



Licensing Sub Committee Hearing Panel

Date: Monday, 17 January 2022

Time: 10.00 am

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 Evans

Agenda

1. Urgent Business

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

2. Appeals

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

3. Interests

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

4. Application for a New Premises Licence - Fireaway, 266 Wilmslow Road, Manchester, M14 6JR

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The report of the Director of Planning, Building Control and Licensing is enclosed. Also enclosed further information from the applicant and their agent.

5. Application for a new Premises Licence - Five Guys, 17 Piccadilly, Manchester, M1 1LS

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

Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
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Further Information

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

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**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 17 January 2021

Subject: Fireaway, 266 Wilmslow Road, Manchester, M14 6JR - App ref: Premises Licence (new) 266802

Report of: Director of Planning, Building Control & Licensing

Summary

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

Recommendations

That the Panel determine the application.

Wards Affected: Fallowfield

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

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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Name: Patrick Ware
Position: Technical Licensing Officer
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Background documents (available for public inspection):

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

1. **Introduction**

- 1.1 On 18/11/2021, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Fireaway, 266 Wilmslow Road, Manchester, M14 6JR in the Fallowfield ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Application**

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is Fireaway Manchester Ltd.
- 2.3 The description of the premises given by the applicant is Italian Restaurant and Takeaway

2.4 **The licensable activities applied for:**

Provision of late night refreshment (Indoors or outdoors):
Sun to Thu 11pm to 12:30 am, Fri to Sat 11pm to 1:30 am

Delivery only after 11pm and will not be open to the public after 11pm.

Opening hours:
Mon to Sun 12 midday to 11pm

- 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**

2.7.1 The applicant has submitted the following documents in support of their application, which are included with the application form at **Appendix 5**:

- Plan of Premises

3. **Relevant Representations**

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

Responsible Authorities:

- MCC Licensing and Out of Hours Compliance Team;

Other Persons:

- Fallowfield Community Guardians;
- South East Fallowfield Residents Group;
- Sherwood TRA.

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	Concerns regarding the Prevention of Public Nuisance Licensing Objective due to potential noise disturbance from delivery vehicles after 11pm and particularly to the residents of Boland Drive. Further concerns regarding adherence to currently allowed opening times following a licensing inspection and reference to online delivery platforms.	Grant with conditions
Fallowfield Community	Concerns regarding potential noise nuisance to the residents of the nearby Sherwood Estate	None

Guardians (RES1)	particularly late at night when vehicles are collecting food for deliveries. Concerns regarding the already large number of takeaways situated in the Cumulative Impact Policy area.	
SEFRG (RES2)	Concerns regarding potential noise nuisance to residents from vehicles collecting takeaway meals including music, doors slamming and revving engines. The applicant has also not shown that the grant of the licence will not add to the cumulative impact in the area.	
Sherwood TRA (RES3)	Concerns echoing those of RES1 and RES2 above.	

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

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

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

4.2 **New Information**

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

4.3 **Hearsay Evidence**

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

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

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

4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of

State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

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

4.5 **Manchester Statement of Licensing Policy**

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

Section 5: Special Policy Area

The premises is located within the following special policy area:

Fallowfield and Wilmslow Road

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

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
- 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.

MS8 Prevent noise nuisance from the premises

Section 9: Alcohol delivery services

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

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.**



Fireway
266 Wilmslow Road, Manchester, M14 6JR

Premises Licensing
Manchester City Council

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PREMISE NAME: Fireway

PREMISE ADDRESS: 266 Wilmslow Road, Manchester, M14 6JR

WARD: Fallowfield

HEARING DATE: 17/01/2022

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 Fireaway Manchester 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			
Fireaway 266 Wilmslow Road Fallowfield			
Post town	Manchester	Postcode	M14 6JR
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£18250.00	

Part 2 - Applicant details

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

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

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

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

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

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Fireaway Manchester Limited
Address 47 Billsborrow Road Moss Side Manchester M14 7TH
Registered number (where applicable) 12902924
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company

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

Part 3 Operating Schedule

When do you want the premises licence to start?

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

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

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

Please give a general description of the premises (please read guidance note 1)
 Italian Restaurant and Take-away. Only open to the public until 23:00 and thereafter by delivery only. Fireaway serves high-quality Italian meals that would not be suitable for consumption on the street but at home and in a sit-down meal environment. These premises would not appeal to the general public in terms of a standard take-away on their way home from a night out, as it is more highly-priced due to the quality and style of the food provided. A copy of the menu is attached.

This venue will also offer a healthier option – including vegan and gluten free options.

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)

x

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					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
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					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Tue					
			<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)		
Wed					
Thur					
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			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
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 6)
Fri			
Sat			
Sun			

D

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

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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
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"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for 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 type="checkbox"/>
Day	Start	Finish		Both	x
Mon	23:00	00:30	<u>Please give further details here</u> (please read guidance note 4) This will be for delivery only and will not be open to the public after 23:00.		
Tue	23:00	00:30			
Wed	23:00	00:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	00:30			
Fri	23:00	01:30	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23:00	01:30			
Sun	23:00	00:30			

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

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	12:00	23:00	
Tue	12:00	23:00	
Wed	12:00	23:00	
Thur	12:00	23:00	
Fri	12:00	23:00	
Sat	12:00	23:00	
Sun	12:00	23:00	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)

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)

The premises shall install and maintain a comprehensive digital CCTV system. All public areas of 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 while the premises are open to the public and recording shall be kept available and unedited for a minimum of 14 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 Local Authority.

All sales after 23:00 will be by delivery only. All deliveries will be collected by an employee of Deliveroo or a similar home-delivery courier service.

b) The prevention of crime and disorder

No members of the public will be admitted to the premises after 23:00.

Should customers from the premises congregate outside of the premises or in the immediate vicinity at night, a member of staff shall request that they leave the area quickly and quietly.

c) Public safety

All firefighting equipment shall be inspected and serviced in line with the appropriate British Standard.

d) The prevention of public nuisance

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

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

All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

No rubbish shall be moved, removed or placed in outside areas between 20:00 and 07:30.

No deliveries or waste collections to take place between the hours of 20:00 and 07:00 hours and no deliveries or waste collections to take place on Sundays or Bank Holidays.

Notices shall be placed at the exit reminding both patrons and delivery drivers to act with consideration for neighbours.

Delivery riders will collect orders from either the service area or the car park.

All delivery rider will be requested to switch off their engines whilst awaiting their delivery.

There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.

A direct telephone number for the Manager of the premises shall be available at the premises. This telephone number shall be made available to residents in the vicinity.

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

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

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE

LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	<i>Licensing Legal Solicitors</i>
Date	19 th November 2021
Capacity	Solicitors & Authorised Agents for the Applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Licensing Legal Solicitors Limited Unit 25, The Progress Centre Charlton Place, Ardwick			
Post town	Manchester	Postcode	M12 6HS

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

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.

8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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

Document is Restricted

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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

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

Premise Details	
Application Ref No	REF 266802
Name of Premises	Fireway
Address	266 Wilmslow Road, Manchester, M14 6JR

Representation
Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.
<p>Licensing & Out of Hours Compliance Team (LOOHT) as the responsible authority 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 and the proximity to residential accommodation, the hours applied for, and any potential risk that the grant of this application could lead to issues of public nuisance.</p> <p>A summary of the application provided by the applicant is as follows.</p> <p>Italian Restaurant and Take-away.</p> <p>Proposed hours and licensable activities:</p> <p>Provision of late-night refreshment:(Delivery Only) Sun to Thurs 23:00 to 00.30, Fri and Sat 23:00 to 01.30</p> <p>The already trading premises location is a ground floor low rise detached plot, 1 of 4 units, 2 other licensed dine in takeaway and a vintage store/café, with frontage on the busy main Wilmslow Road. Residential properties exist to the rear on Boland road and left-hand side as facing the premises all within 20-30 metres. The premises is located within the boundary of the Fallowfield/Wilmslow Road Special Policy Area.</p> <p>Whilst LOOH appreciates that the applicant is requesting delivery only late-night refreshment, with no access to general public after 23:00, the hours applied for, still have the potential to create noise nuisance. Especially to those residents in the immediate vicinity/rear on Boland Drive.</p> <p>LOOH feels this would be the case as the highway directly to the front of the premises has parking restrictions and is also part dedicated cycleway, as</p>

such there are no suitable pickup points at this location. The expected alternative is the car park to the rear accessed off the residential street Boland Drive.

LOOH feel this would undoubtedly create noise from vehicles arriving and leaving Boland Drive to access the rear car park. With additional noise from car doors slamming from collection drivers. Noise that the nearby local residential population would not be expecting at these times, especially as the other licensed premises in this location specifically would have closed by 00:00 Sunday to Thursday and 00:30 Friday and Saturday.

LOOH also has some concerns regarding the operation in general with regards to adhering to times of closing applied for. A recent out of hours routine pre representation visit to the premises on the 10th December 2021 at 23:15, officers noted two customers were still inside eating pizza and staff were preparing pizza and several pizzas were cooking in the rotating pizza. Officers advised staff against serving of hot food after 23:00 until their application has been decided by Manchester City Council.

These concerns are further compounded by discrepancies with some of the existing online delivery platforms associated with the premises, for example screen shot shown below from Just Eat; and Google map search premises own entry;

17:34 Thu 16 Dec just-eat.co.uk 100%

266 Wilmslow Road, Manchester, M14 6JR

A little bit about us

Do you fancy pizza? (some of us would choose it every day if we could). For a tasty base and some great toppings, go to Fireaway Designer Pizza -Fallowfield Manchester and your wish is their pizza command. No washing up and delivery right to your door - what's not to love? After you have eaten, we'd love to get your feedback on our food and service at www.just-eat.co.uk

Opening times

	Delivery	Collection
Monday		16:00 – 23:45
Tuesday		16:00 – 23:45
Wednesday		16:00 – 23:45
Thursday		16:00 – 23:45
Friday		16:00 – 01:45
Saturday		15:00 – 01:45
Sunday		15:00 – 23:45

Go to checkout

Delivery 20-35 mins Collection 15 mins





Feedback

18:39 Thu 16 Dec 99%

Fireaway Designer Pizza - Fallowfield, Manchester

4.9 ★★★★★ (35) · Pizza restaurant · 🚗 25 min
 Open · Closes 00:00

[Directions](#) [Start](#) [Call](#) [Save](#) [Chat](#) [Share](#)

[OVERVIEW](#) [UPDATES](#) [MENU](#) [REVIEWS](#) [PHOTOS](#) [ABOUT](#)

✓ Dine-in · ✓ Curbside pickup · ✓ No-contact delivery

📍 266 Wilmslow Rd, Fallowfield, Manchester M14 6JR

🕒 Open now ^

Thursday	16:00–Midnight
Friday	16:00–02:00
Saturday	15:00–02:00
Sunday	15:00–Midnight
Monday	16:00–Midnight
Tuesday	16:00–Midnight
Wednesday	16:00–Midnight

[Suggest an edit](#)

🍴 Menu · fireaway.co.uk

🚚 Place an order

The hours applied for do not reflect current existing online platforms, as such appears to show some confusion on behalf of the premises/operator as to when the collections of hot food should cease.

