

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING SUB-COMMITTEE A**

**MONDAY, 14 AUGUST 2023 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 - 4**

4 **MINUTES**

To note the public part of the Minutes of the meeting held on 24 July 2023 at 1000 hours.

**5 - 46**

5 **LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW THE ARK BIRMINGHAM, 74 JOHN BRIGHT STREET, BIRMINGHAM, B1 1BN**

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.

7 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

**P R I V A T E   A G E N D A**

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 24 July 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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

<p><b>LICENSING SUB-COMMITTEE A 24 JULY 2023</b></p>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 24 JULY 2023 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Diane Donaldson in the Chair;

Councillors Mary Locke and Penny Wagg.

### **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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1/240723

### **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.

2/240723

### **DECLARATION 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.

**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/240723 Apologies were submitted on behalf of Councillors Phil Davis and Simon Morral and Councillors Diane Donaldson and Penny Wagg were the nominated substitute Members.
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**MINUTES**

- 4/240723 That the minutes of the meeting held on 12 June 2023 at 1000 hours, 26 June 2023 at 1200 hours and 3 July 2023 at 1000 hours were circulated and confirmed and signed by the Chair.

The Public section of the minutes of the meetings held on 19 June 2023 at 1000 hours and 26 June 2023 at 1000 hours were noted.

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**EXCLUSION OF THE PUBLIC**

- 5/240723 **RESOLVED:-**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt information under Paragraph 1 of Schedule 12A of the Local Government Act 1972 - (information relating to any individual).

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## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<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 14<sup>th</sup> August 2023</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Summary Review</b>
<b>Premises:</b>	<b>The Ark Birmingham, 74 John Bright Street, Birmingham, B1 1BN</b>
<b>Ward affected:</b>	<b>Ladywood</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 representation 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 18<sup>th</sup> July 2023 in respect of The Ark Birmingham, 74 John Bright Street, Birmingham, B1 1BN.

**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 18<sup>th</sup> July 2023, Superintendent Munro, 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 Ark Indian Dining & Bar Limited in respect of The Ark Birmingham, 74 John Bright Street, Birmingham, B1 1BN.

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 20<sup>th</sup> July 2023 to consider whether to take any interim steps and resolved that the licence be suspended, and that Deepak 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 2<sup>nd</sup> August 2023.

A representation has been received from Birmingham City Council Licensing Enforcement as a responsible authority, which is attached at Appendix 3.

A copy of the current Premises Licence is attached at Appendix 4.

Site location plans are attached at Appendix 5.

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 20<sup>th</sup> July 2023, Appendix 2  
Copy of the representation from Birmingham City Council Licensing Enforcement, Appendix 3  
Current Premises Licence, Appendix 4  
Site location plans, Appendix 5

**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 20<sup>th</sup> July 2023.



## 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 - Superintendent James Munro,**

**(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 Ark Birmingham .

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

**74, John Bright Street, City Centre.**

Post Town: **Birmingham**

Post Code (if known): **B1 1BN.**

**2. Premises Licence details:**

Name of premise licence holder (if known):

**Ark Indian Dining and Bar Ltd.**

Number of premise licence (if known):

**5359.**

**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)





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

The Ark Birmingham is a licensed premises situated at 74, John Bright Street, Birmingham, B1 1BN. The premises license holder is Ark Indian Dining and Bar Ltd and the designated premises supervisor is Mr Deepak Singh.

The premises is licensed to sell alcohol for consumption on and off the premises between the hours of 1000 and 0100 between Sunday and Thursday and 1000 and 0300 on Fridays and Saturdays.

At 0230 hours Saturday 15<sup>th</sup> July 2023 the premises were open and conducting licensable activity.

At this time a number of persons have left the premises. These people have become involved in disorder and during this two persons have been forced to the ground where they have been attacked and suffered injuries consistent with woundings. Door staff have also joined in the disorder attacking people with queue cordon metal stantions and queue cordon ropes. Door staff have also come across a person who was unconscious in the road as a result of the incident who they have picked up and then thrown onto the pavement and left without any attempt to discover the persons condition or to provide care or first aid. Four persons have been arrested for being part of this disorder.

This matter is subject of two crime reports for wounding against section 18 The Offences Against The Persons Act 1861 which are serious crimes by virtue of the maximum sentence on conviction being life imprisonment. This is an ongoing enquiry which may lead to more reports of injuries and arrests.

West Midlands Police have serious concerns for the promotion of the licensing objectives at this premises.

West Midlands Police have no confidence in the management of the premises as door staff can be clearly seen arming themselves with items to use as weapons to attack persons with and patrons of the premises are involved in serious disorder outside the premises.

The lack of confidence in the management is compounded by the provision of completely inadequate care for a person that was injured and unconscious.

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:** 18<sup>th</sup> July 2023.

**Rank/Capacity:** Superintendent

**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.

# **West Midlands Police**

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

I Superintendent James Munro hereby certify that in my opinion the premises described below are associated with both serious crime and serious disorder.

**Premises: The Ark Birmingham.**

**Address: 74, John Bright Street, Birmingham, B1 1BN**

**Premise Licence Number: 5359**

**Premise Licence Holder: Ark Indian Dining and Bar Ltd**

**Designated Premise Supervisor: Mr Deepak Singh**

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

I am giving this certificate because I am of the opinion that the summary review procedure is necessary to ensure the licensing objectives are promoted expeditiously. Given the seriousness of the trigger incident on 15<sup>th</sup> July 2023 2023, which involved a disorder involving numerous people outside the premises and members of door staff arming themselves with items they use as weapons, the inadequacy of measures followed by the operators on the night of the incident which include providing completely inadequate care for an injured person who was unconscious, in my opinion, immediate steps are required that can best be achieved through the summary review procedures. Other steps available under the Licensing Act 2003, including a standard review application, cannot lead to the imposition of immediately effective steps to promote the licensing objectives and so these are inadequate. I view this application as a proportionate and necessary response to the serious incident at the venue.

In coming to my opinion, I have had regard to the facts of the incident and current investigation, the terms of section 53A of the Licensing Act 2003 and Chapter 12 ("Summary Reviews") of the Guidance issued under section 182 of the Licensing Act 2003 (December

Signed:



Dated: "





**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB COMMITTEE - A**

**THURSDAY 20 JULY 2023**

**THE ARK BIRMINGHAM, 74 JOHN BRIGHT STREET, BIRMINGHAM B1 1BN**

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 Ark Indian Dining & Bar Limited, in respect of The Ark Birmingham, 74 John Bright Street, Birmingham B1 1BN, this Sub-Committee hereby determines:

- that the licence be suspended, and
- that Mr Deepak 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 and/or serious disorder, which had come to light as outlined in the Superintendent's certificate and application.

The Sub-Committee determined that the cause of the serious crime and/or serious disorder originated from a style of management which had been incapable of upholding the licensing objectives. The style of management was the responsibility of Ark Indian Dining & Bar Limited, as licence holder for The Ark Birmingham premises.

Mr Deepak Singh, one of the company directors, was the person named on the licence as the designated premises supervisor. Mr Singh and another director of the licence holder company attended the meeting, represented by a solicitor.

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 to hear the evidence in public would undermine an ongoing criminal investigation. The meeting would also involve the playing of the CCTV evidence. The Police therefore asked for the Sub-Committee to go into private session for the whole meeting. The solicitor for the premises licence holder had no objection to this course.

The Sub-Committee agreed that the best course was to hear all of the evidence in private session. This was to ensure fairness to all parties, and to ensure that the licence holder was able to properly address the Police submissions without the need to avoid mentioning those parts of the evidence shown in private.

The meeting therefore went into private session and Members heard the submissions of West Midlands Police, namely that the certificate, which had been issued by a Superintendent under s53A(1)(b) of the Act, related to an allegation of serious crime and/or serious disorder which was said to have originated at the premises. It was the advice of the Police that a complete absence of management control had led to the incident.

The Police summarised the investigation thus far – exactly as detailed in the Report. It was the advice of the Police that interim steps were required in order to deal with the causes of the serious crime and/or serious disorder. A criminal investigation was under way. The CCTV was played to the Sub-Committee.

Overall, the Police had no confidence whatsoever in the premises' ability to prevent further serious crime and/or serious disorder. It was the Police's recommendation that the incident had been so serious, and the risk to the upholding of the licensing objectives so grave, that specific steps were required.

The Police recommended that the correct course was to suspend the licence and to remove the designated premises supervisor, pending the full Summary Review hearing, for the reasons given in the Superintendent's certificate and application. The Police noted in particular that there had been a distinct lack of cooperation shown by the premises' management during dealings with them in recent weeks.

