



Licensing Act 2003 (Hearings) Regulations 2005

Reference: 245271
Name: Cabana Bar and Grill
Address: 199-201 Wilmslow Road, Manchester, M14 5AQ
Ward: Rusholme
Application Type: Premises Licence (new)
Name of Applicant: Nani Persion Ltd
Date of application: 17 March 2020

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 (live music; performances of dance - Indoors):

Sun to Thurs 6pm to midnight, Fri and Sat 6pm to 1am

Provision of regulated entertainment (recorded music- indoors):

Sun to Thurs noon to midnight, Fri and Sat noon to 1am

Provision of late night refreshment: indoors

Sun to Thurs 11pm to midnight, Fri and Sat 11pm to 1am

The supply of alcohol for consumption both on and off the premises:

Sun to Thurs noon to midnight, Fri and Sat noon to 1am

Opening hours:

Sun to Thurs noon to midnight, Fri and Sat noon to 1am

Representations received

Licensing & Out of Hours
Compliance (LOOH)

LOOH objected to the application based on the grounds that the area the premises is situated in suffers from high crime, street begging and anti-social behaviour.

LOOH further state that the proposed business is situated in close proximity to residential premises.

LOOH have proposed additional conditions to be attached to the licence, which have been agreed by the applicant.

Agreements between parties

1. All public areas of the licensed premises, including all public entry and exit points, and the street environment will be covered, enabling facial Identification of every person entering in any light condition. The CCTV Cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of [28] days with the date and time stamping.
2. 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 reasonable request by a police officer or an authorised officer of the licensing authority.
3. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player.
4. At the end of trading each day, the pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept or washed, and litter and sweepings collected and stored in accordance with the approved waste storage arrangements.
5. All takeaway packaging and wrappers shall clearly identify the premises, ie. by way of company logo or name.
6. Deliveries to the premises shall be conducted in a manner that will not
7. Cause a nuisance to the occupiers of any residential properties surrounding the delivery address and deliveries shall be made at a time which will not lead to any public nuisance.
8. All employees will be vigilant and monitor the area immediately outside the shop to ensure that members of the public do not cause annoyance by congregating.
9. Licence holder shall ensure all licensing objectives are known to employees and followed.
10. The Premises Licence holder will operate a zero tolerance approach towards drunken and anti-social behaviour.

11. The Premises Licence holder will ensure that prominent, clear and legible notices are displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
12. The Premises Licence holder will ensure that no children under the age of 16 will be allowed on the premises after 20:00hrs unless accompanied by adult.
13. In addition to any other training, the premises licence holder shall ensure that all staff are trained to prevent underage sales, are aware of and prevent proxy sales, recognising signs of drunkenness & refusing the sale, complying with licence conditions, maintain the refusals log, and that they monitor staff to ensure their training is put into practice.
14. All training will be documented, signed and dated and refreshed at least every 6 months, and will be made available to authorised officers upon request.
15. A log shall be kept at the premises to record all refused/ challenged sales of alcohol. The log shall record the date and time of the refusal/ challenge, reason for challenge/ refusal and the name of the member of staff dealing. The log will 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 to ensure that it is being used by staff and each check shall be recorded in the log.
16. The premises shall display prominent signage indicating at any point of sale that it is an offence to sell alcohol to anyone who is drunk.
17. All staff will be authorised to sell alcohol in writing and a record of the authorisation will be kept in the shop available for inspection.
18. A written recruitment procedure will be in place which includes the steps that will be taken by the licence holder to check the immigration status and the eligibility of an individual to work in the UK in accordance with the Home Office Guidance for employers on preventing illegal working in the UK.
19. The licence holder shall ensure that anyone who appears to be under 25 who attempts to purchase alcohol will be asked to prove their age by producing an acceptable form of photographic ID such as a passport, photo driving licence, military ID and PASS accredited proof of age cards.
20. A refusals register (for the sale of alcohol) will be kept and maintained and be made available for inspection by responsible authorities.
21. Notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age. A due diligence checklist (aimed at preventing any underage sales) will be kept and be available for inspection by responsible authorities.
22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
23. The premises licence holder shall ensure that the provision of door supervisors at the premises is appropriate to ensure the safe control of the premises, and

shall review this on a regular basis and upon request from GMP.

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