



Licensing & Out of Hours Compliance Team - Representation

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| Name | Michael Wilson |
| Job Title | Neighbourhood Compliance Officer |
| Department | Licensing and Out of Hours Compliance Team |
| Address | Level 1, Town Hall Extension, Manchester, M60 2LA |
| Email Address | michael.wilson@manchester.gov.uk |
| Telephone Number | 0161 234 1220 |

Premise Details

| | |
|--------------------|---------------------------------------|
| Application Ref No | 289624 |
| Name of Premises | Fay's Cafe |
| Address | 815 Rochdale road, Manchester, M9 5XD |

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.

Licensing and Out of Hours team have assessed the likely impact of the granting of this license, considering several 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.

The proposed premises is in very close proximity to residential accommodation, both directly across the road, but it also physically adjoins a large block of supported accommodation managed by Greater Places housing association.

There have also been reports from nearby residents in terms of noise nuisance and anti-social behaviour in the immediate vicinity of the premises, some of which are still open cases with ongoing investigation. It is the case that the location of the premises is in immediate vicinity of residents and any issues relating to public nuisance will likely have a detrimental impact on these residents, especially those in the supported accommodation.

The premises would allow people to drink alcohol up to 23:00 with people then dispersing at 23:30. This is likely to lead to significant risk of public nuisance at dispersal due to the proximity of residential accommodation and how the impact of intoxicated people both inside and outside will be managed to avoid public nuisance issues.

The application states that a responsible person from the premises will monitor noise levels from inside and outside the premises and take appropriate action as required. The application is for a restaurant and café, It is therefore difficult to imagine what other activities beyond providing normal restaurant and café services would require regular sound checks inside and outside.

It won't be possible for sound checks to be conducted inside the adjoining wall at the supported accommodation where there is also risk of noise nuisance whilst people are trying to sleep.

This acceptance that sound checks need to be conducted undermines confidence that the premises will only be used for the quiet enjoyment of food at a restaurant, and might actually become a destination for patrons who only want to drink alcohol, and increase the risk of the premises becoming a drinking premises, with the inherent risks that presents of increased public nuisance, including noise from patrons gathering to smoke outside, noise on dispersal, noise from raised voices inside the premises.

It is not clear if amplified music will be payed at the premises.

The application does not state the maximum number of people that will be allowed into the premises, and there is a concern that public nuisance might also arise due to overcrowding of the venue with larger numbers of people making more noise.

Section 7.2 of Manchester City Council's statement of licensing policy requires that applicants obtain enough information to be able to demonstrate an understanding of local residential properties and the risks posed to the local area by the applicant's proposed licensable activites.

We believe that the application shows no real understanding of the nature of nearby residential accomodation or the impact licensable activities will have on residents.

On the plan for the premises it appears there are accesible stairs to the basement from the area open to the public. There has been no mention on the application whether this area will also be used by the premises to entertain patrons, and if not how it will be blocked off. If it is to be used, then this has not been explained.

It is for these reasons that the licensing and out of hours team objects to the granting of the licence as we believe the prevention of public nuisance objective is at risk of being undermined.

Recommendation:

Refuse Application

From: Michael Wilson <michael.wilson@manchester.gov.uk>
Sent: 24 July 2023 13:12
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Subject: Fays cafe application ref 289624

Hello

Please can the emails below be submitted as evidence from Licensing and out of hours in relation to our representation objecting to the licence application

regards
Mike

Mike Wilson
Neighbourhood officer
Licensing & Out of Hours Compliance
The Neighbourhoods Service
Growth and Neighbourhoods Directorate
Email: michael.wilson@manchester.gov.uk
Tel: 0161 234 1220
Mob: 07966837929

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From: [REDACTED] >
Sent: 24 July 2023 12:34
To: Michael Wilson <michael.wilson@manchester.gov.uk>
Cc: [REDACTED] >
Subject: RE: [REDACTED]

Good afternoon Mike,

I can confirm we would have some concerns if this was to be accepted.

