



Licensing & Out of Hours Compliance Team - Representation

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Department	Licensing and Out of Hours Compliance Team
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Premise Details	
Application Ref No	228341
Name of Premises	Victoria Inn
Address	196 Burnage Lane, Manchester, M19 1FL

<p>Representation</p> <p>The Premises Licence Holder has submitted an application for variation, requesting to extend the opening hours of the premises by 1 hour each day of the week, extend the hours for all the licensable activities by anything between 30 minutes to 1 hour and 30 minutes every night. The application further proposes to amend Condition 6 Annex 2 to allow for children to be on the premises and proposes the removal of Condition 1 Annex 2 relating to the sale of alcohol.</p> <p>The Licensing and Out of Hours Team (LOOHT) have assessed the likely impact of this variation application taking into account a number of factors including, the nature of the area in which the premises are located, the proximity to residential accommodation, the hours applied for, the current management of the premises under the Licensing Act 2003, the extent to which the Licensing Objectives are being upheld or undermined and any potential risk that the grant of this variation could lead to issues of public nuisance and/or disorder. In reaching this decision the LOOHT have given particular consideration to Manchester City Council's Statement of Licensing Policy 2016 -2021, specifically:</p> <p><i>Section 8 Manchester Standards (MS2) – Manchester City Council has identified standards that we expect of licensed premises in terms of promoting the licensing objectives through effective general management of the premises. Effective management of the premises is integral to ensuring the operator's policies and procedures, as well as licence conditions, are actively enforced at the premises.</i></p> <p><i>7.25 Where its discretion is engaged, the licensing authority will ensure that due consideration is given to the proximity of licensed premises not only to local residents and businesses, but also in relation to other licensed premises, to ensure they are located in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives. The potential impact on any local residents will be an important matter for consideration.</i></p> <p><i>7.26 The authority will give particular consideration to measures proposed in the application in relation to prevent public nuisance.</i></p> <p><i>7.28 The licensing authority will give consideration to the appropriateness of hours applied for, having regard to the location of premises and their likely effect on the</i></p>

promotion of the four licensing objectives.

7.29 The authority considers that later hours will typically be more sensitive and higher risk in causing problems.

The premises is located on Burnage Lane with residential accommodation in close proximity. See map below



On 9th March 2018, 5th July 2018, 7th August 2018 and 8th August 2018 the LOOHT received complaints from residents about noise nuisance from the premises and also allegations that the premises was open to the public and operating beyond the permitted hours on the premises licence. Further proactive visits carried out by officers verified these allegations. These visits were carried out on a weekly basis from March 2018 through to October 2018.

Due to the catalogue of incidences and observations made over the 6 month period the LOOHT invited the representative of the Premises Licence Holder (Tony Riley – Area Manager of Punch Taverns) and designated premises supervisor (Philip Smyth) for a meeting which took place on 24th October 2018. Also present at the meeting was GMP Licensing (PC Alan Isherwood) and Publican (Ms Shannon – partner of Philip Smyth). Following this meeting an Action Plan was devised to carry out the following actions:

- Punch Taverns to withdraw the application that had been made to vary the premises licence at the time
- Punch Taverns to devise a Dispersal Policy and for this to be a condition in the re-submission of the variation
- The Council required CCTV conditions to be added to the premises licence in the re-submission of the variation.
- If the Council were satisfied with the management of the premises over the next 3 months and felt confident that the premises licence holder was upholding the licensing conditions then they would consider the application to vary the licence again

Since then the LOOHT have attempted to carry out a full licensing inspection to assess the management of the premises which had to be re-arranged a few times from November 2018 to April 2019. During these attempts the designated premises supervisor (DPS) demonstrated a lack of taking ownership and responsibility to communicate and correspond with the LOOHT and work cooperatively.

On 2nd April 2019 a full licence inspection was carried out. During the inspection it became apparent that the Action Plan from 24th October 2018 had not been completed, giving officers concern about the existing management of the premises and the lack of commitment to work with the LOOHT.

The premises licence holder was also found to be non-compliant under the provisions of the Licensing Act 2003. The premises licence showed the DPS Philip Smyth's address to be incorrect. The premises telephone number was also incorrect. The premises licence holder was found to be in breach of several licensing conditions. During the visit LOOH officers engaged with Philip Smyth who made it apparent that he was not sure of the Age Verification Policy at the premises. Mr Smyth admitted during the meeting that they do not have a price list on display for the sale of alcohol. He also admitted that children have been allowed inside the premises under the supervision of an adult.

Please note below the current conditions of the premises licence, which have been breached:

Annex 1 – Mandatory Licence Conditions

Condition 4 (1): The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

Condition 8 (b): Alcohol measures are displayed in a menu, price list or other printed material which is available to customers in the premises.

Annex 2 – Conditions consistent with the Operating Schedule

Condition 6: Persons under the age of 18 shall not be allowed on the premises, at any time that the premises are open to the public.

