



Licensing Sub Committee Hearing Panel

Date: Monday, 6 February 2023
Time: 10.10 am (or at the rise of the Licensing & Appeals
Sub-Committee Hearing Panel)
Venue: Council Antechamber, 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 Antechamber

Public access to the Council Antechamber 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 entrances of the Extension.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Andrews, Evans and Hilal

Supplementary Agenda

5. **Application for a New Premises Licence - Beilul Lounge, First Floor, 100 Wilmslow Road, Manchester, M14 5AJ** 3 - 106
Now contains additional information from LOOH.

Further Information

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

Callum Jones
Tel: 0161 234 4940
Email: callum.jones@manchester.gov.uk

This supplementary agenda was issued on **Wednesday, 1 February 2023** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA



LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	214491
Granted	13/07/2018

Part 1 - Premises details

Name and address of premises
Beilul Lounge First Floor And Second Floor, 100 Wilmslow Road, Manchester, M14 5AJ
Telephone number

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; 3. The provision of late night refreshment. <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	1000	1000	1000	1000	1000	1000	1000
Finish	2400	2400	2400	2400	0100	0100	2400
The sale of alcohol is licensed for consumption on the premises only.							
Seasonal variations and Non-standard Timings:							
None							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	2400	2400	2400	2400	0100	0100	2400
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings:							
None							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	2400	2400	2400	2400	0100	0100	2400
Licensed to take place both indoors and outdoors.							
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	1000	1000	1000	1000	1000	1000	1000
Finish	0030	0030	0030	0030	0130	0130	0030
Seasonal variations and Non-standard Timings:							
None							

Part 2

Details of premises licence holder	
Name:	Mr Futsum Tsegay
Address:	[REDACTED]

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Mr Futsum Tsegay
Address:	[REDACTED]
Personal Licence number:	[REDACTED]
Issuing Authority:	[REDACTED]

Annex 1 – Mandatory conditions	
Door Supervisors	
1.	<p>Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -</p> <ul style="list-style-type: none"> (a) Unauthorised access or occupation (e.g. through door supervision), (b) Outbreaks of disorder, or (c) Damage, <p>unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.</p>
Supply of alcohol	
2.	<p>No supply of alcohol may be made under this premises licence:</p> <ul style="list-style-type: none"> (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.	<p>Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.</p>
4.	<ul style="list-style-type: none"> (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 – <ul style="list-style-type: none"> (a) a holographic mark, or (b) an ultraviolet feature.
5.	<ul style="list-style-type: none"> (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. A CCTV system shall be installed and a member of staff who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public, or if the premises are not open, within 24 hours of a request for access to the CCTV system from either the police or licensing authority. All recordings shall be stored for a minimum of 31 days with date and time stamping. Recordings shall be made available within a reasonable period upon the request of a Police or Licensing officer throughout the preceding 31 day period. The CCTV system shall be updated and maintained according to police recommendations.
2. CCTV shall be in operation at any time premises is open to the public.
3. An incident log (which may be electronically recorded) shall be kept at the premises and made available on request to the police or an authorised officer of the licensing authority, which shall record the following incidents:
 - a) all crimes reported to the venue, or by the venue, to the Police;
 - b) all ejections of patrons;
 - c) any complaints received relating to crime and disorder;
 - d) any incidents of disorder;
 - e) any faults in the CCTV system;
 - f) any refusal of the sale of alcohol.
4. A fire risk assessment shall be conducted and implemented in the premises.
5. Noise from amplified music shall not be such as to cause noise nuisance to the occupants of nearby premises.
6. Clearly legible notices shall be displayed at all exits from the premises requesting those leaving to respect the needs of local residents and to leave the premises and area quietly.

7. Waste collection and delivery services shall be arranged so as not to cause a nuisance to nearby residents.
8. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
9. The Premises Licence Holder/DPS shall ensure that waste from the premises shall be properly contained at all times.
10. Children shall be permitted access to the premises in accordance with the provisions of the Licensing Act 2003.
11. The premises shall adopt a 'Challenge 25' scheme. Any person who appears to be under the age of 25 years shall be required to show photographic identification prior to the supply of alcohol.
12. All relevant staff shall be trained in the law regarding the sale of alcohol to underage persons. This training shall be documented and made available upon request of the police or authorised member of the licensing authority.