We have a lot of vulnerable residents in the block who suffer with poor mental health, alcohol dependence and there are already a lot of concerns around ASB and noise/nuisance in the area.

There was a Police chase in the area stopping at the end of [REDACTED] only last Monday.

I don't think the residents would cope well with this.

Kind regards

[REDACTED]

[REDACTED]

Mobile: [REDACTED]
Email: [REDACTED]
Twitter: [REDACTED]

[REDACTED]

[REDACTED]

From: Michael Wilson <michael.wilson@manchester.gov.uk>
Sent: Monday, July 24, 2023 11:07 AM
To: [REDACTED] >
Subject: [REDACTED]

Hello [REDACTED]

You may know that an application for a licensed premises (cafe/restaurant) to serve alcohol has been submitted that will [REDACTED] on [REDACTED].

Do you have any concerns in relation to potential nuisance for your residents?

regards
Mike Wilson

Mike Wilson
Neighbourhood officer
Licensing & Out of Hours Compliance
The Neighbourhoods Service
Growth and Neighbourhoods Directorate
Email: michael.wilson@manchester.gov.uk
Tel: 0161 234 1220
Mob: 07966837929

LOOH Agreed/Withdrawn

In summary:

The proposed hours for the sale of alcohol are now:

Sunday to Thursday 12 noon to 9:30PM hours, Friday and Saturday 12 noon to 10pm.

Proposed Opening times:

Sunday to Thursday 12 noon to 10pm, Friday and Saturday 12 noon to 10:30pm.

Additional conditions agreed:

1. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
2. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
3. The supply of alcohol shall only be to be a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
4. The sale of alcohol shall only be by waiter service to seated customers, and there shall be no sales of alcohol at the bar.
5. No off sales of alcohol will be permitted.

From: Michael Wilson <michael.wilson@manchester.gov.uk>

Sent: 10 August 2023 01:02

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

Cc: Mitchell Ward <mitchell.ward@manchester.gov.uk>

Subject: Fw: Fw: LOOH representation . Fay's cafe (ref: 289624)

Hello

I am writing to inform you that I am withdrawing my representation for Fay's cafe application for a premises licence as Licensing and out of hours have negotiated the additional conditions and hours in the series of emails below.

I will not be attending any hearing.

regards

Mike Wilson

Mike Wilson

Neighbourhood officer

Licensing & Out of Hours Compliance

The Neighbourhoods Service

Growth and Neighbourhoods Directorate

Email: michael.wilson@manchester.gov.uk

Tel: 0161 234 1220

Mob: 07966837929

From: Michael Wilson <michael.wilson@manchester.gov.uk>
Sent: 10 August 2023 00:59
To: [REDACTED] >
Cc: Mitchell Ward <mitchell.ward@manchester.gov.uk>
Subject: Re: Fw: LOOH representation . Fay's cafe (ref: 289624)

Hello

Thank you for your email .
I am happy with these proposals and will email Premise licensing to withdraw my representation

kind regards
Mike Wilson

Mike Wilson
Neighbourhood officer
Licensing & Out of Hours Compliance
The Neighbourhoods Service
Growth and Neighbourhoods Directorate
Email: michael.wilson@manchester.gov.uk
Tel: 0161 234 1220
Mob: 07966837929

From: [REDACTED] >
Sent: 09 August 2023 10:36
To: Michael Wilson <michael.wilson@manchester.gov.uk>
Subject: Re: Fw: LOOH representation . Fay's cafe (ref: 289624)

Dear Michael Wilson,

Thank you for getting back to me. The request is for an additional 30mins for the sale of alcohol and opening time. We would like the sale of alcohol from Sunday to Thursday 21:30 hours, and Friday and Saturday to 22:00. Opening times will be Sunday to Thursday 22:00 hours, and Friday and Saturday 22:30.

