



Licensing Sub Committee Hearing Panel

Date: Monday, 26 June 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 entrance of the Extension.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Evans, Hilal and Reid

Agenda

1. Urgent Business

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

2. Appeals

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

3. Interests

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

4. Application for a Premises Licence Variation - Fallowfield Convenience Store, 240-242 Wilmslow Road, Manchester, M14 6LD 5 - 120

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

5. Application for a New Premises Licence - Sam Off Licence, 20a Swan Street, Manchester, M4 5JW 121 - 186

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

6. Temporary Event Notice - Empire House, 2 Empire Street, Manchester, M3 1JA 187 - 218

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

Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

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

Further Information

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

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This agenda was issued on **Friday, 16 June 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 – 26 June 2023

Subject: Fallowfield Convenience Store, 240-242 Wilmslow Road,
Manchester, M14 6LD - App ref: Premises Licence variation 287879

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: Fallowfield

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

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

Equal Opportunities Policy
 Risk Management
 Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Patrick Ware
 Position: Technical Licensing Officer
 Telephone: 0161 234 4858
 E-mail: 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.
- Any further documentary submissions by any party to the hearing

1. Introduction

- 1.1 On 02/05/2023, an application for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 was made in respect of Fallowfield Convenience Store, 240-242 Wilmslow Road, Manchester, M14 6LD in the Fallowfield 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 Mr Ehsan Ali 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 hours for the sale of alcohol and opening hours and the addition of late night refreshment.

The premises is an existing convenience store that has been operated by the applicant without problems or complaints.

All types of convenience products are sold including fresh & frozen food, toiletries, household, newspapers etc. Other services are also offered to customers such as the ability to pay bills & collect/send packages.

In terms of addressing the licensing objectives, the existing licence has several robust conditions and those have been supplemented by additional measures volunteered within this application to ensure the continuing support of the licensing objectives.

Proposed hours and licensable activities:

Provision of late night refreshment (indoors):

Current hours: Not currently permitted

Proposed hours: Mon to Sun 11pm to 2am

Supply of alcohol for consumption off the premises only:

Current hours: Mon to Sun 8am to 12 midnight

Proposed hours: Mon to Sun 8am to 2am

Opening hours:

Current hours: Mon to Sun 8am to 12 midnight

Proposed hours: Mon to Sun 8am to 2am

Steps to promote licensing objectives as given by the applicant

Removal of condition 7 (Annex 2)

Removal of condition 12 (Annex 2) – replaced by improved version.

Removal of condition 1 (Annex 3)

Removal of condition 2 (Annex 3) – replaced by improved version.

On first appointment, all staff employed at the premises shall receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk and any other relevant matters. Training shall be regularly refreshed at no less than annual intervals. The training must be recorded and be accessible on the premises and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours.

All crimes to be reported to police.

The premises licence holder shall ensure that a risk assessment is completed to determine if door supervisors are required to cover busier periods of the week.

There shall be no sales of beer, lager or cider with an alcohol content above 6.5% ABV in metal or plastic containers. This restriction shall not apply in respect of specialist branded premium priced products, for example craft ales, local or micro-brewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider. Staff shall reinforce that alcohol should not be consumed in the street at point of sale, where appropriate.

Notices shall be displayed at the entrance/exit to the premises asking customers to leave the store quietly and respect local residents.

The premises shall adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older.

The only forms of identification that will be accepted will bear their photograph, date of birth and a holographic mark and/or ultraviolet feature. Examples of appropriate identification include a passport, photocard driving licence, military ID, and Home Office approved proof of age ID card bearing the PASS hologram.

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

Responsible Authorities:

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

Other Persons:

- Withington Civic Society
- Fallowfield Community Gardens;
- Residents (6).

- 4.2 Summary of the representations: AMEND AS NECESSARY

Party	Grounds of representation	Recommends
GMP	Concerns that current problems of littering, noise disturbance and other anti-social behaviour will be exacerbated if alcohol hours are increased. Fallowfield suffers late night, noisy, alcohol-fuelled house parties, which cause a high level of disturbance to local residents and later alcohol hours at the premises will provide an additional source of alcohol.	Refuse
Licensing and Out of Hours Compliance	Concerns that granting this variation is likely to contribute further to the considerable pre-existing public nuisance issues in this residential/student area and that granting of the variation would be inconsistent with the Council's policy. The removal of the condition that all staff are Personal Licence Holders, the lack of detail proposed for the door staff risk assessment and the issue of litter are also concerns.	Refuse
Neighbourhoods	There have been complaints of ASB, litter and transient noise in the area along with community tensions and a recent serious incident on Wilmslow Road and it is felt that selling alcohol until early hours will increase issues and complaints.	Refuse
Licensing Authority	Concerns that the grant of the application is likely to undermine the promotion of the licensing objection as it: <ul style="list-style-type: none"> • Proposes to weaken the existing controls in place for staff training whilst increasing the level of risk of alcohol-related issues • Increases the sale of alcohol at a period that customers are increasingly likely to be 	Refuse

	<p>intoxicated and potentially vulnerable.</p> <ul style="list-style-type: none"> • Increases the availability of alcohol and will exacerbate existing issues with anti-social behaviour in the locality. • Provides no detail around the proposed variation, such as what late night refreshment will be provided and how this will be served. • Fails to address relevant risks associated with the proposed variation, such as litter and the risk of increased conflict • Fails to address relevant standards as set out in Section 8 of the Council's policy • Increases the risk and likelihood of cheaper alcohol consumed in unsupervised environments • The premises have previously been evidenced as selling higher strength alcohol products including those associated with problematic • The grant of the variation would be inconsistent with the Council's policy • The proposed step in relation to the provision of a risk assessment provides no assurance that appropriate door supervision would be provided. • The proposed steps offer little tangible protections to promote the licensing objectives. 	
<p>Withington Civic Society</p>	<p>Concerns regarding the potential increase in noise nuisance, litter, crime and anti-social behaviour and the lateness of the proposed terminal hour.</p>	<p>Refuse</p>

Fallowfield Community Gardens	Concerns regarding existing noise, nuisance, littering, criminal damage and anti-social behaviour and the potential increase with the proposed later availability of alcohol.	Refuse
Residents (x6)	Concerns that late availability of alcohol will increase public drunkenness, anti-social behaviour, litter, noise and nuisance affecting local residents and the cumulative impact of the requested late opening of these premises on top of other local premises which are already selling alcohol. Residents also refer to a murder which occurred in October 2022.	Refuse

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

4.4 No agreements on conditions have been reached with persons making representations.

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 5: Special Policy Area

The premises is located within the following special policy area:

Fallowfield and Wilmslow Road

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

Section 6: What we aim to encourage

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

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

Section 7: Local factors

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

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

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

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

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

MS1 Implement effective security measures at the premises

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

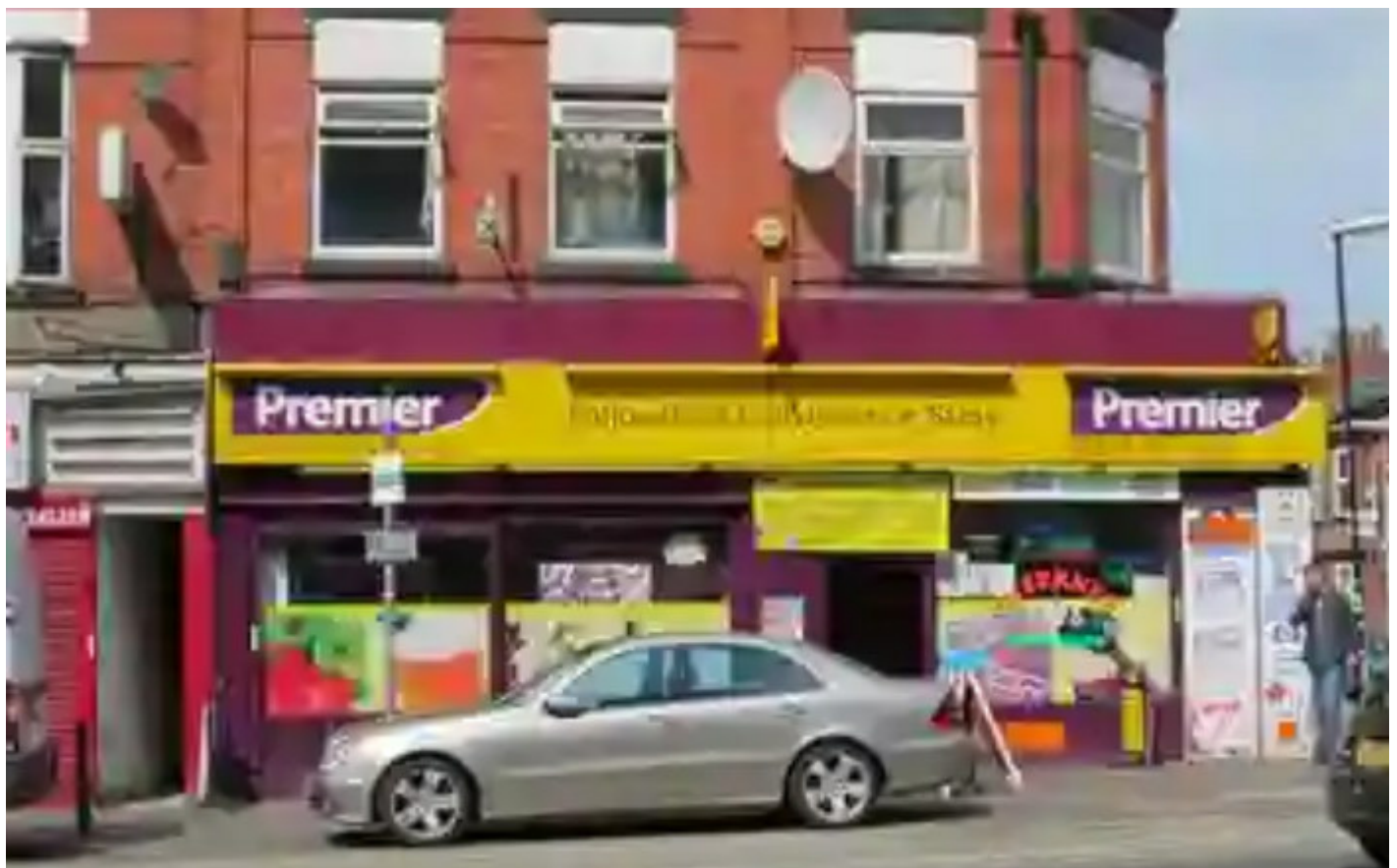
6. **Conclusion**

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

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Fallowfield Convenience Store
 240-242 Wilmslow Road, Manchester, M14 6LD
 Premises Licensing
 Manchester City Council

