



## **Licensing Sub Committee Hearing Panel**

Date: Monday, 19 October 2020  
Time: 10.30 am (or at the rise of the Licensing Committee)  
Venue: Dial: 033 3113 3058 Room number: 37978770 #  
PIN: 2991 #

Everyone is welcome to attend this committee meeting.

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

**Under the provisions of these regulations the location where a meeting is held can include reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.**

**This meeting is by way of a telephone conference. You can listen to the call as it takes place, the number of people able to listen to the live call is limited to 90.**

## **Membership of the Licensing Sub Committee Hearing Panel**

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**Councillors** - Andrews, Jeavons and Hewitson

## 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. Premises Licence Variation - BFS and Convenience Store, 29 Withy Grove, Manchester, M4 2BJ** 5 - 76

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

**5. New Premises Licence - Premises Name TBC, 153a Princess Road, Manchester, M14 4RE - determination** 77 - 80

The determination papers are enclosed.

**6. New Premises Licence - Vertigo, 18 Cross Street, Manchester, M2 7AE** 81 - 158

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:

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This agenda was issued on **Friday, 9 October 2020** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Sub-Committee Hearing Panel – 19 October 2020

**Subject:** BFS and Convenience Store, 29 Withy Grove, Manchester, M4 2BJ - App ref: Premises Licence variation 249307

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

**Summary**

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

**Recommendations**

That the Committee determine the application.

**Wards Affected:** Piccadilly

<b>Manchester Strategy Outcomes</b>	<b>Summary of the contribution to the strategy</b>
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	
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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:**

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Name: Patrick Ware  
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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 03/09/2020, an application for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 was made in respect of BFS and Convenience Store, 29 Withy Grove, Manchester, M4 2BJ in the Piccadilly ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

## **2. Current Licence**

- 2.1 The premises licence holder is UMS Business Services 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 as follows:

### **Description of proposed variation as given by the applicant:**

This application has been made necessary due to the Covid 19 pandemic. After the prolonged period of closure, the licence holders are making changes to the business to make it viable & ensure they can continue to trade and employ people. The change consists of a full renovation and changing what was Funky Chicken take away into a convenience store.

The licence already permits 24-hour opening, late night refreshment and alcohol sales but in different halves of the business. In terms of alcohol sales BFS currently has alcohol between 10am and 4am and what was Funky Chicken has 24-hour opening with no alcohol sales. This application is to streamline the hours across both premises so they match and can be run hand in hand with each other.

The alcohol sales at both premises will be for OFF sales only.

The application is also for minor amendments to the conditions including the removal of condition 6 that demands that every sale of alcohol is made by a personal licence holder. This condition was applied to this licence in approximately 2006 and it is over burdensome and impossible to comply with due to staff turnover. An appropriate training condition has been offered as an alternative.

The application is also to submit a change of plan to reflect the changes within what was previously Funky Chicken.

### **Proposed hours and licensable activities:**

Provision of regulated entertainment (recorded music):

Current hours: Mon to Sun 10am to 4am (BFS);

Proposed hours: Mon to Sun 24 hours (BFS and Convenience Store [formerly Funky Chicken])

Provision of late night refreshment:

Current hours: Mon to Sun 11pm to 4am (BFS); 11pm to 5am (Funky Chicken)

Proposed hours: Mon to Sun 11pm to 5am (BFS and Convenience Store)

Supply of alcohol for consumption off the premises only:

Current hours: Mon to Sun 10am to 4am (BFS)

Proposed hours: Mon to Sun 24 hours (BFS and Convenience Store)

Opening hours:

Current hours: Mon to Sun 10am to 4.30am (BFS); 24 hours (Funky Chicken)

Proposed hours: Mon to Sun 24 hours (BFS and Convenience Store)

- 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 6**.

**3.5 Further documentation accompanying the application**

3.5.1 The applicant has submitted the following documents in support of their application, which are included with the application form at **Appendix 4**:

- Plans showing proposed internal layout

**4. Relevant Representations**

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

Responsible Authorities:

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

4.2 Summary of the representations: AMEND AS NECESSARY

Party	Grounds of representation	Recommends
<b>GMP</b>	Concerns that, if the variation were granted it would lead to an increase in alcohol-related crime and anti-social behaviour in the area and, during these times of Covid restrictions, a potential increase in illegal gatherings in the nearby party pad type premises.	Refuse
<b>Licensing and Out of Hours Compliance</b>	Concerns regarding the applicant’s ability to operate the premises highlighted by previous licence breaches; issues of public nuisance to nearby residents; increased litter generation; drug dealers outside the premises; that the premises would become a destination for those wishing to carry on drinking and a gathering place for the street community; the proximity of a number of short-term let apartments used for	Refuse

	parties; breaches of Covid-19 regulations and; the applicant's poor record of promoting the licensing objectives resulting in an expedited review in 2019.	
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4.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 6**.

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

### **5.1 Legal Considerations**

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

### **5.2 New Information**

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

### **5.3 Hearsay Evidence**

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

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

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

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

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

### **5.5 Manchester Statement of Licensing Policy**

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

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

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

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

***Section 7: Local factors***

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

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

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

- Proximity of takeaways and off-licences to nightlife entertainment areas
- Consistency with relevant Council strategies
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance
- Ability to clean and maintain the street scene

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

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

- MS2 Effective general management of the premises
- MS3 Responsible promotion and sale of alcohol
- MS5 Prevent on-street consumption of alcohol
- MS8 Prevent noise nuisance from the premises
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse

**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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<b>PREMISE NAME:</b>	BFS and Convenience Store
<b>PREMISE ADDRESS:</b>	29 Withy Grove, Manchester, M4 2BJ
<b>WARD:</b>	Piccadilly
<b>HEARING DATE:</b>	19/10/2020





# MANCHESTER CITY COUNCIL

## LICENSING ACT 2003 PREMISES LICENCE

<b>Premises licence number</b>	199526
<b>Granted</b>	09/08/2017
<b>Latest version</b>	Transfer 244378 granted 05/03/2020

