



Licensing Sub Committee Hearing Panel

Date: Friday, 28 April 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 entrance of the Extension.

Membership of the Licensing Sub Committee Hearing Panel

Councillors - Connolly, Andrews and Riasat

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 a Premises Licence - Vision, Arch 58, Whitworth Street West, Manchester, M1 5WW

5 - 56

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:

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

This agenda was issued on **Thursday, 20 April 2023** 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 – 28 April 2023

Subject: Vision, Arch 58, Whitworth Street West, Manchester, M1 5WW
(Summary Review of Premises Licence, App ref: 286965)

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: Deansgate

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: Patrick Ware
Position: Technical Licensing Officer
Telephone: 0161 234 4858
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 03/04/2023, an application was made by Greater Manchester Police under s53A of the Licensing Act 2003 for a Summary Review of the Premises Licence for Vision, Arch 58, Whitworth Street West, Manchester, M1 5WW in the Deansgate 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 that at 0128 hours on Sunday 02/04/2023 a report was received by GMP that a male had been stabbed at the premises. Following a verbal dispute, the victim sustained a large laceration to his cheek which required 30 stitches. Staff assisted the victim while the offender and his associates walked from the premises before running away.
- 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 05/04/2023, a Licensing Sub-Committee Hearing Panel held a hearing to consider taking such interim steps and the decision of the Panel was to amend condition 10, Annex 2 as follows: -

10. Every customer entering or re-entering the premises will be searched with a metal detector wand by an SIA registered door supervisor and this is to be carried out in full view of recordable CCTV camera(s). Any person in possession of a weapon will be refused entry and the police will be called. Any person refusing to be searched or not passing a search will be refused entry. Notices stating that every customer will be searched with a metal detector wand will be displayed prominently at the entrance to the premises. DECISION. 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 YDS UK Trading Limited who has held the licence since 18/12/2012.
- 3.3 The designated premises supervisor is Mr Yongzhi Shao who has held this position since 02/02/2019.
- 3.4 The licensable activities permitted by the licence are:

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1200	1200	1200	1200	1200	1200	1200
Finish	0230	0230	0230	0230	0330	0330	0230
The sale of alcohol is licensed for consumption on the premises only.							
Seasonal variations and Non-standard Timings: From the end of permitted hours on New Year's Eve until the commencement of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences. An additional hour on the following days; All UK bank holidays and Sundays preceding all bank holidays.							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1200	1200	1200	1200	1200	1200	1200
Finish	0230	0230	0230	0230	0330	0330	0230
Licensed to take place indoors only.							
<p>Seasonal variations and Non-standard Timings: From the end of permitted hours on New Year's Eve until the commencement of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences. An additional hour on the following days; All UK bank holidays and Sundays preceding all bank holidays.</p>							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0230	0230	0230	0230	0330	0330	0230
Licensed to take place indoors only.							
<p>Seasonal variations and Non-standard Timings: From the end of permitted hours on New Year's Eve until 05:00 on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences. An additional hour on the following days; All UK bank holidays and Sundays preceding all bank holidays.</p>							

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 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

