



Licensing Act 2003 (Hearings) Regulations 2005

Reference: 248766
Name: U Marlenki Ltd
Address: 295 Palatine Road, Manchester, M22 4HH
Ward: Northenden
Application Type: Premises Licence (new)
Name of Applicant: Mrs Marlena Doros-Nowak
Date of application: 14 August 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

The supply of alcohol for consumption off the premises only:

Monday to Friday 9.00am to 6.00pm

Saturday 9.00am to 5.00pm

Sunday 10.00am to 4.00pm

Opening hours:

Monday to Friday 9.00am to 6.00pm

Saturday 9.00am to 5.00pm

Sunday 10.00am to 4.00pm

Representations received

Greater Manchester Police

GMP have expressed concerns over the applicant's understanding of the Licensing Objectives due to the lack of enforceable conditions offered via the Operating Schedule submitted with the application. Consequently so GMP are requesting that the application be refused.

Licensing & Out of Hours Compliance	As with GMP, LOOH Compliance are not satisfied that the applicant has displayed a sufficient understanding or depth of knowledge of the Licensing Act provisions relating to the upholding of the Four Licensing Objectives. However, LOOH Compliance has put forward a range of conditions that it is felt will ensure compliance with the Licensing Act 2003 in regard to ensuring the upholding of the Four Licensing Objectives.
The Trading Standards Service	It is of concern to the Trading Standards Service that the applicant has provided little to no understanding of how best to uphold the Licensing Objective relating to the protection of children from harm (with particular reference to applying an age verification policy at the premises). Although the Trading Standards Service has requested a refusal of the application it has been suggested that, as a proviso, specific conditions be adopted on to any premises licence which may be granted by way of a hearing.

Agreements between parties

Following the end of consultation the applicants' representative submitted a revised Operating Schedule (which incorporated all of the proposed conditions being put forward by the Licensing Out of Hours and Compliance Team and The Trading Standards Service via their representations as well as extra conditions to address potential issues relating to the prevention of crime and disorder and the upholding of public safety at the premises). Consequently so all Responsible Authorities/parties who had submitted a representation against the application confirmed their agreement to grant the licence subject to the conditions being put forward via the revised Operating Schedule document.

Greater Manchester Police, the Licensing Out of Hours Compliance Team and The Trading Standards Service have agreed to the following conditions:

- A camera CCTV system shall be in place covering all public areas of the premises
- The CCTV system shall continuously record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum of 31 days and can be accessed and downloaded immediately when requested by the police or other authorised officer
- There shall always be at least one person present whilst the premises is open to the public who is able to operate and download images from the CCTV
- SIA door staff shall be employed at the premises where identified as necessary

by risk assessment.

- When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - the number of door staff on duty;
 - the identity of each member of door staff;
 - the times the door staff are on duty.
- An incident log shall be kept at the premises, and made available on request to the police or an authorised officer, which shall record the following:
 - all crimes reported to the venue;
 - any complaints received;
 - any incidents of disorder;
 - any faults in the CCTV system;
 - any visit by a relevant authority or emergency service;
 - all ejections of patrons;
 - all seizures of drugs or offensive weapons;
 - any refusal of the sale of alcohol.
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
- No rubbish, including bottles, shall be moved, removed or placed in outside areas between 21:00 and 08:00 hours.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.
- All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- The premises shall be maintained in a safe manner at all times.
- All exits shall be kept unobstructed, easy to open and clearly signed.
- The Challenge 25 scheme shall be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.
- 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, 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.
- The premises shall display prominent signage indicating at point of sale and in all areas where alcohol is located that the Challenge 25 scheme is in operation

- A log shall be kept at the premises and record all refused sales of alcohol for the reasons that the person(s) is, or appear to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log shall 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.

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