



Licensing Sub Committee Hearing Panel

Date: Friday, 8 February 2019

Time: 9.00 am

Venue: Council Antechamber - Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

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. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk.

There is no public access from the Lloyd Street entrances of the Extension.

Membership of the Licensing Sub Committee Hearing Panel

Councillors – Grimshaw (Chair), Barrett and Jeavons

Agenda

1. Urgent Business

To consider any items which the Chair has agreed to have submitted as urgent.

2. Appeals

To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.

3. Interests

To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

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

5 - 58

The report of the Head of Planning, Building Control and Licensing is attached.

Information about the Committee

The Licensing and Appeals Committee fulfills the functions of the Licensing Authority in relation to the licensing of taxi drivers.

A procedure has been agreed which governs how the Panel will consider such applications.

Decisions made by the Panel will be under delegated authority and will not require to be referred to the Council for approval. Meetings are controlled by the Chair, who is responsible for seeing that the business on the agenda is dealt with properly.

Copies of the agenda are published on the Council's website. Some additional copies are available at the meeting from the Governance Support Officer.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Smoking is not allowed in Council buildings.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
Albert Square,
Manchester, M60 2LA

Further Information

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

Beth Morgan
Tel: 0161 234 3043
Email: b.morgan@manchester.gov.uk

This agenda was issued on **Thursday, 31 January 2019** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA

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Manchester City Council Report for Resolution

Report to: Licensing Sub-Committee Hearing Panel – 8 February 2019

Subject: The Lounge, 29-31 Withy Grove, Manchester, M4 2BJ - (App ref: 225510)

Report of: Head of Planning, Building Control and Licensing

Summary

Review of the premises licence under s53C of the Licensing Act 2003

Recommendations

That the Panel 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, consider any relevant representations, and review the interim steps already taken.

Wards Affected:

Piccadilly

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing regime will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a	An effective licensing system supports and

destination of choice to live, visit and work.	enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.
A connected city: world class infrastructure and connectivity to drive growth	

Full details are in the body of the report, along with any implications for:

Equal Opportunities Policy
Risk Management
Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Fraser Swift
Position: Principal Licensing Officer
Telephone: 0161 234 1176
E-mail: f.swift@manchester.gov.uk

Name: Dave Skelly
Position: Technical Licensing Officer
Telephone: 0161 234 4915
E-mail:

Background documents (available for public inspection):

Manchester City Council Statement of Licensing Policy 2016 - 2021
Guidance issued under section 182 of the Licensing Act 2003, April 2018
Licensing Act 2003 (Hearings) Regulations 2005
Any further documentary submissions by any party to the hearing

1. **Introduction**

- 1.1 On 14th January 2019, an application was made by Greater Manchester Police under s53A of the Licensing Act 2003 for a Summary Review of the Premises Licence for The Lounge, 29-31 Withy Grove, Manchester, M4 2BJ, in the Piccadilly ward of Manchester. A location map and photograph of the premises is attached at **Appendix 1**.
- 1.2 Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and a fast track licence review.
- 1.3 A 10 working-day public consultation exercise has been undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application published on the Council's website.
- 1.4 Under section 53C of the Licensing Act 2003, the licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the application.
- 1.5 Following the review under section 53C, the licensing authority must then review the interim steps in place and determine 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.

2. **The Application**

- 2.1 A copy of the application is attached at **Appendix 2**.
- 2.2 The application for a summary review was submitted on the grounds that the premises are associated with serious disorder, following two incidents on the 5th January 2019. At 0614am, GMP were contacted by City Centre CCTV control, stating that 3 or 4 males were fighting outside the premises. At 0616am a member of the public contacted GMP, stating that 20-25 males were fighting outside the premises. A police patrol arrived a few minutes later and stated that all was clear. A further patrol stated that a group of males had ran off towards the URBIS. After reviewing the CCTV from the City Centre CCTV control team. GMP, viewed an extended incident of extreme violence, which began with a small number of people on the doorstep of the premises. Which then spread very quickly into large scale violent disorder, involving numerous people which spread out into the street. Several people are assaulted, some of the males involved remove their belts and use them as weapons. There are also incidents of people being punched or kicked to the floor and then kicked by groups of males whilst lying on the ground.
- 2.3 **Interim Steps pending the review**
- 2.3.1 Within 48 hours of receiving a summary review application, under s53B of the Licensing Act 2003 the licensing authority must consider whether it is

necessary to take interim steps pending the review of the licence for the promotion of the licensing objectives.

- 2.3.2 On 16th January 2019, a Licensing Sub-Committee Hearing Panel held a hearing to consider taking such interim steps and the decision of the Panel was to suspend the premises licence (**Appendix 3**).
- 2.3.3 The premises licence holder may make representations against the interim steps taken by the licensing authority. Under s53B of the Licensing Act 2003 the licensing authority must within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.
- 2.3.4 At the time of preparing this Committee Report no representations have been received against the interim steps taken by the licensing authority. Please note that representations may be received at any time prior to the date of the review hearing.
- 2.3.5 On the date of the review hearing, the licensing authority is required to review any interim steps that are in place 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.

3. Current Premises Licence

- 3.1 A copy of the current licence is attached at **Appendix 4**.
- 3.2 The premises licence holder is UMS Events Ltd and has held the licence since 20th December 2016.
- 3.3 The designated premises supervisor is Mr Edward Odudo who has held this position since 25th January 2012.
- 3.4 The licensable activities permitted by the licence are:

Live music / Recorded music

Monday to Thursday – 10am to 4.30am

Friday to Saturday – 10am to 6.30am

Sunday 10am to 4.30am

Sale of alcohol (both on and off the premises)

Monday to Thursday – 10am to 4.30am

Friday to Saturday – 10am to 6.30am

Sunday 10am to 4.30am

Non Standard Timings for all of the above

To extend permitted hours to 1000 to 0630 on any night preceding a Bank Holiday

From the start time on New Year's Eve to the terminal hour for New Year's Day.

Late Night Refreshment

Monday to Sunday – 11pm to 4am

Opening Hours

Monday to Thursday – 10am to 5am

Friday to Saturday – 10am to 7am

Sunday 10am to 5am

Non Standard Timings for opening hours only

To extend permitted hours to 1000 to 0700 on any night preceding a Bank Holiday

From the start time on New Year's Eve to the terminal hour for New Year's Day.

