



Licensing Sub Committee Hearing **Panel**

Date: Monday, 22 January 2024

Time: 10.00 am

Venue: Council Antechamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Antechamber

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

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

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Connolly, Reid and Riasat

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. Review of a Premises Licence - Sky Lounge, 241 Barlow Moor Road, Manchester, M21 7QL

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

Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

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

Further Information

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

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This agenda was issued on **Friday, 12 January 2024** 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 Sub-Committee Hearing Panel – 22 January 2024

Subject: Sky Lounge, 241 Barlow Moor Road, Manchester, M21 7QL
(Review of Premises Licence, App ref - 296081)

Report of: Head of Planning, Building Control & Licensing

Summary

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

Recommendations

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

Wards Affected: Chorlton Park

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing 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):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy, please contact one of the contact officers above.

- 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 29/11/2023 an application was made by the Licensing Out of Hours and Enforcement Team under s51 of the Licensing Act 2003 for a Review of the Premises Licence for Sky Lounge, 241 Barlow Moor Road, Manchester, M21 7QL in the Chorlton Park ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise has been undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application to be published on the Council's website.
- 1.3 The licensing authority must hold a hearing to consider an application to review a premises licence and any relevant representations.

2. The Application

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is the Licensing Out of Hours and Enforcement Team, on behalf of Environmental Health.
- 2.3 The application for a review was submitted on the grounds that the licence holder has failed to uphold all four licensing objectives: ie the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm.
3. Further details of the grounds for the review are as follows:
- Persistent refusal from the licence holder to comply with the hours & multiple conditions of the licence
 - Refusal by the licence holder to provide CCTV in line with conditions & in connection with allegations of unauthorised licensable activities
 - Complaints received by members of the public relating to nuisance & licensing offences
 - Offences being committed under the Health Act 2006 relating to smoke free legislation

4. Current Premises Licence

- 4.1 A copy of the current licence is attached at **Appendix 3**.
- 4.2 The premises licence holder is Salar Henareh who has held the licence since 18/09/2023.
- 4.3 The designated premises supervisor named on the licence is Majid Mirzaeian. Para 6.3 gives information about the recent history regarding the DPS.
- 4.4 The licensable activities (were there a designated premises supervisor in place) and opening time permitted by the licence are:

Sale by retail of alcohol* Mon to Sun 11am to 9.30pm
 Recorded music** Mon to Sun 11am to 9.30pm
 Opening times Mon to Sun 11am to 9.30pm

* The sale of alcohol is licensed for consumption on the premises only.
 ** Licensed to take place indoors only.

5. Relevant Representations

5.1 Representations may be made for or against a review application during the consultation period. To be ‘relevant’ and, therefore, able to be taken into account in determining the application, they must relate to one or more of the licensing objectives. Representations may be made by the holder of the premises licence, a responsible authority or any other person. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.

5.2 A total of two relevant representations have been received in respect of this application (**Appendix 4**). The personal details of all members of the public have been redacted. Original copies of the representations will be available to the Panel at the hearing. Representations were received from the following persons / bodies:

Responsible Authority:

- Greater Manchester Police

Other Persons:

- Chorlton Park Ward Councillors

Summary of the representations:

Party	Grounds of representation	Recommends
Greater Manchester Police	<p>GMP comment that at the time of submitting this representation the premises licence has been in in force for only 3 months.</p> <p>The representation gives details of an incident report filed in November. This was later expanded on and reports a number of complaints about the premises, details of which are included in the representation.</p> <p>A specific concern highlighted by GMP relates to non-compliance with CCTV requirements.</p> <p style="text-align: right;">Continued....</p> <p>On 12 December 2023 GMP emailed the premises licence holder to request CCTV footage from the premises. Subsequent email correspondence took place between the licence holder and GMP (copy attached to the</p>	<p>GMP “ask the committee to take appropriate measures to ensure that the licensing objectives do not continue to be undermined.”</p>

	<p>the GMP representation). At the time of submitting their representation GMP had not received an email to inform them that the requested CCTV has been downloaded and is available for collection.</p> <p>GMP conclude that they “do not believe that the operators are abiding by the conditions of their premises licence” and that they are undermining the 4 licensing objectives. GMP state their full support for the application to review the premises licence.</p>	
<p>Chorlton Park Ward Councillors</p>	<p>Councillors report that “Within the first week of opening, it was necessary to involve the LOOH team” due to issues raised by neighbours and observed by Councillors. Since the premises opened, Councillors “have received a stream of queries and complaints” about “a whole series of activities being undertaken at the premises in breach of licensing undertakings”.</p> <p>Examples of complaints received by Councillors are included in the representation, which are “hopefully enough to illustrate to the Committee that local residents have been caused significant and persistent disamenity by this business” by issues such as:</p> <ul style="list-style-type: none"> • Parking – “a clear lack of respect for the regulations and access rights in place on the street.” • Shisha – “there were lots of tables outside doing shisha and I thought it was explicitly stated shisha wouldn't be sold” • Loud music • Trading outside licensed hours • Bins on the pavement area • Store area - described as “overflowing”. <p>One resident summarised: “it makes you wonder how many other agreements will be broken”. The Councillors conclude by saying that the premises “has been a really extremely disruptive presence.”</p>	<p>Not stated</p>

6. **Additional information**

- 6.1 Additional information has been received from the Licensing and Out of Hours team in support of their representation, attached as **Appendix 5**.

- 6.2 Blue notices: An appendix regarding blue notices has been added by the Premises Licensing team, attached as **Appendix 6**. This documents the history of blue notices at the premises. Notices were found to have been removed and had to be replaced on more than one occasion.
- 6.3 Application to vary the Designated Premises Supervisor (DPS):
- An application to vary the DPS from Majid Mirzaeian to Salar Henareh was received 2 December 2023 but was rejected as it was incomplete. The application was accepted 12 December 2023. The application requested to have immediate effect.
 - GMP objected to the application.
 - A hearing took place on 8 January 2024. The decision was to refuse the application. The person named as DPS therefore reverts to Majid Mirzaeian.
- 6.4 Layout plan attached to the licence
- The premises licensing team had email correspondence between 6 and 30 November with both the LOOH team and the premises licence holder regarding varying the plan attached to the licence.
 - An application to vary both the plan and the times on the licence was received by the Premises Licensing team on 12 December 2023. It was incomplete and was rejected on 13 December 2023. The application was resubmitted on 14 December and was rejected again on 15 December. The application has not been resubmitted at the time of publication of these papers.

7. **Key Policies and Considerations**

7.1 **Legal Considerations**

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

7.2 **New Information**

- 7.2.1 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.

7.3 **Hearsay Evidence**

- 7.3.1 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.

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

- 7.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the

2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

7.4.2 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.

7.4.3 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.

7.5 **Manchester Statement of Licensing Policy**

7.5.1 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.

7.5.2 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.

7.5.3 There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.

7.5.4 Relevant to this application, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

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

- Premises that will extend the diversity of entertainment and attract a wider range of participants
- Live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
- National cultural institutions, global sports events and cultural festivals

- Non-drink-led premises, including restaurants, cafes, theatres and cinemas
- Communication and integration with local residents and businesses through licensees consulting with those in the local area prior to an application
- Participation in Pubwatches, off licence forums and other crime-reduction partnerships
- Engagement with the NITENET radio scheme and DISC secure information sharing platform by city centre venues through the Cityco Manchester Business Crime Reduction Partnership
- Designing out crime in the layout of the premises

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

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

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS3 Responsible promotion and sale of alcohol
- MS8 Prevent noise nuisance from the premises
- MS9 Effectively manage exterior spaces (eg 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
- MS11 Ensure the wellbeing of children on the premises

8. Conclusion

- 8.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- a) the prevention of crime and disorder
 - b) public safety;
 - c) the prevention of public nuisance; and
 - d) the protection of children from harm.
- 8.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the licence holder. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 8.3 The authority must take such of the steps below as it considers appropriate for the promotion of the licensing objectives. The steps are –

- a) to modify the conditions of the licence;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence.

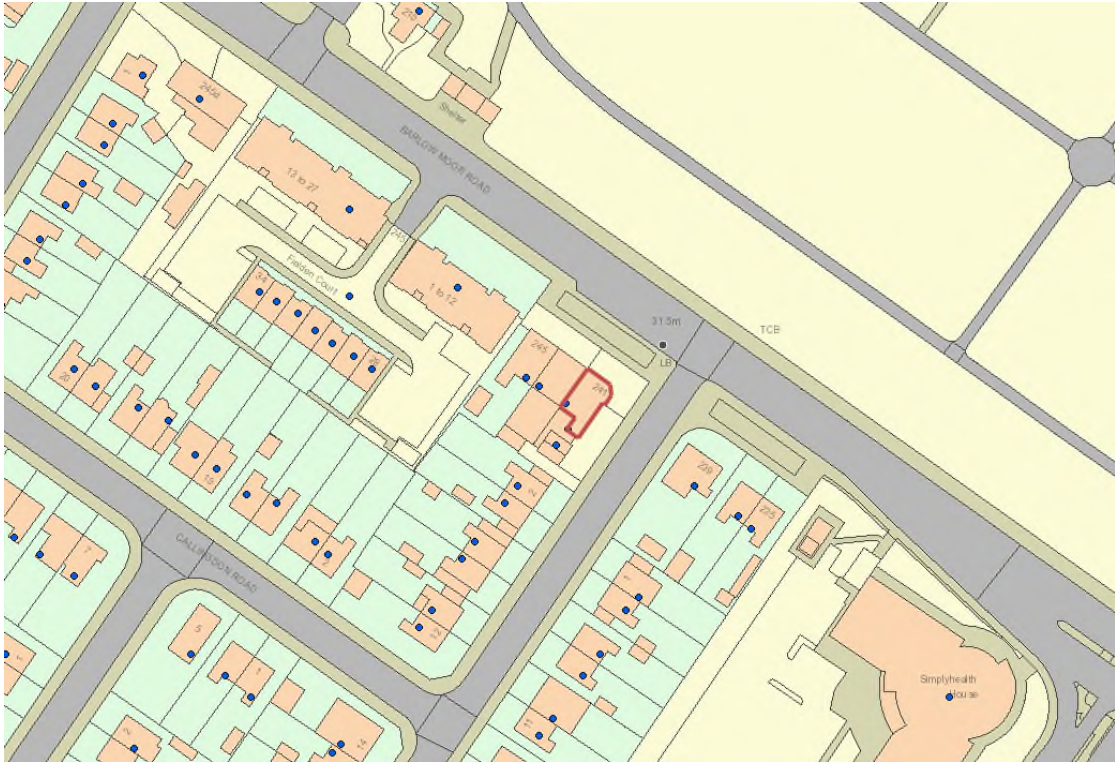
- 8.4 The conditions of the licence are modified if any of them is altered or omitted or any new condition is added.
- 8.5 All licensing determinations should be considered on the individual merits of the application.
- 8.6 The Panel's determination should be evidence-based, justified as being appropriate 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.
- 8.7 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.
- 8.8 **The Panel is asked to take such steps, as set out in 8.3 above, as it considers appropriate for the promotion of the licensing objectives.**

Sky Lounge

241 Barlow Moor Road, Manchester, M21 7QL

Premises Licensing
Manchester City Council

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PREMISE NAME: Sky Lounge

PREMISE ADDRESS: 241 Barlow Moor Road, Manchester, M21 7QL

WARD: Chorlton Park

HEARING DATE: 22/01/2024

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[Insert name and address of relevant licensing authority and its reference number (optional)]

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I ... Gemma Hunt on behalf of the Licensing & Out of Hours Team

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

Sky Lounge
241 Barlow Moor Road

Post town
Manchester

Post code (if known)
M21 7QL

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

Salar Henareh

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

287791

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

x

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

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

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Gemma Hunt Licensing & Out of Hours Team Hammerstone Road Depot Gorton M18 8EQ
Telephone number (if any) [REDACTED]
E-mail address (optional) gemma.hunt@manchester.gov.uk

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

- | | |
|---|---------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | x |
| 2) public safety | x |
| 3) the prevention of public nuisance | x |
| 4) the protection of children from harm | x |

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

1. Persistent refusal from the Licence Holder to comply with the hours & multiple conditions of the licence
2. Refusal by the Licence Holder to provide CCTV in line with conditions & in connection with allegations of unauthorised licensable activities
3. Complaints received by members of the public relating to nuisance & licensing offences
4. Offences being committed under the Health Act 2006 relating to smoke free legislation

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

The premises licence for Sky Lounge was granted on the 18th September 2023 at a licensing committee hearing.

At the committee hearing the licence holder gave a number of assurances to the committee of how the premises would be operated. The hours were amended, and conditions offered to reflect this. Additionally, a number of questions were put to the PLH to satisfy the committee that the licensing objectives would be upheld at the premises. It was soon discovered after the premises began operating that the PLH had misled the committee and had supplied deliberate and false information.

1st November 2023 – The LOOH team received the 1st of 4 residential complaints against the premises. The content of the complaints included the following:

1. The premises had been open for 1 week and on 2 occasions the premises had events where loud music was causing a nuisance.
2. The premises are consistently breaching their operating hours and on 2 occasions in the week as late as 11pm. This is as well as opening from approx. 9am (The opening hours of the licence are 11am until 9.30pm).
3. Waste bins being left out on the pavement and over-flowing. (A notice has already been served under S4 of the Prevention of Damage by Pests Act 1949 on the 21st Feb 2023)
4. Inconsiderate parking from staff and customers on double yellow lines and blocking driveways.
5. People smoking shisha causing odour nuisance, whilst drinking outside in breach of licence conditions.

Since this date the LOOH team have completed multiple visits to the premise to engage with the Premises Licence Holder (PLH) Salah Henareh and to investigate the alleged unauthorised licensing activities and undermining of the Licensing Objectives.

LOOH have uncovered the following concerns and offences:

- The premises has continuously operated outside of permitted opening hours both in the morning & night.
- The first named DPS [REDACTED] advised LOOH he has never stepped foot inside the premises & had no intention of working at the premises, he was asked by the PLH to be named as DPS as a 'favour'. He has not met staff or given them authority to sell alcohol, nor do they know who he is. No other Personal Licence Holders worked at the premises during his time as DPS.
- The above amounts to a breach of Mandatory Conditions 2a & 3 relating the DPS & the supply of alcohol & a breach of Annex 3 Condition 12 'Between 11am and 9.30pm there shall be a member of staff on the premises who holds a Personal Licence.' All 3 condition breaches are an offence under S136 of the LA2003.
- Repeated breaches of the above 3 conditions in the period between 4th & 10th November from when [REDACTED] resigned as DPS & the PLH appointing a new DPS.
- Repeated breaches of multiple conditions within Annex 2 & 3 outlined in warning letters exhibited.
- Offences witnessed under the Health Act 2006 in relation to smoke free legislation.
- Floor Plan invalidated.
- The PLH & staff members have continuously misled LOOH officers with false information.
- Outright refusal to comply with Condition 1 of Annex 3 relating to CCTV. CCTV was requested verbally on the 1st November & in writing on the 2nd to investigate the allegations of unauthorised licensable activity. The PLH did not have any one on site capable of operating CCTV in line with conditions. LOOH returned on the 3rd to be advised that a CCTV engineer would need to facilitate this. After over 2 weeks of chasing the PLH for

the CCTV, on the 18th November the PLH then advised LOOH that he was waiting for permission from his customers to disclose their images. He added that some men don't like images of their wife shared and that it was their religion.

LOOH followed this up with an email on the 19th November explaining that unless the licence is complied with a review would be sought. As of the 29th November no response or CCTV has been made viewable almost one month from request.

The intentional & persistent refusal to provide CCTV to authorities in line with licence conditions is an offence under S136 of the Licensing Act 2003.

The PLH has made a **wilful disregard to comply with his responsibilities** under the Licensing Act 2003 and has presented himself as untrustworthy and an irresponsible licence holder.

Due to the PLH's choice not to comply with the licence the LOOH team are left with no option than to seek remedial action from the Licensing committee.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

New application representation

Please tick ✓

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

x

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

Part 3 – Signatures (please read guidance note 4)

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

Signature

.....

Date

29/11/23

.....

Capacity

.....Responsible Authority.....

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

Gemma Hunt
Licensing & Out of Hours Team
Hammerstone Road Depot

Post town

Gorton

Post Code

M18 8EQ

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) gemma.hunt@manchester.gov.uk

Notes for Guidance

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

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

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	287791
Granted	18/09/2023
Latest version	DPS Variation 295192 Granted 25/11/2023

Part 1 - Premises details

Name and address of premises
Sky Lounge 241 Barlow Moor Road, Manchester, M21 7QL

Licensable activities authorised by the licence
<ol style="list-style-type: none"> The sale by retail of alcohol*. The provision of regulated entertainment, limited to: Recorded music; <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	1100	1100	1100	1100	1100	1100	1100
Finish	2130	2130	2130	2130	2130	2130	2130
The sale of alcohol is licensed for consumption on the premises only.							
Seasonal variations and Non-standard Timings: None							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2130	2130	2130	2130	2130	2130	2130
Licensed to take place indoors 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	1100	1100	1100	1100	1100	1100	1100
Finish	2130	2130	2130	2130	2130	2130	2130
Seasonal variations and Non-standard Timings: None							

Part 2

Details of premises licence holder	
Name:	Mr Salar Henareh
Address:	[REDACTED]
Registered number:	n/a

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Majid Mirzaeian
Address:	[REDACTED]
Personal Licence number:	283672
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</p>	

or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

5. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.

(2) For the purposes of the condition set out in (1) above–

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) “permitted price” is the price found by applying the formula–

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

where –

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol.
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
8. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available

to customers in the following measures –

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

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

Annex 2 – Conditions consistent with the operating schedule

1. The premises shall be staffed with trained staff on all aspects of restaurant management and services.
2. All mandatory signs shall be displayed and clearly visible.
3. In cases of emergencies, staff shall be fully aware of procedures to take and who to contact.
4. A manager shall always be on site.
5. Risk assessments shall be carried out, and everything shall be supervised and managed thoroughly.
6. Alcohol shall only be consumed on the premises strictly, served by trained staff only.
7. No alcohol shall be served to under 18's.
8. Alcohol shall be served only with purchased foods and at tables served by staff.
9. Children shall not be allowed on site without adults.
10. Children shall not be left unsupervised.
11. The restaurant shall be restricted to 80 covers.
12. Between 11am and 9.30pm there shall be a member of staff on the premises who holds a Personal Licence.
13. SIA registered security staff shall be employed at the premises when the premises has a booking of 20 or more persons on the premises.
14. Taxi numbers shall be positioned in prominent positions around the premises.
15. The name and telephone number of the manager in charge shall be prominently displayed at the premises.

Annex 3 – Conditions attached after hearing by the licensing authority

1. The premises licence holder shall ensure that:
 - a) CCTV cameras are located within the premises to cover all public areas including all entrances and exits;
 - b) the system records clear images permitting the identification of individuals;
 - c) the CCTV system is able to capture a minimum of 24 frames per second and all recorded footage shall be securely retained for a minimum of 28 days;
 - d) the CCTV system operates at all times while the premises are open for licensable activities;
 - e) all equipment shall have a constant and accurate time and date generation;
 - f) the CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected;
 - g) there shall 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).
2. Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined by the plan attached . No more than 8 of customers will be permitted to remain in the designated smoking area at any one time.
3. No drinks shall be taken outside in the designated smoking area.
4. Clear and legible notices shall be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and to use the area quietly.
5. Clear and legible notices shall be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
6. The 'Challenge 25' Scheme shall be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.
7. All staff engaged in the sale of alcohol shall be trained with regards to the 'Challenge 25' policy and sales by proxy. This training shall be documented, and training shall be refreshed at no greater than 6 monthly intervals. A log is to be kept of the persons attending the training.
8. The Premises Licence Holder shall ensure that signage demonstrating the 'Challenge 25' policy, as well as selling alcohol to children by proxy, are placed at the entrance to the premises as well as being displayed in all areas serving alcohol.
9. A log shall be kept and shall record all instances when alcohol has been refused for the reasons that the person(s) is, or appear to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log shall be available on request by the police or an authorised officer of Manchester City Council. The log shall be checked on a regular basis by the Designated Premises Supervisor

Annex 4 – Plans

See attached

MCC Licensing Register Copy

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

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GREATER MANCHESTER POLICE - 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	
Review Reference No.	296081
Name of the Premises	Sky Lounge
Address of the premises including postcode	241 Barlow Moor Road, Manchester M21 7QL

Your Representation
<p>Please accept this representation as Greater Manchester Police's support of the application submitted by the Manchester City Council Licensing and Out of Hours Team to the review 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.</p> <p>The Premises Licence for the premises was granted on 18th September 2023 so at the time of submitting this representation it has been licensed for only 3 months. Greater Manchester Police have looked at the previous 3 months and have discovered that on [REDACTED] November 2023 [REDACTED] contacted GMP to report that on [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] the victim stated [REDACTED] did not wish to pursue the [REDACTED] allegation and was more concerned that the manner in which the premises were being operated was brought to the attention of the relevant authorities.</p> <p>On Saturday 9th December 2023 I received an email from Gemma Hunt from the MCC Licensing and Out of Hours Team informing me that, despite several requests for CCTV made to the premises, the footage had not been produced to her and if I could make a request for the footage myself.</p> <p>On Tuesday 12th December 2023 I emailed the Premises Licence Holder to request the footage from the premises and a copy of these email exchanges accompanies this representation.</p> <p>At the time of submitting this representation GMP has not received an email to inform them that the requested CCTV has been downloaded and is available for collection.</p> <p>Therefore, GMP do not believe that the operators are abiding by the conditions of their premises licence and that they are undermining the 4 licensing objectives and as such we fully support the application to review the premises licence. We therefore ask the committee to take appropriate measures to ensure that the licensing objectives do not continue to be undermined.</p>

Alan Isherwood

From: Alan Isherwood
Sent: 13 December 2023 07:23
To: Salar Henareh
Cc: Gemma Hunt; Paul O'Donnell
Subject: RE: Urgent CCTV Request from Greater Manchester Police Licensing

Good Morning

Thank you for your reply.

