

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

TUESDAY, 24 APRIL 2018 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

3 - 16

4 MINUTES - PUBLIC

To note the public section of the Minutes of the meeting held on 26 February 2018 and to confirm and sign the Minutes of the meeting held on 5 March 2018.

17 - 64

5 LICENSING ACT 2003 PREMISES LICENCE (SUMMARY REVIEW) - GLAMOUROUS SHOW BAR, ALBANY HOUSE, 27-45 HURST STREET, BIRMINGHAM, B5 4BD

Report of the Acting Director of Regulation & 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 3 and 4

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

1 **MINUTES - PRIVATE**

To note the private section of the Minutes of the meeting held on 26 February 2018 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

LICENSING SUB - COMMITTEE A - 26 FEBRUARY 2018

**MINUTES OF A MEETING OF
LICENSING SUB-COMMITTEE A HELD
ON MONDAY 26 FEBRUARY 2018
AT 0930 HOURS IN COMMITTEE ROOM 1,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Nagina Kauser and Bob Beauchamp

ALSO PRESENT:

Chris Arundel – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services.

NOTICE OF RECORDING

01/260218 The Chairman advised the meeting 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

02/260218 No apologies submitted.

ANY OTHER URGENT BUSINESS

03/260218 There were no matters of urgent business.

EXCLUSION OF THE PUBLIC

04/260218 **RESOLVED:**

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:-
(Paragraphs 3 & 4)

BIRMINGHAM CITY COUNCIL

LICENSING SUB- COMMITTEE MONDAY, 5 MARCH, 2018

**MINUTES OF A MEETING OF THE LICENSING
SUB-COMMITTEE A HELD ON, 5 MARCH, 2018 AT
0930 HOURS, IN COMMITTEE ROOM 1, COUNCIL
HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair.

Councillors Bob Beauchamp and Nagina Kauser.

ALSO PRESENT

David Kennedy, Licensing Section
Joanne Swampillai, Committee Lawyer
Errol Wilson, Committee Manager

NOTICE OF RECORDING

1/05032018 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.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

2/05032018 No apologies were received.

MINUTES

3/05032018 The public section of the Minutes of the meeting held on 12 February 2018, having been previously circulated were confirmed and signed by the Chairman.

**LICENSING ACT 2003 PREMISES LICENCE – VARIATION, THE DISTILLERY,
4 SHEEPCOTE STREET, BIRMINGHAM, B16 8AE**

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 the Applicant

Niall McCann – Joelson Wilson Solicitors
Birke Bassen
Matt Copell – General Manager

Those Making Representations

Martin Key – Environmental Health, BCC
John McDermott - Objector

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy, Licensing Section.

Niall McCann, Legal Representative for the premises addressed the Sub-Committee at the start of the meeting, and explained that the nature of the venue had changed now that it was under new management. Previously it had been a live music venue which had attracted complaints regarding noise levels; it was now a food-led public house, which played recorded music only (not live music). The General Manager of The Distillery had met the concierge of the nearby residential development, and discussed the proposed operation, in order to foster good relations with those living in close proximity.

They had proffer and agreed a number of conditions. Martin Key, Environmental Health, BCC led the discussion regarding the number of conditions.

Niall McCann made the following points with regard to the application and in response to questions from Members:-

- a. The client acquired the premises in 2016 – Pictures of the premises and background information was presented to the Committee. The nature of the venue had changed as previously it was a live music venue. Now a food outlet venue – wet/dry split 60/40 – alcohol 60 food 40. There was no intention to change the nature of the premises in anyway whether the variation was granted or not.
- b. Matt Copell, General Manager stated that they had been in operation for two months and had printed discount cards for every resident, free meeting room all year round was offered to the resident's group and he had *showed his face* to make them aware of what was happening.
- c. Niall McCann stated that residents meetings were held and a further meeting was to be held on the 27 March 2018. The application was extended to 1:00am Fridays to Saturdays for alcohol. Firstly, some of their clients were leaving early and it was hoped that the application would be granted.
- d. Secondly, was the film for the garden area for film night weather permitting, but they were looking predominantly at Wimbledon and the World Cup. They did not have Sky and the nature of the films were to attract couples –

glass of wine rumcom movies and were not films that would be concerning. They were discussing these with the Environmental Health Officer apart from the time. They had agreed today that if the films carried on until 1900 hours, they would be silent or people would wear earphones.

- e. In terms of the location of the TV screen, they had proposed to position it on the right hand side of the garden. The TV would be angled towards some residential properties which were some distance away.
- f. With regards to the application, there was some site meeting with Mr Key, but he (Mr McCann) was not in attendance for these meetings. He drew the attention of the Committee to the Conditions in Martin Key's email dated 2 March 2018, that his client was proffering.
- g. If the application was granted, they would work closely with Mr Key concerning the site. The smoking area was in the courtyard at the back of the premises. Some people also go to the front of the property to smoke.
- h. The condition was strong enough, but not many people went out late at night for smoking and this was not an issue at the moment, but this would be agreed as a condition. People could exit onto Sheepcote Street or by the Towpath, but they did not want people leaving by the Towpath late at night. There was two ways to access the premises – one at the front, the other in the courtyard.
- i. In response to an enquiry by the Chair concerning insulation, Mr McCann stated that a number of the conditions that were already included in the licence were agreed. There was a further condition that all doors will be on automatic stoppers. They had proffered that they could not cause any noise nuisance to any of their neighbours.
- j. If noise was affecting their neighbours the music had to be turned down. The building was well insulated and there was no issues raised concerning noise nuisance as far as he was aware. The music being played was not heavy music and any resident experiencing noise from the music could contact Mr Key.
- k. Mr Key stated that the building was not double glazed as it was a listed building and the issue was what could and could not be done – RNB style music and more condition to put restriction on the building.
- l. The building was not built for live music, but should be able to operate with light music. It was proposed that further discussion be had with Mr Key to see if there was something else that could be done. After 1900 hours all would be silent and for the patrons to use ear phones.
- m. He had four observations – that there were a number of criticisms about the premises when it was a different venue; fear of causing nuisance with music – no complaints – noise abatement. Doors being shut; recalibrate the noise ohmmeter.

- n. There were no concerns being raised in respect of the films and they had given thought to their trading responsibilities. The General Manager of The Distillery had met the concierge of the nearby residential development, and discussed the proposed operation, in order to foster good relations with those living in close proximity.
- o. They did not think that they would have any impact on the local residents and requested that they be given a chance with the variation. The residents meetings will continue.
- p. The 60/40 split was based on revenue and they had been operating since April 2017. Mr Copell stated that he had only been the general manager for two and one half months, during which time there was one single complaint as a cleaner had accidentally left one of the windows open.
- q. They had air conditioning in the building to take the heat out of the premises in the summer. Headphones were tried for the previous premises he had managed, but not for the current premises. It was a difficult time of the year to give an accurate figure as to how many people access the building by the Towpath. It was a destination venue.
- r. Mr Copell noted Councillor Beauchamp's concerns regarding RNB music and stated that soul music would be provided and that only from 2000 hours in the evenings would there be loud music.
- s. The capacity of the courtyard was 220 – 260. Food was served upstairs and outside. The use of the garden would cease at 2300 hours. Bluetooth and headphones would be used which had not been tried at this venue, but at the previous venue.
- t. The types of clients were families with children during the day and the evenings were for young professionals. They manage a shift with two members of staff in the bar upstairs and two downstairs 2000 hours to 2300 hours and they had staff floaters.
- u. The capacity of the building inside was 100 people in the courtyard for drinking and eating. There was no application to change this area and the smoking area will be in full use. After 2300 hours people would be allowed to go out and smoke and return.

At this juncture David Kennedy, Licensing Section commented that some tables were for smoking and some were not. As they were outside the building there was no smoking restriction. In terms of capacity, they will have to consider the fire risk element. There were hoardings for people who wanted to smoke if it was raining.

Martin Key made the following points in response to questions from Members:-

1. The original request was around two issues – the removal of the condition for external speakers and to show film in the external area. The conditions proffered were headphones and silent films.

2. He sets the context to the premises and stated that in 2013 there was a change of use from a public house that was originally operated as Fiddle and Bones.
3. The whole complex was a heritage building and was surrounded by a large amount of residential properties. Large external area used for eating and drinking during the day. A large function room was let out at one end of the building. It was a busy street.
4. Figures 4 and 5 green hatched area was the outside space close to the residential properties. Exposed and visible to the residential properties nearby. Single glazed and well-built extractor system.
5. Subsequent to this operator taking over, they have not had any report of any noise nuisance. The external windows were to be kept closed after 2300 hours.
6. The complaints in 2015/16 were as a result of a noise breakout from the building and were not related to a band noise. Recent complaint related to people accessing and egressing the building, also light impact and amplification of music.
7. The large LED boards were intrusive and they would ensure that they minimise any light escape from the building. Film management, suitability of films and age classification ensuring that children could not see what was on the screens.
8. TV shows were not licensable under the Act, but where people got involved could increase the ambient level of noise in the outside area.
9. The letter of the 27 February 2018 was one they had not picked up when they had the conversation
10. Section 3(d) prohibited use of external speakers. The last condition was about drinks not to be removed from the premises. The conditions were in the licence but were not strong enough.
11. There were concerns about the terminal hour and the use of headphones, but given the submissions that had been made in relation to the films and the use of headphones; this mitigated the concerns he had.
12. It was agreed for the applicant to undertake a noise management plan during normal opening hours so that people do not cause any nuisance to the neighbours. There was a licence condition that requires quarterly residents meeting.
13. In response to an enquiry from the Chair, Mr Key advised that he had no contact with the residents, but that a resident liaison meeting will be held in March 2018.

14. Mr McCann stated that they had written to the residents regarding the issue and that he had received two responses.
15. It was noted that they had not seen a specification regarding the TV screen as it was more of a TV output rather than the large LED screen. LED was not appropriate for the location. The terminal hour at 1900 hours would have less impact. The hours requested had a lighting path which they need to consider. P8 was the number of pixel – high definition screen, ultra-high output on LED.
16. The Chair enquired whether a check was made as to how many children were involved in the properties as there were likely to be adult films. Mr Key stated that the point was considered and this needed to ... not responsible for protecting people from arm.
17. David Kennedy stated that there was a mandatory condition relating to classification of films and that the operators in their presentation stated that they were only looking to show family friendly films. The licence enforcement team was responsible for enforcement and safeguarding.
18. Any extensive glare from a distance, the screen will prevent the overspill of light and he would ask the applicant to submit this. There would be the opportunity for a dimmer on this, but they had to ensure that it could be predicted. There was low level light in the yard to light the area, but there was no complaint.
19. No lobbying on the doors directly if there was any significant live music they would have concerns if it was significant live entertainment music, they would have concerns.
20. The observation that was made the music was audible outside the building, but not at a level that would cause nuisance. If they found that the music was a nuisance they would go back and set a noise ohmmeter.
21. The building did not have any noise insulation treatment, but there were options to treat the windows i.e. secondary glazing on the inside. There was no music on the ground floor, only background music.
22. In response to an enquiry from the Chair, Mr Key stated that he was not aware of any planning issues concerning the building.

