



Licensing Sub Committee Hearing Panel

Date: Monday, 28 June 2021

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 Hassan

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 - Burger Street, Unit 1g, Sherborne Street Trading Estate, Sherborne Street, Manchester, M8 8LR - determination** 5 - 6
The determination papers are enclosed.

- 5. Review of a Premises Licence - West Coast Wines, 2 St Oswald's Road, Manchester, M19 3DR** 7 - 34
The report of the Head of Planning, Building Control and Licensing is enclosed.

- 6. Application for a New Premises Licence - GDK, 311-313 Wilmslow Road, Manchester, M14 6NW** 35 - 140
The report of the Director of Planning, Building Control and Licensing is enclosed.

Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

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

Further Information

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

Ian Hinton-Smith
Tel: 0161 234 3043
Email: ian.hinton-smith@manchester.gov.uk

This agenda was issued on **Friday, 18 June 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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Licensing Act 2003 (Hearings) Regulations 2005

Reference: 258047
Name: Burger Street
Address: Unit 1g, Sherborne Street Trading Estate, Sherborne Street, Manchester, M8 8LR
Ward: Cheetham
Application Type: Premises Licence (new)
Name of Applicant: Amad Uddin
Date of application: 13 May 2021

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

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

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

Proposed licensable activities and opening hours to be granted

Provision of late night refreshment:

Mon to Tue 11pm to 1am

Wed to Sat 11pm to 2.30am

Sunday 11pm to 11.59pm

Opening hours:

Not open to the Public

Representations received

Licensing & Out of Hours
Compliance

Risk of public nuisance. Further conditions suggested to diminish this risk.

Agreements between parties

Licensing & Out of Hours Compliance:

1. The premise and immediate surrounding area shall be kept clean and free from litter at all times.

2. No unauthorised advertisement of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, good or services.
3. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, overrevving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction on the highway.

Background documents (available for public inspection):

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

**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 28 June 2021

Subject: West Coast Wines, 2 St Oswald's Road, Manchester, M19 3DR
(Review of Premises Licence, App ref - 257890)

Report of: Head of Planning, Building Control & Licensing

Summary

Review of the premises licence under s51 of the Licensing Act 2003

Recommendations

That the Panel, having regard to the application and any relevant representations, take what steps are appropriate for the promotion of the licensing objectives.

Wards Affected: Deansgate

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

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

Equal Opportunities Policy

Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Ashia Maqsood
Position: Technical Licensing Officer
Telephone: 0161 234 4139
E-mail: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2018
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

Introduction

- 1.1 On 30 April 2021 an application was made by Louise Carter on behalf of Trading Standards under s51 of the Licensing Act 2003 for a Review of the Premises Licence for West Coast Wines, 2 St Oswald's Road, Manchester, M19 3DR in the Levenshulme ward of Manchester.
- 1.2 A location map and photograph of the premises is attached at **Appendix 1**.
- 1.3 A 28 day public consultation exercise has been 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 and details of the application to be published on the Council's website.
- 1.4 The licensing authority must hold a hearing to consider an application to review a premises licence and any relevant representations.

The Application

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is Louise Carter on behalf Trading Standards.
- 2.3 The application for a review was submitted on the grounds that the licence holder has failed to uphold the licensing objectives the prevention of crime and disorder and public safety.
- 2.4 Further details of the grounds for the review are as follows:
A review application was submitted as Trading Standards have concerns that the premises are undermining the licensing objectives as they state that Illicit tobacco is being held for sale at the premises, the premises are not safe and that the premises have been operating whilst the Designated Premises Supervisor is not in control of day-to-day running of the business.

Following complaints being received, Trading standards officers visited the premises on 14/01/2020 and found illicit tobacco was being supplied from the premises. During the visit an inspection was carried out at the premises utilising a tobacco search dog. The dog detected a bag behind the counter, and found it to contain illicit tobacco Further illicit tobacco was found at the rear of the premises in a concealed container behind the counter and inside of a sweet tub. More illicit tobacco was found behind a sliding door at the bottom of the till.

The shop assistant at the time of the visit advised that the owner was a person who is not listed on the licence either as the premises licence holder or Designated premises supervisor.

Trading standards have made numerous attempts to contact the licence holder, Mr Amar Saleem, to no avail.

A further visit was made to the premises on 18th March 2020. The result of the visit found further illicit tobacco being held at the premises. The tobacco failed to comply with the Tobacco and Related Product Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015, by failing to be in the correct packaging and display the correct warnings.

It was also clear during the visit that the Premises Licence Holder/ Designated Premises Supervisor was no longer in control of the business, and the premises was operating without authorisation.

Safety concerns were also highlighted with electrical bare wires protruding from the walls. Subsequently the premises was referred to Greater Manchester Fire and Rescue Service who attended and advised that some of the bare wires protruding from the wall were in fact live wires. Further concerns were also highlighted which has resulted in a full compliance visit being conducted by the fire service in the future.

Trading standards are concerned that the business owner, Premises Licence holder and Designated Premises supervisor have no control over the business and there is an absence of any duty of care and disregard for promoting any of the licensing objectives.

Current Premises Licence

- 3.1 A copy of the current licence is attached at **Appendix 3**.
- 3.2 The premises licence holder is Mr Amar Saleem who has held the licence since 27/05/2014
- 3.3 The designated premises supervisor is Mr Amar Saleem who has held this position since 27/05/2014
- 3.4 The licensable activities permitted by the licence are:

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2300	2300	2300	2300	2300	2300	2300
The sale of alcohol is licensed for consumption off the premises only.							
Seasonal variations and Non-standard Timings:							
None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0700	0700	0700	0700	0700	0700	0700
Finish	2300	2300	2300	2300	2300	2300	2300
Seasonal variations and Non-standard Timings:							

None

Relevant Representations

- 4.1 Representations may be made for or against a review application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must relate to one or more of the licensing objectives. Representations may be made by the holder of the premises licence, a responsible authority or any other person. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 4.2 A total of 1 relevant representations have been received in respect of this application (**Appendix 4**)
- 4.3 Representations were received from the following Responsible Authority:
- MCC Licensing and Out of Hours Compliance Team;

Summary of the representation:

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance (LOOH)	LOOH have made a representation in support of the review application. LOOH have made visits to the premises and have found that the sale of alcohol has been authorised by a person who is not the designated premises supervisor. LOOH have also noted numerous breaches of the premises licence conditions. LOOH believe that due to the absence of the premises licence holder there has been a failure to promote the licensing objectives which has led to the breaches of the licence conditions.	No recommendation stated

Additional information

- 5.1 Additional information has been received from the licence holder, attached at **Appendix 5**.

Key Policies and Considerations

- 6.1 **Legal Considerations**
- 6.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

6.2 **New Information**

- 6.2.1 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.

6.3 **Hearsay Evidence**

- 6.3.1 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.

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

- 6.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. 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.
- 6.4.2 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.
- 6.4.3 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.

6.5 **Manchester Statement of Licensing Policy**

- 6.5.1 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.
- 6.5.2 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.

- 6.5.3 There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 6.5.4 Relevant to this application, 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 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. The degree to which standards would be appropriate is expected to be proportionate to the risk posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. The standards are not exhaustive and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside them.

- MS2 Effective general management of the premises
- MS7 Maintain a safe capacity
- MS11 Ensure the wellbeing of children on the premises
- MS12 Prevent underage sales of alcohol, including proxy sales

Conclusion

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

- a) the prevention of crime and disorder
 - b) public safety;
 - c) the prevention of public nuisance; and
 - d) the protection of children from harm.
- 7.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the licence holder. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 7.3 The authority must take such of the steps below as it considers appropriate for the promotion of the licensing objectives. The steps are –
- a) to modify the conditions of the licence;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence.
- 7.4 The conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- 7.5 All licensing determinations should be considered on the individual merits of the application.
- 7.6 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 7.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 7.8 **The Panel is asked to take such steps, as set out in 7.3 above, as it considers appropriate for the promotion of the licensing objectives.**



PREMISE NAME:	West Coast Wines
PREMISE ADDRESS:	2 St Oswald's Road, Manchester, M19 3DR
WARD:	Levenshulme
HEARING DATE:	28/06/2021

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Send completed application form to:
 Premises Licensing
 Manchester City Council
 Level 1 Town Hall Extension
 Albert Square
 PO Box 532, M60 2LA

**Application for the review of a premises licence or club premises certificate 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 Louise Carter of the Trading Standards Service, Manchester City Council

**apply for the review of a premises licence under section 51 / apply for the review of a club
 premises certificate under section 87 of the Licensing Act 2003 for the premises
 described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description
 2 St Oswalds Road

Post town Manchester

Postcode M19 3DR

Name of premises licence holder or club holding club premises certificate (if known)

Amar Saleem

Number of premises licence or club premises certificate (if known)

161292

Part 2 - Applicant details

I am

Please tick yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)Please tick yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Louise Carter Citywide Support Team - Trading Standards The Neighbourhoods Service Neighbourhoods Directorate Manchester City Council 1 Hammerstone Road Gorton Manchester M18 8EQ
Telephone number (if any) ██████████
E-mail address (optional) ██████████████████████████████

This application to review relates to the following licensing objective(s)

- | | |
|--|--|
| | Please tick one or more boxes <input type="checkbox"/> |
| 1) the prevention of <i>crime and disorder</i> | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | |
| 4) the protection of children from harm | |

Please state the ground(s) for review (please read guidance note 2)

The undermining of the prevention of public nuisance objectives arising from

- Illicit tobacco being held for sale at the premises
- Premises operating whilst the Designated Premises Supervisor is not in control of day-to-day running of the business
- Obstructive nature of being able to make contact with the licence holder

Please provide as much information as possible to support the application (please read guidance note 3)

West Coast Wines is an Off Licence and Convenience store at 2 St Oswalds Road, Manchester, M19 3DR. The Premises Licence was granted in May 2014. The Premises Licence Holder (PLH) is Amer Saleem who is also the Designated Premises Supervisor (DPS)

The Trading Standards Service carried out a visit to the premises one 14th January 2020 following from a complaint made that illicit tobacco was being supplied from the premises. During the visit an inspection was carried out at the premises utilising a tobacco search dog. The dog quickly detected a bag behind the counter, an officer opened the bag and found it to contain illicit tobacco. Further illicit tobacco was found at the rear of the premises and concealed inside of a polystyrene box behind the counter and inside of a sweet tub behind the counter and finally more illicit tobacco was found behind a sliding door at the bottom of the till

The shop assistant at the time advised that the owner was Ms Ladicova, who is not listed on the licence as a person in control.

