

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 29 MAY 2019 AT 09:30 HOURS
IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

A G E N D A

1 NOTICE OF RECORDING

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

2 DECLARATIONS OF INTERESTS

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

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

4 APPOINTMENT OF SUB-COMMITTEE

To note the appointment by the City Council of the Committee and Chairman for the Municipal Year 2019/20.

Members of the Sub-Committee may nominate another member of their respective Party Group on the Licensing and Public Protection Committee to attend in their place.

Any Member nominated must have had formal training as set out in Paragraph 6.1 of the Licensing Committee Code of Practice for Councillors and Officers.

5 MINUTES

To note the public section of the Minutes of the meeting held on 29 March 2019.

To confirm and sign the Minutes of the meeting held on 17 April 2019.

To note the public section of the Minutes of the meeting held on 1 May 2019.

To note the public section of the Minutes of the meeting held on 15 May 2019.

6 **DELEGATIONS TO SUB-COMMITTEE**

To note the delegations to the Sub-Committee as follows:-

To determine matters relating to the Licensing Act 2003, the Gambling Act 2005, hackney carriage licences private hire licences and such business as may be referred by the Assistant Director of Regulation and Enforcement.

31 - 52

7 **LICENSING ACT 2003 PREMISES LICENCE – REVIEW CLUB 101, 70 HURST STREET, ARCADIAN CENTRE, BIRMINGHAM, B5 4TD**

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

53 - 76

7a **SUPPORTING DOCUMENTS - CLUB 101**

Item Description

8 **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.

9 **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 Paragraph 3

PRIVATE AGENDA

1 **MINUTES**

To note the private section of the Minutes of the meeting held on 29 March 2019 and to confirm and sign the Minutes as a whole.

To note the private section of the Minutes of the meeting held on 1 May 2019 and to confirm and sign the Minutes as a whole.

To note the private section of the Minutes of the meeting held on 15 May 2019 and to confirm and sign the Minutes as a whole.

2 **LICENSING ACT 2003 - PERSONAL LICENCE APPLICATION**

Report of the Assistant Director of Regulation and Enforcement

N.B. Application scheduled to be heard at 1100 hours

3 **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 C 29 MARCH 2019
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 29 MARCH 2019, AT 0930 HOURS, IN ELLEN PINSENT, COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB

PRESENT: - Councillor Mike Leddy in the Chair;

Councillors Nicky Brennan and Mike Sharpe.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Parminder Bhomra – Legal Services
Katy Townshend – Committee Services

NOTICE OF RECORDING

- 1/290319 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.
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DECLARATIONS OF INTERESTS

- 2/290319 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.
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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/290319 No apologies were submitted.
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ETIQUETTE NIGHTCLUB, UNIT B202-204, ARCADIAN CENTRE, HURST STREET, BIRMINGHAM, B5 4TD – LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 – CONSIDERATION OF REPRESENTATIONS IN RESPECT OF THE INTERIM STEPS IMPOSED ON MARCH 2019.

The Premises Licence Holder made representations in respect of the interim steps imposed on 22nd March 2019 following the application of expedited review of the

premises licence in respect of Etiquette Nightclub, Unit B202-204, Arcadian Centre, Hurst Street, Birmingham, B5 4TD. A certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, an application for Review of Licence, a copy of Premises Licence, Decisions of the meeting held on 22nd March 2019, representations made by the premises licence holder and Location maps were submitted:-

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

(See document No. 1)

The following persons attended the meeting.

On behalf of the Premises Licence Holder

Wayne Tracey – Proposed New Designated Premises Supervisor (DPS)
Pourian Azarian – Previous Designated Premises Supervisor (DPS)
Sarah Clover – Barrister - Kings Chambers
Carl Moore – Agent

On Behalf of West Midlands Police

PC Ben Reader – West Midlands Police (WMP)
PC Greenfield - WMP

* * *

Following introductions by the Chairman all parties were asked if they had any preliminary matters.

At this stage PC Ben Reader advised that they would be asking for the CCTV/video footage to be heard in private due to the following:-

- There was an ongoing investigation
- There was still an injured party in hospital
- Arrests were yet to be made
- That not screening the CCTV in private could hinder the investigation.

At this juncture Mrs Sarah Clover asked for clarity regarding what PC Reader meant – who he wanted excluded.

The Chairman advised that the press and/or public would be excluded. The other parties would remain in the meeting, whilst the private CCTV footage was screened.

Bhapinder Nandhra, Licensing Section, made introductory comments relating to the report.

Mrs Sarah Clover, on behalf of the Premises Licence Holder, made the following points:-

- a) That Mr Tracey was the licence holder of Snobs and had been for 40 years.
- b) That Mr Tracey was in the process of buying Living Leisure. So Bar and Etiquette ran as two separate venues.
- c) Mr Tracey was in negotiations to take over the lease of the building and then the incident occurred, which had nothing to do with him, and did not involve any of his team.
- d) That what happened, happened and Mr Tracey had put in an application to transfer the licence with immediate effect.
- e) That Mr Tracey was currently the licensee pending any reaction from WMP as to whether they wished to react to the transfer.
- f) Mr Tracey had been liaising with police and therefore, did not anticipate an objection.
- g) That Mr Tracey was exemplary.
- h) That the door company had been at Snobs some 20 years.
- i) That similarly Mr Tracey had taken on the role of DPS, which was an unusual role for him but in the circumstances Mr Tracey felt it appropriate.
- j) That they weren't able to attend the previous hearing as the email that went to Mr Azarian went to an old email address that was no longer in use. This was "confusing" because Mr Azarian had received emails to his current email address. The other email was a very old one. Therefore, they were making representations for the first time.
- k) That Mr Tracey was asking the Committee to allow him to take control of the premises, as he was already operating So Bar.
- l) That as far as the fight was concerned – the ins and outs of that particular fight was nothing to do with Mr Tracey and therefore they had no issues with how the police were describing it – the fight sounded horrendous. However, they did not know anything about it and couldn't say anymore.
- m) That the fight appeared to have something to do with the door security company, or connections of the door company.
- n) That the fight was effectively a slice of history.
- o) They asked the Committee to look at any conditions going forward and to look at the new set up. Additionally, not to penalise Mr Tracey for things that occurred previously; with the previous people.
- p) That Mr Tracey wanted firm and complete control of both premises with immediate effect.

- q) That there was nothing defective on the licence, So Bar and Etiquette share conditions.
- r) That if the Committee wished to have reassurances between now and the review hearing they could put steps in place by confirming the change of DPS to Mr Tracey and could ensure the installment of Snobs security team.
- s) That further reassurances could be considered.
- t) That what WMP were about to show was disconnected from the man in front of the Committee (Mr Tracey).
- u) That they were happy to answer any questions. That Carl Moore was a consultant who worked closely with Mr Tracey on policies and procedures and was in attendance to show his commitment.

In response to Members questions Mr Tracey made the following points:-

- a) That he started purchase proceedings in February and So Bar was completed but Etiquette was still outstanding. He would be DPS and the licence holder, but the licence would be held in the company name.
- b) That PRP was a Wolverhampton based company that had been working with Snobs for about 30 years. He was not sure what other doors they worked on but they would be working at So Bar and Etiquette.

Cllr Leddy asked what sort of Club the premises was, Mr Tracey advised it was for Mr Azarian to explain.

Mr Azarian explained that it was mainly used for private events. So Bar was running downstairs and then Etiquette was upstairs and held exclusive private events for footballers, celebrities, and outside DJs from Essex. Etiquette had a completely different crowd to So Bar.

Mr Tracey advised that his vision was that So Bar would operate with two rooms and it would not be operating as VIP/exclusive. That the business before was a failed business – it was not working. This was how Mr Tracey came to buy it.

Mrs Sarah Clover, Barrister representing the premises advised that the fight was not a result of the style of the venue in fact it was a particular group of men from London who had been drinking in the city all day and then was allowed into Etiquette. There was a connection with the door staff and it all exploded. There was nothing to say it was a direct result of the style of the venue and nevertheless, the venue was changing its style and it should never happen again.

Mr Tracey continued to answer Members questions:-

- a) That he had not been DPS at Snobs, but he worked with DPS's and was always in attendance when the premises was operating which he intended to do at Etiquette.

- b) That the incident that occurred was extremely serious from what he had seen in the Evening Mail.
- c) That So Bar downstairs would be open during the day and then upstairs would be open Friday and Saturday evenings. That it would be exactly the same as downstairs – just another room.
- d) That he didn't do things without looking into it properly. Negotiations had been ongoing for 6 months.
- e) That it was a very lively area and he would be taking on new door staff, bar staff and a cleaner.

At this stage PC Reader was invited to make his representation. He advised that he would like to screen the CCTV first in private.

At this juncture, the Chairman advised that the public would now be excluded from the meeting.

EXCLUSION OF THE PUBLIC

4/290319

RESOLVED:

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

At this stage in the meeting having viewed the CCTV footage in private the public were readmitted to the meeting.

PC Reader continued to make the following points, in answer to Members questions:-

- a) That it was a brutal attack; the injured party had a brain scan and had been transferred to a London hospital in order to be closer to his home.
- b) That it was not believe he had been doing drugs.
- c) That Mr Azarian had lost control of the venue and allowed people into the venue who were intoxicated, violent, using balloons containing Nitrous Oxide and subsequently a serious incident occurred.
- d) That he could not understand why Mr Azarian was at the hearing.

Mrs Sarah Clover explained to PC Reader that she thought she had made it clear but she was happy to do it again.

PC Reader stated that they were attending due to the challenge to the suspension, however, there was no detail – he asked “when would the venue open - Tonight?”

Mr Tracey responded by informing PC Reader that it was only So Bar that would be opening tonight as he was already running that premises.

