



Licensing Sub Committee Hearing Panel

Date: Tuesday, 21 December 2021

Time: 10.00 am

Venue: Council Chamber, Level 2, Town Hall Extension

Everyone is welcome to attend this Sub-Committee meeting.

Access to the Council Chamber

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

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

Face Masks/Track and Trace

Anyone attending the meeting is encouraged to wear a face mask for the duration of your time in the building and to provide contact details for track and trace purposes.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Andrews, Hassan and Hewitson

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 - Queens Hotel, Sedgeford Rd, Manchester M40 8QU

5 - 52

The report of the Head of Planning, Building Control and 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:

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Tel: 0161 234 3043
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This agenda was issued on **Monday, 13 December 2021** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

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**Manchester City Council
Report for Resolution**

Report to: Licensing Sub-Committee Hearing Panel – 21 December 2021

Subject: Queens Hotel, Sedgeford Road, Manchester, M40 8QU (Summary Review of Premises Licence, App ref: 267073)

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: Harpurhey

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: fraser.swift@manchester.gov.uk

Name: Bryan Johnson
Position: Technical Licensing Officer
Telephone: 0161 234 1248
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 25/11/2021, an application was made by Greater Manchester Police under s53A of the Licensing Act 2003 for a Summary Review of the Premises Licence for Queens Hotel, Sedgeford Road, Manchester, M40 8QU in the Harpurhey 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 was a visit to the premises by patrolling officers on the evening of Wednesday 24th November 2021 and the discovery of an offensive weapon, suspected Class A drugs/associated drug dealing apparatus and a substantial amount of concealed alcoholic drinks both inside and outside the premises). As a consequence GMP are of the belief that the premises is operating as a 'hub' for criminal behaviour/activities and that the Premises Licence Holder is failing in her duty to uphold and enforce the licensing objectives relating to the Prevention of Crime and Disorder and Public Safety.
- 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 26/11/2021, 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 with immediate effect pending the full review to be heard on the 21st December 2021. 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 The premises licence holder has made representations against the interim steps taken by the licensing authority.
- 2.4.5 On 30th November 2021, a Licensing Sub-Committee Hearing Panel held a hearing to consider those representations and the decision of the Panel was to withdraw the suspension of the premises licence with immediate effect pending the full review to be heard on the 21st December 2021 (**Appendix 3A**).
- 2.4.6 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 Miss Janice Flint who has held the licence since 04/09/2005.
- 3.3 The designated premises supervisor is Miss Janice Flint who has held this position since 23/07/2021.
- 3.4 The licensable activities permitted by the licence are:

The sale by retail of alcohol (for consumption both on and off the premises):
Monday to Sunday: 9am to 12midnight

The provision of regulated entertainment (limited to): Live Music, Recorded Music, Performances of Dance:
Monday to Thursday: 11am to 11.30pm
Friday to Sunday: 11am to 12midnight

The provision of Late-Night Refreshment:
Monday to Sunday: 11pm to 0.30am

4. **Relevant Representations**

No relevant representations have been received in respect of this application.

5. **Additional information**

5.1 No additional information has been received from any party to the application.

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
- MS3 Responsible promotion and sale of alcohol
- MS4 Prevent the use of illegal drugs, new psychoactive substances (NPS) and the spiking of drinks at the premises
- MS5 Prevent on-street consumption of alcohol
- MS6 Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies
- 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
- MS12 Prevent underage sales of alcohol, including proxy sales

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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Queens Hotel
Sedgeford Road, Harpurhey, Manchester, M40 8QU

Premises Licensing
Manchester City Council

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Survey100019568.



PREMISE NAME:	Queens Hotel
PREMISE ADDRESS:	Sedgeford Road, Harpurhey, Manchester, M40 8QU
WARD:	Harpurhey
HEARING DATE:	21/12/2021

ANNEX B

Greater Manchester Police
Central Park
Northampton Road
Manchester

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

I hereby certify that in my opinion the premises described below are associated with serious crime / ~~serious disorder~~ / ~~both serious crime and serious disorder~~¹.

