

# GREATER MANCHESTER POLICE - REPRESENTATION

## About You

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

## About the Premises

Application Reference No.	<b>LPA 248598</b>
Name of the Premises	<b>Tony's Café</b>
Address of the premises including postcode	<b>39 Button Lane, Manchester M23 0LZ</b>

## 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 application in relation to the above premises on the grounds of Prevention of Crime and Disorder and the Prevention of Public Nuisance.

The premises are situated in a parade of commercial premises in a densely residential area and the applicant is seeking to sell alcohol for consumption on and off the premises from 11am each day to 2pm Sunday to Wednesday and until 11pm Thursday to Saturday. They are also seeking to be allowed to have regulated entertainment in the form of recorded music from 8am during the week and from 10am at weekends.

The applicant has offered some conditions within the operating schedule but due to the residential nature of the area GMP don't believe that these are robust enough to ensure that the Licensing objectives will not be undermined.

GMP are concerned that the premises is likely to become more of a bar than a café, which also sells alcohol, and that the outside area could cause noise disturbance to nearby residents if allowed to be used until the times stated in the application.

Therefore if committee were minded to grant the licence GMP would ask that the following conditions are attached:

**Alcohol for consumption on and/or off the premises will only be sold ancillary to the purchase of food.**

**The outside area shall not be used after 2100hrs each day and the outdoor furniture will be secured or removed so as it cannot be used.**

**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 28 days 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 disc, flash card etc.), a secure storage system to store those recording mediums**

**shall be provided.**

**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.**

**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.**

**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.**

**There shall be no external speakers in operation at the premises.**

From: <[Alan.Isherwood@gmp.police.uk](mailto:Alan.Isherwood@gmp.police.uk)>

Date: Wed, 2 Sep 2020 at 11:38

Subject: RE: LPA 248598

To: <[REDACTED]>, <[premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)>

Cc: <[CentralLicensing@gmp.police.uk](mailto:CentralLicensing@gmp.police.uk)>

Dear All,

In view of the email from the applicant Mr Baker, in which all the conditions requested by GMP are agreed, we are happy for the licence to be granted with those conditions attached.

Please can this application now be shown as agreed between the applicant and GMP.

Kind Regards

Alan

PC 17659 Alan Isherwood  
Divisional Licensing Officer  
Greater Manchester Police  
City of Manchester Division  
1st Floor  
Manchester Town Hall Extension  
Lloyd Street  
Manchester  
M2 5DB

[alan.isherwood@gmp.police.uk](mailto:alan.isherwood@gmp.police.uk)

0161 856 6017

Follow us on Twitter: @gmpolice

\*NOT PROTECTIVELY MARKED\*

From: anthony BAKER [mailto:[\[REDACTED\]](mailto:[REDACTED])]

Sent: 02 September 2020 10:49

To: Alan Isherwood

Cc: Premises Licensing

Subject: LPA 248598

Hi Alan

I have received your email and am happy to comply with the recommendation s set out

With regards

Anthony baker  
Tony's café  
39 button lane northern moor

**Licensing & Out of Hours Compliance Team  
Evidence for Sub Committee Hearing**

Name	Mr Matthew Stewart
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall, Manchester, M60 2LA
Email Address	Matthew.stewart@manchester.gov.uk
Telephone Number	0161 234 1220

**Premise Details**

Application Ref No	248598
Name of Premises	Tony's Cafe 2
Address	39 Button Lane, Manchester M23 0LZ

**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.

We, the Responsible Authority for Environmental Health, are submitting a representation following the application for a licence to permit:

- **Provision of regulated entertainment indoors (recorded music):  
Mon to Fri 8am to 11pm, Sat 10am to 11pm, Sun 10am to 10.30pm**
- **The supply of alcohol for consumption both on and off the premises:  
Sun to Wed 11am to 2pm, Thu to Sat 11am to 11pm**

We have assessed the likely impact of the grant of this application; taking into account a numbers of factors, including: the nature of the area in which the premises is located; the hours applied for, and the potential risk that the granting of this license could have on the four licensing objectives.

The premises is operating as an eat in or takeaway cafe, designed to serve both the local community along with passing trade. Located on Button Lane, which is within the Brooklands Ward (South). The premises is situated within a mixed use building with commercial premises on the ground floor and residential properties above and in close proximity to residential dwellings; local businesses; a community park and a Primary School.

We believe this premises may give rise to public nuisance from noise and litter due to the close proximity to residential dwellings and hours applied for.

The grounds for representation are:

- **the prevention of public nuisance**

We are concerned that if this application for a new premises licence is granted, it will increase the footfall in the area and increase the number of patrons congregating in the area following dispersal from the premises until the requested closing time of 23:00. This could lead to an increase in public nuisance and impact adversely on local residents, businesses and other licensed premises in the area.

