



Licensing Sub Committee Hearing Panel

Date: Thursday, 27 February 2020

Time: 10.00 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 - Hewitson, Jeavons and T Judge

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. Summary Review of Premises Licence: Indigo, 457-459 Wilmslow Road, Manchester, M20 4AN

5 - 62

The report of the Head of Planning, Building Control & Licensing is enclosed.

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:

Andrew Woods
Tel: 0161 234 3011
Email: andrew.woods@manchester.gov.uk

This agenda was issued on **Monday 17 February 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 – 27 February 2020

Subject: Summary Review of Premises Licence: Indigo, 457-459 Wilmslow Road, Manchester, M20 4AN

Report of: Head of Planning, Building Control & Licensing

Summary

Review of the premises licence under s53C of the Licensing Act 2003.

Recommendations

That the Panel consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, consider any relevant representations, and review the interim steps already taken.

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
 Email: f.swift@manchester.gov.uk

Name: Ashia Maqsood
 Position: Technical Licensing Officer
 Telephone: 0161 234 4139
 Email: Premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

- 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 30/01/20, 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 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 a fast track licence review.
- 1.3 A 10 working-day public consultation exercise has been 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 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 The application for a summary review was submitted on the grounds that the premises are associated with serious crime.
- 2.3 The incident that triggered this summary review is as below:

On Thursday 30th January 2020, GMP received a telephone call from the North West Ambulance Service, requesting assistance from GMP in relation to two males who had been stabbed at Indigo nightclub.

The officer at the scene stated that both victims had severe knife wounds to their necks. The officer noted that one of the males injuries was perilously close to his carotid artery. The alleged offender is a member of a South Manchester Organised Crime Group who has subsequently been charged with attempted murder.

GMP state that a memorial service was taking place at the premises, for a male who had been murdered a few years ago, and that members of organised crime groups were in attendance.

GMP are extremely concerned that 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.

2.4 Interim Steps pending the review

- 2.4.1 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.
- 2.4.2 On 31/01/20, a Licensing Sub-Committee Hearing Panel held a hearing to consider taking such interim steps and the decision of the Panel was to suspend the licence pending the final review hearing. The decision of the panel is included as **Appendix 3**.
- 2.4.3 The premises licence holder may make representations against the interim steps taken by the licensing authority. Under s53B of the Licensing Act 2003 the licensing authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- 2.4.4 At the time of preparing this Committee Report no representations have been received against the interim steps taken by the licensing authority. Please note that representations may be received at any time prior to the date of the review hearing.
- 2.4.5 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 4**.
- 3.2 The premises licence holder is Christopher Hindle who has held the licence since 15/05/18.
- 3.3 The designated premises supervisor is Christopher Hindle who has held this position since 25/10/2019
- 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. Relevant Representations

4.1 Representations may be made by any person or ‘responsible authority’ during the consultation period. To be ‘relevant’ and, therefore, able to be taken into account in determining the application, they must be relevant to one or more of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.

4.2 A total of 5 relevant representations have been received in respect of this application (**Appendix 5**). The personal details of all members of the public have been redacted. Original copies of the representations will be available to the Panel at the hearing. Representations were received from the following persons / bodies:

Responsible Authorities:

- MCC Licensing and Out of Hours Compliance Team;

Other Persons:

- Ward Councillors
- Residents Associations x3

Summary of the representation(s):

Party	Grounds of representation	Recommends
Licensing and Out of Hours Compliance (LOOH)	LOOH have made a representation based on the grounds of preventing public nuisance. LOOH state that the premises is situated in a residential area. Over the last 12 Month’s LOOH have received complaints, in regards to fly posting and noise nuisance coming from the premises. LOOH have concerns of the licence holders ability to uphold the licensoing objective the prevention of public nuisance. LOOH state that the incident which triggered the summary review, has given LOOH an opportunity to review the premises licence conditions so as to prevent public nuisance and further complaints.	Conditions to be attached to uphold the licensing objectives.
Ward Councillors	Ward members have made a representation based on the grounds that that the premises is	Attach conditions to the licence to

