.
- 3.2.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 3**.
- 3.3 **Activities unsuitable for children**
  - 3.3.1 The applicant has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
- 3.4 **Steps to promote the licensing objectives**
  - 3.4.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule.
  - 3.4.2 These steps must be translated into conditions by the licensing authority to be included in any granted premises licence, unless the conditions are modified by the Panel following consideration of relevant representations. These conditions are set out in the Schedule of Conditions at **Appendix 5**.

#### 4. **Relevant Representations**

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

##### Other Persons:

- Withington Ward Councillors;
- South East Fallowfield Residents Group;
- Fallowfield & Withington Community Guardians

4.2 Summary of the representations:

<b>Party</b>	<b>Grounds of representation</b>	<b>Recommends</b>
<b>Withington Ward Councillors</b>	Concerns include: litter, noise nuisance, public safety, weakening of accountability, increased crime and disorder	Refuse change to conditions 2,10 and 11 of Annex 3
<b>South East Fallowfield Residents Group</b>	Concerns include: public safety, litter, danger to small children and pets in the area from broken glass, drug taking and public drunkenness.	Refuse
<b>Fallowfield &amp; Withington Community Guardians</b>	Concerns include: history of problems with premises, anti social behaviour in the area, broken glass on pavement, public safety, litter,	Refuse

4.3 No conditions have been proposed by objectors (Schedule of Conditions at **Appendix 5**).

#### 5. **Key Policies and Considerations**

##### 5.1 **Legal Considerations**

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

##### 5.2 **New Information**

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

### 5.3 Hearsay Evidence

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

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

- 5.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 5.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 5.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

### 5.5 Manchester Statement of Licensing Policy

- 5.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 5.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 5.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 5.5.4 Relevant to this application and the grounds of the representations made, the Panel are recommended to have regard to the following sections of the Policy:

#### 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.

### ***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
- 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
- MS3 Responsible promotion and sale 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

## 6. **Conclusion**

- 6.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- 6.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 6.3 The Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- a) To grant the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate;
  - b) To reject the whole or part of the application
- 6.4 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 6.5 However, conditions should not be imposed on a licence which are unrelated to the variation sought.
- 6.6 All licensing determinations should be considered on the individual merits of the application.
- 6.7 The Panel’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.



- 6.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 6.9 **The Panel is asked to determine the application.**

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256  
256 Wilmslow Road, Manchester, M14 6LB

Premises Licensing  
Manchester City Council

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**PREMISE NAME:** 256

**PREMISE ADDRESS:** 256 Wilmslow Road, Manchester, M14 6LB

**WARD:** Fallowfield

**HEARING DATE:** 19/04/2021

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**256 WILMSLOW ROAD**

**SMOKING & AL FRESCO DINING POLICY**

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1. Any outside area used by customers wishing to dine, drink or smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
2. The outside area shall be monitored by staff or door staff regularly at all times it is in use.
3. The area will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.
7. Open containers of alcohol shall not be permitted to be taken beyond the boundary of the outside area.

---

**256 WILMSLOW ROAD**

**DISPERSAL POLICY**

---

The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising pro-active measures towards and at the end of the evening.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises (this does not apply in the case of alcohol sold for consumption in any external area or in the case of alcohol sold for the purpose of consumption off the premises).
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.



# MANCHESTER CITY COUNCIL

## LICENSING ACT 2003 PREMISES LICENCE

<b>Premises licence number</b>	049511
<b>Granted</b>	08/09/2005
<b>Latest version</b>	Variation 221276 Granted 28/01/2019

### Part 1 - Premises details

<b>Name and address of premises</b>
256 256 Wilmslow Road, Manchester, M14 6LB
<b>Telephone number</b>
0161 249 0271

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

<b>The times the licence authorises the carrying out of licensable activities</b>
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<b>Sale by retail of alcohol</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0200	0200	0200	0200	0200	0200	0100
The sale of alcohol is licensed for consumption both on and off the premises.							
<b>Seasonal variations and Non standard Timings:</b>							
The standard terminal hour shall be extended by 1 hour on each of the following days: 1 <sup>st</sup> Jan, Valentine's Night, Burns Night, 1 <sup>st</sup> Mar, Easter Sunday, Easter Monday May Bank Holiday Monday (both), August Bank Holiday Monday, Halloween							
The standard terminal hour shall be extended by 2 hours on each of the following days: 17 <sup>th</sup> Mar, Sunday immediately preceding the Bank Holiday Monday (May (both) and August) Christmas Eve, Boxing Day, 27 <sup>th</sup> Dec, 28 <sup>th</sup> Dec, 30 <sup>th</sup> Dec							
<u>On the day British Summer Time commences:</u> Where the standard permitted terminal hour is 0200 or later on the morning that British Summer Time comes into effect, one additional hour following the terminal hour.							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day							

<b>Recorded music</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0000	0000	0000	0000	0000	0000	0000
Finish	2400	2400	2400	2400	2400	2400	2400
Licensed to take place indoors only.							
<b>Further Details</b>							
There shall be no music played at the premises on Sundays between the hours of 1000 and 1200.							
<b>Seasonal variations and Non standard Timings:</b>							
<u>The standard terminal hour shall be extended by 1 hour on each of the following days:</u> 1 <sup>st</sup> Jan, Valentine's Night, Burns Night, 1 <sup>st</sup> Mar, Easter Sunday, Easter Monday May Bank Holiday Monday (both), August Bank Holiday Monday, Halloween							
<u>The standard terminal hour shall be extended by 2 hours on each of the following days:</u> 17 <sup>th</sup> Mar, Sunday immediately preceding the Bank Holiday Monday (May (both) and August) Christmas Eve, Boxing Day, 27 <sup>th</sup> Dec, 28 <sup>th</sup> Dec, 30 <sup>th</sup> Dec							
<u>On the day British Summer Time commences:</u> Where the standard permitted terminal hour is 0200 or later on the morning that British Summer Time comes into effect, one additional hour following the terminal hour.							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day							

<b>Live music; Exhibition of films; Indoor sporting events; Performances of dance</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0200	0200	0200	0200	0200	0200	0100
Licensed to take place indoors only.							
<b>Seasonal variations and Non standard Timings:</b>							
<u>The standard terminal hour shall be extended by 1 hour on each of the following days:</u> 1 <sup>st</sup> Jan, Valentine's Night, Burns Night, 1 <sup>st</sup> Mar, Easter Sunday, Easter Monday May Bank Holiday Monday (both), August Bank Holiday Monday, Halloween							
<u>The standard terminal hour shall be extended by 2 hours on each of the following days:</u> 17 <sup>th</sup> Mar, Sunday immediately preceding the Bank Holiday Monday (May (both) and August) Christmas Eve, Boxing Day, 27 <sup>th</sup> Dec, 28 <sup>th</sup> Dec, 30 <sup>th</sup> Dec							
<u>On the day British Summer Time commences:</u> Where the standard permitted terminal hour is 0200 or later on the morning that British Summer Time comes into effect, one additional hour following the terminal hour.							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day							

