

Manchester City Council, Level 1 Town Hall Extension, Albert Square, PO Box 532, M60 2LA

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

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 this 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. You may wish to keep a copy of the completed form for your records.

I Lauren Connell on behalf of Licensing out of hours

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Flamingo Restaurant and Bar 6 Honey Street Cheetham	
Post town Manchester	Post code (if known) M8 8RG

Name of premises licence holder or club holding club premises certificate (if known) Mr Samsom Kahsay

Number of premises licence or club premises certificate (if known) 268123

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

✓

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Lauren Connell
Licensing & Out of Hours Team
Manchester City Council
Hammerstone Road
Gorton
M18 8EQ

Telephone number (if any)

07966 897 903

E-mail address (optional)

Lauren.connell@manchester.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

- ✓
- ✓
- ✓

Please state the ground(s) for review (please read guidance note 2)

The LOOH team have witnessed recurring offences under S136 of the Licensing Act 2003 and S8 of the Health Act 2006 (smoke free legislation)

- Unauthorised licensable activities
- Breaches of premises licence conditions
- Breaches of the Health Act
- Persistent noise complaints

Please provide as much information as possible to support the application (please read guidance note 3)

Unfortunately, it is as a last resort that we must lodge this application to review the premise licence for Flamingo Restaurant and Bar. The current licence holder has shown on a number of occasions over the past five months that they are unable to promote the licensing objectives through the running of the business. Furthermore, we have no confidence, at this stage, that the licence holder and Designated Premises Supervisor would be proficient in assuring us of any improvements to ensure compliance.

In February 2022 the premises licence was granted to Mr Samsom Kahsay for the use of a restaurant and bar. However, a mere 2 months later, whilst on proactive monitoring in the area in April 2022 the premises was found to be operating as a 'Shisha Bar'.

Following a full licence inspection, breaches of conditions were identified, and steps agreed to rectify this. During this inspection breaches of the Health Act was also discussed with Mr Kahsay and was made clear that this must seize with immediate effect. Unfortunately, a matter of weeks later The Licensing and Out of Hours Team began to receive noise complaints regarding the premises.

Several visits, both proactive and call out responses have been made to the premises between May and September 2022 regarding noise break out, dispersal concerns, breaches of The Health Act and opening beyond their permitted hours. Despite the intervention and support of both Manchester City Council's Licensing Out of Hours Team the premises is still unable or unwilling to comply with its licence. The Licensing and out of hours team still continue to receive noise complaints regarding loud music from the premises and to date have 10 complainants.

A Pre Review meeting was held with Mr Kahsay in conjunction with Greater Manchester Police to make clear our concerns with the management of the premises and setting out our expectations in being able to uphold the licensing objectives moving forward. During this meeting Mr Kahsay offered little by the way of resolution and when pushed on the noncompliance responded that he knew what his licence outlined in terms of timings granted and conditions and that he himself trained staff but could not provide an adequate response for why the premises licence had not been complied with on multiple occasions, to which continues. During the meeting Mr Kahsay also disclosed a number of things that officers from Manchester City Council's Licensing and out of hours team and Greater Manchester Police found concerning and it was agreed that the pre review would seize due to lack of confidence. Officers made it clear that there was little if not anything that would satisfy their concerns and address the noncompliance that could be put in place in the form of an action plan.

CCTV footage was requested from Mr Kahsay on 25th August following a breach of permitted opening hours on 21st August. Despite several visits and requests this still had not been provided to officers and is in clear breach of the premises licence of the following conditions:

- 1. A CCTV camera system capable of providing evidential quality images in all lighting conditions shall be used. Images will be retained for a period of at least 28 days and be made available to Police Officers on reasonable written request for evidential purposes, in accordance with the relevant data protection legislation (currently GDPR 2018).**
- 2. The CCTV recording equipment shall be kept in a secure environment under the control of the premises licence holder (PLH) and/or another named responsible individual.**

3. There shall be sufficient members of trained staff available to be able to download or view CCTV evidence with the minimum of delay at the reasonable request of an authorised officer.

In addition to the ongoing noise complaints and out of hours breaches, Mr Kahsay has now been warned on multiple occasions both verbally and in writing with regards to his repeated failure to comply with The Health Act. Officers have witnessed these breaches during call outs to the premises despite Mr Kahsay displaying "No Smoking signs" within the premises.

Licensing Out of Hours feel that there is no further support that we can extend at this point. We have attended the premises on ten occasions and are yet to see a visit that complies with their licence or regulations at the time of visit. Furthermore, the severity of what is occurring at the premise is escalating. The function of licensing is not to respond to harm once it has occurred but to make rational judgements to avert risk. We would recommend that the licence is revoked.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

-

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

