

Police Evidence Bundle

The Monastery

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN

Statement of Ben Reader

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation Police Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: (witness)

Date 17th June 2016Tick if witness evidence is visually recorded ☒ (supply witness details on rear)

I am PC 2413 Reader currently based at Birmingham Central Police Station as a licensing officer.

This statement is around the additional evidence I wish to produce prior to the hearing for the premises licence application for The Monastery, 173 - 175 High Street, Digbeth.

The premises is operated by Soundscape Bars and Clubs Limited, the same operator as the Central Hall premises which has just been subject to significant sanctions following a licensing review.

During this review management failings have been highlighted as per the decision notice which included comments around the security provider.

I have attached an e mail which contains my comments around compliance with licence conditions of the other premises. I have attached a review and improvement plan by CSAW for Central Hall which criticises the operations of the premises.

I have also attached a number of images taken from a publically accessed Instagram page linked to Void/Monastery. Posts within this page appear to glamorise illegal drugs. It also contains images of fly posting within the city centre. These are further evidence of management failings as they are not monitoring or controlling the promoters and staff who are involved with their venue.

Signature

Signature witnessed by

03/2016

RESTRICTED – (when complete)



BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE A

15 June 2016

Central Hall, 212 Corporation Street, Birmingham, B4 6QB

That having reviewed the premises licence held under the Licensing Act 2003 by Soundscape Bars and Clubs Limited in respect of Central Hall, 212 Corporation Street, Birmingham, B4 6QB, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines to:

1) SUSPEND LICENCE

That the licence be suspended for a period of 3 months, in order to promote the prevention of crime and disorder, public safety, the prevention of public nuisance from harm objectives in the Act.

The Sub-Committee's reasons for suspending the licence are due to concerns by West Midlands Police and other Persons as set out within the representations to the Licensing Authority.

Whilst the Sub Committee conceded it would not be proportionate to revoke the licence in the context of what appeared to be an isolated incident, which the management of the premises accept was badly handled, they did nevertheless feel it was appropriate and proportionate to suspend the premises licence in order for the premises licence holder to address various failings of the management of the premises, the Designated Premises Supervisor himself, and the security personnel at the time.

These issues were accepted as the cause or causes of the concerns that the original representations identified.

2) REMOVE DESIGNATED PREMISES SUPERVISOR ("DPS")

That **Mr Manoj Chauhan** is removed as the designated premises supervisor as volunteered at Sub Committee, in order to promote the prevention of crime and disorder, public safety, and the prevention of public nuisance objectives in the Act.

The Sub-Committee's reasons for suspending the licence are due to concerns by West Midlands Police and other Persons as set out within the representations to the Licensing Authority. Mr Manoj Chauhan fully accepted the advice of his Licensing Consultant, Carl Moore of CNA Risk Management that he should be removed as the "DPS" following the initial review of the issues which resulted in the Application and Certificate issued by West Midlands Police under Section 53A of the 2003 Act.

- 3) IN ADDITION TO THE ABOVE THE SUB COMMITTEE HEREBY DETERMINES TO MODIFY THE CONDITIONS OF LICENCE as follows, in order to promote the prevention of crime and disorder, the prevention of public nuisance, public safety objectives in the Act:

A.	Door supervisors	<ul style="list-style-type: none"> The licence holder shall terminate with immediate effect the agreement/contract with the security company, which provided security personnel on the day(s), the events giving rise to the Application and Certificate issued by West Midlands Police under Section 53A of the 2003 Act occurred, as volunteered at the Meeting. No staff employed by this company will be re-employed/re-engaged by the premises licence holder whether directly or indirectly. The licence holder informed the Sub Committee that they have now appointed Leon Security to provide security personnel at the premises. If and when, this agreement comes to an end, the premises licence holder is required to notify West Midlands Police, Licensing Section, together with the reasons for any termination and provide details of any new security company/provider/personnel which must be approved/registered with the SIA.
B.	Noise limiter	The premises licence holder must consult with Environmental Health of Birmingham City Council to establish the need for a noise limiter at the premises, following various complaints of noise nuisance. If in the opinion of Environmental Health, a limiter is required, this must be calibrated at a level set by Environmental Health, Birmingham City Council.
C.	Regulated Entertainment	<p>No form of Regulated Entertainment will take place in the area described as "The Chapel" or "The Hall" within the licensed premises, before 0000 hours (midnight).</p> <p>The premises licence holder legal representative will provide undertaking on behalf of his Clients to not carry out any regulated entertainment in the Basement area of the building where the premises are situated, until such time that the issue of noise attenuation to neighbouring tenants/properties is agreed by Environmental Health of Birmingham City Council.</p>
D.	Policies and Procedures	During the period of suspension as referred to above, AND before the premises undertake any licensable activities, the premises licence holder will continue to engage CNA Risk Management and CSWA Solutions to undertake a thorough review of ALL the premises' policies and procedures, particularly those that relate to the deployment of security

