



## **Licensing Sub Committee Hearing Panel**

Date: Monday, 26 June 2023

Time: 10.00 am

Venue: Council Antechamber, Level 2, Town Hall Extension

This is a **supplementary agenda** containing additional information about the business of the meeting that was not available when the agenda was published

### **Access to the Council Antechamber**

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension.

**There is no public access from any other entrances of the Extension.**

## **Membership of the Licensing Sub Committee Hearing Panel**

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Councillors - Evans, Hilal and Reid

## Supplementary Agenda

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- 1a Urgent Business - Representation to Interim Measures - The Lawn Club, Hardman Square, Manchester, M4 3HG** 3 - 14  
Now contains additional information submitted by the applicant.

## Further Information

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

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This supplementary agenda was issued on **Friday, 23 June 2023** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

**SUMMARY REVIEW: REPRESENTATIONS AGAINST INTERIM STEPS****BEFORE****THE LICENSING SUB-COMMITTEE OF  
MANCHESTER CITY COUNCIL****PREMISES: THE LAWN CLUB, SPINNINGFIELDS**

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**WITNESS STATEMENT OF THOMAS McCARTNEY**

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1. My name is Thomas McCartney, [REDACTED] Hardman Bars Limited, the Premises Licence Holder at The Lawn Club. I am also the Designated Premises Supervisor at the premises.
2. I make this statement in relation to the Summary Review application lodged by Greater Manchester Police to assist the Committee with their determination.

**BACKGROUND TO THE LAWN CLUB**

3. Hardman Bars Limited has been operating The Lawn Club since 2018.
4. The Lawn Club is a countryside/garden themed bar, restaurant and events space in the heart of Spinningfields. It has indoor bar and restaurant space as well as a substantial garden area, and therefore tends to be very popular during the summer months. I attach some images of the premises at Exhibit TM1.
5. The premises offers an extensive range of food; with brunch, lunch and dinner menus, as well as a variety of wines, beers and cocktails.
6. The premises attracts a variety of types of customers, but our main demographic tends to be young professionals and attendees of corporate events (given the location in the Spinningfields district). Our clientele are largely over 25.

**TRADING HISTORY**

7. As noted above, the premises has been trading for [x years] and these proceedings are the first enforcement action that has ever been taken in respect of the premises.
8. Prior to this incident occurring, I think it is fair to say that we simply were not 'on the radar' of either GMP or the Council's Licensing and Out of Hours Team.
9. It is my view that this is as a result of our style of operation and the type of customers that our premises attracts. We have a high end offering; with food being a significant element of the operation; served in a well fitted out premises; with predominate seating throughout.

10. The premises is somewhere that people come to celebrate special occasions in attractive surroundings, and our clientele are invariably people who behave appropriately within licensed premises.

#### INCIDENT RESULTING IN SUMMARY REVIEW

11. As such, the incident that took place on Sunday 4<sup>th</sup> June was utterly shocking to myself and to all involved with the business. We are devastated that this incident occurred within our premises, and are entirely committed to ensuring that nothing like it ever happens again. We are so sorry that our customers and staff had to experience what must have been an extremely frightening incident play out in front of them.
12. We would emphasise that, based on our track record as described above, it is an utterly out of character incident for the premises. Nothing like this has ever occurred at The Lawn Club before. We simply have never had incidents requiring police presence at the premises prior to this one.
13. Therefore, we have of course examined this incident in huge detail to determine exactly what happened and exactly what our response to it should be. Indeed, the Committee will recall that we made no attempt to oppose GMP's initial request for suspension at the interim steps hearing which took place on 7<sup>th</sup> June, to allow us to undertake these investigations and to work with GMP.
14. In the course of our investigations we have established that the incident occurred and developed as follows:
  - 14.1. The group of individuals involved in the incident were stood inside the premises talking to one another;
  - 14.2. It then became clear that the group were starting to argue;
  - 14.3. The incident then escalated very quickly - clearly something was said by one member of the group which the main protagonist (Male 1) took exception to, and he produced a gun, which had seemingly been concealed within his trousers and held it above his head;
  - 14.4. There was then some pushing and shoving and punches thrown between Male 1 and another member of the group (Male 2) within the venue;
  - 14.5. Male 2 was bleeding inside the venue as a result of the punches thrown;
  - 14.6. The altercation then moved outside, where Male 1 was hit by Male 2 and fell to the floor;
  - 14.7. Male 2 was led away from the scene by another member of the group;
  - 14.8. A further member of the group helped Male 1 up from the floor, and all members of the group then quickly left the vicinity of the premises.

