

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Monday, 21 March 2022

Present: Councillor Andrews – in the Chair

Councillors: Andrews, Connolly, Evans and Jeavons

LACHP/21/22. Interests

Councillor Connolly disclosed a personal interest in the item of urgent business and therefore did not sit on this item. Councillor Jeavons replaced Councillor Connolly for this item only.

LACHP/21/23. Urgent Business - Summary Review of Premises Licence - Irish World Heritage Centre, 1 Irish Town Way, Manchester, M8 0AE

The Chair had agreed to the inclusion of this application as an item of urgent business.

Consideration was given to the report of the Head of Planning, Building Control and Licensing regarding a Summary Review of the premises licence at Irish World Heritage Centre, 1 Irish Town Way, Manchester, M8 0AE.

The summary review was requested by GMP following an incident at the premises which took place on Sunday 13 March 2022. The application was made under section 53(B) of the Licensing Act 2003.

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

GMP addressed the Hearing Panel and gave details of the reasons for their review application, informing them that they received multiple calls on Sunday 13 March 2022 which stated that a large fight had broken out at the premises. One call referenced a group from the travelling community as being those fighting. Another call said that guns and knives had been mentioned. For this reason, GMP dispatched firearms control to the premises. GMP were informed that the group who had caused the fight had been on the premises for most of that day. During the incident, staff told GMP that they had hid in the kitchen. GMP informed the Hearing Panel that an elderly lady had been punched in the face. They requested that the Hearing Panel suspend the licence pending a full review due to concerns that further violence could occur. GMP then showed the Hearing Panel CCTV footage from the night in question. On the footage, chairs could be seen being thrown, a male had blood down their face and the elderly lady can be seen being hit.

The Premises Licence Holder's (PLH) agent then addressed the Hearing Panel, stating that all involved with the Irish World Heritage Centre had accepted the incident was disgraceful. The agent stated that the PLH had taken the decision to close the site due to their concerns of further violence. It was known to the PLH that

the group involved had been in Manchester for a family funeral. The PLH planned to be closed until after this funeral. The agent stated this showed that the PLH was showing responsibility and that they had learnt lessons. The agent informed the Hearing Panel that the PLH had always worked with GMP in the past. The PLH wanted to ensure that an incident such as this could not happen again and their agent informed the Hearing Panel of the steps they had taken, including mandatory training for staff and more door supervisors. The agent stated that the premises is a family friendly environment and the PLH wanted it to remain this way. The agent felt it to not be proportionate to suspend the licence due to the steps taken by the PLH.

GMP asked the PLH about a call they had received on St Patrick's Day asking for them to eject people. The PLH stated this happened and thanked GMP for their response. The PLH informed the Hearing Panel that this was another group from the travelling community who had refused to leave the site. Staff and door supervisors had asked the group to leave but when they continued to refuse, GMP was called. Due to this, the bar closed at 22.00 that night.

The Hearing Panel sought to establish further information on when the site had been open since, whether the original incident had been properly assessed and regarding the group from the travelling community. The PLH informed the Hearing Panel that they had been closed on Monday 14 March and then open from Tuesday 15 March until the second incident on Thursday 17 March. The premises had been closed since that night. The PLH stated they had received no advice to close but had learnt about the funeral from the group on Thursday 17 March and realised the problems this could have caused. The PLH believed the funeral was to be held on Wednesday 23 March and had passed the details on to GMP.

In summing up, the PLH's agent stated that the PLH took the responsible decision to close. The PLH was aware of the issues and had passed information to GMP, remaining willing to continue to work with them.

GMP summed up by stating that them receiving two calls in a week from the premises shows that they have been struggling to manage large groups and/or events.

In their deliberations, the Hearing Panel accepted that GMP evidence showed the premises as being associated with serious disorder. The Hearing Panel were satisfied that the evidence provided showed the premises to be undermining the prevention of crime and disorder licensing objective. The Hearing Panel were concerned that if the premises remained operating, further incidents could have occurred.

