

Licensing & Out of Hours Compliance Team - Representation	
Name	Ben Scott
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	[REDACTED]
Telephone Number	[REDACTED]

Premise Details	
Application Ref No	294692
Name of Premises	Premier Convenience Store
Address	475 Wilmslow Road, Withington, Manchester, M20 4AN

Representation
<p>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.</p> <p>Licensing and Out of Hours have assessed the likely impact of the grant of this application to authorise licensable activities, taking into account & numbers of factors, including;</p> <ul style="list-style-type: none"> - the nature of the area in which the premises is located and the premises itself. - the hours applied for. - any potential risk that the granting of this licence could have on the four licensing objectives looking at how the applicant has detailed how they will uphold the licensing objectives as detailed on their application. <p>The applicant has applied for variation to their premises licence. The proposed variation is as follows:</p> <ol style="list-style-type: none"> 1. Extension to the alcohol and opening hours 2. Removal of condition 6 Annex 2: Anyone who appears to be under the age of 18 and who is attempting to purchase alcohol must be required to produce satisfactory "proof of age" that they are over the age of 18 before such sale is made. 3. Addition of the following conditions <ul style="list-style-type: none"> • A challenge 25 policy will be operated at the premises. Acceptable forms of ID are passport, photocard driving licence and PASS accredited ID card. • A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible

authority upon reasonable request. The log will be checked, signed and dated on a regular basis.

- An incident log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request. The log will be checked, signed and dated on a regular basis.

Proposed hours and licensable activities:

Supply of alcohol for consumption off the premises only:

Current hours: Sun – Thurs 8am to 12am, Fri and Sat 8am to 12.30am

Proposed hours: Mon to Sun 8am to 1.45am

Opening hours:

Current hours: Sun – Thurs 8am to 12.15am, Fri and Sat 8am to 12.45am

Proposed hours Mon to Sun 8am to 1.45am

Firstly, Licensing and Out of Hours draws attention to the addition of the following conditions to the premises licence:

- A challenge 25 policy will be operated at the premises. Acceptable forms of ID are passport, photocard driving licence and PASS accredited ID card.
- A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request. The log will be checked, signed and dated on a regular basis.
- An incident log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request. The log will be checked, signed and dated on a regular basis.

Licensing and Out of Hours welcomes these conditions, and they will strengthen the overall premises licence and operation schedule. However, the applicant has not detailed any training regarding any refusals log or incident log in the above conditions.

Secondly, Licensing and Out of Hours draws attention to the applicant's proposed change/extension to the opening and supply of alcohol hours. The applicant wishes to change/extend opening and supply of alcohol hours to: Monday to Sunday 8am to 1:45am for both open hours and supply of alcohol hours.

Licensing and Out of Hours opposes the opening hours and supply of alcohol

hours until 1:45am.

There is a Public Spaces Protection Order (PSPO) in place across the City of Manchester. Under Article 1 of the PSPO the consumption of alcohol is prohibited in public:

The Council is satisfied on reasonable grounds that the activity in the Restricted Area and identified in Article 1 of this Order:

- has had a detrimental effect on the quality of life of those in the locality, or it is likely that this activity will be carried on in the Restricted Area and that it will have such an effect; and
- that the effect, or likely effect, of this activity:
 - is, or is likely to be, of a persistent or continuing nature;
 - is, or is likely to be, such as to make those activities unreasonable; and
 - justifies the prohibitions imposed by this Order

Licensed premises should make efforts to support this PSPO across the city of Manchester. The applicant has not made any reference to this PSPO and how they will make customers aware of the PSPO to mitigate consumption of alcohol on the street. An extension of opening hours of licensed premises particularly off licences increases the risk that the PSPO could be breached.

I was a Police Community Support Officer for 17 years until May 2023. Of these 17 years, I spent 15 years working in the Withington and Old Moat Wards/Beat Areas. Withington Village is part of both Withington and Old Moat Wards. The applicant's premises is located in the centre of Withington Village. From my direct experience working as a Police Community Support Officer, I know that Withington Village suffers from alcohol-related antisocial behaviour and nuisance. This involves street drinkers, drunken anti-social behaviour and litter (including alcohol bottles and cans).