*Premises*²:
The Queens Hotel
Sedgeford Road
Manchester
M40 8QU

Premises licence number (if known): 51244

Name of premises supervisor (if known): Janice Flint

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

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

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

Greater Manchester Police (GMP) will say that the premises are associated with Serious Crime. Therefore due to the Serious Crime which has taken place at the premises GMP feel that it is necessary for an expedited review to take place.

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

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

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

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

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

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

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

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

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

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

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

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

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

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

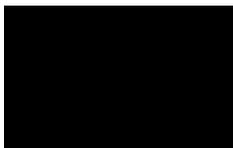
There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

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

The powers contained under section 53A of the Licensing Act 2003 are necessary and proportionate in light of the association that the premises has to Serious Crime.

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. Serious Crime has occurred at the premises and until the Licensing Committee hear the full review and all the evidence that will be disclosed, to allow the premises to continue to operate as a licensed premises gives concerns that further criminality will occur at the premises and the licensing objectives will be further undermined. Greater Manchester Police will say that the licensing objectives of the Prevention of Crime and Disorder and Public Safety can only be promoted if the premises licence was suspended until the final determination of the summary review application.

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take. There are serious concerns as to the serious level of criminality that has occurred. Greater Manchester Police believe that Serious Crime has occurred at the premises.



..... 25.11.21
(Date)

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

ANNEX C

[Insert name and address of relevant licensing authority and its reference number (optional)]

Manchester City Council

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Alan Isherwood [on behalf of] the chief officer of police for the Greater Manchester police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**The Queens Hotel
Sedgeford Road**

Post town: Manchester

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

2. Premises licence details:

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

Number of premises licence holder (if known):

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

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

Greater Manchester Police (GMP) will say that the premises are associated with Serious Crime. Therefore due to the Serious Crime which has taken place at the premises GMP feel that it is necessary for an expedited review to take place.

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

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

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

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

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

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

Obviously, alcohol at a public house is not unusual, but the fact it has seemingly been hidden rather than stored gives rise to serious concerns.

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

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

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

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

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

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

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

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

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

The powers contained under section 53A of the Licensing Act 2003 are necessary and proportionate in light of the association that the premises has to Serious Crime.

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. Serious Crime has occurred at the premises and until the Licensing Committee hear the full review and all the evidence that will be disclosed, to allow the premises to continue to operate as a licensed premises gives concerns that further criminality will occur at the premises and the licensing objectives will be further undermined. Greater Manchester Police will say that the licensing objectives of the Prevention of Crime and Disorder and Public Safety can only be promoted if the premises licence was suspended until the final determination of the summary review application.

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take. There are serious concerns as to the serious level of criminality that has occurred. Greater Manchester Police believe that Serious Crime has occurred at the premises.

Signature of applicant: 

Date: 25/11/21

Capacity: Licensing Constable

Contact details for matters concerning this application:

Address:

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

Telephone number(s): 

Email: 

Notes for guidance:

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

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

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

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

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

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

Document is Restricted

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Licensing Committee – 26 November 2021

Summary Review – Queens Hotel

Cllrs – Ludford, Connolly and Flanagan

Applicant – GMP – PC Stuart Hammersley in attendance

PLH – Janice Flint represented by her partner Stephen Dale

Decision: Suspend the licence with immediate effect pending full Review to be heard on the 21 December 2021

Reasons:

The Committee considered the representations made on behalf of GMP and the Premises Licence Holder (PLH) and have taken both the written and oral representations into account.

In reaching its decision the Committee have also considered the Council's statement of Licensing Policy, the Licensing Act 2003, the Guidance issued by the Secretary of state under Section 182 of the Act and the licensing objectives.

The Committee considered the incident on the 24th of November and the lack of fully working CCTV at the premises serious enough to warrant the implementation of interim steps

The Committee were concerned by the evidence from GMP of the large quantity of suspected class A drugs prepared for individual deals. GMP also stated that a knife was found under a table nearby the seats where the drugs had been discarded. A number of people had run away from inside the premises as the police approached the venue. A walkie talkie was also found at the entrance to the premises. GMP stated alcohol was also found hidden in the toilets and near a container outside.

