

Licensing Sub -Committee – 7 December 2022

Summary Review (Interim Steps hearing) – The Levenshulme, 959 Stockport Road, Manchester

Applicant – GMP – PC [REDACTED] Isherwood in attendance

PLH – The Craft Union Pub Company Ltd

In attendance: [REDACTED] Director of Licensing, Stonegate Ltd
[REDACTED], Popplestone Allen Solicitors

DPS – [REDACTED] (not in attendance)

The Committee considered the representations made on behalf of GMP and the Premises Licence Holder (PLH) and have taken both the written and oral representations into account.

In reaching its decision the Committee have also considered the Council's statement of Licensing Policy, the Licensing Act 2003, the Guidance issued by the Secretary of state under Section 182 of the Act and the licensing objectives.

Decision:

Suspend the Premises Licence with immediate effect pending the final review hearing on the 20th of December 2022 pursuant to Section 53B (3) and 53B (5) of the Licensing Act 2003.

Reasons:

The Committee was advised that an application had been made by GMP on the 5th of December 2022 for a summary review of the above premises.

The Application arose following reports of a serious incident occurring at the premises.

On the 3rd of December 2022 at 01.51 a call was made by the DPS to GMP to report that a stabbing had occurred at the premises.

On arrival at the premises GMP officers noted that a male had a wound to his abdomen and there was an allegation made that he had been assaulted by the door staff.

The CCTV footage was viewed by GMP, and it was evident that a verbal argument had taken place between the victim and another male, following which the victim threw a drink at the male before punching him in the face.

The Door staff failed to take action to stop the fighting and the altercation continued. Another male is observed filming the altercation when one of the door staff suddenly runs over to the male and kicks him in the head before punching him numerous times.

A male from the premises is then seen to retrieve an object from his trouser waistband and approaches the fight before making a stabbing motion towards the victim's abdomen area. The fighting continues and the male with the knife loiters in the area before assisting the victim to collect his belongings off the floor.

GMP advise the Committee that the door staff are observed getting into their vehicle before driving away without having taken any action to intervene except to assault the male outside his car.

As a result of the incident GMP advised that a man had been arrested for a s18 wounding offence and that a victim impact statement had been received from the DPS, explaining her concerns and fears of reprisals about reopening the premises.

GMP expressed concerns that the man carrying the knife or other article appeared to be a regular customer at the premises and was in possession of the knife / article inside the premises.

It also pointed out that the behaviour of the door staff was not of the standard expected in that a largely unprovoked attack was carried out on a friend of the victim and there was a noticeable failure on the door staff to diffuse or intervene to stop the fighting.

The Committee viewed the CCTV footage of the incident and was satisfied that GMP had accurately described the sequence of events that took place on the 3rd of December 2022.

The PLH's representatives explained that the premises was one of 34 pubs that they owned in Manchester alone and explained that they prided themselves on employing and training staff, including door staff who could work in a way that upheld the licensing objectives.

They accepted that on this occasion something went badly wrong but asked the committee to consider that the premises had previously been well managed and that this was a one-off incident.

It accepted that the actions of the door staff were unacceptable and explained that appropriate action would be taken to address the matter to ensure that there would be no repeat of an incident of this nature.

It was explained to the committee that they had voluntarily decided to shut the premises and would be willing to work closely with GMP to improve the situation.

They indicated that they would be looking to use the services of a new door supervisor company and requested the Committee not to suspend its licence.

On the evening in question, the Premises stated that there was a large traveller community in the pub and that they had decided to close the bar earlier than normal fearing there may be trouble.

A group of individuals inside the pub were reluctant to leave and asked if they could take their drinks outside. The DPS refused but said that they could take their drinks outside but only in polycarbonate glasses.

It was alleged that the person who carried out the stabbing had indicated to the victim that it was one of the door staff who had carried out the act and that this had inflamed the individuals with the resultant effect that windows were subsequently smashed at the premises.

The Committee agreed with GMP's concerns about both the inaction on the part of the door staff to intervene and the assault which took place on the male outside his vehicle. These were not the actions expected of SIA registered door staff employed to deal with crime and disorder issues.

It noted that a serious offence had been committed, one which was currently the subject of a criminal investigation and was extremely concerned to hear how the incident had affected the DPS advising GMP that they were now reluctant to open the premises for fear of reprisals.

Furthermore, the Committee was concerned that the attack that had been carried out by a [REDACTED] identified [REDACTED] and that this person had the knife or other article on their person inside the premises.

The Committee agreed that it was necessary and proportionate, for the promotion of the licensing objectives, to suspend the Premises Licence pending a full review being heard before the Committee.

For the purposes of Section 53B(5)(b) of the Licensing Act 2003 immediate notice of the Committee's decision was given orally to GMP and the PLH.