



Licensing & Out of Hours Compliance Team - Representation

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Premise Details

Application Ref No	REF: 259673
Name of Premises	Sainsburys
Address	Land Bound by, Old Mill Street & Great Ancoats Street, Manchester, M4 6EE

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 Licensing and Out of Hours Team have assessed the likely impact of the granting 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 this could lead to.

As a result of this assessment we have concerns that the granting of this application is likely to lead to increased issues of public nuisance and crime and disorder.

The planned location of the premises is in an area with a high volume of residential properties, situated on the corner of Old Mill Street & Great Ancoats (map indexed as **MC01**). This location is also a direct walking route from Manchester City Centre to Etihad Stadium where high-profile events and football matches are held on a regular basis, attracting thousands of visitors. If not managed appropriately, premises could fail to prevent on-street consumption of alcohol as described in Manchester Standard 5 (MS5) within Manchester's Statement of Licensing Policy. This could lead to disorderly and antisocial behaviour in the area and customers discarding waste within the vicinity and along the route to Etihad Stadium.

In opinion of the Licensing and Out Of Hours Team, the applicant provided unsatisfactory steps to promote the aforementioned licensing objectives in the operating schedule and provided merely 1 condition relating to Prevention of Public Nuisance licensing objective relating solely to noise made by customers leaving the premises. This should have been given a further consideration under point 3.45 of the Manchester's Statement of Licensing Policy:

"While the licensing authority will seek to ensure the promotion of the four licensing objectives by licensed premises in Manchester, it is acknowledged

that conditions can only be imposed that seek to manage the behaviour of customers that fall within the control of the licensee.”

And 3.46 of the Manchester's Statement of Licensing Policy:

“Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night-time economy.”

Applicant also failed to demonstrate consideration to “Local Factors” paragraph 7.1 of the Manchester's Statement of Licensing Policy:

“The authority recognises that licensed premises and activities can play an important role in ensuring the vitality and prosperity of the city in terms of economic growth, additional employment opportunities and improved physical environments. However, if not managed carefully, negative impacts can arise. Licensed premises are expected to be an asset to their local area through the promotion of the licensing objectives.”

This also demonstrates that insufficient enquiries were made about locality to determine steps appropriate for the promotion of the licensing objectives as prescribed in Section 182 Guidance under Licensing Act 2003 in paragraph 8.44.

Paragraph 7.2 of Manchester's policy also states: *“(…) when setting out the steps they propose to take to promote the licensing objectives, applicants are expected to obtain sufficient information to enable them to demonstrate that they understand:*

- The layout of the local area and physical environment, including crime and disorder hotspots, proximity to residential premises, and proximity to areas where children may congregate*
- Any risk posed to the local area by the applicant's proposed licensable activities”*

Paragraph 8.41 of the Guidance under Section 182 of the Licensing Act 2003 prescribes:

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

We therefore recommend that in order to prevent the problems described

above the following conditions should be attached to the Premises Licence:

1. The premises licence holder shall ensure that the provision of door supervisors at the premises is appropriate to ensure the safe control of the premises, and shall review this on a regular basis and upon request from GMP.

Condition b)7 to be replaced with:

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 GMP 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) any incidents of disorder
- (c) any faults in the CCTV system
- (d) any refusal of the sale of alcohol
- (e) any visit by a relevant authority or emergency service

3. All staff shall be trained in recognising signs of drunkenness. 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.

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

5. The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.

6. Litter bins shall be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter.

7. No bottles, glasses or similar items may be disposed of in outside receptacles between 22:00 and 07:30 hours.

8. Delivery drivers shall conduct the delivery in a manner that will not cause a noise disturbance to the occupiers of any residential properties surrounding the delivery address. This includes the avoidance of slamming doors, playing loud music, shouting, overrevving engines and sounding horns to signal their arrival. The driver shall turn the engine off immediately upon arrival at the delivery address and will park considerately without causing any obstruction to the highway.

9. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

10. Prior to any designated special event by Greater Manchester Police and 'designated sporting event' (as defined in the Sporting Events Control of Alcohol Act 1985) the premises licence holder shall ensure that:

(i) Alcohol sales in respect of cans of beer or cider are limited to no more than four cans per person for a minimum of four hours before the

commencement of the relevant designated special and sporting event.

(ii) On any day where there is a relevant designated special and sporting event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated special and sporting event or in the vicinity of the premises as a result of the designated special and sporting event.

(iii) All members of staff working at the premises are informed of this condition prior to taking up employment.

(iv) On the day of the relevant designated special and sporting event, upon the direction of a police officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed.

We believe this amendment to the condition is proportionate and appropriate to prevent the problems described and to ensure that the licensing objectives are upheld.

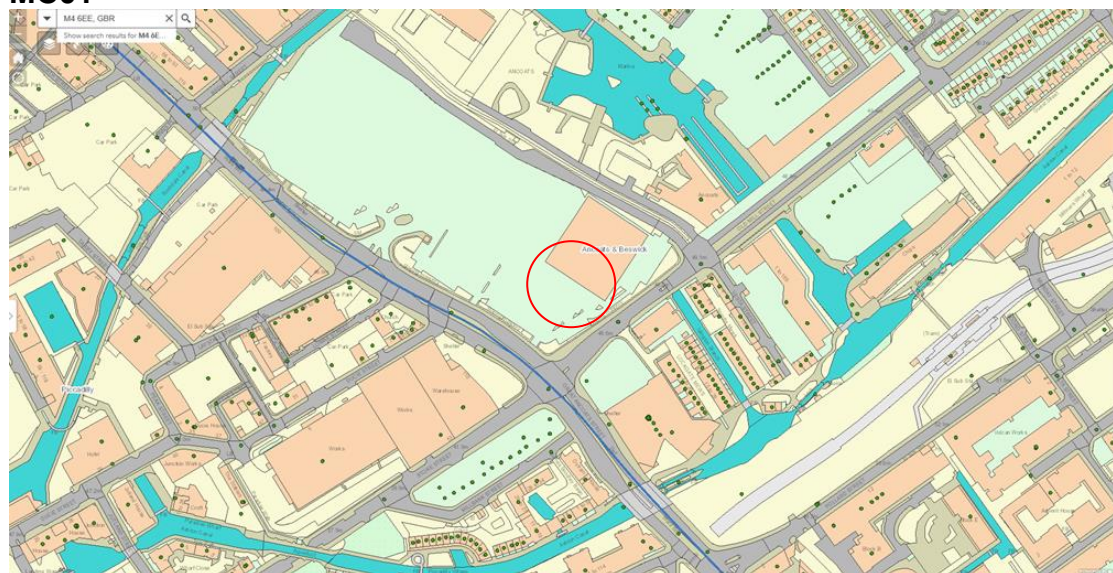
In the event the application goes through to a hearing, I reserve the right to include additional information to support my application.

Date: 5 July 2021

Sign:



MC01



Recommendation: Approve with Conditions (Outlined Above)