

# GREATER MANCHESTER POLICE - REPRESENTATION

## About You

Name	<b>PC Alan Isherwood</b>
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## About the Premises

Application Reference No.	<b>LPA 285871</b>
Name of the Premises	<b>La Buka African Cuisine Ltd</b>
Address of the premises including postcode	286-288 Moston lane, Manchester M40 9WB

## 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, Public Safety and the Protection of Children from Harm.

GMP are concerned that the applicant has very limited understanding of the 4 licensing objectives, and this is evidenced by the fact that the lengthy list of conditions that have been offered are a direct cut and paste from the premises licence of Queens Restaurant at 120 Moston Lane.

GMP are also concerned that the applicant has seen fit to propose conditions regarding the performance of nudity and striptease when the application states that there will be no relevant entertainment and is described as a restaurant.

It is clear that little thought and effort has gone into this application and as such we have no confidence that if a premises licence was granted, the 4 licensing objectives would be upheld.

We therefore ask that this application is refused.

<b>Licensing &amp; Out of Hours Compliance Team - Representation</b>	
Name	Mike Wilson
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
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Telephone Number	0161 234 1220

Premise Details	
Application Ref No	REF 285871
Name of Premises	LaBuka
Address	286 Moston lane, Manchester, M40 9WB

Representation
<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>Licensing &amp; Out of Hours Compliance Team (LOOHT) have assessed the likely impact of the granting of this application taking into account a number of factors, including the nature of the area in which the premises is located and the proximity to residential accommodation, the hours applied for, and any potential risk that the granting of this application could lead to issues of public nuisance.</p> <p>The application in question requests that a licence be granted for the following activities between 14:00 hours and 23:00 hours:</p> <p>Sale of alcohol, live music, recorded music, and “anything of a similar description” to live or recorded music or live dance</p> <p>Hours open to the public will be between 14:00 hours and 23:00 hours</p> <p>The premises is located on Moston lane, with residential properties in close proximity to Labuka at the rear and above. The applicant describes it as a restaurant.</p> <p>LOOHT have a number of concerns with the application, and believe that it lacks consistency, does not make clear the intended use of the premises and is likely to undermine the prevention of public nuisance licensing objective.</p> <p>The application states that SIA would be used to “control the crowd” and also states that SIA would be necessary to stop patrons from “defecating, urinating and playing loud music outside”</p>

The applicant states that he has deliberately sought an application for a license not exceeding beyond 23:00 hours "so as not to risk harm to licensing objectives". The application does not state how it will promote the licensing objectives.

It is also unclear why the operating schedule says no alcohol will be sold after 22:30 hours when they have asked for a licence to sell alcohol until 23:00 hours. Under the proposed "closing procedures" they have stated that "exit music" will be at reduced volume, lights will be turned up and dispersal measures will be implemented. This is not suggestive of a premises operating as a restaurant where the supply of alcohol is only served as ancillary to a table meal.

The application goes on to state that SIA will be used to manage "queues" outside. Also that there will be a "designated queuing area", enclosed with barriers. This makes the premises sound like a venue, and not a restaurant, and undermines confidence LOOHT have in the intended use of the premises.

Furthermore the queue would be directed down a side alley between 2 buildings. This leads to the rear of the building and faces terraced housing, and would interfere with the access to the residential property, via exterior rear staircase, located directly above the premises.

This residential property is described on the plan as a meeting room and office.

Other conditions offered also suggest that large numbers of people will arrive at the same time, that would necessitate SIA management, including searches for drugs and weapons. This further undermines confidence that the premises intends to remain predominantly as a restaurant where alcohol is only sold when ancillary to a table meal.

In fact a condition has been offered that states the "supply of alcohol shall only be to a person seated taking a table meal and for consumption by such person as ancillary to their meal".

It is not clear, therefore, how alcohol will be supplied at "designated special events", such as sports matches. The applicant states that alcohol sales will be limited to 4 cans of beer or cider per person during these events. The application states that it would allow people to watch the sporting events at the premises.

