



Licensing Sub Committee Hearing Panel

Date: Monday, 5 June 2023

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.

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

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Grimshaw, Hewitson and Hughes

Agenda

1. Urgent Business

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

2. Appeals

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

3. Interests

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

4. Application for a Premises Licence Transfer - Queens Hotel, Sedgeford Road, Harpurhey, Manchester, M40 8QU

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

5 - 38

Information about the Committee

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

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

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

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

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

Smoking is not allowed in Council buildings.

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

Further Information

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

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

This agenda was issued on **Thursday, 25 May 2023** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

This page is intentionally left blank

**Manchester City Council
Report for Resolution**

Report to: Licensing Subcommittee Hearing Panel – 05 June 2023

Subject: Queens Hotel, Sedgeford Road, Harpurhey, Manchester, M40 8QU -
App ref: Premises Licence Transfer 287293

Report of: Director of Planning, Building Control & Licensing

Summary

Application for the transfer of a premises licence which has attracted objections.

Recommendations

That the Panel determine the application.

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: Ashia Maqsood
Position: Technical Licensing Officer
Telephone: 0161 234 4139
E-mail: premises.licensing@manchester.gov.uk

Background documents (available for public inspection):

- Manchester City Council Statement of Licensing Policy.
- Guidance issued under section 182 of the Licensing Act 2003.
- Licensing Act 2003 (Hearings) Regulations 2005
- Any further documentary submissions by any party to the hearing

1. Introduction

- 1.1 On 02/05/2023, an application to transfer a premises licence under s42 of the Licensing Act 2003 was made in respect of Queens Hotel, Sedgeford Road, Harpurhey, Manchester, M40 8QU in the Harpurhey ward of Manchester.
- 1.2 A location map and photograph of the premises is attached at **Appendix 1**.
- 1.3 Notice of the application was given to Greater Manchester Police and the Home Office (Immigration Enforcement) in accordance with the Licensing Act 2003.
- 1.4 The police may object to the transfer of a licence where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective.
- 1.5 The Home Office (Immigration Enforcement) may object to the transfer of the licence where, in exceptional circumstances, they believe that granting the application would be prejudicial to the prevention of illegal working in licensed premises.
- 1.6 An objection must be given within the period of 14 days beginning with the day on which the police are notified of the application.
- 1.7 A representation from GMP has been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution.

2. The Application

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The applicant is Floyd Denis Dodoo
- 2.3 The current licence holder is Janice Flint

3. Representations

- 3.1 The representation is attached at **Appendix 3**.
- 3.2 An unredacted copy of the representation will be available to the Panel at the hearing.
- 3.3 Summary of the representations:

Party	Grounds of representation	Recommends
GMP	GMP have objected to the application as they state that the proposed licence holder has other business interests and so is unlikely or unable to provide focused attention on this	Refuse

	<p>extremely difficult premises.</p> <p>Due to this, GMP feel that this is likely to lead to further issues arising at the premises and could lead to further threats to both the staff and customers.</p>	
--	--	--

4. **Relevant Information**

- 4.1 An summary review application in respect of the premises was submitted by GMP on 14/03/2023.
- 4.2 The full review hearing was conducted on 06/04/2023 .
- 4.3 The decision of the panel at the hearing of 06/04/23 was to revoke the licence, and that the interim suspension of the licence to remain in force pending the outcome of any appeal.
- 4.4 A copy of the panel’s decision is attached at **Appendix 4**
- 4.5 The outgoing licence holder has stated that an appeal against the revocation of the licence has been lodged with the Magistrates court.
- 4.6 However at the time of completing these papers, the Licensing unit has not yet been notified of the lodged appeal.

5. **Key Policies and Considerations**

5.1 **Legal Considerations**

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

5.2 **New Information**

- 5.2.1 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.

5.3 **Hearsay Evidence**

- 5.3.1 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.

