

**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 18 January 2020

Subject: Dhoom Dhaam, 784-788 Wilmslow Road, Manchester, M20 2DR –
App ref: Premises Licence (new) 253210

Report of: Director of Planning, Building Control & Licensing

Summary

Application for the grant of a premises licence which has attracted objections.

Recommendations

That the Panel determine the application.

Wards Affected: Didsbury West

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing regime will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to	

drive growth	
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Full details are in the body of the report, along with any implications for:

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

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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
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. **Introduction**

- 1.1 On 22 November 2020, an application for the grant of a Premises Licence under s17 of the Licensing Act 2003 was made in respect of Dhoom Dhaam, 784-788 Wilmslow Road, Manchester, M20 2DR in the Didsbury West ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 A 28-day public consultation exercise was undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises, a notice published in a newspaper or similar circulating in the local area, and details of the application published on the Council's website.
- 1.3 Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 1.4 Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. **The Application**

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is Yummy Food Group Limited.
- 2.3 The description of the premises given by the applicant is: "The premise is a restaurant with bar and café deli, with an outside terrace seating area".
- 2.4 The proposed designated premises supervisor is Anil Richard Fernandes.
- 2.5 **The licensable activities applied for:**
Provision of regulated entertainment (live music):
Only requires to be licensed on those days when the non-standard timing applies ie at New Year and on Sundays preceding a Bank Holiday (see next page)
- Provision of regulated entertainment (recorded music):
Mon to Thurs 11pm to midnight, Fri and Sat 11pm to 2am
- Provision of late night refreshment:
Sun to Thurs 11pm to midnight, Fri and Sat 11pm to 2am
- The supply of alcohol for consumption on the premises only:
Sun to Thurs 11am to midnight, Fri and Sat 11am to 2am

Opening hours:

Sun to Thurs 8am to midnight, Fri and Sat 8am to 2am

The application requests a **non-standard timing** to apply at New Year, and on Sundays preceding Bank Holidays to apply to all licensable activities and opening hours as follows: Finish time 2am

2.5.1 In accordance with the Live Music Act 2012 and Deregulation Act 2015, performances of Live Music and Recorded Music between the hours of 0800 and 2300 hours have been deregulated and so should not be regarded as licensable activities for the purposes of this application.

2.5.2 Any further details provided relating to any of the individual licensable activities are specified on the application form at **Appendix 2**.

2.6 **Activities unsuitable for children**

2.6.1 The applicant has not highlighted any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

2.7 **Steps to promote the licensing objectives**

2.7.1 The applicant proposes to promote the licensing objectives by taking the steps identified in the operating schedule.

2.7.2 These steps must be translated into conditions by the licensing authority to be included in any granted premises licence, unless the conditions are modified by the Panel following consideration of relevant representations. These conditions are set out in the Schedule of Conditions at **Appendix 4**.

3. **Relevant Representations**

3.1 A total of 32 relevant representations were received in respect of the application (**Appendix 3**). The personal details of all members of the public have been redacted. Original copies of these representations will be available to the Panel at the hearing.

Responsible Authorities:

- Greater Manchester Police

Other Persons:

- Ward Councillor x 2
- Residents x 28
- Local group x 1

A summary of the representations starts on the next page.

3.2 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	<ul style="list-style-type: none"> • The operating schedule offers very little in terms of enforceable conditions which show how the 4 Licensing Objectives will be upheld. • The operating schedule gives the impression that the applicant has a limited understanding of the Licensing Objectives, which raises concerns about how the premises will be operated. • The likely effect of the grant of the Premises Licence with such a scant operating schedule is that all 4 of the Licensing Objectives will be undermined. 	Refuse
Ward member x 2	<ul style="list-style-type: none"> • The hours for sale of alcohol do not allow for any “drinking up time”, which could potentially lead to problems • A licence to 2am will result in an “unreasonable amount of noise for nearby residents, while people are leaving the premises”. • The late hours applied for will encourage drinkers to remain in Didsbury village and use this as a late night drinking establishment. This could impact on public safety, with lots of people leaving a single venue at the same time. • There have been previous problems from this location with public urination late at night, particularly in Grove Lane, when customers are leaving the premises. • The closing time should be restricted to 11.30 pm Sunday to Thursday, and 1am Friday and Saturday, with alcohol sales finishing half an hour earlier • The use of the outside should be restricted to before 10pm with all doors and windows closed after that time. 	No definite recommendations other than amendments to hours.
RES x 2 (Positive representations) (RES8 and RES 18)	<p>These 2 residents “fully support” the application. Comments made include</p> <ul style="list-style-type: none"> • Didsbury village is a vibrant, busy centre and I feel we should welcome new businesses like this. I fail to see how a business of this type could provide any negative impact. • I believe it will breathe much needed life into the village once this terrible lock down is over • I do NOT believe that there is any likelihood of increased crime, disorder or public nuisance as a result of this late license. Nor 	Grant