Annex 3 – Conditions attached after hearing by the licensing authority

Not applicable

Annex 4 – Plans

See attached

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

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New Premises Licence Application Hearing

Beilul Lounge

1st & 2nd Floor, 100 Wilmslow Road, Rusholme M14 5AJ

Licensing & Out of Hours Supporting Evidence

Index

Companies House Check

Business Rates Check

Website (offering alcohol for sale)

Statement of Luke Solczak – LOOH officer for Rusholme Ward

Photo Evidence from Visit 6/1/23 (whilst app in consultation)

Seizure Notice


Food Hygiene Rating

Premises Licence (Lapsed April 2022)

Review Application (submitted February 2022)

Review Supporting Evidence Bundle

Companies House Check

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BEILUL LOUNGE EAST AFRICAN RESTAURANT LIMITED

Company number **12277166**

Follow this company
File for this company

Overview
Filing history
People
More

Registered office address
100a Wilmslow Road, Manchester, England, M14 5AJ

Company status
Active

Company type Private limited Company	Incorporated on 23 October 2019
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Accounts

Next accounts made up to **31 October 2022**
due by **31 July 2023**

Last accounts made up to **31 October 2021**

Confirmation statement


Next statement date **22 October 2023**
due by **5 November 2023**

Last statement dated **22 October 2022**

Nature of business (SIC)

56102 - Unlicensed restaurants and cafes

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Company number 12277166

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1 officer / 0 resignations

[BERHE, Merhawi](#)

