

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Thursday, 8 August 2019

Present: Councillor Grimshaw – in the Chair

Councillors: Evans and Flanagan

LACHP/19/132. Application for Summary Review - Bliss Bar, 19 Albion Street, Manchester, M1 5LN

The Committee considered the representations made on behalf of Greater Manchester Police (GMP) and the Premises Licence Holder (PLH) and have taken both the written and oral representations into account.

In reaching its decision the Committee have also considered the Council's statement of Licensing Policy, the Licensing Act 2003, the Guidance issued by the Secretary of state under Section 182 of the Act and the licensing objectives.

Decision

To suspend the licence with immediate effect.

The Committee were concerned by the evidence from GMP of the level of violence involved in the incidents in the early hours of Saturday 3 August 2019 involving three victims being stabbed following fighting both inside and then outside the premises. All three victims had confirmed to GMP that they were inside the premises just prior to being stabbed outside the premises.

The Committee viewed the CCTV and observed an incident starting inside the club with a large number of customers involved. The Premises said they did not see anyone being hit and did not think there was a fight inside the premises. The Committee did not accept this. On their viewing of the CCTV it was clear that a serious incident involving violence started within the club. They observed a belt being wrapped around knuckles as a possible weapon and crutches being used by one customer as weapon. Whilst the Committee were of the view it was the correct thing to do in turning off the music and putting the lights on when this incident occurred this also supported how serious it actually was including the fact they cleared the premises even though it could open until 6am under a Temporary Event Notice that night. Further around four or five door staff and the owner became involved again showing it was more than just an argument.

It was therefore very concerning to the Committee that given this incident inside the premises that no one at the premises had called the police when the fighting first started inside. A call was made over the radio by a police officer in the area at 04.29 that a male had been stabbed. However, on viewing the CCTV the Committee noted that fighting had started within the premises at 04.12 when no call was made to the police.

It was observed that the fighting was broken up and the club starts emptying the people out however it was clear that this initial incident inside then continued and escalated outside involving the same people who were customers at the club. This then led to the three victims being stabbed in their torsos. The Committee accepted GMPs comments that this further fighting outside, and the three stabbing incidents, is likely to have been avoided if the premises had contacted the police when the initial fighting began inside the premises.

Whilst the premises state they were not responsible for what happened as it was not right outside their club and could have involved people from Deansgate Locks, the Committee concluded that they have to take responsibility for what happens not only inside the club but also its immediate vicinity and they need to take action when an incident occurs of this nature outside their club involving their customers. At the very least they would be expected to call the police which they did not. Door staff were observed outside in full view of the fighting which was occurring near the premises and took no action and failed to call the police.

The Committee were informed that there are concerns over the general management of the premises and they are subject to an action plan following breaches of the premises licence being observed on the night following this incident. The Committee were informed by the premises they are co-operating with the Council and GMP and closed the following night voluntarily. Whilst the Committee accepted that an action plan is being implemented and a minor variation in relation to promoters at the premises had been put in on the night in question there were serious concerns over the training of staff and management of the premises. It was also clear that the premises has been using promoters for some time in breach of a direct condition on the licence not to use the same.

The premises representative said this was an isolated incident with no other issues of serious crime. It was accepted there was an incident in 2018 which was not as serious when there was a fight on the dance floor and police were called. The premises further stated they will not run this RnB night again or allow these people to attend the premises again. It was however not clear as to how they would ensure all the individuals involved in the fighting would not come back to the premises and the Committee were not at this time satisfied that the premises could prevent any further issues occurring given the current concerns with the running of the premises.

The committee considered whether any of the licence conditions could be modified to address their immediate concerns, as suggested by the premises, but considered this not to be the case. It was stated by the premises that further training would be undertaken and a condition could be put on the licence requiring this. The Committee agreed that this was clearly needed however did not think this sufficient addressed the current concerns of GMP and would also take time to implement at the premises.

The Committee viewed that there were failings in the operation and training of management and staff. These include the failures in understanding and training as to how to handle incidents of crime including when to call the police and the reporting and recording of such incidents.

The Committee therefore found that it was necessary and proportionate to suspend the licence with immediate effect pending the full review hearing to prevent serious crime and disorder occurring. The Committee viewed that the premises were currently failing to uphold licensing objectives of the prevention of crime and disorder and public safety.

For the purpose of Section 53B(5)(b) of the Licensing Act 2003 immediate notice of this decision was given orally to GMP and the PLH.

The PLH was advised of their right to make representations against the interim steps and it was confirmed that the matter will be listed for full review on 2 September 2019 at 10am.