In total 1820 cigarettes and 1kg of hand rolling tobacco failed to comply with packaging and health warning legislation resulting in offences under the Tobacco and Related Product Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015, with 1580 cigarettes and 1kg of hand rolling tobacco being counterfeit an offence under the Trade Marks Act 1994

Due to the shop assistant stating the owner was different to that listed on the premises licence a letter was sent to 'The Owner' of the premises on the 17th March 2020 inviting them to attend an interview under caution to answer questions relating to the above offences. No response was received to this correspondence.

On the 9th June 2020 a further letter was sent to the listed business rates payer Mr Josef Balog, again to attend an interview under caution. No response was received to this correspondence.

Due to no response being received, two further letters were also sent to the Premises Licence Holder/ Designated Premises Supervisor to both the business address and the listed home address.

Due to no response being given a notice was served on the building owner to attempt to establish details of the occupiers, it became clear that the Premises Licence Holder/ Designated Premises Supervisor was either no longer in control of the business or had no regard for their responsibilities as a Premises Licence Holder and Designated Premises Supervisor.

No response was received with regards to the notice served and so a visit was made to the premises on the 18th March 2020. The result of the visit found further illicit tobacco being held at the premises. The tobacco failed to comply with the Tobacco and Related Product Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015, by failing to be in the correct packaging and display the correct warnings.

It was also clear during the visit that the Premises Licence Holder/ Designated Premises Supervisor was no longer in control of the business, and the premises was operating without authorisation.

Safety concerns were also highlighted with electrical bare wires protruding from the walls. Subsequently the premises was referred to Greater Manchester Fire and Rescue Service who attended and advised that some of the bare wires protruding from the wall were in fact live wires. Further concerns were also highlighted which has resulted in a full compliance visit being conducted by the fire service in the future.

In the Section 182 guidance point 11 27 states there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously These are the use of the Licensed Premises for the sale or storage of smuggled tobacco and alcohol Our proposed course of action was to hold an Action Plan meeting with Mr Amar Saleem in his capacity as PLH and DPS The purpose of the meeting, to discuss issues arising from the supply of illicit and counterfeit tobacco from the premises and determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective

Every effort was made by ourselves to contact the owner, Business Rates Payer and DPS/PLH Therefore the PLH and DPS has failed to work with us to address the serious problem of the supply of illicit and counterfeit tobacco from the premises and the failure to promote the Licensing objectives, we would ask for the revocation of the Premises Licence. We are concerned the business owner, DPS and PLH have no control over the business and there is an absence of any duty of care and disregard for promoting any of the licensing objectives.

Please tick <input type="checkbox"/> yes	
Have you made an application for review relating to the premises before?	<input type="checkbox"/>
If yes please state the date of that application	Date <input type="checkbox"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick yes

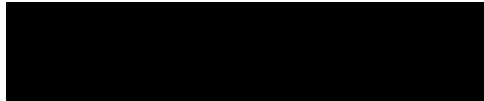
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate X
- I understand that if I do not comply with the above requirements my application will be rejected X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.. 

Date

.. 30/04/2021

Capacity Trading Standards Officer

..

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your email address (optional)

Notes for Guidance

- 1 A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area
- 2 The ground(s) for review must be based on one of the licensing objectives
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 4 The application form must be signed
- 5 An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so
- 6 This is the address which we shall use to correspond with you about this application



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	161292
Granted	27/05/2014

Part 1 - Premises details

Name and address of premises		
West Coast Wines 2 St Oswald's Road		
Post town	Post code	Telephone number
Manchester	M19 3DR	0161 224 6733

Licensable activities authorised by the licence
1. The sale by retail of alcohol*.
* All references in this licence to "sale of alcohol" are to sale by retail.

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2300	2300	2300	2300	2300	2300	2300
The sale of alcohol is licensed for consumption off the premises only.							
Seasonal variations and Non standard Timings:							
None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0700	0700	0700	0700	0700	0700	0700
Finish	2300	2300	2300	2300	2300	2300	2300
Seasonal variations and Non standard Timings:							
None							

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence
Amar Saleem [REDACTED]

Registered number of holder, for example company number, charity number (where applicable)
Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Amar Saleem, [REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence number: [REDACTED]

Issuing Authority: Macclesfield Borough Council

Annex 1 – Mandatory conditions**Door Supervisors**

Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -

- a) Unauthorised access or occupation (e.g. through door supervision),
- b) Outbreaks of disorder, or
- c) Damage

Supply of alcohol

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

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

where—

- i) P is the permitted price,
 - ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a

club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 (e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

Annex 2 – Conditions consistent with the operating schedule

1. The management shall take reasonable steps to encourage customers to leave the premises quietly and respect local residents.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. The premises should operate and promote a Challenge 25 policy whereby any person attempting to buy alcohol and other age restricted products who appears to be under 25 should be asked to produce appropriate ID. The only ID that should be accepted is a passport, photo driving licence, PASS accredited proof of age card or military identification card.
2. All staff should be trained with regards to the Challenge 25 policy and forms of acceptable ID. Staff should also be trained to look out for and take action to prevent proxy sales taking place. This training should be recorded in writing. Training should be repeated on a regular basis and details of repeat training should also be recorded in writing.
3. The premises should display appropriate signage indicating that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.
4. The premises should operate a refusals book and this should be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff.
5. The Designated Premises Supervisor to maintain a notice of authority book for all staff who sell alcohol. All staff selling alcohol to be in possession of formal identification so Police or Trading Standards can check against the authorisation book.
6. A full CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
7. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
8. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
9. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
10. A first aid box will be available at the premises at all times.
11. Regular safety checks shall be carried out by staff.
12. The premises shall maintain an Incident Log and public liability insurance.
13. The exterior of the building shall be cleared of litter at regular intervals.
14. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
15. The emptying of bins into skips, and refuse collections will not take place between 2300 and 0700.
16. A litter bin will be provided outside the premises.

Annex 4 – Plans

See attached

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Licensing & Out of Hours Compliance Team - Representation

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

Premise Details	
Application Ref No	Reference: M/257890
Name of Premises	West Coast Wines [Trading as RS Grocers]
Address	2 St Oswald's Road, Manchester, M19 3DR

The Licensing & Out of Hours submit this representation in respect of the application to review the Premises Licence.

Following information received from Trading Standards advising that they believed that the Licence Holder who is also the Designated Premises Supervisor, Mr Amar Saleem was out of the Country.

On the 16/3/2021, I visited the premises which is trading as RS Grocers, at 2 St Oswalds Rd, M19 3DR.

The person in charge of the premises at the time Mr Sultan Khan did not hold a personal licence, saying that he had applied but had not heard anything.

He confirmed that he was the owner RS Grocers, he also stated that it was the intension of Amar Saleem to submit an application to appoint him as the new Designated Premises Supervisor. Mr Khan was advised that it was an offence to sell Alcohol without authorisation, and was asked to remove the alcohol from sale, which he did.

On the 19/4/21, I wrote to Amar Saleem [DPS/Licence holder] advising him that until such time as there was someone who was authorised to carry out alcohol sales at the premises, or a new DPS was appointed then alcohol could not be sold, outlining the offence and consequences should there be evidence of an offence. I also attached information to assist with the application, and to ensure that he adhered to all the conditions on the premises licence.

On the 6/5/21 a further visit to the premises was carried out by one of my colleagues where the following breaches of conditions in Annex 3 were noted.

2. All staff should be trained with regards to the Challenge 25 policy and forms of acceptable ID. Staff should also be trained to look out for and take action to prevent proxy sales taking place. This training should be recorded in writing. Training should be repeated on a regular basis and details of repeat training should also be recorded in writing [There was no record of this training]
4. The premises should operate a refusals book and this should be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff. [There was no evidence of a refusals book]

5. The Designated Premises Supervisor to maintain a notice of authority book for all staff who sell alcohol. All staff selling alcohol to be in possession of formal identification so Police or Trading Standards can check against the authorisation book. [There was no authorisation book available]
12. The premises shall maintain an Incident Log and public liability insurance. [There was no evidence of an incident log]
14. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner [There were no notices displayed]

On the 6/5/2021, I received a telephone call from Amar Saleem advising he was in London self isolating following coronavirus travel regulations after returning from Pakistan.

On the 6/5/2021, I received confirmation from Manchester City Councils Premises Licencing team that an application to change the Designated Premises Supervisor had not been received.

Further compliance visits were carried out as recently as 11/5/2021, as we had no evidence that Amar Saleem had returned to the UK, and therefore had resumed control of the premises.

I believe that due to the Absence of Amar Saleem (Licence Holder / Designated Premises supervisor) there was a failure to promote the licensing objectives, which ultimately lead to breaches of conditions outlined in Annex 3, noted on the 6/5/21 and a breach of condition 2 Annex 1 as there was nobody at the premises who held a personal licence to authorise alcohol sales prior to the removal of alcohol from sale on 16/3/21.

Condition 2 Annex 1 states:

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence” and which lead to the breaches of conditions noted on the 6/5/21, therefore after considering the facts we conclude that we would support the application to review the premises licence.

Recommendation: Licensing & Out of Hours support the application to Review the Premises Licence.

Re:2 st Oswalds Rd Manchester M19 3DR LICENCE

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

Thu 20/05/2021 08:08

To: Salman Hassan

cc Dave Horbury Louise Carter

Hi Amar

Thank you for your email. Apologies in my delay responding to you. I have been on leave and have just returned.

Until the licence is transferred to the new tenant, or the premises licence is surrendered, you will continue to be the premises licence holder and be liable for the annual fee.

