

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 17 APRIL 2019 AT 09:30 HOURS
IN COMMITTEE ROOM A, COUNCIL HOUSE EXTENSION,
MARGARET ST, [VENUE ADDRESS]

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

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.

2 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

3 - 44

4 LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW **ETIQUETTE, UNIT B202 – B204 ARCADIAN CENTRE, HURST STREET,** **BIRMINGHAM, B5 4TD**

Report of the Assistant Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 09:30am.

45 - 90

5 LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW THE **SUTTON TAP, 67 SOUTH PARADE, SUTTON COLDFIELD, B72 1QU**

Report of the Assistant Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 1:30pm.

6 **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.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Assistant Director of Regulation and Enforcement
Date of Meeting:	Wednesday 17th April 2019
Subject:	Licensing Act 2003 Premises Licence – Summary Review
Premises:	Etiquette, Unit B202 – B204 Arcadian Centre, Hurst Street, Birmingham, B5 4TD
Ward affected:	Bordesley & Highgate
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, 0121 303 9896 licensing@birmingham.gov.uk

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 and to determine this matter.

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 21st March 2019 in respect of Etiquette, Unit B202 – B204 Arcadian Centre, Hurst Street, Birmingham, B5 4TD.

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 21st March 2019 Superintendent Green, 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 Living Leisure Limited in respect of Etiquette, Unit B202 – B204 Arcadian Centre, Hurst Street, Birmingham, B5 4TD.

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

Within 48 hours 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 22nd March 2019 to consider whether to take any interim steps and resolved that the Premises Licence be suspended pending a review of the Licence. A copy of the decision is attached at Appendix 2.

The Premises Licence Holder was notified of the interim steps taken by the Licensing Authority and subsequently made a representation at 10:05am on 28th March 2019. See Appendix 3.

As a result of this representation the Licensing Sub-Committee met on 29th March 2019 and having heard from representatives of the licence holder and West Midlands Police resolved that the Premises Licence remain suspended until the following conditions are complied with:

- Mr Azarian has no involvement with the management and operation of the business owned by Wayne Tracey (Snobs Management Limited)
- An operating manual of the proposed business for Etiquette is submitted to WMP subject to their approval.

A copy of the decision is attached at Appendix 4.

On 28th March 2019, an application was submitted to the Licensing Section to vary the Designated Premises Supervisor from Pourian Azarian to Wayne Tracey.

An application was also received on 28th March 2019 to transfer the premises licence, from Living Leisure Limited to Snobs Management Limited. Both applications sought to take immediate effect.

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 the 5th April 2019.

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

Site location plans at Appendix 6.

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

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

6. List of background documents:

Review Application and Certificate from West Midlands Police, Appendix 1
Sub-Committee Interim Steps Meeting decision of 22nd March 2019 , Appendix 2
Representations back against Interim Steps decision of 22nd March 2019, Appendix 3
Sub-Committee Interim Steps Meeting decision of 29th March 2019, Appendix 4
Current Premises Licence, Appendix 5
Site location plans, Appendix 6

7. Options available:

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

In addition the Sub Committee will need to decide what action, if any, should be taken regarding the interim step of suspension imposed on the 29th March 2019.

<p>REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED</p> <p>21 MAR 2019</p>	
REF NO	RECEIVED 9:11am
INITIALS	Bnl



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

1 - Supt Ian Green

(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: Etiquette

Postal address of premises, (or if none or not known, ordinance survey map reference or description): Unit B202 – B204, Arcadian Centre, Hurst Street

Post Town: Birmingham

Post Code (if known): B5 4TD

2. Premises Licence details:

Name of premise licence holder (if known): Living Leisure Limited

Number of premise licence (if known): 4212

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)

At 02:38 hours on Monday 18th March, West Midlands Police were notified by Ambulance control that they had 2 patients at a premises called Etiquette, with one being unconscious.

Officers were sent to the premises and officers noted that the inside of the premises had been "trashed", the had injured parties, one of whom was unconscious and that any offenders had not been detained.

One of the injured person had a serious head injury and had been placed in an induced coma, in total there were 4 injured parties that were being dealt with by the ambulance service.

The cctv was checked at the premises by officers, it was noted that the CCTV timing was one minute ahead of the actual time as shown on the officers phone.

The CCTV shows that at 02.21: a disturbance starts by the bar, which is at the top of the cctv imagery, this very quickly escalates into what can only be described as a mass brawl, that stops and starts on multiple occasions.

People are knocked to the floor, and then repeatedly kicked to what appears to be his head, more fights continue with other groups, people are seen to protecting individuals who are being hit with bottles, tables, ice buckets.

Security are ineffective, 3 can be seen of the cameras, they cannot pull people off, when they eject people they are just let back in. Innocent people that happen to be sitting on the seats get tangled up in the serious disorder as it spirals out of control.

The scale of the disorder is difficult to describe in words, the CCTV shows the true extent of the disorder and the level of violence used throughout.

From viewing the CCTV officers have also deduced that people were taking drugs inside the premises and a person can be seen handing over a nitrous oxide canister to someone.

A male can clearly be seen on the floor and not moving, he has had a sustained attack on him, where two offenders were repeatedly punching and kicking the male, security are very close to this and yet do not detain any of them, and they then continue to fight with others in the club.

The male on the floor has sustained a serious head injury and was being assisted by an off duty nurse, and it now transpires that the male has a bleed on the brain.

The only recorded call to the Police is from the ambulance service, which happens over ten minutes after the incident had started.

The injuries to the person on the floor have been crimed as a Section 18 wounding with intent and would be classed as serious crime if someone was to be convicted of it. There is no definition of serious disorder, but I am content that the level of severity of disorder witnessed in the CCTV warrants the label of serious disorder.

West Midlands Police are seeking the ssuspension of the licence.

Signature of applicant:

Date: 21/3/19

Rank/Capacity: Supt 1218 GREGG - BW NPM

Contact details for matters concerning this application: Pc 4075 Abdool ROHOMON

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

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

Premises: Etiquette

Premise Licence Number: 4212

Premise Licence Holder: Living Leisure Limited

Designated Premise Supervisor: Mr Pourian Azarian

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 disorder of the premises concerned.

The level and seriousness of the incident in terms of the serious disorder and the serious crime and subsequent injuries warrant the use of 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 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 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 on the 18th March 2019.

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

Signed

1215 Supt GCG

**BIRMINGHAM CITY COUNCIL
LICENSING SUB COMMITTEE - A**

FRIDAY 22 MARCH 2019

Etiquette, Unit B 202 – B204, Arcadian Centre, Hurst Street, B5 4TD

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Living Leisure Limited in respect of Etiquette, Unit B 202 – B204, Arcadian Centre, Hurst Street, B5 4TD this Sub-Committee determines:

- That the licence be suspended 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 these interim steps are due to concerns by West Midlands Police in relation to matters which came to light at the premises on 18 March 2019 as outlined in the Chief Officer of Police's certificate and application.

The Sub Committee determined the causes of the serious crime and serious disorder appeared to originate from various patrons of the premises and very poor security measures, which resulted in two injured patients requiring urgent medical assistance.

Members were extremely concerned by the lack of care and assistance shown towards the victims, in particular one male who lay unconscious near the stairwell in front of security staff for a considerable period of time.

The Sub Committee felt there was a complete lack of control by the security staff and the premises licence holder/DPS, over what can only be described as a mass brawl.

Further there were two incidents of drug taking in plain sight of security, which brought into question the suitability of the licence holder to manage the business in a safe and responsible way.

Members were shocked to learn having watched the premises CCTV footage in private that nothing was done to control and contain the serious disorder, and more importantly to call the emergency services, particularly the police.

It is therefore necessary and reasonable to impose the suspension to address the immediate problems identified with the premises, in particular the likelihood of serious crime and or serious disorder occurring at the premises, and to promote the prevention of crime and disorder objective in the Act.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home

Office in relation to expedited and summary licence reviews, and the submissions made by the police at the hearing.

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: Carl Moore
Sent: 28 March 2019 10:05
To: David Kennedy
Cc: Licensing
Subject: Appeal Notice re Interim Steps against ETIQUETTE NIGHTCLUB

Dear David,

Re: ETIQUETTE NIGHTCLUB, Unit B202 - B204, Arcadian Centre, Hurst Street, Birmingham, B5 4TD

Please take note that the premises licence holder for Etiquette Nightclub hereby makes representations against the interim steps imposed upon the licence by the Licensing Authority on Friday 22 March 2019 in accordance with 53B(6) of the Licensing Act 2003.

Please could you arrange a hearing to consider those representations within forty-eight hours accordingly.

The client has instructed myself and Sarah Clover, barrister from Kings Chambers to act as there legal representatives.

Many thanks

Carl

Carl Moore

C.N.A. Risk Management Ltd

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BIRMINGHAM CITY COUNCIL
LICENSING SUB COMMITTEE C

29 March 2019

Etiquette, Unit B 202 – B204, Arcadian Centre, Hurst Street, B5 4TD

That, having considered the representations made on behalf of Snobs Management Limited the premises licence holder for Etiquette, Unit B 202 – B204, Arcadian Centre, Hurst Street, B5 4TD in respect of the interim steps imposed on the 22 March 2019, this Sub-Committee hereby determines that the licence will remain suspended until the following conditions are complied with by Wayne Tracey.

1. Mr Azarian has no involvement with the management and operation of the business owned by Wayne Tracey
2. An operating manual of the proposed business for Etiquette is submitted to WMP subject to their approval.

The Sub-Committee carefully considered the representations made by the police and on behalf of the new proposed DPS and premises licence holder, Mr Wayne Tracey.

In relation to the incident on 18 March 2019, the members identified that the blame lay with the security company hired by Mr Azarian, who attended the hearing in order to assist the Member's queries and concerns. It became clear to the Member's that Mr Azarian was fully responsible for the lack of control over the unfolding events of that night which led to the expedited review application by WMP.

Members carefully considered the new business proposal put forward by Mr Tracey and his barrister in respect of Etiquette, and accepted there was a clear separation in the legal ownership and management of the business between Mr Azarian to Mr Tracey which was seen as a positive step in overhauling the nature and style of Etiquette.

The Sub Committee also carefully considered WMP submissions regarding the lack of clarity around the proposed operation of the business and the need for the suspension to remain in place until the review hearing date. However, members took account of Mr Tracey's extensive track record of running a successful and well established licensed venue in the city, and that he had submitted a DPS transfer application with immediate effect that as yet not had been objected to by WMP.

In view of the above, members considered it would be appropriate to lift the suspension provided that Mr Tracey did not have Mr Azarian involved in any way

with the business going forward, and that Mr Tracey supply a copy of his operation manual to the satisfaction of WMP as evidence of a new fresh start.

The Sub-Committee therefore considered that lifting the suspension of the premises licence in light of the new material changes in respect of Etiquette was an appropriate and proportionate measure subject to the two conditions being complied with for the promotion of the licensing objectives.

In reaching this decision, the Sub-Committee has given due consideration to the guidance issued by the Home Office in relation to expedited and summary licence reviews, the certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 and the application for review.

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

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LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

4212 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Etiquette Unit B202 - B204 Arcadian Centre Hurst Street	
Post town: Birmingham	Post Code: B5 4TD
Telephone Number: Not Specified	
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
M3	Sale of alcohol by retail (both on & off the premises)
The times the licence authorises the carrying out of licensable activities	
Monday - Sunday	10:00 - 04:30 E,F,G,M3
The opening hours of the premises	
Monday - Sunday	10:00 - 04:30
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 Living Leisure Limited C/o Hayes Chartered Accountants Colman House 121 Livery Street	
Post town: Birmingham	Post Code: B3 1RS
Telephone Number: N/A	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 9104979

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Pourian Azarian	
Post town:	Post Code:
Telephone Number: N/A	

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 026833	Issuing Authority SANDWELL METROPOLITAN BOROUGH COUNCIL

Dated 05/11/2014

Nicola Stansbie
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

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.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The Premises License holder shall ensure there is training of staff and management in the sale of alcohol.

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

CCTV to be installed and recording to the recommendation and specification of West Midlands Police, at all times the premises are open for licensable activity. Recorded data to be held for a minimum of 28 days and to be made available to West Midlands Police or any responsible Authority on request.

The CCTV to record real time quality images at the entrance, throughout the public areas of the premises and in the immediate vicinity outside the premises.

An incident book will be maintained on the premises, and will be made available to any Responsible Authority on request.

Premises to use SIA registered door staff and will operate a zero tolerance policy in relation to drugs.

Any person known by our security provider, or presented to us in Pub Watch Meetings to have caused, linked or involved in incidents of crime or disorder including being barred from venues across the West Midlands will not be permitted into the premises.

West Midlands Police to have a power of veto after 3am, if the venue wishes to go past 3am for any licensable activity. This power of veto only to be used if any of the 4 licensing objectives have been or likely to be breached. If power of veto used full written explanation to be given to the DPS prior to the original event.

Venue to provide 28 days notice for new events or new promoters who wishes to conduct a promotion at the premises. Premises also to provide a full risk assessment with the notification. West Midlands Police to have a power of veto over such an event.

