

GREATER MANCHESTER POLICE - REPRESENTATION

About You

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About the Premises

Application Reference No.	LPA 224518
Name of the Premises	Shesha Lounge
Address of the premises including postcode	First Floor, 137-139 Cheetham Hill Road, Manchester M8 8LY

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, Public Safety and the Prevention of Public Nuisance.

The applicant Mr Jawad Butt has been involved with these premises for at least 12 years as there is an article in the Manchester Evening News from 2007 regarding him opening the premises.

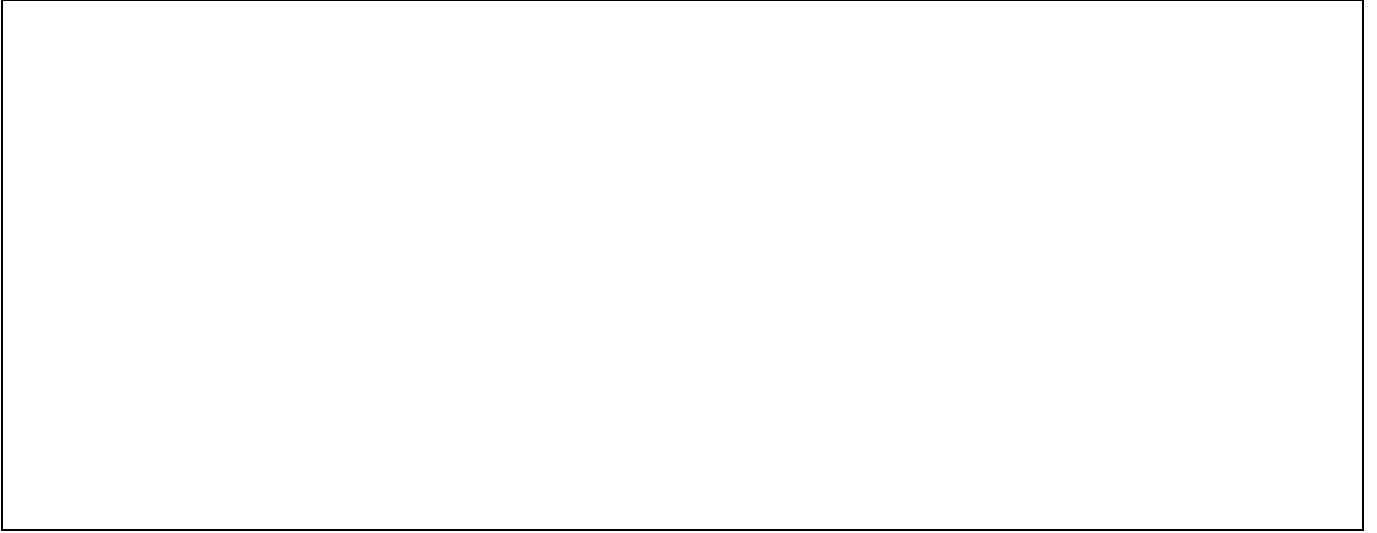
The applicant has allowed customers to smoke Shisha inside the premises which are not 50% open to the elements. The premises has large shutters in the 2 main walls which open to allow fresh air into the premises but even with these fully open it would not be 50% open. On previous visits to the premises by GMP and Manchester City council the shutters were found to be closed.

If the shutters were open when the regulated entertainment was taking place this could also cause a noise nuisance.

There are videos clips on YouTube showing customers smoking Shisha inside the premises with the shutters fully closed and GMP will show these at the hearing.

Therefore the applicant would clearly be undermining the licensing objectives of the Prevention of Crime and Disorder, Public Safety and potentially the Prevention of Public Nuisance.

We therefore ask that this application is refused.





Licensing & Out of Hours Compliance Team - Representation

Name	Luke Solczak
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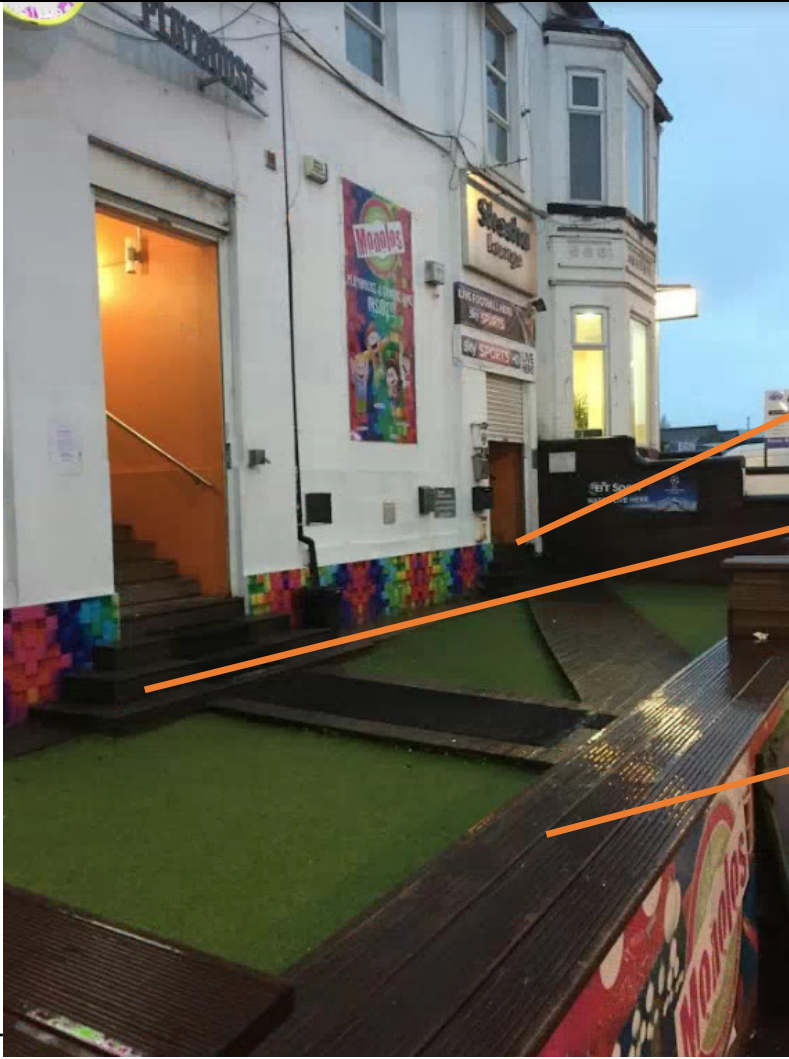
Premise Details	
Application Ref No	224518
Name of Premises	Shesha Lounge
Address	First Floor, 137-139 Cheetham Hill Road, Manchester, M8 8LY

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>The Licensing and Out of Hours Team (LOOH) have assessed the likely impact of the grant of this application taking into account a number of factors, including the nature of the area, hours applied for and any potential risk that the granting of the licence could lead to issues of crime and disorder, public nuisance, public safety and the protection of children from harm. All of the comments below have been made in consideration of Manchester City Council's Statement of Licensing Policy (SOLP) 2016 -2021.</p> <p>Paragraph 7.25 of Manchester City Council's Statement of Licensing Policy (SOLP) 2016 - 2021 provides that: Where its discretion is engaged, the licensing authority will ensure that due consideration is given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises, to ensure they are located in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives. The potential impact on any local residents will be an important matter for consideration.</p> <p>As a result of the assessment carried out for this application, the Licensing and Out of Hours team have concerns that the application and the proposed conditions in the operating schedule are not enough to uphold the four licensing objectives.</p> <p>The applicant has applied to operate Monday to Sunday from 1700hrs to 0200hrs (Monday morning) and to serve hot food and drink refreshments, the provision of live and recorded music after 2300hrs. The location of the premises is shown below:</p>



The premises is currently operating under the name of Shesha Lounge and the premises are conducting activities that are in breach of the Health Act 2006 by allowing patrons to smoke tobacco products in an enclosed area that is below the required 50%. According to site visits carried out by the licensing compliance officers and building plans, there is no outside area where the use of shish pipes may be permitted.

The premises is located on Cheetham Hill road, the buildings consists of several floors. The ground floor is a business called Monolos which is a children's play area and café. The first floor is where Shesha Lounge is located and a residential flat on the top floor. The building has two entrances to the two businesses which shares a single outdoor area to gain access (See outline plans below).

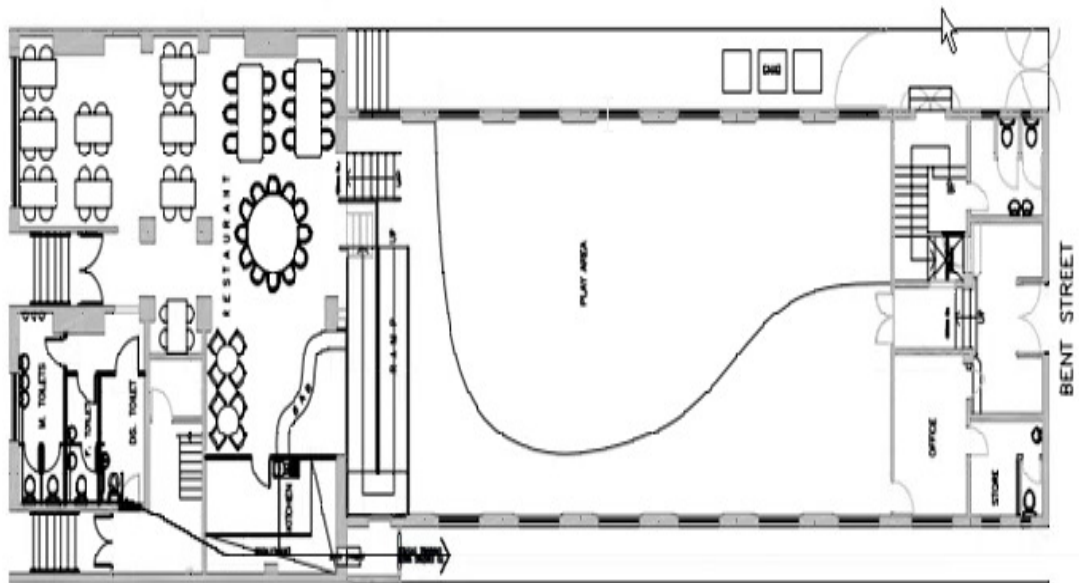


Shesha Lounge
Entrance

Monolos Entrance

Shared Entrance to
both businesses

CHEETHAM HILL ROAD



Monolos is a children's play area and café. The LOOH team have concerns that an establishment of this type and the people, it may attract may pose a risk to children. Monolos is open from 1400hrs – 2300hrs Monday – Sunday which will be open during the requested hours of shesha lounge.

The use of sheisha pipes also poses a fire risk due to the hot coals used in the smoking process. As stated above, the building forms multiple businesses one of which consist of a children and toddlers play area.

Manchester City Council's SOLP sets out the following standards (MS11) that applicants need to consider in relation to protecting children from harm when making an application for a premises: Regard should be had to specific risks that may arise when children are on the premises. The risk assessment should be documented and available for inspection by the responsible authorities upon request. Special consideration is expected to be given to promoted events in licensed premises aimed at, or likely to attract, persons under 18. The licensing authority expects robust measures to be in place to address potential risks associated with such an activity. The applicant has not provided sufficient measures in the operating schedule of the application to protect the children from harm.

The area also consists of residential properties and flats of which one is located above the business (Please see below photograph). The provision of regulated entertainment of live and recorded music may potentially pose a public nuisance. The business has requested to play live and recorded music from 1700hrs – 0200hrs Monday to Sunday. In the application it is stated that the capacity will be limited to 450 people. There is no mention in the operating schedule of the application of registered door staff or how they will manage dispersal when the premises closes. This amount of people exiting the establishment at 0200hrs especially on weekday mornings will pose a statutory nuisance for residents in the surrounding area.



Visits and observation to Shesha Lounge

2nd December 2019 – 13:05

shutters halfway down, nobody present. Officers spoke to neighbouring premise. They stated the business were owned by the same person 'Harry' surname not known. He stated shisha premise does not open until 17.00. Officers advised to inform the management at the shisha premise that they cannot service LNR as licence has lapsed.

18th December 2018 22:20

Officers rang the buzzer 3 times, entrance covered by CCTV. No answer

Officers visited neighbouring business as on a previous visit I was told they had the same owner. Other premises stated they were not owned by the same owner, therefore received contradicting information.

Officers returned to Shesha Lounge and rang the buzzer a couple more times, a male then opened the door and stated the buzzer was 'dodgy' despite us hearing it ring. He said he was the manager and called Najjam Butt he said he did not know the owners name or address. Officers could smell shisha went entered the premise but were advised there were no customers.

However when officers initially tried the buzzer we could hear music and people. I explained the Health Act 2006 re smoking in an enclosed space he said they are 50% open but that he could not show me as the shutters to that space where broken. Mr Butt then gave me a lengthy explanation regarding the broken shutters.

Officers left the premises. At the side of the building officers could see the upstairs of the premise to be occupied by people, multi coloured lights in use and the atmosphere appeared to be Smokey. Officers took a photograph. The shutters then came down over the windows. Officers believe It may have been captured making observations on their cctv.



18th January 2019 – 22:31

Officers witnessed twenty – twenty five customers smoking on the premises. The area in which these customers were smoking was substantially enclosed and were committing offences under Section 7 of the Act. Within the premises no smoking signs were present.

The manger claims that these openings have been calculated by an architect in line with planning enforcement. At the time of the visit on each of the openings the shutters were closed.

I asked to speak to the responsible person in charge. I was greeted by the manager of the premises Mr. Jawad Butt was present, who I recognised from a previous visit in which his application for a premises licence was discussed. I asked Mr. Butt why the shutters were closed on the premises. Mr. Butt stated that they were half closed as the weather outside was bad and caused issues to the premises. I stated to Mr. Butt that the shutters were fully down, and as a result of this the premises is now in breach of the health act. As officers were present the shutters

to the premises were opened.

I explained to Mr. Butt that under Section 7 of the Health Act 2006 it is an offence to smoke within an enclosed space. I also advised that as he was the responsible person in charge under Section 8 of the Health Act 2006 the responsible person is required to prevent this from occurring and failure to do so could lead to prosecution. Furthermore I added that instances like tonight will likely hinder the chances of application being granted for a premises licence.

20th January 2018 – 22:00

Manager advised they have had the shutters open all day. One shutter was closed with the remaining 5 open. Approx. 20 people inside, witnessed 4 pipes in use.

25th January 2018 - 19:15

On entering the main bar area only one of the shutters was open with the remaining 5 fully closed. On the elevated area 4 people and 2 lit pipes were witnessed.

Officers informed Mr Butt that I was issuing him with a warning letter and informed him that he was in breach of the Health Act by allowing people to smoke within an enclosed area. He informed me that due to the weather he had closed some of the shutters as customers were leaving due to the cold weather.

Mr Butt was again advised that he must keep all the shutters open and even with the shutters open it may not be compliant and further visits will be conducted. I also informed Mr Butt that he is not assisting his application for LNR as if he can not comply with officers requests in relation to keeping the shutters open then we do not have confidence that will uphold the licensing objectives if granted LNR.

Mr Butt stated he understood and was trying to be compliant but it was effecting his business.

Mr Butt was advised that random visits would be conducted and was happy with this and understood our concerns.

26th January 2018

Premises was visited - all windows were fully open in the main lounge area - there was a shisha pipe in use with hot coals and 4 males all smoking from the shisha pipe.

Officers spoke with the manager of the premises and further advised him regarding the Health Act and the importance of having the windows fully open while shisha is being used.

The manager stated that the windows have been open every day and showed us evidence of rain damage on the seats within the lounge.

27th January 2018 - 22:25

Officers Spoke with the owner Javad. There were 7 tables all with a number of people on up on the raised canopy with hot coals and shisha being smoked. All the side windows were fully open at the time of the visit, with water patches near the side indicating they had been open for some time. We again reiterated the importance of adhering to The Health Act.

