

GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC Alan Isherwood
Address including postcode	1 st Floor Manchester Town Hall Extension Lloyd Street Manchester
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Contact Telephone Number	0161 856 6017

About the Premises

Application Reference No.	LPV 249307
Name of the Premises	BFS and Convenience Store
Address of the premises including postcode	29 Withy Grove, Manchester M4 2BJ

Your Representation

Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the variation 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 premises are situated on Withy Grove in the Printworks area of the city centre, which has long been one of the busiest areas of the city centre. There Printworks itself contains numerous late night bars and there are other late premises on the adjacent streets.

Funky Chicken and BFS have traded as late night takeaways offering late night refreshment for several years and although the BFS unit has been permitted to sell alcohol between 10am and 4am each day, the unit has not done so for the past few years. Funky Chicken currently has 24 hour opening and BFS must close by 4.30am.

What this application is proposing is to turn the existing BFS side of the unit into a 24 hour convenience store with 24 hour alcohol off sales. In turn the existing Funky Chicken will become the new BFS with 24 hour alcohol sales off sales and will also remain open 24 hours a day as per the existing timings for that unit.

Due to the current Covid 19 pandemic Manchester city centre has seen a large increase in parties at Air BnB type properties and unfortunately they rarely comply with the government regulations and guidelines regarding social distancing, numbers of persons etc.

Due to the type of buildings in the Withy Grove/ Dantzic Street area there are quite a number of these type of premises that are regularly used to host these illegal gatherings and it is something which GMP are having to spend a lot of time dealing with, at a time when there is a huge amount of work needing to be done around other Covid 19 related problems.

These illegal gatherings are always fueled by alcohol and at the moment there is no off licence in the vicinity of this location which is open until the early hours, where persons attending these parties can replenish their alcohol stocks and thereby extend their parties for even longer.

Clearly if this application was granted then this would change and there would be an off licence right in the middle of this area selling alcohol until 4am each day and this would increase the problems that GMP are already facing in this location.

At the moment it is difficult to say what the future will look like in relation to Covid 19 and the restrictions that it

has lead to in the night time economy but hopefully, in time, the hospitality industry will recover to what it previously was and bars and clubs will remain open to their later hours, with large numbers of customers attending licensed premises.

In this location there are numerous bars which finish trading around 3 or 4am so GMP are concerned that, in more normal times, large numbers of people leaving the nearby premises will make a bee line for this convenience store to purchase more alcohol, which they will then likely drink on the street, causing more issues for the police to deal with.

It is difficult to see what customers the premises would be looking to target in this area between midnight and 5am other than late night revelers leaving the nearby bars, who are potentially already inebriated.

GMP are keen to help businesses get through this extremely worrying time and are working with them to find solutions to their business models but sometimes we get a proposal that, in the current climate and potentially in the future, is likely to increase issues that we are already having to deal with and unfortunately we cannot support it and this is the case with this proposed variation.

We believe if the variation was granted it would lead to an increase in alcohol related crime and anti-social behaviour in the area and, during these times of Covid restrictions, a potential increase in illegal gatherings in the nearby party pad type premises.

There is also no DPS attached to the premises licence, as the previous DPS resigned from the position in September of 2017.

We therefore ask that this application is refused.

Licensing & Out of Hours Compliance Team - Representation	
Name	Gareth Hall
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	gareth.hall@manchester.gov.uk
Telephone Number	0161 234 1220

Premise Details	
Application Ref No	R/676613
Name of Premises	BFS and Convenience Store
Address	29 Withy Grove, Manchester, M4 2BJ