The Sub-Committee then heard from the solicitor for the licence holder company, who addressed the Members together with the company directors. The licence holder had been appalled at the actions of the door staff and felt that they had acted completely at variance with the instructions they had been given; the door staff had been fully trained in their responsibilities, and also trained regarding the conditions of the licence, but had departed from their instructions.

They were under strict instructions to not leave the door, but instead to alert other staff members, who would come to assist. Despite this, a number of them did in fact leave the door to enter the nearby streets. Both company directors stated that they would not have expected the door staff to act in the manner seen on CCTV, because they had instructed the door staff never to do so.

During the training, the premises had instructed the door staff that the correct way to act was to defuse situations and to only use reasonable force, not excessive force, and if a situation could not be controlled, to contact the Police. The premises felt that door staff were there to protect the venue and the public, and were therefore under strict instructions not to leave the door.

The incident had broken out when no member of management was at the door. The designated premises supervisor had not been on duty; the other director was on an upstairs floor of the premises. The CCTV viewing facilities were in the office and therefore not being watched. Although a radio system was in use, at the time in question any alerts "got missed".

Whilst the CCTV showed the behaviour of the door staff, the solicitor asked the Sub-Committee to note that patrons had also played a significant role in the incident; this had included an attack on the door staff using objects as weapons. Moreover, the suggestion made by the Police that door staff had thrown one individual onto the pavement was not accepted; instead, the company director had himself moved the person onto the pavement, in order to ensure that the person was not in the road and at risk of further injury. The director had then ordered the

door staff to return to the door immediately. He had also overheard nearby persons stating that the Police were on their way; within a short time he had heard sirens approaching.

The licence holder had decided to no longer work with the security company which provided the door staff, feeling that they had shown that they did not follow protocols or the licence conditions. It was the licence holder's view that the incident had escalated when the door staff made the unilateral decision to leave the door, against all instructions. The licence holder intended to change the security company; the directors stated that they would accept the advice of the Police regarding suitable security providers.

The solicitor reminded the Sub-Committee that any interim steps imposed should be only those necessary to prevent any further serious crime and/or serious disorder. He assured the Sub-Committee that both directors understood that the incident was of the utmost seriousness, and they did not oppose the Police's suggestion that the nightclub-style part of the operation, on the second floor, should be suspended. The management accepted that the style of music offered on Friday nights had perhaps started to attract a problematic clientele; Saturday nights were trading without difficulties as the style of music on Saturdays was different.

However, it was the premises' view that the restaurant part of the operation, based on the first floor, which had a very good reputation and indeed was considered "the fourth best restaurant in Birmingham" locally, should not be part of any suspension. It operated to 23.00 hours with no regulated entertainment, only background music, and had been trading safely with no problems whatsoever. All at the premises were confident that the restaurant area could be completely separated, such that the only trading would be as a restaurant (with no nightclub-style offer on the other floor), and were confident that this would prevent any recurrence of serious crime and/or serious disorder.

Regarding the management team, the solicitor assured the Sub-Committee that the management was not the problem; instead, the issue was that the door staff had acted outside their instructions. The solicitor also remarked that it was not correct that the Police could have no confidence in the premises, reminding the Sub-Committee that one of the directors had personally moved an individual to safety when he discovered him lying in the road.

Regarding the designated premises supervisor, the solicitor said that whilst it was accepted that there had been serious incident on the night in question, it was not accepted that there had been a management failure, as the premises considered that it could demonstrate compliance.

In summing up, the Police stated that whilst the door staff had culpability, they acted on the instructions of management; it was the premises who set the code for dress, admission and so on. Whilst one director had said that he was appalled by the incident, he had in fact been there on the night. No staff member had called the Police; this was left to passers-by.

In the event that the Sub-Committee were to decide that the restaurant should continue to operate, the Police asked that the licence conditions be modified to try to guard against risk. In particular, the Police observed that whilst a director had stated that he would be happy to work with the Police, that had not been the case in recent times.



The solicitor for the licence holder accepted the Police's proposed conditions. He urged the Sub-Committee to permit trading as a restaurant, and urged the Members not to suspend the designated premises supervisor, reminding them that only those steps which were strictly necessary should be imposed.

Having heard all of the evidence, the Members were mindful of the reminder from the solicitor for the licence holder, who had urged them to only impose those steps which were necessary to guard against the risks of further serious crime and/or serious disorder. However, the starting point was that the Members were not confident that the company understood its responsibilities as licence holder, and were definitely not satisfied that there was proper management control of the premises.

The Sub-Committee noted that some of the existing conditions on the licence would have guarded against the risk of precisely this type of incident if they had been observed on the night in question – in particular, the requirement that the licence holder or nominated member of staff should monitor the external areas from 23.00 hours. Whilst one director had been on duty, he was upstairs on the second floor, and not following the requirements of that licence condition.

The Sub-Committee agreed with the Police that it was not possible to have any trust in the management of the operation, and in particular agreed that the incident would not have happened at all if the premises had been observing the conditions of the licence.

The Members looked askance at the premises upon hearing the Police's remarks that they had recently noted something of a lack of cooperation from those at The Ark Birmingham. Whilst the Police had said during the meeting that it might be possible for the restaurant to trade provided a suite of additional conditions was imposed, the Members were not prepared to take any risks regarding serious crime and/or serious disorder, noting in particular that nobody from the premises had telephoned the Police or called an ambulance.

The Members also felt that it was important to send a clear and unambiguous message to the premises that any failure to cooperate with Police pending the full Review hearing, particularly following a very serious incident in which both patrons and staff had involved themselves, and which had occurred on the streets in the centre of Birmingham, was completely unacceptable.

In deliberating, the Sub-Committee determined that there had been an allegation of serious crime and/or serious disorder, which was being investigated by Police. It was abundantly clear that the operation was not being run in accordance with the licensing objectives. The Members also observed that had the licence conditions been followed properly, in particular the requirement for a senior person to monitor the external area after 23.00 hours, the incident might not have happened. All in all, the management style at The Ark Birmingham was not at all the standard expected of premises licence holders in Birmingham.

Whilst there had been discussion of allowing the restaurant part of the operation to continue, the Sub-Committee was not satisfied that those at the premises could be trusted either to uphold additional conditions, or to cooperate with the Police properly. The correct way forward was to suspend the licence and remove the designated premises supervisor, pending the full Review hearing.

The Sub-Committee found the Police recommendation to be the proper course, 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 and/or serious disorder.

The Sub-Committee also determined that the removal of the designated premises supervisor, as recommended by the Police, was also a very important safety feature, given that it was this individual who was responsible for the day to day running of the premises. The Members considered that he had fallen far short of the standard expected; this was of particular relevance when the Sub-Committee was considering whether it could impose alternative interim steps which would permit operation as a restaurant.

The Members felt unable to permit operation to continue, even on a "restaurant only" basis, due to the management failings which had led to an allegation of serious crime and/or serious disorder; these failings were a significant risk to the upholding of the licensing objectives in Birmingham. Public safety was of paramount importance.

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 licence holder via its solicitor and two directors.

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.

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:** Shaïd Ali  
**Sent:** 02 August 2023 17:59  
**To:** Licensing  
**Cc:** Bhapinder Nandhra  
**Subject:** Re: Representation, The Ark, 74 John Bright Street, Birmingham B1 1BN

I am aware that West Midlands Police (WMP) have called for a review of the Premises Licence number 5359 issued to Ark Indian Dining and Bar Limited in respect of the Premises known as The Ark, 74 John Bright Street, Birmingham B1 1BN. WMP have stated that they are of the opinion the premises is associated with serious crime and disorder following an incident outside the premises on Saturday 15<sup>th</sup> July 2023 which led two Section 18 woundings. All the information I have received from the WMP in relation to this incident has been submitted to the Committee and therefore the committee will be aware of their reasons for calling for a review of the licence which I fully support and which I do not feel I need to repeat.

The application for the Premises Licence was submitted on 23.4.2021 and was granted on 14.7.2021. The application stated that the premises was to operate as a Restaurant and Bar, but it is clear that whilst a part of the premises operated as a restaurant on the first floor the second floor appears to have been operated as a nightclub and in my opinion it is this part of the premises which has led to a number of complaints about noise and antisocial behaviour and which most likely contributed to this incident.

The reasons given by WMP for calling for a review of the Premises Licence are in my opinion fully justified as there was no call to the emergency services made by the managements or staff of the premises and it appears the door staff have tried to resolve the incident themselves by joining in and being part of the violent incident. The Police have stated there has recently also been a lack of cooperation by the management. This highlights a serious concern that the management of the premises and those responsible for the day to day running of the premises have little regard for the Prevention of Crime and Disorder and for the safety of the public and are not able to operate the premises in accordance with the conditions of the licence.

