

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING SUB-COMMITTEE A**

**MONDAY, 08 JULY 2024 AT 10:00 HOURS**  
**IN ON-LINE MEETING, MICROSOFT TEAMS**

*Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.*

### **A G E N D A**

#### **1 NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

#### **2 DECLARATIONS OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**3 - 10**

4 **MINUTES**

To confirm and sign the Minutes of the meeting held on 17 June 2024 at 1000 hours.

**11 - 49**

5 **LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW THE LADBROOKE HOTEL, 28 – 35 BORDESLEY STREET, BIRMINGHAM, B5 5BL**

Report of the Director of Regulation and Enforcement.  
N.B. Application scheduled to be heard at 10:00am.

6 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

# BIRMINGHAM CITY COUNCIL

**LICENSING  
SUB-COMMITTEE A,  
MONDAY 17 JUNE, 2024**

## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY, 17 JUNE, 2024 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Sam Forsyth in the Chair;

Councillors Ziaul Islam and Penny Cornish.

### **ALSO PRESENT**

Bhapinder Nandhra – Licensing Section  
Joanne Swampillai – Legal Services  
Katy Poole - Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

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1/170623

### **NOTICE OF RECORDING/WEBCAST**

The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's meeting You Tube site ([www.youtube.com/channel/UCT2kT7ZRPFCXq6\\_5dnVnYlw](http://www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/170623

### **DECLARATION OF INTERESTS**

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Councillor Sam Forsyth declared that she is the ward Councillor for Quinton but did not know the premises, applicant or objectors.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3/170623 No apologies were submitted.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT – NO.393, 393A  
HAGLEY ROAD WEST, QUINTON, BIRMINGHAM, B32 2AL.**

4/170623 The following report of the Director of Regulation and Enforcement was submitted:-

(See document no. 1)

**On behalf of the Applicant**

Nick Semper – The Licensing Guys – Agent  
Reba Dandon – The Licensing Guys – Agent  
Jordan Reid – Applicant

**Those Making Representations**

None of the objectors attended the meeting.

\* \* \*

Councillor Sam Forsyth declared that she is the ward Councillor for Quinton but did not know the premises, applicant or objectors. None of the parties present had any objection to the Chair being part of proceedings.

The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

The Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present the report. Bhapinder Nandhra, Licensing Section, outlined the report.

The Chair then invited the applicant to make their submission, Nick Semper made the following points: -

- a) That the premises was not a Booze Buster off licence, or nightclub. It is a stylish eatery which was dedicated to providing a friendly and welcoming and neighbourhood and social networking experience.

- b) The applicant had many years' experience of managing restaurants, cafes, pubs and a range of licensed premises.
- c) The premises offered great food, service and staff and he wanted to build on the current success with the provision of a selection of alcoholic beverages to complement the food menu.
- d) The application should be judged on its own merits.
- e) The application had been prepared and constructed in order to comply with all aspects of the City Council's Statement of Licensing Policy which would minimise the potential for any Licensing Objective being undermined.
- f) There were also a significant raft of conditions proposed.
- g) The burden was on the applicant to show the Committee that the proposed changes, supported by the re-existing operating scheduled and additional conditions were capable of promoting the Licensing Objectives.
- h) The objectors also had the burden of showing that the premises would undermine the Licensing Objectives and they needed to provide evidence.
- i) That the application could only be refused if the proposal was found, based on evidence, to be incapable of promoting the Licensing Objectives.
- j) The Section 182 Guidance, paragraph 9.43 stated that "The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve."
- k) There was no real evidence submitted by the objectors that would challenge or criticise the premises, Operating Schedule, applicant or designated premises supervisor.
- l) The responsible authorities were the experts in their individual fields, none of which had made any objections to the application.
- m) The representations made by local residents expressed concerns about street drinking, alcohol-fuelled violence and nuisance and violence the children occurring. However there was no evidence to support those concerns and the proposed conditions were comprehensive.
- n) In addition to comprehensive CCTV, Staff Training, Incidents & Refusals Logs, Challenge 25, they had offered the following Conditions:
  - 1. Alcohol sales may only be ancillary to a food order.
  - 2. Alcohol for consumption on the premises with a 'takeaway/collection' order may only be provided in sealed containers provided to the customer within the packing of a takeaway food order.
  - 3. Patrons are not permitted to remove drinks in open bottles/glasses or other open vessel from the licensed premises.

**Licensing Sub-Committee A – 17 June 2024**

4. Deliveries shall only to be made to bona fide business/commercial addresses or private residences and not to any public/open spaces (e.g. car parks, street corners, bus stops, public parks).
- o) The proposed conditions would ensure that alcohol misusing street drinkers would not be attracted to the premises. Therefore, the problems suggested by the objectors would simply not occur.
- p) There were two main reasons why fear and speculation are not admissible in these proceedings:
1. Para 9.43 of the s182 Guidance clearly states that “The authority’s determination should be evidence-based...” Fear and speculation on what might or might not happen at THESE premises and in the future as a consequence of any decision today is plainly not evidence. It is, with respect, merely conjecture.
  2. There was a ruling in the case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court [(Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943,]. In the judgment, it was stated that conditions should only be attached to a Licence with a view to promoting the Licensing Objectives and that ‘real evidence’ must be presented to support the reason for imposing conditions or indeed refusing an application.
- q) Parliament has already provided a mechanism to deal with any future problems emanating from licensable activities at these or indeed any premises in the form of a Premises Licence Review provided by s51 of the Licensing Act 2003.

Members asked questions and Jordan Reid (applicant) responded: -

- a) That he had worked in hospitality since the age of 17 (10/11 years) in cafes, restaurants, bars.
- b) The premises was operating as a bistro. They started off as a café serving breakfast and coffees but they now had a larger menu serving light bites.
- c) They wanted to become an eatery/bistro and offer alcohol with food to customers.
- d) He had worked as a Manager at premises such as Nandos, Bella Italia, Zizi's Italian and some independents.

Nick Semper, on behalf of the applicant, was then invited to make a closing submission and as such, he made the following closing statements: -

- That commercial demand was not a consideration for the Licensing Committee.
- The amount of licensed premises was also not a consideration for the Committee.

- There is no history or evidence that the premises caused issues and the responsible authorities were content with the application.
- He requested that the Committee approved the application.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and, following the announcement of a short decision, a full written decision was sent to all parties as follows;

5/170623

**RESOLVED:-**

That the application by Jordan Reid for a premises licence in respect of No. 393, 393A Hagley Road West, Quinton, Birmingham B32 2AL, be granted. Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

The applicant attended the meeting, represented by a licensing consultant. Neither of the persons who had submitted representations against the application attended.

The consultant addressed the Sub-Committee and explained that the application concerned an established and successful business. No 393 was a café-restaurant, and was not an off licence, nightclub or sports bar; it was “a successful and stylish eatery dedicated to providing a friendly and welcoming neighbourhood and social networking space”.

The applicant had many years’ experience of managing a range of licensed premises including restaurants, cafes and pubs. He wished to build upon his current success via the provision of alcoholic beverages to complement the extensive food menu.

The consultant reminded the Sub-Committee that each application had to be judged on its own facts and merits. He commented that the merits of the instant application were that it complied with all aspects of the City Council’s Statements of Licensing Policy, thereby minimising the potential that any of the licensing objectives would be undermined. A significant raft of conditions had been proposed which would be capable of promoting the licensing objectives and would not undermine them.

The consultant observed that the Sub-Committee could only refuse the application if the proposal were to be found, on the evidence, to not be capable of promoting the licensing objectives. The Sub-Committee noted this. Paragraph 9.43 of the Guidance issued by the Secretary of State under section 182 of the Act stated that the authority’s determination should be evidence based and justified as being appropriate to the promotion of the licensing objectives, and proportionate to what is intended to be achieved. The Sub-Committee noted this.

The consultant remarked that there was “no real evidence” in the representations (which were in the Committee Report) which challenged or criticised the premises, the operating schedule, the applicant or the proposed designated

premises supervisor. He commented that the issue was simply whether the style of operation at the No 393 premises, underpinned by the suite of conditions, would undermine the licensing objectives.

Regarding the representations, the consultant noted that none of the responsible authorities had objected. West Midlands Police were the experts in the prevention of crime, disorder and antisocial behaviour, but had not objected; likewise, the Environmental Health department within Birmingham City Council, who were the experts in noise pollution and the lead on the public nuisance licensing objectives, had no objection.