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

MS6 Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies

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.**

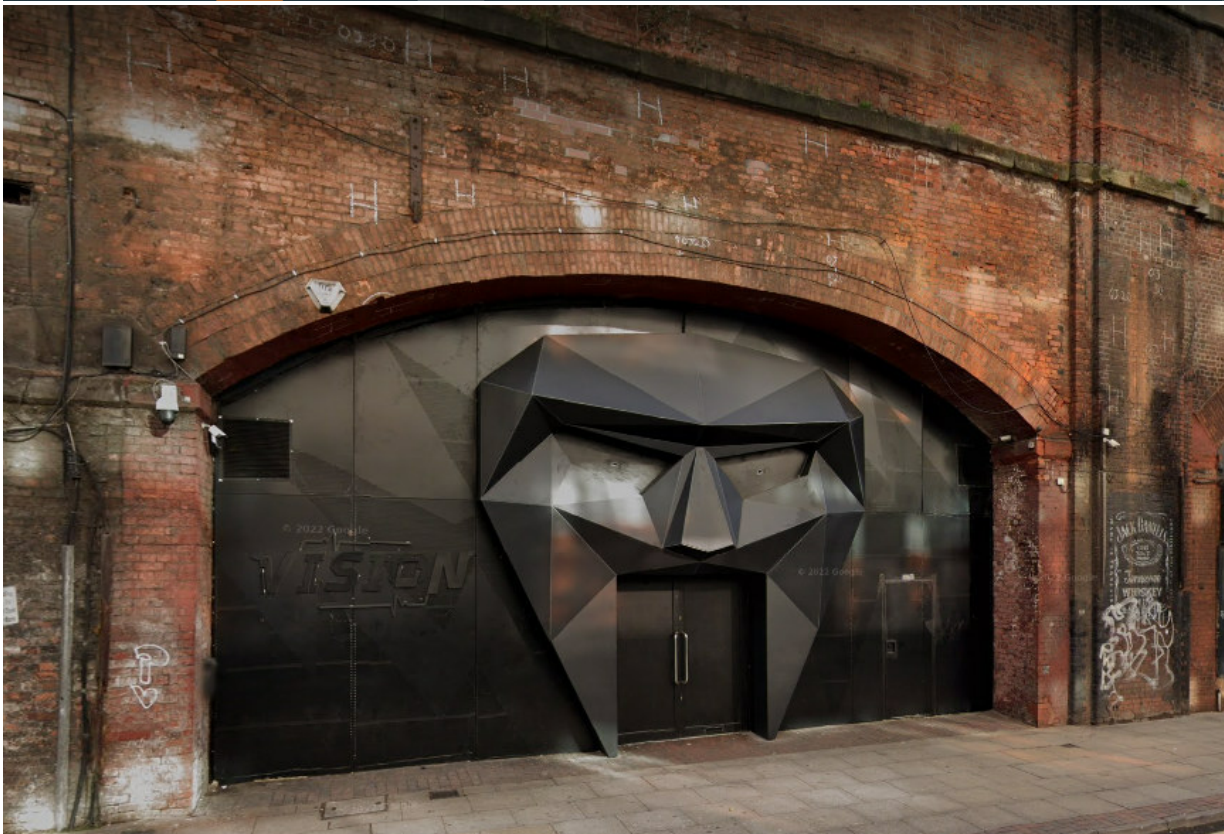
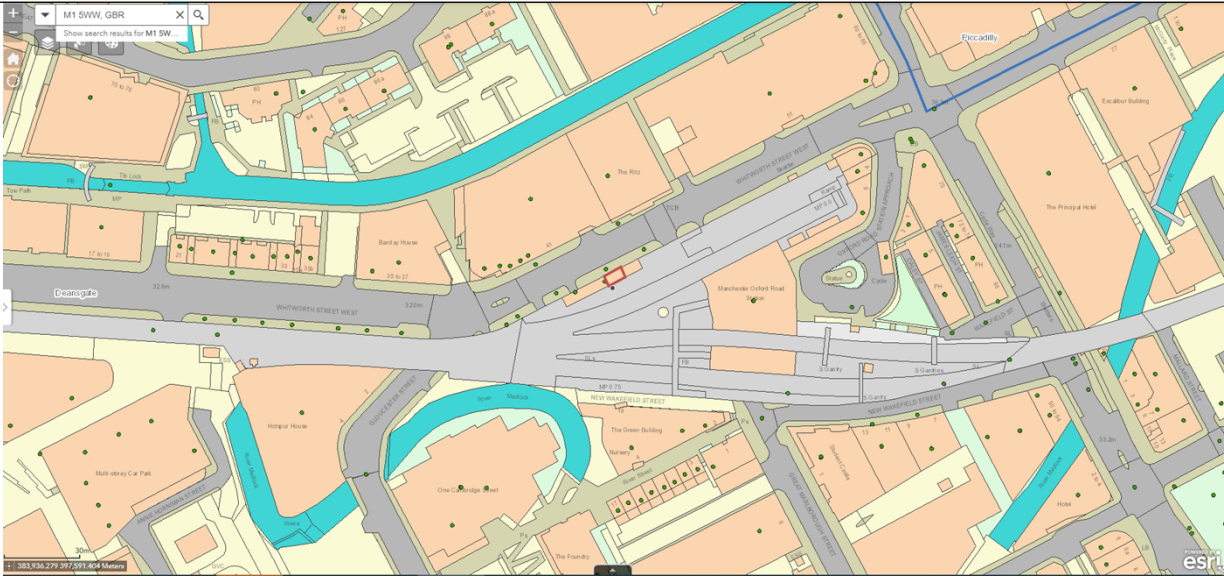
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Vision