Please accept this as my representation on behalf Licensing Enforcement in support of the Review of the Premises Licence submitted by WMP.

Regards

Shaïd Ali - Licensing Enforcement Officer

**LICENSING ACT 2003****PREMISES LICENCE**

Premises Licence Number:

5359 / 1

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> The Ark Birmingham 74 John Bright Street	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B1 1BN
<b>Telephone Number:</b>	

<b>Where the licence is time limited the dates</b> N/A
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<b>Licensable activities authorised by the licence</b>	
B	Films
E	Live Music
F	Recorded Music
H	Anything of a similar description to that falling within (e), (f), or (g)
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

<b>The times the licence authorises the carrying out of licensable activities</b>			
Sunday - Thursday	10:00	-	01:00 B ,E ,F ,H ,M3
	23:00	-	01:00 L
Friday - Saturday	10:00	-	03:00 B ,E ,F ,H ,M3
	23:00	-	03:00 L

<b>The opening hours of the premises</b>			
Sunday - Thursday	10:00	-	01:30
Friday - Saturday	10:00	-	03:30

<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b> On and Off Supplies
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**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Ark Indian Dining & Bar Limited 74 - 86 John Bright Street	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B1 1BN
<b>Telephone Number:</b>	
<b>Email</b>	

<b>Registered number of holder for example company number or charity number (where applicable)</b> 12808215
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Mr Deepak Singh	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 20/000244/LAPER	<b>Issuing Authority</b> SANDWELL METROPOLITAN BOROUGH COUNCIL

*Dated 23/06/2021*

Bhapinder Nandhra  
Senior Licensing Officer  
For Director of Regulation and 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.

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.

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

## **Annex 2 – Conditions consistent with operating schedule**

### **2a) General conditions consistent with the operating schedule**

The Premises Licence holder shall ensure all staff receive adequate training on a regular basis, relating to the four licensing objectives, general licensing regulations/Conditions including Fire regulations. A record of the training will be kept by the management.

Regulated Entertainment shall take place indoors only.

### **2b) Conditions consistent with, and to promote the prevention of crime and disorder**

The Premises Licence holder shall ensure CCTV system to be installed fit for the purpose and satisfaction of West Midlands Police and images shall be retained for at least 31 Days and shall be made available upon request to officers of the Responsible Authorities.

The Premises Licence holder shall ensure staff will be given ongoing training including identification of anti-social or unusual behaviour.

The Premises Licence holder shall ensure an incident register will be kept on the premises and made available at all times to West Midlands Police.

SIA Registered (Qualified) door supervisors shall be employed to control persons queuing to enter and exit the venue, from 11pm onwards whilst regulated entertainment at any time involving a DJ is taking place.

### **2c) Conditions consistent with, and to promote, public safety**

The Premises Licence holder shall ensure adequate lighting will be provided in all public areas and outside the premises.

### **2d) Conditions consistent with, and to promote the prevention of public nuisance**

The disposal of empties and bottles will not be done after 23:00hrs or before 07:00hrs.

The Premises Licence holder shall ensure notices will be posted asking patrons to leave quietly.

The premises licence holder shall ensure that a written agreement is made with a reputable taxi company/ companies requiring that when taxis pick up and drop off customers from the licensed premise's, that noise from these vehicles does not cause a nuisance to local residents.

Customers who require a taxi from the site shall be advised by staff to use taxi companies specified by the licensee.

The balcony area on the first floor shall only be used by a maximum of 5 persons at any one time after 11pm for smoking.

There shall be no meals served on this balcony area after 11pm.

All doors shall remain closed on the first floor leading to the balcony whilst regulated entertainment takes place.

### **2e) Conditions consistent with, and to promote the protection of children from harm**

No enforceable conditions identified from operating schedule.

## **Annex 3 – Conditions attached after hearing by licensing authority**

### **3a) General committee conditions**

On 14 June 2021, Licensing Sub Committee A resolved to GRANT the licence subject to the conditions below:

### **3b) Committee conditions to promote the prevention of crime and disorder**

The Premises Licence holder shall ensure all Security Staff (when on duty working at the premises) will be SIA Registered and will be required to sign a register with details of their name and badge number at the start and end of their shifts. The register will be kept at the premises at all times and will be produced upon request to any authorised officer

### **3c) Committee conditions to promote public safety**

N/A

### **3d) Committee conditions to promote the prevention of public nuisance**

The premises shall have an approved documented dispersal policy (approval needed in writing from West Midlands Police Licensing Department and Birmingham City Council Environmental Health department), which shall be implemented for dispersal on any day/night when Regulated Entertainment has taken place.

To avoid nuisance being caused to neighbours the premises licence holder, or other nominated person/staff, shall monitor the external areas of the Premises after 23:00 hours. If necessary, they shall remind customers to be respectful of neighbours and shall limit the number of customers going outside to use the smoking area to no more than 5 persons at any time and take appropriate steps to avoid customers who use the frontage of the premises causing a nuisance.

All external doors and windows shall be kept closed after 20.00 whenever there is regulated entertainment except as necessary for safe and effective access and egress.

No drinks shall be removed from the premises other than in sealed containers.

All noise associated with live music or amplified music, speech or sound outside the licensed hours for regulated entertainment shall be background and shall be inaudible outside the building.

No waste or recyclable material, including bottles, shall be moved, removed or placed in areas outside the premises building between the hours of 22.00 and 08.00.

There shall be no speakers used for amplified music, speech or sound outside the building.

The Premises Licence Holder shall ensure notices are displayed at all entrances and exits of the premises advising customers to have respect for the nearby residents and keep noise levels to a minimum as they depart.

There shall be no first entry or admission to the premises after 00.00 (midnight).

There shall be no regulated entertainment on the first floor between 23.00 and 10.00 the following day.

The first floor balcony shall not be used for any purpose between 23.00 and 10.00 the following day.

The second floor sound system shall incorporate a distributed speaker system facing inwards to the entertainment area.

The premises licence holder shall supply a written noise risk assessment and noise management plan to Birmingham City Council Environmental Health Department for approval prior to any regulated entertainment taking place which addresses the specific noise impacts and controls relevant for the premises. The noise management plan shall outline the measures to be adopted to reduce the noise impact of activities associated with the premises including music, deliveries, recycling and refuse collections, smoking areas, dispersal and customers. All operational controls and management actions required by the approved noise

management plan shall be instigated at all times.

An assessment of the building design and structure and a proposed scheme of noise insulation and attenuation for the licensed area on the second floor shall be produced by a suitably qualified and experienced acoustic specialist. This scheme shall be submitted in writing to the Environmental Protection Unit of Birmingham City Council and no licensable activity shall take place until the mitigation measures that have been approved in writing by the Environmental Protection Unit of Birmingham City Council have been implemented. The noise mitigation measures shall be thereafter maintained.

A Noise limiting Device (NLD's) shall be installed to the sound system on the second floor entertainment area and this shall be of a type approved by the Birmingham City Council Environmental Health Department and shall be fitted to the amplification system and set at a level approved by the Birmingham City Council Environmental Health Department, to ensure 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 be notified to the Environmental Protection Unit at least 14 days before its' initial operation and shall fulfil the following criteria:

- a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position 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 determined by the Environmental Protection Unit or shall be capable of maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit 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 whilst the amplification system is operational.
- 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 until approval has been given by the Environmental Protection Unit.

