

GREATER MANCHESTER POLICE - REPRESENTATION

About You

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

About the Premises

Application Reference No.	LPV 236099
Name of the Premises	Cape Coast Restaurant
Address of the premises including postcode	798 Ashton New Road, Manchester M22 4RY

Your Representation

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

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

The application seeks to allow the premises to sell alcohol, permit regulated entertainment and provide late night refreshment until 2am Friday to Sunday.

The premises are situated in close proximity to residential properties on Ashton New Road and GMP are concerned that the lateness of the hours requested will almost certainly cause a noise disturbance to those persons who live on this street.

Manchester City Council's own licensing policy states:

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

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

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

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

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

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

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

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

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

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

7.33 Later hours will generally be more appropriate within the city centre than other areas due to the developed infrastructure in respect of managing a later night-time economy, such as the comprehensive integrated CCTV network, increased access to public transport, cleansing services, and a more visible enforcement presence. In mixed-use environments, such as the city centre, noisier impacts are not always derived from actions of a small number of excessively antisocial individuals but can also come from large numbers of people going about the business of having a good time. While such environments will not be expected to be completely noise-free and peaceful environments, the authority considers that noise affecting residential properties should remain within tolerable levels such that home life remains viable and restful sleep a possibility.

7.34 Where noise nuisances can be clearly identified as arising from the activities of customers of a specific licensed premises, or there is risk identified upon application of such nuisance occurring, where its discretion is engaged, the licensing authority may reduce the trading hours of licensed premises on the grounds of their noise impact if it is determined that the licensing objectives will be undermined. Where objections are made to the lateness of the terminal hour, it would be appropriate for an applicant to engage with local residents and other parties to try to address the issues raised. The licensing authority would strongly encourage applicants to engage proactively prior to the making of an application and as appropriate when an application is pending.

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

In addition to these concerns the operating schedule which accompanies this application is very scant and offers very little in terms of enforceable conditions.

We therefore ask that this application is refused.



Licensing & Out of Hours Compliance Team - Representation

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

Premise Details	
Application Ref No	236099
Name of Premises	Cape Coast Restaurant
Address	798 Ashton New Road, Manchester, M11 4RY

Representation
<p>Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.</p> <p>The premises is a proposed restaurant and late night venue located directly across the road from residential terrace houses, with tram lines in between.</p> <p>Licensing & Out of Hours (LOOH) have concerns under the Prevention of Public Nuisance licensing objective due to the 2am terminal hour requested for licensable activities on a Friday, Saturday & Sunday, within a heavily residential area. There is likely to be less background noise in these sensitive early morning hours which would mask any noise from the premises and therefore the concern would be that residents would be woken up/ prevented from sleeping due to noise from music escape and from patrons smoking and on dispersal.</p> <p>The operating schedule fails to adequately address suitable procedures to prevent disturbance to local residents. Many of the conditions offered in the schedule are unenforceable and duplications of existing law.</p> <p>LOOH officers have met with the applicant and offered guidance regarding due diligence procedures to uphold the licensing objectives and discussed the proximity to residential properties in sensitive hours.</p> <p>The LOOH team request the application is rejected in its current form.</p>

From: **CapeCoast Restaurant** [REDACTED]
Date: Wed, 18 Sep 2019 at 10:01
Subject: Re: Cape Coast Restaurant (236099) - Representation
To: Premises Licensing <premises.licensing@manchester.gov.uk>, Gemma Hunt
[REDACTED]
Cc: Alan Isherwood [REDACTED], Peter Duffin
[REDACTED]

Dear Gemma/Licensing,

Thanks for getting back to me. Bank holiday is referring to the Monday itself and we've applied for 11pm licensable activities for those days. I've put Sundays down as 11pm for licensable activities regardless of whether it's a Sunday prior to a bank holiday or not.

Hope this clarifies it.

Regards,

Naa

From: **Gemma Hunt** <gemma.hunt@manchester.gov.uk>
Date: Tue, 17 Sep 2019 at 14:29
Subject: Fwd: Cape Coast Restaurant (236099) - Representation
To: Premises Licensing <premises.licensing@manchester.gov.uk>, CapeCoast Restaurant <capecoastrestaurant@yahoo.com>
Cc: Alan Isherwood <Alan.Isherwood@gmp.police.uk>, Peter Duffin <p.duffin@manchester.gov.uk>

Dear Premises Licensing/ Naa

Thank you for your email with new proposed hours & conditions as attached. The Licensing & Out of Hours Team are agreeable to this new proposal and we can advise this satisfies our representation.