Correspondence address

100a, Wilmslow Road, Manchester, England, M14 5AJ

Role **ACTIVE**

Director

Date of birth

January 1990

Appointed on

23 October 2019

Nationality

British

Country of residence

United Kingdom

Occupation

Director

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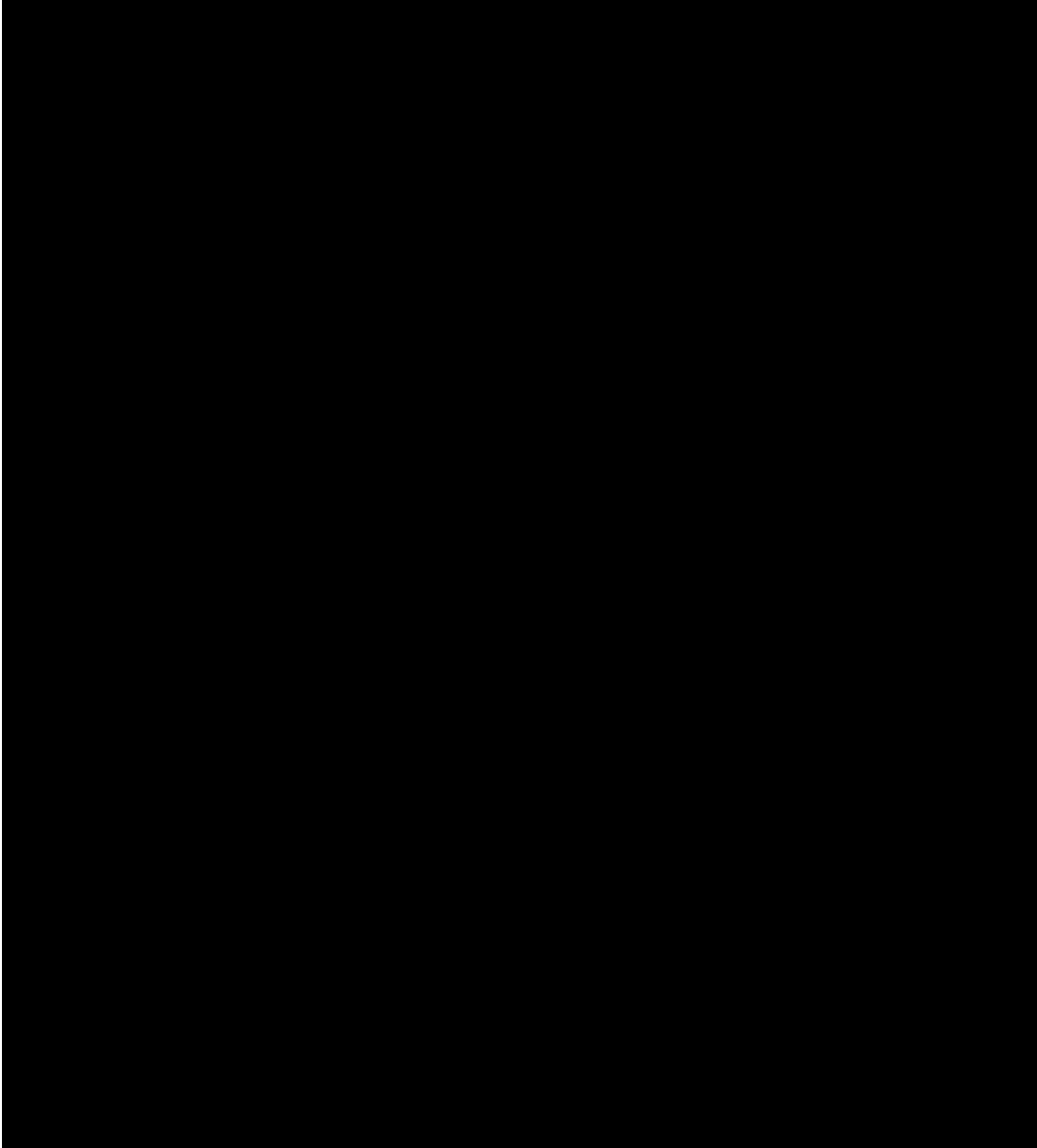
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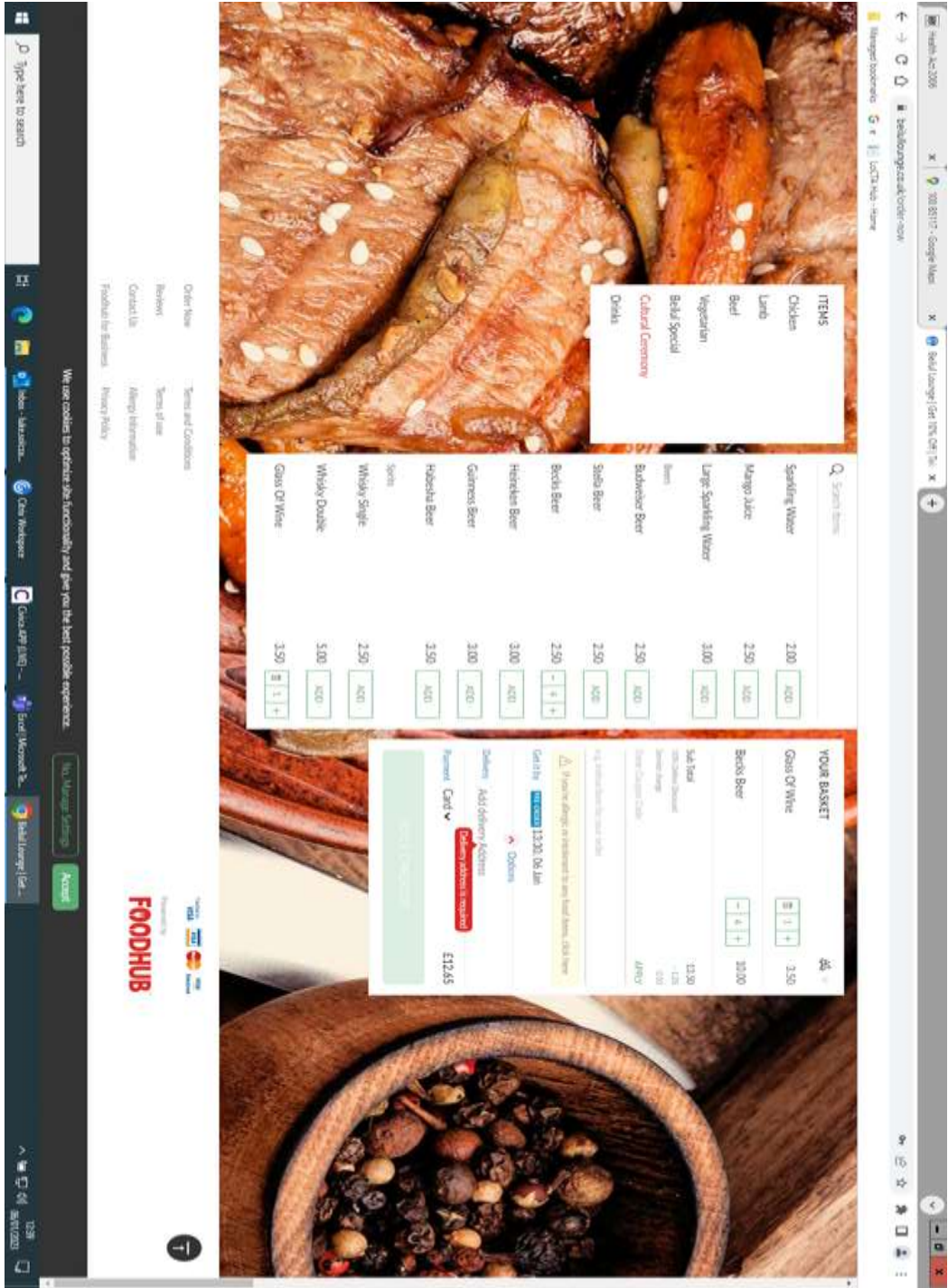
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Business Rates Check



Website



Witness Statements
(Criminal Procedure Rules, Part 27)

Statement of witness

*(Criminal Procedure Rules, r27.1 (1);
Criminal Justice Act 1967, s.9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF Luke Solczak

Age of witness: Over 18

Occupation of witness: Licensing and Out of Hours officer

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

I am employed by Manchester City Council as a Licensing and out of Hours officer. Parts of my duties include the enforcement of Section 8 of the Health Act 2006 in relation to the offence of failing to prevent smoking in a smoke free place.

On Friday 6th January 2023 I was asked by my colleague GEMMA HUNT, Licensing and Out of Hours Officer if I could accompany her to BEILUL LOUNGE, 100 Wilmslow Road, Manchester, M14 5AJ.

At approximately 1320hrs HUNT and I arrived at BEILUL LOUNGE.