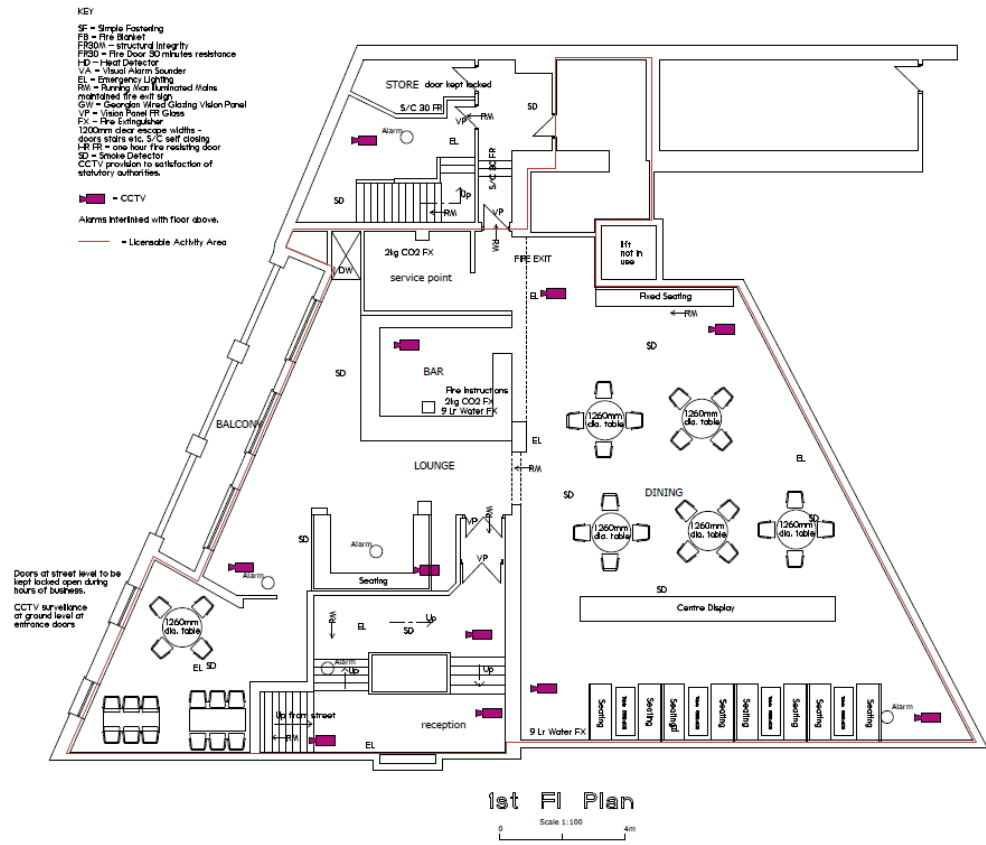
### **3e) Committee conditions to promote the protection of children from harm**

The premises will adopt the 'Challenge 25' or similar policy as proof of age scheme to be in operation during licensed hours. Any refused sales of alcohol shall be recorded either electronically or in suitable book which will state the date, product, time, the name of the person or description, any observations and the name of the member of staff refusing the sale. The record of refused sales will be kept at the premises at all times and produced upon request to any authorised officer.



# Annex 4 – Plans

A3



## FIRE SAFETY STANDARDS

Doors and partitions required to be fire resisting one to be in accordance with British Standard 476, 1972 as amended.

Fire resisting doors required to resist the passage of smoke at ambient temperature conditions should, unless tested in accordance with BS476, section 31.1, 1982 be fitted with a smoke seal and intumescent strip plus a positive self closing device.

The fire alarm system where installed is to comply with the British Standard 5859, part 1-2002. The attention of the Design/Installing Engineer should be drawn to paragraph 3.1 (consultation and records) of British Standards 5856, Part 1, 2002. All magnetic and magnetic door hold open devices will be connected to the fire alarm system so that on any activation of the fire alarm the devices will fall safe.

The emergency lighting installation is to comply with British Standard 5266, part 1, 1988. The attention of the Design/Installing Engineer should be drawn to paragraph 3.1 (consultation and records) of British Standard 5266, part 1, 1988 as amended.

Certificate of installation will be required.

Door panic furniture must comply with British Standard EN 1125 panic exit devices operated by a horizontal bar. And be marked above with a sign saying 'Push Bar to Open'.

Fire Safety related signs and notices are to conform to British Standard 5499, Part 1, 1990.

Illuminated 'EXIT' signs are to conform to British Standard 2260.

Fire fighting equipment is to comply with British Standard EN, 3-7.

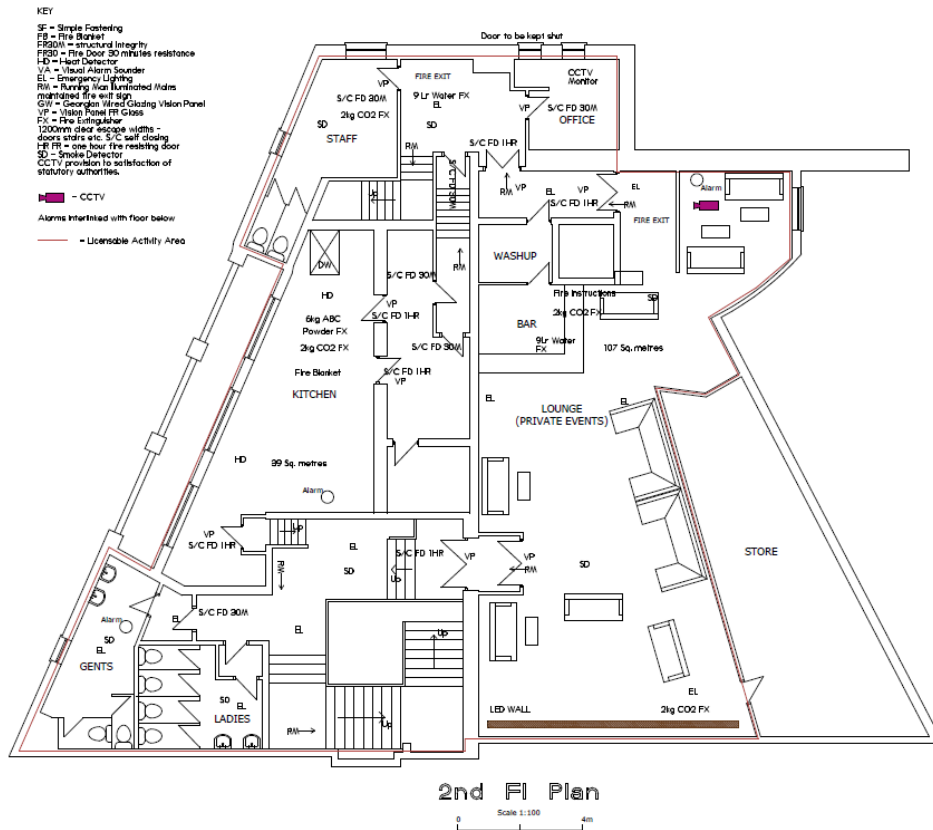
Fire resisting glazing must comply with 'A' guide to best practice in the specification and use of fire resistant glazing systems. Glass and Glazing Federation 2005.

Upholstered seating furniture must satisfy as a minimum standard: Ignition source (1 cigarette test) and Crib Ignition Source 5 as specified in British Standard 6852, 1980. Methods of test for Assessment of the quality of Upholstered Seating by Smouldering with Flaming Ignition Sources. In order to secure compliance with the above standards the fabric submitted for test has been tested beforehand with a fire retardant product. The testing laboratory must be instructed to subject the samples as treated to a water soak test. In accordance with British Standard 6852, 1980, paragraph 3, before the BS6852 tests are carried out. A copy of the laboratory test report from an accredited testing laboratory identifying compliance of the furnishings composite with the above mentioned British Standards must be forwarded to this authority before installation and confirmation that the furnishings specified in this certificate have been installed in the premises.

A fire risk assessment in accordance with Regulatory Reform (Fire Safety) Order 2005 will be completed prior to the Premises opening to the public.

<b>H D Kalsi</b> The client is Email: david.kalsi@btinternet.co.uk		Client: Mr Ajay Kalsi 74 John Bright Street, Birmingham, B1 1BN	
Site: The Ark, 74 John Bright Street, Birmingham, B1 1BN		Drawing Title: Proposed First Floor Plan	
Drawing No: 15/21 (0001)		Date: 20-04-21	
Scale: 1:100		Revision: P1	
		Drawn: DK	