I am more than happy to speak to your solicitor so please put them in touch with me as soon as possible.

In the meantime, please let me know when I can collect the CCTV footage, that has been requested by myself and also by the council on previous occasions dating back to early November, some six weeks ago. Bearing in mind one of the dates is 28 days old now and another will be 28 days old in 2 days' time, in order to abide by the CCTV condition on your premises licence, you should ensure this footage is not overwritten and is downloaded immediately.

Kind Regards

Alan

PC 17659 Alan Isherwood
Divisional Licensing Officer
Greater Manchester Police
City of Manchester Division
1st Floor
Manchester Town Hall Extension
Lloyd Street
Manchester
M2 5DB

alan.isherwood@gmp.police.uk

0161 856 6017

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From: Salar Henareh [REDACTED]
Sent: 12 December 2023 20:55
To: Alan Isherwood <Alan.Isherwood@gmp.police.uk>
Subject: Re: Urgent CCTV Request from Greater Manchester Police Licensing

Caution: This email came from outside GMP. Do not open attachments, click on links or scan QR codes in this email unless you recognise the sender's e-mail address and know the content is safe.

Good evening Alan,

Alan Isherwood

From: Salar Henareh [REDACTED]
Sent: 12 December 2023 20:55
To: Alan Isherwood
Subject: Re: Urgent CCTV Request from Greater Manchester Police Licensing

Caution: This email came from outside GMP. Do not open attachments, click on links or scan QR codes in this email unless you recognise the sender's e-mail address and know the content is safe.

Good evening Alan,

Thank you for your email and sorry for the delay but I have been extremely busy today. I'm happy to provide you with everything as I'm following the law correctly, license and not breaking rules. this a family business and we have invested a lot of money because we aim to provide the community with something unique and healthy. I've been having a problem with the camera system since last week and contacted the engineer to fix the system. I'm not above the law at all and I respect every rule. I appreciate you can understand that this is a new business and I feel I've been targeted. The community are very happy as we provide the best service for our community. once the system is fixed I will send you everything.

I also have another issue, we provide private parties upstairs for the Muslim community and I need to get their permission before I send their photos off as they were not wearing scarves and it is against the law to share their footage. I will speak to my lawyer regarding this point as I don't want to breach any GDPR. this is the only reason I have not provided her with footage as I will be breaching their confidentiality.

I would also like to know who issued the complaint and the allegation as I need to investigate it with the staff. Now I'm attending the premises every day and also advertised for a manager role. I have also arranged staff meetings with all the staff and employed new staff who is able to speak English fluently, reinforcing the rules and regulations, so everyone is clear about the job and rules. My manager also is preparing a new document for all the staff to sign so everyone is clear about the rules.

I will also ask my lawyer to be in touch with you regarding false allegations made against me.

Thank you very much for your cooperation. i look forward to hearing form you.

Many Thanks
Regards
Salar Henareh

On Tue, 12 Dec 2023 at 14:07, Alan Isherwood <Alan.Isherwood@gmp.police.uk> wrote:

Good Afternoon

It has been brought to the attention of the Greater Manchester Police Licensing Unit that your premises is suspected of carrying out licensable activities contrary to the permissions of your Premises Licence and, also, that criminal activity may have been carried out on the premises, and as such we require CCTV footage from your premises.

We require the CCTV footage for the following dates and times:

14th November 2023 between 5pm & Midnight

15th November 2023 between 5pm & midnight

6th December 2023 from 2130 hours until 0030 hours on the 7th

We require the footage from the cameras covering the whole of the upstairs first floor of the premises, cameras covering the entrance/ exit of the ground floor, and cameras covering the ground floor bar.

As you will be aware the CCTV condition attached to your Premises Licence states:

1. The premises licence holder shall ensure that:
 - a. CCTV cameras are located within the premises to cover all public areas including all entrances and exits;
 - b. the system records clear images permitting the identification of individuals;
 - c. the CCTV system is able to capture a minimum of 24 frames per second and all recorded footage shall be securely retained for a minimum of 28 days;
 - d. the CCTV system operates at all times while the premises are open for licensable activities;
 - e. all equipment shall have a constant and accurate time and date generation;
 - f. the CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected;
 - g. there shall 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).

Please can you arrange for this footage to be downloaded onto a removable storage device, such as a USB drive, as soon as possible and certainly by the end of the day on Wednesday 13th December 2023 in order to ensure that the footage doesn't overwrite itself after the 28 day period has elapsed.

PC 17659 Alan Isherwood

Divisional Licensing Officer

Greater Manchester Police

City of Manchester Division

1st Floor

Manchester Town Hall Extension

Lloyd Street

Manchester

M2 5DB

alan.isherwood@gmp.police.uk

0161 856 6017

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- Twitter: www.twitter.com/gmpolice
- Instagram: www.instagram.com/gtrmanchesterpolic
- Flickr: www.flickr.com/gmpolice1
- YouTube: www.youtube.com/gmpolice
- Pinterest: www.pinterest.co.uk/gmpolice

From: Mandie Shilton Godwin <cclr.mandie.shiltongodwin@manchester.gov.uk>
Sent: 19 December 2023 15:46
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Cc: Dave Rawson <cclr.dave.rawson@manchester.gov.uk>; Joanna Midgley <cclr.joanna.midgley@manchester.gov.uk>
Subject: Application to Review Premises Licence 287791 - Sky Lounge (application ref 296081/HH)
OBJECTION

OBJECTION TO CONTINUING LICENSING OF SKY LOUNGE

I write on behalf of all three local councillors. We believe that this licence should be withdrawn as the applicant has proved himself either unable or unwilling to adhere to the terms and conditions of the licence.

Councillor David Rawson attended the original Licensing Hearing for the Sky Lounge application. We have all been extremely disappointed to see that these premises have not operated as the applicant said they would.

Within the first week of opening, it was necessary to involve the LOOH team because of issues raised by neighbours to the restaurant and observations from Councillors.

LOOH visits confirmed a number of breaches of the agreed operating hours and procedures.

Since the premises opened we have received a stream of queries and complaints from the closest neighbours and from other businesses in the same parade about a whole series of activities being undertaken at the premises in breach of licensing undertakings. In fact we received a number of complaints even before the business opened. However those primarily relate to breaches of planning law so are separate from this process. It is, however, probably worth noting at this point that the proprietor has received a STOP notice for building work undertaken outwith planning permission, and that this has only partially been appealed therefore the proprietor is already required to dismantle parts of the building by Summer 2024 which were constructed without planning permission.

Below is a sample of concerns raised with us by residents or workers from local businesses: All names and dates can be supplied if necessary.

'It was opening night of Sky Lounge tonight, and as we returned home from work it is clear that the concerns we previously raised around parking and the impact on local residents are very much real.

'I attach pictures of visitors having parked multiple cars either on the yellow lines at the end of the street or directly in front of our drive and our neighbours' at no.1. We needed to go in and speak the restaurant manager to ask their guests to move several cars, just to park on our own drive. There is a clear lack of respect for the regulations and access rights in place on the street.'

...there were lots of tables outside doing shisha and I thought it was explicitly stated shisha wouldn't be sold

To add to it further they were playing really loud music, in the extension part of the building with the door open.

[My partner] has just gone across the road to ask them to turn it down as the kids are asleep/its really annoying.

'A few things that they haven't stuck to since the premises licence application was granted.

Trading outside their licensing hours, they are opening before 11am, for example yesterday people were eating food in the Restaurant at 10:30am, not sure if they are trading past 9pm as I haven't been at the office that late.

I have personally seen people smoking shish pipes.

They are keeping their bins on the pavement on Aldermay road, their rubbish store area is overflowing.

Customers are parking across [REDACTED] and parking on the double yellow lines on Aldermay road. '

Just wanted to raise a number of issues regarding the sky lounge > restaurant, they are already breaching the permitted opening hours which states all business should cease by 9.30 pm but a party was held there at the weekend until gone 11pm and last night they appeared to be allowing customers to smoke shisha in the smoking area until well after 10pm and I recall the owner stating that Shisha would not be used when applying for planning permission ,it makes you wonder how many other agreements will be broken . A neighbour who complained about the noise from the party [REDACTED] smell shisha smoke in [REDACTED] again not acceptable, also there [sic] large rubbish bins are being stored on the pavement and not in the bin store as promised which are causing an obstruction particularly when cars are being parked on the pavement on double yellow lines. it would appear our concerns about granting planing permission were well founded and as expected issues around parking can only get worse as the number of customers increases , not at all sure where or how to complain but I can only see the situation getting worse

This is not a complete list of incidences but hopefully enough to illustrate to the committee that local residents have been caused significant and persistent disamenity by this business which has been established and operated in manner entirely divorced from local surroundings from the start. This area of our ward is very quiet during the evenings, and it has been a really extremely disruptive presence.

I hope this is helpful

Kind regards

Mandie

Councillor Mandie Shilton Godwin
Labour and Co-operative Member for Chorlton Park
Chair, Environment and Climate Change Scrutiny Committee
 Lead Member for Active Travel
 Manchester City Council
 Members Services

Town Hall
Manchester M60 2LA



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LOOH Supporting Evidence

Review Application - Sky Lounge, 241 Barlow Moor Road Chorlton



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4. Sion Roberts
5. Wayne Adams
6. Steve Titterton
7. Paul Bonner

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Statement of witness

*(Criminal Procedure Rules, r27.1 (1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF **Gemma Hunt**

Age of witness: Over 18

Occupation of witness: **Licensing & Out of Hours Compliance Officer**

This statement consisting of **13** page(s), **each** signed by me and is true to the best of my knowledge and belief and I make it knowing that, if tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

I am employed by Manchester City Council as a Licensing & Out of Hours Compliance Officer. Parts of my duties include the enforcement of the Environmental Protection Act 1990, the Licensing Act 2003, & the Health Act 2006.

On the 18th September 2023 I attended a licensing committee hearing for Sky Lounge, 241 Barlow Moor Road, Chorlton. The licence was granted subject to reduced hours proposed by the applicant Salar Henareh, conditions proposed by Salar Henareh & some imposed by the committee. I attach minutes of the hearing as exhibit **GH1**. I exhibit a copy of the premises licence & floor plan as **GH2 & GH3**

On the 1st November 2023 I received the first 3 of 7 complaints relating to Sky Lounge. The complaints allege on the premises first week of opening that the premises operated beyond permitted hours until approx. 11pm on Tuesday the 24th October and until 11pm on 31st October 2023. I checked Sky Lounge's Instagram, and I could see a post from the premises advertising a Halloween event taking place from 1900 – 2300 hours on the 31st October 2023. I exhibit a screenshot of the Instagram post as **GH4**.

I additionally received complaints relating overflowing waste bins left on the pavement, parking on double yellow lines and in front of neighbours' driveways, and customers drinking in the designated smoking area, which is in breach of condition 3 of annex 3 of the Premises Licence:

'No drinks shall be taken outside in the designated smoking area.'

I also noted that the canopy was fully extended, and the side screen was fully extended. This therefor would leave the designated smoking area substantially enclosed and in breach of smoke free legislation. I exhibit photo's that I received from complainants as **GH5 & GH6**.



Signed.....

Dated.....7/1/24.....

Upon checking council 'flare' records I can see that a 'Section 4 Prevention of Damage by Pests Act 1949' notice had been served on 21st February 2023 when construction works were taking place at the premises. The company who dealt with the renovation is [REDACTED] and the director is Salar Henareh, who is also the licence holder for Sky Lounge. I duly made a referral to our waste team. I attach a copy of the notice as exhibit **GH7**.

On the 1st November 2023 I made a visit to Sky Lounge at approximately 1600 hours with my colleague Gareth Hall. I spoke with a member of staff who approached us on entry and asked to speak with [REDACTED] the named DPS (Designated Premises Supervisor), but the member of staff did not know who he was and instead called someone from the kitchen. I was therefor concerned that the following mandatory conditions were in breach, which would make the sale of alcohol unauthorised:

mandatory condition number 2: **'No supply of alcohol may be made under this premises: (a) At a time when there is no designated premises supervisor in respect of the premises**

and mandatory condition number 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'**.

Additionally, in the committee hearing Salah Henareh volunteered a condition to the licence as follows:

Annex 3 Condition 12 **'between 11am and 9.30pm there shall be a member of staff on the premises who holds a personal licence'**.


[REDACTED] came to speak with us and advised us that he is [REDACTED]. I asked again to speak with [REDACTED] and I explained that there is a condition on the licence that a Personal Licence Holder must be on site. [REDACTED] advised me the manager had been working today but that she had just nipped out. I advised [REDACTED] that we would wait for her to return. [REDACTED] advised me that he had applied to [REDACTED] for a Personal Licence. He then explained that he had booked on a training course and had not applied for a licence yet.

I could see a male sat in a rear booth of the premises with [REDACTED]. Staff were coming back and forth to speak with him. I now know this male as [REDACTED] and a business partner in the business. Referring to exhibit GH1, on the 18th September 2023 Salar Henareh addressed the committee and advised when questioned that there were no business partners for the premises. Throughout the visit, [REDACTED] did not approach us. I exhibit the signed last page of the premises licence application relating to S158 of the Licensing Act 2003, as **GH8**.

In the committee hearing on the 18th September 2023 Salar Henareh volunteered a condition to his licence Annex 2 Condition 11:

'The restaurant will be restricted to 80 covers.

I could see on the ground floor plan attached to the licence the service kitchen area was not present and instead was an extended seating area. Therefore, I counted the seats downstairs, however due to there being booths, I estimated the seating to be for 56 people.

Signed..... 

Dated..... 7/1/24.....

██████████ then called Salah Henareh the Premises Licence Holder on his mobile phone and passed the phone to me. I spoke with Salah Henareh and explained that there was no one on site who held a Personal Licence and asked where the DPS was. Salah Henareh assured me that the manager had just nipped out and they would ask her to return. I then asked if she was able to produce CCTV in line with conditions of the licence. Salah Henareh advised me I could return tomorrow to view CCTV. I explained to Salah Henareh part g of condition 1 of annex 3 of the licence:

1. The premises licence holder shall ensure that:
 - a) CCTV cameras are located within the premises to cover all public areas including all entrances and exits;
 - b) the system records clear images permitting the identification of individuals;
 - c) the CCTV system is able to capture a minimum of 24 frames per second and all recorded footage shall be securely retained for a minimum of 28 days;
 - d) the CCTV system operates at all times while the premises are open for licensable activities;
 - e) all equipment shall have a constant and accurate time and date generation;
 - f) the CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected;
 - g) **there shall 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).

Salah Henareh said to me 'you are wrong, you need to read the licence'. I explained to Salar Henareh that he needed to read his licence conditions and he responded saying 'this is because of the residents complaining'. I explained I would return to meet with him and to view the CCTV.

I then moved upstairs to wait for the manager with my colleague Gareth Hall & ██████████. I counted the seating upstairs and estimated this to be for 45 people, which in total gave an estimate of seating for approx. up to 101 customers. I could see the first floor of the premises was set up for service and beer kegs connected behind the bar to pumps. I asked ██████████ if upstairs was in use, and he responded that upstairs was never in use for customers.

I returned downstairs at approximately 1624 hours. A male came to us from behind the bar asked if he could help, I asked if he was the ██████████ and he replied that he was. ██████████ then interjected and said that he couldn't speak to us and that a manager was on her way.

Signed..... ██████████

Dated.....7/1/24.....

I explained to [REDACTED] there was a condition on the licence Annex 2 Condition 4:

'A manager shall always be on site.'

I explained that the male stepping forward as [REDACTED] meant they were not in breach of this condition, however, as he advised he is not, then this would put them back in breach of the condition. [REDACTED] still did not make me aware that a business partner was sat just a few tables away from us.

At 1650 hours a female arrived at the premises, and I could see she was pottering around with boxes. I asked the female her name and she said she was [REDACTED] and [REDACTED], who I now know to be [REDACTED]. I asked if she was the manager coming to meet us and she explained that she wasn't, and that the lady was on her way.

At 1655 hours a female named [REDACTED] arrived to speak with us. I asked [REDACTED] 'do you hold a Personal Licence?' [REDACTED] replied 'no'. I asked, 'have you done the course?' [REDACTED] replied 'yes I'm waiting for the council to grant the licence'. I asked, 'can you provide proof you passed the course, what score did you get?' [REDACTED] replied '37/40'.

As I believed offences had taken place under the Licensing Act 2003, I then formally cautioned [REDACTED]. I asked [REDACTED] if she works at the premises and she replied, 'no not yet, once my personal licence is granted, I will help [REDACTED] in the kitchen occasionally.' I asked, 'so you have not been working at the premises today?' [REDACTED] replied 'no I have not started working here yet'. I asked [REDACTED] who is the manager of the premises? She replied [REDACTED] is the manager of the premises I think'. I asked 'do you know who [REDACTED] is?' [REDACTED] replied 'the building owner I think'.

I then spoke with [REDACTED] again and explained they had wasted a lot of our time allowing us to wait for the manager and the person who arrived neither held a Personal Licence nor works at the premises. I explained that they are in breach of licence conditions by not having a Personal Licence Holder on site and furthermore, staff are not aware who the DPS is and there is a question around staff having authority to sell alcohol. I explained to [REDACTED] that the sale of alcohol was currently unauthorised and that if they continued to sell alcohol, they risked prosecution for the offence. [REDACTED] then advised he would stop selling alcohol.

[REDACTED] came to speak with Gareth Hall & myself, and we explained that to avoid committing the offence of exposing alcohol when it is not for sale, they should remove and cover alcohol up. I tried explaining this several times along with Gareth Hall, eventually [REDACTED] went into the bar and actioned this. We then left the premises explaining that we would contact Salar Henareh.

Signed..... [REDACTED]

Dated.....7/1/24.....

When I returned to the office, I completed social media and internet checks and found the names [REDACTED] and [REDACTED] whose pictures matched the female I spoke with and the male I could see that was sat in a rear booth.

On the 2nd November 2023 I sent an email to Salar Henareh outlining the breaches and concerns I had witnessed at the premises and additionally making a request for CCTV in line with conditions. In the email I advised Salar Henareh I would return on the 3rd November at 2pm to meet with him. I exhibit the email & letter as **GH9**.

On the 3rd November 2023 I returned to the premises with my colleague Gareth Hall and met with Salar Henareh the Premises Licence Holder. We sat on the first floor of the premises. I started the meeting by explaining to Salar Henareh that he was not helping the situation by being dishonest with us, that yesterday we had waited around to speak with a Personal Licence Holder and that the person who showed up didn't work there nor hold a licence. I explained that we would try to work with him, and we could go through the licence together now.

I handed Salar Henareh a copy of his licence summary to display. I then went through the letter I had emailed to him and how to rectify each condition breach.

We then looked through the Premises Licence together and discussed the hours, activities, and each condition not already discussed. I asked Salar Henareh if he had recommenced selling alcohol. He replied that he had not as he had sacked his DPS. He said that [REDACTED] had caused problems for him by leaving the premises unattended the day we visited and that he had a new manager called Majid Mirzaeian who held a Personal Licence and that he was going to start selling alcohol again on Saturday. I explained to Salar Henareh that he would need to make a vary DPS application to appoint Majid Mirzaeian and I text him the link where he could do this online.

I asked Salar Henareh what days [REDACTED] the named DPS had worked so far at the premises, and he replied 'Thurs, Fri last week, then Mon, Tue and Fri & Sat'.

When discussing the CCTV request we had made, Salar Henareh advised me the CCTV system was on the 3rd floor and not configured so we could view it. He advised me his CCTV engineer would rectify this to bring it to the second floor and that they would be getting footage on their phones. Salar Henareh advised he would get the footage to me by the end of the week, Sunday 5th January. Salar Henareh advised me that [REDACTED] was also going to help him manage the business.

Signed..... [REDACTED]

Dated.....7/1/24.....

I explained to Salar Henareh as there was changes to the layout of the premises that a minor variation application would need to be submitted along with his new floor plan. Salar Henareh disputed we had the correct plan and insisted he had sent the final plan with the new premises licence application. I advised I would check this for him.

I explained to Salar Henareh we had received noise complaints from residents alleging that they were staying open until 11pm at night. I explained one of the events was reported on Halloween. Salah Henareh advised me that they had a party but did not close that late. He advised everyone had left for 2145 hours.

We discussed the loud music element of the complaint and Salar Henareh advised me that no DJ had been working on Halloween and that the volume was below 69DB as agreed with the council. I explained that a DB volume had not been agreed with the council. I explained how we assess for statutory noise nuisance and explained further that due to the retractable roof extension, that I didn't believe it would insulate sound well and further that music would escape when the sliding door was opened as there was no second set of doors. I explained that it would be a good idea to invite residents in for a meeting to make peace and move forward.

Salar Henareh responded that this was not his first business, that he knew how to deal with neighbours, and he has set levels now. He added 'I know who has complained.' As we got up to leave Salar Henareh then asked how he could complain about the residents but did not expand what the complaint was about. I heard my colleague Gareth Hall discuss council complaints procedures as we were exiting the premises.

On my return to the office, I considered the changing story that [REDACTED] was working on the 1st November 2023, when we had been advised it was a female manager working that day. I completed some web-based checks and found a Licence with [REDACTED] Council naming [REDACTED] as the Premises Licence Holder and DPS for [REDACTED]. I exhibit the licence as **GH10**.

