



**AGENDA PAPERS FOR  
LICENSING SUB-COMMITTEE MEETING**

**Date: Wednesday, 5 December 2018**

**Time: 6.00 pm**

**Place: Committee Rooms 2+3, Trafford Town Hall, Talbot Road, Stretford,  
Manchester, M32 0TH**

<b>AGENDA</b>	<b>PART I</b>	<b>Pages</b>
1. <b>ATTENDANCES</b>		
To note attendances, including Officers and any apologies for absence.		
2. <b>APPLICATION FOR THE REVIEW OF A PREMISES LICENCE UNDER S53A LICENSING ACT 2003 AT RYAN'S WINE BAR, 1 ORCHARD PLACE, SALE M33 7XP</b>		
To consider the attached report of the Head of Regulatory Services.		1 - 32
3. <b>URGENT BUSINESS (IF ANY)</b>		
Any other item or items which by reason of special circumstances (to be specified) the Chair of the meeting is of the opinion should be considered at this meeting as a matter of urgency.		

**JIM TAYLOR**  
Interim Chief Executive

Membership of the Committee

Councillors A. Duffield (Chair), D. Jarman and J. Holden

## Licensing Sub-Committee - Wednesday, 5 December 2018

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### Further Information

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

Mrs Ruth Worsley, Democratic & Scrutiny Officer

Tel: 0161 912 2798

Email: [ruth.worsley@trafford.gov.uk](mailto:ruth.worsley@trafford.gov.uk)

This agenda was issued on **Tuesday, 27 November 2018** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

Any person wishing to photograph, film or audio-record a public meeting is requested to inform Democratic Services in order that necessary arrangements can be made for the meeting.

Please contact the Democratic Services Officer 48 hours in advance of the meeting if you intend to do this or have any queries.

## TRAFFORD COUNCIL

**Report to:** Licensing Sub-Committee  
**Date:** 26 November 2018  
**Report for:** Decision  
**Report of:** Head of Regulatory Services

### Report Title

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE UNDER S53A LICENSING ACT 2003 AT RYAN'S WINE BAR, 1 ORCHARD PLACE, SALE M33 7XP**

### Summary

This is a report to consider a Summary Review application submitted by Greater Manchester Police under the expedited powers afforded to them under section 53A of the Licensing Act 2003 in respect of Ryan's Wine Bar, 1 Orchard Place, Sale M33 7XP. The review application has been submitted because Greater Manchester Police consider that the licensing objective of Prevention of Crime and Disorder is being undermined following execution of a Drugs Search Warrant.

### Recommendation(s)

Section 53C of the Licensing Act 2003 requires the Licensing Authority to consider the application for review and any representations. The Licensing Authority may take such steps as listed below that it considers appropriate to promote the four licensing objectives. The following options are open to the Licensing Sub-Committee;

- (i) To modify the conditions of the licence and/or;
- (ii) To exclude a licensable activity from the scope of the licence and/or;
- (iii) To remove the designated premises supervisors and/or;
- (iv) To suspend the licence for a period not exceeding 3 months or;
- (v) To revoke the licence.

### Contact person for access to background papers and further information:

**Name:** Keiran Hinchliffe, Senior Licensing Officer.  
**Extension:** 2593  
**Background Papers:** None  
**Appendices:** A) Application for review of the premises licence.  
B) Police Certificate  
C) Decision Letter for Interim Licence Suspension  
D) Email regarding meeting on 20 Nov 2018  
E) Representations received  
F) Photograph of Public Notice  
G) Premises Licence

## **1.0 APPLICATION**

- 1.1 On 1<sup>st</sup> October 2007, the Violent Crime Reduction Act 2006 introduced a new provision into the Licensing Act 2003. Section 53A of the 2003 Act allows for a quick process for attaching interim conditions to a licence and to fast track licence reviews when the Police consider that the premises concerned are associated with serious crime or serious disorder (or both).

Section 53A allows:

- The Police to trigger a fast track process to review a premises licence where the Police consider that the premises are associated with serious crime and or serious disorder (or both); and
  - The Licensing Authority to respond by taking interim steps quickly, where appropriate, pending a full review.
- 1.2 On receipt of the application from Police under Section 53A, the Licensing Authority must meet within 48 hours to consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the Licensing Authority must, in any event, undertake a review within 28 days of the receipt of the application.
- 1.3 On the 12<sup>th</sup> November 2018, the Licensing Authority received an application under Section 53A from Greater Manchester Police in respect of the premises known as Ryan's Wine Bar, 1 Orchard Place, Sale, Cheshire M33 7XP. A copy of the application is attached as Appendix A.
- 1.4 This application included a Police Certificate which was signed by a Senior Officer of Greater Manchester Police, Chief Superintendent Wayne Miller. In that Police Certificate, the Chief Superintended requested for the Licensing Authority to take the interim measure of suspension of the licence pending the full review hearing. A copy of the Police Certificate is attached as Appendix B.
- 1.5 On 14<sup>th</sup> November 2018, the Licensing Sub-Committee heard evidence from the Police and oral representation from the Licence Holder. The Licensing Sub-Committee decided to suspend the Premises Licence. A copy of the decision letter is attached as Appendix C.
- 1.6 An Application to Transfer the Premises Licence and an Application to Vary the Premises Licence to nominate a new Designated Premises Supervisor has been received by the Licensing Authority.
- 1.7 The Council's Senior Licensing Officer met with Mr Alan Street who has applied to transfer the Premises Licence into his name and PC Karen Packer, Licensing District Constable for Trafford on Tuesday 20<sup>th</sup> November 2018. A series of conditions were discussed as proposals for the Licensing Sub-Committee to consider in their determination. A response to this meeting has not been formally received from Mr Alan Street's Solicitor at time of writing this report. A copy of an email detailing the topics discussed at this meeting has been included as Appendix D.