Arch 58, Whitworth Street West, Manchester, M1 5WW

Premises Licensing
Manchester City Council

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PREMISE NAME:	Vision
PREMISE ADDRESS:	Arch 58, Whitworth Street West, Manchester, M1 5WW
WARD:	Deansgate
HEARING DATE:	28/04/2023

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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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ANNEX B

Greater Manchester Police
 Central Park
 Northampton Road
 Manchester

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

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

*Premises*²:

Vision
 Arch 58, Whitworth Street West
 Manchester
 M1 5WW

Premises licence number (if known): 146980

Name of premises supervisor (if known): Yongzhi Shao

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

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

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

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

¹ Delete as applicable.

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

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

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

Serious crime is defined within the statutory guidance as per section 81(3)(a) and (b) of the Regulation of Investigatory Powers Act 2000, which states that the conduct constitutes an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more.

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

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

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

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

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

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

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

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

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


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

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

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. Serious Crime has occurred at the premises and until the Licensing Committee hear the full review and all the evidence that will be disclosed, to allow the premises to continue to operate as a licensed premises gives concerns that further violent incidents will occur at the premises and the safety of both customers and staff will be placed in jeopardy.

Greater Manchester Police will say that the licensing objectives of the prevention of crime and disorder can only be promoted if the premises licence was suspended until the final determination of the summary review application.

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

.....
(S)  11131 Supt 03/04/23
PAUL SPURGEON (Date)

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

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

Manchester City Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

1. Premises details:

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

**Vision
Arch 58,
Whitworth Street West**

Post town: Manchester

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

2. Premises licence details:

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

Number of premises licence holder (if known): 07346087

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

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

(Please tick the box to confirm)

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

[Please read guidance note 2]

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

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

Serious crime is defined within the statutory guidance as per section 81(3)(a) and (b) of the Regulation of Investigatory Powers Act 2000, which states that the conduct constitutes an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more.

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

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

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

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

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

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

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

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

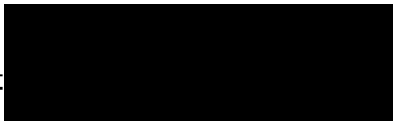
A report of crime for a Section 18 Wounding with Intent has been submitted and enquiries are ongoing.

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

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

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. Serious Crime has occurred at the premises and until the Licensing Committee hear the full review and all the evidence that will be disclosed, to allow the premises to continue to operate as a licensed premises gives concerns that further violent incidents will occur at the premises and the safety of both customers and staff will be placed in jeopardy. Greater Manchester Police will say that the licensing objectives of the prevention of crime and disorder can only be promoted if the premises licence was suspended until the final determination of the summary review application.

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

Signature of applicant 

Date: 3/4/23

Capacity: Licensing Constable

Contact details for matters concerning this application:

Address:

**Manchester Town Hall Extension
Lloyd Street
Manchester**

Telephone number(s): 0161 856 6017

Email: alan.isherwood@gmp.police.uk

Notes for guidance:

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

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

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

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

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

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

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A Summary Review – Application under Section 53(A) of the Licensing Act 2003 brought by GMP

Name of the premises: Vision, Arch 58, Whitworth Street West, Manchester M1 5WW
Date: 05/04/2023

The committee has listened to and considered the representations made by

Body/ individual

GMP	X
Licensee/representative	X
Written presentations:	

and has taken both the written and oral representations into account.

