

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE B 14 SEPTEMBER 2015
--

**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE B
HELD ON MONDAY 14 SEPTEMBER 2015
AT 1000 HOURS IN COMMITTEE
ROOM 1, COUNCIL HOUSE,
BIRMINGHAM**

PRESENT: - Councillor Lynda Clinton in the Chair

Councillors Nawaz Ali and Gareth Moore

ALSO PRESENT

David Kennedy, Licensing Section
Sanjeev Bhopal, Committee Lawyer
Gwin Pountney, Committee Manager

NOTICE OF RECORDING

1/140915

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

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

2/140915

There were no apologies or nominee members.

**GATECRASHER, 182 BROAD STREET, BIRMINGHAM, B15 1DA, -
LICENSING ACT 2003 – PREMISES LICENCE SUMMARY REVIEW**

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

(See document No. 1)

The following persons attended the meeting:-

On behalf of West Midlands Police

PC Abdul Rohomon
Sergeant Elliot Richards

On behalf of the Premises Licence Holder

Simon Raine – Managing Director
Adrian Swaine – DPS
Andrew Chapman – Assistant to the DPS
Joseph Hislop – Consultant
Ray McVeighy – Solicitor

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy. Members were further advised that additional supporting information had been presented by the premises licence holder which had been discussed with the West Midlands Police 5 days earlier but had been only put together as a document bundle at the weekend by Mr Hislop. It was hoped that with the permission of the Chair and the West Midlands Police, this could be presented in evidence.

Following a brief adjournment to consider this it was agreed that the information would be allowed into evidence under Regulation 18 of the Home Office Section 182 Guidance.

(See document No.2)

PC Rohomon, in presenting the case on behalf of the Police and in response to questions from Members, made the following points:-

- a) That following a serious incident at the premises in the early hours of Saturday 15 August 2015, when a member of the door staff had confronted and assaulted a customer, an expedited review of the premises had been requested by the Police and had taken place on 19 August 2015.
- b) That given the interim steps that had been put in place as part of the expedited review on 19 August which had addressed the concerns of the police they were seeking no further action. It was felt that lessons had been learned by the premises and they had changed their procedures to redress the problems.
- c) Going forward it was felt by West Midlands Police that Gatecrasher were in 'the last chance saloon' – there were bulky conditions on the premises licence (more than any other premises in the City) with very little that more that could be done with regard to any additional conditions.
- d) The premises could not keep changing its workforce in response to problems but there was very little further action that could be taken either – furthermore this would not continue to be accepted by the Police as a response to any further serious incidents.
- e) The Licensing Act made it clear that it was the responsibility of the Premises Licence Holders to promote the licensing objectives – the Gatecrasher already had many conditions on the licence to help with this and what was required was the need to maintain these to a high standard in the future.

- f) That the premises had been subject to 3 summary reviews in September 2013, January 2014 and the current one which had commenced in August. This was more than any other premises in the City in such a short space of time.
- g) That the premises had re-opened on 26 August and had been visited by the Police who had been satisfied with their progress.
- h) That the wider problems across the city regarding problems with door staff were mainly due to complacency by door companies who had been part of an establishment for a period of time. Furthermore, premises licence holders needed to accept that the door staff played a key role in the management of the premises and were an integral part of the company, rather than being viewed as a separate entity.
- i) That although the premises were supported and monitored by the Police as part of the night time economy, particularly at key nights of the year and although there was a high proportion of crime associated with the premises this was also due to the fact that this was a very large venue. However, there was a limit to what the Police could do the premises needed to run their own club with regard to the licensing objectives.

Mr McVeighy, in presenting the case on behalf of the Premises Licence Holder and in response to questions from Members, made the following points:-

- a) That Gatecrasher was one of the largest clubs with in the city – if not the largest. It had a capacity of 3000, was on 3 levels with 7 bars with various entertainment throughout the premises. There were 58 staff with another 58 on the premises who were self-employed, all managed by a strong management team.
- b) The incident on 14 August had been serious in every way and had caused the management team to undertake some serious reflection and discussion regarding the situation.
- c) Apart from the discussion some serious actions had been undertaken: overnight the security provider had been dismissed and a new one appointed, the Deputy Manager had been removed from the scene and a specialist location management company had been appointed. Mr Hislop, the company's manager had carried out an inspection of the premises and a 7 day action plan had been drawn by 20 August.
- d) A seven day closure of the premises had taken place during which time the senior management team had been on the premises each day having meetings each day and Mr Hislop had met with all the staff including the new security staff.
- e) Enhanced entry measures had also been put in place including metal detectors, staffed reception booths to check and scan IDs, several turnstiles and male and female security staff undertaking body searches had been placed on each level of the club.
- f) That the new security company in place had impressed the premises licence holders – they were perceived to be smart, with a better attitude than the

previous company and working very well.