This raised further questions around potential breaches of S158 of the Licensing Act 2003, due to Salar Henareh informing the licensing committee on the 18th September 2023 that [REDACTED] was not a DPS at any other premises and would be working at the premises full time until management staff were employed, he would then work 3-4 days per week.

I telephoned [REDACTED] and spoke to [REDACTED] said to me that [REDACTED] was his premises and confirmed that he had never stepped foot inside Sky Lounge or met any of the staff selling alcohol. I asked why he was named as the DPS, and he explained that Salar Henareh was his friend and he had asked him to be named on the licence as a favour.

Signed..... [REDACTED]

Dated.....7/1/24.....

On the 3rd November 2023 I sent a follow up email to Salah Henareh with a Challenge 25 training insert to assist him, which I exhibit as **GH11**.

On checking council 'flare' records I could see that [REDACTED] formally resigned as DPS via Manchester Council's website on the 4th November 2023.

On Monday 6th November 2023 I emailed Salar Henareh explaining that we only had a copy of the old floor plan on file and that he would need to submit a variation application which was acknowledged, I exhibit the emails as **GH12**.

In the same afternoon I called Salar Henareh to arrange collection of the CCTV. Salar Henareh advised me that his engineer had still not turned up and he would call him now. I also explained the council had not received a vary DPS application. Salar Henareh insisted that he had submitted an application.

I made checks with our Premises Licensing team, and it transpired Salar Henareh had only submitted a DPS consent form, not an application to change the DPS and had therefore being operating without a DPS; a breach of mandatory condition making the sale of alcohol unauthorised. I followed up an email to Salar Henareh explaining this & requesting further CCTV due to out of hours activities being witnessed by LOOH officers on the 4th November 2023. I exhibit the email as **GH13**.

On the 7th November 2023 I was made aware by our Premises Licensing team that the vary DPS application had been submitted on the 6th January, however it rejected again due to errors on the form.

On the 8th November 2023 I emailed Salar Henareh chasing the CCTV footage and asking if alcohol sales had recommenced. I received no response. I exhibit the email as **GH14**.

On the 11th November 2023 I visited the premises at 2202 hours and completed external observations. I noted the premises still open with what I believe to be customers leaving the premises. The premises licence permits opening hours until 2130 hours.

On the 15th November I emailed Salar Henareh to arrange to meet at the premises following Majid Mirzaeian's appointment as DPS on the 10th November 2023, and to chase the CCTV footage. I received no response. I exhibit the email as **GH15**.

Signed..... [REDACTED]

Dated.....7/1/24.....

I called Salar Henareh on the 17th November 2023 and left a voicemail regarding this. I contacted Majid Mirzaeian next and arranged to meet the following day at 5.30pm before Majid Mirzaeian started his shift at 7pm.

On the 18th November 2023 I arrived at Sky Lounge at 1745 hours with my colleague Gareth Hall. We sat at the rear of the premises with Majid Mirzaeian and Salar Henareh. Salar Henareh advised me that we had to be quick as Majid Mirzaeian was busy serving customers and instructed Majid Mirzaeian to sit on the outside of the booth so that he could serve customers. I explained to Salar Henareh that I was there to meet Majid Mirzaeian and that it should only take 15 minutes. Salar Henareh responded that they were busy, I looked around the premises at this point and noted the premises was very quiet. I explained to Salar Henareh we had pre-arranged to meet at this time as Majid Mirzaeian had advised me that he was starting work at 7pm. Salar Henareh responded that he had to start early as they were busy.

I asked Majid Mirzaeian multiple questions about his employment, and he confirmed to me the following information:

- He had started working at the premises on the 4th November 2023.
- He is not a manager and that he is currently training up as staff. He could not confirm how many hours he was working at the premises at that moment. Salar Henareh then advised that it would be 42 hours in time.
- He confirmed he oversees alcohol sales and takes the lead on checking for ID and dealing with people who may have consumed too much alcohol. He confirmed he will be responsible for providing staff training around alcohol sales.
- He has recently sold the [REDACTED] in Chorlton.
- He confirmed he had not read the licence and I advised him to do so.

I addressed the issue of closure time and explained to Salar Henareh & Majid Mirzaeian that we had witnessed this being breached regularly. Salar Henareh responded that he was responsible for the closing time not Majid Mirzaeian. I explained to them both that the opening hours are a condition of the licence and must be adhered to. I continued explaining that that Salar Henareh had proposed that closure time to the committee. I added that we still needed a variation application for plan change. Salar Henareh advised me this was submitted weeks ago, I explained I had not received a copy, and that I would check this with our Premises Licensing team.

I briefly discussed conditions of the licence with Majid Mirzaeian. I explained that on the way in we could see a customer smoking shisha and drinking in the designated smoking area, in breach of a licence condition. Both Salar Henareh & Majid Mirzaeian responded 'no there isn't'. I reiterated there was on our entry and advised them to watch their CCTV which would show this.

Signed... [REDACTED]

Dated.....7/1/24.....

I then mentioned the CCTV request I had made and explained this condition is currently in breach as footage had still not been provided. I asked Salar Henareh where the footage was I had requested, and he responded that he was awaiting permission from customers if they are happy for us to have it, adding some customers wouldn't want images of their wife shared and this was down to religion. I explained this leaves him in breach of his condition, he responded 'it doesn't'. I advised we would invite him in a PACE interview regarding this continued breach and that he risked having his licence reviewed.

On the 19th November 2023 I sent a follow up email to Salar Henareh explaining that we intended to apply for a review of the licence and urging him to comply with the Premises Licence. I exhibit this email as **GH16**.

On the 20th November 2023 I received an email from our Premises Licensing team copying me into an email to Salar Henareh chasing him to submit a floor plan change. I exhibit this as **GH17**.

On the 27th November 2023 I checked with Premises Licensing, and it was confirmed an application to amend the floor plan had not been received.

On the 29th November 2023 I submitted a review application to the Premises Licensing team and emailed a copy to Salar Henareh, I exhibit the email as **GH18**.

At 1347 hours I received a call male who identified himself as [REDACTED] of Salar Henareh who had attended the committee hearing on the 18th September 2023 with him. He told me that it is very hard getting customers to leave at the close of business and that Salar Henareh believed last orders was at 2130 hours. I explained that in the committee hearing on the 18th September, Salar Henareh proposed that last orders for food would be 2045 hours and closed for 2130 hours, so it's difficult to understand how he doesn't understand this, as it was his proposal. He asked what Salar Henareh could do now, and I explained he needed to comply with the licence and to provide CCTV footage [REDACTED] advised me 'Irani people don't like sharing CCTV footage'.

I visited Sky Lounge at 1640 on the same day with my colleague Gareth Hall. Before entering the premises, I noted receipt of an email from Salar Henareh which I exhibit as **GH19**.

Salar came forward to meet us in the premises and showed us a copy of his Personal Licence now granted with Salford Council. He also advised me that Majid Mirzaeian the DPS was leaving the business in mid-December. I explained I was handing him a hard copy of the review application and that I would be displaying public notices on his premises which must be displayed for 28 days. I explained Premises Licensing would advise him of the committee hearing date.

Dated: [REDACTED]
Signed: ...7/1/24.....

I explained to Salar Henareh I had just briefly seen his email and I responded to this whilst we were talking, which I exhibit as **GH20**.

Salar Henareh then advised me 'No that's not good enough, I will send you footage if you provide written reassurance that you are responsible if my customers complain'. I explained to Salar Henareh that he should display CCTV signs to make his customers aware and directed him towards the ICO website. Salar Henareh advised me that he thought I was causing the problems, and I explained he would have chance to put his side of things to the committee. Salar Henareh then sent me a follow up email, which I exhibit as **GH21**.

After leaving the premises I emailed Salar Henareh advising unhappy customers could be directed to myself and I could explain the use of the footage. I exhibit this email as **GH22**.


Later than night I received an email from Salar Henareh in response to my email exhibited as GH16, which I exhibit as **GH23**.

On the same evening I received a further email from Salar Henareh regarding footage, saying again I would get the footage once he had permission from unhappy customers. In this email Salar Henareh also acknowledged his responsibilities with regards to CCTV and confirmed he would visit the ICO website to familiarise himself. I exhibit this as **GH24** & my response as **GH25**.

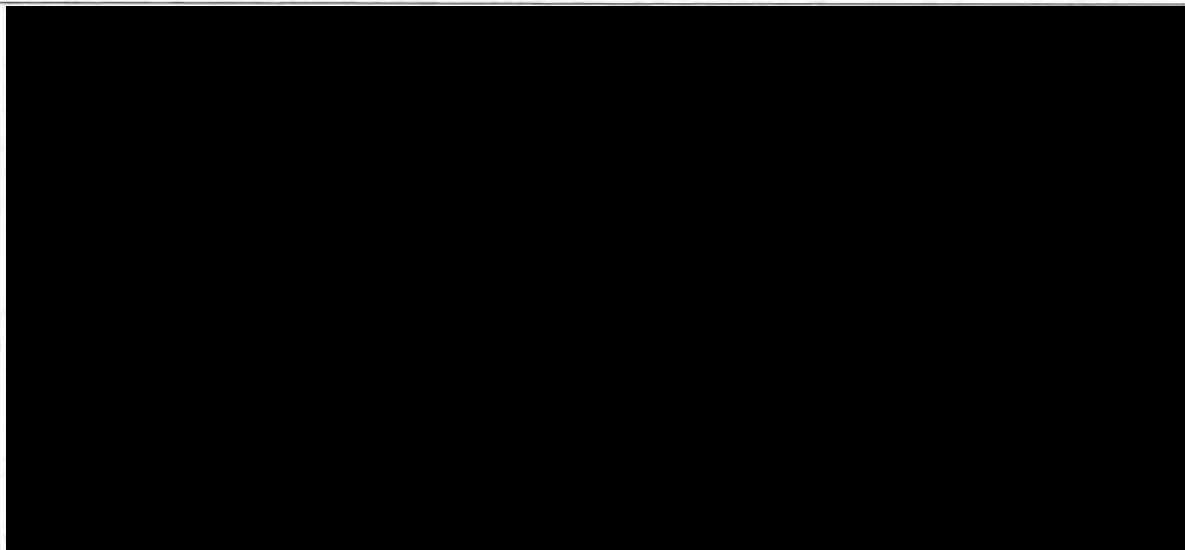
On the 30th November 2023 I received a complaint regarding [REDACTED] employee of the premises who advised me [REDACTED]
[REDACTED]

I made contact with [REDACTED] on the 30th November 2023 and she advised me

[REDACTED]

Dated: 

Signed: ...7/1/24.....



Following this conversation, I emailed Salar Henareh with a further request for CCTV footage, for the 14th & 15th November so that I could further investigate the allegations. I exhibit the email as **GH26**.

On the 1st December 2023 I drove by the premises and could see that the blue public notices had been taken down off the premises, along with Salar Henareh's car parked on double yellow lines and partially on the pavement outside the premises. I returned at approx. 1645 hours to replace the public notices with my colleague Gareth Hall.

Whilst replacing the notices Salar Henareh came out and invited Gareth Hall & I both in for coffee, which we politely refused. I heard Gareth Hall ask what had happened to the notices and I heard Salar Henareh respond that he didn't know how they'd been taken down. I explained his CCTV camera covered where the Aldermay Road notice had been displayed and pointed to the camera covering it. Salar Henareh responded that the CCTV cameras were not for that purpose and refused to provide footage.

I said to Salar Henareh, whilst we were there, we could collect the CCTV requested on email. Salar Henareh advised me 'you need to write a letter stating you will deal with customer complaints, you are responsible' I responded to Salar Henareh that I had written an email to him stating this already. Salar Henareh said to me 'no, you need to be responsible for their complaint.' I responded explaining that as he was clearly not going to provide the footage, we will leave this for the committee hearing. I said goodbye and walked away.

Salar Henareh called me back over and said to me 'you will be hearing from my solicitor about your conduct', I asked 'what do you mean?' and he said 'I'm not telling you, you will hear from my solicitor', so I walked away again.

Dated: 
Signed:7/1/24.....

Salar Henareh then called me back again and said to me 'Gemma you are barred from the premises', I asked him 'why' and he replied 'because you are racist'.

I explained to Salar Henareh that I have a right of entry to the premises under S179 of the Licensing Act and he responded 'no, only your barred not Gareth'. I left again at this point.

On the 5th December 2023 I drove by the premises and could see the public notices had been taken down again. I put a new notice on a lamppost (68) near 237 Barlow Moor Road and on the right-hand side of the premises on railings facing near MCD Manchester Ltd.

On the 10th December 2023 I picked up a new complaint from a new address, who [REDACTED] Sky Lounge. The customer advised they had been disturbed by loud music on the 6th leading into the 7th of December until approx. 0015 hours. The complainant also advised that they had been disturbed on multiple occasions prior to this, including the 31st October 2023, relating to loud music, voices, clamping & stamping and that this occurred both in licensable hours and outside of permitted hours.

On the 12th December 2023 I spoke with PC Alan Isherwood in Greater Manchester Police and asked him for assistance in retrieving CCTV footage from Sky Lounge. I was subsequently copied into this request from GMP to the premises, and noted a refusal of the footage stating that females where on images without their hijabs and Salar Henareh stated that he been having problems with the camera since last week. I responded to this email and provide the email trail as exhibit **GH27**.

On the 12th December 2023 I was driving by the premises and noticed the public notices have been removed again. I placed a new notice on lamppost 68 again.

On the 20th December 2023 a new shareholder of the business contacted me to introduce herself as [REDACTED] I also received contact from [REDACTED] from [REDACTED] explaining that she had been asked to legally represent the premises.

[REDACTED] requested an extension of hours for the 31st December 2023. I exhibit the email trail as **GH28**.

Dated: [REDACTED]

Signed: ...7/1/24.....

On the 22nd December 2023 [REDACTED] came to council offices to have a meeting with both Gareth Hall & myself regarding the problems at Sky Lounge. [REDACTED] explained her intention was to straighten the premises out and ensure it was compliant. [REDACTED] advised me she was aware of the problems with management and knew they are operating out of hours as she had seen this herself.

On the 28th December 2023 I received an email from [REDACTED] explaining that both [REDACTED] & herself had parted ways with Sky Lounge as the licence continued to be in breach and advised that they could not work constructively with the management. I exhibit this email as **GH29**.

On the 3rd January 2024 I reviewed the case and the visits that had been made over December 2023 by LOOH officers which identified further out of hours activities. I made a further request for CCTV footage which I exhibit as **GH30**.

On the 5th January 2024 I viewed the premises website: <https://sky-lounge.co.uk> I could see that underneath the offering of shisha there was a note saying: 'one shisha between the two, everyone must buy a drink. During busy hours max 1.5 hours stay'. This could lead to a breach of annex 3 condition 3:

'no drinks shall be taken outside in the designated smoking area',

And Annex 2 Condition 8:

'alcohol shall be served only with purchased foods and at tables served by staff'.

I exhibit the web pages as **GH31**.

As of today's date, no CCTV footage has been provided to the LOOH team.

The facts and matters set out in this statement were compiled from documents held by the Authority. The documents to which I have referred form part of the Authority's records maintained in the course of its profession. These records were compiled by people who had or may reasonably be supposed to have had, personal knowledge of the matters dealt with in the course of their profession but of which those people cannot reasonably be expected, to have recollection of those matters having regard to the time which has elapsed since they created the document and to all the relevant circumstances

Dated: [REDACTED]

Signed: 7/1/24.....

Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (SI 1981/553), relating to rule 70 of the Magistrates' Courts Rules 1981, section 9 of the Criminal Justice Act 1967 and section 5B of the Magistrates' Courts Act 1980.

Witness Statements
(Criminal Procedure Rules, Part 27)

Statement of witness

(Criminal Procedure Rules, r27.1 (1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF Gareth Hall

Age of witness: Over 18

Occupation of witness: Compliance Officer

This statement consisting of 6 pages, each signed by me and is true to the best of my knowledge and belief and I make it knowing that, if tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

I am employed by Manchester City Council within the Licensing and Out of Hours Team (LOOHT) as a compliance officer. I am authorised to carry out enforcement of Licensing Act 2003, section 136, in relation to the offence of unauthorised activities.

On Wednesday 1st November 2023 at 1607 Hrs I accompanied my colleague Gemma Hunt to 241 Barlow Moor Road a premises trading as Sky Lounge. Upon entering the premises I noted that there was no summary of the premises licence on display, as required by the Licensing Act 2003 I also noted that there were no signs displayed as required by the Health Act 2006.

At 1610 Hrs Gemma Hunt and myself were joined by [REDACTED] who identified himself as the [REDACTED] [REDACTED] state that he had applied for a personal licence from [REDACTED] Council and has booked on to do his training. He also confirmed that the premises had been open for a week and that the DPS had been on the premises today as he had seen them. [REDACTED] confirmed he had not applied for a personal licence but had booked on a course to gain the qualification required to obtain a personal licence. Number of Covers counted on the ground floor of the premises as 56

At 1618 Hrs Gemma Hunt, [REDACTED] and myself moved to the upstairs of the premises and counted the number of covers as 45. I again noted that there was no summary of the premises licence on display and there were no 'no smoking' signs displayed. The upstairs was set out with tables and chairs and the tables set with cutlery, glassware and napkins, there was also a fully stocked bar. Gemma Hunt asked [REDACTED] if this area was used by customers, [REDACTED] stated the upstairs was never in use for customers.

At 1622 Hrs I was checking the male toilets upstairs for cleanliness and signs of drug use at the direction of Gemma Hunt, when I returned having left my notebook

Dated: 7th JANUARY 2024

Signed [REDACTED]

open on a table I found [REDACTED] taking a photograph of my notes with a mobile phone. I challenged [REDACTED] who smirked and denied taking a photograph of my notes showing me his phone and the photographs on it that did not include photographs of my notebook. I again challenged [REDACTED] stating I had seen him take the photograph, I got no response. I asked [REDACTED] if he had messaged the photograph to someone, again got no response.

At 1623 Gemma Hunt, [REDACTED] and I returned to the ground floor of the restaurant and sat at a round table in front of the bar area. A male member of staff approached us and identified himself as [REDACTED] at this point [REDACTED] interjected and told the male he wasn't [REDACTED] and he wasn't allowed to speak to us. [REDACTED] stated that a manager was on their way.

At 1650 a female who identified herself as [REDACTED] appears in the premises and again states the manager is on their way.

At 1655 Hrs a female came to the restaurant and was introduced to us as [REDACTED] manager and will be the DPS, Gemma Hunt asks [REDACTED] the following questions:-

- 1) Do you have a personal licence? Reply No
- 2) Have you done the training course
And gained the qualification to hold a personal licence?
reply Yes, I am waiting for the council to grant my personal licence.
- 3) Can you provide proof you have passed? What score did you get? Answer 37/40

At 1659 Gemma Hunt Cautions [REDACTED] in accordance with Police and Criminal Evidence Act 1982. [REDACTED] confirms they have only applied for a personal licence and do not currently hold one, that they do not work at the premises but will once they have been granted a personal licence that they occasionally help [REDACTED].

Gemma Hunt then explains to [REDACTED] that the premises does not currently have a personal licence holder on the premises in line with conditions on the licence and that no one was aware who the DPS was staff did not have the authority to sell alcohol. I advised [REDACTED] that all the alcohol be removed from display to prevent s136 Licensing Act 2003 offences being committed.

At 1713 after I repeat my request several times the alcohol is taken off display at the downstairs bar. I then issue an FPN for the breach of the Health Act 2006 to the DPS and leave it at the premises with [REDACTED] I then leave the premises with my colleague Gemma Hunt.

On 3rd November 2023 I accompanied my colleague Gemma Hunt on a visit to the premises to discuss the visit on the 1st November 2023. We met Salar Henareh the premises licence holder and conducted the meeting on the first floor. Gemma Hunt opened the meeting by advising Salar Henareh that in the first instance we would work with him to rectify the breaches of the premises licence and other issues found during the recent visit, however it relied on him being open and honest with

Dated: 7th JANUARY 2024

Signed [REDACTED]

us so that issues would be rectified expediently and efficiently. Gemma then went through the premises licence with Salar Henareh, Gemma asked Salar Henareh if the sale of alcohol had been restarted, Salar Henareh answered that it hadn't because he had sacked the DPS due to them causing issues by leaving the premises unattended during the visit on the 1st November 2023. Salar Henareh stated that he'd had employed a new manager 'Majid' who held a personal licence and that he planned to recommence alcohol sales on the premises on Saturday 4th November 2023. Gemma Hunt advised Salar Henareh that he would need to submit a vary DPS application and text a link Salar Henareh to do so online.

Gemma Hunt then asked Salar Henareh what days the sacked DPS had worked at the premises. Salar Henareh stated they had worked Thursday and Friday last week, then Monday, Tuesday, Friday and Saturday this week.

Gemma Hunt then raised noise complaints that had been received from local residents that nuisance was happening until 2300 Hrs, further explaining that one event was reported at Halloween. Salar Henareh confirmed that there had been an event on Halloween however all customers had left the premises by 2145Hrs. Salar Henareh denied there had been a DJ at the event and that the volume of music played had been within 69 Db as agreed with the council. Gemma Hunt stated that there had been no levels agreed by Manchester City Council and explained how LOH assess noise nuisance and that the method of construction of the outside area and the lack of an acoustic lobby would mean that it was highly likely any further events where amplified music was played would lead to a noise nuisance.

Salar Henareh's response was that this was not his first business and 'he knew how to deal with neighbours who complained'. He also stated he had set levels and then wanted to know how to complain about residents but did not elaborate what he would be complaining about in relation to them.