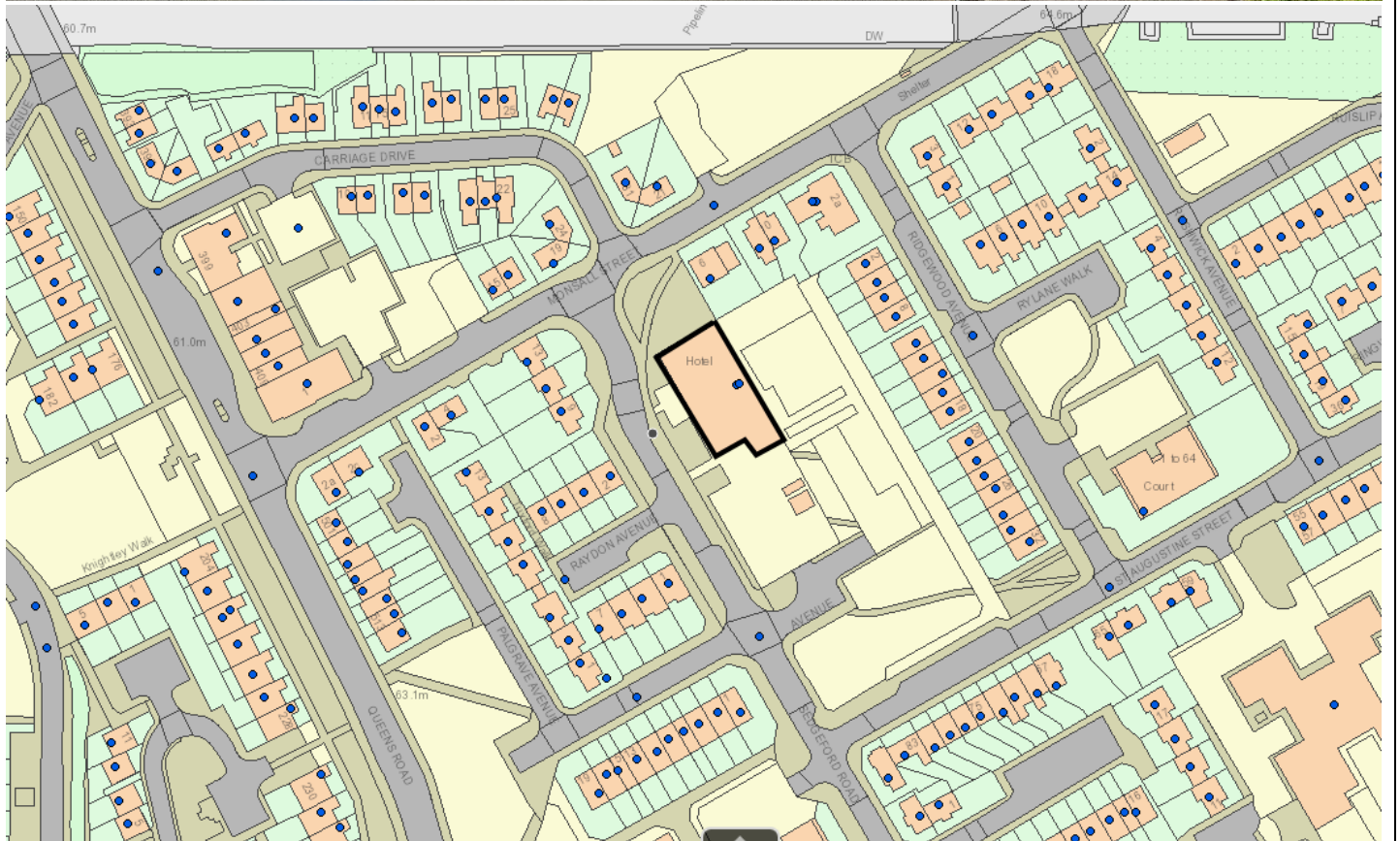
5.4 **The Secretary of State’s Guidance to the Licensing Act 2003**