Decision

To suspend the premises licence with immediate effect, pending full review to be heard on 08 April 2022, amended from the original date of 12th April 2022.

LACHP/21/24. Application for a New Premises Licence - Huddle, Circle Square, Oxford Road, Manchester, M1 7ED

The Hearing Panel were informed that all objections had been withdrawn and therefore no decision was necessary.

LACHP/21/25. Application for a New Premises Licence - Alpine Tearoom, The Croft, Millgate Lane, Didsbury, Manchester, M20 2SW

Consideration was given to a report of the Director of Planning, Building Control and Licensing regarding a new Premises Licence application.

The Hearing Panel considered the written papers and oral representations made by the Applicant as well as the relevant legislation and guidance.

The applicant addressed the Hearing Panel, informing them of their experience in the catering business. The applicant stated that this application was in response to requests from customers. Initial concerns had been raised that the premises would become a full beer garden. The applicant informed the Hearing Panel this would not be the case, the intention was to sell a small quantity of alcohol.

The Panel sought to clarify information in the application that stated the Council would tell the applicant how much to charge for products. The Panel informed the applicant that legally, this could not be the case. The Panel then requested further information on the type of alcohol that would be sold. The applicant stated that in the summer their intent was to sell items such as Pimms and Prosecco, and in the winter, it was their intent to sell items such as mulled wine.

The applicant summed up by stating that the objections of responsible authorities (GMP and Trading Standards) had been withdrawn following agreement on conditions. Objections remained from residents which centred on the licensing times and the transfer of the license in the future. The applicant was informed at this point that transferring the license would be their decision should it be granted.

In their deliberations, the Hearing Panel was satisfied that, based on the information in the application and given at the hearing, the applicants would uphold the licensing objectives. The Hearing Panel did not believe the objections to have enough merit to refuse the application.

Decision

To grant the application subject to the agreed conditions with the responsible authorities:

1. 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 and the street environment will be covered, enabling facial identification of every person entering in any light condition. 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.

2. An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:

- (a) all crimes reported to the venue, or by the venue to the Police
- (b) all ejections of patrons
- (c) any incidents of disorder
- (d) any faults in the CCTV system or searching equipment or scanning equipment
- (e) any refusal of the sale of alcohol
- (f) any visit by a relevant authority or emergency service

3. 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.

4. The premises shall display prominent signage indicating at any point of sale, the entrance to the premises and in all areas where alcohol is located that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.

5. In addition to any other training, the premises licence holder shall ensure all staff are trained to prevent underage sales, to be aware of and prevent proxy sales, to maintain the refusals log, enter sales correctly on the tills so the prompts show as appropriate and monitor staff to ensure their training is put into practice. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals.

6. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an HM Forces warrant card, or a card bearing the PASS hologram.

7. All staff engaged in the sale of alcohol will be trained with regards to the Challenge 25 policy and sales by proxy. This training will be documented, and training should be refreshed at no greater than 6 monthly intervals.

8. The Premises Licence Holder will ensure that signage demonstrating the Challenge 25 policy as well as selling alcohol to children by proxy are placed at the entrance to the premises as well as being displayed in all areas serving alcohol.

9. A log shall be kept and record all instances when alcohol has been refused for the reasons that the person(s) is, or appear to be, under 18 years of age. The log shall record the date and time of the refusal and the name of the member of staff who refused the sale. The log will be available on request by the police or an authorised

officer of Manchester City Council. The log shall be checked on a regular basis by the Designated Premises Supervisor to ensure that it is being used by staff and each check shall be recorded in the log.

10. The Premises Licence Holder will also ensure regular checks are made around the inside and outside of the premises for underage persons encouraging adults to buy alcohol for them.

LACHP/21/26. Application for a Premises Licence Variation - Manchester Mini Market, 16 Oldham Street, Manchester, M1 1JQ

The Hearing Panel were informed that the applicant had requested this item to be deferred.

Decision

To defer the item until Tuesday 29 March 2022.