

GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC Alan Isherwood
Address including postcode	1 st Floor Manchester Town Hall Extension Lloyd Street Manchester
Contact Email Address	alan.isherwood@gmp.police.uk
Contact Telephone Number	0161 856 6017

About the Premises

Application Reference No.	LPA 241817
Name of the Premises	Ariana Restaurant
Address of the premises including postcode	113 Wilmslow Road, Manchester M14 5AN

Your Representation

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

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

The operating schedule which accompanies the application offers hardly anything in terms of enforceable conditions which show how the 4 Licensing Objectives will be upheld.
It gives the impression that the applicant has a limited understanding of the Licensing Objectives, which raises concerns about how the premises will be operated.

The likely effect of the grant of the Premises Licence with such a scant operating schedule is that all 4 of the Licensing Objectives will be undermined.

We therefore ask that this application is refused.



**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Luke Solczak
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	Luke.solczak@Manchester.gov.uk
Telephone Number	0161 227 3147

Premise Details

Application Ref No	241817
Name of Premises	Ariana Restaurant
Address	113 Wilmslow Road, Manchester, M14 5AN

Representation

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

Licensing and Out of Hours Team have assessed the likely impact of the granting of this application taking into account a number of factors, including the nature of the area in which the premises is located and any potential risk that the granting of this application could lead to issues of public nuisance and public safety.

The applicant has failed to provide sufficient information in the application with specific reference to the prevention of public, public safety and the protection of children against harm. Specifically considering it is located in a heavily populated residential area and has other issues such as crime, litter and waste.

It would appear that for each of the licensing objectives the same offer of conditions have been copied and pasted in each objective area. This in itself raises serious concerns that the applicant has not given the application the necessary level of thought, or the issues likely to affect residents and the local community.

Section 7.1 of Manchester's Statement of Licensing Policy states "Licensed premises are expected to be an asset to their local area through promotion of the licensing objectives." Although the applicant has indicated that they have considered the licensing objectives within the application, they have not offered adequate conditions that can be measured to ensure that these objectives are upheld.

The Licensing and Out of Hours Team feel that the applicant has failed to state how they will uphold all licensing objectives. The failure to propose adequate conditions to prevent public nuisance causes severe concerns to Licensing and Out Of Hours as the applicant's lack of consideration to the local area is apparent. Manchester's Statement of Licensing Policy states in section 7.5 that "applicants are expected to address any local factors relevant to their premises."

Ariana are in the process of being prosecuted by the Licensing and Out of Hours Team under section 187 of the Licensing Act 2003 for neglect and for 3 offences of conducting an unauthorised licensable activity under section 136 of the Licensing Act 2003. The applicant has committed three offences by serving hot refreshments between the hours of 23:00 – 05:00 without a premises licence and authority to do so.

Prior to this application the applicant received advice, support and warning in relation to conducting unauthorised licensable activities. During this period the applicant continued to breach the Licensing Act 2003 without any consideration to the requests of Manchester City Council and the importance of the licensing objectives.

I exhibit a copy of a warning letter as LS1 which was sent to Afghan Stop Limited & Tasal Gul Mohammad in relation to a non-payment of licence fee. Included within the letter was clear information stating that no licensable activities should be carried out at the premises. Following the warning letter the premises was witnessed trading without a licence on the 9th August 2019, 14th August 2019, 23th August 2019, 28th August 2019, 3rd September 2019, 6th October 2019. Due to the offences committed under the licensing act, the applicant was subsequently invited to an interview under caution subsequent to the Police and Criminal Evidence Act 1984. The applicant attended the interview on the 10th September 2019.

The Licensing and Out of Hours Team, in our capacity as the Environmental Health Responsible Authority, feel the grant of a licence, based on the application submitted, and the conduct of the applicant would undermine the licensing objectives and request it to be refused.

Recommendation: Refuse Application

LS1



MANCHESTER
CITY COUNCIL

FAO The Manager
Ariana Restaurant
113 Wilmslow Road
Manchester
M14 5AN

Licensing & Out of Hours Compliance
The Neighbourhoods Service
PO Box 532, Town Hall
Manchester, M60 2LA

To reply please contact:
Devon Bennett

Tel: 0161 234 1782
e-mail: devon.bennett@manchester.gov.uk

Ref: 235656

Date: 8th August 2019

Dear Sir / Madam

Ariana Restaurant, 113 Wilmslow Road, Manchester, M14 5AN
Licensing Act 2003:

Manchester City Council as Licensing Authority has not received the payment of £180.00 for the annual fee for the years 2014/15 17/18, 18/19, 19/20. Due to a missing payment in 2014 the licence was therefore suspended.

We have also not received any communication from you regarding changing the current licence from Zains Crispy Chicken to the Ariana Restaurant.

You should be aware that under Section 136 of the Licensing Act 2003 subsection it is an offence to carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an 'authorisation' or knowingly allow a licensable activity to be so carried on. An authorisation includes a premises licence, club premises certificate or temporary event notice. In other words you must have one of these authorisations from the City Council before carrying on the licensable activity. A person guilty of these offences is liable on conviction to 6 months imprisonment or a fine up to £20,000.

Please accept this letter as notice that you are required, with immediate effect, to cease carrying out all licensable activity until the above amount has been paid and the licence has been transferred / updated accordingly.

If you are in any doubt about whether you are carrying on a licensable activity you should obtain legal advice immediately. Licensable activities include providing late night refreshment between 23:00 and 05:00 hours, supplying alcohol, or providing "Regulated entertainment."

You should be aware that we may now carryout monitoring visits to your premises to ensure no hot food or drink is served after 11:00pm. Should we obtain satisfactory evidence that demonstrates that hot food is being sold, this matter will be passed to the City Solicitors which may result in legal proceedings being taken against you in the Magistrates Court.

I must also inform you that as per Section 6(1) of the Health Act 2006 It is the duty of any person who occupies or is concerned in the management of smoke-free premises to make sure that no-smoking signs complying with the requirements of this section are displayed in those premises in accordance with the requirements of this section.

We have recently visited your premises and seen that you are failing to display "No-smoking" signs at your premises. Under the Health Act 2006 it s an offence to fail to display the appropriate signage at an "enclose" or "substantially enclosed" public place or workplace.

The purpose of writing to you is to make you aware of the complaint and ask you to ensure that you are taking the necessary steps to comply with the requirements of the Health Act 2006.

If you would like more information about the Health Act 2006 or advice about how to comply with this legislation I would advise you to look at the following website:

www.smokefreeengland.co.uk.

We may now visit your premises to check that you are complying with the requirements of the Health Act 2006. Should we obtain satisfactory evidence that you are not complying with the requirements of the Health Act 2006 a fixed penalty notice will be issued further breaches may include the matter may be referred 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 the Licensing Unit by telephone on 0161 234 5004 or by email on premises.licensing@manchester.gov.uk contact

Yours sincerely

Devon Bennett
Licensing Compliance Officer



MANCHESTER
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Licensing & Out of Hours Compliance
The Neighbourhoods Service
PO Box 532, Town Hall
Manchester, M60 2LA

Afghan Stop Limited
113 Wilmslow Road
Manchester
M14 5AN

To reply please contact:
Devon Bennett

Tel: 0161 234 1782
e-mail: devon.bennett@manchester.gov.uk

Ref: 235656

Date: 15th August 2019

Dear Sir / Madam

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