15. We have interviewed all members of staff who were witnesses to the incident, and have reviewed our own CCTV footage (as well as of course providing this to GMP). As a result of these investigations we can confirm that no stabbing took place at the premises.
16. We understand from GMP that they have not been provided with any further evidence to substantiate the call that was made to NWS stating that this was the case. We can therefore only assume that the individual who made the call was sufficiently alarmed by what was playing out in front of them that perhaps on seeing the blood assumed that someone had been stabbed.
17. I should be clear that I do not say this to minimise the incident that occurred in any way, shape or form. I simply mention this by way of an update to the Committee as to what our investigations have revealed as to the facts of the incident that occurred on the evening in question.

## OUR INVESTIGATIONS

18. As well as establishing the facts themselves, our investigations and considerations in the follow up to this incident have also focussed on:
  - 18.1. Whether there is anything we should have done to anticipate or prevent the incident occurring on the night itself; and
  - 18.2. What caused the incident to happen at our premises and what we can address/amend to ensure that no such incident happens again.
19. I will deal with point 18.1 first.
20. In relation to this, I have reviewed the CCTV footage from the night in question and interviewed all staff present. In terms of the footage, I have reviewed all footage from the time the individuals involved in the incident arrived, to the time they left.
21. I wanted to see whether there was anything I could see that should have provided a red flag to our staff in terms of these individuals.
22. The individuals arrived at the premises at 20:17. They were all part of the same group and all appeared to be friends. They were greeted by security staff on arrival, who did not note that they appeared intoxicated, aggressive or that there were any other issues. They were also greeted by our manager at the host desk, and they responded with a greeting.
23. There is nothing I can see (and indeed nothing that the staff on the night could see) that evidenced the concealed weapon, either on arrival or at any time within the premises.
24. During the night, in the run up to the incident, they did not behave inappropriately. There was no violent or aggressive behaviour; they chatted to each other in a perfectly ordinary fashion; they ordered and paid for drinks over the bar and interacted normally with bar staff; they appeared to have ordinary/pleasant conversations with other customers.

25. At the time of the incident occurring, as noted above, the individuals were stood together talking. It became clear to our security staff that the conversation had escalated into an argument, and one member of our security team had radioed the other to ask for assistance in going over to the group to de-escalate.
26. However, the gun was then produced very quickly. The incident escalated from a conversation to the production of a gun in seconds. As such, I am satisfied that our team could not have intervened further in time to prevent the incident occurring. I am also satisfied that our team did the right thing by not intervening further with the individuals themselves once the gun was produced (for their own safety) and instead acting to secure the premises and protect our customers.
27. Once the incident did occur, I am happy that:
  - 27.1. The police were called to the premises;
  - 27.2. As soon as the offenders moved outside the main premises doors (by which the offenders had left) were closed and customers were cleared from the venue for their safety;
  - 27.3. Staff provided full co-operation with GMP on attendance at the scene and in their further investigations.
28. I have noted from conversations with staff that they were unaware of exactly what they should have done in order to preserve a crime scene. This is understandable given that they have no experience of The Lawn Club being such a scene, and I am happy that nothing was done which has negatively effected GMP's investigation. That said, this is something that has been highlighted to me as a learning point going forward.
29. However, taking into account the seriousness of the incident, I am confident that our staff responded appropriately on the night, and that I could not have expected them to anticipate what was about to happen.
30. I therefore must turn to the points raised at 17.2 - what factors caused the incident to happen at our premises (particularly given that nothing like this had ever happened before), and what can we do to ensure no such incident ever happens again.

#### **EXTERNALLY PROMOTED EVENT**

31. The first point to note is that this incident took place during the course of an externally promoted event. This means that whilst the venue was still operated by us, with the same staff and management team as usual, the event itself was promoted by a third party and therefore was promoted to and targeted at a different demographic to our usual demographic. This is simply the nature of externally promoted events - third party promoters will naturally reach a different audience (their established audience) than our usual in-house social media team.
32. The event itself was called 'Flow', advertised as 'day into night summer socialising' and was promoted by two Manchester DJs. 'Flow' had taken place at the premises just twice previously (I should note without issue), and this series of events was the first time we had ever operated externally promoted events at the premises.

