

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Margaret Lewis on behalf of the Licensing & Out of Hours Team

(Insert name of applicant)

Apply for review of a premises licence under section 51

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Tribeca 50 Sackville Street	
Post town Manchester	Post code (if known) M1 3WF

Name of premises licence holder or club holding club premises certificate (if known) BPC Leisure Limited , Apartment 8, Centenary Plaza, 18 Holliday Street Birmingham B1 1TB. (12433613)

Number of premises licence or club premises certificate (if known) 050183

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Margaret Lewis
Licensing & Out of Hours Team
Town Hall Extension
Manchester
M60 2LA

Telephone number (if any)

██████████

E-mail address (optional)

████████████████████████████████████████

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

-
-
-
-

Please state the ground(s) for review (please read guidance note 2)

The undermining of the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and public safety arising from:

- Noise nuisance from noise breakout at the premises
- Failing to comply with the conditions on the premises licence
- Non-compliance of Covid-19 Regulations
- Commercial waste offences

Please provide as much information as possible to support the application
(please read guidance note 3)

The Licensing and Out of Hours Team (LOOH) consider that the premises are undermining the licensing objectives of prevention of public nuisance, the prevention of crime and disorder and public safety.

The Premises Licence Holder (PLH) is currently BPC Leisure Limited and the Designated Premises Supervisor (DPS) is Hazel O'Keefe, since April 2020. Since June 2018 the premises licence holder has changed five times. Of these companies, Hazel O'Keefe has been listed as a company director of four of these.

The premises licence permits alcohol sales from Monday to Sunday 11:00 to 3:30 hours and open to the public until 4:00 hours. Tribeca is a bar/nightclub situated on Sackville Street with residential properties directly above the premises. Tribeca offers a variety of club themed nights, promoted events and brunch themed packages. It has a main floor mezzanine and basement with an occupancy of 550, ground floor 350, basement 150, mezzanine 50.

LOOH and Greater Manchester Police (GMP) licensing have worked very closely with the premises management, mainly Hazel O'Keefe, over the last two years to address ongoing issues with the premises. The premises management continues to breach numerous conditions attached to the premises licence. Despite numerous warnings verbal and written, action plan meeting, pre-review meeting, and much time invested we have unfortunately come to a point where the only option is to review the licence due to the failure by the premises to uphold their premises licence and the conditions set out in it as the licensing objectives are continually undermined. On the **9 February 2020**, a multiagency visit took place with LOOH and GMP officers at 01:40. The following issues were raised:

- Only one door supervisor on duty – despite two being signed in this is a breach of **Annex 3. Condition 13, which requires a minimum of 2 SIA registered door staff to be employed from 21:00 hours on Friday and Saturday nights**
- There was difficulty in accessing the CCTV system and this could only be partially done – **Annex 3. Condition 6 "A CCTV system shall be installed which is capable of recording over at least a 28-day period."**
- There was not a DPS on site, a letter of authority, or a person with a personal licence present at the premises. **Annex 1. Condition 3. "Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence"**.

On the **13 February 2020** a meeting took place at the premises to discuss the ongoing premises issues with LOOH, GMP, (REDACTED), and Hazel (PLH), following licence breaches found on the 9 February 2020 visit. Each of these issues were discussed in detail, with premises representatives were unable to explain why the conditions on the licence were not adhered to. When questioned regarding a letter of authority, Hazel stated she did have the necessary letter of authority, went away and came back a few minutes later with said letter. The GMP officer asked Hazel, "Had you just written this?" to which she replied, "Yes!" The GMP officer commented, "How can we trust anything you say if you are going pull a stunt like that!" Hazel was apologetic and said, "I panicked."

In order to address and resolve management issues moving forward, an **Action Plan** was produced, the **Action Plan** required the following actions to ensure the licence objectives were upheld.