This is not consistent with operating as a restaurant where alcohol is only supplied when it is ancillary to a table meal.

In addition to these concerns, the application states that there will be "nudity and striptease", but try to reassure that the advertising of these events will not be seen from outside, nor will the activities themselves be seen from outside.

Another concern LOOHT have is that off sales of alcohol will likely increase the risk of undermining the prevention of public nuisance objective. There is already a high level of litter and some street drinking on Moston lane. LOOHT do not believe the application has addressed how the sale of alcohol to be taken from the premises will not undermine licensing objectives in this area.

Finally in part 12 and 13 of the application relating to public nuisance, there is reference to the use of a garden/ outside seating area. This does not appear on the plan of the application. The rear of the premises faces terraced housing, and is

an access to the upstairs property above the premises. Beyond having SIA in place to stop patrons “defecating, urinating and playing loud music”, it is not clear how this will not cause public nuisance, and raises further questions about the premises intended use.

It is worth noting that the rear of Moston lane in that location has been subject, in recent years, to a number of noise complaints, anti social behaviour and crime that has included public urination, fighting, loud music, a stabbing and has resulted in multi agency responses, including LOOHT, ASBAT, and GMP.

Manchester’s Statement of Licensing Policy at section 7.12 states that consideration must be given to the general character of the surrounding area, including crime and disorder and anti -social behaviour levels, litter problems, proxy sales and noise complaints. We submit that the area surrounding Labuka displays all of the characteristics that would merit concern under section 7.12.

Section 7.1 of Manchester’s Statement of Licensing Policy states that “Licensed premises are expected to be an asset to their local area through the promotion of the licensing objectives”. We submit that Labuka have failed to state how they will promote the licensing objectives with the introduction of licensable activities.

LOOHT does not support this application because the lack of clarity in the operating schedule provides no confidence that the licensing objectives will be upheld, and the premises will likely not be able to successfully promote the licensing objectives and will lead to a negative impact on the local community

Recommendation:

Refuse Application



**Neighbourhoods Team - Representation**

Name	Michael Ripley
Job Title	Neighbourhood Project officer
Department	North Neighbourhood Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	<a href="mailto:Michael.ripley@manchester.gov.uk">Michael.ripley@manchester.gov.uk</a>
Telephone Number	[REDACTED]

**Premise Details**

Application Ref No	285871
Name of Premises	La Buka African Cuisine
Address	286 – 288 Moston Lane, Manchester M40 9WB

**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 North Neighbourhoods Team (NNT) have assessed the likely impact of the grant of this premises license, 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 licence could lead to issues of public nuisance. and the ability to uphold the four licensing objectives: specifically, the public nuisance objective.

The premises is located on Moston Lane, the surrounding area is a mix of residential, commercial and community properties. Moston Lane Community Primary School is approx. 300 metres from the premises and St Dunstons R C Church is within 200 meters of the premises.

The applicant has submitted a detailed operating schedule with this application on how they intend uphold the four licensing objectives; however, a number of the conditions offered are contradicted by other conditions some contravene other legislation, and some are missing some key details and not enforceable.

The Council's Statement of Licensing Policy 2021–2026 states that licence conditions will:

- Be precise and enforceable
- Be unambiguous and clear in what they intend to achieve

This application makes mention of Sexual Entertainment by way of Nudity and/or Striptease by way of subsection but does not contain any mention how it would control this in its operating schedule, or indeed the number of such events that they are hosting. A premises wishing to provide relevant

entertainment would need to apply for this a Sexual Entertainment Venue license as set out in the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009, within the City of Manchester. We are concerned that this is an effort to circumvent the need for this license. We are also further concerned that offering entertainment of this nature is wholly inappropriate given the residential setting that it operates within as detailed above.

To this point, the Councils Sex Establishment Policy Document refers to the following considerations when considering the location of such establishments:

4.3 Manchester City Council considers that areas located outside the City Centre, as defined by the Planning Department's definition of the City Centre, are not appropriate locations for sex establishments. Therefore, the policy is that the appropriate number for sex establishments outside of the City Centre is nil.