4. Relevant Representations

- 4.1 Representations may be made by any person or 'responsible authority' during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be relevant to one or more of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.
- 4.2 Three relevant representation has been received in respect of this application from Licensing Out of Hours Compliance Team, who are a responsible authority and two residents(**Appendix 5**).
- 4.3 Summary of the representation:

Party	Grounds of representation	Recommends
Resident (1)	Over numerous years occupying the premises, my son has witnessed crime and disorder, public nuisance and public safety issues, including on the 5 th October 2016, the stabbing of a young man in the entrance way to the Lounge.	To support the opinion of GMP's Superintendent
Resident (2)	Consistent noise issue until early hours in the morning sometime til 5am, fights, cars parked on the footpath, people in front of the main entrance of the residential block, front door damaged by the customers of the club, rubbish thrown on foot paths outside the area, people offer drugs to random people, knife crime, drugs , fighting.	Closure of premises

Licensing Out of Hours Compliance Team	Persistent issues with failing to observe Licence Conditions. Leading to incidents of serious disorder	To support the opinion of GMP's Superintendent
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5. Key Policies and Considerations

5.1 Legal Considerations

- 5.1.1 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

5.2 New Information

- 5.2.1 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

5.3 Hearsay Evidence

- 5.3.1 The Panel may accept hearsay evidence and it will be a matter for the Panel to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

5.4 The Secretary of State's Guidance to the Licensing Act 2003

- 5.4.1 The Secretary of State's Guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 5.4.2 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The Guidance is therefore binding on all licensing authorities to that extent. However, the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.

- 5.4.3 Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

5.5 **Manchester Statement of Licensing Policy**

- 5.5.1 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' its statement of licensing policy.
- 5.5.2 The Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout Manchester and outlines the standards expected in order to ensure the promotion of the licensing objectives in the city. The Panel may depart from the policies should it consider doing so would benefit the promotion of the licensing objectives. Reasons are to be given for any such departure from the Policy.
- 5.5.3 There are a number of references in the Policy to the licensing authority's expectations of applicants. The licensing authority will not apply the Policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 5.5.4 Relevant to this application, the Panel are recommended to have regard to the following sections of the Policy:

Section 6: What we aim to encourage

This section identifies certain types of venues and initiatives the licensing authority aims to encourage in order to promote an inclusive evening and night-time economy not simply focused on the consumption of alcohol. We aim to encourage:

- Premises that will extend the diversity of entertainment and attract a wider range of participants
- Live music, especially original material, which will provide a range of live performances and styles of music, provided that such entertainment does not undermine the licensing objectives
- National cultural institutions, global sports events and cultural festivals
- Non-drink-led premises, including restaurants, cafes, theatres and cinemas
- Communication and integration with local residents and businesses through licensees consulting with those in the local area prior to an application
- Participation in Pubwatches, off licence forums and other crime-reduction partnerships

- Engagement with the NITENET radio scheme and DISC secure information sharing platform by city centre venues through the Cityco Manchester Business Crime Reduction Partnership
- Designing out crime in the layout of the premises

Section 7: Local factors

This section sets out key issues that applicants are expected to take into account relevant to the individual characteristics of the premises and address any local factors relevant to their premises.

Having regard to this application, the Panel are recommended to have regard to the following Factors:

- Identified risk factors specific to the licensed premises
- Evidence of pre-existing problems in the area
- Proximity of takeaways and licences to nightlife entertainment areas
- Consistency with relevant Council strategies
- The proximity of the premises to local residents and other local businesses, particularly in relation to the potential for nuisance
- Proximity to sensitive uses
- The availability of transport to and from the premises
- Ability to clean and maintain the street scene

Section 8: Manchester's standards to promote the licensing objectives

This section identifies the standards that the licensing authority expects of licensed premises in Manchester. It is recognised that not all standards will be appropriate to apply in every situation to every premises. The degree to which standards would be appropriate is expected to be proportionate to the risk posed against the promotion of the licensing objectives having regard to the individual circumstances of the premises. The standards are not exhaustive and the licensing authority will have regard to any relevant issues raised in any representation that may fall outside them.

- MS1 Implement effective security measures at the premises
- MS2 Effective general management of the premises
- MS3 Responsible promotion and sale of alcohol
- MS4 Prevent the use of illegal drugs, new psychoactive substances (NPS) and the spiking of drinks at the premises

- MS5 Prevent on-street consumption of alcohol
- MS6 Provide a Duty of Care for intoxicated or vulnerable customers and medical emergencies
- MS7 Maintain a safe capacity
- MS8 Prevent noise nuisance from the premises
- MS9 Effectively manage exterior spaces (eg beer gardens, smoking areas, table and chair areas on the highway)
- MS10 Operate effective cleansing arrangements, including ensuring the premises and surrounding area are kept clean and free of litter, and adequate arrangements for the secure and responsible storage of refuse
- MS12 Prevent underage sales of alcohol, including proxy sales

6. **Conclusion**

- 6.1 A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 6.2 In considering the matter, the Panel should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council’s licensing policy statement.
- 6.3 The Panel 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, any relevant representations, and review the interim steps already taken (if any).
- 6.4 In making its final determination, the steps the Panel can take are:
- a) To modify the conditions of the premises licence
 - b) To exclude from the scope of the licence any of the licensable activities to which the application relates;
 - c) To remove the designated premises supervisor from the licence;

