



## **Licensing Sub Committee Hearing Panel**

Date: Monday, 13 February 2023

Time: 10.00 am

Venue: Council Antechamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

### **Access to the Council Antechamber**

Public access to the Council Antechamber 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 entrances of the Extension.**

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

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**Councillors** - Andrews, Hughes and T Judge

## Agenda

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**1. Urgent Business**

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

**2. Appeals**

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

**3. Interests**

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

**4. Application for a New Premises Licence - New Wave, 16 Tib Lane, Manchester, M2 4JB**

5 - 66

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

**5. Application for a Premises Licence Variation - Elektrik, 559 Wilbraham Road, Manchester, M21 0AE**

67 - 134

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

**6. Application for a New Premises Licence - Tesco Express, Units A and B Calico Building, 113 Princess Street, New Square, M1 3BF**

135 - 190

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

## Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

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

## Further Information

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

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This agenda was issued on **Friday, 3 February 2023** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

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**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Subcommittee Hearing Panel – 13 February 2023

**Subject:** New Wave, 16 Tib Lane, Manchester, M2 4JB - App ref: Premises Licence (new) 284076

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

**Summary**

Application for the grant of a premises licence made under the Licensing Act 2003, which has attracted objections.

**Recommendations**

That the Panel determine the application.

**Wards Affected:** Deansgate

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

A connected city: world class infrastructure and connectivity to drive growth	
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**Full details are in the body of the report, along with any implications for:**

Equal Opportunities Policy  
Risk Management  
Legal Considerations

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**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

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**Contact Officers:**

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

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

## 1. **Introduction**

- 1.1 On 22/12/2022, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of New Wave, 16 Tib Lane, Manchester, M2 4JB in the Deansgate ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

## 2. **The Application**

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is New Wave Restaurants Limited.
- 2.3 The description of the premises given by the applicant is Japanese restaurant and bar trading on both the ground floor and basement.
- 2.4 The proposed designated premises supervisor is TBC
- 2.5 **The licensable activities applied for:**

Provision of late night refreshment:

Mon to Sun 11pm to half past midnight

The provision of late night refreshment will take place indoors.

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

Mon to Sun 9am to midnight

Opening hours:

Mon to Sun 9am to half past midnight

Seasonal variation hours for all of the above:

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

2.5.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.

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

**2.6 Activities unsuitable for children**

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

**2.7 Steps to promote the licensing objectives**

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

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

**3. Relevant Representations**

3.1 A total of 1 relevant representation was received in respect of the application (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these representations will be available to the Panel at the hearing.

Responsible Authorities:

- MCC Licensing and Out of Hours Compliance Team

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
<b>Licensing and Out of Hours Compliance</b>	LOOH believe the applicant has not offered sufficient details as to how noise nuisance would be mitigated against, how increased footfall during event days at nearby Albert Square would be managed, how collections and deliveries would be managed, or how the premises would ensure that litter issues in the vicinity are not made worse. LOOH have therefore put forward a number of conditions.	Grant with conditions



- 3.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 4**.
4. **Key Policies and Considerations**
- 4.1 **Legal Considerations**
- 4.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.
- 4.2 **New Information**
- 4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.
- 4.3 **Hearsay Evidence**
- 4.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.
- 4.4 **The Secretary of State's Guidance to the Licensing Act 2003**
- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.
- 4.5 **Manchester Statement of Licensing Policy**
- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing

objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.

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

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

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

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

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

**Section 7: Local factors**

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

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

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

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

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

- 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
- MS12 Prevent underage sales of alcohol, including proxy sales

**Section 9: Alcohol delivery services**

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

**Conclusion**

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

- c) To refuse to specify the person proposed in the application as the designated premises supervisor;
  - d) To reject the application.
- 4.9 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 4.10 All licensing determinations should be considered on the individual merits of the application.
- 4.11 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 4.12 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 4.13 **The Panel is asked to determine the application.**

New Wave  
 16 Tib Lane, Manchester, M2 4JB  
 Premises Licensing  
 Manchester City Council

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<b>PREMISE NAME:</b>	New Wave
<b>PREMISE ADDRESS:</b>	16 Tib Lane, Manchester, M2 4JB
<b>WARD:</b>	Deansgate
<b>HEARING DATE:</b>	13/02/2023

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

### Please read the following instructions first

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

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

**I/We** New Wave Restaurants Limited

*(Insert name(s) of applicant)*

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

### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description <b>New Wave 16 Tib Lane</b>			
<b>Post town</b>	Manchester	<b>Postcode</b>	<b>M2 4JA</b>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£ 0</b>

### Part 2 - Applicant details

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

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

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

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

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

**(A) individual applicants** (fill in as applicable)

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



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**Second individual applicant** (if applicable)

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

**(B) Other applicants**

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

Name New Wave Restaurants Limited
Address  Mackie Mayor Market Eagle Street Manchester M4 5BU

Registered number (where applicable)  12719673
Description of applicant (for example, partnership, company, unincorporated association etc.)  Private Limited Company
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start? 

DD	MM	YYYY
1	9	01 2023

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

DD	MM	YYYY

<p>Please give a general description of the premises (please read guidance note 1) Japanese restaurant and bar trading on both the ground floor and basement.</p>
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If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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

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

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	
b) films (if ticking yes, fill in box B)	
c) indoor sporting events (if ticking yes, fill in box C)	

d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<b><u>Provision of late night refreshment</u></b> (if ticking yes, fill in box I)	X
<b><u>Supply of alcohol</u></b> (if ticking yes, fill in box J)	X

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

## A

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

**B**

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

## C

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

## D

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

## E

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



## F

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

## G

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

## H

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

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	X
				Outdoors	
Day	Start	Finish		Both	
Mon	23:00	00:30	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue	23:00	00:30			
Wed	23:00	00:30	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)  From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.		
Thur	23:00	00:30			
Fri	23:00	00:30	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat	23:00	00:30			
Sun	23:00	00:30			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	
				Off the premises	
Day	Start	Finish		Both	X
Mon	09:00	24:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5) From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.		
Tue	09:00	24:00			
Wed	09:00	24:00			
Thur	09:00	24:00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri	09:00	24:00			
Sat	09:00	24:00			
Sun	09:00	24:00			

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

<b>Name</b>	TBC
<b>Date of birth</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal licence number (if known)</b>	TBC
<b>Issuing licensing authority (if known)</b>	TBC

**K**

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

Not Applicable

**L**

<p><b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)</p>			<p><b>State any seasonal variations</b> (please read guidance note 5)</p> <p>From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.</p>
Day	Start	Finish	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note)</p> <p>From 09:00 until 22:00 when special client evenings are taking place at the Salon – this will be on no more than one occasion per month.</p>
Mon	09:00	00:30	
Tue	09:00	00:30	
Wed	09:00	00:30	
Thur	09:00	00:30	
Fri	09:00	00:30	
Sat	09:00	00:30	
Sun	09:00	00:30	

**M**

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

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

All staff authorised to sell alcohol shall be trained in:

- Relevant age restrictions in respect of products
- Prevent underage sales
- Recognising signs of drunkenness and vulnerability
- The conditions in force under this licence.

There will be a CCTV system in operation whenever the premises are open to the public and footage will be retained for 28 days and provided to the Police or Responsible Authority upon request. Staff will be available to download if required.