Moreover, no representations had been received from the Planning department, Trading Standards or Children's Services. The consultant remarked that in the opinion of all the responsible authorities, the application did not undermine the licensing objectives, otherwise they would have attended the meeting to argue against it, as was their statutory duty. The Sub-Committee accepted this.

Two representations had been received from neighbours. Both said that they were worried about street drinking, alcohol-fuelled violence & nuisance, and violence to children, which they feared might occur if the licence were to be granted. The consultant confirmed that he had written to both persons, and had tried to engage and explain the application, but the persons had not replied. The Sub-Committee further noted that neither of the persons had attended the meeting.

The consultant directed the attention of the Members to the operating schedule, and observed that it offered arrangements for comprehensive CCTV, staff training, Challenge 25, and incidents and refusals logs. In addition, it would be a condition of the licence that alcohol sales would only be ancillary to an order for food. Alcohol for consumption off the premises with a takeaway/collection order would only be provided in sealed containers provided to the customer within the packaging of a takeaway food order.

Patrons would not be permitted to remove drinks, open bottles or glasses or any other open vessel from the licensed premises. Delivery of orders would only be made to bona fide business or commercial addresses, or private residences, and not to any public or open spaces such as car parks, street corners, bus stops or public parks. The consultant remarked that street drinkers would not be attracted to this style of premises; nor would they be welcomed within it. Moreover, even if they were to enter, they would not be able to buy any alcohol without first purchasing food. The consultant remarked that they would be unlikely to do that when they could access alcohol elsewhere with no requirement to buy food. The Sub-Committee agreed with this.

He further noted that the objectors had speculated that if the licence were to be granted, problems might ensue. He reminded the Members that fear and speculation were not of any relevance. All decisions had to be evidence based, per paragraph 9.43 of the Guidance, rather than based on conjecture. The Sub-Committee accepted this.



Counsel also drew Members' attention to relevant caselaw - *R (on the application of Daniel Thwaites plc) v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin)*, and reminded them that conditions could only be attached to a premises licence with a view to promoting the licensing objectives; in the event of problems, the Review procedure under the Act was available. The Sub-Committee noted all of this.

He observed that comments in the representations about how there were "already too many" licensed premises in the area should be disregarded, as paragraph 14.19 of the Guidance stated that need was not a relevant factor, and was not a matter for the licensing authority to consider when discharging its licensing function. The Sub-Committee accepted this.

The Sub-Committee then heard directly from the applicant, who confirmed that he had worked in the hospitality industry since he was 17 years old. He had run restaurants, cafes and bars up and down the country, for 11 years. He had been a manager at Bella Italia, Nando's, Zizzi's Italian, Patisserie Valerie and also some independent premises. The No 393 premises had started as a café serving breakfast and lunch, and now hoped to become a bistro offering alcohol.

The Sub-Committee noted that, under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk to the promotion of the licensing objectives. The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact have an adverse effect on the licensing objectives.

Upon examining the representations in the Committee Report, the Members tended to agree with the consultant that the objections were rather speculative, especially as the site had been operating as a café without any problems, and the applicant was an experienced person who had worked in the licensed trade for years. The Sub-Committee considered that the fears expressed in the representations were perhaps not based on evidence.

The Members noted that the premises simply wished to offer alcohol to diners as an ancillary purchase to a food order. The comprehensive operating schedule had inbuilt safeguards regarding the upholding of the licensing objectives, and there was no adverse history attached to either the premises or the applicant. None of the responsible authorities were dissatisfied. The Members therefore accepted the submission of the consultant that there was no evidence before them that challenged the premises, the applicant, the operating schedule or the proposed designated premises supervisor in any way.

There were no reasons to suppose that the grant of the licence would place the promotion of the licensing objectives at risk. The Members were aware that if the authority gave weight to speculative opinions, it would fail to follow the Guidance issued under section 182 of the Act, and its own Statement of Licensing Policy.

When deliberating, the Sub-Committee noted that the operating schedule had been drafted with careful consideration of the licensing objectives, and had been found to be satisfactory by the responsible authorities. This was reassuring. The

## **Licensing Sub-Committee A – 17 June 2024**

Sub-Committee determined that the application could safely be granted. The Members were satisfied that trading would be safe, and noted that all areas of concern had been satisfactorily addressed by the operating schedule.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the application for a premises licence, the written representations received, and the submissions made at the hearing by the consultant and by the applicant.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

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**The meeting ended at 1032 hours.**

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Chair

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Director of Regulation and Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 8<sup>th</sup> July 2024</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Summary Review</b>
<b>Premises:</b>	<b>The Ladbrooke Hotel, 28 – 35 Bordesley Street, Birmingham, B5 5BL</b>
<b>Ward affected:</b>	<b>Bordesley and Highgate</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

**1. Purpose of report:**

A review of the premises licence is required following an application for an expedited review under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006).

**2. Recommendation:**

To consider the review application and representations received and to determine this matter, having regard to:

- The submissions made by all parties
- The Statement of Licensing Policy
- The Public Sector Equality Duty
- The s182 Guidance

**3. Brief Summary of Report:**

An application under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) was received on 11<sup>th</sup> June 2024 in respect of The Ladbrooke Hotel, 28 – 35 Bordesley Street, Birmingham, B5 5BL.

Representations have been received from the Premises Licence Holder and Birmingham City Council Licensing Enforcement as a responsible authority.

**4. Compliance Issues:**

**4.1 Consistency with relevant Council Policies, Plans or Strategies:**

The report complies with the City Council’s Statement of Licensing Policy and the Council’s Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

## **5. Relevant background/chronology of key events:**

On 11<sup>th</sup> June 2024, Superintendent Richards, on behalf of West Midlands Police, applied for a review, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), of the Premises Licence granted to Metro Bailiffs Limited in respect of The Ladbrooke Hotel, 28 – 35 Bordesley Street, Birmingham, B5 5BL.

The application was accompanied by the required certificate, see Appendix 1.

Within 48 hours (excluding non-working days) of receipt of an application made under Section 53A, the Licensing Authority is required to consider whether it is appropriate to take interim steps pending determination of the review of the Premises Licence, such a review to be held within 28 days after the day of its receipt, review that Licence and reach a determination on that review.

Licensing Sub-Committee A met on 13<sup>th</sup> June 2024 to consider whether to take any interim steps and resolved that the licence be suspended, and that Surjit Singh be removed as the Designated Premises Supervisor (DPS), pending the review of the licence. A copy of the decision is attached at Appendix 2.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other persons ended on 26<sup>th</sup> June 2024.

A representation has been received from the Premises Licence Holder, which is attached at Appendix 3.

A representation has been received from Birmingham City Council Licensing Enforcement as a responsible authority, which is attached at Appendix 4.

A copy of the current Premises Licence is attached at Appendix 5.

Site location plans are attached at Appendix 6.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority's functions under the Licensing Act 2003 are to promote the licensing objectives: -

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

## **6. List of background documents:**

Review Application and Certificate from West Midlands Police, Appendix 1  
Sub-Committee Interim Steps Meeting decision 13<sup>th</sup> June 2024, Appendix 2  
Copy of the representation from the Premises Licence Holder, Appendix 3  
Copy of the representation from Birmingham City Council Licensing Enforcement, Appendix 4  
Current Premises Licence, Appendix 5  
Site location plans, Appendix 6

**7. Options available:**

Modify the conditions of Licence  
Exclude a Licensable activity from the scope of the Licence  
Remove the Designated Premises Supervisor  
Suspend the Licence for a period not exceeding 3 months  
Revoke the Licence  
Take no action

In addition the Sub Committee will need to decide what action, if any, should be taken regarding the interim steps imposed on the 13<sup>th</sup> June 2024.

## West Midlands Police

### CERTIFICATE UNDER SECTION 53A (1)(B) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime and disorder

**Premises: Ladbroke Hotel**

**Premise Licence Number: 5287**

**Premise Licence Holder: Metro Bailiffs**

**Designated Premise Supervisor: Surjit Singh**

**I am a Superintendent in West Midlands Police.**

I am giving this certificate because I am in the opinion that the procedures under the Licensing Act are inappropriate in this case because the standard review procedures are thought to be inappropriate due to the seriousness of the crime, and the serious management failings of the premises concerned.

The actions of the management and staff involved in the premises where this incident has occurred casts serious doubt on their abilities to promote the licensing objectives.

In this incident at 0319hrs on 10/06/2024 West Midlands Police received a report from City Hospital Birmingham whereby a male has presented at the hospital with serious stab injuries to his hand.