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PREMISE NAME: Fallowfield Convenience Store

PREMISE ADDRESS: 240-242 Wilmslow Road, Manchester, M14 6LD

WARD: Fallowfield

HEARING DATE: 26/06/2023

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	142846
Granted	04/07/2012
Latest version	Transfer 284121 and DPS Variation 284123 Granted 10.01.23

Part 1 - Premises details

Name and address of premises
Fallowfield Convenience Store 240-242 Wilmslow Road, Manchester, M14 6LD
Telephone number
0161 225 6888

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

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2400	2400	2400	2400	2400	2400	2400
The sale of alcohol is licensed for consumption off the premises only.							
Seasonal variations and Non-standard Timings: None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0800	0800	0800	0800	0800	0800	0800
Finish	2400	2400	2400	2400	2400	2400	2400
Seasonal variations and Non-standard Timings: None							

Part 2

Details of premises licence holder	
Name:	Mr Ehsan Ali
Address:	[REDACTED]
Registered number:	Not Applicable

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Muhammad Ali
Address:	[REDACTED]
Personal Licence number:	21/00213
Issuing Authority:	Stockport Metropolitan Borough Council

Annex 1 – Mandatory conditions

Door Supervisors

1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -
 - (a) Unauthorised access or occupation (e.g. through door supervision),
 - (b) Outbreaks of disorder, or
 - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
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.

Annex 2 – Conditions consistent with the operating schedule

1. A tamper proof CCTV system shall be installed at the premises, in liaison with, and to the satisfaction of, Greater Manchester Police, and shall be used to record footage during all hours the premises is opening. Cameras shall be located both inside and out.
2. CCTV shall be maintained in good working order and any maintenance work carried out promptly. There shall be in the premises an employee who is able to operate and download footage at all times.
3. A plan of CCTV cameras' location shall be provided to GMP before the premises commences the sale of alcohol.
4. The images recorded by the system shall be retained in an unedited format for a period of not less than 31 days. CCTV footage shall be made available to an officer of a responsible authority upon request.
5. The areas where the alcohol is displayed shall be under the constant surveillance of the CCTV cameras.
6. A first aid box shall be kept at the premises.
7. All alcoholic products shall be labelled with the name of the shop.
8. The external perimeter of the shop shall be regularly monitored for litter and clean regularly.
9. Regular patrols of the outside area shall take place to ensure that people do not congregate there.
10. Deliveries and private waste collections shall not take place outside the hours of 0900 and 2000.
11. Signs shall be displayed at the exit to the premises advising customer that street drinking is prohibited and that CCTV is in operation.
12. The Challenge 25 Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of identification are a passport or photo card driving licence.
13. Notices shall be displayed in prominent positions indicating that the Challenge 25 Policy is in force.
14. Notices advising what forms of identification are acceptable shall be clearly displayed.
15. Notices explaining the law in relation to purchasing alcohol on behalf of persons under 18 shall be displayed.
16. The premises shall operate a refusals book; such book shall be shown to an officer of a responsible authority upon request.

Annex 3 – Conditions attached after hearing by the licensing authority

1. All staff selling alcohol shall hold a personal licence.
2. All staff selling alcohol shall undertake extra training on the following areas;
 - a) The law concerning the sale of alcohol.
 - b) The four licensing objectives.
 - c) Conflict Management.

Annex 4 – Plans

See attached

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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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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 Ehsan Ali

.....
(Insert name(s) of applicant)

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

Premises licence number 142846

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Fallowfield Convenience Store 240-242 Wilmslow Road			
Post town	Manchester	Postcode	M14 6LD

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

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

The premises is an existing convenience store that has been operated by the applicant without problems or complaints.

All types of convenience products are sold including fresh & frozen food, toiletries, household, newspapers etc. Other services are also offered to customers such as the ability to pay bills & collect/send packages.

In terms of addressing the licensing objectives, the existing licence has several robust conditions and those have been supplemented by additional measures volunteered within this application to ensure the continuing support of 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.

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

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

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

In all cases complete boxes K, L and M

A

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<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			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
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

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	2300	0200		<u>Please give further details here</u> (please read guidance note 5)	
Tue	2300	0200			
Wed	2300	0200	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur	2300	0200			
Fri	2300	0200	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	2300	0200			
Sun	2300	0200			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)		On the premises	<input type="checkbox"/>
					Off the premises	X E r r o r! B o o k m a r k n o t d e f i n e d .
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6) <u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)			
Mon	0800	0200				
Tue	0800	0200				
Wed	0800	0200				
Thur	0800	0200				
Fri	0800	0200				
Sat	0800	0200				
Sun	0800	0200				

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 10).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	0800	0200	
Tue	0800	0200	
Wed	0800	0200	
Thur	0800	0200	
Fri	0800	0200	
Sat	0800	0200	
Sun	0800	0200	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)

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.

Removal of condition 7 (Annex 2)
Removal of condition 12 (Annex 2) – replaced by improved version.

Removal of condition 1 (Annex 3)
Removal of condition 2 (Annex 3) – replaced by improved version.

Please tick as appropriate

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

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

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

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

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

On first appointment, all staff employed at the premises will receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk and any other relevant matters. Training shall be regularly refreshed at no less than annual intervals. The training must be recorded and be accessible on the premises and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours.

b) The prevention of crime and disorder

All crimes to be reported to police.

The premises licence holder will ensure that a risk assessment is completed to determine if door supervisors are required to cover busier periods of the week.

c) Public safety

There will be no sales of beer, lager or cider with an alcohol content above 6.5% ABV in metal or plastic containers. This restriction shall not apply in respect of specialist branded premium priced products, for example craft ales, local or micro-brewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider.

Staff shall reinforce that alcohol should not be consumed in the street at point of sale, where appropriate.

d) The prevention of public nuisance

Notices will be displayed at the entrance/exit to the premises asking customers to leave the store quietly and respect local residents.

e) The protection of children from harm

The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older.

The only forms of identification that will be accepted will bear their photograph, date of birth and a holographic mark and/or ultraviolet feature. Examples of appropriate identification include a passport, photocard driving licence, military ID, and Home Office approved proof of age ID card bearing the PASS hologram.

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	
Date	02.05.23
Capacity	Authorised agent

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
[REDACTED]			
[REDACTED]			
Post town	[REDACTED]	Post code	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

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

Document is Restricted

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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. Removal of condition 7 (Annex 2) All alcoholic products shall be labelled with the name of the shop. 2. Removal of condition 12 (Annex 2) The Challenge 25 Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of identification are a passport or photo card driving licence – replaced by improved version. 3. Removal of condition 1 (Annex 3) All staff selling alcohol shall hold a personal licence. 4. Removal of condition 2 (Annex 3) All staff selling alcohol shall undertake extra training on the following areas; <ol style="list-style-type: none"> a. The law concerning the sale of alcohol. b. The four licensing objectives. c. Conflict Management – replaced by improved version. 5. On first appointment, all staff employed at the premises shall receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk and any other relevant matters. Training shall be regularly refreshed at no less than annual intervals. The training must be recorded and be accessible on the premises and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours. 6. All crimes to be reported to police. 7. The premises licence holder shall ensure that a risk assessment is completed to determine if door supervisors are required to cover busier periods of the week. 8. There shall be no sales of beer, lager or cider with an alcohol content above 6.5% ABV in metal or plastic containers. This restriction shall not apply in respect of specialist branded premium priced products, for example craft ales, local or micro-brewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider. Staff shall reinforce that alcohol should not be consumed in the street at point of sale, where appropriate. 9. Notices shall be displayed at the entrance/exit to the premises asking customers to leave the store quietly and respect local residents. 10. The premises shall adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 	N/A	Applicant

Schedule of Licence Conditions

<p>18 years or older.</p> <p>11. The only forms of identification that will be accepted will bear their photograph, date of birth and a holographic mark and/or ultraviolet feature. Examples of appropriate identification include a passport, photocard driving licence, military ID, and Home Office approved proof of age ID card bearing the PASS hologram.</p>		
<p>Conditions proposed by objectors</p>	<p>Agreed</p>	<p>Proposed by</p>
<p>N/A: No conditions offered</p>	<p>N/A</p>	<p>N/A</p>

GREATER MANCHESTER POLICE - REPRESENTATION

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

About the Premises	
Application Reference No.	LPV 287879
Name of the Premises	Fallowfield Convenience Store
Address of the premises including postcode	240-242 Wilmslow Road, Manchester M14 6LD

Your Representation	
Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the licence on the licensing objectives on and in the vicinity of the premises in question.	
Please accept this as formal notification of the Greater Manchester Police objection to the premises licence variation in relation to the above premises.	
The grounds for the objection are the Prevention of Crime and Disorder and the Prevention of Public Nuisance.	

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

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

Specifically, the application is seeking to allow the provision of alcohol until 0200 hours 7 days a week

The Wilmslow Road corridor suffers from littering, noise disturbance and other anti-social behaviour and to allow a longer window of availability of alcohol in this area is likely to exacerbate these problems and undermine the hard work of the local Neighbourhood Policing Team.

The area where the premises are situated was, until recently, subject to a Cumulative Impact Policy due to the problems in the area, many of which are noise, littering and anti-social behaviour related.

This policy recently lapsed and, whilst it cannot be used as a reason in itself to refuse an application in this area, it shows that there are issues within the area which resulted in the policy being introduced back in 2013.

The latest consultation for the reintroduction of the Special Policy has recently been circulated so this shows that the same kind of issues still exist today.

Fallowfield suffers from issues with late night, noisy, alcohol fuelled house parties, which cause a high level of disturbance to local residents.

GMP are concerned that by allowing this premises to be able to sell alcohol for 2 hours extra each night will mean that there is yet another readily available source of alcohol at a time when these parties are often in full swing.

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



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

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

Premise Details

Application Ref No	REF287879
Name of Premises	Fallowfield Convenience Store
Address	240-242 Wilmslow Road, Manchester, M14 6LD

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 have assessed the likely impact of the granting of this variation 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 lead to issues of public nuisance.