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	<p>personnel, incident handling, health and safety of patrons, staff, and other users of the building where the premises are located, fire safety and risk assessments of all types of events the premises intend to hold, as well as training for all staff on the promotion of the four licensing objectives.</p> <p>All evidence relating to the current and on-going review should be retained and made available to West Midlands Police, Licensing Section, and any other Responsible Authority upon request within 48 hours.</p> <p>Risk Assessments for all events MUST be disclosed to West Midlands Police at least 28 days before any event. West Midlands Police, Licensing Section retain a power of veto but this will be widened to cover any event where they are of the opinion that any of the licensing objectives have been or are likely to be breached.</p> <p>In addition to the above, CNA Risk Management have agreed to review the existing Premises Licence and the current Conditions attached the same. These were described on more than one occasion as "out of date" by "not manageable", and "needed to be brought in line with the 21st Century".</p> <p>The premises licence holder's, legal representative indicated that following this review, it would be the intention of the premises licence holder to submit an application to vary the premises licence. The Sub Committee expects that the premises licence holder to proactively engage with all the Responsible Authorities, and those making representations at today's hearing, before any such application is made to the Licensing Authority and determined, AND certainly before any licensable activities take place at the premises.</p>

The Sub-Committee's reasons for imposing these conditions, some of which were originally volunteered (albeit not in the context of the Sub Committee eventually determining that a suspension of three months was also appropriate and proportionate), are due to submissions by West Midlands Police and other persons.

The Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised, in particular the likelihood of serious crime and or serious disorder.

- 4) **INTERIM STEPS** - The suspension imposed on 20 May 2016 and reaffirmed at the Representations against Interim Steps meeting on the 10 June 2016 remains in effect until the hearing of any appeal, if there is one. Any decision

to the contrary would not be consistent with the decision of the Sub Committee today.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued but only in so far as it is not inconsistent with the Conditions imposed above.

The premises licence holder is reminded again that their own Licensing Consultant has commented that the existing Licence Conditions "are not manageable" and "need to be brought in line with the 21st Century." No meaningful dialogue appears to have taken place with the premises licence holder, the responsible authorities, and other persons making representations at this stage, but the Sub Committee expected this to be addressed whilst the premises licence remained suspended.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the 2003 Act, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, the application and certificate issued by West Midlands Police under Section 53A of the 2003 Act, the written representations, and the submissions made at the hearing by the police, and the premises licence holder, their legal representative and other persons.

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

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

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Ben Reader

From: Ben Reader
Sent: 03 June 2016 13:50
To: Vicki Demuth
Cc: bw licensing; Tim Payne; Christopher Jones
Subject: Central Hall

Vicki,

Chris Jones and myself met with Heath Thomas, Billy and Manny today at the council house to discuss the interim steps.

Heath has indicated that he wishes to make representations against the suspension so that the venue may trade in the early hours of Sunday 12th June.

I have stated that WMP's position is that we support the committees decision to suspend the licence. We will present evidence at any hearing prior to the full hearing to ask for that suspension to remain in place.

I have gone through a number of conditions which I believe were breached on the night of the incident. Heath has a different view to this, and believes that a number of conditions I raised were complied with.

The conditions that cause me concern are as follows – (reasons in red afterwards)

An Incident Register will be maintained in a carbonated format book, with each page numbered. It will be kept in the "Operations Room" and any noteworthy incident will be immediately fully logged in same. All entries will be clearly legible and show specific time of occurrence. Register will be made available to all interested parties, permitting their extraction of any appropriate detail. The incident report was deficient as it was not fully logged as per the condition.