Enquiries by West Midlands Police confirmed the location of the stabbing as The Ladbroke Hotel, the event in which the incident occurred was risk assessed by the venue as a low risk birthday party, the risk assessment also stated that a thorough search policy would be in place for the event – however a weapon has clearly been brought inside the venue.

Wounding with intent is a serious crime by virtue of the maximum sentence being up to life imprisonment if a person is found guilty of this offence and warrants the use of this power. The offence has been committed in the presence of staff at the premises who are in a position of trust in the premises with a duty to promote the safety of the public and to prevent crime and disorder which they have failed to do.

I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstances due to the above reasons, and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

The severity of the incident is a matter that needs to be brought to the attention of the Licensing Committee immediately.

I am conscious of the guidance on the use of "Expedited Reviews" and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

28452  
E. RICHARDS



**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 the 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

I **TS** Superintendent **28452 RICHARDS**.

(on behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003

1. Premises details: The Ladbrooke Hotel, 28-35 Bordesley Street, Digbeth, Birmingham B5 5BL

Postal address of premises,(or if none or not known, ordinance survey map reference or description):

Post Town: **Birmingham**

Post Code (if known): **B5 5BL**.

2. Premises Licence details:

Name of premise licence holder (if known):  
**Metro Bailiffs LTD**

Number of premise licence (if known):  
**5287**

3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

x



4. Details of association of the above premises with serious crime, serious disorder or both:  
(Please read guidance note 2)

The Ladbrooke Hotel is a licensed premises situated at 28-35 Bordesley Street, Digbeth, Birmingham B5 5BL. The premises license holder and designated premises supervisor is Mrs Surjit Singh.

The premises is licensed to sell alcohol for consumption on the premises between the hours of 0000 and 2359 on each day of the week.

On the night of Sunday 9<sup>th</sup> June 2024, the venue was carrying out an event which they had risk assessed to West Midlands Police as a low risk birthday party. The event was to begin at 2100hrs 09/06/2024 and finish at 0230hrs 10/06/2024. The venue had stated there would be 200 family and friends in attendance with a DJ to play music as well as 6 SIA registered door staff.

At approximately 0319 hours Monday 10th June 2024 West Midlands Police received report from City Hospital that a male had presented himself to hospital with a significant stab wound to the hand, doctors suspected the injury to be caused by a weapon and the hospital called the police.

Through enquiries West Midlands Police found the location of the offence to be The Ladbrooke Hotel, The Police Control Room phoned The Ladbrooke hotel, staff stated they were not aware of any assault and nothing had happened, Police attended the location and a crime scene was established.

This matter is being investigated as a Wounding with intent which is a serious crime by virtue of the maximum sentence on conviction being up to life imprisonment.

West Midlands Police have serious concerns for the promotion of the licensing objectives at this premises. A serious assault that could have had fatal consequences has occurred where there has been no report made by the premises staff nor an acknowledgment that an incident had even taken place.

West Midlands Police have no confidence in the management of the premises.

The event had been risk assessed as a low risk Birthday Party, the risk assessment has not been adequate or has not been complied with evidenced by weapons being used within the venue. Staff had failed to report the matter or acknowledge an incident had occurred.

This is such a serious incident and breach of the licensing objectives that West Midlands Police would request that the premises license is suspended and the Designated Premises Supervisor is removed.

Signature of applicant

Date: 11/6/24 @07-25HRJ

Rank/Capacity: T/Supt 28452.



**Contact details for matters concerning this application: BW Licensing**

**Address: Licensing Dept c/o Birmingham West and Central Police Station, Birmingham**

**Telephone Number(s):**

**E-mail -**

**Notes for guidance:**

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE - A

THURSDAY 13 JUNE 2024

THE LADBROOKE HOTEL, 28-35 BORDESLEY STREET, BIRMINGHAM B5 5BL

That having considered the application made and certificate issued by a Superintendent of West Midlands Police under section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Metro Bailiffs Limited in respect of The Ladbroke Hotel, 28-35 Bordesley Street, Birmingham B5 5BL, this Sub-Committee hereby determines:

- that the licence be suspended, and
- that Mr Surjit Singh be removed as the designated premises supervisor

pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application.

The Sub-Committee's reasons for imposing the two interim steps are due to the concerns which were expressed by West Midlands Police in relation to matters pertaining to serious crime, which had come to light as outlined in the Superintendent's certificate and application. Those documents were in the Committee Report.

The Sub-Committee determined that the cause of the serious crime originated from a style of management which had been incapable of upholding the licensing objectives. The style of management was the responsibility of the company, as premises licence holder for the premises.

West Midlands Police attended the meeting. The designated premises supervisor also attended the meeting. He confirmed to the Chair that he had informed the licence holder company of the Sub-Committee meeting, and moreover that he had been given authority to represent the licence holder, by Khadija Khanum Malik (the director of the licence holder company). The Sub-Committee noted this.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. The Police explained that the matter was a live police enquiry regarding a serious crime incident. A Police investigation was ongoing regarding the incident. The Police asked for the proceedings to be conducted in private; the designated premises supervisor supported this application. The Sub-Committee therefore conducted the meeting in private session.

Members heard the submissions of West Midlands Police, namely that the certificate, which had been issued by a Superintendent under s53A of the Act,

related to an allegation of serious crime and/or serious disorder which had originated at the premises. The details were as per the documents in the Committee Report. The incident warranted the use of the s53A power, and the matter had been brought before the Sub-Committee for an Expedited Review hearing.

The Police had found numerous aspects of the management style to be unsatisfactory – ranging from the risk assessments, security arrangements, and the handling of the incident described in the Report. The Police confirmed that as a result of what had been seen thus far, they had no confidence in the licence holder.

The Police view was that interim steps were required in order to deal with the causes of the serious crime whilst the criminal investigation was under way. It was the advice of the Police that a lack of management control had led to the incident. It was the Police's recommendation that the incident had been so serious, and the risk to the upholding of the crime prevention objective so grave, that specific interim steps were required. The safety of the public was at risk.

The Police recommended that the correct course was to suspend the licence and to remove the designated premises supervisor, for the reasons given in the Superintendent's certificate and application. This was in the interests of assisting with the ongoing investigation, and would also guard against the risks of further serious crime, pending the full Summary Review hearing in 28 days' time. The Police confirmed that in the next 28 days they would be open to holding discussions with the premises licence holder.

The licence holder company, via the designated premises supervisor who had confirmed that he had been authorised by the company director to represent the licence holder, then addressed the Sub-Committee to explain that the premises hosted many parties, "for weddings and birthdays", and there was never any trouble at these. The event in question had been booked as a birthday party on a Sunday.

The manager at the hotel was new and still gaining the necessary experience. There had been changes in security arrangements at the premises. Mr Singh also suggested that scuffles had been reported but said that these were outside the hotel premises. However, the Principal Licensing Officer confirmed that the external car park was in fact part of the licensed area of the premises. The Sub-Committee noted this.

In response to Member questions, Mr Singh stated that the "hotel management" oversaw security, and said that he himself was mainly involved in the drinks side of business management. He said that security was provided by different persons, and there were significant changes in security arrangements. He did not know who oversaw security on the night of the incident.

He had one and half years' experience as the designated premises supervisor at the hotel. Most of the staff were new and needed training. The director of the licence holder company came to the premises about twice a week. The director was the person who paid his wages. He himself (ie Mr Surjit Singh) only attended at the premises as and when necessary, and did not have a rota of days to work.

The Police made closing submissions and observed that warnings had been given to the premises regarding security arrangements, risk assessments, and the arrangements for party organisers' alcohol. All in all, the Police considered that there had been "a catastrophic failure of risk management" at The Ladbrooke Hotel.

In response to this, Mr Singh stated that it would be unfair to remove him as designated premises supervisor. He felt that he employed a hands-on approach to his duties. He was concerned that to suspend the licence would affect revenue streams from the wedding and birthday events; he asked the Sub-Committee to note that there were no issues with birthday parties usually.

Having heard all of the evidence, the Members were mindful of the Guidance issued by the Secretary of State under s182 of the Act, which advised them to only impose those steps which were necessary to guard against the risks of further serious crime. However, the starting point was that the Members were not confident that the company understood its responsibilities as licence holder, and moreover were not at all satisfied that there was proper management control of the premises.

The Sub-Committee was mindful that the Guidance deemed the Police to be the experts in dealing with crime and disorder. The Police had advised the Sub-Committee that the wholly inadequate style of management described in the Committee Report was a significant risk to the upholding of the crime prevention objective.