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

No enforceable conditions identified from operating schedule.

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

Notices displayed on the premises asking patrons to leave the premises quietly.

All regulated entertainment taking place on the premises shall be inaudible in the nearest residential premises. All windows should be closed after 23:00 hours and doors only opened after this time for entry and egress from the premises.

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

Persons under the age of 18 will not be permitted to remain on the premises after 22:00 hours.

Proof of age policy is enforced and the only type of identification that will be accepted is a photo driving license, passport or PASS accredited identification. Staff will be trained and a record will be kept.

Challenge 25 Policy will be implemented at the premises.

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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

N/A

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

Annex 4 – Plans

The plan of the premises with reference number **87965-4212/1 (Drawing No 1014_05)** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection between the hours of 9am – 4pm Monday, Tuesday and Thursday, 10am – 4pm Wednesday and 9am – 3.30pm Friday (excluding Bank Holidays etc) at the Licensing Service, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham B6 5RQ.



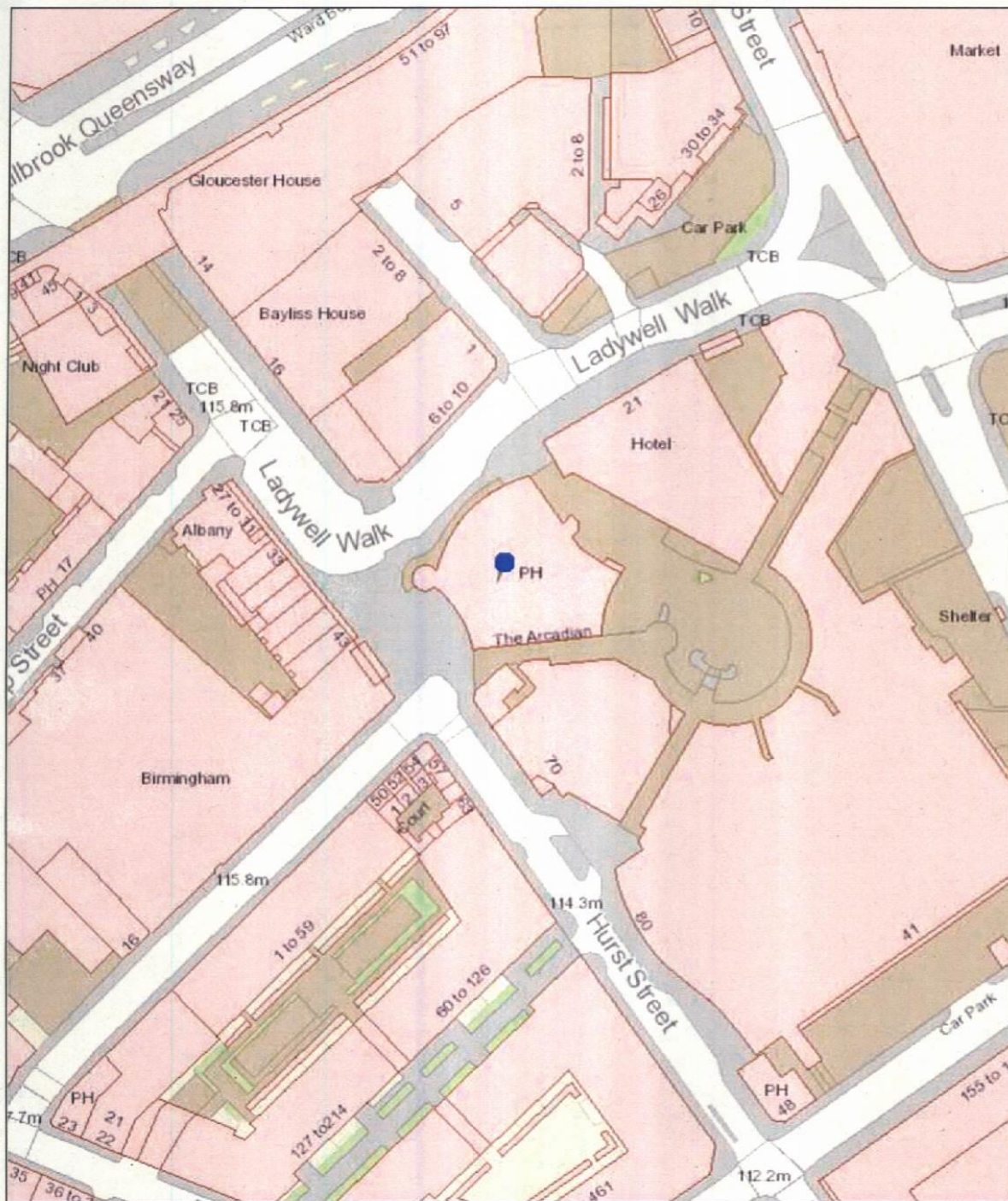
Birmingham City Council Map Created By:

Date of Map Creation: 18/03/2019

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1:1,250

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Security Dot Plan	13-15
Vulnerable Person Policy	16

Management for Sobar

MANAGEMENT STRUCTURE

WAYNE TRACEY

DOB : (OVER 20 YEARS INDUSTRY SERVICE)

DPS

KEIRA GANNON

DOB : (SERVICE 7 YEARS)

GENERAL MANAGER

MILLIE HAYWARD

DOB : (SERVICE 6 YEARS)

FLOOR MANAGER AND HEAD HOST

DUNCAN SMITH

DOB : (SERVICE 4 YEARS)

ASSISTANT MANAGER AND BAR MANAGER

SECURITY PROVIDED BY PRP

PATRICK PLUMMER

PO BOX 618

WOLVERHAMPTON

WV1 1ZR

FULL PREMISES OPERATIONAL PLAN

PREMISES NAME

SOBAR

ADDRESS

Sobar
Arcadian Centre
Unit (B104-B111) (B203-B204)
Birmingham
B5 4TD

OPERATING COMPANY

Pleasure Midlands Limited

ADDRESS

As above

LICENSEE

WAYNE TRACEY

DOORSTAFF PROVISION

PRP SECURITY

INDEPENDENT RISK ASSESSORS
& OPERATING CONSULTANTS

C.N.A. RISK MANAGEMENT LTD

SIGNED ON BEHALF OPERATOR

.....

NAME/POSITION

.....

DATED

.....

General Description of Premises and Usage:

SOBAR operate as a Club located in the entertainment district at the Arcadian Centre, the area is surrounded by similar venues operating as bar and nightclubs, this venues have no direct association with Sobar [but we acknowledge that what happens in these venue's and the surrounding areas has an impact on Sobar and actions it will need to put in place and action.

Entrance is gained to the venue via access from Arcadian centre through the premises enclosed garden area. The bar/club area is accessed through a set of double doors into a foyer area with a bar facing out area of venue which comprises two rooms. Room two is accessed at the back of the venue (room 1) via the toilet corridor and via some stairs. There are currently a total of 2 bars on the premises across two rooms. Each room has DJ facilities. The premises have an authorised capacity of 500 TBC persons (estimated split capacity over the two rooms would be Room 1: 290 Room 2: 210 TBC)

Capacity will be controlled by counter clocking system, room 2 is mainly a seated area and will be easily identified when full, standing room is limited head host/and manager will be responsible to monitor this, two SIA trained member of security will monitor flow and control capacity 1 at the top into room 2 and one at the bottom of the stairwell from room 1 to 2. Security and management will be in contact via radios at all time.

Room 2 will be opened when booths have been fully booked in the downstairs area and it becomes full, room 2 will be opened, it will be used only when Room 1 is open and already full for our 3 regular trading nights. Room 2 will be used for separate private events for eg: Lloyds Banking Group Christmas party and Selfridges Party, we have also hosted for Mercedes Benz Birmingham, these private parties will only take place if we feel the customer profile is correct for Sobar and our business, and that they can socialise within the ethos and values of Sobar.

The music policy for room 1 will be a "Strictly Old School" this has already been launched on Sobar Saturdays and has thus far been successful. This genre it is hoped will encourage an older crowd which we're hoping to appeal to.

In Room 2 we're hoping to create a more laid back "chill out" area, as seating is the main aspect upstairs we feel this will be the best fit for this area, also it will appeal to customers which downstairs may be too hectic or noisy we're hoping to create a relaxed and friendly environment.

Bottle service will be available for booked booths, our head host will be fully licenced and will be fully aware of the licencing objectives and will be actively working to monitor bottle service, this will include a 4 bottle maximum to a table of 10, implementation of our "challenge 25" policy when necessary, intoxication levels to be monitored by hosts and hostesses. All servers will receive on the job training regarding drunkenness and the policies that Sobar have in place, intervention from management and security when needed. Head host and Bar manager to work closely when monitoring table service.

All Hosts will take bottles to table, and serve thus monitoring amounts of alcohol served and consumed, no bottles to leave the booth areas, this will be enforced by security and hosts. All drinking vessels will be plastic, thus reducing glass around this area, all hosts will clear any glass vessels as soon as they become empty.

Promoters used for events over our potential 3 nights will be mainly in-house promoters who are well aware of our ethos and how the management see the venue in the market and who they want to appeal to, all promoters will understand the importance of responsible promotion and keeping promotion in-line with the venues' ideals and values. They will all be made aware of the licensing objectives and how important it is to promote the venue with these in mind.

(No promotion of violence, paraphernalia of drug-taking, irresponsible drinking, sexual violence or any illegal activities)

When dealing with external promoters these events will be fully risk assessed and will we only work with promoters who have a good reputation and have had no previous issues with their events.

Profiles of all our promoters, contact details and addresses will be stated in our individual night risk assessments.

The premises is only open for business currently Friday and Saturday nights. The premises are not currently used for any specific promotions/events. Friday and Saturday nights attract a more varied patron. The premises operate a strict over 18 and search policy. In the future we could like to add a weekly student night on a Wednesday or a Thursday (TBC).

In our future with our hopes of opening a student night mid-week, this will be run in conjunction with Birmingham and Aston University Sobar will be used exactly the same way, Room 1 and if needed Room 2. Room 2 will be mainly used when table bookings downstairs have reached capacity.

The premises offer a good standard of accommodation for its patrons. Whilst there is some seating within the venue, the majority of the accommodation is for patrons to stand. There is some seating in both rooms with suitable fixtures and fittings the premises are well-served by fire exits.

The Club has operated under its current trading name for very many years. The current operating company took commercial control of the venue this year, the management team and new owners have many years' experience in running licensed venues mainly Snobs Nightclub in Birmingham. In March 2019, there has been incidents at the associated venue Etiquette the venue which had given the police some concern as to how the premises were being operated. A review of the Clubs operating procedures was conducted resulting in a full Operational Plan.

The venues under new management will be run as one venue under one name, with the same owners, security, management team and a shared ethos and approach to running a licensed venue

The Operating Company and Licensee fully understand their responsibility to promote the four Licensing Objectives via its Operational Plan i.e.:

**Prevent Crime and Disorder,
Public Safety,
Protection of Children from Harm,
Prevention of Public Nuisance.**

They are keen to ensure they fully comply with all requirements upon them to support those objectives. In February the new management, have appointed a wholly independent company, C.N.A. Risk Management to act as consultants to the operating policy at the venue. C.N.A. have supported the preparation of this Operational Plan, advising on improvements to current operating policy.

The Plan reflects the identified risks consequent to the nature of the premises, the type of entertainment provided together with the nature of patrons attracted to the premises.

Door staff provision is via a company wholly separate from the operating company. Only SIA registered staff (in appropriate numbers) are used. Records maintained at the premises in relation to door staff provision are excellent. An incident register is maintained.