At 1745Hrs on the 18th November 2023 I accompanied my colleague Gemma Hunt on a further visit to Sky Lounge, 241 Barlow Moor Road. Gemma Hunt and I were joined by Salar Henareh the premises licence holder and Majid Mirzaeian the New DPS, we all sat around a table at the rear of the premises. Salar Henareh stated that we had to be quick as Majid was busy serving customers and instructed Majid Mirzaeian to sit on the outside of the booth so that he could serve customers. Gemma explained to Salar Henareh that the purpose of the meeting was to meet Majid Mirzaeian and that it should only take a short time. Salar Henareh responded that they were busy, I looked around the premises and noted the premises was very quiet. Gemma Hunt stated that the meeting had been pre-arranged to meet at this time as Majid Mirzaeian had advised he was starting work at 7pm. Salar Henareh replied to Gemma Hunt stating that he had to start early as they were busy. Gemma Hunt asked Majid Mirzaeian questions about his employment at the premises and he confirmed the following information:

- Majid Mirzaeian started working at the premises on the 4th November.
- Majid Mirzaeian advised he is not a manager and that he is currently training up as staff. He

Dated: 7th JANUARY 2024

Signe 

could not confirm how many hours he was working at the premises at that moment. Salar Henareh advised that it would be 42 hours in time.

- Majid Mirzaeian confirmed he oversees alcohol sales and takes the lead on checking for ID and dealing with people who may have consumed too much alcohol. He confirmed he will be responsible for providing staff training relating to sale of alcohol.

- Majid Mirzaeian has recently sold the [REDACTED] in Chorlton.

- Majid Mirzaeian confirmed he had not read the licence.

- Majid Mirzaeian confirmed he oversees alcohol sales and takes the lead on checking for ID and dealing with people who may have consumed too much alcohol. He confirmed he will be responsible for providing staff training around alcohol sales.

- Majid Mirzaeian has recently sold the [REDACTED] in Chorlton.

- Majid Mirzaeian confirmed he had not read the licence and I advised him to do so.

Gemma addressed the issue of closure time and explained LOH Officers had witnessed this being breached regularly. Salar Henareh responded that he was responsible for the closing time. Gemma explained to Salar Henareh & Majid Mirzaeian that the opening hours are a condition of the licence and must be adhered too, further adding that Salar Henareh had proposed that closure time to the committee. I added that we still needed a variation application for plan change. Salar Henareh stated that a variation was submitted weeks ago, Gemma Hunt explained that this would check this with premises licensing, as no variation had been received by LOH.

Gemma Hunt highlighted conditions on the premises licence with Majid Mirzaeian, that a Personal Licence Holder to on site at all times, an SIA condition for bookings of more than 20 customers, and conditions relating to the designated smoking area. Gemma Hunt explained that on the way in we could both see a customer drinking and smoking in the outside area they both denied this so we advised them to watch their CCTV.

Gemma Hunt mentioned the CCTV requests made and explained that he was in breach of his premises licence as footage had not been provided. Salar Henareh stated that he was awaiting permission from customers if they are happy for us to have it, some customers wouldn't want images of their wife shared. Gemma explained this leaves him in breach of his condition, Salar Henareh insisted it doesn't. At this point Gemma stopped the visit and advised Salar Henareh he would invited in for PACE interview regarding this.

Gemma asked Salar Henareh if the shisha pipe we had seen in use in the outside area on our way in outside was electronic, Salar Henareh said it was not. I asked

Dated: 7th JANUARY 2024

Signed [REDACTED]

to confirm that the pipe I had seen in use was operated via hot coals Salah confirmed it was. Upon leaving the premises the shisha pipe was still on the table however unattended it appeared to be an electronic or 'vape type' shisha pipe, I took a photograph of said pip 'exhibit GR01 refers'.

On 29th November 2023 I accompanied my colleague Gemma Hunt to the premises trading as 'Sky Lounge' 241 Barlow Moor Road, in order that a copy of the review application be given to Salar Henareh. Salar Henareh met us in the premises and provided his personal licence issued by Salford City Council. Salar Henareh stated that Majid the DPS would be leaving the business mid December. Gemma Hunt gave Salar Henareh a hard copy of the review application advising him that the document was the review application and that public notices would be displayed on his premises which would need to stay in place for 28 days. Gemma then explained that she had responded to his earlier email. Salar Henareh retorted 'that's not good enough, I will send you footage when you provide written assurance that you are responsible for my customers complaints'. Gemma Hunt explained that he should display a notice explaining to customers that CCTV is recording and directed him to the ICO website. Salar Henareh stated that he thought 'you were causing problems' directed to my colleague Gemma Hunt who replied that he would have an opportunity to present his side of event to the licensing committee at the hearing. Gemma Hunt and I then affixed the notices to the premises 'exhibits GR02 and GR03 refer' and left the area.

At 1645 Hrs On December 1st 2023 I accompanied my colleague Gemma Hunt to replace the 'blue notices' advertising the review of the premises that had been removed. Whilst putting up the new notices 'exhibits GR04, GR05 AND GR06 refer' Salar Henareh came to the gate to the premises and invited Gemma Hunt and myself in for a cup of coffee which was politely refused. I asked Salar Henareh if he knew what had happened to the blue notices, Salar Henareh replied that he didn't. Gemma Hunt stated that one of his CCTV cameras covered the area the notice had been on Aldermay Road. Salar Henareh retorted 'the cameras are not for that purpose' I replied that 'it would be appreciated if he could have a look' Salar Henareh gave no response. Gemma Hunt asked if we could pick up the CCTV previously requested as we were at the premises. Salar Henareh retorted 'you need to write a letter stating you will deal with customer complaints, you are responsible'. Gemma Hunt replied that 'I have in my emails' Salar Henareh retorted 'NO, you need to be responsible for their complaint'. Gemma Hunt replied that 'as he was not going to provide the footage, it would be left for the committee hearing' said goodbye we then walked away to the car. As we got to the other side of the road to the premises Salar Henareh called Gemma Hunt back we approached Salar Henareh who then said 'you will be hearing from my solicitor about your conduct' when asked to elaborate by Gemma Hunt, Salar Henareh retorted 'I am not telling you, you will hear from my solicitor' again we walked off towards the car, as we got to the car Salar Henareh again called Gemma Hunt back, once we were a few feet away from him Salar Henareh said 'Gemma you are barred form the premises' Gemma Hunt asked 'why?' Salar Henareh retorted 'you're racist' Gemma Hunt explained that under s179 of the Licensing Act 2003 officers had a

Dated: 7th JANUARY 2024

Signed

right of entry to the premises. right of entry to the premises. Salar Henareh again retorted 'no, only you are again retorted 'no, only you are barred not Gareth'. At this point we walked away back to the car and left the area.

On December 22nd 2023 I was present at a meeting between Gemma Hunt and [REDACTED] explained that she had invested in the premises and her intention was to reform the premises and ensure it was compliant. [REDACTED] stated that she was aware of problems with the management of the premises as she had witnessed them herself such as operating out of hours. [REDACTED] then gave the following example she had tried to address the issue by placing a sign in the staff area displaying the operating hours another partner in the business ripped them down.

Dated: 7th JANUARY 2024

Signe [REDACTED]

Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (SI 1981/553), relating to rule 70 of the Magistrates' Courts Rules 1981, section 9 of the Criminal Justice Act 1967 and section 5B of the Magistrates' Courts Act 1980.

Witness Statements
(Criminal Procedure Rules, Part 27)

Statement of witness

*(Criminal Procedure Rules, r27.1 (1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Margaret Lewis

Age of witness: Over 18

Occupation of witness: Compliance Officer

This statement consisting of 2 pages, each signed by me and is true to the best of my knowledge and belief and I make it knowing that, if tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

I am employed by Manchester City Council as a Compliance Officer. Parts of my duties include the enforcement of Licensing Act 2003, section 136, in relation to the offence of unauthorised activities.


On 7 November 2023, at 20:30 while carrying out my duties, I visited the Sky Lounge at 241 Barlow Moor Road. On arrival as I entered, I observed alcohol being poured from a wine bottle for customers at a table in the frontmost part of the premises, when entered the main area I also observed alcohol on display.

I introduced myself as being an officer from Manchester City Council and asked for the person in charge, I was met by Salar the licensee. As I know that a licensed premises can not trade selling alcohol with no designated premises supervisor (DPS), I enquired who was the current DPS, Salar was able to show me an email from our Premises licensing team, acknowledging receipt of a DPS variation at 14:02 that day. On receipt of a valid and complete DPS variation, this takes effect immediately. I enquired as to whether he was sure it was completed correctly as previously it had not been. He gave assurances that it had.

I conducted some other standard checks on the premises, there was signage for Challenge 25, and the summary was on display.

There were no, no smoking signs Salar was able to show an email to say delivery was 8pm today, it was already gone 8pm. There were no running men signs visible if seated or stood anywhere in the premises, save for the small toilet area which was through a door. The fire extinguisher which Salar confirmed was already at the premises when they got it had no service detail label on it I advised of the need to get it serviced and tested. I asked if a fire risk assessment had been completed Salar stated one had been done looked for it but not able to show officer any evidence of any form that one had been done.

Dated: 28 November 2023

Signed 

After checks were completed Salar advised officer that he had instructed a Solicitor as he was not, pleased with the number of visits they had received from our team. I advised Salar that they were a new premises and visit are common to ensure they are abiding to the conditions on the licence and upholding the licensing objectives and if we come and find breaches, then we will give advice and continue to visit to ensure compliance.

On leaving the premises I observed a male seated smoking shisha at the side area attached to the premises, which was substantially enclosed.

Dated: 28 November 2023

Signed 

Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (SI 1981/553), relating to rule 70 of the Magistrates' Courts Rules 1981, section 9 of the Criminal Justice Act 1967 and section 5B of the Magistrates' Courts Act 1980.

Witness Statements
(Criminal Procedure Rules, Part 27)

Statement of witness

*(Criminal Procedure Rules, r27.1 (1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Sion Roberts

Age of witness: Over 18

Occupation of witness: Compliance Officer

This statement consisting of 2 pages, each signed by me and is true to the best of my knowledge and belief and I make it knowing that, if tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

I am employed by Manchester City Council within the Licensing and Out of Hours Team (LOOHT) as a compliance officer. I am authorised to carry out enforcement of Licensing Act 2003, section 136, in relation to the offence of unauthorised activities.

On 18th October 2023, at 21:30 whilst carrying out my duties, Myself and Nathan Mistry also an authorised officer from the LOOHT team, visited the Sky Lounge at 241 Barlow Moor Road. We positioned our works van on Aldermar road, opposite the premise, on the pavement facing Barlow Moor Road. It was approx 10 metres. In this position only I had the ability to observe the premises.

Although partly obscured by decorations around the main entrance doorway, six occupiers appeared to be sat in the front covered area facing Barlow Moor Road.


Several occupiers were also seen at this time going up and down the internal stairs to the upper area. This area was not completely visible; and as such the total numbers of occupiers in this area could not be confirmed.

At 21.40 a couple and a child left the premises from inside the restaurant area.

At 21.42 what appeared to be staff were observed lighting an ornamental freestanding flame heater in the small side substantially covered area. As this had finished a couple moved from the front covered area of the restaurant into this smaller side area.

The female of the couple began to what appeared to be smoke shisha as clouds of smoke were observed being blown out from her mouth after inhaling off a long flexible pipe. The Shisha pipe apparatus and coals could not be seen from our location. The female of the couple then also began to drink what appeared to be a drink of tea or coffee, poured from a tea pot or coffee pot.

Dated: 29th November 2023

Signed: 

At 21.48 five occupiers were still in front covered area talking and the one male facing my direction appeared to be eating.

At 21.53 the same male appeared to drink what looked like a clear liquid from a large wine style glass. At the same time, another couple with their child moved from the front covered area facing Barlow moor road, to side substantially enclosed area where the previous couple were still located, smoking shisha.

At 22.00 As I was finishing my observations 1 staff member was observed seen leaving in car. The premises was still open to customers as I left to attend another job.

Dated: 29th November 2023

Signed: 

Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (SI 1981/553), relating to rule 70 of the Magistrates' Courts Rules 1981, section 9 of the Criminal Justice Act 1967 and section 5B of the Magistrates' Courts Act 1980.

Witness Statements
(Criminal Procedure Rules, Part 27)

Statement of witness

*(Criminal Procedure Rules, r27.1 (1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Wayne Adams

Age of witness: Over 18

Occupation of witness: Licensing and Out of Hours Officer

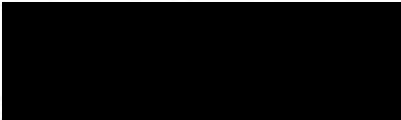
This statement consisting of 1 page, signed by me and is true to the best of my knowledge and belief and I make it knowing that, if tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

I am employed by Manchester City Council as a Licensing and Out of Hours Officer. Parts of my duties include the enforcement of the Licensing Act 2003, section 136, in relation to the offence of unauthorised activities.

On Wednesday 8 November 2023 at 2140hrs, Pauline Gregory, my colleague from Licensing and Out of Hours and I, arrived at Sky Lounge, 241 Barlow Moor Road, Manchester, M21 7QL to assess for unauthorised activities. When we arrived at the premises, we parked adjacent to the property so that we could have a clear line of sight of any patrons and staff within the venue. At the time I counted approximately 10 patrons within the premises who were in the process of dining, I also counted approximately 5 members of staff. I cannot confirm the exact numbers of patrons or staff as I did not have a clear view of all areas of the venue.

At 2146hrs, Pauline and I made the decision to attempt a test purchase of food and alcohol by entering the premises under the guise of paying customers. We did this to confirm if any unauthorised activities were taking place after 2130hrs. As we entered the premises a member of staff came up to us and stated that "they closed at nine thirty" and as such we were unable to purchase food or alcohol. This confirmed, we made are way back to our vehicle and proceeded to leave the area.

Dated: 8 December 2023

Signed: 

Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (SI 1981/553), relating to rule 70 of the Magistrates' Courts Rules 1981, section 9 of the Criminal Justice Act 1967 and section 5B of the Magistrates' Courts Act 1980.

Witness Statements
(Criminal Procedure Rules, Part 27)

Statement of witness

*(Criminal Procedure Rules, r27.1 (1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Steven Titterton

Age of witness: Over 18

Occupation of witness: Compliance Officer

This statement consisting of 2 pages, each signed by me and is true to the best of my knowledge and belief and I make it knowing that, if tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

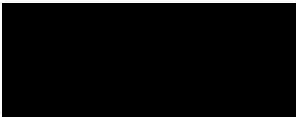
I am employed by Manchester City Council as a Compliance Officer. Parts of my duties include the enforcement of Licensing Act 2003, section 136, in relation to the offence of unauthorised activities.

On 4th November 2023 I was asked to visited Sky Lounge, 241 Barlow Moor Road, Chorlton, Manchester by the Gemma Hunt also a Compliance Officer in the Licensing and Out of Hours Team to check if the premise was still open, if Majid Mirzian the designated premise supervisor was present, were there any noise issues and if anyone had alcohol drinks in the outside smoking area.

I entered the premise at 21.27 and there were 6 tables in use, Outside smoking area was empty. I Approached the bar area, Salar introduced himself and shown us a copy of a level 2 certificate on his phone and he said he was just waiting for his personal ID card to be provided. he also shown me a screenshot of the MCC website which shown he has applied to transfer the DPS. He claimed Majid Mirzian was on site, but he did not appear to speak to us. Whilst we were stood talking to Salar a male brought a plate of food out of the kitchen area and took it to one of the tables, after 21:30.

We left at 21:35 and customers were still sat at tables in the conservative area to the front of the premise.

Dated: 5th December 2023

Signed: 

At 22.05 we drove passed the premise and people were still sat at tables in the front section. No noise issues noted at either visit.

Dated: 5th December 2023

Signed:



Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (SI 1981/553), relating to rule 70 of the Magistrates' Courts Rules 1981, section 9 of the Criminal Justice Act 1967 and section 5B of the Magistrates' Courts Act 1980.

Witness Statements
(Criminal Procedure Rules, Part 27)

Statement of witness

*(Criminal Procedure Rules, r27.1 (1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Paul Bonner

Age of witness: Over 18

Occupation of witness: Licensing out of hours officer

This statement consisting of 1 page, each signed by me and is true to the best of my knowledge and belief and I make it knowing that, if tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

I am employed by Manchester City Council as a licensing out of hours officer. Part of my duties is to attend callouts in relation to noise nuisance and to observe premises that may be in breach of their license conditions.

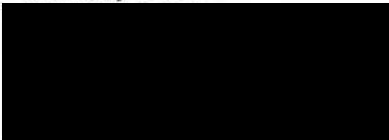
On Monday 18th December 2023 at 22.02 we received a call from a complainant to report that the noise from Sky Lounge was excessive and would like for us to attend her property to witness it. We arrived at the complainant's property at 22.42 which was next to the Sky Lounge and observed customers leaving the premises, we didn't observe any music. I rang the complainant who confirmed that the music had just stopped before our arrival. I explained that we had observed customers leaving and the premises looked to be closing but if the noise was to start up again, she could ring the service and we would attend

On 31st December 2023 at 21.55 we were on Barlow Moor Road, Chorlton when we observed the Sky Lounge was operating past their licensable hours. I stood the other side of the road from the Sky Lounge which is approx. 20 meters away and observed quite a lot of customers seated receiving food. I took three images which I exhibit as PB01, PB02 and PB03. I could see drinks also being delivered to the tables. I had a walk around the premises and at the left hand side of the premises a table of 4 were smoking shisha.

I didn't take any further images due to staff and customers watching me. I returned to the van and we stayed for a further 10 minutes, I could see food still being delivered from the kitchen, drinks being delivered and waiting staff taking orders. It didn't look like it was due to close anytime soon.

The facts and matters set out in this statement were compiled from documents held by the Authority. The documents to which I have referred form part of the Authority's records maintained in the course of its profession. These records were compiled by people who had or may reasonably be supposed to have had, personal knowledge of the matters dealt with in the course of their profession but of which those people cannot reasonably be expected, to have recollection of those matters having regard to the time which has elapsed since they created the document and to all the relevant circumstance

Dated: 3rd January 2024

Signed: 

Application for a New Premises Licence - (TBC), 241 Barlow Moor Road, Manchester, M21 7QL

- Meeting of Licensing Sub Committee Hearing Panel, Monday, 18th September, 2023 10.00 am (Item 87.)

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

Minutes:

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing regarding the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant legislation.

The applicant addressed the Hearing Panel and stated that this business would not affect the neighbouring residents and businesses and would be safe for all customers. The proposed restaurant would serve Turkish food and coffee to a maximum of 80 customers. This area would be a good location to run a successful business and the applicant and staff would address and control any concerns around traffic and nuisance. With regards to traffic concerns, the applicant stated that other types of businesses nearby attract more traffic and don't cause any traffic issues. One more premises would not add serious traffic issues. All residential properties have a driveway which helps to keep cars clear of the pavement and there were double yellow lines around the area to address parking problems. The premises was not likely to be full to capacity at all times and customers wanting to drink alcohol would not drive to this location. With regards to loading/unloading, there would be fresh produce delivered by small vans. With regard to nuisance/noise/recorded music, the applicant stated that the premises had a plan in place. New provisional operating hours would be 08:00 to 21:30 with last orders at 20:45. Kitchen cleaning would take place at the end of every shift. Music would be kept to the same levels as other nearby restaurants at background level. The extractor fan had a noise breaker attached. The premises would use security personnel when necessary. With regards to children, the bar manager was very experienced, would be trained regularly in operating with ID checks and refusals recorded for any MCC/GMP staff to see. CCTV would be in use around the clock and signage for Challenge 25 displayed around the premises and at the bars. Regarding nuisance from smells, a

carbon filter would also be used and the premises would provide an outdoor odour assessment.