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

Incident logs (which may be kept electronically) must be kept at the premises for at least six months and made available on request to the police or an authorised officer of the licensing authority.

**c) Public safety**

There will be adequate First Aid provisions at the premises.

**d) The prevention of public nuisance**

Clear and legible notices will be displayed at all exits requesting customers to respect the local residents and leave the area quietly.

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

The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.

The premises shall display prominent signage indicating that the Challenge 25 scheme is in operation.

**Checklist:****Please tick to indicate agreement**

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

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

**Part 4 – Signatures** (please read guidance note 11)

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am</li> </ul>
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	<p>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).</p> <ul style="list-style-type: none"> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or 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)</li> </ul>
Signature	[REDACTED]
Date	22 <sup>nd</sup> December 2022
Capacity	Authorised Agent for the Applicant.

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

Signature	
Date	
Capacity	

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

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

Document is Restricted

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**MANCHESTER  
CITY COUNCIL**

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

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

**Premise Details**

Application Ref No	284076
Name of Premises	New Wave
Address	16 Tib Lane, Manchester, M2 4JB

**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.

The Licensing and Out of Hours Team (LOOH) have assessed the likely impact of the granting this application taking into account a number of factors, including the nature of the business, size of the premise and the ability to uphold the four licensing objectives.

The premises is located on Tib Lane close to Albert Square. The surrounding area is a mix of commercial properties including, restaurants, licensed premises and offices. Given this LOOH team are not satisfied the application has offered any mitigation for noise nuisance generated from the live music events being held at the premises.

Albert Square itself is often used as an event space and includes events such as memorial services, seasonal events and sporting events often aimed at families (although the Square along with the Town Hall is currently closed for restoration works). The application has not provided any details on how the premises intends manage the increased footfall during such events; the LOOH team have concerns on how the premises would manage patrons purchasing alcoholic drinks from premise and moving out of the premises and/or delineated areas to consume their drinks in the street which would be in contravention of the Councils Public Space Protection Order (PSPO).

The application has requested off sales for alcohol; nothing has been offered in relation to collections/deliveries. With the increased demand for home delivery of restaurant quality food and alcohol there has been an increased number of delivery drivers operating in the City Centre, often blocking road and footpaths while waiting to collect their orders.

The application has only provided a condition in relation to noise in respect of public nuisance; Bow Lane is at the rear of the premises often has problems with waste and bins with attract vermin to the area, examples can be seen in **exhibit AO1**.

After consulting the Councils Planning online portal it appears that under planning consent number 113803/FO/2016, the premises can not be currently operate in the manner requested in this application and LOOH would recommend they seek advise from our Planning team.

We therefore recommend that in order to prevent the problems described above the following amendments to the hours and conditions should be attached to the Premises Licence, if granted:

- The Designated Premises Supervisor must complete the ACT: Awareness training and ACT: Operational or ACT: Strategic training course within 28 days of the grant or variation of the licence. Should the Designated Premises Supervisor named on the licence change, the new Designated Premises Supervisor must complete those courses within 28 days of being named on the licence.
- Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors:
  - (i) Size of the venue
  - (ii) Expected attendance
  - (iii) Type of event taking place
  - (iv) Location of the premises
  - (v) Time of year
  - (vi) Special occasion (New Year, Halloween, Local events etc.)
  - (vii) Premises Licence Conditions
- All door supervisors, and other persons engaged at the premises for the purpose of supervising or controlling queues or customers, must wear high visibility armbands.
- The Designated Premises Supervisor or on-duty manager must ensure that all door supervisors on duty at the premises are correctly displaying their current SIA accreditation and are briefed on their responsibilities and relevant company operating procedures before they commence duty.
- Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty
- The premises shall actively manage by way of instruction, any third-party delivery drivers attending the premises to collect orders for delivery in order to prevent any nuisance or disruption. This will include ensuring that the public walkway is maintained free from obstruction.
- Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
- Customers will not be permitted to remove from the premises any alcoholic drinks in open containers, except for consumption in any delineated external area in line with the permitted hours and conditions of either a Table & Chairs

or Pavement Licence.

- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance and regular monitoring shall be carried out to ensure that music cannot be heard at the nearest noise sensitive premises.
- At regular intervals outside the premises (front & rear) must be swept and/or washed, and litter and sweepings collected.
- Empty bottles which have been collected must be placed into locked bins when deposited outside.
- Between the hours of 23:00 – 07:00 no waste/glass bottles will be moved or deposited outside.

We believe this amendment to the condition is proportionate and appropriate to prevent the problems described and to ensure that the licensing objectives are upheld.

In the event the application goes through to a hearing, I reserve the right to include additional information to support my application.

Recommendation: Approve with Conditions (Outlined Above)

**EXHIBIT A01**





**EXHIBIT AO1**



**EXHIBIT AO1**



## Schedule of Licence Conditions

<b>Conditions consistent with the operating schedule</b>	<b>Agreed</b>	<b>Proposed by</b>
<ol style="list-style-type: none"> <li>1. All staff authorised to sell alcohol shall be trained in: <ul style="list-style-type: none"> <li>• Relevant age restrictions in respect of products</li> <li>• Prevent underage sales</li> <li>• Recognising signs of drunkenness and vulnerability</li> <li>• The conditions in force under this licence.</li> </ul> </li> <li>2. There will be a CCTV system in operation whenever the premises are open to the public and footage will retained for 28 days and provided to the Police or Responsible Authority upon request. Staff will be available to download if required.</li> <li>3. Incident logs (which may be kept electronically) must be kept at the premises for at least six months and made available on request to the police or an authorised officer of the licensing authority.</li> <li>4. There will be adequate First Aid provisions at the premises.</li> <li>5. Clear and legible notices will be displayed at all exits requesting customers to respect the local residents and leave the area quietly.</li> <li>6. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.</li> <li>7. The premises shall display prominent signage indicating that the Challenge 25 scheme is in operation.</li> </ol>	N/A	Applicant
<b>Conditions proposed by objectors</b>	<b>Agreed</b>	<b>Proposed by</b>
<ol style="list-style-type: none"> <li>1. The Designated Premises Supervisor must complete the ACT: Awareness training and ACT: Operational or ACT: Strategic training course within 28 days of the grant or variation of the licence. Should the Designated Premises Supervisor named on the licence change, the new Designated Premises Supervisor must complete those courses within 28 days of being named on the licence.</li> <li>2. Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors:</li> </ol>	No	LOOH

## Schedule of Licence Conditions

<ul style="list-style-type: none"> <li>(i) Size of the venue</li> <li>(ii) Expected attendance</li> <li>(iii) Type of event taking place</li> <li>(iv) Location of the premises</li> <li>(v) Time of year</li> <li>(vi) Special occasion (New Year, Halloween, Local events etc.)</li> <li>(vii) Premises Licence Conditions</li> </ul> <ol style="list-style-type: none"> <li>3. All door supervisors, and other persons engaged at the premises for the purpose of supervising or controlling queues or customers, must wear high visibility armbands.</li> <li>4. The Designated Premises Supervisor or on-duty manager must ensure that all door supervisors on duty at the premises are correctly displaying their current SIA accreditation and are briefed on their responsibilities and relevant company operating procedures before they commence duty.</li> <li>5. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty</li> <li>6. The premises shall actively manage by way of instruction, any third-party delivery drivers attending the premises to collect orders for delivery in order to prevent any nuisance or disruption. This will include ensuring that the public walkway is maintained free from obstruction.</li> <li>7. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.</li> <li>8. Customers will not be permitted to remove from the premises any alcoholic drinks in open containers, except for consumption in any delineated external area in line with the permitted hours and conditions of either a Table &amp; Chairs or Pavement Licence.</li> <li>9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance and regular monitoring shall be carried out to ensure that music cannot be heard at the nearest noise sensitive premises.</li> <li>10. At regular intervals outside the premises (front &amp; rear) must be swept and/or washed, and litter and sweepings collected.</li> <li>11. Empty bottles which have been collected must be placed into locked bins when deposited outside.</li> <li>12. Between the hours of 23:00 – 07:00 no waste/glass bottles will be moved or deposited outside.</li> </ol>		
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## Schedule of Licence Conditions

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**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Subcommittee Hearing Panel – 13 February 2023

**Subject:** Electrik, 559 Wilbraham Road, Manchester, M21 0AE -  
Application ref: Premises Licence variation 284102

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

**Summary**

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

**Recommendations**

That the Committee determine the application.

