

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C 30 MAY 2019
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**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE C
HELD ON THURSDAY 30 MAY 2019
AT 0930 HOURS IN COMMITTEE ROOM 6,
COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM**

PRESENT: - Councillor Martin Straker Welds in the Chair

Councillors Bob Beauchamp and Simon Morrall

ALSO PRESENT

Shaid Yasser, Licensing Officer
Joanne Swampillai, Committee Lawyer
Errol Wilson, Committee Manager

NOTICE OF RECORDING

- 1/300519 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

- 2/300519 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

- 3/300519 There were no Nominee members.
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**LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW STORIES,
30 LADYWELL WALK, BIRMINGHAM, B5 4ST**

The review of the premises licence was required following an application for expedited review on 3rd May 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

Carl Moore – Agent
Sarah Clover – Barrister for the Premises Licence Holder
Mr Olu – RG8 Security
Jerome Goode – Premises Licence Holder
Obi Miller – Premises Licence Holder
Ryan Gough – Designated Premises Supervisor
Michelle Ray -

On behalf of West Midlands Police

PC Ben Reader – West Midlands Police
Superintendent Ian Green – West Midlands Police
James Rankin – Barrister for 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.

Preliminary Matters

James Rankin, Barrister on behalf of West Midlands Police (WMP), expressed thanks for the time and that they would concentrate minds on the issue to be debated and worked at a formal consensus. He advised that there were two preliminary points – the first was the conditions. The second was regarding the CCTV footage. Mr Rankin requested that the CCTV footage be shown in private due to the Police investigation.

Sarah Clover, Barrister on behalf of the Premises Licence Holder stated that there was no issue with the CCTV footage being shown in private. She added that in relation to the conditions, they came as a surprise and they were not fully in agreement.

Although the Sub-Committee did not express a view or an agreement on the preliminary matter raised in connection with the viewing of the CCTV footage, it was noted that there were no members of the public present at the meeting.

Shaid Yasser, Licensing Section, outlined the main points of the report and made introductory comments relating to the documents submitted.

It was noted 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.

CCTV footage – Stories, 30 Ladywell Walk, Birmingham, B5 4ST

Having viewed the CCTV footage, James Rankin on behalf of WMP, made the following points:-

1. When the issue was dealt with by the Sub-Committee on the 3rd May 2019, Ms Clover made a number of comments and had criticized the Police.
2. During the course of the hearing Ryan Gough, Designated Premises Supervisor (DPS) made statements of his knowledge of what was going on in the premises. What he stated to the Sub-Committee on the 3 May 2019 was untrue. There was a real disconnect to what the case was and the Police in terms of what Mr Gough told the Sub-Committee.
3. It was accepted that Ms Clover was disadvantaged at the hearing on the 3 May 2019 as the police statement and the CCTV footage was not ready. Ms Clover had interjected and prevented PC Reader from reading statements.
4. The Police had now collated a number of statements and had served them on Ms Clover and the CCTV footage will show the Sub-Committee a snapshot of what went on prior to the Licensing Sub-Committee hearing on the 3 May 2019.
5. Mr Rankin referred to page 10 of 62 of the decision notice (bottom of page) “... *cause of the serious disorder appeared to originate from the patrons ...*” The position today was that we fundamentally disagree with that.
6. The Sub-Committee was entitled to decide that, but he will be calling Superintendent Green regarding the risk assessment that was not complied with. “Members were concerned ...” top of page 11 of 62, which was well founded, but this was a large scale violent disorder for 35 – 40 minutes until WMP got control.
7. 49 police officers with three dog units and Neighbouring Police Units taken off duty elsewhere and sent in to deal with the situation. They accepted the criticism that what was presented on the 3 May 2019 was not truly what was presented.
8. They were seeking revocation or suspension of the premises licence or a curtailment of hours and the removal of the DPS and the implementation of the seven conditions which he will be handing over to the Sub-Committee to determine what was appropriate by the Sub-Committee.
9. The Sub-Committee needed to be aware that nitrous oxide was sold on the premises and the risk assessment condition on the licence – page 16 of 62, paragraph 4 from the bottom of the page up.