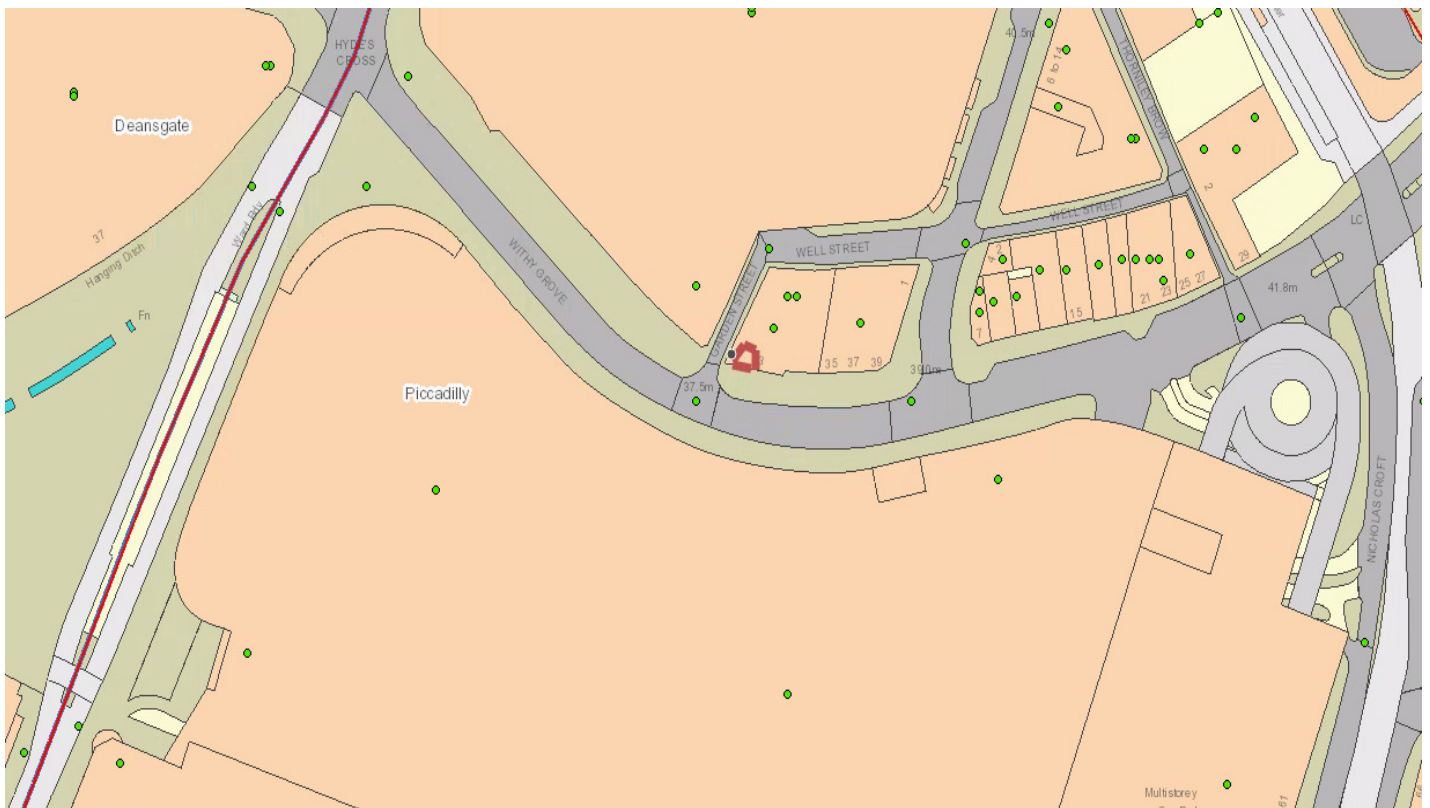
- d) To suspend the licence for a period not exceeding 3 months; and
 - e) To revoke the premises licence.
- 6.5 The conditions of the licence, with the exception of mandatory conditions in Appendix 1 of the licence, may be modified to alter or omit any of them or to add any new condition, including restricting the times at which licensable activities authorised by the licence can take place.
- 6.6 All licensing determinations should be considered on the individual merits of the application.
- 6.7 The Panel's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 6.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.
- 6.9 **The Panel is asked to determine what steps, as set out in 6.4 above, are appropriate for the promotion of the licensing objectives.**

Review of the interim steps

- 6.10 The Panel's determination of the review does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged.
- 6.11 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 final review hearing. This is to be done immediately after the determination of the review under s53C. In reaching its decision, the panel must consider any relevant representations made.
- 6.12 The steps available to the Panel are:
- a) To modify the conditions of the licence;
 - b) To exclude the sale of alcohol by retail from the scope of the licence;
 - c) To remove the designated premises supervisor from the licence; and
 - d) To suspend the licence.
- 6.13 Upon the determination of the licence review, the Panel is asked to review the interim steps in place and determine 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.

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The Lounge
29-31 Withy Grove, Manchester, M4 2BJ



PREMISE NAME:	The Lounge
PREMISE ADDRESS:	29-31 Withy Grove, Manchester, M4 2BJ
WARD:	Piccadilly
HEARING DATE:	08/02/2019

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ANNEX B

Greater Manchester Police
Central Park
Northampton Road
Manchester

220710

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:
The Lounge
29 Withy Grove
Manchester
M4 2BJ

Premises licence number (if known): 89714

Name of premises supervisor (if known): UMS Events Ltd

I am a Superintendent ³ 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:

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns as to the extreme violence which has occurred at the premises and the lack of action from the premises.

Greater Manchester Police (GMP) will say that the premises are associated with Serious Disorder. Therefore due to the Serious Disorder which has taken place at the premises GMP feel that it is necessary for an expedited review to take

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.

place.

The premises are situated on Withy Grove in Manchester city centre and the premises licence was issued on 19/05/2006. The Premises Licence Holder (PLH) is UMS Events Ltd and the Designated Premises Supervisor (DPS) is Mr Edward Odudo who has held this position since 10th January 2012.

The incident which has triggered this Summary Review is as follows:

At 0614 hours on Saturday 5th January 2019 GMP were contacted by City Centre CCTV control stating that there were 3 or 4 males fighting outside Lounge on Withy Grove.

At 0616 hours GMP were contacted by a member of the public who stated that there were 20 - 25 males fighting outside the premises but that he had now left the location so had no further details.

CCTV control updated further that some of the males were now taking off their belts.

A few minutes later the first police patrol arrived on Withy Grove and stated that there is nothing ongoing and the premises are shut. Another police patrol stated that a group of males have run towards the Urbis.

CCTV of the incident has been obtained from the City Centre control room and what it shows is an extended incident of extreme violence which begins on the door step of the premises between a small number of people and escalates very quickly into a large scale Violent Disorder involving numerous people which spreads out right across the street.. Several people are assaulted and some of the males take off their belts and use them as weapons. People are seen to be punched or kicked to the floor and then kicked by groups of males whilst they are lay on the ground.

The incident lasted approximately 7 minutes and at no point during this time did the premises contact GMP to report this large scale fight and they also did not report the incident over Nite Net which is condition on their Premises Licence. This has been confirmed by CityCo who run the Nite Net system. The footage at the end of the clip shows that the premises have pulled down their shutter and officers who attended at the scene stated that the premises were shut on their arrival.

Therefore GMP have serious concerns as to this incident of violence which went unreported by the premises and from looking at the CCTV it is clear that serious injury could very easily have been caused.

As recently as the weekend of the 11th - 13th of January 2019 there were 2 incidents reported at the premises.

At 0446 hours on Saturday 12th January 2019 door staff at the premises asked 2 police officers who were on Withy Grove to enter the premises and assist with a fight that was happening on the dance floor. Once the officers were inside the premises and were trying to deal with the disturbance they were surrounded by up to 20 customers and the officers activated their emergency buttons to summon other police to the location. Luckily the incident de escalated fairly quickly and the officers left the premises unharmed.

At 0426 hours on Sunday 13th January 2019 GMP were contacted by CCTV control stating that the door staff at the premises had detained a male with a knife. Police patrols attended and a male was found in possession of a knife and arrested.

There have been several other incidents of violence or disorder at the premises over the past 12 months and details of these will be disclosed at the full hearing. Whilst reviewing CCTV footage on Monday 14th January 2018 of previous incidents at the premises, the seriousness of this incident on 5th January 2019 became apparent and hence this Summary Review application.

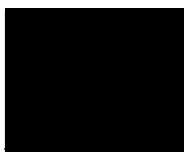
The powers contained under section 53A of the Licensing Act 2003 are necessary and proportionate in light of the association that the premises has to Serious Disorder.

The premises were subject of a previous Summary Review in 2011 when there was another large scale disturbance outside the premises, so this is not the first time that the premises have found themselves at an Interim Steps hearing.

