

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 23 MARCH 2020 AT 09:30 HOURS
IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

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**

4 **MINUTES**

To confirm and sign the Minutes of the meeting held on 13 February 2020.

To note the public part of the Minutes of the meeting held on 17 February 2020.

To note the public part of the Minutes of the meeting held on 24 February 2020.

To confirm and sign the Minutes of the meeting held on 2 March 2020.

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**5 LICENSING ACT 2003. PREMISES LICENCE – SUMMARY REVIEW -
JAM ROCK, 32 NEW JOHN STREET WEST, BIRMINGHAM B19 3NB.**

Report of the Interim Assistant Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 09:30am.

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.

7 EXCLUSION OF THE PUBLIC

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

Exempt Paragraphs 1, 3 and 7

P R I V A T E A G E N D A

1 MINUTES

To note the private part of the Minutes of the meeting held on 17 February 2020 and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 24 February 2020 and to confirm and sign the Minutes as a whole.

2 OTHER URGENT BUSINESS (EXEMPT INFORMATION)

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

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB- COMMITTEE A, 13 FEBRUARY 2020</p>

**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE A HELD
ON THURSDAY, 13 FEBRUARY 2020 AT
0930 HOURS, IN COMMITTEE ROOM A,
COUNCIL HOUSE EXTENSION,
MARGARET STREET, BIRMINGHAM, B3
3BU**

PRESENT: - Councillor Davis in the Chair;
Councillors Leddy and Locke.

ALSO PRESENT

Catherine Ravenscroft – Committee Lawyer
Bhapinder Nandra – Licensing Section
Errol Wilson – Committee Manager
Mandeep Marwaha – Committee Manager

NOTICE OF RECORDING

- 1/130220 The Chairman advised, and the meeting noted that members of the press/public could record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 2/130220 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting. No interests were declared.
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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/130220 It was noted that Councillor Leddy was in attendance in the absence of Councillor Beauchamp

SUBSIDE 57 HIGH STREET, DIGBETH, BIRMINGHAM B5 6DA- LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE: REPRESENTATIONS IN RESPECT OF THE INTERIM STEPS IMPOSED ON 3 FEBRUARY 2020.

Representations made by the premises licence holder, the decision of the meeting held on 3 February 2020, a certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, an application for an expedited Review of Premises Licence, a copy of Premises Licence and Location maps were submitted.

(See document No. 1)

The following persons attended the meeting: -

Those making representations: On behalf of West Midlands Police

PC Abdool Rohomon – West Midlands Police
PC Chris Jones – West Midlands Police

On behalf of the Premises Licence Holder

Melissa Toney – Gregg Latchams Solicitors
David Longmate – Premises Owner and Premises License Holder (PLH)
Benjamin Mortiboy– Designated Premises Supervisor (DPS)

The Chairman welcomed all present and explained the hearing procedure to consider representations against the interim steps imposed at the expedited review in respect of the licence.

Bhupinder Nandra, Licensing Section, made introductory comments to the documentation and gave a brief overview to the case.

Melissa Toney, PLH and DPS made the following points in respect of the interim steps imposed on 3 February, 2020 and in response to members questions:-

1. The representations were seeking the withdrawal of the interim steps imposed by the Sub-Committee and for the premises to be

re-opened pending a full review following an expedited/ summary licence review under Section 53(a) of the Licensing Act 2003 as amended by the Violent Crime Reduction Act 2006. The PLH and DPS had considered the points made when the licence was suspended.

2. The PLH had immediately and successfully implemented the measures requested by PC Rohomon both as discussed after the hearing, on the phone the next day and in a meeting on the 7 February 2020, to promote the Licensing Objectives.
3. The reasons for imposing the interim step; namely due to the concerns which were expressed by Police in relation to matters pertaining to serious crime were no longer present.
4. Following the improvements made by the PLH the Sub Committee could be satisfied that the new style management can properly uphold the licensing objectives.
5. The decision taken by the Sub Committee to suspend the Premises Licence was no longer necessary to promote the Licensing Objectives and had a serious effect on the viability of the business.
6. The management as well as staff were now trained by 'All In Security' on policies and procedures indicated by PC Rohomon. Training was delivered on 5 February 2020.
7. A refresher on the policies and procedures would be delivered to management and staff every 6 months.
8. Random searches on customers would take place on entry to the premises on the weekends and evenings.
9. The PLH understood the security that had to be implemented and measures were now in place.
10. It was noted, Nationwide Security would provide security for the next 3 months. During this period, both the PLH and the DPS would undertake training to obtain a SIA badge. Once completed the security would revert to in-house.
11. An outline was given as to what measures had been put in place.
12. Actions had now been implemented however, it was noted the absent landlord was required to take responsibility initially. Members felt confidence had to be gained in order to ensure the right decision for people of Birmingham was made at the Committee.

It was clarified that the police raid was related to the Assistant Manager. The standard of the initial policies and procedures were not good. Therefore, these had not been implemented thoroughly by management. Though checks and processes were in place, these had not routinely monitored at regular intervals. The police raid was as a direct result of surveillance on the Assistant Manager. The Assistant Manager was under surveillance and led to the raid onto the premises. The drugs were locked in the safe however the safe was not checked regularly by PLH and DPS. Regular and feasible checks would occur going forward to ensure those accountable are monitoring accordingly. The person subject of the surveillance was no longer employed.

At 0945 hours the Committee was adjourned as there was a knock at the door to which officers had to attend to.

At 0946 hours, the Committee reconvened.

Training had been undertaken therefore improvements were in place. Policies had procedures had been implemented.

13. Independent trainers in place and proof of policies and procedures were shared with Members.
14. The CCTV would be installed in March by Clear Sound Security Ltd.
15. The absentee PLH had now been actively involved in the regeneration of the training delivered to all staff and would like the situation resolved.
16. The business had been running for 12 years (since 2007) from the current location to which there had been no issues.
17. It was noted to be an isolated incident to which the process had not been well documented. Therefore, this situation would be avoided in future.
18. PLH added he had been the licence holder since 2007 and ensured all checks were in place, however a contract has now been implemented with a firm to ensure there was a check on management to ensure all was compliant.
19. Both the PLH and DPS confirmed the training took place Wednesday 5 February between 08:00 – 22:30.
20. It was further queried if all 13 policies, procedures training in the submissions were covered during the whole day. Both the PLH and DPS confirmed 'Yes' all 13 areas were covered.

21. The DPS explained to the Committee the policy and procedures for seizure of drugs if found on the premises.
- Drugs confiscated.
 - Details of customer taken, if safe and appropriate to do so
 - Drugs passed to duty manager.
 - Drugs secured in sealed evidence bag and placed in drugs safe by Duty Manager
 - Incident recorded and signed by duty manager and person who found the drugs (2 people).
 - Record made in handover book for next day (or next duty manager changeover).
 - Details of incident passed to DPS as soon as possible (if DPS is not duty manager).
 - Incident discussed at monthly meeting and arrangements for transfer to police made.
22. It was noted that members felt they would classify the DPS as an experienced supervisor. He had been in post since 2015. Reference to guidance, policies and manuals should have been in place.
23. The PLH responded this was aimed to catch customers dealing drugs rather than staff, however now a robust system would be in place aimed at staff and management too. Members highlighted the policies and procedures were not embedded properly and should be aimed for both staff and customers. Both the PHL and DPS agreed with this point made by Members.
24. Emphasis was made by Ms Toney that both the PLH and DPS had engaged with the police and appropriate agencies in a short space of time. Therefore, they requested for the business to be re-opened.
25. It was confirmed the drug policy circulated was the final version approved by the Police.
26. The Chair referred to the Assistant Manager and access to the safe. The question was raised as to what had been done to secure containment of any drugs seized. In response, Ms Toney referred to page 3 of the document to which an outline on the 'Drugs Seizure Policy' facilitation was outlined.
27. Drugs would be completely seized and removed off the property. A new drug safe had been purchased and placed inside the main safe located in the Managers office. Only management had access to the safe. 2 people (i.e. Management/DPS with the

person who seized the drugs) would secure the drugs in a sealable evidence bag and log in the incident book that had been purchased. Once a week the PLH would check the incidents logged (if any) and ensure the evidence bag matched the incidents recorded. First Thursday of every month, a meeting would take place to monitor this.

28. The PLH explained that there were currently 30 staff altogether working at the premises.
29. PLH and DPS were awaiting confirmation via email from the police as to the process of removing the evidence/ drugs off the premises. To be confirmed by the police.
30. It was confirmed the training was aimed at all members of staff joining the organisation. A refresher training would be delivered every 6 months by 'All in Security'. In addition, random checks would be carried out.
31. SIA security training (personal licence) would be undertaken by half a dozen staff to ensure the best training was undertaken.

PC Rohomon made the following points with regards to the representations and in response to questions from Members:-

1. An overview was given as to the reason for the Expedite Review. Following intelligence received, it was noted the manager was involved in the dealing of drugs from the premises. Surveillance of the member of staff was undertaken and warrant executed on 31 January 2020.
2. West Midlands Police (WMP) officers discovered significant quantities of drugs (class A) and cash in the safe at the premises as well as at the home address of the manager. There were several weapons at the home address of the manager too.
3. Following the previous hearing, PC Rohomon could see that the premises owner was unaware of what had been happened however, this could not be excused.
4. Policies and procedures had been complied with and all members of the management had undertaken DBS checks.
5. Awareness now in place by PLH and DPS that drugs are not just 'class A, B etc' drugs but could be referred also alcohol and prescribed medication.

6. The PLH had volunteered to install the CCTV which was welcomed and would be an investment for the premises.
7. The PLH and DPS had been very engaging on the Drug Policy in a short timeframe.
8. Numerous amendments to the running of the business had been adhered to.

In summing up PC Rohomon made the following points: -
WMP were satisfied with the measures implemented and the right steps were in place. The management and staff were now trained however, the police would keep the premises under security. There was confidence the premises were working in a positive direction.

The Chair noted the position of the police was clear.

In summing up Ms Toney made the following points: -

- The measures in the application had been outlined to review.
- Measures had been implemented and had been put in place to protect the public.
- It was necessary for the premises to stay free of crime and disorder.
- Requested for the interim steps to be withdrawn and for the business to reopen.
- All the Conditions that were put in place should give the Committee confidence.

At 1009 hours the Chairman requested all present, with the exception of the Members, the Committee Lawyer and the Committee Managers withdraw from the meeting.

After an adjournment and at 1051 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

4/130220

RESOLVED:-

That, having considered the representations made on behalf of Subside Bar Limited the premises licence holder for Subside, 57 High Street, Digbeth,,Birmingham, B5 6DA in respect of the interim steps imposed on the 3 February 2020, this Sub-Committee hereby

determines that the appropriate course is to modify the interim steps imposed at the meeting on 3rd February 2020 as follows:

- The suspension of the premises license will be lifted; and
- There will be a restriction on opening hours at the premises. The premises will only be permitted to open between 12 noon and 12 midnight.

The Sub-Committee carefully considered the representations made by the legal representative for the holder of the premises licence. The premises relied on the written application made in advance of this meeting. They stated that the premises have successfully implemented measures discussed with the police both during and after the meeting on 3rd February 2020. The premises stated that these were extensive and that the concerns stated by the police at the expedited review on 3rd February 2020 were no longer present following these implementations. The venue therefore stated that it is their view that the suspension of the licence is no longer necessary and has an effect on the viability of the business.

The premises did not seek to go through each measure imposed, however they did highlight the measures in relation to security. They stated that a search of every customer would not be viable and they would instead impose random searches.

The Sub Committee were concerned with whether the measures implemented would alleviate the concerns which led to the expedited review on 3rd February 2020. The premises stated that the police raid was specific to one person who is no longer employed by the venue and, although there were flaws in management, the implementation of the measures discussed with the police would improve management and accountability. The premises also stated that the DPS has been actively involved in the development of these changes.

The Sub Committee gave consideration to copies of the training manual implemented by the premises which was provided during the meeting. The Sub Committee were not impressed that the premises had not had a fully implemented drugs policy before the need for the expedited review arose. The premises held their hands up that their previous drugs policy was targeted towards customers and that they had not considered that the problem might originate within the management of the venue.

The Sub Committee observed that the concerns which led to the initial review were exacerbated by the existence of a safe on the premises to which only one individual had access. The premises stated that any drugs seized would now be placed within a safe which only three members of senior members of staff would have access to, including the DPS and the owner of the premises.

The police were then invited to respond to the representations made by the premises. The police briefly set out the background to expedited review. PC Rohomon confirmed that the police had been consulting with the premises in relation to the policies and changes put forward. This has been an extensive process but the police found that the business have been engaging with them. The police stated that they are as satisfied as they can be that the amendments suggested by them have been implemented by the premises. In the opinion of the police, there is not anything more that the premises could do now and they would be satisfied for the suspension to be lifted.

The Sub Committee gave consideration to the representations made both by the police and on behalf of the premises licence holder. The Sub Committee did not have confidence that the premises would properly imbed the measures put forward and therefore felt that the licensing objective of the prevention of crime and disorder could be undermined. The premises had not satisfied the members that the landlord was not an absentee from the business. It was felt that the premises needed to demonstrate over time that they would implement these measures.

The Sub-Committee therefore considers that the appropriate course is to modify the interim step as follows:

- The suspension of the premises license will be lifted; and
- There will be a restriction on opening hours at the premises. The premises will only be permitted to open between 12 noon and 12 midnight.

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.

OTHER URGENT BUSINESS

5/130220 There was no other urgent business.

The meeting ended at 1056 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB - COMMITTEE A - 17 FEBRUARY 2020</p>
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**MINUTES OF A MEETING OF
LICENSING SUB-COMMITTEE A HELD
ON MONDAY 17 FEBRUARY 2020
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Nagina Kauser in the Chair;

Councillors Mary Locke and Bob Beauchamp

ALSO PRESENT:

Shawn Woodcock – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services.

NOTICE OF RECORDING

01/170220 The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

02/170220 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest are declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

03/170220 Apologies were submitted on behalf of Councillor Philip Davis and Councillor Nagina Kauser was the nominee Member.

MINUTES

04/170220 The public section of the Minutes of meeting held on 20 January 2020 were noted.

05/170220

ANY OTHER URGENT BUSINESS

No urgent business.

EXCLUSION OF THE PUBLIC

06/170220

RESOLVED:

That in view of the nature of the business to be transacted, which includes exempt information under Paragraphs 1 & 7 Part I of Schedule 12A of the Local Government Act 1972, the public be now excluded from the meeting:-
(Paragraphs 1 & 7)

..... Chairman

BIRMINGHAM CITY COUNCIL

LICENSING SUB - COMMITTEE A - 24 FEBRUARY 2020

**MINUTES OF A MEETING OF
LICENSING SUB-COMMITTEE A HELD
ON MONDAY 24 FEBRUARY 2020
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Mike Leddy in the Chair;

Councillors Mary Locke and Bob Beauchamp.

ALSO PRESENT:

Shaid Yasser – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services.

NOTICE OF RECORDING

01/240220 The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

02/240220 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest are declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

03/240220 Apologies were submitted on behalf of Councillor Philip Davis and Councillor Mike Leddy was the nominee Member.

MINUTES

04/240220

That the Minutes of meeting held on the 13 January 2020 were confirmed and signed by the Chairman.