The premises is situated on the Fallowfield Brow section of Wilmslow Road an area almost exclusively made up of licensed premises with 2 other off licenses, numerous late-night refreshment take aways and 3 public houses. Directly to the rear of the premises is Fallowfield Brow, a large residential area densely populated with students.

Granting this variation is likely to contribute further to the considerable pre-existing public nuisance issues in this area. Complaints of antisocial behaviour from local residents repeatedly cite problems with noise and litter (see images below). The addition of another store selling alcohol ,making it more readily available and easing access, to alcohol until 2am, is likely to draw more people to the area adding to the nuisance local residents experience and undermine the licensing objectives.

The granting of the variation would be inconsistent with the Council's policy. The statement of licensing policy states in section

Section 7.31 states Later hours will generally be more appropriate within the city centre than other areas due to the developed infrastructure in respect of managing a later night-time economy, such as the comprehensive integrated CCTV network, increased access to public transport, cleansing services, and a more visible enforcement presence.

7.25 The potential impact on any local residents will be an important matter for consideration.

7.29 The authority considers that later hours will typically be more sensitive and higher risk in causing problems.

Whilst the premises existing licence conditions go some way to address these issues the application appears to diminish their effectiveness with the

removal of key safeguards ensuring that all staff are personal licence holders.

Furthermore, the increased sensitivity and high risk of problems associated with later hours are not fully addressed. There is no detail on how the premises will effectively risk assess the need for door staff and the condition offered is hazy. The issue of litter in the surrounding area are not sufficiently dealt with, nor can they be by way of licence conditions as they exist outside the immediate vicinity of the premise.

Therefore, we recommend this application is refused.



Recommendation: Refuse Application

Neighbourhood

From: Gavin Evans <gavin.evans@manchester.gov.uk>

Sent: 22 May 2023 12:15

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

Subject: Premises Licence variation 287879/PW5: Fallowfield Convenience Store, 240-242 Wilmslow Road, Manchester, M14 6LD, (Fallowfield ward)

I would like to raise concerns as Neighbourhood Manager with this application to sell alcohol from midnight to 2am This particular part of Fallowfield has a high number of students and we often have complaints of ASB, litter and transient noise.

There are community tensions in and around this area with noise and litter and more recently there was a serious incident on Wilmslow Rd. We also get complaints of begging or aggressive begging in Withington and Fallowfield which again impacts on local residents or students.

With Withington and Fallowfield having a large student population, we want to reduce as many issues as possible in the local community and noise, transient noise, litter, drugs and ASB are all such common factors that local residents often suffer from with students travelling in and around Wilmslow Rd.

I feel selling alcohol until early hours will increase issues and complaints and I do not support it.

Gavin Evans
Neighbourhood Manager
Withington, Old Moat & Fallowfield

South Neighbourhood Team
Neighbourhoods Directorate
Manchester City Council
Etrop Court
Rowlandsway
Manchester
M22 5RG

Tel: 0161 219 6467 (internal 36467)

Fax: 0161 274 7284

Mobile: 07506 002 704

Email: gavin.evans@manchester.gov.uk

www.manchester.gov.uk

Licensing Authority

From: Fraser Swift <fraser.swift@manchester.gov.uk>

Sent: 30 May 2023 11:18

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

Subject: Premises Licence variation application 287879/PW5: Fallowfield Convenience Store, 240-242 Wilmslow Road, Manchester, M14 6LD, (Fallowfield ward)

On behalf of the licensing authority as a responsible authority, I am objecting to the grant of this proposed variation.

The locality has recently seen an increase in the number of off licence premises with 2 new licences granted. Both applications considered it appropriate to mitigate the impact of off sales of alcohol by limiting the terminal hour - notably, the neighbouring Go Local application reduced its hours from 4am to midnight following the receipt of relevant representations. Concerningly, this application takes a contrary approach, whilst seeking to dilute the regulatory restrictions currently in place on the licence.

The premises is situated in a parade of various commercial uses opposite the Owens Park and Oak House campuses. The area is also home to a high density of HMOs populated by students and temporary homeless accommodation. The locality experiences significant challenges, particularly in respect of noise and antisocial behaviour, such as from house parties and litter including from local takeaways and street drinking. I have concerns that the grant of this application would contribute to these issues and undo the significant local work undertaken by the council, University and police to tackle them.

In summary, my concerns are the grant of the application is likely to undermine the promotion of the licensing objection as it:

- Proposes to weaken the existing controls in place for staff training whilst increasing the level of risk of alcohol-related issues
- Increases the sale of alcohol at a period that customers are increasingly likely to be intoxicated and potentially vulnerable.
- Increases the availability of alcohol and will exacerbate existing issues with anti-social behaviour in the locality.
- Provides no detail around the proposed variation, such as what late night refreshment will be provided and how this will be served.
- Fails to address relevant risks associated with the proposed variation, such as litter and the risk of increased conflict
- Fails to address relevant standards as set out in Section 8 of the Council's policy
- Increases the risk and likelihood of cheaper alcohol consumed in unsupervised environments

Further,

- The premises have previously been evidenced as selling higher strength alcohol products including those associated with problematic
- The grant of the variation would be inconsistent with the Council's policy
- The proposed step in relation to the provision of a risk assessment provides no assurance that appropriate door supervision would be provided.
- The proposed steps offer little tangible protections to promote the licensing objectives

I would draw the committee's attention to the following sections of the Council's licensing policy, although references are not limited to just these sections:

Evidence of pre-existing problems in the area

7.12 Where its discretion is engaged, the authority will give particular consideration to the general character of the surrounding area, including crime and antisocial behaviour (ASB) levels, litter problems, issues regarding underage or proxy sales, and noise complaints. Where there are demonstrable problems linked to the operation of licensed premises in the area and the evidence demonstrates problems with licensed premises in the area, the licensing authority will, in exercising its discretion, take this into consideration when deciding what (if any) steps are appropriate and proportionate in the individual case

Proximity of takeaways and off-licences to nightlife entertainment areas

7.17 Such premises typically lack the type of design and management provisions necessary to process the custom of a large intoxicated late-night customer base, and may act as flashpoints for alcohol-related crime and disorder. Additionally, there is a risk of staff being subjected to threatening behaviour, physical violence, and property damage. Operators are encouraged to consider conflict management training and/or employment of door supervisors, where appropriate. However, where the authority's discretion is engaged, consideration may be given to restricting hours of operation to avoid the risk of such premises acting as flashpoints for crime and disorder.

Consistency with relevant Council strategies

7.18 The Council recognises that a vibrant evening economy is important, both to the wellbeing of its residents and as a source of economic activity. Accessible district centres and local centres are important in creating a sense of place and focus and, therefore, central to creating neighbourhoods of choice.

7.19 Manchester City Centre and its district centres are places to shop, work, eat, drink, enjoy leisure activities, access services and, increasingly, to live.

7.20 Centres, in particular the city centre and district centres, have an important role as the focus for the city's evening economy. They are a hub for activity and thrive when they attract visitors from the surrounding neighbourhoods.

7.21 An aim for the city is to achieve a better balance of evening and night-time activities and a better distribution throughout the city. In some areas, concentrations of uses associated with the evening economy have led to problems with antisocial behaviour, while other parts of the city suffer from lack of activity during the evening. It is important that the uses within centres are carefully balanced so that evening and night-time uses are complementary to neighbouring uses.

The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance

7.25 Where its discretion is engaged, the licensing authority will ensure that due consideration is given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises, to ensure they are located in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives. The potential impact on any local residents will be an important matter for consideration.

7.26 Where premises are in the direct vicinity of local residential properties, and where its discretion is engaged, the authority will give particular consideration to measures proposed in the application in relation to prevent nuisance, such as:

- Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise
- Prevention of noise disturbance from people entering and leaving the premises (eg. queue management, dispersal policy)
- Prevention of disturbance by people outside the premises (eg. smoking areas)
- Litter from the premises (This issue is considered particularly relevant in respect of late-night takeaways and smoking-related litter outside licensed premises)
- Disturbance caused by deliveries associated with licensable activities, including waste collection.

7.27 The leisure and night-time economy can be an important contributor to an area's appeal to work, live or visit there. However, each of our neighbourhoods is different to each other and services need to be flexible to meet these different needs. For example, while doorstep access to a thriving late-night-time economy appeals to many living and working in the city centre, it will not be acceptable to those in other areas of the city.

7.28 Where its discretion is engaged, the licensing authority will give consideration to the appropriateness of hours applied for, having regard to the location of premises and their likely effect on the promotion of the four licensing objectives. While it is recognised that in some circumstances flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided, the licensing authority will consider restricting hours to ensure the promotion of the licensing objectives, subject to relevant representations being made in relation to the hours applied for, should the licensing authority deem this appropriate and proportionate following a hearing.

7.29 The authority considers that later hours will typically be more sensitive and higher risk in causing problems.

7.30 Applicants are strongly encouraged only to apply for hours that they realistically intend to operate, as later hours are typically more likely to attract objections.

7.31 It is recognised that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

7.32 Therefore, where its discretion is engaged, the authority will be mindful of the density of residential use in proximity to the premises and the level of risk of nuisance arising. The authority expects that terminal hours will normally be earlier to promote the licensing objectives for licensed premises located in areas with a higher density of residential property

...

7.35 Where its discretion is engaged, the licensing authority will not consider the fact that other premises in the vicinity already have similar hours as a justification for granting similar or extended hours, and each application will be considered on its individual merits.

MS1 Implement effective security measures at the premises

Effective monitoring of the premises (both interior and exterior) including the use of CCTV:

- Consideration should be given to the location of alcoholic products in off-licence premises, particularly in relation to the ability of staff to effectively monitor the area in order to guard against the risks of shoplifting and to deter attempts by underage persons to purchase.

Off-licence premises should give particular consideration to alcohol promotions at the premises, including the location within store of any promotional activity.

MS5 Prevent on-street consumption of alcohol

Manchester City Council has previously implemented Designated Public Place Orders (DPPOs) in areas throughout Manchester in order to help address and prevent numerous problems caused by public consumption of alcohol. With effect from 20 October 2014, any new or renewal of such orders are known as Public Space Protection Orders (PSPOs). Street drinking can be a major cause of antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children. Additionally, it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour. Licensees should ensure all staff are aware of the DPPO/PSPO when situated within the designated area and reinforce the No Street Drinking warning at point of sale. Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. Another particular concern will be irresponsible drink promotions that would appeal to underage drinkers or street drinkers, or that

encourage excessive consumption and do not follow best practice, such as the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks, that would appeal to underage drinkers or street drinkers, or that encourage excessive consumption.