At the top of the entrance stairs was a pot with 2 lit coals. They were hot to the touch. HUNT and I then approached the counter/ bar. Hunt approached a female who was situated next to the bar and asked if she worked there, the female stated she didn't and was picking up an order. Another female then came out from the back area/ kitchen and handed over what I believe to be a food order.

Hunt then spoke to the female who stated MERHAWI BERHE had not arrived yet as they are not open. HUNT advised that the front door was open. HUNT then stated that the upstairs area of the building is on the plan as part of their licence application as such we will be looking around all areas of the premise. The female then advised HUNT and I that this was ok.

HUNT and I then attended the 2nd floor room. There was a small kitchen/ bar which had shisha equipment including clay pots, pipes, hoses, wet shisha tobacco and a metal stove with flue to burn/ light charcoal. There were also clay puts in the sink which had recently been washed and were drying. Looking around the room I noticed that the fire detectors had been covered with tinfoil which I believe was an attempt to bypass the alarm when smoking shisha.

Dated: 18/01/2023

Signed 

HUNT and I then returned to the first floor. HUNT completed her notes and spoke to the female. I then noticed 1 can of San Miguel on display in the fridge which had glass doors. I then asked if I could look behind the counter and proceeded to look. I noticed several empty bottles of Zibi and part used bottles of 1 X Gordons Gin, 1 X bottle of tequila, 1 X bottle of Zibi. As I approached the counter exit, I also noticed a 50L keg of Heinken linked to a beer tap. There was also a full 50L keg of Heinken and a 50L empty keg. The beer tap was covered with a black bin bag. I easily lifted the bag and asked if I could try the beer tap. The female staff member stated I could. I then poured a small amount of draft Heinken. The larger poured instantly and looked and smelt fresh. The keg had a label that stated expiry date May 23.

HUNT then seized 1 box of coals and 1 X shisha pipe as evidence under the Health Act 2006. The female staff member then contacted BERHE and advised HUNT and I that he would arrive at the premise around 1530hrs.

HUNT and I then left the premise and returned at 1535hrs. BERHE then arrived a couple of minutes later with his two children. HUNT then spoke to BERHE and advised him that he would be invited to attend a formal interview and would not discuss the matter now. HUNT then filled out a seizure notice and gave it to BERHE. He then advised that the pipes had now been removed. HUNT inspected the 2nd floor and advised him to remove the tin foil from the smoke detectors.

HUNT then advised BERHE that both shisha and the alcohol will be discussed in the formal interview. BERHE stated what alcohol? HUNT stated the alcohol behind the bar. BERHE stated this was for personal use. HUNT then asked if he could drink 200 Pints? BERHE said no. HUNT then disclosed what had been discovered by officers including the two kegs behind the bar. BERHE then changed his answer and stated they were there from last time.

HUNT then informed BERHE that she will invite him to attend a formal interview and asked if there were any times that were not convenient. BERHE stated any time is fine.

HUNT and I then left the premise.

Dated: 19/01/2023

Signed: 

Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (SI 1981/553), relating to rule 70 of the Magistrates' Courts Rules 1981, section 9 of the Criminal Justice Act 1967 and section 5B of the Magistrates' Courts Act 1980

Photo Evidence – Visit 6/1/23

Hot Coals, top of stairs 1st floor



Menu offering alcohol



Beer pump



Attached keg of Heinekin

Part used spirits found under the counter/bar



Kegs & gas cylinders under the counter/ bar



Empty Zibib bottles under counter



Can in fridge





Refuge Bag on the stairs containing Bud bottles

2nd Floor – both smoke detectors covered with foil





2nd Floor – behind counter/bar

2nd Floor, behind counter/ bar evidence of coals being heated and recently used



Clay Pots recently washed



Empty Pots of fruit mixed shisha & 2 x bags of shisha



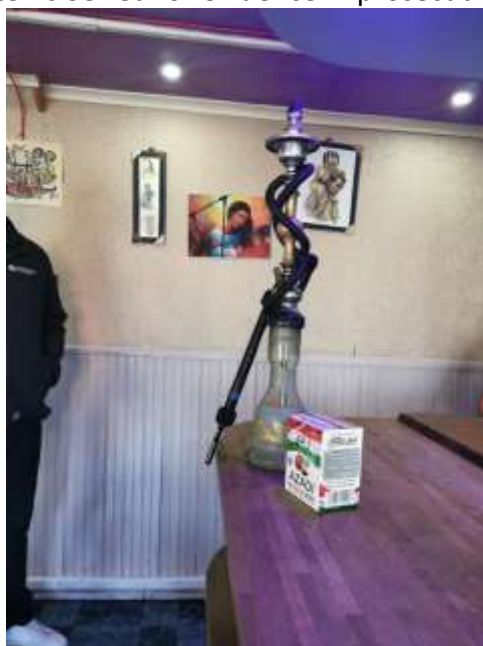
Shisha pipes



Charcoal boxes



Items Seized for evidence in prosecution



Food Hygiene Rating

Food Standards Agency | [Enlab](#) | [CENSURE](#) | [Contact](#)

