



Licensing Sub Committee Hearing Panel

Date: Monday, 19 October 2020

Time: 3.30 pm

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

This is a **third 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 - Jeavons, Andrews and Hewitson

Supplementary Agenda

- 1.2 **Representation received against the Interim steps following a summary review: The Valley, Glendower Drive, Manchester, M40 7TD** 3 - 36
- The report of the Head of Planning, Building Control and Licensing is enclosed.

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 **Monday, 19 October 2020** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

Manchester City Council Report for Resolution

Report to: Licensing Sub-Committee Hearing Panel

Subject: Representation received against the Interim steps following a summary review: The Valley, Glendower Drive, Manchester, M40 7TD
(App ref: LPU251781)

Report of: Head of Planning, Building Control & Licensing

Summary

Interim Steps hearing for Summary Review of the premises licence under s53C of the Licensing Act 2003 following the receipt of a representation received against the interim steps applied.

Recommendations

The Sub-Committee must take such of the steps under section 53(B) of the Licensing Act 2003 (if any), that it considers appropriate for the promotion of the licensing objectives. The steps are:

1. To consider whether the interim steps are necessary for the promotion of the licensing objectives
2. To consider whether to withdraw or modify the steps taken.

When considering the case the following must be taken into account

1. The senior Police officers certificate that accompanied the application to review the premises licence
2. The chief officers representations (if any) and
3. The representation made by the premises licence holder

Wards Affected: Harpurhey

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to

	the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing regime will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to drive growth	

Financial Consequences – Revenue None

Financial Consequences – Capital None

Contact Officers

Name: Fraser Swift
 Position: Principal Licensing Officer
 Telephone: 0161 234 1176
 E-mail: f.swift@manchester.gov.uk

Name: Ashia Maqsood
 Position: Technical Licensing Officer
 Telephone: 0161 234 4139
 E-mail: premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2018
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. **Introduction**

- 1.1 On 5 October 2020, an application was made by Greater Manchester Police under s53A of the Licensing Act 2003 for a Summary Review of the Premises Licence for The Valley, Glendower Drive, Manchester, M40 7TD in the Harpurhey ward of Manchester. The application can be found at **Appendix 1**
- 1.2 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and for the review of the licence to be fast tracked.

2. **Interim Steps**

- 2.1 Within 48 hours of receiving a summary review application, under s53B of the Licensing Act 2003, the licensing Sub-Committee, on 5 October 2020 considered whether it was necessary to take interim steps pending the full review of the licence on 29 October 2020.

The decision of the panel was to suspend the licence pending the full review of the premises. The Hearing decision is attached at **Appendix 2**.

The hearing papers for the interim steps hearing of 5 October 2020 are attached at **Appendix 1**.

- 2.2 The premises licence holder may make representations against the interim steps taken by the licensing authority. Also under s53B, the licensing authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- 2.3 On 16 October 2020 the applicant submitted a representation against the interim steps imposed, the representation is attached at **Appendix 3**.

The Panel is asked to consider the applicants representation to determine the appropriate steps to be taken before the full review hearing on 29 October 2020.

This page is intentionally left blank

Manchester City Council Report for Resolution

Report To: Licensing Sub-Committee Hearing Panel

Subject: The Valley, The Valley, Glendower Drive, Manchester, M40 7TD - (App ref: [LPU251781](#))

Report of: Head of Planning, Building Control & Licensing

Summary

Interim Steps hearing for Summary Review of the premises licence under s53C of the Licensing Act 2003

Recommendations

The Sub-Committee must take such of the steps under section 53(B) of the Licensing Act 2003 (if any), that it considers appropriate for the promotion of the licensing objectives. The steps are:

1. To modify the conditions of the licence;
2. To exclude any of the licensable activities from the licence;
3. To remove the designated premises supervisor;
4. To suspend the licence

The conditions of the licence are modified if any of them is altered or omitted or any new condition is added. Modification of the conditions of the premises licence can include altering or modifying existing conditions or adding any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Where the Sub-Committee consider that none of the above steps are appropriate for the promotion of the licensing objectives, no action should be taken in respect of the licence.