Within Manchester City Councils licensing Policy: subsection 5.7 it states the effect of the Special Policy is that the Council will refuse applications for a new Premises Licence or Club Premises Certificate, or variation of an existing licence or certificate, whenever it receives relevant representation, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.

Taking into consideration of the policy guidance above and the application, the applicant has failed to provide enough detail in their application/operating schedule as to why it will not add to the cumulative impact already being experienced in this area in the relation to noise.

As such LOOHT recommends that the application, in its current format, is refused on the grounds of not upholding of the licensing objectives in relation to prevention of public nuisance.

Recommendation: Refuse Application

RES1

From: Fallowfield Community Guardians <[REDACTED]>
Sent: 16 December 2021 13:30
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Cc: Alex Hill <alex.hill@manchester.gov.uk>; Fraser Swift <fraser.swift@manchester.gov.uk>; alan.isherwood <alan.isherwood@gmp.police.uk>
Subject: Premises Licence (new) 266802/PW5: Fireway, 266 Wilmslow Road, Manchester, M14 6JR, (Fallowfield ward)

Dear Sirs

I am writing on behalf of Fallowfield & Withington Community Guardians and we wish to object to this application for a new license. We appreciate that the applicant does not propose opening after 11pm. However we are concerned that the later hours requested for delivery will cause noise and nuisance particularly for residents in the very near vicinity on the Sherwood Housing Estate which is directly to the rear. There are also many other residential flats nearby including 35 adjacent flats within Sherwood House. We feel that the arrival and departure of delivery vehicles until the early hours will add to **public nuisance** in a Cumulative Impact Policy area. We feel there are no measures that can be applied that will cause this to be a special deviation from the policy.

In addition, deliveries during the night already bring a lot of noise and traffic to residential streets and sometimes result in residents being woken during the night by delivery to the wrong address. Car door slamming and engine revving disturbs our sleep. There are many families living in Fallowfield who have children and the constant erosion of normal peace at night time by delivery vehicles operating from late night licensed premises means that residents (including students) often suffer sleep deprivation.

We hope that you will uphold the CIP and refuse this late night application for delivery of yet more take away food. There is already an overabundance of take-aways in this area and another late night licence will add to the noise, nuisance and litter already experienced, thus undermining the licensing objectives for public nuisance.

Yours

[REDACTED]
Community Guardian Coordinator

RES2

From: SEFRG <[REDACTED]>

Sent: 16 December 2021 16:20

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

Subject: New Premises Licence. 266882/PW5 Fireway, 266 Wilmslow Road, M14 6JR

Dear Sir/Madam,

I am writing on behalf of South East Fallowfield Residents group to object to the above application. These premises fall within the CIP which creates a presumption that no new (or varied) licence applications should be granted unless it can be shown that they will not add to the cumulative effect of such licences. Late night deliveries lead to an (unnecessary) increase in traffic on residential streets in the middle of the night and this is a particular problem in our area where there are so many students living in houses of multiple occupation and the demand for takeaways in the middle of the night is so high.

Residents in our group often mention being woken up by doors slamming, car/bike revs and door knocking (HMOs often don't have working doorbells and the occupants frequently have music playing at the back of the house or in the garden and don't hear an ordinary door knock), in addition the delivery drivers sometimes get the wrong address and wake neighbours up.

Allowing this licence in whatever form would undoubtedly add to the problems in our area. I understand the council recognise the importance of a decent night's sleep and such a licence would certainly undermine this.

We would like to point out that we are not anti business but rather pro responsible business, there are plenty of day and evening hours in a week for businesses like this to operate without sacrificing the sleep of the local residential community.

Yours faithfully,

[REDACTED]

On behalf of SEFRG

RES3

From: Sherwood TRA <[REDACTED]>
Sent: 16 December 2021 17:25
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Cc: Zahra Alijah <cllr.zahra.aliyah@manchester.gov.uk>; Ali Ilyas <cllr.ali.ilyas@manchester.gov.uk>; Jade Doswell <cllr.jade.doswell@manchester.gov.uk>
Subject: Fwd: Premises Licence (new) 266802/PW5: Fireway, 266 Wilmslow Road, Manchester, M14 6JR, (Fallowfield ward)

Dear Sir/Madam

I write on behalf of the residents of the Sherwood Estate which lies to the rear of the above premises to object to this application. We are a social housing estate consisting of family homes and flats with ages ranging from the very young through to the elderly. Many residents work shifts some days leaving for work as early as 3/4/5/6am and so can well do without extra disturbances in the early hours.

We are disappointed to read that these premises wish to extend their hours so soon after opening their business close to our homes. We were pleased to read that they would be closing at 11pm when they began first trading although trading hours appearing on 'Bing' show trading hours up until 1am on Fri/Sat nights.

We already suffer with disturbances from transient street noise as students both move between Wilmslow Road bars and then pass by our homes as they walk back to their term time addresses shouting/shrieking as if in the middle of the day rather than the early hours and also by the increase in traffic traveling along Sherwood St and Boland Drive both servicing the home delivery night business model and from staff & patrons using our estate for parking when visiting or working in Fallowfield District Centre.

With the rise of home deliveries residents are regularly woken by drivers coming to the wrong address. So for another unit trading later into the night bringing more maneuvering vehicles with sound of engine gear changes and braking, car doors opening/closing close to our bedrooms and particularly children's bedrooms on Boland Drive is undesirable. (Attached is a pdf showing how close these premises are to our homes)

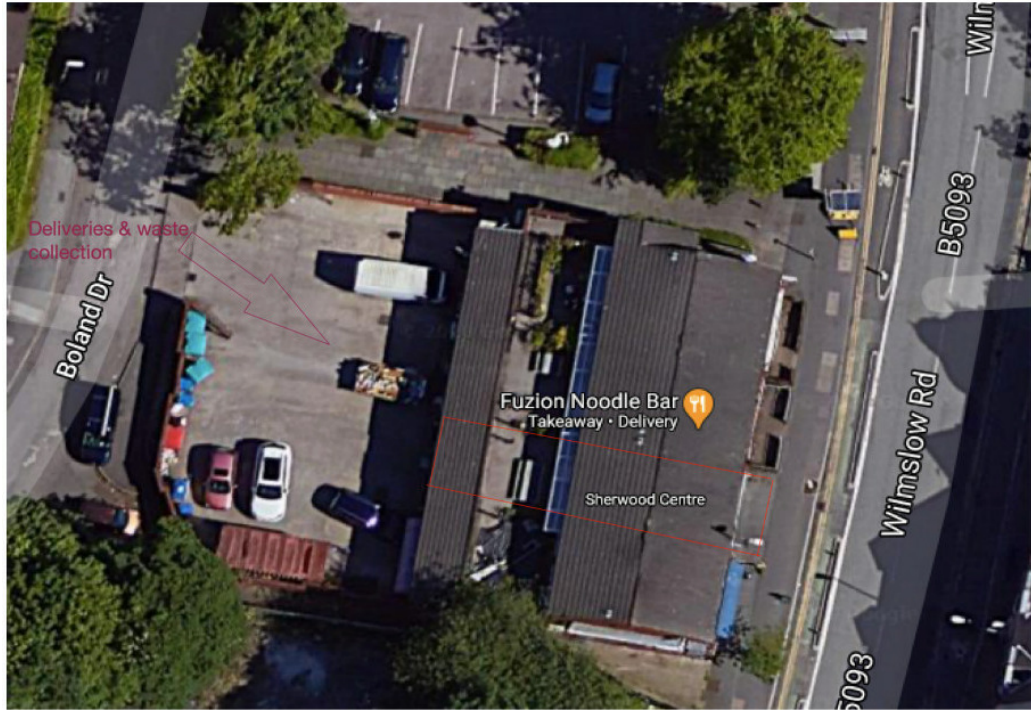
The Applicant describes their food offer as above usual takeaway prices and as a sit down meal type of food, we question who would want to have such a meal after midnight?

Finally, due to this part of Fallowfield being covered by a Cumulative Impact Policy we can not think of any mitigation from these premises to not add to the cumulative effect of trading into the early hours and therefore, respectfully ask for this application to be refused.

Yours faithfully

[REDACTED]

Chair
Sherwood TRA



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Family of Fire 3 Signature Pizzas & 1 Side £26.99	Office Fireworks 3 Signature Pizzas, 2 Sides, 1 Getxo Spice Pack & 2 Drinks £54.99	

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PAPA AWARDS WINNER 2019

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. The premises shall install and maintain a comprehensive digital CCTV system. All public areas of 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 while the premises are open to the public and recording shall be kept available and unedited for a minimum of 14 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 Local Authority. 2. All sales after 23:00 will be by delivery only. All deliveries will be collected by an employee of Deliveroo or a similar home-delivery courier service. 3. No members of the public will be admitted to the premises after 23:00. 4. Should customers from the premises congregate outside of the premises or in the immediate vicinity at night, a member of staff shall request that they leave the area quickly and quietly. 5. All firefighting equipment shall be inspected and serviced in line with the appropriate British Standard. 6. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public. 7. Litter bins shall be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter. 8. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times. 9. No rubbish shall be moved, removed or placed in outside areas between 20:00 and 07:30. 10. No deliveries or waste collections to take place between the hours of 20:00 and 07:00 hours and no deliveries or waste collections to take place on Sundays or Bank Holidays. 11. Notices shall be placed at the exit reminding both patrons and delivery drivers to act with consideration for neighbours. 12. Delivery riders will collect orders from either the service area or the car park. 13. All delivery rider will be requested to switch off their engines whilst awaiting their delivery. 14. There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance. 	N/A	Applicant

Schedule of Licence Conditions

15. A direct telephone number for the Manager of the premises shall be available at the premises. This telephone number shall be made available to residents in the vicinity		
Conditions proposed by objectors	Agreed	Proposed by
None	N/A	N/A

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

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From: [REDACTED] >
Sent: 06 January 2022 14:16
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Cc: Patrick Ware <patrick.ware@manchester.gov.uk>; Licensing Subcommittees <licensing.subcommittees@manchester.gov.uk>; Sion Roberts <sion.roberts@manchester.gov.uk>; [REDACTED]; [REDACTED]; [REDACTED]
Subject: Fireaway, 266 Wilmslow Road, Fallowfield, Manchester M14 6JR

Good afternoon – I refer to the application for a new Premises Licence in respect of the above, which is due to be considered by the Licensing Sub-Committee on the 17th inst.