NEWS AND ALERTS | **FOOD SAFETY AND HYGIENE** | **BUSINESS GUIDANCE** | **ABOUT US**

Food hygiene ratings

Beilul Lounge

Address
 First Floor And Second Floor
 100 Wilmslow Road
 Manchester
 M14 5AJ

Business type
 Restaurant/Cafe/Canteen

Date of inspection
 11 March 2022

Standards found at the time of inspection

Area inspected by food safety officer	Standards found
Hygienic food handling Hygienic handling of food including preparation, cooking, re-heating, cooling and storage	Major improvement necessary
Cleanliness and condition of facilities and building Cleanliness and condition of facilities and building (including having appropriate layout, ventilation, hand washing facilities and pest control) to enable good food hygiene	Generally satisfactory
Management of food safety System or checks in place to ensure that food sold or served is safe to eat, evidence that staff know about food safety, and the food safety officer has confidence that standards will be maintained in future	Urgent improvement necessary

If you wish to see the food safety officer's report on which this rating is based, you can request this from the local authority that carried out the inspection. You can do this by sending an email to the address below. The local authority will consider your request and will usually send you a copy of the report. In some cases, the local authority may decide that they cannot do so but will let you know this and explain why.

Are you the business owner or manager?

If any information on this page is incorrect you can email the correct information to your local authority by using the email address below.

You can find out [how to appeal against the rating given and find out about your right to reply](#). You can also [gk for a re-inspection](#).

Display this rating on your website

You can display this rating on your website.

[Get the code.](#)

Local Authority

Name: Manchester
 Website: www.manchester.gov.uk
 Email: envhealth@manchester.gov.uk

MANCHESTER CITY COUNCIL

Download data
 Re-usable hygiene rating data

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

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**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

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 this 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. You may wish to keep a copy of the completed form for your records.

I Gemma Hunt on behalf of the Licensing & Out of Hours Team

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Beilul Lounge First Floor and Second Floor 100 Wilmslow Road	
Post town Manchester	Post code (if known) M14 5AJ

Name of premises licence holder or club holding club premises certificate (if known) Futsum Tsegay
--

Number of premises licence or club premises certificate (if known) 214491

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Gemma Hunt
Licensing & Out of Hours Team
Manchester City Council
Hammerstone Road
Gorton
M18 8EQ

Telephone number (if any)

[REDACTED]

E-mail address (optional)

gemma.hunt@manchester.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

The LOOH team have witnessed recurring offences under S136 of the Licensing Act 2003 and S8 of the Health Act 2006 (smoke free legislation)

- The Licence Holder & DPS has sold the business and is not in day-to-day control of the premises
- Unauthorised licensable activities
- Breaches of conditions
- Selling shisha & allowing it to be smoked on the premises, including by staff whilst behind the bar

Please provide as much information as possible to support the application (please read guidance note 3)

On Sat 4th December 2021 an LOOH officer was alerted to the premises when excessive loud music was witnessed emanating from the premises outside of permitted hours at 3am. Since this date (approx. 3 months ago) the LOOH team have been unable to obtain a download of CCTV footage in line with conditions of the licence.

Furthermore, following visits and inspections at the premises, evidence has been found that the premises are continuously operating well outside of permitted hours. Evidence has been found that the premises operated until 8:30am on one occasion, 7 hours after permitted timings. Inspections have found multiple and continuous breaches of conditions of the licence.

In addition, the premises have been found to be selling shisha for customers to smoke on the premises in an area 100% enclosed and allowing bar staff to smoke shisha behind the bar.

The person named on the licence 'Futsum Tsegay' as the PLH and DPS has not been seen on the premises by officers since September 2019, despite assurances that he still works at the premises by the new owner Mr Merhawi Berhe.

After reaching Mr Tsegay by telephone, he has advised that he has not been connected to the premises for around 3 years after selling the business to Mr Merhwi Berhe. Mr Tsegay has confirmed that he is not employed at the premises or in day-to-day control of the premises, and that he was not aware the licence was still in his name.

The current named PLH is no longer in a position to carry on, a business which involves the use of the premises for licensable activities as per S16 of the Licensing Act. Despite being made aware that he is still legally responsible for the premises, Mr Tsegay has failed to ensure the licence has been transferred or surrendered the licence back to the council.

Following intervention at the premises by the LOOH team, offences under S136 of the Licensing Act 2003 and under S8 of the Health Act 2006 have continued at the premises. Following an interview under caution at a licensing inspection, a receipt has been found for the following night identifying out of hours sales of alcohol and sales of shisha. A formal investigation is now taking place for the offences.

The owner of the premises Mr Berhe has continuously misled officers and although he is a Personal Licence Holder, has demonstrated a very poor understanding of the licensing objectives and his responsibilities under the Licensing Act.

Below is a chronological order of events.

July 2018 - Premises Licence granted to Mr Futsum Tsegay.

