

## Licensing Sub Committee Hearing Panel

### Minutes of the meeting held on Monday, 26 June 2023

**Present:** Councillor Reid - in the Chair

**Councillors:** Evans and Hilal

**LACHP/23/50. Urgent Business - Representation to Interim Measures - The Lawn Club, Hardman Square, Manchester, M4 3HG**

The Hearing Panel considered a report from the Head of Planning, Building Control and Licensing concerning the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant legislation.

In line with the established procedure, the Hearing Panel heard from Greater Manchester Police (GMP), who informed the panel of the incident that brought an interim steps hearing before them previously. The incident took place on Sunday 4 June 2023 and involved a firearm being produced on the premises, with a suggestion of a stabbing taking place. As GMP felt the premises to be associated with serious crime and serious disorder, they requested a suspension of the Licence pending the full hearing. Since then, meetings had taken place between GMP and the premises. Additional conditions had been discussed and produced by the premises, that had been submitted to the panel for consideration.

The applicant's agent then addressed the Hearing Panel, noting that there had been no contest to the suspension requested by GMP at the original interim steps hearing. They noted that the applicant had made this representation as they believed it safe, appropriate and proportionate to do so. The agent noted that GMP were in support of the additional conditions proposed, and that the representation would not have been made without that. The agent was asking the panel to modify the interim steps decisions by lifting the suspension subject to the additional conditions they had put forward.

The applicant's agent noted that the incident was out of character for the premises and that there had been no licensing breaches prior to this. The original Licence did not require door staff to be employed by the premises but they were, highlighting the premises going above and beyond their original licence conditions.

The applicant's agent then took the Hearing Panel through the additional conditions as laid out in the information submitted. They also noted that Licensing Out of Hours had been involved in the meetings to formulate the conditions, alongside GMP. The agent felt that a random search policy was sufficient and that full searches would change the style and atmosphere of the Premises. There was CCTV at the venue already, although not a condition on the Licence, and the applicant had added further CCTV to the premises. It was noted that all CCTV available was provided to GMP when requested following the incident. Additional staff training in conflict management and crime scene preservation formed part of the conditions too. The

applicant's agent believed that the conditions put forward would bolster the Licence and increase safety.

The premises was ready to implement the conditions immediately and were confident of there being no ongoing risk according to the applicant's agent. It was noted that the Section 182 guidance, paragraph 9.12 referenced that Responsible Authorities should be considered the experts in providing advice to the panel when deciding what, if any, steps should be taken. In this instance, both GMP and LOOH supported the conditions proposed and had made no objections to them. The applicant's agent noted that this was not a premises that undermines the crime prevention Licensing Objective.

During questioning, the panel raised concerns that the search policy suggested was only random searches and not full searches, and questioned if female staff would be employed to search female customers. It was noted that a random search policy would be based on various factors around risk management. All searches would take place in front of CCTV. The premises felt that a full search policy would change the type of premises operated. During the day, the premises is a restaurant, becoming more of a bar at night. The applicant's agent noted that the premises had a perfect track record, with no breaches of the Licence.

The panel then raised questions for clarity on the incident. On the night of the incident, there was two duty managers, around 25 staff and 5 SIA staff working. The premises did not believe that staff had intervened slowly, they noted how quickly the incident escalated. Their team had called GMP instantly, who arrived within four minutes with their armed response team. They stated that they would not expect any member of staff to challenge someone with a gun. The premises felt that their staff acted as expected, by clearing and closing the venue safely and informing GMP.

The panel then sought further clarity on some conditions as suggested by the premises. It was noted that staff would receive conflict management training. The premises felt that a weapon would be easier to challenge when discovered during searches. All SIA staff employed would have a bodycam. The premises had committed to not work with an external promoter again, including on Temporary Event Notices. The premises had only attempted to use an external promoter to increase revenue on a Sunday, but were clear about the failings of this event.

The applicant's agent summed up by stating the premises had taken time investigating what had happened and how they could improve. It was noted that the premises are responsible operators and there had been no prior incidents. The applicant's agent felt that the conditions were appropriate and proportionate to uphold the crime prevention Licensing Objective. They re-stated that GMP were the experts in this case and that GMP had no objections to the suggested conditions.

GMP summed up by stating that it was fair to say that the premises was not on their radar prior to the incident due to their good track record. GMP's position was to agree that the conditions put forward were appropriate.

In reaching its decision the Committee also considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made thereunder, and the

Guidance issued by the Secretary of State under Section 182 of that Act and the Licensing Objectives. The panel considered that the premises had a previous perfect track record and such an incident was out of character. The panel were satisfied that the premises had committed to no external events. The panel also noted that the premises had committed to complying with Martyn's Law as part of the conditions. The panel were satisfied that the conditions put forward, therefore, were appropriate and proportionate to ensure the premises could operate safely and uphold the Licensing Objectives, particularly the prevention of crime and disorder.

### **Decision**

To withdraw the suspension imposed on 7 June 2023, adding those conditions proposed by the Premises, incorporating the search policy, to the Premises Licence pursuant to Section 53B (8) of the Licensing Act 2003.

### **LACHP/23/51. Application for a Premises Licence Variation - Fallowfield Convenience Store, 240-242 Wilmslow Road, Manchester, M14 6LD**

The Hearing Panel was informed that contact had been received from the applicant requesting an adjournment due to a family matter.

### **Decision**

To adjourn the matter until a later date.

### **LACHP/23/52. Application for a New Premises Licence - Sam Off Licence, 20a Swan Street, Manchester, M4 5JW**

The Hearing Panel considered a report from the Director of Planning, Building Control and Licensing concerning the above application. The written papers and oral representations of the parties who attended were also considered, as well as the relevant legislation.

The applicant's agent addressed the Hearing Panel, noting the application had been amended as per an email provided to the panel, GMP and LOOH. The agent addressed concerns regarding the applicant's knowledge of the Licensing Act and Licensing Objectives, noting that they did understand them. GMP had referenced the applicant not knowing proxy sales, however the agent stated that they did but did not know the term. The agent accepted the applicant had no particular experience of running a Licensed Premises and that was why they had suggested a reduction in hours from 1.00am to 23.00. The agent informed the panel of the other modifications to the proposed Operating Schedule.

The applicant noted that they had worked in the area for a number of years and had seen the potential for a premises of this kind.

The panel questioned if the applicant was aware of the Licensing Objectives. The applicant was and listed the four Licensing Objectives.

GMP questioned what the applicant would do if someone looked young tried to buy alcohol and if the applicant was aware of the PSPO. The applicant stated they would operate Challenge 25 and ask for photo ID. They would refuse sale if the customer was under 18 and keep a record in the refusal book. The applicant was aware that customers could not drink alcohol on the street under the PSPO.

The panel questioned if the amended hours altered the applicant's staffing plans. The applicant's agent noted that the condition requiring a second member of staff from 10.00pm had been removed due to the reduction in hours from 01.00am to 11.00pm.

GMP addressed the Hearing Panel, noting the application had changed since their representation was made. They felt it was clear the applicant's knowledge was there and did understand what was necessary. With the modified application, GMP were happy for the Licence to be granted.

LOOH addressed the Hearing Panel, agreeing with GMP's statement. LOOH added that they wanted to see a condition relating to the PSPO.

GMP and LOOH had nothing to add when invited to sum up.

The applicant's agent summed up by stating they were happy to agree to an additional condition relating to the PSPO.

In reaching its decision the Committee also considered the Council's Statement of Licensing Policy, the Licensing Act 2003, the Regulations made thereunder, and the Guidance issued by the Secretary of State under Section 182 of that Act and the Licensing Objectives. The panel considered that the application had been amended, particularly in relation to hours. The panel were satisfied that both GMP and LOOH were now in agreement to grant the application as amended. The panel agreed that the amended application would ensure that the Licensing objectives would be upheld.

### **Decision**

To grant the Licence, subject to the amendments put forward by the applicant and agreed with LOOH and GMP, as per the below:

### **Hours**

### **Sale of Alcohol**

Monday to Sunday 09:00 to 23:00

### **AND**

2. Removal of the following proposed conditions from the operating schedule:

Staffs are trained as appropriate in respect of relevant licensing law.

All staff other than personal license holders must receive training regarding the: - ·  
Four licensing principles contained in the Licensing Act 2003 · Responsible retailing  
of alcohol, and the law · The

conditions attached to the premises licence Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed by the trainee. 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. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Manchester City Council.

All staff will receive training on proxy sale of alcohol and other age restricted products. Training will be documented and made available to responsible authorities upon request.

3. Removed conditions in 2. to be substituted in the operating schedule by the following proposed condition:

i) Training in relation to the Licensing Objectives and the conditions on the premises licence, Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers and incident records must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale or supply of alcohol and at least every six months thereafter.

ii) Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.

iii) Documented training records must be kept at the premises and made available to Greater Manchester Police or an Officer of a Responsible Authority on request, or during an inspection.

4. Removal of the following from the operating schedule:

A minimum of 2 persons must be employed and on duty at the premises between 22:00 and 01:00 who are specifically tasked to maintain the safety of customers who may be vulnerable, ill or in distress as a result of alcohol and/or drug-related intoxication. Such persons must be trained on drunkenness, vulnerability, and drugs awareness in the night-time economy; and responding to these matters.

5. Adding of the following to the operating schedule:

An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:

- i. Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
- ii. All crimes reported to the venue
- iii. Any faults in the CCTV system, searching equipment or scanning equipment
- iv. Any visit by a responsible authority or emergency service

The incident book must be kept at the premises and made available to Greater Manchester Police or an Officer of a Responsible Authority on request, or during an inspection.

The Premises shall display prominent signage indicating that the premises is located within a Public Spaces Protection Order (PSPO) Area and reinforce the No Street drinking warning at the point of sale.

**LACHP/23/53. Temporary Event Notice - Empire House, 2 Empire Street, Manchester, M3 1JA**

The Hearing Panel was informed that contact had been received from the applicant requesting an adjournment due to a family matter.

**Decision**

To defer the matter until a later date.