Please find attached the following:-

1. Proposed additional Conditions;
2. Background information relating to the 2 Applicant Directors;
3. Sample hours relating to other Fireaway franchises;
4. Local map;
5. Case Law;
6. A Powerpoint Presentation covering:
 - Acoustics readings taken at the front (Wilmslow Road) and rear (Boland Drive) of the premises, demonstrating that ambient noise levels were observed to be comparable at 21:30 and 23:30
 - Published noise levels of vehicles used for deliveries
 - Pictures of branded packaging used by Fireaway
 - Photographs of the interior of the premises restaurant
 - Updated opening timings from Google and JustEat

I would be grateful if you would confirm that these items will be added to the Agenda.

Yours sincerely,

[REDACTED] (Director)

Tel: [REDACTED] (Option 1)



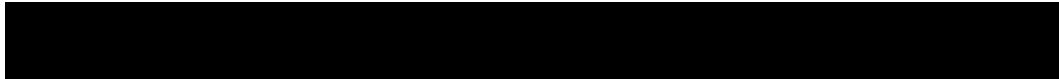
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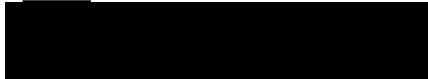
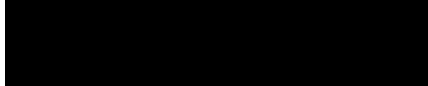
Fireaway – Proposed Additional Conditions

1. A direct telephone number for the Manager of the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to all residents in the vicinity.
2. The Manager or a representative thereof shall attend quarterly meetings with Sherwood Tenants & Residents Association, Fallowfield Community Guardians and South East Fallowfield Residents Group, if invited to do so.
3. All takeaway packaging and wrappers shall clearly identify the premises, i.e. by way of company logo or name.
4. When deliveries are made by Deliveroo, automatic mobile telephone notifications will be sent out when the order leaves the restaurant, and again when it arrives at the customer's address.
5. After 23:00, Fireaway Delivery Staff will telephone all customers upon arrival at the stated address, with their deliveries. A comprehensive delivery training manual for Delivery Staff will be adhered to; this includes switching off car engines, telephoning the customer and meeting them at the door of their property with their order.



Khurram Mohsin · 2nd



- 
- 

Manchester Area, United Kingdom · [Contact info](#)

500+ connections

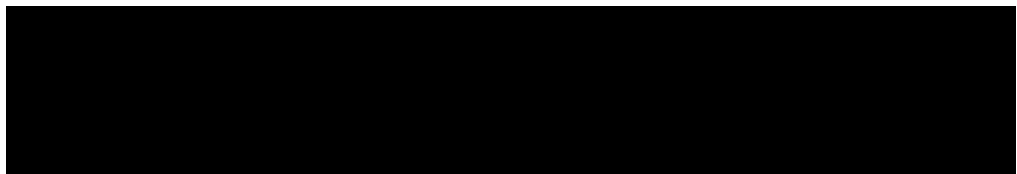
 5 mutual connections: , and 3 others

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Khurram hasn't posted lately

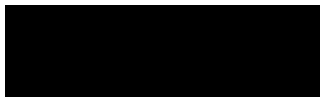
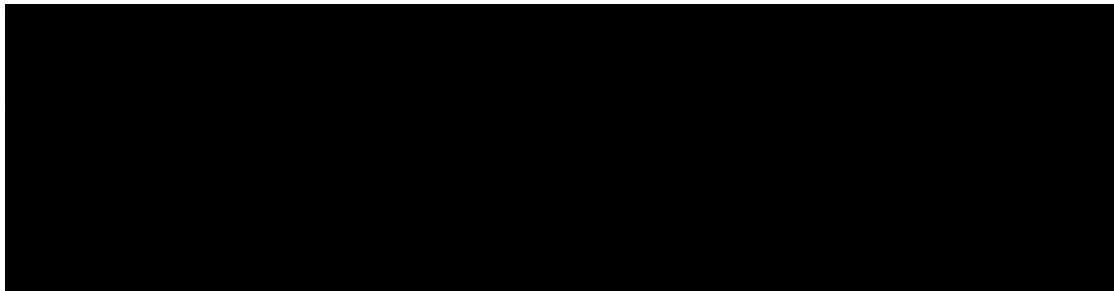
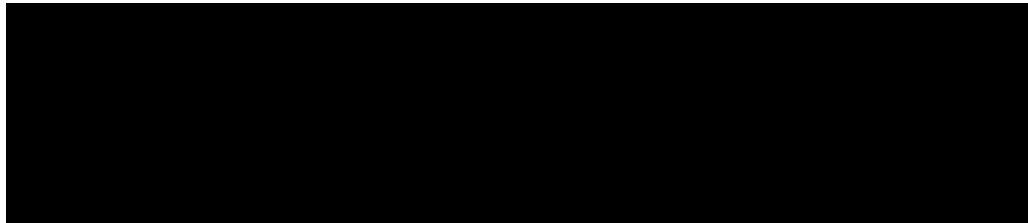
Khurram's recent posts and comments will be displayed here.

[See all activity](#)

Experience



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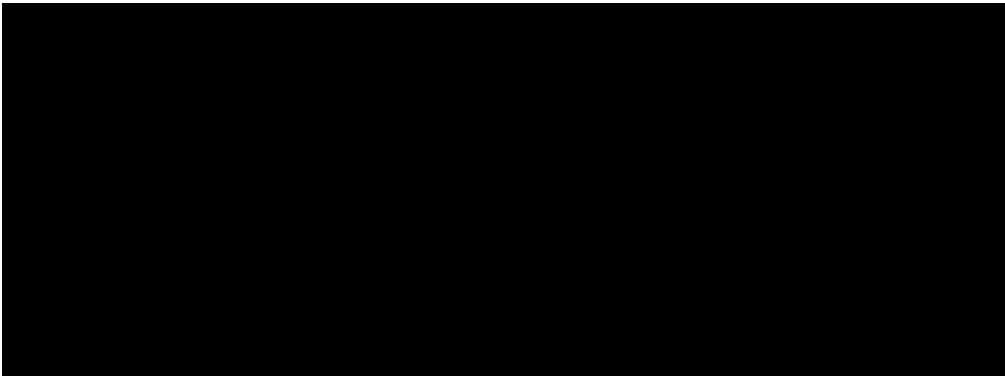


...see more



[See all 23 experiences](#)

Education



Licenses & certifications



Taha Zamir Hussain · 1st

[Redacted]

- [Redacted]
- [Redacted]

[Contact info](#)

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100 mutual connections [Redacted] and 98 others

Message

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Highlights

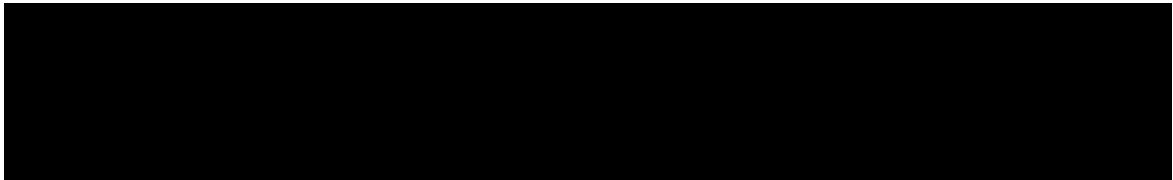


Message



Message

About



Featured

Posted · 2yr



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Image · 3yr

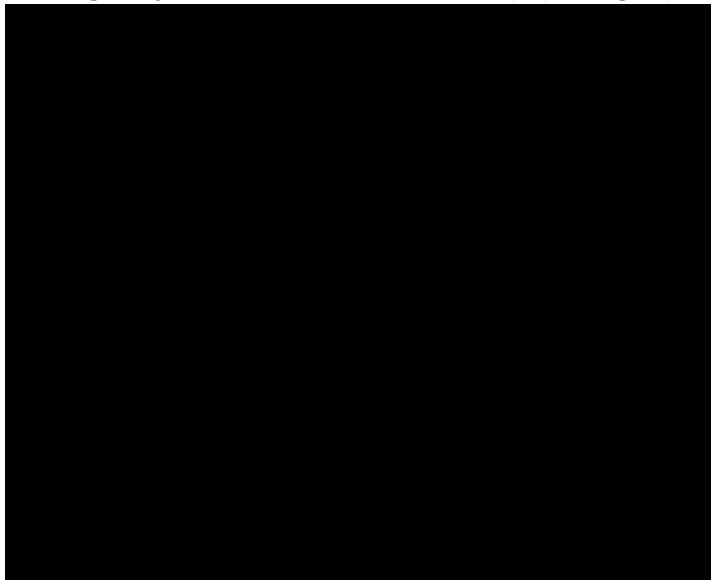



Image ·

Activity

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Commented · 2mo · 

Well done, Mr President.

   203 · 54 comments

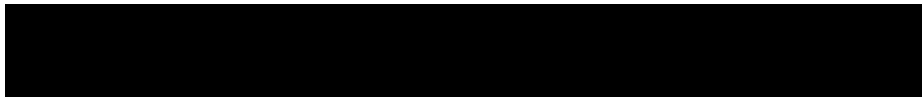
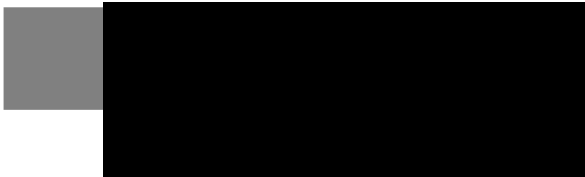
Commented · 2mo · 

Addressing the real issues.