A3



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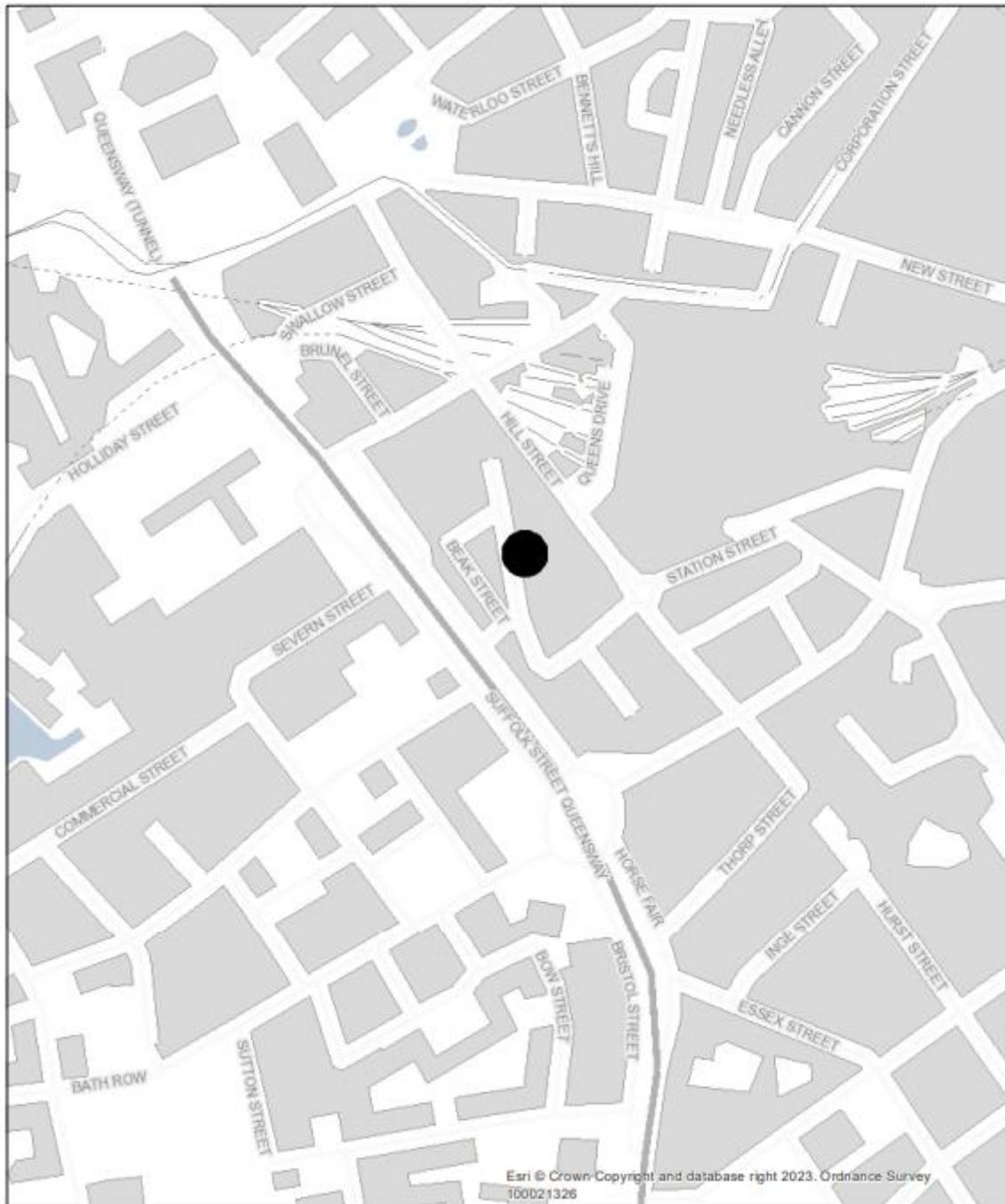
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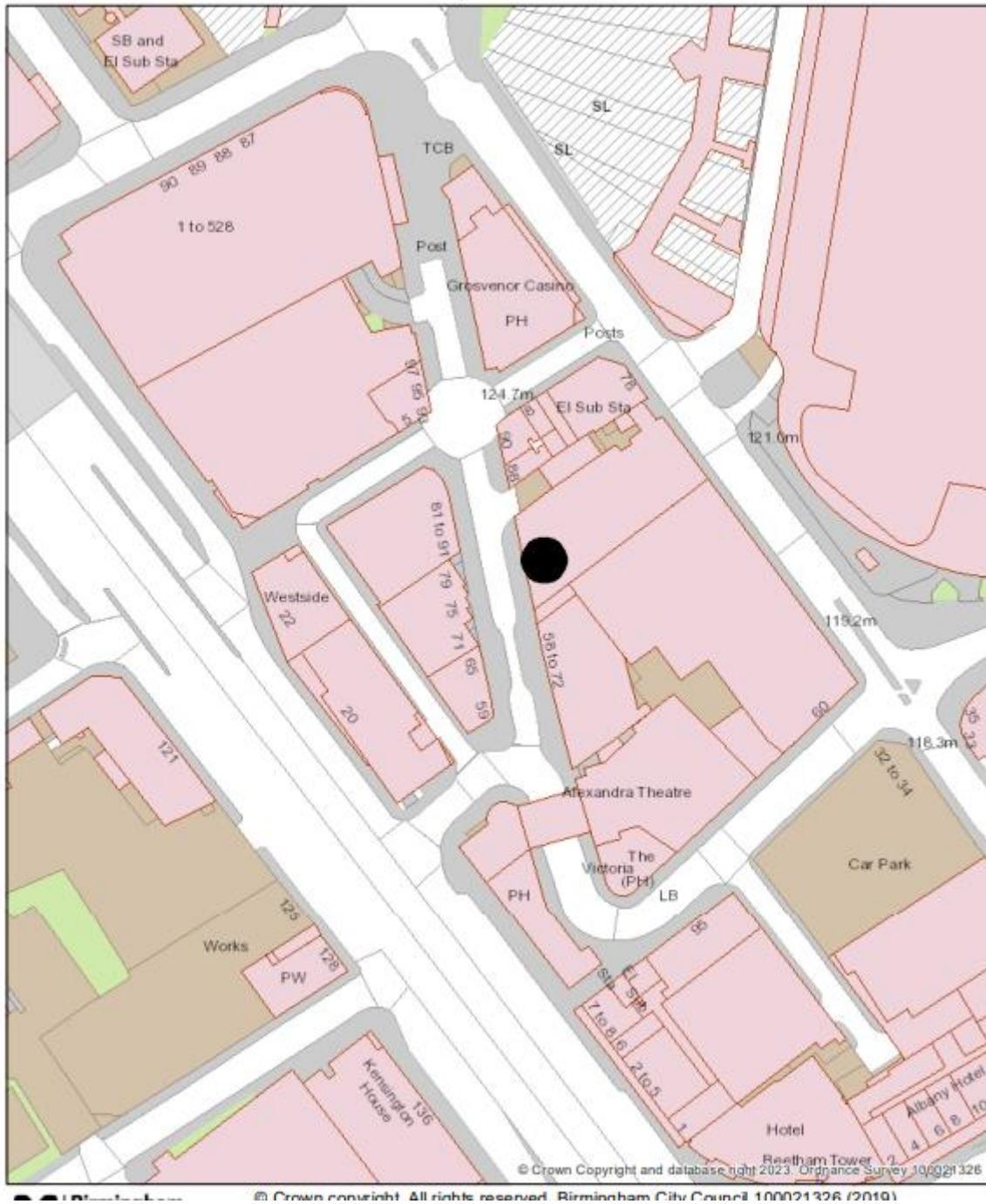
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<b>H D Kalsi</b> The client is Email: david.kalsi@btinternet.co.uk		Client: Mr Ajay Kalsi 74 John Bright Street, Birmingham, B1 1BN	
Site: The Ark, 74 John Bright Street, Birmingham, B1 1BN		Drawing Title: Proposed Second Floor Plan	
Drawing No: 15/21 (0002)		Date: 20-04-21	
Scale: 1:100		Revision: P1	
		Drawn: DK	







Premises known as – The ARK Birmingham.



### **License Plan August 2023.**

The ARK Birmingham  
74 John Bright Street  
Birmingham  
B1 1BN

### **INTRODUCTION**

The Ark Birmingham has unfortunately experienced crime and disorder on certain nights where they have utilised an outside promoter for a night that focuses on a particular style of music, namely Hip Hop and R&B. This led to an expedited review of the premises Licence and the interim steps of suspending our Premises Licence and removal of the Designated Premises Supervisor specified on the Premises Licence.

It is accepted that our operation had to completely change, so we have written this new licensing plan with the primary focus to ensure that our premises make sure the licensing objectives of the Licensing Act 2003 are being promoted whilst Licensable Activities are taking place. The purpose of this new Licensing Plan is to detail the new robust procedures adopted in the operation of the premises to prevent any further serious incidents from occurring at The Ark Birmingham venue in the future.

The Issues/ risk factors Identified that contributed to the disorder at the venue were: -

1. Genre of music held on the night – Hip Hop and R&B - this attracts a particular crowd;
2. The use of an outside promoter to advertise and sell tickets for the club night;
3. The choice & management of Door Company contracted by The Ark Birmingham;
4. Staff and management training on Emergency First Aid, Bleed control;
5. Procedures and protocols when the disorder broke out including staff training;
6. Under age policy- challenge 25 -an underage person got into the venue (outside ticket sales);
7. Dress code not being enforced;
8. Management by The Ark Birmingham monitoring the Door Staff;

Premises known as – The ARK Birmingham.

The aim of this plan is to achieve a safe compliant venue based on the introduction of these new robust company policies and management procedures by managing the risks identified to promote the Licensing Objectives.