I also know the area has a high University Student population and many bars and pubs in Withington Village are popular with this demographic. With the return of students in September this presents issues like preloading drinks relating to student events such as Fresher Week.

The latest opening time of off licences in the area where the applicant's premises is located (this being Withington Village) is 01:30am.

To alleviate concerns, Licensing and Out of Hours stipulate the time of opening and supply of alcohol be until 01:30am. This would put the applicants premises in line with other Off Licences in the area.

In relation to the above mentioned additional conditions to the premises licence; to alleviate concerns, Licensing and Out of Hours stipulate the following conditions be agreed:

- 1) All staff authorised to sell alcohol shall be trained in:
 - Relevant age restrictions in respect of products
 - Prevent underage sales .
 - Prevent proxy sales.
 - Maintain the refusals log.

- Maintain the incident log.
 - Enter sales correctly on the tills so the prompts show as appropriate.
 - Recognising signs of drunkenness and vulnerability.
 - How overservice of alcohol impacts on the four objectives of the Licensing Act 2003.
 - How to refuse service.
 - The conditions in force under this licence.
- 2) Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed by the trainee.
 - 3) 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.

Furthermore, Licensing and Out of Hours stipulate the following conditions be agreed in order to alleviate concerns:

- 1) Regular checks will be by staff of the outside of the premises to ensure the area is kept clean and free from litter.
- 2) The premises licence holder and/or DPS shall carry out a documented risk assessment on the need for door security. The risk assessment shall be reviewed regularly and no less than every six months.
- 3) 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 the police 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
 - (d) any incidents of disorder
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (i) any visit by a relevant authority or emergency service
 - (j) the times on duty, names and the licence numbers of all licensed door supervisors employed by the premises
- 4) The premises shall display prominent signage indicating at any point of sale that it is an offence to sell alcohol to anyone who is drunk
- 5) Staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/ burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (ie. compact disc, flash card etc), a secure storage system to store those recording mediums shall

be provided.

- 6) The premises shall display prominent signage indicating at any point of sale that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
- 7) The premises shall display prominent signage indicating at any point of sale that the Challenge 25 scheme is in operation.
- 8) All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

Counter proposals provided by applicant in response to OOH objection

From: [REDACTED]
Sent: 16 November 2023 15:28
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>; Ben Scott <[REDACTED]>
Cc: [REDACTED]
Subject: RE: Representation- Premier Convenience Store FLARE ref: 294692

Dear Licensing Team and Mr Ben Scott

Please see the attached document which highlights counter proposals to some of the proposed conditions that were requested to be added to the premises licence.

Kind Regards,

[REDACTED]

Licensing Assistant

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 have assessed the likely impact of the grant of this application to authorise licensable activities, taking into account & numbers of factors, including;

- the nature of the area in which the premises is located and the premises itself.
- the hours applied for.
- any potential risk that the granting of this licence could have on the four licensing objectives looking at how the applicant has detailed how they will uphold the licensing objectives as detailed on their application.

The applicant has applied for variation to their premises licence. The proposed variation is as follows:

1. Extension to the alcohol and opening hours
2. Removal of condition 6 Annex 2: Anyone who appears to be under the age of 18 and who is attempting to purchase alcohol must be required to produce satisfactory "proof of age" that they are over the age of 18 before such sale is made.

3. Addition of the following conditions

- A challenge 25 policy will be operated at the premises. Acceptable forms of ID are passport, photocard driving licence and PASS accredited ID card.
- A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request. The log will be checked, signed and dated on a regular basis.
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Licensing and Out of Hours welcomes these conditions, and they will strengthen the overall premises licence and operation schedule. However, the applicant has not detailed any training regarding any refusals log or incident log in the above conditions.