33. We were not required by our licence to have SIA registered security in place on the night, but we decided to do so on the night in question because this was still a relatively new and different type of event for us and the external promotion meant that the event was busy. I hope that this demonstrates that we do take a responsible attitude towards the running of our premises and assessing risk.
34. Obviously, as I have said above, we are devastated by the incident that took place, and in hindsight it was the wrong decision to expand our operation and offering into externally promoted events. It clearly took away an element of control from us in terms of who was attending our premises, and meant that our premises was trading in a different way to usual. Based on what has happened, we have no desire whatsoever to engage in externally promoted events again.
35. We have run our premises extremely well over the years that we have been trading, and the way that we promote and market our business has never caused any problems for us. As such, it is clear that the fact that this was an externally promoted event was a key factor in causing the incident to occur at our premises.
36. It is therefore sensible to us that we do not carry out externally promoted events again at any point in the future.

## SEARCH

37. Another factor which perhaps allowed this incident to happen at our premises was that historically we have not as a matter of course carried out searches of customers on entry. Again, I would submit to the Committee that this is understandable – it is not something that we have ever felt necessary because our premises has never been the location of any trouble.
38. Our existing premises licence does not require anything in terms of searches. We work well with the Licensing and Out of Hours Team in terms of licensing visits and inspections, we have always had positive results of inspections. It has never been suggested to us (prior to the occurrence of this incident) that we should introduce searching as an additional measure.
39. As such, this has simply never formed part of our policies and procedures at the premises.
40. However, we of course acknowledge that had searching been in place on the night in question, this would likely have deterred the individual in question from attempting to enter our premises at all.
41. Therefore, as a result, we determined that it would be sensible to introduce a random search policy at the premises.

## OTHER CONDITIONS

42. It is my view that the above are the two key ways in which we can ensure that we avoid a recurrence of this sort of incident, or anything similar to it.

43. However, we've also reviewed other ways in which we could improve our policies, procedures and operations.
44. We also met with Sgt O'Donnell of GMP on 13 June 2023 to discuss the views of GMP as to what we could do to avoid any future incidents and provide further safeguards at our premises.
45. This meeting has resulted in us formulating a proposed set of conditions that we would suggest be attached to our licence going forward. These conditions and a copy of the search policy referred to are at Exhibits TM2 and TM3.
46. The Committee will note that this includes a condition providing a complete prohibition on externally promoted events, as well as condition requiring the adoption of a random search policy.
47. This also includes:
  - 47.1. Enhanced requirements as regards SIA registered security staff and CCTV;
  - 47.2. Requirement for SIA to wear body-cameras;
  - 47.3. Requirement to subscribe to the Pub & Club Network and the Nitenet radio system;
  - 47.4. Addition of Martyn's Law conditions;
  - 47.5. Requirement for staff training in conflict management and crime scene prevention.
48. We are very pleased to say that GMP have confirmed to us that they agree that the addition of these conditions to the licence would be an appropriate way forward for the premises, and a proportionate outcome to these Summary Review proceedings.

## CONCLUSION

49. We would like to reassure the Committee that we take the occurrence of this incident extremely seriously. That is why we have been so keen to work with the authorities to formulate a set of safeguards to operate under going forwards.
50. I can confirm to the Committee that, should they be minded to vary the interim steps, we are in a position to comply with the conditions that we have proposed immediately.
51. On this basis, we would respectfully ask that the Committee vary the interim steps in this matter from suspension to the addition of conditions, namely those at Exhibit TM2.



### The Lawn Club – Proposed Conditions

- There shall be no externally promoted events at the premises.
- The premises shall adopt a random search policy (see attached).
- A minimum of 2 SIA registered door supervisors shall be employed at the premises from 21:00 until close on a Friday and Saturday and any other day that the premises trades beyond midnight. At all other times, SIA registered door supervisors shall be employed in accordance with a risk assessment to be carried out by the DPS. The risk assessment will include consideration of likely trading levels, weather, events taking place in the city centre and any other relevant factors. When employed, door staff will wear high visibility armbands.