The Members agreed that the "remote" style of management described by Mr Singh was completely unacceptable. He had confirmed that this remote style had been adopted not only by the premises licence holder Metro Bailiffs Limited under its sole director (Khadija Khanum Malik), but also by Mr Singh himself as the designated premises supervisor. This was entirely unsatisfactory.

It was apparent by Mr Singh's own admissions that he took no real responsibility, or indeed involvement, in any material aspect of the running of the premises, despite being named on the premises licence as designated premises supervisor for The Ladbrooke Hotel.

The Members looked askance at Mr Singh's suggestion that it had been the inexperience of what he called "the hotel management" which had led to the incident; in all licensed premises the designated premises supervisor was a principal member of the management team. The Sub-Committee was not persuaded that the premises was being operated to a satisfactory standard.

The Sub-Committee felt strongly that it was not possible to have any trust in the management of the venue, and was not prepared to take any risks whatsoever regarding the potential for further serious crime.

In deliberating, the Sub-Committee determined that there had been a discovery of a matter relating to serious crime, which was being investigated by Police. It was abundantly clear that the operation was not being run in accordance with the licensing objectives. Any instance of violence in licensed premises was extremely serious; moreover, on this occasion, there was a suggestion that the premises had not reported the incident to Police and had perhaps not been frank about what had happened on the night.

The Sub-Committee was not satisfied that the licence holder company could be trusted to operate in a manner capable of preventing further serious crime. This was a clear risk to the prevention of crime and disorder objective. All in all, the management style seen at the premises was not at all the standard expected of premises licence holders in Birmingham.

The Sub-Committee considered the other options of modification of the conditions of the licence, and exclusion of the sale of alcohol by retail from the scope of the licence, but did not consider that these would adequately cover the risks, given the seriousness of what had been described in the Superintendent's certificate and application. The Police had given a firm recommendation.

The correct way forward was therefore to suspend the licence pending the full Review hearing, and to remove the designated premises supervisor. The Sub-Committee considered suspension to be entirely the proper course given what had been described in the certificate and application, and determined that it was both necessary and reasonable to impose the interim step of suspension of the licence to address the immediate problems with the premises, namely the potential for further serious crime.

The Sub-Committee further noted that it was the responsibility of the designated premises supervisor to ensure that alcohol sales were conducted in accordance with the licence. The Sub-Committee therefore determined that the removal of the designated premises supervisor was a very important safety feature. Moreover, it was a course which had been endorsed by the Police. The Members had heard nothing from Mr Singh which had persuaded them that he was a suitable person to continue in such a responsible role.

The Members considered that Mr Singh had fallen far short of the standards expected of any designated premises supervisor, and that the style of operation described in the Superintendent's certificate and application was a very significant risk to the upholding of the licensing objectives in Birmingham. The designated premises supervisor was therefore removed pending the full Summary Review hearing.

In reaching this decision, the Sub-Committee has given due consideration to the application made and certificate issued by a Superintendent of West Midlands Police, the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office under s182 of the Act, the written submissions made, and the submissions made at the hearing by West Midlands Police and by the designated premises supervisor who confirmed that he was authorised to represent the licence holder company.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours excluding non-working days.

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

**From:** Mrs Malik  
**Sent:** Wednesday, June 26, 2024 11:57 AM  
**To:** Bhapinder Nandhra  
**Cc:** Licensing  
**Subject:** Fwd: FW: Licensing Act 2003 - Section 53A Expedited Review RE: The Ladbrooke Hotel, 28 – 35 Bordesley Street, Birmingham, B5 5BL

Dear Mr. Nandhra,

Thank you for your email dated June 25th.

Please find the attached documents:

1. Representation of Dr. Malik as owner of Metro Bailiffs Ltd., holding 100% of the shares.
2. Witness statement from the Security Personnel,
3. Witness statement from the in-house Security/Reception Staff,
4. Risk assessment that was carried out and sent to the licensing police.

Kind regards,

Mrs Khadija K Malik  
Metro Bailiffs Ltd.  
28-35 Bordesley Street  
Birmingham  
B5 5BL

## Background

I, Dr. A A Malik, am the sole shareholder of Metro Bailiffs Ltd. Metro Bailiffs Ltd. operates a banquet hall and bar at the Ladbroke Hotel, 28-35 Bordesley Street, Birmingham B5 5BL, under a premises license granted on 2 February 2021. The business has complied with all legal requirements and has been operating smoothly. Mr. Surjit Singh is/was the Designated Premises Supervisor (DPS).

On 9 June 2024, the hall was hired for a birthday party. A Risk Assessment was submitted to the relevant police department (attached). The customer hired six security guards for the event. At the end of the party, the security staff noted two individuals grabbing each other. The security staff turned on the lights, alerted other security staff, and stopped the party. Upon reviewing the CCTV footage, nothing unusual was noted.

However, it came to our attention that one participant was injured and went to the hospital, where the hospital staff informed the police. The police contacted the hotel reception and later visited the hall. We fully cooperated with the police and provided them with the CCTV recordings, which showed nothing of concern.

On 11 June 2024, a representative from West Midlands Police lodged an application for an expedited review of the premises license in accordance with Section 53A of the Licensing Act 2003. The Birmingham Sub-committee reviewed the matter on 13 June 2024 and decided to suspend the license and remove Mr. Surjit Singh as the DPS, pending a full review to be held within 28 days of the Chief Officer of Police's application.

Statements from two witnesses have been attached, and a brief overview has been provided below.

### Statement of

- **Position:** In-house security guard/receptionist at the Ladbroke Hotel.
- **Date and Time of Incident:** 10 June 2024, approximately 2:37 AM.
- **Location:** Hotel's back door entrance leading to the event hall.
- **Observation:** Saw several people running out; thought the party was ending. Checked CCTV; everything appeared normal.
- **Interaction with Security Supervisor:** mentioned handling any issues and advised to call the police if anything serious was observed.
- **Police Interaction:** Received a call from the police at 3:30 AM asking if there was blood in the hall. Informed them there was not, based on CCTV monitoring.
- **Police Arrival:** Police arrived at approximately 5:25 AM. cooperated fully with the investigation and informed the security supervisor.
- **Certification:** Statement accurately reflects recollection of the event.

### Statement of

- **Position:** Licensed security personnel with Badge:
- **Experience:** Providing security services for events at the Ladbroke Hotel since last year.
- **Date and Time of Incident:** 10 June 2024, approximately 2:30 AM.
- **Security Measures:** Entrance area barricaded, guests searched by security colleagues.
- **Observation:** Saw two males of dark complexion, average height, shouting and grabbing each other. Attempted to separate them but found it difficult due to the crowd.
- **Actions Taken:** Turned on lights to identify individuals, alert security staff, disrupt altercation, and stop the party by signalling the DJs.
- **Follow-up:** Informed hotel security ( ) at the reception to monitor CCTV and call the police if necessary. Ensured premises were cleared after the party ended around 2:45 AM.

- **Inquiry:** Called the hotel at 5:30 AM to check CCTV findings and was informed by [redacted] that no serious incidents were observed but police were investigating.
- **Certification:** Statement accurately reflects [redacted] recollection of the event.

### Issues Noted Related to the Event of 9 June 2024

- **Communication Gap:** The exact nature of the altercation and its severity were not immediately clear to the security staff or hotel personnel.
- **Delay in Notifying Police:** There was a delay in notifying the police despite potential indications of a serious incident, as observed by the running guests and initial altercation.
- **CCTV Monitoring:** CCTV footage did not reveal any significant issues to [redacted], leading to a decision not to call the police immediately.

### Conclusion and Measures to be Adopted

Our current management team is relatively new. Going forward, we will ensure that events are operated in accordance with the Licensing Act and uphold the following licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

To this end, we will put in place the following measures:

#### Security

1. Deploy security staff directly from a reputable company with valid SIA licenses and public liability insurance. Obtain confirmation of the SIA licenses and insurance.
2. Obtain a deployment plan from the security company detailing staffing levels, roles, and responsibilities during events.
3. Review event agreements and terms.
4. Discourage club-type parties. Enforce strict adherence to rules and accept bookings only from those willing to comply.
5. Train staff to understand and abide by the above.

#### Alcohol Sales

1. Remove the current DPS, Surjit Singh, permanently and appoint a more hands-on and efficient DPS.
2. Do not grant sales of alcohol to third parties/event holders.
3. Ensure Ladbroke DPS and Management have complete control over all events, including alcohol sales, security arrangements, and adherence to licensing conditions.
4. Conduct training for staff involved in event alcohol sales on responsible alcohol retailing practices in line with the Licensing Act.