	<p>do I believe there will be any problem with public safety.</p> <ul style="list-style-type: none"> • I do not believe that any child will be harmed by this license. Indeed a few might conversely learn to appreciate vegetarian and vegan food as a result of going to the restaurant which may even stay in business longer than other restaurants on this site as a result of people visiting later in the evening 	
Local Group	<ul style="list-style-type: none"> • Didsbury Park is used as a short cut • The late hours applied for will lead to noise and nuisance which will affect residents and will lead to Didsbury Park being used late at night, and in the early hours of the morning, by intoxicated members of the public. • There is already an issue, as the Friends of Didsbury Park have to clear up bottles and glasses scattered in the park by intoxicated members of the public passing through the park after leaving the public houses in Didsbury Village. • A further premise will add to existing issues 	Not stated
RES1	<ul style="list-style-type: none"> • Many residential properties in the area, many of which are family homes • The late hours applied for will give rise to increased late traffic and noise in the area. • The late hours will attract a concentration of late-night drinking and allow for extensions to drinking, likely to lead to increased disorder in the area, the possibility of public nuisance and the associated risks to public safety. 	Not stated
RES2	<ul style="list-style-type: none"> • Many surrounding family residences • Will lead to potential increase in public nuisance and crime and disorder. Already disturbed when pubs close, disruption would potentially continue until the small hours of the morning. 	Not stated
RES3	<ul style="list-style-type: none"> • Opening until 2am on the weekend is excessive and given that most places in the area are not open that late this would draw late drinkers in and would cause a nuisance and potentially cause crime. 	Not stated
RES4	<ul style="list-style-type: none"> • Residents be unable to obtain proper rest due to likely increase in noise in the area. • Existing problems in the area include drug taking, drug dealing and street being used as a toilet – these problems are likely to be increased by people making their way to the premises to continue to drink until 2am - later 	Refuse

	<p>than other premises in the area.</p> <ul style="list-style-type: none"> • Walking to and from our homes will also be a concern as we will be faced with groups of adults (Gangs) that this establishment will attract by having a 2am licence. • Taxis are likely to cause nuisance by taking parking spaces, honking horns as well as headlights being shone into our homes keeping us awake. The premise has no parking facilities. • Extractor fans will remain on for longer producing extra noise and unwanted cooking smells. 	
RES5	<ul style="list-style-type: none"> • The area is a residential, with residents of all ages. Residents already experience disorder and public nuisance on a regular basis from clientele of The Crown with regular noise disturbance sometimes until 1am, from cars and pedestrians. • Highly concerned that the rate of disorder and public nuisance will in all likelihood increase. • Vehicle parking is already an issue for residents – street is frequently blocked with excessive and/or illegally parked vehicles and there have been issues relating to access for ambulances. Parking issues will potentially be increased 	Not stated
RES6	<ul style="list-style-type: none"> • Concerned that granting the application will turn the restaurant to what will effectively be a nightclub. • The effect on the area will be more noise into the night, increased crime and disorder (fighting) , and general public nuisance (urinating in people’s front gardens and the alley). • There will also be gatherings in the seated area on the corner of Grange Lane and Wilmslow • There will also be cars parked on our road with music blaring late into the night. 	Not stated
RES7	<ul style="list-style-type: none"> • The area is residential and is home to many young families. • The premises will become a magnet for late-night drinkers looking to extend their evening without having to travel to the likes of the city centre. • The hours, which are later than other premises in the area will lead to this premises become a hub for anti-social behaviour, 	Not stated