During the inspection the premises was also found to be non-compliant with best practice protocols. There was no current or relevant record of staff training on site to include the protection of children, responsible alcohol sales, prevention of crime, drunkenness and conflict management. In fact since the DPS had been appointed at the premises there have been no updated records of staff training provisions. The DPS had no understanding and awareness of the capacity at the premises. He also confirmed to being the first aider at the premises but admitted he didn't hold any relevant qualifications to support this status. He further admitted to not having a risk assessment in place for the protection of children. There was no evidence of identification checks or documented refusals log and there was no dispersal policy in place. The premises was assessed at medium to high risk.

Following the inspection the representative of the premises licence holder and DPS were advised to address all the areas of concern by 14:00 hours on 17th April 2019, which is the standard timeframe set by the LOOT. However the premises licence holder and DPS have, yet again, failed to action all of the areas of concerns as requested.

The LOOHT have tried on many occasions to work with the premises licence holder and the DPS but they have failed to cooperate. Both action plans of 24th October 2018 and 2nd April 2019 now remain incomplete.

The concerns identified from the licensing inspection has given reason for the premises to be subjected to enforcement measures by the LOOHT under the Licensing Act 2003. Given the lack of co-operation from the both the Premises Licence Holder and DPS, the LOOHT have strong concerns that the premises will continue to undermine the licensing objectives due to the current breaches of conditions imposed on the Licence.

Additionally, the LOOHT have taken into consideration the close proximity of residential properties to the premises and the potential impact in terms of public nuisance. The LOOHT are concerned that given the proposed extension of hours and lack of co-operation with the premises licence holder and DPS on the matters identified above, there is little confidence that the Premises Licence Holder/DPS will effectively manage the dispersal of customers at later closing times. Patrons may congregate outside the premises later at night, talking loudly/shouting and causing transient noise in a heavily residential area. As a consequence this would increase the risk of causing public nuisance to nearby residents.

For the above reasons the LOOHT would therefore recommend that the application to vary the premises licence is refused.

Recommendation: Refuse Application

From: **INFORMATION REDACTED**

Date: Mon, 22 Apr 2019 at 20:43

Subject: Application Reference: 228341/HH1

To: premises.licensing@manchester.gov.uk <premises.licensing@manchester.gov.uk>

To whom it may concern,

I am writing to comment on application reference 228341/HH1, Victoria Inn, Burnage application to extend opening hours. My partner and I would like to make an objection against the application on the following grounds:

1. Neighbouring residents have not been notified of this application

My partner happened upon this application when checking the opening times of the property as we wished to make a noise complaint. To our knowledge, neighbouring residents of this business have not been notified of the application and therefore have not been given the opportunity to make a representation.

2. Prevention of crime and disorder

We have concerns regarding activity associated with this business. We have frequently observed police attendance at and outside of the property and have in the past had police officers knocking door to door asking for witnesses to events at this establishment. We have had littering to the front yard of our property following customers leaving the premises, verbal and physical domestic disturbances between customers of the premises directly outside our home and drunk customers knocking on our door and requesting access to our property. A lot of this behaviour is intimidating and we are concerned that extending the hours of access to purchasing and consuming alcohol in a residential area is not only going to increase the frequency of these occurrences, but also encourage this behaviour later into the night.

3. The prevention of public nuisance

In addition to the points raised above, over the last 18 months we have made several noise complaints both directly to the business and to the council. On a regular basis the level of noise coming from this establishment is unreasonable for a residential area. The noise is caused by loud music (both live and recorded), a heavy bass line and voices over microphones. The noise is worst at weekends, however has also affected us late into the night mid-week and on Sundays.

There is regularly high levels of noise beyond the licensed hours of the establishment. For example, on Sundays the Victoria Inn is currently licensed to provide entertainment until 11pm. Just last night there was loud live music audible from inside my property with the windows closed until nearly midnight. This kind of activity beyond the licensed hours is common and we are concerned that if the opening hours of the pub are extended this will encourage even later breaches of these terms.

4. Public safety

We feel that the presence of inebriated members of the public later into the night is unsafe for local residents and customers of the Victoria Inn. We feel that we have witnessed violent behaviour and a risk of damage to local properties under the current licence. Extending the hours that people are able to consume alcohol for will only increase these risks. We feel that the licensed hours applied for are more reflective of club premises and are not appropriate for a public house in a residential area with young families and elderly people living directly adjacent to the property.

Overall, our concerns are that the current owners of this establishment have not put measures in place to reduce noise disturbance, public nuisance and maintain the health and safety of their neighbours under the current licence and to extend their licensed hours as per this application will only worsen this situation.

Thank you for taking the time to consider our comments regarding this application. If you require any further information please do not hesitate to contact me.

Best wishes,

INFORMATION REDACTED