The only slight amendments are that Mon to Thurs the opening hours could only be until 11pm (rather than 11:30pm), as I understand that was all that was applied for on the application.

For the seasonal variations, please could you clarify for licensing if this will be the Sunday prior to a bank holiday or the Monday itself?

Kind regards
Gemma

From: **CapeCoast Restaurant** [REDACTED]
Date: Tue, 10 Sep 2019 at 13:34
Subject: Re: Cape Coast Restaurant (236099) - Representation
To: Premises Licensing <premises.licensing@manchester.gov.uk>, Gemma Hunt
[REDACTED]

Dear Gemma,

As per your representations, please find attached.

Regards,

Naa Hammond

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

Applicant: Nefisa Naa A. A. Hammond

Address of Premises: 798 Ashton New Road

Clayton

Manchester

M11 4RY

Dear Gemma,

As per your representation I would like to submit the following adjustments.

Hours of Operation

Monday - Thursday 12:00 - 23:30

Friday & Saturday 12:00 - 00:30

Sunday 12:00 -23:30

Seasonal Variations

Bank Holidays 12:00 -23:30

New Year's Eve 12:00 - 03:00

If the following fall on a weekday

Christmas Eve 12:00 - 00:30

Christmas Day 12:00 - 00:30

Boxing Day 12:00 - 00:30

New Year's Day 12:00 - 23:30

Hours of licensable activities

Monday- Thursday 12:00 - 23:00

Friday & Saturday 12:00 - 00:00

Sunday 12:00 - 23:00

Seasonal Variations

Bank Holidays 12:00 -23:00

New Year's Eve 12:00 - 02:30

If the following fall on a weekday

Christmas Eve 12:00 - 00:00

Christmas Day 12:00 - 00:00

Boxing Day 12:00 - 00:00

New Year's Day 12:00 - 23:00

STEPS TO PROMOTE THE FOUR LICENSING OBJECTIVES

General Objectives

- The premises shall operate predominantly as food led.
- Maintenance of a functional CCTV system.
- Provision of security lightening around the building but away from residential properties.
- Implementation of "Challenge 25" Policy.

The Prevention of Crime and Disorder

- A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.

- Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
- CCTV will be in operation at any time a person is on the premises.
- In instances of equipment breakdown a log book shall be kept to record incidents.
- Any person left in charge of the premises will be trained in the use of the CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
- Door staff shall be employed at the premises, upon recommendation after a risk assessment, to be carried out by the DPS.
- Staff will be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
- Security lightening will be provided around the building and in the car park.
- Any aggressive or badly behaved customer will be escorted off the premises by security.

Public Safety

- A first aid box will be available at the premises at all times.
- All fixtures and fittings at the premises will be maintained and kept in good order to ensure a safe environment for customers.
- Regular safety checks shall be carried out by staff.
- Fire equipment shall be maintained and serviced annually.
- Fire safety procedures would be in place including fire alarms and staff will be trained on evacuation processes.
- Signage for fire exits and assembly points will be put up on the premises.
- Customers will not be allowed to carry alcoholic drinks and beverages out of the premises.

The Prevention of Public Nuisance

- Noise from amplified music shall not be such as to cause a noise nuisance to occupants of nearby premises.
- The exterior of the building shall be cleared of litter at regular intervals.
- Notices will be positioned at the exits to the premises to advice and remind customers to leave premises quietly.
- Doors and windows at the premises are to remain closed after 11pm except for access and egress.

- The emptying of bins into skips, and refuse collections will only take place between 8am and 10pm.
- A "no smoking" at the front of the premises policy will apply, this would help ensure that patrons do not gather at the front of the premises. Notices will be put up at front of building to make customers aware of this.
- Windows and doors will be closed during regulated entertainment except for access and egress.
- The premise is fitted with sound proof ceilings and windows are double glazed to minimise noise escape.
- The premise has a lobby at the entrance/exit which would also help minimise noise escape.
- Speakers and entertainment stands will be positioned away from walls adjacent to residential properties.
- Customers will not be allowed to carry alcoholic drinks and beverages out of the premises.
- Rubbish bins and glass refuse will be kept at the rear of the premises, away from public access.
- Notices will be put up encouraging customers to use car park so as to show consideration to residential parking.
- Notices providing taxi firm numbers will be displayed in a prominent location within the premises assist customers in ordering a taxi. Customers would be encouraged to wait for taxi's to arrive before leaving.