	<p>public nuisance, and crime. No matter how much the owners try to contain any trouble on-site, it seems highly likely that their guests will regularly disturb families in the village as they spill out of the restaurant in the early hours.</p> <ul style="list-style-type: none"> • Concerns regarding sleep disturbance, particularly for children. 	
RES9	<ul style="list-style-type: none"> • Premises is in close proximity to homes of all age groups from elderly to working professionals including shift workers. • Currently experience noise disturbance, and anti-social behaviour, this premises is likely to add to existing problems, may bring drug problems and add to problems of noise, litter, damage to cars and property. • Sound tends to echo in passageways which increases noise levels (from voices and bins) especially in the evening. Voices levels can sound extreme – noise from a business with music is likely to cause great nuisance. 	Refuse
RES10	<ul style="list-style-type: none"> • Concerned that the noise disturbance will be significant. • Often has windows ajar when sleeping and has in the past experienced sleep interruption through music, opening and closing of doors and noise from people leaving the same premises, at a level which “must not be under-estimated”. • The area is residential with many children. Rest 10 states that their children were significantly disturbed by noise from this premise during their GCSE and A Level studies and they would not like others to have to suffer in the same way. • Strong objection to the proposed trading hours. 	Not stated
RES11	<ul style="list-style-type: none"> • There will be a deterioration of living conditions and additional stress to all residents. • The arrival of staff will coincide with school start times. The departure of staff after the premises has closed will disturb residents even later, impacting negatively on sleep. • Residents are currently disturbed by disposal of rubbish and bottles, commercial bin collection and lids banging, loud extractor fans, kitchen noise and smells, staff talking and smoking in the back yard. metal shutters 	Not stated

	<p>banking loudly at the back of the premises and taxi noise in the early hours. Alcohol and drugs and crowds gathering is already an issue, extended opening hours will make this worse. Residents have had problems with drug dealers and users congregating, people urinating in the street, drunken people shouting, arguing, and fighting, and sex acts in public</p> <ul style="list-style-type: none"> • There will be additional traffic and pollution in the area. Children, the elderly and disabled residents are at risk from vans, lorries, cars ignoring speed limits and parking/blocking roads, emergency services need access at all times • The bi-fold front of the premises have led to past issues with noise and customers gathering outside. This and A-boards present a hazard to passers-by. 	
RES12	<ul style="list-style-type: none"> • Grant of the application will lead to an increase in noise and traffic congestion leading to nuisance. • There will be a potential increase in crime and disorder. • The area is a highly populated residential area with several primary schools nearby. 	Not stated
RES13	<ul style="list-style-type: none"> • The premise has a very long frontage which can be completely opened. Previous experience has shown that it is not possible to effectively control noise output. Noise from this premise has caused noise nuisance for residents in the past, even without a late drinks or music licence. • The area is a densely populated residential area. • A further premise with a music licence will increase problems currently experienced from other premises. • Parking is a problem in the area, which a further premise will add to. Private drives are blocked. Residents' requests for people to park elsewhere have been met with unwillingness and hostility. Such difficulties are not only a public nuisance but also potentially threaten public safety. 	Refuse
RES14	<ul style="list-style-type: none"> • Concerned at the late hours applied for and that this may set a precedent for future applications and will draw people to the premises. 	Refuse

