

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Friday, 28 December 2018

Present: Councillor Grimshaw – in the Chair

Councillors: McHale and Paul

LACHP/19/190. Application for a Review of a Premises Licence for Factory 251, 118-120 Princess Street, Manchester, M1 7EN.

The Panel was provided with the circumstances of the incident leading to the summary review by a statement from the representative of Greater Manchester Police (GMP) in attendance. The incident took place on 2 December 2018 and related to the actions of door security staff at the venue who had attacked two customers who had been removed from the premises by the door staff. The Panel viewed footage of the incident taken by a member of the public using a mobile phone, who was present at the time. The Panel was informed that 30 other incidents had also taken place at the premises over a period of 12 months. Of these eight had been reported to the GMP by the venue and the Greater Manchester Ambulance Service.

The Panel considered that the violent incident on 2 December 2018 was extremely serious and was of the view that it had been the correct course of action to suspend the licence at a hearing held on 5 December 2018. The Panel also wanted to make it clear that whilst this incident was the result of actions of door staff provided through a private contractor, the ultimate responsibility for those door staff lay with the Premises Licence Holder (PLH). Sufficient procedures were clearly not in place to adequately supervise door staff on the night of the incident.

The Panel was advised by GMP that the premises licence owners had used the period of suspension (starting on 5 December 2018) to work with GMP and had carried out a full review of their licence and operating procedures. The premises licence owners had engaged the services of an independent licensing consultant who previously worked for GMP as an inspector.

It was very concerning to the Panel that there had been a number of previous assaults at the premises and that the premises had been in the Top Ten in ranking for harm incidents on a number of occasions during 2017 and 2018. GMP however, advised that there had been a significant improvement in the premises ranking in the last year following a meeting that took place with GMP approximately a year ago.

The Panel accepted GMP comments that this showed that when issues are raised the premises will take action as on the previous occasion when concerns were raised, improvements were made which then saw a significant decrease in incidents occurring at the premises, at the start of 2018 and an overall improvement in their rating from red to amber.

The Panel was also informed by GMP that whilst there was originally concerns over the under reporting of incidents at the premises to the police in some instances, the PLH may have not been aware of them if they were only minor incidents reported later by customers. Also, in some instances the PLH appeared to have believed that the police would have been alerted if an ambulance was called or Nitenet informed of an incident. Whilst it is concerning that the PLH was not fully aware of the correct reporting procedures and not all incidents had resulted in a call to 999, GMP were now satisfied the PLH now had a better understanding of the correct procedures for reporting any incidents at the premises.

In relation to the incident on 2 December 2018 which resulted in the summary review the Panel were very concerned a call was made to GMP by a member of the public and not the PLH / DPS (Designated Premises Supervisor). They were however, informed that the DPS did attend to the victim as soon as he was made aware of the incident and were also informed he asked someone to call 999 whilst he was attending to the victim.

The Panel were advised that GMP and other Responsible Authorities had been in liaison with the PLH and a meeting had taken place since the Summary Review. During this meeting an agreement had been reached on a number of additional conditions which should be attached to the premises licence, subject to the Panel's approval, a copy of the conditions was provided to the Panel.

GMP were of the view that the conditions including a change in all door staff, body cameras to be worn by door staff and improved training and monitoring of all staff, would prevent any similar incident happening again. The Panel accepted that these conditions would give the PLH closer scrutiny over and protection of its staff.

The Panel also considered the representation from Licensing and Out of Hours (LOOH) and noted that there had been previous noise complaints at the premises in the past year. The Panel were also informed that the PLH had worked with LOOH this year when notified of such complaints and introduced a number of measures to address the complaints. It was reported the LOOH were supporting GMP which, had now reached an agreement with the PLH. LOOH did, however, state that due to the noise issues raised, the number of people allowed in the smoking terrace of 100 was too high and this should be reduced to 20. The Panel agreed that the number of smokers should be reduced due to the noise issues being caused to local residents. It was considered, however, that 20 people was too low a number given the capacity of the venue and 40 was a more appropriate number. The proposed condition was therefore amended to reduce the numbers from 100 to 40 people.

Taking all of the representations into account, including that GMP and LOOH did not think revocation of the premises licence was appropriate. The Panel was satisfied that the conditions agreed with the PLH and the Responsible authorities, as amended and strengthened by the Panel, were appropriate and proportionate and should be added to the licence in order to ensure the licensing objectives are upheld at the premises. The Panel was also satisfied that by reducing the hours for Regulated Entertainment and opening times a prompt and professional dispersal will be possible with less likelihood of incidents occurring.

The Premises Licence Holder was notified of their right to appeal to the Magistrates Court within 21 days.

Review of interim steps

The Panel then reviewed the Interim-Steps and noted that there were a number of issues that the premises needed to address before they could re-open in a way that would uphold the licensing objectives. This included the employment of additional staff and training for all staff.

The Panel viewed that it was appropriate and proportionate for the interim steps of suspension to be modified to suspend the licence for 21 days from today (28 December 2018). This is appropriate and proportionate as the PLH has yet to put all the additional steps and changes to the operating procedures in place to adequately uphold the licensing objectives and this will allow time for this to happen.

The Premises Licence Holder was advised that there is a right to appeal to the Magistrates Court within 21 days of the decision.

In reaching its decision the Committee 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.

Decisions

1. To agree to:

- reduce the hours for regulated entertainment to 0300 Sunday to Thursday and 0400 Friday and Saturday;
- reduce the hours for Late night refreshment to 0330 hours Sunday to Thursday and 0430 hours Friday and Saturday;
- reduce the opening hours to 0330 hours Sunday to Thursday and 0430 hours Friday and Saturday

2. To agree to amend the conditions on the premises licence as follows:

In relation to the conditions agreed between the Premises Licence Holder and Responsible Authorities:

Proposed Condition 1 will not be placed on the licence. However, it has been noted that the services of Professional Security (part of Effective Security Services Ltd) had been terminated.

Proposed Condition 2 will instead state as follows:

The Premises Licence Holder shall provide to Greater Manchester Police, a list of all individual door staff working at the time of the incident on 2 December 2018. The Premises Licence Holder shall retain a copy of that list at the premises at all times and shall produce a copy of that list immediately upon

demand by an authorised officer of a Responsible Authority (RA) or the Security Industry Authority (SIA). The PLH shall ensure that none of the individuals contained on that list shall be employed directly or through a third party external contactor in any capacity at the premises.

Proposed condition 8 amended to include that "The reports of the compliance auditor shall be provided to GMP and the Licensing Authority".

Proposed condition 10 amended to remove "after midnight."

Proposed condition 13 amended from 100 people to 40 people.

Proposed condition 14 to be amended to add "Training shall be regularly refreshed and at no greater than 6 monthly intervals".

All other conditions to be added as agreed between Premises Licence Holder and Responsible Authorities.

Additional conditions added by the Committee:

- A direct telephone number for the manager of the premises shall be publically available at all times the premises are open. This telephone number is to be made available to residents in the vicinity.
- The premises shall have a documented duty of care policy for managing intoxicated and vulnerable customers at the premises.

The agreed, amended and additional conditions are detailed below.

1. The Premises Licence Holder shall provide to GMP a list of all individual door staff working at the time of the incident on 2 December 2018. The PLH shall retain a copy of that list at the premises at all times and shall produce a copy of that list immediately upon demand by an authorised officer of a Responsible Authority or the SIA. The Premises Licence Holder shall ensure that none of the individuals contained on that list shall be employed directly or through a third party external contactor in any capacity at the premises.

2. Any door security company employed by the premises licence holder will be an Approved Contractor Scheme (ACS) accredited company.

3. All door supervisors will wear high visibility professional attire/uniform ensuring that they are easily recognisable as door supervisors.

4. All SIA door supervisors will wear body cameras. These cameras will be used to record all ejections from the premises, and all incidents involving physical or verbal confrontation at the premises. The DPS will ensure that the body worn cameras are in good working order at all times. Footage of incidents recorded on body worn video will be downloaded and stored for a period of 28 days, and available for viewing and downloading to disk/USB

device by police officers on request. Door supervisors will be given training on how to use body worn videos, and this training will be documented.

5. An independent compliance auditor will be employed by the premises licence holder who will audit compliance with the conditions on the premises licence and the provision of door supervisors.

6. A bespoke premises door supervisor policy written in conjunction with the independent compliance office auditor will be in operation at the premises. All door supervisors working at the premises will be trained on the door staff policy before they are allowed to work at the premises. Refresher training will be given in relation to this policy at regular intervals.

7. The compliance auditor will arrange for covert mystery shopper visits to take place at the premises to assess procedures and focus on the door supervision and management of the premises. The reports of the compliance auditor shall be provided to GMP and the Licensing Authority.

8. The premises licence holder will operate a Nightnet or other communication link radio to other venues in the city centre. This will be the system recognised by the Greater Manchester Police and Licensing Authority. This communication link will be operational for every trading session at the premises. The communication link will be kept in working order at all times when licensable activities are taking place. If the night net radio system is down/unusable for any or part of a trading session the police will be made aware immediately.

9. At all times the premises are open to the public a qualified first aider will be employed at the premises whose primary job will be to care for customer health and welfare. A log will be maintained at the premises to show the first aider on duty, and their start and finish times, and signature.

10. Door staff will be employed at the premises to a ratio of 1 door supervisor to 75 customers. A door supervisor deployment plan will be written and door staff will be deployed where risk assessed to ensure sufficient members of the SIA door team are placed at areas within the premises requiring additional supervision. The premises licence holder will deploy at least 1 door supervisor per 100 people in the queue.

11. At least one metal detection wand will be used at the entrance of the premises on every trading night.

12. The smoking terrace will be supervised by at least 1 SIA door supervisor at all times and will not have more than 40 people contained in it. Door supervisors and staff will maintain order in the smoking terrace and ensure that people do not stay in the smoking terrace after they have finished smoking.

13. All staff at the premises will receive appropriate training in relevant legislation for their employment (including the licence conditions) and

managing patron's behaviour. Training will be documented and training records will be kept on the licensed premises and made available for inspection by Police and responsible authorities. Training shall be regularly refreshed and at no greater than 6 monthly intervals.

14. Door supervisors and senior members of management will receive training on the policy in relation to management of queues at the premises which will include:

- Identifying the areas where queueing will be permitted to take place;
- Where the barriers are to be used;
- At any times and capacity restrictions to be enforced.

15. A staff member will be responsible for using a click accounting device, or similar device, to ensure that the maximum capacity of the venue and maximum capacity of each floor and smoking area is not exceeded. The maximum capacity for the premises includes staff members.

16. The premises will have at least 2 management level members of staff at the premises for each trading session. These 2 management level members of staff will be Personal Licence Holders. One of these members of staff will be positioned at the entrance to the venue whilst customers are queueing and entering the premises.

17. All crimes and incidents involving physical harm will immediately be reported to the police.

18. A direct telephone number for the manager of the premises shall be publically available at all times the premises are open. This telephone number is to be made available to residents in the vicinity.

19. The premises shall have a documented duty of care policy for managing intoxicated and vulnerable customers at the premises.