The objector made the following points in response to questions from Members:-

- a. The residents in the block had regular meetings with the previous operators. With regard to the use of the TV during the day, the residents did not have any objections, but it was later in the evening. The juxta position was the Towpath etc.
- b. There were 4-5 people talking around the table in the courtyard after mid-night which was fairly loud as he could join in - he did not hear any voice after 2300 hours the arrangement was working well. There were occasions

when they had breached the rules and it was slightly disingenuous that they had stated that they had no complaint. People who had drinks late in the evening will make noise.

- c. As residents they had arrangements in place that people do not have noise after 0000 hours, but the operators wanted to do so which was unreasonable. They needed to look at their Business Plan if they needed an extra hour to do things.
- d. There were 243 residents in the Block, but 60 – 70 were overlooking the venue. There were some children in the properties and on that side there were five families with children.
- e. During the day this was not an issue, it was the very late evening that would be an issue. In fairness, there had been some miscommunication. A gentleman had advised him that something was on the window in the Public House. The residents had a website and the Public House knows this.
- f. The issues regarding the Distillery were not mentioned whether it was discussed at the previous meeting he was not aware. The extra hours were the key issue and the smoking area after 2300 hours was the other issue. The nature of the thing amplifies that, but apart from that they had good neighbours. The last thing they wanted was to close the business down.
- g. In relation to the smoking area, there was an issue when it gets late when the traffic quietens and a group of people were having a drink was the point when it could be a nuisance at 2300 hours when the residents were trying to go to bed. They had managed the area, but after 2300 hours was the problem.
- h. As a resident the lease he had signed as a leaseholder stated after 0000 hours. They did not have any problem with that as the finish was up to 2300 hours. The last 2 – 3 weekends they did not have any problem.
- i. They could hear the noise and the issue was about the limit after which it was not acceptable. He was living on the third floor and could hear the noise slightly.

During the summing up the objector stated that 0000 hours would be the preferred time, but 0100 hours was not suitable.

During the summing up Martin Key stated that the objection was the showing of films externally, but few things that mitigated this fact – 1900 hours would mitigate the risk and the lighting needed to be looked at as well and if the conditions were accepted it would balance the impact. A noise level had been set but it was uncertain that that limit was set by the Environmental Health Department.

During the summing up in support of the variation of the licence Niall McCann stated that in relation to the smoking, smoking in the courtyard would be until

2300 hours. They were happy for people to smoke in Sheepcote Street after 2300 hours regardless of whether the application was granted or not. There had been some miscommunication as they had been communicating with certain people. In terms of the films, they had proffered a number of conditions with Mr Key. With regard to the lateness of the hours, it sounded as though a noise limit had been set and they needed to meet with Mr Key regarding that issue. There will be no more recorded music after 2100 hours, the conditions on the original licence was *wishy washy*, but they had proffered some better conditions as they wanted to work with the local residents.

At 1152 hours the Chairman requested all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

After an adjournment and at 1238 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

4/05032018

RESOLVED:-

That the application by The Pioneer (City) Pub Company Limited to vary the premises licence in respect of The Distillery, 4 Sheepcote Street, Birmingham B16 8AE under section 34 of the Licensing Act 2003

BE GRANTED SUBJECT TO

- 1) The modifications made to the scope of the application by the applicant's legal representative at the hearing being removal of the request to permit:
 - the provision of recorded music externally;
 - film exhibition in the Courtyard until 02:00am on New Year's Eve / Day;
 - the use of external speakers other than those associated with the showing of films.
- 2) All the conditions agreed with Environmental Health in advance of the hearing being:
 - All external doors shall be fitted with effective self-closing devices;
 - No noise generated on or outside the premises, or by its associated plant or equipment, shall emanate from the premises or vibration be transmitted through the structure of the premises which gives rise to nuisance;
 - A specification of the equipment proposed to be used for showing of films (including any associated sound amplification equipment) and assessment of the potential impact and possible nuisance on neighbouring properties from noise and light shall be submitted in writing to the Environmental Protection Unit of Birmingham City Council and no films shall be shown in the external area of the

premises until the mitigation and/or management measures that have been approved in writing by the Environmental Protection Unit of Birmingham City Council have been implemented. The mitigation and/or management measures shall be thereafter maintained.

- To avoid nuisance being caused to neighbours the DPS, or other nominated person/staff, shall monitor the external areas of the Premises after 23:00 hours, including the smoking area and frontage onto Sheepcote Street. If necessary, they shall remind customers to be respectful of neighbours and where necessary they shall limit the number of customers going outside to use the smoking area and take appropriate steps to avoid customers egressing the premises causing a nuisance.
- The gates providing access to the canal from the external area shall be closed and locked between the hours of 23.00 and 08.00.
- The DPS shall, within 3 months of the date of issue of this variation to the licence, submit in writing a noise management plan to the Environmental Protection Unit of Birmingham City Council. The noise management plan shall outline the measures to be adopted to reduce the noise impact of activities associated with the premises including music, deliveries, recycling and refuse collections, external areas for showing film, smoking areas and customers. The noise management plan shall be updated regularly and all staff shall be adequately trained in their role in implementing the plan.
- All alcohol sold for consumption off the premises shall be in closed containers.
- No drinks shall be removed from the premises (as delineated by the plans defining the licensed area for alcohol sale and showing of films) in open containers.

3) AND ALSO THE FOLLOWING CONDITIONS:

- The extended hour, to 0100 hours on Friday & Saturday, shall only apply to those licensable activities offered inside the building, and shall not include the courtyard;
- The use of the smoking area in the rear courtyard shall cease at 2300 hours daily; after 2300 hours those patrons wishing to smoke shall be directed to use the front smoking area on Sheepcote Street;
- The premises shall consult Environmental Health on the use of a noise limiter; should the use of a noise limiter be unsatisfactory to Environmental Health, the premises to implement whatever alternative noise limitation methods are required by Environmental Health;

- The premises shall consult Environmental Health on the positioning of the LED screen, and shall angle it in a manner acceptable to Environmental Health;
- The premises shall comply with film classification recommendations, to ensure that films shown are suitable for a family audience, and to ensure the upholding of the protection of children from harm objective;
- The premises shall erect suitable signage in and around the premises:
 - o reminding patrons to keep noise to a minimum when leaving the premises due to the close proximity of residents
 - o reminding patrons that the use of the courtyard for smoking ceases at 2300 hours
 - o reminding patrons that the gate access to the canal ceases at 2300 hours
- The premises shall maintain communications with local residents, such that any issues may be dealt with as they arise.

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

The premises' legal representative addressed the Sub-Committee at the start of the meeting, and explained that the nature of the venue had changed now that it was under new management. Previously it had been a live music venue which had attracted complaints regarding noise levels; it was now a food-led public house, which played recorded music only (not live music). The General Manager of The Distillery had met the concierge of the nearby residential development, and discussed the proposed operation, in order to foster good relations with those living in close proximity. It was hoped by those at The Distillery that the extension of hours on Friday & Saturday nights, and the screening of films in the Courtyard, would help to attract and retain patrons without causing nuisance to local residents. Efforts would be made to reduce the potential for noise nuisance by carefully following the advice given by Environmental Health. Other measures would also be put in place, for example regarding dispersal.

In general the premises was keen to follow all recommendations from Environmental Health. The premises also intended to hold regular meetings with residents.

The Environmental Health Officer attended the meeting and confirmed that the agreed conditions addressed his concerns regarding the impact of light emanating from the LED screen, the noise from people using the courtyard, and intensification of use in general.

Another person, living in close proximity to the premises, attended the meeting. He described the effect created by the positioning of the canal, bridge, premises and residents, which he felt was akin to a 'natural

amphitheatre' as it caused a noticeable increase in the volume of noise in the area, especially at night. Accordingly this person felt that to permit licensable activities to continue to 01.00 hours was too late an hour.

However the Sub-Committee determined that these concerns could be taken into account via the modifications to the scope of the application and the suggested conditions, which would allay apprehensions about a potential impact on the licensing objectives. The premises had shown willingness to adopt every recommendation suggested by Environmental Health, and a desire to cooperate with local residents. The Sub-Committee considered that in these circumstances, the operation was capable of upholding the licensing objectives, and variation in the terms agreed was proportionate.

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 information in the application for a variation, the written representations received and the submissions made at the hearing by the applicant, their legal adviser, and by other persons and a responsible authority.

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

Delineated Plan showing the extent of the external area for the provision of film exhibition only:

(See Document No.1)

OTHER URGENT BUSINESS

5/05032018 There was no other urgent business.

EXCLUSION OF THE PUBLIC

6/05032018 That in view of the nature of the business to be transacted which includes exempt information of the category indicated that the public be now excluded from the meeting:-

Minutes – Exempt Paragraphs 3 and 4.

PRIVATE

MINUTES

7/05032018 The private section of the Minutes of the meetings held on 12 February 2018 together with the public section noted earlier in the meeting, having been circulated, were confirmed and signed by the Chairman.

OTHER URGENT BUSINESS

8/05032018 There was no other urgent business.

The Meeting ended at 1243 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Acting Director of Regulation and Enforcement
Date of Meeting:	Tuesday 24th April 2018
Subject:	Licensing Act 2003 Premises Licence – Summary Review
Premises:	Glamorous Show Bar, Albany House, 27-35 Hurst Street, Birmingham B5 4BD
Ward affected:	Nechells
Contact Officer:	David Kennedy, Principal 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 March 2018 in respect of Glamorous Show Bar, Albany House, 27-35 Hurst Street, Birmingham B5 4BD.

An additional representation has been submitted by West Midlands Police, representations have also been received from Public Health as a responsible authority and other persons.

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 March 2018 Superintendent Shaer, 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 Matthew Eason in respect of Glamorous Show Bar, Albany House, 27-35 Hurst Street, Birmingham B5 4BD.

The application was accompanied by the required certificate confirming that in his opinion the premises are associated with serious crime and disorder, 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 29th March 2018 to consider whether to take any interim steps and resolved that the Premises Licence be suspended pending a review of the Licence. A copy of the decision is attached at Appendix 2.

The Premises Licence Holder was notified of the interim steps taken by the Licensing Authority and at 21:15 hours on the 9th April 2018 they subsequently made representations back against the interim steps imposed. See Appendix 3.