<b>Provision of late night refreshment</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0230	0230	0230	0230	0230	0230	0130
Licensed to take place both indoors and outdoors.							
<b>Seasonal variations and Non standard Timings:</b>							
<u>The standard terminal hour shall be extended by 1 hour on each of the following days:</u> 1 <sup>st</sup> Jan, Valentine's Night, Burns Night, 1 <sup>st</sup> Mar, Easter Sunday, Easter Monday May Bank Holiday Monday (both), August Bank Holiday Monday, Halloween							
<u>The standard terminal hour shall be extended by 2 hours on each of the following days:</u> 17 <sup>th</sup> Mar, Sunday immediately preceding the Bank Holiday Monday (May (both) and August) Christmas Eve, Boxing Day, 27 <sup>th</sup> Dec, 28 <sup>th</sup> Dec, 30 <sup>th</sup> Dec							
<u>On the day British Summer Time commences:</u> Where the standard permitted terminal hour is 0200 or later on the morning that British Summer Time comes into effect, one additional hour following the terminal hour.							
<u>New Year:</u> Start 2300 Finish 0500							



## Part 2

**Details of premises licence holder**

<b>Name:</b>	Sanctuary Leisure Limited
<b>Address:</b>	256 Wilmslow Road, Fallowfield, Manchester, M14 6LB
<b>Registered number:</b>	10674555

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

<b>Name:</b>	Keith Ifield
<b>Address:</b>	[REDACTED]
<b>Personal Licence number:</b>	PA0024
<b>Issuing Authority:</b>	Trafford Metropolitan Borough Council

**Annex 1 – Mandatory conditions****Door Supervisors**

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

**Supply of alcohol**

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

$$P = D + (D \times V)$$

where –

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

it is reasonably available.

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

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

#### **Exhibition of films**

9. The admission of children under the age of 18 to film exhibitions permitted under the terms of this certificate shall be restricted in accordance with any recommendations made:
- (a) by the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
  - (b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or where the licensing authority has notified the club which holds the certificate that section 20 (3) (b) (74 (3)(b) for clubs) of the Licensing Act 2003 applies to the film.

#### **Annex 2 – Conditions consistent with the operating schedule**

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. During University term time, door staff shall be employed at the premises from 21:00 until close at a ratio of 1:100 subject to a minimum of 3 door staff on Fridays and Saturdays and a minimum of 2 door staff Sunday to Thursday.
6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
  - (i) the number of door staff on duty;
  - (ii) the identity of each member of door staff;
  - (iii) the times the door staff are on duty.

7. When employed, one member of door staff shall be allocated responsibility for regularly monitoring the bar in order to assist bar staff with refusals to serve alcohol when necessary.
8. The designated premises supervisor or nominated member of staff will regularly attend, and fully support the local Pub watch or similar scheme whilst ever in operation.
9. No persons carrying open or sealed containers of alcohol shall be admitted to the premises except from the beer garden area.
10. No persons shall be permitted to remove open containers of alcohol from the premises except to the beer garden area.
11. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the licensing objectives and the laws in relation to under age sales and the sale of alcohol to intoxicated persons. That training shall be documented and repeated at 6 monthly intervals.
12. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
13. A first aid box will be available at the premises at all time
14. Regular safety checks shall be carried out by staff
15. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
16. The premises shall maintain public liability insurance.
17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following:
  - a. all crimes reported;
  - b. any complaints received;
  - c. any ejections;
  - d. any incidents of disorder;
  - e. seizure of drugs or offensive weapons;
  - f. any faults in the CCTV system;
  - g. any visit by a responsible authority or emergency service.
18. Whenever the premises is open, a member or members of staff will be allocated responsibility to monitor the premises and customer activity and report to management and/or door supervisors (when employed) any concerns in respect of suspicious behaviour; levels of drunkenness; customers whose behaviour could potentially lead to concerns in respect of crime and disorder; unattended property; collection of glassware; localised overcrowding; toilets; entry and exit points and trip/slip hazards. The member or members of staff allocated such responsibility shall complete a record of any concerns reported at the end of each day.
19. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
22. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
23. A Dispersal and Smoking Policy will be implemented and adhered to (see attached).
24. The emptying of bins into skips, and refuse collections will not take place between 11pm and 8am.
25. A direct telephone number for the designated premises supervisor shall be made publically available at all times that the premises is open.
26. A "Challenge 21" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 21. The only acceptable forms of identification shall be photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.
27. Staff training will include the Challenge 21 Policy and its operation. In particular, staff shall be trained to

take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.

28. Notices advising what forms of ID are acceptable must be displayed.
29. Notices must be displayed in prominent positions indicating that the Challenge 21 policy is in force.

### **Annex 3 – Conditions attached after hearing by the licensing authority**

1. Out of University term time, door staff shall be employed at the premises from 21:00 until close subject to a minimum of 2 door staff on Fridays and Saturdays and a minimum of 1 door staff Sunday to Thursday. At all other times, door staff shall be employed in accordance with a risk assessment to be carried out by the premises licence holder or designated premises supervisor.
2. Polycarbonate, or other such safety glass as agreed with the police, shall be in use at the premises on the day of any sporting event shown at the premises that is agreed as being high risk with the police, and in any case from 21:00 daily. At all other times, the premises licence holder or designated premises supervisor shall undertake a continued risk assessment in terms of the use of polycarbonate or other such safety glass and implement its use where deemed appropriate.
3. There must be seating provided in the premises for 40% of the capacity. The capacity being at 400 people
4. The exterior of the building shall be cleared of litter at regular intervals during trading hours.
5. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public. Regular inspections of these areas shall be made with at least 4 inspections to be undertaken during the hours the premises are open to the public and then at the close of the premises. A log of these litter inspections shall be maintained at the premises, and made available to an officer of a responsible authority upon request.
6. The beer garden area shall cease to be used at midnight, with the exception of a designated smoking area. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
7. There shall be no music played at the premises on Sundays between the hours of 10:00 and 12:00.
8. Notices shall be prominently displayed in any area used for smoking, requesting that patrons respect the needs of local residents and use the area quietly.
9. The premises shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.
10. No glassware shall be taken into the external areas of the premises, including into the beer garden, at any time. Only polycarbonate, or other such safety glass as agreed with the police, shall be used in the external areas of the premises.
11. The designated premises supervisor or nominated member of staff shall maintain a log at the premises to confirm that all glassware is no longer in use at the premises from 2100 hours each day. This log shall be made available to an officer of a responsible authority upon request.

### **Annex 4 – Plans**

See attached

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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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**Application to vary a premises licence under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We Sanctuary Leisure Limited

*(Insert name(s) of applicant)*

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

<b>Premises licence number</b> 049511
------------------------------------------

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description 256, 256 Wilmslow Road			
Post town	Manchester	Postcode	M14 6LB

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£87500

**Part 2 – Applicant details**

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

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

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

DD	MM	YYYY
2	4	032021

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

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

- To remove conditions 2, 10 and 11 of annex 3 in relation to glassware, and replace with the following:

‘Polycarbonate, or other such safety glass as agreed with the police shall be in use at the premises (both indoors and outdoors) from 23:00 daily.

Polycarbonate/safety glass shall also be in use during any sporting event shown at the premises that is agreed as being high risk with the police, and from 21:00 on any night that a DJ is playing at the premises.

At all other times, the premises licence holder or designated premises supervisor shall undertake a continued risk assessment in terms of the use of polycarbonate or other such safety glass and implement its use where deemed appropriate.’

- To amend condition 9 of annex 3 for clarity so that it reads as follows:

‘The **premises licence holder/DPS** shall ensure that tables **both internally and externally** are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.’

There are to be no other changes to the licence.

This application is submitted following consultation with GMP and LOOH.

