



Licensing Sub Committee Hearing Panel

Date: Friday, 28 April 2023

Time: 10.00 am

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 - Connolly, Andrews and Riasat

Supplementary Agenda

4. **Summary Review of a Premises Licence - Vision, Arch 58, Whitworth Street West, Manchester, M1 5WW** 3 - 26
Now contains additional information submitted by GMP.

Further Information

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

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

This supplementary agenda was issued on **Monday, 24 April 2023** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

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

IN THE MANCHESTER CITY TOWN HALL

BETWEEN:

THE CHIEF CONSTABLE
OF GREATER
MANCHESTER POLICE

APPLICANT

AND

VISION

RESPONDENT

-

INDEX TO BUNDLE
OF DOCUMENTS

<u>No</u> <u>Applicant's</u>	<u>Evidence</u>	<u>DOCUMENT</u>	<u>PAGE No</u>
- 1	Witness statement of PC Isherwood dated 20/04/2023		1-2
2	Summary Review Certificate signed by Superintendent Spurgeon		3-6
3	Summary Review application signed by PC Isherwood		7-10

RESTRICTED (when complete)

MG11

Page 1 of 3

WITNESS STATEMENT

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

URN

--	--	--	--

Statement of: **Alan Isherwood**

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

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

Signature: [REDACTED]

Date: 20/4/23

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 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.

Vision

The premises are situated on Whitworth Street West in the city centre of Manchester. The premises licence was issued on 18/12/2012. The Premises Licence Holder (PLH) is YDS UK Trading Limited, and the Designated Premises Supervisor (DPS) is Yongzhi Shao who has held this position since 2019.

Incident

At 0128 hours on Sunday 2nd April 2023 GMP received a telephone call from a person who stated that a male had been stabbed at the premises.

Police officers attended at the premises and established that a male had been slashed across the face with a knife inside the premises and the offender had left the scene. The victim was being treated by ambulance staff and had sustained a large laceration to his left cheek.

It was established that the victim had been involved in a verbal dispute with a group of males who had sat at their pre booked booth and were refusing to vacate it. This dispute has escalated, and the offender has produced a knife and slashed the victim across his face.

The victim staggered a few paces away from the booth and then fell to the ground and staff went over to assist him.

The offender and his associates have then quickly walked out of the premises and ran off and enquiries are being made to identify them.

The victim was taken to hospital by the ambulance, and he has needed 30 stitches, in order to close the wound.

Signature: [REDACTED]

①

Signature witnessed by:

2006/07 (1)

RESTRICTED (when complete)

RESTRICTED (when complete)

MG11

Page 2 of 3

A report of crime for a Section 18 Wounding with Intent has been submitted, a potential offender has been identified and enquiries are ongoing.

Interim Steps Hearing

On Monday 3rd April 2023 I applied for a Summary Review of the premises licence and the certificate was signed by Superintendent Spurgeon. The interim steps hearing was held on Wednesday 5th April 2023 where GMP asked for a suspension of the premises licence.

After deliberation committee decided that a suspension was not proportionate and agreed that an extra condition regarding searching customers using knife wands should be added to the licence as the interim measure.

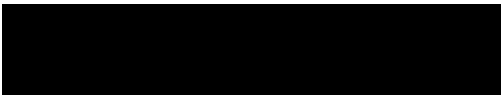

Conclusion

Since the interim steps hearing GMP officers have observed the security staff utilising the knife wands on all the customers in the queue and are satisfied that the condition is being complied with effectively and all customers are being searched.

GMP realise that the committee will make their own decision as to what needs to happen to the Premises Licence, but we would ask that the condition handed down at the Interim Steps hearing is considered as the full review decision, as we believe that this is proportionate and has been seen to be effective.

The condition is as follows:

Every customer entering or re-entering the premises will be searched with a metal detector wand by an SIA registered door supervisor and this is to be carried out in full view of recordable CCTV camera(s). Any person in possession of a weapon will be refused entry and the police will be called. Any person refusing to be searched or not passing a search will be refused entry. Notices stating that every customer will be searched with a metal detector wand will be displayed prominently at the entrance to the premises.