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. Serious Disorder has occurred at the premises and until the Licensing Committee hear the full review and all the evidence that will be disclosed, to allow the premises to continue to operate as a licensed premises gives concerns that further violent incidents will occur at the premises and the safety of both customers and staff will be placed in jeopardy. Greater Manchester Police will say that the licensing objectives of the Prevention of Crime and Disorder and Public Safety can only be promoted if the premises licence was suspended until the final determination of the summary review application.

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take. There are serious concerns as to the extreme level of violence that has occurred. Greater Manchester Police believe that Serious Disorder has occurred at the premises.

(Signed)



Supr



(Date)

14/1/19

ANNEX C

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

Manchester City Council

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

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 Alan Isherwood [on behalf of] the chief officer of police for the Greater Manchester police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

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

**The Lounge
29 Withy Grove**

Post town: Manchester

Post code (if known): **M4 2BJ**

2. Premises licence details:

Name of premises licence holder (if known): UMS Events Ltd

Number of premises licence holder (if known): 4447014

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

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 disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm) ☒

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take, there are serious concerns as to the extreme violence which has occurred at the premises and the lack of action from the premises.

Greater Manchester Police (GMP) will say that the premises are associated with Serious Disorder. Therefore due to the Serious Disorder which has taken place at the premises GMP feel that it is necessary for an expedited review to take place.

The premises are situated on Withy Grove in Manchester city centre and the premises licence was issued on 19/05/2006. The Premises Licence Holder (PLH) is UMS Events Ltd and the Designated Premises Supervisor (DPS) is Mr Edward Odudo who has held this position since 10th January 2012.

The incident which has triggered this Summary Review is as follows:

At 0614 hours on Saturday 5th January 2019 GMP were contacted by City Centre CCTV control stating that there were 3 or 4 males fighting outside Lounge on Withy Grove.

At 0616 hours GMP were contacted by a member of the public who stated that there were 20 - 25 males fighting outside the premises but that he had now left the location so had no further details.

CCTV control updated further that some of the males were now taking off their belts.

A few minutes later the first police patrol arrived on Withy Grove and stated that there is nothing ongoing and the premises are shut. Another police patrol stated that a group of males have run towards the Urbis.

CCTV of the incident has been obtained from the City Centre control room and what it shows is an extended incident of extreme violence which begins on the door step of the premises between a small number of people and escalates very quickly into a large scale Violent Disorder involving numerous people which spreads out right across the street.. Several people are assaulted and some of the males take off their belts and use them as weapons. People are seen to be punched or kicked to the floor and then kicked by groups of males whilst they are lay on the ground.

The incident lasted approximately 7 minutes and at no point during this time did the premises contact GMP to report this large scale fight and they also did not report the incident over Nite Net which is condition on their Premises Licence. This has been confirmed by CityCo who run the Nite Net system. The footage at the end of the clip shows that the premises have pulled down their shutter and officers who attended at the scene stated that the premises were shut on their arrival.

Therefore GMP have serious concerns as to this incident of violence which went unreported by the premises and from looking at the CCTV it is clear that serious injury could very easily have been caused.

As recently as the weekend of the 11th - 13th of January 2019 there were 2 incidents reported at the premises.

At 0446 hours on Saturday 12th January 2019 door staff at the premises asked 2 police officers who were on Withy Grove to enter the premises and assist with a fight that was happening on the dance floor. Once the officers were inside the premises and were trying to deal with the disturbance they were surrounded by up to 20 customers and the officers activated their emergency buttons to summon other police to the location. Luckily the incident de-escalated fairly quickly and the officers left the premises unharmed.

At 0426 hours on Sunday 13th January 2019 GMP were contacted by CCTV control stating that the door staff at the premises had detained a male with a knife. Police patrols attended and a male was found in possession of a knife and arrested.

There have been several other incidents of violence or disorder at the premises over the past 12 months and details of these will be disclosed at the full hearing. Whilst reviewing CCTV footage on Monday 14th January 2018 of previous incidents at the premises, the seriousness of this incident on 5th January 2019 became apparent and hence this Summary Review application.

The powers contained under section 53A of the Licensing Act 2003 are necessary and proportionate in light of the association that the premises has to Serious Disorder.

The premises were subject of a previous Summary Review in 2011 when there was another large scale disturbance outside the premises, so this is not the first time that the premises have found themselves at an Interim Steps hearing.

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. Serious Disorder has occurred at the premises and until the Licensing Committee hear the full review and all the evidence that will be disclosed, to allow the premises to continue to operate as a licensed premises gives concerns that further violent incidents will occur at the premises and the safety of both customers and staff will be placed in jeopardy. Greater Manchester Police will say that the licensing objectives of the Prevention of Crime and Disorder and Public Safety can only be promoted if the premises licence was suspended until the final determination of the summary review application.

The standard review of the premises licence under section 51 Licensing Act 2003 is inappropriate due to length of time a standard review would take. There are serious concerns as to the extreme level of violence that has occurred. Greater Manchester Police believe that Serious Disorder has occurred at the premises.

Signature of applicant: —

Date: 14/1/19

Capacity: Licensing Constable

Contact details for matters concerning this application:

Address:

Manchester Town Hall Extension

Lloyd Street

Manchester

M2 5DB

Telephone number(s): 0161 856 6017

Email: alan.isherwood@gmp.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

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Summary Review (s53A Licensing Act 2003)**Licensing Committee's Reasons**

Name of Premises: The Lounge, 29 – 31 Withy Grove, Manchester, M4 2BJ Licence Holder: UMS Events Ltd

Nature of the Application: Summary review**Applicant:** GMP (Alan Isherwood)**Certificate:** Y**Date & Time Lodged:** 14.1.19 @ 3.27pm**Grounds:** Serious Crime/Serious Disorder**The committee have listened to the representations made by:****Body/ individual**

Premises Representative	X
GMP	X

and have taken them into consideration.

In reaching its decision the Committee was of the opinion that the following immediate measures are necessary to prevent serious crime or serious disorder occurring pending a full review and are appropriate for the promotion of the crime prevention objective.

Interim Steps:

- Suspension of licence

(All parties notified at the hearing)**The Review will take place on:** 8.2.19**Time:** 0900

Reasons:

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 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.



