

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Friday, 15 October 2021

Present: Councillor Andrews – in the Chair

Councillors: Connolly and Jeavons

LACHP/21/146. Urgent Business - Application for a New Premises Licence - The Vurger Co, Unit 2, Transmission House development, 11-13 Tib Street, M4 1LG - determination

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

The Hearing Panel noted that the application was agreed by all parties prior to the meeting and 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/21/147. Application for a New Premises Licence - A Taste of Honey Deli, 138 Burton Road, Manchester, M20 1JQ - determination

The Hearing Panel noted that the application was agreed by all parties prior to the meeting and 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/21/148. Application for a New Premises Licence - TBC, 127b Oxford Road, Manchester, M1 7DY - determination

The Hearing Panel noted that the application was agreed by all parties prior to the meeting and 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/21/149. Summary Review of a Premises Licence - History, Deansgate Court, 244 Deansgate, Manchester, M3 4BQ

Consideration was given to a report of the Head of Planning, Building Control and Licensing regarding a Summary Review of a Premises Licence.

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

GMP addressed the Hearing Panel and stated that the premises had been associated with serious crime and serious disorder due to two incidents on 12 and 19 September 2021 in the early hours. The incident on 12 September 2021 involved a male being ejected from the premises, only to return shortly after and stab a member of door staff in the back. The offending male was detained by door staff and subsequently arrested. The incident on 19 September 2021 involved the handling of the barrier queueing system outside the premises on Longworth Street. The barrier not been sufficiently staffed and approximately 100 people had stormed the barrier and entered the club. Due to the previous incident (and 2 other historical issues where females had reported being violently attacked) GMP had made Longworth Street a dedicated deployment area and, subsequently, GMP were quickly on site when the incident occurred, assisting with the dispersal of those who had broken the barrier to gain entry. Following this, GMP left the club at around 01:00. At 03.45 GMP were called back again as a brawl was taking place inside the club whereby a spirit bottle and a metal pole were being brandished. The incident led to GMP deploying all City Centre night-time officers as well as others from neighbouring divisions, dog handlers and the Tactical Aid Unit to bring the situation under control which, it was stated, was a very rare occurrence. Following arrests, 2 males had been found to be carrying knives. GMP then showed CCTV footage to corroborate their representations. The CCTV footage showed that door staff were not recognisable as none were wearing Hi-Vis jackets, that door staff had been obstructive to questioning from GMP and that there were various other breaches of their licensing conditions as well as a chaotic street scene on St John's Street. GMP closed their representations by requesting that the Hearing Panel revoke the licence, or alternatively, impose suitable conditions that would have the premises operate in accordance with the licensing objectives.

LOOH addressed the Hearing Panel and stated that they supported GMPs proposal and gave mention of numerous historical breaches of the licensing conditions going back to 2017. LOOH had always assisted the premises to engage and follow procedures but found that there was a cycle of initial commitment which would fade and LOOH would keep returning. LOOH showed clips of footage which displayed an unregistered male working as door staff and gave mention of residents being disturbed and intimidated by crowds seemingly associated with the premises. LOOH

indicated that none of these issues mentioned had affected residents throughout lockdown and were certain that History was the sole creator of many of the problems in this area.

A resident objector (also representing 5 other residents) addressed the Hearing Panel and stated that there was evidence of History causing the disturbances in the area. He noted drug use, fighting, urinating and saw this as a lack of management from the premises to control any issues happening outside of its doors.

A Local Ward Councillor for Deansgate Ward (representing another Ward Councillor and 10 residents) addressed the Hearing Panel and stated that they had been a city centre resident since 2005 and a Ward Councillor since 2018. The Councillor addressed the issue of the nearby St John's Gardens estate which has had its car park used by patrons of the club, causing regular disturbance to the residents and littering the area. The Ward Councillor stated that she had met with LOOH, ASBAT and GMP regarding this premises and felt that all late-night issues in the area were directly attributable to History due to their late night/early morning operations. It was noted that there was not a problem with the premises being used as a club but with the type of clientele it was attracting and that it contradicted the city's aims. The Ward Councillor asked the Hearing Panel to revoke the licence or consider reducing the trading hours.

The agent for the premises addressed the Hearing Panel and stated that they accepted the serious concerns of responsible authorities, Ward Councillors and local residents and added that the licensing conditions were amended in 2017 due to the changing nature of the local area and have had 2 and a half years without any issues since. The agent explained that the premises had lost staff due to the pandemic and admitted that the remaining staff would have been out of practice when they opened in July 2020. The agent agreed that the door-staff issues were not acceptable but noted that the club had a good working practice of ID scanning, CCTV, metal detecting wand scanning and searched to protect public safety. The agent stated that they would fully comply with any modifications and/or conditions but felt that revocation for two incidents on consecutive weekends was not giving the premises a chance. The premises had offered some conditions but LOOH were not in agreement. The agent then spoke with the PLH and DPS regarding the incidents and they both answered that themselves, registered door staff and the VIP usher had all been involved in restraining males who were then found to be carrying knives. During this discussion it was mentioned that knives were hard to detect with wands if hidden in the crotch area, that a metal detecting arch was now installed at the premises, that there was a failure with door staff regarding the second incident and Hi Vis jackets would be strictly enforced in future, that the doors will be closed in future to prevent being rushed, that queueing would be moved to Artillery Street which is less residential and that last entry to the club would be at 02:00, last orders at 03:30 and close at 04:00 if allowed to continue trading.

In their deliberations, the Hearing Panel felt that there had been serious issues at the premises and that many should have been under their control, more-so regarding the second incident. The Hearing Panel felt that strict conditions and modifications would enforce the premises to promote the licensing conditions and stop any future incidents from occurring. The Hearing Panel agreed to lift the interim measures but

noted that all conditions and modifications would have to be checked and agreed before the premises could begin to trade.

Decision

To modify the licence and attached conditions as stated below:

Hours for licensable activities to be revised to:

- Sale of alcohol - Tuesdays, Fridays and Saturdays (plus NYE and Bank Holiday Sundays) 11.00 to 03.30
- Late Night Refreshment – Tuesdays, Fridays and Saturdays (plus NYE and Bank Holiday Sundays) 23.00 to 03.30
- Live music, recorded music etc. - Tuesdays, Fridays and Saturdays (plus NYE and Bank Holiday Sundays) 11.00 to 04.00
- Hours premises open to the public - Tuesdays, Fridays and Saturdays (plus NYE and Bank Holiday Sundays) 11.00 to 04.00

Additional conditions

- All customers entering the premises must pass through an effective metal detector arch. Those triggering an alarm must be searched or, if they cannot pass through the arch without triggering an alarm, must be denied entry to the club.
- Any queues forming at the premises must be controlled by barriers and queuing must take place in the Artillery Street direction and away from St John Street.
- There will be a designated SIA officer to manage any queues.
- At least 2 door supervisors must wear body cameras with recording facilities, which must be operational and recording at all times the premises is open to trade.
- A last entry time of 02.00 shall apply. Re-entry and/or exiting the premises shall not be permitted after this time. Queuing to enter the club will not be permitted after this time.
- A mobile phone number of the DPS (or deputy) will be made available to all residents of The Residence and other nearby residents. This number will be manned whilst the club is open and until 30 minutes after it closes. On receipt of any music noise complaint, the DPS will take immediate steps to investigate this and to resolve the issue, provided that the music and anti-social behaviour is emanating from History.
- Meetings with residents of St John Street, The Residence and St Johns Garden Residence Group shall be advertised and shall take place at least every 3 months. Residents to be invited to meetings by way of personal invitation. The club shall keep minutes of these meetings and action taken. The notes shall be made available to the responsible authorities on request.
- A new CCTV camera will be installed at the junction of Longworth and Artillery Street with the facility to record onto a hard drive.
- A new CCTV camera will be installed covering the length of Artillery Street with the facility to record onto a hard drive.