



Licensing Sub Committee Hearing Panel

Date: Monday, 5 October 2020

Time: 10.00 am

Venue: Dial: 033 3113 3058 Room number: 37978770 #
PIN: 2991 #

This is a **second supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Under the provisions of these regulations the location where a meeting is held can include reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. This meeting is by way of a telephone conference. You can listen to the call as it takes place, the number of people able to listen to the live call is limited to 90.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Grimshaw (Chair), Hewitson and T Judge

Supplementary Agenda

4. **Summary Review of Premises Licence - Queens Arms, 6 Honey Street, Manchester, M8 8RG** 3 - 18
Now includes information from Greater Manchester Police.

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

Ian Hinton-Smith
Tel: 0161 234 3043
Email: i.hintonsmith@manchester.gov.uk

This supplementary agenda was issued on **Tuesday, 29 September 2020** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

IN THE MANCHESTER CITY TOWN HALL

BETWEEN:

THE CHIEF CONSTABLE
OF GREATER
MANCHESTER POLICE

APPLICANT

AND

THE QUEENS ARMS

RESPONDENT

INDEX TO BUNDLE
OF DOCUMENTS

<u>No</u> <u>Applicant's Evidence</u>	<u>DOCUMENT</u>	<u>PAGE No</u>
1	Witness statement of PC Alan Isherwood dated 29/09/20	1-2
2	Exhibit Reference AEI/1 and AEI/2 – Crime Report and Incident Report	3-6
3	Summary Review Certificate signed by Superintendent Boyce	7-10
4	Summary Review Request signed by PC Isherwood	11-14

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

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Statement of: **Alan Isherwood**

Age if under 18: 18+ (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:  Date: 29/9/20

Check box if witness evidence is visually recorded (supply witness details on last page)

I am Police Constable 17659 Isherwood of the Greater Manchester Police, Licensing Officer for the City of Manchester Division, currently based in the Licensing Team at Manchester Town Hall Extension.

Part of my remit as licensing officer is to oversee all of the licensed premises on the City of Manchester Division. The objective of the role is to promote and maintain the 4 licensing objectives at licensed premises, those being the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

The Queens Arms

The premises are situated on Honey Street in the Cheetham Hill area of Manchester and the premises licence was issued on 10/02/2015. The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Mr Ky Nguyen who has held these positions since the licence was granted.

Incident

The incident which resulted in review proceedings being instigated is as follows:

At 0115 hours on Sunday 6th September 2020 Greater Manchester Police (GMP) were contacted by staff at North Manchester General Hospital who informed us that a male had been dropped off at the hospital and had wounds on his body which appeared to consistent with him being stabbed.

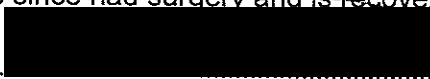

Subsequent enquiries revealed that the male had been stabbed at the Queens Arms on Honey Street and that he had suffered wounds to his torso and armpit and that the wounds were potentially life threatening.

Enquiries at the Queens Arms revealed blood both inside and outside the premises and found that the named PLH and DPS Ky Nguyen was no longer involved with the premises and another male claimed to be the landlord.

No contact was made from the premises in relation to this serious incident and a crime for Attempted Murder has been submitted. Enquiries to trace the offenders are continuing. The Incident and Crime reports can be found at pages 3-6 of the bundle and I now submit these as exhibits AE?1 and AEI/2.

It was established that the stabbing occurred at 0045 hours. The premises are supposed to close at 2300 hours each day.

The victim has since had surgery and is-recovering.

Signature:  Signature witnessed by: 

On Monday 7th September 2020 I applied for a summary review of the premises licence due to the premises being associated with serious crime. The certificate was signed by Superintendent Boyce.

Interim Steps Hearing

The Interim Steps hearing took place on Wednesday 9th September 2020 at Manchester Town Hall where GMP outlined our concerns regarding the premises to the committee. We asked the committee to suspend the Premises Licence pending the outcome of the full review hearing and, after deliberation; the committee took the decision to suspend the Premises Licence pending the full review hearing on Monday 5th October 2020. During this hearing the PLH/DPS Ky Nguyen informed the committee that he had not had any involvement with the premises since February 2019 and that he had no objection to the Premises Licence being suspended or subsequently revoked.