MANCHESTER CITY COUNCIL

LICENSING ACT 2003 PREMISES LICENCE

Premises licence number	089714
Granted	19/05/2006
Latest version	Minor variation 216883 granted 28/08/2018

Part 1 - Premises details

Name and address of premises
The Lounge 29 Withy Grove, Manchester, M4 2BJ
Telephone number 0843 289 9614

Licensable activities authorised by the licence
<ol style="list-style-type: none"> 1. The sale by retail of alcohol*. 2. The provision of regulated entertainment, limited to: Live music; Recorded music; 3. The provision of late night refreshment. <p>* All references in this licence to "sale of alcohol" are to sale by retail.</p>

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0430	0430	0430	0430	0630	0630	0430
The sale of alcohol is licensed for consumption both on and off the premises.							
Seasonal variations and Non standard Timings:							
To extend permitted hours to 1000 to 0630 on any night preceding a Bank Holiday							
From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Live music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0430	0430	0430	0430	0630	0630	0430
Licensed to take place indoors only.							
Live music is only permitted in the basement area of The Lounge.							
Seasonal variations and Non standard Timings:							
To extend permitted hours to 1000 to 0630 on any night preceding a Bank Holiday							
From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Recorded music							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0430	0430	0430	0430	0630	0630	0430
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
To extend permitted hours from to 1000 to 0630 on any night preceding a Bank Holiday.							
From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Provision of late night refreshment							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	2300	2300	2300	2300	2300	2300	2300
Finish	0400	0400	0400	0400	0400	0400	0400
Licensed to take place indoors only.							
Seasonal variations and Non standard Timings:							
None.							

Hours premises are open to the public							
Standard timings							
Day	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Start	1000	1000	1000	1000	1000	1000	1000
Finish	0500	0500	0500	0500	0700	0700	0500
Seasonal variations and Non standard Timings:							
To extend permitted hours to 1000 to 0700 on any night preceding a Bank Holiday							
From the start time on New Year's Eve to the terminal hour for New Year's Day.							

Part 2

Details of premises licence holder	
Name:	UMS Events Ltd
Address:	23 New Mount Street, Manchester, M4 4DE
Registered number:	4447014

Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Mr Edward Odudo
Address:	[REDACTED]
Personal Licence number:	[REDACTED]
Issuing Authority:	[REDACTED]

Annex 1 – Mandatory conditions	
Door Supervisors	
1.	Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: -
(a)	Unauthorised access or occupation (e.g. through door supervision),
(b)	Outbreaks of disorder, or
(c)	Damage,
	unless otherwise entitled by virtue of section 4 of the Private Security Industry Act 2001 to carry out such activities.

Supply of alcohol

2. No supply of alcohol may be made under this premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence or,
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) 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 either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5.
 - (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
 - (2) For the purposes of the condition set out in (1) above–
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula–

$$P = D + (D \times V)$$

where –

 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
 - (3) Where the permitted price given by paragraph (2)(b) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 - (4)
 - (a) Sub-paragraph (4)(b) applies where the permitted price given by paragraph (2)(b) on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

- (b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
6. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, 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 –
- (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 in a manner which carries a significant risk of undermining a licensing objective;
- (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 in a manner which carries a significant risk of undermining a licensing objective;
- (d) 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;
- (e) dispensing alcohol 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).
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
8. The responsible person must 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;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold the customer is made aware that these measures are available.

For the purposes of conditions 6, 7 and 8 above, a responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

Annex 2 – Conditions consistent with the operating schedule

1. A CCTV system equipped with a recording facility shall be installed inside of premises on both floors and outside of the premises monitoring the front entrance and shall be maintained and operated at the premises. Recorded images shall be retained for 31 days. The system shall be installed following consultation with Greater Manchester Police.
2. Regulated entertainment shall be confined to the basement area of the premises.
3. Sufficient numbers of staff shall be employed from 1100 each day, at the entrance to the basement of the premises, to serve customers and keep queuing down to a minimum.
4. A conspicuous and legible notice shall be displayed near the entrance of the premises advising that any customers who refuse to be searched shall be refused entry.
5. An effective search policy shall be implemented for the purpose of randomly searching customers who enter the basement of the premises.
6. With regard to drugs: All staff shall be provided with adequate and suitable training to enable them to identify the signs and symptoms of drug use/abuse. Any drugs found following a search shall be confiscated, a record shall be made in a logbook, which shall be kept at the premises, and the items shall be surrendered to Greater Manchester Police.
7. The management and staff shall ensure that glasses are collected regularly, throughout the basement area of the premises at all times the premises are in use.
8. The management shall ensure that door staff monitor the toilet accommodation at regular intervals and that they remain vigilant and identify any suspicious behaviour.
9. The management shall ensure that regular inspections and maintenance of the fire extinguishers and electrical equipment takes place.
10. There shall be continued Public Liability Insurance in respect of the premises.
11. An evacuation procedure which includes emergency exit from the premises by disabled customers shall be implemented at the premises and all staff shall be fully briefed in the procedure.
12. All staff shall be provided with adequate and suitable training to make them aware of the problems associated with the spiking of drinks and how to reduce the risks of the same.
13. An air conditioning system shall be installed in both levels of the premises.
14. The air conditioning and ventilation machinery shall be maintained in such a condition as not to produce excessive noise, which shall be maintained so as not to produce excessive noise which is likely to cause a nuisance to nearby properties
15. All windows and doors (except those used for emergency purpose or those used for normal entry/egress) in the basement area shall be kept closed at all times regulated entertainment is taking place.
16. Noise limiter device shall be fitted to any amplification equipment. All music equipment shall be routed through a noise limiter.
17. Refuse collections from the premises or the emptying of bottles shall not take place between the hours of 2300 each evening and 0700 the next morning.
18. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
19. A conspicuous and legible notice shall be displayed near the entrance of the premises advising customers to consider local residents and to leave the premises in a quiet and orderly manner.
20. Whenever regulated entertainment is taking place, relaxing and low-level music shall be played in the half hour prior to the termination of any such entertainment.
21. Any person who appears to be under the age of 21 shall be asked to produce evidence of their identity. Such evidence must be in the form of a Portman group card, a photo driving licence, passport, citizen card or validated UK card.

