



Licensing Sub Committee Hearing Panel

Date: Monday, 15 November 2021
Time: 10.10 am (or at the rise of the Licensing Policy
Committee)
Venue: Council Chamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Chamber

Public access to the Council Chamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension.

There is no public access from any other entrance of the Extension.

Face Masks/Track and Trace

Anyone attending the meeting is encouraged to wear a face mask for the duration of your time in the building and to provide contact details for track and trace purposes.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Andrews, Connolly and Hughes

Agenda

1. Urgent Business

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

2. Appeals

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

3. Interests

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

4. Application for a New Premises Licence - The Roof Terrace at the Bungalow, Aytoun Street, Manchester, M1 3DA - determination 5 - 6

The determination papers are enclosed.

5. Application for a New Premises Licence - Café & Grill, Istanbul, 12 Oldham Street, Manchester, M1 1JQ 7 - 52

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

6. Application for a New Premises Licence - Greek Grill House, Great Northern Square, 235 Deansgate, Manchester, M3 4EN 53 - 112

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

Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

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

Further Information

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

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This agenda was issued on **Friday, 5 November 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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Licensing Act 2003 (Hearings) Regulations 2005

Reference: 264352
Name: The Roof Terrace at The Bungalow
Address: Aytoun Street, Manchester, M1 3DA
Ward: Piccadilly
Application Type: Premises Licence (new)
Name of Applicant: Aytoun Street Developments Limited
Date of application: 28 September 2021

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

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

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

Proposed licensable activities and opening hours to be granted

Provision of regulated entertainment (plays, films, live music, recorded music, performances of dance and anything of a similar description to live music, recorded music or performances of dance):

Mon to Sun 11am to 1am

Provision of late night refreshment:

Mon to Sun 11pm to 1.30am

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

Mon to Sun 9am to 1am

Opening hours:

Mon to Sun 7am to 1.30am

Representations received

Licensing & Out of Hours
Compliance

Risk of public nuisance specifically from noise

Agreements between parties

Licensing & Out of Hours Compliance:

1. No live or recorded music shall be played on the roof terrace after 2300
2. A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This number is to be made available to residents in the vicinity.

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

**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 15 November 2021

Subject: Cafe & Grill Istanbul, 12 Oldham Street, Manchester, M1 1JQ - App ref: Premises Licence (new) 262724

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: Piccadilly

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

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

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

Background documents (available for public inspection):

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

1. **Introduction**

- 1.1 On 28/09/2021, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Cafe & Grill Istanbul, 12 Oldham Street, Manchester, M1 1JQ in the Piccadilly 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 Connie Jiminez.
- 2.3 The description of the premises given by the applicant is cafe and grill with hot and cold food and non-alcoholic drinks.
- 2.4 **The licensable activities applied for:**
- Provision of late night refreshment:
Mon to Sun 11pm to 5am
- Opening hours:
Mon to Sun open 24 hours a day
- 2.4.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.
- 2.4.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 2**.
- 2.5 **Activities unsuitable for children**

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

2.6 **Steps to promote the licensing objectives**

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

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

3. **Relevant Representations**

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

Responsible Authorities:

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

Other Persons:

- Resident (x1)

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	The operating schedule which accompanies the application offers some conditions but GMP believes that these need to be worded more robustly so as best to demonstrate that the 4 Licensing Objectives won't be undermined. Also due to the premises being in very close proximity to Piccadilly Gardens, which suffers from high levels of crime and anti-social behaviour, especially during the night time economy, GMP would ask that a condition relating to door staff is also attached to the premises licence.	Grant with conditions
Licensing and Out of Hours Compliance	With consideration to the close proximity of residential properties to the premises and the potential impact in terms of public nuisance, Licensing and Out of Hours team are concerned that given the lateness of the	Grant with conditions and reduced hours

	<p>proposed hours the venue could attract people to the area from nearby late-night alcohol led licensed premises therefore increasing the risk for public nuisance and alcohol related anti-social behaviour from intoxicated customers gathering outside the premises or from them leaving the takeaway.</p> <p>LOOH are concerned that allowing customers to remain on site to consume their food until such a late hour would not encourage them vacate the area. The applicant has not proposed any robust conditions as to how they will ensure that their customers will be managed effectively and a premises in this location open until 0500 could potentially add to the pre-existing issues in Piccadilly Gardens locality due to the already problematic nature of the area.</p> <p>LOOH have therefore proposed a number of conditions and also reduced operating hours to:</p> <p><u>Provision of late-night refreshment:</u> Sunday to Wednesday 2300 to 0000 Thursday to Saturday 2300 to 0200</p> <p><u>Opening hours:</u> Sunday to Wednesday 0800 to 0000 Thursday to Saturday 0800 to 0200</p>	
Resident	There are apartments above the premises which will be negatively impacted in terms of noise and smell nuisance, especially given the proposed opening hours.	Refuse