- 5.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided for all parties involved in licensing. 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.
- 5.4.2 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.
- 5.4.3 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.
- 5.5 **Manchester Statement of Licensing Policy**
- 5.5.1 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.
- 5.5.2 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.
- 5.5.3 Section 4 of the Policy (Operation of the Policy) sets out how the Licensing Policy is intended to be used in practice for licence applications and licensed premises.
- 5.6 A licensing authority must carry out its functions under the 2003 Act ("licensing functions") with a view to promoting the licensing objective of the prevention of crime and disorder.
- 5.7 In considering the matter, the Panel should take into account the representations that have been received. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 5.8 Having regard to the representations, the Panel must –
- Grant the application, or
 - Where the representation is made by Greater Manchester Police, reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so, or
 - Where the representation is made by the Home Office (Immigration Enforcement), reject the application if it considers it appropriate for the prevention of illegal working in licensed premises to do so.

- 5.9 All licensing determinations should be considered on the individual merits of the application.
- 5.10 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the crime prevention licensing objective and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.11 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeal. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 5.12 **The Panel is asked to determine the application.**

Queens Hotel
 Sedgeford Road, Harpurhey, Manchester, M40 8QU
 Premises Licensing
 Manchester City Council

© Crown copyright and database rights 2018. Ordnance Survey100019568.



PREMISE NAME:	Queens Hotel
PREMISE ADDRESS:	Sedgeford Road, Harpurhey, Manchester, M40 8QU
WARD:	Harpurhey
HEARING DATE:	05/06/2023

This page is intentionally left blank

Application to transfer premises licence to be granted under the Licensing Act 2003

Payment Transaction number:- SSES00640577 | Form Reference number EF1/785786

Premise details

I/We

Floyd Denis Dodoo

Premises licence number

051244

Name of current premises licence holder

Janice Flynt

Description of premises

Queens Hotel - Public House

Full address of premises including postcode or, if none, ordnance survey map reference or description

The Queens Hotel
Sedgeford Road
Harpurhey
M40 8QU

Telephone number

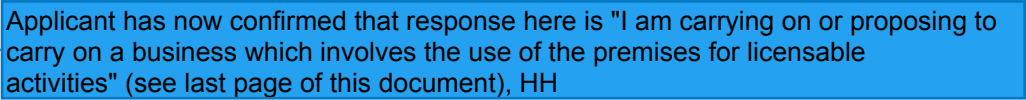
Email

In what capacity are you applying for the premises licence to be transferred to you?

a) an individual or individuals

page_1a

If you are applying as a person described in (a) or (b) on the previous page please confirm:

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or  Applicant has now confirmed that response here is "I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities" (see last page of this document), HH

page_2

Title

Mr

Other title

n/a

Full name of individual

Floyd Denis Dodoo

Current postal address including postcode

[Redacted address]

Contact telephone number

[Redacted telephone number]

Email address

[Redacted email address]

Title

Please choose...

Other title

n/a

Full name of individual

n/a

Current postal address including postcode

n/a

Contact telephone number

n/a

E-mail address

n/a

page_3

Name of applicant organisation

n/a

Address including postcode

n/a

Registered number (where applicable)

n/a

Description of applicant (for example partnership, company, unincorporated association etc)

n/a

Contact telephone number

n/a

Email

n/a

page_4

Are you the holder of the premises licence under an interim authority notice?

No

Do you wish the transfer to have immediate effect?

Yes

page_4a

When would you like the transfer to take effect?

n/a

page_4b

The existing licence holder must consent to the transfer of this application. If you are unable to obtain their consent you must outline why consent has not been obtained and what steps you have taken to obtain it.

