

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Friday, 28 April 2023

Present: Councillor Andrews – in the Chair

Councillors: Connolly and Riasat

LACHP/23/23. Summary Review of a Premises Licence - Vision, Arch 58, Whitworth Street West, Manchester, M1 5WW

The Hearing Panel considered a report of the Head of Planning, Building Control and Licensing. In addition to that report, the Hearing Panel also considered the written papers that the parties submitted and the oral representations of the parties who attended as well as the relevant legislation, namely Section 53B of the Licensing Act 2003, Section 182 guidance, and the Summary Review guidance.

GMP addressed the Hearing Panel, noting this was a full review following the Interim Steps hearing held on Wednesday 5 April 2023. An application was lodged for a Summary Review of the Premises Licence due to an incident that occurred on Sunday 2 April 2023. Since then, a potential offender had been identified by GMP. At the Interim Steps hearing, GMP had requested a suspension of the licence pending a full review. The panel on that date put in place an amended condition, rather than suspending the licence. The condition amended was Condition 10, Annex 2, which then read as follows:

10. *Every customer entering or re-entering the premises will be searched with a metal detector wand by an SIA registered door supervisor and this is to be carried out in full view of recordable CCTV camera(s). Any person in possession of a weapon will be refused entry and the police will be called. Any person refusing to be searched or not passing a search will be refused entry. Notices stating that every customer will be searched with a metal detector wand will be displayed prominently at the entrance to the premises.*

GMP had since visited the premises and were satisfied that the condition was being met. There had been no further incidents of crime and disorder at the Premises. GMP were satisfied that the condition was sufficient and proportionate.

The agent of the DPS and PLH accepted that this was a regrettable incident but noted the proactiveness of the premises on the night. They noted that the premises had worked with GMP by providing CCTV as requested, they had provided first aid on the night of the incident to the victim and had called GMP in a timely manner to report it. Prior to this incident, there had been no previous issues. The premises previously operated a random search policy but the agent noted they had complied with the strengthened condition, as written above. No weapons had been detected since the amended condition had been in place. Signage had been displayed at the premises to make customers aware that searches will take place. The agent felt that the DPS and PLH could uphold the Licensing Objectives and they were accepting of imposing the amended condition as a new, permanent condition on their licence.

The panel asked if the premises had considered the use of a 'knife arch' for searches. The agent stated there had been a discussion about this, but the visuals of such a device can be a deterrent to customers. The agent felt that the use of wands was proportionate to the risk associated. The General Manager stated that they felt the use of an arch could slow the search process down as only one customer could pass through at a time. Utilising wands means that there could be multiple SIA staff performing the searches at the same time, thus reducing customers waiting time in queues.

The agent summed up by stating that an arch would be required in a high risk situation, however they felt this premises was not high risk. They stated their belief that the amended condition was appropriate.

GMP had nothing to add when invited to sum up.

In their deliberations, the panel were satisfied that the amended condition had been working well, also noting GMP's belief that it was sufficient.

Decision

To modify the premises licence pursuant to s53C(3)(a) of the Licensing Act 2003 by replacing Condition 10 as follows:

10. Every customer entering or re-entering the premises will be searched with a metal detector wand by an SIA registered door supervisor and this is to be carried out in full view of recordable CCTV camera(s). Any person in possession of a weapon will be refused entry and the police will be called. Any person refusing to be searched or not passing a search will be refused entry. Notices stating that every customer will be searched with a metal detector wand will be displayed prominently at the entrance to the premises.

Interim Steps Decision

To retain the Interim Steps as provided for by s53D(4)(a) of the Licensing Act 2003.