#### Additional Measures

1. **Review of Security Protocols:** Assess security protocols, especially regarding real-time communication and decision-making during potential incidents.



2. **Training:** Provide additional training for security and hotel staff on handling and escalating conflicts.
3. **CCTV Monitoring:** Improve CCTV monitoring procedures to ensure critical incidents are detected and acted upon promptly.
4. **Appointing a New DPS:** Appoint a new DPS who will ensure all requirements are met and pay full attention to potential issues.
5. **Police Liaison:** Establish a more proactive approach in communicating with the police during and after incidents.

With this comprehensive approach, we aim to address the issues observed, ensure compliance with the Licensing Act, and uphold the safety and well-being of all involved.

Yours sincerely,

Dr. A A Malik

Metro Bailiffs Ltd.

28-23 Bordesley Street,

Birmingham

B5 5BL

Statement of truth

██████████, make the following statement.

I am a licensed security personnel (Badge No. ██████████) and have been providing security services for events since 2022 and have provided my services to the Ladbroke Hotel at Bordesley Street before. On 9/6/2024, myself and five other security colleagues, all of whom possess SIA licence, were hired at the Ladbroke Hotel to provide security for a party. We were at the premises from 11pm till 3:30am.

The entrance area was properly barricaded, and search was carried out by 4 security colleagues of each individual that entered. No weapons were found. During the event, my role was to supervise inside. At approximately 2:30am on the 10/6/2024 I saw two males of dark complexion, both of average height, shouting at each other and grabbing each other. One of my colleagues tried to separate them, but he found it difficult to do so. I went to assist but found it difficult as there were many people trying to deal with the situation. Once I realised this I immediately went and turned on the lights, so as to:

- Clearly identify who the two males are.
- Alert other security staff that there is an issue.
- To help disrupt the altercation, as people are less likely to misbehave when they are not under the cover of darkness.
- To stop the DJs from playing (as they are aware that they need to stop if the lights come on), therefore stopping the party so the area can be cleared.

Once the lights came on the crowd dispersed and I was not able to identify the two males from the remaining crowd. Shortly after, I went upstairs to the reception desk, to ask the hotel security who was stationed upstairs and usually watched CCTV footage to ask him what had happened and inform him that if it was a serious incident the police should be called. Which I was assured he would do. As he was not present at the place where the incident happened and had to watch CCTV footage, I assumed that may take him some time.

As the hotel security started the CCTV task, I moved around the building to clear the premises. I then tried to gather information as to exactly what had happened, as I was unsure. But did not get any concrete information. I assumed it was an altercation between the two people. The guests started to leave and the party ended smoothly by 2:45pm. After the party was over, we (the security staff) stayed a bit longer to check that everyone had dispersed and also to review the situation. We left around 3:30. Around 5:30 am I called the hotel to inquire if anything serious was seen on the CCTV footage. I was told that nothing like that was seen but the the police were present at the site for investigation. Later, I had a call from the hotel at approx. 7am but I was asleep.

I believe that the facts stated in this Witness Statement are true.

[Redacted]  
[Redacted]  
[Redacted]  
Signed.....[Redacted]

Date: Monday 24 June 2024

[Redacted]

## Statement

I, [REDACTED] am a security personnel with SIA Badge Number [REDACTED] and make the following statement.

1. I am working as an in-house night security guard/receptionist at the Ladbroke Hotel located in 28-35 Bordesley Street in Birmingham.
2. On 10 June, 2024. At approximately 2:37 to 2:40 AM, I was at the hotel's back door entrance leading to the event hall, ensuring everything was in order and that doors and windows were closed to contain noise.
3. I observed several people running out. I thought the party was ending, which is typical. Nevertheless, I proceeded to the reception to check the CCTV cameras on screen. Everything seemed normal.
4. The security supervisor, [REDACTED] approached me while I was at the reception, and I inquired whether anything was wrong. He mentioned that he was unaware of anything specific.
5. I continued monitoring the cameras and he told me that if I noted anything serious, I should call the police. I agreed. However, upon inspection, I did not see any serious issue on the camera. I therefore did not call the police, as it appeared that the situation was under control.
6. However, at 3:30 AM, I received a call from the police inquiring if there was blood everywhere. I was shocked to hear this and informed them there was not, based on fact that I detected no major incident while monitoring the cameras and neither did I see any blood. Furthermore, there was nothing unusual and the party ended around 2:45.
7. The police arrived at the hotel at approximately 5:25 AM. They conducted their investigation, and I provided full cooperation to the best of my ability. I got a call from the security supervisor around 5:30 am asking me if I had found anything on the camera footage. I told him that I did not and that the police were at the site.

I hereby certify that this statement accurately reflects my recollection of the event

[REDACTED]  
[REDACTED]  
..... [REDACTED]

[REDACTED]  
Date: 24 June 2023

## EVENT DETAILS

Company Name	The Ladbrooke Hotel
Address	28 – 35 Bordesley Street, Birmingham B5 5BL
Type of Event	Birthday
Date of Event	9 <sup>th</sup> June, 2024
Time of Event	9:00pm – 2:30am
Hirer's Name	[REDACTED]
Contact and Email	[REDACTED]
Hirer's Date of Birth	[REDACTED]
Hirer's Address	[REDACTED]
No of Guests	200
Number of Security Staff to be deployed	5 hiring and 1 Ladbrooke Hotel in-house security TOTAL - 6
An assessment carried out by	A [REDACTED] Head security (Badge: [REDACTED] 8933) and his team with our In-house Security Staff of Ladbrooke Hotel [REDACTED] badge no: [REDACTED] 9432) and [REDACTED] (Asst. Event Manager
Date of Risk Assessment	26 <sup>th</sup> May, 2024
Stage and real names of DJs	[REDACTED] DoB: [REDACTED]
Entry Policy	Guests are family and friends
How are guests invited?	The guests are invited by WhatsApp, SMS and calls
Hirer's past events at the premises	The hirer has previously used the event hall for a party on last year April.

## RISK ASSESSMENT

RISK PREVENTION POLICIES	
Entry policy	This is a Birthday party and only guests known to the hirer have been invited via WhatsApp, SMS and calls. The security staff will check all the invitees and will check their IDs.
Search policy	Each guest will be searched at the entrance without fail and the security staff will be well equipped to do so. Guests that exit and return to the venue will be re-searched as condition of entry.
Ejection / vulnerability policy	People causing disruption/discomfort to other guests or staff will be removed from the premises. this includes people fighting, damaging property, or incapacitated beyond control etc. The premises management and security have responsibility and duty of care to ensure the safety of the individuals ejected from the venue. In the event of vulnerable individuals' security staff have a duty of care in making sure the person is safe, e.g. by calling ambulance.
Drug policy	The venue operates a zero drugs policy. Sales, possession, or consumption of any illegal substances is strictly prohibited. The search policy at entry will be strictly applied to

	each individual. Any individuals found to be breaking the law within this policy will be reported to the police.
Weapons policy	Security personnel carry out a thorough search on the people entering and re-entering into the premises. Any weapons found will be confiscated and the individual reported to the police.
Dispersal policy	Guests will already have been aware of the closing time of the event from the invitation. However, towards the end, the MC will announce this several times. The music will stop dead on time and all doors will be opened and all people safely guided out of the premises by the security personal. The Security staff will remain on site until all guests have left to ensure all guests disperse safely. Security personnel have duty of care to ensure reasonable steps are taken to avoid risk to any vulnerable guests

## RISK ASSESSMENT

Overall Risk Grading: The risk level has been assessed to be low at less than 10%. It is a birthday party. The likelihood of any major untoward incident occurring is very low. However, the following hazards have been identified and mitigation measures have been planned.