Prior to the grant LOOH officers had witnessed on multiple occasions the premises being used as a Shisha café whilst under the control of Mr Tsegay. The grant of the licence followed assurances from Mr Tsegay that shisha would no longer be sold or smoked on the premises.

30th Sept 2019 – Complaint & Out of Hours Witnessed

LOOH officers attended at 0345am following a complaint being made, officers witnessed excessive loud music and the premises still open to the public. Officers spoke with Mr Tsegay and a verbal warning was issued.

16th Feb 2021 – Complaint received

Complaint received that the premises was allowing customers to use the premises in lockdown via the backdoor, selling alcohol and shisha on the premises.

4th Dec 2021 at 3am (Fri night/ Sat morning) – Premises operating Out of Hours

An LOOH officer witnessed excessive loud music at street level emanating from the premises, disco lights were also visible.

5th Dec 2021 at 11pm – Visit to Premises

Mr Merhawi Berhe presents himself to officers as the owner of the premises.

A request for CCTV was made in line with conditions 1 & 2 of annex 2. Officers were advised by Mr Berhe that CCTV could not be operated, and he would speak to his CCTV engineer.

The following licence conditions were checked whilst at the premises & found to be in breach:

Annex 2 condition 3 - No incident log on site

Annex 2 condition 6 - No notices were displayed requesting customers to be quiet when leaving the premises.

Annex 2 condition 11 - There was no challenge 25 scheme information on display.

Annex 2 condition 12 - Mr Berhe stated that there are 4 members of staff who work at the premises however he was unable to provide any documented training regarding the sale of alcohol.

28th Dec 2021 at 11:24pm – Visit to Premises

Officers returned to obtain CCTV footage for the 4th Dec 2021. Mr Berhe advised again for a second time that he will speak to his 'cameraman' but that he believes it stores 7 days of footage. Officers asked what time he was closing tonight, Mr Berhe confirmed 1am. Officers explained permitted opening hours are 0030 on a Tuesday, Mr Berhe was unaware of this. Officers then showed & explained the operating schedule to Mr Berhe and advised on the penalties for out of hours sales and breach of conditions. Officers advised they would return to collect the CCTV and explained a full inspection would now take place.

29th Dec 2021 – Visit to Premises

Officers returned the following night and were advised CCTV could not be produced and there was a delay in the CCTV engineer attending. However, when he does attend, Mr Berhe confirmed he would ensure it records for the correct amount of time.

9th Jan 2022 at 01:45am – Officer passing Premises

Officers passing the premises noted the premises still appeared open to the public with a door person on the entrance door, 2nd floor blue lights were on.

15th Jan 2022 at 02:50am - Visit to Premises

Officers witnessed loud music audible outside at street level, lights were on and 2 people seen sat at a table by the window. The front door was locked.

16th Feb 2022 at 2pm - Full Licensing inspection

Mr Merhawi Berhe present, who confirmed he fully owns the premises and advised officers the named PLH/DPS did have a share in the business, but no longer does and is currently in London, adding however that he still works at the premises as staff. Advice was given to transfer the licence and vary the DPS.

The CCTV was checked showing the time as 14:54 (real time was 14:11) with only 8 days recordings. Annex 2 Condition 1 stipulates that 31 days must be recording.

Conditions 3, 4 and 12 – no evidence present, Mr Berhe advised the documents were at home.

Although the address is given as 1st & 2nd floor, no floor plan has ever been submitted for the second floor and is therefore an unlicensed area. Mr Berhe confirmed he allows drinks upstairs, officer explained as there is no permission for off sales, this must cease, and drinks can only be consumed within the licensed area.

Officer visited the second floor and found a full shisha set up behind a serving area. Several card packs were on tables & on the till and cigarette ends were found on the stairs. As officers left the second-floor waste was noted blocking the bottom fire exit with a foul smell. Mr Berhe advised the waste would remain there until 6pm. Advice was given to immediately remove the waste and unblock the fire exit. Multiple health and safety concerns were noted including broken and damaged plug sockets. Please see exhibits GH1 & GH2.

Mr Berhe admitted that he struggles getting people to leave and that it can sometimes be 2am before the premises are closed. He advised that he serves customers full bottles of spirits, and they refuse to leave until it is finished. He further confirmed that he uses door staff on a Saturday night until 2am but could provide no register or SIA badge details.

LOOH therefor requested to see the CCTV for the previous Saturday night, at 2am on the 13th February (Sunday morning). CCTV was presented on Mr Berhe's mobile phone which showed the premises still open and trading until 6am, not 2am as stated. Multiple customers were smoking shisha in the main area of the premises, an area which is 100% enclosed. A sale of alcohol was witnessed at 0505 hours. Mr Berhe responded advising this was a party for his wife.

LOOH therefore asked to see footage from the night previous, Friday 11th leading into Saturday 12th February. CCTV identified the premises closing at 0830am and Mr Berhe was visible on the CCTV, at one point drinking what appeared to be a shot along with bar staff. At 0251am a shisha pipe was visible behind the bar being used by a staff member, who then passed the mouthpiece part of the pipe over the bar for a customer to use. Mr Berhe was advised that a download of CCTV would be required and that this would be followed up in writing.

Mr Berhe was cautioned Under S136 of the Licensing Act 2003 and S8 of the Health Act 2006. Mr Berhe responded to questions by advising the following:

- He stays at the premises through the night until 8am the following morning preparing food and his friends come over.
- He pays for some drinks, sometimes his friends pay.
- Music stays on via the tv.
- The second floor is used for events. Customers buy drinks from the first floor and take them upstairs. There is no CCTV for the second floor.
- The premises used to be a shisha bar; the stock is inherited. Mr Berhe confirmed he had been involved in the premises since Dec 2019.
- Sometimes people ask for shisha, he advised 'I sell it to survive, I have a family'.
- When he first opened, he stopped 'everything' now he sells 2 or 3 a weekend.
- When asked again about closing the premises on time he replied, 'my people don't listen'.

An email was sent to Mr Berhe that evening with a link to apply for a transfer and vary DPS application and the result of the inspection. Please see exhibit GH 3.

A second email was also sent formally requesting a download of CCTV which was responded to advising that he would be in London. Please see email trail as exhibit GH 4.

18th Feb 2022

Officers contacted the PLH/DPS Futsum Tsegay by telephone. He advised that he had not worked at the premises for around 3 years and was not aware that he was still named on the licence. Officers gave direction on how to transfer or surrender the licence and duly informed Mr Berhe who agreed to take alcohol off sale.

Mr Berhe advised his CCTV system has had a fault, the whole of the previous data has been lost and a new system has now been installed. Shisha pipes and equipment were still on the second floor, a small amount had been removed. A Wedding type backdrop was still set up from an event.

A receipt was found on the premises identifying shisha sales and alcohol sales out of hours, for the early hours of that morning at 0141 hours. I exhibit the receipt as GH5.

21st Feb 2022 at 01:14am - Visit to premises

Officers noted the front shutter down over the premises. From the side of the premises, several people could be seen sat at tables near the windows.

S11.18 of the S182 guidance states: 'However, where responsible authorities such as the Police or environmental Health officers have already issued warnings requiring improvement - either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.'

The management of the premises have demonstrated a wilful disregard for their responsibilities by committing continuous offences under the Licensing Act 2003 and the Health Act 2006. The LOOH team do not have any faith that the Licensing Objectives can be upheld by the Premises and invite the committee to revoke the Premises Licence.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

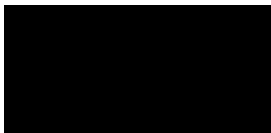
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date 25th February 2022Capacity **Responsible Authority**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Gemma Hunt
Licensing & Out of Hours Team
Manchester City Council
Hammerstone Road
Gorton

Post town
Manchester

Post Code
M18 8EQ

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) gemma.hunt@manchester.gov.uk

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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

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**Supporting Evidence
Review Application**

Beilul Lounge

**First Floor And Second Floor, 100 Wilmslow Road,
Manchester, M14 5AJ**

Exhibit GH1	Photos: Shisha set up/ Second floor
Exhibit GH2	Photos: Fire/ Health & Safety
Exhibit GH3	Email following Licensing Inspection
Exhibit GH4	CCTV request email trail
Exhibit GH5	Receipt of OOH Alcohol Sales & Shisha

