

Licensing Sub Committee Hearing Panel

Minutes of the meeting held on Wednesday, 13 July 2022

Present: Councillor Connolly – in the Chair

Councillors: Evans and Hughes

LACHP/21/56. Representation to Interim Measures - 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 and gave details of the reasons for their original review application, believing that a serious crime had taken place at the premises. GMP stated that during the early hours of Wednesday 29th June 2022, a 14-year-old male had gained entry to the premises. At around 4.15am, the male approached a group of adult females and offered to sell them drugs. One of them accepted and went to the male toilets with him. One of the females' friends has reported that a conversation took place outside of the toilets with a security guard, who had turned to the male and said "Have a good one mate" as the male and female entered the toilets. They then entered a cubicle together. Once inside the cubicle, the male had raped the female customer. The female customer then texts her friends for help, who assisted in explaining to staff at the premises what had happened. Security staff located and detained the male. Initially, the victim did not want the police to be involved so the male was allowed to leave the premises. At around 5.00am, one of the victims' friends reported the incident to GMP and a crime report for rape has been recorded and is being investigated.

GMP felt a number of things about the situation to be of concern. One is that a 14-year-old customer was able to gain entry to the premises. Then they were able to attempt to deal drugs. A female customer was allowed to enter the toilets with a male customer, alongside seeming approval from security staff. When staff were informed about the incident, they did not contact GMP and allowed the offender to leave the premises. This meant that the opportunity to apprehend a potentially dangerous offender was missed, possibly hindering any investigation. GMP requested that for these reasons, the Hearing Panel consider upholding the suspension of the licence until the full Summary Review is heard. At this point, GMP showed CCTV clips to provide context to the chain of events on the night in question.

In questioning, the Panel sought to establish further information regarding the door staff on the night, if there was an expectation that the male would be held on site, if there was an expectation that GMP would be informed of any serious incidents and clarity on the age of the male. GMP believed that the male working on the door is different from those shown in the CCTV clips. They believed there was at least three different members of security staff shown across the clips. GMP would expect that, given the serious nature of the allegation, the male would have been held on site and that it would have been reported. GMP felt that forensic evidence had been lost due to allowing the male to leave the scene. GMP clarified that the male was 14 years old and not 15, as stated in the papers.

The Premises Licence Holder's agent then addressed the Hearing Panel. They agreed that there had been a failure of SIA staff on the night which was a dereliction of their duty. They felt it right that GMP had requested the Summary Review and a suspension was correct at the time. The agent noted that the Premises had actually been closed from the day before the Summary Review was requested to make the necessary changes. The agent said that they were asking the panel if the suspension was still necessary following the changes put into place. The security company that employed the SIA staff working that night has been removed from the premises and replaced with another. The DPS has also been replaced. The agent accepted that it was clear the 14-year-old male had a relationship with the security staff on site. Three nights prior, the former DPS had given their 4-weeks' notice and the agent felt this could be an explanation for them 'dropping the ball'.

The premises now plan to increase the number of security staff midweek and will have a non-SIA trained member of staff manning the toilets at all times the premises is operating. The agent stated that should the suspension be lifted, two senior members of the PLH's staff would be there until the full review to ensure the changes are working. The agent noted that there is no track record of events such as this occurring at Bloom in the past. They stated that the new security company vet their staff and provide 7 full days training before allowing staff to work. The agent also noted that the new DPS has been working at Bloom for 4 years and had covered as DPS in the past, with no sign of any problems.

GMP, through questioning, sought further information on the possibility of the door staff on the night being re-employed by the new company, how often the new DPS had covered in the past and whether they had experienced any incidents. A representative of the new security company stated that before employing staff, they do a 5-year employment check and therefore would not allow previous Bloom security staff to work there. The new DPS stated that they had covered as DPS for at least 3 nights a week for the last two years. On those nights, they had dealt with minor incidents internally. The new DPS was not working on this night.

The Panel stated that they felt the CCTV to show an endemic problem, feeling that the 14-year-old male had not only been on the Premises on that night but on many an occasion given their familiarity with staff. The Panel raised a concern that management had allowed for this to happen and questioned if the new security team had been trained. The security company's representative stated that the staff being put forward for Bloom are now fully trained and ready should the suspension be lifted. The agent stated that there had been insufficient crossover between the

management team and security team. The agent stated they had impressed on the new DPS that this needed to change.

The Panel then raised concerns on why the PLH was not aware of underage patrons being able to gain entry to the premises and asked if there was anything in place to deal with the previous DPS handing in their notice. The PLH stated that they believed it was the first time those security staff had worked at the site, but they expected any familiarity to be reported to themselves. The PLH then informed the Panel that the previous DPS handed in their notice due to having worked nights for too long. They believed this was the first time there had been any issue with the previous DPS.

The Panel then sought further information on the number of nights the premises is open, on the new security company and if management know who security staff are when they arrive. The new DPS stated the premises is open 7 nights a week and there is shared management to cover opening hours. The security company's representative stated that their Manchester Area Manager will be put in place as head of the security team at Bloom. The PLH then stated that the previous security company had a good reputation and was unsure how this event had happened. The new DPS confirmed that they try to keep the same security team working at the site and that all details are logged on their system.

In summing up, the PLH's agent felt that GMP's concerns about the risk of further crime if the premises was open did not apply any more. They felt that a new DPS, new security company and senior management from the PLH keeping the venue in check meant that the risk had been reduced significantly. The agent felt that with the changes, the premises could actually promote the Licensing Objectives.

In summing up, GMP stated that this had been a catastrophic failure and they had never seen anything so poor. GMP felt it was a failure of both management and security staff. They stated that only the security company had changed and not particularly the management so requested that the Hearing Panel kept the suspension in place.

In their deliberations, the Hearing Panel felt that the CCTV highlighted the problems from this night were not an isolated incident. They believe that the CCTV shows a level of familiarity between the 14-year-old male and security staff, which led the Panel to accept that this was not the first time he had attended the premises. The Panel were concerned that his level of familiarity allowed him to approach a table of females to offer them drugs. The Panel also accepted that the CCTV showed that Clubscan was not being used properly. The Panel felt that the PLH had not provided them with a clear management plan to show how an incident like this could not occur again. The Panel felt that the lack of knowledge of management regarding these issues was a major concern. The Panel wanted to see a more robust plan to ensure the Licensing Objectives are not being undermined, particularly the prevention of crime and disorder. The Panel also wanted to know how the premises planned to safeguard vulnerable females and children who should not be at the premises.

Decision

Not to modify or withdraw the interim step of suspension of the licence imposed on 1st July 2022.