

# Licensing Sub Committee Hearing Panel

Date: Wednesday, 14 June 2023

Time: 2.00 pm

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**

#### **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 Interim Steps - Vision, 58 Whitworth Street West, Manchester, M1 5WW

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

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#### 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 **Tuesday, 13 June 2023** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA



## Manchester City Council Report for Resolution

**Report to:** Licensing Sub-Committee Hearing Panel – 14 June 2023

Subject: Vision, Arch 58, Whitworth Street West, Manchester, M1 5WW - (App

ref: LPU289099)

Report of: Head of Planning, Building Control & Licensing

#### Summary

Interim Steps hearing for Summary Review of the premises licence under s53C of the Licensing Act 2003

#### Recommendations

The Sub-Committee must take such of the steps under section 53(B) of the Licensing Act 2003 (if any), that it considers appropriate for the promotion of the licensing objectives. The steps are:

- 1. To modify the conditions of the licence;
- 2. To exclude any of the licensable activities from the licence;
- 3. To remove the designated premises supervisor;
- 4. To suspend the licence

The conditions of the licence are modified if any of them is altered or omitted or any new condition is added. Modification of the conditions of the premises licence can include altering or modifying existing conditions or adding any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Where the Sub-Committee consider that none of the above steps are appropriate for the promotion of the licensing objectives, no action should be taken in respect of the licence.

#### Wards Affected: Deansgate

<b>Manchester Strategy Outcomes</b>	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	An effective Licensing regime will enable growth in our City by supporting businesses who promote

the city's economic success	the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to drive growth	

#### Full details are in the body of the report, along with any implications for:

Equal Opportunities Policy Risk Management Legal Considerations

#### Financial Consequences - Revenue

None

#### Financial Consequences - Capital

None

#### **Contact Officers:**

Name: Fraser Swift

Position: Principal Licensing Officer

Telephone: 0161 234 1176

E-mail: f.swift@manchester.gov.uk

Name: Scott McAvoy

Position: Technical Licensing Officer

Telephone: 0161 234 3275

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 13 June 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 This application follows a previous review of the licence on 28 April 2023. A copy of the decision from the previous hearing is attached at **Appendix 4**.
- 1.3 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and for the review of the licence to be fast tracked.
- 1.4 A 10 working-day public consultation exercise is undertaken in accordance with Licensing Act 2003 regulations, requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application to be published on the Council's website.
- 1.5 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.
- 1.6 Following the review under section 53C, the licensing authority must then review the interim steps in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

#### 2. The Application

- 2.1 A copy of the application is attached at **Appendix 2.**
- 2.2 An application for the summary review of premises licence number 146980 under section 53A of the Licensing Act 2003 was submitted by Greater Manchester Police on 13 June 2023. The grounds of the application for review are that in the opinion of a senior police officer the premises are associated with serious crime or serious disorder or both.
- 2.3 <u>Interim Steps pending the review</u>
- 2.3.1 Within 48 hours of receiving a summary review application, under s53B of the Licensing Act 2003 the licensing authority must consider whether it is necessary to take interim steps pending the review of the licence for the promotion of the licensing objectives.
- 2.3.2 The premises licence holder may make representations against the interim steps taken by the licensing authority. Also under s53B, the licensing authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.

2.3.3 On the date of the review hearing, the licensing authority is required to review any interim steps that are in place and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

#### 3. Current Premises Licence

- 3.1 A copy of the current licence is attached at **Appendix 3**.
- 3.2 The premises licence holder is YDS UK Trading Limited and 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.

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
1.1							

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.

#### 4. Key Policies and Considerations

#### 4.1 Legal Considerations

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

#### 4.2 **New Information**

4.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings)
Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

#### 4.3 **Hearsay Evidence**

4.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

#### 4.4 The Secretary of State's Guidance to the Licensing Act 2003

- 4.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 4.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

4.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

#### 4.5 Manchester Statement of Licensing Policy

- 4.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 4.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 4.5.3 There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 4.5.4 Relevant to this application, the Panel are recommended to have regard to the following sections of the Policy:

#### Section 6: What we aim to encourage

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

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

#### Section 7: Local factors

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

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

- Identified risk factors specific to the licensed premises
- Evidence of pre-existing problems in the area
- Consistency with relevant Council strategies

Section 8: Manchester's standards to promote the licensing objectives

This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises. The degree to which standards would be appropriate is expected to be proportionate to the risk posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. The standards are not exhaustive and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside them.

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS6 Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies

#### 5. **Conclusion**

- 5.1 A licensing authority must carry out its functions under this Act ("licensing functions") with a view to promoting the licensing objectives:
  - the prevention of crime and disorder
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- In reaching the decision, regard must be had to relevant provisions of the national guidance and the Council's licensing policy statement.
- 5.3 The Panel must consider what steps are appropriate for the promotion of the licensing objectives.
- In making its decision with regard to this interim steps hearing, the steps the Panel can take are:
  - a) To modify the conditions of the licence;
  - b) To exclude any of the licensable activities from the licence;
  - c) To remove the designated premises supervisor:
  - d) To suspend the licence
- The conditions of the licence, with the exception of mandatory conditions in Appendix 1 of the licence, may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 5.6 All licensing determinations should be considered on the individual merits of the application.