	<ul style="list-style-type: none"> • Has experienced past nuisance from loud late-night music, voices, and the smoking area resulting in numerous sleepless nights for my family and I from loud voices. Concerned by potential sleep disturbance for child, and impact on education. • Pedestrians and traffic will increase - cars and taxi's picking up and dropping off – causing nuisance particularly at late hours. • Likely to lead to fights, public urination and probable damage to local cars and property. People will congregate in Jubilee Gardens area and benches 	
RES15	<ul style="list-style-type: none"> • The licence is completely unnecessary it is very close to residential properties, the noise will be a disturbance, especially when people are leaving the premises consumed alcohol until late at night 	Not stated
RES16	<ul style="list-style-type: none"> • Didsbury Park is used as a short cut The late hours applied for will lead to noise and nuisance which will affect residents and will lead to Didsbury Park being used late at night, and in the early hours of the morning, by intoxicated members of the public. There is already an issue, as the Friends of Didsbury Park have to clear up bottles and glasses scattered in the park by intoxicated members of the public passing through the park after leaving the public houses in Didsbury Village. A further premise will add to existing issues 	Note stated
RES17	<ul style="list-style-type: none"> • Concerned about impact of noise disturbance on children's sleep and impact on schooling and well-being. Current noise levels have woken child in past and are concerned that there will be an increase in noise levels at late hours. • The public seating area on the corner of Grange Lane and Wilmslow Road is already a spot where groups tend to congregate and sometimes become rowdy, resulting in antisocial and criminal behaviour. Has experienced damage to property, as have neighbours. People also use the alleyway as a public toilet. The ready availability of alcohol at later hours is likely to seriously exacerbate existing problems. 	Not stated
RES19	<ul style="list-style-type: none"> • The area is residential, with young families and older residents. 	Not stated

	<ul style="list-style-type: none"> • Noise nuisance is likely to be caused by people leaving the premises, loud voices, car doors slamming, and bottles being thrown into bins in the early hours. • There will be increased waste in the area. • The hours would make it a late-night drinking haunt. From past experience, the music will be loud at night-time, especially when the bifold doors are open on a summer night. 	
RES20	<ul style="list-style-type: none"> • Concerned that people leaving the pubs will then concentrate in this spot in the early hours and continue drinking due to the late hours • There is already considerable nuisance/noise disturbance in the area, particularly from people leaving the Famous Crown, often including physical altercations. There have been violent disturbances along this stretch of road after pub closing, with police involvement. The glass panelling around the restaurant's outdoor seating area was smashed in the past. There is a history of nuisance and sometimes crime and disorder associated with late night alcohol locally. • Particular concerns due to proximity of home and requests that the outside area should not be used late in the evening, and that music should not be played in this outside area. 	Not stated
RES21	<ul style="list-style-type: none"> • Anxious about the potential increase in noise, disturbance and crime any extension would bring. • Has experienced a very frightening past incident at home involving a drunk person trying to enter house, concerned about possible similar events. • Currently disturbed by customer parking and taxis on the road, worried that existing issues will be exacerbated, particularly crime and security issues. 	Not stated
RES22	<ul style="list-style-type: none"> • The hours should be in line with other establishments in the area, not exceeding • The area is residential. Customers leaving at late hours will create noise and nuisance • Considers that recent events in the area show the nuisance and harm which can be caused by excessive access to alcohol. 	Not stated
RES23	<ul style="list-style-type: none"> • The area is residential, and residents currently experience persistent noise from people returning home after drinking. The late 	Refuse

	<p>hours will contribute to further noise pollution into the early hours. The application is inappropriate for the area.</p> <ul style="list-style-type: none"> • Noise at night is likely to disturb children. • The area also suffers from antisocial behaviour, a further licence will exacerbate existing problems. 	
RES24	<ul style="list-style-type: none"> • Extended hours in general will lead to increased deliveries. The delivery lorries block access creating problems for residents. • Possible increased fly parking by patrons, for longer periods of time. • Extended hours for the consumption of alcohol will exacerbate existing problems which particularly occur after hours: shouting, swearing and arguing on the street, vandalism, danger to traffic. • Late hours for music will cause nuisance for residents. • A 11pm cut-off is reasonable; 2am is not. 	Not stated
RES25	<ul style="list-style-type: none"> • Many children live in the area. The premise is on the main walking route to a junior school. • The alcohol hours are later time than others in the area and are inappropriate. Noise from the premises is likely to disrupt residents' sleep. • The area already suffers from problems of antisocial behaviour related to alcohol, often late at night and causing disturbance to sleep. There are existing problems with rubbish left in the street, including glass and bottles which present a risk for children on their way to school. All of these problems will be exacerbated. 	Refuse
RES26	<ul style="list-style-type: none"> • Lives nearby, concerned at the thought of being disturbed by music and alcohol sales at the hours applied for, which are inappropriate for a residential area. 	Refuse
RES27	<ul style="list-style-type: none"> • A premise with a late licence for music and alcohol and will become a late-night 'destination' for drinkers could set a precedence for the area. • Use of the outside area will create disturbance, particularly in summer. • Extended hours will increase disorder, likely to need additional security, police response times would not be in time when issues arise. Additional venue security likely to move the 	Not stated