The following additions to our management systems:

- Additional robust policies and procedures applied to all bar/club nights held on the second floor;
- Brand new operational methods with a new contracted door company;
- Management and staff training – Emergency First Aid, Bleed control training, Search methods training, Screening and body language training;
- Closer workings with West Midlands Police;
- Noise monitoring and management;
- On-going review process of policies such as the dispersal policy;
- Public complaint procedure;
- On-going work with local authorities and neighbouring businesses;

At The ARK Birmingham the first floor consists of a restaurant, whilst regulated entertainment is only carried out on the second floor. Highlighted below are our new Business Model licensing operational procedures to effectively manage the premises and promote the Licensing Objectives by eliminating the risk of reoccurrence of serious disorder associated with The Ark Birmingham: -

Component	Management Plan – Measures currently in place / to be taken
REDUCTION OF CLOSING TIMES FOR SECOND FLOOR NIGHTS	<b>The premises will now close all nightclub nights on Fridays and Saturdays from 3am to 2am.</b> The reduction of an hour for closing times will have a great impact on reducing and preventing late night public nuisance. Management will remain mindful for the local residents.
ID SCANNER	<b>The license holder shall maintain and operate an ID Scan to all persons entering the nightclub premises whenever licensable activities are being carried on. The premises will adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY". The ID Scanner will be used for the second-floor club nights from 10pm until last admission.</b>  Door staff re-trained to enforce 'Challenge 25'. Management will conduct regular refresher training on different methods of adopting this policy, which will be documented.

<p>SECURITY BODY SEARCHES</p>	<p><b>All persons including staff, DJs and entertainers entering the nightclub second floor area will be subject to a full body search.</b> This includes pockets being emptied, males patted down and metal detection equipment used (Metal detection wands), DJ equipment including bags are searched, female handbags are being handed over to SIA approved guards and searched then they are being metal detected too. This is a strict premises rule we have NO SEARCH NO ENTRY. Searches will always be carried out by one of at least 3 security staff we have on the front door. Staff on the door remain mindful we have guests arriving into our first-floor restaurant and must maintain professionalism.</p> <p><b>Any patron migrating from the restaurant area to the second-floor area will be subject to the same search.</b></p> <p><b>Any and each person whom may decide to leave and re-enter the second-floor nightclub premises are also currently subject to the same searches</b> being carried out, no matter what the reason is to leave and re-entering the premises.</p>
<p>VULNERABILITY POLICY</p>	<p>The premises will now operate a vulnerability policy which will be made available to any of the responsible authorities on request. As part of this policy, we have made <b>a safe space for vulnerable people which consists of an area on the restaurant floor away from patrons.</b></p>
<p>STAFF TRAINING UNDER THE LICENSING ACT 2003</p>	<p>It is standard practice for us to train all our existing and new staff under the Licensing Act 2003 prior to being allowed to sell/ supply alcohol. This will cover the conditions on the premises licence; the 'challenge 25' policy and the relevant parts of this Licensing plan. All our training including refresher training is documented and signed off by the Premises License Holder and the trainee. All training records are available to any of the responsible authorities on request. Staff other than personal license holders involved in the sale/ supply of alcohol will receive documented refresher training every six months.</p>
<p>INCIDENT LOG</p>	<p>A refusals/ incident log is currently maintained at the premises. The incident log remains on site and is available to members of the responsible authorities on request.</p>
<p>SECURITY STAFF</p>	<p><b>It is crucial for the premises to work closely with a reputable Security Company.</b> A new firm will be appointed who are rated in the top 3% of all UK ACS approved security providers which holds Safe Contractor Approved status. Mr Otis Hanley, the chief executive of SNSG has confirmed they have capacity to enter into a contract with Ark as soon as the licensing review has</p>



	<p>been determined. Their firm currently deploys security guards in a neighbouring venue.</p> <p>Management work with the guards on duty to and deploy staff in their designated positions in and outside the venue. Security staff must without fail sign in and out, prepare for the nightclub event by wearing fluorescent jackets, checking all equipment provided by the venue which includes – radios, earpieces, clickers, body camera and metal detection wands. The premises will make sure we keep a profile of all door staff on duty which will include a copy of the SIA license and photographic ID. The signing in and out log, along with the incident log remains on site, immediately available to any of the authorities on request. Part of our dispersal plan is for guards to remain on duty until all customers have dispersed from the venue and the front vicinity is all clear. The venue management will carry out a risk assessment for the front door and for all nightclub nights proposed and work with WMP who will hold VITO of any proposed new club nights which includes the number of door staff required. Details of which will be recorded and available to any responsible authority immediately on request. The premises will be introducing one dedicated role for an extra member of door staff which includes double checking ID, enforce 'challenge 25' and making sure patrons are wearing the strict dress code to enter premises. It currently is a policy for the venue to refuse patrons for not following the strict dress code which does not include – tracksuits, sportswear shorts, manbags, baseball caps.</p>
AGE RESTRICTION	<p>No persons under the age of 18 will be allowed into the second floor of the premises when Licensable Activity is taking place. No persons under 18 will be allowed to be in the restaurant after 2200 hours.</p>
VENUE PROMOTION/BEING HIRED OUT TO PROMOTERS/FOR PRIVATE PARTIES	<p><b>The Ark Birmingham will no longer use outside promoters. The venue will not be hired out/used by outside promoters. All nights will be promoted from The Ark themselves using employees and contractors who work for The Ark.</b></p>
VENUE BEING BOOKED	<p>The venue will not be hired out/used by outside promoters.</p> <p><b>When bookings for the premises or part of the premises for private parties and events are made the premises will take details of persons booking the venue including the name, address telephone number of the person making the booking. Details will be confirmed by photographic ID. Booking details will be kept on the premises for a minimum of 28 days after the event and made available to West Midlands Police on request.</b> All bookings in the past and currently are subject to a refundable deposit being taken along with a written invoice detailing the agreed booking conditions. All persons booking events are informed that the premises will be deploying door staff as per the</p>



	premises risk assessment and that persons will be subject to the premises search / entry policy including metal detection.
<b>DISPERSAL POLICY</b>	<p>We ensure dispersal is carried out as effectively as possible reminding patrons to be mindful of local residents as they leave. Management have will work very closely with door staff and build a relationship to endow the importance of our dispersal policy. Management will monitor the dispersal process and if need be, work on any improvements and more efficient methods of dispersal. We make sure security staff commit to this policy in an orderly and professional manner whilst assuring guards are fully trained and have an extensive knowledge in crowd management and health and safety. Equipped with radios and ear pieces security staff work in co-ordination with each other from the second floor to the first-floor landing and onto the main entrance. Any large grouped patrons that may wish to leave prior to closing will be advised to wait on the first-floor landing whilst security staff can monitor any patrons gathered outside if any before allowing any further patrons to leave the premises. Regular patrols in and out of the premises are conducted to remind people to be respectful of neighbours. Customers are currently advised at point of entry and exiting that there shall be no form of gathering outside the premises in respect of local residents. This reminder educates people to remain thoughtful throughout these regulated hours. The premises will continue to use the proven method of a 30-minute cooling down period by reducing the music volume and switching on the main ceiling lights which helps our dispersal process. Nearing closing time we now will be implementing an additional exit strategy to reduce patron gathering on the street outside. Barriers will be set up in simple left and right direction and as people leave security staff will be asking which direction, they wish to leave with a polite hand gesture patrons will be asked to leave in that direction. Barriers will be set up at a minimum of 11 metres in each direction.</p> <p><b>No ropes with metal cordons will be used as it has been shown these can be used as weapons.</b></p> <p>Confectionery sweets will be offered free of charge for leaving patrons.</p> <p><b>Our dispersal Policy is regularly reviewed and updated where necessary. As an established venue we learn new improved strategies as time progresses which we immediately adapt into our dispersal plan.</b></p>
<b>NOISE OUTSIDE THE LICENSED HOURS</b>	All noise associated with live music or amplified music, speech or sound outside the licensed hours for regulated entertainment and licensable activities shall be background and will be inaudible outside our premises.