### Part 1 - Premises details

<b>Name and address of premises</b>
<b>BFS and Funky Chicken</b> 29 Withy Grove, Manchester, M4 2BJ
<b>Telephone number</b>
0161 434 8254

<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: Recorded music;</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 - BFS</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0400	0400	0400	0400	0400	0400	0400
The sale of alcohol is licensed for consumption on the premises only.							
<b>Seasonal variations and Non standard Timings:</b>							
New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

<b>Recorded music - BFS</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0400	0400	0400	0400	0400	0400	0400
Licensed to take place indoors only.							
<b>Seasonal variations and Non standard Timings:</b>							
New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

<b>Provision of late night refreshment - BFS</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0400	0400	0400	0400	0400	0400	0400
Licensed to take place indoors only.							
<b>Seasonal variations and Non standard Timings:</b>							
New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

<b>Provision of late night refreshment - Funky Chicken</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0500	0500	0500	0500	0500	0500	0500
Licensed to take place indoors only.							
<b>Seasonal variations and Non standard Timings:</b>							
None							

<b>Hours premises are open to the public - BFS</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0430	0430	0430	0430	0430	0430	0430
<b>Seasonal variations and Non standard Timings:</b>							
New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

<b>Hours premises are open to the public - Funky Chicken</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
<b>Seasonal variations and Non standard Timings:</b>							
None							

## Part 2

<b>Details of premises licence holder</b>	
<b>Name:</b>	UMS Business Services Limited
<b>Address:</b>	Lowry Mill, Lees Street, Pendlebury, Swinton, Salford, M27 6DB
<b>Registered number:</b>	09686562

<b>Details of designated premises supervisor where the premises licence authorises for the supply of alcohol</b>
Not applicable – DPS has resigned

<b>Annex 1 – Mandatory conditions</b>
<p><b>Door Supervisors</b></p> <p>1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -</p> <ul style="list-style-type: none"> <li>(a) Unauthorised access or occupation (e.g. through door supervision),</li> <li>(b) Outbreaks of disorder, or</li> <li>(c) Damage,</li> </ul> <p>unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.</p> <p><b>Supply of alcohol</b></p> <p>2. No supply of alcohol may be made under this premises licence:</p> <ul style="list-style-type: none"> <li>(a) At a time when there is no designated premises supervisor in respect of the premises licence or,</li> <li>(b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.</li> </ul>

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) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of

alcohol for consumption on the premises –

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
  - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
  - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

8. The responsible person must ensure that –

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

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

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

1. A CCTV system will be in operation at the premises and recorded images shall be retained for a period of 31 days. CCTV images will be provided to the police and other responsible authorities as soon as practicable and in any case within 48 hours of a request for such images, subject of the provisions of the DPA.
2. All incidents of crime and disorder in the premises will be recorded in the incident register and reported to the police if necessary
3. On Fridays & Saturdays at least one SIA registered door staff shall be employed from 0000 until close
4. At other times the requirement of SIA door staff shall be risk assessed and be provided if deemed necessary
5. In BFS on Fridays & Saturdays at least one SIA door staff shall be employed on the premises from

	0000 to 0330. At other times the level of SIA door staff shall be risk assessed and more provided if deemed necessary.
6.	In BFS alcohol shall only be sold between the hours of 0000 to 0330 by a person who holds a personal licence
7.	Signs will be displayed in BFS stating that it is an offence to continue to drink alcohol on the street when asked to stop by a police officer
8.	Refuse collections from the premises shall not take place between the hours of 2300 to 0700
9.	A notice will be placed at the exit points asking customers to respect their neighbours and to leave in an orderly manner
10.	Regular checks will be by staff of the outside of the premises to ensure the area is kept clean and free from litter.
11.	The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25 they will be asked for proof of their age, to prove that they are 18 years or older.
12.	The only forms of identification that will be accepted at the premises are a passport, UK photo card driving licence and cards bearing the "PASS" hologram.

<b>Annex 3 – Conditions attached after hearing by the licensing authority</b>
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None
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<b>Annex 4 – Plans</b>
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See attached
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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 **UMS Business Services Ltd**

*(Insert name(s) of applicant)*

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

**Premises licence number**

199526

**Part 1 – Premises Details**

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

BFS & Convenience Store  
29 Withy Grove

Post town	Manchester	Postcode	M4 2BJ
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Telephone number at premises (if any)	
---------------------------------------	--

Non-domestic rateable value of premises	£18,000
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**Part 2 – Applicant details**

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	UMS Business Services Ltd Within Body Matters Gym, Bamford Road,		
Post town	Heywood	Postcode	OL10 4AG

**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
0	2	10
2	0	20
2	0	20

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**

This application has been made necessary due to the Covid 19 pandemic. After the prolonged period of closure, the licence holders are making changes to the business to make it viable & ensure they can continue to trade and employ people. The change consists of a full renovation and changing what was Funky Chicken take away into a convenience store.

The licence already permits 24-hour opening, late night refreshment and alcohol sales but in different halves of the business. In terms of alcohol sales BFS currently has alcohol between 1000 to 0400 and what was Funky Chicken has 24-hour opening with no alcohol sales. This application is to streamline the hours across both premises so they match and can be run hand in hand with each other.

The alcohol sales at both premises will be for OFF sales only.

The application is also for minor amendments to the conditions including the removal of condition 6 that demands that every sale of alcohol is made by a personal licence holder. This condition was applied to this licence in approximately 2006 and it is over burdensome and impossible to comply with due to staff turnover. An appropriate training condition has been offered as an alternative.

The application is also to submit a change of plan to reflect the changes within what was previously Funky Chicken.