That the public section of the Minutes of meeting held on 3 February 2020 were noted.

LICENSING ACT 2003 PREMISES LICENCE – REVIEW – LA BUFET

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

On behalf of the Applicant

Donna Bensley – Trading Standards (TS)

On behalf of the Premises

Stefan Mustatea – Premises Licence Holder (PLH)/Designated Premises Supervisor (DPS)

Those making representations

PC Abdool Rohomon – West Midlands Police (WMP)

Sharon Watts – Birmingham City Council - Licensing Enforcement Officer (LEO)

* * *

The Chairman outlined the procedure to be followed during the meeting and enquired as to whether there were any preliminary points. None of the parties had any preliminary points to make.

Shaïd Yasser, Licensing Section, outlined the report.

Ms Donna Bensley, on behalf of TS, made the following points: -

- a) That a member of her team went on a joint visit with Sharon Watts (LEO) to the premises as a result of a complaint received from a member of the public that alcohol was being sold from the premises.
- b) The visit was carried out and they observed a price list on display which indicated that alcohol was already being sold from the premises; which was not licensed.
- c) They found various types of alcohol all listed within TS's report, all of which were poured down the drain.

- d) They also found 200 'Davidoff' cigarettes hidden in a shop freezer. The cigarettes did not comply with the Standardised Packaging of Tobacco Products Regulations 2015 and were not UK Excise duty paid.
- e) TS left notices and once the premises was issued a licence in August, TS sent a follow up letter to the PLH advising him about the law in relation to alcohol and cigarettes.
- f) In October 2019, TS carried out a further joint visit with the LEO and additional illicit tobacco was found. The PLH was not present at the time of the visit but did arrive some time later. The total number of illicit cigarette packets found was 22, as a result TS enquired as to whether anyone at the premises knew of anymore cigarettes to which they were told there were no more. However, Mr Ellson (TS) then discovered another 100 cigarettes on further inspection of the premises, all of which were again non-compliant with the regulations. As a consequence of those inspections TS submitted a review of the Premises Licence.
- g) The view of TS was that the premises had been trading in illegal tobacco and requested that the Committee consider all the options available to them.

In answer to Members questions Ms Bensley made the following points: -

- a) That the second visit occurred once the premises was licensed.
- b) No other issues had been found, but the sale of illicit tobacco was "extremely serious".

Mrs Sharon Watts, on behalf of Licensing Enforcement (LE) made the following points: -

- a) That on 12th July 2019 LE received a complaint that the premises were selling alcohol without a licence, illicit tobacco and prescription medication.
- b) They informed the relevant authorities and asked TS to carry out a joint inspection of the premises.
- c) On 31st July 2019 along with TS, they carried out a full inspection of the premises. Upon entering the premises they found a woman serving behind the counter. Mr Ellson introduced himself and explained the reason for the visit and inspection.
- d) There was a price list on display in the shop which indicated that alcohol was already being sold at the premises. The price list was in Romanian (Appendix 2).
- e) The full inspection revealed several illegal products; namely alcohol and cigarettes. The alcohol had no labels and they were subsequently poured down the drain.
- f) The PLH was informed that it was an offence to sell alcohol without a licence.

- g) On 6th August 2019 the premises licence was granted and as a result Mr Ellson sent a letter to the premises advising them of the law and warning them of a follow up inspection.
- h) On 7th October 2019 Mrs Watts and Mr Ellson went back to the premises and carried out a full Licensing Act inspection. On that occasion the premises licence conditions were not being complied with and she left a Trader Notice in order to give them adequate time to resolve the issues.
- i) Mr Ellson found more illicit cigarettes which were seized.
- j) On 4th December 2019 Mrs Watts carried out another visit on her own to see if the matters of concern had been resolved. She found no evidence that they were not complying with their conditions of licence on that occasion and confirmed that there were no issues.

In answer to Members questions Mrs Watts made the following points: -

- a) Having carried out the first visit in July, she could confirm that the premises had not been complying with their licence conditions at that time. The premises were again not compliant with the conditions of licence at the second inspection. However, when Mrs Watts visited in December for the third time, they were compliant with the conditions of the licence.
- b) Illicit tobacco and alcohol was found as a result of an inspection carried out due to a complaint which was received via a member of the public. Advice was given to the premises and then a further visit was carried out whereby additional illicit tobacco was found, and a Trader Notice was issued. On the final inspection the issues had been resolved.
- c) They did not find any prescription medication.
- d) There was a considerable amount of alcohol found during the first inspection. The advertisement was in Romanian however, they had translated it and it was referring to alcohol. Therefore, in her opinion they were selling alcohol before they had a licence.
- e) The conditions already attached to the licence were quite limiting however, the Committee may be minded to attached more stringent conditions to the licence, particularly in relation to CCTV and staff training.
- f) There was no CCTV in place at the time she carried out the inspections.
- g) The lady behind the counter on the first visit did not speak good English.

On behalf of WMP, PC Abdool Rohomon made the following points: -

- a) That WMP made an objection to the premises grant application.
- b) A complaint was received alleging that the premises was selling prescription only drugs and a child was taken to hospital. WMP did not deal

with the nature of that complaint, and therefore they notified MHRA (Medicines and Healthcare Regulatory Agency).

- c) The Committee granted the premises licence and gave the PLH the benefit of the doubt.
- d) Alcohol was being sold from the premises, even before they had a premises licence. Subsequently that was a breach of the law.
- e) The PLH was not just selling normal bottles of wine, it went beyond that. There was a level of deception in the way in which he had tried to hide what he was doing.
- f) In the review application it was reported that 5 litres of red wine had been decanted into lemonade bottles. PC Rohomon described this as a deliberate attempt to hide what the licence holder were doing.
- g) Additionally, the price list was in Romanian.
- h) The alcohol was being hidden in baby bottles.
- i) Some of the alcohol was homemade.
- j) A Trader Notice was issued by Mr Ellson.
- k) The homemade alcohol was a concern due to consumers being unable to tell what was in it.
- l) It was also impossible to distinguish the strength of homemade alcohol.
- m) That the PLH had put the public at risk.
- n) The PLH had already been committing crime before he had a licence.
- o) There was counterfeit non duty paid cigarettes found at the premises. The cigarettes would have been smuggled into the country, which was already a massive problem that WMP were dealing with.
- p) The Section 182 guidance advised that for such serious crimes the Committee should consider revocation.
- q) Cigarettes were expensive and the PLH could sell them at a discounted rate due to the fact he was not paying tax on them.
- r) The premises were not compliant with the conditions on their licence.
- s) That selling counterfeit non duty paid tobacco breached so many pieces of legislation.
- t) That the PLH had not been promoting the licensing objectives and had certainly not prevented crime a disorder from occurring. The PLH had put profit before the Licensing Act.

- u) That conditions regarding staff training, keeping record of where was alcohol was being purchased and declaring taxes were already things the premises was supposed to be doing. Therefore, adding them as conditions would not alleviate the problems, as they already weren't doing what they should have been.
- v) The guidance was clear, and revocation should be considered.
- w) WMP were requesting revocation.

At this stage in the meeting, Mr Mustatea made the following points: -

- a) That he declared himself guilty for having the cigarettes at the premises however, it was not his fault, he was not present at the time of the inspection as he was at his other job at the Holyhead Clinic, but he did attend the premises some 30 minutes later.
- b) He declared himself guilty due to his employee leaving the cigarettes in his shop. That's why he denied there being illicit cigarettes in the premises at first, but then his employee told him and then he showed Mr Ellson the box of cigarettes.
- c) Initially he was going to bring a legal representative to the meeting however, everything had been going "down and bringing his business down".
- d) The box contained 126 packets of cigarettes. His friend had paid for the cigarettes.
- e) He told Mr Ellson there were no more when asked. However, another 22 packets were found in a plastic bag. He had forgotten about those ones.
- f) Mr Ellson asked where the cigarettes came from and he told him that his employee had purchased them from the shop next door, but he did not want to mention any names as he feared him.
- g) That the report from Trading Standards stated that the cigarettes in the plastic bag were found first and then the larger amount. Mr Mustatea said, "it was how he told it and not how it was in the report".
- h) The allegations from 31 July were the same day as the Committee meeting for the grant of the premises licence, therefore, he was not at the shop.
- i) His wife alerted him to the issues via 'Whatsapp'.
- j) The lady in the shop understood English and could speak English. The employee and his wife gave Mr Ellson permission to search the premises. However, there was never any mention of alcohol or medicine at that time.
- k) Mr Ellson was threatening to come back with a warrant.
- l) His wife was 6 months pregnant.

- m) The room at the rear of the shop was not a stock room it was not even attached to the shop.
- n) The wine was sent from Romania for his personal use.
- o) The other alcohol was ordered from the cash and carry as he was 100% sure he was going to get a licence. So, it was there for when he was able to start trading. He kept the alcohol in the back room as he knew he could not keep it in the shop.
- p) His wife told the officers that it was for personal use and presented the invoice for the purchased alcohol from the cash and carry.
- q) The cigarettes found in the freezer were for personal use too. The freezer was damaged and therefore, was purely for storage purposes.
- r) The baby bottles were slang for smaller bottles – not actual baby bottles.
- s) He was in the Romanian newspapers and on the news, he was very upset that his reputation was being questioned.
- t) The pictures were zoomed in and therefore, didn't show the state of the storage room.
- u) He did have CCTV inside the shop but didn't have a camera outside the shop. It was his fault that he didn't have the camera outside, but within 2 days he had purchased one and it was working.

Councillor Leddy requested the Mr Mustatea moved on, in order not to repeat himself.

In answer to Members questions Mr Mustatea stated: -

- a) That he had the signs on his computer they just needed printing. There was a sign on the back wall asking customers to leave quietly. However, he should have had another copy on the window – that he admitted it was his own fault.
- b) That he complied with everything.
- c) The back room wasn't his – it was the landlords. He had restored that room himself as the landlord wouldn't.
- d) He apologised for his mistakes.
- e) He had never sold alcohol without a licence, or illicit cigarettes.
- f) The Romanian price list was for Pastrami – the wine was used to marinate the meat.
- g) The Committee could come to the shop and see his Pastrami.
- h) He agreed that the cigarettes were non-compliant.

- i) He disagreed with the submissions from Trading Standards that the cigarettes were in 2 bags.
- j) The stuff in the back-storage room was not in the premises, it was not being sold.
- k) He accepted that personal items should not be in the premises.
- l) The CCTV was set up and available at the time of the inspections however, the employee did not know the administrative passwords.
- m) He did not have the sign regarding no single can sales up in the shop, however it only needed printing.
- n) His employee could speak English.
- o) The employee would know the 4 licensing objectives as he had regular weekly meetings with his employee discussing licensing issues, and customer issues.
- p) The back-storage room was not part of the licence.
- q) The wine was sent by his father in law for personal use.
- r) He decanted the wine as the storage room was leaking and he decided it was better to put the wine in small bottles and in plastic bags for safety.
- s) He used to live above the premises.
- t) That Mr Ellson should explain what he meant by 'baby bottles'.
- u) The pastrami was marinated in red and white wine, and brandy.

PC Rohomon advised the Committee regarding the hearing regulations and explained that Mr Mustatea had submitted new evidence which WMP had not had chance to comment on.

At this stage, 1108, the meeting was adjourned to allow the Members to seek legal advice, and all parties with the exception of the Members, Committee Lawyer and Committee Manager withdrew from the meeting.

The meeting was reconvened at 1116 hours and all parties were invited to rejoin the meeting.

The Chairman advised that they accepted PC Rohomon's submission and therefore would allow the parties to comment on what Mr Mustatea had said, as he had not submitted any evidence prior to the meeting, or to the other parties.

The representative of TS clarified on a few points: -

1. That the second batch of cigarettes found was 126 packets of cigarettes which was a huge quantity. 21 cigarettes were then found under the

counter. All the cigarettes were different brands and therefore, concluded that they were not for personal use.

2. The first visit they found 200 Davidoff cigarettes which was equal to 1 sleeve.
3. Baby bottles was a term used by Mr Ellson to refer to smaller bottles.

Ms Watts, Licensing Enforcement stated that it was concerning that Mr Mustatea said the alcohol was for both personal use and purchased for when the licence was granted, yet there was a price list in Romanian for wine and other alcohol which was identical to what was found in the storage room.

PC Rohomon and Ms Watts advised the Committee of the location of the storage room.

Mr Mustatea stated that the alcohol and cigarettes were for personal use and not for sale. He also stated that the officers never told him about the allegations made about his premises.

Ms Watts explained that they could not bring forward the complaint to the grant hearing as it had not been investigated. They had to ensure the complaint was validated.

Mr Mustatea answers questions from PC Rohomon: -

1. The only wine found was red wine and home-made wine, not 5 products as had been suggested.
2. The back room had its own entrance.
3. The back room was accessed via an alleyway.
4. The back room was for storage.

In summing up PC Rohomon, made the following points: -

- ❖ That wine was decanted into bottles.
- ❖ Home-made alcohol was being stored in the back room as well as alcohol purchased for the grant of a licence.
- ❖ The price list included wine and it was all listed 'per litre' why would it be sold per litre if it was just being used as a pastrami marinade. It "made no sense whatsoever".
- ❖ The cigarettes were supposedly for personal use and yet other people were bringing them into the premises. 126 packets of illicit cigarettes would not have been allowed into the country. Further, cigarettes for personal use were often of the same brand, yet the cigarettes found in the shop were of all different brands.
- ❖ It was "a convenient excuse".
- ❖ The PLH had failed on multiple occasions to uphold the licensing objectives.
- ❖ The Section 182 Guidance was clear.

- ❖ Mr Mustatea had been given multiple chances and had failed.
- ❖ There were no conditions that could alleviate WMP's concerns.
- ❖ They requested revocation of the licence.

In summing up, Mrs Sharon Watts, on behalf of Licensing Enforcement, made the following points: -

- ❖ The allegations and complaints received were found to be correct when the inspection was carried out.
- ❖ TS wanted to give the PLH the benefit of the doubt and therefore, carried out another inspection. However again he was non-compliant and further illicit tobacco was found. The third visit was carried out and the PLH was found to be compliant on the occasion.
- ❖ She had concerns whether the licence should stay in force especially as Mr Mustatea had another job and this therefore made her question whether he truly had enough control over the premises.

In summing up Ms Donna Bensley on behalf of TS made the following points: -

- ❖ They made the review application due to concerns over the lack of regard for the licensing objectives.
- ❖ There was serious breaches of law and it undermined legitimate businesses in the local area.
- ❖ She was not confident that the PLH would be able to comply lawfully in the future.

In summing up Mr Mustatea made the following pointd: -

- ❖ He had made mistake and was sorry – it would never happen again.
- ❖ That he had tried to do things properly however, everything had caused him problems.
- ❖ The Police were mixing his words and changing what he was saying.
- ❖ The meat was sold by the kilo and the brine was sold separately by the litre.
- ❖ He had not done anything wrong apart from the cigarettes.
- ❖ The cigarettes were for himself, his wife and employee.
- ❖ The CCTV was working when the inspections were carried out.
- ❖ When he opened the shop everything was doing well, but then business dropped and dropped and then he got his other job.