<p>Representation</p> <p>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.</p> <p>The Licensing Out Of Hours Team (LOOH) have assessed the likely impact of the grant of this application taking into account a number of factors, including the nature of the area in which the premises is located, the hours applied for and any potential risk the granting of this licence could lead to including issues of public nuisance and the protection of children from harm.</p> <p>The premises are two separate units at ground floor level at 29 Withy Grove in Manchester City centre, located opposite the Arndale Centre car park and to the side of the Printworks complex. The premises is in close proximity to a number of nightclubs, bars, restaurants and takeaways on Withy Grove. BFS and Funky Chicken currently trade as fast food takeaways, the premises are located within a row of properties that contain both commercial and residential premises. Withy Grove is a busy commuter route and thoroughfare to the bus and tram exchange on Shudehill.</p> <p>The applicant is also the premises licence holder for the Lounge in the basement of 29 Withy Grove which operates as a night club and is open until 0430 Hours Sunday to Thursday and 0600 Hours Friday, and Saturday.</p> <p>The applicant has applied to sell alcohol for consumption off the premises from 0000 hours to 2400 hours Monday to Sunday. To provide late night Refreshment from 2300 Hours to 0500 Hours Monday to Sunday. Recorded Music 0000 to 2400 Monday to Sunday.</p> <p>Both BFS and Funky Chicken are on the same premises licence with differing conditions which are:</p> <p>BFS - Sale by retail of alcohol 1000 Hours to 0400 Hours on sales only</p> <p style="padding-left: 40px;">Recorded Music 1000 Hours to 0400 Hours</p> <p style="padding-left: 40px;">Late night refreshment 2300 Hours to 0400 Hours</p> <p>Funky Chicken - Late night refreshment only 2300 Hours to 0500 Hours</p>
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The applicant has submitted the reason for seeking the variation is to 'streamline the hours across both premises so they match and can be run hand in hand with each other'

On Sunday 3 March 2019 at 05:45 LOOH officers found that BFS was opening 24Hrs and Funky Chicken was closed, the premises licence only allowed Funky Chicken to open 24Hrs. A point that the then Premises licence holder and persons in charge of the premises were not aware of until advised by LOH Officers. LOOH believe this to be an unintentional breach of the premises licence brought about by having 2 premises on the same premises licence. LOOH have concerns that having a premises licence with 2 entirely different operations, a takeaway and an off licence, would lead to a recurrence of the same.

During a premises inspection on Sunday 24 March 2019 the visit referred to above on the 3rd of March was discussed with a UMS representative and the premises manager. It transpired during this visit that the premises licence holder details were found to be incorrect and therefore as a result of this and due to further breaches of the premises licence relating to the clearance of litter, a warning letter was sent to the premises on 26 March 2019.

LOOH have noted that the premises licence holder (PLH) UMS Business Services has the business address on the premises licence as *Lowry Mill, Lees Street, Pendlebury, Swinton, Salford, M27 6DB*. The current application however gives the companies address as UMS Business Services Ltd, *Within Body Matters Gym, Bamford Road, OL10 4AG*. The applicant is also the premises licence holder for the neighbouring premises in the basement of 29 Withy Grove trading as The Lounge and the applicant has to date failed to submit a variation for the premises licence of the Lounge to show the correct address.

During a recent visit to the Lounge on 1st September 2020 at 0200 Hours LOOH officers found that customers were dancing, and the volume of music was above the ambient level allowed under the current Covid 19 legislation. The premises was also found to have a group of 15 in one of the private booths. The DPS said the 15 customers were from the same household and that he thought they could have 30 people from one group. At the time of the visit, well publicised and clear local legislation meant that they could only have a maximum of 6 people per group and they should be from one household only. Following the visit a warning letter was sent to the DPS on Wednesday 9th September 2020.

The premises is situated underneath a residential apartment block and historically a number of complaints have been received about the noise from customers congregating outside these premises. The LOOH team has concerns that the grant of this application is likely to lead to further issues of public nuisance to nearby residents, noise from patrons remaining outside the premises during the early hours creating noise, obstruction to the public highway and generating increased litter.

It is also unclear if BFS have ever sold alcohol as a fast food takeaway and therefore we cannot make comparisons as to how well such a premises would be operated by the current owners. What we do know is that historically both ourselves and GMP have had countless problems with drug dealers hanging around outside these takeaways and both ourselves and GMP have had countless discussions with the premises about these issues. To now add a further reason for undesirables to congregate outside these premises suggests that the applicant fails to see the negative impacts such establishments serve to create.

LOOH also have concerns that the convenience store and BFS would become a destination premises for those wishing to carry on drinking when other premises have closed due to the 24hr off sales of alcohol and would also attract the street

community to the premises along with the associated ASB and public nuisance. We currently have huge problems at other off licences in the city centre that sell alcohol past midnight as these have become a meeting place for the street community to gather and bed down whilst taking advantage to beg from a steady flow of customers throughout the night.