We believe that the grant of this licence would not promote the aforementioned objectives as the steps provided by the applicant do not fall in line with the Revised Guidance issued under Section 182 of the Licensing Act 2003 which suggests conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve.

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate.

If the Licensing Authority was to support the grant of this application based on the steps provided by the applicant the licence would be unclear to the Premises Licence Holder, Designated Premises Supervisor, Enforcement Officers, the Courts and local residents.

The Licensing and Out of Hours Team in our capacity as the Environmental Health Responsible Authority agree to approve this licence application with the following amendments to the proposed hours and conditions to further support licensing objectives within the Licensing Act 2003 and Manchester City Councils Statement of Licensing 2016-2022.

## **General**

The premises shall only operate as a restaurant/café:

- (i) in which customers are shown to their table
- (ii) that provides food in the form of substantial table meals prepared on the premises and served and consumed at the table using non-disposable crockery
- (iii) that does not provide any takeaway service of drink for immediate consumption

Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a takeaway meal.

All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

## **The prevention of crime and disorder**

All staff shall be briefed and be aware of their responsibilities and relevant company operating procedures before they commence paid duty at the premises.

Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry to the premises.

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:

- all crimes reported to the venue, or by the venue to the police
- all ejections of patrons
- any complaints received

- any incidents of disorder
- seizures of drugs, offensive weapons, fraudulent ID or other items
- any faults in the CCTV system, searching equipment or scanning equipment
- any refusal of the sale of alcohol
- any faults in the CCTV system, searching equipment or scanning equipment
- any visit by a relevant authority or emergency service
- the times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.

All staff shall be trained in

- relevant age restrictions in respect of products,
- recognising signs of drunkenness,
- how to refuse service,
- the premises' duty of care,
- company policies and reporting procedures,
- action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services,
- the conditions in force under this licence.

Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals.

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, 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. 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.

### **Public safety**

All firefighting equipment is inspected and serviced in line with the appropriate British Standard.

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.

All staff on duty at the premises shall be trained in the Fire Safety and Evacuation procedures for the premises and aware of their individual responsibilities.

The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware.

### **The prevention of public nuisance**

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

Speakers shall not be located/operated in the entrance lobby or outside the premises.

Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.

There shall be a documented smoking policy, as agreed with the Manchester City Council Environmental Health section, implemented at the premises and a copy lodged with the Council's Licensing Unit.

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.

Patrons permitted to temporarily leave and then re-enter the premises, eg. to smoke, shall not be permitted to take drinks or glass containers with them.

No rubbish, including bottles, shall be moved, removed or placed in outside areas between 21:00 and 08:00 hours.

There shall be a documented dispersal policy, as agreed with the relevant responsible authorities, implemented at the premises and a copy lodged with the Council's Licensing Unit.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

Recommendation: **Approve with Conditions (Outlined Above)**

From: **Matthew Stewart** <[m.stewart@manchester.gov.uk](mailto:m.stewart@manchester.gov.uk)>  
Date: Wed, 9 Sep 2020 at 13:21  
Subject: LPA 248598, Tony's Cafe, 39 Button Lane, Manchester, M23 0LZ  
To: Premises Licensing <[premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)>

Hello,

Please see the email chain below. We have agreed to change a condition we put forward on a representation as detailed below.

If you need any further information please let me know.

Regards,

**Matt Stewart**  
Neighbourhood Officer (City Wide)  
Union Representative for Unite the Union

**Direct:** 0161 245 7736 (ex 37736) | **Mobile:** 07976 904089

**Please note:** in the event of legal proceedings, this correspondence and any replies could be disclosed to the Court.

----- Forwarded message -----

From: **anthony BAKER** <[REDACTED]>  
Date: Thu, 3 Sep 2020 at 18:06  
Subject: Re: FW: Premises licence  
To: Matthew Stewart <[m.stewart@manchester.gov.uk](mailto:m.stewart@manchester.gov.uk)>

Hi Mathew  
Thank you and yes I agree with the amendments

Anthony baker  
Tony's café

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**From:** Matthew Stewart <[m.stewart@manchester.gov.uk](mailto:m.stewart@manchester.gov.uk)>  
**Sent:** Thursday, September 3, 2020 10:11:13 AM  
**To:** anthony BAKER <[REDACTED]>  
**Subject:** Re: FW: Premises licence

Hi Mr Baker,

Thank you for your email.

I have responded to each of your points below:

- 1) As it stands, this would be acceptable and not considered a breach of the licence conditions as the customer would still be purchasing a drink ancillary to a meal
- 2) I will agree to change the following conditions:

**from:**

"The premises shall only operate as a restaurant/café:

- (i) in which customers are shown to their table
- (ii) that provides food in the form of substantial table meals prepared on the premises and served and consumed at the table using non-disposable crockery
- (iii) that does not provide any takeaway service of drink for immediate consumption

Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a takeaway meal."

