

Reminder: Members must declare all relevant personal and/or prejudicial interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B

Friday 14 June 2019 at 0930 hours
in Committee Room 2, Council
House, Birmingham

A G E N D A

1 ELECTION OF CHAIR

2 NOTICE OF RECORDING

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

3 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

Attached

4 BAMBU 1ST FLOOR, KNOTWALL HOUSE, WROTTESLEY, BIRMINGHAM
B5 4RT - LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME
REDUCTION ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF
PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS

N.B. Application scheduled to be heard at 0930 hours.

Documents submitted.

- A. Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003
- B. Application for Review of Licence
- C. Copy of Premises Licence
- D. Location maps

West Midlands Police have applied for an expedited review of the premises licence in respect of Bambu 1st Floor, Knotwall House, Wrotesley, Birmingham B5 4RT. The application has been made under Section 53A of the Licensing Act 2003 (as amended) and has been accompanied by a certificate signed by a senior member of the force, stating that in their opinion the licensed premises have been associated with serious crime and disorder. (See A and B above)

In accordance with the regulations, the licensing authority has given the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate.

This hearing has been arranged in order to consider whether it is necessary to take any interim steps in respect of the licence pending the determination of the review. The Premises Licence is included at item C.

The interim steps that must be considered at the hearing are:

- Modification of the conditions of the premises licence;
- Exclusion of the sale of alcohol by retail from the scope of the licence;
- Removal of the designated premises supervisor from the licence;
- Suspension of the licence

5 OTHER URGENT BUSINESS

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

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.

Premises: Bambu

Premise Licence Number: 447

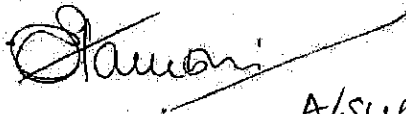
Premise Licence Holder: China Town Leisure Limited

Designated Premise Supervisor: Mr Jasdeep Kaul

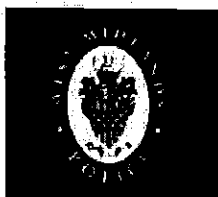
I am a Superintendent in West Midlands Police.

- 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 severity of the issues and the risk to the public (which in this case is the dealing of Class A Drugs) are significant for me to use this power. 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 and public safety the normal review procedure would not be sufficient.
- The severity of the incidents is a matter that needs to be brought to the attention of the Licensing Committee immediately.
- The concern of West Midlands Police is that if immediate steps are not taken to consider the running of these premises they will continue to be used in the manner in which they were discovered in the early hours of Monday the 10th June 2019.
- I am conscious of the guidance contained with Section 182 of the licensing act 2003 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.

Signed



A/SUPT 4595 TAMBLING.



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 Tambling

(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 - **Bambu**

- Postal address of premises, (or if none or not known, ordinance survey map reference or description) - **1st Floor Kotwall House, Wrotesley Street, China Town**
- Post Town - **Birmingham**
- Post Code (if known) - **B5 4RT**

2. Premises Licence details -

- Name of premise licence holder (if known): **China Town Leisure Limited**
- Number of premise licence (if known): **447**

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)

- On Monday the 10th June 2019 at 04:07hrs West Midlands Police received an emergency call from Ambulance control requesting assistance to a cardiac arrest at Bambu Nightclub.

- Officers arrived at the scene, they climbed the stairs to the first floor venue and observed dealer bags containing white powder believed to be cocaine.
- Once inside the venue main room, officers found paramedics carrying out medical treatment on a male lay on the floor. Information was that the paramedics had found the male lay on a sofa, then placed him on the floor to carryout treatment. Ambulance crew were seen to supply air through a bag whilst completing CPR, officers also assisted with CPR whilst 4 lots of adrenalin were given to the male. It was sometime later a senior paramedic declared the male deceased.
- Whilst the medical treatment was being carried out officers could see a bag of white powder close to the deceased male, they also found a further number of bags of white powder within the scene and white powder signifying drug use on the tables close by. This was all captured on the officer's body worn cameras.
- Licensing Officers have attended on the same day at 10:00 and met with investigating officers from the Force CID. Here CID Officers liaised with the duty manager who was assisting with CCTV. Licensing Officer spoke with the DPS, Mr Jasdeep Kaul who stated that he had been at the venue since 2300hrs the previous evening and that he had not seen anything un-toward or any illegal drug taking throughout the night.
- Whilst at the scene, Licensing Officers also observed evidence of drug use. There was a further bag of white powder behind the main door on the first floor. Officers have then searched through a large bin; this bin was next to the main entrance inside the venue. It was in a public area so could be accessed by anyone (staff and customers). Inside the bin officers found several empty dealer bags of what is believed to have contained cocaine. Other bins contained a nitrous oxide capsule (in the men's toilet bin), used balloons (believed used with the nitrous oxide) and an empty box which had contained 22 nitrous oxide capsules.
- Licensing officers attended the venue only 5 hours after the incident, and having spoken to the DPS, who claims he had no knowledge of the drug taking inside the venue. The evidence found, suggests that Class A drugs were being openly used in areas of the premises which would have been in full view of staff.
- West Midlands Police have viewed some CCTV footage. Police Licensing believe that there is a lack of control by the DPS, management and door supervisors to the drug abuse that was taking place. There appears to be a disregard of the public safety and prevention of crime and disorder licensing objectives. The CCTV also shows staff clearing the venue whilst Police Officers and Paramedics spend in excess of 30 minutes trying to save the man's life.
- The widespread evidence of drug use in the venue suggests that drug dealing has been taking place in the venue which would meet the criteria of serious crime as defined by section 81 of the Regulation of Investigatory Powers Act 2000.
- West Midlands Police Licensing has no confidence in any of the staff or policies they currently have in place to promote the licensing objectives. We request that this licence is suspended pending a full review.

Signature of applicant - *Stambis*

Date - Wednesday 12 June 2019.

Rank/Capacity - A/Superintendent, Birmingham West NPU.

Contact details for matters concerning this application - PC 1978 Walker

Address - Birmingham Licensing Police Team, Lloyd House.

Telephone Number(s): 0121 626 6099

E-mail - bw_licensing@west-midlands.police.pnn.uk

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.

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LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

447 / 3

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description

Bambu
1st Floor Kotwall House, Wrotesley Street
China Town

Post town:

Birmingham

Post Code:

B5 4RT

Telephone Number:

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

E	Live music
F	Recorded music
G	Performances of dance
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

The times the licence authorises the carrying out of licensable activities

Sunday – Thursday	10:00	-	04:00	M3
	10:00	-	04:30	E,F,G
	23:00	-	04:00	L
Friday – Saturday	10:00	-	06:00	M3
	10:00	-	08:00	E,F,G
	23:00	-	05:00	L
New Year's Day 24 hours				

The opening hours of the premises

Sunday – Thursday	10:00	-	04:30
Friday – Saturday	10:00	-	08:00
New Year's Day 24 hours			

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

On and Off Supplies

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence China Town Leisure Limited Kotwall House 1 Wrotesley Street	
Post town: Birmingham	Post Code: B5 4RT
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 08091669
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Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Jasdeep Kaul	
Post town: -	Post Code:
Telephone Number:	

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 5030	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 13/05/2014

Nicola Stansbie
Senior Licensing Officer
For Director of Regulation and Enforcement

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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

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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.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Conditions as stated below under the appropriate licensing objective.

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

The premises is to maintain door staff profiles for all door staff working at the premises and for any door staff that have worked on the premises in the last three months. The door staff profile will consist of identification for the member of staff:

- A copy of his/her SIA badge
- Passport or driving licence

If the proof of identification is anything other than the photo driving licence then the member of staff will need proof of address, which must be a copy of a utility bill dated within the last six months.

Door supervisors stationed outside the front of the premises will wear hi-visibility jackets/coats and will have their SIA badge held in a clear arm sleeve. Door supervisors inside the premises will wear hi-visibility arm bands, again with their SIA badge held in a clear arm sleeve.

A CCTV system is to be installed at the premises to the specification agreed with the Licensing Department at Steelhouse Lane Police Station. CCTV is to be operational whilst the premises are open and be recording continually. If a hard drive system is used the recordings are to be kept for a minimum of 31 days. CCTV images to be made available to any responsible authority immediately on request.

If the premises use any new promoter for any event then for the first event the Designated Premises Supervisor will arrange to meet Steelhouse Lane Police Station Licensing Department at least 28 days before the first event with risk assessments for the event. The premises will not hold any new events without the agreement of Steelhouse Lane Licensing Department. Recommendations made to the Designated Premises Supervisor that satisfy the four licensing objectives will become conditions for that event on the premises licence. West Midlands Police to have a power of veto of any such event, if it's believed that any of the four licensing objectives may be compromised.

Venue to provide a standard operating risk assessment for each night of the week to include door staff numbers and deployment plan.

Venue also to provide risk assessment for all non standard events i.e. student nights.
Notice to be given as follows for certain types of events, in writing to Steelhouse Lane Police Station Licensing Department.

28 days notice required for all non standard events unless otherwise agreed with West Midlands Police.

14 days for a sporting event, student nights or student promotions.

7 days for non risk events.

Venue to implement a drugs policy and to supply Steelhouse Lane with a copy.

Venue to provide in writing a month in advance a list of all events to the Licensing Department at Steelhouse Lane Police Station.

The premises will not engage in any drinks promotion on a Friday/Saturday or Sunday night after 6pm i.e. 2-4-1, double up for less than double value, all inclusive and any other promotions which allow free drinks to be given away.

Venue to supply Standard Operating Risk Assessment for each night of the week that they are open to the Licensing Department at Steelhouse Lane Police Station.

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Venue to stop serving alcohol a minimum of 30 minutes before the venue closes.

West Midlands Police to have power of veto for any licensable activities after 4am.

Agreed capacity of venue to be clearly displayed in the foyer of the venue.

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

Sale of alcohol will cease a minimum of 30 minutes prior to the closure of premises.

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

No enforceable conditions identified from operating schedule.

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

The premises will adopt Challenge 25 policy for anyone appearing under 25 years of age.
Only 3 recognised forms of ID will be accepted.

Photo card driving licence

Passport

Pass card for over 18's

No person under 18 years will be allowed into the venue unless for a separate 'under 18' event with approval of West Midlands Police. All events for persons under the age of 18 are classed as high risk for purposes of notification. West Midlands police to have a veto over any such event (under 18 yrs).

The premises will operate in accordance with all relevant legislation which promotes the protection of children from harm objectives.

Staff will be provided with training on appropriate behaviour to protect children from harm.

Children are not permitted to remain on the premises after 20:00 on Sunday to Thursday.

Children are not permitted to remain on the premises after 19:00 on Friday and Saturday.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

3c) Committee conditions to promote public safety

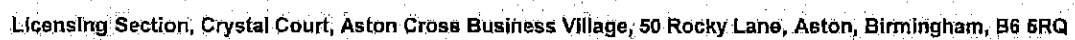
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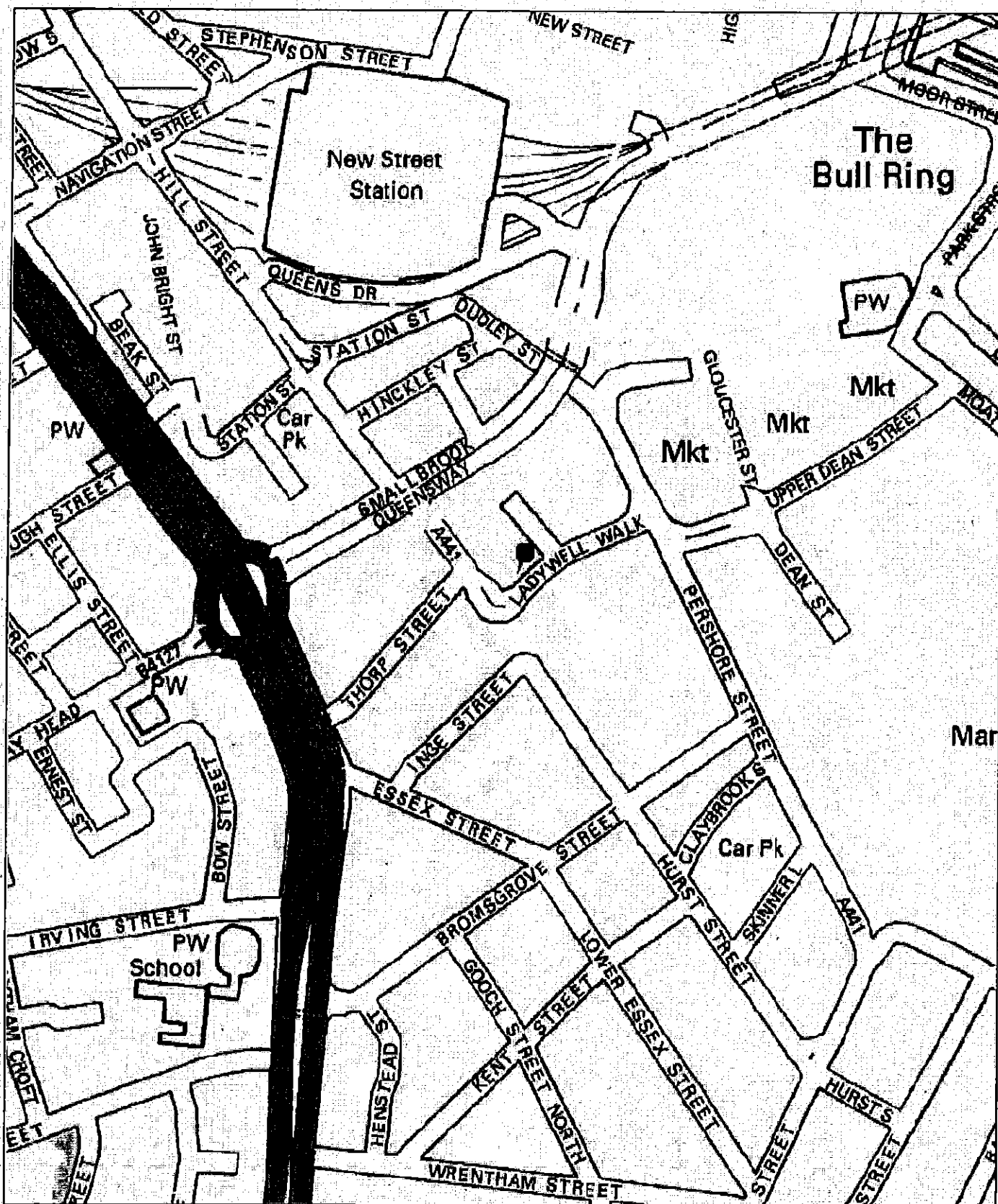
3d) Committee conditions to promote the prevention of public nuisance

N/A

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

N/A





Birmingham City Council

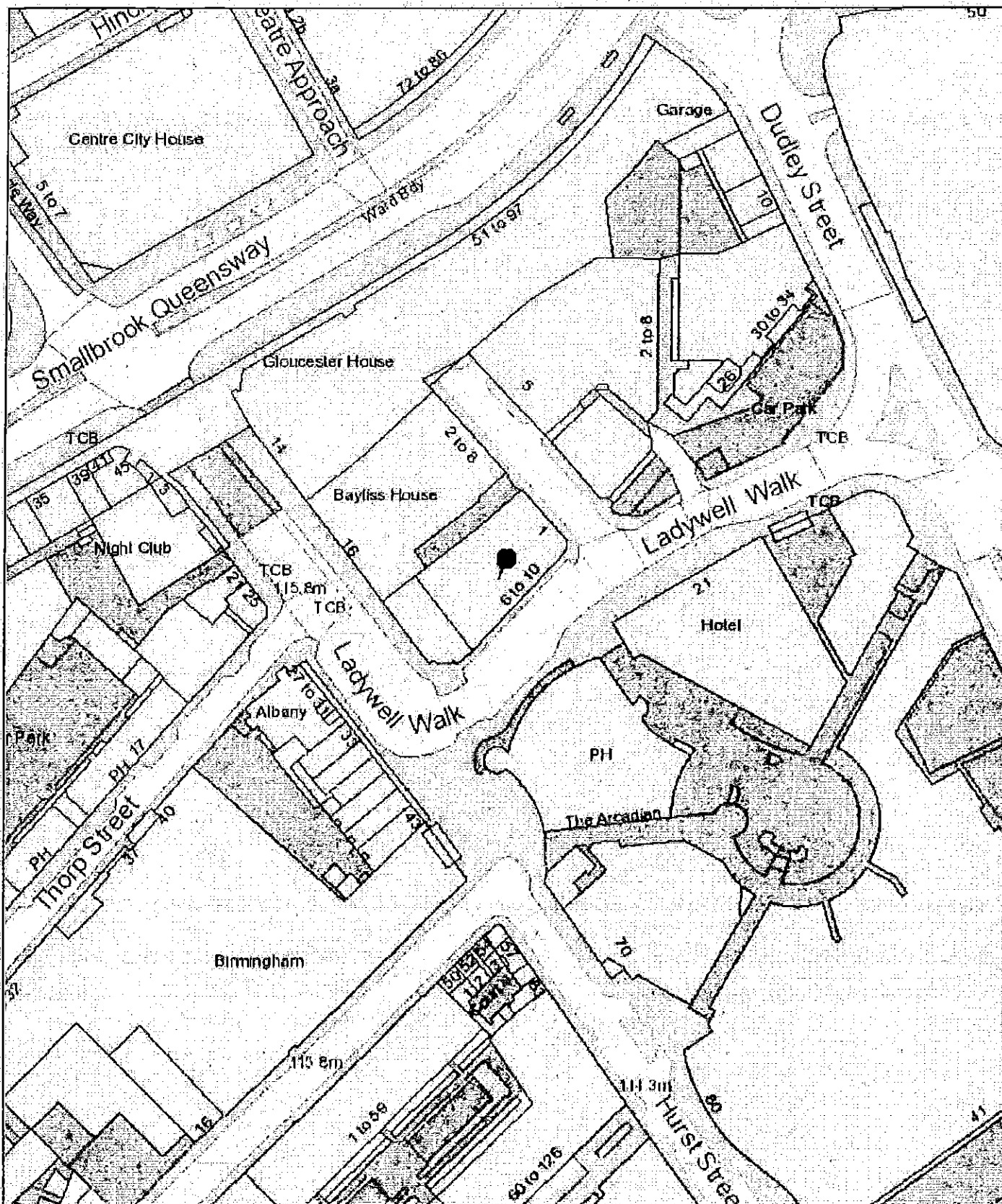
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Date of Map Creation: 11/06/2019

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Birmingham City Council Map Created By:

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Date of Map Creation: 11/06/2019



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