



## Licensing Act 2003 (Hearings) Regulations 2005

**Reference:** 238214  
**Name:** Osteria Zora  
**Address:** 477 Wilmslow Road, Manchester, M20 4AN  
**Ward:** Withington  
**Application Type:** Premises Licence (new)  
**Name of Applicant:** Mr Toufik Boukhelal  
**Date of application:** 27/12/2019

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

### **Proposed licensable activities and opening hours to be granted**

Provision of regulated entertainment (recorded music):

Mon to Thu 4.00pm to 10.00pm

Fri to Sat 4.00pm to 10.30pm

Sun 2.00pm to 9.00pm

The supply of alcohol for consumption on the premises only:

Mon to Thu 4.00pm to 10.00pm

Fri to Sat 4.00pm to 10.30pm

Sun 2.00pm to 9.00pm

Opening hours:

Mon to Thu 4.00pm to 10.00pm

Fri to Sat 4.00pm to 10.30pm

Sun 2.00pm to 9.00pm

<b>Representations received</b>	
Greater Manchester Police	Due to no viable conditions being put forward by the applicant in the applications' Operating Schedule, GMP has concerns over the applicants understanding of the Four Licensing Objectives. To allay their concerns GMP are requesting the imposition of conditions on to the licence, should it be granted, that it is felt will sufficiently address their concerns in regard to the applicant being able to correctly uphold and enforce the Four Licensing Objectives at the premises.
Licensing & Out of Hours Compliance	As with GMP, LOOH Compliance have expressed concern that the applicant has shown little understanding of the Four Licensing Objectives in his application due to proposing no viable conditions that would sufficiently uphold and enforce the Licensing Objectives at the premises. Should it be granted, and too address sufficiently their concerns in this matter, LOOH compliance are requesting a wide range of extra conditions be added to the licence.
The Trading Standards Service	It is of concern to The Trading Standards Service that the applicant has proposed no conditions that would address the Licensing Objective relating to the protection of children from harm. The Trading Standards Service are requesting that extra conditions relating to the application of age verification policies and procedures (i.e. 'Challenge 25') be inserted into the premises licence, should it be granted.

<b>Agreements between parties</b>
<p><b>Greater Manchester Police:</b></p> <ol style="list-style-type: none"> <li>1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of <b>26 days*</b> with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact</li> </ol>

disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.

2. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
  - a) all crimes reported to the venue, or by the venue, to the police;
  - b) all ejections of patrons;
  - c) any incidents of disorder;
  - d) any faults in the CCTV system;
  - e) any visit by a relevant authority or emergency service;
  - f) all refusals of sales of alcohol.
3. The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of identification to enable to verify their identity against the notice.
4. The premises shall display prominent signage indicating at any point of sale, the entrance to the premises and in all areas where alcohol is located that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
5. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log and monitor staff to ensure their training is put into practice. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals.

*(\*Note: GMP has agreed a reduced period of 26 days retention of recorded CCTV imagery as the applicants recording equipment will only store CCTV images for a maximum period of 26 days)*

#### **Licensing & Out of Hours Compliance:**

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images shall be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV shall be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced shall be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.

5. Sales of Alcohol for consumption on the premises shall only be supplied with, and ancillary to a main meal
6. No super-strength beer, lager or ciders of 6.5% ABV (alcohol by volume) or above shall be sold at the premises
7. A Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall be required to provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a valid passport, valid photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.
8. Children shall only be allowed on the premises if they are accompanied by an adult
9. The premises shall display prominent signage indicating in all areas where alcohol is located that it is an offence for a person under the age of 18 to buy or attempt to buy alcohol and that a Challenge 25 scheme is in operation.
10. All staff shall record refusals to sell alcohol (this can be either electronically or a paper based system, e.g. in a refusals log) which the licensee shall check at regular intervals. The log shall record the date and time of the refusal and the name of the person refusing the sale.
11. The premises licence holder shall ensure that at all times when the public is present there is at least one competent person able to administer first aid, that an adequate and appropriate supply of first aid equipment and materials is available on the premises, and that adequate records are maintained in relation to the supply of any first aid treatment
12. Staff shall be trained (and undergo regular refresher training) in respect of the sale of alcohol including awareness/prevention of proxy sales, recognising the signs of drunkenness and how to refuse service - such training sessions to be documented and records made available to authorised persons from Responsible Authorities.
13. The licence holder shall enter into an agreement with a private hire firm to provide transport for customers, with contact numbers made readily available to customers, who will be encouraged to use such services. A call-back system must be operated and drivers instructed not to sound their horns when collecting customers
14. Notices shall be prominently displayed at any area used for smoking, requesting patrons to respect the needs of local residents and use the area quietly
15. No bottles, glasses or similar items may be disposed of in outside receptacles between 22:00 and 08:00 hours
16. No deliveries must be made to the premises between 22:00 and 08:00 hours.
17. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.
18. Signs to be displayed requesting customers to be quiet when leaving the premises.

**The Trading Standards Service:**

1. A Challenge 25 scheme must be operated to ensure that any person

who appears to be under the age of 25 shall be required to provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a valid passport, valid photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.

2. All staff shall record refusals to sell alcohol (this can be either electronically or a paper based system e.g. in a refusals log) which the licensee shall check at regular intervals. The log shall record the date and time of the refusal and the name of the person refusing the sale.
3. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales and how to operate the Challenge 25 policy, to maintain the refusals log, enter sales correctly on the tills so the prompts show as appropriate and monitor staff to ensure their training is put into practice. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals.
4. Staff training records and refusals logs shall be made on request by Greater Manchester Police or an authorised officer of Manchester City Council.
5. The premises shall display prominent signage indicating in all areas where alcohol is located that it is an offence for a person under the age of 18 to buy or attempt to buy alcohol and that a Challenge 25 scheme is in operation.

**Duplication of conditions:**

1. LOOH Compliance Conditions 1 to 4 duplicate the GMP condition relating to the installation & use of CCTV at the premises (*GMP has agreed a reduced CCTV recordings retention period of 26 days with the applicant*)
2. LOOH Compliance Condition 7 duplicates Trading Standards Service Condition 1
3. LOOH Compliance Condition 9 duplicates GMP Condition 4 and Trading Standards Service Condition 5.
4. LOOH Compliance Condition 10 duplicates Trading Standards Service Condition 2.
5. LOOH Compliance Condition 12 duplicates GMP Condition 5 and Trading Standards Service Condition 3.

**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
- Original application form
- Representations made against application and respective agreements