Annex 3 – Conditions attached after hearing by the licensing authority

1. The licence holder or member of staff shall attend at least 6 local club and pub watch meetings annually.
2. A method of communicating between the Council's Central Watch and other licensed premises by text/pager or radio links shall be provided at the premises.
3. When the premises are open to the public, the communications link to the Council's Central Watch or other licensed premises shall be switched on and available to and monitored by the Designated Premises Supervisor or nominated member of staff.
4. All incidents of crime or disorder in the premises shall be reported via the test/pager/radio link to the Council's Central Watch by the DPS or nominated member of staff.
5. All lawful instructions and directions given by the Police to be complied with by DPS and all staff.
6. No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.
7. The proprietors shall install and maintain in good working order a club ID scan system or similar. The system shall be capable of recording and retaining a record of the identity of patrons entering the premises.
8. All patrons shall be required to produce suitable identification as a condition of initial entry to the premises.
9. Suitable identification is restricted to: Passport, Photo Driving Licence, PASS Card or NUS Card.
10. A T.V. monitor shall be placed in the reception area in a position, which makes it clearly visible to patrons on entry to the premises.
11. A digital record shall be kept of all persons entering and exiting the premises. The records shall be kept for at least 31 days and available to the Police or other responsible authorities on request.
12. A minimum of two SIA registered door staff provided by and ACS accredited company shall be employed on the premises at all times they are open to the public. The level of SIA registered staff shall continually be risk assessed and increased if necessary.
13. The external area of the premises shall be supervised to ensure that members do not congregate on leaving and that persons who cannot gain entry leave the area quickly and quietly.
14. Notices shall be displayed at exits requesting patrons leave quietly.
15. The premises shall only provide numbers for taxi firms that operate a ring back facility.
16. Regular quarterly meetings shall be held with local residents.
17. A night-net radio link shall be implemented, maintained and used.
18. Clickers shall be used to effectively manage capacity.
19. Any person who tries to gain entry to the premises who is involved in disorderly conduct or anti-social behaviour outside the premises shall not be permitted entry to the premises. The Premises Licence Holder or DPS shall ensure that any person within the premises who is involved in disorderly conduct or anti-social behaviour inside the premises shall be removed from the premises.
20. Management shall not allow to enter or allow to remain in the premises any person who is notified to the DPS by GMP as being a person of bad character by way of association to other persons or by convictions at Court.
21. Management shall ensure that the Smoking Policy as agreed with GMP is implemented and adhered to.
22. Management shall ensure that the Dispersal Policy as agreed with GMP is implemented and adhered to.
23. When the premises are being used for externally promoted events then the City Safe and events office at Bootle Street Police Station shall be notified at least 28 days prior to the event taking place in order that a risk assessment be carried out by the DPS in relation to any such event.
24. A tamper proof noise limiter shall be installed on the ground floor and set at a level determined by Manchester City Council's Environmental Health Department, in conjunction with the Premises

License Holder and the residents of the flats above. The levels set shall be reviewed at quarterly intervals or at the request of any of the parties.

25. There shall be no speakers near to the entrance door to the premises.
26. A metal detector arch shall be installed on the entrance to Lounge 31 and shall be in operation at all times that Lounge 31 is open to the public.
27. National shall not to be used to provide door staff for the premises.
28. After 0400 two members of the security team shall be assigned outside of the venue to help the smooth dispersal of customers away from the front of the venue and towards the taxi rank down the road or up the street to other food outlets.
29. There shall be a last entry time for patrons of 1 hour before closing.
30. In the event patrons are causing a nuisance queuing outside the premises, door staff shall remind them to be aware of local residents.
31. On any day the premises wishes to open past 0400, at least two SIA door security shall be employed at the premises from 2200 and one additional door security from 0330 to assist with dispersal of patrons away from the premises.
32. Whilst the premises is operating , regular checks shall be made outside the premises to ensure the area is kept clean and free from litter , these checks shall be documented. At the close of business each day staff shall ensure that there is no litter outside the premises.

Annex 4 – Plans

See attached

Description of proposed variation as given by the applicant:

1. The application is to remove the areas of BFS & Funky Chicken from the licence, leaving The Lounge as the only licensed area.
2. To remove all conditions relevant to BFS & Funky Chicken from the licence (Annex 3 conditions 7 to 15)
3. To confirm the current & correct plan for The Lounge

The application indicates that discussions have taken place with the Licensing Unit in advance of submitting this application.

Changes to conditions:

The conditions requested to be removed are pasted below:

Funky Chicken.

- No alcohol sales or other licensable activities save for late night refreshment to be carried on from the Funky Chicken part of the premises.
- On Fridays and Saturdays at least one SIA registered member of door staff to be employed from 0000 until close.
- At other times the requirement for SIA registered door staff shall be risk assessed and be provided if deemed necessary.
- Door staff are to monitor and assist in encouraging patrons to move away from the front of the premises on Withy Grove.
- Regular checks shall be made outside the premises by staff to ensure that the area is kept clean and free from litter.

BFS.

- On Fridays and Saturdays at least one SIA registered door staff to be employed on the premises from 0000 to 0330. At other times the level of SIA staff shall be continually risk assessed and provided or increased if necessary.
- Between the hours of 0000 and 0330 alcohol shall only be sold by a person who holds a Personal Licence.
- Signs shall be displayed on the premises stating that it is an offence to continue to drink alcohol on the street when asked to stop by a Police Officer.
- Regular checks shall be made outside the premises by staff to ensure that the area is kept clean and free from litter.

No changes are requested to the hours and licensable activities permitted by this licence

P

Licensing & Out of Hours Compliance Team - Representation	
Name	[REDACTED]
Job Title	Neighbourhood Compliance Officer
Department	Licensing and Out of Hours Compliance Team
Address	Level 1, Town Hall Extension, Manchester, M60 2LA
Email Address	[REDACTED]
Telephone Number	[REDACTED]

Premise Details	
Ref No	619557
Name of Premises	The Lounge
Address	29 - 31 Withy Grove, Manchester

Representation in Support of GMP
<p>The Licensing and Out of Hours Team (LOH) are writing to support the application to review the premises licence by Greater Manchester Police (GMP). We have concerns about the premises licence holder's ability to uphold the licensing objectives, namely the prevention of public nuisance and the prevention of crime and disorder.</p> <p>The Lounge is a City centre nightclub situated on Withy Grove and is a busy and popular location close to The Printworks entertainment complex. The venue is open Friday and Saturday 2000 until 0700 and Sunday 2300 to 0500. The premises is a popular late night venue and tends to be most popular after all the other venues in the area have closed, largely due to its late opening time.</p> <p>LOH had reason to call a pre-review meeting with the management of the premises along with GMP on 9 March 2018. The purpose of the meeting was to discuss a number of observations that had been made at the premises. Rather than taking the premises to review at the time, a pre-review meeting was deemed more appropriate as this gave us the opportunity of working with the premises first and allowed us to offer the management advice and guidance on how to uphold the licensing objectives.</p> <p>The Licensing Pre-Review meeting on 9 March 2018 focused on a number of condition breaches that had been observed by LOH officers, namely:</p> <p>Annex 3 Condition 5: All lawful instructions and directions given by the Police to be complied with by DPS and all staff.</p> <p>Body cam footage from a Police Sergeants interaction with Mr Eddie Odudu</p>

on 18th February 2018 showed a heated exchange between Mr Odudu and the GMP Sergeant who had asked Mr Odudu to control the area outside the premises. It was felt by both the Sergeant and LOH officers present that the instructions to move patrons from outside the venue was not responded to by Mr Odudu as well as one would hope in such circumstances. The LOH officer present described Mr Odudu's interaction with the Sergeant to be aggressive, dismissive and had appeared to be very anti-authoritarian. The LOH officer present commented that this reaction is not one that should be expected when a senior member of GMP's policing team is asking a premises licence holder for support. LOH viewed the body cam footage at the time but do not have access to this bodycam footage currently as this was held and stored by GMP.

