



Licensing Sub Committee Hearing Panel

Date: Tuesday, 21 December 2021

Time: 10.00 am

Venue: Council Chamber, Level 2, Town Hall Extension

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

Access to the Council Chamber

Public access to the Council Chamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension.

There is no public access from any other entrance of the Extension.

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Membership of the Licensing Sub Committee Hearing Panel

Councillors - Andrews, Hassan and Hewitson

Supplementary Agenda

4. **Summary Review - Queens Hotel, Sedgeford Rd, Manchester** 3 - 30
M40 8QU
Now contains information from GMP.

Further Information

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

Ian Hinton-Smith
Tel: 0161 234 3043
Email: ian.hinton-smith@manchester.gov.uk

This supplementary agenda was issued on **Friday, 17 December 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

IN THE MANCHESTER CITY TOWN HALL

BETWEEN:

THE CHIEF CONSTABLE
OF GREATER
MANCHESTER POLICEAPPLICANT

AND

THE QUEENS HOTEL

RESPONDENTINDEX TO BUNDLE
OF DOCUMENTS

<u>No Applicant's</u>	<u>Evidence</u>	DOCUMENT	PAGE No
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2	Summary Review Certificate signed by Superintendent Fraser		5-8
3	Summary Review application signed by PC Isherwood		9-12

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 8 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: [Redacted] Date: 16/12/21

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 Hotel

The premises are situated on Sedgeford Road in the Monsall area of Manchester and the premises licence was issued in 2005. The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Janice Flint who was the DPS back in 2005 until 2006 and took up this position again on 8th July 2021.

Incident

On the evening of Wednesday 24th November 2021 GMP neighbourhood officers from Harpurhey Police station carried out a visit to licence premises at the Queens Hotel.

As the officers approached the premises a number of the patrons have made off from the location.

Officers have entered and spoken to the person in charge. On looking around the public area and on seating at the rear, officers have discovered suspected class A drugs, prepared for individual deals, which appear to have been discarded in a hurry under the seats. Nearby, a knife in a sheath was discovered under a table, again, seemingly discarded. As well as these items a single 'walkie talkie' type radio was located near to the entrance.

On further checking in and around the premises, a large amount of alcohol bottles were discovered outside of the premises, near to a storage container, and in a box, inside the gents toilets.

The person present and identifying themselves as being in charge stated to officers she was in charge of the pub on behalf of the PLH / DPS. The officers were informed that the CCTV couldn't be accessed at that time.

Signature: [Redacted] Signature witnessed by:

RESTRICTED (when complete)

MG11

Page 2 of 5

Officers invited her to close the pub and cease licensable activities immediately due to concerns about criminality ongoing at the premises and this request was duly complied with.

As a result of this visit the following items were seized:

16 individually wrapped packets of white power

24 individually wrapped packets of brown power

47 individually wrapped packets of white 'rock like' substance

A black handled knife in a sheath, blade approximately 8 inches long

A black ICOM walkie talkie

68 bottles of assorted spirits were recovered from waste ground outside the premises and a further 10 bottles from within the gents toilets at the premises.

Interim Steps Hearing

On Thursday 25th November 2021 I applied for a Summary Review of the Premises Licence on the grounds that the Premises were associated with Serious Crime. The certificate was signed by Superintendent Fraser.

The Interim Steps hearing took place on Friday 26th November 2021 via online facilities and GMP outlined our concerns regarding the premises and the fact that we hadn't been able to access to the CCTV to see exactly what had occurred just prior to our arrival at the premises. 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 Tuesday 21st December 2021.

Interim Steps Appeal Hearing

Following the decision to suspend that Premises Licence the PLH applied to appeal the interim steps stating that they had managed to extract the CCTV footage from their system and this showed that incident in a different light.

This appeal hearing took place on Tuesday 30th November and at this hearing the CCTV footage was shown to the committee and to GMP and it showed that a group of young males run into the premises and appear to throw items under the seating before trying to run out of the rear door of the premises, which was locked. It also shows one of the males carrying a box of bottles into the toilets.

The males then walk out of the premises via the door that they entered and a few seconds later GMP officers walk into the premises and they then conduct the licence check that they attended for and it is shortly after this that the items are found.

Signature:.....

Signature witnessed by:.....

2006/07 (1)

RESTRICTED (when complete)

Conclusion

Having had chance to review this incident and, after having a discussion with my GMP colleagues, we are satisfied that the items did end up on the premises as a result of the males seeing my colleagues arrive in their liveried police vehicles and running into the premises in a bid to dispose of their drugs and other items and as a means to evade the police, by running out of the rear door.

However we do still have concerns that the person in charge was unable to operate the CCTV system when my colleagues attended and that other conditions on the Premises Licence are not worded robustly enough to ensure that the 4 licensing objectives are upheld so we would ask committee, when making their decision, to consider adding the following conditions to the Premises Licence:

CCTV cameras are located within the premises to cover all public areas including all entrances and exits. The system records clear images permitting the identification of individuals. The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

The CCTV system shall operate at all times while the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected. There are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).

