



Licensing Sub Committee Hearing Panel

Date: Friday, 31 January 2020

Time: 11.30 am

Venue: Council Antechamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

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. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk.

There is no public access from the Lloyd Street entrances of the Extension.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Grimshaw (Chair), Andrews and Evans

Agenda

1. Urgent Business

To consider any items which the Chair has agreed to have submitted as urgent.

2. Appeals

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

3. Interests

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

4. Application for a Review of a Premises Licence for Indigo, 455 Wilmslow Rd, Manchester M20 4AN

5 - 28

The report of the Director of Planning, Building Control and Licensing attached.

Information about the Committee

The Licensing Sub-Committee Hearing Panel fulfills the functions of the Licensing Authority in relation to the licensing of premises.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

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 agenda was issued on **Thursday, 30 January 2020** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

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**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 31 January 2020

Subject: Indigo, 457-459 Wilmslow Road, Manchester, M20 4AN - (App ref: LPU243595)

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: Withington

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 30 January 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 Indigo, 457-459 Wilmslow Road, Manchester, M20 4AN in the Withington 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 129896 under section 53A of the Licensing Act 2003 was submitted by Greater Manchester Police on 30 January 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 Mr Christopher Hindle and has held the licence since 15 May 2018
- 3.3 The designated premises supervisor is Mr Christopher Hindle who has held this position since 25 October 2019.
- 3.4 The licensable activities permitted by the licence are:
- Sale of Alcohol Monday to Sunday 11am to 2am
 - Live and Recorded Music Monday to Sunday 11am to 2am
 - Late night refreshment Monday to Sunday 11pm to 12.30am
 - Opening Hours Monday to Sunday 11am to 2.30am

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

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.

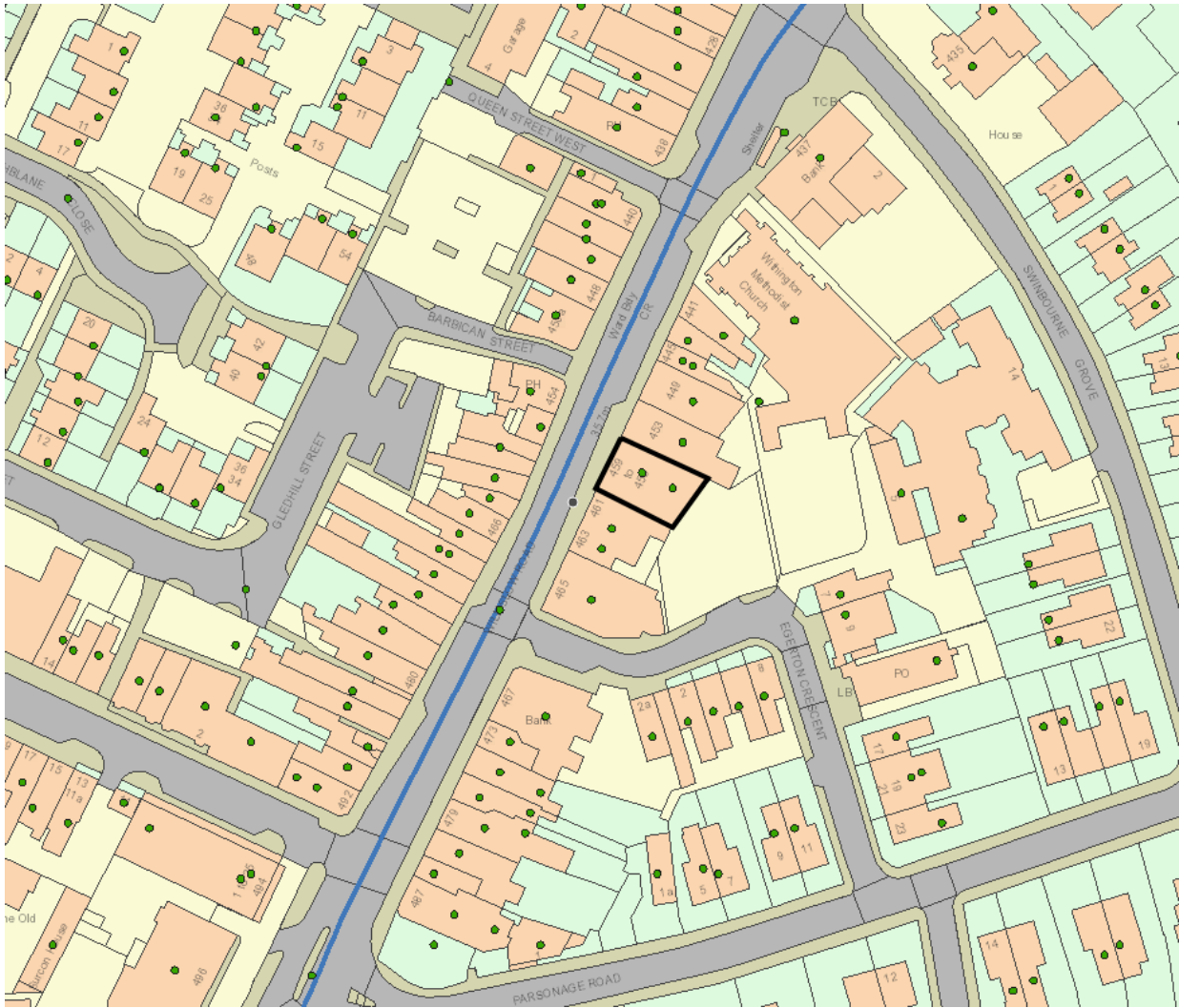
- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS4 Prevent the use of illegal drugs, new psychoactive substances (NPS) and the spiking of drinks at the premises
- MS7 Maintain a safe capacity

