

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Thursday, 6 April 2023

Present: Councillor Andrews – in the Chair

Councillors: Connolly and T Judge

LACHP/23/17. Summary Review of a Premises Licence - Queens Hotel, Sedgeford Road, Harpurhey, Manchester, M40 8QU

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

The Greater Manchester Police (GMP) representative addressed the Hearing Panel and requested that the Hearing Panel agree to the request for the exclusion of the public, for the reason that there is an ongoing serious crime investigation relating to the premises. The GMP representative stated that having the hearing in public may prejudice the ongoing investigation.

The Chair invited views of those present at the hearing.

In response, the Manchester Evening News representative observing the proceedings stated that the incidents are already in the public domain and further information could be redacted to prevent prejudice to the investigation.

The GMP representative added that the latest bundle issued by GMP had been confidential and unavailable for the public to see and that these papers would be referred to at the hearing today, therefore these papers were intrinsically linked to the decision to exclude the public.

The legal advisor to the Hearing Panel confirmed with GMP that the investigations were ongoing.

The Hearing Panel requested all parties and public to leave the meeting room and deliberated in private. All parties and public were readmitted to the meeting room and a proposal to exclude the press and public was agreed on the basis that it would be in the public interest to exclude the public under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, as there was a possibility that the representations made, and evidence presented would prejudice the ongoing police investigations.

Following the exclusion of the public, GMP made a further request under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005, to exclude the partner of the PLH and DPS of The Queen's Hotel on the grounds that he is a current live suspect in ongoing investigations and any questions he may answer today may

constitute an unofficial PACE interview, potentially leading him to incriminate himself with any answers gave.

Mrs Flint's partner addressed the Hearing Panel and stated that his partner, DPS and PLH of The Queen's Hotel, is the current licensee and she has not been charged with any criminal activity, therefore, Mrs Flint would not be in the best position to answer any questions regarding incidents linked to the Summary Review hearing. Furthermore, he stated that they had prepared their statement together and agreed that he would present the case for The Queen's Hotel, adding that Mrs Flint would not be in the best position to take on the process of the hearing. In addition, he confirmed that they had no legal representative and therefore could not rely on anyone else at the hearing.

The Hearing Panel requested that all non-excluded parties to the hearing leave the meeting room and deliberated in private. All non-excluded parties were readmitted to the meeting room and a proposal to exclude Mrs Flint's partner was refused on the grounds of natural justice, that Mrs Flint's partner is involved in the incident leading to the Summary Review and to enable him to support his partner, Mrs Flint. Mrs Flint's partner was verbally warned to be mindful when giving his statement and answers at the hearing so as not to incriminate himself.

The Chair followed the hearing procedure and invited presentations from the parties present and in doing so questions were asked by the panel.

In their deliberations, the Hearing Panel considered the serious nature of the incident involving serious violence, albeit at a different premises. The panel was in agreement with GMP's concerns of threats to life and that if the premises was to remain open, there was a strong possibility of reprisals and further violence. The panel were not satisfied that staff, patrons and members of the public/community would be safe from possible reprisals if the premises retained their licence. The Hearing Panel were satisfied that two of the 4 Licensing Objectives, namely "Prevention of Crime and Disorder" and "Public Safety" could not be upheld due to the above issues.

Decision

To revoke the licence

Interim Steps Review

The Hearing Panel invited both parties to present their views on the Interim Steps and measures that they felt should be taken.

The legal advisor to the Hearing Panel informed Mrs Flint and her partner that that they would have a 21 day period to appeal the revocation decision with a Magistrate.

In their deliberations, the Hearing Panel considered that the suspension put in place at the Interim Steps hearing should remain in place for the reasons given for the Summary Review decision, in that, it would be unwise to have revoked the licence to cease trading due to serious public safety and threats to life concerns and then lift any suspension put in place to cease trading.

Interim Steps Decision

To retain the Interim Steps decision to suspend the licence.

LACHP/23/18. Summary Review of a Premises Licence - The Vine, Glendower Drive, Manchester, M40 7TD

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

The Greater Manchester Police (GMP) representative addressed the Hearing Panel and stated that the premises had their current licence since 2005. The PLH was Mr Andrew Mitchell and the premises had a newly appointed DPS following the incident leading to the review. The incident was a violent disturbance on Glendower Drive, outside The Vine pub. A firearm was discharged, a car was driven towards people and knives were used in the incident. During the events, 3 males left the premises armed with pool cues and a member of staff followed them to retrieve the pool cues. Meanwhile, the CCTV system behind the bar was removed. No explanation has been given to GMP on how, or why this happened or who removed the system. This is a serious concern to GMP.

Chris Grunert, the representative for The Vine addressed the Hearing Panel and apologised for Mr Mitchell's absence, stating that he had a holiday booked prior to the hearing and was away. Mr Mitchell's proxy was available to answer any operational question, should there be any need. Providing known details of the incident, the representative stated that the previous DPS, Mr Kevin Upton, was on the premises with his sister when the disturbance occurred. Mr Upton left to go to a cash and carry and returned at approximately 2:15pm to find a 4x4 blocking the car park and males arguing on site. Mr Upton checked the inside of the premises and made the decision to close the pub. Prior to this, 3 males had been on the premises, had been served with drinks and then left with pool cues. Mr Upton's sister then left the premises to retrieve the pool cues and at was at this point that the CCTV system was taken. Mr Mitchell and GMP both concur that no violence occurred within The Vine during the incident. There were 30+ patrons on the premises at the time and there was no explanation of how the CCTV system was removed. The representative agreed that it was disturbing that this happened, stating that Mr Upton either doesn't know or was hiding something. Either way, the representative stated that this was not satisfactory and confirmed that this informed the decision to remove Mr Upton from his position with no intention of him returning to his previous post. If Mr Upton had been intimidating into hiding information, he had been given opportunities to inform the PLH and GMP. Regarding ongoing operations at The Vine, the representative confirmed that the premises wished to continue trading with the updated CCTV system (images provided showed a locked area containing a locked box housing the system) and confirmed that this would also back up to an offsite "internet cloud." Furthermore, Mr Mitchell as the PLH does not condone any code of silence and has always assisted GMP and, with the removal of Mr Upton, the updated CCTV system

and lock up in place and a period of calm following the Interim Steps suspension decision, hoped that the premises could now continue trading.

In responding to questions from the Hearing Panel, the representative stated that the CCTV removal could only have been advantageous to someone up to no good and involved in the incident, that the call to the police was not made by Mr Upton and confirmed that only management staff would have access to the new CCTV system and lock up.

In summing up, the representative for The Vine stated that they were grateful to GMP for working with the premises.

GMP summed up by stating that they were in agreement with the new operations at The Vine and requested that the Hearing Panel took this into consideration.

In their deliberations, the Hearing Panel considered the serious nature of the incident involving serious violence but noted that the premises had made amendments to their CCTV in that it would now not be able to be removed, plus the system was now backed up online. Furthermore, the Hearing Panel noted that the previous DPS had been removed and a new member swiftly brought in as a replacement. The Hearing Panel also took note of GMP's comments regarding their agreement with the new operations.

Decision

To amend the licence conditions by amending Annex 3, condition 1 to the following:

g. The hard disk upon which data/images are stored from the premises' CCTV system shall be stored in a secure manner and accessible by key (physical, electronic or combination code) only.

h. The CCTV system shall, subject to the premises' internet connection, have offsite storage via the cloud.

Interim Steps Review

The Hearing Panel invited both parties to present their views on the Interim Steps and measures that they felt should be taken.

The representative for The Vine stated that logic suggested that the suspension was no longer necessary, due to the Hearing Panel now being satisfied with the updated operations and requested that the suspension be lifted.

GMP agreed that the suspension was no longer necessary.

In their deliberations, the Hearing Panel considered that the suspension put in place at the Interim Steps hearing was no longer necessary as they were satisfied that the updated conditions would address the previous concern over the CCTV system and the management of this.

Interim Steps Decision

To remove the Interim Steps decision and lift the suspension on the licence.