Wards Affected:

«ward»

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to

	the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing regime will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to drive growth	

Full details are in the body of the report, along with any implications for:

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
Position: Principal Licensing Officer
Telephone: 0161 234 1176
E-mail: f.swift@manchester.gov.uk

Name: Ashia Maqsood
Position: Technical Licensing Officer
Telephone: 0161 234 4139

E-mail: premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy 2016 - 2021
- Guidance issued under section 182 of the Licensing Act 2003, April 2018
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. **Introduction**

- 1.1 On 5 October 2020, an application was made by Greater Manchester Police under s53A of the Licensing Act 2003 for a Summary Review of the Premises Licence for The Valley, The Valley, Glendower Drive, Manchester, M40 7TD in the Harpurhey ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and for the review of the licence to be fast tracked.
- 1.3 A 10 working-day public consultation exercise is undertaken in accordance with Licensing Act 2003 regulations, requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application to be published on the Council's website.
- 1.4 Under section 53C of the Licensing Act 2003, the licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the application.
- 1.5 Following the review under section 53C, the licensing authority must then review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

2. **The Application**

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 An application for the summary review of premises licence number 050525 under section 53A of the Licensing Act 2003 was submitted by Greater Manchester Police on 5 October 2020. The grounds of the application for review are that in the opinion of a senior police officer the premises are associated with serious crime or serious disorder or both.
- 2.3 **Interim Steps pending the review**
 - 2.3.1 Within 48 hours of receiving a summary review application, under s53B of the Licensing Act 2003 the licensing authority must consider whether it is necessary to take interim steps pending the review of the licence for the promotion of the licensing objectives.
 - 2.3.2 The premises licence holder may make representations against the interim steps taken by the licensing authority. Also under s53B, the licensing authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
 - 2.3.3 On the date of the review hearing, the licensing authority is required to review any interim steps that are in place and consider whether it is appropriate for

the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

3. Current Premises Licence

- 3.1 A copy of the current licence is attached at **Appendix 3**.
- 3.2 The premises licence holder is Andrew Mitchell and has held the licence since 03/10/2005
- 3.3 The designated premises supervisor is Loretta Farrell who has held this position since 07/08/2018
- 3.4 The licensable activities permitted by the licence are:

Sale of Alcohol for consumption on and off the premises
Monday to Saturday 11am to 11pm
Sunday 12pm to 10.30pm

Recorded Music
Monday to Saturday 11am to 11pm Sunday 12pm to 11.30pm

Opening Hours
Monday to Saturday 11am to 11.30pm Sunday 12pm to 11.30pm

4. Key Policies and Considerations

4.1 Legal Considerations

- 4.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

4.2 New Information

- 4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

4.3 Hearsay Evidence

- 4.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

4.4 The Secretary of State's Guidance to the Licensing Act 2003

- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the

2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.

- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

4.5 **Manchester Statement of Licensing Policy**

- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 4.5.3 There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 4.5.4 Relevant to this application, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

This section identifies certain types of venues and initiatives the licensing authority aims to encourage in order to promote an inclusive evening and night-time economy not simply focused on the consumption of alcohol. We aim to encourage:

- Premises that will extend the diversity of entertainment and attract a wider range of participants

- Live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
- National cultural institutions, global sports events and cultural festivals
- Non-drink-led premises, including restaurants, cafes, theatres and cinemas
- Communication and integration with local residents and businesses through licensees consulting with those in the local area prior to an application
- Participation in Pubwatches, off licence forums and other crime-reduction partnerships
- Engagement with the NITENET radio scheme and DISC secure information sharing platform by city centre venues through the Cityco Manchester Business Crime Reduction Partnership
- Designing out crime in the layout of the premises

Section 7: Local factors

This section sets out key issues that applicants are expected to take into account relevant to the individual characteristics of the premises and address any local factors relevant to their premises.