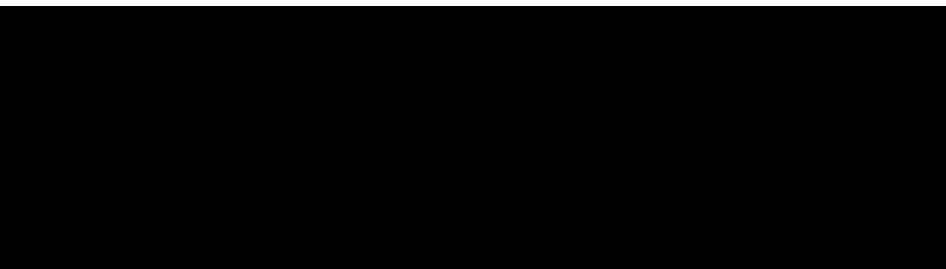
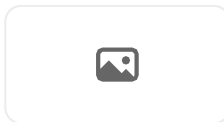
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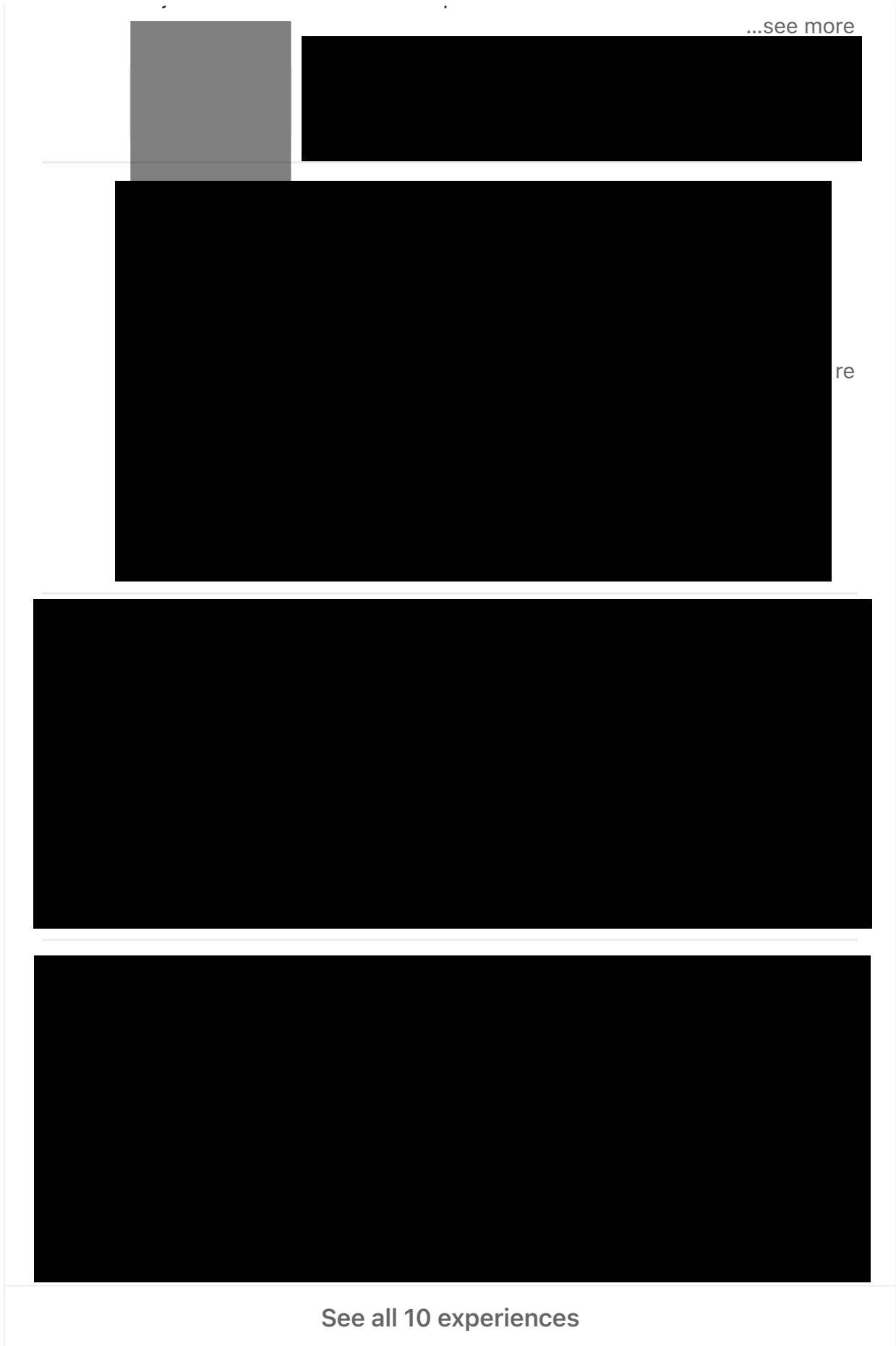
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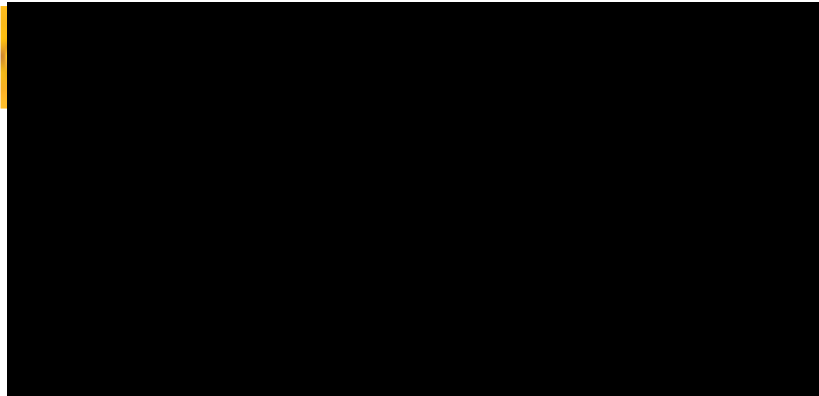
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...see more

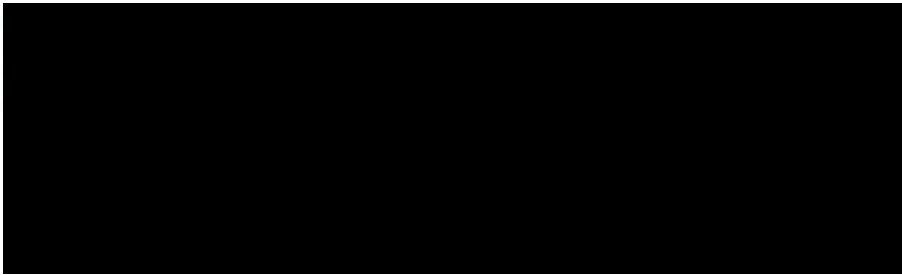
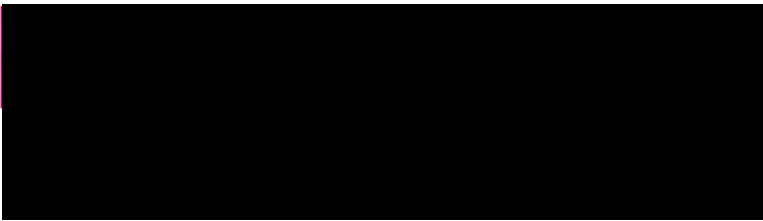
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See all 10 experiences

Education



Business Administration,

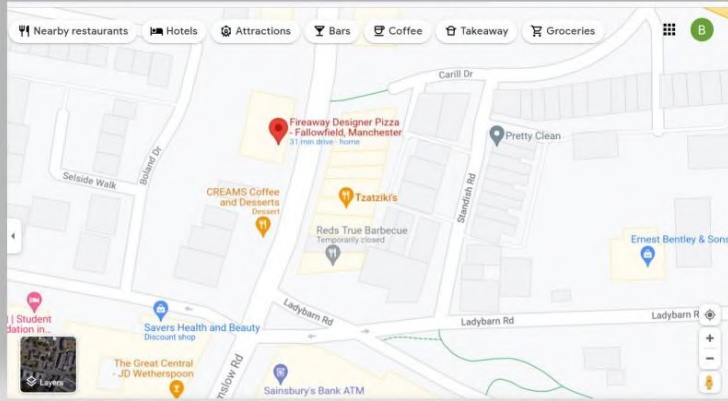


[See all 5 education](#)

Volunteering

Table of other Fireaway Premises Information

Address	Closing Times
Fireaway, 16 Garrick Walk, Milton Keynes MK9 3PT	Monday to Sunday until 03:00
Fireaway, 128 Fore Street, Exeter EX4 3JQ	Monday to Sunday until 02:00
Fireaway, 47 High Street, Watford WD17 1LJ	Weekdays until 02:00 Weekends until 04:00
Fireaway, 2 The Mall, Ealing, London W5 2PJ	Monday to Sunday until 03:00
Fireaway, 4 Pennine Precinct, Newhey Road, Rochdale OL16 4JD	Monday to Sunday until 02:30
Fireaway, 27 Bolton Road, Bury BL8 2AB	Monday to Sunday until 02:30



Official Transcripts (1980-1989)

Miah v Secretary of State for the Environment and Another

QUEEN'S BENCH DIVISION (CROWN OFFICE LIST)

WOOLF J

The Times 4 November 1985, [1986] JPL 756, CO/506/85, (Transcript:Marten Walsh Cherer)

29 OCTOBER 1985

29 October 1985

T Comyn for the Appellant; R Griffiths for the First Respondent; the Second Respondent did not appear and was not represented

William Heath & Co; the Treasury Solicitor

WOOLF J

This is an appeal under section 246 of the Town and Country Planning Act 1971. On the face of it, it raised a very short and very simple point, but, as sometimes happens on closer examination, with the considerable assistance that I have had from counsel in this case, the point is not as straightforward as it first appears.

The background to the case is that the appellant, Mr Kadar Miah, operates a restaurant at 110 High Street, Northwood, Middlesex. The premises are operated subject to a planning permission which is dated 31st March 1978, which granted permission for the change of use of those premises from a shop to a restaurant and made that permission subject to a condition which was in these terms: "The restaurant shall not be open to the public after 12 midnight or before 9.00 am Monday to Saturday inclusive or on Sundays". The reason for the imposition of the condition was stated to be to protect the amenities enjoyed by the occupants of adjoining residences. Quite clearly, Mr Miah, on any view of the facts, did not comply with that condition and because of that the Enforcement Notice was issued on 23rd March 1984 by the Local Planning Authority, which is the Hillingdon London Borough Council, which was anxious to restrict inconvenience caused to persons living in the vicinity of the restaurant and the Enforcement Notice set out that the breach of planning control was that the restaurant was opened to the public after 12 midnight and before 9 am and was also open to the public on Sundays.

