

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Wednesday, 16 January 2019

Present: Councillor Ludford (Chair)

Councillors: Chohan and C Paul

LACHP/19/8. Application for a Summary Review for Lounge, 29 Withy Grove, Manchester M4 2BJ.

The Committee was very concerned at the extreme level of violence which occurred during the early hours of the 5th of January 2019;

They noted the premises had opening hours until 0700 and a sale by retail of alcohol licence until 0630am and this incident had occurred by way of first report at 0614 with the premises still be open;

They noted within a short time of the disturbance commencing the shutters were closed to the premises and yet no police were called. They also noted that the doormen did not intervene or try and stop the disturbance.

The Committee was very concerned that having pulled their shutters down, no attempt was made by the premises to report the matter to the police nor was it reported to the Council's Central Watch or the Nitenet system as provided for in the conditions of the premises licence, (Annex 3, conditions 4 & 7); They noted the history of purported issues with Nitenet which the Committee felt placed even more emphasis on the need for contacting the police.

The Committee also noted the incident had escalated with belts being used as weapons, and a number of assaults including kicking whilst people lay on the ground. The Committee was satisfied this constituted 'serious disorder' and caused a risk to other members of the public in particular a male had been pushed to the floor and hit the kerb; he was also kicked whilst on the floor – this occurred at 6.18 and had the police been called when the incident started, this may have been prevented.

When the police arrived at 6.21 the shutter to the premises had been pulled down which was also shown at the conclusion of the CCTV footage.

The Committee was satisfied this incident was associated with the premises due to the acceptance that some of the offenders were customers of the premises and that the door staff should have, at the very least phoned the police.

Whilst the Respondent's representative has asked the Committee to say the premises were not responsible for what happened, the Committee conclude that they have to take some responsibility for what happens inside the club and its immediate vicinity and they need to take action when an incident occurs of this nature. On the night in question, the premises staff did nothing other than pull the shutter down.

The Committee disregarded any reference to a previous Summary review.

The Committee was also concerned that members of the public could be travelling to work at that hour and could be at risk and it was clear from the video footage that vehicular traffic had come to a stand- still. They place limited weight to the incidents on the 11th and 12th of January at this stage due to the lack of evidence presented at the hearing.

The Committee considered as to whether any conditions could be modified to address their concerns but considered this not to be so.

The Committee were of the opinion that suspension of the premises licence as an interim step was necessary to prevent serious crime or disorder occurring.

Decision

To suspend the licence pending the outcome of the full review to be held 8 February 2019 at 9am.