Secondly, Licensing and Out of Hours draws attention to the applicant's proposed change/extension to the opening and supply of alcohol hours. The applicant wishes to change/extend opening and supply of alcohol hours to: Monday to Sunday 8am to 1:45am for both open hours and supply of alcohol hours.

Licensing and Out of Hours opposes the opening hours and supply of alcohol hours until 1:45am.

There is a Public Spaces Protection Order (PSPO) in place across the City of Manchester. Under Article 1 of the PSPO the consumption of alcohol is prohibited in public:

The Council is satisfied on reasonable grounds that the activity in the Restricted Area and identified in Article 1 of this Order:

- has had a detrimental effect on the quality of life of those in the locality, or it is likely that this activity will be carried on in the Restricted Area and that it will have such an effect; and
- that the effect, or likely effect, of this activity:
 - is, or is likely to be, of a persistent or continuing nature;
 - is, or is likely to be, such as to make those activities unreasonable; and
 - justifies the prohibitions imposed by this Order

Licensed premises should make efforts to support this PSPO across the city of Manchester. The applicant has not made any reference to this PSPO and how they will make customers aware of the PSPO to mitigate consumption of alcohol on the street. An extension of opening hours of licensed premises particularly off licences increases the risk that the PSPO could be breached.

I was a Police Community Support Officer for 17 years until May 2023. Of these 17 years, I spent 15 years working in the Withington and Old Moat Wards/Beat Areas. Withington Village is part of both Withington and Old Moat Wards. The applicant's premises is located in the centre of Withington Village. From my direct experience working as a Police Community Support Officer, I know that Withington Village suffers from alcohol-related antisocial behaviour and nuisance. This involves street drinkers, drunken anti-social behaviour and litter (including alcohol bottles and cans).

I also know the area has a high University Student population and many bars and pubs in Withington Village are popular with this demographic. With the return of students in September this presents issues like preloading drinks relating to student events such as Fresher Week.

The latest opening time of off licences in the area where the applicant's premises is located (this being Withington Village) is 01:30am.

To alleviate concerns, Licensing and Out of Hours stipulate the time of opening and supply of alcohol be until 01:30am. This would put the applicants premises in line with other Off Licences in the area. This is fine but would it be acceptable to allow the store Trading Hours an extra 15 mins to tidy up the store inside and out before closing.

In relation to the above mentioned additional conditions to the premises licence; to alleviate concerns, Licensing and Out of Hours stipulate the following conditions be agreed:

1. All staff authorised to sell alcohol shall be trained in:
 - Relevant age restrictions in respect of products
 - Prevent underage sales .
 - Prevent proxy sales.
 - Maintain the refusals log.
 - Maintain the incident log.
 - Enter sales correctly on the tills so the prompts show as appropriate.
 - Recognising signs of drunkenness and vulnerability.
 - How overservice of alcohol impacts on the four objectives of the Licensing Act 2003.
 - How to refuse service.
 - The conditions in force under this licence.
2. Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed by the trainee.
3. **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 reasonable request by a police officer or an authorised officer of Manchester City Council.**

Furthermore, Licensing and Out of Hours stipulate the following conditions be agreed in order to alleviate concerns:

1. Regular checks will be by staff of the outside of the premises to ensure the area is kept clean and free from litter.
2. The premises licence holder and/or DPS shall carry out a documented risk assessment on the need for door security. The risk assessment shall be reviewed regularly and no less than every six months.
- 3) **An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on reasonable request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:**
 - (a) all crimes reported to the store, or by the store to the police
 - (d) any incidents of disorder
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol **(This should be in the Refusals Log)**
 - (i) any visit by a relevant authority or emergency service

(j) the times on duty, names and the licence numbers of all licensed door supervisors employed by the premises (Not required as our client is carrying out a risk assessment on a regular basis)

4. The premises shall display prominent signage indicating at any point of sale that it is an offence to sell alcohol to anyone who is drunk
5. **DPS/Supervisor** who is conversant with the operation of the CCTV system shall when they are open to the public and must be able to produce/download/ burn CCTV images **upon reasonable (24 Hours)** request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (ie. compact disc, flash card etc), a secure storage system to store those recording mediums shall be provided.
6. The premises shall display prominent signage indicating at any point of sale that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
7. The premises shall display prominent signage indicating at any point of sale that the Challenge 25 scheme is in operation.
8. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

Ward Councillor

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

Cc: [REDACTED]

<[REDACTED]>

Subject: RE: Premises Licence variation 294692/AM2: Premier Convenience Store, 475 Wilmslow Road, Manchester, M20 4AN, (Withington ward)

Hi Ashia

Many thanks for requesting further information.