Application to transfer the licence can be made online by following the link below

https://www.manchester.gov.uk/directory_record/287417/premises_licence_transfer_consent_and_application/category/1011/premises_licence_applications.

If you wish to surrender your Premises Licence, you must give notice to us of your intention to do so. Any such notice must be accompanied by the Licence or, if this is not practicable, by a statement of the reasons for the failure to do so.

Kind regards

Ashia

From: Salman Hassan

Sent: 07 May 2021 22:20

To: Dave Horbury

Subject: 2 st Oswalds Rd Manchester M19 3DR LICENCE

Attention Mr David Horbury

It has been brought to my attention on my return to the country that my licence has not been cancelled even though I stopped trading from the above premises at the end of October , I had covid 19 and gave up the premises . I have no issue with the council issuing a new licence to the tenant Mr Sultan Ahmed Khan because it's been over 6 months since I occupied the above premises.

Yours faithfully

AMAR SALEEM

Licence Number 161292

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

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**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 28 June 2021

Subject: GDK, 311-313 Wilmslow Road, Manchester, M14 6NW –
App ref: Premises Licence (new) 257955

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	

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Helen Howden
Position: Technical Licensing Officer
Telephone: 0161 234 4294
E-mail: premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

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

1. Introduction

- 1.1 On 04 May 2021, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of GDK, 311-313 Wilmslow Road, Manchester, M14 6NW 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 GB MCR Group Ltd.
- 2.3 The description of the premises given by the applicant is:

The licensing objectives have been considered taking into account the nature of the premises and the proposed style of operation.

These premises (located in the Council's CIZ) were licensed for all licensable activities (alcohol sales, regulated entertainment and late night refreshment) until recently when we understand that the premises licence lapsed after a change in ownership of the premises.

The applicant was hoping to take a transfer of the premises licence to benefit from the authorisation for late night refreshment; they do not require authorisation for alcohol sales nor regulated entertainment for their operation.

However, we understand that the 28 days to submit the transfer had also lapsed, hence the reason for this application and effectively to rectify an administrative oversight.

The application is for the same hours as were previously authorised for late night refreshment. The conditions proposed reflect that the premises will not be selling alcohol or provide regulated entertainment.

Whilst we appreciate all applications are considered on their own individual merits, we hope that the responsible authorities and other persons will take the above account when considering this application.

2.4 **The licensable activities applied for:**

Provision of late night refreshment:

Sun to Thurs 11pm to 2.30am, Fri and Sat 11pm to 3am

Opening hours:

Sun to Thurs 9am to 2.30am, Fri and Sat 9am to 3am

Seasonal variation: If applicable, an additional hour to the standard and non-standard times on the day when British summertime commences.

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 No further documentation has been submitted in support of the application.

3. **Relevant Representations**

3.1 A total of 14 relevant representations were received in respect of the application (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these representations will be available to the Panel at the hearing.

Responsible Authorities:

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

Other Persons:

- Withington Civic Society
- Sherwood Tenants' and Residents' Association (Sherwood TRA)
- South East Fallowfield Residents' Group (SEFRG)
- Fallowfield and Withington Community Guardians
- Residents (x 7).
- Mitford Court Sheltered Scheme

3.2 Summary of the representations:

Party	Grounds of representation	Recomm-ends
Greater Manchester Police (GMP)	<ul style="list-style-type: none"> • The Wilmslow Road corridor suffers from littering, noise disturbance and other anti -social behaviour and to allow the premises to remain open until the times applied for is likely to exacerbate these problems and undermine the hard work of the local Neighbourhood Policing Team. • Customers and delivery people coming and going from the premises until the times applied for, with or without takeaway food, is likely to cause a noise disturbance around the premises. • The applicant has not demonstrated how a further premises with late hours in this area will not add to the issues within the area and will not undermine the licensing objectives. 	Refuse
Licensing and Out of Hours Compliance (LOOH)	<ul style="list-style-type: none"> • The premises appears significantly larger than any existing nearby restaurants and operates both as a restaurant and takeaway and therefore has the potential for high numbers of patrons both arriving and leaving. • LOOH question where customers and delivery drivers would park and whether it would be on residential streets. LOOH feel there would be noise from customers talking/shouting and car doors slamming potentially into the early hours • No mention is made in the application of arrangements for customers wishing to smoke and to mitigate any potential nuisance. • The later closing time would also potentially attract customers seeking food after the closing of nearby pubs and clubs, with some of these 	Refuse

	<p>customers possibly being intoxicated.</p> <ul style="list-style-type: none"> • The potential for dropped takeaway litter has not been mentioned/addressed and is of particular concern to local residents. • LOOH comment that that the conditions proposed in the operating schedule “do not appear specific or robust enough to satisfy the public nuisance objective” and that “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”. 	
Withington Civic Society (RES1)	<ul style="list-style-type: none"> • A further outlet for take-away food sales is very likely to add to existing problems in the area with noise, littering, and crime and disorder. • The issues will impact on Withington residents as they spill over as far as Withington, and resident also pass by the premises. 	Closing time of 11pm
RES2	<ul style="list-style-type: none"> • The hours requested are excessive for a residential area and would mean that the premises would be open later than nearly all other premises in the area. • The premises will add to existing issues of “street noise” described as an “already insufferable cacophony of noise (early hour inebriated patrons {mainly students} screeching and hollering etc)” and will add to existing litter problems. • The area “already suffers from begging, street drinking and other alcohol related anti-social behavior” and the proposed hours will “undoubtedly exacerbate these problems” • Concerns are raised regarding the safety of students in such “irresistible” location particularly at the later hours applied for. 	Closing time of 10:30 or 11pm
RES3	<ul style="list-style-type: none"> • “Any extension of hours to a takeaway in Fallowfield/Withington will increase the already existing problems, especially in connection with litter.” • “Every morning I pick up at least a bag of rubbish (plastic cups, sauce cartons, polystyrene boxes etc) from the various outlets in the Ladybarn area, and also rubbish purchased at Fallowfield (such as from Macdonalds) which has been brought during the night from Fallowfield.” 	Refuse
RES4	<ul style="list-style-type: none"> • The closing time is “ridiculous” and will add to existing noise and nuisance suffered by residents. 	Closing time of 11pm

	<ul style="list-style-type: none"> • Delivery drivers in the area park “outside at all hours of the days and night - on double yellow lines - and with no regards for road safety at all.” • There are many families in the area who “just don't want to keep on having to deal with the nightmare noise, and litter that we constantly have to deal with. Its not fair.” 	
RES5	<ul style="list-style-type: none"> • Granting this application “will inevitably lead to a rise in antisocial behaviour in Fallowfield and the surrounding areas” • Residents are woken “by shouting and other loud noises” • “It is not appropriate to grant licensing hours until 3am in a residential area and in Fallowfield particularly where already there are gatherings of heavily intoxicated people late at night; a licensed venue opening until this time will surely lead to fighting and other social disturbances.” 	Not stated
RES6	<ul style="list-style-type: none"> • This resident is “regularly woken by people returning home from a night out screaming and shouting and comments that “It is absolutely inappropriate for licensing hours until 2.30 am midweek and 3am on the weekends to be granted in a residential area such as this. There are already high numbers of anti-social behavior incidents including fighting as well as a very big problem with litter; all of these will be made worse with the addition of late night opening venues.” 	Not stated
RES7	<ul style="list-style-type: none"> • This resident lives close by and has experienced vandalism and littering in their road and states “These problems almost invariably occur in the small hours. They are caused in the main by groups of noisy young people making their way back to temporary HMO accommodation.” • The fact that alcohol will not be sold “does not change our view the hours of opening requested will stimulate the continuance of Fallowfield District Centre as a destination for late night crowds and the resulting anti social behavior” • The resident has reported littering and broken glass in the neighbourhood. 	Refuse a licence application for such late hours
RES 8 SEFRG	<ul style="list-style-type: none"> • “The premises are large with a high number of covers and the late night / early morning hours will exacerbate the already endured noise and nuisance that this area suffers”. 	Refuse

	<ul style="list-style-type: none"> • “We already have a huge issue around the presence of large numbers of drug dealers who prey on the large numbers of students who frequent the area as well as local vulnerable young people. Our group has collected a large array of cctv images that have recorded the organised drug dealing and delivery “industry” in our local area and another late night establishment will only serve to attract more dealers.” • “The issues surrounding a probable increase in illegal activities and drug dealing described above could have an impact on the safety of the public generally and children in particular” • A further “late night licence will undoubtedly add to the cumulative impact”. 	
<p>Sherwood TRA RES9</p>	<ul style="list-style-type: none"> • Residents “see on a daily basis the litter left from our nearby takeaways”. • Customers of the former premises would “pass by our homes when walking back to their shared accommodation eating their food as they go. When the food has been eaten the wrappers are discarded on the pavements or thrown into gardens, so the bins provided on the premises are useless for this type of customer”. • Children in the area suffer “from disturbed sleep which is particularly noticeable during University term times”. • Measures proposed to mitigate noise do not reassure residents due to “the proximity of this business to our homes. Late night noise from these premises travels across the carpark” • “Students tend to walk in groups of at least 4 and wake us up due to their shouting, loud screams and sounds of general merriment... so signs asking patrons to respect neighbours are again pretty useless to people who have been drinking alcohol for many hours.” • Deliveries will cause disturbance as, “due to drivers using satnavs to locate addresses we are constantly disturbed in the early hours by drivers ringing our doorbells due to our postcodes and lack of good road signage taking them to the incorrect address.” • “The former premises when open as Revolution caused much noise nuisance and anti social behaviour which residents have endured for years. The closure of the premises and the 	<p>Refuse in full and uphold CIP</p>

	<p>pandemic has led to a more peaceful Fallowfield during the night time and we would like this trend to continue”.</p>	
<p>RES10 Fallowfield & Withington Community Guardians</p>	<p>This objection states</p> <ul style="list-style-type: none"> • The area “is swamped with late night takeaways and licenced premises which create a vast amount of public nuisance including night noise from (the mainly student) patrons who walk past our homes late at night and wake us up” the impact of which is “not good for the health and wellbeing of families” • A further premises will add to existing noise and litter – “How can it not?”. Takeaways “rejuvenate people after a night out at a bar. They then became even louder on their walk home and often deposit their litter in our hedges and gardens.” • “Deliveries during the night already bring a lot of noise and traffic to residential streets and sometimes result in residents being woken during the night by delivery to the wrong address. Car door slamming and engine revving disturbs our sleep.” • “There are many families living in Fallowfield who have children and the constant erosion of normal peace at night time by delivery vehicles operating from late night licensed premises means that residents (including students) often suffer sleep deprivation.” • “The premises is a large site and would be likely to allow large numbers of patrons coming out of bars to refuel with food” which could lead to problems of public safety, particularly as the centre of Fallowfield is “a flashpoint for groups congregating after a night out.” • The objection concludes that “No amount of conditions imposed will convince us that these premises will uphold the licensing objectives especially in relation to public nuisance”. 	<p>Closing time 11pm</p>
<p>SEFRG RES11</p>	<p>This representation comments:</p> <ul style="list-style-type: none"> • “We are absolutely sure that this very large venue, in a prominent spot on the high street, will add to the cumulative impact - in particular, in terms of ASB, litter and noise and there are no exceptional reasons for departing from the policy.” • The issue of noise at night “is extremely damaging to our mental and physical health to have our sleep patterns constantly disrupted by 	<p>Refuse</p>

	<p>the noisy comings and goings of the patrons of these businesses”</p> <ul style="list-style-type: none"> • The litter “that takeaways cause across our neighbourhood is absolutely excessive and we often wake up to takeaway remnants, vomit, broken glass etc strewn across our streets and thrown into our hedges and front gardens, adding to the general degradation and lack of pride in this area”. During lockdown “many people around here actually spoke of relief - relief from the noise, litter and ASB.” • The business wants “to capture the student market and attract students either coming home from the local bars (or from the city centre), or entice them out of Owens Park halls of residence and the HMOs” • “Kebabs are an extremely popular food choice for people after a night out drinking and it is this toxic combination; large groups of inebriated people returning from a night out, who are not likely to be aware of the noise levels they are creating, or the litter they are dropping” • The same issues “constantly arise and they are continuing to drive people out of the area”, leading to “a transient population who are not vested in the community.” 	
BUS1	<p>This objection comments:</p> <ul style="list-style-type: none"> • “Our residents already suffer from noise disturbances from neighbouring properties and their residents including students. This is because they purchase food and alcohol late at night then hang around near our building, drinking, eating, making noise and generally causing a disturbance during the late hours. They are then littering our grounds and shrubs with discarded food packaging and drinks cans and bottles. This is a regular occurrence and could become even worse if another venue selling take away food is added to Fallowfield District Centre.” 	Closing time 11pm

- 3.3 Any conditions proposed by the applicant are set out in the Schedule of Conditions at **Appendix 4**.
- 3.4 No conditions have been proposed by any of the objectors, so there are none to include in the Schedule of Conditions, and no agreements have been reached.
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:

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

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

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

MS2 Effective general management of the premises

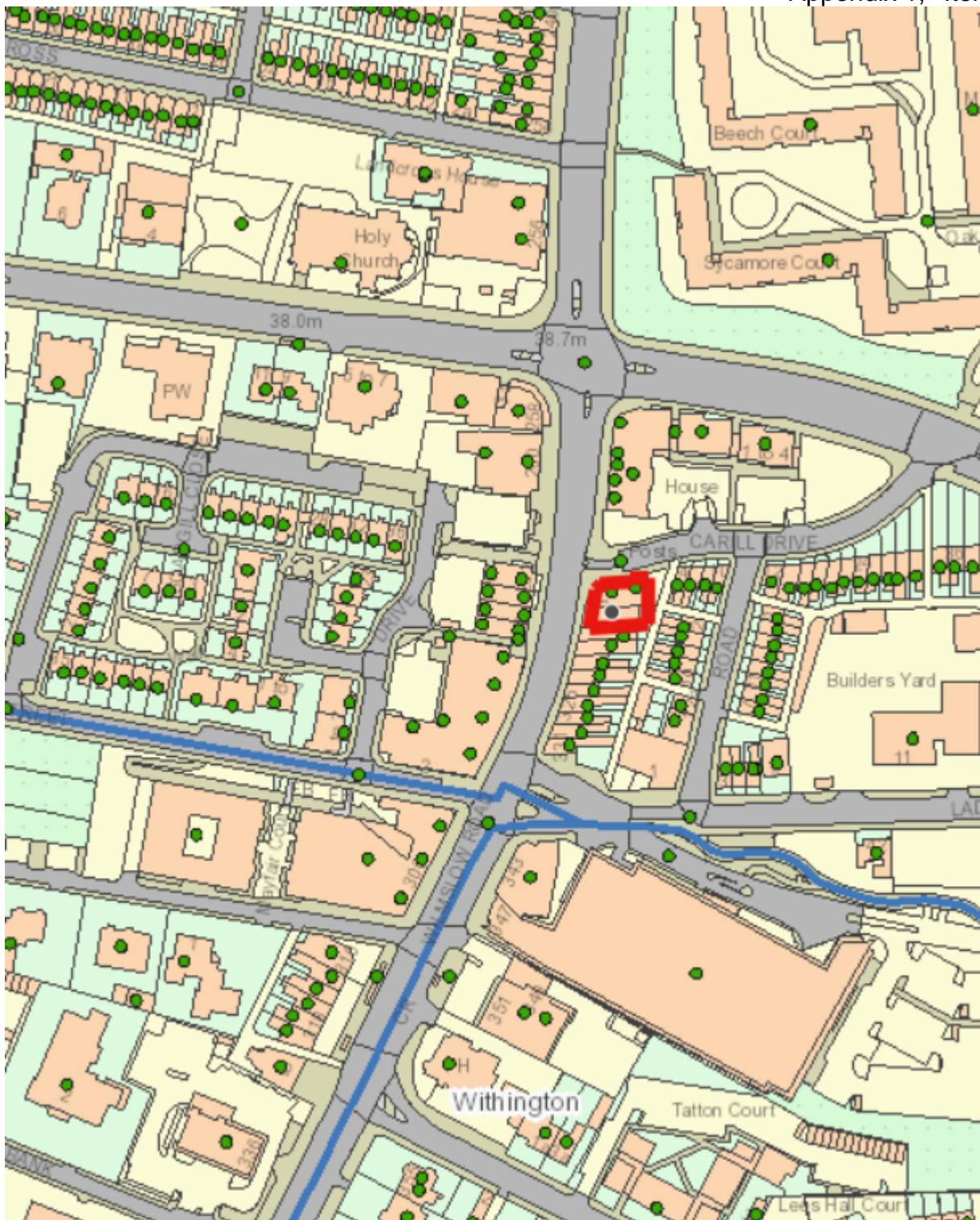
MS8 Prevent noise nuisance from the premises

MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse

Conclusion

- 4.6 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 4.7 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 4.8 Having regard to the representations, the Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- To grant the licence subject to:
 - the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate, and
 - any mandatory conditions that must be included in the licence;

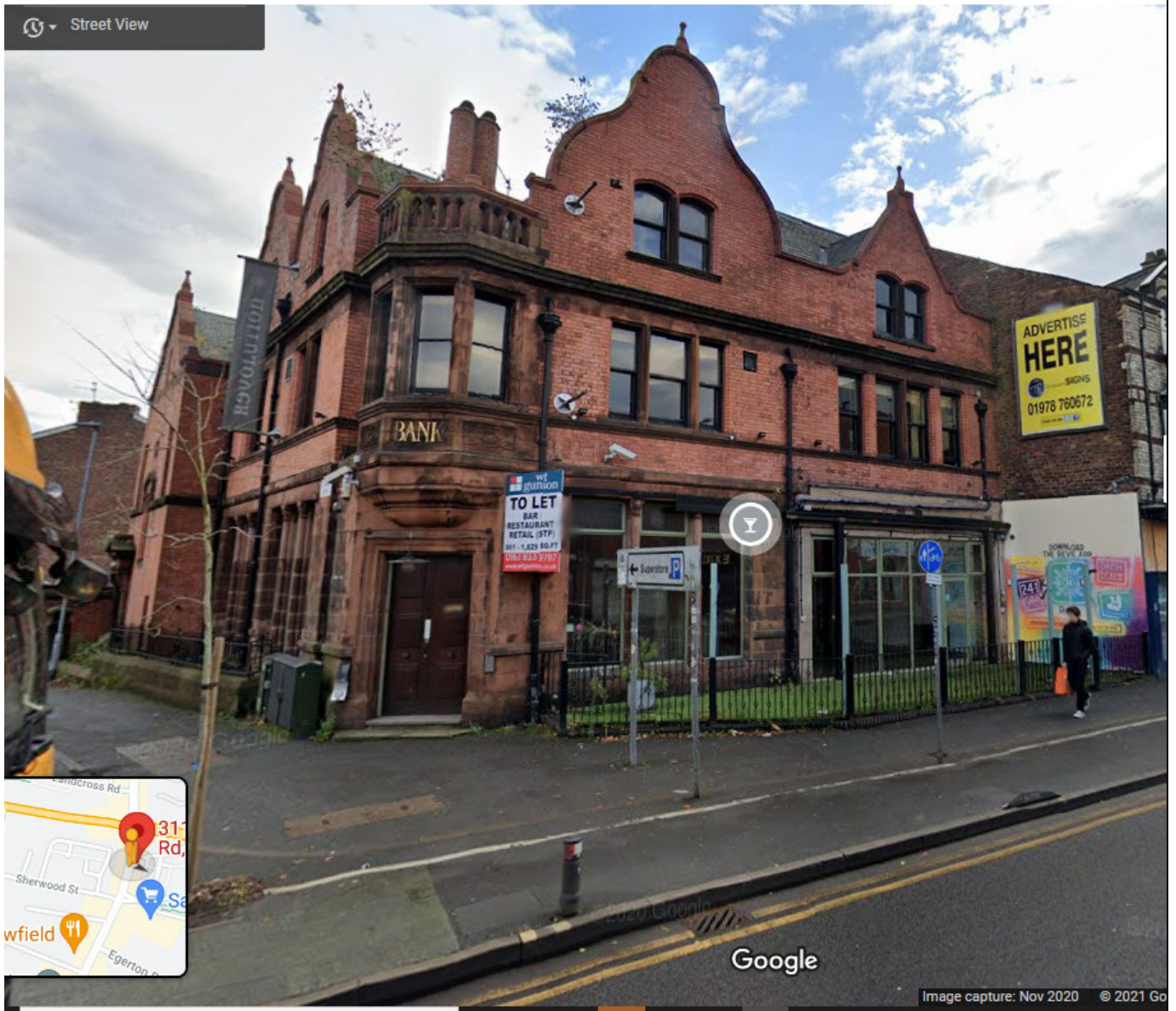
- b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
 - c) To refuse to specify the person proposed in the application as the designated premises supervisor;
 - d) To reject the application.
- 4.9 The conditions consistent with the operating 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**



GDK
311-313 Wilmslow Road, Manchester, M14 6NW

Premises Licensing
Manchester City Council

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Survey100019568.



PREMISE NAME:	GDK
PREMISE ADDRESS:	311-313 Wilmslow Road, Manchester, M14 6NW
WARD:	Fallowfield
HEARING DATE:	28/06/2021

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We GB MCR Group Ltd

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
GDK 311 - 313 Wilmslow Road Manchester			
Post town		Postcode	M14 6NW

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£102,000

Part 2 - Applicant details

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

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

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
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
GB MCR Group Ltd
Address
Emery House 195 Fog Lane Manchester
M20 6FJ
Registered number (where applicable)
12893807

Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company 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
A S A P

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

Please give a general description of the premises (please read guidance note 1) Restaurant with takeaway/delivery service
--

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
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 performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

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			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

C

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

D

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

E

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

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	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the 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"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23:00	02:30	<u>Please give further details here</u> (please read guidance note 4)		
Tue	23:00	02:30			
Wed	23:00	02:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	02:30			
Fri	23:00	03:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) If applicable, an additional hour to the standard and non-standard times on the day when British summertime commences.		
Sat	23:00	03:00			
Sun	23:00	02:30			

J

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

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).

As far as the applicant is aware none of the proposed activities should give rise to concern in respect of children.

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	09:00	02:30	
Tue	09:00	02:30	
Wed	09:00	02:30	
Thur	09:00	02:30	
Fri	09:00	03:00	
Sat	09:00	03:00	
Sun	09:00	02:30	
			<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)
			If applicable, an additional hour to the standard and non-standard times on the day when British summertime comences.

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 licensing objectives have been considered taking into account the nature of the premises and the proposed style of operation.

These premises (located in the Council's CIZ) were licensed for all licensable activities (alcohol sales, regulated entertainment and late night refreshment) until recently when we understand that the premises licence lapsed after a change in ownership of the premises.

The applicant was hoping to take a transfer of the premises licence to benefit from the authorisation for late night refreshment; they do not require authorisation for alcohol sales nor regulated entertainment for their operation.

However, we understand that the 28 days to submit the transfer had also lapsed, hence the reason for this application and effectively to rectify an administrative oversight.

The application is for the same hours as were previously authorised for late night refreshment. The conditions proposed reflect that the premises will not be selling alcohol or provide regulated entertainment.

Whilst we appreciate all applications are considered on their own individual merits, we hope that the responsible authorities and other persons will take the above account when considering this application.

b) The prevention of crime and disorder

A CCTV system with recording equipment shall be installed. All recordings used in conjunction with CCTV shall:

- be of evidential quality
- Cover the point of sale, and entrance and exit
- indicate the time and date
- be retained for a period of 31 days
- Sufficient staff will be trained to use the system
- The original images will be made available for inspection upon the request of Police officers, or other authorised officers.

A bound and sequentially paginated incident book or electronic record shall be kept to record all instances of disorder, damage to property and personal injury at the premises. This book shall be made available for inspection and copying by the Police or any other authorised person upon request and all such books shall be retained at the premises for at least 12 months.

A bound and sequentially paginated refusals book or electronic record must be kept at the premises to record all instances where admission or service is refused. Details to show:

- The basis of the refusal;
- The person making the decision to refuse; and
- The date and time of the refusal

Such books/records to be retained at the premises for at least 12 months, and must be made available for inspection and copying by the Police, or other officers of a Responsible Authority.

c) Public safety

The premises will operate in accordance with all relevant legislation which promotes the prevention of public safety objective. For example, the Health & Safety and Food Safety legislation.

d) The prevention of public nuisance

The premises will operate in accordance with all relevant legislation which promotes the prevention of public nuisance objective. For example, Environmental Protection Act 1990.

Arrangements for the storage and disposal of refuse will not cause a nuisance.

e) The protection of children from harm

See box a) above.

Checklist:

Please tick to indicate agreement

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

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or 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 Law Consultancy</i>
Date	4 May 2021
Capacity	Authorised Agent

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)			
Walaiti Rathore Licensing Law Consultancy 3 The Triangle NG2 Business Park Queens Drive			
Post town	Nottingham	Postcode	NG2 1AE
Telephone number (if any)	0115 784 3822		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
walaiti.rathore@licensinglawconsultancy.co.uk			

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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GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC Alan Isherwood
Address including postcode	Manchester Town Hall Extension Lloyd Street Manchester M2 5DB
Contact Email Address	alan.isherwood@gmp.police.uk
Contact Telephone Number	0161 856 6017

About the Premises

Application Reference No.	LPA 257955
Name of the Premises	GDK
Address of the premises including postcode	311-313 Wilmslow Road, Manchester M14 6NW

Your Representation

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

Please accept this as formal notification of the Greater Manchester Police objection to the premises licence application in relation to the above premises.

The grounds for the objection are the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

The premises are situated on Wilmslow Road, Fallowfield which is one of the main arterial routes into and out of Manchester City centre.

It is in close proximity to residential properties and is also in an area where there are a large number of bars, public houses, off licenses, late night refreshment outlets and one of the largest student populations in Europe.

Specifically the application is seeking to allow the provision of late night refreshment until 0230hrs Sunday to Thursday and until 0300hrs on Friday and Saturday with takeaway and delivery services available.

The Wilmslow Road corridor suffers from littering, noise disturbance and other anti-social behaviour and to allow the premises to remain open until these times is likely to exacerbate these problems and undermine the hard work of the local Neighbourhood Policing Team.

It is noted that the premises will not be selling alcohol but the fact that people will be coming and going from the premises until these times, with or without takeaway food is likely to cause a noise disturbance around the premises. Similarly if delivery personnel are coming and going with orders this is also likely to create a noise level that is unacceptable.

The area where the premises are situated is subject to a Cumulative Impact Policy due to the problems in the area with night time economy related issues, many of which are noise, littering and anti-social behaviour related.

There is therefore a strong presumption against further late night premises in this area and GMP can see no reason why this should not be the case with this application. The applicant has not demonstrated how by having another premises with late hours in this area they will not add to the

cumulative issues within the area.

MCC's licensing policy states that a genuinely exceptional case would need to be shown. The reasons for this exception should be shown within the operating schedule, and must demonstrate that there will be no harm to the licensing objectives, including from departing customers.

While the contents of the operating schedule are a matter for the applicant, where there is objection to a schedule that departs from the Policy, the licensing subcommittee hearing an opposed application will normally expect to be given a good reason for the departure if it is to be asked to make an exception to the Policy.

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

Greater Manchester Police would therefore ask that the application be refused.



**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 227 3147 / 07

Premise Details	
Application Ref No	REF 257955
Name of Premises	German Doner Kebab
Address	311-313 Wilmslow Road, Manchester, M14 6NW

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>Restaurant with takeaway/delivery service</p> <p>Proposed hours and licensable activities:</p> <p>Provision of late night refreshment: Sun to Thurs 11pm to 2.30am, Fri and Sat 11pm to 3am</p> <p>Opening hours: Sun to Thurs 9am to 2.30am, Fri and Sat 9am to 3am</p> <p>Seasonal variation: If applicable, an additional hour to the standard and non-standard times on the day when British summertime commences.</p> <p>The applicant was hoping to take a transfer of the premises licence (Previously allocated (lapsed) to the Revolution Bar, which ceased operating at this location approx. 18 months-2 years ago), to benefit from the authorisation for late night refreshment; they do not require authorisation for alcohol sales nor regulated entertainment for their operation. This transfer was unsuccessful.</p> <p>The premises (formerly the Revolution Bar mentioned above) is currently being extensively redeveloped and subject to approved planning permission</p>

for ground floor and second floor 127725/FO/2020. For commercial use. The existing second floor, directly above proposed restaurant/takeaway to be converted to residential accommodation.

As far as LOOH is aware from our colleagues in the planning department, no planning application has yet been submitted for hours of opening. In addition, the hours applied for in this licence application are in excess of and therefore conflict with existing hours of use for the building.

The premises location is a corner plot with frontage on both the busy main Wilmslow Road and Carill Drive. Residential properties also exist to both sides and rear and eventually directly above all within 20-30 metres. The premises also falls within the boundary of the Fallowfield/Wilmslow Road Special Policy Area.

Whilst LOOH appreciates that the applicant is not requesting Alcohol or Regulated entrainment. The late terminal hour applied for the hot food takeaway/restaurant, throughout the week, still brings with it, the potential for noise and litter nuisance.

The proposed plans submitted with the application, suggest potentially 40+ seated capacity and additional public walk in takeaway and separate 3rd party delivery collection points.

This would make this premise significantly larger than any existing nearby restaurants and provide an attractive alternative to the many takeaway only venues/limited seated with later licences. Therefore, the potential for high numbers of patrons both arriving and leaving is increased.

In addition to walk in customers there is also the additional noise created by customers arriving by car including the delivery drivers, which would have to park up to access the premises via the rear terraced streets as there is no nearby street parking on the Wilmslow Road, and access to Carill Drive is prohibited directly from Wilmslow road.

LOOH feel this would undoubtedly create noise (customers talking/shouting), arriving and leaving the premises. Car doors slamming from customers and or collection drivers. Noise that the nearby local residential population would not be used to especially at the terminal of 3am.