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.**



Indigo
457-459 Wilmslow Road, Manchester, M20 4AN

Premises Licensing
Manchester City Council

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PREMISE NAME:	Indigo
PREMISE ADDRESS:	457-459 Wilmslow Road, Manchester, M20 4AN
WARD:	Withington
HEARING DATE:	31/01/20

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:

Indigo
457-459 Wilmslow Road
Withington
Manchester
M20 4AN

Premises licence number (if known): 129896

Name of premises supervisor (if known): Christopher Hindle

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 clientele frequenting 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

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.

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 at 457-459 Wilmslow Road, Withington, South Manchester and the premises licence was issued on 06/09/2010. The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Christopher Hindle who has held this position since October 2019 .

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

At 0147 hours on Thursday 30th January 2020 GMP received a telephone call from the North West Ambulance Service requesting assistance from GMP at the premises in relation to 2 males who had been stabbed at Indigo nightclub. They stated that the male who had contacted them was running away from the premises

At 0148 hours GMP received a second phone call from a male who stated that people were being slashed in the neck outside the premises.

NWAS went on to inform GMP that one of the victims had been slashed to his neck and the other had been slashed to his face.

At 0156 hours the first police officer arrived at the location and reported that the offender had left the scene so it was safe for the ambulance to attend.

The officer at the scene stated that both victims had severe knife wounds to their necks and that they were applying pressure to stem the bleeding. The officer noted that one of the males injuries was perilously close to his carotid artery.

The offenders identity was quickly established and officers were told by the DPS that he had ushered the offender and his friends out of the rear door of the premises.

Once the offender's identity had been established and circulated a police officer who was in the area saw the offender running away and the offender was pursued through several rear gardens before running into an address and straight through and out the other side. He was detained by police shortly after this.

He was arrested on suspicion of 2 counts of Attempted Murder and 2 crimes have been submitted for this offence.

The premises was in the process of closing and when officers spoke to the manager it was established that there had been a memorial at the premises for a male who was murdered a few years ago and that lots of members of local organised crime groups had been in attendance at the event.

The premises CCTV was viewed by the officers and it shows the offender on the dance floor lunging at people with what appears to be a small knife in his hand.