I have obtained consent and it is being sent by:

Online form

I have not obtained consent for the reasons outlined below:

n/a

The premises licence should now be returned via e-mail to premises.licensing@manchester.gov.uk. If this is not possible (e.g. the licence has been lost) please indicate the reasons the licence cannot be returned:

n/a

Name

Floyd Denis Dodoo

Address including postcode

[Redacted address]

Telephone

[Redacted telephone number]

Email

[Redacted email address]

Additional information

Applicant 18 years old or over

Yes

Second applicant over 18

N/A

Use premises for licensable activity

Yes

Read and understood content of form

Yes


These are the files included with this application :-

**Premises Licence - Consent to transfer: Address The queens hotel
Sedgeford road
Harpurhey
M40 8QU**

webfeedback@manchester.gov.uk <webfeedback@manchester.gov.uk>

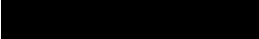

Sun 16/04/2023 18:44

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

 1 attachments (38 KB)

jadu_form_5285516.pdf;

Web reference number 5285516

Question	Response
<i>I/we (put full name of premises licence holder(s)):</i>	Janice flint
<i>Hereby give my (our) consent for the transfer of premises licence number (insert 051244 premises licence number):</i>	
<i>Relating to (put name and full address including postcode of premises to which the application relates):</i>	The queens hotel Sedgeford road Harpurhey M40 8QU
<i>To (put the full name of the transferee):</i>	Floyd Denis Dodoo
<i>Has the application transferring the premises licence from you been submitted?:</i>	Yes
<i>Date the application was submitted?:</i>	16/04/2023
<i>How was the application submitted (e.g. online, post or not known)?:</i>	Online
<i>Your full name:</i>	Miss Janice flice
<i>Your email address :</i>	
<i>Daytime phone number:</i>	
<i>If you are completing the form on behalf of a company or organisation please state your capacity e.g. director or secretary :</i>	
<i>Please confirm...:</i>	I have read fully and understood the contents of this form and any supporting information and agree to the terms and/or conditions set out within

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

Document is Restricted

This page is intentionally left blank

GREATER MANCHESTER POLICE - REPRESENTATION

About You

Name	PC Alan Isherwood
Address including postcode	1 st Floor Manchester Town Hall Extension Lloyd Street Manchester
Contact Email Address	[REDACTED]
Contact Telephone Number	[REDACTED]

About the Premises

Application Reference No.	287293
Name of the Premises	Queens Hotel
Address of the premises including postcode	Sedgeford Road, Manchester M40 8QU

Your Representation

Please outline your representation below and continue overleaf. This should describe the likely effect of the transfer of the licence on the licensing objectives on and in the vicinity of the premises in question.

Please accept this as formal notification of the Greater Manchester Police objection to the premises licence transfer, in relation to the above premises, on the grounds of Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance.

This application is seeking to transfer the premises licence of the Queens Hotel, which was recently subject to Summary Review proceedings and was ultimately revoked by the Licensing subcommittee and the interim steps suspension was kept in place pending any appeal.

The revocation of the premises licence is currently under appeal but at the time of submitting this objection no date of a hearing is known.

Floyd Denis Dodoo who is applying to Transfer the Premises Licence is already the Designated Premises Supervisor (DPS) at 2 other licensed premises. He is DPS at the Mowers Arms on Moston Lane and also the DPS at The Charlestown on Charlestown Road.

In addition to this he is the director of Rollins Capital ventures Ltd which trades as [REDACTED] and provides door security to licensed premises. He is also the director of another company called Louie Leisure Limited, which is described as pertaining to public houses and bars.

Therefore, GMP believe that Mr Dodoo already spreads himself across a number of ventures and is in day-to-day control of 2 other busy public houses in challenging areas, and because of this we do not believe he will be able to give the kind of focussed attention that this extremely difficult premises necessitates.

This in turn is likely to lead to further issues arising at the premises and could lead to further threats to both the staff and customers.

A further issue which has been highlighted, as a result of this application, is that Mr Dodoo has changed his home address from [REDACTED], to [REDACTED] which is the address stated on this application.

Checks have been made with the local authority and it has shown that Mr Dodoo, who has a personal licence issued by Manchester City Council, has not informed them of his change of address, as it is still shown as [REDACTED]. Failure to notify the relevant licensing authority of any change of address is actually an offence under section 127 of the Licensing Act 2003.

This is another indicator that Mr Dodoo already has too many things going on to solely focus on this premises, as such an obvious requirement under the licensing act has not been carried out.

We therefore ask that this Premises Licence Transfer is refused.

