



Licensing Sub Committee Hearing Panel

Date: Monday, 17 July 2023

Time: 10.20 am (or at the rise of the Licensing & Appeals
Committee)

Venue: Council Antechamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Antechamber

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

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

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Connolly, Evans and Hewitson

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 Licensing Variation: Burgasm, 3 Mirabel Street, Manchester, M3 1PJ

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

5. Application for a Premises Licence Variation: Newton Heath Food and Wine Limited, 1051 Oldham Road, Manchester, M40 2EH

71 - 134

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

6. Application for a New Premises Licence: The Ekelipse, Unit 1, 163-165 Great Ducie Street, Manchester, M3 1FF

135 - 204

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

7. Application for a New Premises Licence: Dream Restaurant, 1 Grandale Street, Manchester, M14 5WS

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

Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
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 **Thursday, 6 July 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 – 17 July 2023

Subject: Burgasm, 3 Mirabel Street, Manchester, M3 1PJ - App ref: Premises Licence variation 288436

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: Deansgate

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing 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
 Telephone: 0161 234 1176
 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 22/05/2023, an application for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 was made in respect of Burgasm, 3 Mirabel Street, Manchester, M3 1PJ in the Deansgate 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 Burgasm Burgers Ltd and a copy of the current licence is attached at **Appendix 2**.

3. The Application

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

Description of proposed variation as given by the applicant:

To extend the terminal hour for the sale of alcohol and provision of Late Night Refreshment to 0200 hours Sunday to Thursday and to 0400 hours Friday and Saturday.

Greater Manchester Police have been consulted (PC Alan Isherwood) and they have no objection to the application subject to the addition of two new conditions. These conditions have therefore been offered up in the operating schedule (Part M).

Proposed hours and licensable activities:

Provision of late night refreshment:

Current hours: Mon to Sun 11pm to midnight

Proposed hours: Sun to Thu 11pm to 2am, Fri to Sat 11pm to 4am

The provision of late night refreshment will take place both indoors and outdoors.

Supply of alcohol for consumption both on and off the premises:

Current hours: Mon to Sun 10am to midnight

Proposed hours: Sun to Thu 10am to 2am, Fri to Sat 10am to 4am

Opening hours:

Current hours: Mon to Sun 10am to 12:30am

Proposed hours: Sun to Thu 10am to 2am, Fri to Sat 10am to 4am

Steps to promote licensing objectives as given by the applicant

On Friday and Saturday two SIA registered door supervisors shall be on duty between 10 pm and close of business.

After midnight there shall be no off sales of alcohol except for delivery.

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

Responsible Authorities:

- MCC Licensing and Out of Hours Compliance Team;

4.2 Summary of the representations: AMEND AS NECESSARY

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance	Concerns that the granting of this licence could lead to issues of public nuisance, in particular with noise and waste	Grant with conditions

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 Licensing Out of Hours.

5. **Key Policies and Considerations**5.1 **Legal Considerations**

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

5.2 **New Information**

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

5.3 **Hearsay Evidence**

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

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

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

5.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities

have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

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

5.5 **Manchester Statement of Licensing Policy**

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

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

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

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

Section 6: What we aim to encourage

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

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

Section 7: Local factors

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

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

- Proximity of takeaways and off-licences to nightlife entertainment areas
- 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.

- | | |
|------|--|
| MS8 | Prevent noise nuisance from the premises |
| MS10 | Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse |
| MS12 | Prevent underage sales of alcohol, including proxy sales |

Section 9: Alcohol delivery services

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

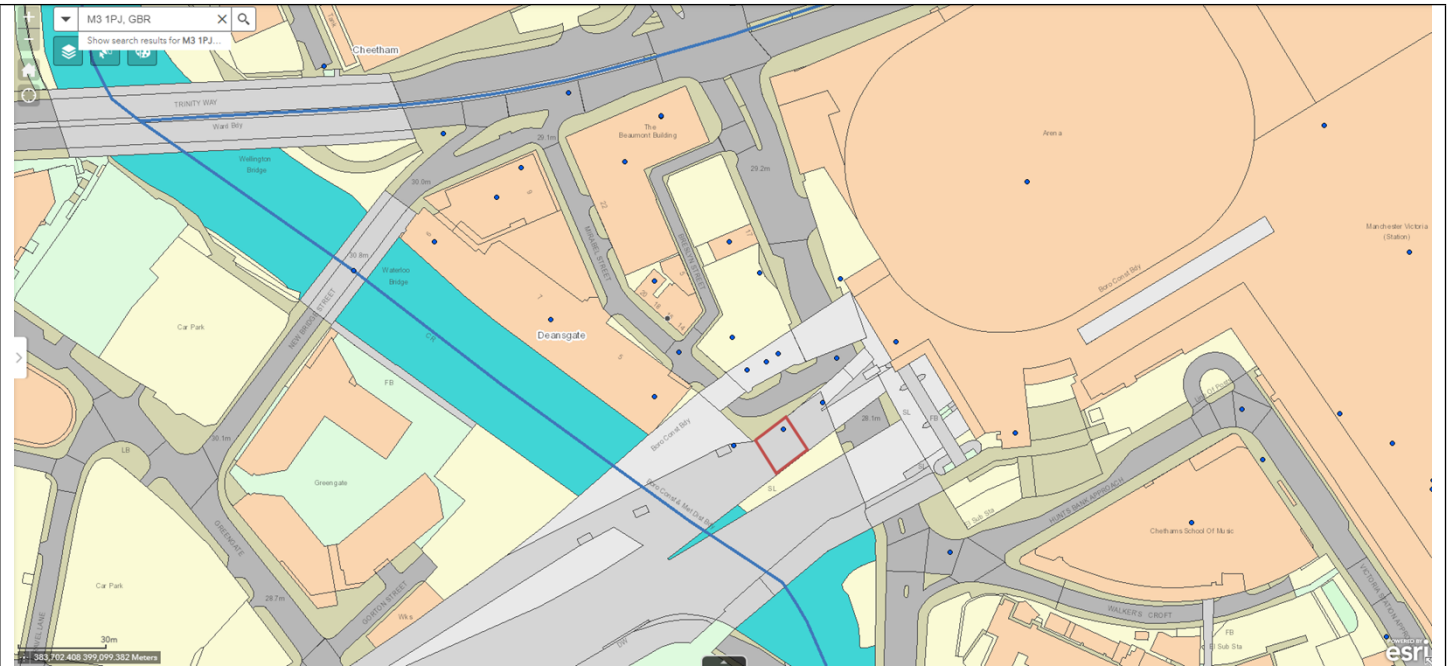
6. Conclusion

- 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.**

Burgasm
 3 Mirabel Street, Manchester, M3 1PJ
 Premises Licensing
 Manchester City Council

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PREMISE NAME:	Burgasm
PREMISE ADDRESS:	3 Mirabel Street, Manchester, M3 1PJ
WARD:	Deansgate
HEARING DATE:	17/07/2023

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	201436
Granted	03/10/2017
Latest version	Transfer 287127 and DPS Variation 287131 Granted 26/04/2023

Part 1 - Premises details

Name and address of premises
Kitchen In An Arch Arch 3, Mirabel Street, Manchester, M3 1PJ
Telephone number
TBC

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1. The sale by retail of alcohol*. 2. The provision of late night refreshment. <p>* All references in this licence to "sale of alcohol" are to sale by retail.</p>

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	10:00	10:00	10:00	10:00	10:00	10:00	10:00
Finish	00:00	00:00	00:00	00:00	00:00	00:00	00:00
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non standard Timings: None							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Finish	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Licensed to take place both indoors and outdoors.							
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	10:00	10:00	10:00	10:00	10:00	10:00	10:00
Finish	00:30	00:30	00:30	00:30	00:30	00:30	00:30
Seasonal variations and Non standard Timings: None							

Part 2

Details of premises licence holder	
Name:	Burgasm Burgers Ltd
Address:	Preservation House, Badger Street, Bury, BL9 6AD
Registered number:	14514485

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Yashin Kesharzi Dadasnejad
Address:	[REDACTED]
Personal Licence number:	171141
Issuing Authority:	Manchester City Council

Annex 1 – Mandatory conditions	
Door Supervisors	
<p>1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -</p> <ul style="list-style-type: none"> (a) Unauthorised access or occupation (e.g. through door supervision), (b) Outbreaks of disorder, or (c) Damage, <p>unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.</p>	
Supply of alcohol	
<p>2. No supply of alcohol may be made under this premises licence:</p> <ul style="list-style-type: none"> (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. 	
<p>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</p>	
<p>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.</p>	

- (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

None

Annex 3 – Conditions attached after hearing by the licensing authority

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
2. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - (a) all crimes reported to the venue, or by the venue to the Police
 - (b) all ejections of patrons
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any visit by a relevant authority or emergency service
3. The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of identification to enable to verify their identity against the notice.
4. The premises shall display prominent signage indicating at any point of sale, the entrance to the premises and in all areas where alcohol is located that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
5. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log and monitor staff to ensure their training is put into practice. 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.
6. Management and staff shall ensure that persons leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause nuisance to the local residents.
7. Management and staff shall ensure that noise from customers using the external area is kept to a minimum during operational hours. This would include any persons that are smoking in the external area.
8. No music shall emanate from the premises so as to cause a nuisance to nearby residential premises.
9. All windows and doors to be kept closed except for access and egress whilst regulated entertainment is taking place.