**to:**

"The premises shall only operate as a restaurant/café:

- (i) in which customers are shown to their table
- (ii) that provides food prepared on the premises and served and consumed at the table using non-disposable crockery
- (iii) that does not provide any takeaway service of drink for immediate consumption

Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to takeaway food"

- 3) I am satisfied the conditions we have proposed will support the promotion of the four licensing objectives therefore, will not be making any further amendments to the proposed.

If you are in agreement with the above, we would support the grant of the licence on the proposed conditions in our rep and the amendments above.

Regards,

**Matt Stewart**

Neighbourhood Officer (City Wide)  
Union Representative for Unite the Union

**Direct:** 0161 245 7736 (ex 37736) | **Mobile:** 07976 904089

**Email:** [m.stewart@manchester.gov.uk](mailto:m.stewart@manchester.gov.uk) | **Web:** [manchester.gov.uk](http://manchester.gov.uk)

**Please note:** in the event of legal proceedings, this correspondence and any replies could be disclosed to the Court.

On Wed, 2 Sep 2020 at 15:59, anthony BAKER <[REDACTED]> wrote:

Sent from [Mail](#) for Windows 10

**From:** [anthony BAKER](#)

**Sent:** 02 September 2020 09:14

**To:** [mathew.stewart@manchester.gov.uk](mailto:mathew.stewart@manchester.gov.uk)

**Cc:** [Premises Licensing](#)

**Subject:** Premises licence

Hi Mathew

I would like to confirm I agree to the conditions from yourselves

But would like if you could clarify the following point

- 1 . I would like to be able to serve a further drink to a customer who has finishing eating a meal
- 2 . I would like to be able to serve a cold beer to a customer who has come in for a cold sandwich
- 3 . I would like to be able to serve a beer to a small group where the customer s are not all buying food

My intentions for the café are to offer a beverage in a warm welcoming family café

Can you please look at this points and advise according

Thank you

Anthony baker

Tony's café

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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)

<b>ABOUT YOU</b>		PLEASE NOTE: LICENSING OFFICERS, LICENSING COMMITTEE MEMBERS AND THE APPLICANT CAN VIEW THE INFORMATION PROVIDED ON THIS FORM
<b>Your first name (required)</b>	<b>Your last name (required)</b>	
Helene	Corlett	
<b>Your address including postcode (required)</b>		
Trading Standards Service 1 Hammerstone Road Manchester M18 8EQ		
<b>Contact email address</b>	<b>Contact phone no</b>	
Helene.corlett@manchester.gov.uk	██████████	
<b>Your signature</b> (I hereby declare the information I have provided on and with this form is correct to the best of my knowledge and belief)		

<b>ABOUT THE PREMISES</b>
<b>Application Ref No. (if known):</b>
<b>Name of the Premises about which you would like to make a representation:</b>
Tony's Café 2
<b>Address of the Premises (including postcode if known):</b>
39 Button Lane, Manchester, M23 0LZ

<b>YOUR REPRESENTATION</b>
<b>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)</b>
<p>It is a mandatory licensing condition for all licensed premises to have an age verification policy in place. The applicant states a Challenge 25 age verification policy will be implemented. However, the application is short on detail on how this will be achieved and monitored. Therefore, to promote the licensing objective of the protection of children from harm we would like the following conditions to be attached to the licence, should it be granted.</p> <ol style="list-style-type: none"> <li>1. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 will be asked to provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a valid passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.</li> </ol>

2. A refusals log shall be maintained in which members of staff shall record any instances of a refusal to sell alcohol. This can be in computer or paper format. The name of the person refusing the sale, their signature and the date, time and reason for the refusal shall be recorded. Managers shall regularly inspect the log and record they have inspected it so that the implementation of the policy by staff can be monitored.
3. The refusals log shall be made available for inspection on request by an officer of Greater Manchester Police or an authorised officer of Manchester City Council.
4. 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 purchases, to maintain a refusals log and monitor staff to ensure their training is put into practice.
5. Documented records of training completed shall be kept for each member of staff. Staff shall be trained in how to prevent underage sales before being permitted to sell alcohol. Training shall be regularly refreshed for each member of staff and at no greater than 6 monthly intervals.
6. The premises shall display prominent 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.

**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: **anthony BAKER** <[REDACTED]>  
Date: Wed, 12 Aug 2020 at 11:14  
Subject: Re: Premises Licence (new) application 248598/PW5: Tony's Cafe 2, 39 Button Lane, Manchester, M23 0LZ, (Brooklands ward)  
To: Premises Licensing <[premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)>

Hi Patrick  
I have read and agree with the amendment from Helene

Anthony baker  
Tony's café

From: **anthony BAKER** <[REDACTED]>  
Date: Wed, 12 Aug 2020 at 11:11  
Subject: Re: premises licence  
To: Helene Corlett <[helene.corlett@manchester.gov.uk](mailto:helene.corlett@manchester.gov.uk)>, Premises Licensing <[premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)>

Hi Helene  
I have read the new wording paragraph 4 and I fully agree with it

Anthony baker  
Tony's café

From: **Helene Corlett** <[helene.corlett@manchester.gov.uk](mailto:helene.corlett@manchester.gov.uk)>  
Date: Wed, 12 Aug 2020 at 09:33  
Subject: Re: premises licence  
To: Premises Licensing <[premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)>  
Cc: anthony BAKER <[REDACTED]>

Hello Tony  
As we've agreed an alteration to my original reps regarding digital till prompts, I've amended my previous representations and attached them to this email for you to review (please see para 4). I'd be grateful if you could let me and licensing know whether or not you agree with the amended representations.  
Kind regards  
Helene

From: **Councillor Glynn Evans** <[cllr.g.evans@manchester.gov.uk](mailto:cllr.g.evans@manchester.gov.uk)>

Date: Thu, 3 Sep 2020 at 15:39

Subject: Re: Enquiry

To: Fraser Swift <[REDACTED]>

Hi Fraser my objection this is a cafe on a small parade of shops in the past we had issues with youths congregating our side the shops underage drinking drug taking intimidating customers.

The previous tenants at the cafe closed because of the nuisance element .

The supermarket next door sells alcohol so there is no need to sell alcohol .

Residents who live opposite are concerned about loud live music which will attract youths back again .

I am unsure how the owner will be able to control the out side on a public place .

From: [REDACTED] <[REDACTED]>  
Date: Thu, 20 Aug 2020 at 12:10  
Subject: Button lane cafe license  
To: [premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk) <[premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)>  
[k](#)>

I've been made aware about that the cafe shop on button lane has applied to get a liquor license

I want to object and disapprove for this to go ahead.

I am a tenant and live in one off the property's above these shops I have two young kids as do many other tenants have kids & one has just had a new born baby. We will definitely not benefit from this planning going a head we get enough trouble, fights, police calls, stabbings etc around here the last thing we need is a bar opening.

The last thing I want is to be kept up with all the noise and for my kids to be waken up by it all

I'm not a huge sleeper as it it we don't need this.

My kids soon to be starting school again they need plenty off rest & myself work 5 days a week & have been working all through this pandemic, I'm sure I won't be the only one / tenant here to disapprove off this going ahead.

For one none off us tenants or shop owners have an a letter in advance to be made aware off this which I think is disgraceful, just a lousy poster had been put on the cafe shutters & doors.

I hope you can take all off this into consideration and make a sensible decision.

Sent from my iPhone

From: [REDACTED] <[REDACTED]>  
Date: Tue, 11 Aug 2020 at 20:01  
Subject: Tony's Cafe Button Lane  
To: <[cllr.g.evans@manchester.gov.uk](mailto:cllr.g.evans@manchester.gov.uk)>, <[cllr.s.cooley@manchester.gov.uk](mailto:cllr.s.cooley@manchester.gov.uk)>  
Cc: Julie Roscoe <[REDACTED]>,  
<[cllr.b.curley@manchester.gov.uk](mailto:cllr.b.curley@manchester.gov.uk)>

Good Evening

I am writing to raise my concerns over the application for an alcohol and music licence for Tony's Cafe, Button Lane, Northern Moor. We have had trouble with groups meeting around the shops in the past and would hate for there to be a reoccurrence of this. Tony's was open late on occasion before lockdown. On one particular night a group was causing a nuisance and my husband had to go out and ask them to move on.  
We can not have that week in week out.  
Please let me know if you require any further information from me.

Regards

[REDACTED]  
[REDACTED]  
[REDACTED]

From: [REDACTED] <[REDACTED]>

Date: Fri, 4 Sep 2020 at 08:01

Subject:

To: Fraser Swift <[REDACTED]>

I am registering my concern regarding the application for a music and alcohol licence at the cafe on Button Lane Northern Moor Wytheshawe. Manchester. This is a shop premises..and is totally unsuitable to be used as a bar and to have music. It is a residential area...I and my neighbours think alcohol and music will promote unsocial behaviour. We used to have a take away next door to the aforementioned cafe premises..it is now closed...when operating we had so many undesirables congregating. ..and trouble ensued. I understand the need to "drum up business " in these difficult times. ..I have no objection to the cafe...but alcohol and loud music is not for this area. The shop next door sells alcohol....please do your best to reject this application. Many thanks. [REDACTED]

[REDACTED]