Regards

FRASER SWIFT

Principal Licensing Officer

Licensing Unit

Growth and Development

Manchester City Council, Level 1, Town Hall Extension, Manchester, M60 2LA

email: fraser.swift@manchester.gov.uk

tel: 07814 134202 (mobile) or 0161 2341176 (office)

For reference, the application seeks to extend the terminal hour for the sale of alcohol (for consumption off the premises) to 2am as well as amend the condition of the licence as follows:

Removal of:

Condition 7: All alcoholic products shall be labelled with the name of the shop.

Annex 3, Condition 1: All staff selling alcohol shall hold a personal licence.

Replace:

Annex 12: The Challenge 25 Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of identification are a passport or photo card driving licence.

with

The premises will adopt a 'Challenge 25' policy. This means that if a customer purchasing alcohol appears to be under the age of 25, they will be asked for proof of their age, to prove that they are 18 years or older. The only forms of identification that will be accepted will bear their photograph, date of birth and a holographic mark and/or ultraviolet feature. Examples of appropriate identification include a passport, photocard driving licence, military ID, and Home Office approved proof of age ID card bearing the PASS hologram.

Replace:

Annex 3, Condition 2: All staff selling alcohol shall undertake extra training on the following areas;

- a) The law concerning the sale of alcohol.
- b) The four licensing objectives.
- c) Conflict Management.

with:

- On first appointment, all staff employed at the premises will receive training on the Licensing Act 2003 including input on preventing underage sales, preventing sales of alcohol to people who are drunk and any other relevant matters. Training shall be regularly refreshed at no less than annual intervals. The training must be recorded and be accessible on the premises and made available for inspection upon request of a Police Officer or an authorised officer of the licensing authority or (in the case of online training) within 48 hours.

Add:

- Notices will be displayed at the entrance/exit to the premises asking customers to leave the store quietly and respect local residents.
- There will be no sales of beer, lager or cider with an alcohol content above 6.5% ABV in metal or plastic containers. This restriction shall not apply in respect of specialist branded premium priced

products, for example craft ales, local or micro-brewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider. Staff shall reinforce that alcohol should not be consumed in the street at point of sale, where appropriate.

- All crimes to be reported to police.
- The premises licence holder will ensure that a risk assessment is completed to determine if door supervisors are required to cover busier periods of the week.

RES 1

From: [REDACTED] >

Sent: 19 May 2023 21:56

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

Subject: Premises Licence variation 287879/PW5: Fallowfield Convenience Store, 240-242 Wilmslow Road, Manchester, M14 6LD, (Fallowfield ward)

Dear Sir / Madam,

I write to object to the above application for extended hours at the Fallowfield Off Licence opposite Owen's park. They wish to open until 2am every night, currently they have to close at midnight.

The availability of alcohol will increase noise and nuisance and add more night noise to residents living in residential streets.

The nearby New Zealand Wines Off licence is open until 2am and is always a hub of activity which fuels house parties, street drinking, groups congregating, attracts drug dealers etc.

There was also a murder very close to these premises in late October 2022 in the early hours of the morning. This is so bad for the area.

I sincerely hope the said application can be rejected.

Thank you.

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

RES 2

From: [REDACTED] >
Sent: 19 May 2023 22:46
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Objection to Application for Extended Hours

Dear Sir / Madam,

I write to object to the above application for extended hours at the Fallowfield Off Licence opposite Owen's park. They wish to open until 2am every night, currently they have to close at midnight.

The availability of alcohol will increase noise and nuisance and add more night noise to residents living in residential streets.

The nearby New Zealand Wines Off licence is open until 2am and is always a hub of activity which fuels house parties, street drinking, groups congregating, attracts drug dealers etc.

There was also a murder very close to these premises in late October 2022 in the early hours of the morning. This is so bad for the area.

I sincerely hope the said application can be rejected.

Thank you.

[REDACTED]

RES 3

From: [REDACTED] >

Sent: 20 May 2023 14:54

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

Subject: Fallowfield Convenience Store hours extension - OBJECTION!

Dear Sir/Madam,

I am so upset to hear about this application to extend hours until 2am every night. This will only increase ASB in our community through increased access to alcohol into the early hours, noise disturbance in our community from people walking the area in a drunken state (I am often woken by groups of people bellowing at all hours which has a massive impact on my capacity to function effectively the following day when I'm at work). I'm sure you will also recall the murder of a young person very near to this spot in October 22. This hour extension will only increase the likelihood of groups congregating and outbreaks of street violence leading to further injuries and possible deaths. I also coordinate a community litterpicking group every month and we already find that the majority of litter collected is bottles and cans of alcohol and takeaway packaging. **Our community deserves respect and we work hard to care for our environment - please, please reject this application and consider the feelings of local residents when making a decision on this application.**

Regards,

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

--
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

RES 4

From: [REDACTED] >
Sent: 21 May 2023 18:58
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Fallowfield Convenience store licensing application to 2am

Hi I wish to submit my objection to this application which like other, ie shell service station seek to extend the nighttime economy(on street drinking , asb, drug dealing , litter etc etc) at the expense of council tax paying long term residents and the future of this area. This application seems to target students and while I do not object to students living here ,this application will lead to the further decline of Fallowfield and increased risk to the whole community. We have seen a huge increase in crime and alcohol and drug related crime here. Please do not grant this application
30 years + resident Withington. [REDACTED]

[REDACTED]

RES 5

Application Type: Premises Licence variation

Reference: 287879/PW5

Premises: Fallowfield Convenience Store, 240-242 Wilmslow Road, Manchester, M14 6LD

Applicant: Mr Ehsan Ali

Description of proposed variation as given by the applicant: To vary the hours for the sale of alcohol and opening hours and the addition of late night refreshment.

Proposed hours and licensable activities:

Provision of late night refreshment (indoors):

Current hours: Not currently permitted

Proposed hours: Mon to Sun 11pm to 2am

Supply of alcohol for consumption off the premises only:

Current hours: Mon to Sun 8am to 12 midnight

Proposed hours: Mon to Sun 8am to 2am

Opening hours:

Current hours: Mon to Sun 8am to 12 midnight

Proposed hours: Mon to Sun 8am to 2am

Response on behalf of Withington Civic Society Planning Group

Withington Civic Society Planning Group **opposes the application.**

We believe, according to research previously carried out by Manchester City Council, that Fallowfield already suffers from the greatest levels of crime (both general and alcohol-related) compared to surrounding areas,. The degree of antisocial behaviour recorded in the area is also significantly disproportionate. Antisocial behaviour levels peak during the late night/early morning, and correlate with the closing times of alcohol-led licensed premises.

Complaints about antisocial behaviour from local residents repeatedly cite problems of noise, vandalism and antisocial behaviour from persons going out to and returning from licensed premises, including complaints of preloading and drunkenness. Additionally, there was evidence of litter caused as a result, including discarded alcohol containers and takeaway wrappers in the street. Extra street cleaning services are required in the local area as a result of the disproportionate levels of litter, particularly caused by the high number of late-night takeaways in

RES 6

From: [REDACTED] >**Sent:** 25 May 2023 16:23**To:** Premises Licensing <Premises.Licensing@manchester.gov.uk>**Cc:****Subject:** Premises Licence variation 287879/PW5: Fallowfield Convenience Store, 240-242 Wilmslow Road, Manchester, M14 6LD, (Fallowfield ward)

Your Ref: Premises Licence variation 287879/PW5: Fallowfield Convenience Store, 240-242 Wilmslow Road, Manchester, M14 6LD, (Fallowfield ward)

To whom it may concern;

I am a long-term resident of [REDACTED] and I am objecting to the request for an off license, proposal for extended opening hours to sell alcohol until 2am, 7 x days a week at the Fallowfield Convenience Store, 240-242 Wilmslow Road, Manchester, M14 6LD, (Fallowfield ward)

These premises (Fallowfield Convenience Store, 240-242 Wilmslow Road, Manchester, M14 6LD, that is) are situated on Wilmslow Road, which is one of the main arterial routes into and out of Manchester City centre.

It is in close proximity to myself on Landcross Road and local residential properties and is also in an area where there are a plethora of bars, public houses & off licenses and one of the largest student populations in Europe.

This application for alcohol sales Mon to Sun until 2am are quite frankly outrageous. Current hours until midnight 7 x days per week as they stand are ridiculous.

This is just another one of the tsunami of licence applications that the area has had recently (particularly in light of the demise of the Cumulative Impact Policy) and all of which have been granted; The Shell petrol Station (Premises Licence variation 285721/CT4), Kwik e Mart (Now "Go-local" - 280605/HH1) The area is awash with off licences, maxed out with them in fact: the above two (Shell Petrol Station & Go-Local) and fronting Wilmslow Road – Go-Local, New Zealand Wines off licence (which already has an unbelievable small hour 2am licence; granted before the Cumulative Impact Policy was established) & this place – Fallowfield Convenience Store, until 12am. For goodness sake, we do not need yet another off licence with an extended opening hours window.

I returned to my lovely home on [REDACTED] late last night (after attending a jazz concert in town) Coming across Wilmslow Road from the bus stop and just into [REDACTED] at 11:45pm, I'm greeted by the deafening alcohol fuelled babbling cacophony of the herds of inebriated patrons that are crammed into the outside seating area of the "Studio Bar", resting on the corner of Landcross Road, which at that time (11:45pm) is at fever pitch. And what happens when it closes? They all go quietly back to bed and have some tea and toast? Of course they don't. This drunken zombified mass will be tottering around the "Fallowfield Brow area" (an area encompassing a canopy of 7 x streets. 5 x streets moving South to North & 2 x streets East to West, of which the Fallowfield Convenience Store resting at 240-242 Wilmslow Road, is in the centre) to feast on junk food and utilise one of these off licences (Go-Local, New Zealand Wines, & this one - Fallowfield Convenience Store) with a view to purchasing more alcohol, and, highly likely that the area outside the premises will become yet another zone where noisy, inebriated humans (and I use that term loosely) gather to collect further alcohol supplies, with people spilling out onto the busy thoroughfare of Wilmslow Road, putting themselves and others at risk and from the opportunists (drug dealers looking for another sale, thieves and Of course, robbers for an easy mark) Also, as the area is subject to a Designated Public Place Order it is likely that this order will be breached far more regularly, creating more work for the local police officers.