10. It may be said that this was minor variation and that that decision did not bind them at the time of the review and was not binding on the premises Ms Clover might say.
11. But, as a matter of law that was not correct as it was binding as of the 20 April 2019 and the event took place on the 29 April 2019
12. They did not comply with the 28 days' notice, but the DPS should have alerted WMP as to what was going to happen. If WMP had been alerted, the policing would have been different as Superintendent Green will tell the Sub-Committee.
13. Even if Ms Clover was right, it was disingenuous for her to state that the conditions were not binding when these were volunteered conditions. It was for them to comply with the conditions and the police views were that they were there to assist. They would not have stopped their event.
14. Ms Clover may state that they attempted to consult with WMP in the past regarding the So Solid Crew and Skengdo events, but WMP declined to intervene. These were the groups attending where the Police stated they had no input to give, but they would have objected to the event of the 29 April 2019.
15. Mr Rankin drew the attention of the Sub-Committee to Sergeant Alex Roobottom's email on page 50 of 62 and stated that Sergeant Roobottom and his team had an unrivalled knowledge of these Urban Streets Gangs.
16. There was a guest-list on the 29 April 2019, if the police had received that notice they would have consulted Sergeant Roobottom and would have resources such as armed units and enhanced resources, dog units etc.
17. WMP would also consult with the operator and advised them that they needed to increase their security and their search procedures. They would not have stopped the event.
18. Even a couple of days before would allow them to enhance the contingency plans in time. Instead the operators had done an in-house risk assessment which was an error. Ms Clover stated that previously WMP did not assist, but that was not correct as resources would have been put in place.
19. The event that took place on the 29 April 2019 was entirely preventable or if not preventable the impact would be substantially reduced.
20. Mr Gough did not comply and did not give the police a copy of the guest-list. He did not cooperate with the police. He misled the Sub-Committee on the 3 May 2019 and led the Sub-Committee to form a favourable conclusion of Mr Gough which was wrong.
21. Mr Gough denied that at the time he engaged with the police there was nothing happening inside. He stated that there were pockets of tension and then invited the police inside. When he went inside he saw people with bottles etc. PC Reader could not comment as he had not seen the CCTV.
22. Outside, Ryan Gough stated *could we have some help inside please as a fight had just kicked off upstairs*. He told the Sub-Committee that he was outside, but this was not correct as at 0253 hours a fight had kicked off inside from the CCTV footage. This was important as he had misled the Sub-Committee.
23. Page 10 of 62, two paragraphs up from the bottom "Having heard the Barrister's ..." This was a view that was favourably taken of Ryan Gough, but the view taken today was that he could not be trusted as he knew what

was happening upstairs and got Ms Clover to downplay the issue with the Sub-Committee.

24. Within one minute and 18 seconds of the CCTV footage, and 30 seconds after speaking with Mr Gough, the first stab victim was escorted out of the premises. For the DPS to state it was a minor incident that had taken place, the CCTV footage will show the Sub-Committee the inside and outside of what was taking place at the premises.
25. Some of the police officers stated that it was the *worst violence that they had ever seen and sheer pandemonium*. The officers were outnumbered as there were as many as 200 persons outside the premises and the other victim was either glassed or bottled when the police were trying to do their job.
26. The question we should ask ourselves was what would it be like for the police on the night
27. SIA Security was proactive at first and people were challenging each other. There was a large number with bottles and taking off their shirts. The police had to deploy pepper spray to ward off a number of attackers. One man took up a traffic cone to attack the police and the police had to pepper sprayed him.
28. The police on the instruction of their inspector formed a line and drew their batons to protect themselves and to quell the situation. It was astonishing that in the course of this only one officer was assaulted.
29. A number of other witnesses were in *paper form* on the 3 May 2019. PC Vaughan page 36 of 62 was one of earlier arrivals at 0250 hours had a conversation with Ryan Gough – “pockets of tension”, fight in full flight upstairs, “fight had kicked off upstairs”.
30. The police felt slightly intimidated and slightly profiled and were themselves un-anticipatory of the level of violence that took place. The police was able to retrieve a bottle from one of the persons. The security had removed several males from the front of the premises (page 38 of 62) and it had taken them 38 to 40 minutes to fully disperse the crowd.
31. PC Atkins at page 39 of 62 arrived at 0300 hours in time to see the second victim that came out of the premises – a victim of the glassing and several people leaving the premises spilling onto the car park in a confined area with tension high. The police had to constantly push people away from those they were attending and to protect themselves.
32. On page 42 of 62 a man in a white T-shirt picked up a traffic cone and would have struck the police with it. PC Bentley page 41 of 62 was present when the police officer was assaulted by a man who was inside the premises. Ryan Gough supports this making out that a man was carrying a knife in the premises page 53 of 62 a man in black and white appeared to open the knife and the later CCTV footage of him appeared to dropped it on the dance floor.
33. PC Ben Reader was then invited to show the CCTV and Web Cam footages to the Sub-Committee of the incidents that took place inside and outside the premises.