It is worth noting that the premise is located in an area which has many families and long-term residents. There is already an issue with street drinking and late night parties. Extending the alcohol licence further into the night will exacerbate these issues. There are also problems with litter, which would again be exacerbated.

Again, all of these factors would go against the objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance.

Best wishes.

Chris

Councillor Chris Wills
Labour & Co-operative Member, Withington Ward
Lead Member for LGBT+ Men

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

Sent: 03 November 2023 13:16

To: Chris Wills [REDACTED]

Cc: [REDACTED]

Subject: Re: Premises Licence variation 294692/AM2: Premier Convenience Store, 475 Wilmslow Road, Manchester, M20 4AN, (Withington ward)

Hello Chris

Could you please provide further specific details as to why the granting of this application will lead to the licensing objectives to be undermined. Can you please provide examples in relation to the premises and surrounding area

Thanks

Ashia

From: [REDACTED]
Sent: 03 November 2023 10:32
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>; Chris Wills
<[REDACTED]>
Cc: [REDACTED]
Subject: RE: Premises Licence variation 294692/AM2: Premier Convenience Store, 475 Wilmslow Road, Manchester, M20 4AN, (Withington ward)

Dear Ashia

Thank you for forwarding the objection below, however, if the objector is stating the application is to be refused outright, on what grounds are they requesting the conditions offered by our client for the major variation application are to be added to the premises licence? If the application is refused, then there would be no reason for our client to want to have paid for a variation application for conditions to be added to the licence only.

@Chris Wills – your departments rationale for wanting the refusal of the application is based on assumptions and not fact. It has been stated that by extending the alcohol hours ‘it **could lead** to greater late-night consumption of alcohol’. As you should be aware that an objection to an application should be based on evidence that the Licensing Objectives will be negatively impacted and not raised based on ‘might be’ or ‘could be’.

On this basis, we request that your objection is withdrawn as soon as possible, and if not, the objection should be refused by the Licensing Department as the objection has not met the criteria to demonstrate that the Licensing Objectives will negatively be impacted and therefore have sufficient grounds for an objection to be raised to the application by our client.

As you have previously been advised, the client tested the market with having 12 TENS to see if the need was there for longer hours at his premises and it turned out that the local community were receptive to the longer hours and the applicant is not aware of any issues that arose that put the Licensing Objectives at risk. Only after this trial period did the client make the decision to apply to extend his hours at the premises.

We look forward to a response at your earliest convenience.

Kind Regards,

[REDACTED]
Licensing Assistant

from: Chris Wills <[REDACTED]>
Sent: 01 November 2023 17:56
To: Premises Licensing <Premises.Licensing@manchester.gov.uk>
Cc: [REDACTED]
Subject: RE: Premises Licence variation 294692/AM2: Premier Convenience Store, 475 Wilmslow Road, Manchester, M20 4AN, (Withington ward)


Dear Ashia

I am emailing on behalf of the Withington Ward councillors to object to this application for a premises licence variation. We have failed to receive a sufficiently robust explanation from the applicant as to why they need to extend their licensed hours. The existing hours are, in our view, already sufficient. There is the risk that extending these hours could lead to greater late night consumption of alcohol, which would not meet the objectives of prevention of crime and disorder, public safety, or prevention of public nuisance.

We would therefore ask that the application for longer hours be refused, but that the proposed new conditions be applied.

Many thanks and best wishes.