1. DOOR STAFF

OBJECTIVES	ACTION	COMMENT

<ul style="list-style-type: none"> Number of door staff 	<ul style="list-style-type: none"> Ensure numbers of door staff are sufficient at all times, relative to number of patrons on or expected to be on, the premises. 	<ul style="list-style-type: none"> Door staff numbers are based on capacity figures for the premises.
<ul style="list-style-type: none"> All door staff to be SIA registered and to wear their SIA badges when on duty at venue 	<ul style="list-style-type: none"> The club retains a folder and database including full identification of each member of door staff utilised at premises 	<ul style="list-style-type: none"> The club has a strict policy whereby the door staff company is only permitted to supply door staff individually and personally approved by the Club
<ul style="list-style-type: none"> All door staff to book on and off duty at premises 	<ul style="list-style-type: none"> Booking on and off sheet already in use. The sheet is retained at the premises and shows the SIA number of each individual member of door staff 	<ul style="list-style-type: none"> Operations manual to be used which includes register and pre-operational checklist.
<ul style="list-style-type: none"> Door staff will be properly dressed and clearly identifiable at all times both inside and outside the premises 	<ul style="list-style-type: none"> Door staff are smartly dressed and wear high visibility jackets both outside and inside premises 	<ul style="list-style-type: none"> Maintaining a level of professionalism at all times will be a mandatory requirement for our security team.
<ul style="list-style-type: none"> Prevent individuals entering premises who are drunk, disorderly or both 	<ul style="list-style-type: none"> Premises have a very strict policy in relation to drunkenness. 	<ul style="list-style-type: none"> As a result of ejections, staff will be trained to identify vulnerable individuals around the surrounding areas and take relevant action
<ul style="list-style-type: none"> Exclude entry to those suspected of carrying illegal drugs or weapons 	<ul style="list-style-type: none"> The venue operates a strict search policy where all patrons are searched prior to entry. The potential possession of weapons by patrons at the venue is not a known issue. In consequence, currently, metal detectors are not used as part of the search process 	<ul style="list-style-type: none"> The potential requirement for a metal detector forming part of search policy will be kept under review
<ul style="list-style-type: none"> Ensure individuals or groups previously excluded from venue are not permitted to re enter 	<ul style="list-style-type: none"> Already undertaken. Head doorman, whilst not directly employed by venue, is almost always same individual 	<ul style="list-style-type: none"> Maintaining a "Ban" folder containing images and details of people of interest or who have previously caused issues at the venue

1. Continued

OBJECTIVES	ACTION	COMMENT

<ul style="list-style-type: none"> • Monitor any queue of potential patrons waiting to enter premises to ensure no nuisance is caused and to permit early identification of individuals or groups who will not be permitted access at door 	<ul style="list-style-type: none"> • Any queue is directed to the entrance from the right hand side, avoiding the presence of a queue outside the adjacent walkway, thus helping to maintain a well-run a clear area around the venue. 	<ul style="list-style-type: none"> • A clear view and neutral area around the entrance to the venue is very important to help maintain order and reduce conflict.
<ul style="list-style-type: none"> • Door staff to monitor conduct of patrons within premises. 	<ul style="list-style-type: none"> • <i>This activity is to be improved.</i> Door staff inside the club will be given responsibility for specific areas within the club to identify and deal with any untoward behaviour, including drunkenness. • The club employing an experienced former bar manager whose specific responsibilities is to identify any hotspots within the public areas of the club, overseeing the activities of patrons within club, particularly ensuring that empty drinking vessels are quickly removed 	<ul style="list-style-type: none"> • In addition to security and management ALL staff will receive "Drunk awareness" Training in full. • A refusal log will be active behind every bar.
<ul style="list-style-type: none"> • Door staff to ensure orderly departure from premises of patrons who become drunk, disorderly or both 	<ul style="list-style-type: none"> • A stricter ejection policy is to be utilised whereby those being ejected will normally be removed as safely and efficiently as possible thus reducing any further issues. Management acknowledge this is a responsibility of ALL staff 	<ul style="list-style-type: none"> • Regular training will be offered to all staff to help them with identifying issues and taking the relevant actions to resolve it.
<ul style="list-style-type: none"> • Door staff to apprehend offenders suspected of criminal activity within premises 	<ul style="list-style-type: none"> • Police will be immediately advised when such detentions take place 	<ul style="list-style-type: none"> • Record keeping to become a top priority for management and security (Incident reports)
<ul style="list-style-type: none"> • Door staff to accurately monitor number of persons entering and leaving venue to ensure numbers of patrons within venue is known 	<ul style="list-style-type: none"> • Already undertaken 	<ul style="list-style-type: none"> • Clicker counter system to be used at all times.
<ul style="list-style-type: none"> • Door staff to monitor conduct of patrons leaving the club and their activity in vicinity of Premises. 	<ul style="list-style-type: none"> • Already undertaken 	<ul style="list-style-type: none"> • Also working closely with the Police and Southside wardens

2. DOOR SIGNAGE

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OBJECTIVE	ACTION	COMMENT
<ul style="list-style-type: none"> Patrons to be aware of venue dress code 	<ul style="list-style-type: none"> Signage reflects dress policy 	
<ul style="list-style-type: none"> Customers to be aware that CCTV monitoring is in situ 	<ul style="list-style-type: none"> Signage is in place 	

3. COMMUNICATION EQUIPMENT

OBJECTIVES	ACTION	COMMENT
<ul style="list-style-type: none"> A full radio System will be in use at the venue; this includes security, management, bar team and floor team in full communication. 	<ul style="list-style-type: none"> Training provided for all staff on how to use and work with the radios in the most effective way. 	<ul style="list-style-type: none"> Continued review of system and its effectiveness.

4. CLOSED CIRCUIT TV EQUIPMENT

OBJECTIVE	ACTION	COMMENT
<ul style="list-style-type: none"> CCTV cameras to be placed both internally and externally to ensure they act as a proper aid to deter and detect criminal activity or disorder 	<ul style="list-style-type: none"> Numerous cameras (32) are installed and positioned within the premises. Cameras at entrance ensure that recognisable images are retained of all persons entering club and that the conduct of persons outside club can be observed and 	<ul style="list-style-type: none"> Training to be given to management on security on how best to use the CCTV systems to prevent crime; record incidents and maintain good order in a licenced venue.

	<p>recorded,</p> <ul style="list-style-type: none"> • Whilst the club is open to patrons, the CCTV system is constantly monitored by club operators within premises 	
<ul style="list-style-type: none"> • CCTV equipment to be regularly maintained 	<ul style="list-style-type: none"> • Already undertaken 	
<ul style="list-style-type: none"> • CCTV footage to be downloadable for any recording to downloadable and passed to police or other appropriate parties (upon request or otherwise) 	<ul style="list-style-type: none"> • Already undertaken via digital downloads or email upon request. 	

5: DRINKING POLICY

OBJECTIVE	ACTION	COMMENT
<ul style="list-style-type: none"> • No encouragement of excessive drinking by irresponsible sales of cheap or promotional drinks 	<ul style="list-style-type: none"> • Venue policy is to always supply competitively priced drinks. Similarly, those prices (other than where they take account of price rises via budget or supplier) remain constant. The venue rarely if ever has specific drink promotions 	
<ul style="list-style-type: none"> • Ensure reasonably priced soft drinks and water are readily available 	<ul style="list-style-type: none"> • Drinking water available at all bar areas and in the toilets. 	

<ul style="list-style-type: none"> • Drink containers 	<ul style="list-style-type: none"> • Venue operates a policy where all dispensed drinks, including draft beer, shots, wine and spirits are supplied in plastic or polycarbonate containers. HOWEVER, many of venue patrons prefer to receive their bottled alcohol within the bottles. The present supplier has difficulty in providing such bottles as plastic rather than glass at competitive price. The venue recognises the preference for bottles used by patrons to be plastic to minimise risk of injury 	<ul style="list-style-type: none"> • Subject of IMMEDIATE review and liaison with supplier. In short term, improved monitoring by door staff and "spotter", together with more rapid clearance of empty bottles will minimise injury risks
<ul style="list-style-type: none"> • All staff, not just door staff to be aware of under-age drinking Legislation. 	<ul style="list-style-type: none"> • Venue policy is not to admit under 18s, proof of age is required when necessary by Passport, Driving Licence or formal photographic ID e.g. student union card 	<ul style="list-style-type: none"> • Running an active "Challenge 25" programme in the venue • Refusal log to be kept on all bars.
<ul style="list-style-type: none"> • All staff to ensure that patrons who appear to be drunk should not be served 	<ul style="list-style-type: none"> • Already venue policy BUT provision of "spotter" should improve situation (e.g. where seated patrons are supplied with liquor without themselves visiting bar 	

DRUGS POLICY

OBJECTIVE	ACTION	COMMENT
<ul style="list-style-type: none"> • Comply with FI OCU Drugs Policy re confiscation of drugs at premises 	<ul style="list-style-type: none"> • All drug seizures will be logged in our operational book and the drugs will be stored with management until collected by police or taken to station. • The venue has a zero tolerance towards drugs. None dealing quantities of drugs found during searches are confiscated, the patron not being permitted to enter premises or being ejected if already within the premises. The police will be called any person detained for dealing or being in possession of dealing quantity 	<ul style="list-style-type: none"> • All staff will be trained in "Drug awareness" all training will be recorded.

<ul style="list-style-type: none"> Identifying and dealing with the rise in "Party Drugs" mainly in reference to hippy crack Nitrous Oxide and Alkyl Nitrates. 	<ul style="list-style-type: none"> These drugs will be dealt with in exactly the same way (zero tolerance) as all other drugs, they will be confiscated, logged and stored in safe until safe collection or delivery to the Police. All cases of dealing/selling these substances will be reported to the Police, any details obtained about the offender will be logged including identification and photographic evidence when possible. (CCTV) The offender will be put on the Sober banned list, all security and management will be made aware of any offender's details so that they are unable to re-enter the premises again. All staff will be given Drug awareness training and this will include signs to look for and also identifying drug paraphernalia, and associated behaviours. All customers will be searched including handbags to stop drugs entering the premises. 	
<p>2) Toilets to be regularly checked for drug taking</p>	<ul style="list-style-type: none"> In addition to monitoring by door staff, valets are employed in main toilets 	<ul style="list-style-type: none"> Measures to be taken in design to reduce drug taking activities.

INCIDENT HANDLING AT PREMISES

OBJECTIVE	ACTION	COMMENT
1) Incident Register to be maintained	<ul style="list-style-type: none"> • Register is in use and properly maintained. • Management and Security to record all incidents in a daily operational diary. 	
2) Weekly liaison with police to cross-reference venue-related incidents.	<ul style="list-style-type: none"> • Maintaining good relationships with the police, Southside wardens and attending Pub Watch regularly. 	<ul style="list-style-type: none"> • Ensuring that a cross organizational communication is started and well maintained, and always working towards good positive working relationships.
3) Maintain good communication between all staff in how and when an incident will need recording etc.	<ul style="list-style-type: none"> • Offer training on how recording systems work including, crime scene maintenance, CCTV capture. • Recording and capturing relevant and important information. 	

SIGNATORIES

1) OPERATORS REPRESENTATIVE

Sign Name
Date Role

2) DESIGNATED PREMISES SUPERVISOR

Sign Name
Date Role

3) REPRESENTATIVE OF DOOR AGENCY COMPANY

Sign Name
Date Role

4) REPRESENTATIVE OF C.N.A. RISK MANAGEMENT

Sign Name
Date Role

Security Dot Plan:

All security will be SIA trained, wearing High-Viz with SIA badge on display with a radio for communication.

Security numbers provided are when both room 1 and 2 are open.

Security 1&2:

Front entrance post, responsible for age ID, searching potential patrons for drugs, alcohol or weapons.

Identifying vulnerable persons and taking the relevant action, also identifying people who are too intoxicated and not allowing them entry.

Security 3:

Booth monitoring and dance floor monitoring.

Ensuring no bottles leave the booth area, monitoring behaviour and dealing with any issues arising in these areas.

Security 4:

Capacity checking from room 1 to 2, also keeping stairs clear and monitoring fire exits.

Security 5:

Capacity Checker for room 2, also monitoring booth area at the tops of the stairs in conjunction with hosts.

Security 6:

Booth monitoring and dance floor monitoring for room 2.

Ensuring no bottles leave the booth area, monitoring behaviour and dealing with any issues arising in these areas.

Security 7:

Monitoring entrance to external terraced area and the bottom part of the room.

Security 8:

Floating security: will be used to do walk rounds of both floors and assist in any hot spots identified during the evening.

