

## Representation for Premise Licence (new) 289773/CT4

[REDACTED]

Wed 26/07/2023 08:02

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

📎 1 attachments (350 KB)

50 Princess Street licence issues V2.pdf;

Hi [REDACTED]

I hope you are well.

I have finished writing my representation and have attached it to this email in PDF format. Is this OK or should I send it in another format?

Please do let me know if I have done this correctly.

Thanks again for your help.

Kind regards,

[REDACTED]

Dear Licencing,

## Introduction and reasons for making a representation

[REDACTED]  
[REDACTED]  
[REDACTED] I appreciate the importance of new licenced premises in Manchester City Centre and truly wish to support new and innovative businesses in the area. I am also keen for the basement property to be in use. My motivation for writing is purely out of a desire to point out material issues that could arise from this licence application as written, where I feel there is contradiction with the four licensing objectives.

In the following document I will outline my concerns with the proposed Premise Licence (new) 289773/CT4, in relation to the promotion of the four licensing objectives of Manchester City Council.

I first have general questions relating to the proposed regulated activities and activity times of the premise. I would ask if the prospective licensees have considered the impact that some of these conditions and operating hours would have on local residents. I cannot think of another seated restaurant in the city centre with such late opening times (up to 2 am or 4am on bank holidays and New Year), let alone one connected to residential properties. For context, there is very little separation between the venue and windows of the flats above (Figure 1). In my opinion, this necessitates a great deal of care and planning to avoid impacting local residents. On that note, I seek confirmation that the intended operation is solely as a restaurant, only serving drinks to customers with “substantial table food orders”. I ask because the new signage above the entrance to the venue states food and bar. Advertising a bar does suggest one could go there just to use the bar if desired (figure 2).



Figure 1. Transact house from Princess Street. Venue windows, exits and entrance highlighted in red, rest is residential.



Figure 2 Venue entrance signage (Princess Street). Of note, residential windows less than 1metre above entrance.

## The prevention of crime and disorder

I have concerns that the activities and proposed hours of operation proposed could be detrimental to the prevention of crime and disorder. From the Home Office guidance on the licensing of late night refreshment, “The provision of late night refreshment is regulated primarily because it is often linked to alcohol-fuelled crime and disorder in the night-time economy”. Further to the point of criminality, it is worth considering the cumulative impact of concentrations of licensed premises as well as the local crime and disorder statistics. Parts of the area which this premise sits adjacent to have a high concentration of late-night drink venues and nightclubs, and have been identified by GMP statistics as a crime hotspot (ref: <https://tinyurl.com/2kpnf769>).

### Specific points:

- As it is advertised as a bar, and proposed to provide entertainment, ‘late-night refreshment’ and supply of alcohol late into the night, it is possible that drunk and/or disorderly customers will be attracted to the venue from nearby. Given that the entrances to both residential builds (48 and 50 Princess Street) are in very close proximity to the venue entrance, there is a heightened risk of violence and/or intimidation to residents entering or leaving their respective buildings. This is concerning even if the venue refuses service/entry to groups, as they could remain in the immediate area. As an example, a street brawl was reported involving men who were turned away from a restaurant providing late night refreshment (ref: <https://tinyurl.com/58k3cts2>).
- This will be compounded if the premise acts as a take-away at night, as this would result in people congregating outside the venue entrance, close to the residential entrances. As stated in the Home Office guidance, this kind of licenced activity is linked to crime and disorder in the night-time economy, especially when considering the cumulative impact of concentrations of licensed premises.
- There is likely to be an increase in other offences in the proximity of the building, for example littering and vandalism due to the aforementioned alcohol-fuelled crime and disorder in the night-time economy.
- If the licensees were to operate as outlined in the proposal, I feel that the precautions of “signage displayed at the entrance”, “digital colour CCTV” and registered SIA door supervisors only when “following a risk assessment for all pre-booked events with more than 20 people”, are inadequate to prevent the issues raised above. This is because there is little evidence that signage or presence of CCTV will deter all criminality, and as discussed, many people could be attracted to the venue at night without bookings, meaning there would be

no door staff in many cases. In most cases where venues serve alcohol at these operating hours, there are conditions on the licence to have SIA trained door staff at all times after a certain hour.

