

GREATER MANCHESTER POLICE - REPRESENTATION

About You

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| Name | PC Alan Isherwood |
| Address including postcode | 1 st Floor Manchester Town Hall Extension Lloyd Street Manchester |
| Contact Email Address | [REDACTED] |
| Contact Telephone Number | [REDACTED] |

About the Premises

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| Application Reference No. | LPA 248967 |
| Name of the Premises | Karibu |
| Address of the premises including postcode | 911 Ashton New Road, Manchester M11 4PB |
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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.

The application seeks to allow the premises to sell alcohol and provide late night refreshment until 0000 hours Monday to Thursday and until 0200 hours on Friday, Saturday and Sunday with closing 30 minutes later.

The premises are situated in close proximity to residential properties and GMP are concerned that the lateness of the hours requested will almost certainly cause a noise disturbance to those persons who reside close to the premises. The proposed weekend hours in particular are more in keeping with a City centre premises and although the application states that the premises is a restaurant and bar, there would be nothing to stop the premises operating primarily as a bar.

Manchester City Council's own licensing policy states:

The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance

7.25 Where its discretion is engaged, the licensing authority will ensure that due consideration is given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises, to ensure they are located in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives. The potential impact on any local residents will be an important matter for consideration.

7.26 Where premises are in the direct vicinity of local residential properties, and where its discretion is engaged, the authority will give particular consideration to measures proposed in the application in relation to prevent nuisance, such as:

- Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise
- Prevention of noise disturbance from people entering and leaving the premises (eg. queue management, dispersal policy)
- Prevention of disturbance by people outside the premises (eg. smoking areas)
- Litter from the premises (This issue is considered particularly relevant in respect of late-night takeaways and smoking-related litter outside licensed premises)

— Disturbance caused by deliveries associated with licensable activities, including waste collection.

7.27 The leisure and night-time economy can be an important contributor to an area's appeal to work, live or visit there. However, each of our neighbourhoods is different to each other and services need to be flexible to meet these different needs. For example, while doorstep access to a thriving late-night-time economy appeals to many living and working in the city centre, it will not be acceptable to those in other areas of the city.

7.28 Where its discretion is engaged, the licensing authority will give consideration to the appropriateness of hours applied for, having regard to the location of premises and their likely effect on the promotion of the four licensing objectives. While it is recognised that in some circumstances flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided, the licensing authority will consider restricting hours to ensure the promotion of the licensing objectives, subject to relevant representations being made in relation to the hours applied for, should the licensing authority deem this appropriate and proportionate following a hearing.

7.29 The authority considers that later hours will typically be more sensitive and higher risk in causing problems.

7.30 Applicants are strongly encouraged only to apply for hours that they realistically intend to operate, as later hours are typically more likely to attract objections.

7.31 It is recognised that in spite of the quality of the operation of the business, where patrons are out of the control of the licensee, the lateness of the terminal hour for the premises will often be a contributory factor in the potential for disturbance.

7.32 Therefore, where its discretion is engaged, the authority will be mindful of the density of residential use in proximity to the premises and the level of risk of nuisance arising. The authority expects that terminal hours will normally be earlier to promote the licensing objectives for licensed premises located in areas with a higher density of residential property.

7.33 Later hours will generally be more appropriate within the city centre than other areas due to the developed infrastructure in respect of managing a later night-time economy, such as the comprehensive integrated CCTV network, increased access to public transport, cleansing services, and a more visible enforcement presence. In mixed-use environments, such as the city centre, noisier impacts are not always derived from actions of a small number of excessively antisocial individuals but can also come from large numbers of people going about the business of having a good time. While such environments will not be expected to be completely noise-free and peaceful environments, the authority considers that noise affecting residential properties should remain within tolerable levels such that home life remains viable and restful sleep a possibility.

7.34 Where noise nuisances can be clearly identified as arising from the activities of customers of a specific licensed premises, or there is risk identified upon application of such nuisance occurring, where its discretion is engaged, the licensing authority may reduce the trading hours of licensed premises on the grounds of their noise impact if it is determined that the licensing objectives will be undermined. Where objections are made to the lateness of the terminal hour, it would be appropriate for an applicant to engage with local residents and other parties to try to address the issues raised. The licensing authority would strongly encourage applicants to engage proactively prior to the making of an application and as appropriate when an application is pending.