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 checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |

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

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	0000	2400			
Tue	0000	2400	<b>The hours to apply to both BFS &amp; the convenience store (previously Funky Chicken).</b>		
Wed	0000	2400			
Thur	0000	2400	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Fri	0000	2400			
Sat	0000	2400	<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)		
Sun	0000	2400			

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>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 5)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 6)		
Fri					
Sat			<b>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</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 checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	2300	0500	<b><u>Please give further details here</u></b> (please read guidance note 5)  <b>The hours to apply to both BFS &amp; the convenience store (previously Funky Chicken).</b>		
Tue	2300	0500			
Wed	2300	0500	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Thur	2300	0500			
Fri	2300	0500	<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	2300	0500			
Sun	2300	0500			

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 checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<p><b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)</p> <p><b>The hours to apply to both BFS &amp; the convenience store (previously Funky Chicken).</b></p> <p><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)</p>		
Mon	0000	2400			
Tue	0000	2400			
Wed	0000	2400			
Thur	0000	2400			
Fri	0000	2400			
Sat	0000	2400			
Sun	0000	2400			

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> <p>NONE</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)  <b>The hours to apply to both BFS &amp; the convenience store (previously Funky Chicken).</b>
Day	Start	Finish	
Mon	0000	2400	<b>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</b> (please read guidance note 7)
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	

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.

All conditions remain appropriate apart from the following:

Conditions 3, 4, 5 & 6 to be replaced by 1 condition as follows:

On Friday & Saturday nights at least one SIA registered door supervisor shall be employed on the premises from 0000 to 0330. At other times the level of SIA door staff shall be risk assessed and more provided if deemed necessary. This condition applies to both BFS & the convenience store.

Condition 6 to be removed and replaced with the following condition:

On first appointment, all staff employed at the premises will receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk, how to deal with conflict & any other relevant matters. The training must be recorded (by way of either a paper or online system) and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours.

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)**

On first appointment, all staff employed at the premises will receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk, how to deal with conflict & any other relevant matters. The training must be recorded (by way of either a paper or online system) and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours.

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

On Friday & Saturday nights at least one SIA registered door supervisor shall be employed on the premises from 0000 to 0330. At other times the level of SIA door staff shall be risk assessed and more provided if deemed necessary. This condition applies to both BFS & the convenience store.

**c) Public safety**

As Existing

**d) The prevention of public nuisance**

As Existing

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

As Existing

## 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	<b>G.Sherratt</b>
Date	03/09/20
Capacity	Authorised agent

**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)

Licensing Matters Ltd  
54 Fairfield Drive

<b>Post town</b>	<b>Clitheroe</b>	<b>Post code</b>	<b>BB7 2PE</b>
------------------	------------------	------------------	----------------

<b>Telephone number (if any)</b>	██████████
----------------------------------	------------

<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>	██████████
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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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# GREATER MANCHESTER POLICE - REPRESENTATION

## About You

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

## About the Premises

Application Reference No.	<b>LPV 249307</b>
Name of the Premises	<b>BFS and Convenience Store</b>
Address of the premises including postcode	29 Withy Grove, Manchester M4 2BJ

## Your Representation

Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the variation on the licensing objectives on and in the vicinity of the premises in question.

Please accept this as formal notification of the Greater Manchester Police objection to the premises licence in relation to the above premises on the grounds of Prevention of Crime and Disorder and the Prevention of Public Nuisance.

The premises are situated on Withy Grove in the Printworks area of the city centre, which has long been one of the busiest areas of the city centre. There Printworks itself contains numerous late night bars and there are other late premises on the adjacent streets.

Funky Chicken and BFS have traded as late night takeaways offering late night refreshment for several years and although the BFS unit has been permitted to sell alcohol between 10am and 4am each day, the unit has not done so for the past few years. Funky Chicken currently has 24 hour opening and BFS must close by 4.30am.

What this application is proposing is to turn the existing BFS side of the unit into a 24 hour convenience store with 24 hour alcohol off sales. In turn the existing Funky Chicken will become the new BFS with 24 hour alcohol sales off sales and will also remain open 24 hours a day as per the existing timings for that unit.

Due to the current Covid 19 pandemic Manchester city centre has seen a large increase in parties at Air BnB type properties and unfortunately they rarely comply with the government regulations and guidelines regarding social distancing, numbers of persons etc.

Due to the type of buildings in the Withy Grove/ Dantzic Street area there are quite a number of these type of premises that are regularly used to host these illegal gatherings and it is something which GMP are having to spend a lot of time dealing with, at a time when there is a huge amount of work needing to be done around other Covid 19 related problems.

These illegal gatherings are always fueled by alcohol and at the moment there is no off licence in the vicinity of this location which is open until the early hours, where persons attending these parties can replenish their alcohol stocks and thereby extend their parties for even longer.

Clearly if this application was granted then this would change and there would be an off licence right in the middle of this area selling alcohol until 4am each day and this would increase the problems that GMP are already facing in this location.

At the moment it is difficult to say what the future will look like in relation to Covid 19 and the restrictions that it

has lead to in the night time economy but hopefully, in time, the hospitality industry will recover to what it previously was and bars and clubs will remain open to their later hours, with large numbers of customers attending licensed premises.

In this location there are numerous bars which finish trading around 3 or 4am so GMP are concerned that, in more normal times, large numbers of people leaving the nearby premises will make a bee line for this convenience store to purchase more alcohol, which they will then likely drink on the street, causing more issues for the police to deal with.

It is difficult to see what customers the premises would be looking to target in this area between midnight and 5am other than late night revelers leaving the nearby bars, who are potentially already inebriated.

GMP are keen to help businesses get through this extremely worrying time and are working with them to find solutions to their business models but sometimes we get a proposal that, in the current climate and potentially in the future, is likely to increase issues that we are already having to deal with and unfortunately we cannot support it and this is the case with this proposed variation.

We believe if the variation was granted it would lead to an increase in alcohol related crime and anti-social behaviour in the area and, during these times of Covid restrictions, a potential increase in illegal gatherings in the nearby party pad type premises.

There is also no DPS attached to the premises licence, as the previous DPS resigned from the position in September of 2017.

We therefore ask that this application is refused.