**Wards Affected:** Chorlton Park

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

A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to drive growth	

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

Equal Opportunities Policy  
Risk Management  
Legal Considerations

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#### **Financial Consequences – Revenue**

None

#### **Financial Consequences – Capital**

None

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#### **Contact Officers:**

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

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

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

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



## 1. Introduction

- 1.1 On 22/12/2022, an application for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 was made in respect of Elektrik, 559 Wilbraham Road, Manchester, M21 0AE in the Chorlton Park ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

## 2. Current Licence

- 2.1 The premises licence holder is Electric South Ltd and a copy of the current licence is attached at **Appendix 2**.

## 3. The Application

- 3.1 A copy of the application is attached at **Appendix 3**.
- 3.2 The variation is to:

Vary the layout of the premises in accordance with the plans lodged with this application.

Remove Condition 1 of Annex 3 so that persons are permitted to remain in the outdoor drinking area after 11pm until the terminal hour.

(For information, Condition 1 of Annex 3 is: No person shall be permitted to remain in the outdoor drinking area after 2300.)

Amend Condition 2 of Annex 3 so that it reads as follows: 'The premises will risk assess the use of glassware in the external area at all times'.

(For information Condition 2 of Annex 3 is: "Only plastic drink containers to be used in the outside areas.")

No changes to licensed hours or activities are sought.

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

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

- 4.1 A total of 3 relevant representations were received in respect of the application (**Appendix 5**). There are no personal details of any members of the public in any of the representations, no redactions are therefore needed.

##### Responsible Authority

- MCC Licensing and Out of Hours Compliance Team

##### Other Persons:

- Chorlton Park Ward Councillor x 2

- 4.2 Summary of the representations:

Party	Grounds of representation	Recommends
<b>Licensing and Out of Hours Compliance</b>	<ul style="list-style-type: none"> <li>• There are flats above commercial premises in the surrounding area, and a residential street nearby</li> <li>• LOOHT have concerns regarding noise emanating from the external area of the premises into the later hours.</li> <li>• The application has not provided any further measures to demonstrate how it is intended</li> </ul>	Refuse

	<p>to uphold the Licensing Objectives.</p> <ul style="list-style-type: none"> <li>• The original Planning application for Change of Use of the premises applied restricted hours ‘To safeguard the amenities of occupiers of nearby residential accommodation.’; these are the same hours that tend to be adhered to by comparable premises in the local area.</li> </ul>	
<b>Councillor Shilton-Godwin</b>	<ul style="list-style-type: none"> <li>• Allowing the outside area to open until 1 am is likely to present a public nuisance in what is primarily a residential area.</li> </ul>	Not stated
<b>Councillor Rawson</b>	<ul style="list-style-type: none"> <li>• As per the representation above, this representation also objects to late opening of the outside area and considers that “11pm is a reasonable time to close the outside space”.</li> <li>• Noise tends to increase at later hours, and “extra noise past 11pm is an infringement on residents right to be able to settle down for the night undisturbed”. Any further noise will add to existing noise in the area which results from “customers coming and going between the various night time establishments”</li> <li>• The representation concludes that “From 11pm onwards we believe that all patrons should be inside where they can be safely managed by staff and outside noise is reduced.”</li> </ul>	Not stated

4.3 No conditions have been proposed by any of the objectors at the current time, so there are none to include in the Schedule of Conditions at **Appendix 4**.

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

### 5.1 **Legal Considerations**

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

### 5.2 **New Information**

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

### 5.3 **Hearsay Evidence**

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

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

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

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

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

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

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

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

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

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

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

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

- Premises that will extend the diversity of entertainment and attract a wider range of participants

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

### ***Section 7: Local factors***

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

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

- Evidence of pre-existing problems in the area
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance

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

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

MS8 Prevent noise nuisance from the premises

MS9 Effectively manage exterior spaces (e.g. beer gardens, smoking areas, table and chair areas on the highway)

## **6. Conclusion**

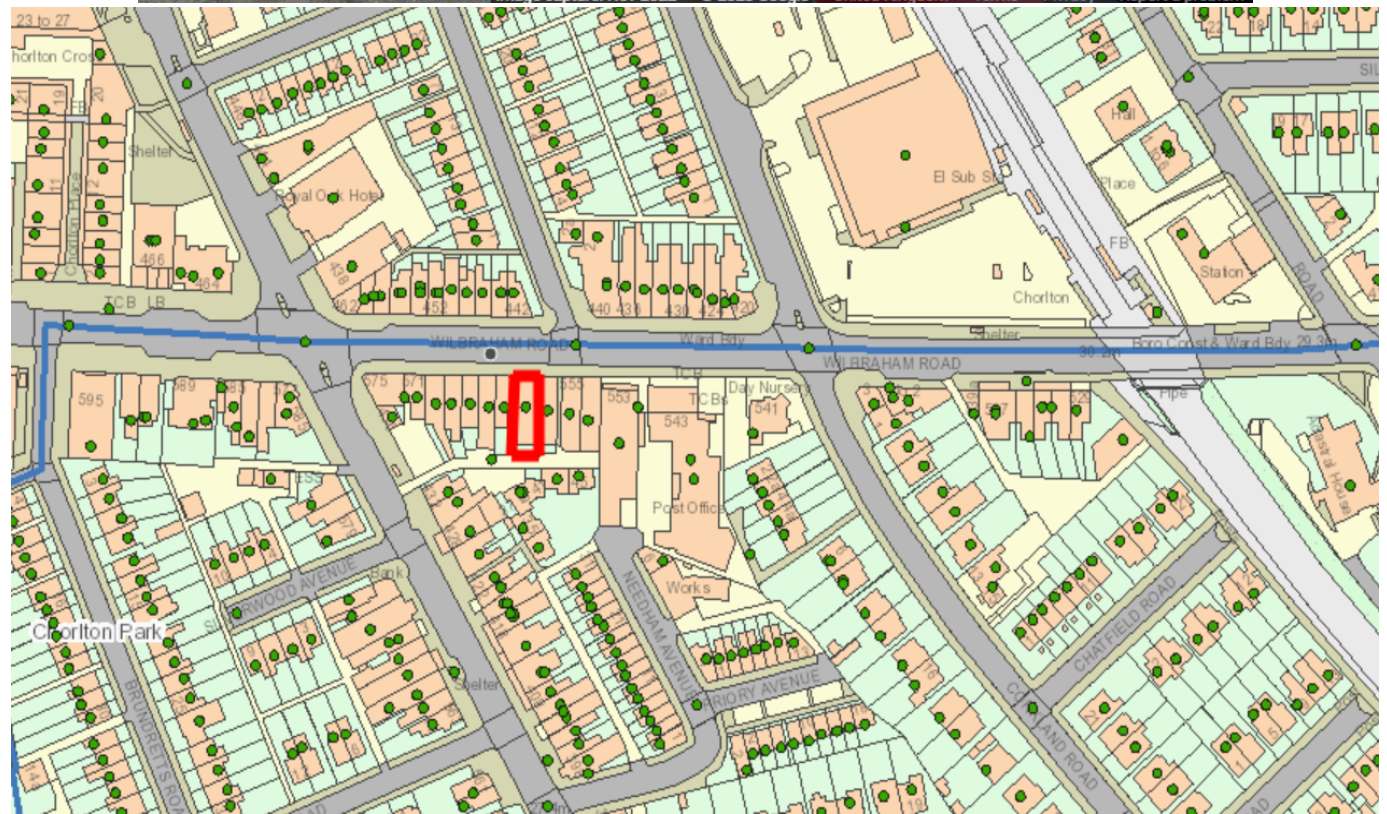
6.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:

- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance; and

- the protection of children from harm.
- 6.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 6.3 The Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- a) To grant the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate;
  - b) To reject the whole or part of the application
- 6.4 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 6.5 However, conditions should not be imposed on a licence which are unrelated to the variation sought.
- 6.6 All licensing determinations should be considered on the individual merits of the application.
- 6.7 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 6.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 6.9 **The Panel is asked to determine the application.**

Electrik  
559 Wilbraham Road, Manchester, M21 0AE  
Premises Licensing, Manchester City Council

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<b>PREMISE NAME:</b>	Electrik
<b>PREMISE ADDRESS:</b>	559 Wilbraham Road, Manchester, M21 0AE
<b>WARD:</b>	Chorlton Park
<b>HEARING DATE:</b>	13/02/2023

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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

## LICENSING ACT 2003 PREMISES LICENCE

<b>Premises licence number</b>	<b>050287</b>
<b>Granted</b>	<b>19/09/2005</b>
<b>Latest version</b>	<b>DPS Variation 247953 Granted 30/07/20</b>

### Part 1 - Premises details

<b>Name and address of premises</b>
<b>Electric</b> 559 Wilbraham Road, Manchester, M21 0AE

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

<b>The times the licence authorises the carrying out of licensable activities</b>
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<b>Sale by retail of alcohol</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1030	1030	1030	1030	1030	1030	1030
Finish	0030	0030	0030	0030	0130	0130	0030
The sale of alcohol is licensed for consumption both on and off the premises.							
<b>Seasonal variations and Non standard Timings:</b>							
New Year's Eve: From the start time on New Year's Eve to the terminal hour for New Year's Day							
On the day British Summer Time commences: one additional hour following the terminal hour.							
Valentines Day, St Patrick's Day, St Georges Day, St Andrews Day, Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Maundy Thursday and the Friday, Saturday, Sunday and Monday of each Bank Holiday: All have terminal hour of 0130.							

<b>Exhibition of films; Live music; Recorded music; Performances of dance</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1030	1030	1030	1030	1030	1030	1030
Finish	0030	0030	0030	0030	0130	0130	0030
Licensed to take place indoors only.							
<b>Seasonal variations and Non standard Timings:</b>							
New Year's Eve: From the start time on New Year's Eve to the terminal hour for New Year's Day							
On the day British Summer Time commences: one additional hour following the terminal hour.							
Valentines Day, St Patrick's Day, St Georges Day, St Andrews Day, Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Maundy Thursday and the Friday, Saturday, Sunday and Monday of each Bank Holiday: All have terminal hour of 0130.							

<b>Provision of late night refreshment</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0030	0030	0030	0030	0130	0130	0030

Licensed to take place indoors only.

**Seasonal variations and Non standard Timings:**  
 New Year's Eve: Start 2300 Finish 0500  
 On the day British Summer Time commences: one additional hour following the terminal hour.  
 Valentines Day, St Patrick's Day, St Georges Day, St Andrews Day, Christmas Eve, Christmas Day, New Year's Day, Maundy Thursday and the Friday, Saturday, Sunday and Monday of each Bank Holiday: All have terminal hour of 0130.

<b>Hours premises are open to the public</b>							
<b>Standard timings</b>							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0900	0900	0900	0900	0900	0900	0900
Finish	0100	0100	0100	0100	0200	0200	0100

**Seasonal variations and Non standard Timings:**  
 New Year's Eve: From the start time on New Year's Eve to the terminal hour for New Year's Day  
 On the day British Summer Time commences: one additional hour following the terminal hour.  
 Valentines Day, St Patrick's Day, St Georges Day, St Andrews Day, Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Maundy Thursday and the Friday, Saturday, Sunday and Monday of each Bank Holiday: All have terminal hour of 0130.

## Part 2

<b>Details of premises licence holder</b>	
<b>Name:</b>	Electric South Ltd
<b>Address:</b>	559 Wilbraham Road, Manchester, M21 0AE
<b>Registered number:</b>	06719968

<b>Details of designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Name:</b>	Mr David Justin Stewart Crawford
<b>Address:</b>	[REDACTED]
<b>Personal Licence number:</b>	234834
<b>Issuing Authority:</b>	Manchester City Council

<b>Annex 1 – Mandatory conditions</b>	
<b>Door Supervisors</b>	
<p>1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -</p> <p>(a) Unauthorised access or occupation (e.g. through door supervision),</p> <p>(b) Outbreaks of disorder, or</p> <p>(c) Damage,</p> <p>unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.</p>	
<b>Supply of alcohol</b>	
<p>2. No supply of alcohol may be made under this premises licence:</p> <p>(a) At a time when there is no designated premises supervisor in respect of the premises licence or,</p>	

- (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- (a) a holographic mark, or
- (b) an ultraviolet feature.
5. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purposes of the condition set out in (1) above–
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) “permitted price” is the price found by applying the formula–
- $$P = D + (D \times V)$$
- where –
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
8. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

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

#### **Exhibition of films**

9. The admission of children under the age of 18 to film exhibitions permitted under the terms of this certificate shall be restricted in accordance with any recommendations made:
- (a) by the British Board of Film Classification (BBFC) where the film has been classified by that Board, or

- (b) by the Licensing Authority where no classification certificate has been granted by the BBFC, or where the licensing authority has notified the club which holds the certificate that section 20 (3) (b) (74 (3)(b) for clubs) of the Licensing Act 2003 applies to the film