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

**Part 4 Operating Schedule**

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

- | <b>Provision of regulated entertainment (Please see guidance note 3)</b>                                    | <b>Please tick all that apply</b> |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------|
| a) plays (if ticking yes, fill in box A)                                                                    | <input type="checkbox"/>          |
| b) films (if ticking yes, fill in box B)                                                                    | <input type="checkbox"/>          |
| c) indoor sporting events (if ticking yes, fill in box C)                                                   | <input type="checkbox"/>          |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)                                        | <input type="checkbox"/>          |
| e) live music (if ticking yes, fill in box E)                                                               | <input type="checkbox"/>          |
| f) recorded music (if ticking yes, fill in box F)                                                           | <input type="checkbox"/>          |
| g) performances of dance (if ticking yes, fill in box G)                                                    | <input type="checkbox"/>          |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>          |

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

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

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day				Start	Finish
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

## B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					



F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur					
Fri			<b><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></b> (please read guidance note 7)		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		

K

<p><b>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</b> (please read guidance note 10).</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)
Day	Start	Finish	
Mon	00:01	00:00	
Tue	00:01	00:00	
Wed	00:01	00:00	
Thur	00:01	00:00	
Fri	00:01	00:00	
Sat	00:01	00:00	
Sun	00:01	00:00	

**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list** (please read guidance note 7)

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

Conditions 2, 10 and 11 of Annex 3 as detailed above.

Please tick as appropriate

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

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

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

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

Please see conditions attached to current premises licence, and amended conditions suggested.

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

Please see conditions attached to current premises licence, and amended conditions suggested.

**c) Public safety**

Please see conditions attached to current premises licence, and amended conditions suggested.

**d) The prevention of public nuisance**

Please see conditions attached to current premises licence, and amended conditions suggested.

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

Please see conditions attached to current premises licence, and amended conditions suggested.



Checklist:

Please tick to indicate agreement

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

**IT IS AN OFFENCE, 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.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	████████████████████
Date	23 February 2021
Capacity	Solicitors and Authorised Agents

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

████████████████████

Post town	██████████	Post code	██████
Telephone number (if any)	██████████		

<p>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</p> <p>████████████████████</p>
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### Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

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

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**REPRESENTATION FROM CLLR1**

**From:** Chris Wills <cllr.chris.wills@manchester.gov.uk>

**Sent:** 10 March 2021 15:49

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

**Cc:** [REDACTED]  
[REDACTED]

**Subject:** RE: Premises Licence variation 255953/GO2: 256, 256 Wilmslow Road, Manchester, M14 6LB, (Fallowfield ward)

Dear Grace

I am emailing on behalf of the Withington Ward Councillors regarding this licence variation. While condition 9 of Annex 3 is strengthened, we are very concerned at the proposed changes to existing conditions 2, 10 and 11 of Annex 3. Currently, there is a requirement that no glassware is in use after 2100 hours each day. The revised conditions extend the period during which glassware can be used to 2300 hours each day. The only exceptions are made for sporting events or DJ nights. The requirement for there to be no glassware taken outside at any time has also been removed, which is again is very concerning. We are also concerned that there no longer seems to be the requirement to keep a log, or to make this available to an officer upon request.

256 is a student bar and has been associated with litter and noise nuisance issues in the past. This causes particular problems for long-term residents. We believe that the weakening of conditions 2, 10 and 11 would compromise public safety, and could lead to an increase in crime and disorder and public nuisance. There also seems to be a weakening of accountability through no longer keeping a log to be made available on request.

We would therefore ask that the proposed changes to conditions 2, 10 and 11 of Annex 3 be refused.

Many thanks and best wishes.

Chris

Councillor Chris Wills  
Labour & Co-operative Member, Withington Ward

**REPRESENTATION FROM RES1**

**From:** [REDACTED]

**Sent:** 23 March 2021 23:34

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

**Subject:** Re: 255953/GO2:256 - 256 Wilmslow Road, M14 6LB

Dear Sir/Madam,

Re: 255953/GO2:256, 256 Wilmslow Road, M14 6LB (Fallowfield Ward)

I am writing on behalf of SEFRG (South East Fallowfield Residents Group) to object to the licence variations to limit the use of polycarbonate glassware and to replace it with glassware as per the revised conditions.

This bar openly gears itself to the student market and so is aimed at under 21s. The premises are situated directly across the road from Owens Park Halls of Residents which houses circa 3000+ 18/19 year olds and then there are many thousands more students in the immediate vicinity who live in the HMOs (56% of the population of M14 6 are now students). Many of these people are extremely inexperienced at handling large quantities of alcoholic drinks and so introducing glassware at points in the evening when people are more likely to be extremely drunk is a risk which is simply not worth taking. In addition, it is well known that sporting events in general can be highly charged events and, once again, introducing glassware is an unnecessary risk.

We do not really understand why the applicant wishes to change this condition because it will not affect the demand for alcohol from this clientbase in any way at all, his customers will drink his products whether they are in standard glasses or polycarbonate glassware and yet it will definitely increase the risks of accidents happening both within the club/bar and on the streets around. Polycarbonate glassware is not a particularly unusual requirement when you have very large numbers of (esp young) drinkers e.g. at festivals, large events etc and this is what you have at this club/bar. I am not exactly sure what the maximum capacity is at this venue but it is in excess of 400 and it is often packed out with queues of customers along the street. In addition to the risks in the club, it is not uncommon for glassware from licensed premises to end up being left on garden walls and dropped on surrounding residential streets and this poses a general danger to passers-by who should not have to endure **any** extra harm and - in particular - it poses a danger to small children who regularly walk past this venue on the way to and from school (and to pets who end up with broken glass in their paws).

If the applicant was introducing some evenings which catered exclusively to the over 25s market then we think this would reduce these risks substantially - we can also see that a more mature market may well be put off by having to use polycarbonate glassware - and so, providing we could believe that this would be strictly adhered to, then we would understand such a request. However, there is nothing in this application which leads us to believe that this is the case.

We know it is very hard for people who do not live in this area to fully understand the impact of such a huge, young, student population and how this affects the overall behaviour of this group - I don't know how best to describe it, except to say that it creates a herd instinct where individual responsibility and sensibility is cast aside in favour of the herd. Before moving to this area we (like many other new-ish residents) believed that Fallowfield was simply a 'vibrant' (student) area but nothing could have prepared us for the ugly reality. Extreme levels of drunkenness, often accompanied by illegal drug usage (which happens completely openly), leads to a total lack of inhibitions which means that aggressive and careless behaviour is much, much more likely. I think

the fact that Fallowfield is in a Cumulative Impact Policy area backs up this view because such a policy can only be introduced where there is very clear evidence which shows that licensed premises are adversely impacting on the licensing objectives. The CIP in Fallowfield, is I believe the only one in the whole of Greater Manchester which, again, speaks volumes.

In conclusion, we urge you to reject this variation because it poses a completely unnecessary increased risk of harm caused by broken glass - either through fights and brawls, or accidents. This increased harm is not justified in any way and abandoning the original conditions will not even affect the applicant's ability to attract his clientbase.