Any dine in guests taking breaks to smoke has not been mentioned in the application and therefore LOOH hasn't been able to assess how and where this may impact upon.

The later closing time would also potentially attract customers seeking food after the closing of nearby pubs and clubs, there is a possibility of some of these customers being in intoxicated. The potential for dropped takeaway litter from these passing trade customers that choose not to eat in, and consume en-route to their homes, has not been mentioned/addressed and is a particular concern of the local residents.

Conditions put forward by the applicant to cover the Public Nuisance Objectives.

The premises will operate in accordance with all relevant legislation which promotes the prevention of public nuisance objective. For example, Environmental Protection Act 1990.

Arrangements for the storage and disposal of refuse will not cause a nuisance.

LOOH feel that the above conditions do not appear specific or robust enough to satisfy the public nuisance objectives in relation to nuisance.

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 as a whole, 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.

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

Recommendation:

Refuse Application

RES 1

From: [REDACTED]
Sent: 20 May 2021 11:03
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: FW: Premises Licence (new) 257955/HH1: GDK, Revolution, 311-313 Wilmslow Road, Manchester, M14 6NW, (Fallowfield ward)

Dear Sir/Madam

I refer to the licensing application below. I attach objection on behalf of Withington Civic Society

Many thanks

[REDACTED]
Re: Premises Licence (new)

Reference: 257955/HH1

Premises: GDK, Revolution, 311-313 Wilmslow Road, Manchester, M14 6NW

Applicant: GB MCR Group Ltd

General description of premises as given by the applicant:

Restaurant with takeaway/delivery service

Proposed hours and licensable activities:

Provision of late night refreshment:

Sun to Thurs 11pm to 2.30am, Fri and Sat 11pm to 3am

Opening hours:

Sun to Thurs 9am to 2.30am, Fri and Sat 9am to 3am

Seasonal variation: If applicable, an additional hour to the standard and non-standard times on the day when British summertime commences.

Comments of Withington Civic Society

We object to the application.

The premises fall within the Cumulative Impact area of Fallowfield. According to the Council's Statement of Licensing Policy 2021 – 2026:

"The Council has received satisfactory evidence (considered by the Licensing Policy Committee at its meeting on 21 January 2013 and Council on 30 January 2013) that the cumulative impact of licensed premises in the geographical area identified on the map in Appendix 7 is undermining the promotion of the licensing objectives in relation to crime and disorder and public nuisance. The Council has taken into consideration the contents of the 'Review of the Impact of Licensed Premises in Fallowfield – Consultation Analysis' Licensing Policy Committee Report dated 21 January 2013, and determined the Special Policy should be implemented as proposed in that report. The reasons for this policy approach, originally set out in section 8 of that report, are set out below:

RES 1

'The predominant concentration of licensed premises is within the Fallowfield area. This area suffers from the greatest levels of crime (both general and alcohol-related) compared to surrounding areas, which is demonstrated in the Cumulative Impact Analysis (Appendix 5 of The Review of the Impact of Licensed Premises in Fallowfield and Withington considered by the Licensing Policy Committee on 19 March 2012). The levels of crime recorded with an alcohol marker have risen annually between 2009 and 2011, of which there is the strongest concentration in the late evening and early hours of the morning. The degree of antisocial behaviour recorded in the area is also significantly disproportionate compared to the rest of the former B & C policing divisions, since conjoined to form the E division. Between 2009 and 2011, the average rate of antisocial behaviour per square kilometre in the E division was 343 incidents per square kilometre compared to an average of 2,180 incidents per square kilometre in Fallowfield. Similarly, antisocial behaviour levels peak during the late night/early morning, and correlate with the closing times of alcohol-led licensed premises.

The complaints about antisocial behaviour from local residents, received both prior to and in response to the policy consultation, repeatedly cite problems of noise, vandalism and antisocial behaviour from persons going out to and returning from licensed premises, including complaints of preloading and drunkenness. Additionally, there was evidence of litter caused as a result, including discarded alcohol containers and takeaway wrappers in the street. Extra street cleaning services are required in the local area as a result of the disproportionate levels of litter, particularly caused by the high number of late-night takeaways in Fallowfield. Problems of preloading en route to licensed premises persist despite the existence of a Designated Public Place Order for Fallowfield. Therefore, the policy in Fallowfield aims to prevent further alcohol-related crime and antisocial behaviour arising in the area from the customers of licensed premises (including any premises that might act as a flashpoint), particularly during such hours with higher levels of crime and antisocial behaviour, and hours likely to affect the ability of local residents to get a good night's sleep. Additionally, the policy aims to prevent premises that are likely to contribute to litter problems in the area, particularly in relation to preloading en route to licensed premises, and hot food takeaway wrappers at the end of the night".

We agree with these findings. Yet another outlet for take-away food sales is very likely to add to problems involving:

Public Nuisance (noise & litter)

Crime & disorder.

This is particularly the case when the requested hours are so late. No exceptional reason has been put forward for the requested late opening hours.

We would have no problem if the premises closed at 11 pm.

From our perspective in Withington these issues are highly relevant for two reasons:

1. Our members have to travel through the area on their way home from central Manchester; and
2. The problems of Fallowfield grow ever closer to the District Centre of Withington.

Accordingly, we believe the application should be refused.

██

For and on behalf of Withington Civic Society, 20th May 2021

RES 2

From: [REDACTED]**Sent:** 21 May 2021 14:23**To:** Premises Licensing <Premises.Licensing@manchester.gov.uk>**Subject:** Premises Licence (new) 257955/HH1: GDK, Revolution, 311-313 Wilmslow Road, Manchester, M14 6NW, (Fallowfield ward)

Your Ref: Premises Licence (new) 257955/HH1: GDK, Revolution, 311-313 Wilmslow Road, Manchester, M14 6NW, (Fallowfield ward)

To whom it may concern;

I am a long-term resident of [REDACTED] and I am objecting to the request in the new license application opening hours until 3am (Fri & Sat) and 2.30am (Sun-Thursday) at "GDK, Revolution" (311-313 Wilmslow Road, Manchester, M14 6NW)

These premises (GDK, Revolution, 311-313 Wilmslow Road, Manchester, M14 6NW) are situated on Wilmslow Road Fallowfield, which is one of the main arterial routes into and out of Manchester City centre.

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

The operational hours requested in this new license application {3am (Fri & Sat) and 2.30am (Sun-Thursday)} are excessive, for what is essentially a residential suburb. It would mean that the premises would be open later than nearly all other premises in the area.

This newly licensed premises to be, will create added noise disturbance as it is (particularly in view of this being a substantial building with an arena people capacity) which will obviously be extending the noise disturbance, from beyond what is already being suffered on a regular basis by the local residents. An operating window into the small hours {3am (Fri & Sat) and 2.30am (Sun-Thursday)} would be quite frankly intolerable.

The Wilmslow Road corridor already suffers from begging, street drinking and other alcohol related anti-social behaviour and to allow the premises an operating window until 3am (Fri & Sat) and 2.30am (Sun-Thursday) will undoubtedly exacerbate these problems.

Students (of which the greater percentage of clientele to this giant food emporium would be) are a magnet for robbers and drug dealers. Inebriated students staggering around in the small hours, are an easy pic for a robber. A drug dealer, would find this spot irresistible in the small hour time for an extra sale.

The Wilmslow Road area of Fallowfield has a Cumulative Impact Policy (What this means is that this area has been identified as one in which there is a concentration of licensed premises which is deemed maximum for an area to contain and that the hours in which premises can open and are already at the earliest and latest times acceptable for the area) the license application opening hours until 3am (Fri & Sat) and 2.30am (Sun-Thursday) is only going to add to problems of street noise, nuisance and litter.

Manchester City Council do not create Cumulative Impact Zones lightly and quite frankly, Wilmslow Road/"Brow" area of Fallowfield does not need an operating window of this nature {3am (Fri & Sat)

RES 2

and 2.30am (Sun-Thursday)} adding to the already insufferable cacophony of noise (early hour inebriated patrons {mainly students} screeching and hollering etc) A 10:30/11:00pm operational hour window would be much more reasonable and acceptable.

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

Yours sincerely,

██████████
██████████████████
██████████
██████████
██████████

RES 3

On Sun, 23 May 2021 at 15:44, [REDACTED] wrote:

I write to object to the extension of opening hours at this address.

The extra hours will impinge on the Cumulative Impact Policy for this area, which needs to be tightly enforced.

Any extension of hours to a takeaway in Fallowfield/Withington will increase the already existing problems , especially in connection with litter.

[REDACTED] at least a bag of rubbish (plastic cups, sauce cartons, polystyrene boxes etc) from the various outlets in the Ladybarn area, and also rubbish purchased at Fallowfield (such as from Macdonalds) which has been brought during the night from Fallowfield.

Please block this extension to help reduce the blight in our villages.

[REDACTED]
[REDACTED]

RES4

From: [REDACTED]**Sent:** 25 May 2021 19:04**To:** Premises Licensing <Premises.Licensing@manchester.gov.uk>**Subject:** Premises Licence (new) 257955/HH1: GDK, Revolution, 311-313 Wilmslow Road, Manchester, M14 6NW, (Fallowfield ward)

Dear whoever it may concern,

As a long time resident of Fallowfield, over 20 years actually, I am dismayed to learn that the Gourmet Kebab have applied for a licence to open until 3am on a Friday and Saturday, and 2.30am on a Sunday. This is just ridiculous.

While I understand that they have no plans to sell alcohol, I feel that allowing the business to stay open this late is just going to add to the noise and nuisance that we already suffer from. The takeaways that have been allowed to open just opposite there on Wilbraham Road for example, have added terribly to traffic with delivery drivers parking outside at all hours of the days and night - on double yellow lines - and with no regards for road safety at all.

I thought that this whole area was part of the Cumulative Impact Policy area, and the thought of another late night food place being allowed to open all hours of the day and night fills me with horror, because I can just imagine the noise, anti-social behaviour and litter that will come with it. There are so many other places to buy food from already in Fallowfield - in fact takeaways make up around 90% of the retail spaces here it feels, so I don't see any reasons why another one should be allowed to open, and to so late?! There are not just students in this area, despite popular belief, there are many families here too and we just don't want to keep on having to deal with the nightmare noise, and litter that we constantly have to deal with. Its not fair.