10. Suitable receptacles will be provided and maintained for the disposal of cigarette litter.

Annex 4 – Plans

See attached

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 Burgasm Burgers Ltd

(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 201436

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Arch 3 Mirabel Street			
Post town	Manchester	Postcode	M3 1PJ
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£14250		

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
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

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To extend the terminal hour for the sale of alcohol and provision of Late Night Refreshment to 0200 hours Sunday to Thursday and to 0400 hours Friday and Saturday.

Greater Manchester Police have been consulted (PC Alan Isherwood) and they have no objection to the application subject to the addition of two new conditions. These conditions have therefore been offered up in the operating schedule (Part M)

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:

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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 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) | <input checked="" type="checkbox"/> |
| Supply of alcohol (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| In all cases complete boxes K, L and M | |

A

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

B

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

C

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

D

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

E

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

F

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

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur			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 (please read guidance note 6)		
Fri					
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	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			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 (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	2300	0200			
Tue	2300	0200	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Wed	2300	0200			
Thur	2300	0200	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Fri	2300	0400			
Sat	2300	0400			
Sun	2300	0200			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	1000	0200			
Tue	1000	0200			
Wed	1000	0200			
Thur	1000	0200			
Fri	1000	0400			
Sat	1000	0400			
Sun	1000	0200	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)		

K

<p>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).</p> <p>None</p>
--

L

Hours premises are open to the public	State any seasonal variations (please read guidance note 5)
---------------------------------------	---

Standard days and timings (please read guidance note 7)		
Day	Start	Finish
Mon	1000	0200
Tue	1000	0200
Wed	1000	0200
Thur	1000	0200
Fri	1000	0400
Sat	1000	0400
Sun	1000	0200

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)

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.

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.

The licence will be forwarded by post.

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 10)

<p>ADDITIONAL STEPS</p> <p>On Friday and Saturday two SIA registered door supervisors will be on duty between 10 pm and close of business.</p> <p>After midnight there will be no off sales of alcohol except for delivery.</p>
--

b) The prevention of crime and disorder

<p>As above</p>

c) Public safety

<p>As above</p>

d) The prevention of public nuisance

<p>As above</p>

e) The protection of children from harm

<p>As above</p>

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, liable on summary conviction to a fine not exceeding level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	██████████
Date	18 th May 2023
Capacity	Agent for the Applicant

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 13). 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 14)

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

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

Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

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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. On Friday and Saturday two SIA registered door supervisors shall be on duty between 10 pm and close of business. 2. After midnight there shall be no off sales of alcohol except for delivery. 	N/A	Applicant
Conditions proposed by objectors	Agreed	Proposed by
<ol style="list-style-type: none"> 1. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance. 2. There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance. 3. All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property. 4. At the end of trading each day, the pavement from the building line to the kerb edge immediately outside the premises, including in and around the smoking area, shall be swept, and litter and sweepings collected and stored in accordance with the approved waste storage arrangements. 5. The premises licence holder must instruct delivery riders and drivers not to cause a noise nuisance when making deliveries or whilst waiting outside the premises for collections, and must not congregate at the premises causing an obstruction on the highway. 6. The premises licence holder must instruct all delivery riders and drivers to switch off their engines whilst waiting for a delivery. 7. All takeaway packaging and wrappers shall clearly identify the premises, ie. by way of company logo or name. 8. Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste. 9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times. 10. Between the hours of 11pm and 7am no waste/glass bottles will be moved or deposited outside. 11. A first aid box will be available at the premises at all times. 12. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated areas. 13. A refusals book will be maintained at the premises, and made 	No	Licensing and Out of Hours

Schedule of Licence Conditions

<p>available to an officer of a responsible authority upon request.</p> <p>14. A '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 ID are photographic driving licences, passports, HM forces warrant card, EU/EEA national ID card or similar document or a form of identification with the 'PASS' hologram.</p> <p>15. Staff training will include the Challenge 25 policy and it's operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.</p>		
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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

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

Premise Details

Application Ref No	REF 288436
Name of Premises	Burgasm
Address	3 Mirabel Street, Manchester, M3 1PJ

Representation

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

The Licensing and Out of Hours (LOOH) team 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 of this application could undermine the licensing objectives.

The Licensing and Out of Hours (LOOH) team has given consideration to Manchester City Council's Statement of Licensing Policy 2021-2026 with particular reference to 7.26 and 7.29.

The applicant requests an extension of the current hours, to open until 2am Sunday to Thursday, and 4am on Friday and Saturday night. The applicant has offered 2 conditions in this application, these are having two SIA registered door supervisors on duty between 10pm on close of business on Friday and Saturday night, and after midnight there will no off sales of alcohol except for delivery.

The location of the premises is near residential accommodation, the Arena and commercial properties. There have been numerous noise complaints to the LOOH team, and the later opening of this premises coupled with the potential for noise from delivery riders could result in an increase in noise complaints as the area is relatively quiet other than when there are events at the Arena.

The Licensing and Out of Hours team have concerns that the granting of this licence could lead to issues of public nuisance, in particular with noise and waste.

The Licensing and Out of Hours team propose the following conditions:

1. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
2. There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance.
3. All deliveries of alcohol shall only be delivered to a premises address with a valid postcode and will only be delivered directly to that property.
4. At the end of trading each day, the pavement from the building line to the kerb edge immediately outside the premises, including in and around the smoking area, shall be swept, and litter and sweepings collected and stored in accordance with the approved waste storage arrangements.
5. The premises licence holder must instruct delivery riders and drivers not to cause a noise nuisance when making deliveries or whilst waiting outside the premises for collections, and must not congregate at the premises causing an obstruction on the highway.
6. The premises licence holder must instruct all delivery riders and drivers to switch off their engines whilst waiting for a delivery.
7. All takeaway packaging and wrappers shall clearly identify the premises, ie. by way of company logo or name.
8. Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.
9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
10. Between the hours of 11pm and 7am no waste/glass bottles will be moved or deposited outside.
11. A first aid box will be available at the premises at all times.
12. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated areas.
13. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.
14. A '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 ID are photographic driving licences, passports, HM forces warrant card, EU/EEA national ID card or similar document or a form of identification with the 'PASS' hologram.
15. Staff training will include the Challenge 25 policy and it's operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.

We consider these conditions to be proportionate and appropriate to prevent public nuisance from occurring at the premises.

Recommendation: Approve with Conditions (Outlined Above)

**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 17 July 2023

Subject: Newton Heath Food and Wine Limited, 1051 Oldham Road, Manchester, M40 2EH - App ref: Premises Licence variation 288540

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: Miles Platting & Newton Heath

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
 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.
- 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 25/05/2023, an application for the variation of an existing Premises Licence under s34 of the Licensing Act 2003 was made in respect of Newton Heath Food and Wine Limited, 1051 Oldham Road, Manchester, M40 2EH in the Miles Platting & Newton Heath 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 Newton Heath Food & Wine Limited 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 was originally 'to vary the sale of alcohol by retail off the premises from Monday to Sunday 7am to midnight to Monday to Sunday 7am to 3am. Also to amend the plan to show a lockable hatch which customers will be served from after midnight.' However further to an agreement with the Licensing and Out of Hours team, the plan is no longer to be amended and off sales of alcohol are now only requested to take place until 1am daily.
- 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 5**.

4. **Relevant Representations**

4.1 A total of 3 relevant representations were received in respect of the application (**Appendix 4**). 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;

Other Persons:

- Resident (x1)

4.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	GMP had concerns that the extended hours could lead to noise disturbance and resultant disputes and asked for the application to be refused, however further to conditions and reduced hours agreed with LOOH their concerns have been adequately addressed.	Grant with conditions and reduced hours (withdrawn subject to this agreement)
Licensing and Out of Hours Compliance	The LOOH team had concerns relating to noise from customers coming and going in the early hours of the morning and additionally noise generated from patrons queuing at the serving hatch. LOOH were also concerned about litter outside the premises. Conditions and	Grant with conditions and reduced hours (withdrawn subject to this agreement)

	reduced hours have been agreed to address these concerns.	
Resident	The extended hours would lead to increased noise nuisance and an increase in litter.	Refuse

4.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 6**.