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

1. If a disk jockey is used to provide regulated entertainment at the premises at any time then an announcement which is clearly audible throughout the premises shall be made within the 30 minutes before the premises closes reminding patrons to leave the premises quietly.
2. Notices shall be prominently displayed at the exit of the premises asking patrons to leave quietly.
3. The CCTV system shall be maintained and operated during all hours that the premises are open to the public.
4. Notices shall be prominently displayed inside the premises advising patrons that there is a CCTV system in operation.
5. Any person who tries to gain entry to the premises and appears to be intoxicated or who is involved in disorderly conduct outside the premises will not be permitted entry to the premises. The premises licence holder shall ensure that any person within the premises who appears to be intoxicated or who is involved in disorderly conduct in the premises is removed from the premises.
6. Soft drinks and non-alcoholic drinks shall be made available for patrons to purchase upon request at any time that the premises is open to the public after the sale or supply of alcohol has stopped at the premises.
7. The premises shall become a member of, and maintain its membership of, the local Pub Watch Scheme.
8. An appropriate number of SIA registered door staff shall be employed at the premises.
9. Only photographic driving licences, passport or in agreement with the police a form of identification with the PASS hologram will be accepted by persons who appear to be under 18 who are attempting to purchase alcohol.
10. Sufficient numbers and types of fire fighting equipment shall be installed at the premises and shall be maintained and serviced according to the manufacturers' instructions.
11. An evacuation procedure which includes emergency exit from the premises by disabled customers shall be implemented at the premises and all staff shall be fully briefed in the procedure.
12. Regular risk assessment shall be carried out at the premises and any incidents shall be logged.
13. Effective lighting shall be maintained and operated on all external aspects of the premises during all the hours the premises is open to the public.
14. The premises shall install and maintain an adequate ventilation system.
15. The management of the premises will take all reasonable steps to ensure that local businesses and residents are not unduly affected by the licensable activities provided at the premises.
16. Persons under the age of 18 shall not be allowed on the premises, at any time that the premises are open to the public, unless accompanied and supervised by a person over the age of 18.
17. Staff shall be trained to recognise and refuse service to customers who have consumed excessive alcohol. All training shall be documented and repeated regularly.
18. The premises shall operate the Challenge 21 proof of age scheme. Any persons who appears to be under 21 and is attempting to purchase alcohol must be required to produce satisfactory "proof of age".

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

1. No person shall be permitted to remain in the outdoor drinking area after 2300.
2. Only plastic drink containers to be used in the outside areas.

3. All doors and windows to remain closed whilst all licensed activities are taking place, except for access and egress.
4. Whilst live entertainment is taking place, the appropriate number of S.I.A. registered door staff are be employed. This is to be done in agreement with the Crime Prevention Officer of Greater Manchester Police Authority.
5. All persons under 18 must be accompanied by a parent or carer.

**Annex 4 – Plans**

See attached

MCC Licensing Register



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

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

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

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

I/We Electric South Limited

*(Insert name(s) of applicant)*

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


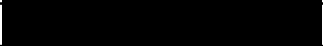



<b>Premises licence number</b> 050287
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Electrik 559 Wilbraham Road			
Post town	Manchester	Postcode	M21 0AE

Telephone number at premises (if any)	N/A
Non-domestic rateable value of premises	N/A

**Part 2 – Applicant details**

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

**Part 3 - Variation**

Please tick as appropriate

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

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

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

1. Vary the layout of the premises in accordance with the plans lodged with this application.
2. Remove Condition 1 of Annex 3 so that persons are permitted to remain in the outdoor drinking area after 11pm until the terminal hour.
3. Amend Condition 2 of Annex 3 so that it reads as follows: *'The premises will risk assess the use of glassware in the external area at all times'*.

The external area is not on the public highway and is in fact contained within the demise of the premises and therefore we consider that the removal/amendment of these conditions will not negatively impact upon the licensing objectives.

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

**Part 4 Operating Schedule**

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

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

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

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

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

A

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

## B

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

C

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



D

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

E

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

F

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

G

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

H

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

I

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

J

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

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 10).</p> <p>n/a</p>
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L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6) On the day British Summer Time commences: one additional hour following the terminal hour.
Day	Start	Finish	
Mon			
	09:00	01:00	
Tue			
	09:00	01:00	
Wed			
	09:00	01:00	
Thur			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7) New Year's Eve: From the start time on New Year's Eve to the terminal hour for New Year's Day. Valentine's Day, St Patrick's Day, St George's Day, St Andrew's Day, Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Maundy Thursday and the Friday, Saturday, Sunday and Monday of each Bank Holding: All have terminal hour of 01:30.
	09:00	01:00	
Fri			
	09:00	02:00	
Sat			
	09:00	02:00	
Sun			
	09:00	01:00	

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

Condition 1 Annex 3.

Condition 2 Annex 3.



Please tick as appropriate

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

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

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

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

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

As per the conditions attached to the current licence and the revised proposed condition regarding glassware.

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

As per the conditions attached to the current licence and the revised proposed condition regarding glassware.

**c) Public safety**

As per the conditions attached to the current licence and the revised proposed condition regarding glassware.

**d) The prevention of public nuisance**

As per the conditions attached to the current licence and the revised proposed condition regarding glassware.

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

As per the conditions attached to the current licence and the revised proposed condition regarding glassware.

## Checklist:

Please tick to indicate agreement

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

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

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

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

Signature	[REDACTED]
Date	22 <sup>nd</sup> December 2022
Capacity	[REDACTED]

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

Signature	
Date	
Capacity	

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

[REDACTED]  
[REDACTED]

Post town	[REDACTED]	Post code	[REDACTED]
Telephone number (if any)	[REDACTED]		

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

### Notes for Guidance

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

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

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

Document is Restricted

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## Schedule of Licence Conditions

<b>Conditions consistent with the operating schedule</b>	<b>Agreed</b>	<b>Proposed by</b>
<p>One condition on the current licence is requested to be removed, and one condition is requested to be amended, as below. All other conditions are as on the current premises licence.</p> <p><b>Remove Condition 1 of Annex 3</b> so that persons are permitted to remain in the outdoor drinking area after 11pm until the terminal hour.</p> <p>(For information, Condition 1 of Annex 3 is: No person shall be permitted to remain in the outdoor drinking area after 2300).</p> <p><b>Amend Condition 2 of Annex 3</b> so that it reads as follows: 'The premises will risk assess the use of glassware in the external area at all times'.</p> <p>For information Condition 2 of Annex 3 is: "Only plastic drink containers to be used in the outside areas."</p>	N/A	Applicant
<b>Conditions proposed by objectors</b>		
No conditions have been proposed by any of the objectors		

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**MANCHESTER  
CITY COUNCIL**
**Licensing & Out of Hours Compliance Team - Representation**

Name	Mitchell Ward
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	mitchell.ward@manchester.gov.uk
Telephone Number	0161 234 1220

Premise Details	
Application Ref No	284102
Name of Premises	Electrik
Address	559 Wilbraham Road, Manchester, M21 0AE

**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.

The Licensing and Out of Hours Team (LOOHT) have assessed the likely impact of the variation to the Premises Licence at 559 Wilbraham Road, Chorlton, Manchester, M21 0AE taking into account a number of factors. This includes the location of nearby residential properties, the hours applied for and any potential risk that the granting of this licence, could lead to issues of Public Nuisance.

LOOHT have given particular consideration to Manchester City Council's Statement of Licensing Policy, specifically s.7.25 in that the licensing authority will ensure that due consideration will be given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises; as well as s.7.28 in that the licensing authority will give consideration to the appropriateness of hours applied for, having regard for the location of premises and their likely effect of the promotion of the four Licensing Objectives.

The premises is situated on Wilbraham Road and is part of a busy area within the Chorlton ward. This is a popular area of Chorlton with many mixed-use commercial premises nearby including takeaway food establishments, various retail units and licensed premises.

