

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Monday, 11 April 2022

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

**Councillors:** Grimshaw and Connolly

**LACHP/21/32. Summary Review - Embassy Club, Westbourne Grove, Harpurhey, M9 4XJ**

Consideration was given to the report of the Head of Planning, Building Control and Licensing regarding a Summary Review of the premises licence at Embassy Club, Westbourne Grove, Harpurhey, Manchester, M9 4XJ.

The summary review was requested by GMP following an incident at the premises which took place on 11 March 2022. The application was made under section 53(C) of the Licensing Act 2003.

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

The Chair invited those present to introduce themselves and conducted the hearing in accordance with the procedure that was circulated to those present.

GMP addressed the Hearing Panel, stating that the current licence was issued to Embassy Club Ltd on 13 August 2003. The Designated Premises Supervisor has been in place since 12 December 2012. GMP gave details of the reasons for their review application, informing the hearing panel that at 10:45pm on 11 March 2022 a phone call had been received regarding an incident that had taken place at the Embassy Club involving a bladed weapon. During the incident three people were injured in the beer garden area to the front of the premises on Rochdale Road (one person had been cut across the face and one person had been cut on the hand. A door supervisor had been punched in the face).

The hearing panel was shown footage taken from the CCTV on the premises of the build up to the incident and the incident itself.

The footage shown two males in the premises who although were not acting in an aggressive manner to other in the premises did appear to be annoying people through their behaviour. The two males left the premises at 9:57pm and then returned at 10:26pm and tried to re-enter the premises. The door supervisor refused both males entry to the premises. Another male with them then entered the premises and returned with the premises manager who spoke to the door supervisor and the two males were then allowed entry. During this time one of the males can be seen holding a bottle of beer that is not from the premises and taking it into the premises. The two males stay in the premises for a few minutes before going into the beer garden area. At 10:33pm the incident took place. There were no door supervisors present during the incident. Two crimes have been classed under Section 18 (Assault

– Wounding/Grievous Bodily Harm) and tracing the two males concerned is still ongoing.

The concern expressed by GMP related to the poor behaviour that had taken place within the premises without being addressed, the action of the door supervisor to prevent the two males from entering the premises and the decision of the on-site manager to overrule the door supervisor and to allow them entry resulting in the serious incident taking place. The review of the premises licence was then applied for on 16 March 2022 and the interim steps hearing took place on 18 March via Zoom with all interested parties present.

The hearing was advised that since the interim steps hearing a dialogue had taken place between GMP and the premise licence holder and their legal representative to address the issues of concern that have been identified following the incident. The changes proposed included:

- Additional conditions to be added to the personal licence,
- Attendance and completion of courses by members of the premises staff, with the condition that no staff can act in a supervisory capacity until the course has been completed.
- The use of knife wands by door supervisors
- The use of body cams by door supervisors including an audio facility

The Chair invited questions of the GMP.

No questions were asked by the licence holder.

A member of the panel asked if the two males involved in the incident had been identified or apprehended and with this considered to be an isolated incident.

It was reported that names of the males were now known and it was considered that a further incident would be unlikely to happen as a result of the steps proposed.

A member proposed that an additional condition be added to the licence, that required high visibility jackets are worn by door supervisors to ensure they are clearly identifiable.

The Chair invited the licence premises holder's representative to make their statement to the hearing panel.

The representative stated that the facts of the incident were not disputed and the premises licence holder fully understood the seriousness of the incident and the need to suspend the licence in order to review the current conditions and introduce measures to prevent further incidents.

The representative provided a background history of the premises and the many well-known entertainers who had performed at the premises during its ownership by Bernard Manning. The premises has been part of the heritage of Harpurhey and continues to provide a service to local community. The staff employed at the premises have worked there for many years and it was acknowledged that it is not

the easiest premises to run. The incident of knife crime is very unusual for the premises and staff and customers were shocked and upset by what happened. It was hoped that the premises could reopen immediately and move on from this and not be associated with crime and disorder. It was also accepted that a good working relationship is needed with the responsible authorities and current arrangements needed to be improved. The proposed conditions would go a long way to address safety concerns and improve the running of the premises. The problems of accessing CCTV footage had been rectified and the system would be upgraded to improve the clarity of the images taken. Issues identified regarding poor judgement and decision making has been accepted and will be rectified. The conditions proposed have been produced in conjunction with GMP. The Designated Premises Supervisor (DPS) is usually present in the premises each day however, she was not on the day of the incident due to illness. The DPS has stated that she would have taken different action to the site supervisor on the day of the incident.

