

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 2 September 2019

Present: Councillor – in the Chair

Councillors: Jeavons, Lynch and Stone

LACHP/19/148. Urgent Business

The Chair agreed to the submission of an item of urgent business that related to an application for a New Premises Licence – Oktoberfest Marquee within Mayfield, Baring Street, Manchester, M1 2PY

LACHP/19/149. Summary Review of Premises Licence - Bliss Club, Albion Wharf, 19 Albion Street, Manchester, M1 5LN

Following an Interim Steps hearing which took place on 8 August 2019 at which a decision was made to suspend the licence with immediate effect, the Committee was asked to review the Premises Licence for Bliss club pursuant to Section 53 (c) of the Licensing Act 2003.

In reaching its decision, the Committee considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made thereunder and the Guidance issued by the Secretary of State under Section 182 of that Act as well as the Licensing Objectives with specific reference for those that relate to crime and disorder and public safety. In doing so, the Committee considered Section 53C of the Licensing Act 2003 which sets out the available steps the Committee may take, should they deem it appropriate for the promotion of the Licensing Objectives.

53C Review of premises licence following review notice

- (1) This section applies to a review of a premises licence which a relevant licensing authority has to conduct on an application under [section 53A](#).
- (2) The relevant licensing authority must-
 - (a) hold a hearing to consider the application for the review and any relevant representations; [and]
 - (b) take such steps mentioned in subsection (3) (**if any**) as it considers [appropriate] for the promotion of the licensing objectives [.] [...] [...]
- (3) Those steps are-
 - (a) **the modification of the conditions of the premises licence,**
 - (b) **the exclusion of a licensable activity from the scope of the licence,**
 - (c) **the removal of the designated premises supervisor from the licence,**
 - (d) **the suspension of the licence for a period not exceeding three months, or**
 - (e) **the revocation of the licence.**

The Committee also took into consideration Section 12.2 of the Section 182 guidance which states:

“.... The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken.”

The Committee carefully considered all of the written evidence that had been submitted to the hearing and all oral and written representations from all parties in respect of a number of issues concerned with the running of the premises and incidents that had arisen over the past couple of years.

The Committee viewed CCTV footage of an incident that had occurred in the early hours of 3 August 2019 which involved three victims being stabbed following fights that had taken place inside and outside of the premises. It was clear from the footage that the incident had commenced inside the club and that persons had acted in an aggressive manner with one person arming himself with a belt and another wielding a crutch and using it to attack others. Whilst it was noted that the Premises had taken appropriate action by turning off the music and switching the lights on, the Committee was concerned that there appeared to be no urgency to contact GMP when fighting first broke out inside the premises. Had the Premises done so, the Committee felt that this would have assisted in diffusing a hostile situation that was clearly developing. It observed that the Club had been proactive in emptying the premises but noted that there had been an escalation of violence outside involving the same persons who had been fighting inside the premises. This ultimately resulted in three victims being stabbed and hospitalised with serious injuries. The CCTV footage showed that there was serious disorder outside the premises and the Committee felt that there was a lack of proactive intervention on the part of the Premises doorstaff to curtail the disorder.

The Committee was also informed that GMP had visited the Premises the day after the incident to find that it had been reopened, despite the serious nature of the incident the previous night. GMP also discovered that the Incident Book had recorded the fighting as a “minor incident downstairs club closed”. This gave the Committee grave cause for concern as to what would amount to a serious incident taking place. It was also concerned that a Door Staff Signing-In Book had identified a Company who were not employed at the premises. Furthermore the Committee was concerned that there had been a number of breaches of its licence relating to staff training, safety checks, use of external promoters and the display of notices. It was felt that this may have contributed to the events that had occurred the previous day.

The Committee was invited to note a number of other incidents at the premises all of which gave the Committee cause for concern that the Premises was incapable of taking sufficient steps to ensure serious disorder did not break out at the premises:

- 1 June 2019 - a disturbance occurred outside the premises which resulted in GMP being called to the premises to be advised that there was pushing and shoving taking place on the dance floor.
- 9 February 2019 - GMP had been called to the Premises in response to issues of males causing a disturbance which threatened to escalate out of control.
- There were concerns that the premises had not kept accurate records concerning the completion of the staff signing in book and the display of SIA badges.
- 24 June 2018 - a female had been assaulted with a glass at the premises.
- 29 April 2018 - a fight broke out involving 10-15 males.
- 29 October 2017 – GMP officers attended the premises following a call that there was a disturbance breaking out between doorstaff and some customers.

