

Licensing Act 2003 (Hearings) Regulations 2005

Reference: 228016
Name: Franco Manca
Address: Unit 2, Cobden House, 12-16 Mosley Street,
Manchester, M2 3AQ
Ward: Deansgate
Application Type: Premises Licence (new)
Name of Applicant: Franco Manca 2 UK Ltd
Date of application: 17/03/2019

Agreement has been reached between the applicant and all parties that submitted relevant representations.

The Sub-Committee is asked to grant the application subject to the modifications agreed between the parties without the need for a hearing.

If the Sub-Committee is not minded to grant the application as above, it is requested to adjourn the matter for a full hearing to be held to determine the application.

Proposed licensable activities and opening hours to be granted

Provision of regulated entertainment (recorded music):

Mon to Sun 10.00am to 12.00midnight

Provision of late night refreshment:

Mon to Sun 11.00pm to 12.00midnight

The supply of alcohol for consumption both on and off the premises:

Mon to Sun 10.00am to 11.30pm

Opening hours:

Mon to Sun 10.00am to 12.00midnight

Representations received

Greater Manchester Police

GMP submitted a representation against the application on the basis that all of the 4 Licensing Objectives would be likely to be undermined as it was felt that the applications Operating Schedule was insufficiently robust and that, consequently, it did not fully indicate how the premises would correctly promote and uphold the licensing objectives.

<p>Licensing & Out of Hours Compliance</p>	<p>The Licensing and Out of Hours Compliance Team were primarily concerned that, due to the premises' location (close to Piccadilly Gardens, adjacent to other commercial and retail units etc.), there existed the possibility that the granting of the application could lead to issues with public nuisance, with specific reference to waste/litter. The conditions proposed by LOOH Compliance are considered to be proportionate and will enable the premises to correctly uphold and enforce their responsibilities in regard to the promotion of the prevention of public nuisance.</p>
<p>The Trading Standards Service</p>	<p>The Trading Standards Service expressed particular concern that the application's Operating Schedule was insufficiently worded to enable the required promotion and upholding of the licensing objective relating to the protection of children from harm. The conditions put forward in their representation are believed to be proportionate and will enable the premises to uphold this specific licensing objective to the satisfaction of The Trading Standards Service.</p>

Agreements between parties

Greater Manchester Police:

1. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
2. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:
 - a) all crimes reported to the venue, or by the venue, to the Police;
 - b) all ejections of patrons;
 - c) any incidents of disorder;
 - d) any faults in the CCTV system;
 - e) any visit by a relevant authority or emergency service;
 - f) all refusals of sales of alcohol.

3. The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of identification to enable to verify their identity against the notice.
4. The premises shall display prominent signage indicating at any point of sale, the entrance to the premises and in all areas where alcohol is located that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
5. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log and monitor staff to ensure their training is put into practice. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. **(N.B. It has been agreed between GMP, The Trading Standards Service and the applicant that this condition shall be superceded and replaced by Condition 3 as put forward by The Trading Standards Service via their agreed representation, see below)**

Licensing & Out of Hours Compliance:

1. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
2. Notices shall be prominently displayed at any area used for smoking, requesting patrons to respect the needs of local residents and use the area quietly.
3. All takeaway packaging and wrappers shall clearly identify the premises by way of a company logo or name.
4. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.
5. Litter bins shall be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter.
6. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

The Trading Standards Service:

1. The 'Challenge 21' Scheme shall be operated to ensure that any person who appears to be under the age of 21 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. A log shall be kept at the premises and record all refused sales of alcohol for the reasons that the person(s) is, or appear to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be available on request by the police or an authorised officer of Manchester City Council. The log shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each check shall be recorded in the log.
3. In addition to any other training, the Premises Licence Holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log, enter sales correctly on the tills so the prompts show as appropriate and monitor staff to ensure their training is put into practice. Documented records of training completed shall be kept for each

member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.

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
- Original application form
- Representations made against application and respective agreements