PC Reader stated he was still confused and wanted to know when PRP (security company) were going to be involved. He further added that he felt they had rushed to challenge the suspension, but with little detail on how the premises would be operated. Furthermore, he raised his concerns over Mr Azarian attending the hearing and felt he should be excluded from all operation moving forwards.

In response to Cllr Beauchamp, PC Reader explained that they had not challenged to change of DPS and were confident that Mr Tracey was a good operator; however, they “needed to be able to work out how that operation was going to plan out”. He added that he didn’t think it needed working out before the full review, especially if they were going to do a refurbishment.

Mrs Clover advised she would like to address those concerns raised at which point Cllr Leddy informed her that she may address them in her summing up.

Cllr Leddy asked PC Reader about their prior dealings with Mr Tracey and for any background information.

PC Reader confirmed that both Mr Tracey and the PRP door company were good operators, however, he wanted clarification on how the premises would operate.

In Summing up PC Reader on behalf of WMP made the following points:-

- That they believed suspension should remain. However if the Committee were minded to lift the suspension then the premises needed to operate as a “completely clean broom”.

In summing up Mrs Sarah Clover, on behalf of the premises made the following points:-

- That PC Reader saying there was a lack of clarity was incorrect. Mr Tracey had been discussing the matters in length with PC Rohomon and they had explained in detail at the hearing today.
- That for PC Reader to say it was rushed meant that he did not really know what was going on.
- That discussions had already taken place with PC Rohomon over the details regarding the operation of the venue. Clearly that had not been relayed to PC Reader.

- That they were grateful to Mr Azarian for attending the hearing in order to comment on CCTV and answer Members questions. He received flack for doing so. He would not be running the company or be involved with the management.
- Mr Tracey was unable to assist with the CCTV; Mr Azarian had insight and awareness that he was available to assist the Committee with.
- That there was nothing to stop So Bar trading.
- That WMP could have reviewed So Bar as they were associated, but they chose not to.
- That PC Reader suggested that they were hazy with what was going on, but Mr Tracey had made it clear.
- The security company was operating at So Bar and there was nothing to stop So Bar operating.
- If WMP wanted clarity, what on? Now was the time and the place to go through issues.
- That it would be wrong to say “no rush, review is not far away, so let’s be on the safe side”.
- That a review was used to protect the public from risk, to use the review process in order not to rush things was wrong. If Mr Tracey could not reassure the Committee today, he would not be able to assure them at the review as nothing would change.
- That the same application would be before the Committee at the full review.
- That there was nothing to stop the suspension being lifted.
- That if the Committee wanted reassurances on Mr Azarian they could do that, if they wanted reassurances in relation to PRP (security company) they could do that also.
- That Mr Tracey was DPS as no objection had been made yet.
- They asked the Committee to allow Mr Tracey to operate Etiquette in line with So Bar.

At 1106 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1217 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

5/290319

RESOLVED:-

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

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

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

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

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

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

In view of the above, members considered it would be appropriate to lift the suspension provided that Mr Tracey did not have Mr Azarian involved in any way with the business going forward, and that Mr Tracey supply a copy of his operation manual to the satisfaction of WMP as evidence of a new fresh start.

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

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

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

6/290319

OTHER URGENT BUSINESS

There were no matters of urgent business.

The meeting ended at 1225 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C 17 APRIL 2019
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**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE C
HELD ON WEDNESDAY 17 APRIL 2019
AT 0930 HOURS IN COMMITTEE ROOM A,
COUNCIL HOUSE EXTENSION, MARGARET
STREET, BIRMINGHAM**

PRESENT: - Councillor Mike Leddy in the Chair

Councillors Olly Armstrong and Neil Eustace

ALSO PRESENT

Bhapinder Nandhra, Licensing Officer
Joe Millington, Committee Lawyer
Errol Wilson, Committee Manager

NOTICE OF RECORDING

- 1/170419 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.

DECLARATIONS OF INTERESTS

- 2/170419 Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/170419 There were no Nominee members.
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LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW
ETIQUETTE, UNIT B202 – B204 ARCADIAN CENTRE, HURST STREET,
BIRMINGHAM, B5 4TD

The review of the premises licence was required following an application for expedited review on 21st March 2019, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006):-

(See document No. 1)

The following persons attended the meeting.

On behalf of the Premises Licence Holder

Wayne Tracey – New Premises Licence Holder
Mr Duncan Craig – Barrister for the Premises Licence Holder
Ms Jo Kinsella and Harriet Moloney – Landlord Support
Piers Warne – Landlord's Solicitor

On behalf of West Midlands Police

PC Abdool Rohomon – West Midlands Police

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The Chairman made introductions and outlined the procedure to be followed and enquired whether there were any preliminary matters.

Mr Bhapinder Nandhra, Licensing Section, made introductory comments relating to the documents submitted.

PC Rohomon on behalf of West Midlands Police (WMP), made the following points:-

1. Since this serious incident, there has been a change in the holder of the premises licence and designated premises supervisor.
2. The transfer of the business to Mr Wayne Tracey was a positive step in overhauling the nature and style of the premises.
3. That it would not be necessary to show the CCTV footage to the Sub-Committee again as it would be of no benefit. The licence was held by another company and not Mr Tracey.
4. That he had formal discussions with Mr Tracey (he was not the premises licence holder at this point).
5. The management plan was not submitted until Mr Tracey spoke with WMP. The management plan was then submitted by Mr Tracey and WMP was satisfied with it.

6. That he had known Mr Tracey for a long time on a professional level and that they had mutual respect for each other.
7. That he was proposing to the Sub-Committee (with a few minor tweaks) that the conditions offered and agreed and submitted to the Sub-Committee could be signed.
8. That the company had not traded since the interim steps hearing. WMP was happy with the management plan and WMP felt that it was fit and proper for the suspension of the licence to be lifted.
9. That the Sub-Committee could take reassurance in what the company was planning to do. That documentations and all legal paperwork was shown to WMP and WMP was happy with what was progressed and presented going forward.
10. WMP was had confidence in what had been proposed going forward. The previous managers of the premises had now left and the premises were under new ownership.

There were no questions from the Sub-Committee members

PC Rohomon stated that the interim steps suspension could be lifted and could include the new conditions and that WMP had no reason to believe they would not.

On behalf of the premises, Mr Duncan Craig, made the following points:-

- a) That Mr Tracey did all the ground work and based on his observation it was a good partnership working with the authorities.
- b) That he echoed PC Rohomon's comments that Mr Tracey was one of the best operators in the city. Mr Tracey had an amazing track record and that it was clear from the decision to lift the interim steps that he had a good track record.
- c) That Mr Tracey had been proactive and co-operated fully with West Midlands Police to address concerns relating to the crime and disorder objective and had developed a constructive professional relationship with WMP.
- d) That it was highly unfortunate that the disorder took place in the premises at the time when he was not the premises licence holder.
- e) That Mr Tracey had put himself forward as the Designated Premises Supervisor (DPS) and WMP was happy with the progress and the process.
- f) That a comprehensive management plan was in place covering various matters including door staff, policies, undertakings etc. Section 20 steps taken – conditions agreed to in the premises.

Licensing Sub Committee C – 17 April 2019

- g) That the last condition in his email of the 16th April 2019 to licensing should read the previous DPS would not be involved in the management **or** control of the licensed premise.
- h) That the management plan be submitted to WMP on the 18th April and that no licensing activities to be undertaken until the management plan was submitted
- i) That the landlord was present at the hearing today and it was not often that a landlord would support the PLH.

At this juncture, Mr Craig invited Piers Warne, Landlord for the premises to address the Sub-Committee.

Mr Warne stated that he was in attendance at the hearing to respond to any questions regarding the change in operation going forward. He added that he had an interest in promoting the licensing objectives and that everything will operate as set out by the new PLH

Mr Craig continued

- j) That the interim steps clarified that this had been lifted and supplanted with the conditions they had agreed and no other measures were appropriate. Mr Tracey thanked WMP and the landlord for their support.
- k) Mr Craig commented that this was a good example of the trade and authorities working together in the interest of the licensing objectives and public safety.

In response to questions, Mr Tracey made the following statements: -

- That the rebadging of SNOBS management had already been put into practice and that they would be operating upstairs on Sunday and from this weekend.
- All operations would be put in place.
- That the management plan dated 17 April 2019 will be submitted to WMP on the 18th April 2019.

In summing up, PC Rohomon of West Midlands Police stated that there was nothing else to add.

In summing up Mr Craig, on behalf of the premises, stated that there was nothing else to add.

At 1008 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1035 hours, the meeting was reconvened and all parties were invited to rejoin the hearing. The decision of the Licensing Sub-Committee C was announced as follows:-

4/170419

RESOLVED:-

That having reviewed the premises licence held under the Licensing Act 2003 by **Living Leisure Limited** in respect of **Etiquette, Unit B202 – B204, Arcadian Centre, Hurst Street, Birmingham, B5 4TD** following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines

The interim step of suspension is lifted and the conditions of the Licence are hereby modified in accordance with the agreement between the parties, in order to promote the prevention of crime and disorder and public safety objectives in the Act

MODIFY CONDITIONS

That the conditions of the premises licence be modified as follows, in order to promote the prevention of crime and disorder and public safety objectives in the Act:

1. The use of the premises will be subject to the management plan, dated 17th April 2019, and signed by West Midlands Police (Birmingham Licensing Department) and premises licence holder.
2. Any amendments to this plan, to be subject to notification (via email or in writing) to West Midlands Police (Birmingham Licensing Department). Amendments will require authorisation from West Midlands Police to become part of the plan.
3. Door staff at the stairs separating the two rooms to be wearing body worn CCTV cameras, to be operational at all times the premises is open for licensable activity.
4. Mr Pouria Azarian not to be involved in the management or control of the licensed premises.

The Sub-Committee's reasons for imposing these agreed conditions relate to submissions by West Midlands Police concerning matters which came to light at the premises on 18th March 2019 as outlined in the Chief of Police's certificate and application.