7.35 Where its discretion is engaged, the licensing authority will not consider the fact that other premises in the vicinity already have similar hours as a justification for granting similar or extended hours, and each application will be considered on its individual merits.

We therefore ask that this application is refused.



Licensing & Out of Hours Compliance Team - Representation

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| Name | Lauren Connell |
| Job Title | Neighbourhood Compliance Officer |
| Department | Licensing and Out of Hours Compliance Team |
| Address | Level 1, Town Hall Extension, Manchester, M60 2LA |
| Email Address | [REDACTED] |
| Telephone Number | [REDACTED] |

Premise Details

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|--------------------|--|
| Application Ref No | REF 248967 |
| Name of Premises | Karibu |
| Address | 911 Ashton New Road, Manchester, M11 4PB |

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.

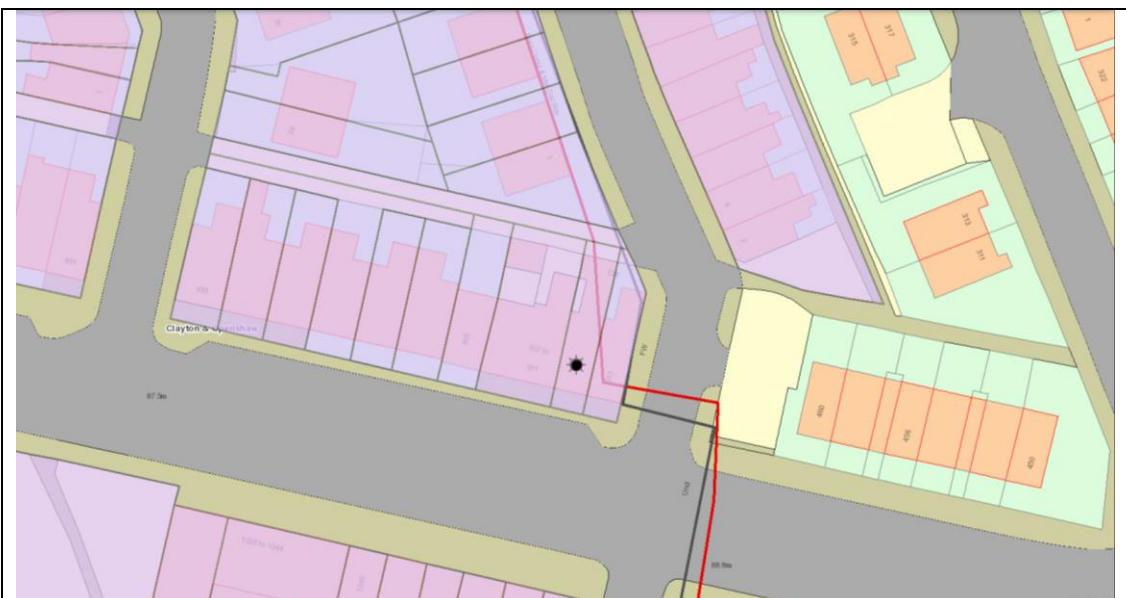
The Licensing and Out of Hours Team (LOOHT) have assessed the likely impact of the grant of this new premise licence taking into account a numbers of factors, including the nature of the area in which the premises is located, the hours applied for and any potential risk that the granting of this application could lead to undermining the prevention of public nuisance as a licensing objective under the Licensing Act 2003.

The LOOHT have also given consideration to Manchester City Council's Statement of Licensing Policy 2016 -2021, specifically:

S7.25 in relation to the proximity of the premises to local residents and other local businesses particularly in relation to the potential for nuisance.

'Where premises are in the direct vicinity of local residents properties, and where discretion is engaged, the authority will give particular consideration to measures proposed in the application in relation to prevent nuisance.'