An appeal was entered against that Enforcement Notice and the appeal was on two grounds, first of all, on the ground that planning permission ought to be granted to permit what was not permitted by the permission already given -- that is under section 88(2)(a) of the Act of 1971 -- and in addition on ground (b) of the same subsection; that being that the steps required by the Notice to be taken exceeded what was necessary to remedy any breach of planning control. With regard to that, the requirements of the Notice were that the appellant should ensure the restaurant was closed between the hours of 12 midnight and 9 am on Monday to Saturday of each week and it was closed to the public at all times on Sunday of each week.

The appeal was heard by an Inspector and he heard a considerable amount of evidence. That evidence included evidence from the Local Authority and persons who lived in the locality. The Inspector visited the site and, having done so and having heard the evidence, set out his conclusions in his report in terms which dismissed Mr Miah's appeal.

In setting out his conclusions, he started off by stating that in his opinion the principal issue to decide is whether the opening of the restaurant outside the hours permitted by the condition attached to the existing permission is unacceptably detrimental to the residential amenities of the neighbourhood by reason of noise and general disturbance. Having stated that as the principal issue, he went on eventually to say that he took

the view that the normal interpretation of the condition as a whole is that the public should not be on the premises during the stated hours when opening is prohibited. "On that basis, customers would have to leave no later than midnight. In my opinion that is not an unreasonable restriction to impose on this restaurant which is so closely associated with dwellings". He added that in his opinion the opening of the restaurant outside the hours permitted by the condition attached to the existing permission is unacceptably detrimental to the residential amenities of the neighbourhood by reason of noise and general disturbance. He came to the conclusion that the appeal on the grounds contained in subsection 2(a) and (g) failed.

In relation to that decision, there is a right of appeal provided by section 246 of the Town and Country Planning Act. Subsection 1 of which reads: "Where the Secretary of State gives a decision in proceedings on an appeal . . . against an enforcement notice . . . the appellant or the local planning authority or any other person having interest in the land to which the Notice relates may, according as rules of court may provide, either appeal to the High Court against the decision on a point of law . . ." Although that right of appeal refers to a decision of the Secretary of State there is no dispute that it also applies to a decision such as we have here by an Inspector on behalf of the Secretary of State.

The section then goes on to indicate the powers of this court on such an appeal. The basic power which is contained in the rules made pursuant to that section is to remit the matter to the Secretary of State with the opinion or direction of the court for rehearing and determination by the Secretary of State. It is apparent on reading the Inspector's decision in this case that his conclusions were based entirely on the fact that he took the view that protection of the sort provided by this condition was needed for the protection of the public. The ground of appeal which is made to this court depends on the statement by the Inspector that the public by virtue of the condition should not be on the premises during the stated hours when opening is prohibited. Mr Comyn on behalf of Mr Miah submits that this amounts to a misinterpretation of the condition and the effect of the condition is not that indicated by the Inspector. The correct effect is one which prevents the restaurant allowing the public to have access to the premises after the periods laid down in the condition but does not prevent customers who are already on the premises remaining on the premises after the permitted hours for the purpose, for example, of finishing a meal which they had already started.

Having regard to the reasoning of the Inspector, the point immediately arises that the issue as to the proper interpretation of the condition would not have affected and could not have affected the decision which the Inspector in fact came to. If he had adopted the interpretation of the condition which Mr Comyn submits is the correct one, he would have been even more firmly of the view that the condition imposed was not unreasonable since on that interpretation the condition is less restrictive than the interpretation in fact adopted by the Inspector. This being so, there is no basis for suggesting that this appeal should properly result in a conclusion which requires the decision to be remitted for redetermination. If the Inspector was in error on his interpretation, that did not in any way affect the outcome of his decision.

Mr Griffiths on behalf of the Secretary of State submits, that being the situation, that this whole appeal is misconceived and should be dismissed at the outset without the court expressing any view about the proper interpretation of the condition, that being a matter which could be resolved, if it was necessary to do so, in the event of enforcement proceedings being taken in the Magistrates' Court as a result of the non-compliance of the Enforcement Notice.

I fully accept the force of Mr Griffiths' submission and I recognise that it is undesirable for this court to allow the procedure under section 246 to be used as a vehicle for testing the validity of reasoning of inspectors or the Secretary of State on appeals conducted by them of this nature, when the points which are in issue do not affect their decision. The wording of subsection (1) of 246 provides an appeal against the decision and it is not an appeal against the decision if it cannot affect the decision. So in the ordinary way I would be inclined to accede to Mr Griffiths' submission and I would defer from adding to my reasons for dismissing the appeal anything over and above that which I have already stated in this judgment. However, quite clearly, there is now an issue as to what is the correct interpretation of this condition as a matter of law. It is obviously important for Mr Miah to know what is the proper manner in which he should conduct his business.

If there had been an application to the Court for a declaration it could be -- I put the matter no higher than that -- that the court would consider it appropriate to grant a declaration, this is not being a case where there is any pending criminal proceedings which it could be suggested are being interfered with by the court taking that course. It is very desirable that the court should not unnecessarily put the parties to expense merely because the correct procedure had not been adopted. From the practical point of view, there is no embarrassment at all to Mr Griffiths by the court proceeding to consider the merits of the argument which was advanced by Mr Comyn. Indeed, he was very quickly able to persuade me that the answer to the question was not as easy as I had hitherto thought and in these circumstances it does seem to me right that I should go on to indicate my view of what is the proper interpretation of this condition.

There were cited certain 19th Century licensing decisions on similar phrases in licensing statutes and other

references were made to situations where the court has considered similar phrases to those contained in this condition, however, I find those authorities of really no assistance at all. I was, however, also referred to a decision of the Court of Appeal as to the general approach to conditions in planning permissions. That is the case of *Crisp from the Fens, Ltd v Rutland County Council* [1950] 114 JP 105, and that authority did provide useful guidance.

In the judgment of Lord Justice Singleton, he indicated at page 57 that it was proper to look at the reason given for a condition and he also went on to say that he considered the argument that had been submitted that all the matters in the Order should be construed against the local planning authority, in other words, that the *contra proferentes* rule should apply was wrong. He added, "The local planning authority are given the duty of determining applications under this Act. When the Court is construing a permission which the authority have given, it must have regard to the document and to the subject matter of the case. I do not see why it should be construed against those who grant it in particular, for there is another class of persons altogether to be considered, namely, the general public."

Lord Justice Denning, as he then was, in the same case, at page 59, added: "I think it is very important that a condition of this kind should be expressed in plain language so that any layman can understand it without having to look up the statutory instrument and interpret the terms of an Order. This condition was ambiguous, but I cannot see that the company have in any way been misled." He added later: "It has to be remembered that the Planning Acts are intended to protect amenities. Owners of property cannot in these days use their property to their own private advantage without regard to the amenities of the neighbourhood. When the Planning Authority gave this permission, they clearly intended to protect the amenities. The reasons said so. It would be unfortunate if the amenities of a small country town like Oakham came to be taken away owing to a slip in omitting the word 'other' in the wording of a condition when the parties knew perfectly well that the amenities were intended to be preserved."

With the guidance provided by that authority, I would therefore return to the proper interpretation of this condition. Mr Griffiths points out that the great advantage to approaching the matter in the way that the Inspector approached it was that the position was clear beyond peradventure: members of the public should not be on the premises during the stated hours when opening is prohibited. In those circumstances, the condition is clearly capable of ready enforcement and furthermore there is no question of the obvious intent of the planning authority being overridden by persons who are already on the premises being allowed to remain on those premises for a substantial time.

Mr Comyn, on the other hand, contends that, if that was what the authority was seeking to do, they could easily have used words which had that effect and the words which were used only mean that the restaurant is prohibited from giving access to the premises after the hours stated in the condition.

My conclusion as to the proper interpretation is one which is easier to state by explaining how the condition is intended to work than being expressed in terms different from those actually used in the condition.

I do not think it is helpful – as Mr Comyn would submit it would be – to interpret this condition by examining whether doors are closed or secured in some other way. That is an unrealistic approach to a restaurant. Equally, I do not think it is right to regard this condition as having the effect of preventing any member of the public being on the premises one minute after midnight. What is intended by this condition is that the premises should be closed at midnight. That is to say that the restaurant should cease to be open to the public for the serving of meals after that time. However, if, when midnight strikes, there are persons in the restaurant who are already fully engaged in eating a meal, that does not mean that they forthwith – rather like Cinderella – have to leave the restaurant irrespective of the state of the table at that moment. The restaurant is not open to the public within the meaning of the condition if those persons have a reasonable time in which to finish their meal. I am not reading into the condition any implied term, I am merely giving effect to the words "open to the public". In the same way as after a store is closed some members of the public will take a little while to leave the premises and the premises are not open to the public, so a restaurant is not open to the public if it allows those persons a short time in which to finish their meal upon which they are engaged when midnight strikes.

I do, however, emphasize that the effect of what I have decided does not permit what was happening in these premises to occur, where there were still members of the public present, making a noise, between 2 am and 3 am. That is something wholly different. The general effect of the condition is to require the premises to close at 12 o'clock on weekdays and not to be open at all on Sundays.

Although I take a different interpretation from that of the Inspector and take the view that if the interpretation the Inspector adopted was to be the correct one the condition would have to be in much more restrictive terms than it was, for the reasons I gave at the outset of this judgment the appeal is dismissed.