The Committee took into account representations made by Licensing Out Of Hours (LOOH) team that cast doubt over the Premises ability to uphold the Licensing Objectives. It noted a systemic failure by the premises over the past 18 months – 24 months to comply with the conditions that had been imposed upon the licence. In the eyes of the Committee, this showed a clear failure to manage the premises effectively despite the offer of advice and guidance from LOOH. The Committee also took into consideration that two multi-agency meetings had taken place (29 March 2019 and 27 June 2019) to address an accumulation of concerns about how the premises was failing to meet its licensing obligations and how it could avoid breaching conditions imposed on its licence. Despite this, the Committee noted that conditions had been breached on the evening of the 3 August 2019 and in its view this had contributed greatly to the serious outbreak of violence that had occurred at the premises.

Decisions

1. To revoke the Premises Licence pursuant to Section 53C Licensing Act 2003.
2. To uphold the Interim Steps such that the Premises Licence is suspended with immediate effect pursuant to Section 53D Licensing Act 2003)

LACHP/19/150. New Premises Licence - Determination - Steakout 212, 36B - 36C Derby Street, Manchester M8 8RY

The Committee considered all the representations as part of the hearing. In reaching its decision the Committee also considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under, the Guidance issued by the Secretary of State under Section 182 of that Act and the Licensing Objectives.

The Committee noted that agreement had been reached between the Applicant and the Responsible Authorities who had made representations. The matter was therefore treated as a determination.

Decision

Licensing and Out of Hours Compliance:

To grant the application subject to the following conditions agreed with the Responsible Authorities (as set out below):

- 1) All public areas of the licensed premises, including all public entry and exit points, and the street environment will be covered, enabling facial Identification of every person entering in any light condition. The CCTV Cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of [28] days with the date and time stamping.

A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/ burn CCTV images upon reasonable request by a police officer or an authorised officer of the licensing authority.

Any footage must be in a format that can be played back on a standard personal computer or standard DVD player.

- 2) At the end of trading each day, the pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept or washed, and litter and sweepings collected and stored in accordance with the approved waste storage arrangements.
- 3) All takeaway packaging and wrappers shall clearly identify the premises, ie. by way of company logo or name.
- 4) The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public. Litter bins shall be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter.
- 5) Deliveries to the premises shall be conducted in a manner that will not cCause a nuisance to the occupiers of any residential properties surrounding the delivery address and deliveries shall be made at a time which will not lead to any public nuisance.
- 6) All employees will be vigilant and monitor the area immediately outside the shop to ensure that members of the public do not cause annoyance by congregating.
- 7) Licence holder shall ensure all licensing objectives are known to employees and followed.
- 8) The Premises Licence holder will operate a zero tolerance approach towards drunken and anti-social behaviour.

- 9) The Premises Licence holder will ensure that prominent, clear and legible notices are displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- 10) The Premises Licence holder will ensure that no children under the age of 16 will be allowed on the premises after 23:00hrs unless accompanied by adult.
- 11) All training will be documented, signed and dated and refreshed at least every 12 months, and will be made available to authorised officers upon request.
Training shall consist of the following.
 - Recognising signs of drunkenness and Drugs
 - How to refuse service
 - Conflict Management

**LACHP/19/151. New Premises Licence – Determination: Oktoberfest
Marquee within Mayfield, Baring Street, Manchester, M1 2PY**

The Committee considered all the representations as part of the hearing. In reaching its decision the Committee also considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under, the Guidance issued by the Secretary of State under Section 182 of that Act and the Licensing Objectives.

The Committee noted that agreement had been reached between the Applicant and the Responsible Authorities who had made representations. The matter was therefore treated as a determination.

Decision

To grant the application subject to the following conditions agreed with the Responsible Authorities (as set out below):

Licensing and Out of Hours Compliance:

- Staff shall be provided with comprehensive training in preventing drunkenness; drug policy; managing and resolving conflict; emergency procedures; complying with the licence conditions; and obligations and offences under the Licensing Act that apply to the sale of alcohol.
- Staff training will include the Challenge 25 policy and its operation. In particular staff will be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18.
- The training will be given to a new member of staff before they commence paid employment.
- Documented records of training completed shall be kept for each member of staff. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.

- The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol. The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to enable to verify their identity against the notice.
- A personal licence holder will be present at each point alcohol is available for purchase at all times the premises is open to the public.
- The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points. The CCTV cameras shall continually record whilst the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping.
- A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce / download / burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format so it can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (i.e. compact disc, flash card etc.), a secure storage system to store those recording mediums shall be provided.
- Door Supervisors shall be employed at the premises in accordance with a risk assessment, to be carried out by the designated premises supervisor. When employed, door staff will wear high visibility armbands.
- Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
- The premises shall display prominent signage indicating at any point of sale that the Challenge 25 scheme is in operation.