

GREATER MANCHESTER POLICE - REPRESENTATION

About You

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About the Premises

Application Reference No.	LPA 259383
Name of Premises	Divine Wellness
Address of the Premises including postcode	1 Withington Road, Manchester M16 7BW

Your Representation

Please outline your representation below and continue overleaf. This should describe the likely effect of the grant of the application on the licensing objectives.

The grounds for the objection are the undermining of the Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety and the Protection of Children from Harm licensing objectives.

The operating schedule which accompanies the application offers almost nothing in terms of enforceable conditions, which gives the impression that the applicants have a limited knowledge of the 4 licensing objectives and how they should be upheld.

In addition to this [REDACTED] 2 relevant live convictions for Possession of Class A Drugs with Intent to Supply, dated 20th June 2014 for which [REDACTED] received a 44 month custodial sentence. The conviction carries a rehabilitation period under the Rehabilitation of Offenders Act 1974 of 7 years, from the end of the sentence. The sentence would have ended on 20/02/18 so the convictions will remain live until 20/02/25.

The circumstances of the offences which lead to the convictions are that [REDACTED] was found in possession of a quantity of Cocaine and MDMA pills at a licensed music event in the Old Trafford area.

As such GMP has no confidence that the grant of this application would uphold the 4 licensing objectives and that they are highly likely to be undermined.

Therefore GMP asks that this application is refused.



Licensing & Out of Hours Compliance Team - Representation

Name	Mitchell Ward
Job Title	Licensing and Out of Hours Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	mitchell.ward@manchester.gov.uk
Telephone Number	0161 234 1220

Premise Details

Application Ref No	259383
Name of Premises	Divine Wellness
Address	1 Withington Road, Manchester, M16 7BW

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 (LOOH) have assessed the likely impact of granting this premises licence for Divine Wellness, a Vegan café, at 1 Withington Road, Whalley Range, M16 7BW taking into account a number of factors. This includes the location of nearby residential properties, the hours applied for and any potential risk that the granting of this licence, could lead to issues of Public Nuisance. LOOHT have given particular consideration to Manchester City Council's Statement of Licensing Policy, specifically s.7.25 in that the licensing authority will ensure that due consideration will be given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises; as well as s.7.28 in that the licensing authority will give consideration to the appropriateness of hours applied for, having regard for the location of premises and their likely effect of the promotion of the four Licensing Objectives.

The premises is situated on Withington Road in a prominent location at the crossroads with Chorlton Road, Upper Chorlton Road and Moss Lane West. This is a popular area of Whalley Range and mainly surrounded by residential properties along with a number of licensed premises (takeaways), cafes and retail units to the front positioned along Moss Lane West. Chorlton Road and Upper Chorlton Road.

There are many residential properties positioned directly opposite the premises consisting of a large apartment building on the corner of Withington Road. Furthermore there are a number of residential properties made up of terraced and semi-detached properties directly behind the premises on Dunsmore Close.

The application is for a new premises licence for the following licensable activities:

Supply of Alcohol:

Monday to Sunday 09:30 to 21:00

LOOH have concerns relating to the noise emanating from the premises. Given the relatively close proximity of numerous residential properties, especially those to the rear on Dunsmere Close, there is a considerable risk that noise nuisance may arise from the external area by way of people noise and also from the premises itself by way of music noise prior to the regulated hours of 23:00.

LOOH also believe there is a potential for public nuisance in the form of noise generated from customers whilst utilising the external area of the premises. Given the close proximity to residential properties this could lead to potential noise disturbances, which would significantly undermine the public nuisance objective.

We therefore recommend that in order to prevent the problems described above the following conditions should be attached to the Premises Licence to ensure the licensing objectives are upheld:

1. Staff shall monitor customers outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.

We believe these conditions are proportionate and necessary to prevent the problems described and promote the licensing objectives.

Recommendation: Approve with Conditions (Outlined Above)

PLEASE NOTE: ALL REPRESENTATIONS AND SUPPORTING EVIDENCE MUST BE SUBMITTED TO MANCHESTER CITY COUNCIL WITHIN 28 DAYS, STARTING THE DAY AFTER THE PREMISES IN QUESTION MAKES AN APPLICATION (TO FIND OUT THE CLOSING DATE CALL THE LICENSING UNIT ON 0161 234 4512)

ABOUT YOU		PLEASE NOTE: LICENSING OFFICERS, LICENSING COMMITTEE MEMBERS AND THE APPLICANT CAN VIEW THE INFORMATION PROVIDED ON THIS FORM
Your first name (required)	Your last name (required)	
Bernard	McMenamin	
Your address including postcode (required)		
Trading Standards Service 1 Hammerstone Road Manchester M18 8EQ		
Contact email address	Contact phone no	
Bernard.McMenamin@manchester.gov.uk	0161 234 1589	

ABOUT THE PREMISES
Application Ref No. (if known):
LPA 259383
Name of the Premises about which you would like to make a representation:
Divine Wellness
Address of the Premises (including postcode if known):
1 Withington Road, Manchester M16 7BW.

YOUR REPRESENTATION
Please outline your representation below and continue overleaf. This should be the likely effect of the grant of the licence / certificate on the licensing objectives on and in the vicinity of the premises in question. (Please continue on a separate sheet of paper if necessary)
<p>The Trading Standards Team have assessed the likely impact of the granting of this application taking into account a number of factors, including the conditions offered and times applied for and any potential risk that the granting of this application could lead to issues which do not uphold the licensing objectives specifically the protection of children from harm.</p> <p>The application is for a vegan café selling alcoholic drinks outside and, in the premises, based in a suburb of Manchester.</p> <p>When considering the application, the Trading Standards Team have given consideration to Manchester City Councils Statement of Licensing Policy 2016 – 2021.</p> <p>The original application addresses certain issues relating to the protection of children from harm.</p> <p>Giving consideration to the above application, the Trading Standards Team therefore recommend that should the application be accepted, the following conditions are attached.</p>

1. The Challenge 25 scheme must 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.
2. All staff engaged in the sale of alcohol will be trained with regards to the Challenge 25 policy. This training will be documented, and training should be refreshed annually.
3. The Premises Licence Holder will ensure that signage demonstrating the Challenge 25 policy as well as selling alcohol to children by proxy are placed at the entrance to the premises as well as being displayed in all areas serving alcohol. Staff training should incorporate this.
4. The Premise Licence Holder will also ensure regular checks are made around or outside of the premises for underage persons encouraging adults to buy alcohol for them.

Supporting Evidence: In addition to your own written / oral testimony to the Licensing Sub-Committee, you may wish to provide evidence to support your representation. You will need to show how this evidence relates to the premises in question. Examples of supporting evidence include oral testimony, written testimony, noise records, video or photographic material, crime and disorder data, other statistical data, reports etc.)