



## Licensing Act 2003 (Hearings) Regulations 2005

**Reference:** 252150  
**Name:** Rise & Wine Manchester  
**Address:** Unit F74, Big Yellow Storage, 1 New Elm Road,  
Manchester, M3 4JH  
**Ward:** Deansgate  
**Application Type:** Premises Licence (new)  
**Name of Applicant:** Kathryn Leese  
**Date of application:** 15 October 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:  
Mon to Fri 9am to 6pm  
Sat to Sun 10am to 4pm

Opening hours:  
Premises will never be open to the public

### **Representations received**

Trading Standards	The officers were concerned that the application contained no details regarding the mandatory licensing condition regarding an age verification policy or how they will promote the protection of children from harm licensing objective.
Licensing & Out of Hours Compliance	Concerns that the granting of this application in its current form is likely to lead to increased issues of public nuisance, specifically relating to noise pollution and undermine Protection of

## **Agreements between parties**

### **Trading Standards:**

- A Challenge 25 Scheme will be operated.
- It must be indicated on the landing page of the website that a Challenge 25 Scheme is operated. It must also state on the page that it is an offence to buy or attempt to buy alcohol if you are under 18 and that valid ID will be requested on delivery if the person receiving the delivery appears under 25. The alcohol licence number must also be displayed on the website.
- Customers must be informed on the website and prior to delivery that a person over 18 must be available to take delivery of alcohol and that ID may be requested in the form of a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram to prove they are over 18.
- The customer buying alcohol on the website must have to take positive action to attest they are over 18 – this may be by means of ticking a box and/or entering their date of birth.
- The Challenge 25 policy is 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.
- Delivery drivers must be instructed in writing by the licence holder to ask for valid ID comprising either a valid passport, valid photo card driving licence, an HM forces warrant card or a card bearing the PASS hologram on delivery if the person receiving the delivery appears under 25
- Employees and your staff must be trained on the operation of the Challenge 25 scheme and how to record when alcohol is returned to you as a result of a refusal to deliver alcohol to a person.
- Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed and signed by the trainee.
- 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.
- Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.

### **Licensing & Out of Hours Compliance:**

- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- No deliveries must be made to the premises between 22:00 and 08:00 hours.
- Delivery drivers shall conduct the delivery in a manner that will not cause a

noise disturbance to the occupiers of any residential properties surrounding the delivery address. For the avoidance of doubt, this includes the avoidance of slamming doors, playing loud music, shouting, over-revving the engine and sounding their horn to signal their arrival. The driver shall turn engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway.

- Records of all orders and deliveries shall be maintained.
- The Premises Licence Holder shall operate a 'Challenge 25' Policy in relation to any delivery of alcohol. Appropriate identification shall be sought from any customer receiving a delivery who appears to be under the age of 25. The only acceptable forms of identification shall be photographic driving licences, passports, HM Forces cards or a form of identification with the 'PASS' hologram.
- All delivery drivers shall be trained in the 'Challenge 25' Policy, and that training shall be documented and repeated at 6 monthly intervals.
- When placing a remote order for alcohol, a prompt shall appear/be provided to the customer which shall indicate to the customer that they cannot place an order for alcohol if they are under 18. The prompt shall also advise the customer that proof of age may be required at the point of delivery in accordance with the 'Challenge 25' Policy and that if they cannot produce identification to show that they are over the age of 18, the products shall not be delivered to them.
- The terms and conditions on the app/website/any other platform used by the Premises Licence Holder shall indicate that, by ordering alcohol from the app/website/platform, the customer is confirming that they are at least 18 years of age. The terms and conditions shall also advise about the operation of the 'Challenge 25' Policy on delivery.
- Each delivery driver shall maintain a refusals book which shall record the details of any refused deliveries and the reasons for these. These shall be made available to an officer of a responsible authority upon request.
- Staff training shall include the 'Challenge 25' Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training shall be given to a new member of staff before they commence employment and all staff shall receive refresher training every 6 months.
- All staff shall be trained in
  - a) relevant age restrictions in respect of products
  - b) recognising signs of drunkenness
  - c) the premises' duty of care
  - d) 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 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council

- 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 formal identification to verify their identity against the notice
- Any promotional material and/or any website home page used as part of the business operating under this licence will clearly state the premises licence number. For the avoidance of doubt, this includes flyers, leaflets and business cards promoting the business.
- All deliveries of alcohol shall only be delivered to an address with a valid postcode and will only be delivered directly to that property.
- Customers must be instructed when placing the order that they will not be able to collect their orders from Unit F74, Big Yellow Storage, 1 New Elm Road, Manchester, M3 4JH.
- Customers must be instructed when placing the order that they will not be able to collect the order from the vehicle. All deliveries will only be made directly to the address and customers will not be permitted to take orders from the vehicle.

**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