At 1153 hours the Sub-Committee was adjourned for a comfort break.

At 1212 hours the Sub-Committee was reconvened.

In response to questions Superintendent Ian Green, WMP stated that:

- The police position was to plan 12 months in advance and the Wednesday prior to the event they had reviewed all events coming up and had put in place everything to cover Broad Street.
- The staffing model was made to adapt to Friday and Saturday. Sunday was normal, but had they known about the event that took place on the Sunday he would have put more resources in.
- The Night Time Economy (NTE) events were bigger and any events where they had Organised Crime Groups (OCG) and Urban Street Gangs (USG) these would be flagged to ascertain whether more resources would be needed.
- Forty-eight hours would have been a luxury to ensure that they put in appropriate resources in. With this event having spoken with PC Roobottom, they would have put in 36 Officers as they had only 20 for the Sunday.
- A risk assessment would also be done in relation to the event. They knew something was happening through West Midlands Police Licensing Department as this was part of the work in relation to any risk events.
- If they were issued with a copy of the guest-list, they would have assessed whether this was a medium risk or normal event and would have had more police present.
- Based on the security need they would have undertaken a risk assessment and would have uplift or advised that the event could not take place, but they were not informed that the event would be taking place.
- The first time he had heard of the event was when he was asked to for debrief and then realised that it was too serious of an incident and requested an expedited review. The police was not notified of the event and it was the responsibility of the premises to notify the police of such events.

Mr Rankin continued.

Music events may have a certain following and some artists attract gang members following. Had the police been issued with a copy of the guest-list, they would not have had gang members on it.

Superintendent Green continued

- They would be able to cross reference the list of names who may have been invited to the event – single solo gang was a huge risk.
- They would have looked at the totality of the risk and their standard days were rag rated Green for the lowest level risk and there were Amber events and Red events.
- Amber was middle of the road where they uplift their resources. High risk events were as seen on the CCTV and Body Cam footages of the event that had taken place.
- Weekends were Red status and if there was no high risk event it would be Green rated. If they had altered their security they would put more resources in. They had a standard policy on the NTE.

(Superintendent Green left the meeting at 1230 hours as he had a prior engagement).

At this juncture, Sarah Clover, Barrister for the Premises Licence Holder requested that the CCTV footage be shown again. Mr James Rankin, Barrister for WMP agreed to this request. A brief discussion ensued and the Chair agreed for the CCTV footage to be used. Mr Rankin stated that he had no objections, but added that the CCTV footage was sent to the premises last week.

On behalf of the premises, Sarah Clover, Barrister, Mr Jerome Goode, Premises Licence Holder and Mr Olu, RG8 Security made the following points in relation to the CCTV footage and in response to questions from the Sub-Committee:-

- a) They had put measures in place and had done a lot more than other venues. The CCTV footage showed the entrance and exit, the Arcadian Car Park etc. They had provided everything requested by WMP within 24 hours.
- b) The male in the white top and the male in the multi-coloured top were picked out, but it was not a multitude of people that was involved in the incident. A pocket of people were trying to intervene in relation to the two males. Friends were moving over friends to try and stop what was happening as this was a friends and family event.
- c) Everybody was effectively from the same group and rival gangs would not come to a Birthday Party. It was the same male in the second clip of the CCTV footage that came and hit the person and there was no commotion.
- d) The 4th clip was after the male had hit the person with the bottle. He was then confronted by the person in the multi-coloured top. The dispersal then seemed to move to the upper area.
- e) At 0256 hours when Mr Gough was outside he was dealing with an incident. Whilst he was outside he was not able to say what was happening upstairs. At the last hearing Mr Gough stated that he would not use the words “large scale disorder”.
- f) The bar staff were moving things and putting them on the rear bar. Only one punch was thrown. The section of people who had caused the issue was five persons. It was difficult if you had friends and family, for the security to intervene and this was the same issue outside.
- g) Friends and family were trying to intervene which would not happen if this was a public event. The male in the white top struck someone then took another bottle and then a third which he had thrown on the floor.
- h) The bar staff were dragging people onto the bar to protect them. The male in the multi-coloured top threw a punch. The area screened off was in a triangle and there was no confirmation that there was any stabbing. This was a laceration of 1 to 2 inches on the left hand side of the head below the ear and the nature of the injury was of concern.
- i) Although a knife was handed in, there was no connection with it and the injury. There was a single issue of violence outside with the police by the male in the multi-coloured top.
- j) Mr Gough was outside speaking to the police when the other incident upstairs took place. There was no uplift in staff as it was a family event. Only those persons on the guest-list were allowed in the building and it was uncertain whether the police were aware of the event.
- k) There was only one arrest of the person assaulting the police officer. They disputed the numbers based on the number of guest on the guest-list they had extra security outside. Security was not only increased on risk, but on

popularity.

Sarah Clover, Barrister for the Premises Licence Holder made the following statements:-

- 1) In relation to the Summary Review on the 3rd May 2019, the incident on the 29th April 2019, there was a need to put things into context. It took WMP four days to serve the Summary Review application. PC Ben Reader had these statements at the Summary Review. The Premises Licence Holders (PLH) did not hear anything about this until the Summary Review was served on them.
- 2) PC Reader stated that he had not seen the CCTV footage. The evidence had been gone through and the Sub-Committee would have had that summary, the police had a bulk of it and that they had regarded it as the worst incident that they had seen which was subjective. WMP flagship application was that the DPS should be removed.
- 3) At the interim steps WMP argued that the DPS should be removed. She contended that nothing had changed and that the Sub-Committee was hearing the story and narrative as to what happened.
- 4) The Sub-Committee was concerned with what the PLH or staff did wrong that could change the outcome. They were not focussed on where and how it all started. The issue was whether there was something that could be pointed at to say this was something that was in breach of the licence.
- 5) The Sub-Committee's reaction was that they were satisfied with the way the issue had been dealt with. The question now was what purpose would be served with those steps going forward.
- 6) There were two things – bad management and the premises in breach of the conditions of licence by not having a risk assessment. The application in relation to the last variation was put in place to show the risk assessment to WMP. The minor variation application comes on the back of a previous review regarding the nitrous oxide.
- 7) WMP was not inviting the Sub-Committee to go back to that review as an informal meeting. The only relevance was that the premises used its own judgment and took action i.e. draft up a variation and a number of conditions which was relevant to that issue.
- 8) The premises had now devised a risk assessment and will share this with the police. Emails were also sent to PC Reader who advised that he was not going to respond now. A minor variation was included in the premises licence on the 5th April 2019. The regulations were specific as to what happen after.
- 9) Mr Rankin made it 20 days, but the minor variation was granted by a tacit consent which was incorrect. PC Reader stated that the change to the variation was effective. The Sub-Committee did not give a written determination and nothing from the Licensing Authority. The law stated that this would be a deemed refusal.
- 10) The premises were implementing their own minor variation, but this was not included on the licensing conditions. None of the things that needed to have happened took place. This was not an official condition on the licence.
- 11) On the previous occasions where the premises had voluntarily presented their conditions, PC Deano Walker stated that they had to make their own

judgment. None of this was in dispute, but Mr Rankin and Superintendent Green had mentioned these. PC Walker did not take the risk assessment and put it to Sergeant Roobottom and the premises decided on what they needed to do.