Kind regards
[REDACTED]

On 08/08/2023 09:11 PM, Michael Wilson wrote:
Hello
Just to clarify,
Are you asking for 30 minutes extra for alcohol and to remain open?

regards
Mike

Mike Wilson

Neighbourhood officer
Licensing & Out of Hours Compliance
The Neighbourhoods Service
Growth and Neighbourhoods Directorate

Email: michael.wilson@manchester.gov.uk

Tel: 0161 234 1220

Mob: 07966837929

From: [REDACTED] >
Sent: 08 August 2023 14:22
To: Michael Wilson <michael.wilson@manchester.gov.uk>
Subject: Re: Fw: LOOH representation . Fay's cafe (ref: 289624)

Dear Michael Wilson

Thank you for your email. We are happy to accept the conditions but would like to request a further half an hour for the sale of alcohol, so will be Sunday to Thursday 21:30 hours, and Friday and Saturday 22:00 hours. Please let me know what your views will be on this. As for all the other conditions we are happy for them to be added to the licence.

>

Kind regards
[REDACTED]

On 04/08/2023 02:52 PM, Michael Wilson wrote:

Hello

thank you for your email .I have considered the application and your comments around the likely times the premises will operate and how it will serve alcohol to customers and not have music being played.

Also, I would like the hours for the supply of alcohol to be in line with your assertion that the premises won't have customers much after 21:00 hours, as this will mitigate the risk of the prevention of public nuisance objective being undermined.

I would like to suggest, in addition to the conditions offered in your application, the following conditions:

* No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance

* Patrons permitted to temporarily leave and then re-enter the premises, eg. To smoke, shall not be permitted to take drinks or glass containers with them.

* The supply of alcohol shall only be to be a person seated taking a table meal there and for consumption by such a person as ancillary to their meal

* The sale of alcohol shall only be by waiter service to seated customers, and there shall be no sales of alcohol at the bar.

* No off sales of alcohol will be permitted.

Supply of alcohol Sunday to Thursday 21:00 hours, and Friday and

Saturday 21:30 hours.

Hours open to the public Sunday to Thursday 21:30 hours, and Friday and Saturday 22:00 hours

I look forward to hearing from you, if you agree with the above proposals, please email me to confirm and I can forward this to our premise licensing team to advise that you have reached an agreement with Licensing and out of hours team.

regards
Mike Wilson

Mike Wilson

Neighbourhood officer
Licensing & Out of Hours Compliance
The Neighbourhoods Service
Growth and Neighbourhoods Directorate

Email: michael.wilson@manchester.gov.uk
Tel: 0161 234 1220

Cllr 1

From: Sandra Collins <cllr.sandra.collins@manchester.gov.uk>

Sent: 04 July 2023 15:19

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

Cc: Pat Karney <cllr.pat.karney@manchester.gov.uk>; Joanne Green <cllr.joanne.green@manchester.gov.uk>

Subject: Re: Premises Licence (new) 289624/PW5: Fay's Cafe, 815 Rochdale Road, Manchester, M9 5XD, (Harpurhey ward)

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

We wish to object to this licence, there have been many instances where police have been called due to the sale of alcohol in the past in this area. We do not wish this to resume.

We wish to object as the sale of alcohol during the hours applied for as this will cause no end of issues for the people living nearby and could jeopardise other businesses clientele from using the shops nearby.

We wish to object as public safety is our utmost concern and alcohol sales will lead to gangs and groups of individuals using this road and causing problems.

Children need to be protected from the sale of alcohol and seeing adults purchasing alcohol at all times of day is wrong, especially as the premises is very near 2 primary schools and one high school and on a main highway to many other schools along with the children that live nearby.

Thanks.

Councillor Sandra Collins
Harpurhey

From: Pat Karney <cllr.pat.karney@manchester.gov.uk>

Sent: 05 July 2023 08:33

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>;
[REDACTED] <[REDACTED]>

Cc: Sandra Collins <cllr.sandra.collins@manchester.gov.uk>; Joanne Green <cllr.joanne.green@manchester.gov.uk>

Subject: Re: Premises Licence (new) 289624/PW5: Fay's Cafe, 815 Rochdale Road, Manchester, M9 5XD, (Harpurhey ward)

Thank you

We agree with Councillor Collins representation

All three local councillors oppose this licence and we intend to attend the licensing committee

Pat Karney