4.4 Agreements on conditions have been reached with GMP and Licensing & Out of Hours.

5. **Key Policies and Considerations**

5.1 **Legal Considerations**

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

5.2 **New Information**

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

5.3 **Hearsay Evidence**

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

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

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

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

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

5.5 **Manchester Statement of Licensing Policy**

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

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

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

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

Section 6: What we aim to encourage

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

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

Section 7: Local factors

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

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

- Evidence of pre-existing problems in the area
- Consistency with relevant Council strategies
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance
- Ability to clean and maintain the street scene

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

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

- MS2 Effective general management of the premises
- MS3 Responsible promotion and sale of alcohol
- 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.**

Newton Heath Food and Wine Limited
 1051 Oldham Road, Manchester, M40 2EH
 Premises Licensing
 Manchester City Council

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PREMISE NAME:	Newton Heath Food and Wine Limited
PREMISE ADDRESS:	1051 Oldham Road, Manchester, M40 2EH
WARD:	Miles Platting & Newton Heath
HEARING DATE:	17/07/2023

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	249840
Granted	15/10/2020
Latest version	DPS variation 257924 granted 20/05/2021

Part 1 - Premises details

Name and address of premises
Newton Heath Food and Wine Limited 1051 Oldham Road, Manchester, M40 2EH
Telephone number
To be confirmed

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	0700	0700	0700	0700	0700	0700	0700
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	0700	0700	0700	0700	0700	0700	0700
Finish	2400	2400	2400	2400	2400	2400	2400

Seasonal variations and Non standard Timings:

None

Part 2

Details of premises licence holder

Name:	Newton Heath Food and Wine Limited
Address:	1051 Oldham Road, Manchester, M40 2EH
Registered number:	12860449

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol

Name: Sanjeethan Mangalakumaran
Address: [REDACTED]
Personal Licence number: [REDACTED]
Issuing Authority: [REDACTED]

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. The premises shall install and maintain a digital CCTV system covering all areas of the licensed premises, including all public entry and exit points.
2. The CCTV cameras shall continually record whilst the premises are being used for licensable activities.
3. These recordings shall be kept for a minimum of 31 days with a date and time stamping.
4. There shall always be a staff member on duty who is able to produce an image when requested by the police or any other authorised officer.
5. Should the images be stored on a portable medium, ie flash cards, hard drives etc these shall be securely stored.
6. Staff shall be trained to operate the system, there shall be training records kept and made available to authorised officers upon request. Staff shall be trained in accordance with the latest dispersal policies.
7. The designated premises supervisor shall ensure that a written statement of authorisation is produced and kept on the premises listing all people who are authorised to sell alcohol.
8. This notice shall be made available upon request by any authorised officer. All staff who are authorised shall be able to identify themselves by means of ID if requested.
9. An incident log (which may be electronically recorded) shall be kept at the premises for at least 6 months and made available to the police or any other authorised officer.
10. This shall log the following details:
 - a) all crimes reported to the venue or by the venue to the police
 - b) all ejections of patrons
 - c) any incidents of disorder
 - d) any faults in the CCTV system
 - e) any visit by an officer of a responsible authority or emergency services
 - f) all refused sales of alcohol

11. The premises shall be maintained in a safe manner at all times. All exits shall be clear of hazards.
12. All refuse shall be disposed of in an appropriate manner.
13. Staff shall be instructed to maintain all external areas in a clean and presentable manner at all times.
14. A "Challenge 25" Policy shall be implemented on the premises.
15. Age verification shall only be by a current passport, phot driving licence, forces id cards or any card that carries a PASS logo.
16. Staff shall be trained to understand these policies and training records shall be kept.
17. These records shall be made available to the police and any other authorised officer.
18. The premises shall display prominent signage across the store, these shall be:
 - a) The Challenge 25 Signage
 - b) It is an offence to buy or attempt to buy any alcohol for a person under 18
19. All these procedures shall be part of staff training and recorded as stated previously.

Annex 3 – Conditions attached after hearing by the licensing authority

Not applicable

Annex 4 – Plans

See attached

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**

Send completed application form to:

Premises Licensing
Manchester City Council
Level 2 Town Hall Extension
Albert Square
PO Box 532, M60 2LA

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 **NEWTON HEATH FOOD & WINE LIMITED**

(Insert name(s) of applicant)

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

Premises licence number	249840
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

NEWTON HEATH FOOD & WINE
1051 OLDHAM ROAD

Post town	MANCHESTER	Postcode	M40 2EH
-----------	------------	----------	---------

Telephone number at premises (if any)	
---------------------------------------	--

Non-domestic rateable value of premises	£ 10,500.00
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Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	AS ABOVE		
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
[] []	[] []	[] [] [] []

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To vary the sale of alcohol by retail off the premises from
Monday--Sunday 07.00--00.00
To
Monday--Sunday 07.00--03.00

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 tick all that apply**

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

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

Sale by retail 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 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
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 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
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 5)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
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 5)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
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 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			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 2)	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 3)		
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 4)		
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 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	07.00	03.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	NONE.	
Tue	07.00	03.00			
Wed	07.00	03.00			
Thur	07.00	03.00	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 5)	NONE.	
Fri	07.00	03.00			
Sat	07.00	03.00			
Sun	07.00	03.00			

K

<p>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 8).</p> <p>NONE.</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	NONE.
Mon	07.00	03.00	
Tue	07.00	03.00	
Wed	07.00	03.00	
Thur	07.00	03.00	
Fri	07.00	03.00	
Sat	07.00	03.00	
Sun	07.00	03.00	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
			NONE.

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.

No conditions would be removed.

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.

The actual licence is subject to an issue with Royal Mail regarding my client sending the licence through the mail and it becoming "Mislaid" We may need to source a replacement
I have attached a scan of the licence from a previous Variation to the application.



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 9)

~~The applicant has previously sought advice regarding this potential variation and guidance given is reflected in the operating schedule~~
Local residents have voiced their support for the application and this can be evidenced if required.

b) The prevention of crime and disorder

The shop will close and the door will be locked as normal at 00.00.
Should the applicant be successful the applicant will install a lockable hatch to serve customers from 00.00.
There will be no public access after 00.00.

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- 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, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature		
Date		
Capacity		

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 12). **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 13)

<div style="background-color: black; width: 300px; height: 40px; margin: 0 auto;"></div>			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

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

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

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 288540
Name of the Premises	Newton Heath Food and Wine Limited
Address of the premises including postcode	1051 Oldham Street, Manchester M40 2EH

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 on the grounds of Prevention of Crime and Disorder and the Prevention of Public Nuisance.

The application is seeking to extend the alcohol sales and opening times of the premises by 3 hours from midnight to 0300 hours, 7 days a week.

The proposal is that after midnight the premises will lock the door and customers will be served via a hatch.

The area is across a narrow road from numerous residential properties, and it is highly probable that noise from customers attending the premises in vehicles and on foot at such late hours, and then standing on the street whilst their order is put together by the staff, will cause an unacceptable level of disturbance to those nearby residents.

This could then lead to angry confrontations between the residents who are trying to sleep, some of which may have young children, and the customers who are standing outside the premises waiting for their order, which may then result in calls to GMP.

We therefore ask that this application is refused.



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Gemma Hunt
Job Title	Licensing & Out of Hours Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Hammerstone Road, Gorton M18 8EQ
Email Address	gemma.hunt@manchester.gov.uk
Telephone Number	07817014958

Premise Details	
Application Ref No	M288540
Name of Premises	Newton Heath Food and Wine Limited
Address	1051 Oldham Road, Manchester, M40 2EH

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 & Out of Hours (LOOH) Team have assessed the application taking into consideration the trading history at the premises, & any effect the proposed variation would have on the four licensing objectives.</p> <p>The premises is situated on a busy main road which has double yellow lines. At present customers travelling by car usually use Dixon Road to park (leading on to Astoria Ave), which is a heavily residential area. The LOOH team have concerns relating to noise from customers coming and going in the early hours of the morning and additionally noise generated from patrons queuing at the serving hatch.</p> <p>The LOOH team have received contact from neighbours who have advised that customers drop their litter on the street as there is no premises bin outside, and that there are problems with customers parking inconsiderably on Dixon Road.</p> <p>The LOOH team have met with the applicant who has agreed to reduce the hours requested in their application in light of the above. The LOOH team are agreeable to the following to mitigate the above concerns:</p> <ul style="list-style-type: none"> - Remove the proposed conditions in the application relating to a serving hatch and the public not having access to the premises. - To propose 2 new conditions: <ol style="list-style-type: none"> 1. 'The premises will maintain a bin outside the premises.' 2. 'A notice will be displayed on the Dixon Road side of the premises Requesting customers respect the neighbours when leaving the Premises and leave the area quietly.' - An extension of hours for the sale of alcohol and opening hours of the premises on Friday and Saturdays until 1am. (currently Midnight) All the other proposed extended hours to be withdrawn.
Recommendation: Approve with amendments/ conditions (Outlined Above)

From: [REDACTED]

Sent: 02 June 2023 00:32

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

Subject:

You don't often get email from [REDACTED] [Learn why this is important](#)

Hi I live [REDACTED] I don't think the go local shop should be able to stay open till 3pm has we have lots of people coming around here already very Loud and throwing rubbish all over the places and the shop keeper has already has a number of problems there himself there is no need for anyone to be at the shop or hanging outside the shop at 3 in morning many thanks

Regards,

[REDACTED]

----- Original Message -----

From: [REDACTED]

To: [REDACTED]

Sent: Friday, 16 Jun, 2023 At 12:14

Subject: Variation 1051 Oldham Road

Good Afternoon [REDACTED]

My name is [REDACTED] and I work with regards to Licensing for the licence holders at Go Local 1051 Oldham Road.