	<p>problem on rather than resolve it.</p> <ul style="list-style-type: none"> • There will be more public nuisance – possibly from customers arriving/departing late, drinking, loud conversation, loud music, customers using the local streets for parking, smoking or worse. • The premise has not previously operated as a standard restaurant, therefore there is no benchmark for its operation. 	
RES28	<ul style="list-style-type: none"> • The objection is primarily to the finish time of 2am, considered to be too late for this residential area. • There is a cut through behind the restaurant and people may gather there. • The restaurant has bifold doors which will lead to noise nuisance from customers and music. Early morning deliveries are also likely to disturb residents, leaving few hours with no disturbance in between. • The late hours lead to increased potential for crime. 	Not stated

3.3 No conditions have been proposed by objectors, and no agreements have been reached.

4. **Key Policies and Considerations**

4.1 **Legal Considerations**

4.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

4.2 **New Information**

4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

4.3 **Hearsay Evidence**

4.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

4.4 **The Secretary of State's Guidance to the Licensing Act 2003**

- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 4.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 4.5.4 Relevant to this application and the grounds of the representations made, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

This section identifies certain types of venues and initiatives the licensing authority aims to encourage in order to promote an inclusive evening and night-time economy not simply focused on the consumption of alcohol. We aim to encourage:

- Premises that will extend the diversity of entertainment and attract a wider range of participants
- Live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
- National cultural institutions, global sports events and cultural festivals
- Non-drink-led premises, including restaurants, cafes, theatres and cinemas

- Communication and integration with local residents and businesses through licensees consulting with those in the local area prior to an application
- Participation in Pubwatches, off licence forums and other crime-reduction partnerships
- Engagement with the NITENET radio scheme and DISC secure information sharing platform by city centre venues through the Cityco Manchester Business Crime Reduction Partnership
- Designing out crime in the layout of the premises

Section 7: Local factors

This section sets out key issues that applicants are expected to take into account relevant to the individual characteristics of the premises when preparing their operating schedule and address any local factors relevant to their premises.

Having regard to the grounds of the representations made, the Panel are recommended to have regard to the following Factors:

- Identified risk factors specific to the licensed premises
- Evidence of pre-existing problems in the area
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance
- Proximity to sensitive uses
- Ability to clean and maintain the street scene

Section 8: Manchester's standards to promote the licensing objectives

This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises, and applicants are not obliged to include all standards in their operating schedule. The degree to which standards would be appropriate is expected to be proportionate to the risk posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. The standards are not exhaustive and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside them.

- MS2 Effective general management of the premises
- MS8 Prevent noise nuisance from the premises
- MS9 Effectively manage exterior spaces (e.g. beer gardens, smoking areas, table and chair areas on the highway)
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse

Section 11: The use of tables and chairs on the public highway

This section provides that the operation of any areas on the public highway licensed for tables and chairs should be considered with regard to all relevant Standards set out in Section 8 of the Policy.

Conclusion

- 4.6 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 4.7 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 4.8 Having regard to the representations, the Panel must take such of the steps set out below that it considers appropriate for the promotion of the licensing objectives:
- a) To grant the licence subject to:
 - i. the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate, and
 - ii. any mandatory conditions that must be included in the licence;
 - b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
 - c) To refuse to specify the person proposed in the application as the designated premises supervisor;
 - d) To reject the application.
- 4.9 The conditions consistent with the operating schedule may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 4.10 All licensing determinations should be considered on the individual merits of the application.
- 4.11 The Panel’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 4.12 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 4.13 **The Panel is asked to determine the application**