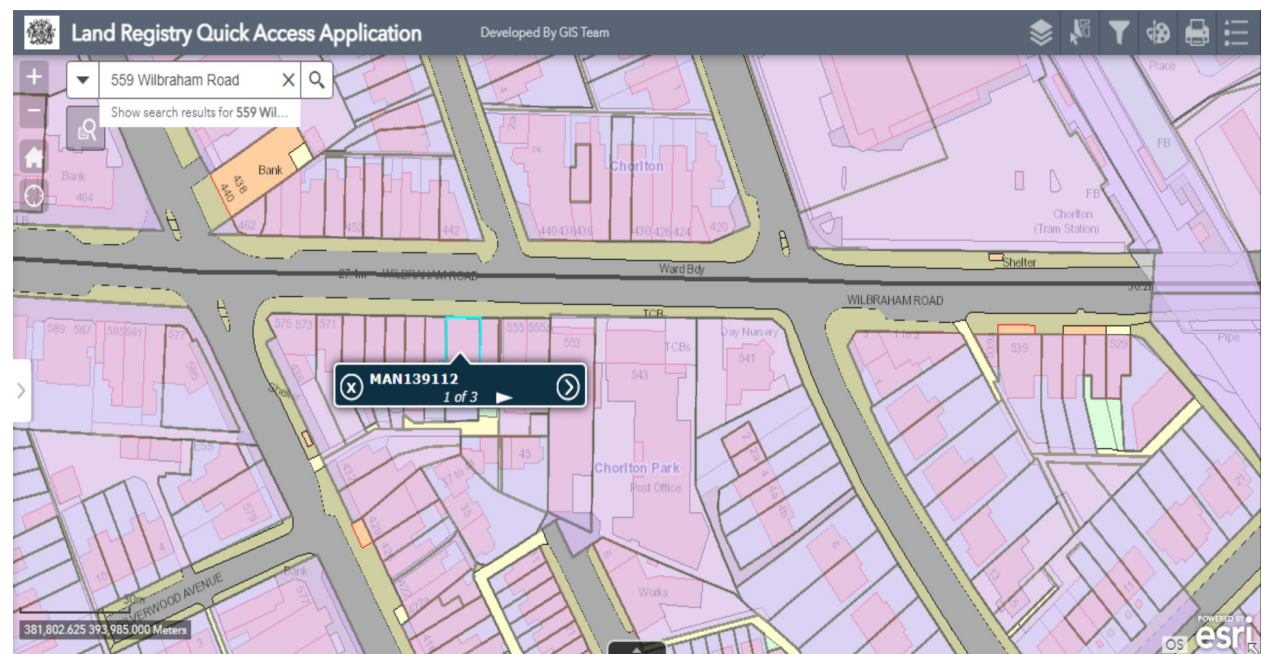
Surrounding the premises on Wilbraham Road are a number of flats positioned above the various commercial premises. Opposite the front external area is Keppel Road. Keppel Road is a residential street containing a number of houses and flats. Keppel Road is situated off Wilbraham Road.

LOOHT have concerns relating to the noise emanating from the external area of the premises into the later hours. The application has not provided any further measures in order to demonstrate how they intend to uphold the Licensing Objectives, specifically Public Nuisance, should this application be granted. Given the close proximity of the residential properties there is a considerable risk that noise nuisance may arise from people noise when using the external area until the terminal hour of 02:00.

Furthermore it is noted that during the original planning for Change of Use of the premises to a restaurant/bar, the hours were restricted to Sunday – Thursday 0800am to 1130pm and Friday – Saturday 0800am to midnight. These restricted hours were applied ‘To safeguard the amenities of occupiers of nearby residential accommodation.’ This planning condition and permitted hours of use would apply to both internal and external use of the premises.

The hours applied above are also in line with nearby licensed premises with a similar front external area.

Upon review of the amended layout proposed I have researched available Geographical Information Systems. I attach the below image which shows the premises within the highlighted area. It is unclear if the front of the external area, as stated on the application, is on land contained within the demise of these premises or is on the public highway. As such I would request further supporting documentation from the applicant on this matter.



In light of the above we are not in a position to recommend this application be approved. At this stage we have not received a response from the applicants representative and given the concerns outlined above must recommend this application be refused.

**Recommendation: Refuse application**

**From:** Mandie Shilton Godwin <cllr.mandie.shiltongodwin@manchester.gov.uk>

**Sent:** 04 January 2023 16:33

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

**Cc:** Dave Rawson <cllr.dave.rawson@manchester.gov.uk>; Joanna Midgley <cllr.joanna.midgley@manchester.gov.uk>

**Subject:** RE: NOT ACCEPTED AS REPRESENTATION - please confirm - Premises Licence variation 284102/HH1: Elektrik, 559 Wilbraham Road, Manchester, M21 0AE, (Chorlton Park ward)

Dear Helen

We believe that allowing the Elektrik bar to remain open outside until 1 am would undermine the licensing objectives as it would present a public nuisance.

Chorlton and Chorlton Park are residential areas primarily

Kind regards

Mandie

**From:** Dave Rawson <cllr.dave.rawson@manchester.gov.uk>

**Sent:** 16 January 2023 11:24

**To:** Premises Licensing <Premises.Licensing@manchester.gov.uk>; Mandie Shilton Godwin <cllr.mandie.shiltongodwin@manchester.gov.uk>; Joanna Midgley <cllr.joanna.midgley@manchester.gov.uk>

**Subject:** Premises Licence variation 284102/HH1: Elektrik, 559 Wilbraham Road, Manchester, M21 0AE, (Chorlton Park ward)

Hi

I am writing on behalf of the Chorlton Park ward councillors (ccd) to object to just one variation.

We cannot accept that outside drinking be permitted past the existing time, that is 11pm.

Whilst Elektrik is within the Chorlton District centre it must be noted that there are many residents who occupy the flats above bars and other business. This is a shared space.

We believe that 11pm is a reasonable time to close the outside space. As the evening wears on, so noise increases as patrons become merrier. Extra noise past 11pm is an infringement on residents right to be able to settle down for the night undisturbed. As things are now, there is already enough noise generated by the movement of customers coming and going between the various night time establishments. Late outside drinking could only encourage an increase in noise.

The curtilage here is very narrow and we do not want to see patrons blocking the pavement later than 11pm.

From 11pm onwards we believe that all patrons should be inside where they can be safely managed by staff and outside noise is reduced.

Cllr Dave Rawson

Cllr Joanna Midgley

Cllr Mandie Shilton Godwin

**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Subcommittee Hearing Panel – 13 February 2023

**Subject:** Tesco Express, Ground Floor, Units A and B Calico Building, 113 Princess Street, New Square, Manchester, M1 3BF - App ref: Premises Licence (new) 284214

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

### Summary

Application for the grant of a premises licence made under the Licensing Act 2003, which has attracted objections.

### Recommendations

That the Panel determine the application.

**Wards Affected:** Piccadilly

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

A connected city: world class infrastructure and connectivity to drive growth	
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**Full details are in the body of the report, along with any implications for:**

Equal Opportunities Policy  
 Risk Management  
 Legal Considerations

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**Financial Consequences – Revenue**

None

**Financial Consequences – Capital**

None

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**Contact Officers:**

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

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

---

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

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

## 1. Introduction

- 1.1 On 30/12/2022, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Tesco Express, Ground Floor, Units A and B Calico Building, 113 Princess Street, New Square, Manchester, M1 3BF in the Piccadilly ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

## 2. The Application

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is Tesco Stores Limited.
- 2.3 The description of the premises given by the applicant is 'Retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises.'
- 2.4 The proposed designated premises supervisor is Steven Nicholas Andrzejuk
- 2.5 **The licensable activities applied for:**

Provision of late night refreshment:

Mon to Sun 11pm to midnight

The provision of late night refreshment will take place indoors.