NOT TO SCALE
 ALL DIMENSIONS ARE IN FEET
 ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE
 ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE

PLAN NOTES

CONCRETE SHALL BE 4000 PSI
 ALL REINFORCING SHALL BE #4
 ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE
 ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE

Soba®

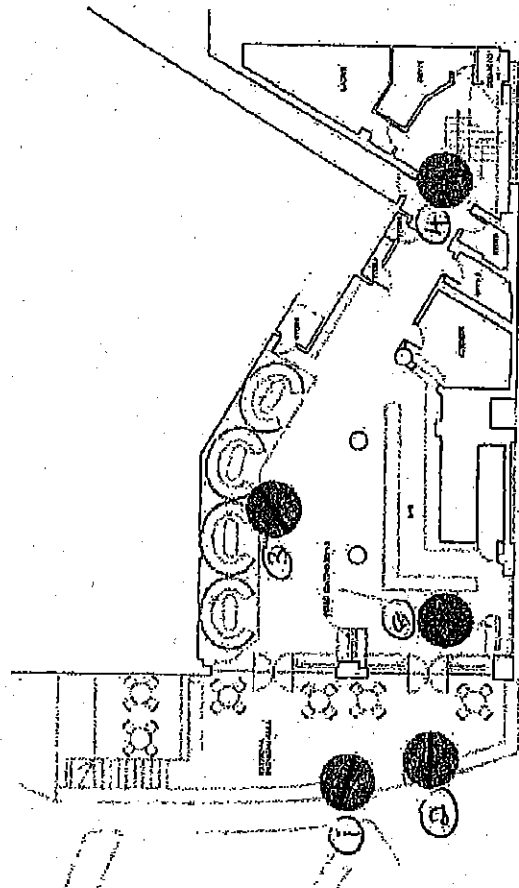
CODE 6

PROPOSED MATERIALS TO BE USED IN CONSTRUCTION OF THIS PROJECT

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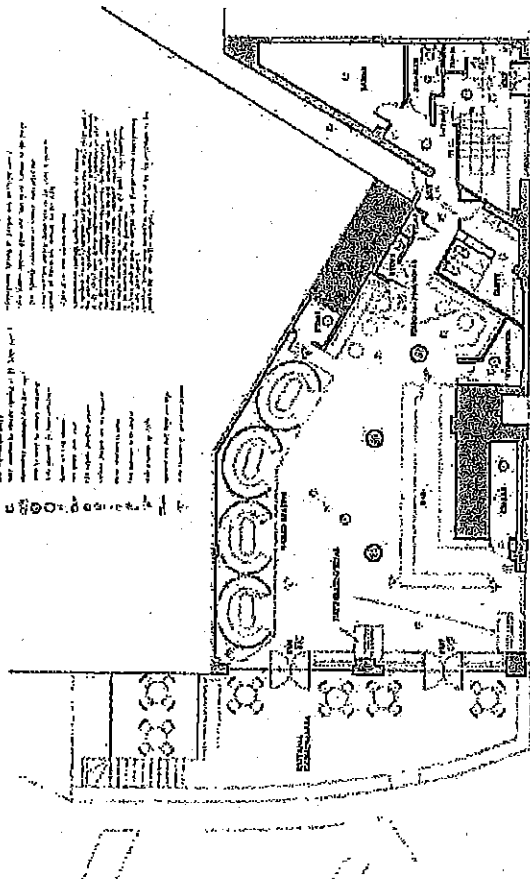
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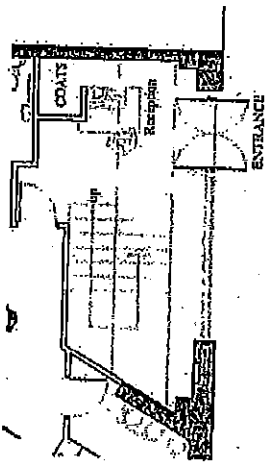
EXISTING GROUND FLOOR PLAN

THE FOLLOWING INFORMATION IS FOR YOUR INFORMATION ONLY. IT IS NOT A PART OF THE CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.



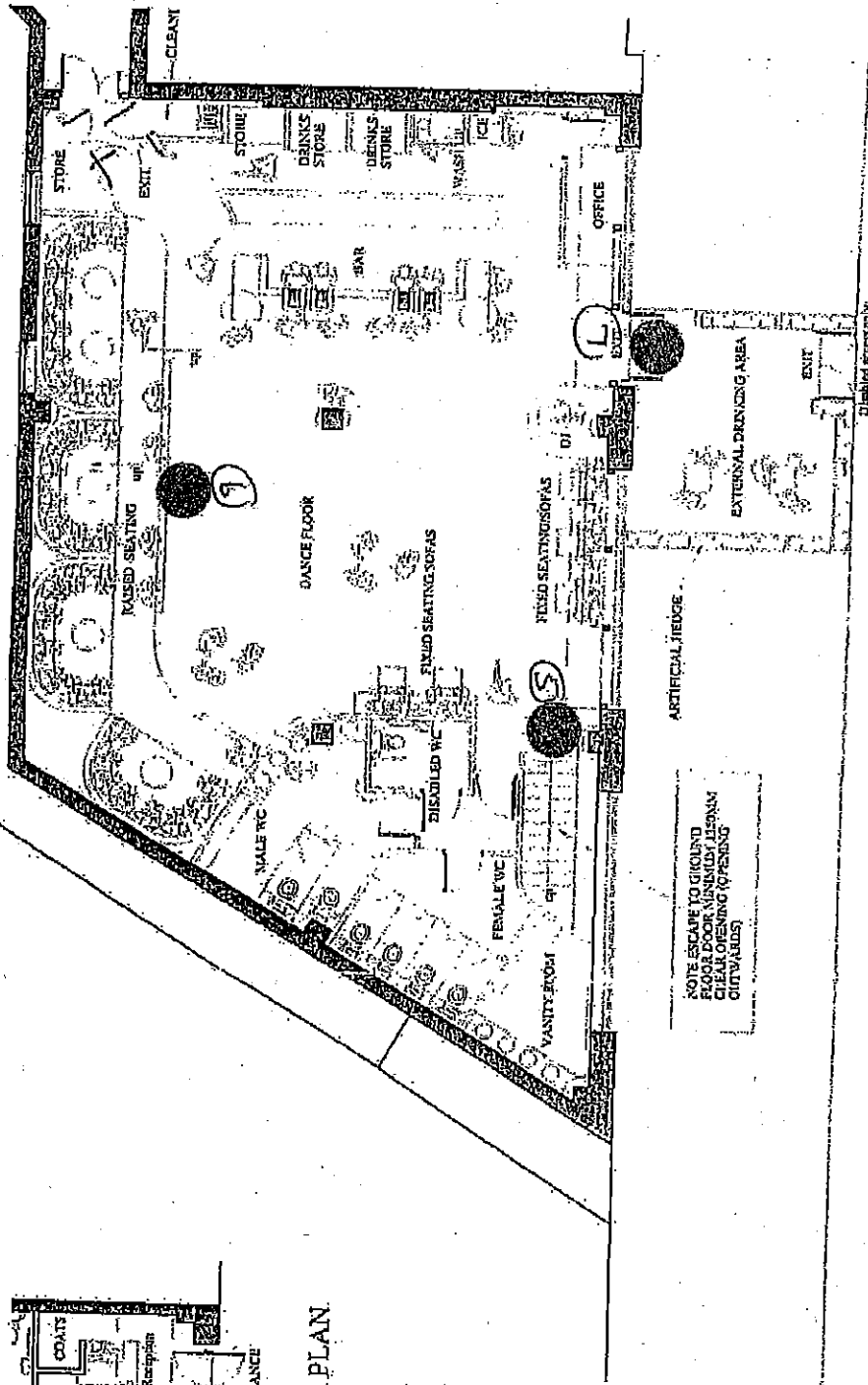
PROPOSED GROUND FLOOR PLAN

PRELIMINARY



PROPOSED GROUND FLOOR PLAN

NOTE ESCAPE TO PROTECT
CORRIDOR LEADING TO
EXTERNAL ESCAPE STAIR



PROPOSED FIRST FLOOR PLAN

Vulnerable person policy 2019:

As a night time venue Sobar and its employees must be aware of the issue of vulnerable persons and the dangers associated with that.

Who maybe be classed and vulnerable:

- A person who has become too intoxicated.
- A person who has been left alone.
- A person who is being intimidated by others.
- A person who has become separated from friends or family.
- A person who is injured.
- A person with a disability.
- Someone being sexual harassed.

There are so many scenarios when someone could be classed as vulnerable, if a situation doesn't feel or seem ok to you, you should take action:

- Ask questions
- Question people's behaviour
- Makes others aware so they can monitor the situation
- Remove or separate the victim from the situation
- Try and get some information from the victim, ask if you can help them in anyway
- Help them questions someone's motives

Security and management should always work to create a safe environment, always make sure the safe zone is active and our welfare officer is available for someone to talk to.

Assist as much as reasonable possible, this may include calling a parent or a friend to come and collect the person and for more serious issues calling the Police or ambulance service.

Never but an incoherent or vulnerable adult into the street and out of the venue, use the safe zone area, provide water and talk to them about contacting a chaperone.

At Sobar we have introduced the Police led initiative of "Ask Angela" this campaign helps people to request help without making a huge fuss, this helps venue staff to intervene if someone is feeling uncomfortable.

Please make sure all staff are made aware of the campaign and are trained accordingly.

Remember, asking a simple question "Are you ok?" can make a huge difference to the outcome of a situation or to the rest of someone life! Don't turn a blind-eye, act!

From: Piers Warne <
Sent: 15 April 2019 17:10
To: Duncan Craig
Cc: Matthew Phipps
Subject: FW: Etiquette

Duncan,

My client would like to submit the following for the committee to take into account on Wednesday:

Statement of Jo Kinsella

Re: Etiquette Nightclub Premises Licence Review

1 My name is Jo Kinsella and I am the Centre Manager for the Arcadian Centre, which is owned and managed by L & C Commercial Limited ('L&C').

2 L&C are the freehold owners of the Etiquette Nightclub, Arcadian Centre.

3 I understand that a premises licence summary review application was brought by West Midlands Police under Section 53A of the Licensing Act. I also understand that the final review hearing is listed to be held on 17 April.

4 I am making this statement in support of Mr. Wayne Tracey as the operator of the premises.

4 L&C are landlords for a number of properties in the vicinity of Etiquette, including a number of bars, restaurants, nightclubs, as well as a large number of retail units. As such, it is essential to us that our premises promote the licensing objectives in order to ensure that all of our tenants are able to operate their various businesses effectively and profitably.

5 Since the first hearing, the Licensing Sub-Committee has been made aware that the Etiquette business has changed hands. Mr. Azarian, I believe, no longer has anything to do with the premises, which is now owned and operated by Mr Tracey, a well know operator in Birmingham. I understand that he has a track record of running a successful licensed premises in Birmingham. We see no reason why he cannot bring that expertise to bear here and operate this premises accordingly.

6 For the above reasons we would support the agreement reached between the police and premises licence holder and ask the Committee to take these views into account.

Jo Kinsella

Centre Manager

Management Suite, 70 Hurst Street, Birmingham, West Midlands, B5 4TD

Kindly acknowledge receipt.

Piers

Piers Warne
Associate
for TLT LLP

2BE. Visit our [website](#) for further information

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BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Assistant Director of Regulation and Enforcement
Date of Meeting:	Wednesday 17th April 2019
Subject:	Licensing Act 2003 Premises Licence – Summary Review
Premises:	The Sutton Tap, 67 South Parade, Sutton Coldfield, B72 1QU
Ward affected:	Sutton Trinity
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, 0121 303 9896 licensing@birmingham.gov.uk

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 and to determine this matter.

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 21st March 2019 in respect of The Sutton Tap, 67 South Parade, Sutton Coldfield, B72 1QU.

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 21st March 2019 Superintendent Green, 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 DG Entertainment Ltd in respect of The Sutton Tap, 67 South Parade, Sutton Coldfield, B72 1QU.

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

Within 48 hours 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 22nd March 2019 to consider whether to take any interim steps and resolved that the Premises Licence be suspended pending a review of the Licence. A copy of the decision is attached at Appendix 2.

On 3rd April 2019, an application was submitted to the Licensing Section to transfer the premises licence, from DG Entertainment Limited to TH Nightlife Ltd, which sought to take immediate effect.

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 the 5th April 2019.

A representation was received from other persons. See Appendix 3.

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

Site location plans 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 of 22nd March 2019 , Appendix 2
Copy of the representation from other persons, 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 step of suspension imposed on the 22nd March 2019.

BCC	
REGULATION & ENFORCEMENT	
LICENSING SECTION	
DATE RECEIVED	
21 MAR 2019	
REF NO	Received 9:06am
INITIALS	BN



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

1 - Superintendent Green

(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 Sutton Tap**
Postal address of premise: **67 South Parade**
Post Town: **Sutton Coldfield**
Post Code (if known): **B72 1QU**
2. Premises Licence details :
Name of premise licence holder (if known): **DG Entertainments LTD**
Number of premise licence (if known): **2061**
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)

- At approximately 0326hrs Police were called to the Sutton Tap (believed by the DPS David Gall) stating there was a disorder involving 15 males.
- In the body of the Police incident log the caller has said "You need to get here it's pretty bad"
- On Police arrival they found the street full of customers from the Sutton Tap but not disorder.
- Police initial investigation at the scene revealed no complaints from the Sutton Tap or customers.

- Police licensing have investigated the incident with the assistance from the local Police Team. They have attempted to contact Mr Gall at the Sutton Tap for CCTV footage however he has not returned calls or emails from the Police.
- Police have subsequently obtained and viewed the CCTV footage that covers South Parade and the front of the Sutton Tap and witnessed a large scale disorder involving customers from the Sutton Tap.
- It shows a disturbance begin at 0318hrs when customers are seen leaving the Sutton Tap fighting. Customers are seen to attack each other, throwing punches; male and female customers are seen fighting, kicking each other in the head having after being thrown to the floor. Security barriers are seen to be thrown across the road into the crowds, at the pub entrance and also thrown at a car parked outside the main door of the Sutton Tap. This car then is seen to speed off along South Parade very closely mowing people down.
- It is only at 0326hrs that call is received by the police by the DPS.
- CCTV footage will be shown at any subsequent hearing.
- The premise has recently been subject to review proceedings instigated by West Midlands Police, at the subsequent licensing hearing the licensing committee revoked the premises. The reasons for doing so was for the promotion of crime and disorder and public safety objectives, following evidence both from West Midlands Police and the licensing authority. It was noted " there was a plethora of evidence from West Midlands Police and supporting information from the licensing authority of very limited engagement from the premise licence holder to rectify and improve the areas of concern highlighted to him and members of his staff over a period of time, and to so-operate in a satisfactory manner with the responsible authorities"
- Although the premises continues to trade under appeal, it is clear that the premises continues to cause significant concern for the promotion of crime and disorder and public safety, and indeed the level of violence has even increased.
- The premise licence holder has also failed to engage with the responsible authorities in ascertaining exactly what happened.

