

**Manchester City Council  
Report for Resolution**

**Report to:** Licensing Subcommittee Hearing Panel – 17 February 2020

**Subject:** Reds Takeaway & Dark Kitchen, 331 Wilmslow Road, M14 6NW -  
Application ref: Premises Licence (new) 242305

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

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**Summary**

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

**Recommendation**

That the Panel determine the application.

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**Wards Affected:** Fallowfield

<b>Manchester Strategy Outcomes</b>	<b>Summary of the contribution to the strategy</b>
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

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**Financial Consequences – Revenue - None**

**Financial Consequences – Capital - None**

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

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

## **1. Introduction**

- 1.1 On 23/12/2019, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Reds Takeaway & Dark Kitchen, 331 Wilmslow Road, Manchester, M14 6NW in the Fallowfield ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

## **2. The Application**

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is Reds True Barbecue Limited.
- 2.3 The description of the premises given by the applicant is:  
Reds BBQ dine in and takeaway.
- 2.4 The proposed designated premises supervisor is:  
Aaron Mellor.

### **2.5 The licensable activities applied for:**

Provision of regulated entertainment (films, recorded music):  
Mon to Sun 11am to 5am

Provision of late night refreshment:  
Mon to Sun 11pm to 5am

The supply of alcohol for consumption both on and off the premises:  
Mon to Sun 11am to 5am

Opening hours:  
Mon to Sun 11am to 5am

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

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

## 2.6 **Activities unsuitable for children**

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

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

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

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

## 2.8 **Further documentation accompanying the application**

2.8.1 The applicant has not submitted the any further documentation in support of the application.

## 3. **Relevant Representations**

3.1 A total of 19 relevant representations were received in respect of the application (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these representations will be available to the Panel at the hearing.

### Responsible Authorities:

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

### Other Persons:

- Ward Councillor x 2
- Director of Residential and Sport Services, University of Manchester
- Withington Civic Society
- Sherwood TRA
- Fallowfield and Withington Community Guardians
- South East Fallowfield Residents' Group

- Resident x 8

### 3.2 Summary of the representations:

Party	Grounds of representation	Recommends
<b>Licensing Authority</b>	<ul style="list-style-type: none"> <li>• It is not clear from the application how this venue proposes to operate.</li> <li>• The lateness of the terminal hour gives rise to concern that there will be an increased risk of harm to the licensing objectives, particularly as customer are more likely to be intoxicated.</li> <li>• It is unclear whether any limitations will apply to:               <ul style="list-style-type: none"> <li>○ use of the external area</li> <li>○ deliveries</li> <li>○ consumption on the premises</li> </ul> </li> <li>• No detail is provided in respect of the 'dark kitchen' operation.</li> <li>• No detail is provided in relation to the regulated entertainment proposed.</li> <li>• Concerns are also raised regarding               <ul style="list-style-type: none"> <li>○ the likelihood and ability of the premises to deal with intoxication</li> <li>○ increased risk of conflict</li> <li>○ security issues, and</li> <li>○ capacity to cause litter.</li> </ul> </li> <li>• The objection concludes that this application does not demonstrate a justifiable exception to the licensing policy.</li> </ul>	Refuse
<b>GMP</b>	<ul style="list-style-type: none"> <li>• The premises is located on “one of the main arterial routes into and out of Manchester city centre”, very close to residential properties, with a large number of licensed premises, and one of the largest student populations in Europe.</li> <li>• The proposed finish time of 5am “will undoubtedly create noise disturbance and alcohol fuelled anti-social behaviour for a longer period” and will exacerbate existing problems in the area caused by:               <ul style="list-style-type: none"> <li>○ begging</li> <li>○ street drinking</li> <li>○ littering</li> <li>○ damage and anti-social behaviour from late night revellers</li> </ul> </li> <li>• The applicant has not demonstrated how they will not add to the cumulative impact within the area.</li> </ul>	Refuse