- 3.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 4**.
4. **Key Policies and Considerations**
- 4.1 **Legal Considerations**
- 4.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.
- 4.2 **New Information**

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

4.3 **Hearsay Evidence**

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

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

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

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

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

4.5 **Manchester Statement of Licensing Policy**

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

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

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

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

Section 6: What we aim to encourage

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

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

Section 7: Local factors

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

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

- Evidence of pre-existing problems in the area
- 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

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

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

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- 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

Conclusion

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

4.13 **The Panel is asked to determine the application.**

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PREMISE NAME: Cafe & Grill Istanbul

PREMISE ADDRESS: 12 Oldham Street, Manchester, M1 1JQ

WARD: Piccadilly

HEARING DATE: 15/11/2021

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Apply for a premises licence for Cafe & Grill Istanbul 12Oldham StreetManchesterManchester

premises.licensing@manchester.gov.uk <premises.licensing@manchester.gov.uk>

Wed 22/09/2021 10:41

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

📎 2 attachments (374 KB)

jadu_form_4459487.pdf; 12_Oldham_St_Block_Plan.pdf;

Question

Response

<i>Premises name :</i>	Cafe & Grill Istanbul
<i>Building name or number:</i>	12
<i>Street:</i>	Oldham Street
<i>Area:</i>	Manchester
<i>Postcode:</i>	M1 1JQ
<i>Premises phone number:</i>	[REDACTED]
<i>Non-domestic rateable value of premises:</i>	31500
<i>First name:</i>	[REDACTED]
<i>Second name:</i>	[REDACTED]
<i>House or flat number:</i>	[REDACTED]
<i>Street:</i>	[REDACTED]
<i>Area:</i>	[REDACTED]
<i>Postcode:</i>	[REDACTED]
<i>Phone number:</i>	[REDACTED]
<i>Email address:</i>	[REDACTED]
<i>What is your relationship to the business and applicant?:</i>	Adviser
<i>Please confirm you have the consent of all the applicants named in this form to share their details.:</i>	I confirm
<i>Please select the one that applies to your business:</i>	An individual or individuals
<i>Title:</i>	Ms
<i>First name:</i>	Connie
<i>Last name:</i>	Jiminez
<i>Date of birth:</i>	[REDACTED]
<i>Nationality:</i>	[REDACTED]
<i>House or flat name or number:</i>	[REDACTED]
<i>Street:</i>	[REDACTED]
<i>Area:</i>	[REDACTED]
<i>Postcode:</i>	[REDACTED]
<i>Phone number:</i>	[REDACTED]
<i>Email:</i>	[REDACTED]
<i>Are you the only applicant?:</i>	Yes

Question**Response**

Please confirm which of the following apply:

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

When do you want the premises licence to start?:

22/09/2021

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

Please give a general description of the premises (e.g. the type of premises, its general situation and layout):

Cafe and Grill hot and cold food and non-alcoholic drinks

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

Please explain generally how you will meet all four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm):

Staff trained to promote all licensing objectives

Please explain how you will meet the prevention of crime and disorder objective:

CCTV hard drive system with back-up to be installed
Roller shutter installed

Please explain how you will meet the public safety objective:

Access to have rubber mat
Fire exits and alarms installed
First Aid Equipment maintained
Areas outside premises to be kept clean
Fire fighting equipment maintained
Extraction and ventilation equipment installed and maintained
Persons leaving the premises in orderley fashion
Noise and vibration kept to a minimum
Taxi phone numbers displayed in premises

Please explain how you will meet the prevention of public nuisance objective:

Please explain how you will meet the protection of children from harm objective:

No children under the age of 18 allowed on premises after 21.00
Staff trained to protect children

Please complete the standard days the premises will be open to the public in 24 hour time:

Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

Please provide any other details:

State any seasonal variations:

none

Please tell us where you intend to open to the public at different times to those listed previously:

Bank holidays

Will the performance of plays take place indoors, outdoors or both?:

Question

Response

Please complete the standard days start and finishing times in 24 hour time :

Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

Please provide any other details:

State any seasonal variations for performing plays:

Please tell us where you intend to use the premises for the performance of plays at different times to those listed previously:

Will the exhibition of films take place indoors, outdoors or both?:

Please complete the standard days start and finishing times in 24 hour time :

Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

Please provide any other detail:

State any seasonal variations for exhibition of films:

Please tell us where you intend to use the premises for the exhibition of films at different times to those listed previously:

Please complete the standard days start and finishing times in 24 hour time :

Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

Please provide any other details:

State any seasonal variations for indoor sporting events:

Please tell us where you intend to use the premises for indoor sporting events at different times to those listed previously:

Will the boxing or wrestling entertainment take place indoors, outdoors or both?:

Please complete the standard days start and finishing times in 24 hour time :

Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

Please provide any other details:

State any seasonal variations for boxing or wrestling entertainment:

Please tell us where you intend to use the premises for the boxing or wrestling entertainment at different times to those listed previously:

Question

Will the performance of live music take place indoors, outdoors or both?:

Please complete the standard days start and finishing times in 24 hour time :

Please provide any other details:

State any seasonal variations for performing live music:

Please tell us where you intend to use the premises for the performance of live music at different times to those listed previously:

Will the playing of recorded music take place indoors, outdoors or both?:

Please complete the standard days start and finishing times in 24 hour time :

Please provide any other details:

State any seasonal variations for playing recorded music:

Please tell us where you intend to use the premises for the playing recorded music at different times to those listed previously:

Will the performance of dance take place indoors, outdoors or both?:

Please complete the standard days start and finishing times in 24 hour time :

Please provide any other details:

State any seasonal variations for performance of dance:

Please tell us where you intend to use the premises for the performance of dance at different times to those listed previously:

Please give a description of the type of entertainment you will be providing:

Will the entertainment take place indoors, outdoors or both?:

Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

Question	Response
<i>Please complete the standard days start and finishing times in 24 hour time :</i>	Monday Tuesday Wednesday Thursday Friday Saturday Sunday
<i>Please provide any other details:</i>	
<i>State any seasonal variations for this entertainment:</i>	
<i>Please tell us where you intend to use the premises for the entertainment at different times to those listed previously:</i>	
<i>Will you be providing late night refreshment?:</i>	Yes
<i>Will the provision of late night refreshment take place indoors, outdoors or both?:</i>	Indoors
<i>Please complete the standard days start and finishing times in 24 hour time :</i>	Monday Tuesday Wednesday Thursday Friday Saturday Sunday
<i>Please provide any other details:</i>	Open 24hrs per day
<i>State any seasonal variations for provision of late night refreshment:</i>	none
<i>Please tell us where you intend to use the premises for the provision of late night refreshment at different times to those listed previously:</i>	inc bank holidays
<i>Will you supply alcohol?:</i>	No
<i>Please provide the details of any adult entertainment, services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children:</i>	Not Applicable
<i>Please upload a plan of the premises :</i>	12_Oldham_St_Block_Plan.pdf
<i>Please upload evidence of right to work (Individual applicants only):</i>	
<i>Please upload your DPS Consent Form (if applicable):</i>	
<i>Please upload policies (e.g. smoking or dispersal policy) or any other information you feel is relevant:</i>	
<i>Please confirm you have read and agree to these conditions:</i> I agree	

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

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Licensing & Out of Hours Compliance Team - Representation

Name	Gemma Smith
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	gemma.smith2@manchester.gov.uk
Telephone Number	0161 234 1220

Premise Details	
Application Ref No	262724
Name of Premises	Cafe & Grill Istanbul
Address	12 Oldham Street, Manchester, M1 1JQ

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 (LOOHT) have assessed the likely impact of the grant of this application considering several factors, including the hours and activities applied for, the nature of the area in which the premises is located and any potential risk that granting the application could have on any of the four licensing objectives.</p> <p>As a result of this assessment the Licensing and Out of Hours Team have concerns that the grant of the application, in its current form, is likely to lead to the Prevention of Crime and Disorder and the Prevention of Public Nuisance Licensing objectives being undermined.</p> <p>In reaching this decision we have given particular consideration to Manchester City Councils Statement of Licensing Policy 2021 – 2026. Specifically:</p> <p>7.12 The authority will give particular consideration to the general character of the surrounding area, including crime and antisocial behaviour (ASB) levels, litter problems, issues regarding underage or proxy sales, and noise complaints.</p> <p>7.25 The licensing authority will ensure that due consideration is given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises as well.</p> <p>7.26 The authority will give particular consideration to measures proposed in the application in relation to prevent nuisance.</p> <p>7.40 Consideration will be given to the number of rubbish bins in the area to adequately cope with litter levels, as well as the general cleanliness of the area.</p>

The premises is located on Oldham Street within the Northern Quarter district of the city centre. There are residential dwellings above the premises and commercial properties nearby and a number of alcohol led, licensed premises in close proximity. Furthermore, Piccadilly Gardens, which suffers from high levels of crime and anti-social behaviour, especially during the night-time economy is close by.