Signature of applicant:

Date: **21st March 2019**

Rank/Capacity: **Superintendent for Local Policing, Birmingham West NPU**

Contact details for matters concerning this application: **PC 1978 Walker**
Address: **Birmingham Police Central Licensing**

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

Premises: **The Sutton Tap**

Premise Licence Number: **2061**

Premise Licence Holder: **DG Entertainment Ltd**

Designated Premise Supervisor: **Mr David Galil**

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 disorder, and the serious management failings of the premises concerned.

The level and seriousness of the incident in terms of the serious disorder warrant the use of this power. I have to also factor in that the premise has recently been reviewed by West Midlands Police due to other incidents, for which the licensing authority revoked the premise licence. I am aware that it is still trading as it has appealed the decision but it is clear that the premise continues to cause significant concerns and indeed the level of violence has increased and the co-operation from the premise licence holder remains minimal.

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

It is quite evident from the CCTV footage available that the licensing objectives have been and will continue to be seriously undermined due to the serious disorder that has clearly taken place.

The Police also have concerns how the venue is being managed as the current licence in place has been revoked but is pending a court appeal. West Midlands Police are concerned that if immediate steps are not taken to suspend the licence then we believe that there will be further incidents at this venue.

I am conscious of the guidance under the 2003 licensing act on the use of "Expedited Reviews" and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

Signature of applicant:

Date: **21st March 2019**

Rank/Capacity: **Superintendent for Local Policing, Birmingham West NPU**



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE A

FRIDAY 22 MARCH 2019

THE SUTTON TAP, 67 SOUTH PARADE, SUTTON COLDFIELD, B72 1QU

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by DG ENTERTAINMENT LTD in respect of The Sutton Tap, 67 South Parade, Sutton Coldfield, B72 1QU this Sub-Committee determines:

- That the licence be suspended 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 these interim step is due to concerns by West Midlands Police in relation to matters which came to light at the premises on 16 March 2019 as clarified by PC Walker following the Chief Officer of Police's certificate and application.

The Sub Committee determined having watched the Gracechurch Shopping Centre CCTV in private, the causes of the serious disorder appeared to originate from within premises which spread to the street immediately outside the entrance of the premises including the barricaded smoking area.

It was noted by members, that the disorder which involved a large group of people had been ongoing for 8 minutes before a call was made to West Midlands Police by the premises licence holder. The Sub Committee noted that the disorder was violent in nature with objects being thrown and barriers defining the parameters of the smoking area being torn down and thrown at a vehicle.

Members considered the length of time it took to make the 999 call was far too slow and could have been made earlier by one of the door staff seen on the CCTV footage outside the premises whilst the incident was taking place.

The Sub Committee gave regard to the offer of reduced licensable hours by the Solicitor representing the premises licence holder as an alternative to suspension, to promote the licensing objectives. However they were of the view that this would not have a meaningful impact on the style of management or patrons visiting the premises as indicated by PC Walker from his experience of the premises.

The underlying cause for the disorder is the poor management control of the premises as emphasised in the WMP certificate which members were concerned about and felt that the appropriate measure was the suspension of the licence.

The Sub Committee therefore consider it necessary and reasonable to impose this step to address the immediate problems identified with the premises, in particular the likelihood of serious crime and or serious disorder occurring again at the premises , and to promote the prevention of crime and disorder objective in the Act.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, and the submissions made by the police and the Solicitor acting on behalf of the premises licence holder at the hearing.

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.

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

2061 / 9

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
The Sutton Tap 67 South Parade Sutton Coldfield	
Post town:	Post Code:
Birmingham	B72 1QU
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			
Monday - Sunday	10:00	-	03:00 M3
	10:00	-	03:30 E ,F ,G ,
	23:00	-	03:00 L
New Year's Eve – from the end of permitted hours to commencement of permitted hours on New Year's Day.			All

The opening hours of the premises	
Monday - Sunday	10:00 - 03:30
New Year's Eve – from the end of permitted hours to commencement of permitted hours on New Year's Day.	

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

BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence DGENTERTAINMENT LTD 5 Bowlas Avenue	
Post town: Sutton Coldfield	Post Code: B74 2TT
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 10977648
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol David Galil	
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 10883/1	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 08/12/2017

SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

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

BIRMINGHAM CITY COUNCIL

prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means: a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m. b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m. c. On Good Friday, 12 noon to 10.30 p.m. d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m. f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m. g. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day, which would be 11.00 a.m. if New Year's Day falls on a weekday or 12 noon if a Sunday. The above restrictions do not prohibit: (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel; (b) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises; (c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (d) the sale of alcohol to a trader or club for the purposes of the trade or club; (e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces; (f) the taking of alcohol from the premises by a person residing there; or (g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or (h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Where the number of children attending the entertainment exceeds 100 the licensee shall ensure the provisions of Section 12 of The Children and Young Persons Act 1933 are complied with.

There was no application to remove any of the embedded restrictions applicable to this licence under the old licensing regime. Those embedded restrictions are detailed below. Licensable activities may continue beyond the times specified in the embedded restrictions up to the times the premises licence authorises the carrying out of licensable activities.

This licence is granted subject to compliance with the conditions attached to the Public Entertainment Licence, previously issued in respect of these premises, as detailed in document reference number: PEL4.8 (copies of which are available upon request from the Licensing Section)

(1) Subject to the following paragraphs, the permitted hours on weekdays shall extend until two o'clock in the morning following [three o'clock in the metropolis] [or, if an earlier hour is specified in the special hours certificate, that hour] except that – (a) the permitted hours shall end at midnight on any day on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after midnight; and (b) on any day that music and dancing end (or, in the case of casino premises, gaming ends) between midnight and two o'clock in the morning [three o'clock in the metropolis], the permitted hours shall end when the music and dancing end or, as the case may be, when the gaming ends. (2) In relation to the morning on which summer time begins, paragraph (1) of this condition shall have effect – (a) with the substitution of references to three o'clock in the morning [four o'clock in the metropolis] [or one hour following the hour actually specified in the certificate where the certificate currently requires closure between 1a.m. and 2a.m]

BIRMINGHAM CITY COUNCIL

(3) Except on Sundays immediately before Bank holidays, the permitted hours on Sundays shall extend until thirty minutes past midnight in the morning following [or, if an earlier hour is specified in the special hours certificate, that hour], except that – a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after midnight; (b) where music and dancing end (or, in the case of casino premises, gaming ends) between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end or, as the case may be, when the gaming ends. (4) On Sundays immediately before bank holidays, the permitted hours shall extend until 2 a.m. in the morning following [3 a.m. in the metropolis], except that – (a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after midnight; (b) where music and dancing end (or, in the case of casino premises, gaming ends) between midnight on any Sunday and 2 a.m. [3 a.m. in the metropolis], the permitted hours on that Sunday shall end when the music and dancing end or, as the case may be, when the gaming ends. For casino premises (5) The sale of alcohol must be ancillary to the use of the premises for gaming facilities and substantial refreshment. For other premises (6) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

BIRMINGHAM CITY COUNCIL

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The provision of regulated entertainment and late night refreshment to take place indoors only.

No adult entertainment or services permitted on the premises.

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

The sale of alcohol shall cease thirty minutes prior to the closure of the premises.

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

No enforceable conditions identified from operating schedule.

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

Persons under the age of 18 years will not be permitted to remain on the premises after 22:00 hours.

BIRMINGHAM CITY COUNCIL

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

N/A

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

Annex 4 – Plans

The plan of the premises with reference number **103320-2061/9** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.

From:
Sent: 03 April 2019 17:18
To: Licensing
Cc:
Subject: The Sutton Tap, 67 South Parade, Sutton Coldfield - License Number 2061

We act for Santander UK PLC who own the freehold interest in the premises from which the Sutton Tap operates and additionally my clients occupy the adjacent property as an operational branch of the Santander banking network.

We understand that Police have sought an Expedited Review of the License at the premises due to a series of disorder events over a period of some months. Clearly as a neighbour of the premises where we have customers and members of the public transacting financial business we fully support the Police in preventing future recurrences of public nuisance and disorderly behaviour.

Santander also have possession of the upper floors of the property which extend over the premises currently occupied by the Sutton Tap. We are currently reviewing the potential use of these areas for residential purposes and the poor record of The Sutton Tap, as well as what we understand to be a proposal for extended late opening hours, would conflict with the quiet enjoyment which any residents, or indeed commercial occupiers should the accommodation remain as offices, expect.

We would also advise that neither the Sutton Tap nor the Licensee have any legal right to occupy the premises and action is being commenced to recover possession of the premises.

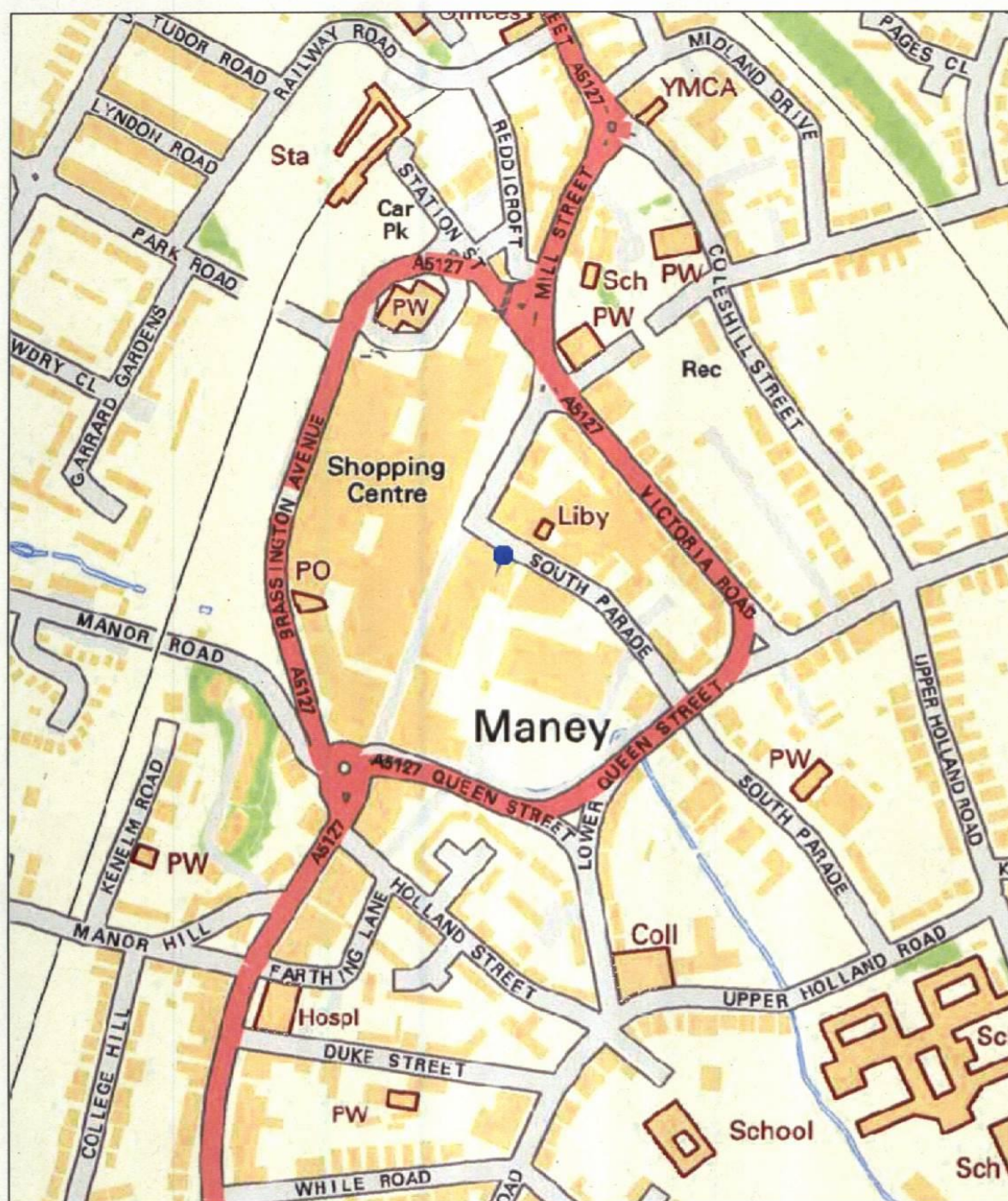
Should you require any further information please feel free to contact me, but in the meantime, I would reaffirm my clients support of the Police actions.