The Legal advisor to the Hearing Panel addressed some points in the applicant's statement:

- The applicant could bring the closing time forward to an earlier time but not do so for the opening time and confirmed hours applied for as now being 11:00 to 21:30 – the applicant agreed
- Regarding the live music act and deregulation, if the alcohol licence was granted today, the applicant would not have to apply for this as it would be automatically granted up to 23:00
- Regarding traffic/planning issues, this was a separate regime to Licensing procedure and these issues could not be considered by the Hearing Panel today

In responding to questions from the LOOH representative, the applicant stated that:

- No shisha would be available at the premises
- There was an area and policy for smokers
- This was an outside open area with a wind breaker to assist with noise breakout
- He was aware that smoking areas had to be 50% open air minimum
- The side windows and roof can be drawn back by remote control to increase the open air aspect
- They had other restaurants, businesses and experienced managers/staff
- He was to be the Managing Director with an office on the 3rd floor
- There was no business partner in this enterprise
- The DPS would be on site full-time with a view to hiring others in the future to be sure there was someone on site to handle any issues at all times
- Yes, the DPS currently lives in Sheffield and would not be able to be on site 7 days a week. He would cover 3 to 4 days a week once the premises had hired another member of management staff
- The current DPS did not manage any other premises
- The DPS would cover licensing training on underage alcohol refusals, reporting thereof, safety, staff control and dealing with inebriated customers
- Staff would not sell more alcohol to anyone already drunk and SIA registered security would be provided if groups of 20 or more made a group booking
- The outside capacity was 12 maximum and would close at 21:30
- Alcohol would only be served with food, no person ordering alcohol only would be served with a drink
- Challenge 25 meant the premises had to provide signage throughout and was a policy not to serve anyone under the age of 18

In responding to questions from Trading Standards, the applicant stated that:

- Training would be delivered weekly with a full course every 6 months
- They were happy to add Challenge 25 refusals to a log as part of additional conditions

In responding to questions from [REDACTED] the applicant stated that:

- They would use security for bookings of 20 or more in a group
- They were in the process of planning this security contract already and some staff would also be trained in security

In responding to questions from the Hearing Panel, the applicant stated that:

- No drinks would be allowed in the smoking area
- The smoking area was not enclosed as the windows and roof are remote controlled and retractable
- The side "lean-to" area was for seating and a small smoking area at the lower part of the plan
- This area was for 8 to 10 smokers and measured 2.5m by 14m
- Staff would patrol this area
- Staff would be trained in the restaurant's policy to manage smokers
- The DPS and other experienced staff would provide the training
- The DPS is trained in conflict management
- There would be an outside body delivering training also
- They could provide details of a dispersal policy
- All other policies will be put in place but the applicant had not been asked to provide these
- In terms of notifying neighbouring properties, the application had been displayed for 2 months outside the property (the Hearing Panel noted that this was part of Licensing proceedings and not an attempt by the applicant to contact/allow contact between them and any concerned local residents/businesses)
- They had been busy with the preparations but were always available to speak to
- 95 of the 100 neighbours appeared to be happy with the application
- The applicant had received a call from a Local Ward Councillor who said they would speak to the objectors so they did not think they needed to take any further action
- The extractor has noise and odour eradicator functions and was not visible

LOOH addressed the Hearing Panel and stated that this was an area of residents and some small businesses and, as such, was noise sensitive. The applicant had scaled back the capacity from 150 to 80 patrons and hours from 23:00 to 21:30. This was a difficult premises to assess without any trading history and the application was very vague. The site had a skip in place that did not have a permit and this had caused additional concerns with local residents as to the proper running of the premises. The operating schedule stated that the DPS would always be on site, additionally, the applicant stated that SIA door staff would be employed for booking of 20 or more patrons. These were a costly exercises and could be difficult to abide by. Having alcohol as ancillary to food was also potentially quite restricting to the running of the business. LOOH expressed concerns over the 80 miles round trip for a DPS living in Sheffield to undertake. This led to doubts over the day to day control of the premises. Also, there

was talk of the DPS being part-time in the future. LOOH did welcome the reductions in capacity and hours but concerns over the DPS and lack of other conditions remained.

The applicant did not have a question but stated that the skip was hired from a company, that SIA staff were required to make the business, customers and neighbours feel safe and stated that the current DPS may be able to stay over in Manchester while full-time until they employed another manager.

The LOOH representative responded to questions from the Hearing Panel, stating that they would work with the applicant to be compliant but this would take time as there were lots of teething problems, that there was no mention of shisha and that their concern on the smoking area was around Health Act compliance.

The Legal Advisor to the Hearing Panel confirmed that there was no condition that could be applied to stop shisha use in the smoking area.

Trading Standards addressed the Hearing Panel and stated that there were four additional conditions requested that the applicant appeared to agree with today; Challenge 25 ID requests, Challenge 25 signage, Challenge 25 refusal log and staff training documented at a minimum of 6 month intervals. The initial operating schedule supplied by the applicant was very generic. The type of training to be provided was not clear. Trading Standards asked if the applicant would officially agree to the four conditions above.

The Legal Advisor to the Hearing Panel asked if Trading Standards were satisfied with the application if the four conditions were confirmed as added by the applicant and the Trading Standards representative agreed.

Resident 1 addressed the Hearing Panel and stated that there was no consultation with their business located next door. There would be increased footfall in the area, the smoking area was too small, there would be an increase in noise outside the premises and this was a quiet residential area. The main concerns were summarised as noise, safety and traffic due to children playing outside nearby.

suggested that the Hearing Panel refuse the application, allowing the applicant to re-submit with more robust conditions and to give them the opportunity to apply for earlier opening hours.

The applicant summed up their presentation by stating that they had provided lots of information, that the business would run safely, that they were happy to take on board any further advice and requested the hearing Panel grant their licence.

Decision

To grant the application with amended hours and additional conditions agreed with Trading Standards and further additional conditions from the Hearing Panel:

Hours 11.00am – 9.30pm – for licensable activities applied for 11.00am-9.30pm- Open to the public

1.The CCTV system operates at all times while the premises are open for licensable activities

- All equipment must have a constant and accurate time and date generation
- The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected
- There must be at least one member of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation)

2. Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to the designated smoking area. No more than 8 of customers will be permitted to remain in the designated smoking area at any one time.

3. No drinks to be taken outside in the designated smoking area.

4. 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.

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

6. The 'Challenge 25' Scheme shall be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of

age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.

7. All staff engaged in the sale of alcohol shall be trained with regards to the 'Challenge 25' policy and sales by proxy. This training shall be documented, and training shall be refreshed at no greater than 6 monthly intervals. A log is to be kept of the persons attending the training.

8. The Premises Licence Holder shall ensure that signage demonstrating the 'Challenge 25' policy, as well as selling alcohol to children by proxy, are placed at the entrance to the premises as well as being displayed in all areas serving alcohol.

9. A log shall be kept and shall record all instances when alcohol has been refused for the reasons that the person(s) is, or appear to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log shall be available on request by the police or an authorised officer of Manchester City Council. The log shall be checked on a regular basis by the Designated Premises Supervisor Conditions consistent with the operating schedule- amended

10. The premises shall be staffed with trained staff on all aspects of restaurant management and services.

11. All mandatory signs shall be displayed and clearly visible.

12. In cases of emergencies, staff shall be fully aware of procedures to take and who to contact.

13. A manager shall always be on site.

14. Risk assessments shall be carried out, and everything shall be supervised and managed thoroughly.

15. Alcohol shall only be consumed on the premises strictly, served by trained staff only.

16. No alcohol shall be served to under 18's.

17. Alcohol shall be served only with purchased foods and at tables served by staff. 18.

Children shall not be allowed on site without adults.

19. Children shall not be left unsupervised

20. The restaurant is restricted to 80 covers.

21. Between 11am and 9.30pm there must be a member of staff on the premises who holds a Personal Licence.

22. SIA registered security staff shall be employed at the premises when the premises has a booking of 20 or more persons on the premises.

23. Taxi numbers will be positioned in prominent positions around the premises.

24. The Name and Telephone number of the manager in charge must be prominently displayed at the premises



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	287791
Granted	18/09/2023
Latest version	DPS Variation 295192 Granted 25/11/2023

Part 1 - Premises details

Name and address of premises
Sky Lounge 241 Barlow Moor Road, Manchester, M21 7QL

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1. The sale by retail of alcohol*. 2. The provision of regulated entertainment, limited to: Recorded music; <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	1100	1100	1100	1100	1100	1100	1100
Finish	2130	2130	2130	2130	2130	2130	2130
The sale of alcohol is licensed for consumption on the premises only.							
Seasonal variations and Non-standard Timings: None							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2130	2130	2130	2130	2130	2130	2130
Licensed to take place indoors 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	1100	1100	1100	1100	1100	1100	1100
Finish	2130	2130	2130	2130	2130	2130	2130
Seasonal variations and Non-standard Timings: None							

Part 2

Details of premises licence holder	
Name:	Mr Salar Henareh
Address:	[REDACTED]
Registered number:	n/a

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Majid Mirzaeian
Address:	[REDACTED]
Personal Licence number:	283672
Issuing Authority:	Manchester City Council

Annex 1 – Mandatory conditions
<p>Door Supervisors</p> <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> <p>Supply of alcohol</p> <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</p>

or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purposes of the condition set out in (1) above–
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

$$P = D + (D \times V)$$
 where –
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
8. The responsible person must ensure that –
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available

to customers in the following measures –

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

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

Annex 2 – Conditions consistent with the operating schedule

1. The premises shall be staffed with trained staff on all aspects of restaurant management and services.
2. All mandatory signs shall be displayed and clearly visible.
3. In cases of emergencies, staff shall be fully aware of procedures to take and who to contact.
4. A manager shall always be on site.
5. Risk assessments shall be carried out, and everything shall be supervised and managed thoroughly.
6. Alcohol shall only be consumed on the premises strictly, served by trained staff only.
7. No alcohol shall be served to under 18's.
8. Alcohol shall be served only with purchased foods and at tables served by staff.
9. Children shall not be allowed on site without adults.
10. Children shall not be left unsupervised.
11. The restaurant shall be restricted to 80 covers.
12. Between 11am and 9.30pm there shall be a member of staff on the premises who holds a Personal Licence.
13. SIA registered security staff shall be employed at the premises when the premises has a booking of 20 or more persons on the premises.
14. Taxi numbers shall be positioned in prominent positions around the premises.
15. The name and telephone number of the manager in charge shall be prominently displayed at the premises.

Annex 3 – Conditions attached after hearing by the licensing authority

1. The premises licence holder shall ensure that:
 - a) CCTV cameras are located within the premises to cover all public areas including all entrances and exits;
 - b) the system records clear images permitting the identification of individuals;
 - c) the CCTV system is able to capture a minimum of 24 frames per second and all recorded footage shall be securely retained for a minimum of 28 days;
 - d) the CCTV system operates at all times while the premises are open for licensable activities;
 - e) all equipment shall have a constant and accurate time and date generation;
 - f) the CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected;
 - g) there shall 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).
2. Customers permitted to temporarily leave and then re-enter the premises to smoke must be restricted to a designated smoking area defined by the plan attached. No more than 8 of customers will be permitted to remain in the designated smoking area at any one time.
3. No drinks shall be taken outside in the designated smoking area.
4. Clear and legible notices shall be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and to use the area quietly.
5. Clear and legible notices shall be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
6. The 'Challenge 25' Scheme shall be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.
7. All staff engaged in the sale of alcohol shall be trained with regards to the 'Challenge 25' policy and sales by proxy. This training shall be documented, and training shall be refreshed at no greater than 6 monthly intervals. A log is to be kept of the persons attending the training.
8. The Premises Licence Holder shall ensure that signage demonstrating the 'Challenge 25' policy, as well as selling alcohol to children by proxy, are placed at the entrance to the premises as well as being displayed in all areas serving alcohol.
9. A log shall be kept and shall record all instances when alcohol has been refused for the reasons that the person(s) is, or appear to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log shall be available on request by the police or an authorised officer of Manchester City Council. The log shall be checked on a regular basis by the Designated Premises Supervisor

Annex 4 – Plans

See attached

This page is intentionally left blank

Exhibit GH2 - Instagram

 skylounge241
Barlow Moor Road



44 likes

skylounge241 Happy halloween Manchester 🎃👻

Our retractable roof will be shut to keep customers safe from the witches flying about on them brooms sticks 🧙🏻‍♀️

Halloween party at SKY Lounge tonight at 19:00 pm to 23:00pm tonight.

31 October

GH5



GH6





**MANCHESTER
CITY COUNCIL**

The Neighbourhoods Service
Neighbourhoods Directorate

Neighbourhood Compliance Team (South)
Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

The Owner or Owners
241 Barlow Moor Road
Manchester
M21 7QL

To reply please contact:



Date; 21st February 2023

Our ref: 153841

Dear Sir / Madam

Legal Notice Attached under Section 4 of the Prevention of Damage by Pests Act 1949

Please read this letter carefully, as it contains information that affects your property as the owner.

Re: 241 Barlow Moor Road, Manchester, M21 7QL

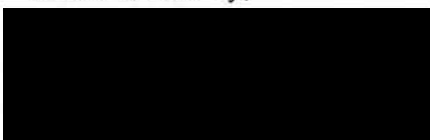
This land has been highlighted as a concern to Manchester City Council and local communities. The site has been assessed and the accumulation of refuse could cause harbourage or attraction to vermin or other pests. Please find photographs enclosed which show the accumulation.

Attached is a notice under section 4 of the Prevention of Damage by Pests Act 1949 requiring you to remedy these problems by 3rd March 2023. I am sure that you will agree that swift and prompt action is required on your part to clear this land and undertake the works specified within the attached legal notice.

If you fail to comply with this notice, you will be committing a criminal offence, the penalty for this being a fine of up to £1000 on summary conviction. The Council may also then proceed to carry out the work required under the notice in default, and thereafter you will be recharged the cost of these works in addition to any fine on prosecution for failure to comply with the notice.

PLEASE ACT ON THIS NOTICE AND DO NOT IGNORE.

Yours sincerely,



Neighbourhood Compliance Officer


Section 4 Prevention of Damage by Pests Act 1949
**NOTICE TO EXECUTE WORKS
 IN ORDER TO PREVENT DAMAGE BY RATS OR MICE**

To: The Owner or Owners
 Of: 241 Barlow Moor Road
 Manchester
 M21 7QL

WHEREAS it appears to the Council of the City of Manchester that under the provisions of Section 4 of the Prevention of Damage by Pests Act 1949 steps should be taken for keeping the land (which includes any building or part of a building) free from rats or mice, of which you are the owner known as:

241 Barlow Moor Road, Manchester, M21 7QL within the said City,

THIS NOTICE HEREBY REQUIRES YOU within 10 days from the service of this notice, to take in respect of the said land, the steps as set out below for the purpose of keeping the land free from rats or mice:


STEPS TO BE TAKEN

1. Remove the accumulation of miscellaneous waste from the bin room of the building, which may be creating attraction and harbourage for vermin
2. Thoroughly cleanse and disinfect the site.

AND FURTHER TAKE NOTICE that if you fail to comply with the requirements of this notice within the period prescribed, the Council may itself execute the steps required and recover from you the expenses reasonably incurred in so doing, and without prejudice to the right to exercise that power you will be liable on summary conviction to a fine not exceeding £1,000.

Dated this day 21st February 2023

Signed

On behalf of, and in the name of, 
Strategic Director for Neighbourhoods

NOTE: Enquiries about this notice should be made to: -

NOTES

PREVENTION OF DAMAGE BY PESTS ACT 1949

Summary of Provisions of Sections 3, 4 & 5

SECTION 3

- (1) The occupier of land (WHICH INCLUDES ANY BUILDING OR PART OF A BUILDING) shall give to the local authority forthwith notice in writing if it comes to his knowledge that rats or mice are living on or resorting to the land in substantial numbers.
- (4) Any person who fails to give such notice shall be liable on summary conviction to a fine not exceeding two hundred pounds

SECTION 4

- (1) (2) Where it appears to a local authority, whether in consequence of a notice given in respect of land under Section 3(1) or otherwise, that steps should be taken for the destruction of rats or mice thereon, or otherwise for keeping land free from rats and mice, they may serve on the owner or occupier of the land a notice requiring him within a reasonable period to take such reasonable steps as may be specified in the notice, including any form of treatment or the carrying out on the land of any structural repairs or other works.
- (4) If on a complaint made by the owner of any land, it appears to a Magistrates Court that the occupier prevents the owner from carrying out any work specified in a notice, the Court may order the occupier to permit the carrying out of work.

SECTION 5

- (1) Subject to certain provisions with respect to appeals (see below), failure to comply with a notice within the period prescribed empowers the local authority to undertake the steps required in the notice and to recover any expenses reasonably incurred from the person upon whom the notice was served.
- (2) A person who fails to take the steps required by this notice is guilty of an offence and liable on summary conviction to a fine not exceeding £1000.

APPEALS

There is no right of appeal against this notice.

Date: 21 February 2023
Notice ref:
NCS/153841(DB3)



MANCHESTER
CITY COUNCIL

Neil Fairlamb
Strategic Director for
Neighbourhoods

IMPORTANT

The document enclosed comprises a Statutory Notice which requires you to carry out the specified works in the specified time.

If you do not carry out the works the City Council may engage contractors to carry out the works and will recover from you the costs of so doing. There will be an additional administrative towards the Council's expenses.

Once the Council's contractors are on site they will remain until the work has been completed, even if you then want to bring in your own contractor or carry out the work yourself.

The Council may also decide to prosecute you for non-compliance with the notice.

It is in your own interest to comply with the notice promptly and not to ignore it.

Failure to comply with the terms of a notice is a **CRIMINAL OFFENCE** and may be punished by fine on conviction in the Magistrate's Court.



The enclosed document(s) are very important and may have legal implications. If you have difficulty reading or understanding English, you should seek advice immediately from someone who can assist you in your first language.

English

الوثائق المرفقة هي هامة جدا وربما تكون لها مخلفات قانونية. إذا كانت لديك صعوبات لقراءة أو فهم الانجليزية ينبغي أن تطلب النصائح مباشرة من شخص يمكنه مساعدتك بخصوص لغتك الأم.

Arabic

সাথে দেওয়া কাগজপত্রগুলো খুবই জরুরী এবং এতে আইন সংক্রান্ত কোনো বিষয় থাকতে পারে। আপনার যদি ইংরেজী পড়তে অথবা বুঝতে অস্ববিধা হয় তাহলে আপনার এমন কারুর কাছ থেকে এখনই পরামর্শ নেওয়া উচিত যিনি আপনাকে আপনার ভাষায় সাহায্য করতে পারবেন।

Bengali

附上的文件是非常重要的，可能具備法律含意。如果你對閱讀或理解英語方面有困難，你應該即時向可以用閣下語言幫助你的人尋求意見。

Chinese

Le(s) document(s) inclus sont très importants et il se peut qu'ils aient des implications légales. Si vous avez des difficultés pour lire ou comprendre l'anglais, vous devriez demander des conseils immédiatement de quelqu'un qui peut vous assister dans votre langue maternelle.

French

साथ भेजे दस्तावेज़ बहुत महत्वपूर्ण हैं तथा इसके कानूनी पहलू भी ह
अंग्रेज़ी पढ़ने तथा समझने में मु
चाहिए ज

Hindi

Pievienotais dokuments(-ti) ir ļoti svarīgs un var iekļaut juridiskus jautājumus. Ja Jums ir grūtības lasīt vai saprast angļiski, tad Jums vajadzētu nekavējoties lūgt padomu cilvēkam, kas var palīdzēt Jums Jūsu valodā.

Latvian

Priededamas(-mi) dokumentas(-ai) yra labai svarbus(-ūs) ir gali turėti teisinę svarbą. Jei jūs turite sunkumų suprantan anglų kalbą skaitant ar klausant, jūs nedelsiant turite ieškoti patarimo ir pagalbos iš asmens, galinčio jums padėti komunikuoti anglų ir lietuvių kalbomis.

Lithuanian

Załączone dokumenty są bardzo ważne i mogą mieć implikacje prawne. Jeżeli masz problemy z czytaniem i rozumieniem języka angielskiego, szukaj porady od kogoś kto może pomóc w twoim pierwszym języku.

Polish

ਨੱਥੀ ਕੀਤਾ ਦਸਤਾਵੇਜ਼ ਬਹੁਤ ਮਹੱਤਵਪੂਰਨ ਹਨ ਅਤੇ ਇਹ ਦੇ ਕਾਨੂੰਨੀ ਪਹਿਲੂ ਵੀ ਹੋ ਸਕਦੇ ਹਨ। ਜੇ ਤੁਹਾਨੂੰ ਅੰਗਰੇਜ਼ੀ ਪੜ੍ਹਨ ਜਾਂ ਸਮਝਣ ਵਿਚ ਮੁਸ਼ਕਿਲ ਆਉਂਦੀ ਹੈ ਤਾਂ ਤੁਹਾਨੂੰ ਛੇਤੀ ਨਾਲ ਕਿਸੇ ਐਸੇ ਵਿਅਕਤੀ ਕੋਲੋਂ ਸਲਾਹ ਲੈਣੀ ਚਾਹੀਦੀ ਹੈ ਜਿਹੜਾ ਕਿ ਇਸ ਨੂੰ ਤੁਹਾਨੂੰ ਤੁਹਾਡੀ ਪਹਿਲੀ ਭਾਸ਼ਾ ਵਿਚ ਸਮਝਾ ਸਕੇ।

Punjabi

Documentele incluse sunt foarte importante si pot avea o implicatie legala. Daca aveti probleme in a citi sau a intelege limba engleza dv, trebuie sa cautati imediat un sfat de la cineva care sa va asiste in limba dv natala

Romanian

İlişikteki belge(ler) çok önem taşımaktadır ve yasal yaptırımlara yol açabilirler. İngilizce okumak ya da anlamakta zorluk taşıyorsanız bir an önce anadilinize çevirecek bir yardımcı bulmanız yararınıza olacaktır.

Turkish

مسلک دستاویز (ات) بہت اہم ہیں اور ممکن ہے کہ ان میں کوئی قانونی پہلو بھی ہو۔ اگر آپ کو انگریزی پڑھنے اور سمجھنے میں مشکل درپیش ہے تو آپ کو فوری طور پر کسی کو کہیں کہ وہ آپ کی زبان میں آ پکڑتا ہے۔ اس میں کیا درج ہے۔

Urdu

Văn bản đính kèm này rất quan trọng và có thể có liên quan đến pháp luật. Nếu bạn gặp khó khăn để hiểu tiếng Anh bạn nên tìm ngay sự tư vấn từ những ai có thể giúp bạn bằng ngôn ngữ chính của bạn.

Vietnamese



Photo taken on 8/2/2023

CCTV is in use on site. Children are not allowed on site without adults. Under 18's are not served alcohol. All mandatory signs are displayed. Children will never be left unsupervised.