One of the victims suffered an 8" x 2" slash wound to his neck close to his jugular and it is estimated that he will require 20-25 stitches both internally and externally. The second victim suffered a slash wound to his face which was 3" x 1" in size and will require 5 internal stitches and 10-11 external stitches.

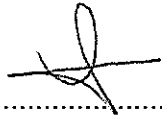
The alleged offender is a member of a South Manchester Organised Crime Group and GMP are extremely concerned that because of this there may be serious repercussions and that staff and customers at the premises may be placed in danger if the premises were allowed to continue to trade as a licensed premises. A member of staff at the premises has already stated that they do not wish to provide a statement as they are fearful of reprisals.

GMP have serious concerns as to the level of violence which occurred at the premises and by the demographic of some of the patrons who are frequenting there. We are also concerned that condition 7 in annex 2 of the premises licence states that when it is considered necessary a search policy shall be implemented at the premises to prevent drugs and weapons being brought onto the premises but this has clearly not been done as the offender was inside the premises with a knife at an event where numerous members of organised crime groups were present.

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 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.

A handwritten signature in black ink, consisting of a stylized, cursive letter 'J' or 'I' with a horizontal line extending to the right.

30.1.20

.....
(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:

**Indigo
457-459 Wilmslow Road**

Post town: Manchester

Post code (if known): **M20 4AN**

2. Premises licence details:

Name of premises licence holder (if known): Christopher Hindle

Number of premises licence holder (if known): N/A

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 clientele frequenting 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 at 457-459 Wilmslow Road, Withington, South Manchester and the premises licence was issued on 06/09/2010. The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Christopher Hindle who has held this position since October 2019 .

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

At 0147 hours on Thursday 30th January 2020 GMP received a telephone call from the North West Ambulance Service requesting assistance from GMP at the premises in relation to 2 males who had been stabbed at Indigo nightclub. They stated that the male who had contacted them was running away from the premises

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NWAS went on to inform GMP that one of the victims had been slashed to his neck and the other had been slashed to his face.

At 0156 hours the first police officer arrived at the location and reported that the offender had left the scene so it was safe for the ambulance to attend.

The officer at the scene stated that both victims had severe knife wounds to their necks and that they were applying pressure to stem the bleeding. The officer noted that one of the males injuries was perilously close to his carotid artery.

The offenders identity was quickly established and officers were told by the DPS that he had ushered the offender and his friends out of the rear door of the premises.

Once the offender's identity had been established and circulated a police officer who was in the area saw the offender running away and the offender was pursued through several rear gardens before running into an address and straight through and out the other side. He was detained by police shortly after this.

He was arrested on suspicion of 2 counts of Attempted Murder and 2 crimes have been submitted for this offence.

The premises was in the process of closing and when officers spoke to the manager it was established that there had been a memorial at the premises for a male who was murdered a few years ago and that lots of members of local organised crime groups had been in attendance at the event.

The premises CCTV was viewed by the officers and it shows the offender on the dance floor lunging at people with what appears to be a small knife in his hand.

One of the victims suffered an 8" x 2" slash wound to his neck close to his jugular and it is estimated that he will require 20-25 stitches both internally and externally. The second victim suffered a slash wound to his face which was 3" x 1" in size and will require 5 internal stitches and 10-11 external stitches.

The alleged offender is a member of a South Manchester Organised Crime Group and GMP are extremely concerned that because of this there may be serious repercussions and that staff and customers at the premises may be placed in danger if the premises were allowed to continue to trade as a licensed premises. A member of staff at the premises has already stated that they do not wish to provide a statement as they are fearful of reprisals.

GMP have serious concerns as to the level of violence which occurred at the premises and by the demographic of some of the patrons who are frequenting there. We are also concerned that condition 7 in annex 2 of the premises licence states that when it is considered necessary a search policy shall be implemented at the premises to prevent drugs and weapons being brought onto the premises but this has clearly not been done as the offender was inside the premises with a knife at an event where numerous members of organised crime groups were present.