Conclusion

It is clear that an extremely serious crime has taken place at the premises and could very easily have resulted in a young man losing his life and the incident took place an hour and 45 minutes after the premises should have been closed. No call was made from any person at the premises to inform the police or ambulance about the stabbing and the first time it was brought to our attention was when the hospital staff made contact.

There is no CCTV from the premises as the hard drive was not even connected to any wiring whatsoever which is in direct breach of Annex 3 condition 1.

By the PLH/DPS's own admission he has nothing to do with the premises and hasn't done so for the previous 20 months.

All in all there is nothing to suggest that these premises should be allowed to continue to operate as licensed premises and it is feared that if they were allowed to do so then further serious crimes will occur there, which will go unreported.

The licensing objectives of the Prevention of Crime and Disorder and Public Safety have been completely undermined and ignored and no duty of care has been shown from any person involved with the premises.

As such GMP would strongly urge the committee to revoke the Premises Licence forthwith.

2

Signature: Signature witnessed by:

PC 17639 BSHENWOOD
Monday, 14 September 2020 08:27:14

Incoming Report

details log subjects police employees locations objects documents linked events

Reference: 000238-06092020

Investigation Officer:

Category: Incident

Access Level: Overt

Stage: Closed

Events

6



2614438017

details qualifiers closure

- * ePocketbook
- Add to ePocketbook
- * Actions
- Create Linked Event
- * Visualisation
- View Network Diagram

Reporting Person

Recording Person: DV 71805 MERIS

Investigating Officer: Enter next page...

How notified to police: Emergency Telephone Call (999)

Notifier's phone number: [REDACTED]

Notifier's email address: [REDACTED]

Date/Time Reported: 06/09/2020 01:15 BST

Occurrence: On: On or about: On or before: Between:

Occurrence Start: 06/09/2020 01:15 BST

Occurrence End: 03/09/2020 01:15 BST

Incident Location: NORTH MANCHESTER GENERAL HOSPITAL

Incident Type: 001

Grade: 1

4



PC 1769 I5H8W009
Monday, 14 September 2020 08:53:43

Crime Record

details mo investigation plan log tasks victim/witness suspect/accused police employees associated people locations objects markers documents linked events

Reference: C91206A1/0018592/20
State: Open
Stage: Initial Investigation
Crime Status:
Classification: Attempted murder

Division: City of Manchester North Division
Investigating Officer: PS 4315 VALES
Arrest: Over
Master:
Final Classification: Crime

Victims: 1
Witnesses: 0
Suspect: 1
Accused: 0

VI Ws RV ? ? ? ?

261443017

initial details qualifiers flags final classification

- Add to ePodbook
- Actions
- Create linked alert
- Copy Crime
- Manage linked investigations
- Link event
- Send for supervision
- Visualisation
- View Network Diagram

Initial Classification: Crime/Qualifiers Non-Crime Incident

Initial Allegation: Attempted murder - victim aged 1 year or over

Incident Description: Victim has been at the Queens public house when he is attacked by two males who repeatedly stab him with unknown implement. He has puncture wounds to right arm pit and right abdomen.

Victim Based Crime: Yes No

Recording person: PC 11843 HARRIS

Investigating Officer: PS 4315 VALES

How referred to police: Parent, Professional, Carer 3rd Party Report

Source Reference: Incident Reported Date/Time: 06/09/2020 01:15 BST

Date/Time Recorded: 06/09/2020 19:20 BST

Commented: On On or about On or before Between

Committed Start: 06/09/2020 01:15 BST



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ANNEX B

Greater Manchester Police
 Central Park
 Northampton Road
 Manchester

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / ~~serious disorder~~ / ~~both serious crime and serious disorder~~¹.

*Premises*²:

The Queens Arms
 6 Honey Street
 Manchester
 M8 8RG

Premises licence number (if known): 167732

Name of premises supervisor (if known): Ky Nguyen

I am a Superintendent ³ in the Greater Manchester police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns as to the serious nature of the incident which require immediate resolution. Greater Manchester Police believe that serious crime has occurred at the premises.