As I've stated before in many objections; This "Fallowfield Brow" area, is now nothing more than a party/club fested, drunken drugged up conurbation, that's really fit for no human life or existence, becoming one giant noise fest; people to and fro, taxis to and fro, shouting, screeching, hollering, yelling, "music" pumping out ad finitum, from early evening until 6am in the morning.

This will create added noise disturbance which will obviously be extended beyond what is already being suffered by the local residents.

The Wilmslow Road corridor already suffers from begging, street drinking and other alcohol related anti-social behaviour and to allow yet another premises a license to sell alcohol, will undoubtedly exacerbate these problems.

The request for extended license liquor sales by Fallowfield Convenience Store, particularly in view of the fact that the premises has had an alcohol licence revoked due to all sorts of illegal activity and breaches, with the current licence eventually being granted with a strict midnight closing, and in the light of what's been happening in the near vicinity in Fallowfield (a murder, serious assaults etc), quite frankly, beggars' belief.

A cynical application proposal from a rogue outfit then, and on the back of the demise of the Cumulative Impact policy, out to exploit the get down 24/7 party/club zombie liquor saturated wallets and purses that totter around the M14 streets; and makes the "*Steps to promote licence Objectives*" with its "*Notices shall be displayed at the entrance/exit to the premises asking customers to leave the store quietly and respect local residents*" in the proposal, if it wasn't so serious, laughable. A transient (of which 90% of the Brow residents are) fuelled with 6 x pints of strong lager and a plethora of B52's quite frankly isn't capable of reading anything and understanding it, let alone abiding by it.

Nationwide alcohol issues. I draw your attention to the latest government report that's just come out (On Wednesday 24-05-23 that is) This report, by a group of MPs that scrutinises government funding, states that alcohol related deaths have increased by 89% in the last two decades.

The harm associated with alcohol problems, has cost the NHS more than £3.5 billion each year (and that's a conservative estimate)

The government has in place, a 10-x year plan for tackling drug and alcohol related harm, and is investing an extra £532 million pounds, to create 50,000 places in drug & alcohol centres with high quality care.

The drinking emporiums & liquor sales in the Fallowfield Brow area, are fuelling this problem, adding to harm and cost. Fallowfield Convenience Store are part of the problem.

Plus. Where do these licence applications stop? When everyone has one?

In addition, In the four years that I've purchased my car, and parked up outside my house, it has been "hit/vandalised" 8 x times. Here's one incident and most pertinent to this application; a cctv still of a pair of



drunken students smashing into the nearside door, causing two huge dents in it (from 08-12-19 @ 05:39am)

With all the garbage that pervades the area, we have a rat infestation (in all the years that I've lived here, we've never had that before) I've already spent £42 for a 5-x visit Pest Control event, which was back in October 2022 and now? .. absolutely no surprise at all .. they're back (see picture below from Boxing Day in my back yard – 26-12-22) and I'm now booking yet another £42 visit from Pest Control. Empty cans/empty bottled garbage from Mr "**Fallowfield Convenience Store**" will only add to the overload.



Personally? I am at the very end of my tether in this Fallowfield Brow area; suffering from extreme sleep deprivation, being awoken in the small hours from the transient noise (much of it, created by patrons of drinking emporiums and off licences that provide the liquor of which "Fallowfield Convenience Store's" extended hours, would be yet another addition to the problems in the area) pervading the streets here and wading through the mountains of garbage, filth, graffiti, herds of drug dealers and rats.

Quite frankly, the last thing that the Wilmslow Road corridor & "Brow" area of Fallowfield needs is yet further liquor sales operating hours and becoming a magnet for persons "pre-loading" and "post loading" (for house parties etc) / going to and leaving, the other establishments in the area and causing further suffering to the traumatised local residents.

I would be very grateful if the good members of the committee, could consider these points,

Yours sincerely,

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

RES 7

From: [REDACTED] >

Sent: 27 May 2023 14:25

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

Subject: Fallowfield Convenience Store 240 Wilmslow Road M14 6LD

Sir

I object to the request to have their opening hours extended from 1200 to 2 00 am.

There is already enough trouble around this area from late-opening alcohol outlets and we do not need another one.

I live about a mile away near Ladybarn Park and every morning I am picking up bottles and beer cans with associated

foodboxes and wrappings from Macdonalds etc that have clearly come from the Fallowfield shop zone.

Please do not help to add to these problems by allowing more time for people to buy stuff that they often discard anywhere.

[REDACTED]
[REDACTED]

RES 8

From: Fallowfield Community Guardians <[REDACTED]>
Sent: 30 May 2023 21:08
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Cc: alan.isherwood <alan.isherwood@gmp.police.uk>; Stuart Alderson <Stuart.Alderson@manchester.gov.uk>; Fraser Swift <fraser.swift@manchester.gov.uk>
Subject: Premises Licence variation 287879/PW5: Fallowfield Convenience Store, 240-242 Wilmslow Road, Manchester, M14 6LD, (Fallowfield ward)

Dear Sirs

We are writing on behalf of Fallowfield & Withington Community Guardians and SE Fallowfield Residents Group We wish to strongly object to the variation of licence and later opening hours at 240-242 Wilmslow Road, M14 6XQ.

The main reason for our objection is that the current number of licensed premises in Fallowfield District Centre (54 licensed premises) already cause residents many problems; in particular in terms of noise, nuisance, littering, criminal damage and anti social behaviour. These alcohol related anti-social problems have been going on for years and are so pronounced that a cumulative impact policy zone has been assigned to Fallowfield District Centre to try and prevent further problems. Whilst this CIP is currently lapsed and a new policy is out for consultation, these problems are real, harmful and continuing. Adding later hours for the sale of alcohol will undoubtedly add to the existing problems.

This premises falls within the M14 6 subpostcode which has a massive student population unlike most other suburbs of Manchester. In 2018/19 there were 11,195 students and this is likely to be higher now due to the expansion of Owen's Park by more than 1000 bedspaces and the intensification of HMOs due to permitted development. The proximity of these premises to so many young people make off licences a real 'go to place' for last minute purchases of alcohol for pre drinks social parties, drinking at bus stops as money saving ways of getting in a few drinks before paying bar prices and of course the infamous Fallowfield house parties which cause much distress to many residents.

We consider that later availability of alcohol will definitely add to the existing problems. Other nearby off licences have caused problems over many years, including New Zealand Wines (granted a 2am licence before the Cumulative Impact Policy), Gaffs (licence revoked). Fallowfield Convenience Store had their licence revoked and the recently named premises (Midway Wines) was granted a licence to midnight before CIP and an application to extend hours was refused in 2019. Examples of problems at some of these premises include:

Breaking: New Zealand Wines has been raided by the police and is now under criminal investigation
<https://thetab.com/uk/manchester/2018/10/07/breaking-new-zealand-wines-has-been-raided-by-the-police-and-is-now-under-criminal-investigation-37430>

Police seize nitrous oxide during Wilmslow Road raid

The premises was reportedly 'openly selling' the drug to local residents

<https://www.manchestereveningnews.co.uk/news/greater-manchester-news/fallowfield-drugs-police-nitrous-oxide-15254084>

An ode to Gaffs: the pride and joy of Fallowfield

<https://thetab.com/uk/manchester/2017/02/28/ode-gaffs-pride-joy-fallowfield-25968>

Even though the CIP is under review, we would request that you use the same strict conditions to protect residents on the interim. MCC Statement of Licensing Policy 2021-2026 recommends refusal **"The effect of the Special Policy is that the Council will refuse applications for a new Premises Licence or Club Premises Certificate, or variation of an existing licence or certificate, whenever it receives relevant representation, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced"**

We believe that the licensing objectives will be undermined if extended hours are added to the existing licensed premises. Considerable problems exist for residents and relate to public nuisance, crime and disorder and public safety. Everyday occurrences include broken glass on surrounding pavements, vomit, litter and noise from patrons drinking in outside areas. Noise of patrons going to and from premises also creates a lot of sleep disturbance for residents.

Fallowfield has also recently been in the national news following the murder of a student in the early hours of the morning at the end of October 2022. In our experience of living in this area, we know that the consumption of alcohol and drugs exacerbates the problems which create so much anti social behaviour.

University student stabbed to death in Fallowfield

<https://www.independent.co.uk/news/uk/greater-manchester-police-cpr-manchester-crimestoppers-university-b2211285.html>

Investigation underway as man left needing surgery following 'serious assault'

<https://www.manchestereveningnews.co.uk/news/greater-manchester-news/investigation-underway-man-left-needing-25784666>

Our group have been meeting monthly since 2006 and at all of our meetings residents recount incidents of noise and anti social behaviour which often relates to the consumption of alcohol in bars and clubs as well as on-street drinking and house partying. This has a terrible effect of many of us and affects our sleep, health and well being. Alcohol is a root cause of many of these problems. **World Health Organisation research highlights that: "Restriction of availability has been assessed as a highly cost-effective best-buy intervention... Countries are recommended to regulate... to reduce the hours of sale (a highly cost-effective measure) and density of outlets."** <https://www.who.int/initiatives/SAFER/alcohol-availability>

Residents in our group are suffering immense stress and strain from living close to Fallowfield District Centre.

We completely oppose the request for additional hours for the sale of alcohol at Fallowfield Convenience Store and feel that it will undermine the licensing objectives and cause further harm to this fragile neighbourhood. Please reject this application for the wellbeing of residents.