The premises are currently operating as a food outlet which is currently permitted to trade until 2300. The new licence application proposes the provision of late-night refreshment Monday to Sunday 11pm to 5am. The premise will be open to the public Monday to Sunday 24 hours a day. This is a significant increase in operational hours.

With consideration to the close proximity of residential properties to the premises and the potential impact in terms of public nuisance, Licensing and Out of Hours team are concerned that given the lateness of the proposed hours the venue could attract people to the area from nearby late-night alcohol led licensed premises therefore increasing the risk for public nuisance and alcohol related anti-social behaviour from intoxicated customers gathering outside the premises or from them leaving the takeaway.

LOOH are concerned that allowing customers to remain on site to consume their food until such a late hour would not encourage them vacate the area. The applicant has not proposed any robust conditions as to how they will ensure that their customers will be managed effectively and a premises in this location open until 0500 could potentially add to the pre-existing issues in Piccadilly Gardens locality due to the already problematic nature of the area.

LOOH are also concerned in respect of the limited operating schedule and conditions offered by the applicant. This suggests that the applicant has limited experience of operating a licensed premises into the early hours of the morning, and dealing with the risks of disorder associated to alcohol consumption.

Moreover, there is the potential that the provision of late-night refreshment could lead to a rise in litter being dropped in the vicinity of the premises. The applicant has proposed that the area outside the premises will be kept clean however has provided insufficient detail to demonstrate the how frequently they intend to inspect for litter and cleanse the area.

Additionally, there are no proposed steps in the application around dealing with conflict management and drunk customers. Staff will likely be required to deal with intoxicated and aggressive customers as part of their duties and so relevant training should be in place.

To address these concerns, LOOH propose that the following amendments are made to the proposed conditions offered by the applicant and that the following conditions are attached to the licence if granted at committee:

A reduction in operating hours as follows:

Provision of late-night refreshment:

Sunday to Wednesday 2300 to 0000

Thursday to Saturday 2300 to 0200

Opening hours:
 Sunday to Wednesday 0800 to 0000
 Thursday to Saturday 0800 to 0200

Change: Noise and vibration kept to a minimum

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

Change: Areas outside premises to be kept clean

To: The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public

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

Include: Litter bins shall be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter.

Include: Notices shall be prominently displayed at all exits requesting patrons to dispose of refuse in the litter bins provided at the premises.

Include; All staff shall be trained in managing and resolving conflict. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.

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

Include: SIA door staff shall be employed at the premises from 0000 hours until the premises closes. Door staff shall wear hi-vis armbands.

Include: At least one member of door staff situated at the entrance to the premises shall wear and use a body cam to capture incidents of violence and/or anti- social behavior.

Include: An incident log (which may be electronically recorded) shall be kept

at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:

- (a) all crimes reported to the venue, or by the venue to the Police
- (b) all ejections of patrons
- (c) any incidents of disorder

Recommendation: Approve with Conditions (Outlined Above)

Cafe & Grill Istanbul, 12 Oldham Road, Manchester M1 1JQ

[REDACTED]

Mon 18/10/2021 15:53

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

Dear MCC.,

I am writing to object to Café & Grill Istanbul's application for 24 hour a day opening. The flats above are residential and 24 hours a day opening will be disturbing in terms of noise and smell. [REDACTED] flats will be disturbed by the proposed 24 hour a day service, especially if it is open every day of the week. Please do not allow it.

If I need to do anything else, please let me know.

Kind regards

[REDACTED]

GREATER MANCHESTER POLICE - REPRESENTATION

About You

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

About the Premises

Application Reference No.	LPA 262724
Name of the Premises	Café & Grill Istanbul
Address of the premises including postcode	12 Oldham Street, Manchester M1 1JQ

Your Representation

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

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

The operating schedule which accompanies the application offers some conditions but GMP believes that these need to be worded more robustly so as best to demonstrate that the 4 Licensing Objectives won't be undermined.

Also due to the premises being in very close proximity to Piccadilly Gardens, which suffers from high levels of crime and anti-social behaviour, especially during the night time economy, we would ask that a condition relating to door staff is also attached to the premises licence.

Therefore if committee are minded to grant the application then we ask that the following conditions are attached to the Premises Licence.

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

SIA door staff shall be employed at the premises from 2300 hours each night until 0500 hours. Door staff shall wear hi-vis armbands.

At least one member of door staff situated at the entrance to the premises shall wear and use a body cam to capture incidents of violence and/or anti- social behaviour.

