

Licensing & Out of Hours Compliance Team - Representation	
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Premise Details	
Application Ref No	REF 228013
Name of Premises	Neighbourhood
Address	Tower 12, Crown Square Spinningfields Manchester M3 3BZ

Representation	
<p>The Licensing and Out of Hours Team are writing to support the application made by Greater Manchester Police to review the above premises licence. We have serious concerns about the premises licence holder's ability to uphold the licensing objectives, namely the prevention of public nuisance, public safety and prevention of crime and disorder.</p> <p>Neighbourhood is located on the ground floor of Tower 12 next to Restaurant MCR. The premises describes itself as a modern European and US-influenced eatery with Manhattan-style bar. Consisting of 3 venues in Leeds, Liverpool and Manchester, it is self-promoted as "one of the hottest parties by night". This premises is known for being frequently visited by celebrities, football players and it is heavily promoted and glamorised on social media thus making it particularly desirable to a young audience.</p> <p>The premises was previously brought before committee for a Summary Review on the 12 April 2018 due to a serious assault being committed by a member of door staff who caused serious injury to a member of the public after using a large glass bottle to attack the customer. Since the review, there has also been a further serious incident where a male was stabbed in the chest with a blunt object believed to be either a key or a necklace cross. Although the injuries obtained from this stabbing on 12th October 2018 have been described as superficial, the situation was serious enough for the premises to be evacuated and to have emergency services attend.</p> <p>Following the Summary Review in April 2018, the premises was allowed to carry on operating with a number of additional conditions being attached to the Premises Licence by the committee. One of the conditions added to the licence was:</p> <p>Annex 3 Condition 7 <i>"At least two door supervisors working at the main entrance of the premises shall wear body cams whilst on duty. There will be a CCTV camera positioned at the entrance to the premises which records customers entering the premises to capture use of the knife arch or wand".</i></p> <p>On 13 April 2018 at 01:13, the day following the hearing, The Licensing and Out of Hours team visited the premises and witnessed door staff stationed at the main entrance of the premises neither of whom were wearing body cams. The staff were made aware of the need to comply with the above condition and told to put the body cams on but they were only able to produce one body cam on the night claiming that one of the straps was broken on the other. During the same visit one of the door staff was wearing his SIA badge the wrong way round so that his ID/badge number was not being displayed. The non-compliance with the condition relating to body cams and the</p>	

issue of the SIA badge were brought to the attention of the manager Anthony Jackson who advised the issues would be rectified.

On 16th April 2018 the premises was revisited and both body cams were being worn.

In October 2018 a meeting was held between the venue, their solicitors, GMP and the Licensing & Out of Hours Team to discuss a variation to the hours of operation imposed at the review hearing in April 2018. At the same meeting the venue wanted to discuss a relaxation to the condition in relation to the requirement for all customers after 22.00 to have to go through Clubscan. The venue wanted to be able to allow famous people to enter the premises when they did not have their ID with them. As no suitable wording of a variation to the condition could be offered, either by the solicitor or either responsible authority, the variation was only submitted to allow extended opening hours on Sundays

The most recent proactive visit from the LOH team took place on the night of 10 March 2019 during the Drake Assassination Vacation Tour after party for which a TEN had been granted. At 23:15 LOH officers arrived on The Avenue in Spinningfields but were unable to access the premises due to the large crowds that had gathered outside the venue. Officers left the scene but subsequent CCTV footage shows that the situation outside the venue got progressively worse to the point that the doorman were struggling to hold back the crowd. CCTV footage of the overcrowding shows people having to climb over furniture to remove themselves from the area. Having watched this footage back, there was a real risk of people being crushed (Exhibited in Evidence Pack as MC30).

At 23:24 the footage shows one of the door staff physically force himself into the crowd with the help of another doorman to push the crowd of people away from the entrance. It was clear that the area outside the premises was unsafe and the lack of management of the external space put members of the public at risk. Furthermore, this melee resulted in an altercation between a member of the door staff and a member of the public. Punches were thrown by both as a result but the male eventually dispersed. A fight within these already cramped surroundings would have been extremely dangerous and would have put members of the public at further risk.