- [REDACTED] will ensure all senior members of staff are familiar with the conditions on the Tribeca Premises Licence, especially those regarding the requirements around SIA door supervisors.
- [REDACTED], will ensure all senior members of staff are familiar with the condition on the Tribeca Premises Licence regarding CCTV, and that all senior staff members have access to the CCTV system (not just via a mobile phone), and are trained to retrieve CCTV footage and burn it to disc / USB stick if requested by GMP / MCC. There will be blank to discs / USB sticks at Tribeca to burn footage onto if required.
- [REDACTED] will ensure that all Personal Licence Holders employed at Tribeca have their Personal Licences with them when working and are able to show them to GMP / MCC staff on request.
- [REDACTED], will produce a Letter of Authority for alcohol sales which will be displayed at Tribeca and will include a full list of all staff members who serve alcohol (not just senior members of staff), which they will sign to confirm they are aware, it will be dated and signed by the DPS and will be updated to add or remove staff members.

[REDACTED], was the named DPS, however he was not the person really in charge of running the premises. This appeared to be Hazel O'Keefe, who advised officers she was applying for her personal licence and would become the DPS, as she has responsibility of the day to day running of the premises.

On the 22 February 2020, a visit with LOOH and GMP was carried out at 23:50, two licence conditions were not adhered to:

- Only one door supervisor, the other could not be contacted, breach of **Annex 3. Condition 13, which requires a minimum of 2 SIA registered door staff to be employed from 21:00 hours on Friday and Saturday nights**
- Person in charge was not able to access the CCTV, **Action plan point 2**

LOCK DOWN Restrictions March 2020

On the 17 July 2020, H&S officers attended to check the premises was safe to open to the public. It was found that no Covid-19 risk assessment was in place. The premises did not have one metre distancing, signage and screening between booths whilst the premises was open to the public.

On the 10 August 2020, LOOH received a complaint stating Hazel (PLH) specifically and potentially others, are living on the premises (mezzanine level). The complaint alleged of lock-ins, where drug use and drug dealing within the premises would take place involving Hazel. The complaint advised CCTV would be turned off during these lock ins.

On the 21 August 2020, LOOH and GMP carried out a joint visit due to a report of a Section 18 assault outside the venue on 16 August 2020, where a male sustained a serious injury to his nose. During this visit the below issues were found:

- Incident book had not been completed despite all door supervisors being involved – Hazel stated a rough copy had been completed (but wasn't available) with the intention of completing the Incident Book at a later date. This was not completed at the time of the visit. Advised that the incident book should be completed as soon as possible after an incident, especially one

where a serious injury has resulted like this. This was followed up with an email to Hazel O'Keefe and Serenity Security owner [REDACTED] ensuring this.

- Issue with management supplying CCTV footage of the incident due to Hazel locked out of the system

On the 24 September 2020, a joint visit with LOOH and GMP took place to discuss the complaint received on the 10 August 2020 of activities taking place at the premises. Hazel denied the allegations, except to sleeping on the premises

On the 29 September 2020, a visit was carried out by GMP at 14:30 hours, the DPS Hazel O'Keefe answered the premises door in her dressing gown, she then advised he had woken her up and in the circumstances agreed to return at 5pm to meet with her when the premises was due to reopen, this clearly identified [REDACTED] was living inside the venue. GMP returned to find a staff member leaving the building and locking up who advised that Hazel was sick with Covid-19 symptoms and stated the premises would remain closed for two days pending Hazel receiving a test result. GMP had to advise that the premises/staff need to follow the government guidance on isolation, testing and deep cleaning of the venue dependant on the test results.

On the 01 October 2020, an email referral to Greater Manchester Fire and Rescue (GMFR) service of the concerns DPS and others were living within the premises. They visited and recommended the following to reduce the risk of fire on the premises

- Advised to get Fire Risk Assessment reviewed by competent person
- Advised that sleeping shouldn't happen
- Advised to get an annual service for fire alarm to ensure it's in a fully functional order.

Lock Down Tier 3 (14th October 2020 – 17th May 2021) only essential shops to be open, restrictions for licensed premises whilst the licensed premises under Covid 19 restrictions, noise complaints were reduced to zero as the venue was not open to the public.