On this date, an extremely serious incident of disorder occurred at the premises, during which violence was used. The Sub-Committee has previously determined the cause of the serious crime and serious disorder originated from various patrons of the premises, exacerbated by poor security measures in place. Two injured patients required urgent medical assistance as a result of the disorder.

The Sub-Committee has previously expressed its concern at the lack of care and assistance shown towards victims, in particular one male who lay unconscious next to the stairwell in front of security staff for a considerable period of time. The incident revealed a lack of control by security staff and the DPS at the time. Nothing was done to control and contain the serious disorder or alert the emergency services.

On 29th March 2019, the Sub-Committee determined that the Licence should remain suspended until such time as the previous DPS ceased to have any involvement with the premises and West Midlands Police had approved a revised operating manual. On that date, the Sub-Committee recognised that the transfer of the business to Mr Wayne Tracey was a positive step in overhauling the nature and style of the premises. The Sub-Committee recognised Mr Tracey's extensive track record of running a successful and well-established licensed venue in the city.

Since this serious incident, there has been a change in the holder of the premises licence and designated premises supervisor. The previous DPS, whom the Sub-Committee found to have been fully responsible for the lack of control over the incident on 18th March 2019, has no further involvement in the management or control of the licensed premises.

The Sub-Committee considered carefully submissions on behalf of West Midlands Police, which were positive about Mr Tracey's knowledge and experience in this sector. The Sub-Committee noted that Mr Tracey had been proactive and co-operated fully with West Midlands Police to address concerns relating to the crime and disorder objective and had developed a constructive professional relationship with West Midlands Police.

The Sub-Committee also carefully considered representations made on behalf of Mr Tracey, which described a well-regarded operator consistent with the representations of West Midlands Police. The operational plan, developed through discussion with West Midlands Police and put forward with their approval, was described as comprehensive. In addition, the Sub-Committee carefully considered representations on behalf of the landlord of the premises, which were supportive of Mr Tracey's intentions for the future trading.

Since the imposition of interim steps at the previous hearing, the Sub-Committee noted the efforts made by the premises licence holder to comply with the conditions of suspension, and to improve the operating conditions at the premises as above. The agreed conditions ensure that the previous DPS will continue to have no involvement in the management or control of the licensed premises. The management plan has been approved by West Midlands Police, who have confidence in the new licence holder and DPS. The management plan, subject to which the premises must operate, was drafted with input from West Midlands Police.

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

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the 2003 Act, the application and certificate issued by West Midlands

Police under Section 53A of the 2003 Act, the written representations, and the submissions made at the hearing by the police, and the premises licence holder and their legal representative and other persons, namely the representatives of the landlord.

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

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

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

The review of the premises licence was required following an application for expedited review on 21st March 2019, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006):-

(See document No. 2)

The following persons attended the meeting.

On behalf of West Midlands Police

PC Deano Walker – West Midlands Police

On behalf of the Premises Licence Holder

The holder of the premises licence did not attend and did not make any representations. The proposed transferee of the premises licence did not attend or make any representations.

* * *

The Chairman made introductions and outlined the procedure to be followed and enquired whether there were any preliminary matters.

PC Deano Walker on behalf of West Midlands Police explained to the Sub-Committee that it would be necessary to show CCTV in Private. This was due to the following:-

- ❖ That there was an on-going criminal investigation.
- ❖ That the CCTV was sensitive material and not in the public domain.

Mr Bhapinder Nandhra, Licensing Section, made introductory comments relating to the documents submitted.

PC Deano Walker on behalf of West Midlands Police, made the following points:-

- a) That on Saturday 16 March 2019 at 0326 hours a call was received from the Designated Premises Supervisor (DPS) advising that a disorder was taking place.
- b) Police arrived at 0336 hours and saw a lot of people, but no issues were reported when WMP arrived. The police left without making any arrest.
- c) On the 23rd March 2019 another disturbance took place at the premises and WMP recovered CCTV from the premises and Grace Church Shopping Centre.
- d) Police reviewed the CCTV and noted that there was a large disturbance taking place and the footage was sent to WMP. There was a lot going on during the CCTV recording.
- e) The incident started at 0318 hours, but WMP did not receive the call from the DPS until 0326 hours.
- f) There were periodic fights between customers resulting in a huge fight between 20 persons which had spilled out onto the road. The fighting and disorder occurred around the main entrance to the pub as well as in the road.
- g) Customers were thrown to the floor and kicked in the head whilst others were jumping over the security barriers and attempting to get back into the pub. It was clear that the incident had begun in the pub.
- h) A group of males were seen punching and kicking another male to the head, he made an attempt to get away, but was chased into the road where he was again knocked to the ground with a punch and was repeatedly kicked in the head. He was unconscious.
- i) At 0321 hours the barriers were pulled away from the smoking area and were used as missiles and thrown at the pub.
- j) At 0323 hours two males were seen attacking a car that was parked on the road in front of the pub, whilst at the same time fighting had again broken out near the entrance of the pub.
- k) A hooded male picked up one of the barriers and launched it at the parked car whilst another kicked the car before it sped off. The car involved was seen to turn around and speeding erratically back along South Parade and customers began to attack it again.
- l) At the previous hearing, CCTV footage showed door staff allowing customers to inhale nitrous oxide from balloons inside the venue and it showed the same door staff bursting them as they left the venue. These same door staff was still employed at the premises.

At this juncture, the Chairman advised that the public would now be excluded from the meeting.

EXCLUSION OF THE PUBLIC

5/170419

RESOLVED:

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

At this stage in the meeting having viewed the CCTV footage in private the public were readmitted to the meeting.

PC Walker continued:-

- a) That WMP had requested an expedited review. On Wednesday 10th April 2019, WMP was made aware of another incident that occurred at the premises after the Sub-Committee had suspended its licence.
- b) Officers attend the premises at 0301 hours following a report of disorder and found 6 to 7 people stood outside and one male with a bloody nose.
- c) Officers entered the premises and found the brother of the DPS/licence holder. Officers observed signs that a disorder had taken place, there was blood stained tissues on the floor and a strong smell of cannabis in the room.
- d) Nitrous Oxide canisters along with balloons were found on the floor and officers had observed cash in the till and customers had confirmed that alcohol was being sold.
- e) PC Walker then drew the attention of the Sub-Committee to WMP incident log on pages 21 – 22 of the evidence bundle.
- f) WMP was astonished that with the licence being revoked, that another incident had occurred as the premises had customer attacked and injured and the emergency services were not called.
- g) Member of staff was supplying nitrous oxide which was the same door staff from a previous incident. The DPS called WMP 8 minutes after the incident had started.
- h) The door supervisor duty log on pages 14 -16 of WMP evidence bundle stated that *'group of males kicked off outside ... police called all okay'*, which was not the case.
- i) The PLH had offered to undertake various improvements which had not being done – no CCTV, no dress code and no new drugs search policy. The licence was revoked by the Sub-Committee.
- j) As per an email to Licensing from Capita on the 3rd April 2019 it was noted that Santander UK PLC owned the freehold interest in the premises.
- k) It was further noted that neither the Sutton Tap nor the licensee had any legal right to occupy the premises and action was being commenced to recover possession of the premises.
- l) That the PLH/DPS still had no control and that the venue was synonymous for drunken crime, disorder, drug use and anti-social behaviour. That he had never seen such disregard for the licensing objectives in his 10 years of service.
- m) WMP was requesting that the licence be revoked for a second time.

Mr Joe Millington, Committee Lawyer, stated that the facts were relatively clear.

WMP was aware of the application for a transfer of the premises licence and had served evidence on the old and potential new PLH.

The Chair enquired whether the PLH had any legal right to occupy the premises given the email from Capita.

Mr Millington advised that the licensing officer had received information albeit out of time, but that the Sub-Committee need not be troubled by this today. This was a relevant factor to be taken into account.

The Chairman stated that the licence was previously revoked, but that the PLH had made an appeal to the Magistrate's Court. Since awaiting the review of the licence another incident had occurred at the premises regarding the summary review and last week another incident involving 6-7 individuals on the 10th April 2019. Three serious incidents had taken place between the first and today's hearing.

The first incident took place in January 2019 and the licence was revoked in February 2019. The PLH appealed the decision to revoke the licence. Since the appeal was lodged a serious disorder had taken place.

In summing up PC Walker, on behalf of WMP, stated that the CCTV footage that was shown in private for WMP. They had not worked with the PLH/DSP and there had been no dialogue with them at all.

Mr Millington enquired whether WMP was asking for revocation and for interim steps to remain in force. PC Walker confirmed that this was the request.

At 1440 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1444 hours, the meeting was reconvened and all parties were invited to rejoin the hearing. The decision of the Licensing Sub-Committee C was announced as follows:-

6/170419 **RESOLVED:-**

That having reviewed the premises licence held under the Licensing Act 2003 by **DG Entertainment Ltd** in respect of **The Sutton Tap, 67 South Parade, Sutton Coldfield, Birmingham, B72 1QU** following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines:

The Licence is REVOKED, with the interim step of suspension to remain in place until the end of the period for appealing against this decision, or the determination of any appeal made

In order to promote the prevention of crime and disorder, public safety, and the prevention of public nuisance objectives in the Act.

REVOKE LICENCE

The Sub-Committee's reasons for revoking the licence are due to concerns by West Midlands Police in relation to an incident of serious crime and disorder, involving the use of violence by a large number of people, on 16th March 2019.

This premises licence was previously revoked following an application for review. The premises licence holder pursued an appeal against that decision to revoke and was permitted thereby to continue to operate pending appeal against that earlier decision to revoke.

The incident forming the subject of the instant review of the premises licence under section 53A of the Licensing Act 2003 occurred with that appeal pending. The Sub-Committee has heard representations on behalf of West Midlands Police and has viewed CCTV footage of the incident. The footage depicts violence and public disorder involving a large number of individuals, originating from within the licensed premises, and spreading across the street.