Having regard to this application, the Panel are recommended to have regard to the following Factors:

- Identified risk factors specific to the licensed premises
- Evidence of pre-existing problems in the area
- Consistency with relevant Council strategies
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance
- Ability to clean and maintain the street scene

Section 8: Manchester's standards to promote the licensing objectives

This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises. The degree to which standards would be appropriate is expected to be proportionate to the risk posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. The standards are not exhaustive

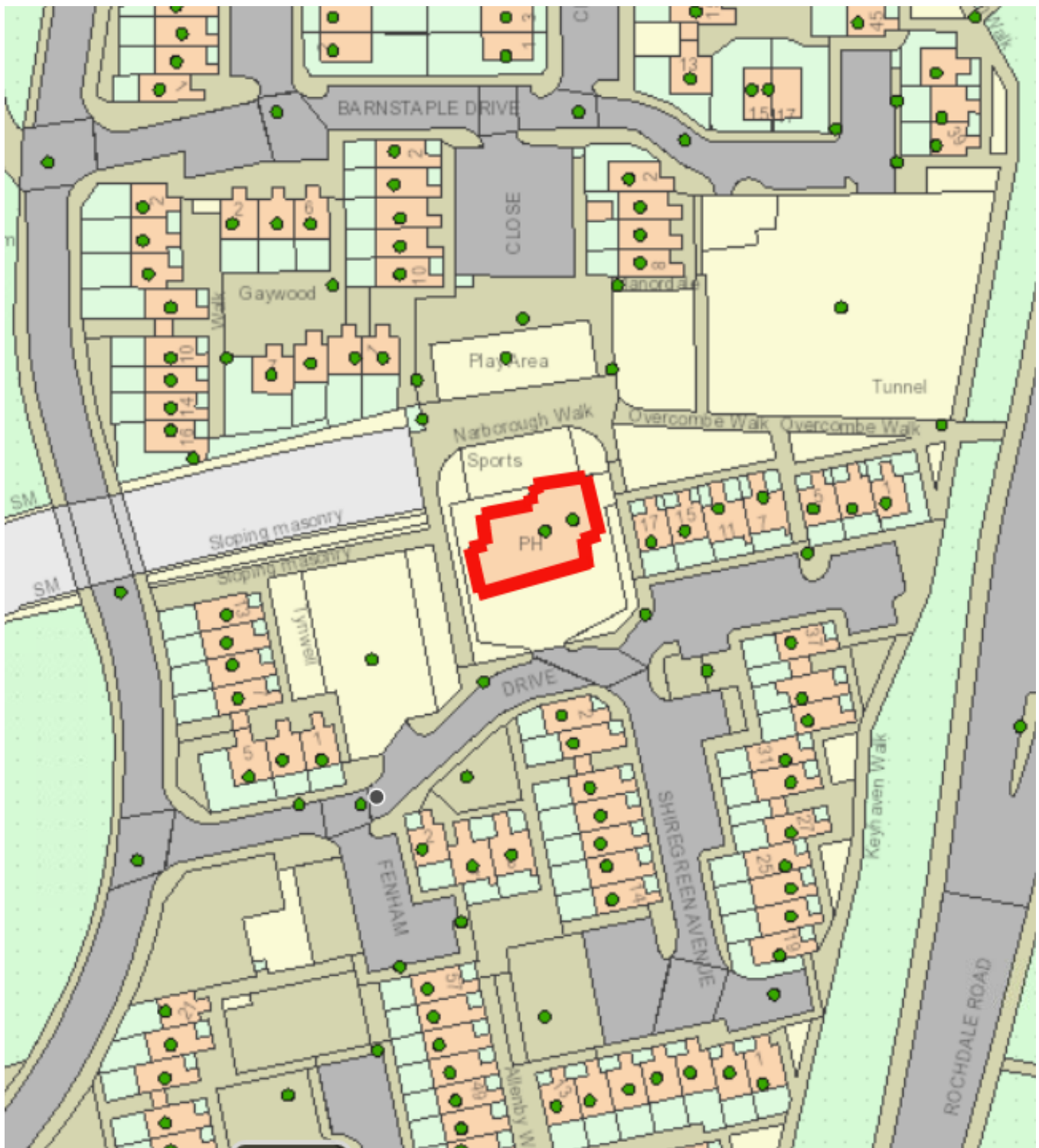
and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside them.