On the 18 October 2020, LOOH received a complaint that the premises had thirty people in beyond the 10pm Covid-19 restricted curfew closing time. Officers from LOOH attended along with GMP who were stood waiting outside the premises to open although they could see people activity on the Mezzanine level through the windows from outside the premises. DPS, Hazel O'Keefe eventually came to the door and stated there were only two other people inside. On entering the premises there were seven individuals with what appeared to be alcoholic drinks. Two other people were also inside that looked like staff members as they were cleaning up in another location. Total number of people inside therefore exceeded six and were from multiple households. GMP and MCC agreed that a Fixed Penalty Notice (FPN) should be issued, (as this was a second occasion at the premises) The DPS Hazel admitted breaching the Tier 2 regulations. Arrangements were made to collect the CCTV however there were further complications and eventually. The issued FPN was not paid by Hazel O'Keefe, where the matter was referred to the Magistrates Court and was found guilty of operating the premises in contravention of the regulations at the time (after 10pm) and was fined £1760. This shows the disregard to both the Public Safety and Crime and Disorder licensing objectives at the height of the Covid-19 pandemic.

On the 5 March 2021, GMP visited the premises as they were live streaming an event, at this time no socialising was permitted and it was noted that staff were drinking alcohol onsite.

On the 12 June 2021, at 19:25 LOOH visited and was informed DJ's were due on in the night reminded on noise low noise levels as of current guidelines. Officers revisited at **22:50** and there was only one SIA on shift, breach of Licence, the music

was also of a high-level breaching both H and S Covid-19 regulations and premises licence conditions.

On 17 June 2021, LOOH and GMP visited at 14:30, met with Hazel O'Keefe, discussed the ongoing noise issues and recording of incidents/ Also discussed was Hazel's capacity as a SIA registered door supervisor, at the visit the CCTV was again not able to be accessed. **This was a breach of Action Plan item 2**

On the 7 June 2021, LOOH received several noise and fume complaints from nearby residents this went on for seven days, concerns were the apartments above would be affected by the fumes and noise. A generator was being used to power the premises, as they did not have an electricity supply. The complaints were referred to the Manchester City Councils Health and Safety Team (H&S) to investigate and the Greater Manchester Fire Safety Team (GMFS) within the fire service. MCC visited and spoke with Hazel who advised there had been a power cut. **GMFS** also were called to attend as the generator was blocking an emergency fire exit.

On the 25 June 2021, another visit to the premises and the CCTV was not recording to specifics of the licence:

- **Annex 3. Condition 6 "A CCTV system shall be installed which is capable of recording over at least a 28-day period."25 June 2021**

GMP revisited at 23:15 and loud music was observed and customers up drinking and dancing contravention of the regulations at the time.

On the 28 June 2021, LOOH visited the premises and a private event was underway, it was noted customers were up dancing and singing to Karaoke contravention of the Covid-19 regulations at the time.

On the 19 July 2021, all Covid-19 legal restrictions were lifted within licensed premises. From this date LOOH started to receive further noise complaints when Covid-19 restrictions were lifted.

On the 30 July 2021, LOOH officers assessed noise breakout emanating from the premises on Sackville Street and could hear bass breaking out from outside Sackville Gardens. The premises management were advised that a noise complaint had been received and this music volume needed to be reduced, as well as the bass lowered. The premises doors were open at the time of the visit, therefore noise from premises was more auditable, the music volume and bass was reduced at the time of the visit. contravention of the regulations at the time also Breach of Licence condition

- **Annex 2. Condition 10 "The Licence holder shall ensure that noise shall not emanate from the licensed premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Any form of amplification shall be so controlled by the licensee so as to prevent such a disturbance.**

On 18 August 2021, a further warning letter was sent to DPS Hazel O'Keefe regarding there has been five noise complaints from various apartments within Regency House, members of the public reported this to LOOH. The premises premises not upholding the public nuisance licensing objective, a breakdown of these complaints are listed below:

- 28/05/2021 "Music well above the limit past midnight till 4am!"
- 30/06/2021 "Very loud noise after hours, constant lock ins! "
- 24/07/2021 "Tried contacting the venue, excessive bass preventing sleep!"
- 24/07/2021 "Loud bass music, even with my double-glazed windows were closed"
- 31/07/2021 "Excessively loud music"

A further two complaints were received after the letter was sent out to the premises management.