<b>Licensing and Out of Hours Compliance</b>	<ul style="list-style-type: none"> <li>• There are residential flats in the same row of buildings, and houses approximately 20m away.</li> <li>• Complaints from local residents repeatedly cite problems of noise, vandalism and antisocial behaviour from persons going out to and returning from licensed premises, preloading and drunkenness, and littering.</li> <li>• The applicant has failed to demonstrate why the late terminal hour in particular will not add to the issues already being experienced.</li> <li>• The representation concludes that the application should be refused on the grounds of not upholding the licensing objective in relation to public nuisance.</li> </ul>	Refuse
<b>Trading Standards</b>	<ul style="list-style-type: none"> <li>• The application does not provide any detail on how the premise licence holder will ensure that the Challenge 25 age verification policy will be carried out by staff</li> <li>• Two conditions are proposed that Trading Standards want to see attached to the licence should it be granted. The proposed conditions cover: the keeping of a refusals log; and operation of the Challenge 25 policy.</li> </ul>	Grant with conditions
<b>Councillor Chris Wills</b>	<ul style="list-style-type: none"> <li>• This representation supports the objection made by Fallowfield and Withington Community Guardians (details as below)</li> </ul>	Refuse
<b>Councillor Jade Doswell</b>	<ul style="list-style-type: none"> <li>• The Councillor has received emails from individuals and groups which detail issues already experienced in the area including: <ul style="list-style-type: none"> <li>○ takeaway debris being left on the street,</li> <li>○ broken bottles causing a hazard to pedestrians,</li> <li>○ noise levels that consistently disrupt sleep.</li> </ul> </li> <li>• Measures proposed by the applicant do not adequately demonstrate how the licensing objectives will be upheld. The premises will create an additional litter problem “above and beyond that which already exists” yet the application offers only “a vague commitment to clearing this up”, thus “undermining the considerable work being done in the area to tackle such problems”.</li> <li>• Other concerns raised are: <ul style="list-style-type: none"> <li>○ additional traffic is likely to come into the area during unsociable hours attracted by the late availability of alcohol.</li> <li>○ The lack of measures proposed to combat off-sales of alcohol being consumed on the street, thereby increasing the likelihood of shouting, broken glass, litter, and public</li> </ul> </li> </ul>	Refuse

	<p>urination/vomiting directly opposite a residential housing estate.</p> <ul style="list-style-type: none"> <li>○ the "Dark Kitchen" delivery service will bring more cars/motorbikes into the area, creating more noise pollution and sleep disruption</li> <li>● The application lacks of safeguards in relation to increased noise, litter, late night sale of alcohol, and the late opening times.</li> </ul>	
<b>Director of Residential and Sport Services, University of Manchester</b>	<ul style="list-style-type: none"> <li>● The University works hard to encourage students to behave responsibly in the local community. The proposed premises would greatly undermine the work undertaken and would contribute to the problems that exist in the local area in relation to noise, litter and anti-social behaviour.</li> <li>● The University is “working hard to resolve issues that surround the studentification agenda to promote better community relations”. A common complaint from local residents is of anti-social behaviour after students have attended venues. The work that the University has invested in this will be potentially damaged by this premises supplying alcohol for consumption on or off the premises until 5am, after people have left other venues.</li> </ul>	Refuse
<b>Withington Civic Society</b>	<ul style="list-style-type: none"> <li>● “To grant a licence would be completely contrary to the Special Policy and would inevitably lead to an increase in drunkenness, crime, noise, vandalism, litter and anti-social behaviour generally. It would also have an adverse impact on the local residential community.”</li> <li>● “In our view, the entire application should be rejected, but particularly that part which relates to alcohol”</li> </ul>	Refuse
<b>Sherwood TRA</b>	<ul style="list-style-type: none"> <li>● Passing students create noise nuisance – “They're normally in groups shouting to each other, with other anti-social behaviour such as smashing glass bottles, public urination and littering of used alcohol/takeaway containers” – and sleep disturbance.</li> <li>● The area has a reputation as 'Party Central' – students could “fall into the trap of using alcohol as a maladaptive coping strategy which then may go on to cause lifelong problems.”</li> <li>● There has been “a rise in pre-drinks gatherings prior to going out as late as midnight”, waking residents both on the way out and the way back.</li> <li>● Granting this application will “encourage students leaving late night bars already under the influence of drinking too much alcohol to buy more alcohol</li> </ul>	Refuse