The Protection of Children from Harm

- A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID will be photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the PASS hologram.
- Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training will be given to new members of staff before they commence employment and all staff will receive refresher training every 6 months.
- Notices advising what forms of ID are acceptable will be displayed.

- Notices will be displayed in prominent positions indicating that the Challenge 25 policy is in force.
- Children would only be allowed from mid-day to 8pm. Notices would be put up to inform customers.
- No person under the age of 16 would be allowed on the premises at any time without appropriate adult supervision.
- Parents would be responsible for their own children.

PLEASE NOTE: ALL REPRESENTATIONS AND SUPPORTING EVIDENCE MUST BE SUBMITTED TO MANCHESTER CITY COUNCIL WITHIN 28 DAYS, STARTING THE DAY AFTER THE PREMISES IN QUESTION MAKES AN APPLICATION (TO FIND OUT THE CLOSING DATE CALL THE LICENSING UNIT ON 0161 234 4512)

ABOUT YOU		PLEASE NOTE: LICENSING OFFICERS, LICENSING COMMITTEE MEMBERS AND THE APPLICANT CAN VIEW THE INFORMATION PROVIDED ON THIS FORM
Your first name (required)	Your last name (required)	
Pete	Duffin	
Your address including postcode (required)		
Trading Standards Service 1 Hammerstone Road Manchester M18 8EQ		
Contact email address	Contact phone no	
[REDACTED]	[REDACTED]	
Your signature (I hereby declare the information I have provided on and with this form is correct to the best of my knowledge and belief)		

ABOUT THE PREMISES
Application Ref No. (if known):
Name of the Premises about which you would like to make a representation:
Cape Coast Restaurant
Address of the Premises (including postcode if known):
798 Ashton New Road Manchester M11 4RY

YOUR REPRESENTATION
Please outline your representation below and continue overleaf. This should be the likely effect of the grant of the licence / certificate on the licensing objectives on and in the vicinity of the premises in question. (Please continue on a separate sheet of paper if necessary)
The application is of a poor standard regarding the protecting children from harm licence objective. It is a mandatory licensing condition for all licensed premises to have an age verification policy in place. In the application ID checks are mentioned but nothing is said about what are acceptable ID documents. There is no mention of staff training or documentation of such. There is no mention of the display of signage indicating in all areas where alcohol is located that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.

Therefore Trading Standards would like the licence to be refused.

Supporting Evidence: In addition to your own written / oral testimony to the Licensing Sub-Committee, you may wish to provide evidence to support your representation. You will need to show how this evidence relates to the premises in question. Examples of supporting evidence include oral testimony, written testimony, noise records, video or photographic material, crime and disorder data, other statistical data, reports etc.)

From: **Alan Rawcliffe (Trading Standards)** [REDACTED]
Date: Tue, 24 Sep 2019 at 11:20
Subject: Cape Coast Restaurant
To: Premises Licensing <premises.licensing@manchester.gov.uk>

Following discussions between trading standards and the applicant, please see below in regard to the applicant agreeing conditions on the licence

Hi Alan,

I agree to all the conditions as stated in your email, which are set out below

I write to inform you that Trading Standards, as responsible authority, does not intend to attend the Licensing Hearing concerning Cape Coast Restaurant. Following discussions between ourselves and the applicant's representative agreement has been reached that the licence should be granted under the terms of the application (and subject to the following conditions).