Regards

Real Estate & Infrastructure
Capita Gresham Street London EC2V
 capitaproperty.co.uk



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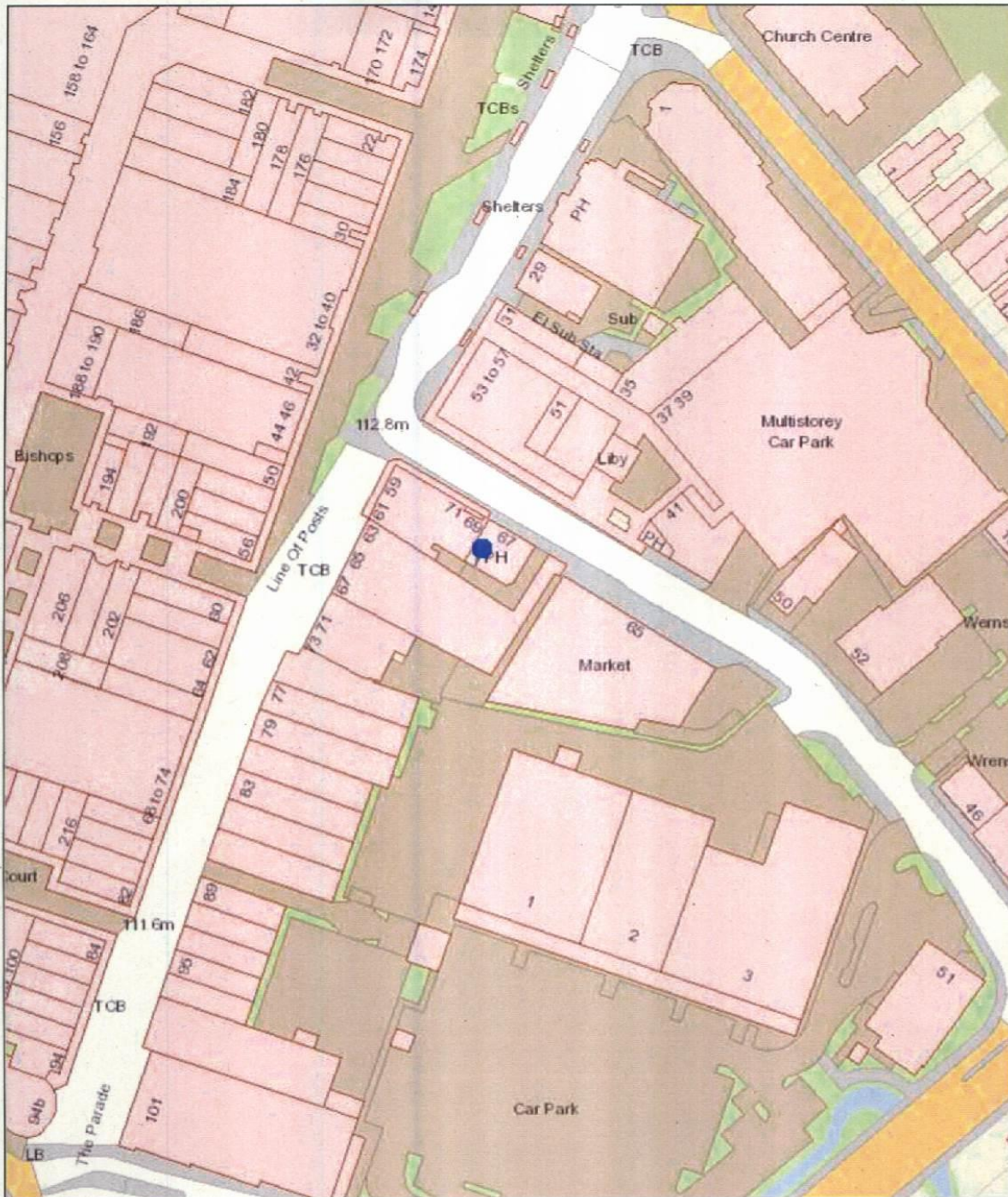
Date of Map Creation: 21/03/2019

Notes



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Notes

Date of Map Creation: 21/03/2019



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1:1,250

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West Midlands Police

Supporting Evidence

**Sutton Tap
67 South Parade
Sutton Coldfield
B72 1QU**



West Midlands Police

Police Impact Statement

**LICENSING IMPACT STATEMENT**Statement of: **PC 1978 Deano Walker**

Age if under 18: Over 18

(if over 18 insert 'over 18')

Occupation: **Police Officer**

This statement (consisting of 6 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: Date **10th April 2019**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC 1978 Deano Walker of the West Midlands Police; I am part of the Birmingham Police Central Licensing Team based at West Midlands Police Headquarters, Lloyd House. My role as licensing officer is to process licensing matters in accordance with the licensing act of 2003 and I have been carrying out the position for the past 9 years.

I am making this statement in relation to West Midlands Police request to review the premises licence number 2061 at the Sutton Tap, 67 South Parade, Sutton Coldfield, B72 1QU. This request is in relation to the increase in crime, disorder, anti-social behaviour (ASB) and evidence of drug dealing and taking.

Sutton Coldfield and the Night Time Economy (NTE) –

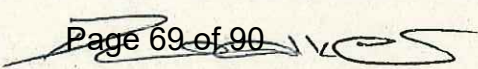
Sutton Coldfield is a vibrant community town with the shops themselves serving the local people who live within it. There is a variety of ages that use the town, elderly, young mothers and their children, school and collage children; office workers from the business are just an example of the local community and workers using Sutton Town on a daily basis.

The town not only serves both shoppers and offices in the day but it also serves a busy NTE for those revellers seeking night time entertainment, for drinking, restaurants and late night refreshments outlets.

Around the town and also within walking distance of the Sutton Tap are 12 other Public Houses & Clubs where alcohol is served on premises. Along with these there are also over 20 other types of premises that serve customers alcohol both off/on sales such as restaurants and off licences and are all again within walking distance of the this pub.

Historically, Sutton Town had a busy NTE which would see onward of up to 2000 people entering to enjoy the nightlife. However, over the past few years these numbers have more than halved and it has seen many of the late venues closes which has resulted in the Sutton Tap being one of the latest premises open into the early hours. Historically, the town would suffer with alcohol related offences, this was due to the large the number of premises where alcohol could be both purchased and consumed. Due to the number of premises in the area and the late nights they were open it was difficult to identify premises that were at fault. The decline in the NTE the town has seen a reduction in alcohol related crime and anti-social behaviour. To the extent that when it does occur it has been identifiable due to the location and the time it occurs. The Local Police Team will have good idea that if an offence occurs in a certain location and after a certain time they can identify the premises it's associated with.

Signature:

Page 69 of 90

Signature witnessed by:

Sutton Tap –

The Sutton is situated in the centre of Sutton Town on South Parade. It has formed part of the NTE for as long as I can remember during my 23 years of policing. Over the past 9 years of licensing I have seen various DPS's and licence holders come and gone as it has changed hands many times.

Over these years there have been 15 DPS's and 9 different licence holders. I have to say, this is the most variations and transfers I've seen whilst being in this licensing post, I believe this is testament to the issues that have been associated with the premises and in particular over the past 5 years.

Until November 2017 I was the local licensing officer for Sutton Coldfield and so I had daily dealings with pubs and clubs in the town. Prior to the centralization of police licensing in Birmingham I always had concerns with the way the Sutton Tap was managed and the issues associated with the pub. When this occurred I would always work with management to address the issues. However, on most occasions anything implemented did not make any improvement to the issues. It would only be then a review would be considered but it was at this stage a new DPS and licence transfer would always be submitted and this was a vicious circle that was to occur over time, until now.


As a Central Licensing Officer we rely on the Local Police Team to monitor local licensing issues especially during the NTE. We have been contacted many times over the past 12 months regarding the Sutton Tap due to serious periodic issues ranging from crime, disorder, ASB, drug use and dealing. The local team have made extensive attempts to work with the DPS (who is also the licence holder) in an attempt to combat these issues. You can see from the police "Innkeeper" system entries, there have been numerous visits to the venue, on most occasions the DPS has not been present, the staff aren't aware where he is or when he's next back on site and officers have been unable to follow up crime enquiries such as CCTV requests.

The licence has been held by DGENTERTAINMENTS LTD since November 2017 with Mr David Galil being the companies' director since September 2017. Mr Galil has also held the position of DPS since August 2018. It has been in this time that local police have seen a steady increase in issues which have intensified over the past 10 months.

Over the past 12 months there has been a pattern of crime, ASB, intelligence and licensing issues such as –

- Assaults and wounding.
- Disorder and fights breaking and all over when police attend.
- Victims of crime refusing to work with the police.
- Doorstaff and bar staff being assaulted and refusing to make a complaint or statement.
- Drug dealing, nitrous oxide being sold in the pub.
- Drug taking, staff are aware it's occurring but turn a blind eye.
- DPS/licence holder never being on site and not contactable.
- CCTV not being made available by staff including the DPS/licence holder.
- CCTV has also shown drug taking and trading past their hour the licence allows them.

The most recent information from the Local Police Team had located empty nitrous oxide capsules, at the rear of the Sutton Tap and amongst rubbish identifiable from the pub. As the licensing officer I did not believe I could evidence sufficiently that these capsules were either purchased or consumed at the Sutton Tap. However, in December 2018 local police were able to view CCTV from the pub (which Mr Galil was reluctant to show) which showed customers inhaling balloons which Police believe to contain nitrous oxide. Police believe that this illegal physco active substance is being sold at the pub by staff, doorstaff are aware of this (as CCTV will show) and also that the licence holder/DPS is also party to its sale and subsequent profits.

Signature: 

Signature witnessed by:

Based on the sheer number of capsules seen at the rear of the pub, what was shown on CCTV Police licensing requested the review of the licence.

It is quite evident from the Police crime reports, recorded Police incidents, intelligence gathered the pub has fallen well below what would be expected from a responsibly run premises that promotes the licensing objectives.

It was evident that the current DPS/licence holder had been putting profit over public safety and had total disregarded the help and guidance that the Police have afforded him. It appears that he has a total disregard or inability to promote any licensing objectives. Since submitting the review application Police licensing have attempted to contact Mr Galil via his licensing consultant to again work with him but have found that the consultant has withdrawn their services. At no point has Mr Galil attempted to contact us himself.

Police Licensing believe that whilst the current licensing holder/DPS has control or influence at the pub it will see no improvement to its issues and therefore request revocation of its licence.

In January 2019 West Midlands Police Licensing Section submitted a requested to Birmingham Council Licensing to review the licence. This was due to their concerns that the licensing objectives, the prevention of crime and disorder and public safety were not being promoted.

On the 25th February 2019 a licensing subcommittee heard the evidence presented by the police and during the hearing the licence holder pledge to the committee that by keeping the licence dramatic changes would be made to the management and the running of the premises. This included replacing the DPS and employing a manager, improving the CCTV with a more effective system, improving the security in particular the doorstaff, better staff training and making a change to the type of customers that attended the premises.

The subcommittee concluded –

- Concerns by West Midlands Police and the Licensing Enforcement Authority in relation to the poor management of the premises by the individual acting as the DPS in addition to holding the premises licence.
- Members noted since the licence was held by the current DPS, there was a plethora of evidence from West Midlands Police and supporting information from the Licensing Enforcement Authority of very limited engagement from the premises licence holder to rectify and improve the areas of concern highlighted to him and members of his staff over a period of time, and to cooperate in a satisfactory manner with the Responsible Authorities.
- They considered the cause of an increase in crime and disorder, and risk to public safety within the premises as presented in the West Midlands Police's evidence could be linked to the way the premises had been operated by the premises licence holder. They felt the licensee was lacking in the right set of skills and experience to uphold and promote the relevant licensing objectives despite numerous offers of help and assistance from the Responsible Authorities.
- The Sub Committee took into account, Counsel conceded on behalf of the premise licence holder there were obviously serious problems at the premises, and a radical change in the operation was needed. Further, Counsel proffered several conditions including a new security firm of good repute, well known to the West Midlands Police for turning around problematic venues.
- The licensing committee decided that these conditions did not go far enough and revoked the licence.

Signature:



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Since the revocation of the licence the licence holder has submitted an appeal to the committees decision, a hearing is awaiting to be heard and the premises have continued to trade


Incident that triggered the Expedited Review

Saturday the 16th March 2019 –

- At 3:26am - Police received a 999 call from staff at the Sutton Tap stating there was a disorder involving 15 males but no weapons had been seen.
- Police arrive at 3:36am and inform control that there are lots of people but no disorder seen.
- Police speak to a male believed involved in the incident but no customers or staff from the Sutton Tap of any issues or crime.
- Police left the scene with no offences disclosed.

Monday 18th to 20th March 2019 –

- Police licensing become aware of this incident and request the local police team view both the CCTV from the local Shopping Centre and also the Sutton Taps own system.
- Local Police Team attend the Sutton Tap and request to see their CCTV to be told it wasn't available for the requested times as there was a fault with the system.
- Local Police Team view the CCTV at the Shopping Centre and inform that they have viewed a large scale disorder involving a number of customers from the Sutton Tap
- Licensing officers eventually obtain the CCTV and observed –
 - 03:18 & 47 seconds - The incident starts with a small scuffle falling out of the pub and into the smoking area.
 - Police did not receive the call from the DPS until 03:26,
 - Nearly 10 minutes after the disorder started and there were no further calls from staff.
 - There then begins periodic fights and large disorder involving in excess of 30 people.
 - The fighting and disorder occurs around the main entrance to the pub and well as in the road.
 - During the fighting you see punches being thrown and people kicking each other.
 - Customers thrown to the floor and kicked in the head.
 - Customers are jumping over the security barriers and attempt to get back into the pub.
 - It is clear that the incident began inside the pub.
 - A group of males are seen punching and kicking another male to the head, he manages to break away; he's chased in to the road where he is again knocked to the ground with a punch. He is then repeatedly kicked in the head by up to five other males.
 - You then see him helped up and require help to walk away.
 - You can see customers have left the pub with bottles which are then see to be thrown into the crowd.
 - From 03:21 & 14 seconds the barriers are pulled away, missiles are thrown towards the pub and the fighting continues.
 - The fighting that occurs is the customer's now attacking doorstaff.
 - Barriers are wrestled between doorstaff and customers which are pulled over knocking customers to the ground.
 - At 03:23 & 48 seconds you see two males begin to attack a car parked in the road and at the same time fighting again breaks out near the entrance to the pub.
 - It is then you see a hooded male pick up one of the barriers and launch it at the parked car. Another kicks the car before it speeds off and missiles are thrown in its direction.
 - The CCTV camera follows the car where you see customers with bottles in the street.
 - You see the barrier in the middle of the road.

Signature: 


Signature witnessed by:

- The car involved is seen to turn around, speeding erratically back along South Parade and customers begin to attack it.
- 3 Police vehicles arrive on scene at 03:29 & 24 seconds.
- You see the main offender talking in the entrance, you see arms raised and at one point the offender is pushed away by a member of doorstaff. This doorstaff is the same that was involved in previous incidents from the first licencing review.

Police Concerns

- Customers have been allowed in the street with bottles which have then been used as weapons.
- Customers are attacked, they sustain viscous punches and kicks to the head and you can see they are injured but no ambulance is called by the venue.
- At the previous hearing, CCTV footage showed doorstaff allowing customers to inhale nitrous oxide from balloons inside the venue and it showed the same doorstaff bursting them as they left the venue so as not to be seen by police or captured on street CCTV. These same doorstaff are still employed at the premises.
- No doorstaff or management approached the police to say what happened even though they know who the main offender was and it was the DPS who eventually made the only call to police.
- It took the DPS/licence holder over 8 minutes to call the Police by which time it was all over.
- It is evident that the doorstaff have no control, they get involved in the street but they are ineffective and have to retreat back into the pub to protect themselves.
- The doorstaff incident report only says "Kicked off outside, all ok" (found in Police other evidence bundle). This incident was not ok, there was a violent disorder, crime was committed and inevitably people received potential injuries.
- Lack of control from the DPS/Licence holder, not only since taking over the premises licence 2 years ago but in particular since the last review where the licence was revoked.
- During the previous hearing in February 2019, via their legal counsel the licence holder offered various improvement changes to prevent the licence being revoked. These were summed up in the committee's decision on the day –
 - The Sub Committee took into account, Counsel conceded on behalf of the premise licence holder there were obviously serious problems at the premises, and radical changes in the operation was needed. Further, Counsel proffered several conditions including a new security firm of good repute, well known to the West Midlands Police for turning around problematic venues.
None of these have been implemented, no new door team, no new CCTV, no dress code and no new drug or search policy implemented

Signature:



Signature witnessed by:

- Members noted since the licence was held by the current DPS, there was a plethora of evidence from West Midlands Police and supporting information from the Licensing Enforcement Authority of very limited engagement from the premises licence holder to rectify and improve the areas of concern highlighted to him and members of his staff over a period of time, and to cooperate in a satisfactory manner with the Responsible Authorities.
- Members considered the cause of an increase in crime and disorder, and risk to public safety within the premises as presented in the West Midlands Police's evidence could be linked to the way the premises was operating by the premises licence holder. Members felt the licensee was lacking in the right set of skills and experience to uphold and promote the relevant licencing objectives despite numerous offers of help and assistance from the Responsible Authorities.

West Midlands Police have received no engagement from the DPS/Licence holder or their legal team in an attempt to rectify the problems other than a licence transfer.

Representation has been made to this as the Police believe that there are links from the proposed new holder and the old.

- West Midlands Police have recently received information that the building owners "Santander" are currently in the process of repossession of the premises. This is covered in an email attached in "Police other supporting evidence".
- **On Wednesday the 10th April 2019 Police Licensing were made aware of an incident at the venue**
 - **Police officers on patrol in Sutton Coldfield during the NTE.**
 - **Attended the Sutton Tap at 03:01hrs as there was a report of a disorder.**
 - **Officers found 6 to 7 people stood outside and one male with a bloody nose.**
 - **Officers entered the Sutton Tap and found the brother of the DPS/Licence holder.**
 - **Officers observed signs that a disorder had taken place.**
 - **There was blood stained tissues on the floor.**
 - **A strong smell of cannabis in the room.**
 - **Nitrous Oxide canisters along with balloons on the floor.**
 - **Officers observed cash in the till and customers confirmed payment for alcohol.**
 - **This Police indent log can be found on page 21 & 22 of this evidence bundle.**

This further incident along with only one to police shows that nothing has changed at the premises. I conclude that the premises licence holder/DPS still has no control; it has become a venue that is synonymous for drunken crime, disorder, drug use and anti-social behaviour and this is totally unacceptable by any reasonable standards of modern premises management. West Midlands Police is not unreasonable to ask that this licence is revoked for a second time.

Signature:



Signature witnessed by:



West Midlands Police

Police Incident Log

Restricted			
West Midlands Police command and control report			
Ref No	Date Occurred	Time Occurred	Incident Type
404	16-MAR-19	03:26:00	DISORDER
Crime Number	Beat	SIG Warnings	
20BE/68071U/19	BEGC	!!! VPH	
Location	TALK OF THE TOWN-67-THE HAIRY LEMON,SOUTH PARADE,SUTTON COLDFIELD-WEST MIDLANDS,		
Caller:	[REDACTED] - LANDLORD		
Caller Add:			
Caller Tel. No.:	[REDACTED]		
Final Classification.:			
Detail	DISORDER - 15 MALES - NO WEAPONS		

Time	Date	Update
03:28:57	16-03-19	RCV8 Despatched
03:29:39	16-03-19	AD68 Automatic STM notification generated
03:29:39	16-03-19	AD68 Allocated to Incident
03:29:44	16-03-19	AD68 WILL MONITOR
03:30:21	16-03-19	RCM68 Redeployed from Incident 229 16-03-19
03:30:21	16-03-19	RCM68 Automatic STM Notification generated
03:30:21	16-03-19	RCM68 Despatched
03:30:27	16-03-19	RCR35 Redeployed from Incident 303 16-03-19
03:30:27	16-03-19	RCR35 Automatic STM Notification generated
03:30:27	16-03-19	RCR35 Despatched
03:32:04	16-03-19	MATCHED WITH 402 (16-03-19) - REASON AS BELOW :-
03:32:04	16-03-19	SAME INCIDENT
03:32:06	16-03-19	V8- LOTS OF PEOPLE NO DISORDER SEEN YET
03:36:00	16-03-19	REO96 Arrived at Incident
03:37:39	16-03-19	BERA ONTO SECURITY
03:38:05	16-03-19	PNC - #NE [REDACTED]
03:38:58	16-03-19	NO TRACE
03:40:02	16-03-19	POSS OFFENDER OF ASSUALT AND DAMAGE TO AN AUDI-
03:40:14	16-03-19	MALE SLIM BUILD- WHITE SHIRT AND BLUE JEANS
03:42:25	16-03-19	PNC - #NE [REDACTED]
03:42:48	16-03-19	PNC screen captured - 1 to Log
03:42:57	16-03-19	PNC screen captured - 2 to Log
03:55:50	16-03-19	REO96 Redeployed to Incident 435 16-03-19
03:59:27	16-03-19	RCM68 Redeployed to Incident 285 16-03-19
04:00:24	16-03-19	ADDRESS OF [REDACTED]
04:15:03	16-03-19	PC HOPE 22261 HAS RECORDED SUSPECT IDENTIFIED
04:15:03	16-03-19	CCTV ON BWV AND CONFIRMED DETAILS AS PER LOG NO
04:15:03	16-03-19	FOR APPARENT OFFENCES HAVE BEEN IDENTIFIED AS THE
04:15:03	16-03-19	SCENE I SUGGEST THIS LOG IS CLOSED PENDING ANY
04:15:03	16-03-19	COMPLAINTS BEING RECEIVED
04:51:30	16-03-19	RCV8 Redeployed to Incident 503 16-03-19
07:09:14	16-03-19	All Resources Leave Scene-Dispatch Cancelled etc
07:09:29	16-03-19	Incident Closed By Terminal BER4
07:09:29	16-03-19	Incident End (Result - Close)
1/ /BVSD	/1/ /BV	Wednesday 20 Mar 2019
1/ /BVSD	/1/ /BV	The following was entered after the Incident was
1/ /BVSD	/1/ /BV	Closed

Printed on -- 09/04/2019 at 12:50 by FLINTS user WALKER_1978 on ws19841.(Audit ref: 3346222)

1/ /BVSD	/1/ /BV	The following was entered after the Incident was
1/ /BVSD	/1/ /BV	Closed
16:08:40	20-03-19	Re-Opened by BVSD3
16:09:01	20-03-19	CRIME NUMBER 20BE-68071U-19
16:09:18	20-03-19	Incident Closed By Terminal BVSD3
16:09:18	20-03-19	Incident End (Result - Close)
03:26:11	16-03-19	Saturday 16 Mar 2019
03:26:11	16-03-19	Location was on 23-02-19
03:26:11	16-03-19	Location was VIEW PREVIOUS HISTORY on 23-02-19
03:26:11	16-03-19	Routed To Radio Operator(s)
03:26:12	16-03-19	CLI data: VODAFONE- 0711000041224
03:26:12	16-03-19	412224- 296000- 100- 100- 80- 90- OSGB36
03:26:29	16-03-19	THIS IS IN PROGRESS
03:26:30	16-03-19	Incident Transfer Accepted by terminal BER4
03:26:38	16-03-19	WE NEED YOU TO GET HERE ITS PRETTY BAD
03:26:41	16-03-19	NO OTHER INFO
03:26:45	16-03-19	OFF THE LINE
03:26:59	16-03-19	Incident Switch - Abandoned
03:27:12	16-03-19	Incident Switch to Terminal YMR1-YMR2-YMMSS
03:27:12	16-03-19	ANY AD UNITS FREE
03:27:12	16-03-19	Incident Switch
03:27:16	16-03-19	Incident Switch Accepted By YMR2
03:28:38	16-03-19	OPEN SHOUT TG40
03:28:45	16-03-19	REO96 Redeployed from Incident 303 16-03-19
03:28:45	16-03-19	REO96 Automatic STM Notification generated
03:28:45	16-03-19	REO96 Despatched
03:28:57	16-03-19	RCV8 Redeployed from Incident 285 16-03-19
03:28:57	16-03-19	RCV8 Automatic STM Notification generated

Restricted



West Midlands Police

Police Crime Report



RESTRICTED

WEST MIDLANDS POLICE OFFENCE REPORT

Page 1 of 2

"UNRESOLVED"

Offence No. 20BE/68071U/19

OFFENCE DETAIL

Offence Code PU86002 Description PUB VIOLENT DISORDER
Offence Times Between 03:10 hours Sat 16th Mar 2019
and 03:25 hours Sat 16th Mar 2019
Main File Incident
Location THE SUTTON TAP, 67, SOUTH PARADE,
SUTTON COLDFIELD, WEST MIDLANDS B72 1QU
Grid Ref 412059296035
Neighbourhood BEGC BE SUTTON TRINITY Sector SUTTON COLDFIELD

REPORTING DETAIL

Reported Time 03:25 hours Sat 16th Mar 2019
How Reported EMERGENCY TELEPHONE CALL 999

Reported By
Received By PC 9611 SANDHU

VICTIM DETAILS

MODUS OPERANDI & PROPERTY

BST, APROXIMATELY 30/40 UNKNOWN OFFENDERS ARE SEEN TO ENGAGE IN UNLAWFUL VIOLENCE WHERE PHYSICAL VIOLENCE IS SEEN. UNKNOWN OFFENDERS THROWING METAL RAILINGS THAT HAVE BEEN UTILISED TO THROW ON TO PARKED VEHICLES. THE CONDUCT TAKEN ALTOGETHER WOULD CAUSE A PERSON OF REASONABLE FIRMNESS TO FEAR FOR THEIR PERSONAL SAFETY. REF LOG 402 16/03/19

FURTHER INFORMATION

Crime Interests

PUBLIC PLACE VIOLENCE

ALL OTHER ROLES NOT PREVIOUSLY LISTED

Type INPT Name CIV 50992 TOHER
Nominal Ref 8747H
Reason

Type PREP Name [REDACTED] D.O.B. [REDACTED]
Nominal Ref 6296959W Ethnic Appearance [REDACTED]
Reason

Address1 [REDACTED], THE PARADE,
Business Sutton Coldfield, West Midlands B72 1PA
Home Tel. Work Tel. [REDACTED]
Mobile Tel. [REDACTED]

Type VICR Name REGINA/REX VICTIM

Date : 09-APR-19 13:09:13 Oracle User: PORTAL_USER



RESTRICTED

WEST MIDLANDS POLICE
OFFENCE REPORT

Page 2 of 2

"UNRESOLVED"**Offence No. 20BE/68071U/19**

Nominal Ref

Reason

***** End of Report *****



West Midlands Police

Other Police Evidence


Door Supervisor Duty Log

INCIDENT REPORT


All Incidents must be recorded.

Where an incident may lead to further action, for example an accident or injury to a customer or a team member, it is vital that the company incident reporting procedure is followed in full, and that all relevant details are correct, and the appropriate CCTV tapes are retained on site to assist in any investigation.

Where there are no incidents on any particular date, please ensure that the log clearly states that.

Time	Type of Incident	Details of Action Taken (Not if Police/ambulance called)	Name/Badge No.	Signature	Reported (Yes/No)
03:15		Open on table kicked off outdoor cushion called All okay			

Enforcement Visit Log:	Time of Visit	Details of Action Taken:	Manager Informed:
Police Officers Attending:			
Ambulance/Fire ID:			
Crime Ref Number:			
Number of Expulsions:			
Drunk:	Disorderly Conduct:	Smoking Violations:	Other:

Daily Sign Off - 'I confirm that all incidents have been recorded and all information is correct'	✓	Signature	Date
Head Doorman	✓		16.03.19



TLG Management Ltd
Unit 1 Tilton Road
West Midlands
Birmingham B9 4EG

tel: 0845
visit: www.tlgmanagement.co.uk
email: enquiry@tlgmanagement.co.uk
www.facebook.com/tlgmanagement

To Whom it may concern,

I can confirm that on Friday 15th March, TLG UK Management Ltd provided 3 SIA Security staff for the Sutton Tap, 67 South Parade, Sutton Coldfield, B72 1QU.

Our staff worked from 11pm till 4:00am. During the night there was some disorder which escalated and the police were called. Our staff were not injured and they filled in an incident report, which was reviewed by TLG management.

If you have any questions, or require details of the Badge numbers of our guards then please contact me on 01 [REDACTED].

Thanks

[REDACTED]
Compliance and Contract Manager
[REDACTED]



Registered office: Unit 1, Tilton Road, West Midlands
Birmingham B44 9EG
Company Registration No: 09508490 VAT No: 238572484



BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE - A
MONDAY 25 FEBRUARY 2019

THE SUTTON TAP, 67 SOUTH PARADE, SUTTON COLDFIELD, BIRMINGHAM, B72
1QU

That, having reviewed the premises licence held under the Licensing Act 2003 by DG Entertainment LTD. in respect of **The Sutton Tap, 67 South Parade, Sutton Coldfield, Birmingham, B72 1QU** upon the application of the West Midlands Police, this Sub-Committee hereby determines that the licence be revoked, in order to promote the prevention of crime and disorder, and public safety objectives in the Act:

The Sub-Committee's reasons for revoking the licence are due to concerns by West Midlands Police and the Licensing Enforcement Authority in relation to the poor management of the premises by the individual acting as the DPS in addition to holding the premises licence.

Members noted since the licence was held by the current DPS, there was a plethora of evidence from West Midlands Police and supporting information from the Licensing Enforcement Authority of very limited engagement from the premises licence holder to rectify and improve the areas of concern highlighted to him and members of his staff over a period of time, and to cooperate in a satisfactory manner with the Responsible Authorities.

Members considered the cause of an increase in crime and disorder, and risk to public safety within the premises as presented in the West Midlands Police's evidence could be linked to the way the premises was operating by the premises licence holder. Members felt the licensee was lacking in the right set of skills and experience to uphold and promote the relevant licensing objectives despite numerous offers of help and assistance from the Responsible Authorities.

The Sub Committee took into account, Counsel conceded on behalf of the premise licence holder there were obviously serious problems at the premises, and a radical change in the operation was needed. Further, Counsel proffered several conditions including a new security firm of good repute, well known to the West Midlands Police for turning around problematic venues.

However, members determined those various conditions did not go far enough to ensure the responsibility for the management of the premises would not reside with the licensee for reasons given above.

The Sub-Committee gave consideration as to whether it could remove the Designated Premises Supervisor or suspend the licence for a specified period of not more than 3

months, but was not satisfied given the evidence submitted, that the licensing objectives would be properly promoted following any such determination.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the applicant, premises licence holder and their legal adviser and other Responsible Authority.

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.

Deano Walker

19

From: David Galil <[REDACTED]>
Sent: 09 April 2019 15:34
To: Deano Walker
Subject: Fwd: The Sutton Tap, 67 South Parade, Sutton Coldfield - License Number 2061

[Get Outlook for iOS](#)

From: [REDACTED] on behalf of Licensing
Sent: Friday, April 5, 2019 10:29:36 AM
To: david_g [REDACTED]
Subject: FW: The Sutton Tap, 67 South Parade, Sutton Coldfield - License Number 2061

Dear Sirs,

Further to my email of 2 April 2019, please see the below representation received during the statutory consultation period.

Kindest Regards

[REDACTED]
Senior Licensing Officer

Licensing Section
PO Box 17013 | Birmingham | B6 9ES

'Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading City for residents, business and visitors'

From: [REDACTED]
Sent: Wednesday, April 03, 2019 5:18 PM
To: Licensing
Cc: [REDACTED]
Subject: The Sutton Tap, 67 South Parade, Sutton Coldfield - License Number 2061

We act for Santander UK PLC who own the freehold interest in the premises from which the Sutton Tap operates and additionally my clients occupy the adjacent property as an operational branch of the Santander banking network.

We understand that Police have sought an Expedited Review of the License at the premises due to a series of disorder events over a period of some months. Clearly as a neighbour of the premises where we have customers and members of the public transacting financial business we fully support the Police in preventing future recurrences of public nuisance and disorderly behaviour.

Santander also have possession of the upper floors of the property which extend over the premises currently occupied by the Sutton Tap. [REDACTED]

[REDACTED]

You would also advise that neither the Sutton Tap nor the Licensee have any legal right to occupy the premises and action is being commenced to recover possession of the premises.

19

Should you require any further information please feel free to contact me, but in the meantime, I would reaffirm my clients support of the Police actions.

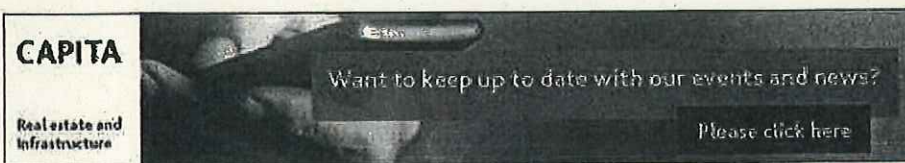
Regards

Director – Real Estate Advisory

Real Estate & Infrastructure

Capita 65 Gresham Street London EC2V 7NQ

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Command & Control - Search Results

Intranet Homepage

Return to Incident List

New Search

URN	Date & Time	Secure Record	Owner	Operator	Beat
2991	06/04/2019 23:51:00	No	BER4	59057	BEGC
Initial Class	Response	Crime No.	Arrests	Date Closed	Status
MISCELLANEOUS P8	INTERNAL TASK		0	07/04/2019 05:12:11	CLOSED
Method Received	Telephone Call				
Caller	POLICE 7447				
Caller Address					
Caller Phone					
Incident Location	SOUTH PARADE SUTTON COLDFIELD-WEST MIDLANDS				
OSGR	412171, 295964				
Incident Detail	SUTTON COLDFIELD NIGHT TIME ECCONOMY				
Incident Result	NO FURTHER POLICE ACTION REQUIRED				

Updates

User	Date	Time	Terminal	Text
59057	06/04/2019	23:55:42	BER4	RCK16 Automatic STM Notification generated
59057	06/04/2019	23:55:42	BER4	RCK16 Despatched
59240	07/04/2019	00:54:31	BERA	Sunday 07 Apr 2019
3263	07/04/2019	02:38:29	BER1	Resources Dealing with this Incident Enquiry
59240	07/04/2019	02:38:55	BERA	RCK16 - WITNESSED LICENSE OFFENCES THAT ARE STILL
59240	07/04/2019	02:39:04	BERA	OCCURRING ALTHOUGH LICENSES HAVE BEEN LOST.
59240	07/04/2019	02:39:21	BERA	RCK16 - OFFENCES COMMITTED.
3263	07/04/2019	02:51:15	BER1	THE SUTTON TAP IS CLOSING GAS CANNISTERS AT
3263	07/04/2019	02:51:40	BER1	LOCATION. BLOOD ON THE DOOR NO COMPLAINTS BEING
3263	07/04/2019	02:51:41	BER1	MADE.....
22492	07/04/2019	03:01:29	IncApp	OFFICERS WERE DIRECTED TOWARDS SUTTON TAP
				STATING
22492	07/04/2019	03:01:29	IncApp	THAT THERE WAS DISORDER. THERE WAS APPROXIMATELY
				6-7
22492	07/04/2019	03:01:29	IncApp	PEOPLE OUTSIDE AND A MALE WITH A BLOODY NOSE. THE
22492	07/04/2019	03:01:29	IncApp	MALE WAS NOT MAKING ANY COMPLAINT OF ASSAULT.
22492	07/04/2019	03:01:29	IncApp	OFFICERS ENTERED THE TAP AND WE'RE APPROACHED BY
22492	07/04/2019	03:01:29	IncApp	████████ GALIL 6-7-1 WHO WAS IN CONTROL OF THE
22492	07/04/2019	03:01:29	IncApp	PREMISES. THERE WERE SIGNS OF DISORDER INSIDE THE
22492	07/04/2019	03:01:29	IncApp	PUB. THERE WAS TISSUE WITH BLOOD ON THE FLOOR
				FROM
22492	07/04/2019	03:01:29	IncApp	THE MALES NOSE. THERE WAS PLENTY OF ALCOHOL ON
				THE
22492	07/04/2019	03:01:29	IncApp	BAR AND TABLES. THERE WAS A VERY STRONG SMELL OF
22492	07/04/2019	03:01:29	IncApp	CANNABIS WITHIN THE PUB AND THERE WERE GAS
				CANISTERS
22492	07/04/2019	03:01:29	IncApp	AND BALLOONS AROUND THE PUB. PC 21536 HAS
				RECORDED
22492	07/04/2019	03:01:29	IncApp	THIS ON BWC.
7447	07/04/2019	03:04:55	WebOASIS	IT WOULD APPEAR THAT THERE WAS CASH IN THE TILL
				AND
7447	07/04/2019	03:04:55	WebOASIS	THE CUSTOMERS HAD CONFIRMED THAT THE SALE OF
				ALCOHOL
7447	07/04/2019	03:04:55	WebOASIS	WAS TAKING PLACE- DUTY INSPECTOR V20 WAS MADE
				AWARE.
7447	07/04/2019	03:04:55	WebOASIS	THIS MATTER WILL BE SENT BACK TO THE
				NEIGHBOURHOOD
				TEAM TO PROGRESS- CLEAR LICENSING OFFENCES.

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7447 07/04/2019 03:04:55 WebOASIS PHOTO'S
 7447 07/04/2019 03:04:55 WebOASIS AND VIDEO WERE CAPTURED.
 7447 07/04/2019 03:05:44 WebOASIS PLEASE ATTACH SGT GREG RICHARDS + PC H SANDU TO THIS
 7447 07/04/2019 03:05:44 WebOASIS LOG. TO REMAIN OPEB FOR THEIR ATTENTION.
 59240 07/04/2019 03:15:26 BERA FOR BOOK OFF
 59240 07/04/2019 03:15:31 BERA 7447 Not at an Incident - Cannot Leave
 59240 07/04/2019 03:15:31 BERA 3437 Not at an Incident - Cannot Leave
 59240 07/04/2019 03:15:31 BERA 21536 Not at an Incident - Cannot Leave
 59240 07/04/2019 03:15:31 BERA 22492 Not at an Incident - Cannot Leave
 59240 07/04/2019 03:15:37 BERA RCK16 Not attached to this Incident
 59240 07/04/2019 03:15:44 BERA RCK16 Cancelled
 59057 07/04/2019 05:12:12 BER4 Incident Closed By Terminal BER4
 59057 07/04/2019 05:12:12 BER4 Incident End (Result - Close)

Resources

Rank	Name	Collar No	Dispatched	Arrived	Left	Cancelled	Informed	Informed Cancelled	Dealt With	Call Sign
PS	STRONG	7447	06/04/2019 23:55			07/04/2019 03:15				RCK16
PS	WITHERS	3437	06/04/2019 23:55			07/04/2019 03:15				RCK16
PC	DAVIS	21536	06/04/2019 23:55			07/04/2019 03:15				RCK16
PC	ANDREW	22492	06/04/2019 23:55			07/04/2019 03:15				RCK16

Final Classification ADMINISTRATION POLICE GENERATED RESOURCE ACTIVITY

Qualifier NONE

Power of Arrest Used

Anti-social behaviour

Closing Text

Officer Dealing 7447

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