What are the potential hazards?	Who might be harmed and how?	What are you already doing to control the risks?	What further action do you need to take to control the risks?	Who needs to carry out the action?	When is the action needed by?
<b>Overcrowding at entrance</b>	Attendees Vulnerable guests	The premises uses industry standard crowd barriers, secured to the ground, for safe and orderly entry and ID check and search of all the guests.	N/A As there is no show or performance starting at the fixed time, we do not expect the guests to come at the same time and queue up but queues will be managed in an orderly way if needed.	Security staff and other staff	On the day 9 <sup>th</sup> June, 2024
<b>Kitchen equipment and utensils</b>	Attendants	Kitchen staff only to access the kitchen and kept locked when not in use.	Security patrol and kitchen staff strictly advised to place all hazardous kitchen utensils in safe place	Security to notify and check no entry unless kitchen staff	On the day of the event. 9 <sup>th</sup> June, 2024
<b>Bar area/ drink bottles and glasses</b>	Attendants	Used glasses and bottles are binned inside the bar service area where guests cannot enter.	All drinks to be served in plastic cups only. Litter to be collected at regular intervals and taken to outside large bins. Security patrol to ensure no overcrowding at the bar	Staff and security	On the day of the event. 9 <sup>th</sup> June, 2024
<b>Fire hazard</b>	Attendants and staff	Ensuring all staff and security are aware of the fire drill and assembly/exit points. The	Ensuring attendants smoke in designated smoking zone. Security patrol	Management staff and security	On the day of the event. 9 <sup>th</sup> June, 2024

		premises has outdoor barbeque stands			
<b>Alcohol consumption</b>	Attendants and staff	Ensuring staff ask for ID when serving alcohol and putting up notices re age.	Staff will refuse to serve alcohol if the person seems to be over the limit (drunk). Security patrol.	Bar staff and security	On the day of the event. 9 <sup>th</sup> June, 2024
<b>Problematic people (drunk/abusive/violent)</b>	Attendants and staff	The Management does not tolerate this and processes are in place to escort/eject such people safely and politely.	Security patrol to detect such people and escort or eject them out as needed.	Staff and Security staff	On the day of the event. 9 <sup>th</sup> June, 2024
<b>Overcrowding</b>	Attendants	Guest beyond the capacity limit of the premises are never invited/allowed	The hall has a capacity of 350 seated and 450 if not seated. The party is of 200 people. During exit the exit door will be managed to avoid crowding and enable vulnerable guests and the MC will make announcements accordingly	N/A	N/A
<b>Slips, trips and falls</b>		As the premises has resident guests, it is regularly inspected for any such hazards and these are addressed promptly	The premises will be assessed before the event to identify and address such hazards. On the day any spillage/wet floor/obstructions (including in the bathrooms) will be monitored and addressed instantly.	Staff and security	7 <sup>th</sup> June, 2024 and on the day of the event 9 <sup>th</sup> June, 2024

**REPRESENTATION OF BIRMINGHAM CITY COUNCIL, LICENSING ENFORCEMENT  
THE LADBROOKE HOTEL, 28-35 BORDESLEY STREET, BIRMINGHAM B5 5BL  
PREMISES LICENCE NUMBER 5287**

I, Christina McCullough, a Licensing Enforcement Officer, wish to submit representations on behalf of Birmingham City Council, Licensing Enforcement, in respect of the application to review the premises licence 5287, The Ladbroke Hotel, 28-35 Bordesley Street, Birmingham B5 5BL submitted by West Midlands Police.

Prior to this application to review the premises licence, Licensing Enforcement has not had any dealings with this premises. However, the information submitted by West Midlands Police in the application is a cause of concern to Licensing Enforcement.

I am in receipt of the application to review the premises licence by West Midlands Police and the outcome of the Interim Steps Hearing on 13<sup>th</sup> June 2024.

At the Interim Steps Hearing Surjit Singh, the Designated Premises Supervisor, said that in relation to the event in question, 9<sup>th</sup>/10<sup>th</sup> June 2024 security was provided by different persons, there were significant changes in security arrangements, and he did not know who oversaw security on the night of the incident. This is not acceptable, Mr Singh the DPS, should have taken steps above and beyond to ensure that he was aware of security details before the event started. Mr Singh had day to day control over the premises, he has responsibility for all aspects, not just drinks. He later goes on to quantify about the amount of involvement the licence holder has, knowing that the licence holder has very little involvement.

Mr Singh stated that he only attended at the premises as and when necessary and did not have a rota of days to work. A condition on the premises licence states, "The premises licence holder shall ensure that the Designated Premises Supervisor is obligated to be in day-to-day control of the premises." It is obvious that this condition was not put in place by the licence holder nor was the DPS aware of it, because surely, if he had of been aware of the requirement placed upon him, he would have ensured that he was in day-to-day control and not just popping in. A Designated Premises Supervisor should be fully aware and compliant with the conditions of the premises licence.

Mr Singh also stated that most of the staff were new and needed training. This specific licence has a very detailed condition relating to training which includes refresher training every six months and that all training should be recorded. It is not acceptable for "most" of the staff to be untrained. The premises failed to report or acknowledge the incident. This was an injury where the injured party attended hospital themselves, it would have been an injury that would have bled quite heavily. I find it hard to believe that other party goes did not report it to staff, the staff did not notice the altercation or the blood or that the security staff did not notice as the injured party left the premises past them.

Taking into account that a specific risk assessment had been submitted, as required by the premises licence, which referred to the event as a low level birthday party, this was obviously an inaccurate risk assessment. This incident could have easily been avoided by the premises providing adequate security staff and putting measures in place to prevent bladed articles being taken on to the premises.

It is apparent that neither the DPS or licence holder have taken their responsibility seriously in respect of this licence.



The comments of the DPS at the interim hearing are very alarming and highlight the fact that the DPS was not in day-to-day control and did not take his responsibility seriously.

Taking into account the nature of this incident it is clear that the premises is unable to comply with the licensing objectives, particularly to the prevention of crime and disorder and the promotion of public safety.

From the evidence submitted it is blatantly clear that neither the licence holder or DPS take their roles seriously. Both have been negligent in their roles.

Licensing Enforcement wishes to support West Midlands Police in their application and does not have any confidence that either the licence holder or the DPS is capable of promoting the Licensing objectives at this premises, in particular the prevention of crime and disorder and the promotion of public safety. Therefore, Licensing Enforcement would ask that the premises licence be revoked and the DPS be removed.

Licensing Act 2003Premises Licence

<b>Premises Licence Number</b>	5287
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**Part 1 – Premises Details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>
The Ladbrooke Hotel, 28 - 35 Bordesley Street, Birmingham, B5 5BL
<b>Telephone Number</b>

<b>Where the licence is time limited the dates</b>
N/A

<b>Licensable activities authorised by the licence</b>
Plays Films Indoor sporting events Live music Recorded music Performances of dance Anything of similar description to that falling within (live music), (recorded music) or (performances of dance) Late night refreshment Sale of alcohol by retail (on the premises)

**Times the licence authorises the carrying out of licensable activities**

<b>Sale of Alcohol by retail:</b>		
<b>Day</b>	<b>Start Time</b>	<b>End Time</b>
Monday	00:00	23:59
Tuesday	00:00	23:59
Wednesday	00:00	23:59
Thursday	00:00	23:59
Friday	00:00	23:59
Saturday	00:00	23:59
Sunday	00:00	23:59
<b>Place:</b>		
<b>Seasonal Variations:</b>		
<b>Non-Standard Times:</b>		

**Provision of Late Night Refreshment:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	23:00	02:00
Tuesday	23:00	02:00
Wednesday	23:00	02:00
Thursday	23:00	02:00
Friday	23:00	02:00
Saturday	23:00	02:00
Sunday	23:00	02:00

**Further Details:**  
**Place:**  
**Seasonal Variations:**  
**Non-Standard Times:**

**Performance of a Play:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	00:00
Friday	10:00	00:00
Saturday	10:00	00:00
Sunday	10:00	00:00

**Further Details:**  
**Place:**  
**Seasonal Variations:**  
**Non-Standard Times:**

**Exhibition of a Film:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	00:00
Friday	10:00	00:00
Saturday	10:00	00:00
Sunday	10:00	00:00

**Further Details:**  
**Place:**  
**Seasonal Variations:**  
**Non-Standard Times:**

**Indoor Sporting Event:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	00:00
Friday	10:00	00:00
Saturday	10:00	00:00
Sunday	10:00	00:00

**Further Details:**  
**Place:**  
**Seasonal Variations:**  
**Non-Standard Times:**

**Performance of Live Music:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	00:00
Friday	10:00	00:00
Saturday	10:00	00:00
Sunday	10:00	00:00

**Further Details:****Place:****Seasonal Variations:****Non-Standard Times:****Playing of Recorded Music:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	00:00
Friday	10:00	00:00
Saturday	10:00	00:00
Sunday	10:00	00:00

**Further Details:****Place:****Seasonal Variations:****Non-Standard Times:****Performance of Dance:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	00:00
Friday	10:00	00:00
Saturday	10:00	00:00
Sunday	10:00	00:00

**Further Details:****Place:****Seasonal Variations:****Non-Standard Times:****Anything of a similar description to that falling within (live music), (recorded music) or (performances of dance)**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	00:00
Friday	10:00	00:00
Saturday	10:00	00:00
Sunday	10:00	00:00

**Further Details:**

**Place:**

**Seasonal Variations:**

**Non-Standard Times:**

**Seasonal Variations:**

**Non-Standard Times:**

**The opening hours of the premises**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	00:00	23:59
Tuesday	00:00	23:59
Wednesday	00:00	23:59
Thursday	00:00	23:59
Friday	00:00	23:59
Saturday	00:00	23:59
Sunday	00:00	23:59

**Seasonal Variations:**

**Non-Standard Times:**

**Where the licence authorises supplies of alcohol whether these are on and /or off supplies**

On Supplies Only

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Metro Baliffs Limited  
28 - 35 Bordesley Street,  
Birmingham,  
B5 5BL

**Registered number of holder, for example company number, charity number (where applicable)**

10342242

**Name and address of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Surjit Singh

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

**Licence Number:** 10481  
**Issuing Authority:** Birmingham City Council

Dated 15-11-2022

Mr. Shaid Yasser  
Senior Licensing Officer  
**For Director of Regulation & Enforcement**

## Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

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. 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; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less 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; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that— (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:– (a) “permitted price” is the price found by applying the formula  $P = D + (D \times V)$ , where– (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.