Licensing Sub-Committee A were required to consider the representations within 48 hours of receipt (excluding non-working days). Licensing Sub-Committee A reconvened on 11th April 2018 and having heard from the Premises Licence holder, their legal representative and representatives of West Midlands Police they resolved to maintain the original interim step decision of suspending the licence pending a review of the licence. A copy of the decision is attached at Appendix 4.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other parties ended on the 16th April 2018.

An additional representation has been received from West Midlands Police, which is attached at Appendix 5.

A representation has been received from Public Health as a responsible authority, which is attached at Appendix 6.

Representations have been received from other persons which are attached as Appendices 7 & 8 respectively.

A copy of the current Premises Licence is attached at Appendix 9.

Site location plans at Appendix 10.

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: -

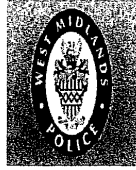
- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

6. List of background documents:

Review Application and Certificate from West Midlands Police, Appendix 1
Sub-Committee Interim Steps Meeting decision of 29th March 2018 , Appendix 2
Representations against interim steps from the Premises Licence Holder, Appendix 3
Sub Committee decision following receipt of representations to interim steps, Appendix 4
Additional representation received from West Midlands Police, Appendix 5
Representation from Public Health, Appendix 6
Representations received from other persons, Appendices 7 & 8
Current Premises Licence, Appendix 9
Site location plans, Appendix 10

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



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

1 - Supt ^{MD3} ~~May~~ SHAER

(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: Glamorous Show Bar
Albany House
27-35 Hurst Street
China Town

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

Post Town: Birmingham

Post Code (if known): B5 4BD

2. Premises Licence details:

Name of premise licence holder (if known): Mr Matthew EASON

Number of premise licence (if known): 1414

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)



BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 28 MAR 2018 REF NO <u>RECEIVED @ 11-27 A-M</u> INITIALS <u>S-D</u>

4. Details of association of the above premises with serious crime, serious disorder or both:
(Please read guidance note 2)

On the 28th March 2018, West Midlands Police received a call from the premises and West Midlands Ambulance that a male had been glassed to the head at the premises, and then had his chest stamped on by the same offender whilst lying on the dance floor. This incident happened at 0300 hours.

Initial investigations have revealed that the incident happened on the dance floor inside the licensed premises, where a crime scene has been identified. The criminal investigation into this is still progressing.

This is not the first time the premises has come to the attention of West Midlands Police. Since October 2017 the premises have been having incidents that have warranted the attention of the licensing team.

The premises were placed on an action plan in October 2017 due to the level of calls West Midlands Police were getting in terms of violence, drunkenness, disorder. West Midlands Police even objected to a number of Temporary Event Notices submitted by the premises for special events due to these issues.

In December the premises were formally warned that if the levels of drunkenness, disorder continued that the power of veto for the use of the premises past 0400 that existed on the licence, would be exercised.

Up until a month ago the premises appeared to be working well, the level of incidents dropped dramatically.

However since the 16th February 2018 the level of incidents has escalated again and appears to be growing in significance with now people suffering significant injuries.

The issues since February 2018, involve drunkenness, lack of control by the premises and the door staff, disorder and violence as well as underage issues.

West Midlands Police are concerned that even though the premises have been action planned and had significant intervention from the licensing team, that the level of incidents are on the rise again, and that they are growing in significance.

The incident on the 28th March is significant enough to warrant the use of this power as it is deemed a serious offence both under serious crime and would constitute serious disorder, the history of recent problems only compounds the concerns

Signature of applicant: _____

Date: 28/03/2018

Rank/Capacity: Supt MATTHEW SHACK

Contact details for matters concerning this application: BW Licensing team

Address: Birmingham Licensing team c/o Lloyd House Police Headquarters

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: Glamourous Show Bar

Premise Licence Number: 1414

Premise Licence Holder: Mr Matthew Eason

Designated Premise Supervisor: Mr Matthew Eason

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, the threat to the public that are attending the premises and the management failings of the premises concerned.

The level and seriousness of the incidents both in terms of the crimes being committed and the serious disorder 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 circumstance 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.

West Midlands Police have been working with the premises recently, looking at the level of incidents at the premises, in terms of drunkenness, disorder, lack of control and even underage issues.

The severity of the incidents is a matter that needs to be brought to the attention of the Licensing Committee immediately.

West Midlands Police are concerned with the running of these premises, even with the intervention work the premises are seeing an increase in the level of incidents and there is an escalation in the severity of them, which has led to someone suffering head injuries and being stamped on.

Signed

Supt M. SHAR
28/03/2018



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE - A

THURSDAY 29 MARCH 2018

**GLAMOUROUS SHOW BAR, ALBANY HOUSE, 27-35 HURST STREET,
BIRMINGHAM, B5 4BD**

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 Matthew Eason in respect of Glamorous Show Bar, Albany House, 27-35 Hurst Street, Birmingham, B5 4BD this Sub-Committee hereby determines:

- That the premises licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application

The Sub-Committee's reasons for imposing this interim step are due to concerns by West Midlands Police in relation to matters which came to light at the premises on the early hours of 28 March 2018 as outlined in the Chief Officer of Police's Certificate and Application.

The Sub Committee determined the causes of the serious crime and or serious disorder appeared to originate from a number of factors, namely:-

- the actions of a specific patron of the premises, who on initial assessment by the door supervisor, appeared to pose no threat to the venue and its patrons but then went on to glass a patron in the head and stamp on his chest;
- deficient security measures in not having the requisite number of door supervisors on duty on the night in question, albeit the premises sought to resolve this issue on the night as soon as they became aware of the matter but sadly, the additional door supervisor did not arrive at the premises until after the event giving rise to this Review Application had occurred;
- the inability of management to properly assess the risks of opening the venue with inadequate door supervisors, and the consequential risk this would pose to members of the public, particularly when a Risk Assessment for the premises determined that a minimum number of door supervisors were needed in order to operate safely and yet despite this the venue chose to open;

It was therefore necessary and reasonable to impose this step to address the immediate problems with the premises, in particular the likelihood of serious crime

and or serious disorder, and to promote the prevention of crime and disorder objective in the Act.

In reaching its decision, the Sub Committee considered whether the proposals submitted by the premises licence holder through the imposition of additional conditions, would address the concerns raised by the Police. Although, these were viewed as positive steps by the Sub Committee, the Police nevertheless continued to express concerns about allowing the premises to undertake licensable activities, even with the imposition of these additional conditions when they had lost all confidence and trust with the venue given its most recent history of service calls to the premises.

The Sub Committee were informed that since the 16 February 2018, the Police had received 6 service calls to the venue not including the serious incident of crime and or serious disorder on the 28 March 2018. Full details of these matters would be referred to at the Summary Review hearing, but the history of these incidents within a relatively short period of time resulted in the Police expressing some doubt as to whether any of the measures which the Premises had previously agreed to put into place were actually being actioned by the management.

Although a breach of an imposed condition could result in a criminal sanction against the Premises Licence Holder, the Police remain concerned that the venue would not be able to adhere to these conditions in light of the apparent management failures to date.

This had resulted in a lack of confidence and trust by the Police and it was their view that only a suspension of the premises licence would allow the premises licence holder to engage more fully with the Police and determine what changes to the premises licence were needed in order to restore their confidence with the venue's operation.

The Sub Committee considered whether it could impose other interim steps including modification of licence conditions, exclusion of the sale of alcohol or removal of the Designated Premises Supervisor. The Sub Committee did not believe however that any of these would address the totality of issues brought to their attention by the Police in light the concerns they had raised at today's meeting.

The Sub Committee did note the submissions made by both the Police and the premises licence holder's legal representative, about the way the premises had engaged constructively with the Police to try and alleviate their concerns. The Sub Committee viewed this as positive step. However, it was also clear that a more formal review of the conditions attached to the Licence was now needed which included a thorough review of the venues policies and procedures, including all appropriate risk assessments and how these would be actioned.

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, and the submissions made by the Police, the premises licence holder and legal representative 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. When calculating the 48 hours, any non-working day can be disregarded. All parties are

advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

Appendix 3

----- Original Message -----

From: Carl Moore

Date: Mon, 9 Apr 2018, 21:15

To: Licensing

CC:

Subject: Appeal Notice re Interim Steps against GLAMOUROUS SHOW BAR

Dear

**Re: GLAMOUROUS SHOW BAR, Albany House, 27-35 Hurst Street,
Birmingham, B5 4BD**

I wish to inform you that I have been instructed by Mr Mathew EASON of the above premises, to represent him in relation to licensing issues at the said premises. Mr Eason has also instructed Ms Sarah Clover, barrister at Kings Chambers to represent him in legal matters.

I have been instructed by my client Mr Eason, to make representations against the interim step imposed in the decision made by the Licensing sub-committee on Thursday 29th March 2018, comprising a suspension of the premises license, having heard what they believed to be evidence of Crime & Disorder from PC Ben Reader of The West Midlands Police, following an incident on Wednesday 28th March 2018 where it is alleged that due to bad management a serious assault took place at my client's premises.

My client refutes this allegation and will be in a position to challenge the interim step.

I am aware that if the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the relevant licensing authority, the authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations. (Section 53(b) 6, Licensing Act 2003)

I look forward to your response

Regards

Carl

Director

C.N.A. Risk Management Ltd



BIRMINGHAM CITY COUNCIL
LICENSING SUB COMMITTEE A

11 APRIL 2018

**GLAMOUROUS SHOW BAR, ALBANY HOUSE,
27-35 HURST STREET, BIRMINGHAM, B5 4BD**

That, having considered the representations made on behalf of Mr Matthew James Eason the premises licence holder for Glamorous Show Bar, Albany House, 27-35 Hurst Street, Birmingham, B5 4BD in respect of the interim step imposed on the 29 March 2018, this Sub-Committee hereby determines to retain the interim step of suspension of the premises licence.

The Sub-Committee carefully considered the representations made by, and on behalf of, the premises licence holder but were not satisfied at this stage that it was appropriate and proportionate to modify the existing Interim Step of suspension, so as to allow the premises to effectively re-open and undertake licensable activities.

Concerning the incident on the early hours of 28 March 2018 and the history of other reported crime at the venue in the run up to the Expedited Review application being submitted, the Sub-Committee accepted that there were discrepancies between the two parties in relation to compliance with the premises' Action Plan which the premises were placed on in October 2017. However, the incident which gave rise to the Review application itself was not disputed and clearly involved serious crime and/or serious disorder.

The Sub-Committee felt that it was not appropriate at this stage to modify the Interim Step of suspension in the context of the West Midlands Police's continuing concerns about having confidence in the Premises Licence Holder and his ability to properly promote the licensing objectives.

Although, a constructive meeting had taken place between the two parties on the 10 April 2018, this was very much in the opinion of the Sub-Committee the start of a discussion about how the premises licence holder should address the Police's continuing serious concerns around the prevention of crime and disorder, specifically seeking to establish the root causes of these matters and how they should be dealt with moving forwards.