- ❖ He didn't sell any cigarettes in the shop.
- ❖ He was sorry and he regretted that the Committee ever granted him a licence, he said they should have refused the application initially.
- ❖ The news was framing him, he was being accused of "killing babies and selling alcohol in baby bottles". He was sorry for his mistakes. He was just trying to survive.

At 1158 the meeting was adjourned and all parties with the exception of the Members, Committee Lawyer and Committee Manager withdrew from the meeting.

At 1252 the meeting was reconvened and all parties were invited to re-join the meeting and decision of the Sub-Committee was announced as follows:-

05/240220

RESOLVED:-

That, having reviewed the premises licence held under the Licensing Act 2003 by Mr Stefan Mustatea in respect of La Bufet, 136 Boulton Road, Birmingham B21 0RE, upon the application of the Chief Officer of Weights and Measures, 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 expressed by the three Responsible Authorities, namely Trading Standards, West Midlands Police and Licensing Enforcement.

The application had been brought by the Chief Officer of Weights and Measures. Trading Standards made submissions about the discovery of illicit tobacco products during an inspection. Following the grant of the licence in the summer of 2019, Trading Standards had promptly sent a follow-up letter advising Mr Stefan Mustatea, the premises licence holder, of the law around sales of alcohol and tobacco. However on a visit to check compliance, conducted on 7th October 2019, illicit tobacco had been found in the premises, in plastic bags under the shop counter.

The Sub-Committee's attention was directed to the statement of the inspecting officer in the Report. A bag containing 22 packets of illicit cigarettes, of a variety of brands, had been taken from under the counter by Mr Mustatea and handed to officers. He was asked by the Trading Standards officer if there was any further illicit tobacco on the premises; he had replied "no". However the officer then found a further 126 packets of illicit cigarettes under the counter, of a variety of brands. They were contained in three plastic bags and one box.

Trading Standards explained that the sale and storage of illicit tobacco is a very serious breach; such products were of unknown provenance. The packets found were not compliant with the Standardised Packaging of Tobacco Products Regulations 2015 (ie they could not be supplied lawfully in the UK), and were not UK Excise duty paid. The discovery was made months after written advice had been given to Mr Mustatea - the letter about lawful

sales of tobacco which had been sent upon the grant of the licence. This showed a complete disregard for the law and gave Trading Standards no confidence that Mr Mustatea would run the shop lawfully in future. The recommendation of Trading Standards was that the licence should be revoked due to the undermining of the licensing objectives.

West Midlands Police endorsed this course, observing that the discovery of illicit tobacco was so serious that the Guidance issued under s182 of the Licensing Act 2003 confirmed that revocation could be warranted even for the first instance. The smuggling of illicit cigarettes was an enormous problem for Police across the country; it was therefore quite unacceptable for any licensed operator in Birmingham to have procured this type of illegal product, through some unknown supply route, and for it to be found in his off-licence. The supply of illicit cigarettes was well known by the Police to be an activity of underground criminal networks which fund more serious criminal enterprises and cheat revenue. It was a risk of the most serious kind to the upholding of the licensing objectives, and also undermined those legitimate businesses who do uphold the licensing objectives in Birmingham.

The Police observed that there had been a very short time between the grant of the licence in the summer, and the discoveries made in the inspection at the start of October; they therefore had no confidence in Mr Mustatea as a safe operator. The Police recommended revocation of the licence.

Licensing Enforcement suggested tightening the conditions; however the Sub-Committee agreed with the Police that the conditions already on the Licence should have been perfectly sufficient in any properly-managed premises. The problem had been the management style of the premises licence holder Mr Mustatea, who attended the meeting to address the Sub-Committee.

The Sub-Committee gave careful consideration to the submissions made by Mr Mustatea, but was not remotely satisfied, given the evidence submitted by the responsible authorities, that he was capable of ensuring that the licensing objectives would be properly promoted.

The Sub-Committee was not impressed by Mr Mustatea's explanations for what had been found by officers. He began his submissions by stating, "I declare myself guilty regarding the cigarettes found on the 7th October". He said that on that date, he had been at his (other) job at the Holyhead Clinic elsewhere in Birmingham, when the La Bufet employee on duty had suddenly telephoned him to inform him that Trading Standards had arrived at the shop to conduct an inspection. He had excused himself to his employer, the NHS, in order to go to the shop straight away.

Mr Mustatea told the Sub-Committee that upon arriving at La Bufet he found that his "friends had brought illicit cigarettes" to the shop earlier that morning, and the employee had left these illicit cigarettes on the shop floor. Mr Mustatea said he had not paid for the cigarettes; the friends had paid for them. These circumstances did not inspire any confidence whatsoever that the premises was properly managed, properly staffed, or capable of following the law.

Mr Mustatea himself appeared to confirm this; the Sub-Committee was not impressed at his statement that he regretted ever applying for a premises licence. He said that he had made the licence application last summer to try to build his business, but it had “only brought problems and pulled my business down”. The Sub-Committee’s view was that Mr Mustatea perhaps found it difficult to take responsibility for his own management decisions.

The excuse given for the large number of packets of illicit cigarettes, namely that they were not for sale but for personal use, was not accepted. The cigarettes were of a variety of different brands, which would be unusual if for personal use, and in any event there was such a very large number of them that such a suggestion was not altogether plausible.

Leaving that aside, even if the illicit cigarettes were for personal use, the Sub-Committee noted that they were being stored under the counter in licensed premises. That was completely unacceptable in terms of the upholding of the licensing objectives. It was the responsibility of Mr Mustatea to ensure that such items did not even enter the premises, and to instruct his staff regarding their own conduct and the proper promotion of the licensing objectives.

He had not done this, and it was therefore apparent to officers from all three responsible authorities that the premises was not only failing to promote the licensing objectives, but actively undermining two of them, despite the advice on tobacco law given by Trading Standards in the letter which had been sent as soon as the licence was granted. The issue was that counterfeit tobacco should not be finding its way into any licensed premises for any reason at all. It was a serious offence that would never arise in any well-run premises. There had been failings from both management and staff.

In making their decision, the Sub-Committee was helpfully assisted by advice and recommendations made by the responsible authorities. Licensing Enforcement observed that Mr Mustatea had separate employment elsewhere with the NHS; for that reason they had concerns about whether the licence should stay in force. The Sub-Committee agreed with this, and also with the Police’s conclusion, namely that any licensed premises prepared to take such risks with the licensing objectives was failing to uphold the trust placed in them by the City Council.

The Police went on to observe that the sanction of suspending the licence was not appropriate. Given that the shop had already proven itself completely incapable of handling tobacco in accordance with the law, the Police view of the situation was that it had gone beyond that which could be dealt with by way of a temporary suspension, and accordingly the only option was to revoke the premises licence – the course originally recommended by the Chief Officer of Weights and Measures. The Sub-Committee agreed. It was also difficult to disagree with Mr Mustatea’s own observation, namely, “I honestly regret that you gave me the chance. You should have refused” [*the grant of the licence*]. The Sub-Committee therefore resolved to revoke the premises licence.

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 by all parties at the hearing.

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 disposal of the A

06/240220

ANY OTHER URGENT BUSINESS

No urgent business.

..... Chairman

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A 2 MARCH 2020

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD
ON MONDAY 2 MARCH 2020, IN ELLEN PINSENT ROOM, COUNCIL HOUSE,
BIRMINGHAM, B1 1BB**

PRESENT: - Councillor Philip Davis in the Chair;

Councillors Mary Locke and Neil Eustace.

ALSO PRESENT

Shaid Yasser – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

NOTICE OF RECORDING

1/020320 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/020320 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and 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 to be recorded in the minutes of the meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/020320 Apologies were submitted on behalf of Councillor Bob Beauchamp and Councillor Neil Eustace was the nominee Member.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT – PEPPERS CITY
TAKEOUT, 161 LOZELLS ROAD, LOZELLS, BIRMINGHAM, B19 2TP**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

On behalf of the Applicant

Mohammed Shahbaz – applicant

Those making representations

No one making representations attended the meeting.

* * *

The Chairman outlined the procedure to be followed during the meeting and enquired as to whether there were any preliminary points. None of the parties had any preliminary points to make.

Shaid Yasser, Licensing Section, outlined the report and advised that the only representation for consideration by the Committee was that detailed at Appendix 4, all the other representations had been withdrawn.

Mohammed Shahbaz made the following points and answered Members' questions as follows: -

- a) That the restaurant needed to be open until 12 midnight/1am otherwise it would not work.
- b) Due to the nature of the business they needed to open until 12 midnight/1am/2am especially on weekends. Other places were open until 3am in the area.
- c) The rubbish bins would be monitored however the complaint about the bins was due to the rubbish not being collected on time.
- d) There had been no issues with noise.
- e) The parking was on the main road and he did not think the area was particularly busy so didn't see any issues with noise occurring.
- f) The bins were provided by a waste collection company.

- g) He had a meeting with some of the objectors and most of them were happy now.
- h) He wanted to work with the community.
- i) The nearby premises was a travel agency and a shop.
- j) He did not recall there being any houses on Lozells Road.
- k) He had agreed to curtail the proposed hours to 1am Monday – Sunday.

At 1034 the meeting was adjourned and all parties with the exception of the Members, Committee Lawyer and Committee Manager withdrew from the meeting.

At 1056 the meeting was reconvened and all parties were invited to re-join the meeting and decision of the Sub-Committee was announced as follows:-

4/020320

RESOLVED:-

That the application by SSRN Supplies Ltd for a premises licence in respect of Peppers City Takeout, 161 Lozells Road, Lozells, Birmingham, B19 2TP **BE GRANTED**, with

- the opening hours to be 12 noon to 01.00 hours daily, and
- the provision of late night refreshment, to operate indoors and outdoors, to be from 23.00 hours to 01.00 hours daily

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

In advance of the meeting, the applicant had discussed the matter with some of the objectors, and upon hearing that the applicant was willing to voluntarily alter the end time for operation to 01.00 hours daily (not 02.00 hours daily, as originally requested), those objectors had withdrawn their representations. The only objection before the Sub-Committee was therefore that at Appendix 4 of the Report.

Members carefully considered the written representations made by another person (shown at Appendix 4 in the Report), but were not convinced that there was an evidential and causal link between the issues raised and the effect on the licensing objectives.

The Sub-Committee deliberated the operating schedule put forward by the applicant and the likely impact of the application, and concluded that by granting this application, the four licensing objectives contained in the Act will be properly promoted. The applicant was able to give satisfactory answers to Member questions relating to refuse collection, litter, noise, and the local area in terms of the proximity of residential properties.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for a premises licence, the written representation received at Appendix 4, and the submissions made at the hearing by the applicant.

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

GAMBLING ACT 2005 VARIATION OF A LICENSED PREMISES GAMING MACHINE PERMIT – RAVEN, HODGE HILL ROAD, STECHFORD, BIRMINGHAM, B34 6DR

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

On behalf of the Applicant

George Domleo – Solicitor – Flint Bishop
Jacqueline Frow – Manager, Star Pubs Limited
Nigel Swan – Director, Star Pubs Limited.

Those making representations

Sharon Watts – Licensing Enforcement Officer (LEO)

* * *

The Chairman outlined the procedure to be followed during the meeting and enquired as to whether there were any preliminary points. At which stage Sharon Watts, LEO informed the Committee that she wished to withdraw her representation.

Shaid Yasser, Licensing Section, outlined the report.

Sharon Watts LEO explained her reasons for withdrawing her representation namely that the circumstances had changed after additional measures had been put in place by the applicant, a test purchase was carried out and successfully passed, further training had been done, and the machines now had additional

signage on them or near them, therefore she was satisfied the additional machine would not cause any concern.

Mr Domleo on behalf of the applicant was then invited to make submissions, at which stage he made the following points: -

- a) That the DPS was unable to attend due to health reasons.
- b) That Star Pubs Limited was a tenanted pub for Heineken. There were approx. 2000 Heineken pubs some with Gaming Machines and 51 of those 2000 sites have licences for a minimum of 3 gaming machines.
- c) The pub has had a licence since 2009.
- d) Mr Domleo went through the additional conditions which were detailed within the application.
- e) The premises had no previous or current issues and there was no evidence that the additional gaming machine would be a problem or jeopardise the licensing objectives.
- f) The premises already operated a Challenge 25 policy and notices of that policy appeared on screen throughout the premises.
- g) The premises was ran under a 'Ad Talent Model' and Mr Domleo explained that model, to summarise that it was a model whereby the ownness was on a central delivery, delivered locally meaning that the premises would set up their own prices and run the premises as they wished to.
- h) The reason for the application was due to customer demand.
- i) The machines were monitored by staff and the premises operated a hands-on approach.

Both parties were invited to make a closing submission, but neither of them had anything further to add.

At 1135 the meeting was adjourned and all parties with the exception of the Members, Committee Lawyer and Committee Manager withdrew from the meeting.

At 1154 the meeting was reconvened and all parties were invited to re-join the meeting and decision of the Sub-Committee was announced as follows:-

5/020320

RESOLVED:-

That the application by Star Pubs and Bars Limited for the variation of a Licensed Premises Gaming Machine Permit in respect of Raven, Hodge Hill Road, Stechford, Birmingham B34 6DR **BE GRANTED.**

The Sub-Committee deliberated the application for variation, including supplementary documents, put forward by the applicant, and considered the likely impact of the application. The Members noted in particular that the representations made by Licensing Enforcement had been withdrawn; Licensing Enforcement attended the meeting to confirm that they no longer objected.

The reason for the application had been due to the level of customer demand for an additional machine at The Raven. The legal representative for The Raven assured the Sub-Committee that premises was mindful of its responsibilities, and in any event was closely supervised by the Area Manager of Star Pubs and Bars Limited. Close attention was paid to staff training. The Sub-Committee therefore concluded that in granting this application, the three licensing objectives contained in the Act will be properly promoted.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Principles, the Guidance issued under Section 25 of the Gambling Act 2005 by the Commission, the application for variation of a Licensed Premises Gaming Machine Permit, and the submissions made at the hearing by the applicant company and its solicitor.

All parties are reminded that under the provisions contained within Schedule 13 to the Gambling Act 2005, the applicant has 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.

**JAM ROCK, 32 NEW JOHN STREET WEST, BIRMINGHAM, B19 3NB –
LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION
ACT 2006 – APPLICATION FOR EXPEDITED REVIEW OF PREMISES
LICENCE: CONSIDERATION OF INTERIM STEPS.**

A certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, an application for Review of Licence, a copy of Premises Licence and Location maps were submitted:-

(See document No. 1)

On Behalf of the Applicant

PC Abdool Rohomon – West Midlands Police (WMP)

On behalf of the Premises Licence Holder

No one attended on behalf of the premises.

* * *

The Chairman introduced the Members and officers present and prior to the commencement of proceedings the Chairman asked if there were any preliminary points. However, no preliminary points were raised.

The main points of the report were outlined by Shaid Yasser, Licensing Section and he also advised the Committee that he had received an email from the Premises Licence Holder (PLH) legal representative who had notified the Licensing Section that they would not be attending the meeting.