4.7 Sex establishments will not normally be licensed near to:

- a) Housing / Residential property;
  - b) in the immediate vicinity of major transport stops e.g. Railway stations, tram stops or clustered bus stops;
  - c) schools, play areas, nurseries or children's centres;
  - d) family shopping or leisure areas;
  - e) places of worship;
  - f) historic buildings or tourist attractions;
  - g) other places where relevant entertainment takes place;
  - h) other sensitive uses that may be relevant e.g. women's hostel;
- where the proximity to such uses is likely to be considered by the Council to be inappropriate in having regard to the character of the relevant locality

There are also rooms available for hire which are not mentioned in the schedule. This has been offered by the applicant as "*Available for whoever wants to have club, society or group meetings on weekends within our opening hours*". By not bringing these within the schedule of operation as a licensed premises, we are concerned that this would lead to disorder and that a larger group of people than the currently planned for 40 could feasibly be on the premises at any one time.

Further to this, the subsection "*Protection of Children from Harm*" in the operations schedule contains a clause around smoking generally not being allowed on the premises. This is erroneous, smoking is not allowed anywhere on the premises in accordance with the Health Act 2006.

Lastly, the operating schedule continues to make reference to a side entrance to the premises. Given its location in the middle of a block of properties, we do not understand how the premises could have a side entrance. The entrance would either be on the frontage, in which case it would impact on the highway and street scene with its queuing system and outside area, or at the rear, which we feel with residential properties facing it would cause an influx of noise related complaints through its day to day operation.

With the above considerations the Neighbourhoods team have no confidence in the management to operate under the proposed application and refuse the application.

Recommendation: Refuse Application

**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)**

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

<b>ABOUT THE PREMISES</b>
<b>Application Ref No. (if known):</b>
LPA 285871
<b>Name of the Premises about which you would like to make a representation:</b>
La Buka African Cuisine Ltd
<b>Address of the Premises (including postcode if known):</b>
286-288 Moston Lane, Manchester, M40 9WB

<b>YOUR REPRESENTATION</b>
<b>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)</b>
<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 restaurant selling alcohol on site.</p> <p>When considering the application, the Trading Standards Team have given consideration to Manchester City Councils Statement of Licensing Policy 2021 – 2026.</p> <p>The original application addresses few points relating to the Licensing Objectives especially in protecting children from harm.</p> <p>Giving consideration to the above application, the Trading Standards Team therefore recommend that the following conditions are applied to the licence.</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. 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.
3. The Premise Licence Holder will also ensure regular checks are made around the inside and 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.)

**From:** Julie Connolly <cllr.julie.connolly@manchester.gov.uk>

**Sent:** 12 April 2023 09:48

**To:** Premises Licensing <Premises.Licensing@manchester.gov.uk>

**Subject:** FW: Premises Licence (new) 285871/HH1: La Buka African Cuisine Ltd, 286 - 288 Moston Lane, Manchester, M40 9WB, (Moston ward)

Premises Licensing

I totally support the objections submitted by Michael Ripley for the new application of Premises Licence (new) 285871/HH1: La Buka African Cuisine Ltd, 286 -288 Moston Lane, Manchester, M40 9WB.

Regards

Councillor Julie Connolly

**From:** Paula Appleby <cllr.paula.appleby@manchester.gov.uk>

**Sent:** 13 April 2023 19:08

**To:** Premises Licensing <Premises.Licensing@manchester.gov.uk>

**Cc:** Michael Ripley <michael.ripley@manchester.gov.uk>

**Subject:** Fw: Premises Licence (new) 285871/HH1: La Buka African Cuisine Ltd, 286 -288 Moston Lane, Manchester, M40 9WB, (Moston ward)

Premises Licensing

I totally support the objections submitted by Michael Ripley for the new application of Premises Licence (new) 285871/HH1: La Buka African Cuisine Ltd, 286 -288 Moston Lane, Manchester, M40 9WB.

Regards

Councillor Paula Appleby