Thank you for your email, I was hoping we could possibly update you and hopefully ease any concerns.

After discussion with the police and the local out of hours licensing team alongside with Environmental Health the application has been amended.

The hours are now amended to 01.00 from 03.00 and this has been agreed in principle with both police and environmental health.

Whilst not 100% responsible my client has undertaken to "look after the alleyway area behind the shop and hopefully you will already see significant improvement in this area.

Also with the hours being reduced there is now no need to provide a hatch, so therefore any customers could use the actual shop and would not be hanging around outside.

I hope you can see my client is trying to work with the authorities and local residents alike by amending his application.

If you feel this now meets with your approval, are you able to re contact licensing to inform them.

Please get in touch for any further information.

Kind Regards,

[REDACTED]

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

Document is Restricted

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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
Not applicable		
Conditions proposed by objectors	Agreed	Proposed by
<ol style="list-style-type: none"> 1. The premises will maintain a bin outside the premises. 2. A notice will be displayed on the Dixon Road side of the premises requesting customers respect the neighbours when leaving the premises and leave the area quietly. 	Yes	LOOH

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 17 July 2023

Subject: The Ekelipse, Unit 1, 163-165 Great Ducie Street, Manchester, M3 1FF
- App ref: Premises Licence (new) 288467

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

Equal Opportunities Policy
 Risk Management
 Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

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

Name: Bryan Johnson
 Position: Technical Licensing Officer
 Telephone: 0161 234 1248
 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 22/05/2023, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of The Ekclipse, Unit 1, 163-165 Great Ducie Street, Manchester, M3 1FF in the Cheetham ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Application**

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is Ekeh Group Limited.
- 2.3 The description of the premises given by the applicant is: 'Bar/restaurant serving continental foods.'
- 2.4 The proposed designated premises supervisor is Mr Vincent Francis-Ekemezie.

2.5 **The licensable activities applied for:**

Provision of late-night refreshment:

Mon to Sun 11pm to 5am

The provision of late-night refreshment will take place both indoors and outdoors.

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

Mon to Sun 11am to 5.30am

- 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	<p>A representation has been submitted against the application by Greater Manchester Police on the grounds that it is their belief that all of the Four Licensing Objectives would be likely to be adversely impacted upon, should the application be granted.</p> <p>GMP have made reference in their representation to the extensive and widely reported (both historical and on-going) crime-related problems that affect the area within which the premises is located. GMP have also highlighted the fact that the actual premises was subject to a law enforcement operation prior to the receipt of the current application (which was/is, however, not related in any way to the applicants for the premises licence) and</p>	Refuse

	<p>that there remains an ongoing police operation in the general area of the premises to deal with the continuing criminal activity and behaviour.</p> <p>GMP have also advised that the applicant made direct contact with the Responsible Authority to seek clarification and guidance as to what (licensable activity) hours would be suitable for the premises/location. Despite a clear response being given to the applicant (by GMP) it was confirmed that licensable activity timings were/have been applied for that go completely against the advice given by GMP, which has led GMP to conclude that possible future dealings with the premises may prove to be 'problematic'. GMP are also dissatisfied with the range of conditions being offered by the applicant in regard to the operation of a late, licensed premises.</p> <p>Consequently so, taking the above into account, GMP are requesting that the application be refused.</p>	
<p>Licensing and Out of Hours Compliance</p>	<p>LOOH Compliance are objecting to the application on the same grounds as Greater Manchester Police.</p> <p>LOOH Compliance have expressed concern regarding the lack of enforceable conditions being put forward via the application, particularly in reference to the general, daily operation of the premises. The absence of conditions relating to the provision of SIA registered security staff, noise breakout prevention measures, appropriate refusal logs, Smoking/Queuing & Dispersal policies and measures to manage an outside seating area at the premises are cases in point and their absence are regarded by LOOH Compliance Team as being a negative aspect to the overall application.</p> <p>LOOH have also taken issue with the applicants description of the premises as being a 'restaurant'; the presence of separate bars on each floor of the premises, combined with the extended daily operating hours, leads LOOH Compliance Team to believe that the premises would more likely be operating on the basis of</p>	<p>Refuse</p>

	<p>it being a 'bar' and, therefore, as an alcohol-led premises (instead of it operating mainly as a restaurant). This potential operating status does not sit well with LOOH Compliance and it is felt that there would be a further undermining of the Four Licensing Objectives if this eventuality were to occur.</p> <p>Taking into account those concerns as expressed above, as well as further concerns relating to the premises' location to a nearby sensitive uses facility (Cheetwood Primary School), and also various residential premises (both private and social housing), LOOH Compliance Team are requesting that the application be refused.</p>	
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3.3 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 4**.

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

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

4.2 **New Information**

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

4.3 **Hearsay Evidence**

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

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

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

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

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

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

4.5 **Manchester Statement of Licensing Policy**

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

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

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

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

Section 6: What we aim to encourage

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

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

Section 7: Local factors

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

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

- Identified risk factors specific to the licensed premises
- Evidence of pre-existing problems in the area
- 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
- Proximity to sensitive uses
- 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
- MS3 Responsible promotion and sale of alcohol
- MS5 Prevent on-street consumption of alcohol
- MS7 Maintain a safe capacity
- MS8 Prevent noise nuisance from the premises
- MS9 Effectively manage exterior spaces (e.g. beer gardens, smoking areas, table and chair areas on the highway)
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse
- MS12 Prevent underage sales of alcohol, including proxy sales

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:

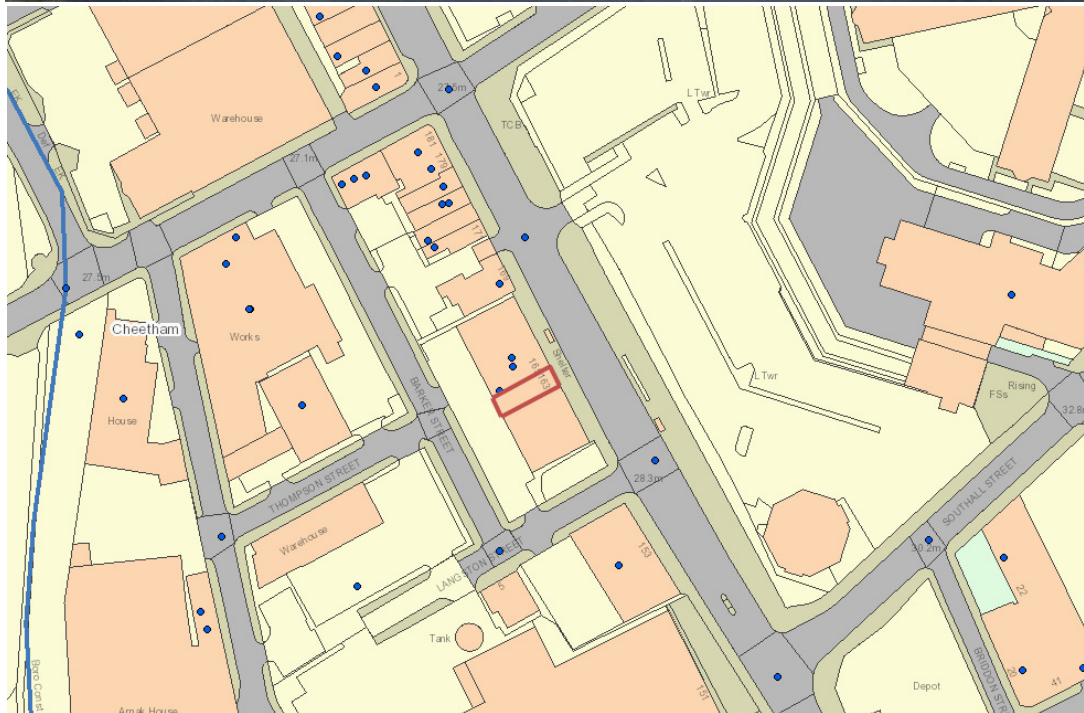
- the prevention of crime and disorder
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

- 5.2 In considering the matter, the Panel should take into account any 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.
- 5.3 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.
- 5.4 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.
- 5.5 All licensing determinations should be considered on the individual merits of the application.
- 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.
- 5.8 **The Panel is asked to determine the application.**

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The Ekelpse
 163-165 Great Ducie Street, Manchester, M3 1FF
 Premises Licensing
 Manchester City Council

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PREMISE NAME: The Ekelpse

PREMISE ADDRESS: 163-165 Great Ducie Street, Manchester, M3 1FF

WARD: Cheetham

HEARING DATE: 17/07/2023

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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 Ekeh Group Limited

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
163-165 Great Ducie Street			
Post town	Manchester	Postcode	M3 1FF
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 0	

Part 2 - Applicant details

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

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

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name	EKEH GROUP LTD
Address	20-22, Wenlock Road, London, England, N1 7GU
Registered number (where applicable)	14713218
Description of applicant (for example, partnership, company, unincorporated association etc.)	Private Limited Company

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

Part 3 Operating Schedule

When do you want the premises licence to start?

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

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

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

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

The premises is a bar/restaurant serving continental foods. The restaurant is separated over two floors with a private outside space to the rear.

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

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

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

- | Provision of regulated entertainment (please read guidance note 2) | Please tick all that apply |
|---|----------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

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

In all cases complete boxes K, L and M

A

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

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
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 6)		
Fri					
Sat					
Sun					

E

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

F

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

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23:00	06:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	23:00	06:00			
Wed	23:00	06:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	06:00			
Fri	23:00	06:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23:00	06:00			
Sun	23:00	06:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11:00	05:30			
Tue	11:00	05:30			
Wed	11:00	05:30			
Thur	11:00	05:30			
Fri	11:00	05:30			
Sat	11:00	05:30			
Sun	11:00	05:30			

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 Vincent Francis-Ekemezie	
Date of birth	██████████
Address ██ ██ ██	
Postcode	██████████
Personal licence number (if known) ██████████	
Issuing licensing authority (if known) ████████████████████	

K

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

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	11:00	06:00	
Tue	11:00	06:00	
Wed	11:00	06:00	
Thur	11:00	06:00	
Fri	11:00	06:00	
Sat	11:00	06:00	
Sun	11:00	06:00	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)

M

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

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

EFFECTIVE ONGOING TRAINING OF ALL MEMBERS OF STAFF TO UNDERSTAND AND PROMOTE THE LICENSING OBJECTIVES AND WORK WITH IN THE CONDITIONS SET BY THE PREMISES LICENCE. THE DESIGNATED PREMISES SUPERVISOR WILL CONDUCT STAFF TRAINING ON A SIX MONTHLY BASIS, RECORDS OF TRAINING WILL BE DOCUMENTED AND MADE AVAILABLE TO THE POLICE OR OTHER RESPONSIBLE AUTHORITIES.

b) The prevention of crime and disorder

CCTV covering areas inside of the premises shall be installed and maintained to police recommendations with properly maintained log arrangements. CCTV shall be working and recording correctly at all times. All images shall be stored for a minimum of 31days.

The DPS shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request.

c) Public safety

All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request.

d) The prevention of public nuisance

Clear signs will be present and visible at all exits requesting customers to leave quietly and respect any nearby residents.

e) The protection of children from harm

The premises shall operate a Challenge 25 age restricted sales policy and shall display appropriate signage advising customers of this policy. All staff shall be trained in the Proof of Age policy and how to identify acceptable means of identification.

Checklist:**Please tick to indicate agreement**

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


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

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

Part 4 – Signatures (please read guidance note 11)





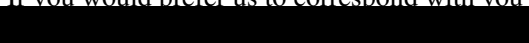
Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or
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	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	15/05/2023
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)			
			

Notes for Guidance

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

- (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
- 15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

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

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

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

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

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,

- (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
- (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
- (iv) self-sufficient e.g. bank statements.

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

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

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

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

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

Home Office online right to work checking service

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

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

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

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

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

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GREATER MANCHESTER POLICE - REPRESENTATION

About You

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

About the Premises

Application Reference No.	LPA 288467
Name of the Premises	The Ekclipse
Address of the premises including postcode	163-165 Great Ducie Street, Manchester M3 1FF

Your Representation

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

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

The application is seeking to licence a premises in the Cheetham Hill/Strangeways area of Manchester to permit the sale of alcohol from 1100 hours until 0530 hours, with late night refreshment around the clock and a closing time of 0600 hours, 7 days a week.

The area where the premises are situated suffers from a disproportionately high level of crime and there is a dedicated policing operation which has been set up in this very area to combat this. The operation is called Operation Vulcan and more details of this will be provided prior to any subsequent hearing before committee.

The actual premises which the application is seeking to licence was a target of Operation Vulcan, but it must be clarified that this was not under the operation of the applicant at that time.

Prior to researching the location where the premises are located, I was contacted by the applicant via email, and he asked me what GMP would expect from an application.

Whilst this advice is now largely academic, due to the unsuitable location for a licenced premises, I informed the applicant that GMP would not support an application with alcohol sales beyond 0330 hours and a closing time of 0400 hours.

Therefore, it is a concern that this advice has been completely disregarded and the hours applied for are way beyond this. This gives the impression that the applicant is unwilling to follow the advice that they have asked for and suggests that future interaction with the applicant would potentially be problematic.

Finally, the conditions offered are not commensurate with the operation of what would be one of the latest licenced premises within the Manchester City Council area.

We therefore ask that this application is refused.



**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	[REDACTED]
Email Address	[REDACTED]
Telephone Number	[REDACTED]

Premise Details	
Application Ref No	REF 288467
Name of Premises	The Ekelipse
Address	163-165 Great Ducie Street, Manchester, M3 1FF

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 considering 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 proposed Ekelipse premises is located on Great Ducie Street, in close proximity to the city centre and Manchester AO Arena. Great Ducie Street is a busy route in and out of the city centre. Considering the location and street layout at the premises, it is likely that customers arriving and leaving the premises via vehicle will cause disruption to this main thoroughfare.</p> <p>The application proposed is for “a bar/restaurant, with the restaurant separated over two floors.” The plans show a small kitchen area, and a bar on each floor. Considering this and the operating hours requested until 06:00 every day of the week, it appears to be more of a bar proposition than that of a restaurant.</p> <p>The conditions offered for a bar/restaurant open until 06:00, in this location, are greatly insufficient. There are no conditions regarding SIA security, no mention of preventing noise nuisance from music, no refusal logs, queuing/dispersal and smoking policies. The outside seating area covers a large proportion of the premises plan. No conditions have been offered with regard to the use of this outside area.</p> <p>The Manchester City Council Statement of Licensing Policy states that consideration should be given to the following:</p> <p><u>Evidence of pre-existing problems in the area</u> <u>7.12 Where its discretion is engaged, the authority will give particular</u></p>

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.

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

7.33 *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. In mixed-use environments, such as the city centre, noisier impacts are not always derived from actions of a small number of excessively antisocial individuals but can also come from large numbers of people going about the business of having a good time. While such environments will not be expected to be completely noise-free and peaceful environments, the authority considers that noise affecting residential properties should remain within tolerable levels such that home life remains viable and restful sleep a possibility.*

Proximity to sensitive uses

7.36 *Where the licensing authority's discretion is engaged, premises applying for early morning daytime hours to sell alcohol will be given particular consideration in relation to their proximity to schools, play areas, nurseries, children's centres and other youth amenities to protect children from harm, as well as groups (such as persons who are alcohol-dependent) who could become more vulnerable or present a greater risk of crime, disorder and public safety issues as a result of excessive alcohol consumption or who may be drawn to particular premises if they are licensed to sell alcohol at earlier times. Where its discretion is engaged, the licensing authority will give consideration to the general demand for alcohol treatment in an area as a proxy indicator of problems.*

MS8 Prevent noise nuisance from the premises

Consideration should be given to the risk of nuisance from music breakout from the premises and include all appropriate measures. Relevant measures could include:

- *The provision of acoustic glazing*
- *The installation of sound limiters linked to any sound amplification equipment at appropriate levels*
- *The provision of acoustically treated ventilation*
- *The installation of an acoustic lobby at entrances and exits to premises to act as a physical barrier between the inside of premises and the outside environment*
- *Prohibition of the external playing of amplified music*
- *Restriction of the hours of operation of outside drinking areas*
- *Establishment of maximum noise levels*

- *The provision of a scheme of internal acoustic treatment to the premises.*

Considering the above, and the lack of conditions offered by the applicant, the LOOH team do not believe there are sufficient measures offered for the described operation and believe the licensing objectives will not be upheld. Therefore the recommendation for the application would be refusal.

Recommendation: Refuse Application

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

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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<ol style="list-style-type: none"> 1. Effective ongoing training of all members of staff to understand and promote the Licensing Objectives and work within the conditions set by the premises licence. 2. The Designated Premises Supervisor shall conduct staff training on a six-monthly basis. Records of training shall be documents and made available to the police or other responsible authorities. 3. CCTV covering areas inside of the premises shall be installed and maintained to police recommendations with properly maintained log arrangements. CCTV shall be working and recording correctly at all times. All images shall be stored for a minimum of 31 days. 4. The DPS shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Licensing Authority on request. 5. All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Written records of this training shall be retained and made available to police and authorised officers of the Licensing Authority on request. 6. Clear signs shall be present and visible at all exits requesting customers to leave quietly and respect any nearby residents. 7. The premises shall operate a Challenge 25 age restricted sales policy and shall display appropriate signage advising customers of this policy. All staff shall be trained in the Proof of Age policy and how to identify acceptable means of identification. 	N/A	Applicant
Conditions proposed by objectors	Agreed	Proposed by
Not applicable	N/A	N/A

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**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 17 July 2023

Subject: Dream Restaurant, 1 Grandale Street, Manchester, M14 5WS –
App ref: Premises Licence (new) 288358

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: Moss Side

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

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy.
- 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 26/05/2023, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Dream Restaurant, 1 Grandale Street, Manchester, M14 5WS in the Moss Side ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Application**

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is Aleen MCR Ltd.
- 2.3 The description of the premises given by the applicant is:

Dream Restaurant, located at 1 Grandale Street Manchester M14 5WS, is a takeaway and restaurant serving Middle Eastern cuisine. The unit consists of two floors, the ground floor is where food can be ordered and consumed along with the first floor which has additional seating area for customers. There is also a toilet located on the first floor for customers to use. The restaurant/ takeaway does not serve alcohol and will not intend to do so in the future. The menu ranges from chicken/ lamb shawarma, pizza, fatyer to wraps/ sandwiches. Since opening in April 2023 the takeaway has become increasingly popular and many customers travelling to taste the delicious food.

2.4 **The licensable activities applied for:**

Provision of late night refreshment:
Mon to Sun 11pm to 2am (indoors only)

Opening hours:
Mon to Sun 11am to 2am

- 2.4.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.
- 2.4.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 2**.
- 2.5 **Activities unsuitable for children**
- 2.5.1 The applicant has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
- 2.6 **Steps to promote the licensing objectives**
- 2.6.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule.
- 2.6.2 These steps must be translated into conditions by the licensing authority to be included in any granted premises licence, unless the conditions are modified by the Panel following consideration of relevant representations. These conditions are set out in the Schedule of Conditions at **Appendix 5**.
- 2.7 **Further documentation accompanying the application**
- 2.7.1 The applicant has not submitted further documentation in support of the application.
3. **Relevant Representations**
- 3.1 A total of 2 relevant representations remain in respect of the application (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these representations will be available to the Panel at the hearing. While the representations don't state that they have been made on behalf of a business, the address on each is on our system as holding a premises licence.
- Other persons x 2
- 3.2 A representation was received from Greater Manchester Police. This representation was agreed and withdrawn. The basis of the agreement was a new operating schedule provided by the applicant which amends that given in the application. The new operating schedule is included as appendix as **Appendix 4**. The new operating has been circulated to all parties by the Licensing Unit on behalf of the applicant.

3.3 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	This representation has been withdrawn on the basis of the new operating schedule included as Appendix 4	N/A
Objector 1	This representation has been withdrawn on the basis of the new operating schedule included as Appendix 4	N/A
Objector 2	Granting this application will make the street more noisy, with customers causing nuisance in a residential area. The operator may not be able to control customers leaving the premises - there is already trouble on Grandale Street This representation reports that the premises doesn't have a license but are opening until late.	Refuse
Objector 3	Premises that open late at night that bring more crime and disorder to the area, which already has a lot of crime and drugs. Drug dealing takes place in the alley next to the premises. The premises already opens till midnight without a licence in place. A further premise will make the area busier and more noisy which will affect nearby residents.	Not stated

3.4 Any conditions proposed by objectors are set out in the Schedule of Conditions at **Appendix 5**.

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

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

4.3 **New Information**

4.3.1 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.

4.4 Hearsay Evidence

- 4.4.1 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.

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

- 4.5.1 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.
- 4.5.2 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.
- 4.5.3 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.

4.6 Manchester Statement of Licensing Policy

- 4.6.1 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.
- 4.6.2 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.
- 4.6.3 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.
- 4.6.4 Relevant to this application and the grounds of the representations made, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

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

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

Section 7: Local factors

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

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

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

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

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

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS8 Prevent noise nuisance from the premises

Conclusion

4.7 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.

- 4.8 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.
- 4.9 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.
- 4.10 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.
- 4.11 All licensing determinations should be considered on the individual merits of the application.
- 4.12 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.
- 4.13 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.
- 4.14 **The Panel is asked to determine the application**

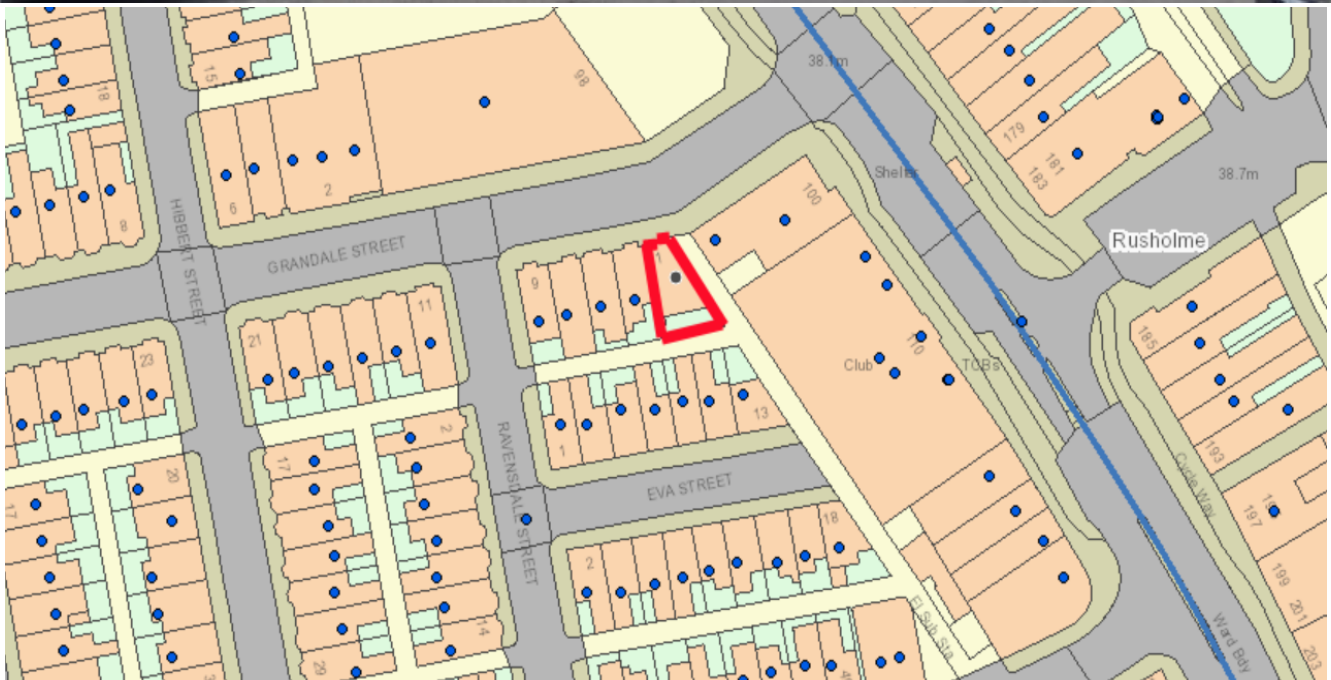
Dream Restaurant - 1 Grandale Street, Manchester, M14 5WS

Premises Licensing, Manchester City Council

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The premises lies approximately within the area marked on the map below



PREMISE NAME:	Dream Restaurant
PREMISE ADDRESS:	1 Grandale Street, Manchester, M14 5WS
WARD:	Moss Side
HEARING DATE:	17/07/2023

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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 Aleen MCR Ltd

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
1 Grandale Street			
Post town	Manchester	Postcode	M14 5WS
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£ 7100		

Part 2 - Applicant details

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

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

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

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

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

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name	Aleen MCR Ltd
Address	1 Grandale Street, Manchester, M14 5WS
Registered number (where applicable)	14519537
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited Company

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

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	8	05 20 23

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)

Dream Restaurant, located at 1 Grandale Street Manchester M14 5WS, is a takeaway and restaurant serving Middle Eastern cuisine. The unit consists of two floors, the ground floor is where food can be ordered and consumed along with the first floor which has additional seating area for customers. There is also a toilet located on the first floor for customers to use.

The restaurant/ takeaway does not serve alcohol and will not intend to do so in the future. The menu ranges from chicken/ lamb shawarma, pizza, fatyer to wraps/ sandwiches.

Since opening in April 2023 the takeaway has become increasingly popular and many customers travelling to taste the delicious food.

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

15-25

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

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

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<input type="checkbox"/>
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	<input type="checkbox"/>
e) live music (if ticking yes, fill in box E)	<input type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input type="checkbox"/>
g) performances of dance (if ticking yes, fill in box G)	<input type="checkbox"/>
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	<input type="checkbox"/>

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	2:00	<u>Please give further details here</u> (please read guidance note 4) hot food and refreshments will be available to purchase to customers. No alcohol will be available and no live music or music will be played.		
Tue	11:00	2:00			
Wed	11:00	2:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5) There will be no seasonal variations as the area is continuously busy throughout the year.		
Thur	11:00	2:00			
Fri	11:00	2:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	11:00	2:00			
Sun	11:00	2:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
			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)		
Sun					

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

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

K

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

No adult services or entertainment, activities etc will be taking place at the premises.

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p>			<p><u>State any seasonal variations</u> (please read guidance note 5)</p> <p>We do not expect any changes due to seasonal variation, as we believe the premises will be busy during all seasons.</p>
Day	Start	Finish	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p>
Mon			
	11:00	2:00	
Tue			
	11:00	2:00	
Wed			
	11:00	2:00	
Thur			
	11:00	2:00	
Fri			
	11:00	2:00	
Sat			
	11:00	2:00	
Sun			
	11:00	2:00	

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)

Extending the opening hours for the takeaway will help reduce/ prevent crime and disorder from occurring in the area, as this allows customers to come into the restaurant and socialise with family and friends indoors whilst enjoying delicious food. This therefore ensures the public are safe, as currently the number of customers queuing outside the takeaway before closing is a large quantity, so by extending the closing hours this allows customers to take their time and not rush. This in return will prevent public nuisance and protect children. Additionally, this reduced the strain on other businesses in the area.

b) The prevention of crime and disorder

By allowing the takeaway to open extended hours this reduces/ prevents crime and disorder from occurring in the area. This will mean less number of people/ groups will be hanging around outside and more customers coming inside the takeaway to enjoy a nice hot meal with family/ friends. This also reduces the burden on other takeaways and restaurants in the area from dealing with crime and disorder as more customers will be inside enjoy the food. Allowing the takeaway to open for extended hours will also reduce the number of people eating their food on roads/ pavements as many will be able to enjoy the two floors of indoor dining, that in return will reduce littering and other disorders.

c) Public safety

The public's safety is a number one priority of the of the business and by ensuring this achieved we believe extending the opening hours will ensure more customers are able to come and enjoy the menu, rather than waiting outside on the pavement/ road. The takeaway has two floors, that is plenty of space for many customers to come inside and enjoy a meal, this in return avoids customers from eating their food outside on the pavement/ road.

d) The prevention of public nuisance

Allowing the takeaway to open for extended hours will mean customers can enjoy their food indoors rather than standing outside on pavements/ roads, this in return will prevent public nuisance. Customers can enjoy chatting with friends/ family indoors rather than disturbing those outside or nearby neighbours. Extended hours also allow reduced littering, as customers can use the facilities of the takeaway.

e) The protection of children from harm

The takeaway is a great place for families and friends to attend when eating and socialising. We do not serve alcohol or intend to in the future, along with adult activities or entertainment. We hope to reduce the number of crime in the area and prevent nuisance so that children are not harmed.

Checklist:**Please tick to indicate agreement**

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

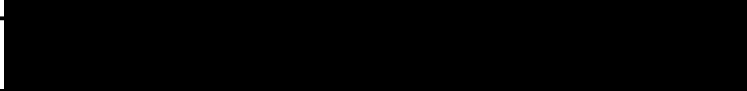
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or
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	her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	18.05.2023
Capacity	DIRECTOR

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)			

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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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From: webfeedback@manchester.gov.uk <webfeedback@manchester.gov.uk>

Sent: 21 June 2023 21:19

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

Subject: Make representation to a licensing or gambling application

Question	Response
<i>First name:</i>	[REDACTED]
<i>Last name:</i>	[REDACTED]
<i>Building number or name:</i>	[REDACTED]
<i>Street:</i>	[REDACTED]
<i>Area:</i>	[REDACTED]
<i>Postcode:</i>	[REDACTED]
<i>Email :</i>	[REDACTED]
<i>Application reference number:</i>	288358/HH1
<i>Premises name (if known) and full address this representation relates to:</i>	Dream Restaurant, grandale Street M14 5WS
<i>Which of the licensing objectives are relevant to your comments on this application: :</i>	The prevention of public nuisance
<i>Please state your comments on this application :</i>	I think that this application should be rejected, because it will make the street more noisy from the customers leaving the premises which will be a nuisance to the residential area. they may not be able to control the customers. there is already trouble on Grandale Street which is shown in the way Police have asked for our CCTV footage of the road. currently they don't have a license but are still opening until late.

From: webfeedback@manchester.gov.uk <webfeedback@manchester.gov.uk>

Sent: 23 June 2023 21:24

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

Subject: Make representation to a licensing or gambling application

Question	Response
<i>First name:</i>	[REDACTED]
<i>Last name:</i>	[REDACTED]
<i>Building number or name:</i>	[REDACTED]
<i>Street:</i>	[REDACTED]
<i>Area:</i>	[REDACTED]
<i>Postcode:</i>	[REDACTED]
<i>Email :</i>	[REDACTED]
<i>Application reference number:</i>	
<i>Premises name (if known) and full address this representation relates to:</i>	Dream restaurant 1 grandale street Manchester m145ws
<i>Which of the licensing objectives are relevant to your comments on this application:</i>	The prevention of crime and disorder :
<i>Which of the licensing objectives are relevant to your comments on this application:</i>	Public safety :
<i>Which of the licensing objectives are relevant to your comments on this application:</i>	The prevention of public nuisance :
<i>Please state your comments on this application :</i>	The premises open till late night that bring more crime and disorder to the rear which already a lot of crim and dealing of drag happing next to hallway beside that premises. The prmises already opens till midnight without proper licenses on place which they already break the law and since they open that

Question

Response

takeaway the area busier and more noisy which that affect the house near by.

And then for that reason there is one of condition is mopped on when they ware given the planning permission .

I hope that you take off that of consideration to stop mor crim ,noise and disorder to the street.

Many thanks

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of the Local Government Act 1972.

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Licencing Objectives by Implementing & Adopting Licensing Act 2003 Model
Conditions:

The following conditions set out below are ones we hope to implement in the Licencing Objectives for Dream Restaurant, 1 Grandale Street, Manchester, M14 5WS.

Admission and Control of entry, and Dispersal:

Admission and control of entry

- The designated queuing area shall be enclosed within appropriate barriers and a minimum width of 1m shall be maintained on the footway to allow safe passage by pedestrians.
- No customer will be permitted to enter or re-enter the premises between the hours of 23:00 and 2:00 save for persons who have temporarily left the premises (e.g. to smoke).
- No more than 40 customers will be permitted on the premises at any one time.
- The premises licence holder shall ensure that a suitable method of calculating the number of people present during licensable activities is in place.

Dispersal:

The dispersal of customers from the premises must be managed in accordance with the following:

- Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly. This has already been purchased in order to be displayed clearly at all exits.
- Public announcements requesting customers to leave quietly to minimise disturbance to nearby residents
- A suitable member of staff or a Door Supervisor(s) will be visible at each public entrance / exit to control the dispersal, to remind people to leave quietly, and to prevent patrons from re-entering the premises, and shall deter customers from using private hire vehicles without a prior booking
- From no later than 1 hour before the premises closes to the public, a member of staff shall be dedicated to monitor the dispersal of customers and ensure patrons do not contribute to anti- social behaviour in the vicinity. They will be easily identifiable by way of their uniform or high visibility jacket/ vest; will have a detailed knowledge of all transport options in the area and provide directions for patrons who may loitering in the vicinity of the premises

Door Supervisors and Body- worn Video:

Door Supervisors:

- Door supervision must be provided on Friday, Saturday, Sunday and during busier periods such as public holidays/ special occasions between 22:00 to 2:00. Door supervisors must be on duty from 22:00 to 2:00 and must remain on duty until the premises are closed and all the customers have left.

- Door supervisors shall be employed at the ratio of 2 door supervisor for every 100 customers (or part thereof). However, it is unlikely the restaurant will receive 100 customers at one time, although measures will be taken if this was to occur.
- Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors:
 - Size of the venue
 - Expected attendance
 - Type of event taking place
 - Location of the premises
 - Time of year
 - Special occasion (New Year, Halloween, Local events etc.)
 - Premises Licence Conditions
- All door supervisors, and other persons engaged at the premises for the purpose of supervising or controlling queues or customers, must wear high visibility vests/ jacket

CCTV and Emergencies:

CCTV

- The premises shall operate a CCTV system that complies with the minimum requirements of the GMP Police Licensing Team.
- The premises licence holder must ensure that:
 - CCTV cameras are located within the premises to cover all public areas including all entrances and exits of the restaurant- front, back and yard.
 - 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 28 days
 - The CCTV system operates at all times while the premises are open for licensable activities 11:00am to 2:00am
 - 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).

Emergencies:

- The premises licence holder shall ensure that at all times when the public is present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.
- All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.

Incident Reporting and Preventing Noise and Other Public Nuisance:

Incident Reporting:

- Any and all of the following incidents must be noted including pertinent details and, as appropriate, reported promptly so that investigations can be made and action taken (delete as appropriate):
 - alleged crimes reported to the venue or by the venue to the police
 - ejections of patrons
 - complaints received
 - incidents of disorder
 - seizures of drugs, offensive weapons, fraudulent ID or other items
 - faults in the CCTV system, searching equipment or scanning equipment
 - visit by a responsible authority or emergency service
 - the times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.
 - suspicious behaviour by patrons or members of the public close to a venue.
- Incident logs (which may be kept electronically) must be kept at the premises for at least six months and made available on request to the police or an authorised officer of the licensing authority.

Preventing noise and other public nuisances:

- All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
- There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance

Deliveries:

- A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the premises by the public. The telephone must be staffed at all times the premises is open for licensable activities.
- No deliveries or collections relating to licensable activities at the premises will take place between the hours of 11:00am to 2:00am.
- The premises licence holder must instruct delivery riders and drivers not to cause a noise nuisance when making deliveries or whilst waiting outside the premises for collections.
- Customers must be instructed when placing the order that they will not be able to collect the order from the vehicle. All deliveries will only be made directly to the property address and customers will not be permitted to take orders from the vehicle.

Smoking and other external areas, and litter Cleansing:

Smoking and other external areas:

- Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.

Litter and Cleansing:

- At 9:00 am to 10:30am outside the premises, including the alleyway to the waste disposal/ bin storage must be swept and/or washed, and litter and sweepings collected and stored into the business waste bins, located at the back yard of the restaurant.
- All takeaway packaging and wrappers shall clearly identify the premises, ie. by way of company logo or name.
- Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.
- Empty bottles which have been collected must be placed into locked bins when deposited outside.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

Children on the premises:

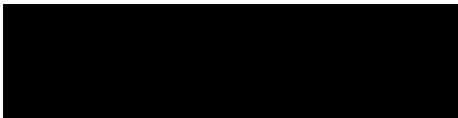
- Where children are allowed on the premises, information shall be displayed on the shop floor/ dining area on what to do if there is a cause for concern regarding a child's welfare. This shall include reporting to Manchester City Council via its Contact Centre on 0161 234 5000 or mcsreply@manchester.gov.uk, or the NSPCC on 0808 800 5000 (free 24-hour service) or dialling 999 in the event of an immediate threat.

Late Night Refreshment:

- Any hot food or hot drink provided after 11pm (late night refreshment) under this licence must only be consumed on the premises.
- Between 23:00 to 2:00 Monday to Sunday customers must not be permitted to remove from the premises any hot food or hot drink (late night refreshment) provided at the premises.

Additional Comments in line with the Chairman of the Manchester Arena Inquiry:

- Reasonable steps must be taken to ensure all persons employed at the premises are aware of:
 - the current terrorist threat level; and
 - what that level means in relation to the possibility of an attack
- All persons responsible for security must be briefed at every event about the current threat level and risk of terrorist attack.
- All public facing staff must be clear about what to do if the public report suspicious activity or unusual behaviour to them. Any and all suspicious behaviour by customers or members of the public close to the venue must be noted and be reported promptly so that investigations can be made and action taken, if appropriate.



DATE: 07 June 2023

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of the Local Government Act 1972.

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Schedule of Licence Conditions

Conditions consistent with the operating schedule	Agreed	Proposed by
<p>Admission and Control of entry:</p> <p>The designated queuing area shall be enclosed within appropriate barriers and a minimum width of 1m shall be maintained on the footway to allow safe passage by pedestrians.</p> <p>No customer will be permitted to enter or re-enter the premises between the hours of 23:00 and 2:00 save for persons who have temporarily left the premises (e.g. to smoke).</p> <p>No more than 40 customers will be permitted on the premises at any one time.</p> <p>The premises licence holder shall ensure that a suitable method of calculating the number of people present during licensable activities is in place.</p> <p>Dispersal:</p> <p>The dispersal of customers from the premises must be managed in accordance with the following:</p> <p>Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly. This has already been purchased in order to be displayed clearly at all exits.</p> <p>Public announcements requesting customers to leave quietly to minimise disturbance to nearby residents</p> <p>A suitable member of staff or a Door Supervisor(s) will be visible at each public entrance / exit to control the dispersal, to remind people to leave quietly, and to prevent patrons from re-entering the premises, and shall deter customers from using private hire vehicles without a prior booking</p> <p>From no later than 1 hour before the premises closes to the public, a member of staff</p> <p>shall be dedicated to monitor the dispersal of customers and ensure patrons do not contribute to anti- social behaviour in the vicinity. They will be easily identifiable by way of their uniform or high visibility jacket/ vest; will have a detailed knowledge of all transport options in the area and provide directions for patrons who may loitering in the vicinity of the premises</p> <p>Door Supervisors:</p> <p>Door supervision must be provided on Friday, Saturday, Sunday and during busier periods such as public holidays/ special occasions between 22:00 to 2:00. Door supervisors must be on duty from 22:00 to 2:00 and must remain on duty until the premises are closed and all the customers have left.</p>	N/A	Applicant

Schedule of Licence Conditions

<p>Door supervisors shall be employed at the ratio of 2 door supervisor for every 100 customers (or part thereof). However, it is unlikely the restaurant will receive 100 customers at one time, although measures will be taken if this was to occur.</p> <p>Door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors:</p> <ul style="list-style-type: none"> o Size of the venue o Expected attendance o Type of event taking place o Location of the premises o Time of year o Special occasion (New Year, Halloween, Local events etc.) o Premises Licence Conditions <p>All door supervisors, and other persons engaged at the premises for the purpose of supervising or controlling queues or customers, must wear high visibility vests/ jacket</p> <p>CCTV</p> <p>The premises shall operate a CCTV system that complies with the minimum requirements of the GMP Police Licensing Team.</p> <p>The premises licence holder must ensure that:</p> <ul style="list-style-type: none"> o CCTV cameras are located within the premises to cover all public areas including all entrances and exits of the restaurant- front, back and yard. o The system records clear images permitting the identification of individuals o 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 28 days o The CCTV system operates at all times while the premises are open for licensable activities 11:00am to 2:00am o All equipment must have a constant and accurate time and date generation o The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected o 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). 		
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Schedule of Licence Conditions

<p>Emergencies</p> <p>The premises licence holder shall ensure that at all times when the public is present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment.</p> <p>All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.</p> <p>Incident Reporting and Preventing Noise and Other Public Nuisance:</p> <p>Incident Reporting:</p> <p>Any and all of the following incidents must be noted including pertinent details and, as appropriate, reported promptly so that investigations can be made and action taken (delete as appropriate):</p> <ul style="list-style-type: none"> o alleged crimes reported to the venue or by the venue to the police o ejections of patrons o complaints received o incidents of disorder o seizures of drugs, offensive weapons, fraudulent ID or other items o faults in the CCTV system, searching equipment or scanning equipment o visit by a responsible authority or emergency service o the times on duty, names and the licence numbers of all licensed door supervisors employed by the premises. o suspicious behaviour by patrons or members of the public close to a venue. <p>Incident logs (which may be kept electronically) must be kept at the premises for at least six months and made available on request to the police or an authorised officer of the licensing authority.</p> <p>Preventing noise and other public nuisances:</p> <p>All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people but must be shut immediately thereafter.</p> <p>No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.</p> <p>There shall be no noise or odours caused by the kitchen extraction equipment that gives rise to a nuisance</p>		
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Schedule of Licence Conditions

<p>Deliveries:</p> <p>A direct telephone number for the duty manager must be prominently displayed where it can conveniently be read from the exterior of the premises by the public. The telephone must be staffed at all times the premises is open for licensable activities.</p> <p>No deliveries or collections relating to licensable activities at the premises will take place between the hours of 11:00am to 2:00am.</p> <p>The premises licence holder must instruct delivery riders and drivers not to cause a noise nuisance when making deliveries or whilst waiting outside the premises for collections.</p> <p>Customers must be instructed when placing the order that they will not be able to collect the order from the vehicle. All deliveries will only be made directly to the property address and customers will not be permitted to take orders from the vehicle.</p> <p>Smoking and other external areas:</p> <p>Clear and legible notices must be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.</p> <p>Litter and Cleansing:</p> <p>At 9:00 am to 10:30am outside the premises, including the alleyway to the waste disposal/ bin storage must be swept and/or washed, and litter and sweepings collected and stored into the business waste bins, located at the back yard of the restaurant.</p> <p>All takeaway packaging and wrappers shall clearly identify the premises, ie. by way of company logo or name.</p> <p>Where the premises provide late night refreshments for consumption off the premises sufficient waste bins must be provided at or near the exits, to enable the disposal of waste.</p> <p>Empty bottles which have been collected must be placed into locked bins when deposited outside.</p> <p>All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.</p> <p>Children on the premises:</p> <p>Where children are allowed on the premises, information shall be displayed on the shop floor/ dining area on what to do if there is a cause for concern regarding a child's welfare. This shall include reporting to Manchester City Council via its Contact Centre on 0161 234 5000 or mcsreply@manchester.gov.uk, or the NSPCC on 0808 800 5000 (free 24-hour service) or dialling 999 in the event of an immediate threat.</p>		
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Schedule of Licence Conditions

<p>Late Night Refreshment:</p> <p>Any hot food or hot drink provided after 11pm (late night refreshment) under this licence must only be consumed on the premises.</p> <p>Between 23:00 to 2:00 Monday to Sunday customers must not be permitted to remove from the premises any hot food or hot drink (late night refreshment) provided at the premises.</p> <p>Additional Comments in line with the Chairman of the Manchester Arena Inquiry:</p> <p>Reasonable steps must be taken to ensure all persons employed at the premises are aware of:</p> <ul style="list-style-type: none"> o the current terrorist threat level; and o what that level means in relation to the possibility of an attack <p>All persons responsible for security must be briefed at every event about the current threat level and risk of terrorist attack.</p> <p>All public facing staff must be clear about what to do if the public report suspicious activity or unusual behaviour to them. Any and all suspicious behaviour by customers or members of the public close to the venue must be noted and be reported promptly so that investigations can be made and action taken, if appropriate.</p>		
<p>Conditions proposed by objectors</p>	<p>Agreed</p>	<p>Proposed by</p>
<p>No conditions have been proposed by any of the objectors so there are none to agree</p>		

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