## Public safety

Some safety concerns are applicable to the arguments above however there are some specific concerns I have regarding safety.

### Specific points:

- This is an old building with lots of wood construction. All flats in the building by condition of the lease and general planning guidelines utilise only electric power for heating and cooking to minimise risk from fire. Will the premise be utilising other forms of fuel such as gas or wood? If so, have proper risk assessments been carried out, what additional safety precautions are in place and what training will be provided to staff regarding fire prevention?
- Have any new cooking appliance installations been inspected, and have the fire suppression systems been reviewed and approved?
- Manchester city is a Smoke Control Area since 1985. Some ventilation/exhaust chimneys for the premise rise to the roof of the building and some have been added to the central lightwell roof close to the ground floor. Many flats have windows opening out into the lightwell. Has an assessment into the release of fumes and pollutants been carried out to understand how well pollutants are removed from the building and what the impact would be for the health and safety of residents close to the exhaust points?

## The prevention of public nuisance

There are public nuisance concerns that arise from the operation of a 120 seat venue below residential flats as well as the proposed licenced activities and hours of operation. Firstly, I will emphasise again the proximity of the venue to residential flats at the exterior faces of the building as well as around the central lightwell, which opens above the venue in question. Secondly, the flats and venue sit in an old building with questionable sound insulation properties for the basement venue. If an acoustic report has not been conducted, then one should be conducted for residents to be informed of the full impact of licenced activities.

Importantly, the proposed hours of operation extend to very late in the night and would compound enormously the impact of the nuisance caused by the operation of the venue. As well as causing nuisance during the day and in the evenings, it would disrupt sleep and normal living in the building.

### Specific points:

- The noise from a 120 restaurant and kitchen is likely to be considerable and could impact residents, particularly at night, causing nuisance for people trying to go about their lives.
- Groups arriving and leaving the venue would also cause noise disturbances and additional public nuisance, particularly at night.
- What measures will be in place to prevent vehicles picking up/dropping off outside the building late at night from causing a nuisance?
- The provision of late night refreshment and any operation of the venue as a takeaway would be additive to the issue of noise outside the building at night.
- The provision of regulated entertainment including recorded music and live music performances is a particularly impactful new use of the space and would cause even more

nuisance for residents due to noise and vibration from base reaching other parts of the building.

- Smell and noise from ventilation could impact residents causing a nuisance. The licence states that “No exterior lighting or air conditioning units will be positioned so it will cause annoyance to any resident.”. What evidence is there that all new ventilation has been placed so as not impact residents? Typically, extensive planning applications are made for installation of new ventilation including acoustic and emission reports prior full to installation. To my knowledge, this has not been done. So what tests have been run to verify noise and smell does not affect residents above the set thresholds?
- If guests or staff chose to smoke, where will they do this and how will it be ensured that rising smoke will not impact residents above?

## The protection of children from harm

There are families with young children living in the immediate vicinity of this venue. Many of the points raised above are relevant to, and likely have a heightened impact on children. From the NHS website, infants need 12-16 hours sleep. Any disturbances from the venue during the evening or night (as covered extensively above), would make this impossible and therefore have a serious detrimental effect on child health. Likewise, fumes from the restaurant, cigarette smoke, and additional traffic from street level would have an even greater harmful impact on children.

## Conclusion

While I support the basement property of 50 Princess Street being used commercially, I feel that there must be great care and planning to ensure this works harmoniously with the residential nature of the building. Based on the points raised above I would question whether the proposals outlined in this licence application would be conducive to the support of the four licencing aims. In the current state, I genuinely struggle to see how these proposals could be implemented without having a significant detrimental impact on the public. Taking all of the above into account, if I am permitted to make suggestions, the changes that I feel would go farthest to promote the licencing objectives are as follows:

- The safety and efficiency of all cooking, fire suppression and extraction installations needs to be reviewed and this to be made available, as well as details on fire prevention training. Ensure fumes and cooking smells are properly removed away from the residential part of the building.
- Enforce a policy of no smoking for staff close the building.
- Make the hours of operation align with most other restaurants in the area, that being closing no later than 10 pm. This would practically eliminate the crime and disorder and most public nuisance concerns.
- Restrict all licenced activities to the same reduced hours, on the condition that an acoustics report shows noise from activities e.g. recorded music are no audible from other parts of the building.