Security levels for all events will be detailed in the risk assessment that the premises will have done. WMP did not receive a risk assessment

Prior to any event the security levels will have been agreed in writing by the Licensing Department at Steelhouse Lane Police Station. WMP did not have written agreement of security levels.

All door supervisors that are used will wear hi-visibility coats when outside the building or hi-visibility jacket working inside. Door staff are seen on CCTV without the required coats or jackets.

All door supervisors who are working at the premises or who have worked at the premises within the last three months have a profile of themselves kept in a secure location within the premises. Door staff profiles have not been provided for all of the staff (5 profiles outstanding)

The profile will be proof of address (utility bill, bank statement, phone bill etc) which is dated in the last six months, and proof of Identity (passport, driving licence, or copy of SIA badge). 9 profiles do not meet this requirement

The premises will have an incident book and record all incidents that occur inside or immediately outside the premises, Irrelevant if any of the emergency services have been called. Other incidents have occurred which are not fully covered by the reports.

This incident book can be inspected at any time by any regulatory body. The reports were not readily available when requested.

Where Risk Assessment/Local Policing Policy dictates that door staff are required, the numbers utilised will be in compliance with local police policy AND in compliance with independent Risk Assessment. No RA was seen prior to this event so it is not possible to see if this was complied with.

Door staff will be sited throughout interior of premises as dictated by Risk Assessment. They will identify and prevent disorderly behaviour, ensuring the departure of patrons from premises who are drunk, disorderly or both. They will apprehend any offender suspected of criminal activity, placing same in sterile detention area provided for this purpose and notifying the Police. Following the incident the police were not notified of what had happened.

Conduct of patrons leaving the premises will be monitored to minimise potential nuisance. Similarly, conduct of general public in vicinity will be monitored and Police advised of inappropriate behaviour/unlawful activity. The police were not notified by the premises in spite of multiple calls from members of the public relating to incidents.

Personal radios will be provided by Club Management. When present on site, all door staff will be provided with personal radios permitting their being able to communicate with each other, their Management on site and Club Management. If the radios were being used and facilitated communication between door staff and management, why were management not aware of the incidents that had taken place?

If dictated by Event Risk Assessment, fully trained and qualified paramedic will be present on the premises. RA was not seen so unable to confirm this, although there does not appear to be anyone providing medical assistance to the IP when he is on the floor outside of the premises. There is no record in the incident report of the male receiving medical assistance.

The following occupancy levels will apply to this premises (as agreed with West Midlands Fire Service) Arena Area: 520 Persons Arena Seating: 640 Persons Arena Bar Area: 160 Persons Loft Bar: 284 People The Hall: 280 Persons Lounge Area: 260 Persons Hospitality Area: 50 Persons VIP Suite: 60 Persons Dining Area: 56 Persons Although the total of room capacities is 2310 persons, the maximum means of escape capacity from the premises is 2040 persons, therefore the maximum number of persons allowed on the premises is 2040. The original notification e mail suggested 3000 people would attend this event.

I have expressed to Heath that whilst there are clear failings of the security provider, there are also a number of failings by the management of the premises. Their lack of positive action surrounding the incident and the selective reporting of the incident suggest that the incident was dealt with 'in house' opposed to contacting the police. When the injured male was in Mannys office, it would have been apparent that a crime had occurred, due to the visible injuries to the males face.

We will seek further instruction from Insp Payne after we have concluded our investigation into other incidents at the venue. This will enable us to make a proportionate, evidence based decision of what we will be asking for at the full hearing. I intend to liaise with Heath on the 14th June when I am back from annual leave.

Thank you

Ben

Police Constable 2413 Ben Reader
Licensing Department
Birmingham West & Central Local Policing Unit
Birmingham Central Station,
Steelhouse Lane,
Birmingham,
B4 6NW

Preventing crime, protecting the public and helping those in need



RECOMMENDATIONS

Introduction

On 2nd May 2016 an incident occurred at Central Hall Q Club, 212 Corporation Street, Birmingham, B4 6QB, which was not notified to the police by Q Club, but came to the notice of the police via social media chat. On the 9th May 2016 the police contact Q Club management about the incident, and on 19th May 2016 a subsequent application for an expedited review of the Premises Licence was made by the Police. The premises licence was suspended pending a review of the licence. A hearing is scheduled to take place before the Licensing Sub Committee on Wednesday 15th June 2016 at 2pm.