Manchester's Standards to promote licensing objectives state:

(MS9): *Effectively manage exterior spaces (eg. beer gardens, smoking areas, table and chair areas on the highway)* and **(MS1):** *Implement effective security measures at the premises. It is expected that all licensed premises have effective and appropriate security measures in place relevant to the style of operation. Controlling entry to the premises, Effectively managing queues outside the premises and responsible management of externally promoted events at the premises.*

Whilst it is accepted that the premises called 999 during this overcrowding to request assistance, the fact that it happened in the first place is of great concern. Spinningfields security have confirmed to the LOH team that they were not informed of the event or that a Temporary Event with later operating hours was taking place. They have explained that had the premises informed them that this was taking place they would have been able to prepare for this and provide adequate support to the premises which essentially would have prevented this situation from getting as dangerous as it did. From the CCTV there appears to be no sign of any process or event management policy in place to control the crowd outside of the venue. Had an emergency situation unfolded the consequences could have been tragic.

Later during the event, LOH officers attended at 01:50 to check the premises were adhering to their Licence conditions. During their observations they witnessed a male being refused entry to the venue due to not having an ID card which is required as per:

Annex 3 Condition 5: *“A ClubScan system will be installed at the premises and be in operation from 10pm on Thursdays to Sundays. All customers entering the premises will be required to produce an appropriate form of identification and have that identification scanned in to the system. Any customer without suitable identification, or any customer who refuses to allow their identification to be scanned into the system will be refused entry.”*

The LOH officers then observed the male and his friend taken away from the venue and walked further up The Avenue and witnessed an ‘exchange’ of some sort taking place between the males and the member of door staff. After this exchange the male and his friend were led into the premises by the same member of door staff and were then observed being allowed to bypass the Club Scan area. Upon viewing CCTV of this interaction, it appears that a hand stamp was handed to the doorman by his colleague. Still images taken from CCTV showing this interaction unfold are exhibited in the Evidence Pack as MC10.

Council officers asked the door personnel twice as to why the male was admitted into the premises. When no answer was given, officers raised this incident with the Designated Premises Supervisor, Anthony Jackson. The explanation given to officers was that the male had convinced the door staff that his sister who was inside the venue had his ID card so he stamped the male’s arm and let the two of them in. The question as to why the member of door staff felt the need to walk away from the venue entrance and out of view of the CCTV was not answered.

After this was brought to the venues attention, the doorman found the two male’s inside the premises and made them scan their ID’s. However, upon checking the ClubScan record afterwards, it appeared that the male had scanned in with someone else’s ID card. The ClubScan system takes a photograph of the individual in front of the scanner as well as scanning the individuals ID card at the same time. When officers asked to see the records of the ClubScan to verify the male, they quickly discovered that the photograph from the ID card did not match the person holding it. The explanation later given to officers by the doorman was that he had not noticed the difference between the male and the ID card provided. This male has since been identified as a senior member of an organised crime gang who is responsible for a number of serious offences in the Manchester area. It is of concern that this individual has been allowed to enter the premises without ID and then to use another person’s ID without question.

When considering this turn of events, it is worth noting that it is common knowledge and in the public domain that Neighbourhood attracts members of organised crime groups. (MEN article exhibited in the Evidence Pack as MC03). It has also been confirmed by GMP that the suspect involved in the most recent stabbing is also an active member of an organised crime gang.

After further assessment of the CCTV from this night, it was apparent to officers that there were a large number of people who were let into the premises without verifying their identification via the ClubScan system (exhibited in Evidence Pack MC11 – MC22). This is a further example of the premises breaching the conditions that were imposed by the licensing committee at the previous summary review.

A number of the individuals who are seen to bypass the ClubScan system have since been identified as members of organised crime groups. The CCTV footage shows a very friendly handshake between a male who has previous convictions for firearms offences and the door staff on entering the premises. He then walks straight past a third member of door staff who is operating the knife wand without being searched. It would obviously be difficult to ever prove that the door staff are aware of this individual’s criminal activity however the fact still stands that such individuals are being allowed to frequent the premises and enter without being searched for weapons is not only a breach of the premises licence it is also highly dangerous and puts the public at a serious risk of harm. During the same visit on 10 March 2019 officers asked to see the door staff signing in book numerous times as the door staff had advised it was behind the door. The officers explained in their notes that despite the book only being a few feet away it was finally produced after what

officer referred to in their notes as 'an unusually long waiting time.' CCTV of this scenario shows that the member of door staff takes the book from behind the door but then walks in to the venue before returning.