OUTSIDE MUSIC NOISE	There will be no speakers used for amplified music, speech or sound outside the building.
SIGNAGE AND NOTICES	The premises have ensured notices and signs are displayed around the premises advising patrons to be mindful and respect the nearby residents. Door staff continue to also remind patrons to keep noise levels to a minimum as they depart and leave the street.
ALCOHOL DRINKS TO REMAIN ON PREMISES	No alcoholic drinks are allowed to be taken off the premises for examples such as persons wishing to exit to smoke.
FIRST FLOOR HOURS RESTRICTIONS	There will be no regulated entertainment on the first floor between 23.00 and 10.00 the following day.  The first floor balcony shall not be used for any purpose between 23.00 and 10.00 the following day.
ASSESSMENT OF THE SECOND FLOOR.	Blue Acoustics (NS363) have carried out an in-depth acoustic impact assessment.  Pointers taken into account: <ul style="list-style-type: none"> <li>• The premises provide a high level of sound installation with the second floor being well built and sealed.</li> <li>• A Noise Limiting Device (Ashly Protea DSP360 in-line limiter) is installed to the sound system on the second floor to ensure the volume of music is pre-set and locked to 95dBA so as not to cause a noise nuisance to the occupiers of nearby buildings.</li> <li>• The NLD is an in-line limiter linked to the PA system which has been reviewed by a qualified acoustic specialist. If the system is changed at any point it will be re-approved by a specialist.</li> <li>• The device is lockable and capable of limiting signal output to the speaker system</li> <li>• The only amplification system used will be the house PA and no other sound equipment shall be used.</li> <li>• The NLD shall be maintained in full working order and at the pre-set volume (95dBA) whilst the amplification system is operational. Any damages or malfunction will be reported within 24 working hours of the damage being recorded. The NLD will not be used if damaged or malfunction until further approval.</li> </ul>
TRAINING	The premises and taking past incidents very seriously and are vastly improving our training programme by introducing new aspects never explored before.

Premises known as – The ARK Birmingham.

	<b>By conducting new training programmes, we aim to educate our staff in new ways such as Screening and body language training which includes recognising early signs of patrons being intoxicated, a change in body language, how to screen patrons on entry and recognise NVC and the antecedents to aggression and violence, search methods training including hand wands and drug awareness and dress code training. Emergency First Aid training and Bleed Control training will also be conducted (Venue to purchase a Bleed Control Kit). We believe by taking such extra measures will safeguard the venue from any possible incidents occurring in the future.</b>
EXISTING MANDATORY CONDITIONS	The premises continue to meet and promote our existing mandatory conditions set out on the premises license.

Key Points:

- Clicker system is used to control and keep a track on the correct number of patrons within the venue compacity.
- Ensure event log sheets, door staff logs and incident logs are documented.
- Patrons are regularly reminded to remain mindful and respectful for the nearby residents.
- Security staff continue to be vigilant looking for patron behaviour change, unusual body language and any early signs of patrons being intoxicated.
- Consistent reminders to patrons upon entry and egress to adhere by our signs and notices and remain mindful and respectful of local occupied buildings.
- Any unruly customers are not allowed entry and details are documented in the incident log. Patrons which are banned from the premises are not allowed entry and the reasons are backed up by 24 hours of CCTV recording, written statements from staff members and a signed management acknowledgment.
- All complaints concerning unwanted noise generated by our premises are directed to the duty manager. Who records and investigates the complaint which includes recorded date, time, name, cause and action taken. Reasonable and practical actions will be taken to reduce noise levels and monitored for the rest of the working period.
- All managers will be fully aware and conversant with the new Business Plan. Staff will receive adequate training on new conditions and policies which all will be documented. A record of such training will be kept by management on site.
- The premises to reinforce 'Challenge 25' policy as proof of age scheme to be in operation during licensed hours. Any counter fit documentation produced by any patrons will be recorded and logged with the ID scanner.

Premises known as – The ARK Birmingham.

Taking all of the above into account with on-going robust training and policies we are confident our new Business Model will be effective in continuing to running a successful establishment.

Signed by Premises License Holder:

.....

Date:11.08.2023

.....

# scannet™

by GBG



Reducing crime in the night-time  
economy since 2003

# Who are we?

IDscan was formed in 2003 and acquired by GBG in 2016 and GBG continues to provide crime fighting tools into the late-night economy.

We are GBG (PLC), global specialists in identity. We enable fast, simple and compliant customer verification, reducing the risk of crime for many of the world's leading organisations. Working with the best data, the best technology and the best people, we make it possible to balance the growing need for a frictionless customer experience with the increasing risk of fraud and crime.

When it comes to identity verification, we make the process as simple as possible. Our solutions can be implemented quickly, ensuring that your venue's verification processes operate seamlessly so that you can focus on what matters most - running your business.

Our Scannet and IDscan technology allow you to verify the identity of just about anyone who walks through your door, helping to improve the day-to-day running of your business, protecting your reputation and keeping your customers safe.

GBG grows organically and through acquisition of global tech companies to ensure our proprietary technology remains current and in front of the current fraud trends. GBG's latest acquisition of Acuant (USA identity giant) for \$750 million significantly complimented the IDscan solution used by thousands of venues today.





# What is Scannet?

In 2003 we built our first ID scanner called "Clubscan", which enabled us to scan, recognise and extract data from 234 different documents such as drivers' licenses. This solution calculated the persons age from the date of birth.

Although it had its limitations it gave us a basic yes/no about the ID template and position of text and if text was in the wrong position, we would fail it. There were some major limitations to this template driven solution which meant that we were unable to know if the document was genuine. The hardware technology just didn't exist for us to deliver anything that could do this.

In 2009 when a hardware device built with White light, Ultraviolet and Infrared light sources within the scanner GBG then developed the next solution called "Scannet".



Scannet is artificial intelligence led and the most advance ID technology used in the late-night economy today. Every ID in circulation has different security features and patterns that you need special wavelengths of light to see. Scannet scans, recognises and studies over 6000 different global document types from ID Cards, Passports, Drivers Licenses and visas. It knows if an ID is fake or genuine and gives confidence to licensed premises that there are no underage patrons putting their license at risk.

The next stage it to detect those who have a genuine ID but are likely to cause trouble in your venue. In 2010 we release the UK alerts sharing platform, a highly secure and encrypted centralised database of identified intelligence on gang members, people with aggression, drug dealers, thief's and other people identified by thousands of venues. So now if a customer has either a fraudulent ID or have been known to put venues at risk, we can protect the public and the venues license.

Within the UK we have thousands of venues who are part of the Scannet family. We have helped solve crimes, stop underage drinking, protect licenses, reduce the closure rate of licensed premises, increase revenue and ensure venues comply with the 4 licensing objectives.



So why wouldn't any venue invest in Scannet to ensure the money spent on their business is safeguarded against losses.



# System configuration

## 1. Wall / Desk Mount



This cost-effective solution can be positioned on a desk or mounted on the wall.

Wall mounted option will be supplied with all wall mounts and cradles.

Both options consist of All in one touch screen computer, camera, forensic document scanner and fingerprint.

Touchscreen PC	
Weight	6.32kg Approx
Stand Weight	3Kg Approx
Colour	Black
Height (without stand)	33cm
Height (with stand)	41cm
Height (extended stand)	51cm
Width	50cm
Depth (with bracket)	14cm
Depth (no bracket)	5cm
Material	Steel
Power Req.	13 Amp Socket <1m
Surge Protection	Required
Waterproof	No
Scanner Cradle (wall mount version)	
Height	17cm
Width	28cm
Depth	25.5cm
Power Req	13 amp socket <1m
Surge Protection	Required
Waterproof	No
Scanner (Desktop version)	
Height	13cm
Width	15.5cm
Depth	18.5cm
Power Req	13 amp socket <1m
Surge Protection	Required
Waterproof	No

## 2. Floor kiosk

The floor kiosk gives flexibility for venues with no available wall space to install the wall unit. Wheel the unit out at night and up to the bar during the day. Everything above contained in a weighted slick kiosk.

All the same hardware above is included in this option.

Weight	40kg Approx
Colour	Black/silver
Height	152cm
Width	63cm
Depth	43cm
Material	Steel
Power Req.	13 Amp Socket
Surge Protection	Required
Waterproof	No





# Features

## Security

Age limits - set your operating age  
Auto clear screen - Clear last scan off screen  
Internal watchlist - looks out for people not yet scanned  
Internal alerts - alerts only for individual venues  
Shared alerts (UK) - UK wide alerts intelligence  
Pubwatch/Police portal - Upload intelligence to local venues  
Facial recognition - match id to person  
Witness list - instant access to information following a crime  
Anonymized statistics for police - understand your night-time economy more  
Quick search - Quickly check someone in  
Data view - view all information on a person (access controlled)  
Authentication view - displays the security checks  
Cross ID matching - link same person documents  
Manual entry - for those with no ID  
Double Entry - detect underage or ID swaps between ID's  
Gallery mode - customise your scanning page  
E-chip verification - check the data on e-documents  
User access control - restrict access to data  
Audits - check who has accessed what

## Marketing

Automated reporting - all below reports and alerts emailed to DPS  
Male/female ratio - know the demographics of your customers  
Average age - the average age of customers  
Average entry time - times vs volume  
Top postcodes - where are customer coming from and what influences this  
New customers - send out q-jump or thank you to new customers  
Session reports - detailed reports on how the night went  
Top 200 - market to your best customers  
Membership feature - earn money from memberships  
Data capture - capture information in a GDPR way  
Fingerprint - scan your ID once and never need it again + Q Jump  
Birthdays next month - send free entry to your birthday customers  
Data exports - export data for marketing (subject to opt in)

And more...