Annex 3 Condition 13: The external area of the premises shall be supervised to ensure that members do not congregate on leaving and that persons who cannot gain entry leave the area quickly and quietly.

It was evident from both LOH observations and the fact that the GMP Sergeant had to call for backup on the 18 February 2018 that this condition was not being upheld. There have been a number of times when the outside area has been deemed to be poorly managed and LOH will refer to evidence relating to the Council's own CCTV, and CCTV from the Printworks complex.

Annex 3 Condition 26. A metal detector arch shall be installed on the entrance to Lounge 31 and shall be in operation at all times that Lounge 31 is open to the public.

On the 16th February 2018, during a random spot check carried out by LOH and GMP, the knife arch situated at the entrance of the premises was turned off. This random visit was part of an operation conducted over one night that saw LOH and GMP visit every premises within the City centre that had a knife arch installed. From those visits, The Lounge was the only premises found with a non working knife arch and therefore found to be in breach of their premises licence. It transpired whilst at the premises that the arch was not working due to a loose wire in the extension socket to which the arch was connected. This spot check led to serious concerns and begged the question as to how long this has had actually been out of operation as it was only as a result of our visit that the fault with the knife arch was rectified.

Annex 3 Condition 30. In the event patrons are causing a nuisance queuing outside the premises, door staff shall remind them to be aware of local residents.

On the night in question there was no attempt by door staff or any other staff at the premises to deal with the noise from those queueing.

In addition to the above condition breaches, during the pre-review meeting the LOH team also discussed what they viewed as irresponsible drinks

promotions taking place at the premises, namely a triple vodka & Redbull £3.00 promotion, an 'all you can drink for £20:00' with an 11pm cut off promotion and a Weekly event held at the premises called 'Wasted Wednesdays'

The above matters were discussed and an action plan was produced with the venue, email correspondence exhibited.

Following the pre-review meeting, further incidents of public nuisance and poor management of the outside area continued to be observed and reported. On 8th April 2018, the City Centre Inspector for GMP attended the area and described the area directly outside the premises as 'very badly managed'. So concerned was he that he stationed 6 of his officers outside the venue for the remainder of the evening in order to keep the peace. This included a number of TAU officers which lends insight into the level of concern the Inspector had at the time. LOH have seen CCTV footage of the officers stood outside the premises on the night in question which at the time was held and stored by GMP.

In response to the above observations, on 16 April 2018 LOH carried out a Licence inspection at the premises to ensure compliance with the licence conditions and to ensure that the agreements made at the pre-review meeting had been put in place. On this visit it was found that the premises were adhering to their premises licence conditions and the agreements made at the pre-review were being adhered to although the issue of public nuisance outside the venue still remained.

Following further observations by LOH officers, a visit was undertaken on 12 May 2018 to ensure that the CCTV and Club scan system were working correctly as it was observed by LOH officers that people may have been able to gain access to the premises without going through the club scan system. At the time of inspection the premises was closed for refurbishment but both the club scan system and the CCTV system appeared to be in working order. It is worth mentioning that the club scan checks on this occasion were limited to ensuring that the details were being stored on the system correctly.

Following the above licensing inspections, over the subsequent months it appeared from external monitoring that the previous issues that had blighted the premises and the outside area had been resolved. However, towards the end of 2018, LOH officers started hearing about further incidents occurring in and around the premises from numerous sources. It was also unclear as to how many of these incidents had been reported by the venue. As a result of these renewed concerns, a licensing spot check (known as a VLP) was undertaken by LOH on 13th January 2019 at 04:42. During the VLP, the following observations and licence breaches were observed:

Annex 2: Condition 6:.....Any drugs found following a search shall be confiscated, a record shall be made in a logbook, which shall be kept at

the premises, and the items shall be surrendered to Greater Manchester Police.

When questioned about the drugs policy, a member of staff at the premises advised that they 'only ever find weed which we confiscate and dispose of'. This response was of particular concern as there seemed to be no record of how often such drugs were found or how these drugs are disposed of. This was even more worrying as, by the DPS's own admission, the area immediately outside the venue is blighted with drug dealers. With such open and unchallenged drug dealing occurring outside the venue, it is not completely inconceivable that some of these drugs may end up inside the premises. It also needs to be considered whether these congregations of drug dealers outside are a direct result of the premises and the laid back attitude staff have towards drug control.

Annex 3 Condition 7: The proprietors shall install and maintain in good working order a club ID scan system or similar. The system shall be capable of recording and retaining a record of the identity of patrons entering the premises.

Officers noted that customers who were not already on their 'club scan' system had to have their photograph taken on an Ipad by a member of staff. A staff member informed the officers that these photographs would then be uploaded later in the week. Whilst the wording of this particular condition is admittedly open to interpretation, the current 'club scan' system being used at the premises does not appear to be fit for purpose and it is very doubtful that the system that is in place is what the committee had in mind when they felt that there was a need to add such a condition to the premises licence.

Annex 3 Condition 4: All incidents of crime or disorder in the premises shall be reported via the test/pager/radio link to the Council's Central Watch by the DPS or nominated member of staff.

Officers were unable to check whether incidents are being recorded correctly as the Night Net system does not contain any 'incident reports' received from the premises over the last 3 months and there was no incident book present on site during the visit on 13 January 19. If incidents of crime and disorder are being recorded, LOH have not had sight of any such information.

In addition to the above licence breaches, whilst at the premises on 13th January 2019 officers also observed a heavily intoxicated male being searched by door staff whilst unable to keep his eyes open. Following the search, the male was allowed entry to the club despite his intoxicated condition. This matter was raised with staff at the venue at the time. In addition to this, whilst officers were in the CCTV room speaking with staff, one of the door staff called through on the radio stating that 'people are getting inside without being searched'. Whilst this appears to have been a temporary

issue that the door staff were aware of and seemingly trying to address, it was still a concerning admission by the door staff during the relatively short duration of the visit.

In relation to the incident that resulted in the premises being brought before the committee on 16th January 2019, the LOH team were concerned to hear the circumstances surrounding the lack of reporting of the incident which tied in with their own findings.

It transpires that at 06:14 on Saturday 5 January 2019 – an incident of violent disorder was reported at the premises. GMP were notified of this disorder by a passing member of the public and the Council's CCTV operators. There was no report received from the premises about the incident either by phone or the Night Net system. The LOH team have been informed that the premises instead closed the shutters to the venue and logged off the Night Net system whilst the incident was occurring. Not only was this a breach of the condition mentioned above, (Annex 3 Condition 4) this was also a breach of:

Annex 3 condition 17: A night-net radio link shall be implemented, maintained and used.

It is the view of LOH that the failure to report this incident of serious disorder to Night Net or GMP led to a delay in the relevant emergency services arriving on scene. This demonstrates a serious failure in the management and suggests that the management are unwilling to uphold the licensing objectives.