The Sub-Committee did feel the arguments around modifying the interim step of suspension were finely balanced, and were pleased to note that the premises licence holder had prepared an Operating Plan for the premises should the Sub-Committee have agreed to lift the suspension. However, they were equally concerned that the plan, which was submitted to them as part of the premises licence holder representations, had only been formally presented to the Police on

the morning of today's meeting, and at the Police's request, from the meeting which had taken place the day before.

Although the legal representative for the premises licence holder submitted that the submitted Plan contained "nothing new", the Sub-Committee had expected more constructive discussions to have taken place between the parties involving a more formal review of the venue's policies and procedures, including all appropriate risk assessments and how these would be actioned as conditions and evidenced by the venue. That said, the Sub-Committee felt it was nevertheless important to note that the premises licence through their engagement of CNA Risk Management Ltd would be seeking to address these specific issues.

The Sub-Committee therefore considers at present that the suspension of the premises licence until determination of the review hearing remains necessary for the promotion of the licensing objectives.

In reaching this decision, the Sub-Committee has given due consideration to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003 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 and the representations made at the hearing by the Police, Premises Licence Holder, and their legal representative.

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 (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.

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.

Appendix 5

From: bw licensing <bw_licensing@west-midlands.pnn.police.uk>
Sent: 05 April 2018 15:15
To:
Cc:
Subject: Glamorous Extra Representations

Good afternoon,

This mail is supplementary to the paperwork that was submitted in relation to Glamorous Show Bar, Albany House, 27 – 35 Hurst Street, Birmingham on 28th March 2018.

West Midlands Police will supply additional evidence prior to the full hearing on 24th April 2018.

This additional evidence will be relevant to the following licensing objectives - public safety, protection of children from harm and the prevention of crime and disorder.

This will include –

Poor management and operation of the premises

Poor door supervision

The venue not taking ownership or positive action around the issues created by door supervision.

Financially motivated decisions around security provision which has contributed to issues at the location

A number of potentially preventable incidents at the location

Police intervention meetings and action plans which have not produced long term results in reducing crime and disorder.

Continued demand to the emergency services, which appears linked to the late operating hours

Thank you

Birmingham Licensing Team

Licensing Department
Birmingham West Local Policing Unit
Police Headquarters,
Lloyd House,
Birmingham,
B4 6NQ

Preventing crime, protecting the public and helping those in need

This email is intended for the addressee only and may contain privileged or confidential information. If received in error, please notify the originator immediately. Any unauthorised use, disclosure, copying or alteration of this email is strictly forbidden. Views or opinions expressed in this email do not necessarily represent those of West Midlands Police. All West Midlands Police email activity is monitored for virus, racist, obscene, or otherwise inappropriate activity. No responsibility is accepted by West Midlands Police for any loss or damage arising in any way from the receipt or use of this email.



Birmingham Public Health

Glamorous Show Bar

Albany House, 27-35 Hurst Street
Birmingham, B5 4BD

Alcohol Licence: Expedited Review Response

Kyle Stott

Service Manager, Alcohol Licensing Lead

16/04/2018

Final

The information contained in this document is provided for the purpose of review by Licensing Committee and may be circulated to all parties of the Review by Licensing Committee as appropriate. This document is not to be circulated to other parties outside of this Review without prior consent from the Author or used for purposes other than for the Review referred to in this report.

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Glamorous

27-35 Hurst Street B5 4BD

Public Health's Response to Expedited Review

Licence Review Reference Information

Name of premises	Glamorous Show Bar
Postal address of premises	Albany House, 27-35 Hurst Street, Birmingham, B5 4BD
Premises licence holder	Mr Matthew Eason
Licence Number	1414
Review requested by	West Midlands Police
Date of review notice	28/03/18

This is a response document from Birmingham Public Health in its capacity as a Responsible Authority (Police Reform and Social Responsibility Act 2011). This document supports the application for a review of a premises licence or club premises certificate under the Licensing Act 2003.

Wherever possible, supporting information contained within this document will be evidence-based and demonstrably refer to one or more of the licensing objectives. As there is currently no licensing objective directly relating to public health, the supporting information will be relevant to at least one of the four existing objectives, those objectives being:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

To promote good practice and a collaborative, multi-agency approach, we will also share this document with the other Responsible Authorities for licensing in Birmingham.

This report is provided on behalf of Dr Adrian Phillips, Director of Public Health.

Any queries relating to this report should be addressed to:

Birmingham Public Health
PO Box 16732, Birmingham B2 2GF
publichealth@birmingham.gov.uk

1 Overview of the Grounds for Review

[Details taken from the Review statement]

On the 28th March 2018, West Midlands Police received a call from the premises and West Midlands Ambulance that a male had been glassed to the head at the premises, and then had his chest stamped on by the same offender whilst lying on the dance floor. This incident happened at 0300 hours.

Initial investigations have revealed that the incident happened on the dance floor inside the licensed premises, where a crime scene has been identified. The criminal investigation into this is still progressing.

This is not the first time the premises has come to the attention of West Midlands Police. Since October 2017 the premises have been having incidents that have warranted the attention of the licensing team.

The premises were placed on an action plan in October 2017 due to the level of calls West Midlands Police were getting in terms of violence, drunkenness, disorder. West Midlands Police even objected to a number of Temporary Event Notices submitted by the premises for special events due to these issues.

In December the premises were formally warned that if the levels of drunkenness, disorder continued that the power of veto for the use of the premises past 0400 that existed on the licence, would be exercised.

Up until a month ago the premises appeared to be working well, the level of incidents dropped dramatically.

However since the 16th February 2018 the level of incidents has escalated again and appears to be growing in significance with now people suffering significant injuries.

The issues since February 2018, involve drunkenness, lack of control by the premises and the door staff, disorder and violence as well as underage issues.

West Midlands Police are concerned that even though the premises have been action planned and had significant intervention from the licensing team, that the level of incidents are on the rise again, and that they are growing in significance.

2 Public Health response

Licensing Objective	Response
<i>The prevention of crime and disorder</i>	<p>We are aware through the review that WMP have applied for, and through media reports¹ that there are significant causes for concern with reference to the ability of the licence holder to be able to promote the objective to prevent crime and disorder.</p> <p>The issue with crime and disorder on the premises has meant that the premises have been the subject of an action plan with WMP, it is reported that the majority of these issues are alcohol related.</p> <p>West Midlands Ambulance Service Data would seem to support the accounts of a significant level of crime and disorder on the premises. There have been a total of 24 ambulance attendances to the premises between 1/10/2015 – 31/03/18, with 80.3% of patients needing to be transported to hospital for further treatment. On the balance of probability, given the high level of recorded crime and disorder at the premises, we would argue that these WMAS callouts do correlate to the high incidence of crime and disorder on the premises.</p>
<i>Public safety</i>	<p>WMAS data shows that there is a clear and persistent issue at these premises with reference to being able to promote public safety. This is corroborated by WMP data relating to the number of times that they have had to attend the premises (and ultimately implement an action plan) to counter the level of violence, crime, and disorder, it is reported that this is mainly 'alcohol fuelled'. We are concerned that this premises is not able to promote the objective of public safety, to indeed, routinely keep the public safe. We are also concerned that, on the balance of probability, the premises are either allowing intoxicated people onto the premises, or are indeed serving intoxicated patrons – in contravention of the Licensing Act 2003, Section 141.</p>
<i>The prevention of public nuisance</i>	
<i>The protection of children from harm</i>	<p>It has been reported that there are concerns with reference to underage admission. We expect to hear this evidence at the review - we will then comment as necessary.</p>

Summary

Public Health was in the process of writing to the licence holder of the premises to invite them to a formal meeting to discuss our concerns with reference to the number (and nature) of ambulance callouts to the premises when this review was received.

At the time of submitting this statement, we have had little access to WMP information relating to detail with reference to crime and disorder on the premises. However, the information that we have had access to has led us to conclude that on the balance of probability, there is a fundamental inability on behalf of the licence holder and/or the DPS to be able to promote the objective of crime and disorder, this would appear to be a systemic issue. Given the number of times that WMP have needed to intervene, it is our opinion that this inability is corroborated by WMAS callout data.

We are deeply concerned with the number of ambulance callouts to these premises, to the point where we had already started to draft a letter to the licence holder outlining our concerns. There have been 24 callouts in a 28 month period, with 80.3% of these patients needing to be transported to hospital for further treatment. WMP and the Birmingham Mail report numerous violent incidents, mainly linked to alcohol, on the premises. It is the opinion of Public Health that this is not a venue that is promoting the objective of public safety; it is a venue whereby public safety cannot be guaranteed.

We are not at all satisfied, or convinced at this moment in time that the licence holder and/or the DPS are able to promote certainly two of the four licensing objectives. We are deeply concerned that there could also be a breach of another of the four objectives, "protecting children from harm", with reports of underage admission to the venue. We will wait for WMP to either confirm or dismiss this accusation.

Due to the minimal WMP information available to us prior to this statement, and being reliant to a lesser extent on the information reported in the Birmingham Mail, we will not be making a final recommendation to licensing committee until we have heard information in full from all parties, including the licence holder and their representatives. It is our intention to attend the review and to make our final recommendations then.

However, ultimately, if the licensing objectives had been routinely promoted, we would not be here today, we would not be reporting 24 ambulance callouts within a 28 month period with 80.3% of those patients needing to be transported to hospital for further treatment. We would not be reporting that the type of wounds inflicted on the evening in question that triggered this review cost the public purse via the NHS anywhere up to circa £14-16k, not including £1k for an ambulance to attend. This is money from a finite public purse, being spent on wholly avoidable circumstances in an area of extremely high deprivation, in a city where over 100,000 children are in poverty (37%), the 3rd highest rate in England. Therefore, we do anticipate a considerable response from the Licensing Committee in this instance.

This is also a constituency (Ladywood) that has chosen "alcohol" as one of its health priorities, it is in an area where alcohol and substance misuse are significant causes of hospital admissions, premature death, and years of life lost. It is also an area flagged as "red" by the Public Health Alcohol Tool, a measure used to indicate a score using aggregated datasets, including crime and disorder. The licence holder will be aware that this

is an area of high crime, this is all the more reason to be ensuring that objectives are promoted, not disregarded.

3 Supporting Evidence and Information

3.1 Public Health Statistical Analysis

The statistical analysis in Appendix 1 has determined a **RED score against a series of key alcohol related crime offences**. This rating indicates this area is statistically significantly worse than the Birmingham LSOA average.

This rating is based upon an analysis of a range alcohol related datasets through our Alcohol Risk Assessment Tool. This allows Public Health to place the premises' postcode into the tool and assess against the surrounding area, compare against the Birmingham LSOA average, examine the larger Ward area and impact within the district.