Checklist: **Please tick to indicate agreement**

<input checked="" type="checkbox"/>	I have made or enclosed payment of the fee.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	I have enclosed the plan of the premises.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	I have sent copies of this application and the plan to responsible authorities and others where applicable.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	I understand that I must now advertise my application.	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	I understand that if I do not comply with the above requirements my application will be rejected.	<input type="checkbox"/>
<input checked="" type="checkbox"/>	[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).	<input checked="" type="checkbox"/>

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

DECLARATION
I understand that I am not entitled to be treated 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 DIPs named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)

Signature	Sahar Henareh
Date	27.4.23
Capacity	Owner

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	[Redacted]
Date	25/5/2023
Capacity	OWNER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

SAHAR HENAREH
241 BARROW MOOR ROAD

Post town	MANCHESTER	Postcode	M21 7SL
Telephone number (if any)	[Redacted]	[Redacted]	

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

[Redacted]

From: Gemma Hunt
Sent: Thursday, November 2, 2023 2:10 PM
To: [REDACTED]
Subject: Sky Lounge 241 Barlow Moor Road - Warning Letter & CCTV request/ Compliance Visit
Importance: High

Dear Mr Henareh,

Following our visit to your premises yesterday, please find attached a warning letter regarding the recent complaints and the observations from our visit.

I will re-visit the premises tomorrow, Friday 3rd November at 2pm to obtain CCTV footage for the following dates:

Wednesday 25 th November 2023	from 2100 – 0000 hours
Sunday 29 th November 2023	from 2100 – 0000 hours
Wednesday 1 st November 2023	from 1100 – 1600 hours

In line with the data protection act I confirm the request for the CCTV is regarding an investigation which is taking place around the premises carrying out unauthorised licensable activities.

Please be minded of the following condition attached to your Premises Licence within Annex 3:

1. The premises licence holder shall ensure that:
 - a) CCTV cameras are located within the premises to cover all public areas including all entrances and exits;
 - b) the system records clear images permitting the identification of individuals;
 - c) the CCTV system is able to capture a minimum of 24 frames per second and all recorded footage shall be securely retained for a minimum of 28 days;
 - d) the CCTV system operates at all times while the premises are open for licensable activities;
 - e) all equipment shall have a constant and accurate time and date generation;
 - f) the CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected;
 - g) there shall 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).

Failure to provide CCTV in line with the above condition is an offence under S136 of the Licensing Act.

At the visit I will also be looking to view: staff training records, refusals registers and your SIA door staff log book.

Kind regards

Gemma Hunt

Licensing & Out of Hours Compliance Officer
 [REDACTED]



**MANCHESTER
CITY COUNCIL**

**Licensing & Out of Hours Compliance
Team**

Hammerstone Road Depot
Gorton
M18 8EQ

To reply please contact:
Gemma Hunt

Tel: [REDACTED]
Email: gemma.hunt@manchester.gov.uk

Mr Salar Henareh
[REDACTED]

Date: 2nd November 2023

Dear Mr Henareh

Sky Lounge, 241 Barlow Moor Road, Manchester, M21 7QL

Receipt of Complaints & Compliance Visit

I write to you following receipt of multiple complaints concerning noise nuisance from loud music, breaches of permitted licensing hours and conditions of the licence. The problem is reported to have occurred on Wednesday 25th October and Sunday 29th October.

On the 2nd November I visited your premises at approximately 4pm and observed the following:

No Premises Licence Summary on display – this is an offence under S57(3) of the Licensing Act 2003 (LA2003) - on conviction this attracts a fine up to £500.

Some of the Premises Licence conditions were checked and the following conditions were found to be in breach:

**Annex 1 Condition 2: No supply of alcohol may be made under the premises licence:
(b) At a time when there is no Designated Premises Supervisor in respect of the premises licence**

Staff at the premises are not aware who [REDACTED] is. Please supply us with his contact details.

Annex 1 Condition 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.

As per condition 2.

Annex 2 Condition 2: All Mandatory signs shall be displayed and clearly visible.

No Smoking Signs not on display – a fixed penalty notice has been issued to you. This was handed to [REDACTED] Under the Health Act 2006 it is an offence to fail to display the appropriate signage at an "enclosed" or "substantially enclosed" public place or workplace.

Annex 2 Condition 4: A manager shall always be on site.

The [REDACTED] presented himself as he keyholder but advised he was not the manager and that the manager had nipped out, whom had been working that day. A male bar staff member advised that he was in charge of the bar, however [REDACTED] told him he could not speak to us and advised us he is not a manager.

Annex 2 Condition 11: The restaurant shall be restricted to 80 covers.

On count of both floors of the premises, I estimate there to be between 91 and 100 covers dependent on how many customers sit in a booth.

I was advised that the upstairs was not open, however the tables were set up and empty glasses as well as small shot bottles were on tables. The bar also had a beer keg connected and your social media shows customers using the upstairs of the premises.

Annex 2 Condition: Between 11am and 9.30pm there shall be a member of staff on the premises who holds a Personal Licence.

[REDACTED] advised me that he had applied for a Personal Licence with [REDACTED] Council the day prior and then he advised that he had not and was booked on a training course.

I then spoke to both yourself by telephone and to [REDACTED] again, you both advised 'a lady' who was fulfilling this role had been working at the premises that day but had nipped out. You advised me she would return and [REDACTED] contacted the 'lady' directly.

My colleague & I waited for approx. 1.5 hours when a lady arrived who identified herself as [REDACTED] was interviewed under caution where she confirmed that she did not hold Personal Licence as yet, and had not started working at the premises.

Annex 2 Condition 15: The name and telephone number of the manager in charge shall be prominently displayed at the premises.

Not on display.

Annex 3 Condition 1 (G): The premises licence holder shall ensure that:

There shall 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 Data Protection Act.

[REDACTED] advised that he that could not access CCTV and no others at the premises could do so. I spoke to you on the telephone regarding this and you advised me that a manager could visit the following day to facilitate this. You advised me that these problems were due to residents complaining and I confirmed receipt of complaints.

Annex 3 Condition 3: No drinks shall be taken outside in the designated smoking area.

I have photographic evidence that customers have been drinking in this area whilst smoking shisha with the canopy roof in full use.

Please note that any smoking area with a roof must be at least 50% open, I do not believe this is the case and I would advise you to measure the area including the roof and all sides to ensure you comply with the smoke free legislation.

A maximum fine of £2500 can be imposed on whoever manages or controls a premises if they fail to prevent smoking in a smoke free place. I would advise you to look at the following website: www.smokefreeengland.co.uk.

Annex 3 Condition 4: Clear & Legible notices shall be prominently displayed at any area used for smoking requesting customers to respect the needs of local residents and use the area quietly.

Not on display.

Annex 3 Condition 8: The premises licence holder shall ensure that signage demonstrating the 'Challenge 25' policy, as well as selling alcohol to children by proxy, are placed at the entrance to the premises as well as being displayed in all areas serving alcohol.

A poster was noted near the entrance; however, this had been covered up by balloons.

Floor plans – Both bars on the ground and first floor have changed location. The service kitchen on the ground floor is now seating. A variation application to update your floor plans is required.

The licence conditions and floor plan form part of the licence authorisation. Any breach of the authorisation makes licensable activities unauthorised. This is an offence under S136 of the Licensing Act 2003 and on conviction attracts an unlimited fine, and or up to 6 months in prison.

Due to the mass of breaches outlined above [REDACTED] confirmed he would take alcohol off sale to avoid committing further offences.

I would like to take this opportunity to remind you of your obligations under the Licensing Act 2003 to uphold all of the "Licensing objectives." The licensing objectives are the prevention of public nuisance, public safety, the protection of children from harm, and the prevention of crime and disorder.

Under the Licensing Act 2003 any responsible authority or interested party, including local residents, can request a Review of a premises license if it is felt that any of the Licensing Objectives are not being upheld in relation to the premises. As a result of any review that may take place, additional conditions, changes in licensable activities or a restriction in a premises operating hours may be imposed.

Environmental Protection Act 1990

The Environmental Protection Act 1990 allows the Council to serve a Statutory Nuisance Abatement Notice where it is satisfied that a Statutory Nuisance exists. A Statutory Nuisance Abatement Notice is a legal document that requires those responsible for the nuisance to abate it. Failure to comply with such a Notice is a criminal offence. Should we obtain satisfactory evidence that a Statutory Nuisance is being caused by loud music we will not hesitate to take this enforcement action. Service of such notice may also lead to a review of the Premises Licence where the suspension of regulated activities may be lifted.

You should be aware that we may now carryout monitoring visits to your premises or the area around it to ensure no further offences are committed and the Licensing Objectives are being upheld. Should we obtain satisfactory evidence that demonstrates that Licensing offences are taking place this matter will be passed to the City Solicitors which may result in legal proceedings being taken against you in the Magistrates Court.

If you have any questions about this letter or wish to discuss this further, please contact me on the number above.

Yours sincerely

Gemma Hunt
Licensing & Out of Hours Officer

Your personal data is very important to us. Please refer to our privacy notice at: www.manchester.gov.uk/cecsprivacy for further information

Licensing Act 2003 - Premises Licence Register as at 16:23 on 30 November 2023

Completed application 208594 which is a New Application for Premises Licence indefinite

Applicant(s)

Full Name:

Designated Premises Supervisor

Full Name:

Permitted Activities

- the sale by retail of alcohol

Premises Open Hours Requested

	Time From	Time To
Sunday	15:00	23:00
Monday	15:00	23:00
Tuesday	15:00	23:00
Wednesday	15:00	23:00
Thursday	15:00	23:00
Friday	15:00	23:00
Saturday	15:00	23:00

Activities - Times Requested

	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only		
Sunday	15:00	23:00
Monday	15:00	23:00
Tuesday	15:00	23:00
Wednesday	15:00	23:00
Thursday	15:00	23:00
Friday	15:00	23:00
Saturday	15:00	23:00

Additional Conditions

ANNEX 1A - MANDATORY CONDITIONS

Mandatory Condition 1 (Section 19 ss 2)

Where a licence authorises the sale of alcohol then no supply of alcohol may be made under the 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.

Mandatory Condition 2 (Section 19 ss 3)

Where a licence authorises the sale of alcohol then every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Condition 3 (Section 20)

1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:
 - (a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).
 - (b) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.
2. In this section -
 - “children” means persons aged under 18; and
 - “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory Condition 4 (Section 21)

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

Annex 1B - Mandatory Condition effective from 28th May 2014:

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 paragraph 1-
 - (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 (b) of paragraph 2 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. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

(2) 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 1C - Mandatory Conditions effective from 1st October 2014:

- 1.-(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.-
- (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.
4. The responsible person must ensure that-
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. The Licence Holder shall ensure that all times when the premises are open for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons.
2. Record will be kept of training and refresher training.
3. Any incidents of criminal nature that may occur on the premises will be reported to the Police.

4. All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
5. A register of refused sales shall be kept and maintained on the premises.

Agreed Conditions - 6th Feb 2023 - South Yorkshire Police

6. A Challenge 25 scheme must be implemented by all sales and delivery staff at the points of taking the order and delivery. The scheme must include the maintenance of refusals records, staff training records and the display of signage at the points of sale.
7. Staff making deliveries of alcohol will only deliver to adult recipients producing a valid photo ID (for example a passport or photo driving licence or PASS card). If the recipient refuses to produce appropriate ID, or if the person delivering remains in doubt that the recipient is not 18 years of age or over, or if the identification is suspected of being invalid, delivery will be terminated. A refusals book must be maintained to record occasions when a delivery was terminated.
8. A CCTV system will be fitted, maintained and in use at all times whilst the premises are open. The CCTV images will be stored for 28 days and police and authorised officers of the council will be given access to images for purposes in connection with the prevention and detection of crime and disorder, in line with GDPR guidance. Members of the management team will be trained in the use of the system.

Agreed Conditions - 16th March 2023 - EHP

9. The new/varied premises licence shall not become effective until the Health Protection Service have received an electrical condition report covering 100% of the premises and confirmation that any remedial works arising from it have been addressed this is to ensure these matters raised during the consultation period, have been appropriately addressed in respect of service requirements.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

ANNEX 4 - Plans

 Proposed Ground Floor Plan - emailed to HPS 16/3/23

From: Gemma Hunt
Sent: Friday, November 3, 2023 6:30 PM
To: [REDACTED]
Subject: FW: Sky Lounge 241 Barlow Moor Road - Warning Letter & CCTV request/ Compliance Visit
Importance: High

Dear Mr Henareh,

Thank you for meeting with officers today.

At the beginning of the meeting I explained that we have 3 complainants, we now have 4. I've just received an additional complaint with the following issues raised: operating outside of permitted hours until 11pm, odours from customers smoking shisha, rubbish bins not be stored away – left on pavement, parking issues.

You advised us today that you have sacked your DPS and that he had worked at the premises over the last week. I've since spoken to [REDACTED] and asked him if he has worked at the premises – I explained I will be checking CCTV and it will obviously show me if he has worked there.

[REDACTED] has advised that he has never stepped foot in the premises. He explained that you two are friends and you asked him to be named on the licence as a favour, there was never an intention for him to work at the premises. As above your CCTV will demonstrate either way. You confirmed that CCTV will be emailed to me by the end of the week.

You confirmed that Majid Mirzian will be appointed as your new DPS before you recommence alcohol sales tomorrow. As discussed please ensure you are compliant with all licence conditions to ensure no offences are committed.

I have attached a template challenge 25 training form as promised. You will still need to provide proxy purchase training.

I have emailed premises licensing re the floor plan and I will get back to you on this.

Kind regards
Gemma Hunt
Licensing & Out of Hours Compliance Officer
[REDACTED]

Challenge 25

If a customer attempting to buy alcohol looks or appears to be under the age of 25, you must challenge the customer for ID to prove that they are age 18 or older.

Even if the customer persists that they are 23 or 24, you must not serve them.

If the customer produces ID to prove that they are age 18 or older, the sale can be made.

Acceptable Identification

- A driving licence, including provisional licences
- A passport
- A HM Forces Warrant Card
- A Card bearing the PASS hologram

Remember to check:

- the photo on the ID looks like the person in front of you
- the date of birth
- that the ID is current and valid
- that the ID has not been tampered with
- holographic marks

Staff Member Signature.....

Manager’s Signature.....

Date.....

GH12

From: Gemma Hunt

Sent: Monday, November 6, 2023 6:57 AM

To: [REDACTED]

Subject: Floor Plan

Dear Salar

Following on from our conversation last week, premises Licensing have confirmed that the floor plan on file is the one I showed you with both bars in the wrong locations and a serving kitchen is no longer present and replaced with seating. Therefore a variation application (probably a minor) is required.

Kind regards

Gemma Hunt

Licensing & Out of Hours Compliance Officer

[REDACTED]

From: [REDACTED]
Sent: Monday, November 6, 2023 10:56 AM
To: Gemma Hunt <gemma.hunt@manchester.gov.uk>
Cc: [REDACTED]
Subject: Re: Floor Plan

Hi Gemma

I will double check now and update drawing will be submitted.

Please see the attached confirmation of DPS changed as requested.

Thanks
Regards
Salar Henareh

From: Gemma Hunt

Sent: Monday, November 6, 2023 3:12 PM

To: [REDACTED]

Subject: RE: Floor Plan

Hi Salar,

Thanks for these. Have you submitted a minor variation application?

Kind regards

Gemma Hunt

Licensing & Out of Hours Compliance Officer



From: Gemma Hunt

Sent: Monday, November 6, 2023 11:41 AM

To: [REDACTED]

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

Subject: Invalid DPS Variation/ CCTV Request - Sky Lounge, 241 Barlow Moor Road

Hi Salar,

Thank you for the info below.

I have checked with our premises licensing team and they have confirmed that they have received a DPS consent form – but not a vary DPS application. You need to submit both. Full guidance notes are on the link.

[REDACTED] has now formally resigned at the premises as DPS.

This means that you cannot carry out any licensable activities (alcohol sales) until a new DPS is appointed.

Please also cover up any alcohol to avoid committing the offence of exposing alcohol when it is not for sale.

Additionally the DPS consent form has been filled out incorrectly and will need resubmitting. [REDACTED] is the outgoing DPS not the applicant. The contact details on this form are for yourself. Please ensure Majid completes the DPS consent form and submits his contact details.

If you could email me Majid's contact details that would be appreciated – our officers witnessed the premises open beyond hours again this weekend and I understand that you advised officers both yourself and Majid was in control of the premises.

Therefore In addition to the previous CCTV requests outstanding, please additionally send me footage for Saturday 4th November from 8pm until 2330pm.

Kind regards

Gemma Hunt

Licensing & Out of Hours Compliance Officer
[REDACTED]

From: Gemma Hunt

Sent: Wednesday, November 8, 2023 10:22 AM

To: [REDACTED]

Subject: Sky Lounge 241 Barlow Moor Road

Good Morning Salar,

I am chasing up the copies of the CCTV requested 1 week ago.

Additionally, can you advise if you are selling alcohol at the premises yesterday and today?

Kind regards

Gemma Hunt

Licensing & Out of Hours Compliance Officer
[REDACTED]

GHI5

From: Gemma Hunt
Sent: Wednesday, November 15, 2023 2:22 PM
To: [REDACTED]
Cc: alan.isherwood <alan.isherwood@gmp.police.uk>
Subject: New DPS

Hi Salar,

We have received the application to appoint Majid as DPS at the premises. This is currently in consultation where Greater Manchester Police have a short window of time to object the application.

I'd like to arrange a meeting with Majid to run through a few things to aid GMP with the application. Please could you let me know the best time to come and meet Majid at the premises? I am available this week Thursday, Saturday & Sunday anytime between 1130 and 8pm, let me know what time works best for you around food service.

Additionally, I am also chasing up the requested CCTV. Please could you advise what is happening with this?

Kind regards
Gemma Hunt
Licensing & Out of Hours Compliance Officer
[REDACTED]

From: Gemma Hunt
Sent: Sunday, November 19, 2023 6:21 PM
To: [REDACTED]
Subject: Review of Premises Licence - Sky Lounge, 241 Barlow Moor Road

Dear Salar,

Following on from our meeting yesterday.

Officers explained that a CCTV request had been made in line with premises licence conditions, verbally on the 1st November and in writing on the 2nd November. Despite assurances that this would be produced officers have been delayed by yourself advising that firstly your CCTV technician would need to do this, that your CCTV engineer had not showed up, and lastly yesterday you advised officers that you had to seek permission from customers before providing copies of the CCTV to officers. You added that people may not want images of their wives disclosing and this was down to religion.

Due to this deliberate action to evade compliance with the licence condition I am making you aware that I intend to apply for a review of the premises licence, where I will be asking the committee to revoke your Premises Licence. There are a number of other concerns that will be put to the committee including:

- persistent breach of opening hours
- persistent breach of multiple licence conditions
- breach of floor plans
- breaches under the Health Act 2006 in relation to smoke free legislation
- multiple complaints from neighbours relating to nuisance
- not reciprocating partnership working with authorities

You have the option of complying with your Premises Licence to avoid a review, however this will now be for you to demonstrate and produce requested items.

You will be notified in due course with the review application paperwork.

Regards
Gemma Hunt
Licensing & Out of Hours Compliance Officer
[REDACTED]

From: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Sent: Monday, November 20, 2023 8:20 PM
To: [REDACTED]
Cc: Gemma Hunt <gemma.hunt@manchester.gov.uk>
Subject: Re: Floor Plan

Hi Salar

If the layout of the premises has changed then you must submit an application to change the plan as a matter of urgency.

The plan is part of the licence. If the layout of the premise is not as shown on the plan then you are in breach of the licence.

I can see that you recently submitted an application to change the DPS however this does not change the plan. The application that you may need to submit can be found at the link below.

[Licensing - Minor variation | Manchester City Council](#)

[Licensing - Minor variation | Manchester City Council](#)

Manchester City Council's Minor variation information
www.manchester.gov.uk

Kind regards, [REDACTED]

From: Gemma Hunt

Sent: Wednesday, November 29, 2023 1:24 PM

To: [REDACTED]

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

Subject: Review Application - Sky Lounge, 241 Barlow Moor Road

Dear Salah & Majid,

As previously advised on the 19th November via email, unless the Premises Licence was complied with our intention would be to apply for a review of the Premises Licence.

The 'reasonable' man test to produce CCTV in line with GDPR has now surpassed given it has been 28 days from the day of the first request.

Please find attached the review application. Premises Licensing will make you aware when the committee hearing will take place.

Please be advised that further visits may take place by our team.

Under S176 of the Licensing Act 2003 the Licensing & Out of Hours team have a right of entry to the premises with a view to seeing whether a licensable activity is being, or is to be carried on under and in accordance with an authorisation. It is an offence if anyone intentionally obstructs an officer from entering the premises.

I am bringing this to your attention due to a visit on the 6th November by one of my colleagues who was checking that you were compliant with the Mandatory Conditions relating to have a DPS appointed and you advised that you were instructing a solicitor as you were not happy about getting visits.

The door is still open to produce the CCTV footage as requested.

If you have any further questions please do not hesitate to get in touch.

Kind regards

Gemma Hunt

Licensing & Out of Hours Compliance Officer
[REDACTED]

From: [REDACTED]
Sent: Wednesday, November 29, 2023 4:04:42 pm
To: Gemma Hunt <gemma.hunt@manchester.gov.uk>
Subject: Re: Review Application - Sky Lounge, 241 Barlow Moor Road

Hi Gemma,

As we discussed and explained on the 19th of November, we are happy to provide all CCTV records, but as mentioned we need our customer's permission before we can send any pictures or videos out, if you send me a formal letter or email if any of our costumers complain as we shared the private pictures and videos you can be responsible for that, then we will send you all records as you requested.

And regarding premises licencing review, the information has been passed to our business legal team, they will deal with it.

Lastly, we never complain about the officer visiting and we are always happy to work with Licensing & Out of Hours Compliance Officers and follow the the law and role of Manchester City Council for primes licencing, I think is misunderstanding happened here.