- 14/08/2021 "Unbearable loud music, causing the mirror in the apartment to

vibrate”

- 4/09/2021 “Playing very loud music”

On the 4 September 2021, LOOH visited the premises where there was still only one SIA on duty, 85 people were in attendance. The premises again were in breach of premises licence condition and not upholding condition:

- **Annex 13 Condition 2, which requires a minimum of 2 SIA registered door staff to be employed from 21:00 hours on Friday and Saturday nights.**

On the same evening LOOH received a complaint reporting loud music and bass had woken the resident up emanating from the premises. On arrival all four entrance doors were propped open, with music and bass breaking out. A female singer could be heard, was amplified and loud, bass was excessive and the windows above the entrance doors were vibrating observed at street level. This is a breach of the premises licence conditions:

- **Annex 2. Condition 10, The Licence holder shall ensure that noise shall not emanate from the licensed premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Any form of amplification shall be so controlled by the licensee so as to prevent such a disturbance.**

On the 11 September 2021, officers proactively observed noise breakout from music but the most nuisance was from people outside not being managed. Breach of licence condition

- **Annex 2. Condition 10, The Licence holder shall ensure that noise shall not emanate from the licensed premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Any form of amplification shall be so controlled by the licensee so as to prevent such a disturbance.**

On 25 September 2021, LOOH arrived outside the venue at 01.37, music and bass clearly breaking out onto the street level. (GMP in attendance) Officers waited whilst incident was dealt with music and bass from the venue continued emanating onto the street level. Very likely to disturb residents living above the premises. This is a breach of Licence condition

- **Annex 2. Condition 10 “The Licence holder shall ensure that noise shall not emanate from the licensed premises such as to cause persons in the neighbourhood to be unreasonably disturbed. Any form of amplification shall be so controlled by the licensee so as to prevent such a disturbance.**

On the 2 October 2021, there was a ticket only event at the premises, organised by [REDACTED], an Afro House night with DJs. GMP had to attend to disperse the crowd as it was nearly at capacity, it became apparent that the organiser had over sold tickets for the event as there were about 150 people queuing outside who were unable to get in. Breach of licensing objective public safety.

On the 2 October 2021, A warning letter was sent to the premises offering a pre review meeting, outlining the continuing breaches of the licence and ongoing issues

On the 6 October 2021, a Pre-Review meeting was held, in attendance was Simon Braithwaite (GMP), Hazel O'Keefe (DPS and licensee) [REDACTED] (management), [REDACTED] (C&D Security Limited). GMP raised issues with SIA door staff where members were unwilling to provide statements, incident book and door staff signing in book not completed. Management were aware of the incidents but none of these were written up in the incident book. Issues raised were:

- The Incident Book was poorly completed, with months going by with no entries and entries not in date order.
- There should be one Incident Book at Tribeca, which is available to all staff (not just door staff). It should be clearly labelled and should not be taken off

the premises.

- An entry should be made as soon as possible after an incident occurs, and before finishing their shift. Every time a person is ejected, physical force is used by staff, there is a particularly problematic customer, the emergency services are called and anything else of note, an entry should be made.
- it should be dated and signed with the person's name printed with an appropriate amount of detail.

The meeting reiterated the expectations of the SIA door team for the premises. The signing in sheets were poorly completed and some illegible. IA staff should sign in and sign out, write their full names and their full SIA numbers. Verbal reminder to ensure all premises licence conditions relating to CCTV, door staff and incident book were upheld.

On the 7 October 2021, GMP sent an email, outlining actions from the meeting

- Moving forward if an officer requests staff members, (especially door staff) to provide witness statements, we would expect them to comply to assist with the safe running of Tribeca.
- fully risk assess and research all external promoters. To safeguard yourself, I'd advise a written risk assessment is produced for all externally promoted events at Tribeca.

On the 8 October 2021, a letter was sent highlighting outcome actions of the pre review meeting, It was explained in the meeting that continued failure to comply with the conditions could result in a formal review. The letter detailed actions to be taken to avoid this. It also informed notification of a full premises licence inspection to be carried out by LOOH.