Please please do not allow them to open so late. A reasonable opening hour of 11pm at the latest should be all they need.

Thank you for listening to my objection.

Kind regards

[REDACTED]

RES 5

(Objector has been advised of option to provide address, which will be added to representation if received)

From: [REDACTED]
Sent: 28 May 2021 15:07
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: extended licensing application Fallowfield ref:257955/HH1

Dear Sir/Madam,

I am writing to you in regards to a recent application for extended licencing hours at "GDD", Formerly "Revolution" ,Fallowfield. Reference: 257955/HH1

I wish to object in the strongly to the application on the grounds that it will inevitably lead to a rise in antisocial behaviour in Fallowfield and the surrounding areas. There is a very large student population living in shared houses and HMOs in this part of the city. Other residents, myself included, have experienced a lot of problems because of the behaviour of some of the students, particularly late at night when they are returning home from a night out. We are often woken by shouting and other loud noises. It is not appropriate to grant licensing hours until 3am in a residential area and in Fallowfield particularly where already there are gatherings of heavily intoxicated people late at night; a licensed venue opening until this time will surely lead to fighting and other social disturbances.

Yours faithfully,

[REDACTED]

RES6

(Objector has been advised of option to provide address, which will be added to representation if received)

From: [REDACTED]
Sent: 28 May 2021 15:16
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Extended opening hours GDK Fallowfield objection

Dear Sir/Madam,

I am writing to object to application ref:257955/HH1

I strongly object to the above application. I live around the area of Fallowfield and am regularly woken by people returning home from a night out screaming and shouting. It is absolutely inappropriate for licensing hours until 2.30 am midweek and 3am on the weekends to be granted in a residential area such as this. There are already high numbers of anti-social behavior incidents including fighting as well as a very big problem with litter; all of these will be made worse with the addition of late night opening venues.

Yours faithfully,

[REDACTED]

RES7

From: [REDACTED]
Sent: 30 May 2021 13:20
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Application no 257955/HH1 311-313 Wilmslow Road

Dear Sir/Madam,

I write on behalf of my family to object to the above application. We live [REDACTED] [REDACTED] from the proposed premises. Although not directly affected by activities in the building, we have endured - since the the 2003 Licensing Act - the cumulative impact of late night noise, vandalism and littering in our road. These problems almost invariably occur in the small hours. They are caused in the main by groups of noisy young people making their way back to temporary HMO accommodation. This form of housing now dominates our neighbourhood.

The negative consequences of such a concentration of late night venues were so grave that MCC after detailed consultation approved a Cumulative Impact Policy in 2013 for Fallowfield District Centre. It was recognised at the time that although provisions in the policy could prevent a further increase in Licensed Premises, pre-existing Licenced premises could continue to operate as before. This has always been the Achilles Heel of the policy and explains why nocturnal anti social behaviour has continued to degrade the neighbourhood and negatively risk the safety and well being of residents.

It is therefore a ray of hope for us that this is a new application and the pre-existing licensing hours permitted for the Revolution will not automatically be granted. We urge the committee - whatever it may feel the business merits are of the application - to refuse a licence that permits the premises to remain open until 2.30am Sun - Thurs and 3.00am at week-ends.

We note the applicant is not seeking a Licence to sell alcohol. However this does not change our view the hours of opening requested will stimulate the continuance of Fallowfield District Centre as a destination for late night crowds and the resulting anti social behaviour.

Recent reports sent from this address concerning littering and broken glass in the neighbourhood are logged as CRM 447 1818, CRM 442 7696 and CRM 442 7938.

[REDACTED]

RES8

[REDACTED]
Tue 01/06/2021 09:58

Dear Sir / Madam

Following the recent notification of a licence application in respect of the above premises, I am writing as a member of the South East Fallowfield Residents Group Planning Sub-committee to register our strong objection to the granting of a licence on the terms as requested in the application as follows:

The prevention of public nuisance:

- The opening hours requested, until 3 am on Friday & Saturday and 2.30am on Sunday to Thursday are exceptionally late for our, or any, residential suburb. The premises are large with a high number of covers and the late night / early morning hours will exacerbate the already endured noise and nuisance that this area suffers.

Prevention of crime & disorder:

- We already have a huge issue around the presence of large numbers of drug dealers who prey on the large numbers of students who frequent the area as well as local vulnerable young people. Our group has collected a large array of cctv images that have recorded the organised drug dealing and delivery "industry" in our local area and another late night establishment will only serve to attract more dealers.

Public Safety & protection of children from harm:

- The issues surrounding a probable increase in illegal activities and drug dealing described above could have an impact on the safety of the public generally and children in particular for the reasons described above.

It is now two years since Revolution shut its doors and their late night licence transfer period has expired. These premises are in the CIP area and in line with the City Council's recommendations which state that in a CIP area no new licences should be granted unless exceptional reasons are given to depart from it and that the applicant can demonstrate that they won't add to the cumulative impact.

Granting the applicant's request for such a late night licence will undoubtedly add to the cumulative impact and we would urge you to refuse the application.

Yours faithfully

[REDACTED]

[REDACTED]

257955/HH1: GDK, Revolution, 311-313 Wilmslow Road, Fallowfield M14 6NW



Tue 01/06/2021 18:44

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

Cc: Ali Ilyas <cllr.ali.ilyas@manchester.gov.uk>; Jade Doswell <cllr.jade.doswell@manchester.gov.uk>; Zahra Alijah <cllr.zahra.aliyah@manchester.gov.uk>

Dear Sir/Madam

Premises Licence (new) 257955/HH1: GDK, Revolution, 311-313 Wilmslow Road, Manchester, M14 6NW, (Fallowfield ward)

I write on behalf of the residents of the Sherwood Estate, Fallowfield regarding this new application to trade until 3.00am throughout the week at the former Revolution premises in Fallowfield District Centre. We wish to register our objection to the hours to trade after 11pm.

As long term residents living so close to Fallowfield District Centre we see on a daily basis the litter left from our nearby takeaways. These premises are across Wilmslow Road but very close to the northern side of our estate and many users of the former premises pass by our homes when walking back to their shared accommodation eating their food as they go. When the food has been eaten the wrappers are discarded on the pavements or thrown into gardens, so the bins provided on the premises are useless for this type of customer.

There are many families living on the northern side of our estate who have children with ages ranging from 0 – 18 suffering from disturbed sleep which is particularly noticeable during University term times, this is because transient noise travels from Wilbraham/Wilmslow Road area of Fallowfield District Centre bars and takeaways. The majority of businesses trading within FDC operate late into the night and despite the Applicant's points to mitigate adding to the cumulative effects Sherwood residents are not reassured due to the proximity of this business to our homes. Late night noise from these premises travels across the carpark at the far end of Boland Drive and so disturbs the family houses [REDACTED]

Students tend to walk in groups of at least 4 and wake us up due to their shouting, loud screams and sounds of general merriment - at volumes more suited to daytime hours rather than the early hours of the morning walking through a residential area, so signs asking patrons to respect neighbours are again pretty useless to people who have been drinking alcohol for many hours.

We are concerned that should this Licence be granted, with hours as applied for, it will increase night time noise disturbance by having yet another dine in and takeaway open until up to 3.00am and late night deliveries. Due to drivers using satnavs to locate addresses we are constantly disturbed in the early hours by drivers ringing our doorbells due to our postcodes and lack of good road signage taking them to the incorrect address.

The former premises when open as Revolution caused much noise nuisance and anti social behaviour which residents have endured for years. The closure of the premises and the pandemic has led to a more peaceful Fallowfield during the night time and we would like this trend to continue. We can see no reason to depart from the policy as there is nothing new on offer which Fallowfield doesn't already have.

We can see no merit in permitting these premises to trade until 3.00am and respectfully ask that this application is refused in full and that the Cumulative Impact Policy is upheld.

Yours faithfully

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

Premises Licence (new) 257955/HH1: GDK, Revolution, 311-313 Wilmslow Road, Manchester, M14 6NW, (Fallowfield ward)

[REDACTED]

Tue 01/06/2021 17:52

To: [REDACTED]

Dear Sirs

I am writing on behalf of Fallowfield & Withington Community Guardians. We strongly oppose the request for another late night licence in Fallowfield. The reason for our objection is that this area is swamped with late night takeaways and licenced premises which create a vast amount of public nuisance including night noise from (the mainly student) patrons who walk past our homes late at night and wake us up. The cumulative effect of all these licensed premises is not good for the health and wellbeing of families who live in the area all year round.

We also note from the Gourmet Kebab website that the vast majority (41) of their branches close at 11pm with a further 11 closing earlier. There are 4 branches that have later hours but none of these are dine in and operate as takeaways only. Stockport branch is one of these but it is located on a retail park and is not in a residential area. We consider the hours of opening unacceptable for a residential suburb especially as Fallowfield is situated within a Cumulative Impact Policy area.

The Special Cumulative Impact Policy was established because of the problems that already exist. The policy in Fallowfield aims to prevent further alcohol-related crime and antisocial behaviour arising in the area from the customers of licensed premises (including any premises that might act as a flashpoint), particularly during such hours with higher levels of crime and antisocial behaviour, and hours likely to affect the ability of local residents to get a good night's sleep. Additionally, the policy aims to prevent premises that are likely to contribute to litter problems in the area, particularly in relation to preloading en route to licensed premises, and hot food takeaway wrappers at the end of the night". **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 premise involved 2.30/will not add to the cumulative impact already being experienced (MCC Statement of Licensing Policy 2021-2016, p28).**

Public Nuisance

There is already an overabundance of licenced premises in Fallowfield. Residents in our group have been suffering the effects of the excessive number of licenced premises for years. These create massive amounts of public nuisance due to the number of premises. Another opening until 3.00am every night is not what Fallowfield needs and we are convinced that it will add to the cumulative impact of noise and litter. How can it not?