Please note: Birmingham is made up of 10 districts with approximately 100,000 people in each; each district contains four ward of approx. 25,000 people; each ward contains approx. 20-25 LSOAs (lower super output area) of approximately 1,000 -1,500 people in each.

See Appendix 1

3.2 Ambulance Activity

The West Midlands Ambulance Service (WMAS) collate data on ambulance activity including nature of call out, age, gender, time of day, day of the week, etc. We contacted the WMAS who were able to provide ambulance activity data in relation to these premises, where the incident was either in or directly outside Glamourous on Hurst Street.

See Appendix 2.

3.3 Crime

In October 2017 (when West Midlands state they put an action plan in place with the venue following escalations of violence), West Midlands Police reported 15450 individual crimes for that month, within a 1 mile radius of the property. This breaks down into several categories, a sample of which is below:

- | | |
|--------------------------------|-----|
| • Anti-social behaviour | 285 |
| • Drugs | 44 |
| • Possession of weapons | 14 |
| • Violence and sexual offences | 321 |

It is important to note that these are one month's figures. Whilst the venue itself is not responsible for all crime in this area, it does have a responsibility to mitigate the risk of escalation within its premises and ensure patrons coming and leaving its premises conduct themselves accordingly. The statement provided by WMP clearly shows a historical issue with this venue where patrons were demonstrating anti-social and violence behaviour resulting in interventions by the Police.

See Appendix 3

See **Error! Reference source not found.**

3.4 Costs to the NHS

An article published by Brunel University entitled "Outcomes and costs of penetrating trauma injury in England and Wales" (M Christensena et al), and data sourced via Trauma Audit Research Network (TARN), examined a sample of injuries and admissions into hospitals, taking into account types of injury, lengths of stay and gender/age of patient. Through this study, we can estimate the cost of treating a patient with penetrating injuries.

The cost of treating a head injury ranges from £4,399 to 14,125, depending on its severity; the cost of treating a penetrating wound such as a stabbing escalates to £6,088 to 16,706, again depending on severity. This does not include the cost of an ambulance call out (cira £1,000) or additional night stays in hospital (circa £3,000 for critical care per night)]. This could increase exponentially should the injury be severe and require additional surgery, physiotherapy, pharmaceutical interventions, counselling, additional stays in hospital or out-patient care, for example.

[Other articles: Penetrating injuries cost NHS more than £3m a year, BMJ, 2008
<https://doi.org/10.1136/bmj.a1070>;

3.5 Impacts on economic activity

From a *public safety* pillar perspective, we're concerned that this type of criminal behaviour could deter investment, job creation, employment sustainability and the opportunity to socialise as part of the night-time economy. Public Health outcomes, especially in the context of the wider and social determinants depend on a number of factors; two of these key factors are the creation and sustainability of safe environments and opportunities for employment.

The premises location in the heart of the Chinese Quarter and proximity to the Arcadian Centre and surrounding bars and restaurants, make this area a popular choice for visitors from within and outside Birmingham. In addition, the premises are located on the same parade of shops as the Birmingham Hippodrome theatre which attracts residents, tourists and families. The level of violence and lack of positive action by the nightclub, despite several interventions by West Midlands Police, may deter potential tourism to the area and represents an increased risk of harm to the public.

4 References

Crime stats (appendix 2) - www.police.uk

Outcomes and costs of penetrating trauma injury in England and Wales, M Christensena et al,
<http://v-scheiner.brunel.ac.uk/bitstream/2438/4670/4/Fulltext.pdf>

<https://www.birminghammail.co.uk/news/midlands-news/glamorous-club-hurst-street-remain-14530946>

Appendix 1. Public Health Data Analysis

Interpretation of this document:

Variable geographical levels of information have been used where available, in each case this is based on the post code of the application falling within this larger geographical area. Two terms are less commonly used outside of certain specialist areas and are detailed below:

- LSOA (Lower Super Output Area) is a geographical Census area with an approx. population of 1,500.
- MSOA (Medium Super Output Area) is a geographical Census area with a approx. population of 8,000.

Scores have been calculated by comparing the geographical area in question to the average at a higher level (Birmingham in most instances). 10% margin of error has been applied to both the smaller and larger areas and it is only where these are still relatively different that a RED (more prevalence or risk in area compared to average) or GREEN (less prevalence or risk in area compared to average) score has been calculated. Where these margins for error overlap in any way this has been calculated as AMBER (indifference).

1 Tier One Data Overall LSOA Score: RED / HIGH

This score has been generated based on information regarding alcohol related violence and domestic violence, existing on-licences and off-licences, alcohol related fires, alcohol related safeguarding, underage sales and the existence of a cumulative impact area. These elements have been viewed as having the largest measurable impact on whether the licence should be granted and actual numbers were made available on a low level geography. The score is by quartiles and these are colour coded worst to best as Red, Amber, Yellow, Green. Full details below.

Whilst Alcohol Related Ambulance Activity is viewed as Tier One data it has not been possible to include it in the overall LSOA score as the data is only available on a post code district level.

1.1 Tier One Indicator Scores and Risk Ratings

Police (Non-Domestic Violence) score was generated using actual incident information covering the period of 2008-2013 provided by West Midlands Police Service.	RED / HIGH	The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There were 963 incidents in the LSOA in the period.
Police (Domestic Violence) score was generated using actual incident information covering the period of 2008-2013 provided by	RED / HIGH	The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There were 68 incidents in the LSOA

West Midlands Police Service.

in the period.

Existing On-Licences score was **RED / HIGH**
generated utilising a list of all
current existing Alcohol Licences of
the relevant type known to
Birmingham City Council.

The score for the LSOA was RED or 2 on a
scale of 0-2 meaning that it was significantly
statistically worse than the average across all
LSOAs. There are 1 in the Post Code.

Existing Off Licences score was **RED / HIGH**
generated utilising a list of all
current existing Alcohol Licences of
the relevant type known to
Birmingham City Council.

The score for the LSOA was RED or 2 on a
scale of 0-2 meaning that it was significantly
statistically worse than the average across all
LSOAs. There are 1 in the Post Code.

Cumulative Impact Areas (CIA) **RED / HIGH**
score was calculated based on if a
given LSOA contains a Post Code
that falls wholly or partly within a
CIA.

The score for the LSOA was RED or 2 on a
scale of 0 or 2 meaning that it was significantly
statistically worse than the average across all
LSOAs. The individual post code does not fall
wholly or partly within a CIA.

Fire Services score was **AMBER / MEDIUM**
generated using actual incident
information on a Post Code level
covering the period of 2009-2014
provided by West Midlands Fire
Service.

The score for the LSOA was AMBER or 1 on a
scale of 0-2 meaning that it was not
significantly statistically different from the
average across all LSOAs. There were 0
incidents in the Post Code in the period.

Safeguarding score was **GREEN / LOW**
generated utilising factors identified
at the end of Birmingham City
Council Children assessments over
the period 01/04/2014 to
31/03/2015 that were alcohol
relevant at a post code level.

The score for the LSOA was GREEN or 0 on a
scale of 0-2 meaning that it was significantly
statistically better than the average across all
LSOAs. There were 0 incidents in the Post
Code in the period.

**Underage Sales Justified
Complaints** was based on **GREEN / LOW**
information provided from the
relevant department covering the
period 2009-2015 at a post code
level.

The score for the LSOA was GREEN or 0 on a
scale of 0-2 meaning that it was significantly
statistically better than the average across all
LSOAs. There were 0 incidents in the Post
Code in the period.

Underage Sales Alcohol was **GREEN / LOW**
based on information provided
from the relevant department
covering the period 2009-2015 as
a post code level.

The score for the LSOA was GREEN or 0 on a
scale of 0-2 meaning that it was significantly
statistically better than the average across all
LSOAs. There were 0 incidents in the Post
Code in the period.

Underage Sales Any Item was **GREEN / LOW**
based on information provided
from the relevant department
covering the period 2009-2015 at a
post code level.

The score for the LSOA was GREEN or 0 on a
scale of 0-2 meaning that it was significantly
statistically better than the average across all
LSOAs. There were 0 incidents in the Post
Code in the period.

2 Tier Two Data Overall Aston Ward Score: **AMBER / MEDIUM**

This score has been generated based on information regarding alcohol specific deaths, liver disease preventable deaths, counterfeit activity and whether reducing alcohol consumption is a priority for the District. These elements have been viewed as having an indirect impact on whether the licence should be granted and were made available on a medium level geography, some of the information utilised is estimates rather than actuals. The score is by quartiles and these are colour coded worst to best as Red, Amber, Yellow, Green. Full details are below.

2.1 Tier Two Indicator Scores and Risk Ratings

Alcohol Specific Deaths score was based on information provided by Birmingham Public Health comparing ONS actual figures on alcohol specific deaths with ONS ward population estimates covering the period 2011-2013 on a ward level.	AMBER / MEDIUM	The score for Nechells Ward was AMBER or 1 on a scale of 0-2 meaning that is not significantly statistically different from the average across all Wards. The directly standardised rate calculated was 28.91.
Liver Disease Preventable Death score was based on information provided by Birmingham Public Health comparing ONS actual figures on alcohol specific deaths with ONS ward population estimates covering the period 2011-2013 on a ward level.	AMBER / MEDIUM	The score for Nechells Ward was AMBER or 1 on a scale of 0-2 meaning that is not significantly statistically different from the average across all Wards. The directly standardised rate calculated was 28.24.
Counterfeit Activity was based on information provided from the relevant department covering the period 2009-2015 at a post code level.	GREEN / LOW	The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that is significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.
District Priority was determined by all Post Codes that fall within a District that has currently identified alcohol as one of their priority issues.	RED / HIGH	The score for this application was RED or 2 on a scale of 0-2. Nechells Ward does fall within a District that has alcohol issues as a current priority.

3 Tier Three Data Scores

Low number of indicators and differing geographies do not allow for a meaningful overall score. The information is of a high level, estimated numbers and / or a wider social determinant rather than a more direct link.

- Binge Drinking MSA: **AMBER / MEDIUM**
- Alcohol Related Hospital Admissions MSA: **RED / HIGH**
- Commissioned* Alcohol Misuse Services MSA: **RED / HIGH**
- Mental Health Adults Services in Ladywood District: **AMBER / MEDIUM**

*Based on working age adult information only, while the service provider for children and older adults was engaged there was not sufficient volume of data to enable a meaningful analysis.

4 Summary

The statistical analysis above has determined a HIGH rating (RED) against a series of key alcohol related crime offences. In particular, there are high number of assaults (both domestic and non-domestic) in this area, directly related to alcohol consumption. These figures are significantly higher than the Birmingham LSOA average,

Appendix 2. Ambulance Activity Data

Data provided by West Midlands Ambulance Services for all ambulance call outs to the premises.