Yours faithfully,

[REDACTED]

On behalf of SEFRG

**REPRESENTATION FROM RES2**

**From:** Fallowfield Community Guardians <[REDACTED]>

**Sent:** 23 March 2021 22:55

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

**Cc:** Fraser Swift <fraser.swift@manchester.gov.uk>; alan.isherwood <alan.isherwood@gmp.police.uk>; Alex Hill <alex.hill@manchester.gov.uk>

**Subject:** Premises Licence variation 255953/GO2: 256, 256 Wilmslow Road, Manchester, M14 6LB, (Fallowfield ward)

Dear Sirs

I am writing on behalf of Fallowfield & Withington Community Guardians. We wish to strongly object to the variation of license at 256 to remove the conditions 2, 10 and 11 of annex 3 in relation to glassware, and replace with new conditions

The reasons for our objection are in relation to the long history of problems and issues that residents have been faced with over many years. There are 40 conditions which have been added to this licensed club premises for good reason. The location is at a flash point at the crossroads in Fallowfield. It is an area which has a very high density of University students but also attracts other visitors (mostly student age) as a destination venue. There are more than 3000 students housed at Owen's Park Halls of residence opposite the premises and many thousands more living in flats and houses in our residential community nearby. In fact 56% of the population in this part of Fallowfield are students.

256 is predominantly a student venue. It is not a typical pub but more of a nightclub with many student late night events put on during the week and weekends which contribute

to anti social behaviour in the area. This area is covered by a Cumulative Impact Policy because of the high levels of antisocial behaviour.

In January 2019, there was a variation application for 256. The decision reasons given included the following:

***The committee therefore found that it was appropriate to allow the replacement to the conditions to allow glassware before 2100 however viewed that this would only uphold the licensing objectives if further conditions were added to the licence to control this use of glassware at the premises. This included conditions that the tables be regularly cleared of glassware, that no glassware to be taken outside of the premises into the beer garden areas and that polycarbonate also be used on a day when high risk sporting events are taking place.***

Nuisance from licenced premises in Fallowfield District Centre is a regular item of discussion at our Community Guardian meetings which are held monthly (pre pandemic). We have had to raise concerns with Licensing and Out of Hours officers about noise from outdoor events including DJ events blasting loud music during afternoons at several of these meetings. We are convinced that the use of polycarbonate in the beer garden of 256 helps prevent glass being smashed onto the pavements and helps reduce potential problems when patrons have consumed a lot of alcohol. (There have been previous glassing events at these premises which led to a licence review). When the sun is out students flock to any beer gardens that are available. 256 is the biggest beer garden and the only other one is the Friendship pub. During the pandemic, the beer gardens have been closed so the local park has been used as a beer garden. <https://www.manchestereveningnews.co.uk/news/greater-manchester-news/platt-fields-park-left-disgusting-20203327>

Antisocial behaviour does not only occur after 9pm. In warm weather, the beer garden can be packed from midday. The article in MEN highlights this, people like to socialise and when alcohol is consumed, behaviour is often not responsible and can lead to accidents, fights and tensions.

We want to highlight the issues of antisocial behaviour that occur because of the disproportionate number of students living here. When the weather is good, staff at pubs cannot cope with the volume of patrons and we see tables piled high with glasses. If these are polycarbonate, it reduces the risk of harm. We therefore feel these conditions should remain. Sometimes good weather occurs unexpectedly and suddenly a premises can fill up and there are insufficient staff on the rota.



We consider that the use of glass in the beer garden area will create more broken glass on pavements and the potential for fights. We witness this on the streets when we do walkabouts late at night to observe what is happening in the area.

The use of glass in the very large beer garden will add to public nuisance and public safety. In a cumulative impact policy area, there needs to be exceptional reasons given to deviate from this policy. We do not think any reasons have been given to justify this. With the history of high levels of antisocial behaviour and crime and disorder, the need for the protection of the local residents is paramount. Many school children walk to school past these premises and the amount of alcohol litter, broken glass and all sorts of other litter which links in with high numbers of students (drugs, takeaways) contribute to the undermining of the licensing objectives for public safety, public nuisance and crime and disorder.

We do not feel that glass in the beer garden is responsible.

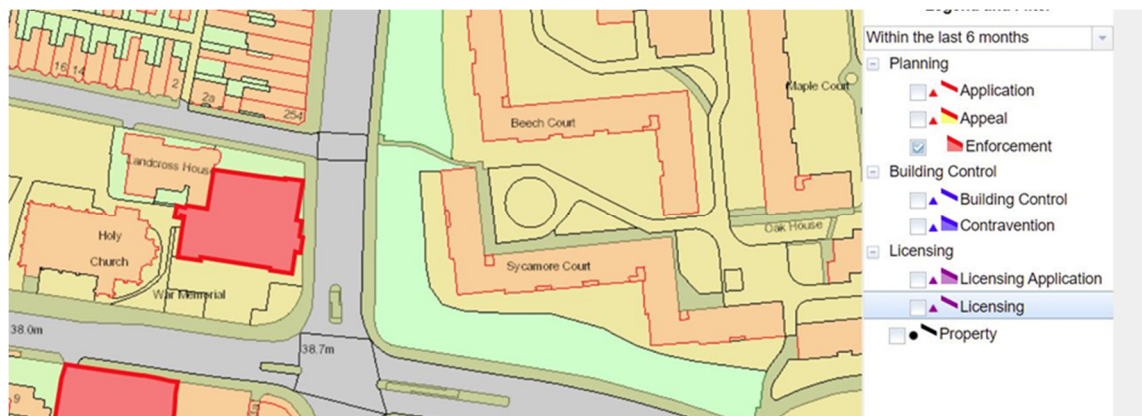
We have also noticed the erection of a very large outdoor canopy in the garden area which we understand is now under planning enforcement. This does not give us confidence that the owners act responsibly.

We ask you to refuse this variation in light of the reasons behind the cumulative impact policy which exist to protect local residents from the undermining of the licensing objectives.

Yours

██████████

Community Guardian Coordinator  
Fallowfield & Withington





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

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## Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> <li>1. Polycarbonate, or other such safety glass as agreed with the police shall be in use at the premises (both indoors and outdoors) from 23:00 daily.</li> <li>2. Polycarbonate/safety glass shall also be in use during any sporting event shown at the premises that is agreed as being high risk with the police, and from 21:00 on any night that a DJ is playing at the premises.</li> <li>3. At all other times, the premises licence holder or designated premises supervisor shall undertake a continued risk assessment in terms of the use of polycarbonate or other such safety glass and implement its use where deemed appropriate.'</li> <li>4. The premises licence holder/DPS shall ensure that tables both internally and externally are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.</li> </ol>	N/A	Applicant
Conditions proposed by objectors	Agreed	Proposed by
No conditions proposed by objectors	N/A	N/A

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**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Subcommittee Hearing Panel – 19 April 2021

**Subject:** 99a Lapwing Lane, Manchester, M20 6UR - App ref: Premises Licence (new) 255707

**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:** Didsbury West

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

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**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

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**Contact Officers:**

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

Name: Lauren Hyndman  
Position: Technical Licensing Officer  
E-mail: premises.licensing@manchester.gov.uk

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

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



## 1. **Introduction**

- 1.1 On 11 February 2021, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of 99a Lapwing Lane, 99a Lapwing Lane, Manchester, M20 6UR in the Didsbury West 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 Jemma O'Brien.
- 2.3 The description of the premises given by the applicant is as follows: Kiosk on Lapwing Lane is to be a very small (4.14m<sup>2</sup>) coffee/drinks take out hatch situated on the Lapwing Lane strip of shops. Kiosk will run from a small area sectioned off from the main post office floor plan which was intended as an entryway to the flats above but is empty and disused.

As so small it would be a primarily takeout operation, with nobody in the premises except staff- 2 max) and will utilise outdoor seating. ½ tables when the post office is open and then further tables when the post office is closed.

The primary use of kiosk is a day time coffee hatch but evenings and weekends will offer an incredibly short and simple bar menu. Mulled Wine offering at Christmas.

- 2.4 The proposed designated premises supervisor is Jennifer Charlotte Bowker

### 2.5 **The licensable activities applied for:**

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

Monday to Wednesday 9am to 11pm,

Thursday to Saturday 9am to Midnight,  
Sunday 9am to 10:30pm

Bank Holidays 9am- Midnight

Opening hours:

Monday to Wednesday 8am to 11pm

Thursday to Friday 8am to Midnight

Saturday 9am to Midnight

Sunday 9am to 10:30pm

Bank Holidays 9am to Midnight

- 2.5.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.
- 2.5.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 2**.
- 2.6 **Activities unsuitable for children**
- 2.6.1 The applicant has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
- 2.7 **Steps to promote the licensing objectives**
- 2.7.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule.
- 2.7.2 These steps must be translated into conditions by the licensing authority to be included in any granted premises licence, unless the conditions are modified by the Panel following consideration of relevant representations. These conditions are set out in the Schedule of Conditions at **Appendix 4**.
3. **Relevant Representations**
- 3.1 A total of four 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;
- MCC Trading Standards

Other Persons:

- Didsbury Ward Councillor;
- West Didsbury Residents' Association;

## 3.2 Summary of the representations:

Party	Grounds of representation	Recommends
<b>Licensing and Out of Hours Compliance</b>	Concerns the Premises will lead to increase in in public nuisance, crime and disorder and impact adversely on residents, businesses and other licensed premises in the area due to lack of clear steps provided by the Applicant to manage such a licence.	Refuse
<b>Trading Standards</b>	The applicant demonstrates a lack of knowledge concerning the four licensing objectives, in particular protecting children from harm.	Refuse
<b>Didsbury Ward Councillor</b>	Grounds of representation are prevention of disorder and public nuisance due to the hours proposed for the Licensable activities. Recommends that use of outdoor seating should end at 10pm and onsales should end at 9:30pm to prevent public nuisance. Conditions need to be included to stop customers from standing around drinking.	Accept if hours restricted and additional conditions added.
<b>West Didsbury Residents Association</b>	The application breaches the licensing objectives of preventing public nuisance and ensuring public safety. Concerns that there are no toilet/handwashing facilities, or adequate facilities to wash crockery, and safely store food which causes risk to general health and the spread of Corona Virus. Also takes issue with the absence of acoustic insulation and the nuisance this may cause to local residents. Recommends that the Premises should have its own contract with a waste collection company.	Refuse

3.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 4**.

3.4 Agreements on conditions have been reached with Licensing & Out of Hours Compliance and Trading Standards.

#### 4. **Key Policies and Considerations**

##### 4.1 **Legal Considerations**

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

#### 4.2 **New Information**

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

#### 4.3 **Hearsay Evidence**

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

#### 4.4 **The Secretary of State's Guidance to the Licensing Act 2003**

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

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

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

#### 4.5 **Manchester Statement of Licensing Policy**

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

4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.

4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.

- 4.5.4 Relevant to this application and the grounds of the representations made, the Panel are recommended to have regard to the following sections of the Policy:

**Section 6: What we aim to encourage**

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

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

**Section 7: Local factors**

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

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

- Identified risk factors specific to the licensed premises
- Evidence of pre-existing problems in the area
- Proximity of takeaways and 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

**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.**

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99a Lapwing Lane  
99a Lapwing Lane, Manchester, M20 6UR

Premises Licensing  
Manchester City Council

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Survey100019568.



<b>PREMISE NAME:</b>	99a Lapwing Lane
<b>PREMISE ADDRESS:</b>	99a Lapwing Lane, Manchester, M20 6UR
<b>WARD:</b>	Didsbury West
<b>HEARING DATE:</b>	19/04/2021

**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 JEMMA O'BRIEN  
 (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			
99 LARWING LANE WEST DIDSBURY (CURRENTLY UNDERGOING PLANNING APPLICATION TO BE RENAMED AS 99A FOR POSTAL REASONS. SEE ATTACHED PLANNING DIAGRAMS TO UNDERSTAND FURTHER)			
Post town	MANCHESTER	Postcode	M20 6UT
Telephone number at premises (if any)		[REDACTED]	
Non-domestic rateable value of premises		£2000 (CALCULATED AT 1425m <sup>2</sup> ) / NIA	

**Part 2 - Applicant details**

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

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

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input checked="" type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)
Surname <b>O'BRIEN</b>		First names <b>JEMMIA CHRISTINE</b>		
Date of birth	<b>[REDACTED]</b>	I am 18 years old or over	<input checked="" type="checkbox"/>	Please tick yes
Nationality	<b>[REDACTED]</b>			
Current residential address if different from premises address	<b>[REDACTED]</b>			
<b>[REDACTED]</b>				
Daytime contact telephone number	<b>[REDACTED]</b>			
E-mail address (optional)	<b>[REDACTED]</b>			
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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

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

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
01	04	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)

Kiosk on Lapwing is to be a very small (4.14m<sup>2</sup>) coffee/drinks take out hatch situated on the Lapwing Lane strip of shops. Kiosk will run from a small area sectioned off from the main Post Office floorplan which was intended as entryway to flats above but is empty and disused. As so small, it would be a primarily take at operation (nobody in premises but staff - 2 max.) and utilise outdoor seating - 1/2 tables when Post Office is open and then further tables when Post Office closed (see planning drawing). Primary use of kiosk is a daytime coffee hatch but on evenings and weekends will offer an incredibly short and simple bar menu. Mulled wine offering at Christmas.

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

n/a
-----

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

## A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					



**B**

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

C

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

## D

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

**E**

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

## F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <b><u>indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					

## G

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

## H

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

## I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><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></b> (please read guidance note 6)		
Sat					
Sun					



J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)  NONE		
Mon	09:00	23:00			
Tue	09:00	23:00			
Wed	09:00	23:00			
Thur	09:00	00:00			
Fri	09:00	00:00			
Sat	09:00	00:00			
Sun	09:00	22:30			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
			Bank holiday days would differ from the standard days. For example Sundays & Mondays falling on bank holidays would be licensed until 00:00 and treated like Friday/Saturday.		

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	JENNIFER CHARLOTTE BOWKER
Date of birth	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
Personal licence number (if known)	PA2230
Issuing licensing authority (if known)	TAMESIDE MBC

**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 NO FILMS / GAMBLING ETC TO TAKE PLACE HERE.

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	23:00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p> <p>BANK HOLIDAY DAYS WOULD DIFFER FROM NON STANDARD TIMINGS. BANK HOLIDAYS WOULD OPERATE ON SATURDAY OPENING HOURS.</p>
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	00:00	
Fri	08:00	00:00	
Sat	09:00	00:00	
Sun	09:00	22:30	

## 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)**

I worked nextdoor (as did DPS) at licensed premises Wine and Wallap' for years, we may use this exact space (outdoor) as extra seating area so I/we are very familiar with expected clientele/ issues that may arise and it's all very manageable. Premises will be open at same time/close earlier as nextdoor 'Wine and Wallap' so neighbours will always be present (as well as other venues on strip). All employees will undergo full training re: responsible alcohol sales and respect for neighbours imperative for me. I and DPS live [redacted] so full responsibility & care easy to maintain.

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

Door supervisor unnecessary as nobody entering premises, outdoor only. License holders/employees will be familiar & strict re: not serving intoxicated person and ensure responsible sales of alcohol including proof of age policy. CCTV from 2 angles already installed from Post Office that I have access to. Capacity seating limit of 8 small tables (seen in planning) which reduces over-crowding that could lead to disorder. No in-resp side drinks/pramochas in place.

