



Licensing & Out of Hours Compliance Team - Representation

Name	Mr Matthew Stewart
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
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Premise Details	
Application Ref No	M/232605
Name of Premises	Abakus
Address	295 Palatine Road, Manchester

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 taking into account a numbers of factors, including:</p> <ul style="list-style-type: none">• the nature of the area in which the premises is located;• the hours applied for, and;• any potential risk that the granting of this license could have on the four licensing objectives. <p>The application for a variation to the licence is for:</p> <ul style="list-style-type: none">• Changes to the authorised times for the Supply of alcohol for consumption off the premises only to Mon to Fri 9am to 6pm, Sat 9am to 5pm, Sun 10am to 4pm;• Changes to the authorised opening hours to Mon to Fri 9am to 6pm, Sat 9am to 5pm, Sun 10am to 4pm;• Changes to the steps to promote licensing objectives as given by the applicant. <p>The premises is operating as a convenience store, designed to serve both the local community along with passing trade. Located on Palatine Road (see attached map), which is within the Northenden ward, with a mix of licensed, commercial and residential premises.</p> <p>The grounds for the representation are on:</p> <ul style="list-style-type: none">• Changes to the steps to promote licensing objectives as given by the applicant.

We, as the Environmental Health Responsible Authority, believe that the grant of this licence based on the changes to the steps to promote the licensing objectives as given by the applicant would not promote the licensing objectives as they are equivocal and ambiguous which would therefore be unclear to the Premises Licence Holder, Designated Premises Supervisor, local residents, Enforcement Officers and the Courts. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve.

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as "must", "shall" and "will" is encouraged (Revised Guidance issued under section 182 of the Licensing Act 2003).

Therefore we believe the grant of this licence will lead to an increase in public nuisance and crime related incidents in the area and ask that the variation is refused.

References:

Licensing Act 2003, Available at <https://www.legislation.gov.uk/ukpga/2003>, (Accessed 30 June 2019)

Manchester City Council, *Statement of Licensing Policy 2016-2022*, 4 January 2016, Revised 12 July 2018.

Manchester City Council, *Licensing Act 2003 model conditions*, published 2015.

Home Office, *Revised Guidance issued under section 182 of the Licensing Act 2003*, published April 2018.

Recommendation: Refuse application