

From: Barbara Gora [REDACTED]

Sent: 06 April 2023 15:48

To: Licensing Subcommittees <licensing.subcommittees@manchester.gov.uk>

Subject: Re: Licensing SubCommittee 6 April 2023 Decisions and Reasons

The Queens Hotel

GMP made an application under Regulation 14 of the Licensing Act (Hearings) Regulations 2005 to exclude the public and press from the hearing. GMP told the Committee that there was still a live investigation in place into very serious offences , the papers disclosed to the Committee have not been made public and if the hearing was held in public this could prejudice the police investigation. The Committee heard representations from a member of the press who stated that a lot of the information was already in the public domain and it was in the premises interest for their say to also be made public.

The Committee considered the application and granted the application to exclude the public under Regulation 14 of the Licensing Act (Hearings) Regulations 2005 as given the sensitivity of the ongoing police investigation the public interest in excluding the public outweighed the public interest in the hearing taking place in public.

GMP made a second application to [REDACTED] on the grounds that he is being investigated as a suspect in relation to the serious incident which took place on 12 March 2023 and any responses he gave may incriminate himself and/or others.

[REDACTED] told the Committee [REDACTED] was not prepared to represent the premises on her own and needs his support. They had not instructed a solicitor and had not been warned in advance of the application.

The Committee considered the application carefully and decided to refuse the application to exclude the [REDACTED] as he had already had access to the papers and had prepared for the hearing and it would counter the rules of natural justice to exclude him. The Committee however considered it important to stress [REDACTED] should answer any direct questions and warn him he may incriminate himself and/or others if he attempted to answer direct questions about the incident of 12 March 2023. The Committee therefore considered it was not in the public interest to exclude the [REDACTED] [REDACTED] from the hearing.

Review Decision:

To revoke the licence on the grounds of prevention of crime and disorder and public **safety**.

Reasons:

The Committee considered everything contained in the Report and everything said at the Hearing.

The Committee heard that the premises was located in an area which was difficult to police and was also a challenging area in which to operate a licensed premises.

The Committee heard that the premises had been subject to a summary review in November 2021 , the outcome of which had been to amend the premises licence.

The Committee had grave concerns about the police visit carried out on 9 March 2023 as set out in the witness statement of [REDACTED]. During the visit police officers saw three persons known to them as OCG members in the premises consuming food and drink they had taken into the premises . The Committee was concerned that a new member of staff , who was not on the designated list to sell alcohol was alone on duty at the time. The Committee concurred with the view of [REDACTED] that the experienced member of staff who appeared some 20 minutes later had not been in the premises earlier.

The Committee also heard from GMP that the investigation into the serious incident of 12 March was still ongoing and some of the CCTV evidence was inconsistent with the explanation put forward by the premises. GMP also informed the Committee that following the incident of 12 March several threats to life warnings had been given and it was the view of GMP that should the premises continue to operate it may be the target of revenge attacks placing staff , customers and members of the public at risk.

Under questioning the PLH/DPS was unable to name any of the licensing objectives.

The Committee did not have access to any CCTV evidence and therefore in all the circumstances accepted that the PLH/DPS and [REDACTED] had left the premises to confront persons who had damaged the premises. This is unacceptable behaviour from an operator .

The Committee was very concerned about the threats to life warnings given by GMP and the view that retribution attacks may take place if the premises continued to operate.

Therefore, in all the circumstances the Committee considered it appropriate to revoke the licence.

Interim Steps Decision

The Committee considered the representations from both parties and decided to maintain the interim step of suspension.

Reasons:

The Committee heard from GMP that the suspension should continue given the potential danger to the public should it reopen. The premises asked the Committee to lift the suspension as they believed the main OCG member was in custody and therefore there was no further danger to the public. The premises also requested it be kept open pending any potential transfer and/or a Farwell party given the premises long history.

The Committee considered that there was a risk of retribution attacks which put the lives of staff, customers and the public at risk therefore considered it necessary for the licence to remain suspended.

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