The premises is located on a busy arterial route in and out of Manchester City Centre on Ashton Old Road and is based in a heavily residential area with domestic properties above the applicant, either side, opposite and rows of terraced houses to the rear of the applicant. Please see attached map of the location in relation to the volume of nearby residential properties, the premises is the black dot:



The applicant has applied for the following:

Hours open to the public:

Monday – Thursday 1300 to 0030

Friday – Sunday 1300 to 0230

The supply of alcohol on the premises only:

Monday – Thursday 1300 to 0000

Friday – Sunday 1300 to 0200

To provide late night refreshments:

Monday – Thursday 2300 to 0000

Friday – Sunday 2300 to 0200

Section 7.26 of the Manchester City Council's Statement Licensing Policy which states that "Where premises are in the direct vicinity of local residential properties, and where its discretion is engaged, the authority will give particular consideration to measures proposed in the application in relation to prevent nuisance, such as:

- Prevention of disturbance by people outside the premises (e.g. smoking areas);
- Prevention of noise disturbance from people entering and leaving the premises (e.g. queue management, dispersal policy)

Section M of the application allows the applicant to describe the steps they will take in order to promote the licensing objectives. The applicant has given little regard to nearby residents or to how they can promote the licensing objective prevention of public nuisance by offering very few conditions, failing to address potential issues that patrons may cause whilst directly congregating outside when queuing to enter, smoking outside and leaving the premises late at night in the early hours of the morning,

Given the close proximity of the surrounding residential properties we believe the current condition offered is not sufficient to uphold the licensing objectives nor will it help to reduce the likelihood of noise nuisance from both music levels and their customers. Any noise emanating from the premises is likely to travel further into the area at the late hours applied for as there is little to no ambient noise in these early hours as traffic reduces.

Section 7.10 of the Manchester City Council's Statement Licensing Policy states "Applicants are encouraged to state in their operating schedule whenever their proposed alcohol licence is not for vertical drinking, in order that appropriate conditions can be attached to the licence. If this is not done, relevant representations may be made on the basis of a risk that the

premises will convert into a vertical drinking establishment, in which event the authority will consider whether preventive conditions are appropriate and proportionate.” In part 3 of the operating schedule the applicant has advised that “The premises is to trade as a restaurant/ bar, with the sale of alcohol for consumption on the premises, and late night refreshment to allow the sale of hot food beyond 23:00 hours.” The applicant fails to advise if this establishment will discourage customers from vertical drinking. This leads to further concerns that coupled with the granting of the late hours applied for this venue could convert into a late night drinking destination which would create a strong likelihood for public nuisance.

With consideration to the Statement of Licensing Policy and to ensure the licensing objectives are upheld, LOOHT recommend the application to be approved with the following amendments to the operating schedule to allow them to:

Open to the public:

Monday – Thursday 1300 to 2230

Friday – Sunday 1300 to 0030

To supply alcohol:

Monday – Thursday 1300 to 2200

Friday – Sunday 1300 to 0000

To provide late night refreshments:

Monday – Thursday – No requirement as premises would close at 2230

Friday – Sunday 2300 to 0000

We would also request that the following conditions to be attached to the licence:

- All windows and external doors shall be kept closed between 19:00 and close, except for immediate access and egress of persons.
- The licence holder shall enter into an agreement with a taxi company to provide transport for customers. A call-back system must be operated and drivers instructed not to sound their horns when collecting customers.
- Alcohol shall only be sold to persons as ancillary to food.
- All customers shall be seated.
- Alcohol shall be supplied by waiter/waitress service only.
- Alcohol shall not be taken off the premises.
- Any person who appears intoxicated shall be refused entry to the premises.
- No glassware to be collected from the premises or to be disposed of into outside waste receptacles between 2200 and 0800.
- 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.
- Staff shall regularly clean (and endeavour to keep clear of litter) the area immediately in front of the premises.
- 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.

The Licensing and Out of Hours Team consider the conditions 'appropriate and proportionate' to uphold the licensing objectives.

Recommendation: Approve with Conditions (Outlined Above)

Resident 1

From: [REDACTED] >
Date: Sun, 23 Aug 2020 at 21:50
Subject: Disagreement letter towards alcohol license 911 Ashton New Road
To: premises.licensing@manchester.gov.uk
<premises.licensing@manchester.gov.uk>

Hi, my name is [REDACTED] and I am the owner of [REDACTED]
[REDACTED]

Today I am writing this letter to let you know that I have a strongly disagreement towards [REDACTED] Karikumutima Ponga Nyanzira who's the owner of 911 Ashton New Road M11 4PB made an application for an alcohol consumption license.