PC Rohomon on behalf of WMP, made the following points:-

1. That Jam Rock was situated in an industrial area of Birmingham.
2. WMP received a 999 call from a hospital in Dudley, a male had self presented with 3 stab wounds to his leg. It later transpired during a witness statement that he was in attendance at Jam Rock Sports Bar at around 5am. The premises only had a licence until 2am.
3. WMP had requested the CCTV footage from the premises, however, it was exceptionally poor quality and the actual incident could not be seen.
4. A copy of the injured persons (IP) statement included a description of an after party at Jam Rock in the early hours of the morning. The IP was initially stood by the DJ booth, however he then moved and ended up in an argument with some other individuals. Further, he then went to the back garden to smoke and was told to go to the front of the premises. Outside the front of the premises the IP then felt a punch to the face and fell to the floor where he was continually punched and kicked. He attempted to get up but was hit back down to the floor by 3 or 4 people. He got up a second time and was then hit and punched again, forcing him to the ground where he received even more punches particularly to his left leg, which turned out to be stabs with a sharp object, probably a knife.

At this stage the CCTV footage was shown in public. This footage was very short and showed the premises packed full of people in the early hours of the morning, WMP suggested there was over 200 people inside the venue. There was a DJ and it was possible to see the lack of control in the venue at that time. The CCTV was very poor quality, however, WMP had requested for additional CCTV and were awaiting the footage.

PC Rohomon continued with his submissions: -

1. That the premises were doing whatever they wanted. They did not have a licence beyond 2am, yet the venue was packed out at 5am in the morning.
2. PC Rohomon presented the security book which was described by Councillor Locke as a note pad.

3. The premises informed WMP that two security men were on duty, however, from the CCTV footage it was impossible to easily locate them on that night. The security men were just friends of the licensee and were employed from 2am, when the premises should have been closing.
4. The PLH explanation was that he forgot to submit a TEN.
5. The PLH didn't know what the capacity of the venue was, however in PC Rohomon's submissions he suggested that due to the fire exits the capacity was about 60 people.
6. There were no searches of patrons on entry and exit.
7. That without the CCTV it was impossible to say whether it was disorder or not, but the Section 18 wounding was a serious crime which resulted in 3 stab wounds to the leg.
8. People were allowed to carry bottles all around the venue.
9. There was a clear failure of management in the premises and therefore, they were requesting suspension.

In answer to Members' questions PC Rohomon made the following points: -

1. The door seen on the CCTV only opened inwards and therefore, people had to knock to gain entry.
2. The premises was granted its licence as a restaurant/bar and yet the CCTV footage looked like a nightclub.
3. The CCTV was not satisfactory.

PC Rohomon did not wish to make a closing submission.

At 1322 the meeting was adjourned and all parties with the exception of the Members, Committee Lawyer and Committee Manager withdrew from the meeting.

At 1349 the meeting was reconvened and all parties were invited to re-join the meeting and decision of the Sub-Committee was announced as follows:-

6/020320

RESOLVED:-

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 Rohan McKenzie in respect of Jam Rock, 32 New John Street, Birmingham, B19 3NB 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 reason for imposing this interim step was due to the concerns which were expressed by West Midlands Police in relation to matters pertaining to serious crime, namely a section 18 wounding, which had come to light as outlined in the Chief Officer of Police's certificate and application. It was thought that the injured party, a patron of the premises, had received three stab wounds to the leg. The stab wounds were thought likely to have been caused by the use of a knife; however it had been observed by Police on viewing the CCTV that some patrons had been walking about in the premises whilst carrying glass bottles.

The Sub-Committee determined that the cause of the serious crime originated from a complete lack of management control on the night in question – particularly in relation to door control and security. The style of management had been incapable of upholding the licensing objectives; the Police therefore requested a suspension of the licence pending the full review hearing.

The premises had been variously described as a 'bar/ restaurant' and a 'sports bar', but upon viewing the CCTV the Members considered it to be operating akin to a nightclub-style venue. The incident was thought to have occurred at around 0500 hours, and it was therefore apparent that the premises was operating far beyond its permitted hours and in breach of its licence regarding regulated entertainment. The Sub-Committee noted that no Temporary Event Notice had been sought for any special event.

The premises licence holder, who was also the designated premises supervisor, had spoken to Police; however his comments had not inspired any confidence whatsoever in his ability to operate safely. He stated to Police that "a few people" had been in the premises having drinks - yet Police estimated the number to have been approximately 200 persons (the Police estimate of the number was borne out by what was shown on CCTV). In any event, the premises licence holder had no way of correctly assessing numbers, as clickers to check capacity had not been in use. Poor door control, as shown on the CCTV, was of great concern to the Sub-Committee, not least due to fire safety. The Police confirmed that no fire risk assessment appeared to have been done.

The premises licence holder's own description of the activity on the night in question, namely that it had been a 'birthday party' which had been booked in advance, was not accepted by Police; his comment to Police that he "forgot" to submit a Temporary Event Notice was similarly not accepted. The Sub-Committee agreed with the Police on these points. These seemed to be extraordinary statements, and not at all what would be expected from any competent operator.

The Sub-Committee was further unimpressed upon viewing some of the premises' records, which were shown by the Police during the meeting. The Incident Report Book and Security Book were not in the usual format, and in any event some of the notes made of the incident gave rise to their own questions; the Security Book, for example, stated that staff came on duty at 02.00 hours, but that was the time that the premises should have closed - if they had been operating to the terms of their licence.

The Sub-Committee did not have the opportunity to hear submissions by, or on behalf of, the premises licence holder, as nobody representing the premises attended the meeting. However the Members were satisfied that the Police evidence amply demonstrated that the operator had shown a lack of grip which had led to a loss of control and a serious crime incident; as such, the Sub-Committee had no confidence whatsoever that the premises could operate satisfactorily.

The Sub-Committee was therefore of the opinion that the course recommended by West Midlands Police, namely a suspension of the licence, was the proper interim step pending the full review of the premises licence. It was necessary and reasonable to impose this step to address the immediate problem with the premises, in particular the likelihood of serious crime, and to promote the licensing objectives 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 West Midlands 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.

Please note, the meeting ended at 1353.

CHAIRMAN.....

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Interim Assistant Director of Regulation and Enforcement
Date of Meeting:	Monday 23rd March 2020
Subject:	Licensing Act 2003 Premises Licence – Summary Review
Premises:	Jam Rock, 32 New John Street West, Birmingham B19 3NB
Ward affected:	Newtown
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 28th February 2020 in respect of Jam Rock, 32 New John Street West, Birmingham, B19 3NB.

An additional representation has been submitted by West Midlands Police.

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 28th February 2020, 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 Jam Rock in respect of Jam Rock, 32 New John Street West, Birmingham B19 3NB.

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 2nd March 2020 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 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 13th March 2020.

An additional representation has been received from West Midlands Police, which is attached at 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 2nd March 2020, Appendix 2
Additional representation received from West Midlands Police, Appendix 3
Current Premises Licence, Appendix 4
Site location plans, Appendix 5

7. Options available:

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

In addition the Sub Committee will need to decide what action, if any, should be taken regarding the interim steps imposed on the 2nd March 2020.



BCC	
REGULATION & ENFORCEMENT	
LICENSING SECTION	
DATE RECEIVED	
28 FEB 2020	
REF NO	10.34 am
INITIALS	

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Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary

I - Superintendent 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: **Jam Rock**
32 New John Street West

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

Post Town: **Birmingham**

Post Code (if known): **B19 3NB**

2. Premises Licence details:

Name of premise licence holder (if known): **Mr Rohan McKenzie**

Number of premise licence (if known): **4911**

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:

At approximately 0600 hours on the 23rd February 2020, a call was received from a hospital around a male victim that had self-presented at hospital with several stab wounds to his leg.

Indications from the victim to the hospital staff was that the incident had occurred inside the premises called Jam Rock and then continued outside.

There were calls from other parties that refused to provide details that they had seen the assault inside the premises.

It was alleged that the incident had happened at around 0500 hours.

The premises were asked to provide CCTV, door staff signing in sheets and an incident report.

The CCTV is of very poor quality and it is difficult to make out what has happened, but it is clear that the premises is fully open, with frequent activity in and out of the front door. An internal camera shows that the premises is very full, from the footage it is estimated that they premises are holding 200+ people.

The front camera does show people reacting at around 0500 hours but it is very difficult to make out what is happening.

There does not appear to be any control of the front door, the cctv shown does not show any searches taking place, although more CCTV is to be provided.

The door staff signing in sheets indicates that there are 2 door supervisors on duty, but it is impossible from the CCTV to identify them, if they are in hi-visibility coats or any form of uniform then it is not showing.

The premise licence holder has been spoken to and he has confirmed that there was a birthday party going on, that had been booked in a month before. He had no temporary event notice in place, and as such is not licensed for regulated entertainment and should have ceased at 0200 for the sale of alcohol and LNR.

He confirmed there were 2 members of door staff on, they were not from a company but people he knew as door staff and asked them to do the security.

The premise licence holder was asked for a fire risk assessment to show his capacity which he has been unable to produce but has confirmed that he did not use any tickers to show the capacity, or had any control on the tickets being sold or how many people were coming into the premises. From what can be seen on the CCTV the premises looked overcrowded.

The incident book, which has been seized indicates that something did happen inside the premises, the premise licence holder did go and find out what was happening, but then states that one male was taken outside.

A statement has been taken from the victim, who states he was attacked inside the premises receiving kicks and punches to his whole body, the victim also thought he had been hit with a bottle. In an area where he thought he had been punched it transpired that he had been stabbed.

West Midlands Police have serious concerns around the management of these premises, it is clear that a serious incident happened inside these premises and then continued outside. This has resulted in a serious crime of a section 18 wounding being committed. This is compounded by the lack of control at the premise and the apparent lack of management for what was happening. This is shown in poor door control, control of numbers, adequate security.

The crime this has been recorded as constitutes a serious crime as defined. Due to what has happened West Midlands Police are seeking the immediate suspension of the premise licence.

(Please read guidance note 2)

Signature of applicant:

Date: 28/2/2020

Rank/Capacity: SUPERINTENDENT

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

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

Telephone Number(s):

E-mail - bw_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 crime and disorder

Premises: Jam Rock

Premise Licence Number: 4911

Premise Licence Holder: Mr Rohan McKenzie

Designated Premise Supervisor: Mr Rohan McKenzie

I am a Superintendent in West Midlands Police.

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

The seriousness of the crime being committed 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 23rd February 2020. 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

Supt 1218 GREEN 28/2/20



BIRMINGHAM CITY COUNCIL
LICENSING SUB COMMITTEE - A

MONDAY 2 MARCH 2020

JAM ROCK, 32 NEW JOHN STREET, BIRMINGHAM, B19 3NB

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 Rohan McKenzie in respect of Jam Rock, 32 New John Street, Birmingham, B19 3NB 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 reason for imposing this interim step was due to the concerns which were expressed by West Midlands Police in relation to matters pertaining to serious crime, namely a section 18 wounding, which had come to light as outlined in the Chief Officer of Police's certificate and application. It was thought that the injured party, a patron of the premises, had received three stab wounds to the leg. The stab wounds were thought likely to have been caused by the use of a knife; however it had been observed by Police on viewing the CCTV that some patrons had been walking about in the premises whilst carrying glass bottles.

The Sub-Committee determined that the cause of the serious crime originated from a complete lack of management control on the night in question – particularly in relation to door control and security. The style of management had been incapable of upholding the licensing objectives; the Police therefore requested a suspension of the licence pending the full review hearing.

The premises had been variously described as a 'bar/ restaurant' and a 'sports bar', but upon viewing the CCTV the Members considered it to be operating akin to a nightclub-style venue. The incident was thought to have occurred at around 0500 hours, and it was therefore apparent that the premises was operating far beyond its permitted hours and in breach of its licence regarding regulated entertainment. The Sub-Committee noted that no Temporary Event Notice had been sought for any special event.

The premises licence holder, who was also the designated premises supervisor, had spoken to Police; however his comments had not inspired any confidence whatsoever in his ability to operate safely. He stated to Police that "a few people" had been in the premises having drinks - yet Police estimated the number to have been approximately 200 persons (the Police estimate of the number was borne out by what was shown on CCTV). In any event, the premises licence holder had no way of correctly assessing numbers, as clickers to check capacity had not been in use. Poor door control, as shown on the CCTV, was of great concern to the Sub-Committee, not least due to fire safety. The Police confirmed that no fire risk assessment appeared to have been done.

The premises licence holder's own description of the activity on the night in question, namely that it had been a 'birthday party' which had been booked in advance, was not accepted by Police; his comment to Police that he "forgot" to submit a Temporary Event Notice was similarly not accepted. The Sub-Committee agreed with the Police on these points. These seemed to be extraordinary statements, and not at all what would be expected from any competent operator.

The Sub-Committee was further unimpressed upon viewing some of the premises' records, which were shown by the Police during the meeting. The Incident Report Book and Security Book were not in the usual format, and in any event some of the notes made of the incident gave rise to their own questions; the Security Book, for example, stated that staff came on duty at 02.00 hours, but that was the time that the premises should have closed - if they had been operating to the terms of their licence.

The Sub-Committee did not have the opportunity to hear submissions by, or on behalf of, the premises licence holder, as nobody representing the premises attended the meeting. However the Members were satisfied that the Police evidence amply demonstrated that the operator had shown a lack of grip which had led to a loss of control and a serious crime incident; as such, the Sub-Committee had no confidence whatsoever that the premises could operate satisfactorily.

The Sub-Committee was therefore of the opinion that the course recommended by West Midlands Police, namely a suspension of the licence, was the proper interim step pending the full review of the premises licence. It was necessary and reasonable to impose this step to address the immediate problem with the premises, in particular the likelihood of serious crime, and to promote the licensing objectives 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 West Midlands 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: Abdool Rohomon
Sent: 12 March 2020 14:17
To: Licensing
Cc: 'duncan.craig@'
Subject: Extra reps - Jam Roc

Dear Licensing,

Following the application made by West Midlands Police against Jam Roc, we seek to make additional representations against the premises.

From Police systems there was a further incident at the premises in November which appears to involve the use of a weapon, which was not called into West Midlands Police. This incident happened at 06.30 hours, when the premises should have closed at 2am.

A check on the Police licensing system shows that no TEN has ever been sent to us to apply for additional hours since the premises has been open.

The additional CCTV that has been sent to us for the incident that lead to the expedited application is of very poor quality, but does show for several dates that regulated entertainment was taking place, even though the premise licence does not have this authority.

Supporting documents will be provided before the hearing

If these can be added as additional reps

Kind regards

Abs Rohomon. BEM

PC 4075 Rohomon. BEM
BW Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ

Internal :

External :

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West Midlands Police

Email:

Website: www.west-midlands.police.uk

Twitter: [www.twitter.com/brumpolice](https://twitter.com/brumpolice)

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YouTube: www.youtube.com/westmidlandspolice

Vision statement - Serving our communities, protecting them from harm

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

4911 / 1

Part 1 - Premises details:**Postal address of premises, or if none, ordnance survey map reference or description**Jam Rock
32 New John Street West**Post town:**

Birmingham

Post Code:

B19 3NB

Telephone Number:

Not Specified

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licenceM3 Sale of alcohol by retail (both on & off the premises)
L Late night refreshments**The times the licence authorises the carrying out of licensable activities**Monday - Sunday 12:00 - 02:00 M3
23:00 - 02:00 L**The opening hours of the premises**

Monday - Sunday 12:00 - 02:00

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 Rohan McKennie 32 New John Street West	
Post town: Birmingham	Post Code: B19 3NB
Telephone Number: Not Specified	
Email Not Specified	

Registered number of holder for example company number or charity number (where applicable) N/A

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Rohan McKenzie	
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 18/001028/LAPER	Issuing Authority SANDWELL METROPOLITAN BOROUGH COUNCIL

Dated 25/06/2018

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 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

BIRMINGHAM CITY COUNCIL

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.