## Romford Recorder

Romford nightclub thug in first ID scanner conviction  
13:44 15 July 2015 / Sam Gelder



Many pubs and clubs in South Street are now using ID scanning systems

**A thug savagely attacked a man outside a nightclub where his ID had been scanned – and was caught a week later trying to get back in.**

Gheorghe-Marian Ciovica, 30, was given a two-year suspended sentence at Basildon Crown Court last week in Havering's first Scan Net conviction.

The ID scanner is used on entry to pubs and clubs in Romford town centre and designed to catch troublemakers.

In the early hours of Saturday May 2, Ciovica beat up a 32-year-old man in South Street, pushing him to the floor and knocking him out with a single punch when he tried to get up.

When police arrived, Ciovica, of Eldred Road, Barking, had fled on a train towards central London.

He was caught on CCTV leaving nightclub Fiction in South Street hours earlier – where he had provided his personal details on the scanner.

Officers put an alert on the system to notify them if he ever tried to return, which he did the following weekend, when he was arrested.

Appearing at Barkingside Magistrates' Court on May 11, he pleaded guilty to GBH.

DC Ian Spring of Havering CID Violent Crime Unit, said: "The use of Scan Net and CCTV around Romford town centre played a big part in identifying and capturing Ciovica.

"Romford has a great nightlife and we hope people can safely enjoy what it has to offer."

At his sentencing on Monday July 6, Ciovica was also given 200 hours community service and a four month curfew from Romford town centre.

Scan Net is supported by police, who hold weekly briefings with door staff and licensees to highlight anyone related to violence, theft and drug offences.

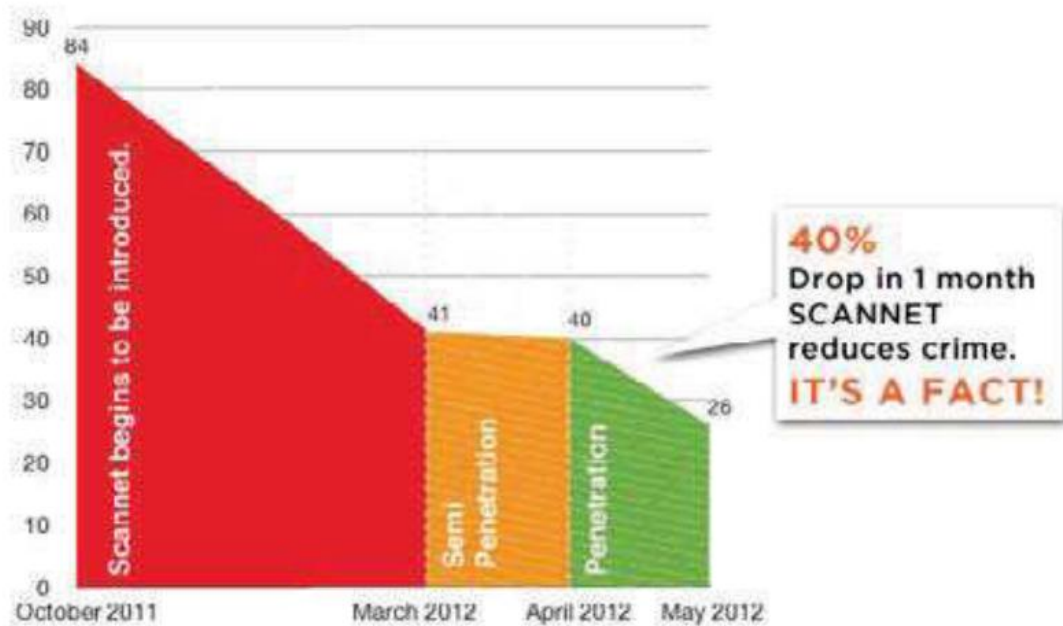
Punters described the system as "Orwellian" when it was widely introduced in February last year

**MORE NEWS ARTICLES AVAILABLE**

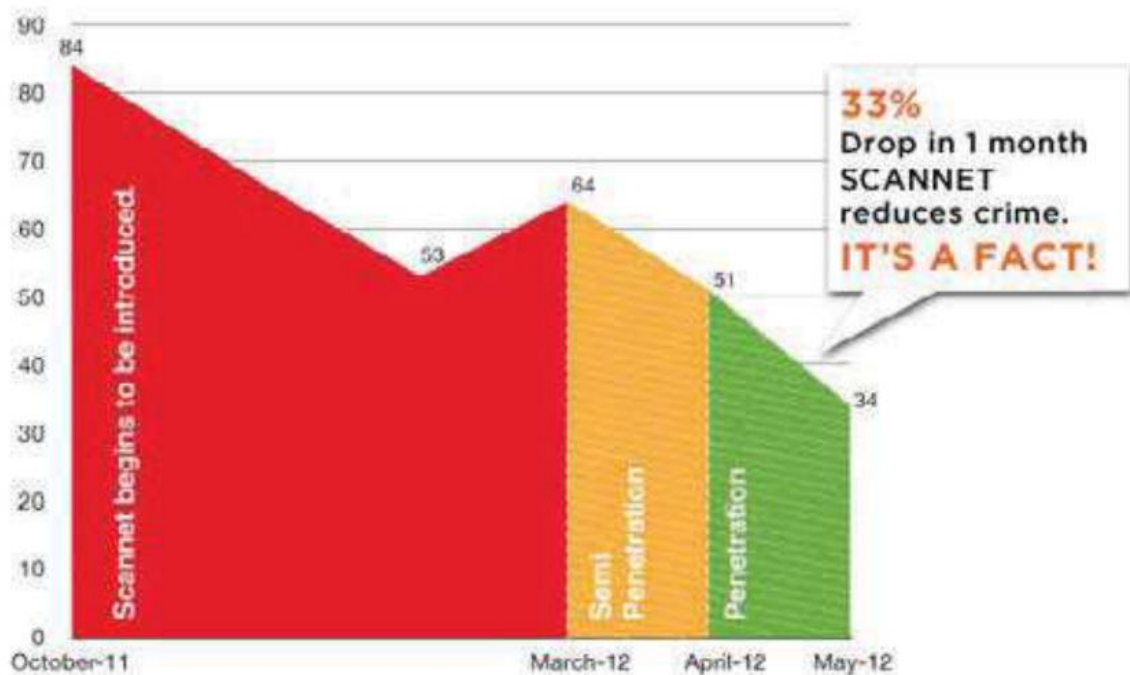
# Case studies

Crime statistics recorded as part of a deployment to town centres.

Portsmouth's Guildhall Entertainment zone: Crime is down 67%



Liverpool's Concert Square Entertainment zone: Crime is down 60%



## Cornwall's Newquay Entertainment Zones: Crime is down 25%



SCAN NET introduced on the door at Newquay's bars and clubs blocked around 1,000 partygoers from entering with invalid forms of ID this summer, figures have shown.

An annual police report shows that new ID scanners caught nearly 400 youths in the act as they attempted to dodge the system and enter Newquay venues under the age of 18 this season.

They also identified 250 people who had previously been banned from the resort for their behaviour as well as 358 expired or invalid forms of ID.

The move formed part of former Newquay police inspector Ian Drummond-Smith's proactive approach to driving down crime and antisocial behaviour in the town.

He said that the introduction of the scanners "significantly contributed" to the "sharp" fall in crime at the resort this summer, which saw a total of 400 fewer offences compared with 2011.

"The scanners identified about 1,000 invalid IDs during the summer alone," he said.

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## IDscan commissioned a survey of 100 FEMALE customers from 5 different venues in 3 different UK cities and asked the questions:

1) Do you believe that a venue using Scannet is taking your safety seriously?

100% said YES

2) What their number one priority was when on a night out from a list of:

- a) Safety
- b) DJ/Music
- c) Drinks Choice
- d) Venue

89% said SAFETY



# Clients

Below is a sample of clients using Scannet

## Breweries



## Chains



## Bars/Clubs (Small sample)



+1000s more

## Universities (on-site clubs)



## Current / Past partnerships with police constabularies

- Guernsey Police
- Northamptonshire Police
- Nottinghamshire Police
- Hertfordshire Constabulary
- Norfolk Constabulary

- Surrey Police (Epsom & Ewell)
- Gloucestershire Constabulary
- North Yorkshire Police
- Northumbria Police
- Devon and Cornwall Police

**Book a demo today!**

**[www.gbgplc.com](http://www.gbgplc.com)**  
**[www.nightclub.co.uk](http://www.nightclub.co.uk)**