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 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: 30/01/20

Capacity: Licensing Constable

Contact details for matters concerning this application:

Address:

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

Telephone number(s): 0161 856 6017

Email: alan.isherwood@gmp.police.uk

Notes for guidance:

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

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

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

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



**LICENSING ACT 2003
PREMISES LICENCE**

Premises licence number	129896
Granted	06/09/2010
Latest version	DPS variation 238549 granted 25/10/2019

Part 1 - Premises details

Name and address of premises
Indigo 457 - 459 Wilmslow Road, Manchester, M20 4AN
Telephone number
To be confirmed

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	1100
Finish	0200	0200	0200	0200	0200	0200	0200
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non-standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
<u>On the day British Summer Time commences:</u> one additional hour following the terminal hour.							

Live music; Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0200	0200	0200	0200	0200	0200	0200
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
<u>On the day British Summer Time commences:</u> one additional hour following the terminal hour.							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0030	0030	0030	0030	0030	0030	0030
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings:							
<u>New Year:</u> From 2300 on New Year's Eve until 0500 on New Year's Day.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	0230	0230	0230	0230	0230	0230	0230
Seasonal variations and Non-standard Timings:							
<u>New Year:</u> From the start time on New Year's Eve to the terminal hour for New Year's Day.							
<u>On the day British Summer Time commences:</u> one additional hour following the terminal hour.							

Part 2

Details of premises licence holder	
Name:	Christopher Hindle
Registered number:	Not Applicable

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Christopher Hindle
Personal Licence number:	PA2682
Issuing Authority:	Oldham Metropolitan Borough 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.
2. There shall be an installation of strategically located closed circuit TV cameras inside and outside the premises to deter and monitor any illegal activity. Recorded images shall be retained for 31 days and will be available to the police upon request.
3. There shall be sufficient lighting internally and externally.
4. There shall be regular training to be vigilant and identify suspicious behaviour and take appropriate action.
5. Door staff shall be employed at the premises on Fridays and Saturdays on a ratio of 1:100 from 2200

to 0230.

6. The premises licence holder shall seek advice from the Crime Reduction Officer / City Centre Safe Officers.
7. Where it is considered necessary, the management shall implement a search policy to prevent drugs or offensive weapons being brought onto the premises.
8. Ongoing training shall be provided to staff in recognising drunkenness and to refuse service to customers who have consumed excessive alcohol, in handling potential troublemakers and diffusing difficult situations.
9. Vigilance shall be encouraged among staff to supervise customers in all parts of the premises.
10. The premises licence holder shall consult with the Responsible Authorities as required.
11. Public liability insurance shall be maintained for the premises.
12. A safety plan covering fire safety inspections and maintenance shall be implemented.
13. Ongoing staff training shall be provided in emergency procedures.
14. Regular inspection and maintenance of fire extinguishers shall be provided.
15. Emergency exits shall be kept unlocked and clear at all times, both inside and outside.
16. Regular safety inspections shall be conducted.
17. Telephone numbers for taxi firms shall be provided with facilities to order cabs.
18. An adequate supply of litterbins shall be provided. These shall be emptied regularly and clearly signed.
19. Vermin proof bins shall be used at the premises.
20. Secure facilities for empty glass containers shall be provided.
21. Refuse shall be removed regularly.
22. Children shall only be permitted into the premises when accompanied by an adult.
23. Prominent signage shall be displayed about the laws relating to children and alcohol.
24. Anyone who attempts to purchase alcohol and who appears to be under 18 years of age must produce ID or a proof of age card.
25. It shall be clearly stated what forms of ID are acceptable and all staff shall be aware of this requirement.
26. Suitable ID shall include: passport, photo card driving licence, and citizen card.
27. Regular inspections of the premises shall be conducted by staff.
28. Staff shall be trained to deal with and be vigilant about potentially harmful situations involving the presence of children on the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. Whilst regulated entertainment is taking place, all doors shall remain closed, save for access and egress.
2. The doors at the main entrance shall be removed, and replaced with a new set of well fitting doors to minimise the risk of noise breakout from the premises.
3. No regulated entertainment to take place until the work in condition 2 above has been completed.

Annex 4 – Plans

See attached

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