The Committee heard from the PLH's representative that the DPS was not on site at the time however they had been informed that lads that had been hanging around on the waste land next to the pub had run in when police arrived to try to escape out a back door which was locked so they discarded the drugs and ran away. The PLH confirmed the alcohol found was not theirs and that one of the lads had been carrying a box with it in which he discarded before running off.

The PLH has been unable to show the CCTV inside the pub to GMP or the panel today and said it was working however they were unable to access it and play back. They have taken it back and got a new system.

The Committee found the lack of fully working CCTV very concerning and that this would have clarified what happened in the premises that evening. This is also a condition on the licence and the Committee expect the PLH to be able to provide CCTV on request.

Whilst the Committee accepted that there was no evidence before them of any previous drugs or other issues with the premises due to the lack of CCTV on the night of the incident and evidence to support the PLH's account, at this time, they accepted the concerns of GMP as to there being potential significant criminal activity occurring at the premises.

The committee considered whether any of the licence conditions could be modified to address their immediate concerns, as suggested by the premises, but considered this not to be the case as there was already a CCTV condition on the premise licence which was not being fully complied with.

The Committee therefore found that it was necessary and proportionate to suspend the licence with immediate effect pending the full review hearing to prevent the potential for any serious crime occurring and to uphold the licensing objectives pending determination of the review of the premises licence.

For the purpose of Section 53B(5)(b) of the Licensing Act 2003 immediate notice of this decision was given orally to GMP and the PLH at the hearing.

The PLH was advised of their right to make representations against the interim steps and it was confirmed that the matter will be listed for full review on 21 December 2021 at 10am.

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

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Licensing Committee – 30 November 2021

Summary Review – Queens Hotel

Cllrs – Connolly, Evans and Hewitson

Applicant – GMP – PC Alan Isherwood in attendance

PLH – Janice Flint represented by her partner Stephen Dale

Decision:

Withdraw the suspension of the premises licence with immediate effect pending full Review to be heard on the 21 December 2021

Reasons:

The Committee considered the representations made on behalf of GMP and the Premises Licence Holder (PLH) and have taken both the written and oral representations into account.

In reaching its decision the Committee have also considered the Council's statement of Licensing Policy, the Licensing Act 2003, the Guidance issued by the Secretary of state under Section 182 of the Act and the licensing objectives.

The Committee considered CCTV which was not available to it at its meeting on the 26th November when the Premises Licence was suspended with immediate effect.

The Committee was concerned by the evidence from GMP of the large quantity of suspected class A drugs prepared for individual deals. GMP also stated that a knife was found under a table nearby the seats where the drugs had been discarded. A number of people had run away from inside the premises as the police approached the venue. A walkie talkie was also found at the entrance to the premises. GMP stated alcohol was also found hidden in the toilets and near a container outside.

However, when the CCTV was viewed by the Committee it was apparent that youths had entered the premises with no other person present in the bar area and their actions clearly indicated that they were disposing of items under the seats of the bar area and in the toilet area. Such items were later identified to be drug wraps, a knife, walkie talkie and a small consignment of alcohol in the toilet, all items identified by GMP.

The Committee heard from the PLHs representative that the DPS was not on site at the time however they had been informed that lads that had been hanging around on the waste land next to the pub had run in when police arrived to try to escape out a back door which was locked so they discarded the drugs and ran away. The PLH confirmed the alcohol, found was not theirs and that one of the lads had been carrying a box with it in which he discarded before running off. It was stated that a substantial amount of alcohol was abandoned near to storage containers outside the premises on waste land owned by the Council.

The PLH was asked why he had failed to provide the CCTV footage at the hearing on the 26th November 2021 to which he replied that he had genuinely experienced difficulties in downloading the footage when requested by GMP. Committee was advised that they have taken the CCTV equipment back to the supplier and obtained a new system.

Whilst expressing concern that the PLH had been unable to download the CCTV footage Committee felt that this was a genuine lack of understanding as to how the system operated. It felt that the premises could benefit from training on this issue.

However, it noted that it is also a condition on the licence and the Committee expect the PLH to be able to provide CCTV on request.