BIRMINGHAM CITY COUNCIL

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

All training records for all staff to be maintained and to be available upon request for any responsible authority.

The premise licence holder will record all refusals in a refusals book.

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

C.C.T.V. to be operational whilst the premises are open and be recording continually.

The recordings are to be kept for minimum of 28 days.

C.C.T.V images to be made available to any responsible authority immediately on request.

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

The premises will have an incident book and record all incidents that occur inside or immediately outside the premises.

The incident book to be made available to any responsible authority immediately on request.

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

Notices will be displayed in prominent positions requesting that our patrons respect our neighbours.

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

The premises will adopt the Challenge 25 scheme, with appropriate signage to be placed at the entrance to the premises and adjacent to any bar servery.

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

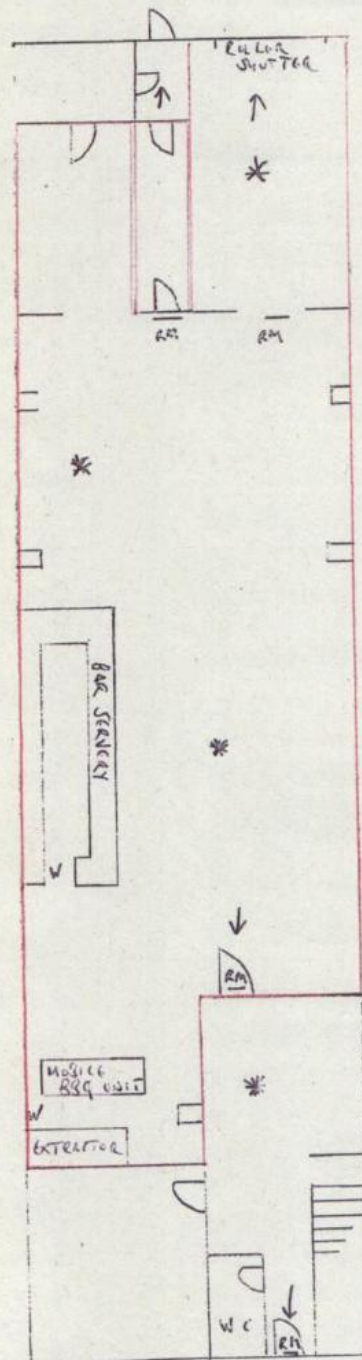
3d) Committee conditions to promote the prevention of public nuisance

N/A

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

N/A

Annex 4 – Plans

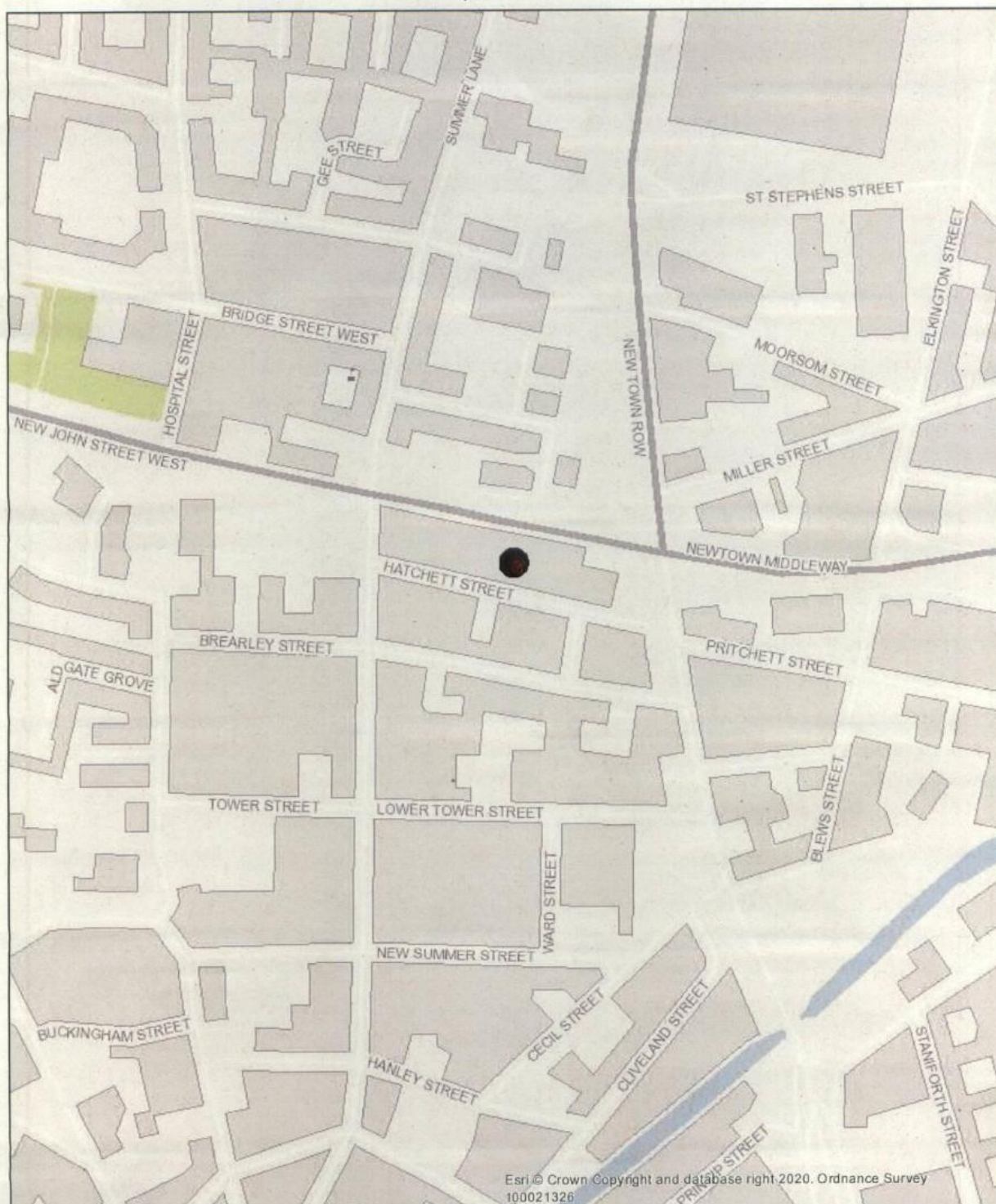


JAM ROCK,
32 NEW JOHN STREET WEST
BIRMINGHAM
B19 3NB

LEGEND

- EMERGENCY LIGHTING
- * SMOKE ALARM
- RM LOUDSPEAKER SIGN
- W O2 FIRE EXTINGUISHER
- SALE OF ALCOHOL BY RETAIL
- LATE NIGHT REFRESHMENT

SCALE 1:100



Birmingham
City Council

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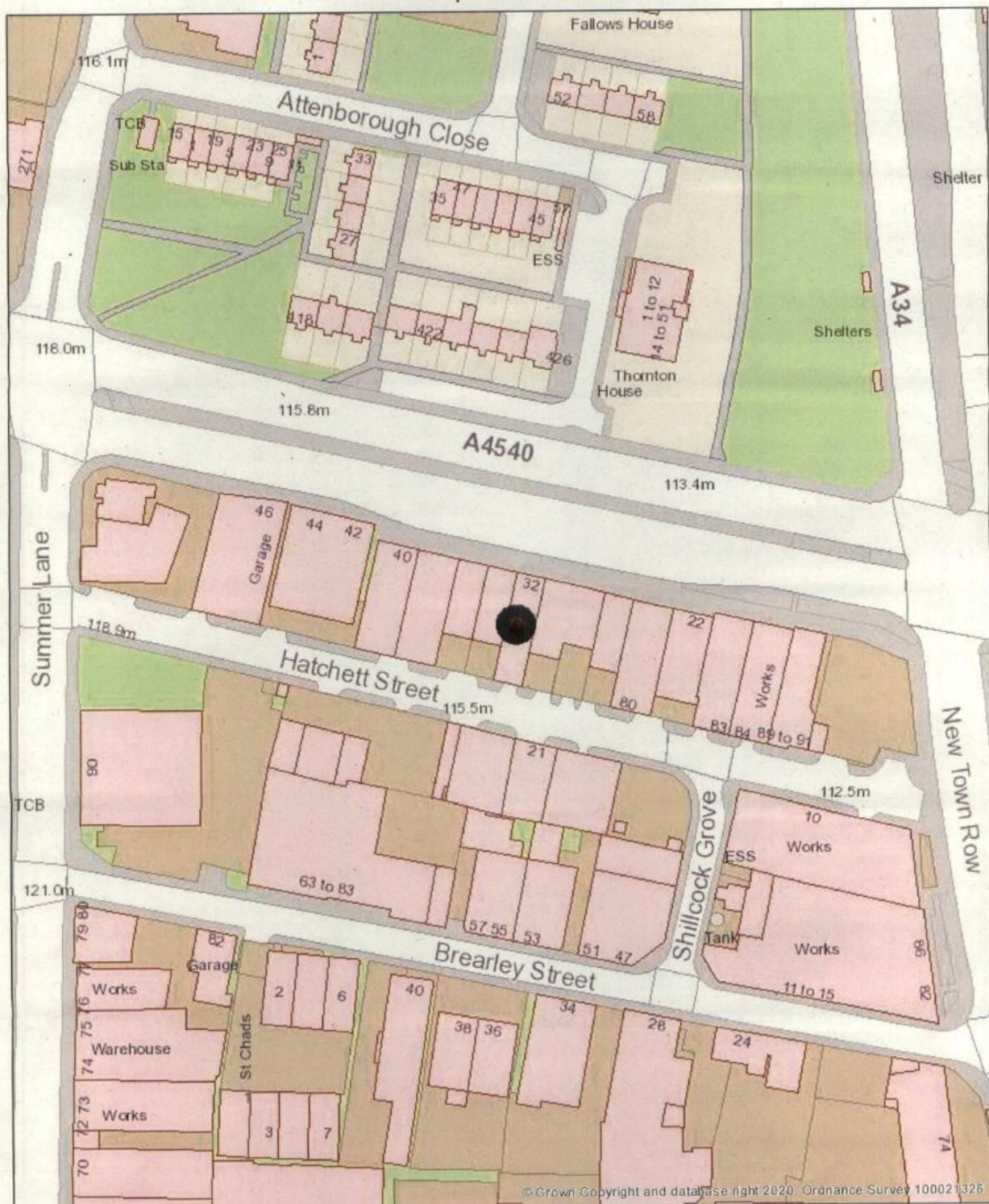
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Map Created By:

Scale: 1:4,000





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West Midlands Police

Supporting Doc – Review Application

Jam Roc

32 New John Street West

PAGE(S)	DOCUMENT(S)
1 to 3	Sec 53(a) application
4	Sec 53 (a) certificate
5 to 6	Photos of premise
7 to 9	Statement form Pc 4075 Rohomon
10 to 13	CCTV synopsis
14	Door staff signing in sheet
15	Accident report
16 to 17	Victim statement
18 to 21	Crime report 23rd Feb 2020
22 to 30	Crime report Nov 2019
31	Email following visit
32 to 38	Premise licence and plan



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Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary

I - Superintendent 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: **Jam Rock**
32 New John Street West

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

Post Town: **Birmingham**

Post Code (if known): **B19 3NB**

2. Premises Licence details:

Name of premise licence holder (if known): **Mr Rohan McKenzie**

Number of premise licence (if known): **4911**

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:

At approximately 0600 hours on the 23rd February 2020, a call was received from a hospital around a male victim that had self-presented at hospital with several stab wounds to his leg.

Indications from the victim to the hospital staff was that the incident had occurred inside the premises called Jam Rock and then continued outside.

There were calls from other parties that refused to provide details that they had seen the assault inside the premises.

It was alleged that the incident had happened at around 0500 hours.

The premises were asked to provide CCTV, door staff signing in sheets and an incident report.

The CCTV is of very poor quality and it is difficult to make out what has happened, but it is clear that the premises is fully open, with frequent activity in and out of the front door. An internal camera shows that the premises is very full, from the footage it is estimated that they premises are holding 200+ people.

The front camera does show people reacting at around 0500 hours but it is very difficult to make out what is happening.

There does not appear to be any control of the front door, the cctv shown does not show any searches taking place, although more CCTV is to be provided.

The door staff signing in sheets indicates that there are 2 door supervisors on duty, but it is impossible from the CCTV to identify them, if they are in hi-visibility coats or any form of uniform then it is not showing.

The premise licence holder has been spoken to and he has confirmed that there was a birthday party going on, that had been booked in a month before. He had no temporary event notice in place, and as such is not licensed for regulated entertainment and should have ceased at 0200 for the sale of alcohol and LNR.

He confirmed there were 2 members of door staff on, they were not from a company but people he knew as door staff and asked them to do the security.

The premise licence holder was asked for a fire risk assessment to show his capacity which he has been unable to produce but has confirmed that he did not use any clickers to show the capacity, or had any control on the tickets being sold or how many people were coming into the premises. From what can be seen on the CCTV the premises looked overcrowded.

The incident book, which has been seized indicates that something did happen inside the premises, the premise licence holder did go and find out what was happening, but then states that one male was taken outside.

A statement has been taken from the victim, who states he was attacked inside the premises receiving kicks and punches to his whole body, the victim also thought he had been hit with a bottle. In an area where he thought he had been punched it transpired that he had been stabbed.

West Midlands Police have serious concerns around the management of these premises, it is clear that a serious incident happened inside these premises and then continued outside. This has resulted in a serious crime of a section 18 wounding being crimed. This is compounded by the lack of control at the premise and the apparent lack of management for what was happening. This is shown in poor door control, control of numbers, adequate security.

The crime this has been recorded as constitutes a serious crime as defined. Due to what has happened West Midlands Police are seeking the immediate suspension of the premise licence.

(Please read guidance note 2)

Signature of applicant:



Date: 28/2/2020

Rank/Capacity: SUPERINTENDENT

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

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

Telephone Number(s): 0121 626 6099

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

Notes for guidance:

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

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

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

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

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

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: Jam Rock

Premise Licence Number: 4911

Premise Licence Holder: Mr Rohan McKenzie

Designated Premise Supervisor: Mr Rohan McKenzie

I am a Superintendent in West Midlands Police.

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

The seriousness of the crime being committed 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 23rd February 2020. 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



SUPT 1218 GREEN 28/2/20





WITNESS STATEMENT

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

Crime No. URN

Statement of Abdool Rohomon. BEM

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

Occupation Police Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:

(witness)

at *24515* *BEM*

Date 19/3/2020

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the above named person currently a serving Police Officer within West Midlands Police. I am currently based at Birmingham Central Police Station, and for the last 17 years I have been a specialist licensing officer for Birmingham. I currently have over 28.5 years' service in the Police all based in Birmingham City Centre.

I have qualifications in risk management, risk assessment, science of people movement, inspection of licensed premises and level 2 Bii.