- 1) The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.
- 2) Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
- 3) In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to maintain the refusals log, monitor staff to ensure their training is put into practice.
- 4) The premises shall display signage at the point of sale indicating it is an offence to buy or attempt to buy alcohol for a person under 18

If you require any more information please let either myself or Peter Duffin know

regards
Allan

Allan Rawcliffe
Neighbourhood Officer - Trading Standards
Neighbourhoods Directorate
Manchester City Council
1 Hammerstone Road, Gorton, Manchester, M18 8EQ

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

www.manchester.gov.uk

From: **Councillor Sean McHale** [REDACTED]

Date: Tue, 27 Aug 2019 at 12:04

Subject: Re: Premises Licence (new) 236099/BJ1: Cape Coast Restaurant, 798 Ashton New Road, Manchester, M11 4RY, (Clayton & Openshaw ward)

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

Hi Bryan

I have been discussing with my ward colleagues and we object to license application. The venue is in a heavily populated area with many families living in that area. The noise from late night revellers would be unacceptable for our residents

Thanks

Sean

On Wed, 21 Aug 2019, 14:19 Premises Licensing, <premises.licensing@manchester.gov.uk> wrote:

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

Dear Sir / Madam

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

Application Type: Premises Licence (new)

Reference: 236099/BJ1

Premises: Cape Coast Restaurant, 798 Ashton New Road, Manchester, M11 4RY

Applicant: Mrs Nefisa Naa A.A.Hammond

General description of premises as given by the applicant:

A 50 seater restaurant to primarily cook and serve hot food as well as serve cold food and hot beverages including alcohol.

Proposed hours and licensable activities:

Provision of regulated entertainment (live music):

Fri 5.00pm to 12.00 midnight

Sat to Sun 12.00 noon to 12.00 midnight

Provision of regulated entertainment (recorded music, anything of a similar description to live music, recorded music or performances of dance):

Mon to Thu 12.00 noon to 11.00pm

Fri to Sun 12.00 noon to 2.00am

Provision of late night refreshment:

Fri to Sun 11.00pm to 2.00am

The supply of alcohol for consumption on the premises only:

Mon to Thu 12.00 noon to 11.00pm

Fri to Sun 12.00 noon to 2.00am

Opening hours:

Mon to Thu 12.00 noon to 11.00pm

Fri to Sun 12.00 noon to 2.00am

Steps to promote licensing objectives as given by the applicant:

- Adequate and timely security both indoors and in the car park shall be provided.
- 24 hour CCTV
- Security lighting shall be provided around the building and in the car park.
- Security / door supervisors shall be provided.
- A functional CCTV shall be installed and regularly maintained.
- We shall not serve, sell or supply alcoholic beverages to anyone under 18 years of age.
- Any aggressive or badly behaved customers shall be escorted off the premises by security.
- Customers shall not be allowed to carry alcoholic drinks and beverages out of the premises.
- Bottles shall be disposed of timely and appropriately.
- Customers shall not be allowed to stand or loiter outside the premises after close hours.
- Notices shall be displayed to advise customers to leave the premises quietly.
- Children shall only be allowed from mid-day to 8.00pm.
- ID check to ensure alcohol is not sold to underage persons.
- Parents shall be responsible for their own children.

The application is in consultation until midnight on **16/09/2019**.

Any person wishing to comment on the application must do so in writing to premises.licensing@manchester.gov.uk no later than this date.

Any comments must be relevant to the likely effect of granting the application on the promotion of the four licensing objectives:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

If you would like any further information regarding this application please respond to this email with your enquiry.

Further information on the licensing process is available on our website - www.manchester.gov.uk/licensing

Whilst we will normally advise you of all applications within this ward, the council is not legally required to do so. This information is provided as a courtesy to members and residents. There may be occasions when notice is not provided. You should continue to check the council's register of licence applications and notices on premises in your local area.

Yours sincerely

Bryan Johnson
Premises Licensing Team

Premises Licensing
Growth and Development
Manchester City Council
Level 1 Town Hall Extension
Albert Square
PO Box 532
M60 2LA

Email: premises.licensing@manchester.gov.uk

Web: www.manchester.gov.uk/licensing

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From: **Councillor Andy Harland** [REDACTED]

Date: Tue, 27 Aug 2019 at 16:46

Subject: Re: Premises Licence (new) 236099/BJ1: Cape Coast Restaurant, 798 Ashton New Road, Manchester, M11 4RY, (Clayton & Openshaw ward)

To: Premises Licensing <premises.licensing@manchester.gov.uk>, Councillor Donna Ludford [REDACTED], Councillor Sean McHale [REDACTED]

Care of Licensing

I agree with my fellow councillors, the area is residential and the hours cape coast restaurant are submitting are unacceptable to the local community.

Regards Andy

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Bryan Johnson
Premises Licensing Team

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Growth and Development
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