Total Incidents = 11

Month	Incidents and Transports to Hospital			Incidents by Age & Gender				
	Incidents	Transports	% Transported	Age Band	Female	Male	Unknown	Total
February 2016	1	1	100.0 %	No Value	0	0	2	2
March 2016	1	1	100.0 %	10-19	2	0	0	2
April 2016	1	1	100.0 %	20-29	1	3	0	4
May 2016	4	3	75.0 %	30-39	0	2	0	2
June 2016	1	1	100.0 %	60-69	0	1	0	1
July 2016	1	1	100.0 %	Total	3	6	2	11
August 2016	1	1	100.0 %					
September 2016	1	1	100.0 %					
Total	11	10	90.9 %					

Day of Week / Hour of Day	0	1	2	3	4	5	6	20	Total
Monday	1	0	1	0	0	0	0	0	2
Tuesday	0	0	0	0	2	0	0	0	2
Wednesday	0	0	1	0	0	0	0	0	1
Thursday	0	0	0	1	0	0	0	0	1
Friday	0	1	0	0	0	0	1	0	2
Saturday	0	0	0	0	0	1	0	0	1
Sunday	0	0	0	0	1	0	0	1	2
Total	1	1	2	1	3	1	1	1	11

Chief Complaint/ Hour of Day	0	1	2	3	4	5	6	20	Total
Assault Domestic	0	0	0	1	1	1	0	0	3
Bleeding	0	0	1	0	0	0	0	0	1
Fitting within the last 12 hours	1	0	1	0	2	0	0	1	5
Running Red	0	1	0	0	0	0	0	0	1
Trauma	0	0	0	0	0	0	1	0	1
Total	1	1	2	1	3	1	1	1	11

Total Incidents = 10

Month	Incidents and Transports to Hospital		
	Incidents	Transports	% Transported
October 2016	3	1	33.3 %
December 2016	2	1	50.0 %
January 2017	1	0	0.0 %
March 2017	1	1	100.0 %
August 2017	2	2	100.0 %
September 2017	1	0	0.0 %
Total	10	5	50.0 %

Age Band	Incidents by Age & Gender		
	Female	Male	Total
10-19	1	0	1
20-29	4	4	8
40-49	0	1	1
Total	5	5	10

Day of Week / Hour of Day	0	3	4	5	6	7	Total
Monday	1	0	0	0	0	0	1
Wednesday	0	1	0	1	0	1	3
Friday	0	0	2	0	0	0	2
Saturday	0	0	0	0	1	1	2
Sunday	0	1	0	1	0	0	2
Total	1	2	2	2	1	2	10

Chief Complaint/ Hour of Day	0	3	4	5	6	7	Total
Arrest Peri Arrest	0	1	0	0	0	1	2
Assault Domestic	0	1	0	0	1	0	2
Breathing Problems	1	0	0	0	0	0	1
Fitting Now	0	0	0	0	0	1	1
Fitting within the last 12 hours	0	0	1	0	0	0	1
Overdose	0	0	0	1	0	0	1
Trauma	0	0	0	1	0	0	1
Unconscious	0	0	1	0	0	0	1
Total	1	2	2	2	1	2	10

Total Incidents = 3

Incidents and Transports to Hospital				Incidents by Age & Gender			
Month	Incidents	Transports	% Transported	Age Band	Female	Male	Total
October 2017	1	1	100.0 %	No Value	0	1	1
November 2017	1	1	100.0 %	20-29	1	0	1
March 2018	1	1	100.0 %	30-39	0	1	1
Total	3	3	100.0 %	Total	1	2	3

Day of Week / Hour of Day	2	4	5	Total
Wednesday	1	0	0	1
Friday	0	1	0	1
Saturday	0	0	1	1
Total	1	1	1	3

Chief Complaint/ Hour of Day	2	4	5	Total
Assault Domestic	0	0	1	1
Trauma	1	1	0	2
Total	1	1	1	3

Appendix 3. Crime

Taken from www.police.uk

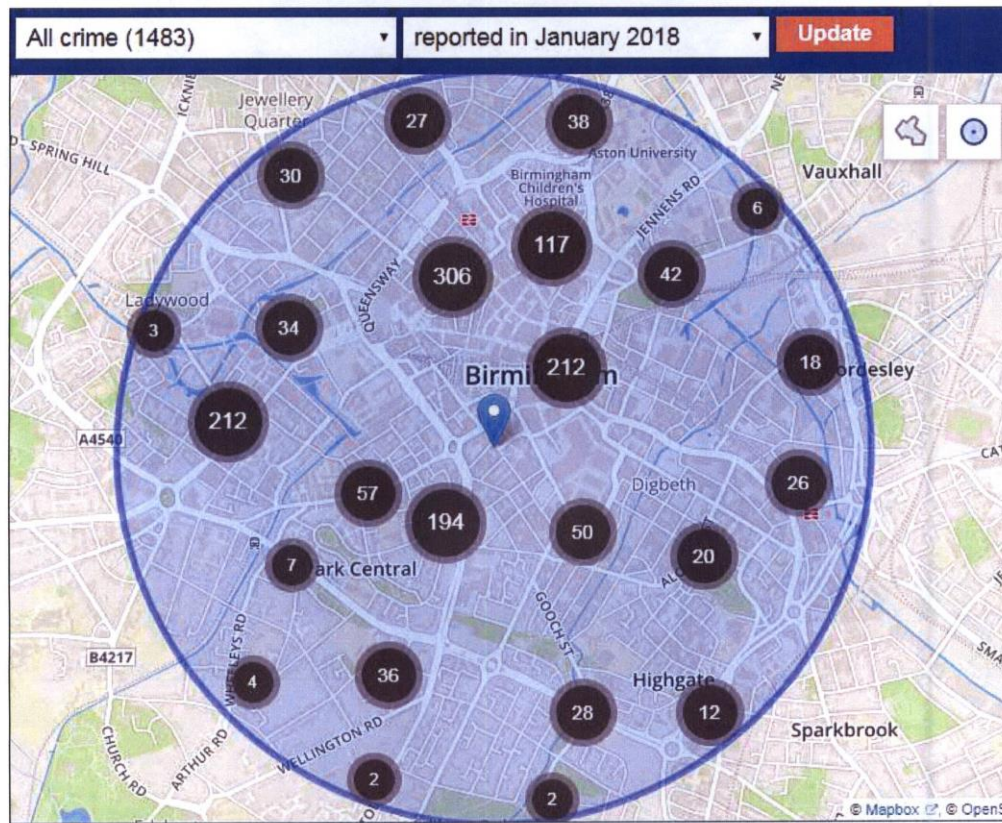


Figure 1: All recorded crime in January 2018 within 1 mile of the premises

Crime types	
Anti-social behaviour	(285)
Bicycle theft	(22)
Burglary	(44)
Criminal damage and arson	(68)
Drugs	(33)
Other crime	(5)
Other theft	(162)
Possession of weapons	(12)
Public order	(77)
Robbery	(96)
Shoplifting	(155)
Theft from the person	(83)
Vehicle crime	(150)
Violence and sexual offences	(291)

Figure 2: Breakdown of all recorded crime in January 2018 within 1 mile of the premises

Glamorous Show Bar
Apr-18

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Birmingham Public Health

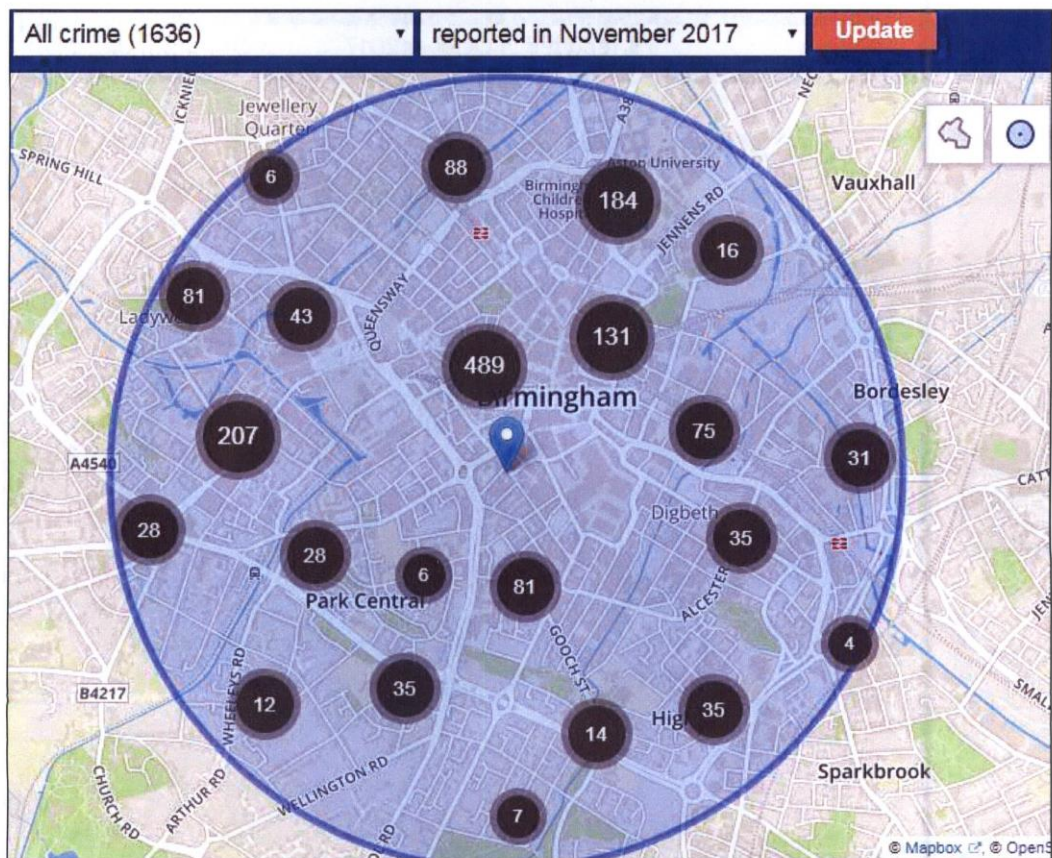


Figure 5: All recorded crime in November 2017 within 1 mile of the premises

Crime types

Anti-social behaviour	(277)
Bicycle theft	(16)
Burglary	(59)
Criminal damage and arson	(85)
Drugs	(37)
Other crime	(4)
Other theft	(152)
Possession of weapons	(11)
Public order	(86)
Robbery	(76)
Shoplifting	(157)
Theft from the person	(166)
Vehicle crime	(182)
Violence and sexual offences	(328)

Figure 6: Breakdown of all recorded crime in November 2017 within 1 mile of the premises