- 12) It was highly speculative about how the knife got into the premises. The conditions were designed to keep the place locked down. The Sub-Committee was looking at what things could be done differently. There had been no other incidents apart from the nitrous oxide. The police was walking the premises on a weekly basis.
- 13) This event was slightly different as the patrons were from outside of town and were not the normal patrons. The issue was what was different now to persuade the Sub-Committee to come to a different conclusion.
- 14) In relation to what Mr Gough had stated or did not state was hotly disputed. PC Perks stated that that Mr Gough had stated that *there was a massive fight that was going on*. What the Body Cam stated was clear, Mr Gough stated that *there was a fight going on inside will you help us*. He did not say there was a large scale disorder going on as that was not his language.
- 15) The Police was in a car when they say there was a disorder. The Sergeant stated that they needed to deal with this on their own. From the Body Cam there were not a lot of questions and answers going on – this was not a blame game.
- 16) The police stated that Mr Gough was not a good DPS, but the CCTV footage was an hour out. People were not milling about and nothing was happening at 0259 hours. At 0255 hours Mr Gough was standing under the 'S' of the Stories sign and at 0256 he was speaking with the police and the footage they were seeing was from 0315 hours.
- 17) The police reaction when Mr Gough requested their help they were not *pinged* into action. Their assessment of the situation was not high threats. Superintendent Green stated that had he seen the guest-list he would have put on more resources, but the officers outside the premises did not change anything as nothing happened.
- 18) To lose a man his job and the premises a competent member of staff, the question was what the purpose of this was. For a night club competing in the arena they were competing in was curtains.
- 19) They were not in a different position than they were in on the 3rd May 2019. There were conditions that were proffered this morning that they had no problems with, but ladies being checked by knife arch would be a problem.
- 20) If a female came to the premises that could be searched they would be treated the same as a male in terms of a search. The curtailment of hours and the removal of the DPS were the sticking points.

At this juncture, Councillor Beauchamp commented that the hours proved to be exemplary with what had happened last month.

In response to questions, Ms Clover made the following statements:-

- There was no proof to say that the curtailment of hours was the magic. The typical hours of trading were until 0400 hours.
- There were no correlations between the hours being cut and the seven

events. They never had any incident on their normal trading, they never pushed the boundaries and always tried to maintain things on a professional standard and felt that they had managed things well.

- It was not a matter of the premises nor was it a matter of time, but a matter of people not the venue hours. There was nothing wrong in principle in the way the premises acted today. If there was, the police would have brought evidence to that effect.
- In terms of what they would do to stop it they would start going to the end of the prohibition of scale. The basic security of the premises was good. The correct way to go about it was to review the risk assessment line. It was not an on-going situation, it was now a condition and the police will get them and react accordingly.
- The knife arch will be there permanently. The submission to the Sub-Committee was not to do these two things – the curtailment of hours and the removal of the DPS, but to accept the rest of the conditions.

At this juncture the Chair advised that the Sub-Committee will be taking the decision based on the information submitted by both parties. He disputed that this would be done on any other grounds.

Ms Clover continued

- They did commercial music that appealed to a wide crowd that appeal to everyone. In house events were marketed and they would have some of the best Disc Jockeys (DJ) and did not have events that would cause problems.
- So Solid Crew held an event in Wolverhampton which resulted in a large scale disorder, but they decided that they would not hold the event as they had no support from licensing.
- An artiste called Skengdo had approached them regarding an event and they had contacted licensing who advised that they were unsure about the event. They took the decision to cancel that event although Skengdo had performed at the O2.
- On another occasion they had an event and were required to produce the guest-list to the police, but the police did not collect it. They did what they thought was best and going forward they would be doing so.
- Having a dog unit outside the venue would not be a good thing. They were more than happy to co-operate with anything the police requires them to do.
- In terms of the security, there were pockets of incidents happening. The person picking up bottle and throwing it on the floor – the security was trying to separate this person from the crowd to reduce the conflict. The communication was sufficient as the incident reports were issued on the night.