The Sub-Committee observes with concern that this disturbance, which involved the use of violent punches and kicks against members of the public, continued for 8 minutes before a call was made to West Midlands Police. This is despite the presence of door staff at the time. The Sub-Committee also considered carefully the representations made on behalf of West Midlands Police that these same door staff were employed at the premises prior to the first decision to revoke the licence and remain employed despite assurances from the licence holder. The door staff failed to co-operate adequately with police on the night or assist in identifying any offender. No CCTV footage was made available from within the premises.

The Sub-Committee accepts the representations of the experienced officer of West Midlands Police that the operation of these premises demonstrates a total disregard for any of the licensing objectives. At a hearing on 22nd March 2019, this licence was made subject to interim suspension. Despite this, West Midlands Police (licensing) report a further incident of crime and disorder on around 6th/7th April 2019, which came to their attention on 10th April 2019. Officers attended the premises and found 6 to 7 people stood outside and one male with a bloody nose, blood stained tissues were observed on the premises floor, a strong smell of cannabis was present in the premises, and nitrous oxide cannisters and balloons lay on the floor. There was cash in the till and customers confirmed payment for alcohol, despite the suspension in force. The premises licence holder was not present, but his brother was on the premises.

The holder of the premises licence did not attend and did not make any representations. The proposed transferee of the premises licence did not attend or make any representations.

The Sub-Committee gave consideration as to whether it could modify the conditions of the licence, remove the Designated Premises Supervisor or suspend the licence for a specified period of not more than 3 months, but was not satisfied given the evidence submitted, part of which was heard with the public excluded from the hearing following a request from West Midlands Police, in accordance with regulation 14 of the Licensing Act 2003 (Hearings Regulations 2005), that the licensing objectives would be properly promoted following any such determination.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application and

certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 and the written representations and the submissions made at the hearing by the police.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision. The determination of the Sub-Committee does not have effect save for the interim step of suspension until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

OTHER URGENT BUSINESS

7/170419 There was no urgent business.

Meeting ended 1446 hours.

Chairman

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 1 MAY 2019

**MINUTES OF A MEETING OF LICENSING SUB-COMMITTEE C HELD
ON WEDNESDAY 1 MAY 2019 AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Mike Leddy in the Chair;

Councillors Barbara Dring and Neil Eustace

ALSO PRESENT:

Chris Arundel – Licensing Section
Parminder Bhomra – Legal Services
David Smith – Committee Services.

NOTICE OF RECORDING

- 1/010519 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.

DECLARATIONS OF INTERESTS

- 2/010519 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest are declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/010519 An apology was submitted by Councillor Nicky Brennan and Councillor Barbara Dring was notified as being the nominee Member.

4/010519 **OTHER URGENT BUSINESS**

Members noted that the report on the Licensing Act 2003 – Temporary Event Notice – The Mill, 29 Lower Trinity Street, Digbeth, Birmingham B9 4AG had been withdrawn, as the applicant had withdrawn the Temporary Event Notice application. There were no other matters of urgent business.

EXCLUSION OF THE PUBLIC

5/010519 **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 1 & 7)

BIRMINGHAM CITY COUNCIL

LICENSING SUB - COMMITTEE C - 15 MAY 2019
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**MINUTES OF A MEETING OF
LICENSING SUB-COMMITTEE C HELD
ON WEDNESDAY 15 MAY 2019
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Mike Leddy in the Chair;

Councillors Neil Eustace and Nicky Brennan

ALSO PRESENT:

Emma Rohomon – Licensing Section
Parminder Bhomra – Legal Services
Katy Townshend – Committee Services.

NOTICE OF RECORDING

- 1/150519 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.

DECLARATIONS OF INTERESTS

- 2/150519 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest are declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/150519 No apologies were submitted.

ANY OTHER URGENT BUSINESS

- 4/150519 There were no matters of urgent business.
-

EXCLUSION OF THE PUBLIC

5/150519

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

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 29th May 2019
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Club 101, 70 Hurst Street, Arcadian Centre, Birmingham, B5 4TD
Ward affected:	Bordesley and Highgate
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:
To consider an application to review a Premises Licence.

2. Recommendation:
To consider and determine the review application.

3. Brief Summary of Report:
Review application received on 9 th April 2019 from West Midlands Police in respect of Club 101, 70 Hurst Street, Arcadian Centre, Birmingham, B5 4TD. A representation has been received from 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.

<p>5. Relevant background/chronology of key events:</p> <p>The Chief Constable of West Midlands Police applied on 9th April 2019 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Club 101, 70 Hurst Street, Arcadian Centre, Birmingham, B5 4TD.</p> <p>A representation has been received from other persons, which is attached at Appendix 1.</p> <p>Review application is attached, see Appendix 2.</p> <p>The Premises Licence is attached at Appendix 3.</p> <p>Site location plans are attached at Appendix 4.</p> <p>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.</p> <p>The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -</p> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
<p>6. List of background documents:</p> <p>Copy of the representation as detailed in Appendix 1</p> <p>Review Application Form, Appendix 2</p> <p>Copy of Premises Licence, Appendix 3</p> <p>Site location plans, Appendix 4</p>
<p>7. Options available</p> <p>Modify the conditions of Licence</p> <p>Exclude a Licensable activity from the scope of the Licence</p> <p>Remove the Designated Premises Supervisor</p> <p>Suspend the Licence for a period not exceeding 3 months</p> <p>Revoke the Licence</p> <p>No Action</p> <p>Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.</p>

Entered
a

From: Piers Warne
Sent: 18 April 2019 08:15
To: Licensing
Cc: David Kennedy; Matthew Phipps
Subject: Club 101, 70 Hurst Street, Arcadian Centre B5 4TD: Representation in relation to review application

Importance: High

Dear Sirs,

Re: Club 101, 70 Hurst Street, Arcadian Centre B5 4TD

We act for L & C COMMERCIAL LIMITED who are the freehold owners of the above premises. Our clients makes the following representation to the review application relating to the above premises. Our client makes these submissions as a company that has interests, as landlords, in a number of licensed premises in the area and throughout the country, including Club 101.

We understand that review proceedings have been brought by WMP following allegations that breaches of the licensing objectives were witnessed during a compliance visit on 24 March 2019. In particular the allegations would, if proven, go to the prevention of crime and disorder and public safety licensing objectives.

As landlords of this premises, our client is in the process of reviewing the information received and will take into account any further information provided by WMP and the premises licence holders in relation to the operation of this premises. At that stage they will be in a position to make such further submissions in this matter as may assist the licensing sub-committee in determining this review.

As the Licensing Committee will be aware, the promotion of a safe, vibrant and diverse nightlife in Birmingham is key to ensuring that Birmingham's night time economy thrives. Our client supports that aim. As such, this representation is made in relation to all four of the licensing objectives.

Please confirm receipt of this representation and confirm that all papers relating to the review will be forwarded in due course.

Yours sincerely

Piers Warne
 Associate
 for TLT LLP

Recognised in The Times Best Law Firms 2019.

We've moved offices in Belfast to River House. Please update your records with our new address: River House, 48-60 High Street, Belfast, BT1 2BE. Visit our [website](#) for further information

Please be aware of the increase in cybercrime and fraud.

TLT will not send you information about changes to bank account details by email.

If you receive an email purporting to be from someone at TLT advising you of a change to bank account details it is not genuine. Do not reply to the email or act on any information it may contain. Instead please contact the person dealing with your matter immediately.

TLT accepts no responsibility if you transfer money to a bank account which is not ours.

Please note we do not accept service by email.

Birmingham City Council, PO Box 17013, Birmingham, B6 9ES

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

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 this 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. You may wish to keep a copy of the completed form for your records.

I The Chief Constable of West Midlands Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Club 101 70 Hurst Street Arcadian Centre	
Post town Birmingham	Post code (if known) B5 4TD

BCC Licensing Enforcement LICENSING SECTION DATE RECEIVED 09 APR 2019	
REF NO	
INITIALS	

Name of premises licence holder or club holding club premises certificate (if known) JHAG Entertainment Limited
--

Number of premises licence or club premises certificate (if known) 2796
--

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes
☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

Please state the ground(s) for review (please read guidance note 2)

The premises are a nightclub that operates within a special policy area in Southside, Birmingham city centre.

It currently has a licence for a number of licensable activities including the sale of alcohol that cease at 06:00 during the week and 24 hours over the weekend.

The premises have recently appointed a new DPS.

During a licensing compliance visit on the early hours of Sunday 24th March 2019, a licensing officer witnessed a customer using balloons to inhale nitrous oxide. This nitrous oxide had been acquired within the venue and was being openly used by the customer.

The supply of nitrous oxide is covered by Psychoactive Substances Act 2016.

WMP intended to investigate the supply of the balloons to this customer, to see if it was supplied by the premises directly (as has happened in other local venues) or there was someone supplying nitrous within the venue, posing serious concerns over the search procedure.

The investigation swiftly ended as the venue could not supply any CCTV.

On Sunday 31st March, a male was taken to hospital following an incident inside 101. The male had head injuries. WMP requested CCTV from the licence holder to investigate this incident and were again told that the CCTV was not working and therefore no evidence was available.

The premises are not operating in a manner which gives WMP confidence that the licensing objectives are being complied with. Offences have taken place inside the premises and they have failed to comply with conditions. The investigations have been frustrated by a lack of CCTV. WMP believe it is necessary and proportionate to bring this licence before a licensing subcommittee.

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Licensing Department West Midlands Police HQ Lloyd House Birmingham B4 6NQ
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please provide as much information as possible to support the application (please read guidance note 3)

Further evidence will be supplied in the evidence and disclosure bundle which will include email correspondence with the venue.