	<p>associated with violent incidences over the last two years. Ward members have concerns with security at the premises, and consequently for the safety of both customers and the wider public.</p> <p>Ward members further state that the premises licence holder has failed to adhere to conditions on the premises licence.</p>	<p>enhance security measures at the premises.</p>
Residents Association	<p>Residents groups have made representations based on the grounds that the premises is located in a residential area and the area regularly suffers from noise pollution, crime and disorder and anti-social behaviours. Residents groups also have concerns that the recent stabbings conclude that the licensing objectives are not being upheld. Residents groups state that criminal activities in the area and at the premises gives serious concern for the wellbeing of residents and persons attending the venue . They further state that the premises licence holder is unable to uphold the conditions of the licence and the licensing objectives in relation to crime and disorder, public nuisance and public safety</p>	<p>Licence is revoked</p>

5. Additional information

- 5.1 No additional information has been received from any party to the application.
- 5.2 Agreements have been reached between the applicant and the LOOH team as to conditions to be attached to the licence. The applicant has also provided a smoking policy to be adhered to at the premises (**Appendix 6**)

6. Key Policies and Considerations

6.1 **Legal Considerations**

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

6.2 **New Information**

- 6.2.1 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.

6.3 **Hearsay Evidence**

- 6.3.1 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.

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

- 6.4.1 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.
- 6.4.2 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.
- 6.4.3 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.

6.5 **Manchester Statement of Licensing Policy**

- 6.5.1 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.
- 6.5.2 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.
- 6.5.3 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.

6.5.4 Relevant to this application, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

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

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

Section 7: Local factors

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

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

- Identified risk factors specific to the licensed premises.
- Evidence of pre-existing problems in the area.

- Consistency with relevant Council strategies.
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance.

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
- MS8 Prevent noise nuisance from the premises
- MS9 Effectively manage exterior spaces (eg beer gardens, smoking areas, table and chair areas on the highway)
- MS11 Ensure the wellbeing of children on the premises

7. Conclusion

- 7.1 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.
- 7.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 7.3 The Panel must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed, any relevant representations, and review the interim steps already taken (if any).
- 7.4 In making its final determination, the steps the Panel can take are:
- a) To modify the conditions of the premises licence;

- b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) To remove the designated premises supervisor from the licence;
- d) To suspend the licence for a period not exceeding 3 months; and
- e) To revoke the premises licence.

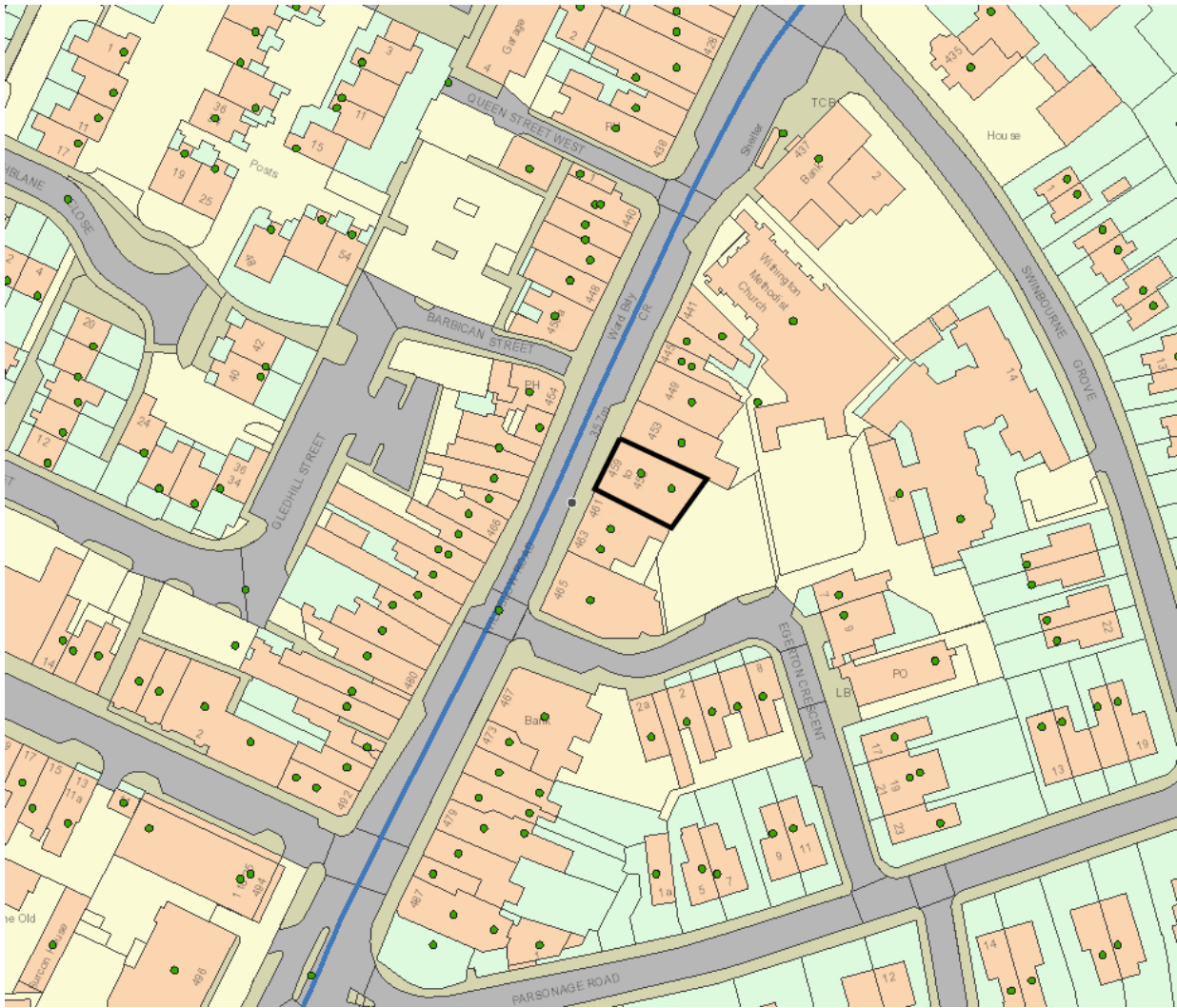
- 7.5 The conditions of the licence, with the exception of mandatory conditions in Appendix 1 of the licence, may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 7.6 All licensing determinations should be considered on the individual merits of the application.
- 7.7 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.
- 7.8 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.
- 7.9 **The Panel is asked to determine what steps, as set out in 7.4 above, are appropriate for the promotion of the licensing objectives.**