This statement is in relation to a premise called JamRoc. I was the original officer that reviewed the application, and when it was submitted I looked at the hours and what activities they were looking to undertake.

In terms of the activities that were being proposed, the application only sought to have the sale of alcohol and late night refreshment, so this gave me the impression that it was never going to operate as a late night nightclub. When I looked at the plan there was no indication of a stage or DJ booth on the plan and the premises looked small. From the allocation of toilets and the fire exit plans it was envisaged that they premise could not hold any more than 60 people. (from training we have had from the fire service they have indicated that a single opening door is for no more than 60 persons, and they always take out the biggest fire exit. The roller shutter would not have counted as there is no fire door within it.

The premises are not located in any area that would constitute a late night economy area, it is surrounded by industrial units.

This made the premises a lower risk in my assessment, and so I had little concern with the hours or even the proposed operating conditions.

In terms of intervention at the premises, as a licensing team we have had little. In January 2019, licensing officer Chris Jones attended the venue, he reminded the premises that they were not licensed for regulated

Signature

at *BEM*

Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No. URN

Statement of Abdool Rohomon. BEM

entertainment. The CCTV was checked and showed 28 days of recordings and did not show that they were operating beyond their licensed hours.

There were concerns in relation to safety, as the premises admitted they had no fire risk assessment, there were portable heaters being used, fire exit doors of concern, and exposed false ceilings. The concerns were significant enough to raise a referral to West Midlands Fire Service.

After the weekend of the 23rd Feb 2020, I was made aware of an incident that had apparently happened at Jam Roc. I looked at the Police logs and crime reports for the incident.

The original call made to the Police had been made from staff at a hospital where a male had self-presented with stab wounds to the leg. The victim had told staff that he had been stabbed at Jam Roc. Through the investigation a statement had been taken from the victim and he had described how he had been attacked in the premise. From reading the statement and Police information I was satisfied that the victim had been attacked in Jam Roc.

I was concerned that the time the offence was reported as being committed was significantly after the hours the premises should have been open to, the victim was at a party which the premises were not licensed to do and there had been no call from the premises themselves about this.

I contacted the premises and asked for the CCTV, incident report and door staff signing in sheet.

CCTV was sent to me by the premise licence holder, it was of very poor quality and would not be useful for any form of identification, what it did show that the premises were very full, I would have easily estimated that there were in excess of 200 people in the venue. The premises were open way past their permitted licensed hours, and were conducting regulated entertainment that they were not authorised to go.

On the 27th February I had a meeting with the premise licence holder at the Police Station. He provided additional CCTV, a ring bind book which had some door staff details in, and an accident at work book which was being used as an incident book.

Mr McKenzie attended and stated to me that he had a birthday party in that night which had been booked a month before and that he had forgotten to put a Temporary Event Notice in for it. He was in the kitchen when his daughter told him about a fight, when he went over the security had said it was all over and the people were outside. Mr McKenzie indicated he wasn't aware of the exact circumstances of what had happened but it had happened in the foyer entrance area.

I asked him around his risk assessment and capacity for the premises. Mr McKenzie stated that he couldn't find his fire risk assessment, which surprised me considering the previous visit from one of my colleagues.

Signature 

Signature witnessed by

03/2016

OFFICIAL – (when complete)

Page 65 of 90

Crime No. URN

Statement of Abdool Rohomon. BEM

He stated to me that he thought he had 80/90 people in on the night of the incident but conceded that he had not used any clickers, or had any control of the tickets, or even know if tickets were produced to determine how many people were inside the premises.

Mr McKenzie stated he had two door supervisors on that night, they were not from a company and he just knew them so had employed them.

I was not impressed with Mr McKenzie, it was clear he knew he was having a party that exceeded his licensing hours, was going to be doing licensable activity that he was not authorised to do. He had no control of the premises, in terms of the numbers he allowed in, or had any idea of how many he would legally be allowed to have in, which should have been documented on his fire risk assessment.

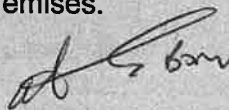

Mr McKenzie indicated he was not authorised under the SIA regulations to employ his own door staff and so he should have been using a registered company for door staff provision.

Mr McKenzie has proved me with further CCTV from previous weekends that I had requested. The CCTV did not go back for the 28 days as required by the conditions of the licence. Mr McKenzie indicated that he had had a new hard drive installed and showed me a receipt, I take no issue with the fact the CCTV coverage did not go back the full 28 days.

I have viewed the other CCTV, which again is very low quality, I have produced a synopsis of the CCTV which I have included in the supporting documents and my comments around the issues.

I have also checked the Police licensing systems and the council website and cannot see any application ever being made by Jam Roc or Mr McKenzie for a temporary event notice since they opened. This would indicate that the other events identified through the CCTV have also not been authorised under any form of Temporary event notice.

What I can say is that whatever the intended use of the premises was to be when the application came in, it clearly wasn't being used like that from what I can see on the CCTV. I have no confidence in Mr McKenzie as a premise licence holder to operate this style of premises.

Signature 

Signature witnessed by

03/2016

OFFICIAL – (when complete)

Jam Roc – CCTV

File Number

1_01_R_20200223040000

Shows camera 1 (outside front door) times 0400 – 0500 23/2/2020

Issues – very poor quality, shows people hanging around the front door and going in, premises should have closed at 02:00 hours

Doorstaff signing in sheet indicates only one member of doorstaff on duty

1_02_R_20200217020000

Shows camera 2 (inside) time 0200-0300 17/2/2020

Issues – a party happening, can't see full picture, appears 70+ inside

Premises should have closed at 0200, provisions for regulated entertainment clearly there – Disco lights

1_02_r_20200223040000

Shows camera 2 (inside) times 0400 – 0500 23/2/2020

Issues very busy inside, 150-200+ inside

1_03_R_20200216020000

Shows camera 3 – (believed to be smoking area inside premises, like garage area) times 0200-0300 16/2/2020

Issues - Very poor quality, is a smoking area, not compliant with smoking regulations under Health Act 2006 as not 50% open

1_05_R_20200223040000

Shows camera 1 (inside) times 0400 – 0500 23/2/2020

Issues – very poor quality, regulated entertainment taking place, not licensed for, very very busy, estimate 200+ inside

1_08_R_20200223040000

Shows camera 8 (side view of inner corridor) times 0400-0500 23/2/2020

Issues – very poor quality, people coming and going

2_01_r_20200223050001

Shows camera 1 (outside) times 0500-0600 23/2/2020

Issues – very poor quality, shows people leaving the premises

2_02_R_20200223060000

Shows camera 2 (inside) times 0600-0700 23/2/2020

Issues – see people clearing up, and size of the room, which shows it is small. Around concerns about overcrowding from previous footage

2_03_R_20200216030000

Shows camera 3 (believed smoking area) times 0300-0400 16/2/2020

Issues – Health Act not being complied with, very poor quality, should have been closed at 0200

2_05_R_20200223060000

Shows camera 5 (inside) times 0600-0700 23/2/2020

Issues – shows size of room (small), people cleaning up

2_08_R_20200217020000

Shows camera 8 (side view of interior corridor) times 0200-0300 17/2/2020

Issues – poor quality, people coming and going through the clip

2_08_R_20200223060000

Shows camera 8 (side view of interior corridor) times 0600-0700 23/2/2020

Shows nothing

3_01_R_20200223060000

Shows camera 1 (outside) times 0600-0700 23/2/2020

Shows nothing

3_02_R_20200223050001

Shows camera 2 (inside) times 0500_0600 23/2/2020

Issues – large number of people inside, still open

3_05_R-20200216020000

Shows camera 5 (inside) times 0200-0300 16/2/2020

Issues – very poor quality, cameras blocked by balloons, people still inside, set up for a party

4_05_R_20200216030000

Shows camera 5 (inside) times 0300-0400 16/2/2020

Issues very poor quality, cameras blocked by balloons, people inside, dancing, setup for a party

4_06_R_20200223040000

Shows camera 6 (inside by bar) times 0400-0500 23/2/2020

Issues – very busy, open at 4am, still selling alcohol, no TEN notice

People smoking inside- by the bar, staff do nothing (4:46)

5_01_R_20200216020001

Shows camera 1 (outside) times 0200-0300 16/2/2020

Issues – poor quality, people coming and going both in and out

5_06_R_20200223050001

Shows camera 6 (inside by bar) times 0500-0600 23/2/2020

Premises still opening and trading, more smoking the way it is lit would indicate drugs

6_01_R_20200216030000

Shows camera 1 (outside) times 0300-0400 16/2/2020

Issues – people still coming into the premises

No doorstaff according to door staff signing in sheet

6_06_R_20200223060000

Shows camera 6 (inside bar) times 0600-0700 23/2/2020

Shows nothing

7_02_R_20200216020000

Shows camera 2 (inside) times 0200-0300 16/2/2020

Issues, shows speakers, blocking view of cctv, people inside

7_05_R_20200223050000

Shows camera 5 (inside) times 0500-0600 23/2/2020

Issues – poor quality, people inside, overcrowding

8_02_R_20200216030000

Shows camera 2 (inside) times 0300-0316 16/2/2020

Issues – speakers, can see them move, more people inside

No Ten, should have closed at 2am

8_08_R_20200223040000

Shows camera 8 (inner passage way) times 0400-0500 23/2/2020

Issues – people coming and going, poor quality

9_06_R-20200216020000

Shows camera 6 (inside bar) times 0200-0300 16/2/2020

People inside still open still selling

10_06_R_20200216030000

Shows camera 6 (inside bar) times 0300-0400 16/2/2020

People inside still open and selling

Venue

Jam Rock

Name	Date	Badge	Date Ex	Time	Sigh
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[REDACTED]	25/10/19	[REDACTED]	19/4/21	22.00-01.00	
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[REDACTED]	20/12/19	[REDACTED]	19/4/21	22.00/02.00	
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[REDACTED]	2/02/20	[REDACTED]	19/4/21	22.00/02.00	
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[REDACTED]	16/02/20	[REDACTED]	19/4/21	22.00/02.00	
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[REDACTED]	22.02.20	[REDACTED]	[REDACTED]	7500	
time	1.30	until	5.00		

[REDACTED]	23.02.20	[REDACTED]	42H		
start	@ 02:10	until	5:00		



Report Number



Report Number

Accident record

1 About the person who had the accident

Name

Address

Postcode

Occupation

2 About you, the person filling in this record

▼ If you did not have the accident write your address and occupation.

Name

Address

Postcode

Occupation

3 About the accident *Continue on the back of this form if you need to*

▼ Say when it happened. Date 23 / 02 / 2020 Time▼ Say where it happened. State which room or place. TO THE LEFT OF THE MAIN ROOM, ON ENTERING THE HALLWAY▼ Say how the accident happened. Give the cause if you can. I AM UNSURE WHAT CAUSED THE COMMOTION BETWEEN TWO INDIVIDUALS BUT ON INVESTIGATION I OBSERVED SECURITY GUARD PARTED THEM, AND ESCORTED ONE WALK OUTSIDE▼ If the person who had the accident suffered an injury, say what it was. N/A DIDN'T NOTE ANY VISUAL INJURY

▼ Please sign the record and date it.

Signature

Date 23 / 02 / 2020

4 For the employee only

▼ By ticking this box I give my consent to my employer to disclose my personal information and details of the accident which appear on this form to safety representatives and representatives of employee safety for them to carry out the health and safety functions given to them by law. ☐

Signature

Date / /

5 For the employer only

▼ Complete this box if the accident is reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR). To report, just call the ICC on 0845 300 9923.

How was it reported?

Date reported / /

Page 72 of 96

Signature

15

WITNESS STATEMENT

Crime Number: 20BW/49237Q/20

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5BURN Statement of: Mr [REDACTED]

Age if under 18: over 18 (if over 18 insert 'over 18')

Occupation: [REDACTED]

This statement (consisting of 2 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: [REDACTED]

Date: Sunday, 23 February 2020

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I make this statement in relation to an attack which took place where I was stabbed.

I have never met the offenders previously but believe there were 4 offenders based on the number of punches and kicks. From the night I remember one male being a black male approximately 5ft 8in who had corn rows in his hair who seemed to have an issue with me but I don't remember him being present during the attack. I don't remember his clothing and can't describe the other males.

The incident happened in the entrance to the main parlour of Jam Roc Sports Bar on Hatchett Street in Hockley and then continued outside the location. The entrance leads onto a back street and upon going into the main door there is a foyer which leads in to the main parlour.

At approximately 05:00 hrs on Sunday 23rd February 2020 I was in Jam Roc Sports Bar as I had been invited to the after party by someone in P B's in Hockley. Initially I was stood next to the DJ in the main room where the male with corn rows asked me to move away from him. I did move and went to the toilet. I have come back and decided to go outside for a cigarette. I went to the back garden asking people where you go to smoke. Eventually an unknown female stated that it was out the front. I went towards the front and as I got to the entrance of the parlour I felt a punch to the right hand side of my face from an unknown person. I have gone down to the floor as I knew I was being jumped so I went to protect my head. On the way down I felt several punches and then whilst on the floor I could feel kicks on both sides. I remember hearing girls screaming. I tried to get up and I was hit back to the ground. I believe that this was from 3 to 4 people based on the punches and kicks and location of the blows.

The second time I got up and walked out the club and I remember being hit to the right side of my head from near to the back which felt like it was from a bottle and I have gone down to the floor again to protect myself. The way I have gone down has left my left hand side exposed and I felt the majority of punches and kicks to the left hand side. I distinctly remember what I thought were hard punches to my left leg which I have since found out were stab wounds. Straight after this I have caught the group return back in to the club. I have managed to get back up and steady myself where a group of unknown girls have asked if I am ok. I have tried to get back in

Signature: [REDACTED]Signature witnessed by: [REDACTED]

to the club and a bouncer who I also recognise as a security guard at the [REDACTED] stated that I couldn't go back in. I have then waited out at the front of the club for my friend to come out. When he appeared around 5 to 10 minutes later I have jumped in his car where we have made our way to Walsall Manor Hospital to be checked out.

The VPS process has been explained to me and I do not wish to record one at this stage.

I believe the facts stated in this witness statement and as amended in any tracked changes [and initialled] are true.

Signature: [REDACTED]

Signature witnessed by: [REDACTED]

Signature: [REDACTED]

Signature witnessed by: [REDACTED]



RESTRICTED

WEST MIDLANDS POLICE

OFFENCE REPORT

Page 1 of 2

Offence No. [REDACTED] 20

OFFENCE DETAIL

Offence Code OF61017 **Description** WOU 18 CAUSE GBH W/I TO DO GBH
Offence Times Between 04:45 hours Sun 23rd Feb 2020
and 05:10 hours Sun 23rd Feb 2020
Main File Incident Location JAM ROC SPORTS LOUNGE, 54, HATCHETT STREET,
HOCKLEY, BIRMINGHAM, WEST MIDLANDS B19 3NB
Grid Ref 407095288233
Neighbourhood BWHA BW ASTON **Sector** LADYWOOD EAST

REPORTING DETAIL

Reported Time 06:12 hours Sun 23rd Feb 2020
How Reported EMERGENCY TELEPHONE CALL 999

Received By PC 23104 REYNOLDS

WEAPON TYPES - USAGE

UNBROKEN BOTTLE OR UNBROKEN GLASS - USED, CAUSING INJURY

VICTIM DETAILS

Nominal Ref. [REDACTED] **VICT**
Name [REDACTED]
Maiden Name [REDACTED]
Address [REDACTED]
Home [REDACTED]
Home Tel. [REDACTED] **Work Tel.** [REDACTED]
Mobile Tel. [REDACTED]
Sex [REDACTED] **D.O.B.** [REDACTED] **Age** [REDACTED]
Place of Birth [REDACTED]
Marital Status Single **Ethnic Appearance** [REDACTED]
Occupation [REDACTED]
Injury Code SLIGHT
Description 3 X STAB WOUNDS TO LEFT LEG. CUT TO TOP OF HEAD. BRUISING PAIN AND DISCOMFORT.