Have you made an application for review relating to the premises before

Please tick ✓ yes

☐

If yes please state the date of that application

Day			Month			Year		
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

ISMA SHAR

Date

09/04/19

Capacity

DULY AUTHORISED ON BEHALF OF CHIEF CONSTABLE

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Licensing Department
West Midlands Police HQ
Lloyd House

Post town

Birmingham

Post Code

B4 6NQ

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

2796 / 6

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Club 101 70 Hurst Street Arcadian Centre	
Post town:	Post Code:
Birmingham	B5 4TD
Telephone Number:	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence	
A	Plays
B	Films
C	Indoor sporting events
E	Live music
F	Recorded music
G	Performances of dance
H	Anything of similar description to that falling within (live music), (recorded music) or (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 - Thursday	10:00	-	06:00 A ,B ,C ,E ,F ,G ,H ,M3
	23:00	-	L
Friday - Sunday	10:00	-	09:59 A ,B ,C ,E ,F ,G ,H ,M3
	23:00	-	L

The opening hours of the premises			
Monday - Thursday	10:00	-	06:30
Friday - Sunday	10:00	-	09:59

BIRMINGHAM CITY COUNCIL

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

BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Jhag Entertainment Limited 16 Beaufort Court Admirals Way Docklands	
Post town: London	Post Code: E14 9XL
Telephone Number: Not specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 8969545

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

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 9545	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 28/09/2018

SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises— (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that— (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where

BIRMINGHAM CITY COUNCIL

the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

If the premises are to be used for any act, service, or other entertainment which is adult entertainment, the premises must notify in writing, both the Licensing Department at West Midlands Police and Birmingham Children's Trust, at least 28 days in advance, and both West Midlands Police and Safeguarding Children Board have the power to veto any such adult activity.

The premises will have a standard time for the cessation of licensable activities of 5am; if the premises wishes to operate past 5am for any licensable activity then the Designated Premises Supervisor must inform West Midlands Police Licensing Department in writing which dates they wish to use, for what purpose, and to what hour, at least 28 days in advance for a risk event (defined as an event that attracts a selected audience type attracted by the activity within the premises), 14 days in advance for a sporting event, and 7 days in advance for a non-risk event. West Midlands Police retain the power to veto any such increase in the standard operating hour if any of the four licensing objectives are/have been or are likely to be breached; such veto to be notified in writing to the Designated Premises Supervisor.

The Licence Holder will provide a training programme to ensure that all staff are briefed on the four licensing objectives, in particular to prevent underage drinking, drunkenness, the use of drugs and violent or anti-social behaviour and the need to protect children from harm.

C.C.T.V. system is to be installed at the premises to the specification agreed with West Midlands Police Licensing Department. C.C.T.V. is to be operational whilst the premise is open and be recording continually. Recordings are to be kept for minimum of 31 days.

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

If the premises uses any new promoter for any event, then for the first event the Designated Premises Supervisor for the premises will notify West Midlands Police Licensing Department at least 28 days before the first event, with a risk assessments for the event. The premises will not hold any new events without the agreement of West Midlands Police Licensing Department. Recommendations made to the Designated Premises Supervisor that satisfy the four licensing objectives will become conditions for that event.

Under normal operating conditions the premises will use 1-100+1 door supervisors per number of patrons inside the premises. This ratio may alter if the premises has risk events. Security numbers for these events will be part of the risk assessment, after consultation with West Midlands Police Licensing Department.

The premises are to maintain door staff profiles for all door staff working at the premises, and for any door staff that have worked on the premises in the last three months. The door staff profile will consist of identification for the member of staff which shall be a copy of picture ID with a current home address.

Door supervisors stationed outside the front of the premises will wear hi-visibility jackets/coats, and will have their SIA badge held in a clear arm sleeve. Door supervisors inside the premises will wear hi-visibility arm bands, again with their SIA badge held in a clear arm sleeve.

Staff are to be given ongoing training, including identification of anti-social or unusual behaviour.

Internal and external lighting is to be checked regularly.

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

A member of staff is to be trained in First Aid.

A Health and Safety risk assessment is to be carried out regularly.

A Fire risk assessment is to be carried out weekly

BIRMINGHAM CITY COUNCIL

The premises are to adopt best practices, such as the National Alcohol Harm Reduction Strategy.

Electrics, gas, fire and relevant equipment are to be checked and maintained in working order and tested annually.

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

Deliveries are to be monitored so as not to constitute a Public Nuisance.

A zero-tolerance policy toward drunken or anti-social behaviour is to be in operation on the premises at all times.

Management and staff are to voluntarily follow best practice, such as the control of noise emanating from the premises.

All staff are to be trained to ensure the quiet departure of patrons.

Ventilation is to be maintained to prevent odour and noise from constituting a Public Nuisance.

Recorded music sound levels are to be monitored so as not to constitute a public nuisance.

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

Persons under the age of 16 may be admitted only if accompanied by an adult.

No persons under the age of 16 permitted at the bar serveries.

Persons under the age of 18 years, if accompanied by an adult and using the premises for the purpose of a meal, can be on the premises Sunday to Thursday to 22:00 and Fridays and Saturdays to 20:30. No person under the age of 18 years shall be on the premises at any time when the premises are being used for adult entertainment and, for the avoidance of doubt, that includes performers.

The "Challenge 21" policy is to be implemented and the premises are to name the forms of identification they will accept. Only appropriate photo identification such as a passport or a driving licence are acceptable. "Challenge 21" literature and posters are to be displayed around the premises, especially at the front doors and by the bars.

BIRMINGHAM CITY COUNCIL

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

On 23rd January 2017 Licensing Sub Committee A, having reviewed this licence following receipt of a review application by Councillor Gareth Moore relating to flyposting, resolved to modify the conditions of licence as detailed under the objective below.

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

Additional Permanent Conditions:

1. The Premises Licence Holder shall, as far as is reasonably practicable, ensure that events held at the premises are not in any way promoted by the use of illegal fly-posting or unauthorised advertisements attached to street furniture.
2. The Premises Licence Holder shall ensure that agreements/contracts with promoters for the use of their premises or for events to be held at their premises prohibit the use of illegal fly-posting and/or advertisements attached to street furniture, and shall take all steps reasonable to enforce such agreement/contract terms. The Premises License Holder shall maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority on request.
3. The Premises Licence Holder shall take all reasonable precautions and exercise all due diligence to ensure that no person/company promoting or providing entertainment on the premises, nor any person acting on behalf of any promoters, shall display in an unlawful manner advertisements promoting the entertainment or the premises, in particular:
 - a) no display of advertisements should take place on street furniture;
 - b) no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the licensee has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to a responsible authority on request.
4. The Premises Licence Holder shall remove any unlawful advertisements of events at their premises where they become aware of them or they are advised by Birmingham City Council, its agent(s) or West Midlands Police of an illegal advertisement being displayed. Such removal shall take place within 48 hrs of receiving the said notice. If this is unachievable the Premises Licence Holder should contact the Head of Environmental Health to discuss actions being taken and to agree a revised reasonable timeframe.

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

N/A

BIRMINGHAM CITY COUNCIL

Annex 4 – Plans

The plan of the premises with reference number **107698-2796/6** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



Map Created By:

Date of Map Creation: 10/04/2019

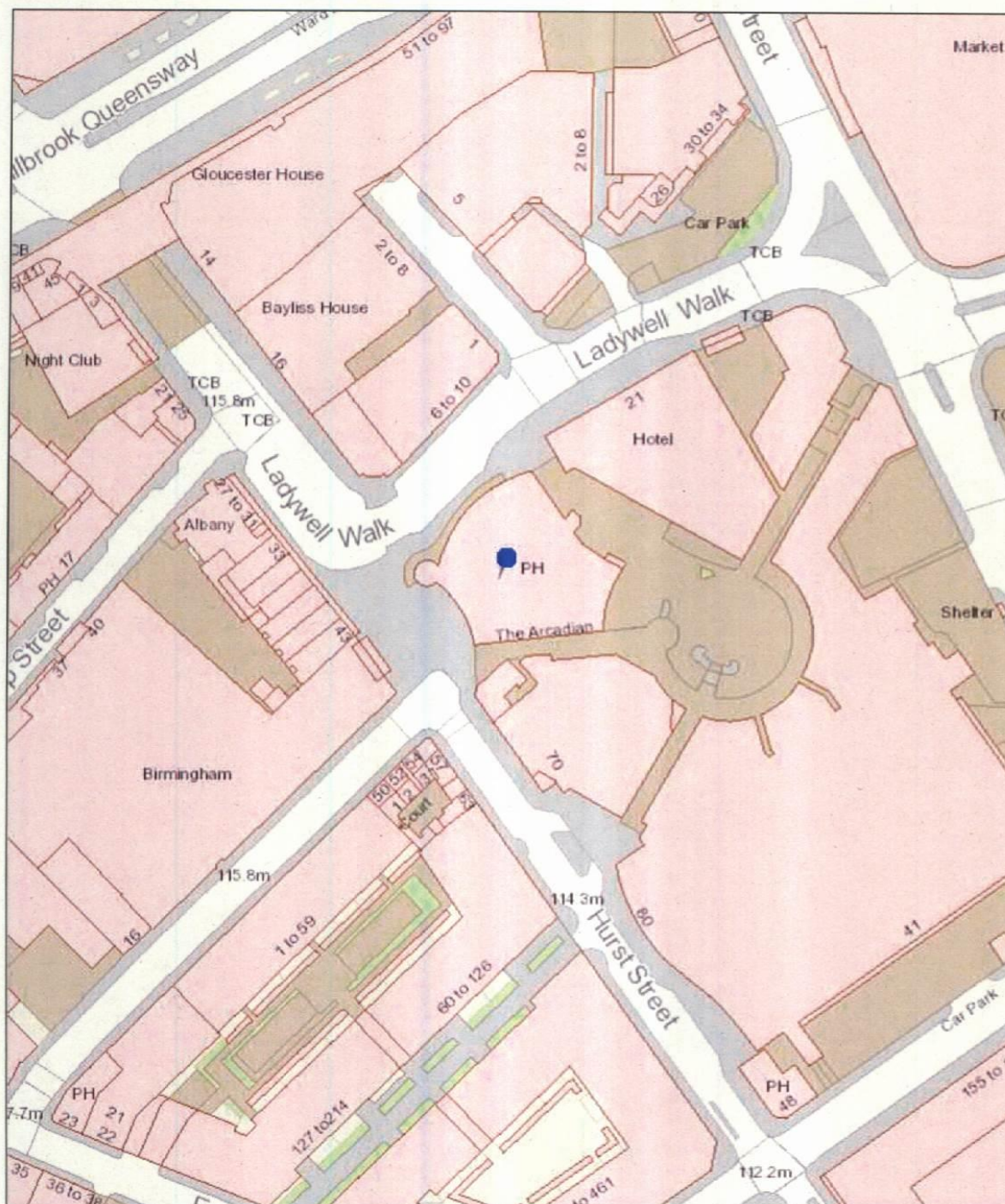
Notes

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1:4,000



Birmingham City Council Map Created By:

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Scale:
1:1,250

West Midlands Police

Evidence Bundle

Club 101

Content	Page
Statement PC Reader	1 – 3
Email Sgt Short	4
Referral form Sgt Short	5
Incident report venue	6 -7
Referral form PC Moore	8
Email PC Barnes	9
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Email reply from venue	12
Email request for CCTV	13
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Social media	18 – 21

WITNESS STATEMENT

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

Crime No. URN

Statement of Ben Reader

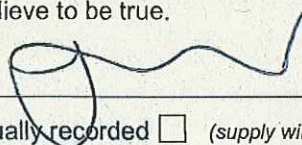
Age if under 18 Over 18 (If over 18 insert "over 18")

Occupation Police Officer

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

Signature:

(witness)

 2413Date 26th May 2019Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC 2413 Reader, a specialist licensing officer working at Lloyd House, Police HQ.

This statement is in relation to my dealings with Club 101.

I have been aware of Club 101 since it re-branded as 101, and prior to that when it was called Myyst. The venue does not open on a daily basis, it opens for promoted nights and for special events.

The venue markets itself as a very glamorous venue, it promotes heavily on social media. The videos on their social media page include staff in 'cages' with angle grinders creating sparks, the venue 'Startenders' delivering bottles to customers that have pyrotechnics attached to them. They also showcase the delivery of drinks when they serve multiple bottles in small cars with pyrotechnics attached.

Whilst the venue focuses time and energy into producing professional looking videos on social media, they have continually failed to provide confidence that they can operate a venue whilst promoting the licensing objectives.

City centre officers have been making referrals to the licensing team for a prolonged period and the licensing team have made several interventions.

Sgt Short referred a serious incident that took place on Saturday 18th November 2017 into the early hours of the Sunday. This was around a large scale disorder in the car park of the Arcadian where five people ended up with stab wounds/injuries. The appeared to be a gang related incident which originated inside 101.

The venue supplied an incident report in relation to this which will be supplied in the evidence bundle.

PC 21969 Moore made a licensing referral around an incident on 21st January 2018, I have attached this referral form. He raised concerns over employees in the venue being involved in disorder which escalated and lead to a disorder in the Arcadian car park.

Signature

03/2016

Signature witnessed by

Crime No.

URN

Statement of Ben Reader

The following weekend, PC Barnes made a further referral and raised some concerns over the management of the event and the professionalism of the security staff.

In early March 2019, Detective Ketterer from the complex crime team was making some investigations into an offence where a male produced a firearm at the venue. The investigation into this offence was impacted by staff at the venue not cooperating.

Due to incidents within the night time economy a licensing enforcement night was planned for Saturday 23rd March into the early hours of Sunday 24th March. This was in response to intelligence that multiple venues were supplying nitrous oxide within the night time economy. A venue called Stories, was already subject to a review process after nitrous usage was witnessed in December 2018. Another venue in the Arcadian centre had customers using Nitrous oxide the weekend prior which was captured on CCTV. I personally visited several venues that evening, specifically looking for evidence of nitrous oxide usage. I conducted a walkthrough of club 101 with PC Greenfield. During this walkthrough a male was in front of me with two balloons in his hand. He appeared shocked when I challenged him on why he had them, he told me that he had got them from inside the venue and genuinely seemed surprised that he had been taken to one side to be spoken to by police officers. John Sambo was with me and witnessed this. The male eventually said that a male who he didn't know approached him and had given him the balloons.

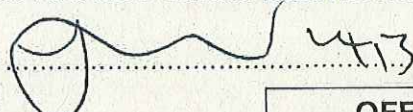
I was suspicious of this explanation so when I was back in the office I discussed the matter with my licensing colleagues. I then made a request on Monday morning to the venue to provide me with an incident report.

The following day the licence holder sent me a reply which was quite dismissive and suggested that as customers were wearing jackets, 'some customers might have been able to get through with a few canisters'. I replied to this message requesting CCTV as I wanted to investigate this further. I was told that the CCTV would be prepared. I had no update on this so I chased the venue again, I also asked them for an incident report from an incident that took place there on 31st March.

At this point I was informed that the CCTV was faulty and that no footage was available. I was also sent an incident report. This report described an incident where males had armed themselves with belts as weapons and door staff had to use force to eject them. From experience, I would expect that this would have resulted in a significant level of force being used.

The police involvement with this was that a male was spoken to by officers with injuries that at one stage were described by the ambulance staff as being potentially life changing. This was crimed as a malicious wounding, Crime reference number 20BW/77663E/19. The injured party in this wounding would not

Signature



Signature witnessed by

03/2016

Crime No.

3

URN

Statement of Ben Reader

cooperate in this matter and the crime was filed. The investigation was frustrated as the CCTV was not available at the venue.

This left two investigations unable to proceed. The CCTV could have been incriminating against the venue but was not available. Potentially it could have shown the venue supplying nitrous oxide on the weekend of 23rd March and could have shown a significant disorder in which staff assault people on 31st March. However, this has been reduced to a breach of conditions as the CCTV was not available.

I was concerned about the CCTV not being available so I visited 101 to conduct a licensing compliance check. The visit was captured on police body worn video. During the visit, I spoke with the DPS of the premises (Dennel Walker) at length in the manager's office. During this conversation, Dennel gave me no confidence that he was capable of complying with the licence conditions or promoting the licensing objectives, in fact, he could not tell me what they were. I intend to show this footage to the committee so they can see why the DPS caused me to doubt his capability.

On leaving the venue, I then spoke with security outside of the premises. Again, they did not give me confidence that they were operating professionally and in a manner which would promote the crime and disorder objective on the clubs behalf. I will show the committee this CCTV so they can see why I doubted their professionalism.

I have also produced some CCTV footage of a disorder that took place on 7th April. This starts at the door of the premises and escalates outside of the venue. A male is seen with a bottle using it as a weapon. The disorder needs police intervention to disperse it when officers deploy incapacitant spray.

The management of the venue seem overly focused on promotion and publicity. The licensing objectives seem to not be a priority. If there are issues at the venue, officers are having to chase the venue for incident reports instead of the venue being proactive and having a grip of incidents.

Signature

03/2016

Signature witnessed by

Ben Reader

4

From: Mark Short
Sent: 20 November 2017 22:21
To: Ben Reader
Subject: 101

Ben.

Just a quick email regarding the above location.

On Saturday night, Sunday morning we had a massive disorder in the Arcadian carpark where 5 people ended up with stab wounds/injuries.

This appeared to be a follow on from an incident that happened inside 101. From cctv we have recovered so far and witness accounts this seems to have been an argument between local gangs and a gang from up north.

One of the offenders was arrested in possession of a lock knife, and other weapons had been used, I believe this shows a poor search procedure as it appears that they would have got into the club with these weapons.

This I believe is the second time our shift have arrested someone who has been inside 101 with a knife, also they appear to be allowing customers to exit the club with large champagne bottles, again these have been used as weapons.

I will find more information out and do a licencing referral.

shorty

Restricted (when complete)

Licensing Referral Form (Disclosable)

18/11/17.

Referring Officer	5507
Reference number	
Venue	101, ladywell walk
Point of contact at venue	
Was DPS present at venue?	Unsure as this was discovered via cctv
Incident Details	<p>A large scale violent disorder occurred within the car park of the Arcadian centre, 20bw/249511b/17 this was linked back to 101, checking cctv we can clearly see that this disorder has started at the venue and continued after, during interview offenders have stated that they had all been in 101 when the disorder started</p>
<p>Which of the licensing objectives do you believe are applicable?</p> <ul style="list-style-type: none">• Prevent crime and disorder• Prevent public nuisance• Prevent harm to children• Promoting public safety	<p>I feel that the venue have not prevented crime and disorder as they have allowed people into the club with weapons, I male arrested after the disorder was in possession of a lock knife, he had been in the club prior to the disorder, they are also allowing customers out of the premises with large champagne bottles which can be used as weapons.</p> <p>From cctv it does not appear that door staff attempt to diffuse the disorder or get involved in anyway, this does not help prevent public nuisance or promote public safety.</p>

6

Club 101 present the official UK Dimes party

Club Night Report

Event 18/11/17.

Overview :

Doors opened at 10:30 with 6 security on the door, 1x door picker

Security on duty: 16x security (from 10:00- finish)

Seized Items: No seized items, no seized weapons or drugs

Door Picker:

Refused entry to more than 75 people, no exact number recorded. This is because they did not meet the club standards for dress code or attitude this was supported by front door security.

Dispersal Plan:

Music ended at approx 03:45, security started instructing and customers were slowly leaving the club.

Club Entry: 435 people entered the venue throughout the night, this is excluding customers that had previously left the building.

Attendees Information: Many high profile customers, mostly footballers.

Incident report: At the end of the night as customers were leaving, there was a situation towards the exit doors upstairs, two groups of guys were in a confrontation. Security attended as soon as possible and tried to defuse the situation. One group refused to calm down and seem to put up resistance. As the club is now closed, the security insisted that they should leave. shortly, the Security team had to forcefully get them out of the venue. No one was physically hurt during this process but it did cause some commotion.

Once the group were taken outside, the group started fighting outside shortly after, some security again went over in an attempt to help defuse the situation but everyone was scattered out and mixed up. Security returned back in to the venue to complete close down.

Summary:

The night was very busy, all tables had sold out in advance so we already knew and we were prepared. Overall quality of customers was very good and controlled by the door team. The vibe was also very good and everyone enjoyed themselves.

7
Generally no problems through the whole night with customers with exception to the ending situation. Possibly one of our best nights so far at 101.

P.S

The club phone on Sunday 20th/11/2017 had minimal calls for complaints and enquiries for things like lost property or any of misunderstandings. This is a sign of a good night.

Kind Regards

Club 101 administration

Unit A304, The Arcadian, 70 Hurst Street, Birmingham B5 4TD

Licensing Referral Form (Disclosable)

Referring Officer	PC. 21969 Moore
Reference number	
Venue	101 Bar, ladywell Walk
Point of contact at venue	Owner of the bar (name not obtained at the time)
Was DPS present at venue?	No
Incident Details	<p>At about 0430 hours on the 21st January 2018 officers were called outside the front of 101 Bar to reports of small pockets of disorder. At the time the club was kicking out and several groups were loitering around outside. Officers have witnessed at least three people carrying fairly full glass bottles of spirits outside from the venue.</p> <p>During the incidents of disorder a female wearing a pink top was being held back and shouting at a group of males. A white male wearing a peaky blinder style cap and thin glasses was shouting at other door staff saying "Get [redacted] back inside". The male with the glasses was later pointed out to me to be the owner of the venue. (Due to the disorders I did not get his name). The female [redacted] was pulled back inside towards the doorway of 101. I went over and spoke to the manager who stated that she was an employee of the club.</p> <p>Suddenly the female [redacted] ran back over towards the group of customers from the club and threw a punch at them which missed. Due to this the situation kicked off again and another disorder started due to this. The employee [redacted] was dragged back inside and managed to be kept inside. I had to go and speak with the manager to tell him to restrain his staff otherwise she will be arrested.</p> <p>After the disorder had subsided a group of females and males started walking off down towards the Arcadian and through to the car park. Officers then shouted up for further help as another disorder had kicked off within this group. It took about 15 minutes to ensure that the groups dispersed and no further incidents took place. Due to all the groups being kicked out at the same time the disorder was made worse.</p>
Which of the licensing objectives do you believe are applicable?	Promoting public safety. Prevent crime and disorder.

Ben Reader

9

From: David Barnes
Sent: 30 January 2018 05:15
To: Ben Reader
Cc: Lee Bartram
Subject: 101

Hello Ben

It's been a while since I sent you a email in regards to a venue and any issues. This email though is in regards to 101 from the previous NTE (27th Jan 2018).

I was posted outside 101 for pretty much all night as I feel the venue doesn't operate how it should. During the night I monitored 101 for the basics i.e. queue control, keeping accurate numbers and searching of individuals.

I have to say that the venue didn't manage any of what I just mentioned and required Police involvement on several occasions to set things right. The following is what was wrong with the venue as I feel more needs to be done with this venue before it turns into another Mono Bar.

1. I watched the queuing for the venue and noticed that they had 3 queues, one for men, one for women and one for tables. My issues was that the venue had no control of the queues and found that people just gathered around the barriers. This created mass crowds in front of the venue making it hard for queues to be maintained.
2. Searching was shocking and missed several keys areas of the body when searching people i.e. the middle of the back near the waist band. I also found that anyone the door staff knew didn't get searched this included several gang nominal's linked to the Burgers. After a while the door staff started to let people in without being searched, even though they told me they were getting searched behind the door, which I found a bit suspicious as this was out of my view.
3. From midnight to 3am I asked for the numbers. The numbers they gave me were under by 15-20 people each time. The door staff could see I was keeping a written tally and kept asking what numbers I had even though it wasn't my job to keep them. The last numbers they gave me they was over by 30 from the tally I had. I said if they had clickers to help them keep count, they then only showed me one. They said they didn't have a clicker for out going so this is why their numbers were out.
4. The club did have it's attendance of gang nominal's who were allowed entry into the venue without being searched. Instead they were welcomed with open arms. Other gang nominal were told no but argued with door staff who eventually let them in.
5. Finally the balcony. I feel that the balcony is a hotspot for incident. One member of the public was walking by when a drunk person from the balcony dropped a big glass bottle of vodka over the edge narrowly missing the person. I also feel things can also get thrown up to people on the balcony like weapons.

Finally the strong smell of cannabis that comes from the venue every time they are open for business.

If you can suggest a course of action to take I'm all ears.

10

Ben Reader

From: Edward Ketterer
Sent: 18 March 2019 11:45
To: Ben Reader
Subject: FW: Club 101 BW/22201E/19

Ben

This job relates to the 101 male with handgun.

I'm still having a real problem speaking to door staff at this venue –From speaking to a few people I have learnt that other door staff members were present who were not disclosed to me by the club.

I have since identified persons in the stills, the problem I've got is people who I've seen taking cover on CCTV are declaring they didn't see anything – [REDACTED] was initially spoken to who stated he was upstairs, he was later identified as the person who was seen on the door using his radio, and taking cover when this incident was escalating out of view from the CCTV. Other doormen I know were present are declaring they did not see anything.

This issue has been complicated by [REDACTED] who has left the club half way through my enquiries.

[REDACTED] had appointed [REDACTED] who in fairness has done what he can to assist (or appeared as such) however short of telling me that he has asked them to call me, I have had no joy.

Is there anything that can be done here in relation to licencing because this is impacting on the investigation massively.

Thanks

Ed

From: Edward Ketterer
Sent: 03 March 2019 13:47
To: Ben Reader
Subject: Club 101 BW/22201E/19

Ben

Screen shots of the males on the door looking to identify who I believe may be witnesses...To clarify I don't necessarily believe they have behaved in any way that will require any licencing intervention

PIC one is the bloke who left the premises and chased after the male. I am guessing the bloke next to him in the hat is [REDACTED]?

Pic 3 is the male who isn't wearing a badge but is clearly searching people who enter premises.

I spoke to [REDACTED] who said he handed over that door in November and isn't involved in the running of it. He said he wasn't present that night.

11

On Mon, 25 Mar 2019 at 10:16, Ben Reader <b.reader@west-midlands.pnn.police.uk> wrote:

Jeiso,

I was very disappointed to see the male using balloons within the premises on Saturday night.

Please can you send over the incident reports for the evening please

Thank you

Ben

Police Constable 2413 Ben Reader

Licensing Department

Birmingham West Local Policing Unit

Police Headquarters,

Lloyd House,

Birmingham,

B4 6NQ

Direct Dial – 0121 626 6099

Tel - 0345 1135000 ext. 801 1669

Email - b.reader@west-midlands.pnn.police.uk

Twitter @brumlicensing

Preventing crime, protecting the public and helping those in need

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12
Ben Reader

From: Club 101 <101nightclub@gmail.com>
Sent: 26 March 2019 12:11
To: Ben Reader
Subject: Re: Incident in 101

Afternoon Ben,

I have spoken to security search about a more thorough search on the door. As it's cold now and most people arrive in jackets, some customers might have been able to get through with a few cannisters.

I've attached the picture of the incident book from the night, it was generally a smooth night not the busiest night we've had in the last few weeks.

Kind Regards
John

13
Ben Reader

From: Club 101 <101nightclub@gmail.com>
Sent: 26 March 2019 16:56
To: Ben Reader
Subject: Re: Incident in 101

Ben,

I will get Donell to prepare the footage on usb ready for Wednesday?

The event tomorrow is the 'OVO DJ after party' promoted in house by our Saturday promoters.
i will send you more details on the event info document.

Kind Regards
John

On Tue, Mar 26, 2019 at 2:15 PM Ben Reader <b.reader@west-midlands.pnn.police.uk> wrote:

John,

Thank you for sending this across.

It has been raised with my Sgt and will need to be investigated further.

Please can you supply the CCTV for the premises from 00:30 – 01:00 so that we can try to identify the person who has sold him the canisters.

Can you also please confirm the details for event tomorrow evening at the premises.

Thank you

Ben

Police Constable 2413 Ben Reader

Ben Reader

From: Robert Piper
Sent: 31 March 2019 17:32
To: Abdool Rohomon; Ben Reader
Subject: 101 Incident

Hi Ben, Abdool

I just wanted to draw your attention to a possible incident involving bouncers at 101. 20BW/77663E/19 and log 474 of 31/03/19 refer.

In essence male located on Lower Essex St. by night officers with injuries which Ambo first thought were life changing. Ultimately they were not. IP refused statement but stated he was assaulted by bouncers inside 101. Unfortunately, earlies were unable to conduct CCTV enquiries as venue now closed.

If you require anything further please let me know.

Rob

*Police Sergeant 20864 Rob Piper
Birmingham West Neighbourhood Policing Unit
City Centre Neighbourhood Team 3
Digbeth Police Station
Allison Street
Birmingham
B5 6DT*

*Tel. 101 Ext. 844 6306 or 07826 920032
Mail: r.piper@west-midlands.pnn.police.uk*

To report crime and anti-social behaviour which does not require an emergency response, please call 101. In an emergency, dial 999. Contact West Midlands Police on 0345 113 5000 if you are calling from outside England and Wales.

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

Sign-up for neighbourhood policing alerts at www.wmnow.co.uk

Follow us on social media

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www.facebook.com/westmidlandspolice

www.youtube.com/westmidlandspolice

Preventing crime, protecting the public and helping those in need

Please consider the environment before printing this e-mail.

Ben Reader

From: Club 101 <101nightclub@gmail.com>
Sent: 04 April 2019 04:59
To: Ben Reader
Subject: Re: Incident in 101

Hi ben,

we had some issues with our CCTV last week so we were not able to remove any footage from the system, i actually called a company to come and have a look and i was told the system is temperamental as its pretty old, so it needs changing. The same issue occurred again over the weekend so we have had a quote for a new set up for this weekend to make sure it works properly.
I do apologise, as it is not enabling us to assist you as required but this should be dealt with from this weekend moving forward.

The report from the weekend will be with you today (Thursday), as i have not had the chance to log in on the club computer.

Appreciate your patience.

Kind Regards
John

On Tue, Apr 2, 2019 at 1:24 PM Ben Reader <b.reader@west-midlands.pnn.police.uk> wrote:

Hello John,

Is the CCTV available now please?

Also, do you have any incident reports from Saturday night going into Sunday morning? We have an injured male reporting assault inside the premises.

Thank you

Ben

Police Constable 2413 Ben Reader
Licensing Department
Birmingham West Local Policing Unit

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101 Nightclub Birmingham

Saturday 30th March 2019

Club Night Report

Overview:

Doors opened at 10:30pm

Finish time: 4:00am

Security on duty: 16x security (from 10:00- finish)

Seized Items: No seized items, no seized weapons or drugs

Door Picker:

Refused entry to more than 15 customers for no ID or not adhering to the dress-code policy.

Dispersal Plan:

We ask the DJ to stop music at approx. 3:45am, security now wait for 15-20mins before instructing customers to leave. This is always to allow customers to leave in smaller numbers and less pressure. We feel that this provides a friendlier approach towards the end of the night which we believe brings less problems towards the end of the night

Club Entry: 375 people entered the venue throughout the night, this is excluding customers that had previously left the building.

Incident Report

Location: Top of Stairs

Time: 3:15/3:30am

Description:

The door staff were called to incident regarding two groups of males in the club. The door team did their utmost to try and calm the situation down but it was clear that the two groups of males did not want to listen to what the door staff was advising.

some of the group were escorted towards the exit and were asked politely to please collect their belongings and leave the club as they were rather intoxicated at the time.

This took a little longer than usual as the group of males didn't want to leave and kept trying to explain what was going on. In that time the other group came towards the exit too and made the situation worse.

Now both groups of males are escorted towards the front balcony exit to calm the situation between the group of males and to move the heated situation away from the club. some of the males were stating that they will wait for door men outside the club until they had finish their shifts. Some of the males started to take their belts off their clothing and started to get very boisterous towards the door team making threats. The doorman then decided to call

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for assistance in the matter and at that time 8-9 other doorman on shift decided to go and help to escort the males out of the club.

Once the doorman arrived the group of males decided to start attacking the doorman with their belts, the doorman had no other choice then to use force to control the situation.

The door team eventually managed to get the group of males outside to the front of the venue. Once outside there was police support and everything calmed down. Door staff then returned to their positions and escorted the rest of the customers out of the building as it was the end of the night.

Summary:

The night itself was good, there was no issues inside the venue, as usual.

The only issues mentioned above happened at the end of the night and was handled swiftly by the door team and managed well considering the situation both the customers and the door team was put into.

We've found taking scans of all male customer's ID has deterred most trouble from occurring, we will continue to do this and pass on any images of customer that are banned to the local police.

Kind Regards

John Sambo

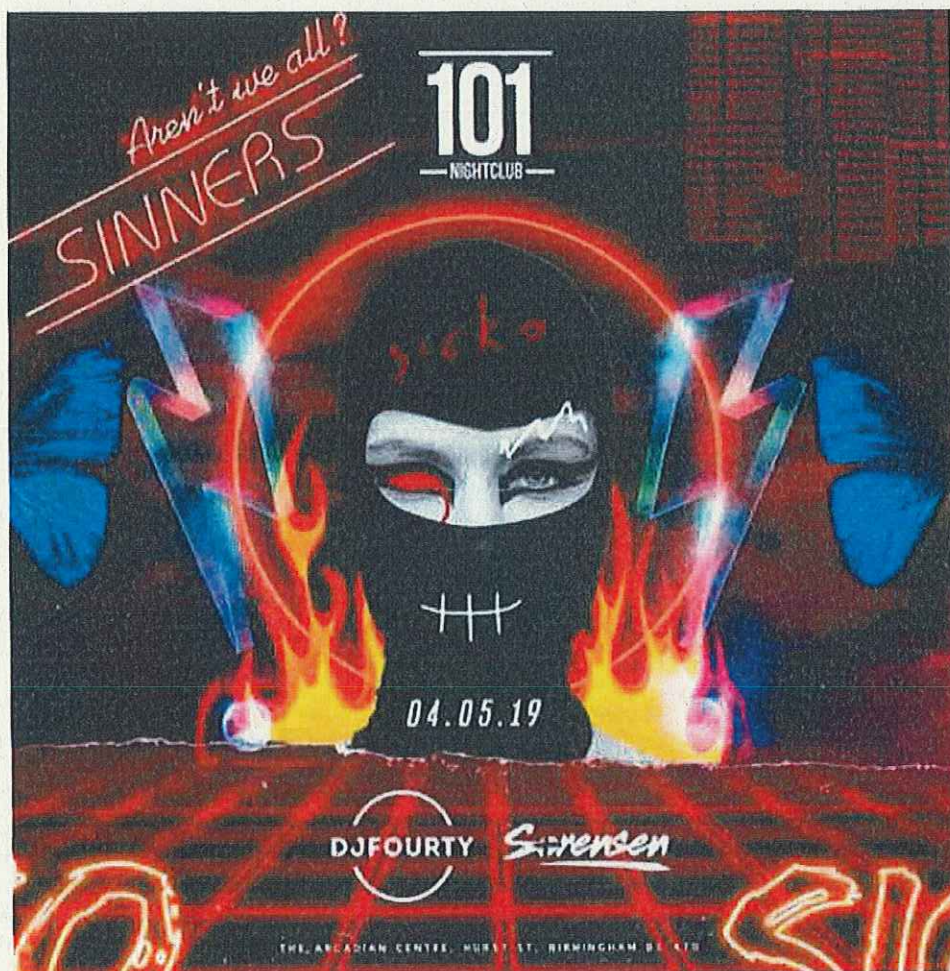
Club 101 administration

Unit A304, The Arcadian, 70 Hurst Street, Birmingham B5 4TD


101 Nightclub

29 April at 11:33 · 🌐

This Saturday it's SICKO! Come party UK/USA 🇬🇧🇺🇸 @101nightclub with
 @olliesorensendj and @djfourty_ on the decks 🎧 🎵 Limited tables
 available so book yours before they SELL OUT 🎫 tables hosted by our
 STUNNING 101 STARTENDERS 🥳 #101lifestyle #UKtoUSA #itsalifestyle
 #101birmingham



101 **101 Nightclub**
23 April

This SATURDAY it's SICKO @101nightclub with @shaqfivedj and @jamskiidj on the DECKS 🎧 101 STARTENDERS 🍷 serving your tables so book yours before they SELL OUT! Dm for Guestlist and come join the LITTY COMMITTEE 🔥 and party UK to USA style 🇬🇧🇺🇸 #101lifestyle #itsalifestyle #101nightclub #101birmingham



Decent place, we had a £1000 VIP table which was lovely however the gents on the table next to us kept allowing people up into to the area. The staff are obviously not fussed about who is in VIP and who isn't, there were about 20 unwanted guests around our table for a majority of the night and not much we could do about it. Not much rum selections with the VIP packages also.

Date of experience: February 2019

Worst Place Ever!! Avoid like a plague!

Went out with some friends for a birthday do and thought it be an epic night. However the reasons for the night being epicly awful was something else. Bouncers from the start felt a bit off. Being on the guest list and staff not being able to locate names. No clear policy in place as going out the front door one staff said need a wrist band another said stamp and another said it's fine. The place itself looked okay and had some good features to it. Can't believe I had something nice to say about this place. However by the end of the night the bouncers were getting more edgy and disrespectful. They ended taking one of my friend out by force for no reason so decided to follow through. There was a bit of disagreement amongst why we were being thrown out where all the bouncers about 8 or more were looking like they wanted to fight and gave off negative energy. Trying to move away the issue the bouncer started punching my friend and it was an awful sight to behold. I tried moving my friend away but then other bouncers got involved and was punched on the face for no apparent reason. Upon wanting to make a formal complaint and wanting their names and badge numbers not a single one complied. Spoke to the so called manager and asked to put in a formal complaint and wanting the badge numbers of bouncers she refused. Will be surely taking this further and to investigate as the way me, friends and a lot people in that in were treating totally unforgiving. The worst place ever to go to. Do not recommend this place at all. If you fear for your lives and don't like violence avoid this place at all cost. Management please stop acting like babies and take responsibility for what happens in your club.

Date of experience: February 2019

Not recommend it

So I've been around the world and I would not recommend 101. The club is horrible and there was a fight and the bouncers don't care who they attack. I was just a by stander and I was attacked by the bouncers for being there. If you do go then stay away from the bouncers.

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The bar has feel of a nice blend of different ethnicities all at once, but it is not a typically a place you would enjoy yourself as it has a heavy demographics of drug lords and fake girls who only want to show off, the music is amazing and the drinks are over priced (even though i admit to knowing the manager and getting in for free and getting free drinks once in while)

It can also be heavily over crowded and people tend to spill drinks all over there shoes and intimidate each other.

Date of experience: August 2018