## **2.0 STATEMENT OF LICENSING POLICY**

2.1 In particular, the following extracts from the Council's statement of licensing policy are brought to the general attention of members:

- (1.8) Every application considered by the Council under this policy will be considered on its merits, and regard will be given to the Guidance issued under Section 182 of the Licensing Act 2003 and any supporting regulations..
- (1.9) Nothing in the policy will undermine the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. Appropriate weight will be given to all relevant representations. This will not include those that are frivolous, vexatious or repetitious.
- (1.12) The licensing process can only seek to control those measures within the control of the licensee, and 'in the vicinity' of a premises. The conditions attached to various authorisations will, therefore, be consistent with operating schedules and will mainly focus on:
- Matters within the control of individual licensees and others who are granted any relevant authorisations;
  - The premises and places being used for licensable activities and their vicinity; and
  - The direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- (5.6) When considering applications for later closing times in respect of premises licences, where relevant representations have been made, the Council will take the following into consideration in accordance with Government Guidance:
- Whether the premises is located in a predominately commercial area
  - The nature of the proposed activities to be provided at the premises
  - Whether there are any arrangements to ensure adequate availability of taxis and private hire vehicles and appropriate places for picking up and setting down passengers
  - Whether there is an appropriate amount of car parking, readily accessible to the premises, and in places where the parking and use of vehicles will not cause demonstrable adverse impact to local residents
  - Whether operating schedule indicates that the applicant is taking appropriate steps to comply with the licensing objective of preventing public nuisance
  - Whether the licensed activity, particularly if located in areas of the highest levels of recorded crime, may result in a reduction or increase in crime and anti-social behaviour
  - Whether the licensed activities are likely to cause adverse impact especially on local residents, and whether, if there is a potential to cause adverse impact, appropriate measures will be put in place to prevent it

- Whether there will be any increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area
- Any representations from a responsible authority or interested party that identify the premises as a focus for disorder and disturbance.

(5.8) As far as premises in residential areas are concerned, these may be subject to stricter controls with regard to opening hours to ensure that disturbance to local residents is minimised. The Council considers that it is self-evident that the risk of disturbance to local residents is greater when licensable activities continue late at night and into the early hours of the morning. For example the risk of residents' sleep being disturbed by patrons leaving licensed premises is obviously greater at 2 a.m. than at 11 p.m. It is, therefore, the policy of the Council to strike a fair balance between the benefits to a community of a licensed venue and the risk of disturbance to local residents. In predominantly residential areas, therefore, it may not be appropriate to allow closing times later than midnight. It may be acceptable to open later on a limited number of occasions, for example up to 15 times a year. This would allow licensees to extend opening beyond midnight for special occasions such as New Year. However, every application will be determined on its merits, and applicants wishing to operate beyond midnight will need to demonstrate to the satisfaction of the Council, in their operating schedule, that there will be no significant disturbance to members of the public living, working or otherwise engaged in normal activity around the premises concerned. This policy is aimed at the fulfilment of the licensing objective of "prevention of public nuisance".

(6.4) Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Such measures may include:

- The capability of the person who is in charge of the premises during trading hours or when Regulated Entertainment is provided to effectively and responsibly manage and supervise the premises, including associated open areas
- The steps taken or to be taken to ensure that appropriate instruction, training and supervision is given to those employed or engaged in the premises to prevent incidents of crime and disorder, and where appropriate any relevant qualifications.
- The measures taken or to be taken to raise staff awareness and discourage and prevent the use or supply of illegal drugs on the premises
- The features currently in place or planned for physical security at the premises, such as lighting outside the premises
- Policies adopted to meet appropriate best practice in accordance with existing guidance (e.g. Home Office: Selling Alcohol Responsibly, Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other recognised codes of practice, e.g. British Beer and Pub Association Partnerships Initiative.