MODUS OPERANDI & PROPERTY

OASIS LOG 588 23/02/20.

BMT.... WHILST AT LOCATION THE IP HAS GONE TO GO OUTSIDE FOR A CIGARETTE, UPON REACHING THE FIRST INNER DOOR THE IP HAS FELT A PUNCH TO THE RIGHT HAND SIDE OF HIS FACE FROM AN U/K OFFENDER, WHERE THE IP HAS DROPPED TO THE FLOOR AND HAS FELT SEVERAL OTHER PUNCHES AND KICKS WHICH HE BELIEVES WERE FROM 3-4 OTHER U/K OFFENDERS. THE IP HAS MANAGED TO STAND UP AND LEFT THE LOCATION VIA THE MAIN DOORS. WHERE HE HAS BEEN HIT TO THE BACK OF THE HEAD WITH WHAT HE BELIEVES WAS A BOTTLE. THE IP FELL TO THE FLOOR AGAIN WHERE HE HAS FELT PUNCHES AND KICKS TO THE LEFT SIDE OF HIS BODY, AND

Date : 17-MAR-20 14:03:41 Oracle User: PORTAL_USER



RESTRICTED

WEST MIDLANDS POLICE

OFFENCE REPORT

Page 2 of 2

"UNRESOLVED"

Offence No. [REDACTED]/20

DISTINCTLY REMEMBERS WHAT HE BELIEVED TO BE 3 X PUNCHES TO THE LEFT LEG, WHICH HAVE LATER TURNED OUT TO BE STAB WOUNDS. OFFENDERS WENT BACK INSIDE THE LOCATION AND IP LEFT WITH A FRIEND TO ATTEND HOSPITAL.

FURTHER INFORMATION

Crime Interests

CRIMES ALLOCATED TO FORCE CID
PUBLIC PLACE VIOLENCE

ALL OTHER ROLES NOT PREVIOUSLY LISTED

Type INPT Name PC 8150 RICHARDS
Nominal Ref 1510302H
Reason

*** End of Report ***



RESTRICTED

WEST MIDLANDS POLICE

Page 1 of 2

INVESTIGATION LOG

Offence / Incident No. [REDACTED] 20

OFFENCE / INCIDENT DETAILS

Status	VALIDATED
Offence Code	OF61017
Offence	WOU 18 CAUSE GBH W/I TO DO GBH
Address	JAM ROC SPORTS LOUNGE, 54, HATCHETT STREET, HOCKLEY, BIRMINGHAM, WEST MIDLANDS B19 3NB
Committed	23/02/2020 04:45:0023/02/2020 05:10:00
Neighbourhood	BW ASTON

Investigation Log

GENERAL LOG ENTERED BY REYNOLDS_23104, ON 23 FEB 2020 AT 09:46:41:
THIS IS IN RELATION TO LOG 588 OF 23/02/2020

THE IP HAS ATTENDED WALSALL MANOR HOSPITAL AFTER RECEIVING A WOUND TO HIS HEAD AND STAB WOUNDS TO HIS LEG. THE IP STATES THAT HE HAD BEEN IN JAM ROC BAR AFTER BEING INVITED TO AN AFTER PARTY BY AN UNKNOWN PERSON. WHILST IN THERE HE HAD A CONFLICT WITH A MALE WHO HAD ASKED HIM NOT TO STAND NEXT TO HIM. THE IP HAS MOVED AND THEN GONE FOR A CIGARETTE. AS HE HAS LEFT THE MAIN AREA HE STATES HE HAS BEEN PUNCHED IN THE DOORWAY AND HE HAS GONE TO THE FLOOR TO PROTECT HIMSELF. THE IP FELT FURTHER PUNCHES AND KICKS AND HAS THEN GONE TO GET UP. A FURTHER PUNCH HAS LANDED SENDING HIM BACK TO THE FLOOR. THE IP HAS MANAGED TO GET UP AND GO OUT OF THE BAR WHERE HE HAS FELT ANOTHER BLOW TO THE BACK OF HIS HEAD BY WHAT HE BELEIVES TO BE A BOTTLE; THE IP HAS GONE BACK TO THE FLOOR AND HAS FELT FURTHER BLOWS WITH THE LAST 3 BEING TO HIS LEFT LEG WHICH TURNS OUT TO BE STAB WOUNDS. THE IP HAS CONTACTED POLICE AND GONE TO RETURN BACK TO THE LOCATION WHERE ENTRY HAS BEEN REFUSED.

INJURIES - IP HAS A WOUND TO THE HEAD AND STAB WOUNDS TO THE LEG; THESE HAD NOT BEEN EXPOSED ON MY ATTENDANCE AND IP HAS GONE FOR CT. AWAITING RESULTS TO CONFIRM THE LENGTH/WIDTH OF BLADE USED. AS THEY HAVE NOT BEEN EXPOSED/CLEANED THEY HAVE NOT BEEN PHOTOGRAPHED AT THIS TIME.

CLOTHING HAS NOT BEEN SEIZED AT THIS STAGE; IP HAS NO CHANGE SO I HAVE INFORMED HIM NOT TO WASH AND TO KEEP ASIDE BAGGED SHOULD IT BE REQUIRED.

MG11 - OBTAINED FROM IP - THERE WAS A LEVEL OF INTOXICATION BUT THE IP WAS ABLE TO SPEAK COHERENT SENTANCES AND MAKE SENSE WHILST RECALLING DETAIL. IP WAS IN A SUITABLE STATE TO OBTAIN A STATEMENT.

OFFENDERS - IP WAS ADAMANT THAT HE WOULD BE ABLE TO ID THEM IN A PARADE BUT OTHER THAN STATING THEY WERE BLACK MALES THE IP WAS UNABLE TO PROVIDE ANY

Date: 17-MAR-20 14:04:27 Oracle User: ROHOMON_4075



RESTRICTED

WEST MIDLANDS POLICE

Page 2 of 2

INVESTIGATION LOG

VALIDATED
OF61017

DESCRIPTION OF HEIGHT, HAIR, CLOTHING, SHOES OR DISTINCTIVE FEATURES.

CCTV - THIS IS A LICENSED PREMESIS AND SHOULD HAVE CCTV AVAILABLE. THE IP BELEIVES THAT THERE WAS CCTV PRESENT. NO CCTV YET VIEWED.

SCENE HAS NOT BEEN ATTENDED; MALE PRESENTED TO WALSALL MANOR HOSPITAL RATHER THAN THE NEAREST HOSPITAL AND WAS SEEN HOURS AFTER THE INCIDENT.

SAFEGUARDING - UNKNOWN OFFENDERS AND IP HAS STATED THAT HE WILL NOT BE RETURNING TO THE LOCATION.

GENERAL LOG ENTERED BY AUGER_20441 - SUPERVISOR, ON 23 FEB 2020 AT 13:22:18: THE PRIMARY INVESTIGATION HAS BEEN COMPLETED.

THE IP HAS PROVIDED A STATEMENT AND IS SUPPORTIVE OF A PROSECUTION.

AT THSI STAGE HIS DESCRIPTION OF TH EOFFENDR IS VERY LOOSE AND NOT ENOUGH TO BE IDENTIFY THEM BY DESCRIETION ALONE.

THERE MAY BE CCTV AT THE PREMISES AND THIS WILL REQUIRE FURTHER CHECKS ONCE THE PREMISES IS OPEN.

THE IP WAS RELUCTANT TO GIVE UP HIS CLOTHES BUT HAS BEEN ADVISED TO PUT THEM ASIDE AND NOT TO WASH THEM SO WE CAN COLLECT THEM IF REQUIRED.

THERE IS LIKELY TO BE WITNESSESS TO THIS WHO HAVE YET TO BE IDENTIFIED

PLEASE FORWARD TO THE APPROPRIATE TEAM TO PROGRESS ENQUIRIES

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

Date: 17-MAR-20 14:04:27 Oracle User: ROHOMON_4075



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WEST MIDLANDS POLICE

OFFENCE REPORT

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Offence No. [REDACTED]/19

OFFENCE DETAIL

Offence Code OF61017 **Description** WOU 18 CAUSE GBH W/I TO DO GBH
Offence Times Between 06:30 hours Sun 10th Nov 2019
and 07:00 hours Sun 10th Nov 2019
Main File Incident
Location JAM ROC SPORTS LOUNGE, 54, HATCHETT STREET,
HOCKLEY, BIRMINGHAM, WEST MIDLANDS B19 3NB
Grid Ref 407095288233
Neighbourhood BWAH BW ASTON **Sector** LADYWOOD EAST

REPORTING DETAIL

Reported Time 07:46 hours Sun 10th Nov 2019
How Reported Help Desk/Contact Centre

Received By PC 21387 MORRIS

WEAPON TYPES - USAGE

KNIFE - UNKNOWN - USED, CAUSING INJURY

VICTIM DETAILS

Nominal Ref. [REDACTED] **VICT**
Name [REDACTED]
Maiden Name [REDACTED]
Address [REDACTED]
Home [REDACTED]
Home Tel. [REDACTED] **Work Tel.** [REDACTED]
Mobile Tel. [REDACTED]
Sex [REDACTED] **D.O.B.** [REDACTED] **Age** [REDACTED]
Place of Birth [REDACTED]
Marital Status [REDACTED] **Ethnic Appearance** [REDACTED]
Occupation [REDACTED]
Injury Code SLIGHT
Description STAB WOUND TO THE FACE AND ARM

MODUS OPERANDI & PROPERTY

LOG 649 10 NOVEMBER 2019
BMT IP STATES WHILST TALKING TO FEMALE AT THE BAR AN UNKNOWN MALE OFFENDER HAS APPROACHED AND
ATTACKED THE IP BY STABBING HIM TO THE FACE AND LEFT ARM. OFFENDER LEFT THE SCENE.
IP CAN'T CONFIRM THE SCENE

FURTHER INFORMATION

Crime Interests

Date : 17-MAR-20 13:20:14 Oracle User: PORTAL_USER



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WEST MIDLANDS POLICE OFFENCE REPORT

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Offence No. [REDACTED] /19

Crime Interests

ALCOHOL INVOLVED
CRIMES ALLOCATED TO FORCE CID
DRUGS INVOLVED
PUBLIC PLACE VIOLENCE

ALL OTHER ROLES NOT PREVIOUSLY LISTED

Type **INPT** Name CIV 58885 DEAN
Nominal Ref 5901891Z
Reason

*** End of Report ***



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INVESTIGATION LOG

VALIDATED

OF61017

[REDACTED]

GENERAL LOG ENTERED BY CANAVAN_23160, ON 10 NOV 2019 AT 09:30:28 [SENT FROM MOBILE DEVICE]:
CIRCUMSTANCES.

OFFICERS HAVE ATTENDED NEW CROSS HOSPITAL TO SPEAK WITH THE INJURED PARTY [REDACTED] ALSO PRESENT WITH [REDACTED] WAS HIS CURRENT GIRLFRIEND [REDACTED] OF [REDACTED] TELEPHONE [REDACTED] WAS CLEARLY DISPLAYING A SMALL SLASH WOUND NEAR TO HIS LEFT LOWER JAW, AND A WOUND TO HIS UPPER LEFT ARM. HOSPITAL STAFF CONFIRMED THE INJURY WAS NOT LIFE THREATENING OR CHANGING.

[REDACTED] IN MY OPINION DID APPEAR UNDER THE INFLUENCE OF SOME SORT OF CONTROLLED SUBSTANCE. ALTHOUGH [REDACTED] WAS COHERENT AND LUCID. HE WAS DISPLAYING A CHEWING

Date: 17-MAR-20 13:20:40

Oracle User: ROHOMON_4075



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INVESTIGATION LOG

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MOTION, AND HIS PUPILS APPEARED SLIGHTLY ENLARGED. [REDACTED] STATED HE ATTENDED A NIGHTCLUB IN BIRMINGHAM WHICH HE NAMED AS JAMROCK, AND THE INCIDENT HAPPENED BETWEEN 05:30HRS AND 05:45HRS. OPEN SOURCE SEARCHING HAS HIGHLIGHTED [REDACTED] RECORD IN JULY 2014 FOR [REDACTED] HOWEVER, OFFICERS CANNOT CONFIRM IF THIS INDEED IS THE OFFENCE LOCATION. HENCE THE REASON CST HAVE RECORDED THIS INITIALLY AS A [REDACTED]

[REDACTED] STATES HE WAS STOOD AT THE BAR TALKING TO A GIRL, WHEN SUDDENLY WITHOUT WARNING HE FELT A SLASH TO HIS FACE, AND A SHARP BANG TO HIS UPPER LEFT ARM. HE NOTICED BLOOD AND REALISED HE HAD BEEN STABBED. HIS PARTNER THEN CONVEYED HIM IN HER VEHICLE FROM THE ABOVEMENTIONED CLUB DIRECTLY TO NEW CROSS HOSPITAL.

[REDACTED] HAS REFUSED TO PROVIDE POLICE FURTHER DETAILS SUCH AS HIS COMPANY ON THE NIGHT IN QUESTION. FURTHERMORE, HE HAS ALSO REFUSED TO PROVIDE CLOTHING FOR EVIDENTIAL PURPOSES AND HE EVEN REFUSED EVIDENTIAL SWABS WHEN REQUESTED. THIS MALE BASED UPON THE AFOREMENTIONED DOESN'T WANT ANY POLICE INVOLVEMENT, AND WOULD INDEED FRUSTRATE ANY FURTHER INVESTIGATION IF POLICE DECIDED TO INVESTIGATE THIS MATTER FURTHER. [REDACTED] WAS DE-BRIEFED AND AS EXPECTED SHE CAN'T FURNISH POLICE ANYTHING TO ASSIST THE INVESTIGATION FURTHER.

HOWEVER, THERE ARE A NUMBER OF ENQUIRIES WHICH CAN BE CONDUCTED DURING THE SECONDARY INVESTIGATION IF DEEMED APPROPRIATE, AND PROPORTIONATE DUE TO THE MALE MAKING NO COMPLIANT OR FURNISHING DETAILS OF WHAT ACTUALLY OCCURRED.