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

- (a) all crimes reported to the venue, or by the venue to the Police**
- (b) all ejections of patrons**
- (c) any incidents of disorder**

Staff shall be trained to deal with challenging customers and customers who are under the influence of intoxicants. This training shall be repeated at no greater than 6 monthly intervals.

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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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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. A roller shutter shall be installed at the premises. 2. Taxi phone numbers shall be displayed at the premises. 3. No children under the age of 18 shall be allowed on the premises after 9pm. 4. All staff shall be trained in how to promote the Licensing Objective of the protection of children from harm. 	N/A	Applicant
Conditions proposed by objectors	Agreed	Proposed by
<ol style="list-style-type: none"> 5. Staff shall be trained to deal with challenging customers and customers who are under the influence of intoxicants. This training shall be repeated at no greater than 6 monthly intervals. 	No	GMP
<ol style="list-style-type: none"> 6. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance. 7. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public. 8. Notices shall be prominently displayed at all exits requesting patrons to leave the area quietly and in an orderly manner. 9. Litter bins shall be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter. 10. Notices shall be prominently displayed at all exits requesting patrons to dispose of refuse in the litter bins provided at the premises. 11. All staff shall be trained in managing and resolving conflict. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council. 12. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to 	No	Licensing and Out of Hours

Schedule of Licence Conditions

<p>produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.</p> <p>13. SIA door staff shall be employed at the premises from 0000 hours until the premises closes. Door staff shall wear hi-vis armbands.</p> <p>14. At least one member of door staff situated at the entrance to the premises shall wear and use a body cam to capture incidents of violence and/or anti- social behaviour.</p> <p>15. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:</p> <ul style="list-style-type: none"> (a) all crimes reported to the venue, or by the venue to the Police (b) all ejections of patrons (c) any incidents of disorder 		
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**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 15 November 2021

Subject: Greek Grill House, Great Northern Square, 235 Deansgate, Manchester, M3 4EN - App ref: Premises Licence (new) 263482

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

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

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

Equal Opportunities Policy
 Risk Management
 Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Bryan Johnson
 Position: Technical Licensing Officer
 Telephone: 0161 234 1488
 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 22/09/2021, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Greek Grill House, Great Northern Square, 235 Deansgate, Manchester, M3 4EN 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 Andreas Robert Joel.
- 2.3 The description of the premises given by the applicant is: 'Mobile catering trailer'.
- 2.4 **The licensable activities applied for:**
- Provision of late night refreshment:
Mon to Sun 11pm to 4am
- Opening hours:
Mon to Sun 10am to 4am
- 2.4.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.
- 2.4.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 2**.

2.5 Activities unsuitable for children

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

2.6 Steps to promote the licensing objectives

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

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

2.7 Further documentation accompanying the application

3. Relevant Representations

3.1 A total of 2 relevant representations were received in respect of the application (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these representations will be available to the Panel at the hearing.

Responsible Authorities:

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

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	<p>Representation submitted against the application on the basis that, should the application be granted, GMP believes that all the Four Licensing Objectives would be adversely impacted upon and undermined. GMP believes that this would be so due to the lack of adequate and enforceable conditions being proffered by the applicant via the applications Operating Schedule.</p> <p>It is also of concern to GMP that the hours applied for (which it believes to be excessive for such a noise-sensitive location) would present greater opportunities for public nuisance and antisocial behaviour incidents to occur at an unacceptable time of the day.</p>	Refuse

<p>Licensing and Out of Hours Compliance</p>	<p>The LOOH Compliance Team are objecting to the application on the same grounds as Greater Manchester Police, i.e. a lack of enforceable conditions via the application and the applicants' admission that they possess little/no experience in managing a premises operating until such late hours and the potential disorder issues related to dealing with inebriated customers who may choose to patronise the 'premises' after departing nearby licensed premises',</p> <p>LOOH Compliance Team have also highlighted the potential for the premises to add to and exacerbate further the existing issues relating to on-street littering and discarded food waste that currently affect the wider location.</p> <p>Consequently so, LOOH Compliance Team are not satisfied that the applicant would correctly uphold and enforce the Four Licensing Objectives and are requesting that the application be refused.</p>	<p>Refuse</p>
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3.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 4**.

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

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

4.2 **New Information**

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

4.3 **Hearsay Evidence**

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

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

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

4.5 **Manchester Statement of Licensing Policy**

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

Section 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.