Review of the interim steps

- 7.10 The Panel's determination of the review does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged.
- 7.11 To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the final review hearing. This is to be done immediately after the determination of the review under s53C. In reaching its decision, the panel must consider any relevant representations made.
- 7.12 The steps available to the Panel are:
- a) To modify the conditions of the licence;
 - b) To exclude the sale of alcohol by retail from the scope of the licence;
 - c) To remove the designated premises supervisor from the licence; and
 - d) To suspend the licence.
- 7.13 **Upon the determination of the licence review, the Panel is asked to 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.

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

Premises Licensing
Manchester City Council

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Survey100019568.



PREMISE NAME:	Indigo
PREMISE ADDRESS:	457-459 Wilmslow Road, Manchester, M20 4AN
WARD:	Withington
HEARING DATE:	27/02/2020

ANNEX B

Greater Manchester Police
Central Park
Northampton Road
Manchester

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / ~~serious disorder~~ / ~~both serious crime and serious 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.



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:

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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.

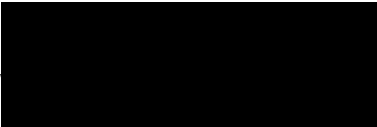
The alleged offender is a member of a South Manchester Organised Crime Group and GMP are extremely concerned that because of this there may be serious repercussions and that staff and customers at the premises may be placed in danger if the premises were allowed to continue to trade as a licensed premises. 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): 

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

From: Barbara Gora

Date: Fri, 31 Jan 2020 at 12:38

Subject: Indigo- Interim Steps hearing.

To: Councillor Carmine Grimshaw Councillor Paul Andrews Councillor Glynn Evans

Cc: Ian Hinton-Smith

Dear members,

I enclose below the decision and reasons from the hearing. Please let me know if you have any suggested amendments.

Decision:

To suspend the premises licence until the Review hearing on the grounds of prevention of crime and disorder.

Reasons:

The Committee listened to the representations of both parties. The Committee considered that this was a very serious incident and accepted that in the circumstances there was a risk of reprisals if the premises remained open. The Premises Licence Holder did not oppose the application from GMP for suspension of the licence as he accepted that the management needed time to reflect on the incident and the operation of the premises in order to prevent any further incidents. In all the circumstances therefore the Committee considered it necessary to suspend the licence pending the final review hearing.

Regards

Barbara

Barbara Gora

Principal Solicitor

Regulatory and Enforcement Services (Legal)

Neighbourhood Services Group

Post: Manchester City Council

Legal Services, PO Box 532

Town Hall, Manchester, M60 2LA

DX: Manchester City Council

Legal Services, DX 714441 OPENSHAW, Manchester

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**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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**MANCHESTER
CITY COUNCIL**

Licensing & Out of Hours Compliance Team - Representation

Name	Andrew Richardson
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	a.richardson1@manchester.gov.uk
Telephone Number	0161 234 1527

Premise Details

Application Ref No	243595
Name of Premises	Indigo
Address	457-459 Wilmslow Road, Manchester, M20 4AN

Representation

Outline your representation regarding the above application below. This representation should describe the likely effect of the grant of the licence/certificate on the licensing objectives and on the vicinity of the premises.

The Licensing and Out of Hours Team (LOOH) are writing to support the application to review the premises licence by Greater Manchester Police (GMP). We have concerns about the premises licence holder's ability to uphold the licensing objectives, namely the prevention of public nuisance.

Indigo is located in a basement, in a thriving community in the Withington ward with a mixture of young professionals, students and long term residents. It's situated in the middle of a row of a commercial premises which includes other licensed premises. There are residential properties within approximately 50 metres from the premises. It's also in a special policy area, known locally as the Withington stress area.

The venue is open until 02:30am seven days a week, making it the latest premises open in the area. Many students and local residents use the venue, after the other premises in the area have closed. Every week they have different nights, which are promoted through skiddle website. These events support local DJ's and Mc's and are normally ticket only.

Over the last 12 Month's we've received complaints, in regards to Fly Posting and noise nuisance coming from the premises, these complaints have been relayed back to the licence holder and has been working with us.

27.3.19

Flyposting all over Fallowfield and Withington. An event at Indigo presented by Mirror Dance.

2.4.19 at 01.15 am

Officers carried out proactive monitoring of the premises and immediate area (Checking LNRs in the area) early hours at 1.15am, officers could hear the noise break out from the club every time the entrance door opened. Although officers did not receive a complaint the bass music was deemed to be very loud and audible at street level. Also patrons outside smoking and talking loudly.

29.10.19 at 22.23 hours

Heavy Bass could be felt reverberating around the shop above. Whilst the level was not deemed to be statutory nuisance, the shop keeper advised that it happens regularly.

26.11.19 at 01:00 am

On site bass and music breakout louder further away from complainants, funnelled down streets opposite premises. It wasn't a stat nuisance level. Advice from the visits sent to DPS.

In light of the recent incident that has happened in this premises, this has given the LOOHT an opportunity to review the premises licence conditions for the prevention of public nuisance to tighten them up in order that we can prevent anymore further complaints.

Recommendation: Approve with Conditions

AGREEMENT

From: **Andrew Richardson (Licensing and Out of Hours)** <a.richardson1@manchester.gov.uk>

Date: Wed, 12 Feb 2020, 17:07

Subject: Re: Indigo - Proposed Conditions (HIN63/1)

To: [Redacted]

Cc: Alan.lsherwood@gmp.police.uk <Alan.lsherwood@gmp.police.uk>

Hi [Redacted]

That's great, Thanks for that.

I'm now satisfied, we have the right conditions to enhance their current licence and LOOHT representation will be submitted today.

Thank you for your cooperation

Kind Regards

Andy
Andrew Richardson
Compliance Officer

[Redacted] >

Date: Wed, 12 Feb 2020, 16:25

Subject: RE: Indigo - Proposed Conditions (HIN63/1)

To: Andrew Richardson (Licensing and Out of Hours)

<a.richardson1@manchester.gov.uk>

Cc: Alan.lsherwood@gmp.police.uk <Alan.lsherwood@gmp.police.uk>

Hi Andy,

Thanks for this, and sorry, yes, smoking policy as per your suggestions attached.

Kind regards,

[Redacted]

[Redacted]

Associate | Licensing

For and on behalf of Kuit Steinart Levy LLP

Tel: [Redacted] | Dept: +44 (0)161 838 7888 | Fax: +44 (0)161 838 8109

From: Andrew Richardson (Licensing and Out of Hours) **Sent:** 12 February 2020 16:24

To: [Redacted] >

Cc: Alan.Isherwood@gmp.police.uk

Subject: Re: Indigo - Proposed Conditions (HIN63/1)

Hi [Redacted]

This looks sufficient from my side. Will you be using the smoking policy I attached?

Regards

Andrew Richardson
Compliance Officer
Licensing and Out of Hours Compliance Team
The Neighbourhoods Service
Growth and Neighbourhoods Directorate
Manchester City Council

[Redacted]

Date: Wed, 12 Feb 2020, 16:00

Subject: Indigo - Proposed Conditions (HIN63/1)

To: Alan.Isherwood@gmp.police.uk <Alan.Isherwood@gmp.police.uk>, a.richardson1@manchester.gov.uk <a.richardson1@manchester.gov.uk>

Hi both,

Hope you are well.

Thanks very much for your time on Friday, and for the very constructive discussion.

As promised, I now attach a proposed set of conditions based upon the conversations we had.

Indigo, Withington – Proposed Conditions

1. A minimum of 1 SIA registered door supervisors shall be employed at the premises from 22:00 until close Sunday – Thursday. A minimum of 2 SIA registered door supervisors shall be employed at the premises from 22:00 until close Friday – Saturday. At all other times, SIA registered door supervisors shall be employed at the premises in accordance with a risk assessment to be carried out by the DPS. **Condition 5 of Annex 2 is to be removed and replaced with this condition*
2. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - a. The number of door staff on duty;
 - b. The identity of each member of door staff;
 - c. The times the door staff are on duty.
3. When employed, all members of SIA registered door supervisors shall be equipped with body-cams and shall wear high visibility jackets.
4. All customers entering (or re-entering) the premises shall be subject to a search by an SIA registered door supervisor, including the use of a metal detection wand. Any customer who refuses to consent to such search shall be refused entry to the premises. **Condition 7 of Annex 2 is to be removed and replaced with this condition*
5. There shall be no entry or re-entry to the premises (save for returning smokers) after 01:00 daily.
6. The premises licence holder or DPS shall be a member of the local Pubwatch/Pub & Club Network (at all times that one is ongoing) and they, or a nominated member of staff, shall attend at all meetings.
7. No unauthorised advertisement of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, that advertises or promotes the establishment, its premises, or any of its events.
8. The premises licence holder shall retain details of all promoters operating events at the premises. These records are to be retained for a minimum period of 12 months and provided to officers of responsible authorities on request.
9. A smoking policy shall be implemented and adhered to (see attached).
10. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.

Should you have any comments or queries, please do not hesitate to contact me.

I look forward to hearing from you.

Kind regards,



From: **Andrew Richardson (Licensing and Out of Hours)** <a.richardson1@manchester.gov.uk>
Date: Fri, 7 Feb 2020, 13:08
Subject: Re: Meeting regarding Indigo Review (HIN63/1)
To: [REDACTED]

Hi [REDACTED]

It was nice to meet you today.

With regards to the proposed conditions, I would like a few conditions to be added, to help ease the public nuisance. These conditions are proportionate to the complaints we've had in the past 12 months.

- Licence Holder to retain details of all promoters using the premises for each night. Records to be retained and available to the authorised officers of the Licensing Authority upon request
- No unauthorised advertisement of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, that advertises or promotes the establishment, its premises, or any of its events.
- Premises licence holder and Designated Premises Supervisor to implement a smoking policy as detailed below:
 1. The outside area shall be monitored by staff or door staff regularly at all times it is in use to ensure patrons do not cause a public nuisance.
 2. Any outside area used by customers wishing to smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
 3. Signs will be displayed in the area requesting customers keep noise to a minimum.
 4. Open containers of alcohol shall not be permitted to be taken outside the smoking area.
 5. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.

As per conversation with Chris, with regards to noise emanating from the premises. Could you and Chris, come up with a condition that fits.

Let me know what you think.

Kind regards

Andy

Ward Members

From: Councillor Chris Wills [REDACTED]

Date: Thu, 13 Feb 2020 at 09:17

Subject: Re: Application for the Summary Review of a Premises Licence: LPU243595/AM2, Indigo, 457-459 Wilmslow Road, Manchester, M20 4AN (Withington ward)

To: Premises Licensing <premises.licensing@manchester.gov.uk>

Cc: [REDACTED], Councillor Gavin White

Dear Ashia

I am emailing regarding the above, on behalf of myself and Councillor Becky Chambers. I understand the review has been requested by Greater Manchester Police, following a violent incident that occurred on the premises in the early hours of 30 January 2020. I fully support GMP and share their concerns.

The incident involved a serious assault that led to two people being hospitalised with knife injuries around the face and neck.

There have been three other very concerning incidents over the last two years:

On 16 February 2018, there was an altercation inside Indigo. The offender left the bar and went to the nearby car park. They returned with a firearm but were prevented from entering Indigo to continue the altercation. They left, but returned with two other people a few minutes later.

On 7 April 2018, a Section 5 Public Order offence occurred when a man approached customers inside Indigo in an aggressive manner, causing them alarm and distressed.

On 13 January 2020, there was a break-in through the back entrance of Indigo, resulting in the theft of two safes.

It is clear that there are major concerns with security at Indigo, and consequently for the safety of both customers and the wider public.

On reviewing the existing licence (attached for reference), I note the following:

Under Point 1 of Annex 1, it states that "security activities, which include guarding against: - (a) Unauthorised access or occupation (e.g. through door supervision), (b) Outbreaks of disorder, or (c) Damage".

Under Point 7 of Annex 2, it states that "Where it is considered necessary, the management shall implement a search policy to prevent drugs or offensive weapons being brought onto the premises."

Under Point 9 of Annex 2, it states that "Vigilance shall be encouraged among staff to supervise customers in all parts of the premises."

In relation to the above, it is clear that the premises has failed on all of these conditions. Violent individuals carrying offensive weapons have been able to gain entry to Indigo. Furthermore, there has clearly been a lack of supervision of customers, with reference in particular to the incident of aggression that occurred on 7 April 2018. There are also questions to be raised, in light of the break-in on 13 January 2020, about general security arrangements at Indigo, and the impact and implications of this for other businesses. By these measures, Indigo does not meet the licensing

objectives of preventing crime and disorder, preventing public nuisance, or public safety. I would add that it is clearly not a safe place for people to bring their children.

I would strongly urge that the owners of Indigo commit to improved security measures at the venue. This should include proper training for all staff, and more rigorous vetting.

Indeed, I would propose that Indigo becomes one of the first venues in Manchester to see the implementation of "Martyn's Law". This principles of this proposed law are being introduced by the Council, following a campaign by Figen Murray. Figen is the mother of Martyn Hett, one of the victims of the 2017 Manchester Arena attack. "Martyn's Law" also has the backing of the Government. It would mean introducing airport-style security checks at the venue. This would help provide reassurance to those concerned that Indigo is taking recent events seriously, and that it wishes to guard against further incidents like those described above.

Should there be no improvements either made or attempted, then I would regrettably have to support GMP in any call for the licence to be withdrawn. While, as a local Councillor, I have always championed local independent businesses, I also cannot tolerate incidents such as the ones above. Businesses must act responsibly, and with the safety of their customers and the local community at the forefront. Failure to do so cannot be ignored.

Many thanks and kind regards.

Chris

On Tue, 11 Feb 2020 at 19:39, Fallowfield Community Guardians <[REDACTED]> wrote:

Dear Sirs

I am writing on behalf of Fallowfield & Withington Community Guardians and we wish to make a representation regarding the review of licence which has been requested by GMP.

Residents have read in the Manchester Evening News the accounts of two stabbings at the premises in the early hours of Thursday January 30th 2020.

<https://www.manchestereveningnews.co.uk/news/greater-manchester-news/nightspot-could-lose-licence-after-17664328>

From accounts in the news, it appears these were serious stabbings in the neck and face which occurred inside the premises. It also appears from the news report that this was gang related and was in response to a memorial to a man who was murdered.

Crime & Disorder

Residents are really concerned to learn that stabbings occurred inside a nightclub as this means that security at the nightclub was not sufficient.

We are also concerned about gang trouble as there are known gangs linked to this area which often have defined boundaries. Community Guardians regularly report signature gang tag graffiti which appears repeatedly all over this area. We are aware of many drug related issues in the area, evident from the drug dealings that we commonly see on streets outside licensed premises and the prolific handing out of drug cards which happens at the start of every University academic year.

These are serious concerns which do not uphold the licensing objective for the prevention of crime and disorder.

Public Safety

As we understand it, the club is in a basement and has a capacity of 150 (ref skiddle.com). It must have been terrifying for patrons attending the club who would have been in very close proximity because it is not a large venue. We would question how easily and quickly patrons could get out of a basement especially after consuming alcohol. One article reports that those stabbed were students <https://mancunion.com/2020/02/07/indigo-closed-after-stabbing-by-member-of-south-manchester-gang-awating-student-comment/>

Public Nuisance

Residents have made several complaints to licensing and out of hours and planning officers about noise outbreak and noise from groups on the pavement outside Indigo club. We have particularly noticed this in the last couple of years since Indigo re-opened. Events at the club, which seem geared to attract students, are held on many nights of the working week as well as weekends. We are also concerned that licensed hours of operation do not match planning hours which exist to protect residents. Residents suffer from night noise as patrons (mainly students) make their way to and from the premises. It is difficult for those who live in the area to specify where those who wake us up at night have come from. It could be any of the clubs in the area. Those that are open in the early hours and have club style events all contribute to this loss of sleep for residents. We get woken up by street noise on a very regular basis and sometimes this can be several times a night. We consider that Indigo being open until 2am contributes to the noise at night on our streets. There are families with babies and young children, working people and elderly living in this area. Withington

has a special Licensing Stress Policy and Fallowfield a Cumulative Impact Policy because of the many problems that occur due to the concentration of licensed premises in this suburb.

We have also noted that some of the titles of club nights have drug related references which suggests to us that they appeal to those who like to have a trippy night out. eg Clean Cut & Friends (Indigo 27th Feb), Bangers & Mashed (Indigo 28th Feb). We are concerned about the rise in the use of drugs by people in our area as it causes additional problems that affect us including drug packets on the streets, dealers handing out drug cards, deliveries of drugs to flats and HMOs in this area, dangerous driving, drug drivers. We see drug related activities on a regular basis in this area, because of the high density of students that reside here. Students in Manchester are a target for dealers. Club nights where there is consumption of alcohol and possible drug use contributes to public nuisance.

Flyposting relating to Indigo club has been reported by Community Guardians on many occasions to the council. Flyposters for the event 'Footshooter' on Wednesday Jan 29th in which the stabbings occurred were reported to the council by residents as they were stuck to bus shelters in many locations along Wilmslow Road. Indigo flyposters are a source of public nuisance and cost the council a lot of money in dealing with removal and prosecution.

Summary

Our concerns about the recent stabbings do lead us to conclude that the licensing objectives are not being upheld. We consider that this premises is in the middle of a residential area and also part of a conservation area. The attraction of criminal activity gives us serious concern for the wellbeing of persons attending this venue. As it is in a basement without disabled access, it can only be assumed that in the event of a serious incident, the health and safety of patrons is severely compromised. We would wish to recommend that the licence be revoked as the venue does not seem safe as a venue and also unable to uphold the licensing objectives in relation to crime and disorder, public nuisance and public safety.

Yours


Community Guardian Coordinator

Fallowfield & Withington

Residents Association 2

on Wed, 12 Feb 2020 at 15:33, [REDACTED] > wrote:

Dear Sir/Madam,

Re: Licence Review: LPU243595/AM2, Indigo, 457-459 Wilmslow Road, Manchester M20 4AN
(Withington Ward)

I am writing on behalf of South East Fallowfield Residents' Group (SEFRG) and we would like to make a representation regarding the licence review at the above premises.

We are very concerned to read about the severity of the attacks which took place in this club in Withington Village on 30th January 2020. It is shocking for residents to read in the Manchester Evening News (dated 31st Jan) that GMP reported 'lots of local members of organised crime groups had been in attendance'. The club is situated right in the centre of the village and surrounded by residential houses - it is also very close to shops, pubs, the library and schools.

Residents in the local area regularly report signature gang tag graffiti and we think there is also a strong link with the drug dealing which goes on very openly in the area and which is often targeted at younger residents (including teenagers) and particularly aimed at the large, often quite vulnerable, student population - many of whom frequent this club.

We are worried that if this club continues, it will carry on attracting these organised crime groups and the violence and drug dealing will possibly spread even further into community than it currently does. It is particularly concerning that in spite of the club's security measures, weapons capable of inflicting such large slash wounds (one of the wounds was 8in x 2in) could have been brought in. We understand from the MEN article that the club was hosting a memorial service for a man who had been murdered. It was obviously an emotionally charged event and so we would have thought that on a night like that, in particular, the club would have been especially vigilant.

If the club owners did carry out thorough checks that night (and that may well have been the case) then it shows that it is quite impossible for them to prevent such a serious occurrence and the licence should therefore be revoked. If they did not carry out thorough checks then we question whether they are suitable licence holders for a venue of this nature. In both cases it is not to say that they could not carry out another (non licensable) business at this premises but not a club of this nature. We do not believe that the owners/managers of this club, however good their intentions are, could take any practicable measures which could stop the risk of this type of event happening in the future. Indeed a similar attack in the future may escalate into something even more serious and possibly result in fatalities.