Greater Manchester Police (GMP) will say that the premises are associated with

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

serious crime. Serious crime is defined within the statutory guidance as per section 81(3)(a) and (b) of the Regulation of Investigatory Powers Act 2000, which states that the conduct constitutes an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more. Therefore due to the serious crime which has taken place at the premises GMP feel that it is necessary for an expedited review to take place.

The premises are situated on Honey Street in the Cheetham Hill area of Manchester and the premises licence was issued on 10/02/2015. The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Ky Nguyen who has held these positions since the date the licence was issued.

At 0115 hours on Sunday 6th September 2020 Greater Manchester Police (GMP) were contacted by staff at North Manchester Hospital and informed us that a male had been dropped off at the hospital and had wounds on his body which appeared to consistent with him being stabbed.

Subsequent enquiries revealed that the male had been stabbed at the Queens Arms on Honey Street and that had suffered wounds to his torso and armpit and that the wounds are potentially life threatening.

Enquiries at the Queens Arms revealed blood both inside and outside the premises and that the named PLH and DPS Ky Nguyen is allowing a friend to run the premises.

No contact was made from the premises in relation to this serious incident and a Crime for Attempted Murder has been submitted. Enquireis to trace the offenders are continuing.

The powers under sections 53A to 53C of the 2003 Act, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.

The powers contained under section 53A of the Licensing Act 2003 are necessary and proportionate in light of the association that the premises has to serious crime.

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. Serious Crime has occurred at the premises and until the Licensing Committee hear the full review and all the evidence that will be disclosed, to allow the premises to continue to operate as a licensed premises gives concerns that further crime will occur. Greater Manchester Police will say that the licensing objectives of the prevention of crime and disorder can only be promoted if the premises licence was suspended until the final determination of the summary review application.

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns in relation to the lack of action taken by the premises.

.....
(Signed) [Redacted] (Date) 07/09/20

Supt R. BOYCE

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Manchester City Council

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Alan Isherwood [on behalf of] the chief officer of police for the Greater Manchester police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**The Queens Arms
6 Honey Street**

Post town: Manchester

Post code (if known): **M8 8RG**

2. Premises licence details:

Name of premises licence holder (if known): Ky Nguyen

Number of premises licence holder (if known): 167732

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with

serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns as to the serious nature of the incident which require immediate resolution. Greater Manchester Police believe that serious crime has occurred at the premises.

Greater Manchester Police (GMP) will say that the premises are associated with serious crime. Serious crime is defined within the statutory guidance as per section 81(3)(a) and (b) of the Regulation of Investigatory Powers Act 2000, which states that the conduct constitutes an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more. Therefore due to the serious crime which has taken place at the premises GMP feel that it is necessary for an expedited review to take place.

The premises are situated on Honey Street in the Cheetham Hill area of Manchester and the premises licence was issued on 10/02/2015. The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Ky Nguyen who has held these positions since the date the licence was issued.

At 0115 hours on Sunday 6th September 2020 Greater Manchester Police (GMP) were contacted by staff at North Manchester Hospital and informed us that a male had been dropped off at the hospital and had wounds on his body which appeared to consistent with him being stabbed.

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No contact was made from the premises in relation to this serious incident and a Crime for Attempted Murder has been submitted. Enquireis to trace the offenders are continuing.


The powers under sections 53A to 53C of the 2003 Act, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.

The powers contained under section 53A of the Licensing Act 2003 are necessary and proportionate in light of the association that the premises has to serious crime.

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. Serious Crime has occurred at the premises and

until the Licensing Committee hear the full review and all the evidence that will be disclosed, to allow the premises to continue to operate as a licensed premises gives concerns that further crime will occur. Greater Manchester Police will say that the licensing objectives of the prevention of crime and disorder can only be promoted if the premises licence was suspended until the final determination of the summary review application.

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns in relation to the lack of action taken by the premises.

Signature of applicant: 

Date: 7/9/20

Capacity: Licensing Constable

Contact details for matters concerning this application:

Address:

**Manchester Town Hall Extension
Lloyd Street
Manchester
M2 5DB**

Telephone number(s): 0161 856 6017

Email: alan.isherwood@gmp.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of

violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.