Annex 2 Condition 9: "A register of those door staff employed shall be maintained at the premises and shall include:

- a) the number of door staff on duty
- b) the identity of each member of door staff
- c) the times the door staff are on duty"

It was also noted by the officers that only one body camera was being worn by the door personnel at the entrance of the premises which is a breach of:

Annex 3 Condition 7: "At least two door supervisors working at the main entrance of the premises shall wear body cams whilst on duty. There will be a CCTV camera positioned at the entrance to the premises which records customers entering the premises to capture use of the knife arch or wand".

Following these findings, a meeting was held on 13 March 2019 between a Team Lead from the Licensing and Out of Hours team and [REDACTED] at East Coast Concepts who operate the Neighbourhood brand. During the meeting it was claimed by [REDACTED] that the clickers were not used during the event and that the premises did not manage the physical capacity of the venue. Instead it was explained that they had relied solely on visual observations by the door staff. This contradicts the report from officers on the night who were given exact figures by door staff which were stated to be of 294 (817in -523out).

During the review of the CCTV footage from 10th March 2019 it was also noted that at 23:21 one side of the metal detector broke down and the light was not indicating any activity as customers were passing through. At 00:35 the second side of the metal detector also failed making the knife arch completely inactive. Following this complete failure, the scanning of customers was left to one member of door staff with a handheld metal scanner. Due to heavy footfall in the entrance lobby at the time, 80 patrons gained access to the premises without being searched for weapons and/or drugs.(exhibited in Evidence Pack as MC41). This is a clear breach of:

Annex 3 Condition 4: "From 10pm Thursdays to Sundays all customers entering the premises will be subjected to a security check by way of metal detector, comprising a fixed structure at the entrance which must be passed through. Any customers who refuse to pass through the detector will not be allowed entry to the premises".

Whilst it can be seen that one side of the metal detector was repaired at 01:12 the LOH team can find no evidence to show that this was reported to anyone at the time, nor was it mentioned to LOH officers during their visit that evening.

Despite the metal detector being completely out of action, CCTV footage shows both the door personnel and the venue's management passing through the metal detector multiple times with no sense of urgency or any attempt to address this failure.

Following the event of 10th March 2019 and the catastrophic failures observed, the LOH team received a 'door report' from the [REDACTED] on 13 March 2019 which refers to the Drake event of 10th March as having 'no major issues'. (exhibited in Evidence Pack as MC04). This report also goes on to state that 8 people were admitted to the venue without being scanned as they were famous footballers. As already mentioned above, officers observed a large number of people bypassing the Clubscan system. Not only is the figure provided by the premises management incorrect and extremely inaccurate, it seems to suggest that the premises management are either unaware of how ineffectively the entrance area is being run or are

knowingly providing inaccurate information to authorities. It should be mentioned that the venue management are observed on CCTV regularly in the entrance area and seem either completely oblivious to the numerous people who are not being scanned or searched on entry or more worryingly, it could be suggested that they are complicit in this activity. Eitherway this is of great concern to the LOH team as combined with the lack of clickers mentioned earlier, the venue have absolutely no way of knowing how many people are inside the venue nor their identity or whether they were carrying any weapons or drugs.

In addition to the above licensing breaches, we have since obtained CCTV footage from Tower 12 Estate Management showing that during the Drake after party on the 10th March 2019, 40 people were admitted to the premises between the hours of 23:20 and 23:35 via the Tower 12 basement car park. Tower 12 management have confirmed to us that this entrance is not for public access and is designed for vehicles only. LOH officers have since walked down this slope into the basement and can confirm that the slope is hazardous underfoot and certainly not designed to be walked down. The CCTV footage provided shows groups of people walking down the steep slope, with females struggling to keep balance whilst on high heels (exhibited in the Evidence Pack as MC43). The DPS is also seen on the footage guiding people down the slope and is therefore complicit in this licence breach.

