

## **Licensing Sub Committee Hearing Panel**

### **Minutes of the meeting held on Monday, 18 October 2021**

**Present:** Councillor Andrews – in the Chair

**Councillors:** Connolly and Jeavons

**LACHP/21/150. Urgent Business - Temporary Event Notice - Eva, 27 Sackville Street, Manchester, M1 3LZ**

The Chair had agreed to the addition of this item as a matter of Urgent Business.

The Hearing Panel considered a report of the Head of Planning, Building Control and Licensing regarding an application for a Temporary Event Notice for the above premises, noting that the application had been agreed by all parties prior to the meeting. The matter was therefore treated as a determination.

In reaching its decision the Panel also considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the licensing objectives.

#### **Decision**

To grant the licence subject to agreed conditions.

**LACHP/21/151. Application for a New Premises Licence - Vine Street Convenience Store, 127 Vine Street, Manchester, M18 8SR**

The Hearing Panel considered a report of the Head of Planning, Building Control and Licensing regarding an application for a New Premises Licence.

The Panel considered the written papers, oral representations of all parties as well as the relevant legislation and guidance.

In reaching its decision the Panel also considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the licensing objectives.

The Panel was satisfied that the Applicant was a responsible operator as supported by fact they had sold alcohol under a number of Temporary Event Notices without any issues. They had also undertaken risk assessments and were clearly aware of the importance of the licensing objectives and relevant guidance.

The Panel noted that no objection had been received from GMP and that Licensing and Out of Hours were satisfied that the application demonstrated how the licensing

objectives would be upheld and were seeking for a few further conditions to reinforce this. These conditions had been agreed by the applicant.

The resident objectors were not in attendance however the Panel considered their written representation and were satisfied that any relevant concerns had been addressed.

The Hearing Panel agreed to grant the application subject to the conditions agreed with the Licensing Out of Hours team.

### **Decision**

To grant the application subject to the additional conditions agreed with the Licensing Out of Hours team.

### **LACHP/21/152. Summary Review of a Premises Licence - Cirque Le Soir, 2-10 Queen St, Manchester M2 5JB**

The Hearing Panel considered a report of the Head of Planning, Building Control and Licensing regarding a Summary Review of a Premises Licence.

The Hearing Panel carefully considered the written papers, CCTV footage and oral representations of all parties as well as the relevant legislation and guidance. meeting and was therefore treated as a determination.

In reaching its decision the Hearing Panel considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made there under and the Guidance issued by the Secretary of State under Section 182 of that Act and the licensing objectives, in particular crime and disorder and public safety. Section 53C of the Licensing Act 2003 which sets out the steps they may take, should they consider it appropriate for the promotion of the licensing objectives.

The Hearing Panel agreed that the violent incident that took place on 19 September 2021 was of an extremely serious nature and resolved that it had been the correct course of action to suspend the licence. However, the Panel also noted there had not been any other complaints or concerns raised about the premises in relation to crime and disorder or any of the other licensing objectives. They accepted that this was an isolated incident rather than an ongoing issue at the premises. The Panel seriously considered revocation of the license and were concerned that there were clear breaches of the licence conditions. They concluded that those breaches must be addressed and that further conditions should be applied in order to ensure that the Licensing Objectives are upheld.

The Panel was advised that the premises has used the period of suspension to carry out a full review of their licence and operating procedures. They had also engaged the services of an independent Licensing Consultant (a former Police Inspector) who had made a number of recommendations, which had subsequently been implemented.

The Panel unanimously agreed that the conduct of the door staff on the night, in retaliating to the incident was utterly unacceptable and whilst they accepted that the wholesale removal of the door company may not in itself be necessary, the Panel resolved that a further condition was necessary to ensure that those involved in the incident who had behaved in this manner were not employed at the premises again.

The Panel agreed that whilst the Premise Licence Holders had placed blame on the failures of the Door Host and the door staff, the Operator was ultimately responsible for conditions of the licence and how the premises should be operated, which included being responsible for the door staff. In particular this included the operation of the Club Scan facility and the knife arch not being used on all customers as required under the licence. The Hearing Panel concluded that it was evident that sufficient procedures were not in place to adequately supervise staff (including door staff) on the night of the incident. The Hearing Panel resolved to remind the premises of their training requirements under the licence and noted that retraining will be taking place for staff.

The Hearing Panel accepted that there had been no deliberate attempt to allow particular individuals to bypass the Club Scan and that those witnessed on CCTV footage who did not go through the knife arch were returning smokers rather than people entering the premises for the first time. However, the Panel took the view that the conditions needed to be made clearer on the licence to confirm this.

The Panel also resolved that all door staff should be clearly identifiable.

## **Decision**

To modify the conditions of the Premises Licence by amending conditions and adding further conditions as detailed below:

### Amended conditions:

1. Condition 1 in relation to CCTV will be amended to add that CCTV will be required to cover the search area including the search arch and Clubscan machine.
2. Condition 18 on the licence will be amended to read that all security staff working at premises will wear high visibility jackets or vests at all times so that they can be readily identified.
3. Condition 23 amended to include the requirement for those returning from the smoking area to pass through the metal search arch.

### Additional conditions added:

1. All individuals identified as having been involved in the incident on 19 September 2021 must be excluded on the Clubscan equipment to ensure that they cannot enter the premises again in future.

2. The Premises Licence Holder shall provide to GMP a list of all individual door staff involved in the incident on 19 September 2021. The PLH shall retain a copy of that list at the premises at all times and shall produce a copy of that list upon demand by an authorised officer of a Responsible Authority. The Premises Licence Holder shall ensure that none of the individuals contained on that list shall be employed directly or through a third party external contactor in any capacity at the premises.
3. All SIA door supervisors must wear body worn cameras with recording facilities, which must be operational and recording at all times the premises is open to trade. Door supervisors will be given training on how to use body worn videos and this training will be documented.
4. There must be a clearly identifiable head door supervisor who can supervise, direct and if necessary, restrain the door supervisors during any incidents.
5. The premises will have at least two senior management level members of staff at the premises at all times the premises is open to trade. When the general manager / DPS is absent the operations director (or equivalent rank) will be personally present to cover the role.

Under the provisions of Section 53D of the Licensing Act (2003) the Hearing Panel reviewed the Interim Steps made on the 22 September 2021.

The Hearing Panel heard from the Premises and from GMP who both stated that given the decision made on the full licence review, the interim step of suspension could now be withdrawn.

As the Hearing Panel was satisfied the proposed steps upheld the promotion of the Licensing Objectives, the Panel resolved it appropriate to withdraw the interim steps suspension as it was no longer necessary or proportionate.

## **Decision**

To withdraw the Interim Steps.