The Chair invited questions.

GMP had no questions.

A member of the panel asked the site supervisor how he had come to the decision to allow the two males concerned back into the premises.

The site supervisor stated that he was to blame for the decision to overrule the door supervisor. There were two pub regulars he knew and two he did not know. If he had not allowed the two males in there was a chance that it may have kicked off at the entrance with either two or four people. He did not know what to do and so decided to let them in.

A member of the panel referred to the importance of an assurance needed that the door staff will not be overruled in future and drinks bought elsewhere will not be allowed to be taken into the premises.

The Chair stated that it was important to ensure that the conditions of the licence are followed through and those in charge of managing the premises must become self-reliant and confident to apply the conditions.

A member of the panel proposed that all door staff should have a bodycam when working.

The Chair invited all parties to provide a summary.

The representative for the premises holder stated that the premises is part of the history of Manchester. It does not however, have a history of knife crime and those employed at the premises understand the seriousness of the incident and had learned a valuable lesson. The licence holder has worked with GMP and additional conditions have been produced to prevent future incidents, improve the running of the premises and ensure the safety of customers and staff members.

The GMP representative stated that following the incident the premises licence holder has worked to address the issues and have accepted the fault.

The Committee took into account the written and oral representations of all parties, the CCTV shown and the relevant legislation and guidance.

The Hearing Panel then left the room to consider the information and submissions made.

The Hearing Panel returned to the meeting room and the Chair informed the Premises Licence Holder of its decision.

The Hearing Panel considered that the incident was a very serious incident in which customers and staff suffered injuries however, the Hearing Panel accepted that this was an isolated incident and the premises did not have a history of incidents of this nature. The Hearing Panel took into account the fact that the premises accepted that the decision to readmit the two males was a mistake and accepted the assurances given that this would not be repeated and that the decisions of door staff would be respected. The Hearing Panel also noted that since the incident occurred, the premises has cooperated and engaged with GMP to address the situation and to move forward with conditions which would mitigate against a repetition of such an incident happening in the future. The Hearing Panel considered that the door supervisors employed on the relevant night acted responsibly and that the additional use of body cams and high visibility clothing would make them more visible and would assist them in carrying out their duties in the future. The Hearing Panel noted the premises awareness that further training was required and their intention to undertake training beyond that imposed in the condition.

The Hearing Panel was therefore satisfied that the imposition of additional conditions is appropriate and proportionate to prevent the licensing objectives being undermined. In the circumstances the Hearing Panel did not consider the interim step of suspension of the licence imposed on 16 March 2022 at the Interim steps was necessary and therefore, the suspension was lifted.

## **Decisions**

1. To lift the suspension with immediate effect.
2. To modify the licence by imposing the following conditions:
  - Until such time as members of staff have completed the personal licence training course (for example, Level 2 BIIA) they can only work at the premises as general bar staff and cannot perform or act in a managerial capacity.
  - Knife wands to be deployed by door staff when deemed necessary following their risk assessment prior to the admission and/or readmission of any given customer.
  - All wandering and any subsequent searches to be monitored by the premises CCTV system.
  - Search equipment must be kept in working order and available and accessible to door supervisors at all times they are on duty and the premises is open to the public.

- Whenever SIA registered door supervisors are required to be on duty by the terms of the premises licence, they must all wear a body-worn video that complies with the minimum requirements of the GMP Police licensing team.
- A record must be kept of the SIA registration number of the door supervisor and the ID of the bodycam worn by them.
- Bodycam images must be stored so that they are retrievable and accessible for replay and viewing and kept in an environment that will not be detrimental to the quality or capacity for future viewing. They should be appropriately labelled to enable identification and retrieval and kept for a minimum of 28 days.
- The premises licence holder must ensure there are members of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable, in accordance with the Data Protection Act 2018 (or any replacement legislation).
- Door supervisors to wear a high visibility vest or jacket while on duty and the premises is open to the public.