

GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC 13795 Aftab Hussain
Address including postcode	1 st Floor Manchester Town Hall Extension Lloyd Street Manchester
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Contact Telephone Number	0161 856 6017

About the Premises

Application Reference No.	285626/PW5
Name of the Premises	Sam Off Licence
Address of the premises including postcode	Sam Off Licence 20a Swan Street Manchester, M4 5JW

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 the Prevention of Public Nuisance and Public Safety.

1. Monday – Sunday the business are wanting to sell alcohol from 7am till Midnight, however on Friday and Sunday they wish to sell alcohol till 02:00hrs. There is no reference to having Door Supervisor on duty as the door supervisor shall prevent crime and disorder. The sale of alcohol from 7am is not acceptable especially in the City Centre where a Night Club less than half mile away has a licence till 7am. Customers leaving that Nightclub intoxicated are able to walk past this off licence and purchase more alcohol.
2. Having spoken to the Applicant he does not want to sell alcohol from 7am but the application does not reflect this and he wants to sell confectionary.
3. There is no mention of how they are to record refusal sales.
4. The applicant was unaware of the PSPO in the City Centre.
5. The applicant was unaware of what is meant about Proxy Sales.
6. The applicant had failed to consider where the expensive alcohol will be kept. The layout of the off Licence makes it easy for shoplifters to come in and lead to an increase of Crime & Disorder.
7. The applicant who is the DPS when spoken to on Monday 12th March 2023 showed little knowledge around the rules and regulations of running an Off Licence and it was clear that he had not read the application.
8. Unfortunately the application talks about points that have no validity in the running of the Off Licence, for example:-
“The Designated Premises Supervisor will arrange to monitor levels of noise from both inside and outside the premises and remedial action will be taken as appropriate”.
“Doors and windows will be kept closed as deemed necessary by the Designated Premises Supervisor.”

This is a point that would be associated with the running of a Night Club and not an Off Licence.
Having visited the premises, it has a glass door and next to it a large floor to ceiling windows with no window opener.



Licensing & Out of Hours Compliance Team - Representation

Name	Gareth Hall
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	gareth.hall@manchester.gov.uk
Telephone Number	0161 234 1220

Premise Details

Application Ref No	M/285626
Name of Premises	Sam Off Licence
Address	20a Swan Street, Manchester, M4 5JW

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.

Licensing and out of hours (LOH) 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, the hours applied for and any potential risk that the granting of this application could have, taking into account the licensing objectives specifically prevention of public nuisance.

The premises at 20a Swan street is currently a small barber shop trading as HQ Barbers, whose current trading hours are 0900 Hrs until 2000 Hrs Monday to Friday and 1000Hrs to 1700 Hrs on Sundays. The area around the premises is a variety of commercial and residential uses which are located in the Norther Quarter of the City Centre. including licensed premises the majority of which have terminal hours of 0100 Hrs. The one exception is a premises on nearby Shudehill which has a terminal hour of 0700 Hrs. The area also has a number of short term lets which have proven problematic leading to complaints relating to noise and Anti-social Behaviour (ASB).

LOH had initial concerns upon having first sight of the application:

- The hours applied for could result in people leaving nearby premises at their terminal hour purchasing alcohol from the premises leading to incidents of street drinking/ASB in the area.
- The fact that several conditions offered were not conducive to the operation of an off licence but more akin to a bar or night club.
- There is little mention of staff training in the application past Challenge 25 and acceptable forms of ID. No conditions that would be consistent with the operation of an off licence such as a refusals book.
- No provision for door staff considering the terminal hour in the application.

Due to these concerns, I emailed the applicant via the email address provided on the application on 21st February 2023 advising of LOH concerns and requesting a site meeting with the applicant.

I emailed the applicant / representative again requesting a site visit. I received an email from the representative agreeing to a site meeting at the premises on Monday 13th March 2023 at 1200 Hrs, however there was no response to the concerns highlighted in my email dated 21st February 2023.

At 1200 Hrs on Monday the 13th March 2023 I attended 20a Swan Street along with PC Hussain from GMP licensing team. The applicant arrived after a short delay with his brother, also present was one of the barbers, the applicant's representative was not present. At the conclusion of the meeting LOH had further concerns relating to the application:

- It was clear from the outset that my concerns relating to the application had not been passed to the applicant by their representative.
- The applicant had not had sight of the application submitted by their representative.
- The applicant who is also to be DPS at the premises was unable to explain what proxy sales were, advise what measures would be put in place to prevent proxy sales or to underage and/or intoxicated persons
- The applicant had no knowledge of the PSPO in place in the city centre, was unaware that the premises was near to hotspot locations of ASB/in respect of preventing street drinking and was unable to provide any measures that would support this.
- No conditions or amendments to the operating schedule provided to address responsible authorities concerns.
- Proposed terminal hour of the premises is later than the majority of licensed on premises in the vicinity again this increases the risk of ASB/street drinking by customers 'continuing their evening of drinking on the street' and provides a later supply of alcohol to the problematic short term lets.
- No consideration in regard to 'Martins Law' and actions should there be a terror incident in the vicinity such as took place in borough market area of London 2017.
- There had been no consideration by the applicant in relation to store layout and monitoring of displayed alcoholic beverages. In particular the intention to display high strength spirits openly accessible to the customer.
- During the visit the applicant stated that they would wish the authorisation to sell alcohol to start at 11am not 7am as applied for, however the applicant could not provide any measures of how the alcohol would not be exposed for sale.