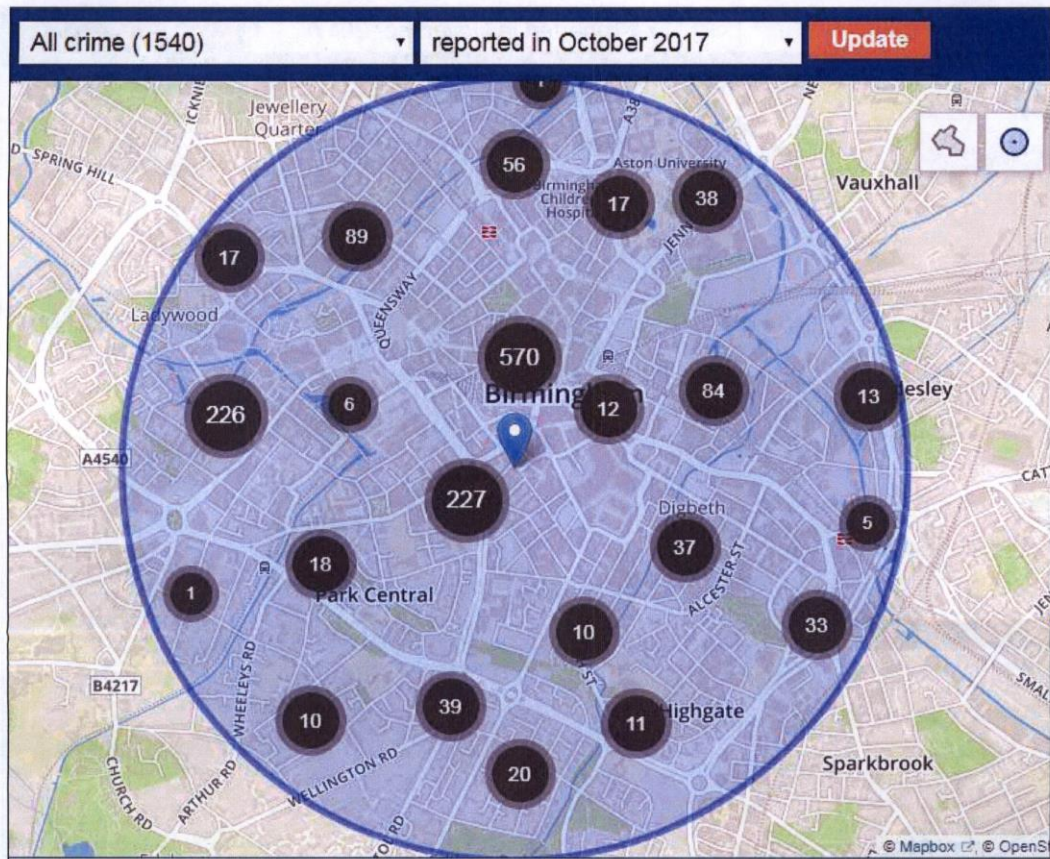


Figure 7: All recorded crime for October 2017 within 1 mile of the premises

Crime types

Anti-social behaviour	(285)
Bicycle theft	(20)
Burglary	(54)
Criminal damage and arson	(90)
Drugs	(44)
Other crime	(10)
Other theft	(167)
Possession of weapons	(14)
Public order	(71)
Robbery	(67)
Shoplifting	(166)
Theft from the person	(85)
Vehicle crime	(146)
Violence and sexual offences	(321)

Figure 8: Breakdown of all recorded crime in October 2017 within 1 mile of the premises



Public Health

PO Box 16732
Birmingham
B2 2GF

publichealth@birmingham.gov.uk

www.birminghampublichealth.co.uk

www.birmingham.gov.uk

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At this stage, we would be grateful if you could acknowledge receipt of this representation and advise as to the date of the hearing as our client may seek to expand upon the issues raised within this letter of representation.

We look forward to hearing from you.

Yours faithfully

GOSSCHALKS

A list of partners is available for inspection at the above address.
This firm is authorised and regulated by the Solicitors Regulation Authority under number 61213

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Appendix 8

Licensing Section, Ashted Lock
Building 1-3, Ground Floor
Birmingham Science Park Aston
Dartmouth Middleway
Birmingham
B7 4AZ

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 16 APR 2018 ----- REF NO ----- INITIALS -----
--

16th April 2018

Dear Sir/Madam,

Re: Glamorous Show Bar, Albany House, 27-35 Hurst Street, Birmingham, B5 4BD

I write regarding the recent suspension of the above mentioned premises licence. I live close to the venue on Holloway Circus Queensway and I am a regular customer of the club.

I am disappointed that the licence has been suspended and I would request that the suspension be lifted swiftly. The premises in question provide an important social and cultural facility for Birmingham's gay community, of which I am a part. Birmingham's gay scene has suffered significantly in the last decade with several venues closing or losing their gay character. It would be most lamentable for the whole community to be punished further because of an incident caused by one person.

I have always felt safe inside Glamorous even when I have not felt very safe on the street outside. The security staff are by no means a pushover and I still get ID'd on occasion even though they recognise me.

I question why Glamorous has been subjected to rather harsh enforcement action relative to other nightclubs in the area. Just opposite the venue there are premises in the Arcadian development which regularly attract customers of poor repute, on occasion requiring quite spectacular levels of police response. Some customers of the Arcadian have a penchant for perpetrating violence and homophobia in the Hurst street area, which is supposed to be a notably safer area of the city. If I could identify specific individuals and which nightclubs they had been to I would be requesting a review of those premises licences myself, but of course trying to reliably prove specific causation is near impossible. It is fair to say that myself and others I know in the local area would readily allocate blame for late night crime in the area with venues in the Arcadian rather than with Glamorous Show Bar.

The premises occupied by Glamorous have been used as a gay bar for decades, to the point where the venue is now of special cultural significance to the gay community. My older gay friends tell stories of the time when there were internal telephones installed at the back of the club so that shy punters could approach each other back in the days when there were few other ways for gay men to meet. The Gay Birmingham Remembered website confirms that the 'Five Days of Fun' event – the precursor to Birmingham's Gay Pride – took place in the car park at the back of Glamorous as far back as 1983. I hope that the licensing department will weigh up the bigger picture over many years when considering the future of this venue.

I note that there is a specific provision in the license that gives the police a veto over the venue opening past 4am. I believe this veto should be removed. This is for two reasons.

Firstly, Glamorous is a late night venue at the weekends and holds that place in the minds of customers on Birmingham's gay scene. The community would suffer considerable detriment if it were to be forced to close early since on some nights its utility is derived from its late licence.

Secondly, I would argue that it is safer for the venue to remain open until 6am as by this time the problematic customers of the Arcadian venues have largely dissipated and the streets are clear. This makes it a safer time for gay people to walk home or get a taxi. Closing at 4am would put me and others – particularly those in drag or of visibly 'gay' appearance – at greater risk of being a victim of crime than closing at 6am. I have previously suffered homophobic abuse in the area at 3-4am but not at 6am. I further note that there is no relationship between the incident that has caused the licence review and the closing time of the venue.

The police veto is a decision made in private, without access to the type of comments I am now making by virtue of the licensing decision being heard in a public forum. If the veto remains in place then the officer making the decision on whether to invoke the veto will likely not have had the benefit of all the information required to make a well informed decision. I therefore believe it is in the best interests of everyone for the veto to be removed and the license to allow the club to serve alcohol until 6am.

Yours faithfully,

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

1414 / 9

Part 1 - Premises details:**Postal address of premises, or if none, ordnance survey map reference or description**

Glamorous Show Bar
 Albany House
 27-35 Hurst Street
 China Town

Post town:

Birmingham

Post Code:

B5 4BD

Telephone Number:**Where the licence is time limited the dates**

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

Monday - Sunday	10:00	-	06:00	B ,E ,F ,G ,M3
	23:00	-	05:00	L

The opening hours of the premises

Monday - Sunday	10:00	-	07:00
-----------------	-------	---	-------

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 Mr Matthew James Eason	
Post town:	Post Code:
Telephone Number:	
Email	

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 Matthew James Eason	
Post town:	Post Code:
Telephone Number:	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number	Issuing Authority

Dated 23/03/2017

Bhapinder Nandhra
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.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

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

BIRMINGHAM CITY COUNCIL

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The DPS or nominated shall keep and maintain a register of door supervisors, in which shall be recorded at the start of each period of duty the date, name, door supervisors registration number, commencement and finishing time. The finishing time shall be completed at the end of the period of duty.

The DPS shall produce the register and the verification of door supervisors identities, upon request at all reasonable times to any Police Officer or to any authorised officer of the City Council

The licence holder shall ensure -

All regulated entertainment is permitted is to take place inside the premises only

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

CCTV to be operational and working at all times that the premises are open.

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

The official occupancy of the premises will be determined by a Fire Risk assessment and agreed with by West Midlands Fire Service.

All on duty security/door supervisors must wear high visibility jackets whilst attending the door and must wear high visibility arm bands within the premises itself.

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

No enforceable conditions identified from operating schedule.

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

The licence holder shall ensure persons under 18yrs of age are not permitted on the premises after 6pm, unless accompanied by an adult at a pre-arranged event.

BIRMINGHAM CITY COUNCIL

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

The premises will have a standard operating hour of 4 a.m. i.e. licensable activities will cease at that time. If the premises wish to operate past this hour the Designated Premises Supervisor or premises licence holder must give 28 days notice to Birmingham Central (Steelhouse Lane) police station. The notice is to include a full risk assessment for the event. The notice can be in any written form. West Midlands Police (Birmingham Central licensing team) retain the power to veto any such extension if any of the licensing objectives have been or are likely to be compromised.

The premises shall have a CCTV system fitted to the specification and in the locations agreed with West Midlands Police. Fixed cameras will be placed on the outside of the premises to monitor any queue, with the door staff to augment the fixed cameras and so monitor any queue. These cameras will be of Home Office approved type with the ability to digitally store and download images of evidential quality. Recordings will be retained for a minimum of 30 days and made available on request to any of the regulatory bodies.

