



Licensing & Out of Hours Compliance Team - Representation

Name	Jonathon Mathers
Job Title	Licensing Out of Hours 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	M/301037
Name of Premises	Popeyes
Address	1 Piccadilly Gardens, Manchester, M1 1RG

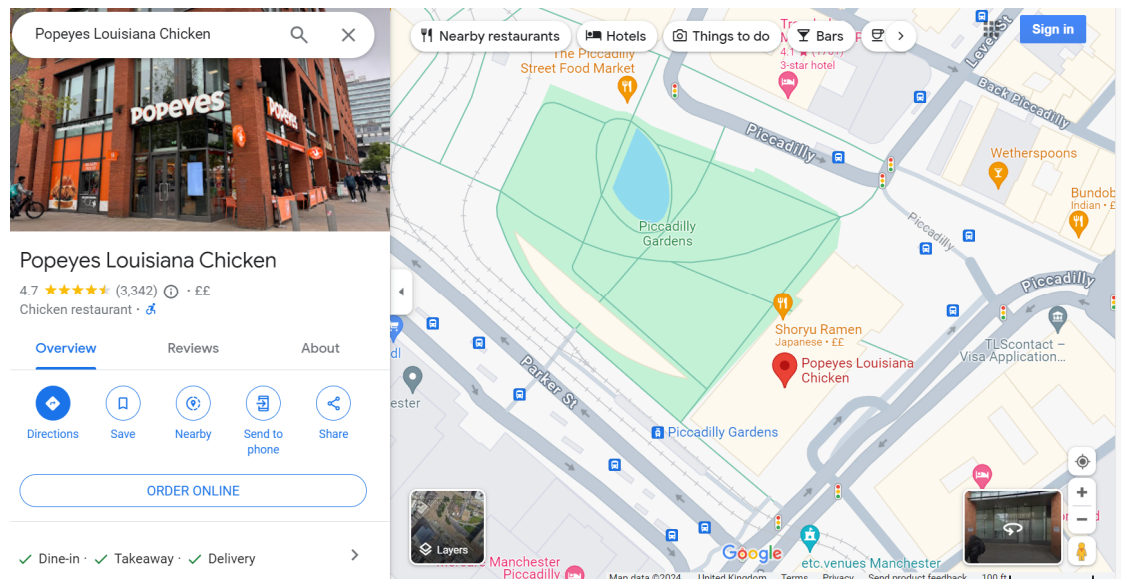
Representation

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 considering several 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 considered Manchester City Council’s Statement of Licensing policy and various case law in making this representation.

The Popeyes premises are situated in Manchester City Centre at 1 Piccadilly Gardens, Manchester, M1 1RG. This is evidenced in the map below.



Piccadilly Gardens where Popeyes is located, is unfortunately a hub for crime, disorder, and anti-social behaviour across the whole of Manchester city centre. This is evidenced with data provided in *Appendix I. Crime and Antisocial Behaviour data (by policy area)* of Manchester City Council's Statement of Licensing Policy 2024 – 2029. The data provided shows statistics recorded when crime has occurred between the hours of 10pm and 6am.

This application seeks to apply for hot food and drink only. The applicant has requested late night refreshment from the hours of 11pm – 5am, with late night refreshment taking place both indoors and outdoors. Licensing Out of Hours officers work until 04.30am in the early hours of the morning and regularly pass through Piccadilly Gardens as part of proactive visits to Licensed Premises within surrounding areas. Officers regularly encounter intoxicated individuals and groups within these areas, some of whom are contributing to the ongoing issues with crime, disorder and ASB.

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 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 in it's current format, 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 and The Prevention of Crime and Disorder.

Officers are not satisfied that the conditions offered are sufficient to uphold the four licensing objectives nor has the applicant evidenced how they will mitigate concerns noted above. Furthermore, the applicant has not provided evidence that indicates they have considered Manchester City Council's Statement of Licensing Policy when making this application.

LOOH therefore recommend this application is refused.

Recommendation: **Refuse Application**



GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC Alan Isherwood
Address including postcode	Manchester Town Hall Extension Lloyd Street Manchester
Contact Email Address	[REDACTED]
Contact Telephone Number	[REDACTED]

About the Premises

Application Reference No.	LPA 301037
Name of the Premises	Popeyes
Address of the premises including postcode	Ground Floor, Unit A, 1 Piccadilly Gardens, Manchester M1 1RG

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 the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety.

The premises are situated in Piccadilly Gardens in the city centre which is the main location of crime, disorder and anti-social behaviour across the whole of the city.

This application seeks to allow the premises to remain open 24 hours a day with a food offering throughout, allowing customers to eat in the premises around the clock.

GMP are extremely concerned that if this application was granted the premises would become a magnet for the undesirable groups who hang around the Gardens during the night and the type of clientele that the premises would be hoping to attract during these hours would not want to go to the premises.

In addition to this the operating schedule which accompanies the application offers nothing in terms of enforceable conditions, which gives the impression that the applicant has a limited understanding of the Licensing Objectives, which raises concerns about how the premises will be operated.

The likely effect of the grant of the Premises Licence, with such a scant operating schedule and 24 hour opening, is that the Licensing Objectives will be undermined.

We therefore ask that this application is refused.