

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 disorder¹.

*Premises*²:
Factory 251
118-120 Princess Street
Manchester
M1 7EN

Premises licence number (if known): 50150

Name of premises supervisor (if known): Mark Barker

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

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

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

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

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.

place.

The premises are situated on Princess Street in the Village area of Manchester city centre and the premises licence was issued on 18/08/2005. The Premises Licence Holder (PLH) is FAC 251 Limited and the Designated Premises Supervisor (DPS) is Mark Barker who has held this position since 1st May 2018.

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

At 0320 hours on Sunday 2nd December 2018 GMP received a telephone call from a female stating that as she was getting into a taxi outside the premises about 10 minutes earlier she had witnessed 6 bouncers kicking a male who was lying on the ground. She stated that one of the bouncers in particular was kicking the male on the floor very violently.

At 0324 hours GMP contacted the North West Ambulance service to inform them of this incident and request that they attend.

At 0405 hours the first police officers arrived on the scene and have viewed the CCTV footage which shows at 0253 hours the door staff fighting with 2 males who had been ejected from the premises a short time earlier, and one of these males is seen to be punched to the ground and then left motionless before members of the public go over to assist him. The other male is seen to be punched numerous times by several of the door staff. The male who was knocked to the ground is seen getting up again at 0303 hours, 10 minutes after the incident started.

During this time nobody from the premises contacted the police to inform them that the incident was taking place and the first that we learned of the incident was at 0320 hours when the member of the public contacted us.

A report of crime for Affray has been submitted but it is highly likely that this will be upgraded to a Violent Disorder once all the facts have been established by the CID.

PC 17659 Isherwood attended at the premises on the morning of Monday 3rd December to obtain a copy of the CCTV footage and from speaking to the DPS Mark Barker it is clear that nobody from the premises phoned an ambulance either and as far as he was aware they were contacted by another member of the public.

Enquiries are ongoing with North West Ambulance service to determine who did contact them and at what time.

What is clear however is that an extremely violent incident occurred on the doorstep of the premises involving 2 customers and numerous door staff which resulted in the male who was knocked to the ground suffering a bleed on the brain, which has resulted in him being hospitalised.

This incident has now gained national notoriety as it has been captured on numerous peoples' mobile phones and circulated on various media platforms.

It would be easy for the premises to try put this down solely to the actions of the door staff and it is clear from the footage that the door staff are indeed very blameworthy for their part in the incident but what is abundantly clear from

looking at the incident, and how it was dealt with, is that there was a huge lack of duty of care from the premises themselves. A male has been left with a bleed on the brain, which thankfully is believed to be non life threatening but this could very easily have ended up as a fatality and the fact that the premises didn't bother to contact the police is extremely concerning.

This would suggest either a worrying level of incompetence at best or a more seriously a possible attempt to cover up the incident.

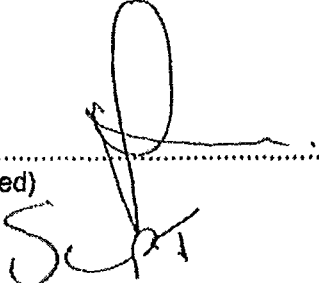
The extreme level of violence used in this incident is shocking and has resulted in a serious injury to a customer.

Therefore GMP have serious concerns as to the lack of a duty of care from the premises and their lack of contact with the police in reporting this very serious incident. We believe that this shows that the premises have had little regard for upholding the Licensing Objectives of the Prevention of Crime and Disorder and Public Safety.

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 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 and Public Safety can only be promoted if the premises licence was suspended until the final determination of the summary review application.

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

(Signed)  (Date) 3 / 12 / 18

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:

**Factory 251
118-120 Princess Street**

Post town: Manchester

Post code (if known): **M1 7EN**

2. Premises licence details:

Name of premises licence holder (if known): FAC 251 Limited

Number of premises licence holder (if known): 6161539

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

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

(Please tick the box to confirm)

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

[Please read guidance note 2]

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

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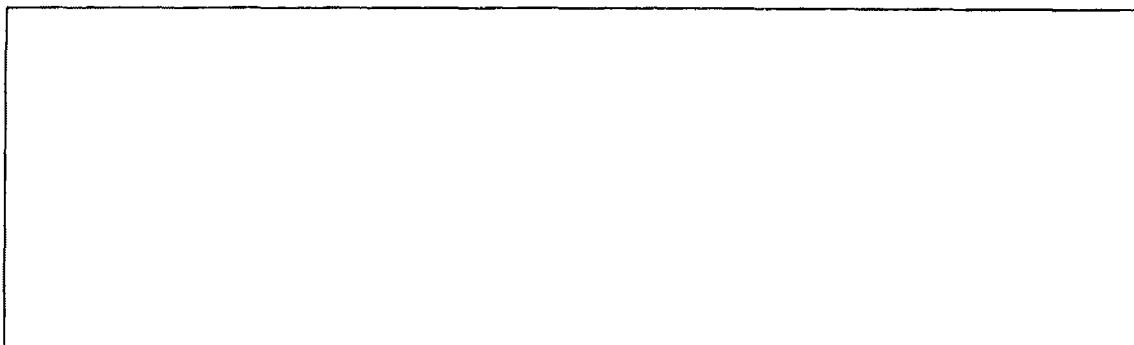
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Signature of applicant: 
Date: 3/12/18
Capacity: Licensing Constable

Contact details for matters concerning this application:

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

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.