

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Friday, 8 February 2019

Present: Councillor Grimshaw – in the Chair

Councillors: Grimshaw, Barrett and Jeavons

LACHP/19/26. Application for a Review of a Premises Licence for The Lounge, 29-31 Withy Grove, Manchester, M4 2BJ

The Committee had regard to the s182 Guidance in particular: -

12.22 ... At the review hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives taking into account any change in circumstances since any interim steps were imposed,

9.12 ... the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

They also had regard to the statement of licensing policy as provided for by s4 of the Licensing Act 2003 and in particular Manchester's standards to promote the licensing objectives: -

MS1 Implement effective security measures at the premises

It is expected that all licensed premises have effective and appropriate security measures in place relevant to the style of operation.

When employed, the authority will expect the defined roles and responsibilities of door supervisors to include:

- Controlling entry
- Recording incidents
- Assisting to facilitate transport for ejected, intoxicated and underage patrons
- Identifying and preventing drugs and/or weapons being brought on the premises
- Identifying intoxicated, disorderly, offensive and underage patrons

- Dealing with incidents of disorder at the premises, including crime scene preservation
- and management
- Assisting exit of customers to ensure the orderly dispersal of customers.

Use of detection devices to detect weapons and drugs and when and where they will be used – Consideration for appropriate detection devices (e.g. knife arch, search wands) should be risk-assessed and employed as appropriate.

- Putting procedures in place for the seizure and retention of recovered drugs and other prohibited items – Items recovered should be kept in a secure location and the police notified.

MS2 Effective general management of the premises

Effective management of the premises is integral to ensuring the operator's policies and procedures, as well as licence conditions, are actively enforced at the premises.

Implementing effective measures to identify and manage drunkenness on the premises Patron intoxication at licensed premises is recognised as a principal contributor to alcohol related harm. Most measures intended to limit customers becoming intoxicated rely on action being taken by the management and staff at the premises.

MS4 Where there is a risk of illegal drug use on the premises, the authority expects a documented policy that sets out how drugs will be prevented from being brought into the premises, what action the venue will take should anyone be caught with drugs on the premises, and how the drugs will be disposed of.

MS6 Provide a duty of care for intoxicated or vulnerable customers and medical emergencies

Procedures are expected to be in place at the premises to initiate 999 calls when an emergency concerning a person's physical safety is in progress.

In the first instance the Committee paid no regard to the previous Summary Review of 2011 due to the passage of time.

The Committee noted the catalogue of incidents outlined by GMP spanning from the 6th of January 2018 to the 13th of January 2019 but also noted there had been input and engagement with LOOH and GMP. Furthermore, a number of TENS had been issued as recently as Boxing Day and NYE without objection from LOOH and GMP and without any resulting incidents.

They were extremely concerned the premises was the only one with a knife arch that was not working but noted that an action plan was implemented and appeared to be adhered to and an explanation was given at the hearing in this regard

However, the Committee had regard to the fact that a further pre-review meeting was in the process of being arranged due to the increase of issues relevant to crime and

disorder and the management of the premises. Resulting consideration of the CCTV footage from the premises gave rise to the Application for a Summary review on the 16th of January 2019.

The Committee noted that all but one of the incidents of violence outlined by GMP occurred between 0400 - 0700 hours; the Committee noted that other licensed premises namely, Tiger, Tiger; The Birdcage and The Printworks closed at around 0400 and accepted there were a number of incidents of violence associated with those premises.

The Committee did not deem the stabbing incident of the 22nd of December 2018 on Dantzic Street and the females fighting outside the chip shop, Dantzic Street on the 6th of January 2019 at 0706 hours, were directly attributable to the premises and accepted the premises had been closed at the time of the said stabbing incident.

However, the Committee did have concerns regarding the consistency of the applications of their policies which the premises DPS had accepted during the hearing.

1. They noted the incident of Violent Disorder on the 6th of January 2019 and that notwithstanding the NiteNet issue the police were not called;
2. The recording of the NiteNet transmission the committee attached little weight to as it was unintelligible but again, they were concerned regarding the issues raised regarding NiteNet from all parties;
3. The Committee accepted the GDPR issue highlighted by Andrew Odudu in terms of provision of information to the police and that they had provided the information requested by the police.
4. The Committee accepted the explanation provided by one of the directors, Andrew Odudu regarding the ID Scan in the premises but is of the opinion it is necessary for this to be demonstrated to the satisfaction of responsible authorities;
5. Similarly, the search policy is to be amended to the satisfaction of GMP & LOOH to address the search, recovery, storage and disposal of drugs recovered.
6. The premises is to demonstrate to the satisfaction of responsible authorities the knife arch is in full working order;
7. The premises is to demonstrate to the satisfaction of responsible authorities the NiteNet system is in full working order
8. Documentation is to be provided to demonstrate that all relevant staff are trained in the use of NiteNet, ID Scan and search policy – all staff to be trained in the procedures of the club and full records to be kept of all staff training

The interim suspension is extended for 21 days to facilitate the implementation of policies and staff training in this regard to the satisfaction of GMP & LOOH namely the use Club Scan, the use of NiteNet, the knife arch and the search policy.

To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the hearing and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they

should be modified or withdrawn. The review of the interim steps should take place immediately after the determination under section 53C has been reached. In making its decision, the licensing authority must consider any relevant representations made.

12.30 In conducting the review of the interim steps the licensing authority has the power to take any of the steps that were available to it at the initial stage (see paragraph 12.13). Any interim steps taken at the review hearing apply until—

- a. The end of the period given for appealing against a decision made under section 53C (21 days),
- b. If the decision under section 53C is appealed against, the time the appeal is disposed of, or
- c. The end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under (a) or (b) above).

The Interim Steps suspension period is extended by a period of 21 days to facilitate (4) to (8) (inclusive).

Decision

1. Reduction of hours:

Licensable activities to cease at 0330 hours,
Closure at 0400 am
Last entry to premises 1 hour before closure

2. ID scan condition 7, Annex 3 - A ClubScan/IDSCAN or similar system shall be operated at the premises. All persons entering the premises must provide verifiable ID and record their details on the system.
3. The premises shall provide relevant information to the relevant authorities obtained via the ClubScan/ID Scan system as soon as reasonably practicable subsequent to any application under the provisions of the Data Protection Act 2018, Schedule 2, Part 1, Paragraph 2(1)(a) the prevention and detection of crime and (b) the apprehension or prosecution of offenders;
4. All relevant staff shall be trained in company policies and reporting procedures and in particular in the use of Knife Arch/NiteNet/the use of ID Scan/search policies and subsequent procedures dealing with property recovered; Documented records of training completed shall be kept for each member of staff. Training shall be provided to all new staff and regularly refreshed with all door staff at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.
5. Amend condition 17 the premises shall notify LOOH & GMP within 24 hours of any issues arising and in respect of the NiteNet system.