Appeal dismissed

Response to representations

Premises Licence 266802/PW5:
Fireaway, 266 Wilmslow Road, M14 6JR



Acoustics Analysis

- Noise level was observed to be consistent at the front (wilmslow road) before and after 11pm. This is mainly due to the routine traffic. So the area does not get any quieter after 11pm and remained at similar levels when compared with the readings taken at 21:30



Noise measurement report

Date: 05/01/2022, 21:24

Operator: KM

Place: Wilmslow Road Front

Measurement results

Measurement time (hh:mm:ss)	00:02:11
LAeq	67.2 dB
Max. level	76.8 dB
LCpeak	92.8 dB
LA90	dB
Dose	%
Projected dose	%

Notes

Wilmslow Road (front) before 11pm



Noise measurement report

Date: 05/01/2022, 23:26

Operator: KM

Place: Wilmslow road

Measurement results

Measurement time (hh:mm:ss)	00:02:14
LAeq	68.6 dB
Max. level	88.2 dB
LCpeak	99.4 dB
TWA	37.7 dB
Dose	0.0 %
Projected dose	0.4 %

Notes

Wilmslow Road (front) after 11pm

- Noise readings taken at Boland Drive before and after 11pm remained comparable (60 – 65 Decibels).
- This is same sounds level as observed in a business office/ normal conversation.

Decibel Level Comparison Chart

Environmental Noise	dBA
Jet engine at 100'	140
Pain Begins	125
Pneumatic chipper at ear	120
Chain saw at 3'	110
Power mower	107
Subway train at 200'	95
Walkman on 5/10	94
<i>Level at which sustained exposure may result in hearing loss</i>	80-90
City Traffic	85
Telephone dial tone	80
Chamber music, in a small auditorium	75-85
Vacuum cleaner	75
Normal conversation	60-70
Business Office	60-65
Household refrigerator	55
Suburban area at night	40
Whisper	25
Quiet natural area with no wind	20
Threshold of hearing	0



- The 2 cars used for delivery are classed as “super quiet” as one is a hybrid and second is an all electric. The published decibel readings for these cars are below 50dB at low speeds which is even below than the ambient noise level observed at Boland Drive.

Auto-decibel-dl

Home - Toyota - Yaris

2018 Yaris 1.5 Hybrid	dB
idle	42.1
55 mph	54.1
65 mph	60.3
70 mph	67.3
75 mph	69.7
85 mph	71.8
50 km/h	60.4
80 km/h	67.8
100 km/h	68.6
120 km/h	70.0
140 km/h	71.8

Pictures

Fireaway Packaging

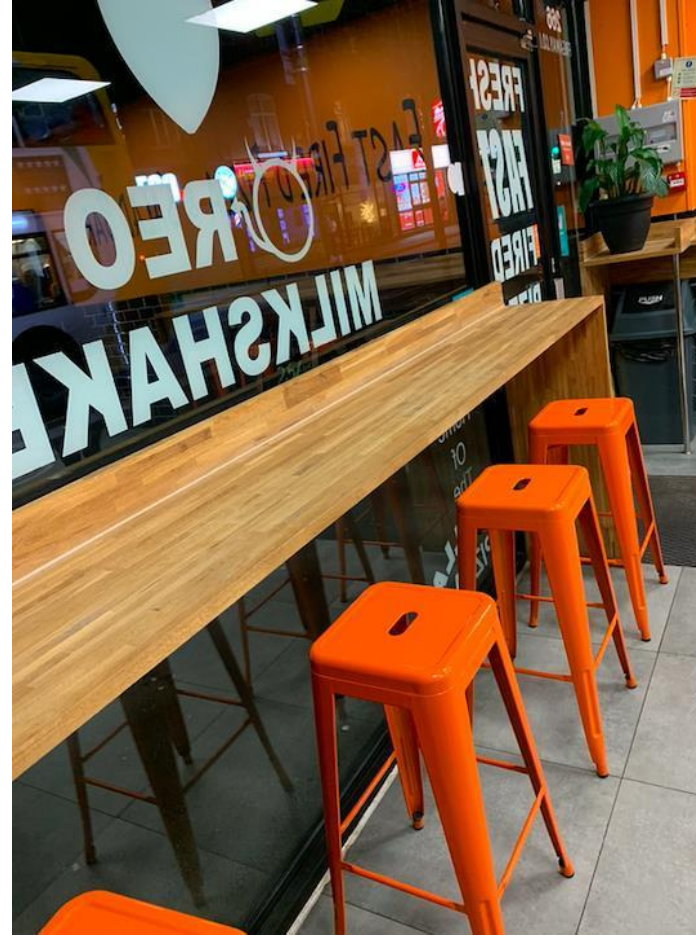
- All Fireaway packaging is branded.



Restaurant pictures



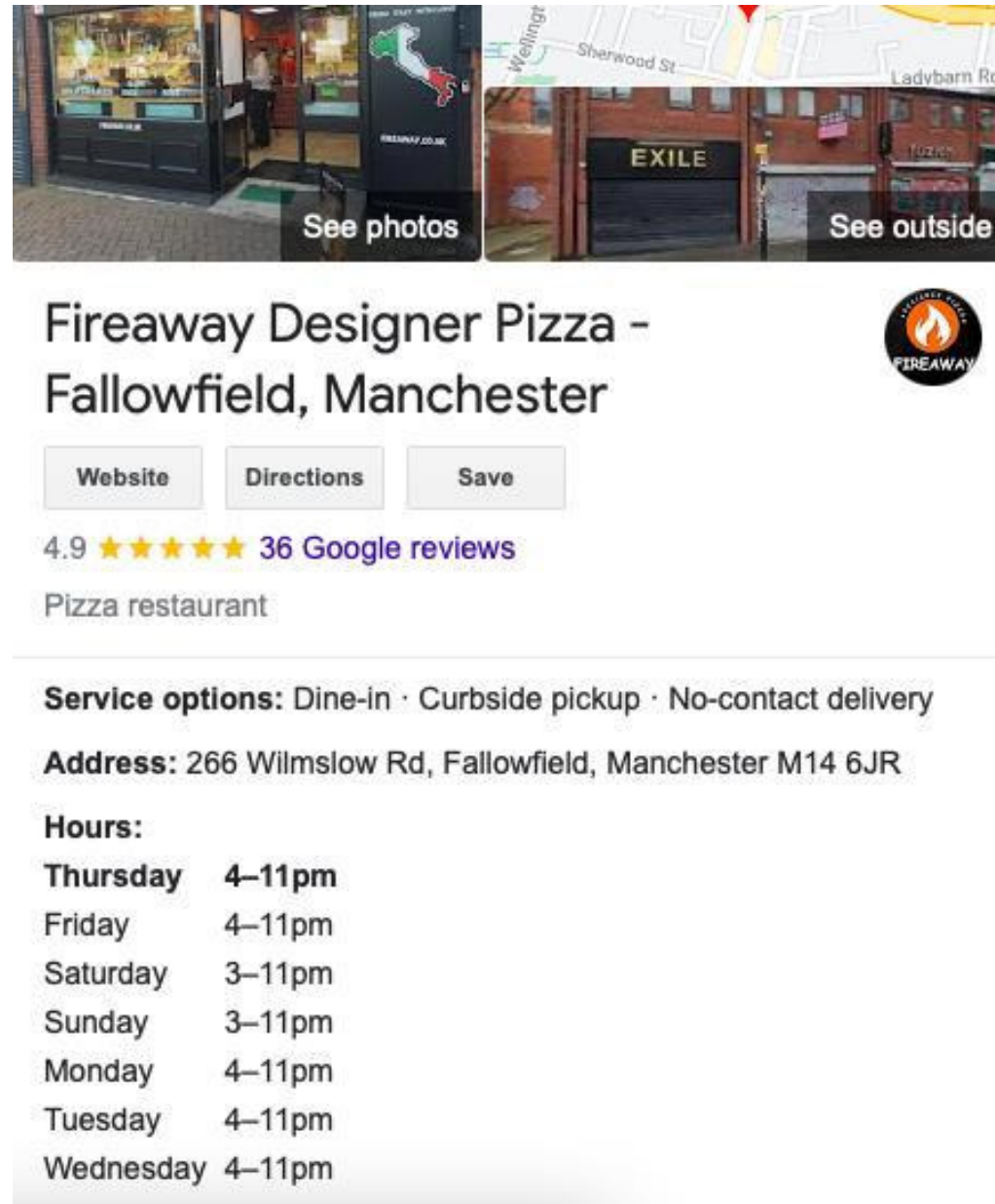
Restaurant pictures



Restaurant pictures



Updated opening hours (Google)



Fireaway Designer Pizza - Fallowfield, Manchester

4.9 ★★★★★ 36 Google reviews

Pizza restaurant

Service options: Dine-in · Curbside pickup · No-contact delivery

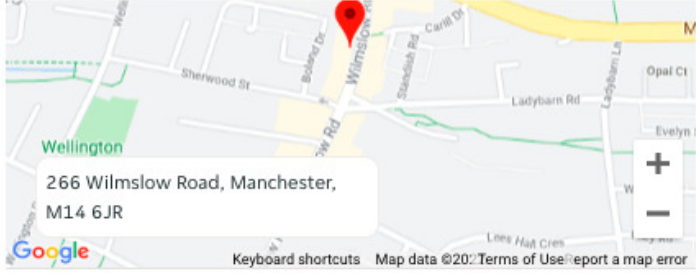
Address: 266 Wilmslow Rd, Fallowfield, Manchester M14 6JR

Hours:

Thursday	4–11pm
Friday	4–11pm
Saturday	3–11pm
Sunday	3–11pm
Monday	4–11pm
Tuesday	4–11pm
Wednesday	4–11pm

Updated
opening
hours
(JustEat)

- Meal Deals
- Build Your Own
- Signature Specials
- Calzone
- Kids Pizza
- Sides & Salads
- Desserts
- Milkshakes
- Drinks



A little bit about us

Do you fancy pizza? (some of us would choose it every day if we could). For a tasty base and some great toppings, go to Fireaway Designer Pizza -Fallowfield Manchester and your wish is their pizza command. No washing up and delivery right to your door - what's not to love? After you have eaten, we'd love to get your feedback on our food and service at www.just-eat.co.uk

Opening times

	Delivery	Collection
Monday		16:00 – 23:00
Tuesday		16:00 – 23:00
Wednesday		16:00 – 23:00
Thursday		16:00 – 23:00
Friday		16:00 – 23:00
Saturday		15:00 – 23:00
Sunday		15:00 – 23:00

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

Document is Restricted

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 17 January 2022

Subject: Five Guys, 17 Piccadilly, Manchester, M1 1LS –
App ref: Premises Licence (new) 265055

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: 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 13/10/2021, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Five Guys, 17 Piccadilly, Manchester, M1 1LS 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 Five Guys JV Ltd.
- 2.3 The description of the premises given by the applicant is "Five Guys burger restaurant with ancillary facilities".
- 2.4 The proposed designated premises supervisor is Mateusz Marchewka.