In summing up, Mr Rankin for West Midlands Police stated that in terms of what difference the hours make, the answer was given by Councillor Bob Beauchamp. The premises operated without incident taking place over the last month. Ms Clover asked the question *what the premises did wrong. We signed up to the risk condition and the police was alerted to the event*, but we did not do so. Ms Clover stated that there was no need to mire the Sub-Committee in legalese. We did not need to argue whether the condition was or was not included in the licence.

The premises did not alert the police to the fact that the event would take place. Would there being a difference? Yes, there would as Superintendent Green stated that have he being given that information he would have provided more resources. What Mr Gough said or did not said to the Sub-Committee, it was difficult for the police to present the information to the Sub-Committee on the 3rd May 2019, was because Ms Clover presented the officer from doing so.

Page 10 of the document gave the distinct revelation of Superintendent Green. They were not shown the Body Cam of Mr Gough stating that there was a fight kicking off upstairs. He did not come to the Sub-Committee *with clean hands*. The police response to So Solid Crew would be the same as put in the risk assessment. This was not true and the police would have taken advice and give an informed view. The guest-list was of interest to the police as they could have provided spotters on the night of the event.

There were hierarchical differences from the same gangs and would cause trouble. Only two assaults could be identified on camera and the difficulties were that others were not making any complaint. Mr Rankin remarked that Ms Clover questioningly stated that the crucial point was that Mr Gough was outside the premises asking the police for help. There was an attempt here to blame the police. The fight outside the police could deal with, but if you had a fight kicking off inside and the police radioed for help, they waited for back-up to arrive. He requested that no weight be placed on Ms Clover's statement – the locked knife dropped on the dance floor – to suggest that this was not used.

WMP was requesting the following: -

- ❖ A reduction in the number of hours operated by Stories.
 - ❖ The removal of Mr Ryan Gough as DPS.
 - ❖ For the conditions to be imposed as listed below:
1. The Premises Licence Holder shall ensure that weekly Incident Reports are sent to West Midlands Police (Birmingham Central Licensing Team). The Reports shall include details of any incidents which have occurred at the premises, and also the details of the security staff who were on duty at the premises that week
 2. All members of security staff shall wear body cameras for the duration of their duty as directed by West Midlands Police, and the premises shall follow all Police instructions relating to retention and disclosure of footage. The body cameras must be capable of recording images and audio at all times
 3. Each member of security staff (whether working outside the premises, or in the main reception, or in the licensable area) shall clearly display a unique number in a format approved by West Midlands Police, for the purposes of distinguishing each from the other members of the security team. Each member of the security team will have the number allocated to them when they sign on duty and this shall be recorded and retained by the premises
 4. A knife arch shall be installed and operated, through which all patrons shall pass when entering the premises
 5. SIA numbers shall be assessed on a risk assessment basis
 6. Dog security shall be provided on a risk assessment basis

7. All glassware shall be polycarbonate, except for bottles; bottles shall only be supplied to those customers seated in booths, and then only provided that the said bottles are secured by chain

Mr Rankin requested that these conditions be imposed as appropriate and sufficient.

In summing up for the premises, Ms Clover made the following statement:

- ✓ The contention that she had prevented PC Reader from presenting his case was not correct. The Sub-Committee took the decision with advice from the lawyer that this should not be done in reading a long list. The police had not reacted to the premises attempt to put in a risk assessment. The premises did highlight a risk assessment.
- ✓ In relation to Mr Gough, there was nothing that he had done to warrant his removal from the premises as the DPS and he had always maintained what he had stated to the police.
- ✓ The curtailment of hours for the interim steps cannot be accepted. The better test was how the premises had behaved according to their previous hours. To attempt to do so on an on-going basis would be crippling for the premises and would amount to revocation.
- ✓ The second condition was not contentious – one member of the door staff wearing Body Cam was sufficient seeing there was the CCTV. They were not in agreement for everybody to wear one. The Data Protection laws needed to be observed regarding the Body Cams.
- ✓ In terms of Condition 3 – each member of the door staff to wear a number on their tabard which was nice and big. This principle was not contentious, but not nice and big numbers.
- ✓ Condition 4 – the knife arch - there would be heightened tension in a queue and this would cause problem. It had not escaped their attention that women could bring knife etc. as well. This assessment should be made on a case by case basis. Women could be patted down or body searched.
- ✓ Condition 5 – additional security done on a risk assessment basis. Condition 6 – this was agreed.
- ✓ Condition 7 – in terms of the tethered bottles, Nuvo was the only place this was being done. This would be a huge impact on trade and was not terrible effective up and down the country. If people were determined to find a weapon in licensed premises, they would find one. The track record of the premises was good.