The Committee considered that the PLH had occupied the premises for nearly 40 years without any previous incidents being reported. During such time it felt that the premises had been well managed and had been an establishment that worked with and embraced the community.

In arriving at its decision, the Committee noted the willingness of the PLH to work closely with the Responsible Authorities and specifically GMP to ensure that the Premises was upholding the licensing objectives.

The Committee therefore found on reviewing the representations made and in particular the CCTV footage it did not consider that the interim steps imposed at the hearing on the 26th November was necessary and appropriate and decided to withdraw the suspension with immediate effect pending the full review on the 21st December 2021 .

For the purpose of Section 53B (8) of the Licensing Act 2003 immediate notice of this decision was given orally to GMP and the PLH at the hearing.

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

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MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	051244
Granted	04/09/2005
Latest version	DPS variation 261027 granted 23/07/2021

Part 1 - Premises details

Name and address of premises
Queens Hotel Sedgeford Road, Harpurhey, M40 8QU
Telephone number
0161 205 1788

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1. The sale by retail of alcohol*. 2. The provision of regulated entertainment, limited to: Live music; Recorded music; Performances of dance; 3. The provision of late night refreshment. <p>* All references in this licence to "sale of alcohol" are to sale by retail.</p>

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0900	0900	0900	0900	0900	0900	0900
Finish	0000	0000	0000	0000	0000	0000	0000
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non standard Timings:							
New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Live music; Recorded music; Performances of dance							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1100	1100	1100	1100	1100	1100	1100
Finish	2330	2330	2330	2330	0000	0000	0000
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

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:							
New Year's Eve: Start 2300 Finish 0500							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	0900	0900	0900	0900	0900	0900	0900
Finish	0045	0045	0045	0045	0115	0115	0115
Seasonal variations and Non standard Timings:							
New Year: From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Part 2

Details of premises licence holder	
Name:	Miss Janice Flint
Address:	[REDACTED]
Registered number:	Not applicable

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Janice Flint
Address:	[REDACTED]
Personal Licence number:	PA0136
Issuing Authority:	Rochdale 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: - <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (a) At a time when there is no designated premises supervisor in respect of the premises licence or, (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3.	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.	<ul style="list-style-type: none"> (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. (2) The designated premises supervisor in relation to the premises licence must ensure that the

supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
- (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) “value 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. CCTV shall be installed and maintained at the premises.
 3. Known offenders or drug dealers will not be permitted on the licensed premises.
 4. Management and staff shall monitor the door, including entry and dispersal of patrons.
 5. All emergency exits shall be maintained and clear of obstruction both inside and outside at all times.
 6. Management and staff shall ensure glasses are collected regularly from all aspects of the premises.
 7. All windows and doors shall be kept closed after 2200 save for access and egress.
 8. Anyone who appears to be under the age of 18 and who is attempting to buy alcohol shall be required to produce photographic proof of age such as a proof of age card, passport photo card, driving licence or citizen card before such a sale is made.
 9. No person under the age of 18 shall be permitted on the premises, save for pre arranged family events at the premises.

Annex 3 – Conditions attached after hearing by the licensing authority

1. All windows and doors shall be kept closed whilst regulated entertainment is taking place, except for access and egress.
2. Management or a member of staff shall conduct regular perimeter checks to ensure that regulated entertainment is inaudible at the nearest residential premises.
3. There shall be no external speakers.
4. Prominent signs shall be fitted near the exits requesting that customers respect local residents and leave quietly.
5. Management or a member of staff shall supervise the exit of customers during the drinking up period to ensure that customers do not congregate outside the premises or cause a public nuisance.
6. Management shall enter into an agreement with (a) local private hire firm(s) that they will have a “ring back” policy when the taxi has arrived outside the pub and they will not sound the horn. The telephone numbers of the companies which have agreed to this policy to be advertised next to the public telephone.
7. Staff shall receive training to ensure that they are knowledgeable in the methods for controlling and dealing with any problematic or rowdy customers.
8. The external area shall be closed and cleared of patrons by 2300.

Annex 4 – Plans

See attached

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

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