Annex 3 Condition 3: *“Customers will only be allowed access to and from the premises via the main entrance on The Avenue North (except in the case of emergency.)”*

Our interpretation of the above condition and the term ‘except in case of emergency’ is that this would only apply in a serious incident such as an evacuation during a fire. The LOH team would not deem the need to get minor celebrities into a nightclub as an emergency.

Again, when considering discrepancies between information that is being provided by the venue management and reality, the LOH team received written confirmation that only 25 people were admitted via the basement on the 10 March due to health & safety concerns with the overcrowding at the front door of the premises. The CCTV from the basement carpark’s camera disproves this figure as it actually shows 40 individuals being escorted through the car park and into the rear of the club (email from [REDACTED] exhibited in the Evidence Pack as MC05).

Having since viewed some of the premises social media it would also appear that Neighbourhood have been promoting and glamorising irresponsible drinking through their social media channels namely Facebook and Instagram. Official Neighbourhood accounts (exhibited in the Evidence Pack as MC42) show promotions such as:

- *“£30pp bottomless prosecco, beer & frozen cocktails with 3 small plates #NotGoingHome”*
- *“When bottomless brunch turns into shot towers”*
- *“(…) 1 brunch & bottomless drinks now inc G&Ts £30pp”*
- *“When bottomless brunch gets out of hand. Standard Saturday behaviour #DineDrinkDance”*

This is not only encouraging people to drink more than they might ordinarily do, but is also a blatant breach of Mandatory Licensing conditions, namely:

- (1) *The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.*
- (2) *In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –*
 - a) *games or other activities which require or encourage, or are designed to require or encourage, individuals to –*

- (i) *drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or*
- (ii) *drink as much alcohol as possible (whether within a time limit or otherwise);*
- (b) *provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;*
- (d) *selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;*

In response to the most recent stabbing incident inside the premises that has led to this review, the LOH team have made contact with the Night Net administrators to see how well Neighbourhood have been using the Night Net system.

Owing to a new system update at Night Net, City Co who run the system have advised that the system can only be searched back to August 2018. It has been confirmed by City Co that the Night Net radio system has not been active at Neighbourhood since these records began in August 2018.

This is a breach of a further condition that was added to the licence by the licensing committee in April 2018.

Annex 3 Condition 9: *“The premises shall subscribe to, install and operate the NiteNet System.”*

As the LOH team had only been provided with footage from a limited number of cameras from 10 March 2019 event, on 27 March 2019 the LOH team made contact again with the premises over the phone to request further CCTV footage from the 10 March 2019. This was requested in order to help corroborate information claimed by the venue namely that ‘all customers entering through the basement were scanned in’ and that ‘the total number of people who gained access via the basement was 25’. Despite initially agreeing to provide this additional footage when officers arrived at the premises, the ██████████ refused to provide officers with this footage. ██████████ advised that he had since been instructed by the Head Office not to release any CCTV footage unless requested to do so by GMP.

Annex 2 Condition 6 : *“Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request”*

Not only is this refusal a further breach of their Premises Licence but it is also of grave concern to us as it reaffirms our belief that there is a plethora of licensing condition breaches regularly occurring at this premises along with a systematic effort to keep evidence of illegal activities at the premises from both the Licensing Authority and GMP.

At the review in April 2018 the licensing committee allowed the premises to continue operating subject to additional conditions being placed on the licence. The trust that the committee placed in the operators of the venue to manage the premises in compliance with these conditions and to uphold the four licensing objectives has been completely undermined. Despite assurances from the representative at committee that they would uphold the licensing objectives, our observations contained within this representation demonstrates that the management of the venue has knowingly failed to comply with these conditions.

Having regard to the matters raised above and the violent incident that occurred on the night of 16 March 2019, we ask that the committee revoke the Premises Licence. The Licensing Out of Hours Team will exhibit and refer to CCTV footage from Sunday 10 March into Monday 11 March.

Recommendation: Revocation of the Premises Licence