	<p>for either impromptu or planned late night parties at their shared homes”. Some streets have few long term residents; students also complain about other students. Parties also cause nuisance for residents at a distance.</p> <ul style="list-style-type: none"> <li>• Granting this application will only add to the “cumulative impact of the anti-social behaviour we are already suffering”,</li> <li>• There are residential premises very nearby.</li> <li>• Delivery services of hot food will cause a further increase in noise nuisance from cars/scooters /motor bikes.</li> </ul>	
<p><b>Fallowfield and Withington Community Guardians</b></p>	<ul style="list-style-type: none"> <li>• Residents in this group “are regularly affected by noise and anti-social behaviour from patrons of late night premises” in the area leading to “sleep loss, stress and anxiety and criminal damage to property, cars and a degraded neighbourhood”. The addition of a further premises will add to existing problems in this residential area, in which further residential premises being built.</li> <li>• The area has become a “destination venue”, for students. This “has seriously undermined the quality of life for long term residents who suffer from regular night noise and nuisance from transient residents during term time”. Sleep disturbance is a particular problem</li> <li>• The proposed premises will allow people to “purchase late night alcohol on their way to or from a venue thus adding to litter, on street drinking and associated noise, anti-social behaviour and possible criminal damage”. Other issues referred to are: <ul style="list-style-type: none"> <li>○ Street noise from passers-by throughout the night until the early hours.</li> <li>○ Broken glass from smashed bottles, particularly hazardous for children and runners</li> <li>○ Bus shelters littered by glass, vomit and takeaway wrappers.</li> <li>○ Vandalism - tree vandalism, car vandalism, tipping over of bins, screaming, shouting, dropping of litter, smashing of glass bottles.</li> <li>○ Noise from delivery vehicles.</li> </ul> </li> <li>• The opening of another late night licence will increase the above problems as evidenced by a local premises that has recently started selling coffee after 11pm with a resulting increase in litter.</li> <li>• The representation concludes: “We want to live in a sustainable community which encourages residents to stay” – to add another late night venue</li> </ul>	<p>Refuse</p>

	will seriously undermine the licensing objectives.	
<b>South East Fallowfield Residents' Group</b>	<ul style="list-style-type: none"> <li>• At every SEFRG meeting, residents report “problems of noise (and sleep deprivation) usually caused by the huge numbers of (often drunk) people on the streets throughout the night going to and from the licensed premises”. This proposed premises will likely: <ul style="list-style-type: none"> <li>○ attract a lot of customers who will buy drink on their way home after a night out</li> <li>○ increase on-street drinking coupled with anti-social behaviour</li> <li>○ increase the problem of very large house parties</li> <li>○ add to the “constant stream of foot traffic”, often in large groups.</li> </ul> </li> <li>• Residents on all streets in the area suffer from sleep disturbance - a health issue - and “are already regularly woken up by the slamming of uber car doors all through the night”. Food deliveries late at night will add further noise, such as door bells or loud door knocking.</li> <li>• Other problems that residents report are: “takeaway litter strewn all over the streets, hazardous broken glass from smashed alcohol bottles and drunken people publicly urinating on the streets and in their gardens. People walking their children to school in the morning often have to negotiate vomit, broken glass and debris from the night before”. A further premises will add to these problems.</li> <li>• Residents would “love to be able to create a sustainable, balanced and harmonious community once again” in the area. The “scale of the problems in this particular area mean that this community will completely die out unless the licensing objectives are upheld.”</li> </ul>	Refuse
<b>Resident</b>	<ul style="list-style-type: none"> <li>• This family, with children, comments that “In recent years we have been grateful for the actions of the council, the police and the university in acknowledging and tackling the issues of antisocial behaviour created by drink fuelled student nights and huge parties in and around HMOs”</li> <li>• The 5am finish time is not appropriate near to a residential area</li> <li>• The premises would be likely to undermine “all the hard work by the council residents the police and the university” and would lead to “all the issues around ASB that have plagued this area in the past. This includes mass partying in streets and houses as well as on street drinking at all hours of</li> </ul>	Refuse

	the day and night, in addition to littering, public urination and nuisance.	
<b>Resident</b>	<ul style="list-style-type: none"> <li>• The proposed premises “is the sort of potentially anti-social impact creating premise that the council and local residents have worked so hard to prevent in recent years”.</li> <li>• The objector’s main concern “is that this will inevitably create more street noise, later drinking and anti-social behaviour in the area”, currently experienced as follows: <ul style="list-style-type: none"> <li>○ disturbances as drinkers return on foot into the early hours, resulting in in regular crime and disorder problems”</li> <li>○ street noise and litter as people wander the streets shouting, running into gardens, vandalising trees, turning over wheelie bins</li> </ul> </li> <li>• Alcohol and food take-out “invites customers to continue drinking on the way home in the street or start a very late party when they get home”.</li> <li>• This application will reverse the work of the council and local residents who have worked hard to achieve “a noticeable improvement in the quality of life” in this residential area.</li> </ul>	Refuse
<b>Resident</b>	<ul style="list-style-type: none"> <li>• The proposed hours and licensable activities are completely unacceptable. This resident already suffers “from unruly groups passing the house in the early hours”. Granting this application will lead to: <ul style="list-style-type: none"> <li>○ Noise from delivery cars and scooters congregating around the premises in the early hours.</li> <li>○ Noise from delivery drivers coming and going and door knocking in the early hours.</li> <li>○ Noise and smells from the kitchen extractors.</li> <li>○ Increase littering</li> <li>○ Antisocial behaviour as the dark kitchen will act as a late night / early morning meeting point for vulnerable students making them an easy target for robbery and attack.</li> </ul> </li> </ul>	Refuse
<b>Resident</b>	<ul style="list-style-type: none"> <li>• The proposed opening hours lead to concerns about increased crime and disorder, with the potential for increased personal safety incidents and burglaries. The area has “muggings of students taking place in the early evening” and could increase “risk not only for students but also those residents who have to leave for work at the very start of the day”.</li> <li>• The premises will increase noise nuisance caused by “students coming back from pubs and clubs in</li> </ul>	Refuse