- Any appropriate additional measures taken or to be taken for the prevention of violence or public disorder.
- (6.7) Where additional measures have been identified as likely to have an impact on the prevention of crime and disorder at any premises, the Council would expect applicants to detail such measures to be taken in their operating schedules. Such measures may include:
- Provision of effective CCTV with recording facilities both within and outside certain premises
  - Crime prevention design, including adequate lighting and supervision of car parks
  - Metal detection and search facilities
  - Procedures for risk assessing promotions and events such as 'happy hours' for the potential to cause crime and disorder, and plans for minimising such risks
  - Measures to prevent the use or supply of illegal drugs
  - Employment of Security Industry Authority licensed door supervisors and other appropriately trained staff
  - Participation in an appropriate Pubwatch Scheme or other similar scheme
  - Promotion of safe drinking
  - The control of glass and the provision of plastic containers or toughened glass
  - Use of radio net system (where available)
  - Provisions for dealing with prostitution or indecency
  - Provisions for discouraging drinking in public places in the vicinity of the premises
  - Policies on dress and music
  - Appropriate additional staff training.
- (6.8) All premises applying for licensing beyond 00:00hrs must demonstrate that its customers will be capable of leaving the area without causing a disruption to local residents or impact upon crime and disorder. For example, where appropriate and relevant an assessment of the availability of late night transport, and the likely flow of pedestrian traffic away from the premises, could be included in the operating schedule.
- (6.10) Where either prescribed and/or premises-related conditions have not been adhered to in the past, the Council will expect applicants to have considered and taken action to rectify those issues. Applications are likely to be refused where there are significant outstanding issues.
- (7.5) In considering applications, the Council will expect to see evidence that the applicant has identified matters that impact on the likelihood of public nuisance and that these matters have been addressed in the operating schedule. Such measures may include:
- Measures taken or proposed to be taken to prevent noise and vibration escaping from the premises or in the immediate vicinity of the premises and including any outside areas (including smoking areas) bearing in mind the location of premises and proximity to residential and other noise sensitive premises (e.g. hospitals,

hospices and places of worship); This would include music, ventilation equipment noise and human voices, whether or not amplified;

- Measures taken or proposed for management and supervision of the premises and associated open areas to minimise unreasonable disturbance by customers and staff arriving or departing from the premises and delivery of goods and services.
- Control of opening hours for all or part (e.g. garden areas) of the premises
- Measures taken to control light to ensure that it does not stray outside the boundary of the premises such as to give rise to problems to residents in the vicinity
- Steps taken to lessen the impact of parking in the local vicinity
- Measures taken to prevent someone who has consumed excess alcohol from entering the premises and to manage individuals on the premises who have consumed excess alcohol
- Management arrangements for collection and disposal of litter and refuse, and the control of pests
- Arrangements for ensuring that adequate and suitably maintained sanitary provision and washing facilities are provided for the number of people expected to attend any premises or events
- A 'wind down time' after the last service of alcohol, during which time the venue may offer for sale non-alcohol beverages
- A 'last admission time' policy
- Management arrangements for any proposed use of bonfires, fireworks and other pyrotechnics.

(11.7) Standardised conditions will be avoided, although 'pools of conditions' will be used from which necessary and proportionate conditions may be drawn in particular circumstances.

(11.8) Conditions attached to licenses and certificates will be tailored as appropriate to reflect the individual style and characteristics of the premises and events concerned.

(11.9) Conditions will not be imposed which are beyond the responsibility or control of the licence holder.

(14.1) "Cumulative impact" means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. For example, the potential impact on crime and disorder or public nuisance on a Town Centre of a large concentration of licensed premises in that part of the local authority licensing area. In certain circumstances the number, type and density of premises selling alcohol for consumption on the premises may be such that there are serious problems of nuisance and disorder arising or beginning to arise outside or some distance from licensed premises. It is possible that the impact on surrounding areas of the behavior of the customers of all premises taken together is greater in these circumstances than the usual impact from customers of individual premises.

(14.4) When such a special saturation policy is adopted, each application will still be considered properly and on their own individual merit, and licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives will be granted. Following receipt of representations in respect of a new application for or a variation of a licence or certificate, the Council will consider whether it would be justified in departing from the special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. It will be for the Council to show that the grant of the application would undermine the promotion of one of the licensing objectives and if it would, that necessary conditions would be ineffective in preventing the problems involved.

(14.5) In considering such applications the Committee will have particular regard to:

- The occupancy figure for the proposed premises.
- The proximity of the premises to others in the Area licensed for similar activities and the occupancy figures for those other premises.
- Whether the proposed premises will act as a replacement for others in the Area that no longer have a licence.
- The proposed methods of management outlined in the applicant's operational plan.
- The proposed hours of operation.
- Transport provision for the Area.

### **3.0 CONSULTATION**

3.1 The appropriate ward Councillors and neighbouring wards, local residents and responsible authorities have been consulted. The responsible authorities are; Licensing, Greater Manchester Police, Greater Manchester Fire & Rescue, Environmental Health & Pollution Control, Health and Safety Team, Home Office Immigration Enforcement, Planning Department, Safeguarding Children Team, Trading Standards and Public Health.

3.2 Of those consultees identified in paragraph 6.2, there have been two valid representations from other persons. These representations are concerned with prevention of crime and disorder

The representations in full have been attached as Appendix E.

3.3 The Licensing Authority is required to put up a Public Notice at the Premises on pale blue paper detailing the application for review. A photograph has been attached as Appendix F.