Throughout the city centre, there are no other premises that remain open for 24 hours for the sale of alcohol. A licence for a 24hr convenience store within the city centre would be unprecedented and would be deemed very high risk. During the current pandemic we have seen an increase in private parties as well as an increase in alcohol being consumed on the street. Withy Grove has a number of problematic short term let premises that are currently being used to host illegal gatherings and alcohol fuelled parties. The granting of such a licence would provide a further source for such partygoers to purchase their alcohol and would only serve to exasperate the problem and lend itself to further anti-social behaviour.

Given that the current applicant as Licence holders for the Lounge found themselves before committee in 2019 for an expedited summary review of their licence due to the venues connections to knife crime and general poor management of the premises, LOOH have grave concerns with the applicants track record of upholding the licensing objectives and adding such a high risk operation to their portfolio is likely to lead to further problems arising in the future.

For the reasons above, LOOH are recommending that the above application is refused.

Recommendation:

Refuse Application



**Community Safety, Compliance
and Enforcement
Neighbourhoods Directorate
Manchester City Council**

Mr Ademola Adeelaja
The Lounge
29 Withy Grove
Manchester
M4 2BJ

To reply please contact:
Gareth Hall

Tel: 0161 234 1220
Email: gareth.hall@manchester.gov.uk

Dear Mr Adelaja

WARNING – POTENTIAL ENFORCEMENT ACTION

**The Health Protection (Coronavirus, Restrictions)(England)(No.3) Regulations 2020
The Health and Safety at Work Act 1974
The Management of Health and Safety at Work Regulations 1999**

Following a visit to your premises on **1 September 2020** I am concerned that you and/ or your staff and/ or visitors to your premises are not adhering to the current covid restrictions.

As explained to you, it is vital the restrictions in place in Greater Manchester are complied with as they are necessary to protect the public from the further spread of coronavirus and the impact that this will have on communities and businesses.

There is also a legal duty on all businesses under The Health and Safety at Work act 1974 and the Management of Health and Safety at Work Regulations 1999 to ensure that, so far as is reasonably practicable, the health, safety and welfare of their employees whilst at work is protected. In order to do this during the current pandemic, it is vitally important to reduce the risk of viral transmission to employees and customers by carrying out a suitable and sufficient assessment of COVID-19 risks to the health and safety of anyone working or visiting your premises.

If covid secure controls are not documented and put into place for employees and customers safety, you will be required to co-operate by a more formal approach and failure to comply could lead to prosecution.

You should also be aware that where any premises poses a serious and imminent risk to public health, action may be taken to require that premises to close.

The Council is of the view that adequate controls and measures can be put in place to make the above premises covid secure. You should ensure that the following matters are addressed:

- The volume of music must be at ambient level to avoid shouting and increased risk of transmission.
- Prevent customers dancing.
- Ensure customers who are in a group are from a single household , currently different households should not socialise together indoors.

In the event that it is necessary to issue a Direction to close your premises we will be required to publish it on our website and communicate it as widely as possible to residents of the City.

Failure to comply with the actions set out in this letter will result in action being taken should further breaches be observed.

Yours sincerely,
Gareth Hall
Compliance Officer
Licensing & Out of Hours Team



MANCHESTER
CITY COUNCIL

The Neighbourhoods Service

Growth & Neighbourhoods

Mr Peter Odudu
BFS
29A Withy Grove
Manchester
M4 2BJ

To reply please contact:
Gareth Hall
Tel: 0161 234 1220
Email: gareth.hall@manchester.gov.uk

Date: 26 March 2019

Our ref: 227552

Dear Mr Odudu

Licensed Premises Inspection
Licensing Act 2003

Following my visit to your premises on Sunday 24 March 2019 it was found that you were not fully complying with all the conditions within your premises licence. The following breach of licensing condition was discovered:

Annex 2 Condition 10 – Regular checks will be made by staff of the outside of the premises to ensure the area is kept clean and free from litter.

The area was littered consisting of cigarette litter and drinks bottles on day of inspection and heavily littered during the visit on 03 March 2019.

Providing Late Night Refreshment after 0400 Hrs in contravention of premises licence - During visit on 3 March 2019 premises open at 05:45 Hrs and had not closed at 0430 Hrs as per licence and had also been providing late night refreshment from 0400 Hrs until 0500 Hrs. an offence under s136 Licensing Act 2003.