The Committee has also considered section 53B of the Licensing Act 2003, section 182 guidance, and the summary review guidance.

Decision

To modify the premises licence with immediate effect, pending the full Review to be heard on a date to be confirmed pursuant to s53B(3)(a) and (4) of the Licensing Act 2003

Reasons

The Committee considered the Senior Officers certificate, the representations on behalf of the Chief officer of GMP made by PC Alan Isherwood and the representations made by Vision and their representative, [REDACTED]

The Committee accepted the establishment had been operating for 13 years and from the evidence presented there had been no major recorded incidents during that time. On the night of the incident the Committee accepted the General Manager and premises staff had made every attempt to support victim; the Manager had contacted the police as had the staff via the

NiteNet system and they had also contacted the Ambulance Service. In addition, they had utilised the NiteNet system to notify other licensed premises in the area of the offender(s) and had co-operated with the police by closing the premises voluntarily, preserving the crime scene and retaining and burning the CCTV evidence onto discs for the police.

The Committee considered this to be an isolated incident however, they were also of the opinion the current 'Random' search policy was insufficient and had resulted in an incident that had undermined the licensing objective of the *Prevention of Crime and Disorder*.

The Committee acknowledged the seriousness of the incident and considering the immediate measures necessary to prevent serious crime and/or disorder occurring or reoccurring at the premises, they deemed it necessary and proportionate to modify the conditions of the licence pending the full Review hearing namely, amend condition 10, Annex 2 as follows: -

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

For the purpose of section 53B(5)(b) of the Licensing Act 2003, immediate notice of this decision is given orally now to GMP and the Premises Licence Holder.

Full Review Hearing Date: TBC

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	146980
Granted	18/12/2012
Latest version	Variation 274590 granted 03/06/2022

Part 1 - Premises details

Name and address of premises
Playground Arch 58, Whitworth Street West, Manchester, M1 5WW
Telephone number
0161 237 9814

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: Recorded music. 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	1200	1200	1200	1200	1200	1200	1200
Finish	0230	0230	0230	0230	0330	0330	0230
The sale of alcohol is licensed for consumption on the premises only.							
Seasonal variations and Non-standard Timings: From the end of permitted hours on New Year's Eve until the commencement of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences. An additional hour on the following days; All UK bank holidays and Sundays preceding all bank holidays.							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1200	1200	1200	1200	1200	1200	1200
Finish	0230	0230	0230	0230	0330	0330	0230
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings: From the end of permitted hours on New Year's Eve until the commencement of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences. An additional hour on the following days; All UK bank holidays and Sundays preceding all bank holidays.							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0230	0230	0230	0230	0330	0330	0230
Licensed to take place indoors only.							
Seasonal variations and Non-standard Timings: From the end of permitted hours on New Year's Eve until 05:00 on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences. An additional hour on the following days; All UK bank holidays and Sundays preceding all bank holidays.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1200	1200	1200	1200	1200	1200	1200
Finish	0300	0300	0300	0300	0400	0400	0300
Seasonal variations and Non-standard Timings: From the end of permitted hours on New Year's Eve until the commencement of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences. An additional hour on the following days; All UK bank holidays and Sundays preceding all bank holidays.							