Signature:  Signature witnessed by: 

2006/07 (1)

RESTRICTED (when complete)

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:

Vision
Arch 58, Whitworth Street West
Manchester
M1 5WW

Premises licence number (if known): 146980

Name of premises supervisor (if known): Yongzhi Shao

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

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

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns as to the serious violence which has occurred at 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.

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.

The premises are situated on Whitworth Street West in Manchester city centre and the premises licence was issued on 18/12/2012 . The Premises Licence Holder (PLH) is YDS UK Trading Limited and the Designated Premises Supervisor (DPS) is Mr Yongzhi Shao who has held this position since January 2019.

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

At 0128 hours on Sunday 18th April 2023 GMP received a telephone call from a person who stated that a male had been stabbed at the premises.

Police officers attended at the premises and established that a male had been slashed across the face with a knife inside the premises and the offender had left the scene. The victim was being treated by ambulance staff and had sustained a large laceration to his left cheek.

It was established that the victim had been involved in a verbal dispute with a group of males who had sat at their pre booked booth and were refusing to vacate it. This dispute has escalated and the offender has produced a knife and slashed the victim across his face.

The victim staggered a few paces away from the booth and then fell to the ground and staff went over to assist him.

The offender and his associates have then quickly walked out of the premises and ran off and enquiries are being made to identify them.

The victim was taken to hospital by the ambulance and he has needed 30 stitches in order to close the wound.

A report of crime for a Section 18 Wounding with Intent has been submitted and enquiries are ongoing.

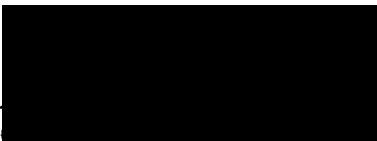
GMP have serious concerns as to the level of violence which occurred at the premises and by the fact the offender was able to enter the premises carrying a knife in the first place.

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 violent incidents will occur at the premises and the safety of both customers and staff will be placed in jeopardy.

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 as to the extreme level of violence that has occurred. Greater Manchester Police believe that Serious crime has occurred at the premises.

.....
(Signature)  11/31 Supt (Date) 03/04/23
PHIL SPURGEON

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:

**Vision
Arch 58,
Whitworth Street West**

Post town: Manchester

Post code (if known): **M1 5WW**

2. Premises licence details:

Name of premises licence holder (if known): YDS UK Trading Limited

Number of premises licence holder (if known): 07346087

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 violence which has occurred at 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.

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.

The premises are situated on Whitworth Street West in Manchester city centre and the premises licence was issued on 18/12/2012 . The Premises Licence Holder (PLH) is YDS UK Trading Limited and the Designated Premises Supervisor (DPS) is Mr Yongzhi Shao who has held this position since January 2019.

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

At 0128 hours on Sunday 18th April 2023 GMP received a telephone call from a person who stated that a male had been stabbed at the premises.

Police officers attended at the premises and established that a male had been slashed across the face with a knife inside the premises and the offender had left the scene. The victim was being treated by ambulance staff and had sustained a large laceration to his left cheek.

It was established that the victim had been involved in a verbal dispute with a group of males who had sat at their pre booked booth and were refusing to vacate it. This dispute has escalated and the offender has produced a knife and slashed the victim across his face.

The victim staggered a few paces away from the booth and then fell to the ground and staff went over to assist him.

The offender and his associates have then quickly walked out of the premises and ran off and enquiries are being made to identify them.

The victim was taken to hospital by the ambulance and he has needed 30 stitches in order to close the wound.

A report of crime for a Section 18 Wounding with Intent has been submitted and enquiries are ongoing.

GMP have serious concerns as to the level of violence which occurred at the premises and by the fact the offender was able to enter the premises carrying a knife in the first place.

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 violent incidents will occur at the premises and the safety of both customers and staff will be placed in jeopardy. 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 as to the extreme level of violence that has occurred. Greater Manchester Police believe that Serious crime has occurred at the premises.

Signature of applicant

Date: 3/4/23

Capacity: Licensing Constable

Contact details for matters concerning this application:

Address:

Manchester Town Hall Extension

Lloyd Street

Manchester

Telephone number(s): 0161 856 6017

Email: alan.isherwood@gmp.police.uk

Notes for guidance:

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

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

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

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

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