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

Name	Niall Johnson
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Department	Licensing and Out of Hours Compliance Team
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Telephone Number	0161 234 1220
<b>Premise Details</b>	
Application Ref No	289773
Name of Premises	APNA THIKANA
Address	Basement, M1 Building, 50 Princess street, MCR

**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.

This is notification that the Licensing and Out-of-Hours team (LOOH) have assessed the application and the likely impact the granting of the licence would have on the local amenity. We have taken into account the nature of the area, surrounding licensed premises and local residential premises.

Having given consideration to Manchester City Council's Statement of Licensing Policy and how the applicant will promote all 4 of the Licensing Objectives we are confident that the application should be approved with additional conditions.

Following a meeting with the operators, and discussions with the interested parties, the below conditions have been agreed:

- At all times that the premises are open to the public for licensable activities, all staff on-duty at the premises, including all door supervisors, and all on-duty managers must have completed Action Counters Terrorism (ACT) Awareness e-learning training. In addition, a minimum of 1 on-duty manager and any on-duty security supervisor/manager must also have attended a Counter Terrorism (CT) Awareness session delivered by Counter Terrorism Policing North West (CTPNW) trained personnel as soon as reasonably practicable. If not completed, they must have registered to attend a course and be able to provide evidence of this if requested by a police officer or authorised officer of the licensing authority.

- There must be a documented security assessment, which must incorporate counter terrorism measures for the premises. The assessment shall be routinely reviewed and must be reviewed following the elevation of the change of the national threat level. All reviews shall be documented.
- The premises shall have a documented smoking and dispersal policy and the designated smoking areas must be covered by CCTV.
- Door supervision must be provided Friday, Saturday and Sundays preceding a Bank Holiday when operating past 00:00. One door supervisor must be on duty from 10pm and must remain on duty until the premises are closed and all the customers have left.
- At times outside of the above condition, door supervisors shall be employed by the premises based upon a risk assessment carried out in relation to the following factors:
  - Size of the venue
  - Expected attendance
  - Type of event taking place
  - Location of the premises
  - Time of year
  - Special occasion (New Year, Halloween, Local events etc.)
  - Premises Licence Conditions
- All staff on duty at the premises shall be trained in the Emergency and Evacuation procedures for the premises and aware of their individual responsibilities. This includes any door supervisors. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
- Food collection drivers/riders must not collect food or congregate in a way that would cause a nuisance to local residence.
- No noise or odour shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
- All staff authorised to sell alcohol shall be trained, and refreshed every 12 months, in:
  - Prevent underage sales
  - Prevent proxy sales
  - Maintain the refusals log
  - Recognising signs of drunkenness and vulnerability
  - How to refuse service

- Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
- The conditions in force under this licence.

I would also propose to remove the following conditions, given by the applicant, as these are not appropriate, are covered by separate legislation or contradict newly proposed conditions:

- Relevant staff will be given the appropriate training on the legislation relating to alcohol and diners under the age of 18.
- Signage will be displayed in prominent positions as a reminder to staff regarding serving alcohol to under 18's.
- Registered SIA door supervisor(s) will be employed at the premises following a risk assessment for all pre-booked events with more than 20 people.
- The premises toilets are situated on the same floor.
- Training regarding Challenge 25 and 16 or 17 year olds consuming alcohol on the premises shall be introduced for all staff who are in a position to take food and drink orders, sell or serve customers. This programme shall be made available for inspection at the request of a Responsible Officer. A written record shall be kept of the content of the training for a minimum of 12 months.
- Proxy signage will be displayed at the entrance and at the bar advising customer not to try to purchase alcoholic drinks for under 16 year olds.
- No exterior lighting or air conditioning units will be positioned so it will cause annoyance to any resident.
- All refuse will be stored in suitable industrial containers and will be removed by a reputable waste company between the hours of 08.00 and 19.00.
- Training regarding Challenge 25 and 16 or 17 year olds consuming alcohol on the premises shall be introduced for all staff who are in a position to take food and drink orders, sell or serve customers. This programme shall be made available for inspection at the request of a Responsible Officer. A written record shall be kept of the content of the training for a minimum of 12 months.

**Recommendation: Approve with Conditions (Outlined Above)**