I have been living at this property for a couple months and [REDACTED]
[REDACTED] I believe that I have experienced the worst month ever. As for my job I usually finish work and arrive [REDACTED], what I expected was to arrive home and rest as I have had a long day. However, when it comes to the weekend after working extra hard, I arrive home and [REDACTED] is bombarded by the loud music and talking, laughing noises [REDACTED]. They even had social gathering outside [REDACTED] during quarantine with drinks and food everywhere.

[REDACTED] I try to settle with this situation as I understand everyone needs a little fun during this pandemic. However, if this is increased to every single week without the seeing of the end then I will be the first to make this disagreement, and I really wish that you will take my consideration seriously as I believe this will not just affect myself but the whole neighbourhood.

Many thanks, [REDACTED]
[REDACTED]

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Resident 2

On Mon, 24 Aug 2020 at 13:35, [REDACTED] wrote:

My name is [REDACTED].

I am here writing a letter to make a complaint and disagreement towards the Alcohol license application made by the owner of 911 Ashton New Road, M11 4PB Karikumutima Ponga Nyanzira.

For the past two months, I have been seriously disturbed by the party gathering from this property. Almost every weekends they will have many people over (even during quarantine) to form social gatherings with musics and food and loud voices. I even had to buy ear plugs for this specific reason.

As I work [REDACTED], therefore I have to wake up really early in the morning, so weekends are the only time for me to take a deep rest. But because of the loud music and noises I am unable to do so, for the past two months I can almost only fall asleep after 1AM. On the license application notice it stated that the restaurant will continue to open until 2AM on Friday to Sunday, this then means my only rest days will be taken away.

Please take my consideration carefully and seriously as by approving this decision it will make a huge impact on our peaceful neighbourhood.

Kind regards,

[REDACTED]

Resident 3

From: [REDACTED]

Date: Wed, 26 Aug 2020 at 20:02

Subject: Karibu Restaurant - Ashton New Road, Clayton, Manchester, M11 4PB

To: premises.licensing@manchester.gov.uk <premises.licensing@manchester.gov.uk>

Hi,

I Have received a notice posted through my door today, regarding the notice of application to grant an alcohol licence for 911 Ashton New Road, Clayton, Manchester M11 4PB.

I'm not too sure if this is one of many (if any) emails you receive but I am extremely concerned and grieved by this.

[REDACTED] and often have to subdue the regular parties and loud music, mixed with intoxicated people shouting and talking very loud throughout the evening, we have even had to clean up empty beer bottles and waste / smashed glass etc from the street in the past, as we have to walk through/past this after they have had their previous gatherings at this address.

There is also the issue with [REDACTED] parking space, The new premises offers very little options for parking, and this usually results in my space [REDACTED] being taken by parties visiting 911 Ashton New Road.

The proposed licence I believe is to permit the sale of alcohol upto midnight (during weekdays) and upto 02:00 at weekends. This is a great concern to my family, and my neighbours

I Please ask for the responsible parties to note my concerns while handling the licence permit application.

Please feel free to get in touch for any further information.

Thank you.

Regards

[REDACTED]

Resident 4

From: <webfeedback@manchester.gov.uk>

Date: Sat, 29 Aug 2020 at 11:12

Subject: Make representation to a licensing or gambling application

To: <premises.licensing@manchester.gov.uk>

Question Response

First name: [REDACTED]

Last name: [REDACTED]

Building number or name: [REDACTED]

Street: [REDACTED]

Area: [REDACTED]

Postcode: [REDACTED]

Email : [REDACTED]

Application reference number:

Premises name (if known) and full address this representation relates to: Karibu Restaurant, 911 Ashton New Road. Clayton, Manchester, M11 4PB

Which of the licensing objectives are relevant to your comments on this application: : The prevention of crime and disorder

Which of the licensing objectives are relevant to your comments on this application: : Public safety

Which of the licensing objectives are relevant to your comments on this application: : The prevention of public nuisance

Please state your comments on this application : This restaurant is not wanted in this area. We already have 11 food outlets in the space pf 100 yards of each other. There is already a restaurant opposite this premises that has been granted a licence with exactly the same conditions. This restaurant is breaking those terms that it was granted to open. These restaurants do not make any money out of catering food so they just start opening longer and just start to sell alcohol only. This then causes late night noise and trouble.I object strongly to another restaurant opening in this premises.