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS3 Responsible promotion and sale of alcohol
- MS4 Prevent the use of illegal drugs, new psychoactive substances (NPS) and the spiking of drinks at the premises
- MS5 Prevent on-street consumption of alcohol
- MS6 Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies
- MS7 Maintain a safe capacity
- MS8 Prevent noise nuisance from the premises
- MS9 Effectively manage exterior spaces (eg beer gardens, smoking areas, table and chair areas on the highway)
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse
- MS11 Ensure the wellbeing of children on the premises
- MS12 Prevent underage sales of alcohol, including proxy sales

5. Conclusion

- 5.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:
 - the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 5.2 In reaching the decision, regard must be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 5.3 The Panel must consider what steps are appropriate for the promotion of the licensing objectives.

- 5.4 In making its decision with regard to this interim steps hearing, the steps the Panel can take are:
- a) To modify the conditions of the licence;
 - b) To exclude any of the licensable activities from the licence;
 - c) To remove the designated premises supervisor;
 - d) To suspend the licence
- 5.5 The conditions of the licence, with the exception of mandatory conditions in Appendix 1 of the licence, may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 5.6 All licensing determinations should be considered on the individual merits of the application.
- 5.7 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 5.9 **The Panel is asked to determine what steps, as set out in 5.4 above, are appropriate for the promotion of the licensing objectives.**



The Valley
The Valley, Glendower Drive, Manchester, M40 7TD

Premises Licensing
Manchester City Council

© Crown copyright and database rights 2018. Ordnance
Survey100019568.



PREMISE NAME: The Valley

PREMISE ADDRESS: Glendower Drive, Manchester, M40 7TD

WARD: Harpurhey

HEARING DATE: 05/10/2020

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 disorder¹.

*Premises*²:

The Vine (The Valley)
Glendower Drive
Manchester

Premises licence number (if known): 50525

Name of premises supervisor (if known): Loretta Farrell

I am a Superintendent Hill 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 and serious disorder has occurred at the premises.

Greater Manchester Police (GMP) will say that the premises are associated with serious crime and serious disorder. Serious crime is defined within the statutory

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.

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 and serious disorder 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 Glendower Drive in the Collyhurst area of Manchester and the premises licence was issued on 03/10/2005. The Premises Licence Holder (PLH) since 2007 is Andrew Mitchell and the Designated Premises Supervisor (DPS) is Loretta Farrell who has held this position since July 2018.

During the afternoon of Saturday 2nd October 2020 a wake was held at the premises and was attended by a large crowd of people estimated at more than 50. During this wake GMP received numerous calls from local residents stating that people attending were blocking the roads and driving round on quad bikes and intimidating them. There were also calls stating that people were fighting at the premises and bottles were being thrown.

Police patrols attended at the premises and were met by a violent crowd who threatened them and threw bottles at them causing them to withdraw and await further patrols.

At approximately 1730 hours an argument has started inside the premises which has then led to a mass brawl outside during which 2 males were attacked with knives and received significant injuries. The males later presented at Manchester Royal Infirmary. Several windows were smashed at the premises during the mass brawl.

Shortly after this sufficient numbers of police officers made to the location and brought the situation under control and the premises was emptied and secured as a crime scene.

2 Crime reports for Section 18 Wounding with Intent and a crime for Violent Disorder have been submitted and enquiries are continuing to trace the offenders.

This investigation is in its early stages and there will no doubt be more information uncovered over the coming weeks but what is clear is that serious disorder and serious crimes have occurred at the premises and 2 males have received significant injuries from knives.

The incident has had a terrifying effect on the residents who live near to the premises and indeed other customers who weren't connected to the wake who were present at the premises when this incident occurred.

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 and serious disorder.