Yours

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[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
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 26 June 2023

Subject: Sam Off Licence, 20a Swan Street, Manchester, M4 5JW - App ref: Premises Licence (new) 287892

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	
-------------------------------------------------------------------------------	--

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

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Scott McAvoy
Position: Technical Licensing Officer
Telephone: 0161 234 3275
E-mail: 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 03/05/2023, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Sam Off Licence, 20a Swan Street, Manchester, M4 5JW in the Piccadilly ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 This application follows a previous review of the licence on 12 April 2023. A copy of the decision from the previous hearing is attached at **Appendix 5**.
- 1.3 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.
- 1.4 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.
- 1.5 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 Bereket Amanuel.
- 2.3 The description of the premises given by the applicant is Off Licence
- 2.4 The proposed designated premises supervisor is Bereket Amanuel
- 2.5 **The licensable activities applied for:**

The supply of alcohol for consumption off the premises only:
Monday to Sunday 9am to 1am

Opening hours:
Monday to Sunday 9am to 1am

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

Responsible Authorities:

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

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	Concerns regarding the Prevention of Crime and Disorder the Prevention of Public Nuisance and Public Safety Licensing Objectives: The applicant has shown no understanding of the PSPO in the city centre, Proxy Sales, the four licensing objectives, the detail of the previous application and what is required to operate an off licence in the city centre.	Refuse
Licensing and Out of Hours Compliance	Concerns that the hours applied for could result in people leaving nearby premises at their terminal hour purchasing alcohol from the premises leading to incidents of street drinking/ASB in the area with special regard to the PSPO. Further concerns regarding the applicants understanding of the four licensing objectives, Proxy Sales, prevention of drunk persons from entering the premises; lack of staff training, the vagueness and	Refuse

	unenforceability of conditions within the operating schedule; lack of provision of SIA door staff; lack of consideration of the area.	
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- 3.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 4**.
- 3.4 No agreements on conditions have been reached with the Responsible Authorities who have made representations.
4. **Key Policies and Considerations**
- 4.1 **Legal Considerations**
- 4.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.
- 4.2 **New Information**
- 4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.
- 4.3 **Hearsay Evidence**
- 4.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.
- 4.4 **The Secretary of State's Guidance to the Licensing Act 2003**
- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

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

Section 6: What we aim to encourage

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

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

Section 7: Local factors

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

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

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

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

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

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS5 Prevent on-street consumption of alcohol
- MS8 Prevent noise nuisance from the premises
- MS12 Prevent underage sales of alcohol, including proxy sales

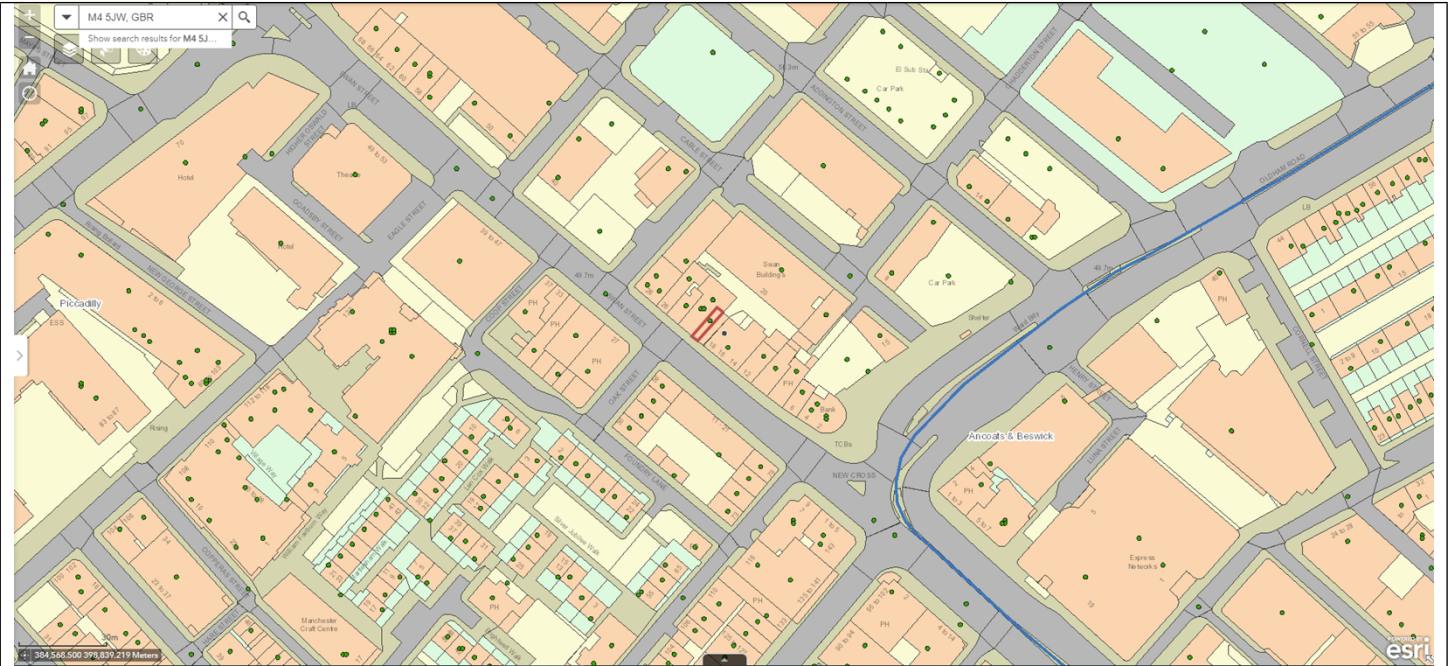
Conclusion

- 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.**

Sam Off Licence
 20a Swan Street, Manchester, M4 5JW
 Premises Licensing
 Manchester City Council

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PREMISE NAME:	Sam Off Licence
PREMISE ADDRESS:	20a Swan Street, Manchester, M4 5JW
WARD:	Piccadilly
HEARING DATE:	26/06/2023

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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 Bereket Amanuel

(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			
Sam Off Licence 20A Swan Street Manchester			
Post town	Manchester	Postcode	M4 5JW

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 4,100

Part 2 - Applicant details

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

a)	an individual or individuals *	<input checked="" type="checkbox"/>	please complete section (A)
b)	a person other than an individual *	<input type="checkbox"/>	
	i as a limited company/limited liability partnership	<input 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		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational establishment		please complete section (B)
f)	a health service body		please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)
h)	the chief officer of police of a police force in England and Wales		please complete section (B)

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

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

(A) individual applicants (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname Bereket			First names Amanuel		
Date of birth [REDACTED]		I am 18 years old or over		Please tick yes <input checked="" type="checkbox"/>	
Nationality [REDACTED]					
Current residential address if different from premises address		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)					
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)					

--

Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the '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
Address

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

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
3	1	0 5 2 0 2 3

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

DD	MM	YYYY

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

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)	

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	✓
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	09:00	01:00			
Tue	09:00	01:00			
Wed	09:00	01:00			
Thur	09:00	01:00			
Fri	09:00	01:00			
Sat	09:00	01:00			
Sun	09:00	01:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

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 Bereket Amanuel	
Date of birth ██████████	
Address ██████████ ██████████	
Postcode	██████████
Personal licence number (if known) ██████████	
Issuing licensing authority (if known) Manchester City Council	

K

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

NONE

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p>			<p>State any seasonal variations (please read guidance note 5)</p>
Day	Start	Finish	
Mon	09:00	01:00	
Tue	09:00	01:00	
Wed	09:00	01:00	
Thur	09:00	01:00	
Fri	09:00	01:00	
Sat	09:00	01:00	
Sun	09:00	01:00	
			<p>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)</p>

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)

A Challenge 25 policy will be strictly followed by all staff.

Staffs are trained as appropriate in respect of relevant licensing law.

CCTV images will be kept for 31 days

b) The prevention of crime and disorder

A Challenge 25 policy will be strictly followed by all staff. No member of staff shall be permitted to sell alcohol until trained in the operation of the Challenge 25 policy. Any person who appears to be under the age of 25 who attempts to buy alcohol shall be challenged to provide age verification in the form of a passport, photo driving licence or PASS accredited card. Where proper verification is not provided the sale shall be refused. A record of the refusal shall be kept in the refusals log, identifying the member of staff who refused the sale. The refusal log will be always kept on the premises and made available to responsible authorities upon request.

The premises shall display prominent signage indicating at any point of sale, that the Challenge 25 scheme is in operation.

The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol.

Any person who appears drunk /aggressive will not be permitted on the premises.

The premises licence holder must ensure that: CCTV cameras are located within the premises to cover all public areas including all entrances and exits.

The system records clear images permitting the identification of individuals. The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 31days. The CCTV system operates at all times while the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected. There must be at least one member 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). CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request.

A refusals record will be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection by an officer of a Responsible Authority

All staff other than personal license holders must receive training regarding the: -

- Four licensing principles contained in the Licensing Act 2003
- Responsible retailing of alcohol, and the law
- The conditions attached to the premises licence

Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed by the trainee. 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.

A minimum of 2 persons must be employed and on duty at the premises between 22:00 and 01:00 who are specifically tasked to maintain the safety of customers who may be vulnerable, ill or in distress as a result of alcohol and/or drug-related intoxication. Such persons must be trained on drunkenness, vulnerability, and drugs awareness in the night-time economy; and responding to these matters.

All staff will receive training on proxy sale of alcohol and other age restricted products. Training will be documented and made available to responsible authorities upon request.

All spirits and expensive alcohol will be kept behind the counter and out of reach of customers.

c) Public safety

A fire alarm system will be installed to meet BS 5839 Part 1 current standards. An emergency lighting system will be installed to meet BS 5266 current standards. Firefighting equipment will be available in the premises to meet BS 5306 current standards.

Floor staff will conduct physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the management.

The Designated Premises Supervisor is aware of his responsibilities to the staff and customers in respect of public safety and will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations.

d) The prevention of public nuisance

Notices will be displayed at the exit of the premises asking patrons to leave the premises quietly.

All deliveries will be conducted prior to 7pm to control noise nuisance.

In conjunction with the steps proposed for the prevention of crime and disorder objectives, the Licensees and staff will at all times remain responsible for the prevention of public nuisance in and around the premises.

e) The protection of children from harm

The Designated Premises Supervisor and staff will at all times remain aware of their responsibilities under the objective, including that alcohol shall not be sold to anyone under the age of 18.

Staff on duty will be trained and made aware of a challenge 25 policy and the requirements and the need to demand an acceptable form of age id.