An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details of:

All alleged crimes reported to the venue or by the venue to the police

All ejections of patrons

Any complaints received

Any incidents of disorder

Seizures of drugs, offensive weapons, fraudulent ID or other items

Any refusal of the sale of alcohol

Any faults in the CCTV system, searching equipment or scanning equipment

Any visit by a responsible authority or emergency service

The times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.

Signature:

Signature witnessed by:

All staff authorised to sell alcohol shall be trained in the following:

Relevant age restrictions in respect of products

Prevent underage sales

Prevent proxy sales

Maintain the refusals log

Recognising signs of drunkenness and vulnerability

How to refuse service

Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services.

The conditions in force under this licence.

Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.

The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of identification to enable to verify their identity against the notice.

Signature:

[Redacted Signature]

Signature witnessed by:

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 Hotel
 Sedgeford Road
 Manchester
 M40 8QU

Premises licence number (if known): 51244

Name of premises supervisor (if known): Janice Flint

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 extreme violence which has occurred at the premises and the lack of action from the premises.

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

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.

The premises are situated on Sedgeford Road in the Monsall area of Manchester and the premises licence was issued in 2005. The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Janice Flint who was the DPS back in 2005 until 2006 and took up this position again on 8th July 2021.

The incident which has triggered this Summary Review is as follows:

On the evening of Wednesday 24th November 2021 GMP neighbourhood officers from Harpurhey Police station carried out a visit to licence premises at the Queens Hotel.

As the officers approached the premises a number of the patrons have made off from the location.

Officers have entered and spoken to the person in charge. On looking around the public area and on seating at the rear, officers have discovered suspected class A drugs, prepared for individual deals, which appear to have been discarded in a hurry on the seats. Nearby, a knife in a sheath was discovered under a table, again, seemingly discarded. As well as these items a single 'walkie talkie' type radio was located near to the entrance.

On further checking in and around the premises, a large amount of alcohol bottles were discovered outside of the premises, near to a storage container, and in a box, inside the gents toilets. Obviously, alcohol at a public house is not unusual, but the fact it has seemingly been hidden rather than stored gives rise to serious concerns.

The person present and identifying themselves as being in charge stated to officers she was in charge of the pub on behalf of the PLH / DPS.

Officers invited her to close the pub and cease licensable activities immediately due to concerns about obvious criminality ongoing at the premises and this request was duly complied with.

As a result of this visit the following items were seized:

- 16 individually wrapped packets of white power
- 24 individually wrapped packets of brown power
- 47 individually wrapped packets of white 'rock like' substance
- A black handled knife in a sheath, blade approx 8 inches long
- A black ICOM walkie talkie

- 15x Jager 70cl
- 2x 1.5l Jack Daniels
- 3x Sambuco 70cl
- 6x Gordans Gin 1.5l
- 3x Smirnoff Vodka 70cl
- 16x Smirnoff Vodka 1.5l
- 11x Whiteley Neil Gin 70cl
- 8x Captain Morgan Rum 1.5l
- 14x Captain Morgan Rum 70cl

Therefore GMP have serious concerns as to the way the premises are being operated and it appears that the premises is being used as a hub for criminals to carry out their illegal activities. We believe that this shows that the premises have had little or no regard for upholding the Licensing Objectives of the Prevention of Crime and Disorder and Public Safety.

For the purposes of full review Section 182 Guidance states at section 11.27:

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- as the base for the organisation of criminal activity, particularly by gangs

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 criminality will occur at the premises and the licensing objectives will be further undermined. Greater Manchester Police will say that the licensing objectives of the Prevention of Crime and Disorder and Public Safety 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 as to the serious level of criminality that has occurred. Greater Manchester Police believe that Serious Crime has occurred at the premises.

 25.11.21
(Signed) (Date)

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

ANNEX C

[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 Hotel
Sedgeford Road**

Post town: Manchester

Post code (if known): **M40 8QU**

2. Premises licence details:

Name of premises licence holder (if known): Janice Flint

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 extreme violence which has occurred at the premises and the lack of action from the premises.

Greater Manchester Police (GMP) will say that the premises are associated with Serious Crime. 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 Sedgeford Road in the Monsall area of Manchester and the premises licence was issued in 2005. The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Janice Flint who was the DPS back in 2005 until 2006 and took up this position again on 8th July 2021.

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For the purposes of full review Section 182 Guidance states at section 11.27:

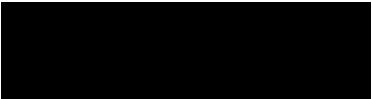
There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- as the base for the organisation of criminal activity, particularly by gangs

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 criminality will occur at the premises and the licensing objectives will be further undermined. Greater Manchester Police will say that the licensing objectives of the Prevention of Crime and Disorder and Public Safety 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 as to the serious level of criminality that has occurred. Greater Manchester Police believe that Serious Crime has occurred at the premises.

Signature of applicant: 


Date: 25/11/21

Capacity: Licensing Constable

Contact details for matters concerning this application:

Address:

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

Telephone number(s): 

Email: 

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.

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

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