<b>Licensing &amp; Out of Hours Compliance Team - Representation</b>	
Name	Gareth Hall
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	gareth.hall@manchester.gov.uk
Telephone Number	0161 234 1220

<b>Premise Details</b>	
Application Ref No	R/676613
Name of Premises	BFS and Convenience Store
Address	29 Withy Grove, Manchester, M4 2BJ

<b>Representation</b>
<p>Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.</p> <p>The Licensing Out Of Hours Team (LOOH) have assessed the likely impact of the grant of this application taking into account a number of factors, including the nature of the area in which the premises is located, the hours applied for and any potential risk the granting of this licence could lead to including issues of public nuisance and the protection of children from harm.</p> <p>The premises are two separate units at ground floor level at 29 Withy Grove in Manchester City centre, located opposite the Arndale Centre car park and to the side of the Printworks complex. The premises is in close proximity to a number of nightclubs, bars, restaurants and takeaways on Withy Grove. BFS and Funky Chicken currently trade as fast food takeaways, the premises are located within a row of properties that contain both commercial and residential premises. Withy Grove is a busy commuter route and thoroughfare to the bus and tram exchange on Shudehill.</p> <p>The applicant is also the premises licence holder for the Lounge in the basement of 29 Withy Grove which operates as a night club and is open until 0430 Hours Sunday to Thursday and 0600 Hours Friday, and Saturday.</p> <p>The applicant has applied to sell alcohol for consumption off the premises from 0000 hours to 2400 hours Monday to Sunday. To provide late night Refreshment from 2300 Hours to 0500 Hours Monday to Sunday. Recorded Music 0000 to 2400 Monday to Sunday.</p> <p>Both BFS and Funky Chicken are on the same premises licence with differing conditions which are:</p> <p>BFS - Sale by retail of alcohol 1000 Hours to 0400 Hours on sales only</p> <p style="padding-left: 40px;">Recorded Music 1000 Hours to 0400 Hours</p> <p style="padding-left: 40px;">Late night refreshment 2300 Hours to 0400 Hours</p> <p>Funky Chicken - Late night refreshment only 2300 Hours to 0500 Hours</p>

The applicant has submitted the reason for seeking the variation is to 'streamline the hours across both premises so they match and can be run hand in hand with each other'

On Sunday 3 March 2019 at 05:45 LOOH officers found that BFS was opening 24Hrs and Funky Chicken was closed, the premises licence only allowed Funky Chicken to open 24Hrs. A point that the then Premises licence holder and persons in charge of the premises were not aware of until advised by LOH Officers. LOOH believe this to be an unintentional breach of the premises licence brought about by having 2 premises on the same premises licence. LOOH have concerns that having a premises licence with 2 entirely different operations, a takeaway and an off licence, would lead to a recurrence of the same.

During a premises inspection on Sunday 24 March 2019 the visit referred to above on the 3rd of March was discussed with a UMS representative and the premises manager. It transpired during this visit that the premises licence holder details were found to be incorrect and therefore as a result of this and due to further breaches of the premises licence relating to the clearance of litter, a warning letter was sent to the premises on 26 March 2019.

LOOH have noted that the premises licence holder (PLH) UMS Business Services has the business address on the premises licence as *Lowry Mill, Lees Street, Pendlebury, Swinton, Salford, M27 6DB*. The current application however gives the companies address as UMS Business Services Ltd, *Within Body Matters Gym, Bamford Road, OL10 4AG*. The applicant is also the premises licence holder for the neighbouring premises in the basement of 29 Witherly Grove trading as The Lounge and the applicant has to date failed to submit a variation for the premises licence of the Lounge to show the correct address.

During a recent visit to the Lounge on 1st September 2020 at 0200 Hours LOOH officers found that customers were dancing, and the volume of music was above the ambient level allowed under the current Covid 19 legislation. The premises was also found to have a group of 15 in one of the private booths. The DPS said the 15 customers were from the same household and that he thought they could have 30 people from one group. At the time of the visit, well publicised and clear local legislation meant that they could only have a maximum of 6 people per group and they should be from one household only. Following the visit a warning letter was sent to the DPS on Wednesday 9th September 2020.

The premises is situated underneath a residential apartment block and historically a number of complaints have been received about the noise from customers congregating outside these premises. The LOOH team has concerns that the grant of this application is likely to lead to further issues of public nuisance to nearby residents, noise from patrons remaining outside the premises during the early hours creating noise, obstruction to the public highway and generating increased litter.

It is also unclear if BFS have ever sold alcohol as a fast food takeaway and therefore we cannot make comparisons as to how well such a premises would be operated by the current owners. What we do know is that historically both ourselves and GMP have had countless problems with drug dealers hanging around outside these takeaways and both ourselves and GMP have had countless discussions with the premises about these issues. To now add a further reason for undesirables to congregate outside these premises suggests that the applicant fails to see the negative impacts such establishments serve to create.

LOOH also have concerns that the convenience store and BFS would become a destination premises for those wishing to carry on drinking when other premises have closed due to the 24hr off sales of alcohol and would also attract the street

community to the premises along with the associated ASB and public nuisance. We currently have huge problems at other off licences in the city centre that sell alcohol past midnight as these have become a meeting place for the street community to gather and bed down whilst taking advantage to beg from a steady flow of customers throughout the night.

Throughout the city centre, there are no other premises that remain open for 24 hours for the sale of alcohol. A licence for a 24hr convenience store within the city centre would be unprecedented and would be deemed very high risk. During the current pandemic we have seen an increase in private parties as well as an increase in alcohol being consumed on the street. Withy Grove has a number of problematic short term let premises that are currently being used to host illegal gatherings and alcohol fuelled parties. The granting of such a licence would provide a further source for such partygoers to purchase their alcohol and would only serve to exasperate the problem and lend itself to further anti-social behaviour.

Given that the current applicant as Licence holders for the Lounge found themselves before committee in 2019 for an expedited summary review of their licence due to the venues connections to knife crime and general poor management of the premises, LOOH have grave concerns with the applicants track record of upholding the licensing objectives and adding such a high risk operation to their portfolio is likely to lead to further problems arising in the future.

For the reasons above, LOOH are recommending that the above application is refused.

<b>Recommendation:</b>	<b>Refuse Application</b>
------------------------	---------------------------



**Community Safety, Compliance  
and Enforcement  
Neighbourhoods Directorate  
Manchester City Council**

Mr Ademola Adeelaja  
The Lounge  
29 Withy Grove  
Manchester  
M4 2BJ

To reply please contact:  
Gareth Hall

Tel: 0161 234 1220  
Email: [gareth.hall@manchester.gov.uk](mailto:gareth.hall@manchester.gov.uk)

Dear Mr Adelaja

### **WARNING – POTENTIAL ENFORCEMENT ACTION**

**The Health Protection (Coronavirus, Restrictions)(England)(No.3) Regulations 2020  
The Health and Safety at Work Act 1974  
The Management of Health and Safety at Work Regulations 1999**

Following a visit to your premises on **1 September 2020** I am concerned that you and/ or your staff and/ or visitors to your premises are not adhering to the current covid restrictions.

As explained to you, it is vital the restrictions in place in Greater Manchester are complied with as they are necessary to protect the public from the further spread of coronavirus and the impact that this will have on communities and businesses.

There is also a legal duty on all businesses under The Health and Safety at Work act 1974 and the Management of Health and Safety at Work Regulations 1999 to ensure that, so far as is reasonably practicable, the health, safety and welfare of their employees whilst at work is protected. In order to do this during the current pandemic, it is vitally important to reduce the risk of viral transmission to employees and customers by carrying out a suitable and sufficient assessment of COVID-19 risks to the health and safety of anyone working or visiting your premises.

If covid secure controls are not documented and put into place for employees and customers safety, you will be required to co-operate by a more formal approach and failure to comply could lead to prosecution.

You should also be aware that where any premises poses a serious and imminent risk to public health, action may be taken to require that premises to close.



The Council is of the view that adequate controls and measures can be put in place to make the above premises covid secure. You should ensure that the following matters are addressed:

- The volume of music must be at ambient level to avoid shouting and increased risk of transmission.
- Prevent customers dancing.
- Ensure customers who are in a group are from a single household , currently different households should not socialise together indoors.

In the event that it is necessary to issue a Direction to close your premises we will be required to publish it on our website and communicate it as widely as possible to residents of the City.

Failure to comply with the actions set out in this letter will result in action being taken should further breaches be observed.

Yours sincerely,  
Gareth Hall  
Compliance Officer  
Licensing & Out of Hours Team



Mr Peter Odudu  
BFS  
29A Withy Grove  
Manchester  
M4 2BJ

**The Neighbourhoods Service**  
Growth & Neighbourhoods

To reply please contact:  
Gareth Hall  
Tel: 0161 234 1220  
Email: gareth.hall@manchester.gov.uk

Date: 26 March 2019

Our ref: 227552

Dear Mr Odudu

**Licensed Premises Inspection**  
**Licensing Act 2003**

Following my visit to your premises on Sunday 24 March 2019 it was found that you were not fully complying with all the conditions within your premises licence. The following breach of licensing condition was discovered:

Annex 2 Condition 10 – Regular checks will be made by staff of the outside of the premises to ensure the area is kept clean and free from litter.

The area was littered consisting of cigarette litter and drinks bottles on day of inspection and heavily littered during the visit on 03 March 2019.

Providing Late Night Refreshment after 0400 Hrs in contravention of premises licence - During visit on 3 March 2019 premises open at 05:45 Hrs and had not closed at 0430 Hrs as per licence and had also been providing late night refreshment from 0400 Hrs until 0500 Hrs. an offence under s136 Licensing Act 2003.

I have also noted since the inspection that the address for the Premises licence Holder on the premises licence is not up to date and shows the previous address of the company. This is an offence under s33(6) of the Licensing Act 2003 - failure to notify licensing authority of change in name or address.

You should be aware that under Section 136 of the Licensing Act 2003 it is an offence to carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an 'authorisation' or knowingly allow a licensable activity to be so carried on. An authorisation includes a premises licence, club premises certificate or temporary event

notice. A person found guilty of these offences is liable on conviction to 6 months imprisonment and an unlimited fine.

You were advised that I would be revisiting your premises to ensure that the above matters have been addressed and I would like to inform you that I intend to visit your premises again on 10 April 2019 1900 Hrs to confirm that you are now complying with all the conditions within your licence.

If you will be unavailable for the above proposed revisit, please contact me using the above details at your earliest opportunity to arrange a more mutually convenient time and date.

In the meantime, may I thank you for your anticipated cooperation and I look forward to seeing you on the 10 April 2019

Yours Sincerely

Gareth Hall  
Neighbourhood Officer  
City Centre Compliance

## Companies House

Companies House does not verify the accuracy of the information filed  
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#complInfo>)

UMS EVENTS LIMITED

Company number **04447014**

Registered office address

Within Body Matters Gym, Bamford Road, Heywood, England, OL10 4AG

Company status

Active

Company type

Private limited Company

Incorporated on

24 May 2002

## Accounts

Next accounts made up to **25 May 2020**  
due by **25 May 2021**

Last accounts made up to **31 May 2019**

## Confirmation statement

Next statement date **21 November 2020**  
due by **2 January 2021**

Last statement dated **21 November 2019**

## Nature of business (SIC)

- 90020 - Support activities to performing arts

Tell us what you think of this service(link opens a new window) (<https://www.research.net/r/S78XJMV>) Is there anything wrong with this page?(link opens a new window)  
(<https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://beta.companieshouse.gov.uk/company/04447014>)

## Companies House

Companies House does not verify the accuracy of the information filed  
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#compInfo>)

UMS BUSINESS SERVICES LTD

Company number **09686562**

Registered office address

Within Body Matters Gym, Bamford Road, Heywood, England, OL10 4AG

Company status

Active

Company type

Private limited Company

Incorporated on

15 July 2015

## Accounts

Next accounts made up to **29 July 2020**  
due by **29 April 2021**

Last accounts made up to **31 July 2019**

## Confirmation statement

Next statement date **8 June 2021**  
due by **22 June 2021**

Last statement dated **8 June 2020**

## Nature of business (SIC)

- 68209 - Other letting and operating of own or leased real estate
- 70229 - Management consultancy activities other than financial management

## Previous company names

Name	Period
A TEAM HIRE LIMITED	15 Jul 2015 - 15 Jan 2016

[Tell us what you think of this service\(link opens a new window\) \(https://www.research.net/r/S78XJMV\)](https://www.research.net/r/S78XJMV) [Is there anything wrong with this page?\(link opens a new window\) \(https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://beta.companieshouse.gov.uk/company/09686562\)](https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://beta.companieshouse.gov.uk/company/09686562)

## Companies House

Companies House does not verify the accuracy of the information filed  
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#complInfo>)

UMS EVENTS LIMITED

Company number **04447014**

- [Officers](https://beta.companieshouse.gov.uk/company/04447014/officers) (<https://beta.companieshouse.gov.uk/company/04447014/officers>)
- [Persons with significant control](#)

2 active persons with significant control / 0 active statements

---

### Mr Edward Odudu Active

Correspondence address **91 Princess Street, Princess Street, Manchester, England, M1 4HT**

Notified on **24 May 2017**

Date of birth **June 1975**

Nationality **British**

Nature of control **Ownership of shares – More than 25% but not more than 50%**  
**Ownership of voting rights - More than 25% but not more than 50%**  
**Right to appoint and remove directors**  
**Right to appoint and remove directors with control over the trustees of a trust**  
**Right to appoint and remove directors as a member of a firm**

Country of residence **England**

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### Mr Peter Odudu Active

Correspondence address **91 Princess Street, Princess Street, Manchester, England, M1 4HT**

Notified on **24 May 2017**

Date of birth **April 1978**

Nationality **British**

Nature of control **Ownership of shares – More than 25% but not more than 50%**  
**Ownership of voting rights - More than 25% but not more than 50%**  
**Right to appoint and remove directors**  
**Right to appoint and remove directors with control over the trustees of a trust**  
**Right to appoint and remove directors as a member of a firm**

Country of residence **England**

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### Mr Andrew Odudu Ceased

Correspondence address **91 Princess Street, Manchester, England, M1 4HT**

Notified on **24 May 2017**

Ceased on **1 October 2019**

Date of birth **August 1973**

Nationality **British**

Nature of control **Ownership of shares – More than 25% but not more than 50%**  
**Ownership of voting rights - More than 25% but not more than 50%**  
**Right to appoint and remove directors**  
**Right to appoint and remove directors with control over the trustees of a trust**  
**Right to appoint and remove directors as a member of a firm**

Country of residence **England**

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[https://beta.companieshouse.gov.uk/help/feedback?](https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://beta.companieshouse.gov.uk/company/04447014/persons-with-significant-control)  
[sourceurl=https://beta.companieshouse.gov.uk/company/04447014/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/04447014/persons-with-significant-control)



## Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<p>1. On Friday &amp; Saturday nights at least one SIA registered door supervisor shall be employed on the premises from 0000 to 0330. At other times the level of SIA door staff shall be risk assessed and more provided if deemed necessary. This condition applies to both BFS &amp; the convenience store (To replace Annex 2 Conditions 3,4 and 5).</p> <p>2. On first appointment, all staff employed at the premises will receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk, how to deal with conflict &amp; any other relevant matters. The training must be recorded (by way of either a paper or online system) and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours (To replace Annex 2 Condition 6)</p>	N/A	Applicant
Conditions proposed by objectors	Agreed	Proposed by
3. None	N/A	GMP
4. None	N/A	Licensing and Out of Hours

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## Licensing Act 2003 (Hearings) Regulations 2005

**Reference:** 249178  
**Name:** Premises Name TBC  
**Address:** 153a Princess Road, Manchester, M14 4RE  
**Ward:** Moss Side  
**Application Type:** Premises Licence (new)  
**Name of Applicant:** Harold McKenzie & Nickeysha McKenzie  
**Date of application:** 03 September 2020

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

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

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

### Proposed licensable activities and opening hours to be granted

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

Opening hours:  
Mon to Sun 8am to midnight

### Representations received

Licensing & Out of Hours Compliance	Concerns over factors existing in the area including waste, street drinking, rough sleepers, crime and disorder and the proximity of an alcohol dependence unit.
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### Agreements between parties

**Licensing & Out of Hours Compliance:**

- A CCTV system (which will include facial recognition) capable of providing evidential quality images in all lighting conditions shall be used covering the interior and the immediate exterior (entrance) of the premise. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of [31] days with the date and time stamping.
- Cameras will cover the full interior of the premises with no blind spots, and directly to the front outside area of the premises. A CCTV monitor will be positioned near the entrance to the premises so that staff are able to monitor the images.
- 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 reasonable request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player.
- All employees will be vigilant and monitor the area immediately outside the shop to ensure that members of the public do not cause annoyance by congregating.
- Staff will monitor the pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept or washed, and litter and sweepings collected and stored in accordance with the approved waste storage arrangements. The area will be checked at the start & finish of the working day, and periodically throughout the day.
- Deliveries to the premises shall be conducted in a manner that will not cause a nuisance to the occupiers of any residential properties surrounding the delivery address and deliveries shall be made at a time which will not lead to any public nuisance.
- In addition to any other training, the premises licence holder shall ensure that all staff are trained to prevent underage sales, are aware of and prevent proxy sales, recognising signs of drunkenness & refusing the sale, complying with licence conditions, maintain the refusals log, and that they monitor staff to ensure their training is put into practice.
- All training will be documented, signed and dated and refreshed at least every 12 months, and will be made available to authorised officers upon request.
- A log shall be kept at the premises to record all refused/ challenged sales of alcohol. The log shall record the date and time of the refusal/ challenge, reason for challenge/ refusal and the name of the member of staff dealing. 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.
- Staff will monitor the outside area to identify any potential proxy purchasing concerns.
- The premises will display prominent notices in the premises explaining the law in relation to purchasing alcohol on behalf of persons under 18 and the penalties involved.
- The premises shall display prominent signage indicating at any point of sale that it

is an offence to sell alcohol to anyone who is drunk.

- All staff will be authorised to sell alcohol in writing and a record of the authorisation will be kept in the shop available for inspection.
- Spirits will be kept behind the counter and not available for self-service by customers. Incidents of crime and disorder at the premises, witnessed by staff, will be recorded in an incident book kept at the shop, this book will be available for inspection.
- A notice advising customers of the refusals policy shall be on display.
- A written recruitment procedure will be in place which includes the steps that will be taken by the licence holder to check the immigration status and the eligibility of an individual to work in the UK in accordance with the Home Office Guidance for employers on preventing illegal working in the UK.
- Notices will be on display in the shop asking customers to leave the shop quietly.
- 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. The licence holder shall ensure that anyone who appears to be under 25 who attempts to purchase alcohol will be asked to prove their age by producing an acceptable form of photographic ID such as a passport, photo driving licence, military ID and PASS accredited proof of age cards.
- A refusals register (for the sale of alcohol) will be kept and maintained and be made available for inspection by responsible authorities.

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

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2017
- Original application form
- Representations made against application and respective agreements

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**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Sub-Committee Hearing Panel – 19 October 2020

**Subject:** Vertigo, 18 Cross Street, Manchester, M2 7AE  
App ref: Premises Licence (new) 249294

**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:** Deansgate

<b>Manchester Strategy Outcomes</b>	<b>Summary of the contribution to the strategy</b>
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: Helen Howden  
Position: Technical Licensing Officer  
Telephone: 0161 234 4294  
E-mail: premises.licensing@manchester.gov.uk

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

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



## 1. Introduction

- 1.1 On 04/09/2020, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Vertigo, 18 Cross Street, Manchester, M2 7AE in the Deansgate 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 Vertigo Foods Limited.
- 2.3 The description of the premises given by the applicant is "vegan restaurant."
- 2.4 The proposed designated premises supervisor is Sean Maher
- 2.5 **The licensable activities applied for:**

The supply of alcohol for consumption both on and off the premises:  
Mon to Sun 10am to 10.30pm

Non-standard timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Opening hours:

Mon to Sun 8am to 11pm

Non-standard timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on 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.

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

## 2.6 **Activities unsuitable for children**

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

## 2.7 **Steps to promote the licensing objectives**

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

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

## 2.8 **Further documentation accompanying the application**

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

- Smoking Policy
- Dispersal Policy

## 3. **Relevant Representations**

3.1 A total of 2 relevant representations were received in respect of the application (**Appendix 3**). There are no personal details of any members of the public so no redactions have been made.

### Responsible Authorities:

- MCC Licensing and Out of Hours Compliance Team
- MCC Trading Standards

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
<b>Licensing and Out of Hours Compliance (LOOH)</b>	LOOH team raise concerns that “Vertigo have been carrying out unauthorised sales of alcohol for a number of weeks despite the LOOH engagement with the premises.”  LOOH comment that, “As the licence	Grant with conditions

	<p>application has now been submitted we would ask the following conditions to be added to the licence”</p> <ul style="list-style-type: none"> <li>• There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol</li> <li>• The supply of alcohol shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.</li> </ul> <p>With the addition of these conditions the LOOH team would recommend the application is approved.</p>	
<b>Trading Standards</b>	<p>This objection has been agreed on the basis that the conditions proposed in the representation are attached to the licence. The agreed conditions are included in Appendix 4. For information, the conditions relate to the keeping of a refusals log and it being made available to officers, and staff training.</p>	Grant with conditions

- 3.3 The conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 4**
- 3.4 Agreements on conditions have been reached with 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

### **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

## **5. Conclusion**

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

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

5.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must

also be had to relevant provisions of the national guidance and the Council's licensing policy statement.

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



Vertigo  
18 Cross Street, Manchester, M2 7AE

Premises Licensing  
Manchester City Council

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Survey100019568.



<b>PREMISE NAME:</b>	Vertigo
<b>PREMISE ADDRESS:</b>	18 Cross Street, Manchester, M2 7AE
<b>WARD:</b>	Deansgate
<b>HEARING DATE:</b>	19/10/2020



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

Document is Restricted

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**Application for a premises licence to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We Vertigo Foods Limited

*(Insert name(s) of applicant)*

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
<b>Vertigo Royal Exchange 18 Cross Street</b>			
<b>Post town</b>	Manchester	<b>Postcode</b>	M2 7AE
Telephone number at premises (if any)			
Non-domestic rateable value of premises		<b>£38,250.00</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 Vertigo Foods Limited
Address 77 School Lane Manchester M20 6WN
Registered number (where applicable) 11328951
Description of applicant (for example, partnership, company, unincorporated association etc.) 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
0 3	1 0	2 0 2 0

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)

Vegan restaurant

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- |   |                          |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A)  | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E)   | <input 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><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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Wed					
Thur			<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)		
Fri					
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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Tue					
			<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)		
Wed					
Thur					
Fri					
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			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Wed					
Thur			<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)		
Fri					
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 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			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Wed			<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)		
Thur					
Fri					
Sat					
Sun					

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

## G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		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 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	<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 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

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon				<b><u>Please give further details here</u></b> (please read guidance note 4)	
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed			<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)		
Thur					
Fri					
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)		
Mon	10.00	22.30			
Tue	10.00	22.30			
Wed	10.00	22.30			
Thur	10.00	22.30			
Fri	10.00	22.30			
Sat	10.00	22.30			
Sun	10.00	22.30			

**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):**

<b>Name</b> Sean Maher	
<b>Date of birth</b> ██████████	
<b>Address</b> ██████████ ██████████	
<b>Postcode</b>	██████████
<b>Personal licence number (if known)</b> 155431	
<b>Issuing licensing authority (if known)</b> Salford Council	

**K**

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

N/a

**L**

<p><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	23.00	<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>From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.</p>
Tue	08.00	23.00	
Wed	08.00	23.00	
Thur	08.00	23.00	
Fri	08.00	23.00	
Sat	08.00	23.00	
Sun	08.00	23.00	

## M

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

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

Please refer to the attached Operating Schedule and Policies.

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

Please refer to the attached Operating Schedule and Policies.

**c) Public safety**

Please refer to the attached Operating Schedule and Policies.

**d) The prevention of public nuisance**

Please refer to the attached Operating Schedule and Policies.