## **Annex 2 – Conditions consistent with the Operating Schedule**

The Premises Licence Holder shall ensure all staff receive adequate training and refresher training every six months, relating to the four licensing objectives and conditions attached to this Premises Licence.

All training will be recorded and the training record will be available for inspection by an authorised Officer of a Responsible Authority on request.

The staff training records will be maintained at the premises and made available for inspection to any Responsible Authority upon request.

The Premises Licence Holder shall ensure that the Designated Premises Supervisor is obligated to be in day-to-day control of the premises.

The Premises Licence Holder shall ensure that a clear and legible notice will be displayed outside the premises indicating the normal hours under the terms of the Premises licence during which licensable activities are permitted.

The Premises Licence Holder shall ensure that no bottles or glasses shall be taken off the premises.

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

The Premises Licence holder will retain profiles of all door supervisors that are, or have (in the last 3 months) worked at the premises. Profiles are to be proof of ID (passport, driving licence) and proof of address dated in the last 6 months (utility bill, bank statement). Proof of address is not required when proof of ID is a Photo Driving Licence.

The Premises Licence holder will have and maintain a documented incident book, where all incidents irrelevant if any emergency services are called are recorded and signed off weekly by the DPS.

If the premises wish to operate past 0400hrs, the premises must inform the West Midlands Police Licensing Department in writing, a minimum of 28 days in advance. The Premises Licence Holder shall ensure that CCTV System is installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective. Each recording made to be stored for at least 28 days.

The Premises Licence holder will ensure that CCTV is fitted to the specifications and recommendations of West Midlands Police Licensing Department. The Premises Licence holder will ensure that the CCTV is recording at all times that the premises is open for any licensable activity, and that all CCTV images are held for a minimum of 28 days.

The Premises Licence holder will ensure that all CCTV images will be made immediately available and downloadable when requested by any Responsible Authority.

The Premises Licence Holder shall ensure that a Noise Limiting Device (NLD) shall be fitted to the amplification system within the basement area and set at a pre-set volume level, ensuring the volume of music is pre-set so as not to cause a noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall fulfil the following criteria:

- a. The device shall be fitted by a competent person and once fitted shall not be moved unless prior approval is given.
- b. The device shall be capable of cutting off the mains power to the amplification system if the volume exceeds the pre-set level or shall be capable of maintaining the volume of the music at the pre-set level and shall not restore power to the sound system until the NLD is reset by the licensee or their nominated person.
- c. The amplification system shall only be operated through the sockets/power points linked to and controlled by the NLD at all times.

- d. The NLD shall be maintained in full working order and at the approved pre-set volume during regulated entertainment.
- e. Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state.
- f. Any regulated entertainment within the premises shall be controlled by the NLD.

The Premises Licence Holder shall ensure that the glass doors within the basement banqueting suite shall remain closed after 22.30pm whilst regulated entertainment takes place.

The Premises Licence Holder shall ensure that deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

The Premises Licence Holder shall ensure that prominent notices will be displayed asking customers to have regard for local residents when leaving the premises.

The Premises Licence Holder shall ensure that the movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.

The Premises Licence Holder shall ensure that any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

The Premises Licence Holder shall ensure that no bottles or glasses shall be taken off the premises.

Adequate Lighting will be provided in all public areas and outside The Premises Licence holder shall ensure that the external areas of the premises are monitored to prevent any anti-social behaviour and public nuisance caused by the premises is kept to a minimum.

Electric, gas and relevant equipment are to be checked and maintained in working order and tested annually.

A Challenge 25 policy will be operated by the premises, with notices informing customers of the policy. The only forms of acceptable identification shall be a photographic driving licence, a valid passport or any other recognised form of photographic identification incorporating the PASS logo. Notices to this effect will be displayed within the premises.

The Premises Licence Holder shall ensure that those engaged with the sale of alcohol shall be provided with training on age restricted sales Refresher training will be given every 6 months. A log of the training shall be maintained and available for inspection by an authorised Officer of a Responsible Authority on request.

All alcohol sale refusals will be noted in a refusals register, which will be maintained at the premises and must be available for inspection by any of the regulatory authorities.

The Premises Licence holder shall ensure that notices stating no sales of alcohol to persons under 18 years of age will be displayed at all bars within the premises.

The Premises Licence holder will ensure that notices stating it is illegal for persons to buy alcohol on behalf of persons under 18 years of age will be displayed at all bars within the premises.

The Premises License Holder will ensure that staff are regularly trained to combat Child Sexual exploitation. The management will put in place Booking terms & conditions in an effort to combat Child Sexual exploitation. Regular Training to be given in Child Sexual exploitation Awareness to all staff from management, reception, security, cleaners. They are to have received training from an accredited organisation. The training records will be kept on site, and available for inspection. Under CSE heading also - Reception to keep records of all persons stopping in each room - (eliminate customers booking on line and then several other customers using that room) a trail of

names is required. So assuming they have details of who the room is booked under, then anyone else stopping in that room - names should be supplied, if it's believed that the additional persons are under 18 then full details would be required, to include DOB.

The Premises Licence holder will ensure that persons under the age of 16 will be admitted only if accompanied by an appropriate adult.

When it is carrying out licensable activity in the function room, no children under the age 18 will be permitted without an appropriate adult.

The premises will supply West Midlands Police Central Licensing Team (via email) a risk assessment for all events held at the premises. This risk assessment is required a minimum of 28 days prior to the event except in the below circumstances where a minimum of 14 days is required:

- a) Any in house event which does not have a third-party promoter involved. This is to include if current staff members wish to hire the premises for a private event.
- b) Any event where the person hiring the venue has previously held a private event at the venue and is not a third-party promoter.
- c) Any event where a long-term resident hires the venue who is not a third-party promoter. (A long-term resident is anyone who is current a resident of the premises and has been resident for a minimum of 14 days.)

Notification for funerals / wakes will be require with a minimum of 24 hours notice.

The notification will include the name of the deceased and the details (name, address and date of birth) of the person hiring the venue.

No risk assessment is required for funerals.

The risk assessment will include the following details a minimum:

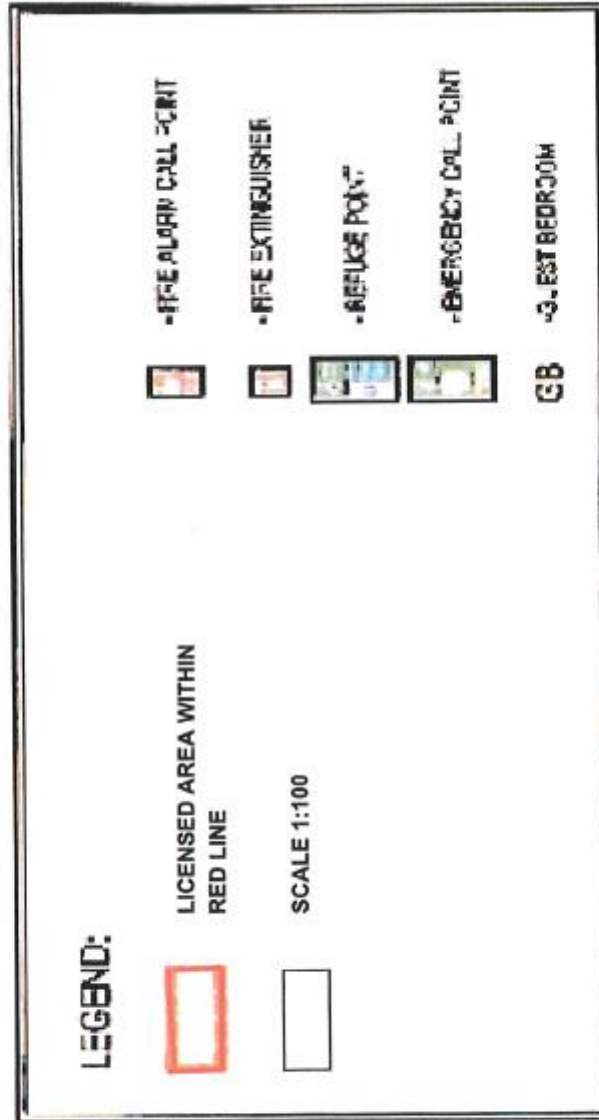
- a. The details (name, address and date of birth) of the person hiring the venue.
- b. Details (stage and real names) of any acts or DJs. BCC premises licence minor variation to premises licence.
- c. Number of people attending.
- d. Security company, numbers and deployment.
- e. Entry policy - search policy.
- f. How / if the event is being advertised.
- g. Premises risk grading.
- h. Details of when / if the hirer has held an event at the premises before.