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

N/A

3c) Committee conditions to promote public safety

N/A

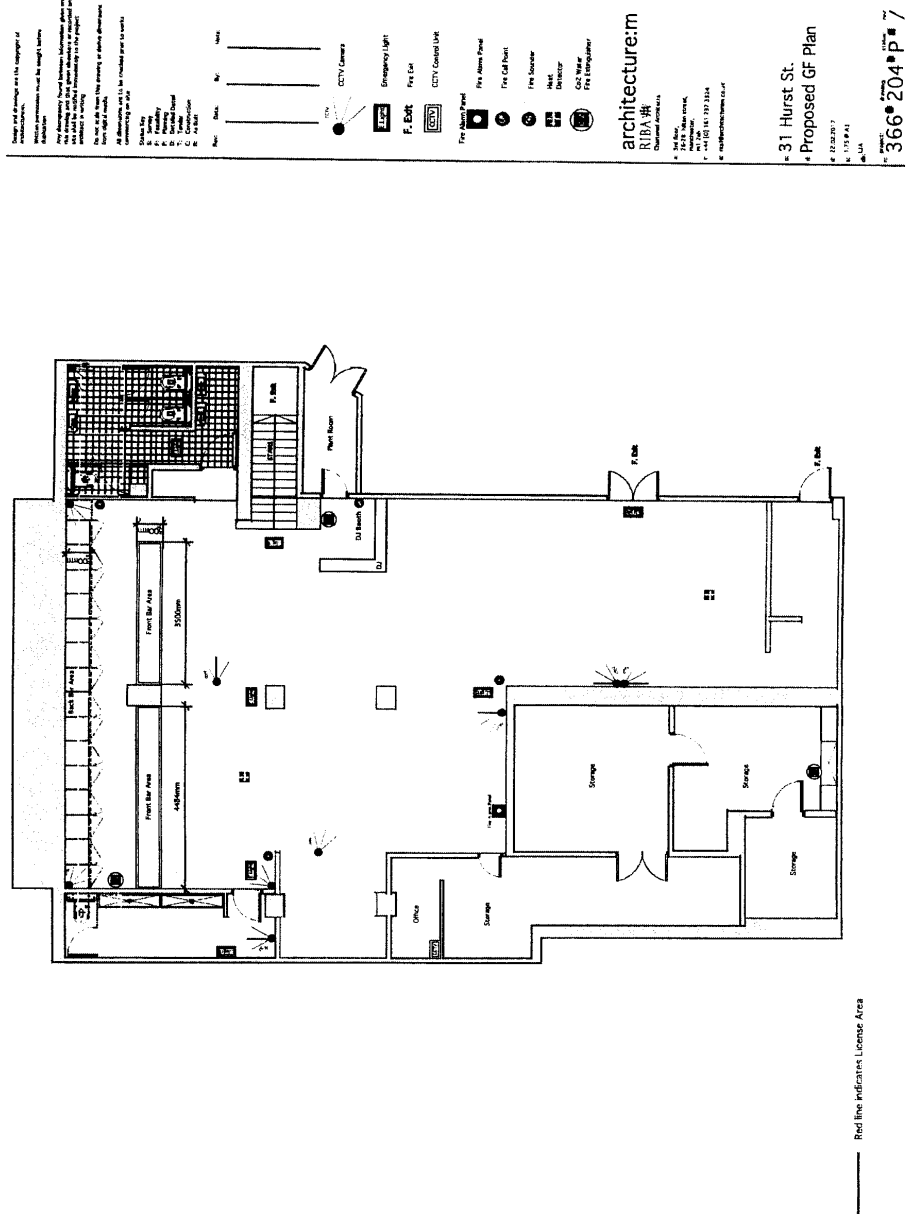
3d) Committee conditions to promote the prevention of public nuisance

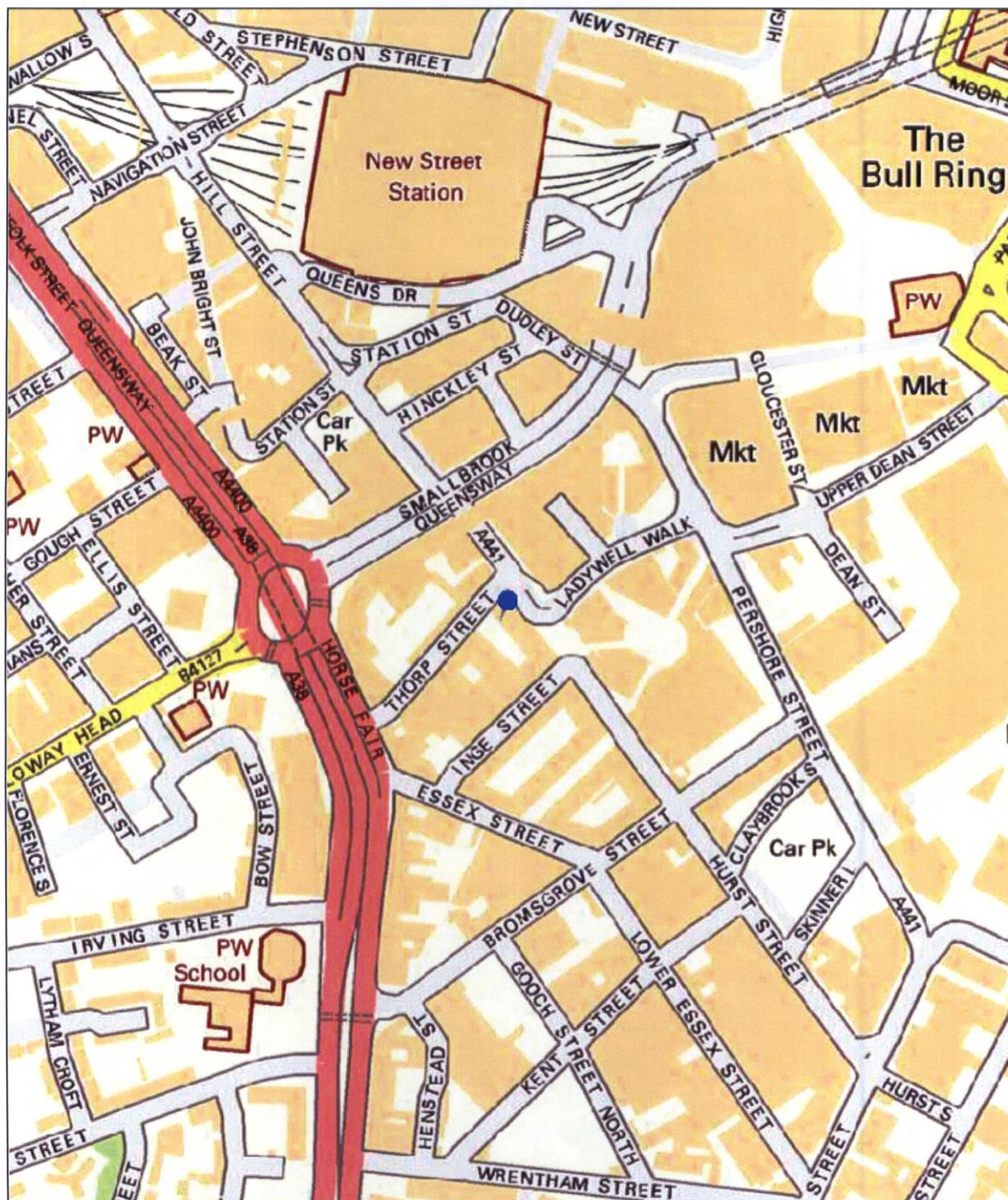
N/A

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

N/A

Annex 4 –
Plans





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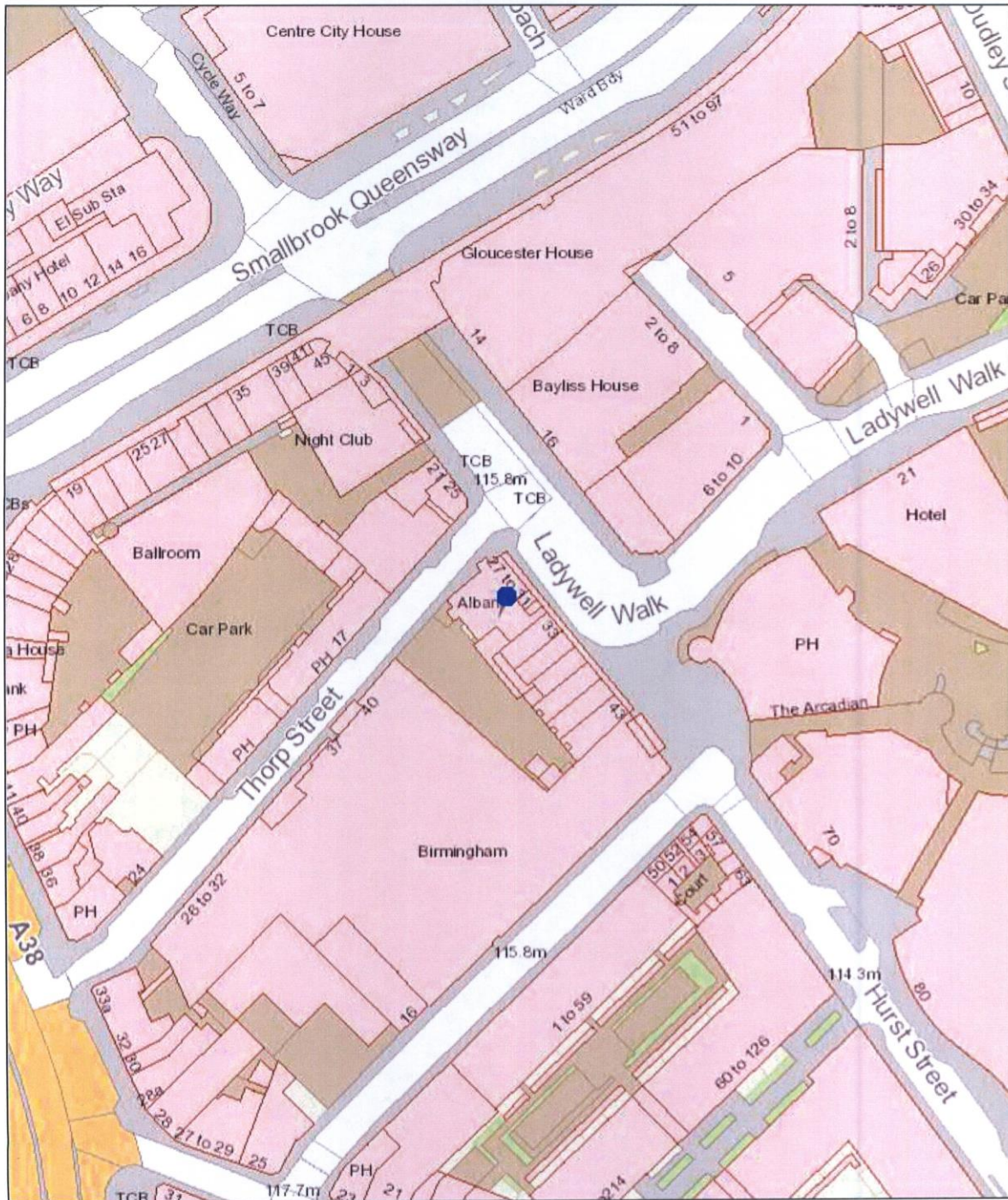
Date of Map Creation: 28/03/2018

Notes



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