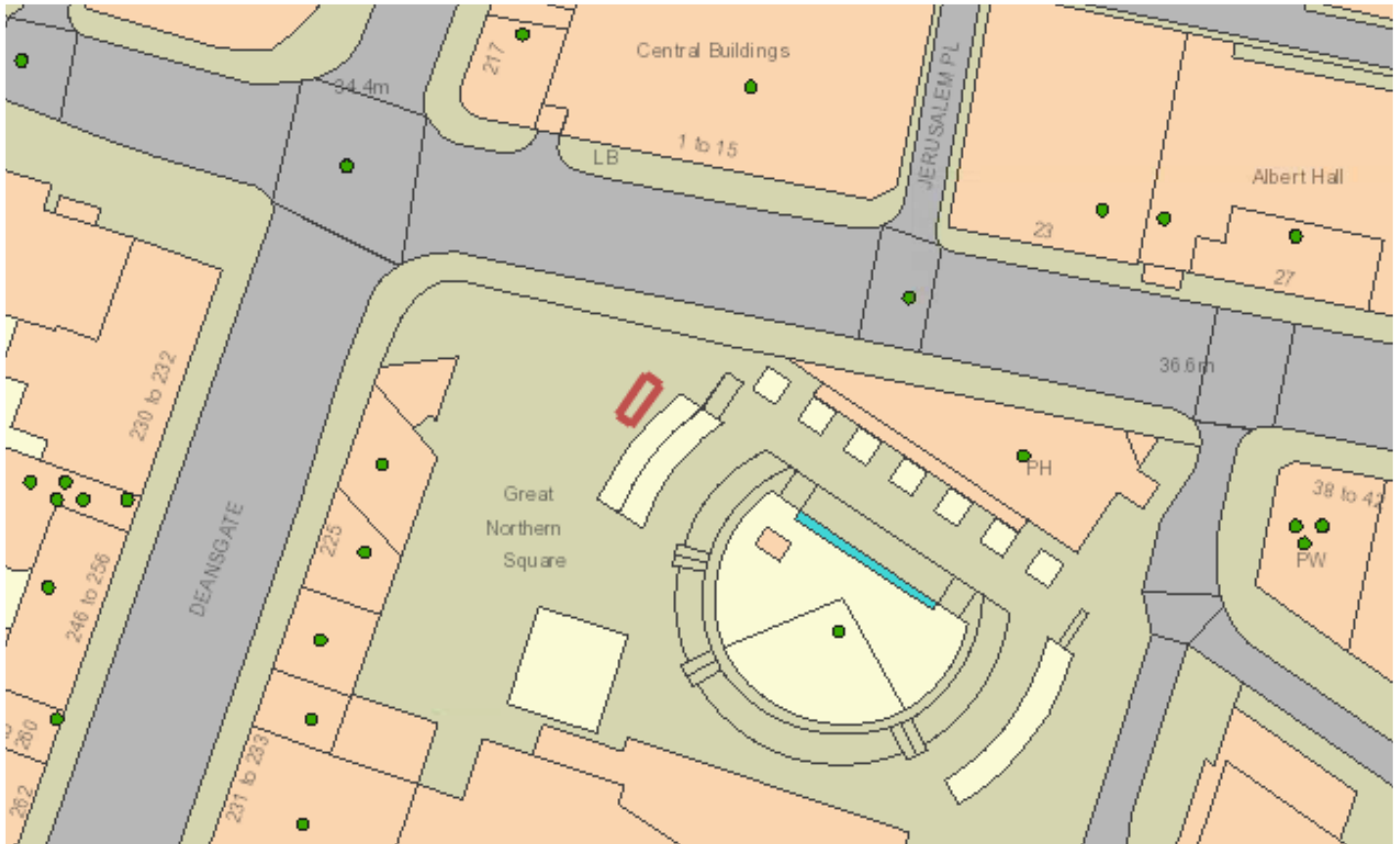
- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS6 Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies
- MS8 Prevent noise nuisance from the premises
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse

Conclusion

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

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

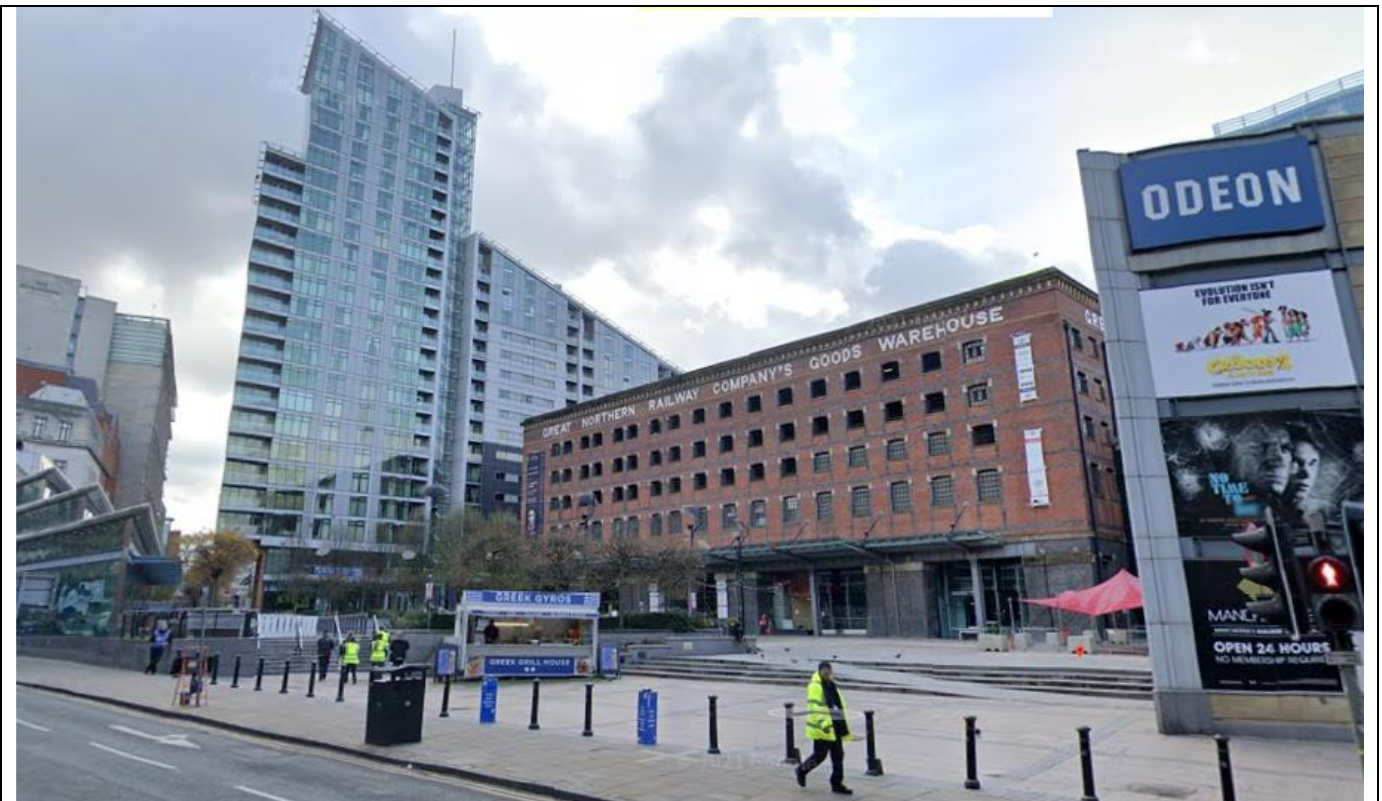
- 4.7 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had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



Greek Grill House
Great Northern Square, 235 Deansgate,
Manchester, M3 4EN

Premises Licensing
Manchester City Council

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Survey100019568.



PREMISE NAME:	Greek Grill House
PREMISE ADDRESS:	Great Northern Square, 235 Deansgate, Manchester, M3 4EN
WARD:	Deansgate
HEARING DATE:	15/11/2021

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Andreas Robert Joel

(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 Great Northern Square Warehouse, 235 Deansgate.			
Post town	Manchester	Postcode	M3 4EN
Telephone number at premises (if any)		07935564313	
Non-domestic rateable value of premises		£	

Part 2 - Applicant details

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

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

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Joel			First names Andreas Robert		
Date of birth [REDACTED]		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality British					
Current residential address if different from premises address		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)		[REDACTED]			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit ‘share code’ provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
8	09	2021

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
 We have a catering trailer situated in the Greatnorthern square. We are a takeaway only. We sell greek gyros.

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

N/A

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11pm	4am	<u>Please give further details here</u> (please read guidance note 4) We would be a food takeaway only, no food is consumed around the area.		
Tue	11pm	4am			
Wed	11pm	4am	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	11pm	4am			
Fri	11pm	4am	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	11pm	4am			
Sun	11pm	4am			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

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

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

K

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

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p>			<p><u>State any seasonal variations</u> (please read guidance note 5)</p>
Day	Start	Finish	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Mon	10am	4am	
Tue	10am	4am	
Wed	10am	4am	
Thur	10am	4am	
Fri	10am	4am	
Sat	10am	4am	
Sun	10am	4am	

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)

b) The prevention of crime and disorder

We intend to employ a qualified night security. There will be no food consumption on site, all will be takeaway to ensure that there are no gatherings

c) Public safety

No large gatherings, all food will be takeaway, supervision at all time by our team and security

d) The prevention of public nuisance

Night Security will be on site for night shifts

e) The protection of children from harm

No children will be served without adult supervision

Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or
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	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	A. Joel
Date	07/09/2021
Capacity	1

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

Signature	
Date	
Capacity	

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



The Management Suite
235 Deansgate,
Manchester,
M3 4EN.