2.5 **The licensable activities applied for:**

Provision of late night refreshment:

Mon to Sun 11pm to 5am

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

Mon to Sun 11am to midnight

Opening hours:

Mon to Sun 24 hours each 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**.

3. Relevant Representations

3.1 Representations were received from Greater Manchester Police (GMP) and the Licensing Out of Hours Team (LOOH). These have both been withdrawn following agreement. Reference has only been made to these representations as the details of the agreements are referred to in discussions that have taken place between the applicant and the remaining objectors.

3.2 A total of four relevant representations remain 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. Representations were from:

- Residents / residents association x 4

3.3 Summary of the representations:

Party	Grounds of representation	Recommends
RES 1	This resident has lived in the area for 22 years and describes a “gradual decline in the area due to unsociable behaviour and increased crime involving fights, gang warfare and muggings and Stabbings”. The resident considers that the addition of a venue with a licence until 5am will increase nuisance incidents and will compromise public safety.	That the application is not granted

Party	Grounds of representation	Recommends
RES 2	This resident states: "I'm used to a certain level of noise at night but this proposal of a 5am licence fills me with dread". The resident considers that grant of this application will exacerbate existing problems of crime and disorder, littering and nuisance to residents. The resident is particularly concerned about the impact on safety and noise nuisance for residents "during these very late hours".	Not stated
RES 3	This resident moved into their home over 20 years ago and describes the area as having "deteriorated rapidly and has now become a rundown, shabby space with a high instance of crime and fast food stores". The resident considers that this new premises "will create excessive noise, litter and also potentially further social disorder" as currently experienced from MacDonald's and Burger King nearby, and that grant of this licence will add to existing problems.	That the application is not granted
RES 4 / Residents' Association	This representation is made on behalf of both the resident and the residents' association, and comments that the opening of McDonalds and Burger King in the area led to "a large increase in refuse and anti social behaviour". The concern is that a further similar business will add to existing problems, particularly at late hours. Residents are "particularly concerned about the impact the premises will have on our homes which are located in the floors directly above in the same building". The resident considers that this late night licence will lead to street noise and antisocial behaviour directly outside residents' homes.	That the application is not granted

- 3.4 Conditions proposed by the applicant are set out in the Schedule of Conditions at **Appendix 4**, along with conditions agreed with GMP and LOOH.
- 3.5 Discussions have taken place between the applicant and the remaining objectors, and are expected to resume in the forthcoming days, to see whether their representations can also be agreed. Emails relating to these discussions are included as **Appendix 5** and **Appendix 6**.
- 3.6 No conditions have been proposed by the remaining objectors.

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

- 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

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

Section 9: Alcohol delivery services

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

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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Five Guys
17 Piccadilly, Manchester, M1 1LS

Premises Licensing
Manchester City Council

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Survey100019568.



PREMISE NAME:	Five Guys
PREMISE ADDRESS:	17 Piccadilly, Manchester, M1 1LS
WARD:	Piccadilly
HEARING DATE:	17/01/2022

Manchester City Council

**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.

We Five Guys JV Ltd

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			
Five Guys 17 Piccadilly			
Post town	Manchester	Post code	M1 1LS
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£285,000.00	

Part 2 - Applicant Details

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

- | | | |
|---|--------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | <input type="checkbox"/> | please complete section (B) |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <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 | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | 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 | <input type="checkbox"/> | 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 | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

This box should have been ticked. The application was accepted with this omission

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(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	Five Guys JV Ltd
Address	Units 2-3 1 Bard Road London W10 6TP
Registered number (where applicable)	08185191
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited Company
Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A P

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

Day	Month	Year

A

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

Five Guys burger restaurant with ancillary facilities.

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 of the Licensing Act 2003 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)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)	
Day	Start	Finish		
Mon				
Tue				State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed				
Thur				
Fri				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 (please read guidance note 6)
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3) <table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>								
Outdoors	<input type="checkbox"/>								
Both	<input type="checkbox"/>								
Day	Start	Finish							
Mon			Please give further details here (please read guidance note 4)						
Tue									
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)						
Thur									
Fri			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 6)						
Sat									
Sun									

E

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

F

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			<u>Please give a description of the type of entertainment you will be providing</u>							
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										
Fri										
Sat										
Sun										
			<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)							
			<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)							

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon	23:00	05:00						
Tue	23:00	05:00						
Wed	23:00	05:00				State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23:00	05:00						
Fri	23:00	05:00				Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat	23:00	05:00						
Sun	23:00	05:00						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption (Please tick box) (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	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	11:00	00:00						
Tue	11:00	00:00						
Wed	11:00	00:00				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)		
Thur	11:00	00:00						
Fri	11:00	00:00						
Sat	11:00	00:00						
Sun	11:00	00:00						

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

Name Mateusz Marchewka
Date of birth [REDACTED]

Address [REDACTED]	
Postcode	[REDACTED]
Personal Licence number (if known) 092959	
Issuing licensing authority (if known) Nottingham City Council	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9) None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	24 HOURS		
Tue	24 HOURS		
Wed	24 HOURS		
Thur	24 HOURS		
Fri	24 HOURS		
Sat	24 HOURS		
Sun	24 HOURS		Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

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

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

<ol style="list-style-type: none"> 1. A CCTV system with recording equipment shall be installed, operated and maintained at the premises(unforeseen faults excepted). Images will be retained for a minimum of 28 days and supplied to a police officer upon reasonable request subject to the Data Protection Act 1998. 2. Members of staff authorised to sell alcohol shall receive training on the law with regard to alcohol sales (including the prohibition of sale of alcohol to those who are under age and those who are drunk). 3. The premises will operate a "Challenge 25" proof of age scheme whereby any person attempting to buy

alcohol who appears to be under 25 will be asked for photographic ID to prove their age. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to that person. Challenge 25 signage shall be displayed within the premises.

4. The Premises Licence Holder shall ensure that a written or electronic incident log is kept at the premises and measures shall be in place to record all incidents of crime and disorder at the premises.
5. The Premises Licence Holder shall ensure that a refusals register is available at the premises and measures are in place so that it is completed with details of all alcohol sales which are refused for any reason.
6. The sale of alcohol shall only to be persons purchasing a meal.
7. Suitable and conspicuous notices shall be displayed at entrances and exits requesting patrons to minimise noise and when smoking and/or leaving.
8. Disposal of waste bottles into external receptacles shall not take place between the hours of 22:00 and 07:00.
9. All sales of alcohol for consumption off the premises shall be in sealed containers and with a takeaway meal only and shall not be consumed on the premises.
10. The need for door staff will be risk assessed by the Designated Premises Supervisor/Premises Licence Holder and employed when deemed necessary.

b) The prevention of crime and disorder

See box a) above

c) Public safety

See box a) above

d) The prevention of public nuisance

See box a) above

e) The protection of children from harm

See box a) above

Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy
- 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 – n/a as application submitted online.
- 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 11). **If signing on behalf of the applicant please state in what capacity.**

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

	licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	[REDACTED]
Date	13 October 2021
Capacity	[REDACTED]

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	N/A
Date	
Capacity	

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

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any

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RES 1

From: [REDACTED]
Sent: 03 November 2021 10:08
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Re: Five Guys 17 Piccadilly Gardens

Please find address below as requested.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Kind regards

From: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Sent: 02 November 2021 19:10
To: [REDACTED]
Subject: Re: Five Guys 17 Piccadilly Gardens

Dear [REDACTED]

I confirm receipt of your email below. Please email back if you wish to provide your full address. Providing address details will assist the Licensing Sub Committee in deciding what weighting should be given to the representation when making the decision on the application.

Kind regards, [REDACTED]

From: [REDACTED]
Sent: 02 November 2021 12:57
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Five Guys 17 Piccadilly Gardens

Dear sir,

I am writing to object to the 5.00 am Licence requested by Five Guys Burger Bar located at 17 Piccadilly Gardens Manchester.

As a resident [REDACTED] for the last 22 years I have seen a gradual decline in the area due to unsociable behaviour and increased crime involving fights, gang warfare and muggings and stabbings.

This has increased so much over the last few years that overseas students are even advised in their welcome packs to avoid the area at night "at all costs"

I believe that a late night licence will increase public nuisance incidents and stretch an already strained police force resulting in a danger towards the public in general. Piccadilly Gardens should be an area where families should feel safe to visit and as i am sure you are aware this is already not the case and the addition of a venue with a 5.00am license will only add to the problems Piccadilly gardens already suffers from.

RES 2

From: [REDACTED]
Sent: 02 November 2021 11:21
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Five Guys, 17 Piccadilly, Manchester.

Hello

I am [REDACTED] have lived in the same flat for over 20 years. There are [REDACTED] the current Five Guys redevelopment which was previously the Yorkshire Building Society. As a city centre dweller, I'm used to a certain level of noise at night but this proposal of a 5am licence fills me with dread.

Piccadilly Gardens already has a high level of crime and disorder and I can only foresee more trouble (and litter) from this application. The public nuisance caused to residents [REDACTED] establishment with a late night, never mind 5am licence, is surely obvious. Especially when it has been a building society for over 20 years without any noise disturbance.

I would implore you to consider the residents and the impact that this proposed extension to licensing hours will have on their safety and the public nuisance that residual noise during these very late hours will cause.

Thank you.

[REDACTED]

RES 3

From: [REDACTED]
Sent: 03 November 2021 21:10
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Five Guys Application for extended hours. Ref 265055/HH1

Hello,

I am a long term [REDACTED]. I am writing to express my deep concern at the planning application for [a 5am](#) licence for the Five Guys redevelopment [REDACTED].

When I moved into my home over 20 years ago, Piccadilly Gardens was a lovely, safe, well policed and welcoming place to live. [REDACTED] was one of the early adventurers of city centre living. Over the last decade or so it has deteriorated rapidly and has now become a rundown, shabby space with a high instance of crime and fast food stores.

Thankfully the council have recognised this and are working on a major redevelopment programme to regenerate this embarrassment to our city.

The Five Guys application will create excessive noise, litter and also potentially further social disorder which, unfortunately, we experience regularly. It may be worthwhile for you to visit the MacDonald's and Burger King in the gardens on an evening and you can experience our concerns first hand.

I love living in the city and have always accepted that there will be a degree of noise, but if this application is approved it will have a big impact on the noise level, litter and anti-social behaviour in our residential area. [REDACTED] [REDACTED] are the only residents that actually live [REDACTED]. We feel that fact is too frequently ignored.