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 and serious disorder 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 and place customers and staff in danger.. 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 violence and serious disorder at the premises.

Chris Hill 5th October 2020

.....
(Signed)

.....
(Date)

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 Vine
Glendower Drive**

Post town: Manchester

Post code (if known): **M40 7TD**

2. Premises licence details:

Name of premises licence holder (if known): Andrew Mitchell

Number of premises licence holder (if known):

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 and serious disorder has occurred at the premises.

Greater Manchester Police (GMP) will say that the premises are associated with serious crime and serious disorder. 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 and serious disorder 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 Glendower Drive in the Collyhurst area of Manchester and the premises licence was issued on 03/10/2005. The Premises Licence Holder (PLH) since 2007 is Andrew Mitchell and the Designated Premises Supervisor (DPS) is Loretta Farrell who has held this position since July 2018.

During the afternoon of Saturday 2nd October 2020 a wake was held at the premises and was attended by a large crowd of people estimated at more than 50. During this wake GMP received numerous calls from local residents stating that people attending were blocking the roads and driving round on quad bikes and intimidating them. There were also calls stating that people were fighting at the premises and bottles were being thrown.

Police patrols attended at the premises and were met by a violent crowd who threatened them and threw bottles at them causing them to withdraw and await further patrols.

At approximately 1730 hours an argument has started inside the premises which has then led to a mass brawl outside during which 2 males were attacked with knives and received significant injuries. The males later presented at Manchester Royal Infirmary. Several windows were smashed at the premises during the mass brawl.

Shortly after this sufficient numbers of police officers made to the location and brought the situation under control and the premises was emptied and secured as a crime scene.

2 Crime reports for Section 18 Wounding with Intent and a crime for Violent Disorder have been submitted and enquiries are continuing to trace the offenders.

This investigation is in its early stages and there will no doubt be more

information uncovered over the coming weeks but what is clear is that serious disorder and serious crimes have occurred at the premises and 2 males have received significant injuries from knives.


The incident has had a terrifying effect on the residents who live near to the premises and indeed other customers who weren't connected to the wake who were present at the premises when this incident occurred.

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 and serious disorder.

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 and serious disorder 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 and place customers and staff in danger.. 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 violence and serious disorder at the premises.

Signature of applicant: 

Date: 5/10/20

Capacity: Licensing Constable

Contact details for matters concerning this application:

Address:

Manchester Town Hall Extension

Lloyd Street

Manchester

M2 5DB

Telephone number(s): [REDACTED]

Email: [REDACTED]

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.



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	050525
Granted	03/10/2005
Latest version	DPS Variation 216266 (granted 07/08/2018)

Part 1 - Premises details

Name and address of premises
The Valley The Valley, Glendower Drive, Manchester, M40 7TD
Telephone number
0161 205 0808

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1. The sale by retail of alcohol*. 2. The provision of regulated entertainment, limited to: Recorded music; <p>* All references in this licence to "sale of alcohol" are to sale by retail.</p>

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1200
Finish	2300	2300	2300	2300	2300	2300	2230
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non-standard Timings:							
Good Friday: Start 1200 Finish 2230 Christmas Day: Start 1200 Finish 1500 Start 1900 Finish 2230							
New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1200
Finish	2330	2330	2330	2330	2330	2330	2330
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings:							
None							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1200
Finish	2330	2330	2330	2330	2330	2330	2330
Seasonal variations and Non-standard Timings:							
Good Friday: Start 1200 Finish 2230 Christmas Day: Start 1200 Finish 1500 Start 1900 Finish 2230							
New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day							

Part 2

Details of premises licence holder	
Name:	Mr Andrew Mitchell
Registered number:	Not Applicable

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Lorretta Farrell
Personal Licence number:	182720
Issuing Authority:	Manchester City Council

Annex 1 – Mandatory conditions

Door Supervisors

1. Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -
 - (a) Unauthorised access or occupation (e.g. through door supervision),
 - (b) Outbreaks of disorder, or
 - (c) Damage,
 unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
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.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5.
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
 - (2) For the purposes of the condition set out in (1) above–
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

$$P = D + (D \times V)$$

where –

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
- (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

8. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

For the purposes of conditions 6, 7 and 8 above, a responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Annex 2 – Conditions consistent with the operating schedule

1. The above time restrictions in relation to the hours for the sale of alcohol do not prohibit:

- a) During the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- b) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- c) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption ancillary to the meals;
- d) Consumption of the alcohol on the premises by, or the taking or sale or supply of alcohol to any person residing in the licensed premises;
- e) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- f) The sale of alcohol to a trader or club for the purposes of the trade or club;
- g) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) The taking of alcohol from the premises by a person residing there; or
- i) The supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Annex 3 – Conditions attached after hearing by the licensing authority

1. A digital hard drive CCTV system shall be in operation to cover internal and external areas of the premises; any area where customers have legitimate access shall be sufficiently illuminated for the purposes of CCTV.
 - a) All CCTV recorded images shall have sufficient clarity / quality / definition to enable facial recognition.
 - b) CCTV shall be kept in an unedited format for a period of 28 days. Any DVDs subsequently produced shall be in a format that can be played back on a standard personal computer or standard DVD player.
 - c) Any person left in charge of the premises shall be trained in the use of any such CCTV equipment and be able to produce / download / burn CCTV images upon request by a person from a responsible authority.
 - d) CCTV shall be maintained on a regular basis and kept in good working order. CCTV maintenance records shall be kept and details of contractors used and work carried out shall be recorded.
 - e) Plans indicating the position of CCTV cameras shall be submitted and shall be lodged with City Centre Safe.
 - f) Where the recording is on a removable medium (i.e. videotape, compact disc, flash card etc.) a secure storage system to store those recording media shall be provided.
2. The need for door security shall be assessed by the Premises Licence Holder or Designated Premises Supervisor on a regular basis and door staff shall be employed when and where the risk assessment deems this appropriate or when advised to do so by City Safe officers (e.g. football events etc). All doorstaff employed at the premises shall be supplied by a company from the SIA ACS approved contractor scheme.
3. A written record shall be kept on the premises by the Premises Licence Holder or Designated Premises Supervisor of every person employed on the premises as security personnel in a register kept for that purpose. That record shall contain the following details:-
 - a) the door supervisor's name, date of birth and home address;
 - b) his/her Security Industry Authority licence number;
 - c) the time and date he/she starts and finishes duty;
 - d) the time of any breaks taken whilst on duty;
 - e) each entry shall be signed by the door supervisor.

That register shall be available for inspection on demand by officers from Responsible Authorities.
4. The Designated Premises Supervisor or a nominated member of management, who must hold a personal licence, shall be on the premises when the premises is open for licensable activities.
5. A documented dispersal policy shall be implemented and lodged with City Safe prior to the premises opening for the first time and this shall include clearly displayed signage advising customers to leave the area quietly and promptly.
6. A telephone line shall be set up with a local taxi provider.
7. A documented drugs policy shall be implemented and lodged with City Safe prior to the premises opening for the first time. The policy shall include searching, seizure, retention and disposal.
8. A smoking policy shall be drawn up by the Premises Licence Holder or Designated Premises Supervisor to include a clearly defined area and the numbers permitted in this area at one time. The policy shall be lodged with City Safe prior to the premises opening for the first time.
9. An incident book shall be maintained at the premises and shall record all ejections and incidents that occur within the premises or at the entrance. The incident book shall be open to inspection by appropriate officers from Responsible Authorities. The incident book shall be checked each week by either the premises licence holder or the designated premises supervisor. The aim of the check is to ensure that staff are accurately recording incidents.