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

Please refer to the 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>
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	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	██████████
Date	4 September 2020
Capacity	██████████

**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 suitable CCTV system shall be maintained and operated at the premises.
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. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
6. 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.
7. 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. A Dispersal and Smoking and Al-Fresco Dining Policy will be implemented and adhered to.
6. 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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**VERTIGO**  
**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 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 consumption in any delineated external drinking area or in the case of alcohol sold for consumption off the premises).
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.



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**VERTIGO**

**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 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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**MANCHESTER  
CITY COUNCIL**

**Licensing & Out of Hours Compliance Team - Representation**

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

Premise Details	
Application Ref No	249294
Name of Premises	Vertigo
Address	18 Cross Street, Manchester, M2 7AE

Representation
<p>Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.</p> <p>The Licensing and Out of Hours Team (LOOH) have assessed the likely impact of the granting of this application taking into account a number of factors, including the nature of the area in which the premises is located, the hours applied for and any potential risks that the granting application could undermine the licensing objectives.</p> <p>Vertigo have been carrying out unauthorised sales of alcohol for a number of weeks despite the LOOH engagement with the premises.</p> <p>As the licence application has now been submitted we would ask the following conditions to be added to the licence:</p> <ul style="list-style-type: none"> <li>• There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol</li> <li>• The supply of alcohol shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.</li> </ul> <p>If the following conditions are agreed the LOOH team would recommend the application is approved.</p>
Recommendation: Approve with Conditions (Outlined Above)

**PLEASE NOTE: ALL REPRESENTATIONS AND SUPPORTING EVIDENCE MUST BE SUBMITTED TO MANCHESTER CITY COUNCIL WITHIN 28 DAYS, STARTING THE DAY AFTER THE PREMISES IN QUESTION MAKES AN APPLICATION (TO FIND OUT THE CLOSING DATE CALL THE LICENSING UNIT ON 0161 234 4512)**

<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</b> (required)	<b>Your last name</b> (required)	
Helene	Corlett	
<b>Your address including postcode</b> (required)		
Trading Standards Service 1 Hammerstone Road Manchester M18 8EQ		
<b>Contact email address</b>	<b>Contact phone no</b>	
Helene.corlett@manchester.gov.uk	07976 226451	
<b>Your signature</b> (I hereby declare the information I have provided on and with this form is correct to the best of my knowledge and belief)		

<b>ABOUT THE PREMISES</b>
<b>Application Ref No. (if known):</b>
<b>Name of the Premises about which you would like to make a representation:</b>
Vertigo
<b>Address of the Premises (including postcode if known):</b>
Royal Exchange 18 Cross Street Manchester M2 7AE

<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><b>It is a mandatory licensing condition for all licensed premises to have an age verification policy in place. The application is short on detail on how use and operation of a refusals log and how staff will use it and be monitored. Therefore, to promote the licensing objective of the protection of children from harm we would like the following conditions to be added to the conditions already attached to the licence, should it be granted:</b></p> <ol style="list-style-type: none"> <li>1. A refusals log shall be maintained in which members of staff shall record any instances of a refusal to sell alcohol. This can be in computer or paper format. The name of the person refusing the sale, their signature and the date, time and reason for the refusal shall be recorded. Managers shall regularly inspect the log and record they have inspected it so that the implementation of the policy by staff can be monitored.</li> </ol>

2. The refusals log shall be made available for inspection on request by an officer of Greater Manchester Police or an authorised officer of Manchester City Council.
3. All staff authorised to sell alcohol shall be trained in:
  - Maintenance of the refusals log
  - Where till prompts are installed, how to enter sales correctly on the tills so the prompts show as appropriate
  - How to refuse service
4. Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed and signed by the trainee.

**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.)

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By virtue of paragraph(s) 1 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
<p><b>A) The Prevention of Crime and Disorder</b></p> <ol style="list-style-type: none"> <li>1. A suitable CCTV system shall be maintained and operated at the premises.</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. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.</li> <li>6. 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>7. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.</li> </ol> <p><b>B) Public Safety</b></p> <ol style="list-style-type: none"> <li>1. A first aid box will be available at the premises at all times.</li> <li>2. Regular safety checks shall be carried out by staff.</li> <li>3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.</li> <li>4. The premises shall maintain an Incident Log and public liability insurance.</li> </ol> <p><b>C) The Prevention of Public Nuisance</b></p> <ol style="list-style-type: none"> <li>1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.</li> <li>2. 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>3. The exterior of the building shall be cleared of litter at regular intervals.</li> <li>4. Notices will be positioned at the exits to the building requesting</li> </ol>	N/A	Applicant

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<p>customers to leave in a quiet manner.</p> <p>5. A Dispersal and Smoking and Al-Fresco Dining Policy will be implemented and adhered to.</p> <p>6. The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.</p> <p><b>D) The Protection of Children From Harm</b></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 &amp;quot;PASS&amp;quot; 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>		
<b>Conditions proposed by objectors</b>	<b>Agreed</b>	<b>Proposed by</b>
<p>1. A refusals log shall be maintained in which members of staff shall record any instances of a refusal to sell alcohol. This can be in computer or paper format. The name of the person refusing the sale, their signature and the date, time and reason for the refusal shall be recorded. Managers shall regularly inspect the log and record they have inspected it so that the implementation of the policy by staff can be monitored.</p> <p>2. The refusals log shall be made available for inspection on request by an officer of Greater Manchester Police or an authorised officer of Manchester City Council.</p> <p>3. All staff authorised to sell alcohol shall be trained in:</p> <ul style="list-style-type: none"> <li>• Maintenance of the refusals log</li> <li>• Where till prompts are installed, how to enter sales correctly on the tills so the prompts show as appropriate</li> <li>• How to refuse service</li> </ul> <p>4. Training must include evidence that the trainee has gained</p>	Yes (all)	Trading Standards

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knowledge and understanding of the training, which may consist of a test or quiz, completed and signed by the trainee.		
<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 personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol</li> <li>2. The supply of alcohol shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.</li> </ol>	Not currently agreed	Licensing and Out of Hours

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