- g) The Deputy Manager had been demoted and moved to another location and had been replaced by Mr Chapman who was vastly experienced and had worked in similar premise in America and the UK.
- h) The management structure of the company had been addressed fully in line with the interim steps imposed on 19 August 2015 with clear reporting lines, roles and responsibilities. Under Mr Hislop's direction various documents had been generated to senior staff stating what they needed to do and how to do it – this would be an ongoing process over the following 12 months, covering entry staff to senior management.
- i) Staff would be trained on how to deal with emergencies, problems, including some basic medical knowledge for everyone, including the management. A new health care company had been engaged to gain their view of the appropriate level of medical attention required as part of event risk assessments and it had been agreed that on fresher's days a paramedic would be engaged, with 2 lower grade medics being available for general events.
- j) That in the month since 14 August, the premises had taken enormous steps to improve matters and at a meeting with the police on 25 September, the police had stated that they were happy with the way things were working and required no further action by the premises.
- k) That all door staff would undergo ID security checks, but not body searches, upon entering the premises.
- l) The DPS on duty on the night had not been dismissed but had been part of a disciplinary investigation. He had accepted responsibility and shown remorse for his actions and had in the past been an asset to the team for over 7 years. He had therefore been removed from front line duty.
- m) That whilst the premises could not guarantee that no incidents would occur in the future, the right training and the right management structure had been put in place to minimise the risk which would also be monitored by the consultant over the next 12 months.
- n) That with regard to VIP events that whilst the VIP themselves would not be subject to a search, their entourage would be.
- o) That security companies were 'much of a muchness' in their approach, but if managed tightly with regular audits and not left in position for too long, could work well.
- p) That the premises policy on hoodies and hats was that while the former were disallowed the latter would depend on the style of hat e.g. snapback hat would be allowed.

In summing up Mr McVeighty stressed that the premises licence holder and the premises management were dedicated to running the club as a well-oiled machine with improvements put in place to ensure this. Huge improvements had been made in terms of the staff and the club to meet the necessary and legal responsibilities following the incident on 14 August. All the issues raised by the

event had been addressed to the satisfaction of the Police and therefore no further action was required.

In summing up, PC Rohomon pointed out that although the club was now a 'well-oiled machine' this needed to continue into the future. That although the Police would continue to work with the premises the responsibility ultimately rested with the premises licence holders and if the actions taken by the premises had not been put into place the Police would have asked for a revocation of the licence. The Police therefore asked for no further action to be taken.

At 1200 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Managers to withdraw from the meeting.

At 1310 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

3/140915

RESOLVED:-

That having reviewed the premises licence held under the Licensing Act 2003 by Simon Raine in respect of **Gatecrasher, 182 Broad Street, Birmingham, B15 1DA**, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines that the conditions of the premises licence **be modified** as follows, in order to promote the prevention of crime and disorder objective in the Act:

A.	Internal Audit and Action Plan	The on-going recommendations contained within the Gatecrasher Internal Audit & Action Plan submitted at today's Hearing, must be reviewed jointly by the Premises Licence Holder and West Midlands Police, Licensing Section at least once a month (or as and when determined by West Midlands Police, Licensing Section) to ensure that any actions contained within the Plan are implemented to properly promote the Licensing Objectives, particularly the prevention of crime and disorder.
----	--------------------------------	---

The Sub-Committee's reasons for imposing this condition, on to what is already a comprehensive Premises Licence, is due to the history of enforcement action taken against the venue, and the seriousness of the incidents which took place culminating in the Expedited Review Application on the 18 August 2015.

Since the imposition of interim steps at the previous hearing, the Sub-Committee noted the efforts being made by the premises licence holder to remedy the matters which in the view of the Police resulted in the Review Application. These were set out within the additional evidence presented to the Sub -Committee at the Hearing and included:-

- 1) The Internal Audit & Action Plan prepared by an external consultant, Mr J H Hislop.

- 2) Appointment of a new Security Provider, on the basis that no one employed by the previous Security Provider would be re-employed by them for use at the Licensed Premises.
- 3) Observation Reports for the Events which took place on the 5th and 13th September 2015, which established that the Premises were operating in compliance with the Premises Licence.
- 4) Contracting with UK Life Medics to provide Health Care Professional Council Paramedics at the venue.
- 5) A full review of the Reporting Lines, Roles and Responsibilities of staff employed at the venue, and how they would properly promote all the Licensing Objectives within the Licensing Act 2003.

In the circumstances, West Midlands Police Licensing Section had made representations to the Sub-Committee that they did not feel any further action was required by the Premises Licence Holder, or in relation to the Premises Licence itself, given the voluminous conditions already attached to the Licence, which is amongst the most comprehensive for any Licensed Premises within the City.

Notwithstanding this, and the progress made by the Premises Licence Holder since the Review Application was submitted, the Sub Committee considers the condition imposed to be appropriate, reasonable and proportionate to address concerns raised in particular the likelihood of serious crime and or serious disorder. The Sub Committee felt that it was incumbent on the Premises Licence Holder and West Midlands Police Licensing Section, to continue to work together to negate incidents of serious crime and/or serious disorder in the future. Reviewing the Action Plan, would help to manage this risk.

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, the certificate and application made by West Midlands Police under Section 53A of the Licensing Act 2003, written representations and submissions made at the hearing by the police, the premises licence holder, their legal representative and other persons.

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

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

04/140915

OTHER URGENT BUSINESS

There was no other urgent business.

The meeting ended at 1315 hours.

.....
CHAIRMAN