

## **Licensing Sub Committee Hearing Panel**

### **Minutes of the meeting held on Monday, 25 July 2022**

**Present:** Councillor Andrews – in the Chair

**Councillors:** Flanagan and Hewitson

#### **LACHP/21/57. Summary Review - Bloom, 100 Bloom Street, Manchester, M1 3LY**

Consideration was given to the report of the Head of Planning, Building Control and Licensing regarding a Summary Review of the premises licence at Bloom, 100 Bloom Street, Manchester, M1 3LY.

The summary review was requested by GMP following an incident at the premises which took place on Wednesday 29 June 2022. The application was made under section 53(B) of the Licensing Act 2003.

The Hearing Panel considered the written papers, oral representations of all parties as well as the relevant legislation.

GMP addressed the Hearing Panel, informing them that the Licence was issued to Lapwine Ltd on 31 August 2005. Since the interim steps hearing, the Designated Premises Supervisor (DPS) had changed. GMP, having looked at violent and/or sexual crimes over the previous 12 months, informed the Panel there had been a total of 38 reported. GMP summarised each of these reported crimes to the Panel. GMP informed the Panel of their intent to show video footage, the first of them captured on a Bodycam of a member of the security team on the night in question. The public were excluded from viewing the first piece of video footage. After this, GMP subsequently showed CCTV footage from the night in question to provide context to the chain of events that night, for which the public came back into the room. Part of the CCTV footage showed the offender gaining entry into the club, with the member of the security on the team manually entering the offenders' details onto the Clubscan system and no ID was checked. GMP clarified that the detail inputted to the Clubscan system were the offenders' name, their date of birth given as 29 June 2022, the night of the incident, and a picture. GMP felt the offenders' entry to the club highlighted a level of familiarity with security staff which was of concern. A second piece of CCTV footage showed the offender shadowboxing with a member of security staff, further highlighting a level of familiarity according to GMP.

LOOH questioned if Clubscan had been in place for longer, that GMP would have found it easier to locate the offenders in any of the crimes of the last 12 months. GMP felt it would have assisted them but there were no guarantees.

The Panel sought clarity on whether GMP felt all the crimes discussed had been the fault of the Premises, why a Summary Review had not been applied for following an allegation of serious sexual assault 10 days prior to this and the security company employed at the time. GMP accepted that the crimes were not all the fault of the Premises but stated that they were included to highlight the type of custom that the

Premises attracts. GMP accepted that a Summary Review could have been applied for following the allegation of serious sexual assault 10 days prior. GMP informed the Panel that the security company employed by the Premises had changed in January 2022 and was ACS accredited. GMP were unsure on the exact number of security working on the night in question but noted it is usually a few, even midweek.

The Panel then sought further information regarding how a Clubscan system works, dress codes for entry and the age of the offender. GMP noted that how a Premises operates Clubscan is dependent on the condition on their Licence. GMP expected that during ID checks where an image is taken, a customer would be asked to remove their hood, something that did not happen as seen in the CCTV. GMP also expect a minimum dress code for entry. GMP stated that the information they had at the interim steps hearing was that the offender was 15. They had since discovered the offender was 14. GMP felt that any staff member on the night could have questioned the offender being on the Premises due to Challenge 25 as GMP believed the offender did not look 25.

LOOH then addressed the Hearing Panel, informing them that from the beginning of the year, they had began receiving complaints about the Premises from its customers. LOOH proceeded to meet with member of the PLH company and GMP to attempt to deal with the issues. Following an inspection in March 2022, LOOH noted that the Clubscan system had not been installed although it had been a condition of the Licence since a variation in 2018. This system was not installed until a follow up visit from LOOH where they had informed the Premises of their intention to visit on a certain date. LOOH informed the Panel that an assault by door staff over the Jubilee weekend had gone unreported to GMP and LOOH. This incident was only reported to the Premises itself through their social media channels and had been dealt with internally. LOOH felt that Bloom seemed to have a number of incidents with a lack of action and LOOH therefore supported GMP.