	<p>the early hours of the morning” and will add to “the lack of sleep we currently experience on occasions”.</p> <ul style="list-style-type: none"> <li>• Food litter “from yet another takeaway outlet in this area will greatly increase the amount of rubbish I regularly collect from my almost daily litter picks. Not to mention broken glass”.</li> <li>• If the premises proposes to operate a food and alcohol delivery service, the deliveries will lead to further noise disturbance.</li> </ul>	
<b>Resident</b>	<ul style="list-style-type: none"> <li>• This resident lives near to the premises and considers that “when the local bars close there is a very real danger that large numbers of already inebriated people will descend on this premises with a view to purchasing more alcohol and, as many of them will still be in a ‘party mood’, it is likely that the area outside the premises will become an area where noisy, inebriated persons gather to drink alcohol, with people spilling out onto the busy thoroughfare of Wilmslow Road, putting themselves and others at risk.</li> <li>• This will “create added noise disturbance which will obviously be extended beyond what is already being suffered on a regular basis by the local residents”.</li> <li>• The area “already suffers from begging, street drinking and other alcohol related anti-social behaviour”; the hours applied for “will undoubtedly exacerbate these problems”.</li> </ul>	Refuse
<b>Resident</b>	<ul style="list-style-type: none"> <li>• This resident “already is impacted on a regular basis by noise, litter and antisocial behaviour in the early hours of the morning, mainly due to the effects of alcohol and the opportunity to purchase a wide array of takeaway food from local outlets.”</li> <li>• Nuisance is experienced from people passing by “often late at night or in the early hours of the morning, and more often than not having availed themselves of copious amounts of alcohol, which is clearly demonstrated by their loud, impactful and totally inconsiderate behaviour.”</li> <li>• Littering in the area includes “discarded food and broken bottles, dropped and smashed”</li> <li>• A further premises will add to the above.</li> </ul>	Refuse
<b>Resident</b>	<ul style="list-style-type: none"> <li>• This resident comments: “We have a Cumulative Impact Policy covering our area which should protect us from such developments as this and therefore lessen the risk of our being constantly disturbed throughout the night. With less people wandering the streets there would be less danger</li> </ul>	Refuse

	of crimes being committed and the residents safety would be more secure.”	
<b>Resident</b>	<ul style="list-style-type: none"> <li>• This resident comments that the special policy in force for this area “has been invaluable in preventing a further increase in the proliferation of 'night time economy' businesses in our local shopping centre. However, the pre-existing concentration of such premises means our lives continue to be blighted by night-time noise, anti-social behaviour and criminal damage.”</li> <li>• Regular “drunken noise” disturbances late at night and in the early hours are having a “continuing impact” on the family’s “sleep and health”.</li> <li>• The objector comments that “Such disturbances are routine and in our view the consequence of a night time economy exploiting the large numbers of young people who live in HMOs in our neighbourhood.”</li> </ul>	Refuse

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

3.4 No agreements on conditions have been reached.

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

##### **4.1 Legal Considerations**

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

##### **4.2 New Information**

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

##### **4.3 Hearsay Evidence**

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

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

4.4.1 The Secretary of State’s Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best

practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

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

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

#### ***Section 5: Special Policy Area***

The premises is located within the following special policy area:

#### Fallowfield and Wilmslow Road

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

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

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

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

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

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

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

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

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

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

to any relevant issues raised in any representation that may fall outside them.

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

### ***Section 9: Alcohol delivery services***

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

### **Conclusion**

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

- 4.10 All licensing determinations should be considered on the individual merits of the application.
- 4.11 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 4.12 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 4.13 **The Panel is asked to determine the application.**