Part 2

Details of premises licence holder	
Name:	YDS UK Trading Limited
Address:	Coventree House, Victoria Road, Bolton, BL1 5AR
Registered number:	07346087

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol

Name: Mr Yongzhi Shao
 Address: [REDACTED]
 Personal Licence number: 109135
 Issuing Authority: Manchester City 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) “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. Security personnel and staff involved in the management of the outside area to wear high-visibility jackets or vests.
2. NiteNet radio to be used effectively.
3. Any person who tries to gain entry to the premises and appears to be intoxicated or who is involved in disorderly conduct outside the premises shall not be permitted entry to the premises. All refusals and reasons are to be logged.
4. The DPS or General Manager shall ensure that any person within the premises who appears to be intoxicated or who is involved in disorderly conduct on the premises is removed from the premises.
5. The premises licence holder must ensure that;
 - i. CCTV cameras are located within the premises to cover all public areas including all entrances and exits.
 - ii. The system records clear images permitting the identification of individuals.
 - iii. The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 28 days.
 - iv. At least one camera, positioned at the entrance shall capture a clear image of all persons entering the premises.
 - v. The CCTV system operates at all times while the premises are open for licensable activities.
 - vi. All equipment must have a constant and accurate time and date generation.
 - vii. The CCTV system is fitted with security functions to prevent recordings from being tampered with, i.e., password protected.
 - viii. There must be at least one member of trained staff at the premises during operating hours able to provide viewable copies on request to the police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).
 - ix. When on duty at least one door supervisor working inside and at least one door supervisor working outside should utilise a body worn camera. This should be activated whenever staff are involved with incidents of violence/disorder/ejections/vulnerable persons or any other incidents of note.
 - x. Body Worn Camera footage/images of any incidents will be downloaded daily and securely retained unedited for a minimum of 28 days. There must be at least one member of trained staff at the premises during operating hours able to provide viewable copies on request to the police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).
6. Polycarbonate drinking vessels shall be used.

7. On any day the premises is to trade past 23:00 then, sufficient door supervisors shall be employed at the ratio of 1 door supervisor for every 100 customers. They shall remain on duty until 30 minutes after the premises close.
8. Door staff shall sign on and off duty in a book kept for that purpose and all entries shall be checked and signed by the DPS or General Manager.
9. An additional book shall be kept at the premises which shall contain the following information of all door staff who work at the premises;
 - i. • Full names, Inc any aliases/nicknames,
 - ii. • Current home addresses,
 - iii. • Date of birth,
 - iv. • Place of birth,
 - v. • Contact number,
 - vi. • National Insurance number,
 - vii. • Full badge number and sector,
 - viii. • Employee number,
 - ix. • Right to work check information,
 - x. • Employment start and end date,
 - xi. • Current up to date photograph.
10. There shall be a random search policy, and a notice to that effect shall be displayed at the entrance to the premises.
11. Regular toilet checks are to be conducted; checks shall be logged.
12. The smoking area shall be limited to no more than 35 people at any one time.
13. A sign requesting that customers leave the premises quietly shall be displayed at the exit.
14. After 23:00 all external windows and doors shall be kept closed when regulated entertainment is being provided except for access and egress to and from the premises and/or in the event of an emergency.
15. The premises shall have a written policy with regard to queuing, smoking and dispersal.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
17. A Challenge 25 scheme shall be operated at the premises - the only form of valid identification being passport, photo driving licence, PASS hologram I.D. card, National Identity card, Resident permit, or Her Majesty's Forces Warrant Card. Failure to provide such I.D. shall result in no sale of alcohol to that person.
18. No persons under the age of 18 shall be permitted to enter and remain on the premises after 22:00.
19. Staff shall compile and maintain a refusal log book containing records of instances/persons who have been refused entry to the premises on the basis of their perceived age.