**c) Public safety**

Fire safety - as no patrons inside at any point it's straight forward. Outdoor seating extremely accessible and fully open to access. Adequate and appropriate first aid equipment and materials available on premises. All staff employed will undertake basic first aid training. No gas/oil appliances on site. Electrical inspections scheduled annually. Premises will have current and suitable Public Liability Insurance. A certificate will be obtained each year & available to view at premises.

**d) The prevention of public nuisance -**

Noise - Myself & DPS reside [redacted], hugely reducing noise issues for neighbours as closest residents at no. 103. The playing of music (recorded) outside will not be permitted after 23:00. Speakers likely located inside premises for any ambient music. Outside seating closed at 00:00 latest. Premises has waste collection contract with Empty My Bins who collect refuse daily basis from adjacent alleyway. Staff to undertake litter pick 2m radius of space to ensure post office happiness. Transport incl. train/bus stop within 50m & taxi rank over road for easy dispersal at closing time.

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

The premises operates a strict proof of age policy which will be KIOSK's largest factor in protection of children. No nudity/striptease/film screening will happen on the premises so no issues found here.

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee. *(link to be sent)*
- 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.**

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

	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	[REDACTED]
Date	9/1/2021
Capacity	DIRECTOR MAIN LICENSE HOLDER

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	

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

Document is Restricted

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**MANCHESTER  
CITY COUNCIL**

**Licensing & Out of Hours Compliance Team  
Evidence for Sub Committee Hearing**

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

**Premise Details**

Application Ref No	255707
Name of Premises	N/A
Address	99a Lapwing Lane, Manchester M20 6UR

**Representation**

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

We, the Responsible Authority for Environmental Health, are submitting a representation following the application for a licence at 99a Lapwing Lane, Manchester M20 6UR to permit the:

- **Provision of late night refreshment**
- **Supply of alcohol**

We have assessed the likely impact of the grant of this application; taking into account a numbers of factors, including: the nature of the area in which the premises is located; the hours applied for, and the potential risk that the granting of this license could have on the 4 statutory licensing objectives, which the Licensing Act outlines as:

- *the prevention of crime and disorder*

- *public safety*
- *the prevention of public nuisance*
- *the protection of children from harm*

The grounds for representation are:

- *the prevention of crime and disorder*
- *the prevention of public nuisance*
- *the protection of children from harm*

The proposed operation of the premises is a café/bar designed to serve both the local community and passing trade. The premises is between a number of other businesses including licensed premises and will offer a takeaway service and outdoor seating area for the consumption of hot drinks before 23:00 and supply of alcohol. The premises is situated on Lapwing Lane within the Didsbury West Ward and in close proximity to residential dwellings; local businesses; a community park and a School.

We are concerned that if this application for a new premises licence is granted in its current format, it will lead to an increase in public nuisance, crime and disorder and impact adversely on residents, businesses and other licensed premises in the area as the applicant has not provided any clear steps to prevent and/or manage this if the licence was granted.

We believe that the grant of this licence would not promote the four statutory objectives as the steps provided by the applicant do not fall in line with the Revised Guidance issued under Section 182 of the Licensing Act 2003 which suggests conditions:

- *must be appropriate for the promotion of the licensing objectives;*
- *must be precise and enforceable;*
- *must be unambiguous and clear in what they intend to achieve.*

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged.

If the Licensing Authority was to support the grant of this application based on the steps provided by the applicant the licence would be unclear to the Premises Licence Holder, Designated Premises Supervisor, Enforcement Officers, the Courts and local residents.

**Therefore, we ask that the application is refused at this time.**

**References:**

Licensing Act 2003, Available at <https://www.legislation.gov.uk/ukpga/2003>, (Accessed 18 February 2021)

Manchester City Council, *Statement of Licensing Policy 2016-2022*,  
4 January 2016, Revised 12 July 2018.

Manchester City Council, *Licensing Act 2003 model conditions*, published 2015.

Home Office, *Revised Guidance issued under section 182 of the Licensing Act 2003*, published April 2018.

Recommendation: **Refuse**

**REPRESENTATION: TRADING STANDARDS**

<b>ABOUT YOU</b>		PLEASE NOTE: LICENSING OFFICERS, LICENSING COMMITTEE MEMBERS AND THE APPLICANT CAN VIEW THE INFORMATION PROVIDED ON THIS FORM
<b>Your first name (required)</b>	<b>Your last name (required)</b>	
Bernard	McMenamin	
<b>Your address including postcode (required)</b>		
Trading Standards Service 1 Hammerstone Road Manchester M18 8EQ		
<b>Contact email address</b>	<b>Contact phone no</b>	
Bernard.McMenamin@manchester.gov.uk	0161 234 1540	

<b>ABOUT THE PREMISES</b>
<b>Application Ref No. (if known):</b>
LPA 255707
<b>Name of the Premises about which you would like to make a representation:</b>
99a Lapwing Lane
<b>Address of the Premises (including postcode if known):</b>
99a Lapwing Lane, Manchester M20 6UT.

<b>YOUR REPRESENTATION</b>
<b>Please outline your representation below and continue overleaf. This should be the likely effect of the grant of the licence / certificate on the licensing objectives on and in the vicinity of the premises in question. (Please continue on a separate sheet of paper if necessary)</b>
<p>The Trading Standards Team have assessed the likely impact of the granting of this application taking into account a number of factors, including the conditions offered and times applied for and any potential risk that the granting of this application could lead to issues which do not uphold the licensing objectives specifically the protection of children from harm.</p> <p>The application is for a licence to sell alcohol. The premises are a coffee kiosk attached to a Post Office in a suburb of Manchester with a selected bar menu and table service when the Post Office is closed.</p> <p>The Trading Standards Team have assessed the likely impact of the granting of this application taking into account a number of factors, including the conditions offered and times applied for and any potential risk that the granting of this application could lead to issues which do not uphold the licensing objectives specifically the prevention of children from harm.</p> <p>Although the original application does reference staff training and a proof of age policy, a more specific structure will need implementing.</p>

Giving consideration to the above application, the Trading Standards Team therefore recommend that the application is refused as the applicant demonstrates a lack of knowledge concerning the four licensing objectives, in particular protecting children from harm.

**Supporting Evidence:** In addition to your own written / oral testimony to the Licensing Sub-Committee, you may wish to provide evidence to support your representation. You will need to show how this evidence relates to the premises in question. Examples of supporting evidence include oral testimony, written testimony, noise records, video or photographic material, crime and disorder data, other statistical data, reports etc.)

**REPRESENTATION: COUNCILLOR JOHN LEECH**

From: John Leech <cllr.john.leech@manchester.gov.uk>

Sent: 15 February 2021 16:02

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

Cc: [REDACTED]

Subject: Re: Premises Licence (new) 255707/CT4: 99a Lapwing Lane, 99a Lapwing Lane, Manchester, M20 6UR, (Didsbury West ward)

Dear Licensing

In line with most other outdoor seating areas, the use of the tables and chairs outside should be restricted to 10pm, in order to protect local residents from noise and disturbance late at night. (Licensing objectives - prevention of disorder and public nuisance)

Conditions need to be included to stop customers from standing around drinking, and increasing the number of customers using the forecourt.

I would argue that the tables and chairs need to be removed at 10pm, so as to ensure that they do not continue to be used. On sales ought to be restricted to 9.30pm, so as to ensure that drinkers have enough time to drink up and leave by 10pm.

Thank you

John Leech

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West Didsbury Residents' Association

  
2 March 2021

**Manchester City Council  
Licensing Unit  
PO Box 532  
Manchester  
M60 2LA**

attention Chloe Tomlinson

Dear Chloe

**255707/LH6  
99a Lapwing Lane, Manchester  
Premises Licence (new)**

Thanks for your notification to WDRA of an application for new premises licence at 99 or 99A Lapwing Lane .

On behalf of WDRA I wish to make a representation.

#### **PROPOSAL DETAIL**

Although the application is less than clear as to precise arrangements the following is what appears to WDRA to be being requested:

We have not received from the Premises Licensing Unit any proposed site map, but rely upon the drawing kindly made available to us by Cllr Leech. The plan is the same as a publicly available plan submitted in support of a concurrent application for Planning consent (ref 129401)

Both diagrams show a red line surrounding the area where licensed activity is proposed. The area includes that area of forecourt/highway fronting 99 Lapwing Lane Post Office and extending as far from the building as the extent of the glass covered arcade.

Also included included within the licensed area is a section of existing intra building passageway, opening to Lapwing Lane via a locked door.

#### **PRESENT USES OF PROPOSED LICENCED AREA**

The Post Office frontage provides space for ATM customers to access the external cash machine and for other persons wishing to use the machine to queue in a manner which safeguards machine users' confidentiality. The importance of this has been increased during the present covid social distancing provisions. As well as the cash machine users, Post Office customers also presently queue on the frontage waiting their turn to safely

enter the Post Office.

### **PROPOSED USES OF INTENDED LICENSED AREA**

A kiosk is shown situated in the internal passageway from which two staff would dispense coffee, alcoholic drinks and what is described as an “incredibly short and simple bar menu”. No further detail is provided.

The drawing shows tables and chairs on the PO frontage.

### **ISSUES ARISING FROM USE OF KIOSK SITUATED WITHIN INTERNAL ACCESS PASSAGEWAY**

It remains unclear from the application document whether written consent for the proposed activity has been given by either the property owner or the leasehold Post Office tenant. Based on information so far provided it would appear that access to upper floor flats would now be solely via rear elevation staircase.

We note the application states that the passageway is:

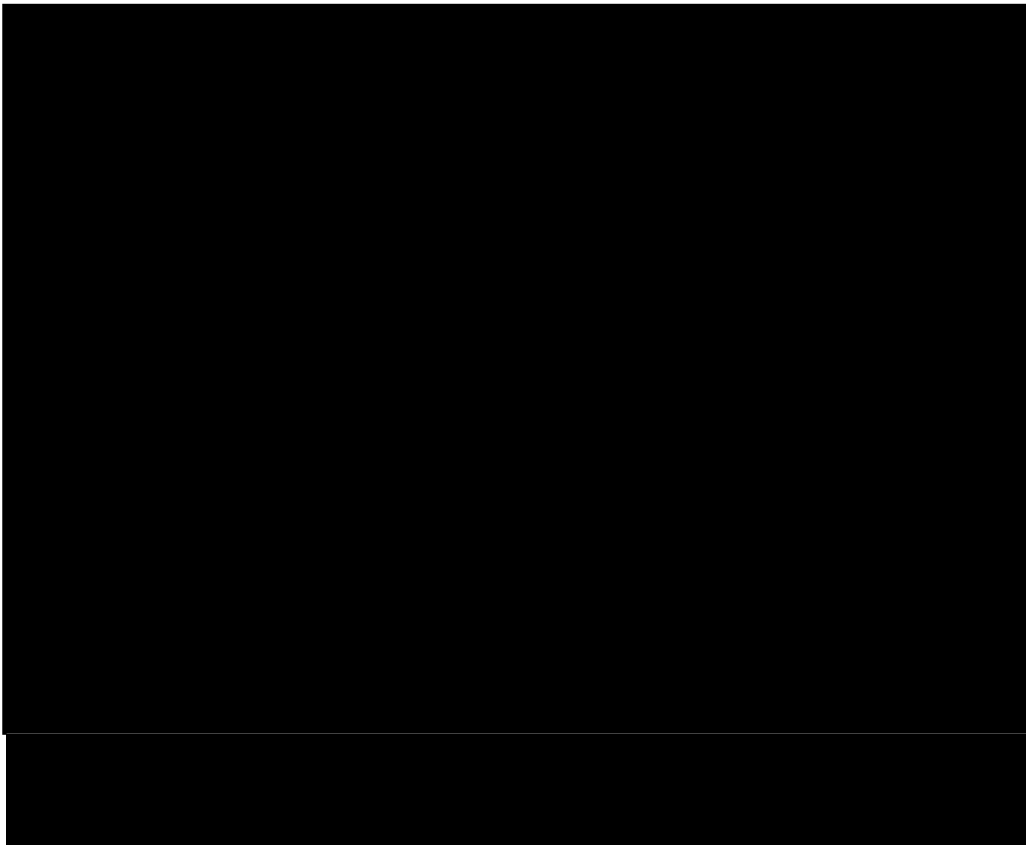
“intended as an entryway to the flats above but is empty and disused.”

The application seeks to avoid any necessity to provide acoustic insulation by stating that the applicant and business associate [REDACTED] and suggesting that this “hugely reducing noise issues for neighbours”. WDRA take the view that a premises licence is a permanent permission which often outlasts [REDACTED]. Can it please be confirmed that what is here sought is a permanent premises licence and not one that would terminate [REDACTED]. We would suggest that need for acoustic insulation is best assessed by an acoustics professional rather than the opinion of the [REDACTED].

### **ISSUES ARISING FROM USE OF POST OFFICE FORECOURT**

The diagram of the intended area of permitted licensable activities shows 6 tables and 12 chairs.





The application also includes the following statement:

“As so small it would be a primarily takeout operation nobody in premises except staff - 2 max) and utilise outdoor seating. ½ (sic) tables when the post office is open and then further tables when the post office is closed”.

When the above is read in conjunction with the diagram WDRA are not entirely clear as to what is intended. We think this means one table and two chairs during PO opening hours as follows:

0845 till 17.30	Mon-Tue,
08.45 till 18.00	Wed,
08.45 till 17.30	Thur,
09.00 till 17.30	Fri,
09.00 till 17.30	Sat,
Closed	Sun.

and 6 tables with 12 chairs after PO closing times

17.30 till 23.00	Mon,
17.30 till 23.00	Tues,
18.00 till 23.00	Wed,
17.30 till 00.00 midnight	Thu,
17.30 till 00.00 midnight	Fri,
13.30 till 00.00 midnight	Sat,
09.00 till 22.30	Sun.

There is a disparity between the application text where it is stated:

“Capacity seating limit of 8 small tables which reduces over-crowding that could lead to disorder”

and the drawing showing 6 tables and 12 chairs.

We have already noted that ATM access is required 24/7 and this would be compromised by the present proposal on grounds of personal confidentiality and social distancing requirements.

We recognise the proposal would entail removal of 5 tables and 10 chairs during all PO opening hours. However the proposed table configuration would also compromise access to upper floor flats.

The application fails to explain where the tables and chairs would be stored when not on the outside area. Much of the former passageway would be already occupied by the proposed kiosk.

WDRA's view is that the proposed table configuration would give rise to public nuisance and public safety issues as described above.

### **CUSTOMER and STAFF PUBLIC HEALTH ISSUES**

The proposed licensed premises appear to have no facilities for washing hands by either customers or staff. There also appears to be no toilet provision for either staff or customers. There would seem to be no sink or hot water supply for washing crockery, glasses or cleaning and preparation of food.

Lack of toilet and hand-washing facilities would seem to be a recipe for public nuisance with customers tempted to relieve themselves down any back entry or doorway. WDRA take the view that lack of toilet and hand cleansing facilities would mean unacceptable risks to general health as well as an increased chance of catching and transmitting Covid 19.

### **DELIVERIES, PREPARATION and HYGIENIC STORAGE OF WET AND DRY STOCKS**

No information is provided to address these matters. Unlimited times of deliveries may well cause nuisance. Preparation and storage of stocks are of fundamental importance for health of staff and customers. The present pandemic increases the need for care over these matters.

### **RECYCLING OF WASTE FOOD BOTTLES AND OTHER PACKAGING**

The application states:

“Premises has waste collection contract with ‘Empty My Bins’ who collect refuse on a daily basis from adjacent alleyway. Staff to undertake litter pick within 2m radius of space to ensure post office happiness.”

WDRA remain to be convinced that the red lined business premises rather than the Post Office business has a current collection contract. The new business entity would require its own separate contract with a commercial bin collector. Consequently WDRA look forward to confirmation that provisions for recycling would be conducive the Licensing Objectives of preventing public nuisance and ensuring public safety.

The issue of discarded paper cups is a significant environmental and health issue. WDRA volunteers regularly clear such cups from a wide area around Lapwing Lane and Burton Rd. We find the applicant's offer to clear litter from a one metre strip to be less than adequate.

Under present covid regulations personal keep cups have been ruled out due to risk of spreading the virus. One unfortunate side effect of this is an increased risk of covid infection to all volunteers collecting disposable cups as infection can remain on these for a number of hours.

WDRA suggest the following may assist:

- a large notice displayed at the kiosk reminding customers of their duty to responsibly and hygienically dispose of their paper cup,
- a requirement that all disposable cups, plates and tissues prominently display name and address of the kiosk. The latter may discourage the dropping of cups and would also help to quantify the extent of the problem.

### **PLAYING OF RECORDED MUSIC OUTDOORS**

By implication the application seeks consent for playing of recorded music outdoors until 23:00 every evening. WDRA wish to resist this on grounds of public nuisance. No other neighbouring restaurants or bars are permitted music played outdoors (although music may be permitted indoors).

We feel that permitting playing of outdoor recorded music here would set an unfortunate precedent.

### **CONCLUSIONS**

WDRA wish to encourage new business enterprises wherever possible. We have considered this application in some detail. It is regrettably our conclusion that the application could not operate without breaching the licensing objectives of preventing public nuisance and ensuring public safety.

Unlike neighbouring pavement facilities the proposal is not an adjunct to any indoor licensed business. As a result the enterprise lacks any toilet and hand-washing facilities, any sink for washing in hot water of crockery and glassware or preparation and safe storage of food.

The application seems to assume that because [REDACTED] [REDACTED] no acoustic insulation would be required.

WDRA wish to oppose grant of the application for the reasons here presented.

Kind regards

[REDACTED]

[REDACTED]

WDRA Planning Officer (acting)

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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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## Schedule of Licence Conditions

<b>Conditions consistent with the operating schedule</b>	<b>Agreed</b>	<b>Proposed by</b>
<ol style="list-style-type: none"> <li>1. All employees shall undergo full training regarding responsible alcohol sales and respect for neighbours</li> <li>2. Licence Holder/employees shall be familiar and strict regarding not serving intoxicated persons and ensure responsible sales of alcohol including proof of age policy</li> <li>3. No irresponsible drinks promotions shall be in place</li> <li>4. Adequate and appropriate first aid equipment and materials shall be available on premises.</li> <li>5. All staff employed shall undertake basic first aid training</li> <li>6. No gas/oil appliances shall be kept on site and electrical inspections shall be scheduled annually</li> <li>7. The premises shall have current and suitable Public liability Insurance. A certificate shall be obtained each year and available to view at the premises.</li> <li>8. The playing of music (recorded) outside shall not be permitted after 23:00</li> <li>9. Refuse shall be collected on a daily basis and staff shall undertake litter pick within 2m radius of space</li> <li>10. The Premises shall operate a strict proof of age policy.</li> </ol>	N/A	Applicant
<b>Conditions proposed by objectors</b>	<b>Agreed</b>	<b>Proposed by</b>
<ol style="list-style-type: none"> <li>1. There shall be a CCTV system in place which covers the entrance/exit to the kiosk and the area where tables and chairs are to be placed.</li> <li>2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days</li> <li>3. The premises licence holder shall ensure that CCTV images are produced to the police or licensing authority within 24 hours of any request.</li> <li>4. All alcohol will be sold in sealed containers, save for that sold for the purpose of consumption in the external area where tables and chairs are to be placed.</li> <li>5. Staff will be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives, and the laws relating to under-age sales and the sale of alcohol to intoxicated persons,</li> </ol>	Yes (all)	Licensing & Out of Hours

## Schedule of Licence Conditions

<p>and that training shall be documented and repeated at 6 monthly intervals.</p> <ol style="list-style-type: none"> <li>6. A refusals book will be maintained at the premises and made available to an officer of a responsible authority upon request.</li> <li>7. A first aid box will be available at the premises at all times.</li> <li>8. Regular safety checks shall be carried out by staff.</li> <li>9. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.</li> <li>10. The premises shall maintain an Incident Log and public liability insurance</li> <li>11. Noise from music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.</li> <li>12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.</li> <li>13. The exterior of the kiosk and the external seating area shall be cleared of litter at regular intervals.</li> <li>14. Notices will be positioned in the external area requesting customers to leave in a quiet manner.</li> <li>15. Deliveries to the premises, refuse collections and the emptying of bins into external bins/skids will not take place between 23:00 and 08:00.</li> <li>16. During the trading hours of the Post Office at 99 Lapwing Lane, a maximum of two tables (with two seats each) shall be placed in the external area at the premises. Outside of the trading hours of the Post Office, further tables, as shown on the plan attached to the premises licence will be permitted to be placed in the external area at the premises.</li> <li>17. For so long as an ATM machine is available for public use at the frontage of the Post Office at 99 Lapwing Lane, no tables or chairs be placed in such a position as to encroach over the 'privacy line' drawn on the ground for persons utilising the ATM machine.</li> <li>18. All takeaway packaging shall clearly identify the premises, e.g. by way of premises logo or name.</li> <li>19. All takeaway packaging shall include a sticker or similar asking customers to dispose of litter responsibly.</li> <li>20. All alcohol sold for consumption off the premises (not in the external area) shall include on/with the packaging a sticker or similar asking customers to consume the product at home.</li> <li>21. There shall be no external speakers.</li> <li>22. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to</li> </ol>		
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## Schedule of Licence Conditions

<p>be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.</p> <p>23. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.</p> <p>24. A notice will be displayed in a prominent position in the kiosk advising that the Challenge 25 Policy is in place and advising what forms of ID are acceptable.</p>		
<p>25. Staff shall make regular checks of the external area for underage persons encouraging adults to purchase alcohol for them</p> <p>26. The Premises Licence holder shall display a prominent notice at the Premises explaining the Law in relation to purchasing alcohol on behalf of persons under 18, and the penalties involved.</p>	Yes (all)	Trading Standards

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