



**Licensing & Out of Hours Compliance Team - Representation**

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**Premise Details**

Application Ref No	M/262249
Name of Premises	Manchester Mini Market
Address	16 Oldham Street, Manchester

**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 (LOOH) team have assessed the likely impact of the grant of this application taking into account a number of factors, including the nature of the area in which the premises is located and any potential risk the granting of this licence could lead to undermining the four licensing objectives.

In making this representation, the LOOH team have also considered Manchester City Council's Statement of Licensing policy, in particular S7.12, 7.14 & 7.16 regarding how evidence of pre-existing problems within the local area should be considered when applications are made for Licensable activity:

*7.12 Where its discretion is engaged, the authority will give consideration to the general character of the surrounding area, including crime and antisocial behaviour (ASB) levels, litter problems, issues regarding underage or proxy sales, and noise complaints. Where there are demonstrable problems linked to the operation of licensed premises in the area and the evidence demonstrates problems with licensed premises in the area, the licensing authority will, in exercising its discretion, take this into consideration when deciding what (if any) steps are appropriate and proportionate in the individual case.*

*7.14 Areas with a high density of licensed premises that operate as well-known entertainment zones draw in large numbers of legitimate users, a minority of whom may become caught up in unplanned violent or disorderly incidents, or may generate public nuisance, particularly if under the influence of alcohol. They may also attract a number of 'illegitimate' users who*

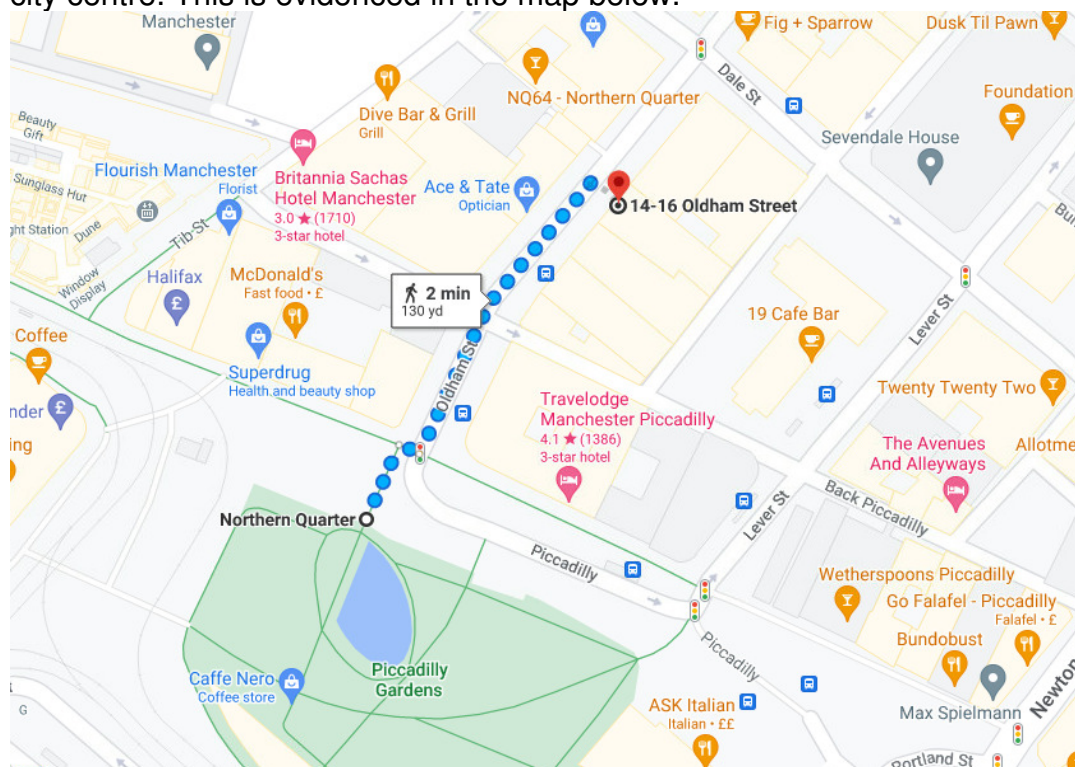
*purposely target the area in order to exploit various criminal opportunities (eg. by using the anonymity of large crowds to conduct theft or preying upon intoxicated and therefore vulnerable persons).*