Exhibit GH1









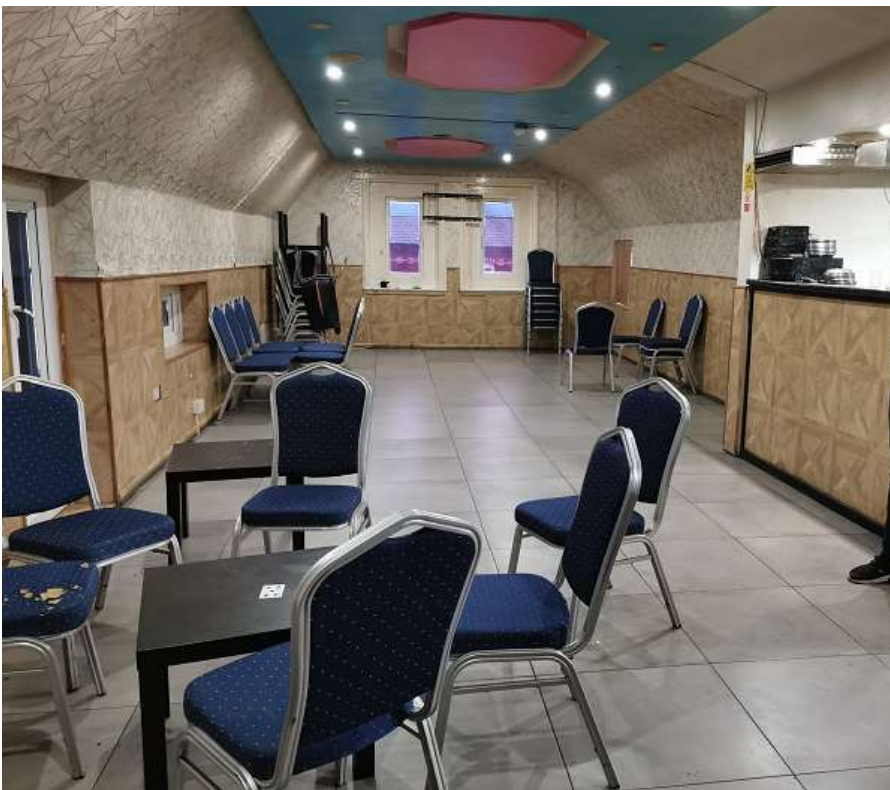




Exhibit GH2











Exhibit GH3

From: Gemma Hunt

Sent: 16 February 2022 18:51

To: [REDACTED]

Subject: Licensing Inspection

Dear Mr Berhe

Following on from our inspection today.

Multiple serious failings and offences were discovered at the inspection and I can advise that the inspection was FAILED.

It was found that the previous owner of the business is still named on the licence. Although you advise he still works at the premises as a part time staff member.

You can submit an application to transfer the licence and vary the DPS to yourself on the below link:

<https://www.manchester.gov.uk/directory/26/licensing/category/1011>

Please find below the issues that were identified at the inspection:

- CCTV identifies out of hours sales of alcohol and a breach of opening hours. Particularly on Fri 11th leading into the 12th February the premises closes at 0830am, some 7 hours after permitted timings. On the 12th leading into the 13th February the premises closes at 6am, some 4.5 hours after permitted timings. You have admitted people on the premises buy alcohol after hours. **Any sales of alcohol outside permitted timings are unauthorised and a S136 Licensing Offence.** I explained to you today that on prosecution this carries an unlimited fine and or, up to 6 months in prison.
- CCTV time is approx. 43 minutes incorrect. CCTV records 8 days instead of 31 (this is something that you have been previously warned about and you advised it had been fixed.) This is a S136 licensing offence.
- Shisha being smoked on the premises, in an area 100% enclosed. You have admitted you occasionally sell shisha. **This is an offence under S8 of the Health Act 2006 for failing to prevent smoking in a smoke-free premises.**
- CCTV identifies shisha being smoked behind the bar, by bar staff, and the pipe shared with customers over the bar.
- Full shisha set up on the second floor.
- Cigarette ends on the stairs leading to the second floor.

- You admitted people consume alcohol from your premises on the second floor. The second floor is not licensed and you are not authorised to sell alcohol for off the premises. Alcohol must not leave the first floor of the premises or the sale becomes unauthorised, a S136 licensing offence.
- Condition breaches Annex 2 Condition 3, 4, & 12. You advised these documents are at home and did not bring them to the inspection. Condition breaches are a S136 licensing offence.

I strongly advise you to read your premises licence and comply with the terms and conditions of the licence, to avoid further offences from being committed. A formal investigation is now taking place regarding the offences identified today.

I will send a separate email with a formal request for CCTV.

Regards

Gemma Hunt

Licensing & Out of Hours Compliance Officer

Licensing & Out of Hours Team

Hammerstone Road Depot

Hammerstone Road

Gorton

M18 8EQ

0161 227 3147/ 0161 234 1220

Exhibit GH4

From: Gemma Hunt
Sent: 16 February 2022 19:04
To: [REDACTED]
Subject: FW: Formal Request for CCTV

Apologies – I will return to your premises at 1930 hours tomorrow to collect footage.

From: Gemma Hunt
Sent: 16 February 2022 19:03
To: [REDACTED]
Subject: Formal Request for CCTV

Dear Mr Berhe

Following our visit to your premises today it was discovered that the premises has been operating outside of permitted hours and allowing shisha to be smoked inside the premises. These are offences under Section 8 of the Health Act 2006 and S136 of the Licensing Act 2003.

The following conditions are attached to your premises licence:

1. A CCTV system shall be installed and a member of staff who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public, or if the premises are not open, within 24 hours of a request for access to the CCTV system from either the police or licensing authority. All recordings shall be stored for a minimum of 31 days with date and time stamping. Recordings shall be made available within a reasonable period upon the request of a Police or Licensing officer throughout the preceding 31 day period. The CCTV system shall be updated and maintained according to police recommendations.
2. CCTV shall be in operation at any time premises is open to the public.

In line with the above conditions I request CCTV for the premises as follows:

- Friday 11th February at 2000 hours until Sunday 13th February at 0830 hours.

Please download images from all CCTV cameras.

I will return to your premises at 1930 hours to collect the footage, alternatively if you would prefer to email the footage across that would be acceptable.

When are you due back in Manchester?

Kind regards

Gemma

Exhibit GH5



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

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