

From: **Fraser Swift** <f.swift@manchester.gov.uk>

Date: Wed, 16 Oct 2019 at 18:42

Subject: Re: Premises Licence variation application 237516/PW5: Peaky Blinders, Ground & First Floor, 23 Peter Street, Manchester, M2 5QJ, (Deansgate ward)

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

This representation is submitted in respect of the variation (237516) to remove/amend conditions of the current premises licence for Peaky Blinder, on behalf of the licensing authority, as a responsible authority under the Licensing Act 2003.

Having considered the proposals, I would make the following comments:

1. Amend condition 8 of annex 2 so that it reads as follows: 'From Sundays – Wednesdays when the premises trades beyond midnight a minimum of 1 SIA registered door supervisor shall be employed at the premises from 22:00 until close. From Thursdays – Saturdays when the premises trades beyond midnight, a minimum of 2 SIA registered door supervisors shall be employed at the premises from 22:00 until close. Where necessary, further door supervisor(s) shall be employed based on capacity at a ratio of 1:100 customers. At all other times, SIA registered door supervisors shall be employed if necessary in accordance with a risk assessment to be carried out by the DPS.'

This would conflict/duplicate condition 7 in Annex 3 (On Thursdays, Fridays and Saturdays, a minimum of 2 SIA door supervisors shall be employed from 2200. Further door supervisors shall be employed based on capacity at a ratio of 1:100 customers (e.g. 290 customers = 3 x SIA).)

I would like more detail on the practicalities on how door supervision would be provided; for example if 1 door supervisor is on duty, will capacity be limited to 100 until additional door supervision can be provided. I would also like to review the risk assessment it is proposed to be used to assess the need for door staff. in order to be satisfied that it is sufficient to ensure the provision of effective security at the venue.

2. Add the sale of alcohol for consumption off the premises;

I would like more detail on what alcoholic products it is proposed to sell for consumption off the premises. Whilst it is proposed to limit the removal of open containers, more detail is needed to properly consider the risk of patrons consuming alcohol in public areas once they have left the licensed premises.

It is proposed to remove condition 12 of annex 2 and conditions 3 – 6 of annex 3.

which are:

No 'stand-alone' dance events shall take place at the premises. (Annex 2, condition 12)

Conditions 3-6, Annex 3:

3. *The first floor of the premises (Ocean Treasure) shall operate as a restaurant with ancillary bar. On the first floor, alcohol shall be sold either to persons dining at the premises, or for pre and post meal drinks for those diners.*
4. *There shall be no designated area for dancing on the first floor*
5. *On giving no less than 7 days' notice to GMP of a private, pre-arranged function which is due to take place on the first floor, this area may be used for dancing subject to a GMP veto. Such notice shall be given to GMP by email and shall include the nature of the event, organisers name and telephone number. If GMP objects to the event in writing (by email) within 48 hours, no dancing shall be permitted during the function*
6. *Hours for licensable activities on New Year's Eve shall be restricted to 0400.*

There are no details provided in the application as to what will replace the Ocean Treasure restaurant function. The effect of the removal of these conditions is likely to have a significant impact on how this premises operates, particularly the removal of the restaurant-nature of the first floor. I am concerned that this creates the potential for the premises to be increasingly alcohol-led.

This premises was previously subject to a condition (removed earlier in 2019) that *'No less than 2/3rds of the trading area shall be set out for dining'*. This further variation would continue the evolution away from a predominantly restaurant use, which are typically lower-risk, towards a predominantly alcohol-led venue, which is typically higher-risk.

3. Amend condition 14 of annex 3 so that it reads as follows: 'There shall be a designated outside smoking area for the premises which shall be covered by CCTV and monitored by staff and/or door staff (when employed) to ensure it is well managed and that customers are only permitted to smoke in the designated area.'

Another of the issues in this area is congestion and further detail on this proposed area is required to ensure it does not exacerbate existing problems.

4. add the following condition: 'Externally promoted events shall only be permitted with the prior approval of GMP and the Licensing and Out of Hours Team, who are to be given a minimum of 7 days' notice of such events.'

As the licensing authority, further information is required as to what circumstances an external promotion would be held and the proposed nature of such events. The licensing authority is responsible for authorising licensable activity and so it is appropriate that it is satisfied there are appropriate measures in place for the operation of such events.

5. change to the layout of the premises

Depending on the responses to issues raised in respect of previous points will impact on whether the proposed layout is appropriate for the promotion of the licensing objectives having regard to the operation of the venue.

Conclusion

Peter Street has seen a renaissance over recent years but there are practical arising as a result including congestion and alcohol-related issues. An Alcohol Treatment referral unit is now situated on Peter Street in response to alleviating the alcohol-related issues in this area. The prospect of having an increasingly large bar/club in this area would be likely to exacerbate local issues..

Paragraphs 8.41 – 8.49 of the s182 Guidance and Section 7 of the Council's Licensing Policy sets out that applicants are expected to take into account relevant to the individual characteristics of the premises and locality when preparing their operating schedule and applicants are encouraged to identify relevant factors through risk assessment of the local area of the premises before making the application. There is no suggestion that this has been done in respect of this application.

Section 8 of the Licensing Policy sets out a range of standards identified by the Council that is expected of licensed premises in Manchester. The applicant has not addressed these standards with respect to their premises and there is no evidence of any consideration (e.g. by way of risk assessment) of their premises relative to the standards or explanation for this omission, as recommended (8.3 of the Policy).

The policy sets out that Applicants are expected to consider and propose all standards they regard as appropriate to promote the licensing objectives with respect to the individual circumstances of their application.

The application proposes no further additional measures to promote the licensing objectives. Clearly there is an intention to modify the operation of the venue through the modification of the licence conditions, and having regard to the expectations of the Policy. I think further explanation is needed as to why it is considered no additional measures are appropriate for the promotion of the licensing objectives.

For the reasons above, I have concerns that this variation would be likely to adversely impact on the licensing objectives.

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