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

McDonald's

Abduls

All Stars Chicken

Kebabish

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

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

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

Public Safety. Over the past three financial years, an average of 38% of victim-based crime in the Fallowfield/Wilmslow Road Policy area happened between midnight and 5am and an average of 40% antisocial behaviour happened between midnight and 5am in the police E division(MCC Statement of Licensing Policy 2021-2026). The premises is a large site and would be likely to allow large numbers of patrons coming out of bars to refuel with food if this application were allowed. This could cause problems which undermine the public safety objective. The premises is in the centre of Fallowfield DC, a flashpoint for groups congregating after a night out.

Conclusion

Residents feel that another late night take away in Fallowfield will undoubtedly add to the cumulative impact and will undermine the licensing objectives. No amount of conditions imposed will convince us that these premises will uphold the licensing objectives especially in relation to public nuisance so we ask that this application be refused in full. We would be happy for the premises to trade until 11pm but object to the late night hours which require a licence. This is an application for a new licence and we wish to see the Cumulative Impact Policy upheld and the application refused because there are no exceptional circumstances to give reason to depart from the policy.

Yours



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

Date: Wed, May 5, 2021 at 6:51 PM

Subject: Premises Licence (new) 257955/HH1: GDK, Revolution, 311-313 Wilmslow Road, Manchester, M14 6NW, (Fallowfield ward)

To:

***This email has been sent to Fallowfield ward members and CC to Withington and Old Moat ward members ***

DO NOT REPLY TO THIS EMAIL – CONTACT PREMISES.LICENSING@MANCHESTER.GOV.UK DIRECTLY

Date: 5 May 2021

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

Dear Sir / Madam

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

Application Type: Premises Licence (new)

Reference: 257955/HH1

Premises: GDK, Revolution, 311-313 Wilmslow Road, Manchester, M14 6NW

RES11

From: [REDACTED]**Sent:** 01 June 2021 15:09**To:** Premises Licensing <Premises.Licensing@manchester.gov.uk>**Subject:** Licence Application 311-314 Wilmslow Road, M14 6NW. Gourmet Kebab

Dear Sir/Madam,

Re: Application for a new licence at 311-314 Wilmslow Road, Manchester M14 6NW.
Gourmet Kebab.

I am writing on behalf of South East Fallowfield Residents' Group to object in the strongest terms to the granting of this licence to serve hot food until 3am (Friday and Saturday) and 2.30am (on Sunday - Thursday). These premises are situated in the Cumulative Impact Policy area which means that there should be no new licences in this area unless the applicant can show that the grant of the licence would not add to the cumulative impact, or that there are genuinely exceptional reasons for departing from the policy. We are absolutely sure that this very large venue, in a prominent spot on the high street, will add to the cumulative impact - in particular, in terms of ASB, litter and noise and there are no exceptional reasons for departing from the policy.

The CIP was introduced in Fallowfield because of the number of recorded ASB incidents and the fact that the sheer density of licensed premises (bars and takeaways) were linked to these problems. There are approximately 39 licensed premises within a few metres of each other, most of which are takeaways and a lot of them have exceptionally late opening hours. One would normally expect this density in a city (or town) centre, or perhaps a station/airport complex and, even then, this would be quite unusual.... but absolutely no-one would expect this in a residential suburb. Residents who move to Fallowfield (or who have lived here for many years) should not have to accept, or expect, these round-the-clock night-time movements. It is extremely damaging to our mental and physical health to have our sleep patterns constantly disrupted by the noisy comings and goings of the patrons of these businesses. It is not simply a case of being woken up for a few minutes and then drifting straight back to sleep because we are often lying awake for hours afterwards and sometimes we can be woken up several times a night. The exhaustion that follows can affect you the whole of the next day and it is particularly hard for those of us who have to get up for work (or school) and cannot have the luxury of a lie-in.

In addition, the litter that takeaways cause across our neighbourhood is absolutely excessive and we often wake up to takeaway remnants, vomit, broken glass etc strewn across our streets and thrown into our hedges and front gardens, adding to the general degradation and lack of pride in this area. In a time when resources are very limited indeed, it is not right that the public purse should have to pay any additional and unnecessary costs of dealing with the consequences of these late night hours. Any business offering a good quality product should be able to make a reasonable income within normal opening hours. During the first lockdown, when takeaways were closed, the difference to our streets was unbelievable. It felt like we could begin to breathe

RES11

again, in spite of the very sad realisation that we were in a pandemic (and that Fallowfield had the highest infection rates in the country), many people around here actually spoke of relief - relief from the noise, litter and ASB.

It is obvious that the reason why this business wants to open beyond the standard 11pm closing time is because they want to capture the student market and attract students either coming home from the local bars (or from the city centre), or entice them out of Owens Park halls of residence and the HMOs. We now know that there are 11,195 students now living in the M14 6 postcode <http://wonkhe.com/blogs/the-start-of-term-is-not-just-a-problem-for-universities/> and pretty much all of them are looking for food and entertainment on their doorstep. The business is also on the main Wilmslow Road corridor into the city centre so it is quite possible that anyone returning to S Manchester from a late night out in the city centre, might also stop off for a kebab on their way home. Kebabs are an extremely popular food choice for people after a night out drinking and it is this toxic combination; large groups of inebriated people returning from a night out, who are not likely to be aware of the noise levels they are creating, or the litter they are dropping.

I would like to emphasise that local residents do not want to have to keep on objecting to these licence applications - it puts a very unfair burden on us and many people are not able to object because they don't have the time, confidence, knowledge and perhaps don't speak English as a first language - but if we don't object, because of the way the Licensing Act 'works', these late licences will automatically be granted. It was because residents and residents' groups did not have this knowledge when the Licensing Act was first introduced that we have such huge numbers of these licences in this area and this has necessitated the introduction of a special Cumulative Impact Policy. I believe this is the only CIP in the whole of Manchester which is evidence in itself of the extreme nature of the problems.

I can quite understand that for people who do not live in this immediate area, we might seem like we are 'anti' things for the sake of it, but I would like to emphasise that I have never complained about a single noise, ASB or litter issue anywhere else we have ever lived. I know I am not alone. At every residents' meeting I have ever attended here, these issues constantly arise and they are continuing to drive people out of the area. There are 3 couples within a 1 minute walk of our house who are currently moving; one couple is in their 30s with a small child and the other couples are in their 40s and early 70s. All these people have complained many times over several years and they cannot stand it. I have also noticed that when people do move, they generally leave Manchester altogether - sadly they are absolutely fed up with this city. Sometimes residents struggle to sell their houses and end up having to rent them out to people who only need a place for a short time and so will just put up with the problems and so we see our neighbourhood becoming increasingly occupied by a transient population who are not vested in the community.

RES11

Having looked at this company's website, it seems that their other venues generally have an 11pm closing time - and those that don't are not in residential areas - we therefore hope that they will listen to our views and take them on board. It is not that we are against this business per se, I am sure that some local residents will be keen to try out their food offering, but we just do not want the damage caused by late night opening hours. We ask the owners to put themselves in our shoes and consider how they would feel if they lived here.

If this application comes before the licensing committee, we urge the panel to reject this application in full, there are no conditions which could mitigate the harm.

Yours faithfully,

██████████
██████████

BUS 1

From: [REDACTED]

Sent: 19 May 2021 10:27

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

Subject: Premises Licence (new) 257955/HH1: GDK, Revolution, 311-313 Wilmslow Road, Manchester, M14 6NW, (Fallowfield ward)

Hi,

I am writing as [REDACTED] of [REDACTED] Sheltered Scheme, Derby Rd, Fallowfield, M14 6WD to object on behalf of the residents to the application made for hot food to be served until 3am (Fri & Sat) and 2.30am (Sun-Thursday) at GDK, Revolution, 311-313 Wilmslow Rd, M14 6NW.

This application falls within a Cumulative Impact Policy area and the addition of another late night premises is very likely to add to problems relating to Public Nuisance (noise, anti-social behaviour & litter). The hours requested are also exceptionally late for a residential suburb.

Our residents already suffer from noise disturbances from neighbouring properties and their residents including students. This is because they purchase food and alcohol late at night then hang around near our building, drinking, eating, making noise and generally causing a disturbance during the late hours. They are then littering our grounds and shrubs with discarded food packaging and drinks cans and bottles.

This is a regular occurrence and could become even worse if another venue selling take away food is added to Fallowfield District Centre.

There is no exceptional reason to depart from the Cumulative Impact Policy. We already have many places to buy food and takeaways in Fallowfield. We would have no problem with the premises opening until 11pm. Any later is not acceptable for the reasons given above.

The Cumulative Impact Policy needs to be upheld.

Best Regards

[REDACTED]

[REDACTED]

[REDACTED]

[Onward Homes](#)

[REDACTED]

[REDACTED]

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

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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. A CCTV system with recording equipment shall be installed. All recordings used in conjunction with CCTV shall: <ol style="list-style-type: none"> a. be of evidential quality b. Cover the point of sale, and entrance and exit c. indicate the time and date d. be retained for a period of 31 days e. Sufficient staff will be trained to use the system f. The original images will be made available for inspection upon the request of Police officers, or other authorised officers. 2. A bound and sequentially paginated incident book or electronic record shall be kept to record all instances of disorder, damage to property and personal injury at the premises. This book shall be made available for inspection and copying by the Police or any other authorised person upon request and all such books shall be retained at the premises for at least 12 months. 3. A bound and sequentially paginated refusals book or electronic record must be kept at the premises to record all instances where admission or service is refused. Details to show: <ol style="list-style-type: none"> a. The basis of the refusal; b. The person making the decision to refuse; and c. The date and time of the refusal 4. Such books/records to be retained at the premises for at least 12 months, and must be made available for inspection and copying by the Police, or other officers of a Responsible Authority. 5. The premises will operate in accordance with all relevant legislation which promotes the prevention of public safety objective. For example, the Health & Safety and Food Safety legislation. 6. The premises will operate in accordance with all relevant legislation which promotes the prevention of public nuisance objective. For example, Environmental Protection Act 1990. 7. Arrangements for the storage and disposal of refuse will not cause a nuisance. 	N/A	Applicant
Conditions proposed by objectors	No conditions have been proposed by any of the objectors	

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