Prior to this incident Q Club enjoyed a proud history managing the venue. Nevertheless, the management acknowledges that there were security and reporting failings on the night in question. Consequently, they have made a resolute decision to put in place measures not only to prevent any reoccurrences, but to raise the bar in how the club is managed. In this regard, they are undertaking a root and branch review of their security and management structure, and will be putting in place a robust revised management structure and control system. An external compliance specialist has been engaged to carry out the review and help them implement and maintain improved management control measures, working practices and standards to negate further incidents arising in the future.

In line with the Council's Licensing Policy aims (7.2), the management seeks the Police and Licensing Committee support. The Q Club management is prepared to work collaboratively, with the Police and Licensing Committee to ensure that Q Club compliance with legislation and its licensing conditions are fully met.

CSAW is an independent compliance consultancy, engaged by Q Club management to undertake the review and assist with implementation of an improvement plan. The brief/objectives for this assignment are as follows:-

1. Undertake a root and branch review of the current security provision and management arrangements at Q Club.
2. Make recommendations for improvements; ensuring full compliance with legislation, licensing conditions and the licensing objectives.
3. Identify best practices that can be implemented at Q club to help make it an exemplar of best practice;
4. Assist Q Club management to put in place a revised management structure and operating methods, to ensure effective control and management of the security function and full compliance with the premises licence requirements.

Review Methodology

- o Face2face discussion and fact finding, with the senior management team and designated premises supervisor.
- o Document audit and face2face discussion about the current security arrangements, operational plan, briefings, policies, procedures and management structure.
- o Manual audit of CCTV system quality, retrieval, access and control.
- o Document audit and face2face discussion of Q Club Premises Licensing conditions and compliance record.
- o Review of Birmingham City Council Licensing Policy and correspondence relating to the expedited review.



Control Assessment Rating
Satisfactory
Needs Improvement
Unsatisfactory

Review Objective	
1. Review current security provision, management and control arrangements	Needs Improvement
2. Review management structure and operational methods	Needs Improvement
3. Review compliance with legislation, premises licensing conditions and the licensing objectives.	Satisfactory
Control Findings Summary	
Good Controls	Weak Controls
<p>a) Experience DPS with good record and established working relationship with the police and other stakeholders</p> <p>b) Management acceptance that changes and improvements are need and commitment to do so</p> <p>c) Relationship with Police regular consultation with licensing officer.</p> <p>d) Deployment of numbers of staff to meet recommended requirements</p> <p>e) Management team control and awareness</p>	<p>a) CCTV System image retrieval and production methods slow, evidential quality questionable/weak (Obj. 1)</p> <p>b) CCTV control and access restriction weak (Obj. 1)</p> <p>c) Start of shift team briefing and deployment documentation needs to be tightened up (Obj. 1)</p> <p>d) Operational structure able support DPS and effective manage control and oversight inadequate for certain (big) events (Obj. 2)</p> <p>e) Incident reporting procedure and control mechanism lacks clarity leading to slow response or release of information (Obj. 4)</p> <p>f) Security Contractor – The security team failure is a major contributory factor leading to the expedited review of Q club licence. The contractor and security staff did not deliver the service that they were contracted to do (Obj. 1)</p> <p>g) Time sheets completed lacks clarity, upgrade suggested (Obj. 4)</p> <p>h) Event management control and resourcing for large events need strengthening to better support DPS, security operation and compliance requirements (Obj. 4)</p> <p>i) Risk assessment in place but needs to be refreshed to deliver the best possible insights and formulation of new risk profile for the venue (Obj. 4)</p> <p>j) Security staff profiles and induction process adequate but a more refined process would be advantageous (Obj. 4)</p>



We recommend that the management:

1. Change security contractor, establish process to select new security contractor
2. Revise the event management structure, recruit a dedicated event controller and independent security advisor
3. Review and upgrade security deployment, communication and briefing plan
4. Upgrade CCTV system and control procedure
5. Review / refresh risk assessment and formulate new risk profile for the venue
6. Prepare and deliver bespoke training session for new contractor staff to introduce them to Q club modus operandi, licensing conditions and club policies.
7. Establish a communication policy to include release of information to police and other external organisations

OBSERVATION ACTION PLAN

Following is a table details the observations from the audit along with recommended management action to address these issues.

Observation #1 CCTV & Radio System			
Risk Ranking	MEDIUM		
The location of the CCTV control equipment and the quality of the images produced is of poor quality, retrieval reliant on management leading to slow and cumbersome response, storage and access controls are inadequate and could result in questionable evidential value.			
Recommendation			
<ol style="list-style-type: none">1. Upgrade CCTV system and control procedure2. Appoint dedicated CCTV controller for large events3. Develop and implement procedures, educate staff and management4. Monitor identify where targeted training is necessary.			
Action Plan			
Person Responsible	Billy Senior Manager	Estimated Completion Date	14/6/2016



Observation #2 Security Contractor and Staff

Risk Ranking

High

The use of force and post incident actions are not in accordance with the standards stipulated by the SIA for an ACS approved contractor and licensed door supervisor. Security Contractor complacency - weak supervision - staff reaction to incident over the top and lacking adequate supervisory management control - staff used inappropriate force and restraints technique suggesting control/training need - ejection techniques and post incident recording non-compliant with SIA standards.

Recommendation

1. Remove existing contractor and use robust process to appoint new a contractor
2. Review and upgrade security deployment, communication and briefing plan
3. Review / refresh risk assessment and formulate new risk profile for the venue
4. Prepare and deliver bespoke training session for new contractor staff to introduce them to Q club modus operandi, licensing conditions and club policies
5. Revise procedures for staff profile storage and induction
6. Monitor identify where targeted training is necessary.

Action Plan

Person Responsible

Manny DPS

Estimated Completion
Date

13/5/2016

Observation #3 Event Management Structure, Reporting & Systems

Risk Ranking

MEDIUM

Although the current management team can adequately manage the venue, to provide a safe environment for guests/customers, they have decided to strengthen the management structure for large events to allow them to have better control. The goal is to provide a more hospitable place where patrons can have a good time with enhanced safety and security.

Recommendation

1. Revise the event management structure, recruit a dedicated event controller (control CCTV & Radio usage) and independent security advisor (to monitor external security contractor)
2. Establish a communication policy to include release of information to police and other external organisations
3. Review / refresh risk assessment and formulate new risk profile for the venue, review premises licence conditions in line with findings from refreshed risk assessment and put in place compliance management systems and procedures

Action Plan

Person Responsible

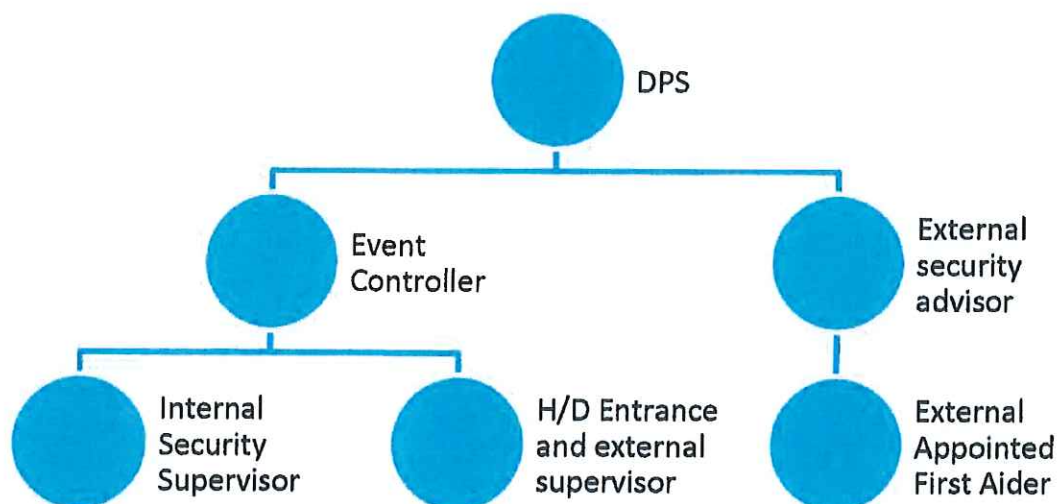
Billy Senior Manager

Estimated Completion
Date

14/5/2016

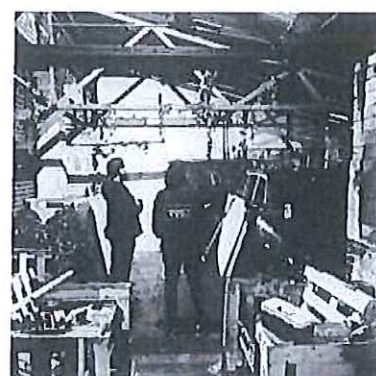
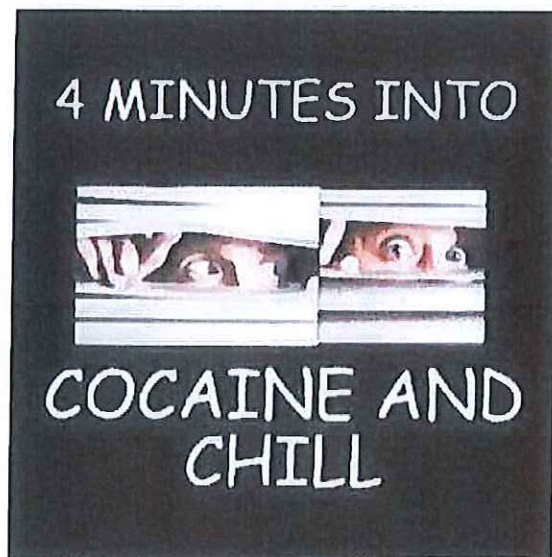
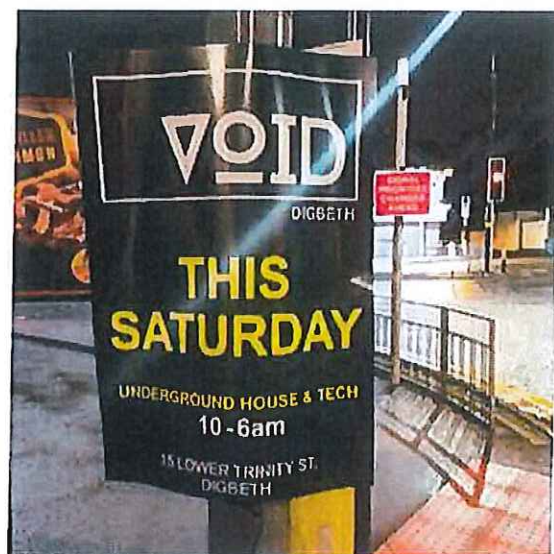
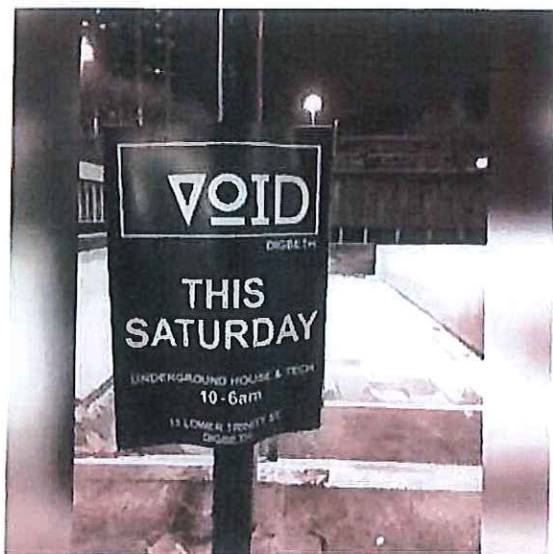


Revised Operational Structure – (Best Practice Suggestion)



Revised Operational Procedures Content – (Best Practice Suggestion)

1. Risk
2. Club Operation
3. The Door Host
4. Inside security personnel
5. Removing Patrons, dispersal policy
6. Use of Force
7. Outside the Club
8. Security Contractor deployment plan
9. Age Verification
10. Club Policies
11. Response to Serious Criminal Incidents: The Crime Scene
12. Training





*When you are ketty and
need to close one eye to see*