3.4 A copy of the report and all representations received have been sent to the Licence Holder, the proposed new Licence Holder and Greater Manchester Police.

- 3.5 Those that have made representations have been informed of the time and date of the Licensing Sub-Committee meeting and have been informed of their right to attend.
- 3.6 Representations must be relevant to one or more of the four licensing objectives and must relate to concerns related to the subject premises specifically and not to the area as a whole, unless clear evidence (on the balance of probabilities) can be provided to show that concerns raised relate directly to the inability of the premises to promote the licensing objectives.
- 3.7 All representations represent the views of the person making the representation and may not necessarily be factual. None of the representations or any summarisation of them represent the views of officers or the Council and must be considered on their individual merits and on the balance of probabilities as required by law.
- 3.8 Some of the representations have been submitted anonymously. Although this would generally not be accepted for licensing hearings, due to the circumstances of the grounds for review, these have been included in the report.

#### **4.0 LEGAL CONSIDERATIONS**

- 4.1 Conditions may only be attached to a Premises Licence where they are deemed appropriate for the promotion of the licensing objectives. They must be proportionate and not duplicate any existing provisions contained in other legislation. The justification behind a suspension, revocation or the attachment of conditions must be given to the Licence Holder, Police and any other person that made representation.
- 4.2 There is a right of appeal to the Magistrates Court by any party aggrieved by any decision of the Licensing Sub-Committee.



## Expedited Review Application - Schedule 8A

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

### 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, Police Constable 07116 Karen PACKER,

**On behalf of the chief officer of police for Trafford District, Greater Manchester Police, apply for the review of a premises licence under section 53A of the Licensing Act 2003.**

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

**Ryan's Wine Bar, 1 Orchard Place, Sale**

Post town: **Trafford**

Post code (if known): **M33 7XP**

Name of premises license holder: **Michelle Booth**

Premises licence number (Local Authority reference): **PL000239**

**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 serious disorder or both, and the certificate accompanies this application.**

(Please tick the box to confirm)

Details of association of the above premises with serious crime, serious disorder or both: [Please read guidance note 2]

Greater Manchester Police have received evidence of serious crime at the premises Ryan's Wine Bar, 1 Orchard Place, Sale, Trafford

As a result of information received individuals were identified and mapped as an organised crime group, the primary criminal activity being drugs supply. There was reliable information that there was drug activity taking place at Ryan's Wine Bar, 1 Orchard Place, Sale.

On review of the premises there is an extensive intelligence profile of drugs activity and sale of stolen property.

An investigation was conducted, and continues into this activity surrounding the premises. This investigation has identified what is suspected to be obvious and clear drug dealing taking place in and around the entrance to Ryan's Bar. The persons involved with this activity have been identified and it has become clear they are using the premises as a base for their criminal activities. The drug dealing is open and clearly visible for all to see and as such would be common knowledge to the patrons and landlady of the premises

On Friday 9<sup>th</sup> November 2018 a Section 23 Misuse of Drugs Act search warrant was executed at Ryan's Wine Bar, 1 Orchard Place, Sale. At the time of the execution the individuals identified were detained within the premises and arrested for conspiracy to supply class A drugs. Following the arrest the individuals were searched and both were found to be in possession of 55 combined bags of white powder which is believed to be Cocaine. The investigation of this crime continues.

A detailed and methodical search of the bar was conducted. In addition to the drugs recovered from the individuals a set of small weighing scales that would be associated with the preparation of drugs were found behind the bar. In the kitchen area a black holdall was found that contained 4 balaclavas and a number of weapons including axes and knives. Both these items were recovered from private areas of the bar that are restricted to employees only.

In addition to the items recovered during the search an excessive number of clothing and spirit bottle security tags could be seen throughout the bar area. These were scattered around the public areas of the bar, clearly visible and again would have been of common knowledge to the staff.

These items support the intelligence picture that stolen goods are routinely sold at the premises.

There is a concern over the management of the premises at Ryan's Wine bar and their capability to manage the venue. The staff and management are unhelpful and reluctant to support policing objectives. This public house has several customers who have strong links to the supply of Class A drugs.

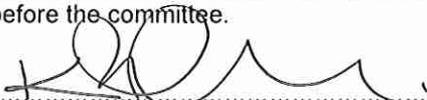
The criminal investigation is currently in its infancy and there is an intention to seek a criminal prosecution.

There is no doubt that these incidents inside and around the premises are serious in nature and could contribute to further crime in the Trafford District, undermining the licensing objectives.

On Monday 12<sup>th</sup> November 2018 I have requested an expedited review take place, following these serious incident of crime.

Greater Manchester Police request that the licensing authority consider the suspension of the premises licence until the full review is heard before the committee.

Signature of applicant: .....



Date: .....

12/11/18.

Capacity / role: Partnership Team Officer, Trafford

Contact details for matters concerning this application: P.C. 07116 Karen Packer

Address: Stretford Police station, Talbot Road, Trafford.

Telephone number(s): 0161 856 7745 / 07393 468774

Email: 07116@gmp.pnn.police.uk



Greater Manchester Police  
Stretford Police Station  
Talbot Road  
Trafford  
M33 OUX

**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>:  
Ryan's Wine Bar  
1 Orchard Place  
Sale  
M33 7XP

Premises licence number (if known): PL000239

Name of premises supervisor (if known): Michelle Booth

I am a Chief Superintenden Wayne Miller<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>:

On Friday the 9th of November 2018 a S.23 Misuse of Drugs Act search warrant was executed at Ryan's Wine Bar based on intelligence police have received over a long period of time. The result of the warrant amounts to serious crime, the nature of which is the dealing of what appears to be Class A drugs and the sale of stolen items. It is apparent, that the management of the premises are failing to promote the licensing objectives of the prevention of crime and disorder.

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<sup>1</sup> Delete as applicable.

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

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

<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.

I am satisfied that the conduct constitutes an offence for which a person aged 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 or more years as per section 81 (3) Regulation of Investigatory Powers Act 2000 (RIPA 2000).

The incident which occurred on Friday 9th November 2018 raises concerns over the management of the premises and the ability of the Premises Licence Holder and Designated Premise Supervisor to promote the licensing objectives.

I have considered all powers available and feel that closure powers contained within Section 76 of the Anti-Social Behaviour, Crime & Policing Act 2014 are inappropriate due to the limited 48-hour closure not being sufficient to protect the public. The premises agreed to close on a voluntary basis over the weekend period following the execution of the warrant and this also led to the need for a closure notice not being required, the position of the police could be considered on Monday after the weekend period, when more information may be available.

Section 51 of the Act in addition to the above is inappropriate due to the serious nature of the offences being investigated. A quick and effective response is required with immediate closure of the premises. A standard review will be unable to provide this outcome.

The powers contained under Section 53A the Licensing Act 2003 are appropriate to be exercised due to the above previously mentioned powers being inappropriate for the purposes of this review. There are real serious and immediate concerns that the mis-management of the premises is failing to promote the licensing objective of the prevention of crime and disorder. By failing to promote this licensing objective it has led to serious crime occurring at this premise.

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. At that time all matters can be fully addressed whilst being able to consider all the necessary evidence.

  
.....  
(Signed) 12.11.18 (Date)



**TRAFFORD  
COUNCIL**

Miss Michelle Louise Booth  
68 Firtree Avenue  
Sale  
Cheshire  
M33 5RU

**Keiran Hinchliffe**  
Senior Licensing Officer  
**Trafford Council**  
Ground Floor, Trafford Town Hall, Talbot Road  
Stretford, Manchester M32 0TH  
**Keiran.Hinchliffe@trafford.gov.uk**  
0161 912 2593  
www.trafford.gov.uk

13 November 2018  
Reference PL0239

Dear Miss Booth,

**Licensing Act 2003**

**Application for Summary Review of a Premises Licence**

**RE: Ryan's Wine Bar, 1 Orchard Place, Sale, Cheshire M33 7XP**

On Monday 12 November 2018 at 15:36hrs, an application for a summary review of the above premises licence in line with Section 53A of the Licensing Act 2003 was served on Trafford Council by Greater Manchester Police. A certificate signed by a senior member of the police force accompanied the application. The application relates to Ryan's Bar, 1 Orchard Place, Sale, Cheshire M33 7XP for which you are the Premises Licence Holder. A copy of the summary review application and certificate are enclosed.

In line with the procedure set out in the Licensing Act 2003, a meeting of the Licensing Sub-Committee was held on 13 November 2018 at 15:30hrs. The purpose of the meeting was for the Licensing Sub-Committee to decide whether any interim steps should be taken before the summary review is fully considered. Having listened to and considered evidence from Greater Manchester Police, the Licensing Sub-Committee decided to implement an interim step pursuant to S53B of the Licensing Act 2003. The interim step to be implemented with immediate effect will be the suspension of the Premises Licence. The Licensing Sub-Committee is gravely concerned that the premises has allegedly been identified by Greater Manchester Police as a premises where clear and obvious drug dealing has taken place and had become a base for criminal activity. The Licensing Sub-Committee heard evidence of an incident which occurred on Friday 9 November 2018, whereby, as a result of the S23 Misuse of Drugs Act search warrant resulted in a number of arrests for conspiracy to supply class A drugs. The Licensing Sub-Committee had cause for serious concerns that in the kitchen area to the licensed premises, Greater Manchester Police officer uncovered a black holdall that contained four balaclavas and a number of weapons including axes and knives. These items were recovered from private areas of the bar that are restricted to employees only.

The Licensing Sub-Committee considers that immediate measures are necessary to prevent the reoccurrence of serious crime as well as to promote the licensing objectives of the prevention of crime and disorder. The Licensing Sub-Committee considers that no other

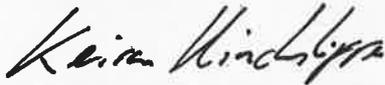
interim step will be appropriate in preventing further serious crime and disorder pending the review, therefore the Premises Licence is suspended with immediate effect. In accordance with the legislation, a full review of the Premises Licence will be held within 28 days. The date of this hearing will follow once arrangements have been finalised. The last date for representations is 22 November 2018.

You may, at any time, make representations to the Licensing Authority against the suspension of your licence. On receipt of your representation, we will hold a hearing within 48 hours (excluding non-working days). You may attend the hearing and be represented. The Police will also be invited to attend the meeting. At the meeting, the Licensing Sub-Committee will hear your representation and consider whether the interim steps are appropriate for the promotion of the licensing objectives and will determine whether to continue, withdraw or modify those steps.

Now that the premises licence is suspended, any form of licensable activity must cease with immediate effect. Providing licensing activities whilst the licence is suspended will be unauthorised licensable activity. Unauthorised licensable activity is an offence under Section 136 of the Licensing Act and carries, upon conviction, a sentence of a fine of unlimited value and/or a prison sentence not exceeding six months.

You are advised that there is no right of appeal to the Magistrate's Court against the Licensing Authority's decision at this stage. If you would like to discuss any of the points that I have raised, please do not hesitate to contact me by using the details listed at the top of this letter.

Yours sincerely,



Keiran C. P. Hinchliffe MIO L APCIP

**Senior Licensing Officer – Regulatory Services**



**TRAFFORD  
COUNCIL**

Miss Michelle Louise Booth  
Ryan's Wine Bar  
1 Orchard Place  
Sale  
Cheshire  
M33 7XP

**Keiran Hinchliffe**  
Senior Licensing Officer  
**Trafford Council**  
Ground Floor, Trafford Town Hall, Talbot Road  
Stretford, Manchester M32 0TH  
**Keiran.Hinchliffe@trafford.gov.uk**  
0161 912 2593  
[www.trafford.gov.uk](http://www.trafford.gov.uk)

13 November 2018  
**Reference PL0239**

Dear Miss Booth,

### **Licensing Act 2003**

#### **Application for Summary Review of a Premises Licence**

**RE: Ryan's Wine Bar, 1 Orchard Place, Sale, Cheshire M33 7XP**

On Monday 12 November 2018 at 15:36hrs, an application for a summary review of the above premises licence in line with Section 53A of the Licensing Act 2003 was served on Trafford Council by Greater Manchester Police. A certificate signed by a senior member of the police force accompanied the application. The application relates to Ryan's Bar, 1 Orchard Place, Sale, Cheshire M33 7XP for which you are the Premises Licence Holder. A copy of the summary review application and certificate are enclosed.

In line with the procedure set out in the Licensing Act 2003, a meeting of the Licensing Sub-Committee was held on 13 November 2018 at 15:30hrs. The purpose of the meeting was for the Licensing Sub-Committee to decide whether any interim steps should be taken before the summary review is fully considered. Having listened to and considered evidence from Greater Manchester Police, the Licensing Sub-Committee decided to implement an interim step pursuant to S53B of the Licensing Act 2003. The interim step to be implemented with immediate effect will be the suspension of the Premises Licence. The Licensing Sub-Committee is gravely concerned that the premises has allegedly been identified by Greater Manchester Police as a premises where clear and obvious drug dealing has taken place and had become a base for criminal activity. The Licensing Sub-Committee heard evidence of an incident which occurred on Friday 9 November 2018, whereby, as a result of the S23 Misuse of Drugs Act search warrant resulted in a number of arrests for conspiracy to supply class A drugs. The Licensing Sub-Committee had cause for serious concerns that in the kitchen area to the licensed premises, Greater Manchester Police officer uncovered a black holdall that contained four balaclavas and a number of weapons including axes and knives. These items were recovered from private areas of the bar that are restricted to employees only.

The Licensing Sub-Committee considers that immediate measures are necessary to prevent the reoccurrence of serious crime as well as to promote the licensing objectives of the prevention of crime and disorder. The Licensing Sub-Committee considers that no other

interim step will be appropriate in preventing further serious crime and disorder pending the review, therefore the Premises Licence is suspended with immediate effect.

In accordance with the legislation, a full review of the Premises Licence will be held within 28 days. The date of this hearing will follow once arrangements have been finalised. The last date for representations is 22 November 2018.

You may, at any time, make representations to the Licensing Authority against the suspension of your licence. On receipt of your representation, we will hold a hearing within 48 hours (excluding non-working days). You may attend the hearing and be represented. The Police will also be invited to attend the meeting. At the meeting, the Licensing Sub-Committee will hear your representation and consider whether the interim steps are appropriate for the promotion of the licensing objectives and will determine whether to continue, withdraw or modify those steps.

Now that the premises licence is suspended, any form of licensable activity must cease with immediate effect. Providing licensing activities whilst the licence is suspended will be unauthorised licensable activity. Unauthorised licensable activity is an offence under Section 136 of the Licensing Act and carries, upon conviction, a sentence of a fine of unlimited value and/or a prison sentence not exceeding six months.

You are advised that there is no right of appeal to the Magistrate's Court against the Licensing Authority's decision at this stage. If you would like to discuss any of the points that I have raised, please do not hesitate to contact me by using the details listed at the top of this letter.

Yours sincerely,



Keiran C. P. Hinchliffe MLOL APCIP

**Senior Licensing Officer – Regulatory Services**

## Hinchliffe, Keiran

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**From:** Hinchliffe, Keiran  
**Sent:** 21 November 2018 12:03  
**To:** mlb100286 (mlb100286@gmail.com); 'Karen.Packer@gmp.police.uk'; 'Alanstreet26@icloud.com'  
**Subject:** FW: Interim Suspension Decision  
**Attachments:** Summary Review Interim Suspension Decision.doc; Public reports pack 13112018 1530 Licensing Sub-Committee.pdf; DN2018.11.13 Ryan'sWineBar-InterimHearing.doc

**Importance:** High

Dear all,

The Review Hearing has been listed for 6PM on Wednesday 5<sup>th</sup> December 2018 at Meeting Room 10 on the Ground Floor at Trafford Town Hall.

The Licensing Sub-committee are Cllr Duffield, Cllr Jarman and Cllr Holden.

The Agenda and Report pack will be sent to you on Tuesday 27<sup>th</sup> November.

At the meeting yesterday, a series of topics were discussed including:

- Management Policies, including an anti-drug and psychoactive substances policy & Challenge 25 Age Verification policy.
- Training Materials including detail of staff who are Personal Licence Holders
- Security Arrangements for SIA
- Search Procedures
- CCTV
- Refurbishment
- Signage – CCTV, Drugs, New Management

The Police also shared a series of proposed measures to be considered as licence conditions and these were left with your solicitor.

For the purposes of the review hearing, please can you send the above documentation to me (if possible) by 26<sup>th</sup> November so that this can be included in the report and will assist Councillors with their determination of licence review.

With regards,

Keiran Hinchliffe MIO L APCIP

**Senior Licensing Officer**

Place Directorate - Regulatory Services

Trafford Town Hall

Talbot Road

Stretford

M32 0TH.

Tel: 0161 912 2593

**Email:** [keiran.hinchliffe@trafford.gov.uk](mailto:keiran.hinchliffe@trafford.gov.uk)

**GCSX:** [keiran.hinchliffe@trafford.gcsx.gov.uk](mailto:keiran.hinchliffe@trafford.gcsx.gov.uk)

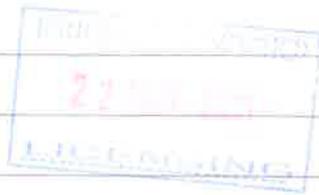


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## Re Ryans Bar Sale



I go into Ryans bar most days with my friend very old and closest friend. I started going in there because he likes it and to be honest he is very vulnerable due to his age and the young people although are nice to us there are many occasions when drunken fights breakout and trouble starts with the drunks who go in there everyday. I just want to let you know that Ryans bar is not what it used to be. Young people and middle aged men and women do drugs in there everyday and the staff are well aware that it is going on. If you go to the gents men are in there doing drugs, counting money and also at the back of the pub in the courtyard. I have been going in a long long time and I have seen young boy and girls who are aged around 12 and 13 and who are now in their late teens and they are now on the hard drugs. It is a shame to see but I don't blame them I blame their parents for taking them in there letting them see it in front of their eyes. I personally would not give a hoot if you closed it down tomorrow as my friend would hopefully find a much better entertainment elsewhere. Oh and one more thing if you go into there at a set time you can get your roast dinner albeit chicken, sirloin steak, beef roast or leg of lamb freshly picked up at the local supermarkets by the "shoplifters" and if you smoke cigarettes you can get them from the 'duty freeers' who have just got off a plane!!

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**Sent:** 19 November 2018 16:52  
**To:** Licensing  
**Subject:** Ryan's Wine Bar, 1 Orchard Place M33 7XP , Letter Opposing Appeal

Dear Sir/Madam

I feel the need to write you this letter opposing the above Appeal for many reasons, because [REDACTED] I say "so called" because its not a wine bar, its a gathering place for petty crooks, drug dealers alcoholics and generally people that like to intermedate and abuse normal people and owners in that part of sale. Because, [REDACTED] as well we are there at night when the shops are closed and we can see drug transactions taking place openly because these people are so arrogant that they think they are invisible and above the law. We have reported all these to the community policewoman many times but nothing was done !!!!!

I can tell you that you have a chance to cut this carcinoma of Sale town centre for good before they bring more trouble.

You want to spend millions to upgrade the centre but you are letting places like that open.

Dont be fulled by the landlady or manager, she is a foul mouthed person that has no respect for anyone, except for the thieves and drug dealers that go there and she knows them and allows them.

This letter might sound very strong but unfortunately is not strong enough compared to the harm that brings in the town centre.

I will ask you to keep my email address confidential because these people are dangerous and if it leaks I will be scared of reprisals and then you will be liable.

Thank you

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Licensing Act 2003

# Premises Licence

## PL000239



TRAFFORD  
COUNCIL

### Part 1 – Premises Details

#### POSTAL ADDRESS OF PREMISES OR, IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

##### **Ryans Wine Bar**

1 Orchard Place, Sale, Cheshire, M33 7XP

#### WHERE THE LICENCE IS TIME LIMITED, THE DATES

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE AND THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Recorded Music - Indoors	Sunday - 12:00 to 23:00 Monday to Saturday - 10:00 to 23:30
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Late Night Refreshments - Indoors	Monday to Saturday - 23:00 to 23:30
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Alcohol - On the premises	Sunday - 12:00 to 22:30 Monday to Saturday - 10:00 to 23:00
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#### THE OPENING HOURS OF THE PREMISES

Sunday - 12:00 to 23:00  
Monday to Saturday - 10:00 to 23:30

#### WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL, WHETHER THESE ARE ON AND/OR OFF SUPPLIES

The sale of alcohol for consumption ON the premises.

### Part 2

#### NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE AVAILABLE) OF LICENCE HOLDER

Miss Michelle Louise Booth  
68 Firtree Avenue, Sale, Cheshire, M33 5RU

Telephone : 0161 282 9664

Licensing Act 2003

# Premises Licence

## PL000239



TRAFFORD  
COUNCIL

**REGISTERED NUMBER OF HOLDER, WHERE APPLICABLE (E.G. COMPANY NUMBER, CHARITY NUMBER)**

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**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Miss Michelle Louise Booth  
68 Firtree Avenue, Sale, Cheshire, M33 5RU

Telephone: 0161 282 9664

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Licence No: PA1314

Issued by : Trafford

### ANNEXES

The following conditions must be read in conjunction with PLAN referenced PL000239-24112005

#### Annex 1 – Mandatory Conditions

1. Alcohol shall not be sold or supplied except during the following hours.  
  
On Sundays, other than Christmas Day or New Year's Eve, 12.00noon to 10.30pm  
On Good Friday, 12.00noon to 10.30pm  
On Christmas Day, 12.00noon to 3.00pm and 7.00pm to 10.30pm  
On New Year's Eve, except on a Sunday, 10.00am to 11.00pm  
On New Year's Eve on a Sunday, 12 noon to 10.30pm  
On New Year's Eve from the end of licensing hours on New Year's Eve to the start of licensing hours on the following day (or, if there are no licensing hours on the following day, midnight on 31<sup>st</sup> December)
2. No supply of alcohol may be made under the premises licence -
  - (a) at a time when there is no designated premises supervisor in respect of the premises,
  - or
  - (b) at a time when the designated premises supervisor does not hold a personal



licence or his personal licence is suspended.

3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. Where the premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.
5. The playing of amplified music, live music and karaoke is permitted to take place on the licensed premises between the hours of 10:00 and 23:30 Monday to Sunday.
6. For premises where entertainment takes place on a regular basis, music and associated sources (including DJ's and amplified voices) should generally not be audible inside noise sensitive properties at any time. Where entertainment takes place less frequently, such noise should generally not be audible inside noise sensitive properties between 23:00 and 07:00 hours.

(Based on IOA Good Practice Guide on the Control of Noise from Pubs and Clubs)

7. All external doors and windows shall be kept closed when regulated entertainment is being provided except in the event of an emergency.
8. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly. (Note, this may also include a reference to vehicles).

#### **ADDITIONAL MANDATORY CONDITIONS**

9. The responsible person shall ensure that no alcohol is dispensed 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).
10. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
11. Certain "irresponsible" drinks promotions are banned. 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -
  - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (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;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
- (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) 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.

**ADDITIONAL MANDATORY CONDITIONS (1<sup>st</sup> October 2010)**

12. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.
13. The responsible person shall 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; and

(b) customers are made aware of the availability of these measures.

**Annex 2 – Conditions Consistent with the Operating Schedule**

1. Where CCTV equipment is fitted, it shall be maintained in good working order in accordance with the manufacturer's instructions.
2. Customers who appear to be intoxicated will be refused admission.
3. Any broken glass in or around the premises shall be cleared up by the staff as and when required.
4. Children are not admitted to the premises unless accompanied by an adult and are not admitted at all after 17:00.

**Annex 3 – Conditions Attached After a Hearing of the Licensing Committee**



Nigel Smith  
Head of Regulatory Services  
**Signature of Authorised Officer**

Licensing Act 2003

# Premises Licence Summary

## PL000239



TRAFFORD  
COUNCIL

### POSTAL ADDRESS OF PREMISES OR, IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

#### Ryans Wine Bar

1 Orchard Place, Sale, Cheshire, M33 7XP

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Miss Michelle Louise Booth  
68 Firtree Avenue, Sale, Cheshire, M33 5RU

Telephone : 0161 282 9664

### REGISTERED NUMBER OF HOLDER, WHERE APPLICABLE (E.G. COMPANY NUMBER, CHARITY NUMBER)

Licensing Act 2003

# Premises Licence Summary

## PL000239



### NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Miss Michelle Louise Booth

### PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Licence No: PA1314

Issued by : Trafford

### STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

- Children are not admitted to the premises unless accompanied by an adult and are not admitted at all after 17:00.

Nigel Smith  
Head of Regulatory Services  
**Signature of Authorised Officer**

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