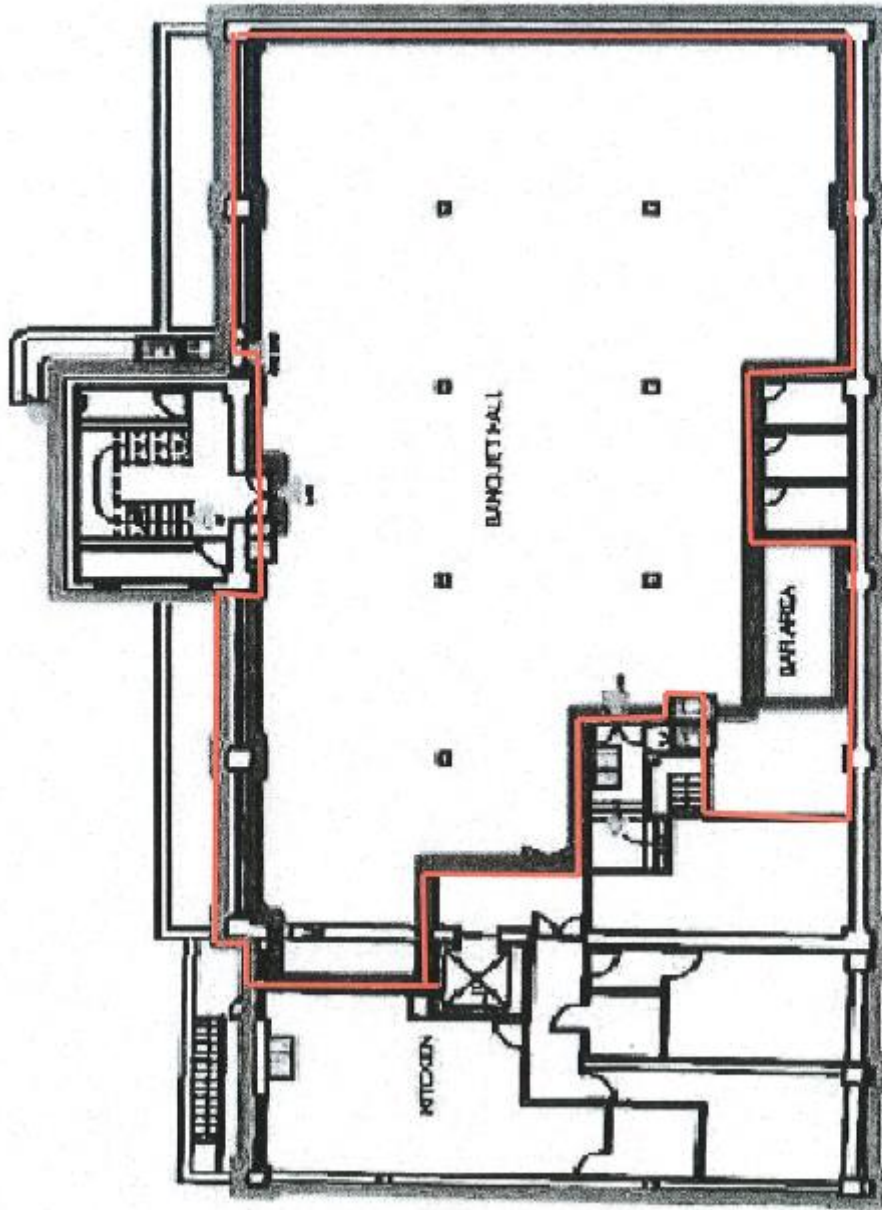
**Annex 3 – Conditions attached after a hearing by the Licensing Authority**

N/A

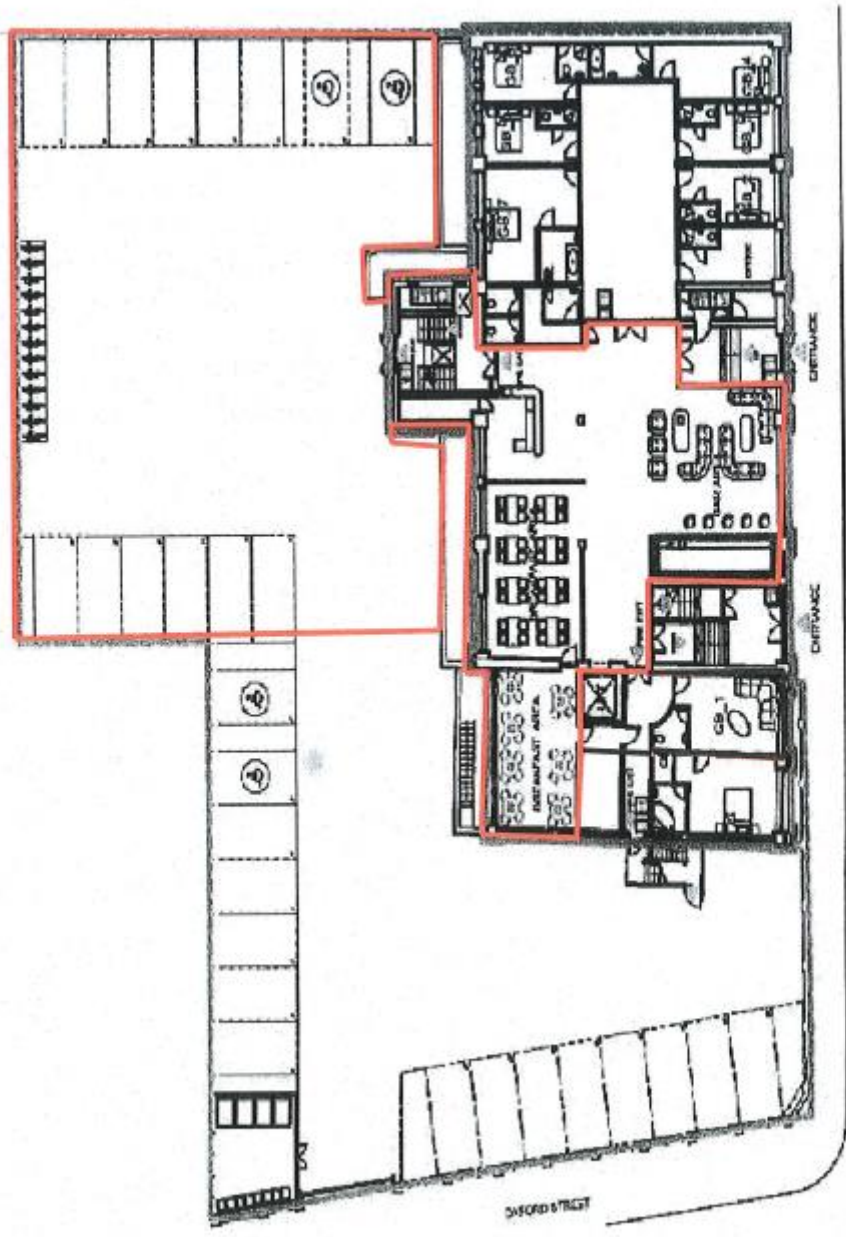
**THE LADBROOKE HOTEL**  
28-35 BORDLESLEY STREET  
DIGBETH  
BIRMINGHAM  
B5 5BL

**LICENSING PLAN**





**BASEMENT LEVEL PLAN**  
RUC00 15200



GROUND LEVEL PLAN  
NO. 15270

