

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Friday, 18 March 2022

Present: Councillor Grimshaw – in the Chair

Councillors: Flanagan and Hewitson

LACHP/21/21. Summary Review of Premises Licence - Embassy Club, Westbourne Grove, Harpurhey, Manchester, 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 Friday 11 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 the Panel of a serious crime incident which took place at the premises. GMP received a 999 call at 22.43 to inform them that there was a man at the premises with a knife and someone had been cut. Officers arrived on scene at 22.50, questioning those present on the events. It was established that two unknown males arrived at the premises at around 22.00. Initially, entry was refused due to aggressive behaviour, but a member of staff told the door supervisors to let them in. Once inside, the two males were loud and disruptive to other customers. They then went outside the Premises again and a door supervisor witnessed one of the men arguing with a woman and intervened to stop this, leading to an argument between the door supervisor and male. The other male, whilst the argument was occurring, approached the door supervisor and first male, asking the first male for the knife. At this point, the door supervisor attempted to get other customers inside. One of the males then cut the door supervisors face with the knife and cut a customers hands with it. The door supervisor managed to get all customers inside at which point they were punched in the head from behind by the second male. The door supervisor locked the two males out and they left in a vehicle. The offenders are yet to have been identified. GMP are concerned that the two males were allowed access to the premises. GMP requested CCTV footage from the site that did not arrive until Thursday 17 March.

In questioning, the Panel sought to establish more information on the issues with the CCTV footage, why the door supervisors were overruled and why the males were not searched before entry. GMP explained that they were unaware as to why the door supervisors were overruled but they noted it was unacceptable to do so. In terms of the CCTV, GMP noted it was not normal to wait as long as they did to receive it. GMP attempted to retrieve it on Saturday 12 March but were not successful. A member of staff from the premises thought they had sent it to GMP on Wednesday

16 March, but this also did not work. GMP are not of the mind that the staff member was trying to withhold the footage, they believe it was human error. GMP noted that the footage taking so long had not helped their investigation, although did accept that having not seen the footage there was no guarantee it is clear enough to help. GMP then informed the Panel that it was not a condition of the licence to search customers on entry.

The Premises Licence Holder (PLH) then addressed the Hearing Panel, stating that it was unfortunate the event occurred. The issues around CCTV were a mistake according to the PLH. On previous occasions, the PLH stated that the premises had complied with any requests from GMP. The PLH had left the site on the night in question before the incident occurred. The PLH noted they had already taken steps to try to prevent a further incident. These included the installation of new CCTV equipment, a metal detector for door supervisors to use and walkie-talkies.

In questioning, GMP sought to establish who had overruled the door supervisor, who the door supervisors were and the role they have. The PLH informed GMP and the Hearing Panel of which member of staff overruled the door supervisor but could not fully recall the names of the door supervisors. When on site, the door supervisors mostly stay on the front entrance but sometimes walk round the inside of the premises.

The Panel then questioned the PLH, seeking to establish more information on whether the initial entry refusal is logged in the refusal book, the CCTV issues, the timescale to implement the new equipment and the door supervisors. The PLH stated that the initial refusal was logged in the refusal book. The PLH noted that the CCTV is always switched on but did not believe a request for the footage was received until Wednesday 16 March. The new CCTV equipment was due to be installed on either Friday 18 or Monday 21 March. The metal detector had already been purchased and the walkie-talkies too, which served the purpose of staff inside the building having the ability to contact the door supervisors in case of any issues. The PLH was not sure if the door supervisors asked the two males to leave when they had been causing a disturbance once inside the premises.

In summing-up, GMP stated it was irrefutable that an attack had taken place. GMP restated their concerns that the two males had been allowed onto the premises. Without the overruling of the door supervisor's decision, this incident would not have occurred.

In their deliberations, the Hearing Panel were concerned that the original decision to refuse entry had been overruled. The Hearing Panel also raised concerns on the length of time it took to supply the CCTV footage. The Hearing Panel accepted GMP's evidence to show the premises is associated with serious crime and disorder. The Hearing Panel were satisfied that the evidence showed the premises is undermining the licensing objective of the prevention of crime and disorder.

Decision

To suspend the premises licence with immediate effect, pending full review to be heard on 11 April 2022.