At 1434 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1549 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:-

4/300519

RESOLVED:-

That having reviewed the premises licence held under the Licensing Act 2003 by **New Era Birmingham Limited** in respect of **Stories, 30 Ladywell Walk,**

Birmingham, B5 4ST, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines that the Premises Licence shall remain in force, and that the Premises Licence shall be modified as follows:

Additional conditions recommended by West Midlands Police shall be adopted as conditions on the Premises Licence, namely:

1. The Premises Licence Holder shall ensure that weekly Incident Reports are sent to West Midlands Police (Birmingham Central Licensing Team). The Reports shall include details of any incidents which have occurred at the premises, and also the details of the security staff who were on duty at the premises that week
2. All members of security staff shall wear body cameras for the duration of their duty as directed by West Midlands Police, and the premises shall follow all Police instructions relating to retention and disclosure of footage. The body cameras must be capable of recording images and audio at all times
3. Each member of security staff (whether working outside the premises, or in the main reception, or in the licensable area) shall clearly display a unique number in a format approved by West Midlands Police, for the purposes of distinguishing each from the other members of the security team. Each member of the security team will have the number allocated to them when they sign on duty and this shall be recorded and retained by the premises
4. A knife arch shall be installed and operated, through which all patrons shall pass when entering the premises
5. SIA numbers shall be assessed on a risk assessment basis
6. Dog security shall be provided on a risk assessment basis
7. All glassware shall be polycarbonate, except for bottles; bottles shall only be supplied to those customers seated in booths, and then only provided that the said bottles are secured by chain

TAKE NOTICE THAT:

- Those interim steps previously imposed by the Licensing Sub-Committee, at the meeting held on 3rd May 2019, shall cease to have effect
- Mr Ryan Gough shall be permitted to remain as Designated Premises Supervisor
- There shall not be any curtailment of the existing hours

The Sub-Committee's reasons for imposing these agreed conditions are due to submissions made by West Midlands Police. The Sub-Committee considered that the correct course was to adopt the additional conditions proposed by the Police, for the following reasons.

The wearing of body cameras by all security staff, and the prominent display of a unique number on each member of security staff, were sensible recommendations given the disorder that had been seen in the early hours of 29th April 2019, in which the security staff had lost control to the extent that the Designated Premises Supervisor went outside and asked passing Police Officers for help.

The requirement for a knife arch, and the requirement that all patrons without exception should be made to pass through it, was also sensible given that a knife

had been discovered on the dancefloor, and handed to the Police by the Designated Premises Supervisor, following the disorder on 29th April.

The condition requiring bottles to be tethered was also an excellent safety measure, given that the carrying of glass bottles around the premises by several patrons, during the chaotic events of the 29th April, had caused a great deal of concern to the Police. The Sub-Committee noted that tethered bottles had also been introduced at other premises in Birmingham on Police advice.

All in all, the Sub-Committee considered that the adoption of the Police's additional conditions would ensure that the premises would be able to improve all aspects of their operation, and therefore would reduce the likelihood of serious crime recurring at the venue.

In light of the adoption of the additional conditions suggested by the Police, the Sub-Committee is satisfied that the review does not require the licensing authority to take any further steps to promote the licensing objectives. The Sub-Committee considers the Police conditions imposed to be appropriate, reasonable and proportionate to address the concerns raised regarding the likelihood of serious crime and or serious disorder.

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 Guidance issued by the Home Office in relation to expedited and summary licence reviews, 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 West Midlands Police and their legal representative, and by the premises licence holder and his legal representative.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is a 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 there is an appeal against the decision, until such time as the courts have dealt with the appeal.

OTHER URGENT BUSINESS

7/300519 There was no urgent business.

Meeting ended 1551 hours.

Chairman