The PLH's agent sought clarity on when LOOH thought the Clubscan system was installed, as they noted that an email was sent on 6 June 2022 from LOOH informing the Premises of their intention to visit but they did not provide a date for the visit. LOOH accepted a date may not have been provided and that meant the system was installed on a date following 6 June 2022.

The Panel then asked LOOH if they felt that it was a fair assessment to say the Premises had been reporting incidents to GMP or LOOH, given the number of crimes reported. LOOH felt that, even if this had been the case, more could be done by the Premises to prevent incidents happening.

The Panel then sought further clarity on the installation of the Clubscan system following the condition being added in 2018 and its operation, and if GMP had informed LOOH of the serious sexual assault allegations. LOOH informed the Panel that Clubscan systems are usually added as a condition on a Licence when a Premises had experienced problems. LOOH had continued to have conversations with Bloom regarding its installation from 2019 onwards. LOOH stated that Clubscan is not in place of Challenge 25 and that customers still need to show photo ID. The Clubscan system should be able to know when a customer attempts to use a fake ID.

A manager or member of staff can still challenge a customer's age once they have gained entry. GMP had not informed LOOH of the serious sexual assault allegations.

The PLH's agent then addressed the Hearing Panel, stating they accepted that there had been a clear dereliction of duty from security staff on the night in question. They accepted that the police should have been called and the offender should not have been allowed to leave the site. This security company had been removed, being replaced by a company that the agent stated the previous Hearing Panel had felt was reputable. The DPS had also been changed, with the agent hoping this would allay the concerns of the previous Panel regarding the management team. The PLH's agent noted that the PLH and the Premises itself had not communicated effectively.

Their plan to fix this was to employ a General Manager, supported by two assistants, to be the face of the PLH on site, providing nightly reports of any incidents. When the General Manager is on shift, at least one assistant would be and when the General Manager is off, both assistant managers would have been working under the plans. The agent noted this would not be an overnight fix and would take at least four weeks to implement. Other changes suggested by the PLH were random weekly visits from the PLH, weekly online meetings for the management team, increasing the number of security staff at both weekends and midweek, along with the addition of a permanent toilet attendant.

The PLH's agent felt that the majority of serious crimes reported at the site had related to SIA staff, who had now all been replaced. They told the Panel that the changes suggested were not 'window-dressing' but a genuine attempt to respond to problems at the Premises. The PLH's agent noted that the condition on the Licence regarding Clubscan only stated that it should be installed and nothing regarding its use. They noted that the Panel could make that a condition of the Licence, however felt the solution to a 14-year-old entering the Premises was a good security team, something they felt the Premises now had. The agent noted the difficulties of a general dress code but felt it simple to add a condition to say that customers cannot wear hoodies.

In questioning, GMP uncovered from the representatives of the security company that two companies would be involved in supplying SIA staff, with only one being ACS accredited. However, the company that is not ACS accredited would only be a labour provider for the company who has the contract to supply SIA staff to the Premises. The PLH's felt this to be permissible and not against the Licensing condition. GMP also questioned why the changes suggested now had not been implemented following the allegation of serious sexual assault 10 days prior. The PLH's agent stated that it had been felt this was a problem from the SIA staff and previous DPS. However, they had since accepted the previous Hearing Panel's comments that the problem was the management as a whole, particularly communication between the PLH and the Premises itself.

LOOH then sought clarity on what changes are going to be made, the previous communication levels between the PLH and the Premises itself and the actions previously taken to deal with incidents. The PLH's agent stated that previously there was no General Manager and there was an insufficient connection between the PLH and the Premises. Creating the post of General Manager was intended to fix this

connection. Previously, the PLH would visit the site once a month, or via on online meeting. It was intended that visits would increase to weekly. The PLH was not involved in any daily debriefs unless there was a major incident. Following previous major incidents, the PLH had installed extra cameras around the site and given security Bodycams.