As with so many Mancunians I have been so looking forward to the regeneration of the gardens and having the lovely outside space back again.

Please do not approve this 5am application or accept any 'compromise' extensions to the existing times.

Thank you

[REDACTED]
[REDACTED]

RES 4

Made representation on behalf of self as a resident, and on behalf of residents association. Both representations are below.

From: [REDACTED]
Sent: 10 November 2021 23:25
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: 5 Guys Licensing Application

To whom it may concern,

I am writing on behalf of the residents' association [REDACTED] to object to the above application.

We have witnessed since their arrival, the impact similar takeaway outlets such as McDonalds and Burger King have had on the area with regard to a large increase in refuse and anti social behaviour.

We are therefore extremely concerned about the impact on the area of another similar business especially if it is allowed to open throughout the night.

Moreover, we are particularly concerned about the impact the premises will have on our homes [REDACTED].

An extended alcohol license and all night opening will undoubtedly create street noise, and in our experience anti social behaviour, after 11pm [REDACTED] which is unacceptable to us.

We respectfully ask that you do not therefore approve this application.

Yours faithfully,

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

From: [REDACTED]
Sent: 10 November 2021 23:27
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: 5 Guys Licensing Application

To whom it may concern,

I am writing on behalf of [REDACTED] to object to the above application.

I have witnessed since their arrival, the impact similar takeaway outlets such as McDonalds and Burger King have had on the area with regard to a large increase in refuse and anti social behaviour.

I am therefore extremely concerned about the impact on the area of another similar business especially if it is allowed to open throughout the night.

Moreover, I am particularly concerned about the impact the premises will have on [REDACTED]

[REDACTED]

An extended alcohol license and all night opening will undoubtedly create street noise, and in my experience anti social behaviour, after 11pm [REDACTED] which is unacceptable to me.

I respectfully ask that you do not therefore approve this application.

Yours faithfully,

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

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Schedule of Licence Conditions

- **Conditions consistent with the operating schedule and with the agreements reached with GMP and LOOH team (leading to withdrawal of their representations)**
- **No conditions have been proposed by any remaining objector**

1. The premises shall install and maintain a digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points. CCTV shall continually record whilst the premises are open to the public and the recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping.
2. 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.
3. Staff shall be provided with comprehensive training in underage sales; recognising signs of drunkenness; how to refuse service; complying with the licence conditions; and obligations and offences under the Licensing Act that apply to the sale of alcohol.
4. Staff training will include the Challenge 25 policy and its operation. Staff will 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.
5. All training will be given to a new member of staff before they commence paid employment.
6. 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
7. The premises will operate a "Challenge 25" proof of age scheme whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to that person. Challenge 25 signage shall be displayed within the premises.

Continued....

Schedule of Licence Conditions

8. An incident log (which may be electronically recorded) shall be kept at the premises and made available on request to the police or an authorised officer of the licensing authority. Information input into this log shall be held for a minimum of 6 months. This incident log 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 complaints received
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service
9. A refusals register shall be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. Refusal records shall be kept for a minimum of 6 months.
10. The sale of alcohol shall only to be persons purchasing a meal.
11. Suitable and conspicuous notices shall be displayed at entrances and exits requesting patrons to minimise noise and when smoking and/or leaving.
12. Disposal of waste bottles into external receptacles shall not take place between the hours of 22:00 and 07:00.
13. All sales of alcohol for consumption off the premises shall be in sealed containers and with a takeaway meal only and shall not be consumed on the premises.
14. The need for door staff will be risk assessed by the Designated Premises Supervisor/Premises Licence Holder and employed when deemed necessary.
15. Any food or drink sold between the hours of 00:00 and 05:00 shall be for delivery or collection only by a verified delivery service company.
16. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
18. There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.

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Email from [REDACTED] to resident objectors - setting up Zoom meeting – same email (as below) sent separately to each resident objector

Meeting date – 29/11

From: [REDACTED]

Sent: 29 November 2021 09:42

To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Five Guys, 17 Piccadilly, Manchester

Dear All,

Apologies for the delay in confirming this, but I now have everyone available for a call at 6pm this evening.

In attendance from our side will be myself ([REDACTED] is now on holiday this week) as well as [REDACTED] Five Guys Property Director and also [REDACTED] District Manager for this area.

I will separately send out an invite to the meeting and look forward to seeing you all later.

Please let me know if there are any last-minute issues and I will endeavour to rearrange if that is the case.

Best regards.

[REDACTED]
[REDACTED]
[REDACTED]

Responses:

From: [REDACTED]

Sent: 27 November 2021 08:23

To: [REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: Five Guys, 17 Piccadilly, Manchester - New Premises Licence - [REDACTED]
[REDACTED]

Hi [REDACTED]

Thanks for your mail. We are happy to attend a zoom meeting.

A number of the residents have already replied with a date/time suggestion (Monday @ 6pm) and we are happy with this if it can be arranged

Thanks

[REDACTED]

From: [REDACTED]
Sent: 25 November 2021 16:41
To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: Re: Five Guys, 17 Piccadilly, Manchester - New Premises Licence - [REDACTED]
[REDACTED]

Hi [REDACTED]

Thanks for your email. I'm happy to attend a Zoom meeting as is [REDACTED]
[REDACTED] We would prefer to do this together and we are all available on Monday 29th at 6pm.

Same email (as below) sent separately to each resident objector

From: [REDACTED]
Sent: 25 November 2021 15:27
To: [REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: Five Guys, 17 Piccadilly, Manchester - New Premises Licence - [REDACTED]
[REDACTED]

Dear [REDACTED]

I write further to my email below and would like to invite you to attend a virtual meeting via Zoom or a similar platform to discuss your concerns and see if an agreement can be reached.

I would be grateful if you could confirm if you would be willing to attend such a meeting and if so are there any dates / times to avoid for you.

Many Thanks

[REDACTED]

[REDACTED]
[REDACTED]

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

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
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Email from applicant's representative sent to each resident objecting to proposed item 5 conditions to be added. The email refers to the withdrawn representations from LOOH and GMP - these have been made available to the Panel.

From: [REDACTED]
Sent: 18 November 2021 13:03
To: [REDACTED]

Subject: Five Guys, 17 Piccadilly, Manchester - New Premises Licence - Objection [REDACTED]

Dear [REDACTED]

I hope you do not mind me contacting you via email, but I am in receipt of your objection to the application we have made for a new premises licence for the above restaurant. The Licensing Officer dealing with the application has asked that I contact you directly to discuss the application and your concerns to see if an agreement can be reached.

I am not sure if you have had site of the application, or are aware of the agreements reached with the authorities, but the following conditions will be added to our premises licence should it be granted:-

- *The premises will operate a "Challenge 25" proof of age scheme whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to that person. Challenge 25 signage shall be displayed within the premises.*
- *The sale of alcohol shall only to be persons purchasing a meal.*
- *Suitable and conspicuous notices shall be displayed at entrances and exits requesting patrons to minimise noise and when smoking and/or leaving.*
- *Disposal of waste bottles into external receptacles shall not take place between the hours of 22:00 and 07:00.*
- *All sales of alcohol for consumption off the premises shall be in sealed containers and with a takeaway meal only and shall not be consumed on the premises.*
- *The need for door staff will be risk assessed by the Designated Premises Supervisor/Premises Licence Holder and employed when deemed necessary.*
- *The premises shall install and maintain a digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points. CCTV shall continually record whilst the premises are open to the public and the 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.*
- *Staff shall be provided with comprehensive training in underage sales; recognising signs of drunkenness; how to refuse service; complying with the licence conditions; and obligations and offences under the Licensing Act that apply to the sale of alcohol.*
- *Staff training will include the Challenge 25 policy and its operation. Staff will 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.*
- *All training will be given to a new member of staff before they commence paid employment.*
- *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*

- *An incident log (which may be electronically recorded) shall be kept at the premises and made available on request to the police or an authorised officer of the licensing authority. Information input into this log shall be held for a minimum of 6 months. This incident log 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 complaints received*
 - *(d) any incidents of disorder*
 - *(e) any faults in the CCTV system*
 - *(f) any visit by a relevant authority or emergency service*
- *A refusals register shall be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. Refusal records shall be kept for a minimum of 6 months.*
- ***Any food or drink sold between the hours of 00:00 and 05:00 shall be for delivery or collection only by a verified delivery service company.***
- *The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public*
- *No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.*
- *There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.*

To be clear, if the premises licence is granted, it will only permit:-

- The supply of alcohol between the hours of 11:00 and Midnight; and
- The premises will only be open to members of the public between the hours of 08:00 and Midnight.

Any sales of food and drink after Midnight will not be to customers entering the premises, but will be for delivery or collection only by a verified delivery company as highlighted in bold in the conditions above. The application has been discussed with Greater Manchester Police and with that additional condition agreed they have no objection to our application or proposal and are satisfied that the premises will not add to the issues of Crime and Disorder in the area.

The application has also been discussed with the Licensing Out of Hours Team and they have assessed the likely impact of the premises. Manchester City Council's Licensing Policy has been considered by them and specifically S7.25 in relation to the proximity of the premises to local residents and other local businesses, particularly in relation to nuisance, which appears to be your main concern.

They suggested we make some of the conditions in our application more robust in relation to CCTV, Staff Training, Incident Log and Refusals register which we agreed and are included above. They also proposed some additional conditions to deal with potential noise and nuisance which have also been agreed and have been highlighted in green above.

They are now satisfied that the premises will not undermine the licensing objectives, which include the Prevention of Public Nuisance and have no objection to our application.

Five Guys are a high end, responsible operator with approximately 1700 sites worldwide and, in dealing with their 118 sites in England and Wales, we have dealt with no issues surrounding noise complaints from neighbours or any other issues that their premises have caused.

The client appreciates your concerns and are hopefully that the above measures will address these. If you are satisfied now, but you have concerns in the future when the premises are open and trading, then you could either contact us in the first instance or discuss these with the manager of the restaurant who would be more than willing to work with you to address these.

I hope that the detailed email above addresses your concerns and you are minded to withdraw your objection to our application. If you are then I would be grateful if you could confirm this by return email to both myself and the local authority (copied to this email). However, if this is not the case and you do wish to discuss this further, then please do not hesitate to contact me on the details provided on the footer of my email (either by return email or telephone).

I look forward to hearing from you once you have had the opportunity to consider the contents of my email.

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

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