10. Any person who is involved in disorderly conduct or anti-social behaviour outside the premises shall not be permitted entry to the premises. The Premises Licence Holder or Designated Premises Supervisor shall ensure that any person within the premises who is involved in disorderly conduct or anti-social behaviour inside the premises shall be removed from the premises.
11. The Premises Licence Holder or Designated Premises Supervisor shall not allow to enter or allow to remain on the premises any person who is notified to the premises licence holder by Greater Manchester Police as being a person of bad character by way of association to other persons or by convictions at court.
12. The Premises Licence Holder or Designated Premises Supervisor shall contact the City Centre Safe office at Bootle Street Police Station to advise of any externally promoted event at least 28 days prior to the event so that the event can be properly risk assessed.
13. Staff training shall include the Challenge / Think 25 policy and its operation. The training shall be given to all staff and staff shall be retrained quarterly. Training shall also include underage sales, drunkenness, conflict management, first aid and drugs.
14. All training shall be documented.
15. Prior to any drinks promotions being held at the premises the premises licence holder or designated premises supervisor shall liaise with the City Safe licensing officers at Bootle Street Police Station so the promotion can be fully risk assessed.
16. Members of staff/door supervisors shall patrol inside and outside the premises at regular intervals, ensuring glasses are collected and that litter is cleared within the vicinity of the premises.
17. All drinks that are to be taken into the outside drinking area of the premises shall be served in plastic containers or toughed glass.

Annex 4 – Plans

See attached

On Mon, 5 Oct 2020, 6:14 pm Barbara Gora, [REDACTED]

Dear members,

I enclose the decisions and reasons from today's Committee. Please let me know if you have any additions or amendments.

Ian/Fraser- we'll also need to list The Vine for the full summary review hearing.

Urgent Business

Summary review - Interim steps hearing - The Vine

Decision: To suspend the licence pending the final review.

Reasons:

The Committee considered the content of the application including the certificate signed by Superintendent Chris Hill and the CCTV footage shown at the hearing. The Committee noted that a serious incident had occurred at the premises on 2 October 2020, this incident had resulted in serious crimes occurring at the premises in that two males had been stabbed with a sharp object resulting in injuries being sustained and also serious disorder had occurred at the premises in that a brawl including a number of individuals spilled out into the area immediately outside the premises. This incident resulted in windows being broken and bottles being thrown through one of the broken windows. This incident must clearly have been very frightening for local residents, some of whom called the police for assistance as the incident was ongoing. The Committee noted that the police investigation is at an early stage and full details of the incident have not yet been established. However GMP is concerned that if the premises remain open and continues to trade while those investigations are ongoing there may be retaliation and reprisals following the incident on 2 October. The Committee shared those concerns of potential retaliation and reprisals and in the circumstances considered it necessary to suspend the licence pending the full review of the premises licence.

Regards

Barbara

Barbara Gora

Principal Solicitor

Regulatory and Enforcement Services (Legal)

Neighbourhood Services Group

This page is intentionally left blank

From: **Chris Grunert** [REDACTED]
Date: Fri, 16 Oct 2020 at 14:47
Subject: The Valley - Summary review 251781/AM2 - Representations regarding interim steps.
To: Premises Licensing <premises.licensing@manchester.gov.uk>
Cc: [REDACTED]

Dear Sirs,

We are instructed by Mr. Andrew Mitchell, the Premises licence holder for the Valley. On Monday 5th October, following an application by GMP for expedited review the Committee imposed interim steps requiring the premises to remain closed until such time as a Review hearing could take place.

We are informed that a Review hearing will be convened on 29th October 2020.

Please accept this email as a representation on behalf of the Premises Licencee as described in s.53B(6) of the Act.

In summary, GMP sought the closure of the premises to avoid further disorder at the premises. The disorder was linked to a funeral taking place in the local area on Wednesday 7th October and certain people who were in the area for the purpose of marking the funeral and commemorating the death of individuals from their community.

Following the funeral issues of anti-social behaviour have dissipated and it is the view of the premises that the necessity of the closure has now passed. A view shared by GMP.

We would seek a hearing before the Committee in line with the Statutory requirements at which we may expand and amplify upon these representations.

We would be grateful if you would kindly acknowledge this representation, and await notice of the Committee hearing, which we presume will be remote.

Regards

Chris Grunert

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank