

TRAFFORD COUNCIL

THE LICENSING-SUB COMMITTEE – 13th NOVEMBER 2018

REPORT OF THE HEAD OF REGULATORY SERVICES

REPORT REF. NO.

APPLICATION REVIEW OF A PREMISES LICENCE UNDER SECTION 53A OF THE LICENSING ACT 2003 – RYANS'S WINE BAR, 1 ORCHARD PLACE, SALE CHESHIRE, M33 7XP

PURPOSE

The Sub-Committee is asked to consider whether it is necessary to take any interim steps pending determination of the review of the premises licence.

OPTIONS

The members are invited to consider any verbal and written submissions of Greater Manchester Police; and any verbal and/or written submissions of the premises licence holder and decide whether it is necessary to take any of the following steps:

- modify the conditions of the premises licence;
- exclude the sale of alcohol by retail from the scope of the licence;
- remove the designated premises supervisor from the licence; or
- suspend the licence

pending the review of the premises licence.

Nigel Smith
Head of Regulatory Services

Further Information From:

Name: Joanne Boyle
Licensing Team Leader
Extension: 4129

Proper Officer for the purposes of L.G.A. 1972, s.100D
(background papers): Head of Public Protection

Attachments:

- Certificate signed by the chief officer of police
- Section 53A application
- Current premises licence

1. BACKGROUND

- 1.1 On the 1st 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 fast track licence reviews when the police consider that the premises concerned are associated with serious crime or serious disorder (or both).
- 1.2 These powers apply only where a premises licence authorises the sale of alcohol. The purpose of these powers is to complement existing procedures in the Licensing Act 2003 for tackling crime and disorder associated with licensed premises. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.
- 1.3 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.
- 1.4 On receipt of an application from the police under section 53A the licensing authority must within 48 hours consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days of the receipt of the application.

2. APPLICATION

- 2.1 On the 12th November 2018 the licensing authority received an application under section 53A from Greater Manchester Police in respect of premises known as Ryan's Wine Bar, 1 Orchard Place, Sale, Cheshire, M33 7XP.
- 2.2 The review of the licence will be scheduled to be heard within 28 days of the receipt of the application. In the interim the licensing authority must determine whether to take any measures to address the immediate problems with the premises. The options open to the licensing authority at this stage are:
 - Modification of the conditions of the premises licence;
 - The exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
 - Removal of the designated premises supervisor from the licence; and
 - Suspension of the licence.
- 2.3 The licensing authority may consult the police about the steps that it thinks necessary pending the review hearing. The licensing authority may consider the interim steps to be taken without hearing any representations from the holder of the premises licence.

3. OPTIONS

- 3.1 The members are invited to consider any verbal and written submissions of Greater Manchester Police; and any verbal and/or written submissions of the premises licence holder and decide whether it is necessary to take any of the following steps:

- modify the conditions of the premises licence;
- exclude the sale of alcohol by retail from the scope of the licence;
- remove the designated premises supervisor from the licence; and
- suspend the licence

pending the determination of the review of the premises licence.



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 disorder¹.

*Premises*²:

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 Miller³ 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:

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.

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.

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)



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 9th 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 12th 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, Tatbot Road, Trafford.

Telephone number(s): 0161 858 7745 / 07393 468774

Email: 07116@gmp.pnn.police.uk

Licensing Act 2003
Premises Licence
PL000239



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

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PL000239



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

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 31st 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

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PL000239



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 -

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- (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 (1st 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

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(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

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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

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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.

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

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

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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