**7.16** *The authority will also consider the impact of drinking in public places. Several areas of the city, including the city centre, are subject to Designated Public Place Orders (DPPOs) restricting alcohol in public spaces. DPPOs have been superseded by Public Space Protection Orders, with effect from 2014.*

Licensing Out of Hours have also considered section 7.17 of the council's statement of licensing policy in relation to the proximity of takeaways and off-licences to nightlife entertainment areas:

*7.17 Such premises typically lack the type of design and management provisions necessary to process the custom of a large intoxicated late-night customer base, and may act as flashpoints for alcohol-related crime and disorder. Additionally, there is a risk of staff being subjected to threatening behaviour, physical violence, and property damage. Operators are encouraged to consider conflict management training and/or employment of door supervisors, where appropriate. However, where the authority's discretion is engaged, consideration may be given to restricting hours of operation to avoid the risk of such premises acting as flashpoints for crime and disorder.*

The Manchester Mini Market premises are situated at 16 Oldham Street in the city centre, 130 yards away from Piccadilly Gardens which is a hub for crime, disorder and anti-social behaviour across the whole of Manchester city centre. This is evidenced in the map below.



This application seeks to amend the premises current licence by supplying alcohol off sales for 24hrs a day and to add the provision of late-night refreshment. Oldham Street is an arterial route within the city centres late

night economy and at night is extremely busy with a high footfall of patrons utilising the various bars/restaurants along the street.

Licensing Out of Hours officers regularly visit Oldham Street throughout the night passing through Piccadilly Gardens as part of proactive visits to Licensed Premises within this area of the city centre. Officers regularly encounter intoxicated individuals and groups within these areas, some of whom are contributing to the ongoing issues with crime, disorder and ASB.

Manchester City Centre has a Public Space Protection Order (PSPO) in place to control the ongoing anti-social behaviour including street drinking across the city. Street drinking is one issue in the city that contributes to the high levels of crime, disorder and anti-social behaviour witnessed within Piccadilly Gardens and the surrounding area. Licensing Out of Hours have worked with the council's Anti-Social Behaviour team and Greater Manchester Police in order to promote the city centres PSPO that is in place. Between October – December 2021, there were 10 planned visits to Piccadilly Gardens in order to educate and enforce the PSPO. During these visits, officers confiscated alcohol from street drinkers in and around the gardens and the Northern Quarter. On some occasions, officers were met with hostility from intoxicated individuals when enforcing the PSPO.

Licensing Out of Hours believe if the changes submitted as part of this application were to be accepted, the 24hr sales of alcohol would encourage already intoxicated individuals and others to purchase alcohol, thus encouraging street drinking and leading to breaches of the PSPO and further issues with crime, disorder and ASB. We would have serious concerns about the types of individuals wanting to purchase alcohol after 2300hrs and where they would want to consume it.

Furthermore, Licensing Out of Hours as part of this representation have also considered relevant case law. We refer to the case of *Thwaites plc V Wirral Magistrates Court and Others (.2008)*. This case, referred to as 'the Thwaites case', is important because it emphasises the important role that Responsible Authorities have in providing information to decision makers to contextualise the issue before them.

This case is sometimes misconstrued as requiring decisions to be based on 'real evidence', and that conditions cannot be imposed until problems have actually occurred. This is wrong. The purpose of the Act is to prevent problems from happening. Decisions can and should be based on well-informed common sense. The case recognises that Responsible Authorities are experts in their fields, and that weight should be attached to their representations. It is most relevant when opposing grant applications.

Licensing Out of Hours have also considered the case of *East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) (2016)*

Mr Justice Jay said: the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

Taking into consideration the information provided above, Licensing Out of Hours are of the firm belief that if this application was to be granted, it is highly likely that the ongoing issues around crime, disorder and ASB within this area would be worsened, thus undermining the Licensing Objectives of:

- The Prevention of Public Nuisance
- The Prevention of Crime and Disorder.

Licensing and Out of Hours have no doubt that agreeing to this application would have a significant detrimental effect on the area, it's residents, people who work in the city and it's visitors. Due to the information presented above, Licensing Out of Hours recommend that the application should be refused.

Recommendation: **Refuse Application**