No adult entertainment is permitted at these premises

Checklist:**Please tick to indicate agreement**

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

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I
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	<p>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).</p> <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	██████████
Date	02/05/2023
Capacity	Agent

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

Signature	
Date	
Capacity	

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

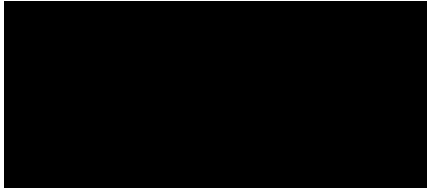
Consent of individual to being specified as premises supervisor

Bereket Amanuel

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

Premises Licence

[type of application]

by

Bereket Amanuel

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

Sam Off Licence
20a Swan Street
Manchester
M4 5JW

[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

Bereket Amanuel

[name of applicant]

concerning the supply of alcohol at

Sam Off Licence
20a Swan Street
Manchester
M4 5JW

[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

268953

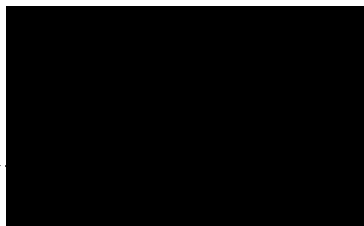
[insert personal licence number, if any]

Personal licence issuing authority

Manchester City Council

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

Signed



Name (please print)

BEREKET AMANUEL

Date

9/2/23

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

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GREATER MANCHESTER POLICE - REPRESENTATION

About You

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

About the Premises

Application Reference No.	LPA 287892
Name of the Premises	Sams Off Licence
Address of the premises including postcode	20a Swan Street, Manchester M4 5JW

Your Representation

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

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

The application is seeking authorisation to sell alcohol 7 days a week till 1am.

It is the second application by the same applicant within a couple of months.

In March 2023 PC Hussain from GMP licensing spoke to the applicant and discovered that he was unaware of the PSPO in the City Centre, he also was unaware of what is meant by Proxy Sales

The applicant who is the also the proposed DPS showed little knowledge of the 4 licensing objectives, and it was clear that he had not read the previous application.

PC Hussain objected to the previous application, and this was subsequently withdrawn.

It is noted that the applicant has utilised the services of an agent when submitting the previous application and this current one as and such we are still not satisfied that the applicant has a good enough understanding of what is required to operate an off licence in the city centre.

Therefore, we ask that this application is refused.



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Gareth Hall
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	gareth.hall@manchester.gov.uk
Telephone Number	

Premise Details

Application Ref No	M/287892
Name of Premises	Sams Off Licence
Address	20a Swan Street, Manchester, M4 5JW

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 (LOH) have assessed the likely impact of the grant of this application taking into account a number of factors, including, the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this application could have, taking into account the licensing objectives Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children From Harm.

The premises at 20a Swan street is currently a small barber shop trading as HQ Barbers, whose current trading hours are 0900 Hrs until 2000 Hrs Monday to Friday and 1000Hrs to 1700 Hrs on Sundays. The area around the premises is a variety of commercial and residential uses which are located in the Northern Quarter of the City Centre. including licensed premises the majority of which have terminal hours of 0100 Hrs. The area also has a number of short term lets which have proven problematic leading to complaints relating to noise and Anti-social Behaviour (ASB). The immediate vicinity of the premises also forms part of the city centre Public Space Protection Order (PSPO).

The premises has been subject to a premises licence application by the same applicant that was refused at a hearing on 12th April 2023.

LOH have concerns relating to the applicant who is also proposed to be the DPS of the premises specifically their knowledge of the licensing act 2003. At a meeting with the applicant on the 13th March 2023 the applicant displayed poor knowledge of the 4 licensing objectives and was unable to explain what was meant by 'proxy sales', the applicant was also unable to explain how he would prevent drunk persons from entering the premises. It is of particular concern to LOH that the operating schedule contains the following 'All staff other than personal licence holders must receive training regarding the four licensing principles contained in the Licensing Act 2003, Responsible retailing of alcohol, and the law, the conditions attached to the premises licence.

In this current application the applicant has offered many conditions that are vague and

effectively water down the importance of licence conditions. For example: ‘Staff are trained as appropriate in respect of relevant licensing law’ - this is ambiguous in nature and not clear, precise, or enforceable, as per S1.16 of the S182 guidance.

LOH have further concerns that there is no consideration or understanding of the area the premises will be trading in. There is no mention in the operating schedule of training in relation to conflict management which its proximity to other licensed premises, hours of operation, the area the premises is located in and alcohol sales post 2200Hrs LOH feel would be proportionate. It is also a concern to LOH that there is no SIA security provision in the operating schedule which primarily relates to the upholding the licensing objective ‘prevention and detection of crime and disorder’ also aids in the upholding of the licensing objective ‘prevention of public nuisance’ especially given the proximity of the premises to the City Centre PSPO

S7.17 of Manchester City Council’s Statement of Licensing Policy states Proximity of takeaways and off-licences to nightlife entertainment areas Such premises typically lack the type of design and management provisions necessary to process the custom of a large intoxicated late-night customer base, and may act as flashpoints for alcohol-related crime and disorder. Additionally, there is a risk of staff being subjected to threatening behaviour, physical violence, and property damage. Operators are encouraged to consider conflict management training and/or employment of door supervisors, where appropriate. However, where the authority’s discretion is engaged, consideration may be given to restricting hours of operation.

S7.2 of Manchester City Council’s Statement of Licensing Policy states ‘In accordance with the section 182 Guidance, when setting out the steps they propose to take to promote the licensing objectives, applicants are expected to obtain sufficient information to enable them to demonstrate that they understand:

- The layout of the local area and physical environment, including crime and disorder hotspots, proximity to residential premises, and proximity to areas where children may congregate
- Any risk posed to the local area by the applicant’s proposed licensable activities.

MS5 of the statement of licensing policy states: Manchester City Council has previously implemented Designated Public Place Orders(DPPOs) in areas throughout Manchester in order to help address and prevent numerous problems caused by public consumption of alcohol. With effect from 20 October 2014, any new or renewal of such orders are known as Public Space Protection Orders (PSPOs). Street drinking can be a major cause of antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children. Additionally, it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour. Licensees should ensure all staff are aware of the DPPO/PSPO when situated within the designated area and reinforce the No Street Drinking warning at point of sale. Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. Another particular concern will be irresponsible drink promotions that would appeal to underage drinkers or street drinkers, or that encourage excessive consumption and do not follow best practice, such as the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks, that would appeal to underage drinkers or street drinkers, or that encourage excessive consumption.

Due to the concerns outlined above, the lack of consideration of the area the premises is operating in and Manchester City Councils statement of Licensing Policy LOH ask that the application is refused.

Recommendation:

Refuse Application

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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. Staff are trained as appropriate in respect of relevant licensing law 2. CCTV images will be kept for 31 days 3. A Challenge 25 policy will be strictly followed by all staff. No member of staff shall be permitted to sell alcohol until trained in the operation of the Challenge 25 policy. Any person who appears to be under the age of 25 who attempts to buy alcohol shall be challenged to provide age verification in the form of a passport, photo driving licence or PASS accredited card. Where proper verification is not provided the sale shall be refused. 4. The premises shall display prominent signage indicating at any point of sale, that the Challenge 25 scheme is in operation. 5. The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol. 6. Any person who appears drunk /aggressive will not be permitted on the premises. 7. The premises licence holder must ensure that: CCTV cameras are located within the premises to cover all public areas including all entrances and exits. The system records clear images permitting the identification of individuals. The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 31days. The CCTV system operates at all times while the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected. There must be at least one member 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). CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request. 8. A refusals record will be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection by an officer of a Responsible Authority. 9. All staff other than personal license holders must receive training regarding the: <ul style="list-style-type: none"> · Four licensing principles contained in the Licensing Act 2003 · Responsible retailing of alcohol, and the law · The conditions attached to the premises licence 	N/A	Applicant

Schedule of Licence Conditions

<ol style="list-style-type: none"> 10. Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed by the trainee. 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. 11. A minimum of 2 persons must be employed and on duty at the premises between 22:00 and 01:00 who are specifically tasked to maintain the safety of customers who may be vulnerable, ill or in distress as a result of alcohol and/or drug-related intoxication. Such persons must be trained on drunkenness, vulnerability, and drugs awareness in the night-time economy; and responding to these matters. 12. All staff will receive training on proxy sale of alcohol and other age restricted products. Training will be documented and made available to responsible authorities upon request. 13. All spirits and expensive alcohol will be kept behind the counter and out of reach of customers. 14. A fire alarm system will be installed to meet BS 5839 Part 1 current standards. 15. An emergency lighting system will be installed to meet BS 5266 current standards. 16. Firefighting equipment will be available in the premises to meet BS 5306 current standards. 17. Floor staff will conduct physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the management. 18. The Designated Premises Supervisor is aware of his responsibilities to the staff and customers in respect of public safety and will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations. 19. Notices will be displayed at the exit of the premises asking patrons to leave the premises quietly. 20. All deliveries will be conducted prior to 7pm to control noise nuisance. 21. In conjunction with the steps proposed for the prevention of crime and disorder objectives, the Licensees and staff will at all times remain responsible for the prevention of public nuisance in and around the premises. 22. The Designated Premises Supervisor and staff will at all times remain aware of their responsibilities under the objective, including that alcohol shall not be sold to anyone under the age of 18. 23. Staff on duty will be trained and made aware of a challenge 25 policy and the requirements and the need to demand an acceptable form of age id. No adult entertainment is permitted at these premises 		
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Schedule of Licence Conditions

Conditions proposed by objectors	Agreed	Proposed by
No conditions proposed by objectors	N/A	N/A

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Dear Sir / Madam

LICENSING ACT 2003 (Hearings) Regulations 2005

Notice of decision: Premises Licence (new)

Following the Licensing Sub-committee hearing on 12/04/2023, I write to formally advise you of the sub-committee's decision regarding:

Sam Off Licence
20a Swan Street
Manchester
M4 5JW

Decision: To refuse the application .

Reasons: The Committee considered carefully the content of the Report and the supplementary agenda as well as the oral representations of GMP. The Applicant did not attend the hearing and therefore made no oral representations to the Committee the Committee did however consider the content of the email sent by the applicants representative on his behalf. The Committee heard from GMP that on a visit on 13 March 2023 the Applicant was unaware of his responsibilities as an operator to prevent crime and disorder, the planned layout for the premises had not taken into account the prevention of crime and disorder licensing objective , no consideration had been given to use of Security staff during the later hours , he could not answer when asked how he would prevent drunk persons from entering the premises and he did not understand the concept of proxy sales. This gave GMP no confidence that the Applicant was able to operate the premises in a manner which would not undermine the licensing objectives. The Committee was very concerned that an Applicant was unaware of his basic responsibilities and did not understand the concept of proxy sales which all operators should be familiar with.

The Committee also noted that the content of the application did not take into account the nature of these premises. For example the Committee questioned the relevance of the condition keeping doors and windows closed . The Committee therefore considered it likely that the conditions have simply been copied from other licences without any real consideration and thought given to their implementation at the premises.

Therefore, in all the circumstances the Committee considered it appropriate to refuse the licence.

The holder of the premises licence may appeal any decision to:

- Refuse the application
- Impose conditions on the licence
- Exclude a licensable activity
- Refuse to nominate someone as a Designated Premises Supervisor
- Modify conditions attached to a licence (where the application is a variation)

Any person having made relevant representation against the application may appeal the decision if they believe that:

- The licence should not have been granted
- A licensable activity should have been excluded
- Different or additional conditions should have been attached by the Licensing Authority
- A Designated Premises Supervisor should not have been nominated
- The conditions attached to the licence should not have been modified or should have been modified in a different way (where the application is a variation)

Any appeal must be made to Manchester City Magistrates' Court, Crown Square, Manchester, M60 1PR (tel 0161 830 4200) and must be commenced within the period of 21 days beginning with the day on which you were notified by the licensing authority of the decision, as provided for in Section 181 of the Licensing Act 2003.

Please note, the licensing decision is separate from any planning decision; *the licensing decision does not confer planning consent*. Please ensure you have the proper planning consent before commencing trading.

Should you require any further information, please contact the undersigned.

Yours faithfully

Premises Licensing Team

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

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 26 June 2023

Subject: Empire House Manchester, 2 Empire Street, Manchester, M3 1JA - ref: LTN287866

Report of: Director of Planning, Building Control & Licensing

Summary

Submission of a temporary event notice where an objection notice has been given.

Recommendations

That the Panel consider the objection notice(s) and give a counter notice where it considers it appropriate.

Wards Affected: Cheetham

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

A connected city: world class infrastructure and connectivity to drive growth	
-------------------------------------------------------------------------------	--

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

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

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

Background documents (available for public inspection):

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

1. Introduction

- 1.1 On 2 May 2023, a temporary event notice (TEN) was given under s100A of the Licensing Act 2003 in respect of Empire House Manchester, 2 Empire Street, Manchester, M3 1JA in the Cheetham ward of Manchester. A location map of the premises is attached at **Appendix 1**.
- 1.2 In accordance with Licensing Act 2003 regulations, Greater Manchester Police (GMP) and Licensing Out of Hours Compliance (LOOH) were notified of the TEN.
- 1.3 Where either GMP or LOOH is satisfied that allowing the premises to be used in accordance with the TEN would undermine a licensing objective, they must give an objection notice to the relevant licensing authority, the premises user, and to every other relevant person.
- 1.4 The objection notice must be given no later than three working days after the day on which the objector is given the TEN.
- 1.5 An objection notice has been received in respect of this TEN and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. The Notice

- 2.1 A copy of the TEN is attached at **Appendix 2**.
- 2.2 The premises user is Adijatu Tejan-kadri.
- 2.3 The description of the event is Sierra Leonean music Jamboree.
 - 2.3.1 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 TEN.
 - 2.3.2 Any further details provided relating to any of the individual licensable activities are specified on the TEN at **Appendix 2**.
- 2.4 **Activities unsuitable for children**
 - 2.4.1 The premises user 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. Objection Notice(s)

- 3.1 Objection notices were received from GMP and from LOOH in respect of the TEN (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these objections will be available to the Panel at the hearing.

3.2 Summary of the objections:

Party	Grounds of representation	Recommends
GMP	There is no detail whatsoever within the application to show how these numbers will be managed, what security will be in place, how the customers will be dispersed at the end of the night, what welfare provision there will be and how the disruption caused to local residents will be minimised. This event could therefore undermine the following Licensing Objective: the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety.	Serve a counter notice
Licensing and Out of Hours Compliance	<p>There have recently been issues outside at dispersal following an approved temporary event notice at the premises. The applicant has not indicated any measures for security.</p> <p>The LOOH team are concerned with the number of potential customers and timings requested. There is an increased likelihood of issues in the early hours and of the licensing objectives, namely the prevention of public nuisance, public safety and the prevention of crime and disorder, being undermined.</p>	Serve a counter notice

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 Where the authority considers that to impose on the TEN one or more of the conditions from a premises licence or club premises certificate in force at the premises (insofar as such conditions are not inconsistent with the event) is appropriate for the promotion of the licencing objectives, the policy is to give notice to the premises user that includes a statement of the conditions imposed. Copies of this notice will be provided for GMP and LOOH.

4.5.5 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.

5. **Conclusion**

- 5.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 5.2 In considering the matter, the Panel should take into account any objections that have been received from GMP or LOOH, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 5.3 Having regard to the objection notice(s), the panel must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 5.4 If the panel decides not to give a counter notice the panel may impose one or more conditions on the TEN if –
- the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 All licensing determinations should be considered on the individual merits of the notification.
- 5.6 The Panel’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.7 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 6. The Panel is asked to determine the temporary event notice.**

Premises Licensing
Manchester City Council

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Event: 287866

PREMISE ADDRESS: 2 Empire Street, Manchester, M3 1JA

WARD: Cheetham

HEARING DATE: 15/05/2023

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Temporary Event Notice

Payment Transaction number:- /09735a5f-ec | Form Reference number EF1/803809

Premises User Information

Title

Miss

If other please state

n/a

Surname

Tejan-kadri

Forenames

Adijatu

Previous names (Please enter details of any previous names or maiden names, if applicable)

n/a

Your date of birth

[REDACTED]

Your place of birth

[REDACTED]

National Insurance Number

[REDACTED]

Your current address (We will use this address to correspond with you unless you complete the separate correspondence box)

[REDACTED]

[REDACTED]

[REDACTED]

Telephone

[REDACTED]

Evening telephone

n/a

Mobile phone

[REDACTED]

Fax number

n/a

Email address

[REDACTED]

Address

n/a

Telephone

n/a

Evening telephone

n/a

Mobile phone

n/a

Fax number

n/a

Email

n/a

Premises information

Please give the name and address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references)

Empire Hall
2 Empire street
Cheetham Hill
M3 1JA

Premises licence number

n/a

Club premises certificate number

n/a

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details.

n/a

Please describe the nature of the premises

Community Jamboree festival

Please describe the nature of the event

Sierra Leonean music Jamboree, showcasing the culture, talent and food from Sierra Leone. Bringing the community together.

Licensable activities

The sale by retail of alcohol

No

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

No

The provision of regulated entertainment

Yes

The provision of late night refreshment

Yes

Are you giving a late temporary event notice?

Yes

Please state the dates on which you intend to use these premises for licensable activities.

26th/27 August 2023

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock).

23:00 to 3:00Am

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (maximum 499).

300

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both

Please choose...

Please state if the licensable activities will include the provision of relevant entertainment.

No

If yes selected, please state the times during the event period that you propose to provide relevant entertainment.

n/a

Personal Licence Details

Do you currently hold a valid Personal Licence?

No

Issuing Authority

n/a

Licence Number

n/a

Date of Issue

n/a

Date of Expiry

n/a

Any further relevant details

n/a

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

No

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

n/a

a) ends 24 hours or less before; orb) begins 24 hours or less afterthe event period proposed in this notice?

No

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

If answering yes, please state the total number of temporary event notices your associate have given for events in the same calendar year

n/a

a) ends 24 hours or less before; orb) begins 24 hours or less afterthe event period proposed in this notice?

No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

No

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

n/a

a) ends 24 hours or less before; orb) begins 24 hours or less afterthe event period proposed in this notice?

No

Declaration and Payment New

Name

Adijatu Tejan-kadri

Capacity in which you are making this application

[REDACTED]

Additional information

I_understand

Yes

These are the files included with this application :-

Acknowledgement

I acknowledge receipt of this temporary event notice

Signature:

On behalf of the Licensing Authority

Date:

Name of officer signing:

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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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GREATER MANCHESTER POLICE



To: Manchester City Council
Licensing Unit
Manchester Town Hall Extension
Lloyd Street
Manchester

To: Miss Adijatu Tejan-Kadri

[REDACTED]
[REDACTED]
[REDACTED]

3rd May 2023

Dear Sir

Please accept this letter as formal notification that Greater Manchester Police wish to object, under Section 104(2) of the Licensing Act 2003, to the **TEMPORARY EVENT NOTICE** detailed below, as we are satisfied that granting the application under these circumstances would undermine the Licensing Objectives.

PREMISES NAME:	Empire House
ADDRESS:	2 Empire Street Manchester M3 1JA
DATE OF EVENT:	26/08/2023 – 27/08/2023
TIME OF EVENT:	2300– 0300 hrs

GMP objects to the grant of this Temporary Event Notice on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety.

The application is seeking to allow the premises to host a music event from 11pm until 3am for up to 300 people.

There is no detail whatsoever within the application to show how these numbers will be managed, what security will be in place, how the customers will be dispersed at the end of the night, what welfare provision there will be and how the disruption caused to local residents will be minimised.

To allow this event to take place could cause an unnecessary level of disturbance to the local residents and would therefore impinge on their quality of life.

GREATER MANCHESTER POLICE

As such we ask that this TEN application is refused.

Signed:.....[REDACTED]..... (rank/pin/name)

Date/Time 3rd May 2023 0735hrs
.....



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

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

Premise Details	
Application Ref No	REF 287866
Name of Premises	Empire House
Address	2 Empire Street, Manchester, M20 2LA

Representation
<p>Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.</p> <p>The Licensing and Out of Hours Team (LOOH) have assessed the likely impact of the granting of this application taking into account a number of factors, including the nature of the area in which the premises is located, the hours applied for and any potential risks that the granting application could undermine the licensing objectives.</p> <p>The TEN has applied for regulated entertainment and late night refreshment from 23:00 until 03:00 on the 26/27 August 2023 for 300 people. The event is described by the applicant as "Sierra Leonean music Jamboree, showcasing the culture, talent and food from Sierra Leone. Bringing the community together."</p> <p>There have recently been issues outside at dispersal following an approved temporary event notice at the premises. The applicant has not indicated any measures for security.</p> <p>The LOOH team are concerned with the number of potential customers and timings requested. There is an increased likelihood of issues in the early hours and undermining the licensing objectives, namely public nuisance, public safety and crime and disorder.</p> <p>As the applicant has not offered any conditions or showed any evidence of how they will manage the event and uphold the licensing objectives the recommendation of LOOH is to refuse the Temporary Event Notice.</p>
Recommendation: Refusal

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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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