Withington has a Special Licensing Stress Policy and is immediately adjacent to Fallowfield which has a Cumulative Impact Policy - these policy decisions were not taken lightly and were based on sound evidence which shows that the areas are of particular concern. We therefore think it is of the utmost importance that the licensing objectives are rigorously upheld. We believe this venue fails on each of the licensing objectives; crime and disorder, public safety, public nuisance and the protection of children from harm.

We urge the panel to revoke the licence.

Yours sincerely,

[REDACTED]
(On behalf of SEFRG - South East Fallowfield Residents' Group)

Residents Association 3

On Wed, 12 Feb 2020 at 16:04, [REDACTED] wrote:

Withington Civic Society

Re

Indigo - review of licence

The Licensing Act 2003 (Summary Review of Premises licences) Regulations 2007

Application Type: Review of a premises licence under Section 53A of the Licensing Act 2003

Ref: LPU243595/AM2

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

Withington Civic Society wishes to support the application made by Greater Manchester Police (GMP).

The Society notes that the grounds for 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.

The Society is aware that there was a serious stabbing incident at Indigo in the early hours of 30th January 2020 and that subsequently GMP's Tactical Dog Unit tweeted that a police helicopter, a police dog and officers detained a man who was "hiding in a garden".

The alleged offender was subsequently arrested on suspicion of two counts of attempted murder.

According to press reports, GMP statements say there had been a memorial dedicated to a murdered man at the club that night, and that lots of members of local organised crime groups had been in attendance.

GMP requested the urgent review, saying they're 'extremely concerned' that there may be repercussions and that staff and customers could be placed in danger if the nightspot was to stay open.

Withington is a quiet residential area, full of families. It is extremely disturbing for residents to learn that organised crime groups are involved. Withington has no need of clubs, particularly ones which seemingly attract "organised crime groups". This particular club is clearly associated with crime and disorder. We understand there had been previous incidents at the premises. One occurred in February 2018 when there was an altercation after which the relevant person left the premises and later attempted to return with a firearm. Another occurred a couple of months later and involved a Public Order offence inside Indigo

We therefore support GM Police wholeheartedly.



Withington Civic Society planning coordinator

12 February 2020

Schedule of Licence Conditions

Conditions proposed by objectors	Agreed	Proposed by
<ol style="list-style-type: none"> 1. A minimum of 1 SIA registered door supervisors shall be employed at the premises from 22:00 until close Sunday – Thursday. A minimum of 2 SIA registered door supervisors shall be employed at the premises from 22:00 until close Friday – Saturday. At all other times, SIA registered door supervisors shall be employed at the premises in accordance with a risk assessment to be carried out by the DPS. <i>*Condition 5 of Annex 2 is to be removed and replaced with this condition</i> 2. When employed, a register of those door staff employed shall be maintained at the premises and shall include: <ol style="list-style-type: none"> a. The number of door staff on duty; b. The identity of each member of door staff; c. The times the door staff are on duty. 3. When employed, all members of SIA registered door supervisors shall be equipped with body-cams and shall wear high visibility jackets. 4. All customers entering (or re-entering) the premises shall be subject to a search by an SIA registered door supervisor, including the use of a metal detection wand. Any customer who refuses to consent to such search shall be refused entry to the premises. <i>*Condition 7 of Annex 2 is to be removed and replaced with this condition</i> 5. There shall be no entry or re-entry to the premises (save for returning smokers) after 01:00 daily. 6. The premises licence holder or DPS shall be a member of the local Pubwatch/Pub & Club Network (at all times that one is ongoing) and they, or a nominated member of staff, shall attend at all meetings. 7. No unauthorised advertisement of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, that advertises or promotes the establishment, its premises, or any of its events. 8. The premises licence holder shall retain details of all promoters operating events at the premises. These records are to be retained for a minimum period of 12 months and provided to officers of responsible authorities on request. 9. A smoking policy shall be implemented and adhered to (see attached). 10. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises. 	Yes	Licensing and Out of Hours

INDIGO
SMOKING POLICY

1. Any outside area used by customers wishing to smoke shall be clearly delineated and covered by the CCTV system which will be installed at the premises.
2. The outside area shall be monitored by staff or door staff regularly at all times it is in use to ensure that patrons do not cause a public nuisance.
3. Signs will be displayed in the area requesting customers keep noise to a minimum.
4. Open containers of alcohol shall not be permitted to be taken outside the smoking area.
5. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.

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

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