The supply of alcohol for consumption off the premises only:

Mon to Sun 6am to midnight

Opening hours:

Mon to Sun 6am to midnight

2.5.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.

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

## 2.6 **Activities unsuitable for children**

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

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

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

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

## 3. **Relevant Representations**

3.1 A total of 1 relevant representation was received in respect of the application (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these representations will be available to the Panel at the hearing.

### Responsible Authorities:

- MCC Licensing and Out of Hours Compliance Team;

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
<b>Licensing and Out of Hours Compliance</b>	LOOH believe that in order to ensure the Licensing Objectives are upheld further conditions are required, particularly given the proximity of the premises to Canal Street.	Grant with conditions

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

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

### 4.1 **Legal Considerations**



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

#### 4.2 **New Information**

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

#### 4.3 **Hearsay Evidence**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section 7: Local factors**

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

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

- Evidence of pre-existing problems in the area
- Proximity of takeaways and off-licences to nightlife entertainment areas
- Consistency with relevant Council strategies
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance

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

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

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS3 Responsible promotion and sale of alcohol
- MS5 Prevent on-street consumption of alcohol

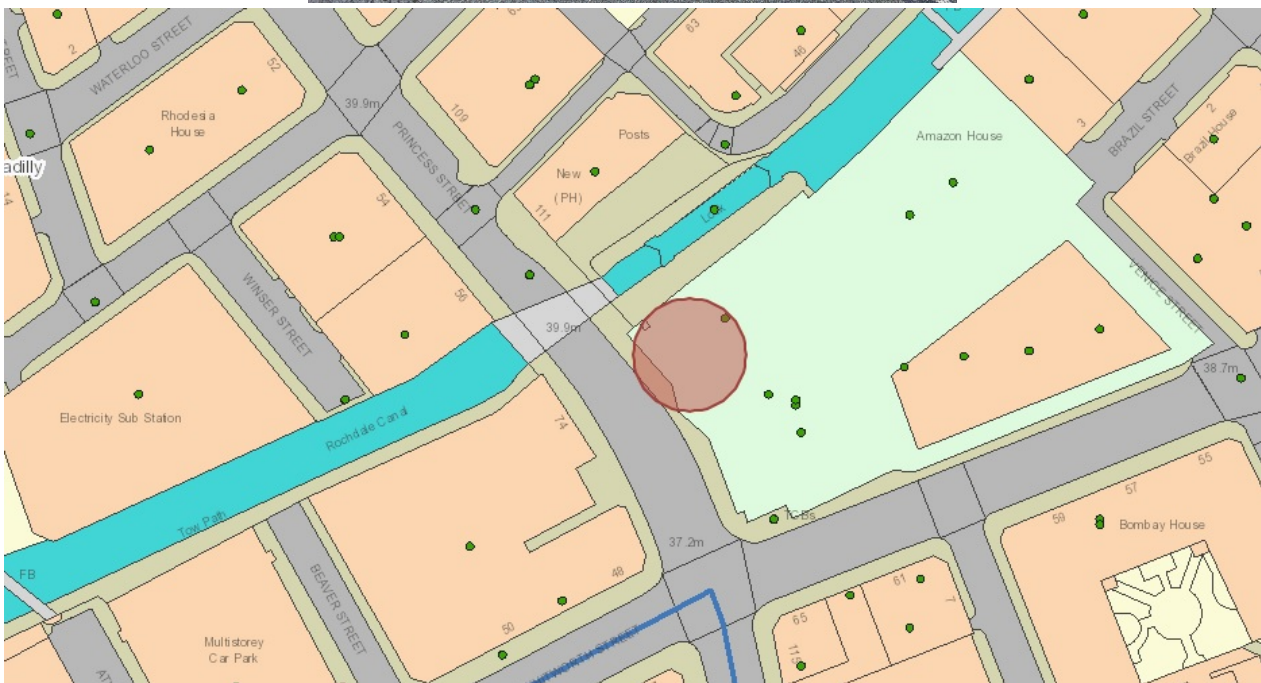
### **Conclusion**

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

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

Tesco Express  
 Ground Floor, Units A and B Calico Building, 113  
 Princess Street, New Square, Manchester, M1 3BF  
 Premises Licensing  
 Manchester City Council

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 Survey100019568.



<b>PREMISE NAME:</b>	Tesco Express
<b>PREMISE ADDRESS:</b>	Ground Floor, Units A and B Calico Building, 113 Princess Street, New Square, Manchester, M1 3BF
<b>WARD:</b>	Piccadilly
<b>HEARING DATE:</b>	13/02/2023



## 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** Tesco Stores Limited

*(Insert name(s) of applicant)*

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

#### Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description			
<b>New Development (Calico Building, New Square) with Ground Floor retail unit to become Tesco Express, the extent of the premises can be viewed on the enclosed layout plan attached to this application. Location address and description below:</b>			
<b>Tesco Express, Ground Floor Retail Units A &amp; B - Calico Building, 113 Princess Street, New Square, City Centre, Manchester, M1 3BF</b>			
<b>Grid Reference: SJ 84310 97720</b>			
<b>Post town</b>	Manchester	<b>Postcode</b>	M1 3BF

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	<b>£ Unknown - Property not on VOA. Payment made in Band C for "property under construction"</b>

#### Part 2 - Applicant details

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

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

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

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

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

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



**SECOND INDIVIDUAL APPLICANT** (if applicable)

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

**(B) OTHER APPLICANTS**

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

Name <b>Tesco Stores Limited</b>
Address <b>Tesco House, Shire Park, Kestrel Way, Welwyn Garden City, Hertfordshire, AL7 1GA</b>
Registered number (where applicable) <b>00519500</b>
Description of applicant (for example, partnership, company, unincorporated association etc.) <b>Private Limited Company</b>
Telephone number (if any) <b>01707 940740</b>

E-mail address (optional)



### Part 3 Operating Schedule

When do you want the premises licence to start?

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

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

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

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

Retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises. Sales of alcohol for consumption off the premises are made from the supermarket sales floor as shown on the enclosed plan.

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

N/A

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

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

A

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

## B

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

C

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

## D

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

E

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

F

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



## G

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

H

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

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	06:00	00:00			
Tue	06:00	00:00			
Wed	06:00	00:00			
Thur	06:00	00:00			
Fri	06:00	00:00			
Sat	06:00	00:00			
Sun	06:00	00:00			
			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

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		[REDACTED]
Date of birth		[REDACTED]
Address		
[REDACTED]		
Postcode	[REDACTED]	
Personal licence number (if known)		
[REDACTED]		
Issuing licensing authority (if known)		
[REDACTED]		

**K**

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

N/a

**L**

**Hours premises are open to the public**  
Standard days and timings (please read guidance note 7)

Day	Start	Finish
Mon	06:00	00:00
Tue	06:00	00:00
Wed	06:00	00:00
Thur	06:00	00:00
Fri	06:00	00:00
Sat	06:00	00:00
Sun	06:00	00:00

State any seasonal variations (please read guidance note 5)

**Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list** (please read guidance note 6)

**M**

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

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

Tesco is a large national operator with a range of head office and local support. The company has devised policies, procedures, systems, and training to ensure that they sell alcohol in a responsible manner.