Chris

Councillor Chris Wills
Labour & Co-operative Member, Withington Ward
Lead Member for LGBT+ Men


Residents association

From: [REDACTED]

Sent: 31 October 2023 13:35

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

Subject: Licence application ref 294692/AM2

Dear Sirs

I refer to the above Licence Variation application for 475 Wilmslow Road.

Please find attached the objection submitted on behalf of Withington Civic Society.

Many thanks

[REDACTED]

Re Premises Licence variation application

Reference: 294692/AM2

Premier Convenience Store, 475 Wilmslow Road, Manchester, M20 4AN

Description of proposed variation as given by the applicant:

1. Extension to the alcohol and opening hours
2. Removal of condition 6 Annex 2: Anyone who appears to be under the age of 18 and who is attempting to purchase alcohol must be required to produce satisfactory "proof of age" that they are over the age of 18 before such sale is made.
3. Addition of the following conditions:
 - A challenge 25 policy will be operated at the premises. Acceptable forms of ID are passport, photocard driving licence and PASS accredited ID card
 - A refusals log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request. The log will be checked, signed and dated on a regular basis
 - An incident log will be operated and maintained and will be produced to a relevant officer of the Police or other relevant officers of a responsible authority upon reasonable request. The log will be checked, signed and dated on a regular basis.

Proposed hours and licensable activities:

Supply of alcohol for consumption off the premises only:

Current hours: Sun – Thurs 8am to 12am, Fri and Sat 8am to 12.30am

Proposed hours: Mon to Sun 8am to 1.45am

Opening hours:

Current hours: Sun – Thurs 8am to 12.15am, Fri and Sat 8am to 12.45am

Proposed hours Mon to Sun 8am to 1.45am

Response on behalf of Withington Civic Society Planning Group

Withington Civic Society Planning Group strongly **opposes the application.**

We can do little better than quote from the new proposed Statement of Licensing Policy 2023 – 2028. This states, in respect of Withington a special policy which includes:

“A more restrictive approach for off licences to reduce the availability of alcohol being drunk on the streets, particularly given the proximity to local temporary accommodation for persons with complex needs, and “pre-loading” during the evening.”

It goes on to state the policy to be adopted

“Alcohol off-licences: consumption off the premises, including delivery services

• Twilight, evening economy: Applications will be considered on their merits having regard to the local area objectives, particularly where alcohol represents a small percentage of the overall products on sale, and there will be limitations on promotional activities. There will be a presumption against off-licences exclusively selling alcohol and a ban on window advertising and A-boards for alcohol.

• NTE and late-night economy: Policy is to refuse except in exceptional circumstances.” (our emphasis)

The term “exceptional circumstances” is explained in detail in the new policy. Here the applicant has put forward no exceptional circumstances at all

We would note in particular that:

- The incidence of anti social behaviour in the immediate area causes significant loss of amenity to families and residents, with on street drinking and late night

/all night parties by young people living in HMOs. Such a late night store with an alcohol licence will lead to the congregation of large numbers of drinkers with all the attendant noise and littering.

- These issues would be exacerbated by off sales of alcohol
- Litter in the area of the relevant premises is already a problem. Later opening hours will exacerbate this.
- There is already a problem in the area having regard to the proximity of local temporary accommodation for persons with complex needs, and the issue of “pre-loading” during the evening

From a personal perspective I would also comment as follows:

- [REDACTED] with good sound insulation, I am frequently woken at night, usually at about or after 2 a m by loud shrieking – clearly from inebriated persons. This happened last night for example.
- [REDACTED] and frequently has to remove litter. This often consists of alcohol bottles (not always empty), cans, glasses, cigarette packets and increasingly vaping equipment, cigarette butts, and takeaway cartons.

Whatever steps the applicant may take, the overwhelming probability is that the granting of such a licence as requested by the applicant will only exacerbate the problems associated with such premises which already cause substantial loss of amenity to families and permanent residents as identified above.

Therefore the application should be refused.

[REDACTED]

For and on behalf of Withington Civic Society Planning Group

31st October 2023