I have also noted since the inspection that the address for the Premises licence Holder on the premises licence is not up to date and shows the previous address of the company. This is an offence under s33(6) of the Licensing Act 2003 - failure to notify licensing authority of change in name or address.

You should be aware that under Section 136 of the Licensing Act 2003 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. A person found guilty of these offences is liable on conviction to 6 months imprisonment and an unlimited fine.

You were advised that I would be revisiting your premises to ensure that the above matters have been addressed and I would like to inform you that I intend to visit your premises again on 10 April 2019 1900 Hrs to confirm that you are now complying with all the conditions within your licence.

If you will be unavailable for the above proposed revisit, please contact me using the above details at your earliest opportunity to arrange a more mutually convenient time and date.

In the meantime, may I thank you for your anticipated cooperation and I look forward to seeing you on the 10 April 2019

Yours Sincerely

Gareth Hall
Neighbourhood Officer
City Centre Compliance

Companies House

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(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#compInfo>)

UMS EVENTS LIMITED

Company number **04447014**

Registered office address

Within Body Matters Gym, Bamford Road, Heywood, England, OL10 4AG

Company status

Active

Company type

Private limited Company

Incorporated on

24 May 2002

Accounts

Next accounts made up to **25 May 2020**
due by **25 May 2021**

Last accounts made up to **31 May 2019**

Confirmation statement

Next statement date **21 November 2020**
due by **2 January 2021**

Last statement dated **21 November 2019**

Nature of business (SIC)

- 90020 - Support activities to performing arts

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(<https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://beta.companieshouse.gov.uk/company/04447014>)

Companies House

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UMS BUSINESS SERVICES LTD

Company number **09686562**

Registered office address

Within Body Matters Gym, Bamford Road, Heywood, England, OL10 4AG

Company status

Active

Company type

Private limited Company

Incorporated on

15 July 2015

Accounts

Next accounts made up to **29 July 2020**
due by **29 April 2021**

Last accounts made up to **31 July 2019**

Confirmation statement

Next statement date **8 June 2021**
due by **22 June 2021**

Last statement dated **8 June 2020**

Nature of business (SIC)

- 68209 - Other letting and operating of own or leased real estate
- 70229 - Management consultancy activities other than financial management

Previous company names

Name

Period

A TEAM HIRE LIMITED 15 Jul 2015 - 15 Jan 2016

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Companies House

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UMS EVENTS LIMITED

Company number **04447014**

- [Officers](https://beta.companieshouse.gov.uk/company/04447014/officers) (<https://beta.companieshouse.gov.uk/company/04447014/officers>)
- [Persons with significant control](#)

2 active persons with significant control / 0 active statements

Mr Edward Odudu Active

Correspondence address **91 Princess Street, Princess Street, Manchester, England, M1 4HT**

Notified on **24 May 2017**

Date of birth **June 1975**

Nationality **British**

Nature of control **Ownership of shares – More than 25% but not more than 50%**
Ownership of voting rights - More than 25% but not more than 50%
Right to appoint and remove directors
Right to appoint and remove directors with control over the trustees of a trust
Right to appoint and remove directors as a member of a firm

Country of residence **England**

Mr Peter Odudu Active

Correspondence address **91 Princess Street, Princess Street, Manchester, England, M1 4HT**

Notified on **24 May 2017**

Date of birth **April 1978**

Nationality **British**

Nature of control **Ownership of shares – More than 25% but not more than 50%**
Ownership of voting rights - More than 25% but not more than 50%
Right to appoint and remove directors
Right to appoint and remove directors with control over the trustees of a trust
Right to appoint and remove directors as a member of a firm

Country of residence **England**

Mr Andrew Odudu Ceased

Correspondence address **91 Princess Street, Manchester, England, M1 4HT**

Notified on **24 May 2017**

Ceased on **1 October 2019**

Date of birth **August 1973**

Nationality **British**

Nature of control **Ownership of shares – More than 25% but not more than 50%**

Ownership of voting rights - More than 25% but not more than 50%

Right to appoint and remove directors

Right to appoint and remove directors with control over the trustees of a trust

Right to appoint and remove directors as a member of a firm

Country of residence **England**

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