Many Thanks
Regards
Salar Henareh

GH20

From: Gemma Hunt <gemma.hunt@manchester.gov.uk>
Sent: Wednesday, November 29, 2023 4:48 PM
To: [REDACTED]
Subject: Re: Review Application - Sky Lounge, 241 Barlow Moor Road

Dear Salah

Please be advised CCTV provided from your premises will be stored on secure storage only viewable by LOOH officers.

If offences are viewed, these images may be shared with the licensing committee, our solicitors and the courts.

Kind regards
Gemma

GH21

From: [REDACTED]
Sent: Wednesday, November 29, 2023 4:52:49 pm
To: Gemma Hunt <gemma.hunt@manchester.gov.uk>
Subject: Re: Review Application - Sky Lounge, 241 Barlow Moor Road

Gemma,

As mentioned earlier, please add this on the email if our costumer complains you are a responsible.

Many thanks
Regards
Salar Henareh

GH22

From: Gemma Hunt <gemma.hunt@manchester.gov.uk>
Sent: Wednesday, November 29, 2023 5:01 PM
To: [REDACTED]
Subject: Re: Review Application - Sky Lounge, 241 Barlow Moor Road

Dear Salar,

If your customers are unhappy, you may provide them with my contact details and I will explain the purpose of the CCTV use.

Please visit the ICO website and make yourself aware of your obligations in regards to displaying CCTV signage in your premises to make customers aware that you use CCTV.

I await the footage.

Kind regards
Gemma Hunt
Licensing and Out of Hours Compliance Officer

GH23

From: [REDACTED]
Sent: Wednesday, November 29, 2023 11:10 PM
To: Gemma Hunt <gemma.hunt@manchester.gov.uk>
Subject: Re: Review of Premises Licence - Sky Lounge, 241 Barlow Moor Road

Hi Gemma,

Please see my response below in RED.

On Sun, 19 Nov 2023 at 18:21, Gemma Hunt <gemma.hunt@manchester.gov.uk> wrote:

Dear Salar,

Following on from our meeting yesterday.

Officers explained that a CCTV request had been made in line with premises licence conditions, verbally on the 1st November and in writing on the 2nd November. Despite assurances that this would be produced officers have been delayed by yourself advising that firstly your CCTV technician would need to do this, that your CCTV engineer had not showed up, and lastly yesterday you advised officers that you had to seek permission from customers before providing copies of the CCTV to officers. You added that people may not want images of their wives disclosing and this was down to religion. **as discussed before and my last emails and here as some of our costmore as dont like to share her/his picturs and videos, and I requested to allow me and give me permission to share these videos with you, as mentioned before if you can send me formal latter or email to confirm it as you are responsible if any of these costomer complaining about the share videos or picture, then I will send all result or we ahve to wait until im get permission from all costumers.**

Due to this deliberate action to evade compliance with the licence condition I am making you aware that I intend to apply for a review of the premises licence, where I will be asking the committee to revoke your Premises Licence. There are a number of other concerns that will be put to the committee including:

I think you're taking everything here personally not as your job responsibility,

- persistent breach of opening hours **Please provide information and evidence as we breach of our opening hours.**

- persistent breach of multiple licence conditions **Please provide information and evidence**
- breach of floor plans **The floor plan has been sent by email and our office manger talk to you few times regard this and new plan has been submitted through to the system.**
- breaches under the Health Act 2006 in relation to smoke free legislation **the designated somke area has been marked out and the No some artea sign presented inside.**
- multiple complaints from neighbours relating to nuisance **Please provide evidence and as mentioned Im happy to do test.**
- not reciprocating partnership working with authorities **we always folowing the role and law for permiss licencing.**

You have the option of complying with your Premises Licence to avoid a review, however this will now be for you to demonstrate and produce requested items.

You will be notified in due course with the review application paperwork.

Regards

Gemma Hunt

Licensing & Out of Hours Compliance Officer



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This footnote also confirms that this email message has been swept for the presence of computer viruses.

GH24

From: [REDACTED]
Sent: Wednesday, November 29, 2023 11:17 PM
To: Gemma Hunt <gemma.hunt@manchester.gov.uk>
Subject: Re: Review Application - Sky Lounge, 241 Barlow Moor Road

Hi Gemma,
Thank you for reaching out. I will definitely provide your contact details to any unhappy customers regarding the CCTV use. I will also make sure to visit the ICO website and familiarize myself with the obligations regarding displaying CCTV signage on our premises.

I will also ensure that our customers are aware of the use of CCTV in our premises. I will send you the footage as soon I get permission from our unhappy customers.

Thank you for your assistance.
Kind Regards
Salar Henareh

GH25

From: Gemma Hunt

Sent: Thursday, November 30, 2023 8:51 AM

To: [REDACTED]

Subject: RE: Review of Premises Licence - Sky Lounge, 241 Barlow Moor Road

Morning Salar,

I confirm receipt of your two emails thank you, I note the content & await the CCTV footage.

A full evidence bundle will be served on you in due course, prior to the committee hearing.

I will also give you the opportunity to attend a PACE interview under caution to give you the opportunity to put your points across in relation to the licensing offences, the letter invite will follow within the next week.

Kind regards

Gemma Hunt

Licensing & Out of Hours Compliance Officer
[REDACTED]

GH26

From: Gemma Hunt
Sent: Thursday, November 30, 2023 11:10 AM
To: [REDACTED]
Subject: CCTV Request for 14th & 15th November 2023 - Sky lounge, 241 Barlow Moor Road, Chorlton

Dear Salar,

We have received additional information today alleging offences under S136 of the Licensing Act 2003 and under the Health Act 2006 in relation to smoke free legislation, taking place on the premises at Sky Lounge, 241 Barlow Moor Road on Tuesday 14th November & Wednesday 15th November 2003.

I therefor request copies of your CCTV for Tuesday 14th November and Wednesday 15th November 2003 between 1700 hours and 0000 hours (midnight).

I specifically request cameras covering the whole of the upstairs first floor of the premises, cameras covering the entrance/ exit of the ground floor, and cameras covering the ground floor bar.

I can confirm that any CCTV provided to myself as an authorised local authority officer will be kept & stored securely in line with GDPR. As already advised customers may contact ourselves if they wish to know how their images have been used or stored.

The request for CCTV is inline with the following condition attached to the Premises Licence:

Annex 3 Condition 1

The premises licence holder shall ensure that:

- a) CCTV cameras are located within the premises to cover all public areas including all entrances and exits;
- b) the system records clear images permitting the identification of individuals;
- c) the CCTV system is able to capture a minimum of 24 frames per second and all recorded footage shall be securely retained for a minimum of 28 days;
- d) the CCTV system operates at all times while the premises are open for licensable activities;
- e) all equipment shall have a constant and accurate time and date generation;
- f) the CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected;
- g) there shall 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).

In line with part (g) it is reasonable to request the CCTV to be made available within 48 hours. However, I can arrange to collect this on Monday 4th December which provides you with 4 days' notice. **Please confirm what time would be suitable for me to collect the footage.**

*Please note that this request is in addition to previous requests for CCTV for other dates.

Kind regards

Gemma Hunt

Licensing & Out of Hours Compliance Officer



GH27

On Tue, 12 Dec 2023 at 14:07, Alan Isherwood <Alan.Isherwood@gmp.police.uk> wrote:
Good Afternoon

It has been brought to the attention of the Greater Manchester Police Licensing Unit that your premises is suspected of carrying out licensable activities contrary to the permissions of your Premises Licence and, also, that criminal activity may have been carried out on the premises, and as such we require CCTV footage from your premises.

We require the CCTV footage for the following dates and times:

14th November 2023 between 5pm & Midnight

15th November 2023 between 5pm & midnight

6th December 2023 from 2130 hours until 0030 hours on the 7th

We require the footage from the cameras covering the whole of the upstairs first floor of the premises, cameras covering the entrance/ exit of the ground floor, and cameras covering the ground floor bar.

As you will be aware the CCTV condition attached to your Premises Licence states:

1. The premises licence holder shall ensure that:
 - CCTV cameras are located within the premises to cover all public areas including all entrances and exits;
 - the system records clear images permitting the identification of individuals;
 - the CCTV system is able to capture a minimum of 24 frames per second and all recorded footage shall be securely retained for a minimum of 28 days;
 - the CCTV system operates at all times while the premises are open for licensable activities;
 - all equipment shall 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 shall 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).

Please can you arrange for this footage to be downloaded onto a removable storage device, such as a USB drive, as soon as possible and certainly by the end of the day on Wednesday 13th December 2023 in order to ensure that the footage doesn't overwrite itself after the 28 day period has elapsed.

Please can you email me when the footage is available to be collected, and I will be in contact again to arrange collection.

Kind Regards

Alan

PC 17659 Alan Isherwood
Divisional Licensing Officer
Greater Manchester Police
City of Manchester Division
1st Floor
Manchester Town Hall Extension
Lloyd Street
Manchester
M2 5DB

alan.isherwood@gmp.police.uk

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Thank you for your co-operation.

From: Salar Henareh [REDACTED]
Sent: 12 December 2023 20:55
To: Alan Isherwood <Alan.Isherwood@gmp.police.uk>
Subject: Re: Urgent CCTV Request from Greater Manchester Police Licensing

Caution: This email came from outside GMP. Do not open attachments, click on links or scan QR codes in this email unless you recognise the sender's e-mail address and know the content is safe.

Good evening Alan,

Thank you for your email and sorry for the delay but I have been extremely busy today. I'm happy to provide you with everything as I'm following the law correctly, license and not breaking rules. this a family business and we have invested a lot of money because we aim to provide the community with something unique and healthy. I've been having a problem with the camera system since last week and contacted the engineer to fix the system. I'm not above the law at all and I respect every rule. I appreciate you can understand that this is a new business and I feel I've been targeted. The community are very happy as we provide the best service for our community. once the system is fixed I will send you everything.

I also have another issue, we provide private parties upstairs for the Muslim community and I need to get their permission before I send their photos off as they were not wearing scarves and it is against the law to share their footage. I will speak to my lawyer regarding this point as I don't want to breach any GDPR. this is the only reason I have not provided her with footage as I will be breaching their confidentiality.

I would also like to know who issued the complaint and the allegation as I need to investigate it with the staff. Now I'm attending the premises every day and also advertised for a manager role. I have also arranged staff meetings with all the staff and employed new staff who is able to speak English fluently, reinforcing the rules and regulations, so everyone is clear about the job and rules. My manager also is preparing a new document for all the staff to sign so everyone is clear about the rules.

I will also ask my lawyer to be in touch with you regarding false allegations made against me.

Thank you very much for your cooperation. i look forward to hearing form you.

Many Thanks
Regards
Salar Henareh

From: Alan Isherwood <Alan.Isherwood@gmp.police.uk>
Sent: Wednesday, December 13, 2023 7:23:29 am
To: Salar Henareh [REDACTED]
Cc: Gemma Hunt <gemma.hunt@manchester.gov.uk>; Paul.O'Donnell <Paul.O'Donnell@gmp.police.uk>
Subject: RE: Urgent CCTV Request from Greater Manchester Police Licensing

Good Morning

Thank you for your reply.

I am more than happy to speak to your solicitor so please put them in touch with me as soon as possible.

In the meantime, please let me know when I can collect the CCTV footage, that has been requested by myself and also by the council on previous occasions dating back to early November, some six weeks ago. Bearing in mind one of the dates is 28 days old now and another will be 28 days old in 2 days' time, in order to abide by the CCTV condition on your premises licence, you should ensure this footage is not overwritten and is downloaded immediately.

Kind Regards

Alan

PC 17659 Alan Isherwood
Divisional Licensing Officer
Greater Manchester Police
City of Manchester Division
1st Floor
Manchester Town Hall Extension

Lloyd Street
Manchester
M2 5DB

alan.isherwood@gmp.police.uk

0161 856 6017

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From: Gemma Hunt <gemma.hunt@manchester.gov.uk>
Sent: Wednesday, December 13, 2023 4:06 PM
To: alan.isherwood <alan.isherwood@gmp.police.uk>; Salar Henareh [REDACTED]
Cc: Paul.O'Donnell <Paul.O'Donnell@gmp.police.uk>
Subject: Re: Urgent CCTV Request from Greater Manchester Police Licensing

Dear Salar,

I can advise the allegations are relating to unauthorised licensable activities taking place on the dates we have requested CCTV for.

Whilst the review application has been in consultation we have received 2 new complaints regarding out of hours activities, noise nuisance and an assault at the premises. We have 6 Complainant's in total. We cannot disclose who complainants are for GDPR reasons.

CCTV is a tool to protect your business, therefore if the allegations are false providing the CCTV would prove this.

Additionally, customers shouldn't be on your premises beyond 9.30pm, so if you are wanting to prove the allegations false, you could at least provide the footage from 9.30pm onwards as your customers images would not be on them.

Kind regards
Gemma Hunt
Licensing & Out of Hours Compliance Officer
[REDACTED]

GH28

From: [REDACTED]
Sent: Wednesday, December 20, 2023 3:16 PM
To: Gemma Hunt <gemma.hunt@manchester.gov.uk>
Cc: [REDACTED]
Subject: New Year's Eve

You don't often get email from joceline100@yahoo.co.uk. [Learn why this is important](#)

Good afternoon Gemma,

I hope you are well. I'm [REDACTED] partner only joined him recently and supporting him to run the restaurant and to follow the correct procedure.

I'm not sure if you spoke to [REDACTED] we have an enquiry regarding New year's Eve. I understand the operating hours between. 11am - 9.30 pm. However, are we allowed to extend the limited time just for new Years Eve?

I would also like to arrange a meeting meeting with to introduce myself properly. When is the best time to meet up with.

Kind regards

[REDACTED]
[Sent from Yahoo Mail on Android](#)

From: Gemma Hunt
Sent: Wednesday, December 20, 2023 4:10 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: New Year's Eve

Dear [REDACTED]

Thank you for your email below.

Regarding a meeting, whilst I am open to this, you may be aware that on my last meet with Salah he advised me that I was 'barred' from the premises, after I had displayed blue public notices for the review application. He also then proceeded to call me racist.

You may also be aware that as a Licensing Officer I have a right of entry to the premises which takes precedent. However, I have to consider my personal safety following the last incident, and so I would require further details about the meeting, such as who will be in attendance and the agenda you wish to discuss.

For NYE your only option would be to submit a late TEN today, however I would object to it. With a late TEN if an objection is received the event cannot go ahead. So ultimately, sorry no you wouldn't be able to extend the hours on NYE.

Please feel free to contact me should you have any further queries.

Kind regards

Gemma Hunt

Licensing & Out of Hours Compliance Officer



GH29

----- Forwarded message -----

From: [REDACTED]
To: "gemma.hunt@manchester.gov.uk" <gemma.hunt@manchester.gov.uk>
Cc: [REDACTED] "PC Alan Isherwood" <alan.isherwood@gmp.police.uk>
Sent: Thu, 28 Dec 2023 at 13:07
Subject: Re: Re. Skylounge, 241 Barlow New Road, Chorlon - Licensing Issues

Hi Gemma,

Hope you are well and had a good Christmas.

Thank you for our detailed conversation before the Christmas period regarding Skylounge. I am also aware that you had a meeting with [REDACTED] last week. I have also had further conversations with [REDACTED] myself.

Just picking up from [REDACTED] e-mail below I wanted to confirm to you that I will not be moving forward with Skylounge as a client and [REDACTED] has also confirmed to me that she will not be moving forward with a continued interest in the business. Notwithstanding our strong advice that operating within the licence conditions needed to be a start of demonstrating a changing pattern of behaviour, this has not been positively implemented. We are both aware that there continues to be breaches of the licence conditions and therefore cannot work constructively to move matters forward with the current management team.

I will therefore not need to be provided with your evidence bundle when this is complete.

Thank you again for your time in discussing the matter.

Kind Regards

[REDACTED]



For and on behalf of



GH30

From: Gemma Hunt
Sent: Wednesday, January 3, 2024 3:19 PM
To: Salar Henareh [REDACTED]
Subject: FW: CCTV Requests December 2023

Apologies for clarity the CCTV requests are for Sky Lounge, 241 Barlow Moor Road, Chorlton.

From: Gemma Hunt
Sent: Wednesday, January 3, 2024 3:18 PM
To: Salar Henareh [REDACTED]
Subject: CCTV Requests December 2023

Dear Salar,

We have received additional information, and Licensing & Out of Hours officers have witnessed further breaches of the premises licence at Sky Lounge, the offences fall under S136 of the Licensing Act 2003.

I therefor request copies of your CCTV for:

12th December 2023 – cameras covering all of the first floor from 2130 – 2300 hours
14th December 2023 – cameras covering the whole premises from 2130 – 2300 hours
27th December 2023 – cameras covering all of the first floor from 2130 – 2300 hours
31st December 2023 - cameras covering the whole premises from 2130 – 0100 hours on the 1st January 2024

I can confirm that any CCTV provided to myself as an authorised local authority officer will be kept & stored securely in line with GDPR. As already advised customers may contact ourselves if they wish to know how their images have been used or stored.

The request for CCTV is in line with the following condition attached to the Premises Licence:

Annex 3 Condition 1

The premises licence holder shall ensure that:

- a) CCTV cameras are located within the premises to cover all public areas including all entrances and exits;
- b) the system records clear images permitting the identification of individuals;
- c) the CCTV system is able to capture a minimum of 24 frames per second and all recorded footage shall be securely retained for a minimum of 28 days;
- d) the CCTV system operates at all times while the premises are open for licensable activities;
- e) all equipment shall have a constant and accurate time and date generation;

- f) the CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected;
- g) there shall 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).

In line with part (g) it is reasonable to request the CCTV to be made available within 48 hours.
Please confirm what time would be suitable for me to collect the footage on Friday 5th January 2024.

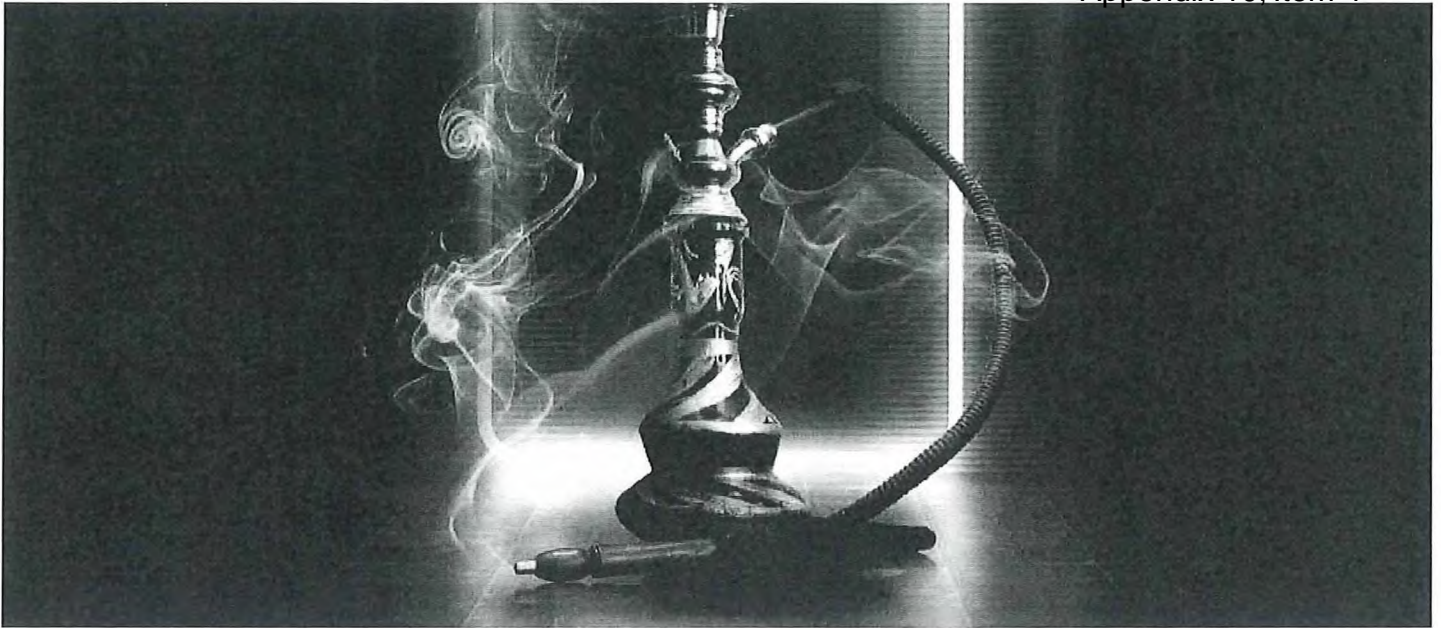
*Please note that this request is in addition to previous requests for CCTV for other dates and that have still not been produced.