- 5.7 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 5.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 5.9 The Panel is asked to determine what steps, as set out in 5.4 above, are appropriate for the promotion of the licensing objectives.



Vision
Arch 58, Whitworth Street West, Manchester, M1 5WW
Premises Licensing
Manchester City Council

 $\hfill \odot$  Crown copyright and database rights 2018. Ordnance Survey100019568.





PREMISE NAME: Vision

PREMISE ADDRESS: Arch 58, Whitworth Street West, Manchester, M1 5WW

WARD: Deansgate

**HEARING DATE:** 14/06/2023



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<sup>1</sup>.

Premises<sup>2</sup>: 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 <sup>3</sup> 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, because<sup>4</sup>:

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 and Serious Disorder. Therefore due to the Serious Crime and Serious Disorder which has taken place at the premises GMP feel that it is

<sup>&</sup>lt;sup>1</sup> Delete as applicable.

<sup>&</sup>lt;sup>2</sup> Include business name and address and any other relevant identifying details.

<sup>&</sup>lt;sup>3</sup> Insert rank of officer giving the certificate, which must be superintendent or above.

<sup>&</sup>lt;sup>4</sup> 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.

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 0230 hours on Sunday 11<sup>th</sup> June 2023 GMP received a telephone call from a person who stated that there were 2 groups fighting on the road outside the premises.

Police officers attended at the premises and established that a male had been stabbed in the leg and the offenders had left the scene. A short time later the officers updated that another male had also been stabbed, this time in his back.

From the witness statement of one of the victims it has been established that a fight had taken place inside the premises involving the group of offenders and some other males and the victim and his friends had ended up becoming involved and the male who ended up with a stab wound to his back was punched by one of the offenders.

The victims have then made their way outside to the smoking area and the group of offenders have been standing in the middle of Whitworth Street. They have goaded the victims and as a result of this the victims have come out of the smoking area and confronted the group of males.

This has resulted in another fight taking place in the middle of the road and during this fight both the victims have received stab wounds which a doctor who later treated them said are consistent with knife injuries.

The male with the stab wound to his leg suffered heavy blood loss and the male with the stab wound to his back kept slipping in and out of conciousness.

A blood stained knife was later recovered nearby.

During the initial brawl inside the premises 2 females were caught up in it and received minor injuries and another male was punched in the face resulting in cuts and bruising and a laceration to his elbow.

This incident comes only 10 weeks after a male customer was slashed across the face in the premises resulting in a wound which required 30 stitches.

This previous knife incident resulted in Summary Review proceedings being instigated and GMP asking for suspension of the premises licence. Committee took the decision not to suspend the licence and attached an extra condition to the licence regarding the searching of all customers using knife

wands.

This condition became the final decision at the full review hearing.

2 reports of crime for a Section 18 Wounding with Intent have been submitted as well as a crime for ABH and 2 crimes for Common Assault and enquiries are ongoing to trace those responsible.

GMP have serious concerns as to the level of violence which occurred at the premises and by the fact the offenders were able to enter the premises carrying a knife in the first place. More so now that they have a condition requiring them to search all customers using knife wands.

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

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. Serious Crime and Serious Disorder 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 supsended 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 and Serious Disorder has occurred at the premises.

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(Signed)	n/06/23	
•	(Date)	
SJEKINTENSKNI	PHIL SPURCEDN GMP	

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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 and Serious Disorder. Therefore due to the Serious Crime and Serious Disorder 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:

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From the witness statement of one of the victims it has been established that a fight had taken place inside the premises involving the group of offenders and some other males and the victim and his friends had ended up becoming involved and the male who ended up with a stab wound to his back was punched by one of the offenders.

The victims have then made their way outside to the smoking area and the group of offenders have been standing in the middle of Whitworth Street. They have goaded the victims and as a result of this the victims have come out of the smoking area and confronted the group of males.

This has resulted in another fight taking place in the middle of the road and

during this fight both the victims have received stab wounds which a doctor who later treated them said are consistent with knife injuries.

The male with the stab wound to his leg suffered heavy blood loss and the male with the stab wound to his back kept slipping in and out of conciousness.

A blood stained knife was later recovered nearby.

During the initial brawl inside the premises 2 females were caught up in it and received minor injuries and another male was punched in the face resulting in cuts and bruising and a laceration to his elbow.

This incident comes only 10 weeks after a male customer was slashed across the face in the premises resulting in a wound which required 30 stitches.

This previous knife incident resulted in Summary Review proceedings being instigated and GMP asking for suspension of the premises licence. Committee took the decision not to suspend the licence and attached an extra condition to the licence regarding the searching of all customers using knife wands.

This condition became the final decision at the full review hearing.

2 reports of crime for a Section 18 Wounding with Intent have been submitted as well as a crime for ABH and 2 crimes for Common Assault and enquiries are ongoing to trace those responsible.

GMP have serious concerns as to the level of violence which occurred at the premises and by the fact the offenders were able to enter the premises carrying a knife in the first place. More so now that they have a condition requiring them to search all customers using knife wands.

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

In the interim Greater Manchester Police would request that the Licensing Authority consider suspension of the Premises Licence until the full review is heard before the committee. Serious Crime and Serious Disorder 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 supsended 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 and Serious Disorder has occurred at the premises.

Signature of applicant: Date: 14/6/23

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.

Document is Restricted



## LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	146980
Granted	18/12/2012
Latest version	Review of Premises Licence 286965 28/04/2023

#### Part 1 - Premises details

Name and address of premises
Vision
Arch 58, Whitworth Street West, Manchester, M1 5WW

#### Licensable activities authorised by the licence

- 1. The sale by retail of alcohol\*.
- 2. The provision of regulated entertainment, limited to: Recorded music.
- 3. The provision of late night refreshment.
  - \* All references in this licence to "sale of alcohol" are to sale by retail.

#### 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 prer	remises are open to the public									
Standard t	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 pre	mises 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:

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 subparagraph 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 –

- 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.
- 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. 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.
- 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
- 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

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#### **Premises Licensing Team**

Telephone: +44 (0)161 234 5004 premises.licensing@manchester.gov.uk Level 1 Town Hall Extension, Albert Square PO Box 532, M60 2LA

2 May 2023 Ref: LBJ286965

Dear Sir / Madam

Subject Line: Notification of hearing decision re 286965/PW5: Summary Review of Premises Licence: Vision, Arch 58, Whitworth Street West, Manchester, M1 5WW - 28/04/2023

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

#### Notice of hearing decision: Summary Review of Premises Licence

Following the Licensing Sub-committee hearing on 28/04/2023, I write to formally advise you of the sub-committee's decision regarding:

Vision Arch 58 Whitworth Street West Manchester M1 5WW

#### **Decision**

To modify the premises licence pursuant to s53D(3)(a) of the Licensing Act 2003 by replacing Condition 10 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. Interim Steps Decision:

Interim steps to remain in place as provided for by s53D(4)(a)

#### Reasons

The Committee considered the documentation in relation to this matter, the representations on behalf of the Chief Officer of GMP made by PC Alan Isherwood and the representations made by Vision and their representative, Mr Richard Williams. They noted there had been no other representations.

The Committee accepted the premises had been proactive on the night in question by cooperating with and assisting the police in preserving the crime scene and in their efforts to identify and apprehend the offender. The staff had given first aid to the victim, contacted the Ambulance Service and had done everything possible on the night in the aftermath of the incident.

The Committee heard from PC Isherwood that he and colleagues had been to the premises during the intervening period of the Summary Review and the hearing today; having viewed the search/wanding procedure, they were satisfied the searches were being conducted properly and in line with the modified condition. They noted subsequent to this temporary condition being imposed there had not been any knives or weapons recovered and the venue had gone to the extent of preventing people with metal hair pins entering the venue as they were aware these too could be used as weapons.

PC Isherwood confirmed there had been no further incidents and the Committee accepted his opinion that the premises was 'very well run'. They also noted PC Isherwood opined the interim steps condition was sufficient and proportionate and was requesting the same be made a permanent condition to promote the licensing objective of the Prevention of Crime and Disorder

The Committee noted prior to the incident the condition on the premises licence was for random searches only which was effectively at the discretion of the premises:

10. There shall be a random search policy, and a notice to that effect shall be displayed at the entrance to the premises

They accepted the venue's explanation that a 'Knife Arch' would be prohibitive in that a knife arch would slow the admission process down and prolong queuing given only one person could enter at a time and may have to 'reverse and re-enter' causing delays. They also accepted the venue currently, could 'wand' three people at any one-time minimising queues/waiting time and most importantly, the 'wanding' had been effective in preventing any person entering with a weapon or anything capable of being used as a weapon. Given the above and the history of the club i.e. in its twelve years of operation there had been no incidents of this nature, their actions on the night and the effectiveness of the Interim Steps modified condition, the Committee considered it was proportionate and appropriate for the promotion of the licensing objective of the Prevention of Crime and Disorder to implement the interim Steps condition as a permanent condition and modified the licence (condition 10, Annex 2) accordingly 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.

And this would now be mandatory as opposed to discretionary.

You have a right of appeal against the decision. Any appeal must be made to Manchester City Magistrates' Court, Crown Square, Manchester, M60 1PR (tel 0161 830 4200) and must be commenced within the period of 21 days beginning with the day on which you were notified by the licensing authority of the decision, as provided for in Section 181 of the Licensing Act 2003.

The decision of the Licensing Sub-committee will not have effect until the end of the period allowed for appeal, or until any appeal is disposed of. Any interim steps taken will remain in force over these periods.

Should you require any further information, please contact the undersigned on.

Yours faithfully

**Premises Licensing Team** 



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