There is a detailed programme which ensures that comprehensive training is provided to employees having regard to their role and the responsibilities and such training is regularly reviewed, and records kept.

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

We will have a digital CCTV system that covers the premises, including the main area which will be used for display of alcohol. Images will be retained for 31 days.

A member of the management team will be on the premises all the time the store is open. This colleague will have responsibility for the premises and will be the initial point of contact for any issues that may arise.

**c) Public safety**

The premises licence holder is fully aware of its responsibilities under a range of health and safety related legislation and has policies and procedures in place to be confident of complying with the relevant obligations which arise.

**d) The prevention of public nuisance**

The company has a “good neighbour” ethos which seeks to ensure that the premises plays an active part in the local community.

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

The premises will operate a Think 25 policy. The checkouts will be programmed to prompt the customer assistant when an alcohol product is scanned at the checkout to follow the Think 25 policy.

All colleagues will receive training in relation to the underlying law and Tesco policy, systems, and procedures. This training will be documented, and refresher training will be provided on a regular basis.

**Checklist:**

**Please tick to indicate agreement**

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

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

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

**Part 4 – Signatures** (please read guidance note 11)

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

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

Date	30/12/2022
Capacity	[REDACTED] Duly authorised agent, for and on behalf of Tesco Stores Limited

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
<b>Tesco Licensing Team, Kestrel Way, Shire Park,</b>			
Post town	<b>Welwyn Garden City</b>	Postcode	<b>AL7 1TW</b>
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			



- DPS Consent Form for Manchester

**Consent of individual to being specified as premises supervisor**

I

*[full name of prospective premises supervisor]*

of

*[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

*[type of application]*

by

*[name of applicant]*

relating to a premises licence

*[number of existing licence, if any]*

for

Store Address:  
  
Tesco Stores Limited,  
Ground Floor Retail Units A & B - Calico Building,  
113 Princess Street,  
New Square,  
City Centre,  
Manchester,  
M1 3BF

*[name and address of premises to which the application relates]*

and any premises licence to be granted or varied in respect of this application made by  
*[name of applicant]*

Tesco Stores Limited

concerning the supply of alcohol at

Store Address:  
  
Tesco Stores Limited,  
Ground Floor Retail Units A & B - Calico Building,  
113 Princess Street, New Square,  
City Centre, Manchester,  
M1 3BF

*[name and address of premises to which application relates]*

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[REDACTED]

*[insert personal licence number, if any]*

Personal licence issuing authority

[REDACTED]

*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed

[REDACTED]

Name (please print)

[REDACTED]

Date

30/12/2022

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***For Tesco Office Use Only***

[REDACTED]

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

Document is Restricted

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**MANCHESTER  
CITY COUNCIL**

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

Name	Margaret Lewis
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	Margaret.lewis@manchester.gov.uk
Telephone Number	0161 234 1220/07795010291

Premise Details	284214
Name of Premises	Tesco
Address	Calico Building, New Sq, 113 Princess Street

**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.

Licensing and out of hours team (LOOHT) have assessed the likely impact of granting the new licence, taking into account a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this licence could undermine the licensing objectives.

They have applied to open Monday to Sunday 6am till midnight, selling alcohol off sales the whole opening period and late-night refreshments.

LOOH believe the applicant we believe have not had regards to the licensing objective public nuisance, given that they are located below a residential block, close to the vibrant canal street.

The premises is located close to the vibrant night life of Canal Street and the Village, which brings 1000's of people to the area, they have not had regard to the need for SIA to deal with incidents that may occurring times when there are high footfall times.

LOOH believe for the premises to be able to fully uphold the licensing objectives, the following conditions should be added the to the licence.

The prevention of public nuisance

In line with the planning conditions

Deliveries, servicing, and collections, including waste, collections for the shall not take place outside the following hours:

07:30 to 20:00 Monday to Saturday

10:00 to 18:00 Sundays and Bank Holidays

The prevention of crime and disorder

In addition to the condition offered in relation to CCTV

The premises licence holder must ensure that there are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

All equipment in relation to CCTV must have a constant and accurate time and date generation.

Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors:

- (i) Location of the premises
- (ii) Time of year
- (iii) Special occasion (New Year, Halloween, Pride, Local events etc.)

Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.

Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.

Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.

#### Protection of children from harm

All staff authorised to sell alcohol shall be trained in

- (i) Relevant age restrictions in respect of products
- (ii) Prevent underage sales
- (iii) Prevent proxy sales
- (iv) Maintain the refusals log
- (v) Enter sales correctly on the tills so the prompts show as appropriate

Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 [or specify] monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.

The premises shall display prominent signage indicating at any point of sale and in all areas where alcohol is located that the Challenge 25 scheme is in operation.

Recommendation: Approve with Conditions (Outlined Above)

## Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> <li>1. Comprehensive training shall provided to employees having regard to their role and the responsibilities, and such training shall regularly be reviewed, and records kept.</li> <li>2. The premises will have a digital CCTV system that covers the premises, including the main area which will be used for display of alcohol. Images will be retained for 31 days.</li> <li>3. A member of the management team will be on the premises all the time the store is open. This colleague will have responsibility for the premises and will be the initial point of contact for any issues that may arise.</li> <li>4. The premises shall operate a Think 25 policy. The checkouts will be programmed to prompt the customer assistant when an alcohol product is scanned at the checkout to follow the Think 25 policy.</li> <li>5. All colleagues will receive training in relation to the underlying law and Tesco policy, systems, and procedures. This training will be documented, and refresher training will be provided on a regular basis.</li> </ol>	N/A	Applicant
Conditions proposed by objectors	Agreed	Proposed by
<ol style="list-style-type: none"> <li>6. Deliveries, servicing, and collections, including waste, collections for the shall not take place outside the following hours: 07:30 to 20:00 Monday to Saturday 10:00 to 18:00 Sundays and Bank Holidays</li> <li>7. The premises licence holder must ensure that there are members of trained staff at the premises during operating hours able to provide viewable copies of CCTV on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).</li> <li>8. All equipment in relation to CCTV must have a constant and accurate time and date generation.</li> <li>9. Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors: <ol style="list-style-type: none"> <li>(i) Location of the premises</li> <li>(ii) Time of year</li> <li>(iii) Special occasion (New Year, Halloween, Pride, Local events etc.)</li> </ol> </li> <li>10. Where SIA registered door supervisors are used at the premises, a</li> </ol>	No	Licensing and Out of Hours

## Schedule of Licence Conditions

<p>record must be kept of their SIA registration number and the dates and times when they are on duty.</p> <p>11. Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.</p> <p>12. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times when they are on duty.</p> <p style="padding-left: 40px;">All staff authorised to sell alcohol shall be trained in</p> <ul style="list-style-type: none"> <li>(i) Relevant age restrictions in respect of products</li> <li>(ii) Prevent underage sales</li> <li>(iii) Prevent proxy sales</li> <li>(iv) Maintain the refusals log</li> <li>(v) Enter sales correctly on the tills so the prompts show as appropriate</li> </ul> <p>13. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.</p> <p>14. The premises shall display prominent signage indicating at any point of sale and in all areas where alcohol is located that the Challenge 25 scheme is in operation.</p>		
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