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Resident 5

From: [REDACTED]

Date: Sat, 29 Aug 2020 at 22:43

Subject: Licence application complaint

To: premises.licensing@manchester.gov.uk <premises.licensing@manchester.gov.uk

I wish to ask Manchester council not to grant a license to karibu restaurant,911 Ashton new rd,M11 4pb,, the applicant has had police sent to premises for parties and antisocial events,, there are parking issues,, residents next door,, people urinating in public,, personally having spoken with the applicant,she is not a fit & proper person..

Regards.

[REDACTED]

Resident 6

From: [REDACTED]

Date: Mon, 31 Aug 2020 at 14:40

Subject: Reject the opening of 911 Ashton new road Clayton Manchester

To: <premises.licensing@manchester.gov.uk>

I am writing on behalf of me [REDACTED] and all the other neighbours [REDACTED] to reject the proposal of the new opening of Karibe Resturant 911 Ashton new road Manchester M114pb 4pb.

The area is saturated with drugs. There is also a restaurant open just over the road With the same kind of music , late nights and partying till early hours Which causes a really big disturbance, so to have another restaurant opening Across the road from the one it is already there with late nights and parties will cause mass disturbance and disruption not just for me and my wife [REDACTED] [REDACTED] for all the neighbours [REDACTED] also the area. I have the backup from the neighbours around I can provide whatever information is necessary to prove we have the consent from others to support the decision of not opening another late night restaurant in our area.

Yours gratefully

[REDACTED]

Sent from my iPad

Resident 7

From: [REDACTED] >
Date: Sat, 5 Sep 2020 at 14:14
Subject: Contesting the opening of the 'Karibu Restaurant'
To: premises.licensing@manchester.gov.uk <premises.licensing@manchester.gov.uk>

Hello,

I hope this email finds you well,

I am writing with regards to the potential opening of the 'Karibu Restaurant' based on 911 Ashton New Road, M11 4PB.

My family and I [REDACTED] and would like to contest you granting them a new Premises Licence.

I have outlined a few reasons why this should be denied below:

We have already got premises over the road a restaurant and bar, which has already exceeded its opening and closing times, without adding to it.

Built up residential area.

Timings proposed are ridiculous, people are working even on weekends.

Have already demonstrated they cannot follow social distancing guidelines.

License hasn't been approved yet and people are already sat outside drinking.

Numerous food establishments already on the road, without adding to this.

As proven when leaving the establishment people are not respectful and are extremely noisy.

Constant stream of cars pulling up, with not enough parking.

Can I ask have they got the license already? As the name is currently on the window.

Please could you consider this email, as I think a few more are imminent. Us as a community shouldn't have to suffer with the above anymore as it is already out of control.

I hope to hear a response soon.

If you have any questions please do not hesitate to contact me.

Kind Regards,

[REDACTED]

Resident 8

From: [REDACTED] >

Date: Sun, 6 Sep 2020 at 12:52

Subject: Application for licence to trade : Karibu Restaurant, 911, Ashton New Road M11 4PB

To: premises.licensing <premises.licensing@manchester.gov.uk>

Dear sirs,

We, myself and [REDACTED] (aged [REDACTED])

OBJECT totally, wholly to this application to trade from these premises.....

We already have 3 licensed restaurants within 2/3 minutes walking distance of this proposed new outlet Also a Public House.

Along Ashton New Rd, from Edge Lane to Crabtree Lane their must be at least. 10-15 Take aways,
Who are all FIGHTING FOR BUSINESS.

So, We Do NOT want or need any more restaurants.....we already have problems with noise,loud music car doors slamming etc at all hours, from Q P Restaurant. Which we have complained to.

This is a Residential Area. We have problems with the parking for the residents, never mind Drinkers and diners. Because that's all they'll be selling is Alcohol.

We hope you will take into consideration our feelings and doubts at allowing a Licence for another UNWANTED RESTAURANT /BAR in our area.

Yours sincerely.

[REDACTED]