20. Staff shall be trained (and undergo regular refresher training) in respect of the sale of all age restricted goods (including awareness/prevention of proxy sales) - such training sessions to be documented and records made available to authorised persons from responsible authorities.
21. Door staff, management and staff shall ensure that no drinks are taken from the premises at any time.
22. Persons under the age of 18 shall not be allowed on the premises, at any time that the premises are open to the public, unless accompanied and supervised by a person over the age of 18.
23. The licence holder shall install external ashtrays at the main entrance to the building, which shall be cleaned and maintained regularly. In the event of the ashtrays being vandalised the licence holder must replace them.
24. The external pavement frontage and sides of the building must be cleaned before the club opens, throughout trading when necessary, and at the close of business when all patrons have left the vicinity.
25. Door staff must supervise customers smoking or waiting for taxis outside the premises ensuring noise and litter is kept to a minimum.
26. Door staff must disperse large congregations of customers once outside the premises.
27. The direct telephone number and email address of the General Manager shall be publicly available for all local residents to discuss any issues they may have with regards to the operation of the venue. A sign with the contact details will also be supplied to local apartment blocks for the communal area.
28. The premises shall have a written vulnerable persons policy.
29. All waste must be presented within the correct refuse sacks OR containers only as supplied by a licensed waste provider. No waste is to be stored or left loose on the public highway. Items such as pallets which are to be collected by a third party must be stored inside the premises until they are collected. Any spillage which occurs as a result of collection must be cleaned up immediately.
30. The nature of the waste placed for collection must be acceptable to and agreed with the commercial waste collection contractor and detailed on the waste transfer notes. (The waste transfer notes must be readily available for future inspection and should be retained for a period of not less than 2 years).
31. External Promoted Events:
 - i. When the premises are being used for external promoted events the DPS or General Manager must notify Greater Manchester Police at least 28 days prior to the event taking place.
 - ii. Where the event is taking place in less than 28 days, a full risk assessment must be completed and submitted to GMP. Where the event takes place in less than 14 days, a risk assessment must be completed and submitted to GMP.
 - iii. Events taking place within less than 14 days, Greater Manchester Police shall have a full veto over the event, should they deem it "High Risk".

- iv. Events that are notified with less than 28 days' notice shall implement any such measures Greater Manchester Police shall deem necessary to ensure public safety and minimise public nuisance at the premises.

32. Martyn's Law:

- i. At all times that the premises are open to the public for licensable activities, all permeant staff on duty at the premises, including all door supervisors, and all on-duty managers must have completed Action Counters Terrorism (ACT) Awareness e-learning training. In addition, a minimum of 1 on-duty manager and any on-duty security supervisor/manager must also have attended a Counter Terrorism (CT) Awareness session delivered by Counter Terrorism Policing North West (CTPNW) trained personnel as soon as reasonably practicable. If not completed, they must have registered to attend a course and be able to provide evidence of this if requested by a police officer or authorised officer of the licensing authority.
- ii. The Designated Premises Supervisor must have attended a CT Awareness training session delivered by CTPNW-trained personnel as soon as is reasonably practicable. In all cases, within 28 days of a new Designated Premises Supervisor being named on the licence, they must have registered to attend a course and be able to provide evidence of this if requested by a police officer or authorised officer of Manchester City Council.
- iii. There must be a documented security assessment, which must incorporate counter terrorism measures for the premises. The assessment shall be routinely reviewed and must be reviewed following the elevation of the change of the national threat level. All reviews shall be documented.
- iv. Within 28 days of the grant or variation of the licence, the premises licence holder shall evaluate any risks identified through the security assessment and take prompt steps to eliminate them or to reduce the risk as far as is reasonably practicable. A documented record must be maintained of any remedial action implemented and made available upon request to any police officer or an authorised officer of Manchester City Council.
- v. The premises must have a documented security plan, which sets out counter measures to be implemented in response to a terrorist attack that incorporates the principles of 'Guide', Shelter' and 'Communicate' as appropriate in conjunction with relevant National Counter Terrorism Security Office (NACTSO) / Centre for the Protection of National Infrastructure (CPNI) guidance, and the purposes of those procedures and the necessity of following them must be understood by those carrying them out:
 - 1. Guide – Direct people towards the most appropriate location (invacuation, evacuation, hide)
 - 2. Shelter – Understand how your place or space might be able to lock-down and shelter people within it for several hours

3. Communicate – Have a means of communicating effectively and promptly with users of your place and have staff capable of giving clear instructions. Also have the capability of integrating with any response or rescue operation by providing things like building plans.

Annex 3 – Conditions attached after hearing by the licensing authority

Not applicable

Annex 4 – Plans

See attached