LOOH then sought further information on who will monitor social media accounts and the number of the previous management team who would still work at the Premises. Previously, the DPS monitored social media accounts. However, under the proposed changes, the PLH would complete this task. Two of the previous management would remain in post following the suggested changes. The PLH stated that neither had been on shift for the night in question, however they had not analysed who had been on shift for all incidents listed by GMP.

The Panel questioned the future security plans for the Premises, why the previous DPS had left their role, and visits from the PLH. The plans for security were to have 9 staff members at weekends and 5 midweek, an increase of one for each. There were also plans to have a permanent toilet attendant. The makeup of the security teams is both male and female, with the number of each varying from night to night. The PLH's agent informed the Panel the previous DPS had resigned three days prior to this night and was due to work their 4-week notice period. Due to the events of this night, they were removed before this. The PLH confirmed that visits to the Premises were monthly, and they were aware of all incidents at the site. However, as the visits had been during the day, the PLH was reliant on the previous DPS informing them of incidents.

The Panel then sought further information on security and the Clubscan system. The PLH stated it was the PLH company who was responsible for employing a security company. A combination of factors led to a change of security company in January 2022. The security company on the night in question had failed to provide the same core team as had been agreed. The PLH stated that Clubscan had been put into place following the change to the Licence condition, however it did not work. It was fully installed and working from June 2022. The system scans a customer's ID and takes a photograph.

The Panel further questioned the role of the General Manager and how that change should give them confidence that the Premises could be turned round. The PLH's stated that a General Manager would be expected to challenge those who clearly look underage, which was not done by staff on the night in question. They would be a more authoritative figure, fixing the previous disconnect between management, security and the PLH. The PLH's agent confirmed it would take at least four weeks to put the new management team into place but was confident it could be completed within this period. The PLH stated that the business would now receive their full attention and they were willing to liaise with GMP and LOOH to move forward and prevent further incidents.

In summing up, the PLH's agent stated that the revocation of a Licence is the last resort sanction and did not feel necessary at the time. They invited the Panel to have confidence in the PLH and new security provider. They reiterated that the new DPS was not present for any incidents.

LOOH summed up, stating that the late-night hours of operation links to the incidents witnessed. They felt nothing had been done to address this other than adding another layer of management, which they did not think would promote the Licensing objectives. LOOH asked the Panel to revoke the Licence.

In summing up, GMP informed the Panel that following the review of serious crimes at the site, they had no confidence the Premises can operate safely. Two serious sexual assaults in 10-days highlights this. GMP felt it was apparent that changing the security company did not fix issues, as evidenced by the previous change in January 2022. GMP believe the Premises is a 'destination' venue due to its operating hours, noting that most incidents occur post-4am, after which most venue across the city are closed. GMP requested that the Panel revoke the Licence.

In their deliberations, the Panel had no confidence in the PLH to manage the Premises effectively and uphold the Licensing objectives, particularly the prevention of crime and disorder. The Panel noted that some of the crimes reported were against security staff at the Premises, however that left many violent or sexual assault crimes against customers. The Panel acknowledged that the security company had changed in January 2022 yet the reported crimes that concerned them most had occurred with that company in place. The Panel believed that the Premises had not acted following previous serious incidents and had no confidence that the suggested changes would have any impact. The Panel had serious concerns that the PLH was aware of all incidents at the Premises but had not made any significant changes. Given the history of failings, the Panel had no confidence that increasing the frequency of visits and appointing a new General manager would ensure that the premises was operated in a way as to promote the Licensing Objectives.

## **Decision**

To revoke the premises licence with immediate effect on the grounds of the prevention of crime and disorder and public safety.

## **Review of Interim Steps Decision**

The Panel felt that, bearing in mind the decision to revoke the premises licence and for reasons of the prevention of crime and disorder, and public safety, it was necessary to not modify or withdraw the interim step of suspension of the premises licence.