*(This condition is to replace conditions 5 and 7 of annex 2)*

- When employed, all SIA security employed at the premises should utilise a body worn camera. This should be activated whenever staff are involved with incidents of violence/disorder/ejections/vulnerable persons or any other incidents of note.
- Body worn camera forage/images of any incidents will be downloaded daily and securely retained unedited for a minimum period of 28 days. There must be at least one member of trained staff at the premises during operating hours able to provide viewable copies of footage/images on request to the police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).
- The premises shall operate a CCTV system that complies with the minimum requirements of the GMP Licensing Team.
- The premises licence holder must ensure that:
  - Cameras are located within the premises to cover all public areas (not including the toilets) and all entrances and exits;
  - The system records clear images enabling the identification of individuals;
  - All recorded footage is securely retained for a minimum period of twenty-eight days;
  - The CCTV system operates at all times the premises are open for licensable activities;
  - All equipment must have constant and accurate time and date generation;
  - The CCTV system is fitted with security functions to prevent recordings being tampered with;
  - There is at least one member of trained staff at the premises during opening hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with all relevant data protection legislation.
- The premises shall subscribe to and be an active member of the Pub & Club Network (or such other similar organisation) for so long as it exists in the area.

- The premises shall subscribe to the Nitenet radio system for so long as it exists in the area and the radio system shall be in operation at the premises from 21:00 daily.
- At all times that the premises are open to the public for licensable activities, all door staff on duty at the premises and all on-duty managers must have completed ACT awareness e-learning training. In addition, a minimum of 1 on-duty manager and any on duty security supervisor/manager must also have attended a CT awareness session delivered by Counter Terrorism Policing North West trained personnel as soon as reasonably practicable. If not completed, they must have registered to attend a course and be able to provide evidence of this if requested by a police officer or authorised office of the licensing authority.
- The Designated Premises Supervisor must have attended a CT Awareness training session delivered by CTPNW-trained personnel as soon as is reasonably practicable. In all cases, within 28 days of a new Designated Premises Supervisor being named on the licence, they must have registered to attend a course and be able to provide evidence of this if requested by a police officer or authorised officer of Manchester City Council.
- There must be a documented security assessment, which must incorporate counter terrorism measures for the premises. The assessment shall be routinely reviewed and must be reviewed following the elevation of the change of the national threat level. All reviews shall be documented.
- Within 28 days of the grant of the licence, the premises licence holder shall evaluate any risks identified through the security assessment and take prompt steps to eliminate them or to reduce the risk as far as is reasonably practicable. A documented record must be maintained of any remedial action implemented and made available upon request to any police officer or an authorised officer of Manchester City Council.
- The premises must have a documented security plan, which sets out counter measures to be implemented in response to a terrorist attack that incorporates the principles of ‘Guide’, Shelter’ and ‘Communicate’ as appropriate in conjunction with relevant National Counter Terrorism Security Office (NACTSO) / Centre for the Protection of National Infrastructure (CPNI) guidance, and the purposes of those procedures and the necessity of following them must be understood by those carrying them out:
  - Guide – Direct people towards the most appropriate location (invacuation, evacuation, hide)
  - Shelter – Understand how your place or space might be able to lock-down and shelter people within it for several hours
  - Communicate – Have a means of communicating effectively and promptly with users of your place and have staff capable of giving clear instructions. Also have the capability of integrating with any response or rescue operation by providing things like building plans.
- All staff shall be trained in conflict management and crime scene preservation. This training shall be documented and repeated at 6 monthly intervals. Training records shall be retained at the premises for a minimum of 6 months and shall be available to an officer of a responsible authority on request.

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**THE LAWN CLUB****SEARCH POLICY**

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1. When employed, door staff will monitor customers as they queue and enter the premises.
2. When employed, door staff will carry out random searches out to deter customers from bringing drugs and/or offensive weapons onto the premises. The volume of searches and identification of customers searched will depend on prevailing conditions and risk assessments.
3. Signs will be displayed at the entrance to the premises indicating that random searches are in operation.
4. Any customer who refuses to consent to a random search shall not be permitted entrance to the premises.
5. All searches will be carried out in view of the premises CCTV and recorded on body worn camera.
6. All searches will be conducted in a polite and courteous manner.
7. Those displaying any signs of being under the influence of drugs will be refused entry to the premises. If drugs of any sort are seized, the police will be informed.
8. If weapons are seized or if anyone is reasonably suspect of carrying a weapon, the police will be informed.
9. Door staff will be vigilant to the fact that adapted articles can be used as weapons but can be more difficult to detect. If any such items (e.g. jewellery, belt buckles) give cause for concern, access to the premises will be denied.
10. Self-sealed numbered bags will be used to safely and securely store any drugs/weapons that are seized. Wherever possible, the bag will be sealed and signed in the presence of the individual(s) from who they were seized.
11. All seizures will be fully recorded by the CCTV system and will be entered into the premises' incident log book.
12. No items whatsoever will be permitted to be sold on the premises by any third party.



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Pagers

Item 1a

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