Kind Regards

Gemma Hunt

Licensing & Out of Hours Compliance Officer





AL FAKHER SISHA

Clay Head

Single £20.00

Fresh Head

Single & Mixed £25.00

Double Apple

Grape

Mint

Kiwi

Pomegranate

Orange

Lemon

Blueberry

Berry

Coconut

Watermelon

Vanillia

Sweet Melon

Lemon & Mint

Strawberry

Guava

Fresh Mist

Cola



Paan
Bubblegum
Peach

PREMIUM SISHA

Clay Head

Single £20.00

Fresh Head

Single & Mixed £25.00

Frozen Raspberry
Frozen Apple
Frozen Blueberry
Frozen Lemon
Frozen Lime
Frozen Mango
Blue Mist
Pink Mist
Pink Lemonade
African Queen
Ice Bonbon
Irn Bru
Lady Killer
Cranberry Sour
Red Berry Slush
Cuban Mojito
Gummy Bear
Pina Colada
Rubicon Lychee
Skitless
Lady Blast
Love 66



HUQQA HOUSE MIX

Clay Head	£15.00
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Fresh Head	£17.00
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House Rules

ONE SHISHA BETWEEN THE TWO, EVERYONE MUST BUY A DRINK.
DURING BUSY HOURS MAX 1.5 HOURS STAY





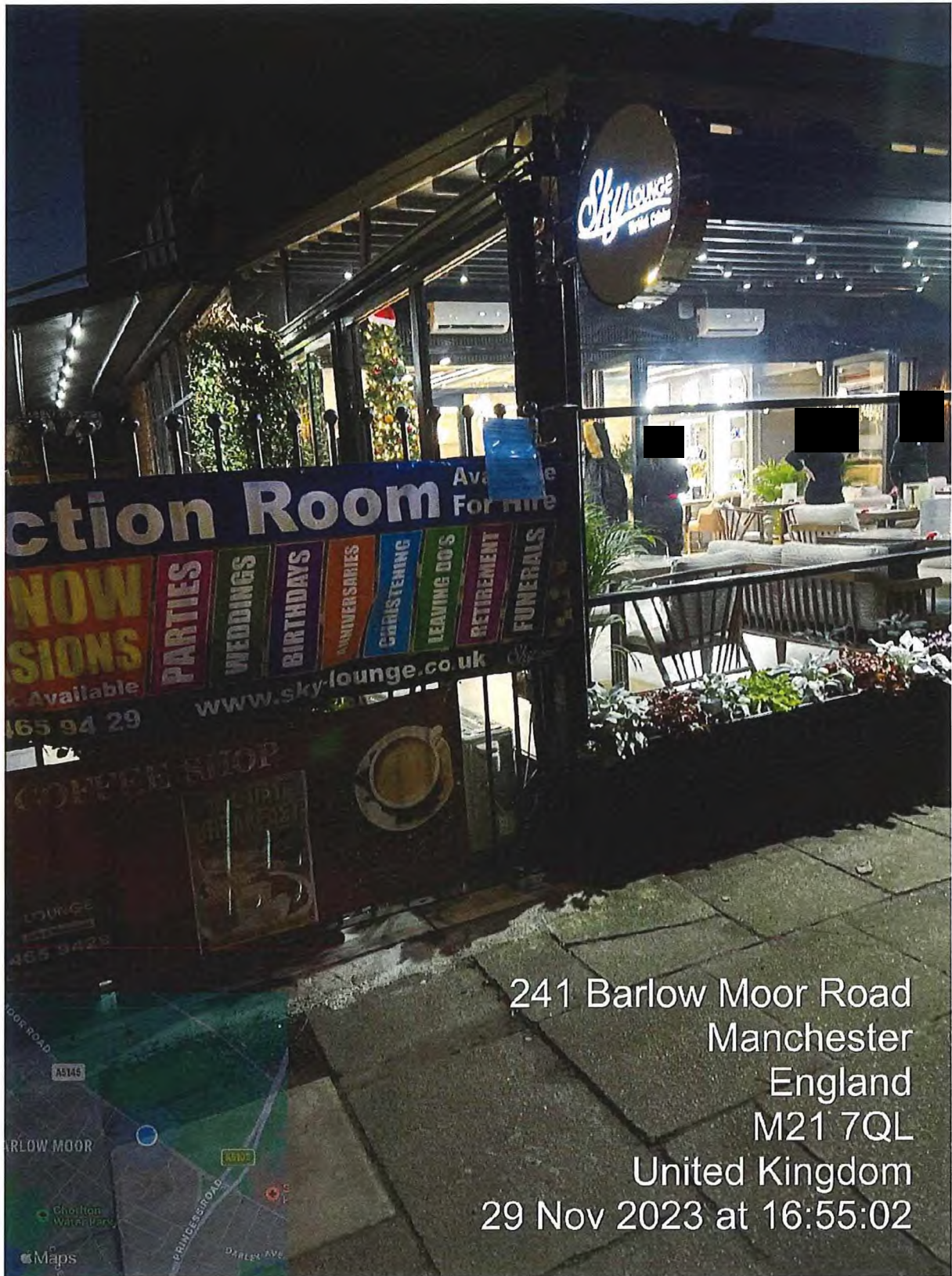
Exhibit GR02

Blue notice facing onto Aldermary Road.

Officer: Gareth Hall



2-12 Aldermary Road
Manchester
England
M21
United Kingdom
29 Nov 2023 at 16:52:17







237 Barlow Moor Road
Manchester
England
M21 7QL
United Kingdom
1 Dec 2023 at 16:03:27



Sky Lounge

Exhibit PB01



Add a Caption

Sunday • 31 Dec 2023 • 21:59

Adjust

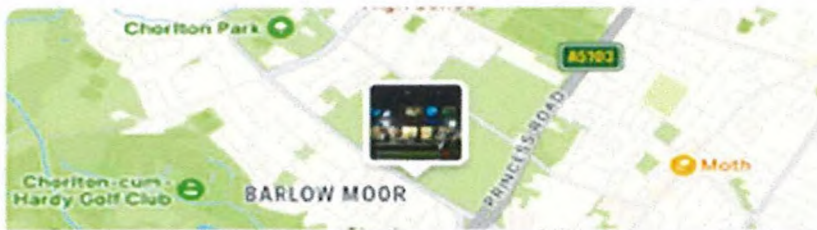
IMG_0588

Apple iPhone 14 Pro Max

HEIF

Main Camera — 24 mm f1.78
12 MP • 4032 x 3024 • 1.3 MB

ISO 400 | 67 mm | 0 ev | f1.78 | 1/25 s



Adjust



Sky Lounge

Exhibit PB02



Add a Caption

Sunday • 31 Dec 2023 • 22:01

Adjust

IMG_0592

Apple iPhone 14 Pro Max HEIF

Telephoto Camera — 77 mm f2.8
12 MP • 4032 x 3024 • 1.5 MB

ISO 1000 145 mm 0 ev f2.8 1/25 s



Adjust



Sky Lounge

Exhibit PB03



Add a Caption

Sunday - 31 Dec 2023 - 22:01

Adjust

IMG_0593


Apple iPhone 14 Pro Max HEIF

Telephoto Camera — 77 mm f2.8
12 MP • 4032 x 3024 • 1.5 MB

ISO 1250 145 mm 0 ev f2.8 1/34 s

The Manchester Crematorium Ltd Adjust

Complaints Received

Date Received	Complainant no (names/ addresses redacted GDPR)	Details
1/11/23	1	-Noise disturbance from loud music on the 24/10/23 & 31/10/23 between 8pm and 11pm , extension doors being left open. -Waste bins left on pavement and overflowing. -Customers/ staff parking on double yellows and across driveways -Customers drinking in designated smoking area
1/11/23	2	-Loud music disturbing customer at 10:45pm, no date of disturbance provided
1/11/23	3	-Loud music on the 31/10/23 up to 11pm -2/11/23 called at 10am advising premises currently open and it is before opening hours of the licence
3/11/23	4	-Party in the weekend prior until 11pm . -Shisha being smoked outside until 10pm and causing odours -Waste bins on the pavement -Parking on double yellows
6/11/23	5	-Opening before 11am. -Overflowing rubbish bins on the pavement. -Customers parking on other businesses bays & double yellows.
30/11/23	6	
7/12/23	7	-Noise Disturbance from loud music, clapping, stamping & voices on the 31/10/23 up to 11pm , 6/12/23 leading into 7/12/23 nearing 0030am, 14/12/23 leading into 15/12/23 at 0115am, and 18/12/23 up to 10.42pm . -Disturbed some other dates in between but not written them down including drilling in the middle of the night.

Visits & Call Outs

Date	Visiting Officers	Details
1/11/23	Gemma Hunt & Gareth Hall	Reactive Compliance Visit -11 condition breaches including the mandatory conditions relating to the DPS & authority to sell alcohol. No-one with a Personal Licence works at the premises. -No Summary on display, no full licence on site & floor plans incorrect. -No smoking signs not on display. - Smoking area appears more than 50% enclosed. -PLH & staff give misleading info to officers who wait around for over 1 hour for the DM with a licence to arrive, who arrives and admits she isn't a personal licence holder & doesn't work at the premises, she is the wife of the chef. -PLH makes comments about these problems being due to residential complaints.
2/11/23	Sion Roberts	Call out re open before permitted hours, call received at 10am -Officer arrived at 1051am premises open to the public with customers inside, no manager on site, gave copy of licence to host & explained the permitted hours.
3/11/23	Gemma Hunt & Gareth Hall	Compliance Visit -Discussed complaints and breaches. -Substantial support & advice provided. -PLH advises he has sacked the DPS and intends to appoint a new staff member Majid Mirzaeian.
4/11/23	DPS [REDACTED] resigns at 3:08am (electronically)	
4/11/23	Steve Titterton & Mike Wilson	Compliance Visit -Still serving food at 2135. -Drive by at 2205 customers still sat in front area of the premises. -Advised DPS variation applied for, later transpires only a consent form had been filled out, no app submitted. Trading without a DPS.
6/11/23	Margaret Lewis	Compliance Visit (ensure trading with DPS) -Customer smoking shisha in an area substantially enclosed. -Officer advised by PLH solicitor instructed as not happy with no of visits made by our team. -Receipt shown of vary DPS app made (rejected on 7/11/23)
8/11/23	Wayne Adams & Pauline Gregory	Compliance Visit -2146 approx 10 patrons still using the premises
11/11/23	Gemma Hunt (external obs)	Compliance Visit -2202 customers seen leaving the premises

18/11/23	Gemma Hunt & Gareth Hall	<p>Compliance Visit</p> <ul style="list-style-type: none"> -Meeting with new DPS & PLH. -Breach witnessed on entry, customer drinking in smoking area. -New DPS confirmed not read the licence. -Advice & support provided. -PLH advises he is solely responsible for closing hour of the premise. -PLH advises he is seeking permission from customers before giving us CCTV due to religious reasons, advising customers don't want images of their wives shared.
18/11/23	Sion Roberts & Nathan Mistry (external obs)	<p>Compliance Visit</p> <ul style="list-style-type: none"> -Patrons smoking & drinking in designated smoking area, substantially enclosed, child present. -Customers drinking (from wine glass) in the front of the premises at 2153.
29/11/23	Gemma Hunt & Gareth Hall	<p>Delivering Review Documents</p> <ul style="list-style-type: none"> -Providing hard copy of review app & displayed public notices -PLH advises he will only provide CCTV footage if we put in writing that we will be responsible for customer complaints.
1/12/23	Gemma Hunt & Gareth Hall	<p>Replacing Public Notices</p> <ul style="list-style-type: none"> -Public notices removed, officers replace. -Officers approached by PLH who says he has no knowledge on how the notices were taken down, & refuses to show CCTV covering the notices. -PLH refuses to provide other CCTV requested for other dates. -PLH accuses female officer of being racist & advised solicitor instructed & barred from entering premises, but male officer can enter.
5/12/23	Gemma Hunt	Replaced public notices which had been removed
5/12/23	Gemma Hunt	Replaced public notices which had been removed
12/12/23	Gareth Moody (external obs)	<p>Compliance Visit</p> <ul style="list-style-type: none"> -2232 lights on, on first floor but cannot see any movement from location
14/12/23	Tracy Hill & Margaret Lewis	<p>Call Out received re noise</p> <ul style="list-style-type: none"> -Stopped before arrival
18/12/23	Paul Bonner	<p>Call out received re noise</p> <ul style="list-style-type: none"> -Officers arrived at 2242 hours & witnessed customers leaving on arrival. Customer confirmed music had just stopped.
21/12/23	Ben Scott	<p>Compliance Visit</p> <ul style="list-style-type: none"> -checks made to ascertain if a Personal Licence Holder on site. Took 35 mins for [REDACTED] to respond with 2 staff members advising they are, but no physical Personal Licences produced when asked.

22/12/23	Signe Johansen (external obs)	Third floor lights on, unable to see further from ground floor.
26/12/23	Tracy Griffiths (external obs)	2257 customers visible dancing on first floor, ground floor in darkness.
31/12/23	Paul Bonner (external obs)	2215 premises busy with customers, ground floor estimated at 40 customers + 5 in smoking area, customers being served, showed no signs of closing. PLH on photos serving after permitted hours.

Planning - Development Compliance Team
Growth and Development Directorate



MANCHESTER
CITY COUNCIL

Land at: 241 Barlow Moor Road, Manchester, M21 7QL
Ward: Chorlton Park
Case Officer: Matthew Kilsby

SUMMARY OF PLANNING STATUS OF SKY LOUNGE, 241 BARLOW MOOR ROAD, MANCHESTER, M21 7QL

Planning permission was granted by the Secretary of State on appeal, on 17 June 2019, for the erection of a two storey rear extension following demolition of existing rear extension, elevational and roof alterations to existing building to two number self-contained apartments and three floors of commercial floorspace Classes A1, A2 and B1 with associated car parking, refuse storage, boundary treatment and landscaping (appeal ref: APP/B4215/W/18/3219012).

A number of conditions were attached to the decision and those relating to materials (condition 3), car parking (condition 4), acoustic insulation (condition 10), obscure glazing (condition 13) and landscaping (condition 14) were formally discharged by the Council on 21 January 2020 (our ref: CDN/19/0953).

Building Control records reveal that the development was completed and the two apartments to the rear (addressed as 2A and 2B Aldermay Road) were registered for Council Tax and occupied from 8 November 2022. It is also clear from Google Streetview images that the development had been built in accordance with the approved plans.

Following implementation of the planning permission, the commercial part of the development at 241 Barlow Moor Road was subsequently vacant and advertised for let, until July 2023 when it is understood that the current occupiers/operators began works to erect the front extension and the side canopy to facilitate the use of the premises as a restaurant (Use Class E).

In May 2023, an application was submitted by [REDACTED] on behalf of a Mr Salar Henareh, for the "Erection of a single storey retractable glazed front extension with retractable roof together with installation of retractable awning to the side" (our ref: 136970/FO/2023). The application was effectively for the retention of the front extension and retractable awning and was refused by the Council on 9 October 2023.

Officers visited the site on 2 August 2023 and observed that works were continuing to erect a front extension and side canopy. In order to construct the front extension, a concrete slab has been laid over the entirety of the forecourt/car parking area, whilst the pre-existing glazed shop front and slate-roofed canopy have been demolished. It was also observed that three internally illuminated signs had been erected at first floor level without the consent of the Council.

On 3 August 2023 an email was sent to the planning agent to advise that complaints had been received and that the Council had concerns about the detrimental impact of the unauthorised development on the streetscene, and the character and appearance

of the surrounding area. It was also noted that the partially built structures were not the same as what is shown on the proposed plans submitted in support of the recent planning application. As such, the agent was advised to ensure that their client cease all work until the matter was resolved.

After visiting the site on 4 August 2023 and observing that works were ongoing, the Council issued a Temporary Stop Notice (TSN), at 15:38, that prohibited any works in relation to the unauthorised development for a period of 28 days. The TSN ceased to have effect on 1 September 2023.

On 5 October 2023, the Council issued an enforcement notice in relation to the unauthorised single storey glazed extension to the front and the retractable awning to the side. The notice requires the removal of the unauthorised developments and the reinstatement of the shop front, forecourt area and landscaping to its condition before the breach took place, as set-out in the 2019 planning permission. The notice was due to come into effect on 7 November 2023, but an appeal has been lodged. Officers are currently awaiting confirmation of when the appeal will be started by the Planning Inspectorate, or withdrawn by the appellant.

On 9 October 2023, the Council refused planning permission for the retention of the unauthorised developments. This decision cannot now be appealed as one has not been lodged in time.

It is also noted that Condition 7 attached to the 2019 permission states:

- 7. No business shall take place at the commercial property outside of the following hours: 08:00 to 18:00, Monday to Saturday.*

Officers have received reports from colleagues in Licensing & Out of Hours showing that the premises has been in operation in breach of the above planning condition. As such, officers are currently investigating these breaches, before coming to a view as to what further, formal action would be appropriate in order to resolve the matter.

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of the Local Government Act 1972.

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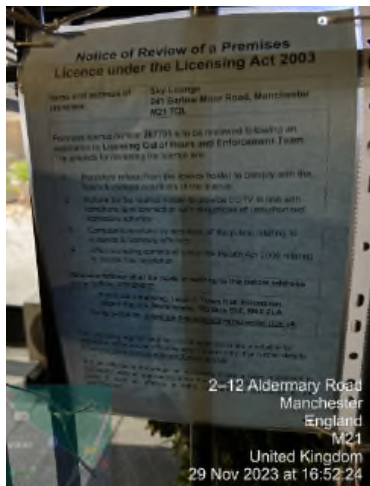
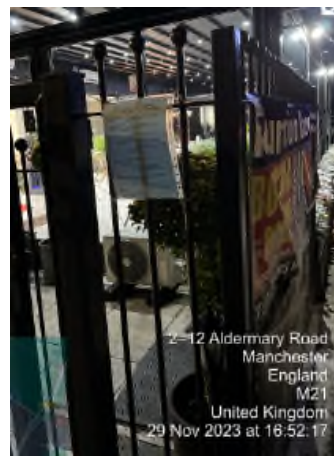
Blue notice – history of notices being put up and removed

Blue notices were put up to advertise the application both at the Town Hall and outside the premises on 29 November 2023. Notices at the premises were put on the premises railings on both the Aldermary Road and Barlow Moor Road elevations, and a further notice was put on a lamp post on Aldermary Road.

The history of notices at the premises is as below in chronological order:

29/11/23

Blue notices put up by LOOH, photos of notices in position provided by LOOH as below.



01/12/23

From: Gemma Hunt <gemma.hunt@manchester.gov.uk>
Sent: 01 December 2023 13:48
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Sky Lounge Review - Public Notices

Afternoon,

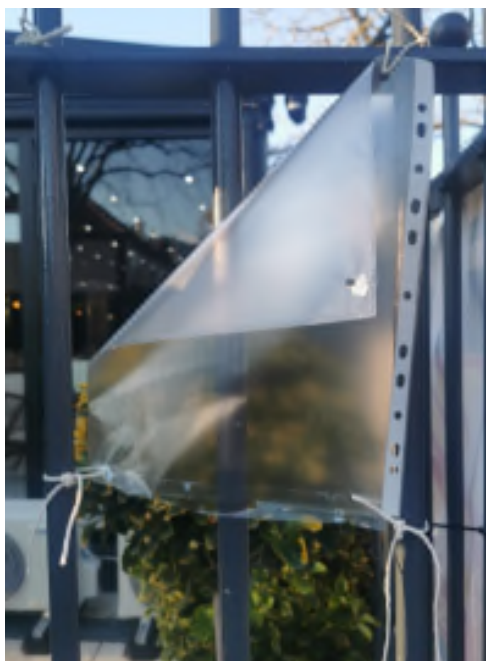
We have a problem... I've just been past the prem and the blue notices have been taken down. Attached photos if the empty wallets they were in.

I can replace them [REDACTED]

What's your thoughts on what to do next?

Kind regards
Gemma Hunt
Licensing & Out of Hours Compliance Officer
[REDACTED]

(NB: photos of the places that notices were removed were attached to this email and are as pasted below, HH)



.....
01/12/23

The premises licensing team advised that the removed notices should be replaced, and that in addition more notices should be put up in view of notices having been removed.

.....
01/12/23

From: Gemma Hunt <gemma.hunt@manchester.gov.uk>
Sent: 01 December 2023 17:09
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Fwd: Blue notices Barlow Moor Road 1.12.23

Hi,

Please find attached new notices on display in 4 locations.



Kind regards
Gemma

(NB: photos of the new notices were attached to this email and are as pasted overleaf, HH)

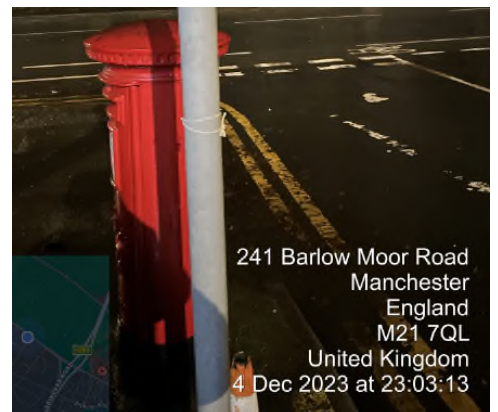
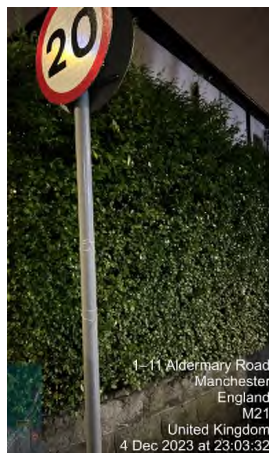


04/12/23 - 05/12/23

From: Gemma Hunt <gemma.hunt@manchester.gov.uk>
Sent: 05 December 2023 02:24
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Blues - Sky Lounge Review

Morning,
The public notices have been removed again. We have put more up tonight.
Please could you print off & laminate another handful? Please could you leave them
somewhere where LOOH sit and I'll collect them at night.
Kind regards
Gemma Hunt
Licensing & Out of Hours Compliance Officer

(photos taken on 4 December 2023, were attached to this email as pasted below)



.....
12/12/23

From: Gemma Hunt <gemma.hunt@manchester.gov.uk>
Sent: 12 December 2023 19:48
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Sky Lounge, 241 Barlow Moor Road - Notices

Evening,

Just to advise the notices had been taken down again. Attached are photos of them gone. I had one with me so I just put the one back up on the lamppost.

The visit was at 18:08 today.

Kind regards

Gemma Hunt

Licensing & Out of Hours Compliance Officer



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of the Local Government Act 1972.

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