In addition to this lack of reporting being a breach of conditions, the Statement of Licensing Policy MS6 states: *'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.'* It is clear that on the night in question staff at the premises did not follow this policy.

On Wednesday 16 January 2019 at the hearing in front of the Licensing sub committee, the DPS of the licensed premises Mr Edward Odudu showed the committee CCTV footage of an incident outside the premises. Mr Odudu explained that the footage showed a male who had been refused entry to the premises and had subsequently pulled a knife on a member of the door staff. Mr Odudu highlighted this as an example of **his** door staff managing the outside area well and diffusing an incident with the potential for serious harm being caused. However, it has since become apparent from social media that the individual who took the knife wielding male to the ground was not a member of Lounge door staff as suggested but was in fact an off duty employee of Base Security who was stood with door staff purely by chance. Worryingly, the door staff employed by the premises appear to do relatively

little until the knifeman has been taken down and disarmed. Exhibited are the comments from the Instagram account of Base security where reference is made to doorman being employed by Base Security Limited rather than a member of The Lounge's own security team. As such, any attempt to claim that 'the premises door staff' dealt with the incident should be considered by the committee with caution.

LOH supports Greater Manchester Police's application to review this premises licence.

Dear Sir,

I am writing with reference to the summary review of premises licence number 89714 for The Lounge, 29-31 Withy Grove, Manchester M4 2BJ.

As an owner of a property in [REDACTED] Manchester, I am well aware of both the frequent disturbances and even serious and violent incidents that have occurred outside the club over the years, in addition to suffering the noise, nuisance and anti-social behaviour caused by either the club or by their customers outside.

Between the 28th June 2014 to the 4th December 2017 my son occupied my apartment and continually experienced severe problems relating to The Lounge club including witnessing the police having to deal with the tragic stabbing of a young man located in the entrance way to The Lounge on the 5th October 2016.

When The Lounge applied for an extension to their opening hours in February 2017 he registered our objections as follows:-

"Sent: 01 March 2017 16:46

To: Premises.licensing@manchester.gov.uk

Subject: The Lounge Bar extended hours application

Dear Reader

I am writing to register my objection to the application for extended opening hours until 06:30 Monday to Sunday by UMS Events LTD for The Lounge at 31 Withy Grove, M4 2BJ. The basis for this opposition is that by granting an extended license for these premises it will contribute to the cumulative effect of further and more frequent incidences of crime and disorder, public nuisance and an increased concern for public safety.

Withy Grove already boasts two of the largest night clubs within the city centre, Tiger Tiger with opening hours Monday to Saturday 12:00pm to 3:00am and Sunday 12:00pm to 12:00am and the Birdcage who open Wednesday 10pm to 3:00am, Friday 9:00pm to 2:00am and Saturdays 8:30pm to 4:00am. It would be inevitable that customers leaving these clubs would then choose to go to a venue that remained open later increasing the already ongoing problems detailed below.

Residents within [REDACTED] already suffer noise, nuisance and anti-social behaviour by the people attending The Lounge. Urination, vomiting and littering on the pavement directly outside our foyer door is common place. The queue system for entry to the club is always manipulated by the club security and their queue order railing system to directly block the only access into our apartment building and even when I politely request the lounge customers to move so I can gain entry, it is not uncommon for me to be subjected to torrents of verbal abuse as they believe I am trying push in. I have never received any from The Lounge employees and to the end of the evening no effort is made by the club security to disperse the crowds in an orderly fashion. The occurrence of club clients cars

being parked on the pavement with their windows open and their music being played loudly at the end of club hours for a prolonged period of around an hour is also not uncommon. Customers of the club seem to be able to bring glass bottles outside and broken glass is consistently found shattered on the pavement surrounding the access into the building.

Although my apartment is on a higher floor there is an issue with the high level of noise heard within my apartment from The Lounge which is situated on the ground floor of my apartment building and has been referred to the Peoples Protection Unit and Environmental departments at Manchester City Council via [REDACTED].

I believe that if The Lounge were allowed to remain open until 06:30AM from Monday to Sunday and its clientele were able to consume even more alcohol then it is likely that this will only contribute to an increase in drinking related serious violence such as the tragic incident on the 05/10/16 where 9 police cars were called including a police dog unit to deal with the stabbing of a young man located in the entrance way to The Lounge bar.

In view of the above considerations I would urge the licensing department at Manchester City Council to refuse this licensing application. I would like to also request that my personal details and address to not be passed over to the license applicant as there is little room for manoeuvre on my behalf for the issues highlighted in this letter.

Thank you

Regards"

As you are no doubt aware, the Licensing Sub-committee granted the extension to The Lounge's opening hours on the 28th March 2017 providing they adhered to additional conditions, including, reminding patrons outside to be aware of local residents, assisting with the dispersal of patrons away from the premises and ensuring that the area outside is kept clean and free from litter.

Since the 15th February 2018 I have leased my property to a tenant and receive ongoing and frequent complaints from them regarding persistent and loud noise from both The Lounge and their customers, continued incidents of urination, vomiting and littering deposited by people leaving The Lounge on the pavement outside the main and only entrance to our building and frequent experiences of considerable difficulty and intimidation when entering and leaving our property by the customers of The Lounge congregating on the pavement immediately outside of our building.

In view of the above I therefore wish to support the opinion of GMP's Superintendent that The Lounge club is associated with both serious crime and serious disorder especially in consideration of The Lounge's Licence Holder, seeming to have a complete disregard of the conditions imposed by the Manchester City Council's own Premises Licensing Team.

Please note that I do not wish for my details or that of my son to be passed to the Licensee of The Lounge due to past pressure from them over this matter.

Kind regards,

[REDACTED]

[REDACTED]

From: <[REDACTED]>
Date: Mon, 28 Jan 2019 at 17:44
Subject: The Lounge Premises License Number 89714
To: <premises.licensing@manchester.gov.uk>

Re: The Lounge 29 – 31 Withy Grove, Manchester, M4 2BJ
Premises Number: 89714

Manchester City Council,

I would like to mention the ongoing issues with the bar/club, please see the bullet point below:-

1. Consistent noise issue until early hours in the morning sometime til 5am, how and when do we sleep.
2. Consistent fights
3. Consistent cars parked on the footpath
4. Always people in front of the main entrance of the residential block,
5. Front door always damaged by the customers of the club
6. Rubbish thrown on foot paths outside the area
7. Smell of drugs and people offer drugs to random people
8. Club is opened all days until early morning
9. Knife crime, drugs , fighting.

This list can go on and on, I would like Manchester City Council to take action, we have had a great time since they have closed.

We have found that this place closes and then reopens under a different brand.

Outcome would be a complete closure.

Surely you are aware on how long this issue has been going on since and what sort of mess it creates every night. Not just to us but for Police too.

Kind regards,

Director

[REDACTED]
[REDACTED]

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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