1 CONTACT THE DPS OR STAFF AT THE ABOVEMENTIONED LOCATION TO ASCERTAIN CCTV ENQUIRIES. [REDACTED] HAS CONFIRMED HE WAS WEARING A WHITE VEST ALONG WITH BLUE JEANS. HIS PARTNER IS A [REDACTED] AND WAS DISPLAYING BRIGHT BLUE HAIR (VERY NOTICEABLE)

2 [REDACTED] STATES SHE HAD DRIVEN THE IP FROM THE CLUB TO NEW CROSS HOSPITAL USING

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HER VEHICLE. SIMPLE ANPR CHECK ON HER VEHICLE COULD CONFIRM IF THE VEHICLE WAS COMING FROM THE BIRMINGHAM DIRECTION, OR WAS INDEED IN THE VICINITY OF THE ABOVE-MENTIONED CLUB DURING THE ABOVE HOURS

3 CHECKS WITH AMBULANCE HAVE CONFIRMED NO CALLS TO THE NIGHTCLUB, AND [REDACTED] STATED FIRST AID WAS NOT ADMINISTERED.

4 [REDACTED]

5 OFFICER HAVE OBTAINED A PHOTOGRAPH OF THE INJURIES SUSTAINED TO [REDACTED]

RESPECTFULLY SUBMITTED.

GENERAL LOG ENTERED BY CANAVAN_23160, ON 10 NOV 2019 AT 09:34:02 [SENT FROM MOBILE DEVICE]:

SAFEGUARDING HAS BEEN DISCUSSED AND REFUSED BY THE INJURED PARTY. HE IS CURRENTLY SAFEGUARDED IN HOSPITAL AND HAS FRIENDS AND FAMILY WHO CAN SAFEGUARD HIM WHEN HE LEAVES. 999/101 ADVICE FURNISHED TO HIM AND PARTNER.

GENERAL LOG ENTERED BY YAPP_3299 - SUPERVISOR, ON 10 NOV 2019 AT 13:19:55: OFFENCE HAS NOTR OCCURED IN WOLVERHAMPTON RECORDED HERE DUE TO CST CONFIRMING NO CONFIRMED OFFENCE LOCATION

IP AND WITNESS NOT CO OPERATING NO OTHER LINES OF ENQUIRY AND PAPERS TO BE FILED AT SOURCE

ENTERED BY YAPP_3299, ON 10 NOV 2019 AT 13:20:21:

INVESTIGATION CLOSED

OUTCOME CODE OC18 HAS BEEN ASSIGNED.

NO OTHER KNOWN LINESOF ENQUIRY AT THIS TIME

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GENERAL LOG ENTERED BY COOK_1295 - SUPERVISOR, ON 12 NOV 2019 AT 09:46:11:
IMS 1208861/19 & 1CP & 11/11/2019

ON SATURDAY 9TH NOVEMBER 2019 THERE WAS A PARTY AT JAM ROC, NEWTOWN THAT
WENT ON UNTIL THE EARLY HOURS. DURING THE EVENING A [REDACTED] MALE WHO USES THE
STREET NAME [REDACTED] WAS STABBED IN THE ARM AND FACE. IT IS UNKNOWN WHO
STABBED HIM OR WHAT THE VIOLENCE WAS OVER.

20WV/265667P/19 HAS BEEN REINSTATED BY COOK_1295, ON 12 NOV 2019 AT 09:46:16:
AS A RESULT OF NEW GENERAL INVESTIGATION LOG ENTRIES

GENERAL LOG ENTERED BY COOK_1295 - SUPERVISOR, ON 12 NOV 2019 AT 10:10:22:
IMS GRADED ICP, LIKELY REFERS TO THIS REPORT, HOWEVER IP WAS UNCOOPERATIVE AND
THIS REPORT WAS FILED AT SOURCE. I HAVE CORRECTED THE OUTCOME CODE
ACCORDINGLY.

ENTERED BY COOK_1295, ON 12 NOV 2019 AT 10:11:29:
INVESTIGATION CLOSED

OUTCOME CODE OC14 HAS BEEN ASSIGNED.

AS PORTAL. UNCOOPERATIVE IP OC14 APPLIES NOT OC18. UNABLE TO GET LOCATION
CHANGED AS THIS IS DETERMINED FROM INTEL ONLY.

CRIMES SERVICE TEAM LOG ENTERED BY COOK_1295 - SUPERVISOR, ON 12 NOV 2019 AT
13:13:42:

EMAIL SUBMITTED TO CST:

CAN SOMEBODY PLEASE VIEW 20WV/265667P/19 AND ESTABLISH WHETHER WE CAN GET THE
OFFENCE LOCATION CHANGED?

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Oracle User: ROHOMON_4075



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IT IS CURRENTLY RECORDED AS A [REDACTED] OFFENCE WITH THE LOCATION AS A AND E NEWCROSS, BECAUSE THAT IS WHERE THE IP PRESENTED WITH HIS INJURIES. HE WAS UNCOOPERATIVE AND REFUSED A STATEMENT/DETAILS AS TO HIS ASSAULT, BUT THERE IS MENTION IN THE LOG (649 10/11/19) THAT HE HAD EARLIER BEEN AT A CLUB CALLED JAM ROC.....TO WHAT DEGREE IS NOT CAPTURED.

[REDACTED]

IS THIS ENOUGH TO CHANGE THE LOCATION OR, AS ITS INTELL ONLY DO WE LEAVE IT AS WV?

IF IT IS ENOUGH TO BE CHANGED, THEN THE FULL LOCATION IS

JAM ROC SPORTS LOUNGE
54 HATCHETT ST, BIRMINGHAM, B19 3NB

TA

LOCATION CHANGED BY LOVELL_50937, ON 12 NOV 2019 AT 14:24:34:
CRIME NUMBER 20WV/265667P/19 CHANGED TO 20BW/265667P/19.

ENTERED BY SHAKESPEARE_8210, ON 13 NOV 2019 AT 09:55:26:
INVESTIGATION CLOSED
OUTCOME CODE OC14 HAS BEEN ASSIGNED.
REPORT TO REMAIN CLOSED AS PER DS COOK'S UPDATE.

Date: 17-MAR-20 13:20:40 Oracle User: ROHOMON_4075



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*** End of Report ***
INVESTIGATION LOG

VALIDATED
OF61017

Date: 17-MAR-20 13:20:40

Oracle User: ROHOMON_4075

Abdool Rohomon

From: Christopher Jones
Sent: 25 January 2019 17:00
To: [REDACTED]
Cc: [REDACTED]
Subject: CONCERNS Jam Roc Birmingham

Importance: High

Hi Fire,

I have just visited a licenced premises Jam Roc - 32 New John Street Birmingham, B19 3NB – (although the main entrance is off Hatchett Street)

I have real concerns over the fire safety at the premises:

- The premises licence holder stated that he had not got a fire risk assessment.
- There was a portable calor gas patio heater in the main room. (Which he did say he would remove.)
- At one end of the main room is a fully equipped catering kitchen. Also in the kitchen was a tin drum style bbq. The kitchen has a large serving area onto the main room.
- The 'fire exit' onto new John Street is a single inward opening door, with a yale type lock on it. Which then leads into what can only be describe as a domestic type porch area with another inward opening single door.
- The exit onto Hackett St. is again an inward opening single door.
- I didn't notice and emergency lighting.
- The 'false' ceiling is wooden framed with wood a panel covering. Except for where the panels have been removed to exposed a very large industrial warehouse type heater hanging from the roof directly onto the wooden frame for the false ceiling.

Regards

Chris Jones 55410
Birmingham Central Licensing Team

Switchboard Tel: 101 ext. 801 1628
Direct Dial Tel: 0121 626 6099
Mobile 07557499142

West Midlands Police HQ
Lloyd House
Colmore Circus
Birmingham
B4 6NQ

(Sat nav postcode B4 6AT)

Contact us on 999 in an emergency or for all other matters please visit [WMPolice Online](#)

Public Register: Licence Report

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 - 4.3 Committee Conditions
5. Licence History
6. Designated Premises Supervisor History
7. Events

1. Licence

Summary of the licence certificate.

Application Reference	106428
Licence Holder Name	Mr Rohan McKenzie
Registered Company Number	
Licence Number	4911
Time Limited Start Date	N/A
Time Limited End Date	N/A
Issue Number	1
Issue Date	25/06/2018
Grant Date	25/06/2018
Granted By	SHAID YASSER
Status	Current
Representation Start Date	18/05/2018
Representation End Date	15/06/2018

2. Current Designated Premises Supervisor

A DPS is required wherever there is a licenced activity for the sale of alcohol for consumption on or off the premises.

Status	Assigned
Name	Mr Rohan McKenzie
Licence Number	18/001028/LAPER
Issuing Authority	Sandwell
Start Date	27/11/2019

3. Premises Details

Details of the premises, the licensed activities and hours of operation.

Premises Name	Jam Rock
Premises Type	BAR/RESTAURANT
Premises Address	32 New John Street West, Birmingham, B19 3NB
Ward Name	Newtown

3.1 Licensable Activities

A list of activities for which this premises is licensed.

Code	Description
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

3.2 Activity Times

The times of day during which the activities listed in 3.1 are permitted. Where the start time is later than the end time, the period of activity spans mid-night. Where the start time is equal to the end time, the period licensed is 24 hours.

Days	Start Time	End Time	Licensed Activity Codes
Monday - Sunday	12:00	02:00	<u>M3</u>
	23:00	02:00	<u>L</u>

3.3 Operating Hours

The hours of operation of the premises during the day. Where the start time is later than the end time, the period of operation spans mid-night. Where the start time is equal to the end time, the period of allowed operation is 24 hours.

Days	Start Time	End Time
Monday - Sunday	12:00	02:00

4. Conditions

4.1 Mandatory Conditions

Mandatory conditions attached to the licence.

Objective	Condition
N/A	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.
N/A	Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
N/A	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).
N/A	The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
N/A	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.

Objective	Condition
N/A	The responsible person must ensure thatâ€” (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 measuresâ€” (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.â€”
N/A	(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) â€œpermitted priceâ€” 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) â€œdutyâ€” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) â€œrelevant personâ€” means, in relation to premises in respect of which there is in force a premises licenceâ€” (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) â€œrelevant personâ€” 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) â€œvalue added taxâ€” 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 (â€œthe first dayâ€”) would be different from the permitted price on the next day (â€œthe second dayâ€”) 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.

4.2 Operating Conditions

Operating conditions attached to the licence and classified by objective:

General

General conditions consistent with the operating schedule.

Crime

Conditions consistent with, and to promote the prevention of crime and disorder.

Safety

Conditions consistent with, and to promote public safety.

Nuisance

Conditions consistent with, and to promote the prevention of public nuisance.

Child

Conditions consistent with, and to promote the protection of children from harm.

Objective	Condition
GENERAL	All training records for all staff to be maintained and to be available upon request for any responsible authority.
GENERAL	The premise licence holder will record all refusals in a refusals book.
CRIME	C.C.T.V. to be operational whilst the premises are open and be recording continually.
CRIME	The recordings are to be kept for minimum of 28 days.
CRIME	C.C.T.V images to be made available to any responsible authority immediately on request.
SAFETY	The premises will have an incident book and record all incidents that occur inside or immediately outside the premises.
SAFETY	The incident book to be made available to any responsible authority immediately on request.
NUISANCE	Notices will be displayed in prominent positions requesting that our patrons respect our neighbours.
CHILD	The premises will adopt the Challenge 25 scheme, with appropriate signage to be placed at the entrance to the premises and adjacent to any bar servery.

4.3 Committee Conditions

Conditions attached to the licence after a hearing by the licensing authority and classified by objective:

General

General conditions consistent with the operating schedule.

Crime

Conditions consistent with, and to promote the prevention of crime and disorder.

Safety

Conditions consistent with, and to promote public safety.

Nuisance

Conditions consistent with, and to promote the prevention of public nuisance.

Child

Conditions consistent with, and to promote the protection of children from harm.

Objective	Condition
GENERAL	N/A
CRIME	N/A
SAFETY	N/A
NUISANCE	N/A
CHILD	N/A

5. Licence History

The history of variation and transfer applications since the initial application for grant or conversion.

No Information available

6. Designated Premises Supervisor History

A list of all Designated Premises Supervisors that have been responsible for sale of alcohol from the premises.

Start Date	Finish Date	Name	Licence	Issuing Authority
21/05/2018	13/11/2019	Mr Ralph Stewart	014642	Sandwell

7. Events

Other significant events recorded for this licence.

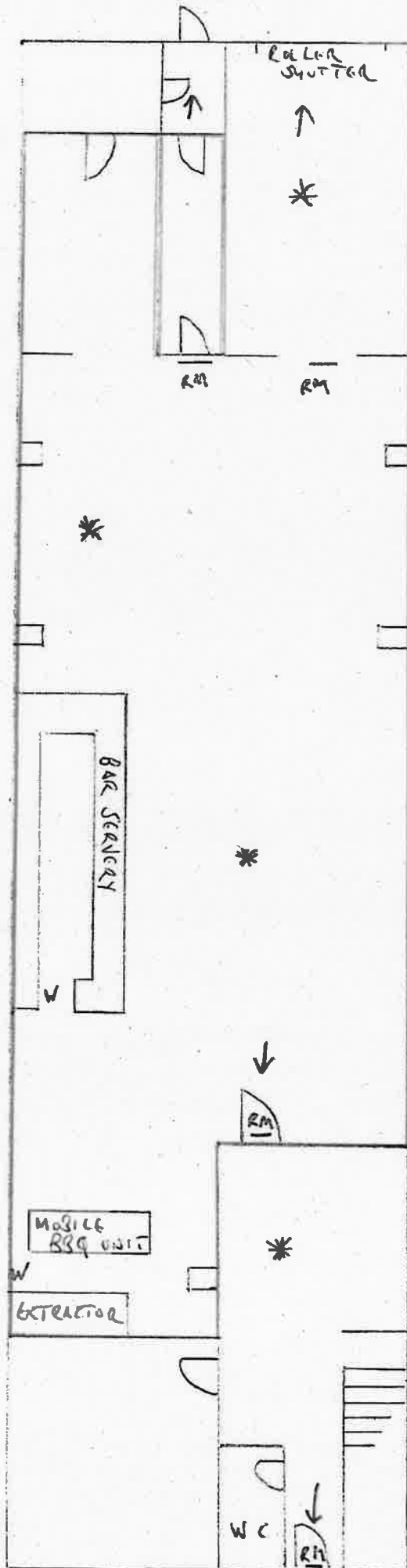
Date	Reference	Event Name
27/11/2019	106428	Designated Premises Supervisor Nominated
26/06/2019	106428	Notice of change of licence holder name, address etc
25/06/2018	106428	Issue
25/06/2018	106428	Licence Approval
25/06/2018	106428	Licensable Activities Added/Changed
25/06/2018	106428	Licensable Activities Added/Changed
25/06/2018	106428	Licensable Activities Added/Changed
21/05/2018	106428	Licensable Activities Added/Changed
21/05/2018	106428	Licensable Activities Added/Changed
21/05/2018	106428	Licensable Activities Added/Changed
21/05/2018	106428	Application Received (New Application)

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Email: licensing@birmingham.gov.uk

[Top](#)

JAM ROCK,
32 NEW JOHN STREET WEST
BIRMINGHAM
B19 3NB



LEGEND

— EMERGENCY LIGHTING

* SMOKE ALARM

RM LOUNGE MAN SIGN

W O₂ FIRE EXTINGUISHER

— SALE OF ALCOHOL
BY RETAIL

LATE NIGHT
REFRESHMENT

SCALE 1:100