29th January 2018 - 21:50

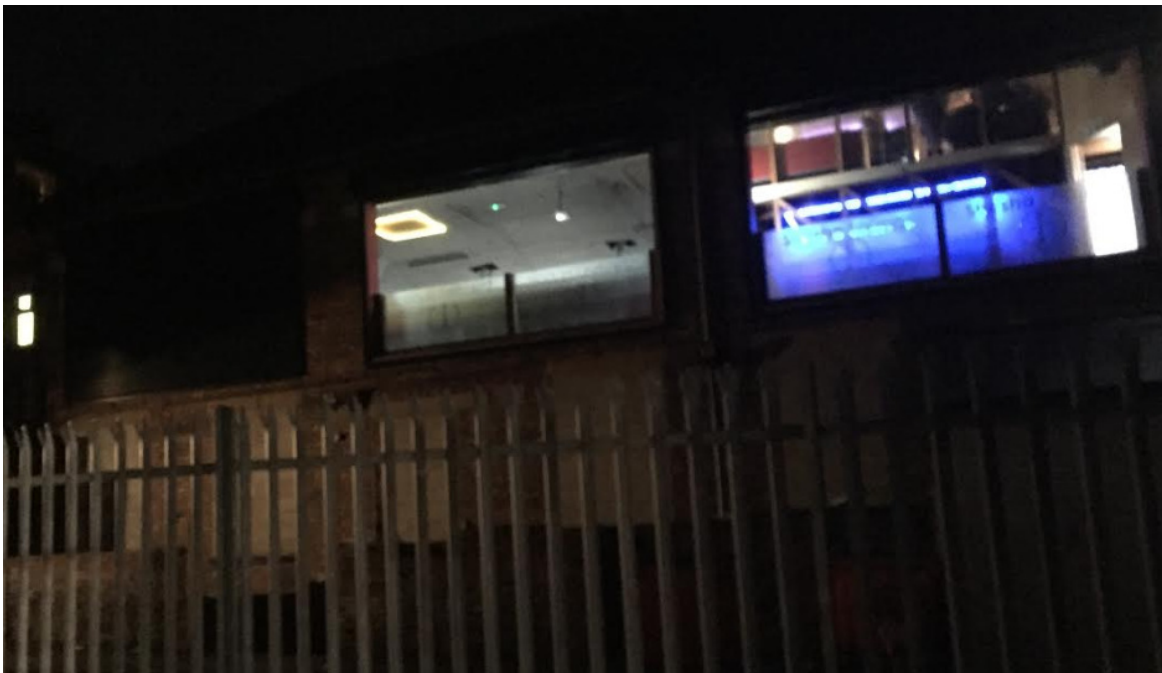
Internal Visit, spoke to a customer who presented himself to officers when we arrived. He was fully aware of why we had visited and was compliant with officer and confirmed Mr Butt was aware the shutters needed to remain open. I noticed 4 of the 6 shutters were fully open. Staff stated the two shutters were not working.

29th January 2018 – 00:50

4 of the 6 shutters were open.

30th January 2018 – 23:30

4 of the 6 shutters were open.





The LOOH team feels that due to this and the lack of compliance with Manchester City Council Officers that the applicant will not be able to manage the premises effectively to promote the licensing objectives under the Licensing Act 2003.

As a result of this assessment we have concerns that the grant of this application is likely to lead to issues of crime and disorder, public safety, public nuisance and protection of children from harm. These concerns are also specifically that the grant of this license is likely to lead to public nuisance in the way of noise issues from the premises to local residents in nearby domestic dwellings from customers arriving in vehicles and customers entering and leaving the premises late at night. There are domestic dwellings/apartments opposite the premises and also flats above the adjacent premises, we have further concerns that under the public safety element of the licensing objectives, Officers within the team have witnessed breaches of the Health Act 2006.

Our view is that the application is a way of allowing the applicant permission to open late at night which would allow it to operate as a Shisha café.

The applicant offers no evidence in the operating schedule to show how he will promote the four licensing objectives within Section M of the application, specifically the Prevention of Public Nuisance, Public Safety and protection of children from harm, as noted above.

We therefore recommend that the application is refused in order to prevent the problems described above.

Recommendation: Refuse Application