On the 3 November 2021, LOOH carried out full licence premises inspection with Hazel stated that she did not know an inspection was taking place pointed to the letter where it states a full inspection will be done. An outcome letter was sent to Hazel O'Keefe with the main issues highlighted, conditions not met from the inspection. On 17 December 2021 a further inspection was carried out with Hazel O'Keefe, again it highlighted continuing breaches of the licence, of SIA incident book recording, the number of SIA, CCTV and the ongoing noise complaints

On the 02 January 2022, GMP were called to attend the premises via the Nite Net system, due to a very large crowd had gathered outside that they could not get to leave – There was approximately 120 people outside the premises attempting to GMP attended the scene which turned ugly and was reported in the local paper. A request was sent to Hazel from GMP Sergeant Paul O'Donnell who attended on the night. Prior to reviewing the events from this weekend GMP asked for the following information to be made available by email or collection before end of the week:

- The event, promoter's details & contact numbers plus any links to this event whether this be via social media or online
- The risk assessment for this externally promoted event (this is as per the agreement from the meeting on the 6/10)
- The incident report book for Saturday 1 January 2022
- The door security signing in sheet for Saturday 1 January 2022
- Ensure that CCTV is saved from this evening & available for collection

On the 03 January 2022, a fly tipping offence was reported with evidence linking it to Tribeca. The PLH was issued with a Fixed Penalty Notice (FPN) for the offence under the Environmental Protection Act 1990 and a Section 47 EPA was also issued on the premises. Further to this Hazel was requested twice to remove commercial waste deposited on the highway from the premises.

On the 10 January 2022, LOOH visited the premises to collect CCTV It was noted that on the visit:

- The SIA signing in book for the night of 2 January 2022 was not completed for

the attendance of GMP as advised in the pre review

- Breaches of the premises licence no definition on the stairs, paint shown that had been bought to do the job. As notified on Inspection
- CCTV for the night was 45 minutes out

On the 14 January 2022, Hazel O’Keefe (DPS) along with [REDACTED] Head of security attended a multi-agency meeting to give an account from the event on 1 and 2 January when GMP were called to intervene. Risk assessments had been previously requested for all externally promoted events following October 2021 incident. GMP then requested this via email for this event. At the meeting Hazel produced two documents, a risk assessment and a dispersal policy. This validity of the documents was questioned as they were blank and appeared to have been taken off the internet after the event. The documents made no reference to the running of Tribeca and were generic with gaps and “(insert detail here)” unchanged. This was put to Hazel O’Keefe advising they were not fit for purpose, showing a disregard to previous meetings, conversations and actions.

Hazel dismissed the advice at the meeting, as only suggestions and not part of the licence. Hazel admitted the staff member in charge on the night, did not have the experience to have coped with the event. This shows that LOOH and GMP have worked with the premises and suggestions not taken seriously. LOOH feel that the premises are not willing to work with us to ensure they uphold the licensing conditions and objectives.

Our Statement of Licensing Policy 2021 – 2026, 15.15 makes reference to, section 182 guidance to the Licensing Act which states: ‘the designated premises supervisor is the key person who will usually be charged with day-to-day management of the premises by the premises licence holder including the prevention of disorder.’ The licensing authority will not normally impose conditions related to the management competency of designated premises supervisors, save where it is considered appropriate that in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder, public safety and public nuisance.

As per the Section 182 Guidance section 11.10 states:

‘Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co Operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation’

And further **Manchester City Council Statement of Licensing Policy states at 3.43:**

‘Responsible authorities will aim to give licensees early warning of any problems in an attempt to work in partnership with the trade to resolve issues (eg. Joint-agency action planning and voluntary initiatives). It is expected that the trade reciprocates this spirits of co-operation to achieve the promotion of the licensing objectives.’ LOOH have made every effort to encourage compliance with the licensing objectives before applying for this review but these efforts have had little or no effect on the way the premises is being managed.

Under S51 of the Licensing Act 2003, in order to uphold the licensing objectives, prevention of public nuisance, prevention of crime and disorder and public safety

LOOH invites the Committee to review the application with a view to take the one or more of the following steps to ensure the licensing objectives are upheld.

- Exclude a licensable activity from the scope of the licence, to exclude regulated entertainment, the performance of live music and playing of recorded music (where it is not within the incidental live and recorded music exemption)
- Remove the designated premises supervisor due to ongoing issues highlighted by the poor management of the premises.
- Revoke the licence.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

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Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity **Responsible Authority**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Licensing & Out of Hours Team
Town Hall Extension

Post town
Manchester

Post Code
M60 2LA

Telephone number (if any) [REDACTED]

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