19.08.21

GREEK GRILL HOUSE TRADING LICENSE

Dear Sir or Madam,

I'm writing to inform you that as the Landlord for the Greek Grill House located in Great Northern Square. We are happy to support and have no objection to their application for a Later Trading License to 04:00 (Mon – Sun inclusive).

Many thanks.

Yours Faithfully,

Mark Schofield
Centre Director

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

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GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC Alan Isherwood
Address including postcode	1 st Floor Manchester Town Hall Extension Lloyd Street Manchester
Contact Email Address	[REDACTED]
Contact Telephone Number	[REDACTED]

About the Premises

Application Reference No.	LPA 263482
Name of the Premises	Greek Grill House
Address of the premises including postcode	Great Northern Square, 235 Deansgate, Manchester M3 4EN

Your Representation

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

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

The operating schedule which accompanies the application offers nothing in terms of enforceable conditions. It gives the impression that the applicant has a limited understanding of the Licensing Objectives, which raises concerns about how the premises will be operated.

Also the hours requested are excessive given the noise sensitive location of the unit.

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

We therefore ask that this application is refused.



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

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

Premise Details

Application Ref No	MAU263482
Name of Premises	Greek Grill House
Address	Great Northern Square, 235 Deansgate, Manchester, M3 4EN

Representation

Licensing and Out of Hours (LOOH) as a responsible authority have assessed the likely impact of the grant of this application. Taking into account a number of factors, including the hours and activities applied for, the nature of the area in which the premises is located, and any potential risk that the grant of the application could have on any of the four licensing objectives. Licensing and Out of Hours (LOOH) have concerns that the grant of the application, is likely to lead to the Prevention of Public Nuisance, Public Safety and the Prevention of Crime and Disorder licensing objectives being undermined.

The proposed hours and licensable activities applied for are as follows:

Provision of late-night refreshment:

Monday to Sunday 2300hrs to 0400hrs

Opening hours:

Monday to Sunday 1000hrs to 0400hrs

The applicant seeks to operate from a street trading unit, which is currently permitted to trade until 2300hrs. The unit is located within Great Northern Square in Manchester City Centre, near Peter Street and its junction with Deansgate. Adjacent to the proposed new business is multiple existing alcohol led premises that are open into the early hours of the morning. The area, especially Peter Street and Great Northern Square experience heavy footfall during the night-time economy. With patrons moving between licensed premises, large congregations of people on, and surrounding the square, and associated congestion of traffic from taxis and private vehicles.

A meeting took place with (LOOH) the applicants, and Greater Manchester Police on Thursday 7th October 2021. During this meeting both responsible authorities raised concerns regarding the proposed terminal hour for the provision of late-night refreshment. The applicants confirmed that they have no experience of operating a licensed premises into the early hours of the morning, nor the risks of disorder associated to alcohol consumption.

Concerns raised during the meeting include the potential that the premises could experience a rapid ingress of patrons outside the trading unit, whilst dispersal is taking place from the nearby alcohol led premises. Officers explained that this would be incredibly difficult to control and manage effectively, even with a barriered queueing system in place. It could potentially be problematic to manage large groups of patrons attempting to access a street trader on the

highway, especially when it is likely that these patrons will be intoxicated.

Furthermore, the addition of a Street Trader at this location offering late-night refreshment is likely to exacerbate issues LOOH officers experience, from waste and litter being discarded by patrons accessing conventional takeaways in the area.

As a result of this assessment Licensing and Out of Hours have concerns regarding the proposed provision of late-night refreshment at this location, the limited operating schedule and conditions offered by the applicant. In the operating schedule the applicant has not provided sufficient information to demonstrate the steps they propose to take in order to address the four licensing objectives.

Licensing and Out of Hours as a responsible authority recommend that the application is refused.

Recommendation: Refuse

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

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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. We intend to employ qualified night security. 2. There shall be no food consumption on site, all food shall be takeaway to ensure there are no gatherings. 3. No large gatherings, all food shall be takeaway, there shall be supervision at all times by our team and security. 4. Night security shall be on site for night shifts. 5. No children shall be served without adult supervision. 	N/A	Applicant
Conditions proposed by objectors	Agreed	Proposed by
Not applicable	N/A	N/A

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