Manchester City Councils Statement of Licensing Policy MS1 Implement effective security measures at the premises states - Consideration should be given to the location of alcoholic products in off-licence premises, particularly in relation to the ability of staff to effectively monitor the area in order to guard against the risks of shoplifting and to deter attempts by underage persons to purchase.

MS5 Prevent on-street consumption of alcohol states that Street drinking can be a major cause of antisocial behaviour, often involving underage persons, which gives rise to disorder, concerns over public safety and harm to children. Additionally, it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour. Licensees should ensure all staff are aware of the DPPO/PSPO when situated within the designated area and reinforce the No Street Drinking warning at point of sale. Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. It is clear that no consideration has been given to Manchester City Councils Statement of Licensing Policy by the applicant or their representative.

Due to the concerns outlined above, the lack of consideration of the area the premises is operating in and Manchester City Councils statement of Licensing Policy LOH ask that the application is refused.

Recommendation:

Refuse Application

PLEASE NOTE: ALL REPRESENTATIONS AND SUPPORTING EVIDENCE MUST BE SUBMITTED TO MANCHESTER CITY COUNCIL WITHIN 28 DAYS, STARTING THE DAY AFTER THE PREMISES IN QUESTION MAKES AN APPLICATION (TO FIND OUT THE CLOSING DATE CALL THE LICENSING UNIT ON 0161 234 4512)

ABOUT YOU		PLEASE NOTE: LICENSING OFFICERS, LICENSING COMMITTEE MEMBERS AND THE APPLICANT CAN VIEW THE INFORMATION PROVIDED ON THIS FORM	
Your first name (required)	Your last name (required)		
Sonia	Cooke		
Your address including postcode (required)			
Trading Standards Service 1 Hammerstone Road Manchester M18 8EQ			
Contact email address	Contact phone no		
sonia.cooke@manchester.gov.uk	0161 219 2803		

ABOUT THE PREMISES
Application Ref No. (if known):
LPA 285626
Name of the Premises about which you would like to make a representation:
Sam Off Licence
Address of the Premises (including postcode if known):
20A Swan Street, Manchester, M4 5JW

YOUR REPRESENTATION
Please outline your representation below and continue overleaf. This should be the likely effect of the grant of the licence / certificate on the licensing objectives on and in the vicinity of the premises in question. (Please continue on a separate sheet of paper if necessary)
<p>The Trading Standards Service has assessed the likely impact of the granting of this application taking into account a number of factors, including the conditions offered and times applied for and any potential risk that the granting of this application could lead to issues which do not uphold the licensing objectives specifically the prevention of children from harm.</p> <p>The applicant proposes the sale of alcohol at an off licence. The applicant has offered very little to promote and uphold the licensing objectives, specifically the protection of children from harm. The conditions offered relate to Challenge 25. However, the applicant has not detailed what staff training would be given, how often it would be refreshed and if it will be documented. Although Challenge 25 is mentioned in the application, there has been no consideration given to acceptable forms of identification, the recording of refusals, or signage to promote an age verification to deter underage sales. The application submitted lacks any detail and gives concern that the applicant does not fully understand the importance of upholding the licensing objectives.</p> <p>Manchester City Councils Statement of Licensing Policy MS12 <i>Prevent underage sales of alcohol, including proxy sales</i>, states that effective and appropriate measures must be taken to ensure age restrictions are enforced at the premises. Examples given of this are details of what forms of ID are acceptable, the maintenance of refusal logs and staff training. MS12 continues stating that the licensing authorities preferred approach is a Challenge 25. This approach allows for a much stronger age verification policy as it is much easier for staff to distinguish if someone is 25 or older rather than 21.</p>

Documented staff training is also expected. It is clear that no consideration has been given to Manchester City Councils Statement of Licensing Policy.

Giving consideration to the above policy which clearly outlines expected measures to be taken at licensed premises and the conditions that the applicant has offered. The Trading Standards Service ask that the application is refused.

Supporting Evidence: In addition to your own written / oral testimony to the Licensing Sub-Committee, you may wish to provide evidence to support your representation. You will need to show how this evidence relates to the premises in question. Examples of supporting evidence include oral testimony, written testimony, noise records, video or photographic material, crime and disorder data, other statistical data, reports etc.)