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

Document is Restricted

This page is intentionally left blank

From: Barbara Gora [REDACTED]

Sent: 06 April 2023 15:48

To: Licensing Subcommittees <licensing.subcommittees@manchester.gov.uk>

Subject: Re: Licensing SubCommittee 6 April 2023 Decisions and Reasons

The Queens Hotel

GMP made an application under Regulation 14 of the Licensing Act (Hearings) Regulations 2005 to exclude the public and press from the hearing. GMP told the Committee that there was still a live investigation in place into very serious offences , the papers disclosed to the Committee have not been made public and if the hearing was held in public this could prejudice the police investigation. The Committee heard representations from a member of the press who stated that a lot of the information was already in the public domain and it was in the premises interest for their say to also be made public.

The Committee considered the application and granted the application to exclude the public under Regulation 14 of the Licensing Act (Hearings) Regulations 2005 as given the sensitivity of the ongoing police investigation the public interest in excluding the public outweighed the public interest in the hearing taking place in public.

GMP made a second application to [REDACTED] on the grounds that he is being investigated as a suspect in relation to the serious incident which took place on 12 March 2023 and any responses he gave may incriminate himself and/or others.

[REDACTED] told the Committee [REDACTED] was not prepared to represent the premises on her own and needs his support. They had not instructed a solicitor and had not been warned in advance of the application.

The Committee considered the application carefully and decided to refuse the application to exclude the [REDACTED] as he had already had access to the papers and had prepared for the hearing and it would counter the rules of natural justice to exclude him. The Committee however considered it important to stress [REDACTED] should answer any direct questions and warn him he may incriminate himself and/or others if he attempted to answer direct questions about the incident of 12 March 2023. The Committee therefore considered it was not in the public interest to exclude the [REDACTED] [REDACTED] from the hearing.

Review Decision:

To revoke the licence on the grounds of prevention of crime and disorder and public **safety**.

Reasons:

The Committee considered everything contained in the Report and everything said at the Hearing.

The Committee heard that the premises was located in an area which was difficult to police and was also a challenging area in which to operate a licensed premises.

The Committee heard that the premises had been subject to a summary review in November 2021 , the outcome of which had been to amend the premises licence.

The Committee had grave concerns about the police visit carried out on 9 March 2023 as set out in the witness statement of [REDACTED]. During the visit police officers saw three persons known to them as OCG members in the premises consuming food and drink they had taken into the premises . The Committee was concerned that a new member of staff , who was not on the designated list to sell alcohol was alone on duty at the time. The Committee concurred with the view of [REDACTED] that the experienced member of staff who appeared some 20 minutes later had not been in the premises earlier.

The Committee also heard from GMP that the investigation into the serious incident of 12 March was still ongoing and some of the CCTV evidence was inconsistent with the explanation put forward by the premises. GMP also informed the Committee that following the incident of 12 March several threats to life warnings had been given and it was the view of GMP that should the premises continue to operate it may be the target of revenge attacks placing staff , customers and members of the public at risk.

Under questioning the PLH/DPS was unable to name any of the licensing objectives.

The Committee did not have access to any CCTV evidence and therefore in all the circumstances accepted that the PLH/DPS and [REDACTED] had left the premises to confront persons who had damaged the premises. This is unacceptable behaviour from an operator .

The Committee was very concerned about the threats to life warnings given by GMP and the view that retribution attacks may take place if the premises continued to operate.

Therefore, in all the circumstances the Committee considered it appropriate to revoke the licence.

Interim Steps Decision

The Committee considered the representations from both parties and decided to maintain the interim step of suspension.

Reasons:

The Committee heard from GMP that the suspension should continue given the potential danger to the public should it reopen. The premises asked the Committee to lift the suspension as they believed the main OCG member was in custody and therefore there was no further danger to the public. The premises also requested it be kept open pending any potential transfer and/or a Farwell party given the premises long history.

The Committee considered that there was a risk of retribution attacks which put the lives of staff, customers and the public at risk therefore considered it necessary for the licence to remain suspended.

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

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank