

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 02 AUGUST 2023 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

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/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and 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 they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3 - 24

4 **MINUTES**

To note the Public part of the Minutes of the meeting held on 28 June at 1330 hours.

To note the Public part of the Minutes of the meeting held on 5 July 2023 at 1000 hours.

25 - 86

5 **LICENSING ACT 2003 PREMISES LICENCE – REVIEW LEVANA, THE ARCADIAN, 70 HURST STREET, BIRMINGHAM, B5 4TD**

Report of the Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am.

6 **OTHER URGENT BUSINESS**

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

7 **EXCLUSION OF THE PUBLIC**

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

Exempt Paragraph 3

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

1 **MINUTES**

To note the Private part of the Minutes held on 28 June 2023 at 1330 hours and to confirm and sign the Minutes as a whole.

To note the Private part of the Minutes held on 5 July 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 28 JUNE 2023

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 28 JUNE 2023 AT 1330 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Zafar Iqbal and Penny Wagg.

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/280623

NOTICE OF RECORDING/WEBCAST

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2/280623

DECLARATION OF INTERESTS

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interests flowchart which provides a simple guide to declaring interests at meetings.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/280623 No apologies were submitted.

MINUTES

4/280623 That the Minutes of the meeting held on 7 June 2023 at 1000 hours were noted, and the Minutes as a whole were confirmed and signed by the Chair.

**LICENSING ACT 2003 – SUMMARY REVIEW – VELVET MUSIC ROOMS,
GROUND FLOOR, CUMBERLAND HOUSE, 200 BROAD STREET,
LADYWOOD, BIRMINGHAM, B15 1SU.**

On Behalf of the Applicant

Mark Swallow – West Midlands Police (WMP)

On Behalf of the Premises Licence Holder

Heath Thomas – Solicitor
Danielle Hadley – Director
Eilish Collins – General Manager
Steve Emmison – Designated Premises Supervisor (DPS)
Martyn Green – Security Compliance Officer
Abdool Rohomon – Expert Witness
Mike Olley – Westside BID Manager

* * *

Following a delay due to a MS Teams outage issue the meeting started at 0215 hours.

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

Mark Swallow, on behalf of WMP, requested that the Committee allow him to screen some CCTV footage from the toilets. However, he further requested that this evidence be screened in private due to the on-going investigation and sensitivity around the footage.

Heath Thomas, on behalf of the PLH company did not object to the application submitted by WMP and also wished to screen CCTV footage in private, he therefore requested that the whole hearing be held in private.

Following a short adjournment to consider the requests submitted by the representatives of WMP and the PLH company, the Chair announced that the whole hearing would be held in private, particularly to ensure consistency and to allow Cllr Iqbal an opportunity to comment on/speak freely regarding the footage. The other Members were present at the Interim Steps hearing which was held in private and the Committee wanted to ensure Cllr Iqbal was not disadvantaged. Therefore, the Chair announced that the meeting would be held in private.

There was further discussion regarding who should be present during the private session and Heath Thomas outlined the present parties roles on behalf of the PLH company. He added that it was important that all witnesses remained in the private session in the interests of fairness.

Following a short adjournment, the Chair advised that all parties on behalf of the PLH company would be permitted at the private session.

David Kennedy, Licensing Section, outlined the report.

The Chair then advised that the private session would start, and all parties moved over to the separate private Teams session.

At this stage the Members, officers and other parties joined a separate MS Teams meeting which was held privately.

EXCLUSION OF THE PUBLIC

5/280623 **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.

The public were readmitted into the meeting.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision of the Sub-Committee was announced in public, then a full written decision was sent to all parties as follows;

6/280623 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Sugar Leisure Ltd in respect of Velvet Music Rooms, Ground Floor, Cumberland House, 200 Broad Street, Ladywood, Birmingham B15 1SU, following an application for an expedited review made by a Superintendent on behalf of the Chief Officer of West

Midlands Police, this Sub-Committee hereby determines that:

- the conditions of the premises licence shall be modified by way of the adoption of all those conditions proposed by West Midlands Police at pages 43 and 44 of the Committee Report published on CMIS [see below]
- the interim steps which were imposed at the Sub-Committee meeting of 7th June 2023 shall be modified, in that they shall be replaced with all those conditions proposed by West Midlands Police at pages 43 and 44 of the Committee Report published on CMIS, and thereafter shall remain in place pending the determination of any Appeal

The Sub-Committee also requires the premises to re-submit the licence holder's evidence bundle in such a redacted form that it can be published on CMIS without delay, and by 16.15 hours on 29th June 2023 at the latest.

The conditions proposed by West Midlands Police at pages 43 and 44 of the Committee Report published on CMIS are as follows:

- On Fridays and Saturdays or on any evenings where promoted events take place from 21.00hrs all customers/artists/DJs to be searched on entry. This search to include metal detection. No search means no entry
- On Fridays and Saturdays or on any evenings where promoted events take place from 21.00hrs premises to operate an ID scanner. All customers will be required to provide ID to satisfy the scanning requirement. No ID or ID not accepted then no entry
- All staff will be trained in (crime) scene management. This training will be documented and signed by the trainer and trainee. These training records to be made immediately available to any of the responsible authorities on request
- The premises security risk assessment for deployment and numbers will be made available to any of the responsible authorities immediately on request
- All door staff to wear either a hi-visibility coat, jacket or tabard
- The premises to ensure that door staff will wear body cams. There will be a minimum of 50% of door staff on duty who wear a body cam. These cameras will record throughout the tour of duty with images & audio, be downloadable and be made available to West Midlands Police on request. Images will be kept for a minimum of 31 days
- Door staff to sign on and off duty. Each entry will include their full SIA licence number. This documentation to be made immediately available to any of the responsible authorities on request and kept on the premises for a minimum of 2 months
- Premises to keep a profile of all door staff to include a copy of their SIA licence, photographic ID (or if photographic is not available then a copy of a utility bill, no older than 3 months). These profiles to be kept on the premises for a minimum of 2 months after the last shift
- The premises will have a staff member on duty that is first aid trained
- The premises will have a bleed kit available on site

- The premises will maintain an incident register. Each incident will be signed off by the DPS or their nominated deputy. The incident register will be made available to any of the responsible authorities on request

The Sub-Committee's reasons for the determination were due to the concerns which were expressed by West Midlands Police in relation to matters pertaining to serious crime and/or serious disorder, which had come to light as outlined in the Superintendent's certificate and application. The Sub-Committee accepted the advice of the Police that the risks of further serious crime and/or serious disorder could only be managed satisfactorily via the adoption of the Police's suggested conditions.

The Police were represented at the meeting. The licence holder company was represented by its solicitor. The director of the licence holder company also attended the meeting, accompanied by several others (who were either from the Velvet Music Rooms or supporting it).

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. The Police explained that to view the CCTV evidence in public could prejudice an ongoing criminal investigation; in addition, one of the three Members had not been part of the panel for the Interim Steps meeting on 7th June 2023, and had therefore not seen the CCTV at all. The Police therefore asked for the Sub-Committee to go into private session to view the CCTV.

The solicitor for the premises remarked that the premises also had CCTV recordings which it wished to show in private session, and suggested that the best course was to hold the entire meeting in private session. He confirmed that the entire party associated with the premises had all viewed the CCTV and/or had close involvement with the preparations for the Sub-Committee meeting.

The Sub-Committee considered that the proper course was to hear all of the evidence and submissions in private session. This was to ensure that all three Members had a proper opportunity to be able to see the evidence and comment freely on it, and to ensure that the licence holder company was able to properly address the Police submissions without the need to avoid mentioning those parts of the evidence shown in private. This would ensure fairness to all parties.

The meeting therefore went into private session and Members heard the submissions of West Midlands Police, namely that the certificate, which had been issued by a Superintendent under s53A(1)(b) of the Act, related to an allegation of serious crime and/or serious disorder which had happened at the premises in the early hours of Monday 5th June 2023.

The Police summarised the investigation thus far – exactly as detailed

in the Report. The incident had been the subject of a crime report for wounding, per s18 of the Offences Against the Person Act 1861. A criminal investigation was under way. CCTV from inside the premises was played to the Sub-Committee.

The Police felt that the breakdown of the security arrangements at the premises was the central issue which had led to the incident. The risk assessments for operation on the night had either not been followed, or had been completely inadequate; a weapon of some kind had found its way into the premises and had then been used to commit a wounding. The person responsible had then left the premises; enquiries were ongoing.

The Police felt that the only suitable remedy was the adoption of suitable conditions onto the premises licence. These had been submitted in advance of the meeting and were in the Committee Report. The offence was very serious as it had been aggravated by the use of a weapon and had been committed by persons who were in the premises when it was carrying out licensable activities.

The Police observed that at the meeting of the 7th June 2023, the interim steps proposed by the Police had been approved by the Sub-Committee. Since then, the premises had operated with the new conditions in place, and the Police had observed that as a result there had been no issues. The Police had been invited to view the premises' CCTV, which had not been available at the time of the previous meeting.

The situation in the period since the previous meeting had cemented the Police view that the risk assessments for the event on the night in question had been completely inadequate, and that the search regime had not worked. The Police therefore requested that their conditions (proposed in the Committee Report) should be adopted permanently onto the licence; in addition, the interim steps should also be replaced with these proposed conditions, and thereafter maintained pending the determination of any Appeal.

Regarding the hosting of promoted events, the Police confirmed that their request was that all events where the external promoter was either independent of the venue, or acting in concert with the venue, should be included. However, the Police were aware that the licence holder company had not agreed the proposed conditions, and had instead submitted its own suggested conditions.

The Sub-Committee then heard from the licence holder company, via its solicitor. Six witness statements had been submitted in advance of the meeting; the Members confirmed that they had read these. The solicitor introduced the party of six persons from the premises, which comprised: the director of the licence holder company; the general manager of the venue; the designated premises supervisor; the compliance officer; an expert witness (retired West Midlands Police

Licensing officer); and the chief executive of the Westside Business Improvement District group.

The incident had happened on a Sunday night into the early hours of Monday morning. The solicitor explained that the issue at the instant hearing was operation on Fridays and Saturdays, whereas at the previous meeting the interim step measures had included controls for Thursday and Sunday as well.

The solicitor said that the Police were now satisfied that the premises' standard operation did not give rise to crime and disorder; the Sub-Committee noted that the current "standard operation" was with the Police's recommended interim steps in place.

The solicitor directed the attention of the Members to the Guidance issued by the Secretary of State under s182 of the Act. He reminded the Members that the course recommended therein was to seek to establish the causes of the risk of serious crime and/or serious disorder; remedial action should then be directed at these. Regarding the causes, the premises' view was that in the last ten years there had been no evidence of any crime or disorder.

The solicitor observed that paragraph 9.37 of the Guidance advised the Sub-Committee to focus the hearing on the steps considered appropriate to promote the crime prevention objective that had given rise to the application and avoid straying into undisputed areas. The Sub-Committee accepted this.

He further reminded them that paragraph 9.43 of the Guidance recommended that the determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it was intended to achieve. The Sub-Committee noted this.

He also observed that paragraph 10.10 of the Guidance dealt with proportionality and stated that decision making should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. The Sub-Committee accepted this.

On this point, the solicitor went on to remark that the representative of the Westside Business Improvement District considered that the Police's proposed conditions were "a complete replica" of those which had been imposed onto the licence of an unrelated premises on Broad Street, following a summary review hearing for that premises. He reminded the Members that conditions should not be standardised; nor should the summary review process be used to bring in a general policy which did not take into account the specific premises in question. The Sub-Committee accepted that this was the correct approach to take when making their determination.

The premises' own CCTV recordings were played which gave what the

solicitor called a good flavour of the style of entertainment offered at the Velvet Music Rooms; he observed that much of it would not appeal to the “aged under 25” market. Operation on a typical Friday night was shown. The solicitor noted that the clientele was a more mature age group aged 30 and upwards; he asked the Sub-Committee to consider the age profile of the patrons when determining whether it was appropriate to require that they should be subjected to an ID scanner, a knife arch and a search process.

He observed that there had been no evidence whatsoever to demonstrate that the premises gave rise to concerns, and led the Members through the statements made by those from the premises.

The general manager described the style of trading, including on Fridays and Saturdays. The afterparty-style event which had happened on the night in question had been an entirely different event from the premises’ usual style of operation, but it had not been a last-minute booking. The designated premises supervisor had been aware of it, and moreover it had been the third event hosted for that promoter (the previous events had passed off without problems). The third event had been risk-assessed in the same way, and for externally-promoted events there were door staff, a barrier, a pat-down search process and a knife arch.

The solicitor asked the Sub-Committee to consider “what was the actual failure by the Velvet Music Rooms”, noting that the Police had not said where the operation had fallen down, and had not given any evidence that the incident had been dealt with in a poorly-managed way. He asked the Sub-Committee to reflect on the statement of the general manager, as she had set out everything that had happened.

The licence holder’s statement explained all the plans put in place for the event and remarked that the “afterparty” style had been a world away from the premises’ usual style of trading; she also described the effects of the interim step measures on the premises’ operation since the last hearing. She further commented that many bladed articles were not metal and therefore would not in fact trigger the arch.

The Sub-Committee then heard from the company director herself who remarked that the premises offered live music and sports broadcasts; both of these had a half-time interval. At a recent showing of a sports event, some patrons who went outside at half-time found themselves unable to re-enter as the time for the conditions to apply had been reached. On another occasion, complaints had arisen from over-60s patrons who had found themselves unable to enter as they did not have any ID on them; this had caused offence to those older patrons, the director said.

The expert witness then addressed the Sub-Committee and assured the Members that he was a highly experienced person with wide knowledge of all aspects of both the licensing regime and the City

Centre entertainment areas. He had dealt with the premises during a previous review of its licence (which had been brought in 2012) by narrowing down the root causes to ensure that it did not happen again; as part of this he had examined the premises' standard operating procedures to ensure that they were not disproportionate.

In the instant matter he had reviewed CCTV footage from before the incident, and had viewed the premises' trading style across 7 days of the week; from this he had seen that there was no difference to the style of operation of previous years following the 2012 incident. No action had been necessary in the intervening years, as there had been no risks to the licensing objectives. The scenes shown on the recordings were very uniform every day, and the expert asked the Sub-Committee why Friday and Saturday should be such a concern, as he felt that to take that view was not supported by the evidence.

The expert had drafted conditions regularly in his previous role, and was well aware that they had to be appropriate, proportionate and reasonable. He therefore commended his own draft conditions for the instant premises to the Sub-Committee, assuring the Members that they were "much more stringent" and "not a broad-brush approach"; he noted that the company director had approved them because she knew that they would control the risks properly.

The expert had concerns about the interim steps imposed at the last meeting, in terms of whether they were necessary. There had been no adverse incidents since 2012, and that occurrence had itself been an isolated event. The day to day operation, and the premises' patrons, were similar across the week, but the patrons were perhaps slightly younger on Saturdays.

All at the premises felt that there were no overt risks to the licensing objectives which justified the suite of conditions proposed by the Police. They were particularly worried about existing business arrangements, such as services they offered to a local hotel's guests, and the potential effects of the proposed conditions on these arrangements.

The expert concluded by urging the Sub-Committee to observe the CCTV recording of the night of the incident and to note that it was entirely unlike a normal evening's trading at the Velvet Music Rooms. This was echoed by the solicitor, who also observed that the expert had very thoroughly and comprehensively reviewed all of the CCTV before making his submissions and drafting his suggested conditions.

Regarding the rest of the party representing the premises, the solicitor remarked that although the designated premises supervisor had been on annual leave on the night in question, he had selected suitable security personnel. The chief executive officer of the Business Improvement District knew the night-time economy well, as he had held that position since 2005. He worked closely with the premises and

was not happy about the approach taken by West Midlands Police. In particular, he was dissatisfied with the proposed Police conditions.

Indeed, this view was shared by all of those at the premises, who had their doubts about whether they were appropriate measures. The solicitor reiterated the point that non-metal knives would not be caught by the knife arch, and went on to ask the Sub-Committee to “go back to the start” when making their decision by considering the licensing objectives and the Guidance issued under s182 of the Act that they should address the root cause of the problem.

He pointed to the “real evidence” relating to the way that the premises had been trading, and repeated that every Friday and Saturday night’s operation, for the period of a month before the incident, had been described to the Sub-Committee. Sundays and Thursdays were no longer an issue, even in the eyes of the Police. Since 2012, there had been no evidence of any risk of crime and disorder of any kind – yet the Police had taken the view that an incident could happen on any night of the week, without looking at what the solicitor called “the real evidence”.

He said that all at the premises vehemently opposed the proposal that the Police conditions should apply to every Friday and Saturday; they took the view that the measures were only necessary for externally-promoted events. The premises was volunteering its own stringent conditions, “having vetted the risk ourselves” (said the solicitor). He said that there had been no evidence of search failure, or any failure to deal with the incident properly.

All at the premises felt that their “normal trade with normal customers” was completely removed from the one-off afterparty-style event which had been the cause of the trouble on the night in question. The solicitor urged the Sub-Committee to reflect on the witness statements put forward by the premises and to consider the CCTV evidence very carefully as it showed what really happened during usual operation, namely that it was in stark contrast to the externally-promoted event which had given rise to a summary review hearing.

He commended the premises’ suggested conditions as a reasonable and proportionate way to deal with the matter which would follow the s182 Guidance, and asked that the Sub-Committee should apply measures only to externally-promoted events.

However, having heard all of the evidence, the Members were confident that only the course proposed by the Police was satisfactory, and accepted that only the Police’s course would be sufficient to ensure that the risk of any further serious crime and/or serious disorder was removed.

The Sub-Committee carefully reviewed the Guidance issued under s182 of the Act, and considered the modification of the conditions

proposed by the Police to be reasonable, proportionate and targeted to address the concerns which had been raised by the Police in the certificate - in particular the likelihood of serious crime and/or serious disorder.

The Members agreed with the Police that the days and times were not really the issue, as problems could occur at any time. Before the night in question, the premises had felt that there were no issues, and therefore the Members tended to agree with the comment from the Police that this had perhaps caused the premises to “sleepwalk into it” (as the Police had put it). Certainly the risk assessment had failed, because there had been a serious incident with a weapon which had resulted in a wounding; it was entirely possible that this type of serious crime and/or serious disorder could happen again.

The Sub-Committee agreed with the Police remark that those at the premises “would not acknowledge that it could happen again”. This was a significant worry to the Members; when reading the documents which had been submitted by the premises it was striking that the company was concerned about the effects on the business arrangements rather than keeping its focus solely on the risks of further serious crime and/or serious disorder.

The director’s remark that the Police proposals were “unworkable” did not inspire any confidence whatsoever that she was willing to take advice from West Midlands Police, who after all were the experts in dealing with crime and disorder, in order to ensure there was no further serious crime and/or serious disorder at the premises.

The Police had remarked that those at the premises were “not alive to the threat” (of the risk of further serious crime and/or serious disorder); having heard directly from the director during the meeting, the Sub-Committee agreed that this did appear to be the case.

Submissions made by the director that a requirement to show ID had somehow caused offence among older patrons, and that therefore such a requirement was not altogether reasonable, were not persuasive at all; nor were they something that reassured the Members about the approach that was being taken by the director in the aftermath of a very serious incident in which a weapon had been brought into her premises and used in a violent incident.

Similarly, the assurance from the solicitor that those from the premises had “vetted the risk ourselves” was quite unpersuasive given that what had happened on the night had occurred despite the risk assessment. All in all, the Members considered that the licence holder company would benefit greatly from taking the common-sense approach of accepting the advice of West Midlands Police; such a course would also be the best way to follow the Guidance issued under s182 of the Act.

The Police had said that their conditions had been drafted to assist the premises; the Sub-Committee agreed with this, finding that the Police conditions were proportionate and tailored to those aspects where problems could occur. A mix of ages had been seen among the patrons shown on CCTV, and the Members observed that younger persons were part of the clientele. In any event, whilst it was perhaps more likely that younger persons created a higher risk to the crime prevention objective, the Police had observed that those over 25 could also carry weapons on occasion, and/or be a danger to the crime prevention objective in some other way. The Members agreed that this was undoubtedly correct.

Regarding the alternative conditions suggested by the premises, the Sub-Committee determined that they were not suitable. The Police had noted that the premises' suggested conditions leant heavily on risk assessments, yet on the night in question this approach had failed; the Sub-Committee agreed with this.

Whilst deliberating, the Sub-Committee agreed with the Police that the suggestions made by the licence holder company did not adequately cover the risks. Any incident where a weapon had found its way into licensed premises was very serious, and the correct course was that which had been recommended by the Police as the experts in the prevention of serious crime and/or serious disorder.

In the instant meeting, submissions had been made by the premises about the use of non-metal weapons such as ceramic knives. However, the Sub-Committee agreed with the Police that the regime appropriate for the Velvet Music Rooms should include a search by hand. The Members noted in particular that the Police had said that to not acknowledge the importance of searches by hand would be "a stupidity" which would increase the level of risk; the Members agreed that this was the case.

The Sub-Committee determined that premises had not foreseen on the night that an incident could happen, and that the Police were therefore correct that it could happen again. The Police conditions had been drafted specifically to address this, and were the only way to guard against the risk of further serious crime and/or serious disorder; the Sub-Committee considered that they were entirely reasonable and proportionate to address the potential for further serious crime and/or serious disorder.

The Sub-Committee therefore resolved to modify the conditions in the terms proposed by the Police, to replace the interim steps with the new conditions, and to maintain the interim steps pending the determination of any Appeal. In addition to the Police 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.

Licensing Sub-Committee C – 28 June 2023

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office under s182 of the Act, the application and certificate issued by West Midlands Police under s53A of the 2003 Act, and the submissions made by West Midlands Police, and by the licence holder company via its solicitor and others, at the hearing.

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

The determination of the Sub-Committee, save for the maintenance of the interim step conditions as modified by the Sub-Committee during today's meeting, 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 determined.

Please note the meeting ended at 1645 hours.

CHAIR.....

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE C 5 JULY 2023</p>

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 5 JULY 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Zafar Iqbal and Penny Wagg.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/050723

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2/050723

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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/050723 No apologies were submitted.

MINUTES

4/050723 That the public part of the Minutes of the meeting held on 7 June 2023 at 1000 hours and 14 June 2023 at 1000 hours and the minutes as a whole were confirmed and signed by the Chair.

LICENSING ACT 2003 PREMISES LICENCE – VARIATION – THE RHODEHOUSE, 1ST FLOOR, 123 THE PARADE, SUTTON COLDFIELD, B72 1PU

* * *

On Behalf of the Applicant

Carl Moore – Licensing Consultant
Jimmy Franks – Management Consultant

Those Making Representations

No one attended on behalf of those making representations.

* * *

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Bhapinder Nandhra, Licensing Section, outlined the report.

At this stage the chair invited the applicant to make their presentation and Jimmy Franks, on behalf of the applicant made the following points: -

- a) That he was the current General Manager for the premises and had extensive experience in managing live music venues and nightclubs.
- b) The premises generally hosts events that attract a 45+ age group.
- c) They operated a strict door policy and didn't allow any misbehaviour in any way, shape or form.
- d) The venue generally hosts 60/70s style bands and wasn't attractive to a younger audience.

- e) 95% of guests were more mature.
- f) The DJ/live music finished at 11pm on Fridays and 11.30pm on Saturdays.
- g) The premises were conscious of the local area and worked closely with them.
- h) Mr Franks had also worked as a radio presenter for 35 years, so he was well known in the area.

At this stage the chair Carl Moore made the following points: -

- a) That the reason for the application to extend the hours was in order to keep people at the premises once the live music/DJ finished.
- b) Other premises in the area operated beyond 1am.
- c) During the extra hour they would still serve food and it would allow people to disperse quietly from the area.
- d) The representation made comment about the address, they had not tried to hide where the venue is.
- e) The representation also makes contradictions about music being played until midnight and then that they operated well and complied with the current licence.
- f) They were not seeking to change the hours for music, it was simply to open for one hour longer.
- g) There was no objection from environmental health, and no complaints in relation to noise.
- h) The objector also suggested he was noting things on behalf of the local community, but there is no clarification on that. No one else had made representations.
- i) That he would be surprised if over 45yos were walking down the street being rowdy.
- j) He had emailed, phoned, and left a letter at the address of the objector but they had not received any contact back.

The Chair invited all parties to make a closing submission.

On behalf of the applicant Carl Moore made the following closing statements: -

- That other venues opened until 3am.
- The premises ran a strict door policy and dispersal policy.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the full written decision was sent to all parties as follows;

5/050723 **RESOLVED:-**

That the application by The Rhodehouse Ltd to vary the premises licence in respect of The Rhodehouse, 1st Floor, 123 The Parade, Sutton Coldfield B72 1PU, under section 34 of the Licensing Act 2003, be granted. Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

The licence holder company wished to vary the licence to extend the hours for the sale of alcohol (for consumption both on and off the premises), to extend the hours that the premises was to remain open to the public, and to vary the premises licence Plan.

The licence holder was represented at the meeting by a licensing consultant and also by the current general manager of the venue. The general manager had over 40 years' experience in live music, through owning and operating nightclubs and live music venues. The licence holder company had appointed him in January 2023 to take over in a consultancy role to run The Rhodehouse premises, which was a licensed live music venue.

The age group of the clientele was predominantly 45 plus. The manager operated a very strict door policy, in common with his other premises, and was careful to ensure that his management style ensured that the licensing objectives were upheld at all times. He had created an atmosphere of more of a social venue than a live music premises, offering mainly 1960s and 1970s style bands, which did not attract a younger audience. He estimated that 95% of patrons were of a more mature age.

The premises adhered strictly to all the conditions of its licence. Currently the DJ and live music ended at 23.00 hours on a Friday, and 23:30 hours on Saturday. The general manager was very conscious of the local community and worked closely with those living nearby, giving them his mobile number and email address so they could contact him at any time. He had also visited them. He lived locally and had 30 years' experience as a radio presenter; he observed that he was well known in the area and easily contactable.

He operated a very strict policy regarding patrons leaving the venue, via the door team at the premises, and asked the Sub-Committee to note that "we just overall have nice people come in that I personally do not see causing a problem at all". He had taken careful note of video evidence of patrons departing from the premises at the end of trading

on Friday and Saturday night, and had noted that 95% of them left to go into other licensed premises such as restaurants and bars.

He had run The Jam House venue in a residential area in central Birmingham for 14 years. He had adopted a “delayed exit” policy for patrons, as he was conscious of the needs of residents. When a group of patrons were leaving and there was another group behind them, the door team stopped them from leaving until the first group had been dispersed out of the area. This avoided a large crowd of people emerging onto the side street and heading towards the main street at any one time.

The licensing consultant also addressed the Sub-Committee to explain that the reason that the additional hours had been sought was because a number of other licensed premises, in and around the surrounding area, were licensed to 03:00 hours. He described these other premises as “literally on the doorstep” of The Rhodehouse. He observed that whilst The Rhodehouse had requested alcohol sales to 01:00 hours, this would mean that the premises would still be ending their alcohol sales up to two hours earlier than others.

He noted that the extra time would also have the benefit of encouraging patrons to stay and then disperse from the area quietly, rather than all leaving at the same time, namely as soon as the bands finished, and then going to other venues nearby, which perhaps could potentially create noise in the street. Patrons had given feedback asking for an extension to the hours so they could remain at The Rhodehouse beyond the current times.

The licensing consultant had read the representation from a local resident which was in the Committee Report. The licensing consultant took issue with the suggestion that the premises had been playing music until midnight; he confirmed that this was absolutely not the case and music always ceased at the times dictated by the terms of the licence.

He further noted that the objector confirmed that the club was in fact following the terms of the current licence. The licensing consultant therefore asked the Sub-Committee to reflect on the fact that the objector was suggesting that the premises was playing loud music and that this was a disruptive influence in the area, yet also saying that it was a credit to the premises to be adhering properly to the conditions of the licence. In addition, the premises was not proposing to change the end time for the music, which would remain at 23:00 hours.

Regarding the potential for impact from noise, the objector had mentioned the elderly people’s accommodation nearby. However, the premises had been liaising with them and spoke to them quite regularly. If there were any issues, they knew to phone The Rhodehouse, but had not done so; moreover, no representation had been submitted by the Environmental Health department of the City

Council. They were the experts in dealing with public nuisance created by noise; the licensing consultant noted that this tended to suggest that there had been no complaints from anybody in relation to any noise.

The licensing consultant noted that the objector suggested that he acted for the local community. He asked the Sub-Committee to reflect on whether the representation had been submitted on behalf of the local community, or on the objector's own account.

The objector lived en route to car parks used by patrons; the licensing consultant suspected that persons leaving other venues at 03:00 had been walking to the car parks, and the objector had perhaps not noticed that The Rhodehouse would be closed by then. The premises' own patrons were not at all likely to create noise when heading towards the car parks, given that they were the over 45 age group. In any event, the licensing consultant observed, even if the variation application were to be granted, alcohol sales at the premises would end at 01:00 hours, whereas other nearby premises were licensed to later hours.

The premises and the licensing consultant had tried on numerous occasions to contact the objector by telephone, had emailed him, and had also been round to his address and left a note. However, there had been no response from him, and he had also not attended the meeting.

When deliberating, the Sub-Committee carefully considered the operating schedule put forward by the applicant, and the likely impact of the application. The Sub-Committee also took into consideration the written representations of the local resident living nearby, but noted that as this person had not attended the meeting, there was no opportunity to ask questions.

The Members bore in mind paragraph 9.12 of the Guidance issued under s182 of the Act, namely the need for robust evidence in decision making. The representations which had been received were concerned with the potential for public nuisance, especially noise, and also the risk of rowdiness from patrons, if the variation were to be granted.

The Sub-Committee noted that there had been no objection from the responsible authorities. West Midlands Police had found all to be in order. The Sub-Committee was mindful of the fact that Environmental Health, the expert authority on the potential for public nuisance, had made no representations.

A number of other venues in the area were open to 03:00 hours and were situated in very close proximity to The Rhodehouse. The premises prioritised the licensing objectives carefully, and were strict in all aspects of management – particularly with regard to dispersal.

After hearing directly from the general manager during the meeting,

the Members felt that had taken his responsibilities seriously, and was a highly experienced and trustworthy person who was keen to ensure that the licensing objectives would be properly promoted. The Members agreed that he was an impressive person with an extensive background in running late-night venues, in whom they could feel confident. The Members felt reassured that the licence holder company had appointed a person who could be trusted to operate safely.

The Sub-Committee determined that the applicant's responsible style of management, and the operating schedule, would enable the premises to uphold the licensing objectives for the additional times, and therefore granted the application.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under s182 of the Licensing Act 2003 by the Home Office, the application for the variation of the premises licence, the written representations received and the submissions made at the hearing by the applicant company via its licensing consultant and general manager.

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.

EXCLUSION OF THE PUBLIC

6/050723

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.

CHAIR.....

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	Licensing Sub Committee C
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Wednesday 2nd August 2023
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Levana, The Arcadian, 70 Hurst Street, Birmingham, B5 4TD
Ward affected:	Bordesley and Highgate
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider an application to review a Premises Licence.

2. Recommendation:

To consider the review application received and to determine this matter, having regard to:

- The submissions made by all parties
- The Statement of Licensing Policy
- The Public Sector Equality Duty
- The s182 Guidance

3. Brief Summary of Report:

Review application received on 14th June 2023 from West Midlands Police in respect of Levana, The Arcadian, 70 Hurst Street, Birmingham, B5 4TD.

4. Compliance Issues:**4.1 Consistency with relevant Council Policies, Plans or Strategies:**

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

West Midlands Police applied on 14th June 2023 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Levana, The Arcadian, 70 Hurst Street, Birmingham, B5 4TD.

The Review application is attached. See Appendix 1.

The Premises Licence is attached at Appendix 2.

Site location plans are attached at Appendix 3.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -

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

6. List of background documents:

Review Application Form, Appendix 1
Copy of Premises Licence, Appendix 2
Site location plans, Appendix 3

7. Options available

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

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.

**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 Superintendent 0135 Hurst

(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 Levana The Arcadian 70 Hurst Street	
Post town Birmingham	Post code (if known) B5 4TD
Name of premises licence holder or club holding club premises certificate (if known) True Leisure Ltd	
Number of premises licence or club premises certificate (if known) 276	

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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address West Midlands Police Lloyd House Colmore Circus 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 | Please tick one or more boxes ✓ |
| 2) public safety | x <input type="checkbox"/> |
| 3) the prevention of public nuisance | x <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |
| | x <input type="checkbox"/> |

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

Premises supplying under 18s alcohol.

Allowing under 18s entry to the premises.

Premises not following their premises licence conditions which have led to the licensing objectives of the prevention of crime & disorder, public safety and the protection of children from harm not being promoted.

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

On Friday 2nd June 2023 a 15-year-old child (Child A) has been allowed entry into Levana Bar. Child A arrived with friends also aged under 18, at approximately 11.50pm.

All were allowed entry into the premises, in breach of licensing conditions imposed on the premises licence.

Child A has left the premises at approximately 03.00hrs. Later Child A has reported being a victim of a serious crime, after being in Levana Bar and becoming intoxicated whilst in the premises.

The offence did not take place within the premises.

West Midlands Police Licensing Team have had ongoing interactions with the premises for various concerns and issues including previous under 18s intoxicated in the premises.

West Midlands Police have applied the 'Four E' approach and have worked with the premises licence holder, but still find the premises operating in an unsatisfactory manner.

The Four E approach has consisted of:

- Engagement with the premises
- Explaining the concerns of West Midlands Police
- Encourage the premises to trade safely and in line with their operating conditions
- Enforcement through the Licensing legislation, when the other 'Es' have not resulted in the satisfactory operation of the premises to uphold the licensing objectives.

West Midlands Police are now at the point where there is nothing more that we can offer the premises and the conditions already imposed on the premises licence, if followed, should be sufficient in order for the premises to operate in a manner to uphold the licensing objectives.

I am aware of an email sent by the agent of the premises informing of actions taken by the premises post a meeting with West Midlands Police Licensing Team on Friday 9th June.

Due the seriousness of this incident, the fact the licensing team have had several previous interactions with the premises including under 18s being intoxicated in the venue and the fact the premises has continued to operate in an unsatisfactory manner, West Midlands Police feel there is no other option other than to bring this premises to the attention of a Licensing Sub-Committee as we have limited confidence in the management of the premises.

Statements, CCTV and other evidence will be supplied within the appropriate timescale for the hearing.

☐

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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

.....0135.....

Date

.....13.10.23.....

Capacity

.....SUPERINTENDENT.....

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

West Midlands Police Licensing Team – (Chris Jones)
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.

Licensing Act 2003Premises Licence

Premises Licence Number	276
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description Levana, C101 – C103 The Arcadian Centre, Hurst Street, B5 4TD
Telephone Number Not specified

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence Sale of Alcohol by Retail Provision of Late Night Refreshment Exhibition of a Film Performance of Live Music Playing of Recorded Music Performance of Dance
--

Times the licence authorises the carrying out of licensable activities

<u>Sale of Alcohol by retail:</u>		
<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	04:00
Tuesday	10:00	04:00
Wednesday	10:00	04:00
Thursday	10:00	04:00
Friday	10:00	04:00
Saturday	10:00	04:00
Sunday	10:00	04:00
<u>Place:</u>		
<u>Seasonal Variations:</u> New Years Eve: From the end of Permitted Hours on New Years Eve to the start of Permitted Hours on New Years Day		
<u>Non-Standard Times:</u>		

<u>Provision of Late Night Refreshment:</u>		
<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	23:00	04:30
Tuesday	23:00	04:30
Wednesday	23:00	04:30

Thursday	23:00	04:30
Friday	23:00	04:30
Saturday	04:30	04:30
Sunday	23:00	04:30

Further Details:

Place:

Seasonal Variations: New Years Eve: From the end of Permitted Hours on New Years Eve to the start of Permitted Hours on New Years Day

Non-Standard Times:

Exhibition of a Film:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	04:30
Tuesday	10:00	04:30
Wednesday	10:00	04:30
Thursday	10:00	04:30
Friday	10:00	04:30
Saturday	10:00	04:30
Sunday	10:00	04:30

Further Details:

Place:

Seasonal Variations: New Years Eve: From the end of Permitted Hours on New Years Eve to the start of Permitted Hours on New Years Day

Non-Standard Times:

Performance of Live Music:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	04:30
Tuesday	10:00	04:30
Wednesday	10:00	04:30
Thursday	10:00	04:30
Friday	10:00	04:30
Saturday	10:00	04:30
Sunday	10:00	04:30

Further Details:

Place:

Seasonal Variations: New Years Eve: From the end of Permitted Hours on New Years Eve to the start of Permitted Hours on New Years Day

Non-Standard Times:

Playing of Recorded Music:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	04:30
Tuesday	10:00	04:30
Wednesday	10:00	04:30
Thursday	10:00	04:30
Friday	10:00	04:30
Saturday	10:00	04:30
Sunday	10:00	04:30

Further Details:

Place:

Seasonal Variations: New Years Eve: From the end of Permitted Hours on New Years Eve to the start of Permitted Hours on New Years Day

Non-Standard Times:

Performance of Dance:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	04:30
Tuesday	10:00	04:30
Wednesday	10:00	04:30
Thursday	10:00	04:30
Friday	10:00	04:30
Saturday	10:00	04:30
Sunday	10:00	04:30

Further Details:**Place:**

Seasonal Variations: New Years Eve: From the end of Permitted Hours on New Years Eve to the start of Permitted Hours on New Years Day

Non-Standard Times:**The opening hours of the premises**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	10:00	04:30
Tuesday	10:00	04:30
Wednesday	10:00	04:30
Thursday	10:00	04:30
Friday	10:00	04:30
Saturday	10:00	04:30
Sunday	10:00	04:30

Seasonal Variations: New Years Eve: From the end of Permitted Hours on New Years Eve to the start of Permitted Hours on New Years Day

Non-Standard Times:**Where the licence authorises supplies of alcohol whether these are on and /or off supplies**

For consumption on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

True Leisure Limited, C101-C103 The Arcadian Centre
Hurst Street, Birmingham, B5 4TD

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

04109021

Name and address of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Manoochehr Esmaili

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: 10441

Issuing Authority: Birmingham City Council

Dated 03-03-2023

Shaid Yasser
Senior Licensing Officer
For Director of Regulation & Enforcement

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: 1/2 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 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 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.

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

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.

Annex 2 – Conditions consistent with the Operating Schedule

The provision of regulated entertainment and late night refreshment to take place indoors only.

No adult entertainment or services are permitted on the premises.

The sale of alcohol will cease thirty minutes prior to the closure of the premises.

Door supervisors stationed outside the frontage of the premises will wear high visibility jackets/coats and will have their SIA badge held in a clear arm sleeve holder. Door supervisors inside the premises will wear hi visibility waist coats, again with the SIA badge positioned in a clear arm sleeve holder in visible view to the public.

The premise shall maintain 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 include the following: a) A copy of his/her SIA Badge. b) Passport or driving licence. If the proof of identification is anything other than the photo driving licence, then the member of staff will need proof of address, which must be a utility bill and to be dated within the last six months.

All training records for all staff, in regard to drunkenness and the protection from harm for children to be maintained, and to be available to any Responsible Authority.

The premise must operate an incident book and record all incidents that occur inside and immediately outside the premises. Incident book can be inspected at any time upon request. The incident book to be available for inspection by any regulatory body.

Regulated entertainment shall be provided through a limiter, the specifications, installation and setting of which shall be agreed in advance.

The Premises will document a noise management plan which will be agreed with West Midlands Police. This document will be attached as an annex to the licence and can be reviewed if noise complaints persist.

The Premises Licence Holder shall ensure the conduct of patrons at the smoking area provided to the premises will be supervised and monitored to minimise potential nuisance.

The official occupancy level of the premises will be determined by a Fire Risk Assessment and agreed with West Midland Fire Service.

The premises will operate an appropriate age challenge scheme, to be agreed with the licensing team at Steelhouse Lane. Any refusals (entry or service) under this scheme will be documented and be made available upon request from any Responsible Authority.

* A challenge 25 policy will be operated at the premises. Notices informing customers of the policy will be displayed within the premises. Staff shall be trained on this policy and will be regularly reminded and trained to enforce the challenge 25 policy.

* A refusals log will be maintained at the premises. The log will be made immediately available to members of the responsible authorities on request.

* CCTV that is approved by West Midlands police and able to capture images particularly outside under conditions of low lighting will be fitted in the premises. Images will be retained for a period of at least 31 days and will be made available to any of the responsible authorities to view or copies produced on request. If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request. The CCTV will be checked each day to ensure that it is working prior to licensable activity taking place. The date, time, identity of the checker and the result of the check will be recorded in the premises incident log.

* All staff will receive training in regard to the Licensing Act 2003 and the premises operating conditions. Staff will also receive training in regards to the premises vulnerability policy. All training will be documented and signed by both the trainer and trainee. No staff will work at the premises until this training has been completed and the required refreshments have been completed.

* Refresher training should take place as a minimum once a year. Training records to be made available to any of the responsible authorities on request.* The premises will operate a vulnerability policy which will be made available to any of the responsible authorities on request. As part of this policy the premises will have a safe space for vulnerable people.* When the premises is trading at least one of the members of staff on

duty will be first aid trained and they will take the lead in any medical incidents or where the incident is vulnerability.

- * The premises will operate a search policy which will be made available to responsible authorities upon request.

- * The premises will operate a drugs policy which will be made available to any of the responsible authorities on request.

- * The premises will operate a dispersal policy which will be made available to any of the responsible authorities on request.

- * From 9pm, Monday to Sunday, the licence holder shall maintain and operate an ID Scan to all persons entering the premises whenever licensable activities are being carried on. The premises is to adopt and display a clear notice to the effect that there is a strict policy of NO ID, NO ENTRY.

- * The premises will deploy door staff when trading. Door staff will sign on and off duty. The premises will keep a profile of all door staff which will include a copy of their SIA licence and photographic ID. (If photographic ID is not available then a utility bill no older than 3 months will be acceptable.) The signing in & out sheets and profiles will be kept on the premises for a minimum of 3 months and made immediately available to any of the responsible authorities on request.

- * Door staff will wear a fluorescent coat, jacket or waistcoat while on duty at the premises. Door staff will remain on duty until all the customers have dispersed and this will form part of the premises dispersal plan.

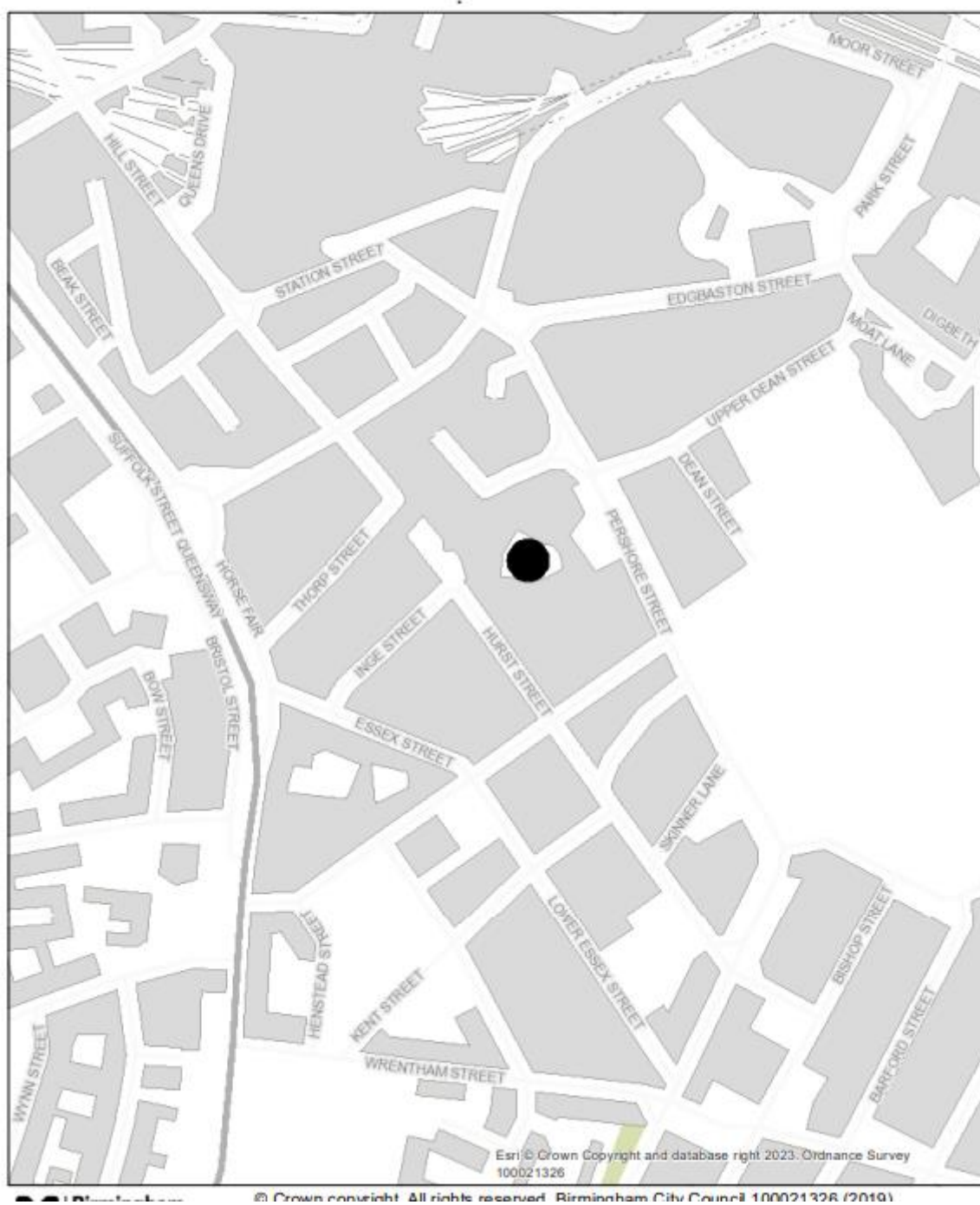
- * The numbers of door staff will be risk assessed by the premises. This risk assessment will be made available to any of the responsible authorities immediately on request.

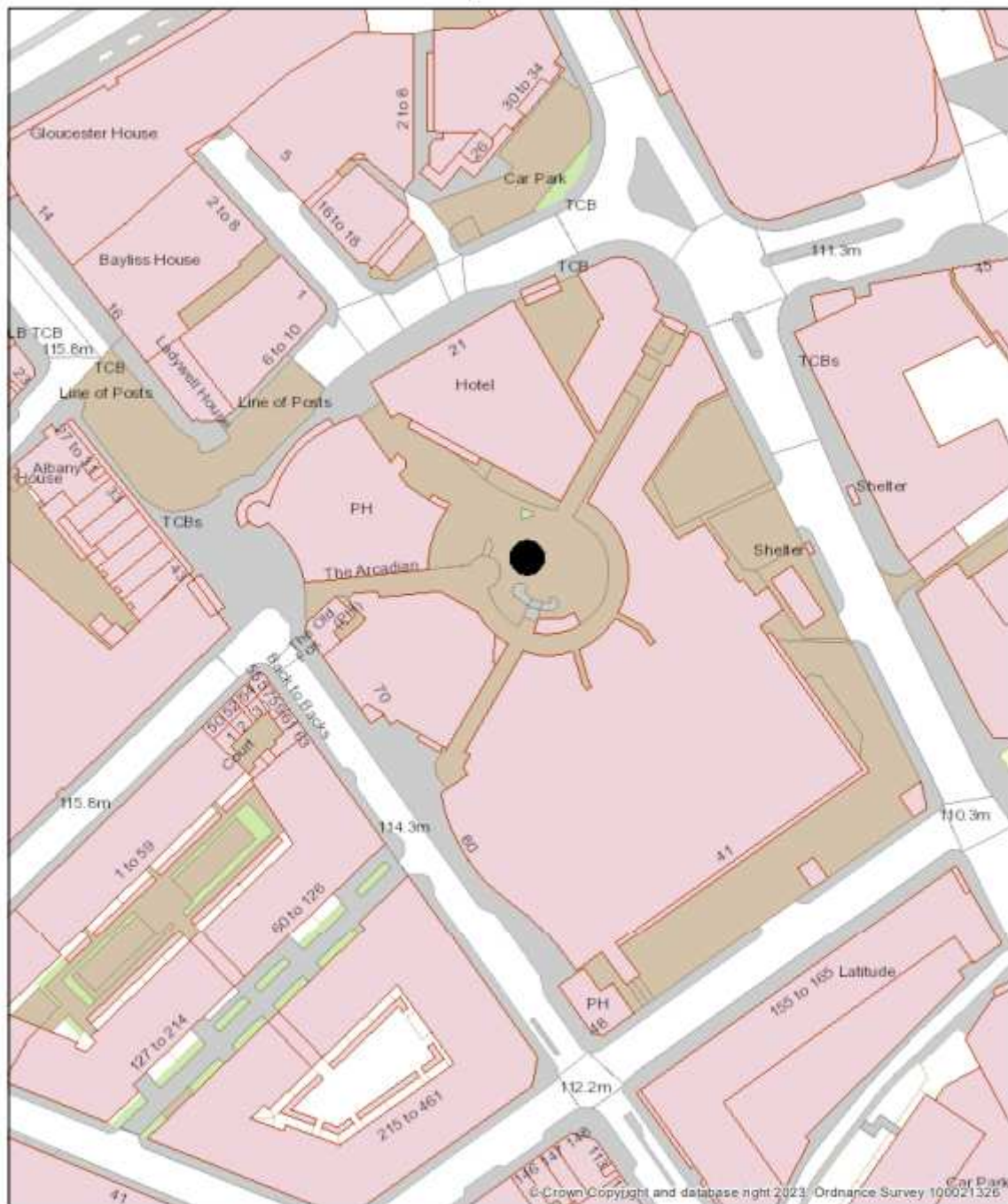
Annex 3 – Conditions attached after a hearing by the Licensing Authority

Persons under the age of 18 are not permitted to remain on the premises after 20:00 hours. Persons under the age of 16 are not permitted to remain on the premises after 19:00 on a Friday or Saturday.

Annex 4 – Plans

The plan of the premises with reference number 162096 which is retained from the public register kept by Birmingham City Council available free of charge for inspection . Please contact: Licensing PO BOX 17831 Birmingham B2 2HJ or email Licensing@birmingham.gov.uk







**West Midlands Police Evidence Bundle For The Licence
Review of Levana. The Arcadian, 70 Hurst Street. B5 4TD.**

Premises licence number 276.

PUBLIC BUNDLE

PAGE(S)	DOCUMENT(S)
1 to 5	Statement of Licensing Officer Chris Jones
6	BLANK – Not used
7 to 17	Minor variation application
Plus	9 Video clips and a still photograph

PUBLIC

WITNESS STATEMENT

Crime Number:

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

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Statement of: Christopher Jones 55410

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Licensing Officer

This statement (consisting of 05 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: Date: 28th July 2023Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am employed by West Midlands Police as a Licensing Officer, currently based at Lloyd House. Police Head Quarters, Colmore Circus, Birmingham B4 6NQ. I work within the Central Licensing Team, a specialist team that has responsibility for all the licenced premises that operate within the Birmingham City Council area.

I am making this statement in relation to the application made by West Midlands Police to review the premises licence of Levana, The Arcadian, 70 Hurst Street Birmingham. B5 4TD. Premises licence number 276.

This premises is located within The Arcadian Centre, a popular area with the city's night time economy, containing a number of bars and restaurants. The premises sits on the ground floor. There are 4 other premises on this level and are all accessed from the central piazza area. These venues attract a younger clientele and all trade until the early hours, with all the premises' customers emptying into the piazza at the end of the evening.

The premises licence holding company is True Leisure Limited and the point of contact with this company has always been Mr Kourosh Karchi who is one of 3 directors, as listed on Company's House.

Within this statement I will reference the recent history, engagement and enforcement West Midlands Police Licensing Team have had with the premises and Mr Karchi.

The incident which has ultimately led to this review is the fact a 15-year-old child was allowed entry into Levana on Friday 2nd June 2023 at approximately 11.50pm. The child arrived at the premises with friends, all of which were under 18 and all were allowed into the venue without any ID check through the ID scanner. Only one of this group had their ID viewed by staff, on entry.

Premises current recent history:

In May 22, West Midlands Police Licensing Team held a meeting at Lloyd House with Mr Karchi after incidents of disorder within the Arcadian Centre, over the previous weekends involving customers from Levana. At this meeting;

Mr Karchi agreed an action plan in an attempt to resolve the issue(s). He agreed to introduce an ID scanner and volunteered to change the front of house team.

In September 22, officers investigating another disorder within The Arcadian Centre approached Levana for details from their ID scanner for the evening in question, as parties involved in the disorder had been in the premises. Officers were informed that the ID scanner was not operational on the night in question.

Again, a meeting was held with Mr Karchi at the premises:

He stated he wasn't at the venue on the night.

He said that the reason the ID scanner had not been working was a fault with the WiFi.

He advised that the fault would be rectified and going forward the ID scanner would be operational.

Mr Karchi was advised that West Midlands Police were disappointed in the fact the premises were not following the agreed action plan and although it was not a licence condition, it was an agreed way of operating the premises to promote the licensing objectives.

In December 22, a group under 18-year-old girls attended the safe space in the Arcadian Centre, which is manned by St. Johns Ambulance staff. The girls stated they had been in Levana and all had become very intoxicated in the venue. The girls had to be picked by one of their parents. The age of the girls were verified by St Johns Ambulance, after a Data Disclosure Request was sent by West Midlands Police. The allowing of these children in the premises was in direct conflict with a premises licence operating condition which states – *'persons under the age of 18 are not permitted to remain on the premises after 20.00hrs. Persons under the age of 16 are not permitted to remain on the premises after 19.00 on a Friday or Saturday.'* Again, the ID scanner was not operational on the evening in question.

Another meeting was held with the premises, with Mr Karchi:

CCTV was viewed from the night in question and confirmed the children being at the venue.

The girls were not subject to any sort of ID check.

Mr Karchi stated the ID scanner was not used at the premises if it rained or if there was issues with the WiFi. (In direct conflict with the agreed action plan and his later reassurances of the use of the ID scanner)

Mr Karchi was again informed that West Midlands Police were disappointed and frustrated that the ID scanner was not in use, despite his reassurances in September 22 and agreed action plan in May 22.

Due to the seriousness of this incident, the breach of operating condition and the fact that Mr Karchi had again not followed the agreed action plan set in May 22 (to operate and ID scanner) West Midlands Police requested the premises to submit a licence variation to include the operation of an ID scanner onto the premises licence operating conditions.

The variation was submitted by the premises and the condition – *'From 9pm, Monday to Sunday, the licence holder shall maintain and operate an ID Scan to all persons entering the premises whenever licensable activities are being carried on. The premises is to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY"'* became a premises operating condition.

With this variation all the premises licence conditions were 'overhauled' in an attempted to make the conditions more manageable and relevant for the to their current operation. This was necessary due to poor management practices and failings in the promotion of the licensing objectives.

In June 23, a 15-year-old girl with a group of friends, all under 18 years old, were allowed entry in Levana and became intoxicated whilst in the premises. The ID scanner was not used by staff who allowed this group entry. The ID scanner, at this time was an operating condition on the premises licence. The fact a 15-year-old girl had been in Levana came to light during a criminal investigation when she reported being a victim of a serious assault after she had left the premises.

I have viewed CCTV both from Levana and the Arcadian Centre. Both sets of CCTV shows: the 15-year-old girl and her friends enter Levana at approximately 23.50hrs. The ID scanner was not used even though it was an operating condition of the premises licence.

The CCTV from the premises has also been viewed prior to the entry of the children at 11.50pm and shows a whole disregard for the use of the ID scanner on entry to the premises. The CCTV shows that the disregard for the licence condition being so widespread, it would certainly suggest it was the norm at the premises and not just a one off or a rogue member of staff.

Mr Karchi was present when I viewed the CCTV at Levana, he stated:

He was not at the venue on the night in question

It was the fault of his staff that the ID scanner had not been used

After seeing the CCTV, he intended to change the staff on the front door, change the door team and employ a new DPS at the premises.

It was after seeing the CCTV for the evening, when the 15-year-old girl was in Levana and the total disregard for the licence conditions, that the premises was brought to the attention of a senior officer within West Midlands Police.

The police licensing team have had recent ongoing interactions with the premises for over a 14 month period. Over this period of time ongoing issues of poor management and operating practices at the premises has been a running theme.

West Midlands Police have deployed a pragmatic approach to the issues at the premises applying the 'Four E' approach in an attempt to ensure the venue management offer a safe environment that promotes the licensing objectives.

As detailed in the above the 'Four E' approach as involved;

Engaging with the premises

Explaining the concerns of West Midlands Police about the operation of the premises

Encouraging the premises to put systems in place to negate the concerns

Finally, Enforcement, when all the above have failed.

It is now, after all other options have failed West Midlands Police are at the point where there is nothing else we can offer the premises and have no option other than to bring the premises to the attention of the licensing sub-committee.

West Midlands Police have found themselves on a merry-go-round, whereby after any interaction with the premises they appear to improve their management of the operation for a time, but when scrutinised after a further incident(s) and interaction the management of the premises is still found wanting.

The conditions already imposed on the premises licence should be sufficient for the premises to trade safely, legally and in a manner to promote the licensing objectives, but this has not been the case at the premises, who have ultimately put children in extremely vulnerable situations.

In summary:

At the original meeting in May 22, Mr Karchi stated he was going to deploy an ID scanner.

On the occasions since May 22 when West Midlands Police have requested information from the scanner it has not been in operation, despite assurances given by Mr Karch that the ID scanner would be.

In December 22 the ID scanner was not in use at the premises when a group of girls under the age of 18 were all entry and were intoxicated at the premises. This was also in direct conflict with the premises licence condition of '*persons under the age of 18 are not permitted to remain on the premises after 20.00hrs. Persons under the age of 16 are not permitted to remain on the premises after 19.00 on a Friday or Saturday.*'

When the use of an ID scanner was a premises licence condition, in June 23 as a direct result of underage girls being intoxicated at the premises in December 22, the ID scanner was still not used. The premises allowing a 15-year-old girl to get intoxicated at the premises, ultimately ending in her reporting being a victim of a serious assault. CCTV has been viewed by officers investigating the alleged criminal offence and shows the child victim leaving Levana with the alleged offender and walking straight to the alleged offence location.

At the original meeting in May 22 Mr Karchi stated he would change the front of house team, something he has also stated he will do after the latest incident in June 23. This course of action has obviously proved to have limited effect on the overall operation of the premises.

Due to the previous recent interactions detailed in this statement West Midlands Police have little confidence in the management of the premises to uphold the licensing objectives and adhere to their premises licence conditions. West Midlands Police would therefore request the sub-committee to revoke the premises licence.

Also submitted by West Midlands Police is the application for a minor variation submitted by the premises (after the first incident of under 18s being at the premises in December 22.) This application states on section 4 – Details Of Proposed Variation(s):

'The applicant has been in discussion with Hiram Taj from West Midlands Police Licensing Unit over a number of Licensing issues. This is as a result of underage youths being subjected to harmful drinking practices within Levana, intervention was required. West Midlands Police Licensing have requested that the premises submit a minor variation with Birmingham City Council.....This is to mitigate what has happened previously as a result of poor management practices and failings in the promotion of the licensing objectives.....It has been agreed between West Midlands Police and The Premises License Holder for the following proposed conditions to be placed on the Premises License for LEVANA.' -The conditions included the use of an ID scanner

West Midlands Police will also be showing several CCTV clips of persons entering Levana without going through the ID scanner on the same night as the 15-year-old victim and her friends were in the premises.

Chris

[Large handwritten signature/initials across the middle of the page]

Signature:

Chris

Signature witnessed by:

OFFICIAL (when complete)

Witness contact details

URN : / / /

Name of witness: Mr/Mrs/Ms/Miss/Dr Page 50 of 86

5

Blank CPD

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

PREMISES DETAILS

Refer to the guidance notes while completing this form.

Premises licence number/club premises certificate number

* Name of premises

Premises Location

* Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

* Building number or name

* Street

District

* City or town

County or administrative area

Postcode

* Country

Premises Contact Details

E-mail

Telephone number

Other telephone number

Continued from previous page...

* Brief description of premises (See Guidance Note 2)

LICENSED BAR/RESTAURANT

Section 3 of 9

APPLICANT DETAILS

* Are you the premises licence holder/club premises certificate holder?

☒ Yes ☐ No

Are the applicants address and contact details the same as the premises address and contact details given in section 2?

☒ Yes ☐ No

Section 4 of 9

PROPOSED VARIATION

Would you like the variation to take effect from as soon as possible?

☒ Yes ☐ No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

☐ Yes ☒ No

See guidance note 3.

Describe the proposed variation(s) in detail in the box below and explain why you consider that they could not have an adverse effect on the promotion of any of the licensing objectives. (See Guidance Note 1) This should include whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent).

Details of proposed variation(s) (See Guidance Note 4)

The applicant has been in discussion with Hiram Taj from West Midlands Police Licensing Unit over a number of Licensing issues. This is as a result of underage youths being subjected to harmful drinking practices within Levana, intervention was required. West Midlands Police Licensing have requested that the premises submit a minor variation with Birmingham City Council with the inclusion of the below conditions.. This is to mitigate what has happened previously as a result of poor management practices and failings in the promotion of the licensing objectives.

It has been agreed between West Midlands Police and The Premises License Holder for the following proposed conditions to be placed on the Premises License for LEVANA.

- * A challenge 25 policy will be operated at the premises. Notices informing customers of the policy will be displayed within the premises. Staff shall be trained on this policy and will be regularly reminded and trained to enforce the challenge 25 policy.
- * A refusals log will be maintained at the premises. The log will be made immediately available to members of the responsible authorities on request.
- * CCTV that is approved by West Midlands police and able to capture images particularly outside under conditions of low lighting will be fitted in the premises. Images will be retained for a period of at least 31 days and will be made available to any of the responsible authorities to view or copies produced on request. If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request. The CCTV will be checked each day to ensure that it is working prior to licensable activity taking place. The date, time, identity of the checker and the result of the check will be recorded in the premises incident log.
- * All staff will receive training in regard to the Licensing Act 2003 and the premises operating conditions. Staff will also receive training in regards to the premises vulnerability policy. All training will be documented and signed by both the

Continued from previous page...

trainer and trainee. No staff will work at the premises until this training has been completed and the required refreshments have been completed.

- * Refresher training should take place as a minimum once a year. Training records to be made available to any of the responsible authorities on request.
- * The premises will operate a vulnerability policy which will be made available to any of the responsible authorities on request. As part of this policy the premises will have a safe space for vulnerable people.
- * When the premises is trading at least one of the members of staff on duty will be first aid trained and they will take the lead in any medical incidents or where the incident is vulnerability.
- * The premises will operate a search policy which will be made available to responsible authorities upon request.
- * The premises will operate a drugs policy which will be made available to any of the responsible authorities on request.
- * The premises will operate a dispersal policy which will be made available to any of the responsible authorities on request.
- * From 9pm, Monday to Sunday, the licence holder shall maintain and operate an ID Scan to all persons entering the premises whenever licensable activities are being carried on. The premises is to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY".
- * The premises will deploy door staff when trading. Door staff will sign on and off duty. The premises will keep a profile of all door staff which will include a copy of their SIA licence and photographic ID. (If photographic ID is not available then a utility bill no older than 3 months will be acceptable.) The signing in & out sheets and profiles will be kept on the premises for a minimum of 3 months and made immediately available to any of the responsible authorities on request.
- * Door staff will wear a fluorescent coat, jacket or waistcoat while on duty at the premises. Door staff will remain on duty until all the customers have dispersed and this will form part of the premise's dispersal plan.
- * The numbers of door staff will be risk assessed by the premises. This risk assessment will be made available to any of the responsible authorities immediately on request.

The above proposed conditions have been agreed with the applicant.

Section 5 of 9

OPERATING SCHEDULE

See guidance on regulated entertainment

Select those parts of the Operating Schedule which would be subject to change if this application to vary were successful (check all that apply)

Provision of regulated entertainment

- ☐ a. plays
- ☐ b. films
- ☐ c. indoor sporting events
- ☐ d. boxing or wrestling entertainments
- ☐ e. live music
- ☐ f. recorded music
- ☐ g. performance of dance
- ☐ h. anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment and alcohol

- ☐ i. late night refreshment
- ☐ j. sale by retail of alcohol

This can only relate to reducing licensed hours, or moving them without any overall increase between 7am and 11pm.

Section 6 of 9



Continued from previous page...

ADDITIONAL INFORMATION

Are you able to submit the premises licence/club premises certificate (or relevant part)?

☐ Yes ☒ No

Are you able to submit a copy of the plan?

☐ Yes ☒ No

This is necessary if the proposed variation will affect the layout.

Reasons why you have failed to submit the premises licence/club premises certificate or relevant parts, and a copy of the plan (if the proposed variation will affect the layout)

Original Premises License has been lost

Any further information to support your application. You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

The applicant has liaised with Hiram Taj from West Midlands Police Licensing Unit. The conditions proposed and agreed with the applicant will not have an adverse effect on the promotion of the four licensing objectives or have any impact on Crime & Disorder in the area.

Section 7 of 9

NOTES FOR GUIDANCE

Continued from previous page...

1. **General Note:** The minor variations process can only be used for variations that could have no adverse impact on the promotion of any of the four licensing objectives. (These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.)

It cannot be used to:

- extend the period for which the licence has effect;
- vary substantially the premises to which it relates;
- specify, in a premises licence, an individual as the designated premises supervisor;
- add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate;
- authorise the sale by retail or supply of alcohol at any time between 11pm and 7am;
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied;
- include the alternative licence condition referred to in section 41D(3) of the Licensing Act 2003 in a premises licence.

2. **Description of premises:** For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. This should include any activities in or associated with the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines etc.

3. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

4. **Give full details of all the proposed variation(s).** Failure to provide sufficient information may lead to the refusal of your application. Details should include a description of the proposed variation(s) in terms as precise as possible. If you are not precise, the licensing authority may decide that the changes you propose would be potentially broader in scope than you intend and reject your application as not being a 'minor' variation. You should also include a statement about why you consider the variations proposed could not have an impact on the licensing objectives listed in section 4(2) of the Act. You should cover each of the objectives that could possibly apply to your proposal (or if more than one, to each proposal) and say why you think there could be no adverse impact on that objective. Your application will be assisted by including as much information as you can about this. **(However, there is a box at the end of the form for 'further information', and this should be used for any relevant background information not directly related to the variation.)** Relevant information includes:

a) **Variations to licensable activities/licensing hours** (all timings should be given in 24 hour clock e.g. 16.00. Only give details for the days of the week when you intend the premises to be used for the activity), such as:

- Whether new or increased levels of licensable activities will be taking place indoors or outdoors (indoors may include a tent);
- Relevant further details, for example whether music will be amplified or unamplified;
- Standard days and timing when the activity will take place, including start and finish times;
- Any seasonal variations in timings, e.g. additional days during the summer; and
- Non-standard timings, e.g. where you wish the activity to go on longer on a particular day such as Christmas Eve.

Continued from previous page...

b) **Variations to premises/club layout:** If you are applying for a variation to the layout of your premises, you must include a revised plan. You should be aware that your application is likely to be refused if the proposed variation could:

- increase capacity for drinking on the premises;
- affect access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits; or
- impede the effective operation of a noise reduction measure.

c) **Revisions, removals and additions of conditions:** The minor variation process may be used to remove conditions which are out of date or invalid and to revise conditions which are unclear (as long as the intention and effect remains the same). It can also be used to add a new condition volunteered by the applicant or mutually agreed between the applicant and a responsible authority, such as the police or the environmental health authority (subject to impact on the licensing objectives).

d) **Variations to opening hours:** Details of any changes to hours when the premises or club is open to the public.

5. **Further information:** You should use this box to provide any additional evidence to support your claim that the proposed variation is 'minor' and could not have an adverse impact on the promotion of the licensing objectives.

6. **Signatures:** The application form must be signed.

7. **Authorised agent:** An applicant's agent (e.g. solicitor) may sign the form on their behalf and, in so doing, will be confirming that they have actual authority to do so.

8. **2nd Applicant:** Where there is more than one applicant, both applicants or their respective agents must sign the application form.

9. This is the address which we shall use to correspond with you about this application. This might not be the same as the address of the premises or applicant, but these addresses must also be provided.

Section 8 of 9

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 9 of 9

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £89

DECLARATION

I/WE UNDERSTAND THAT 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.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/change-8> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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.

OFFICE USE ONLY

Applicant reference number	MINOR VARIATION FOR LEVANA
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)

From: Piers Warne
Sent: 11 July 2023 14:59
To: Licensing
Subject: Levana The Arcadian, 70 Hurst Street, B5 4TD Review Representation
Importance: High

Dear Officers

We act for the Landlords at Levana, The Arcadian, 70 Hurst Street, B5 4TD ('the premises'), L&C Commercial Limited.

We are submitting a representation in relation to the review of the premises licence brought by West Midlands Police Licensing Team ('WMP') and dated 13 June 2023.

The representation relates to the licensing objectives of:

- Prevention of Crime and Disorder,
- Prevention of Public Nuisance,
- Public Safety, and
- Protection of Children from harm

As landlords of the Arcadian, our client has a vested interest in ensuring that all premises promote the licensing objectives and manage their premises accordingly. We reserve the right to bring evidence before the Committee in relation to the premises. Our client will assess any evidence provided by WMP in conjunction with evidence from our client's own sources, taking into account their working relationship with WMP in general, prior to any further submission.

Kindly acknowledge receipt of this representation and confirm acceptance of it.

Piers Warne
Legal Director
for TLT LLP

CRE8 SECURITY LTD - VENUE INSTRUCTIONS
TO BE READ ALONGSIDE RISK ASSESSMENT ADDENDUM

The following instructions have been agreed for this venue. All Door supervisors must read them and sign the Venue Instruction Signature Sheet to confirm you understand the customer's requirements

Description	Details	Comments
VENUE	Levana	
Venue Capacity	310	
Prohibited Clothing	Air Bubble Trainers, Hoods, Tracksuits Football Shirts,	
Search Policy	Full Body Search & Bag Search	REFER TO ADDENDUM FOR FULL SEARCH POLICY INSTRUCTIONS
Capacity Control Method	Clickers	
Minimum Entry Age	18	
Duty Manager &/or Licencee's Name	Kourosh Karachi	
Location of Venue Managers Office	Side of Bar Area	
Location of Fire Extinguishers	2 Behind Bar, 2 in Cellar, 2 in Kitchen and 2 in Office	
Location of First Aid Equipment	1) Behind Bar 2) Glass Wash Area 3) In the Office	
Hen/Stag Parties Venue Rules	Not Accepted	
18/21 Birthday Venue Rules	Not Accepted	
Frequency of Safety Checks to be Carried Out	Beginning and part way through shift	
Queue Management Policy	Queues are Formed when Maximum Capacity is Reached	Crowd Control Barriers in Place outside the Venue
Location of Cigarette Machines	None in Bar	
Location of Cash Points	None In Bar	Nearest is outside by RUMRUM
Required Response to Taxi Requests	Nearest Taxi Rank is in Hurst Street	
Emergency Contact Telephone Numbers	Mobile Response [REDACTED]	
Emergency Evacuation Code Word	Loud Siren	

.....Date.....
Venue Managers Signature

.....Date.....
Cre8 Security Ltd Signature

Review date:.....09.06.2024.....(Maximum 12 months)

CRE8 SECURITY LTD**VENUE SURVEY & RISK ASSESSMENT REPORT – PLEASE SEE ADDENDUM FOR IMPORTANT PROCEDURE THAT HAVE BEEN IMPLEMENTED**

DATE OF SURVEY: 09/06/2023	SURVEYORS NAME: [REDACTED]	
NAME OF VENUE MANAGER: [REDACTED]	VENUE NAME: Levana Bar	
LOCATION OF VENUE: The Arcadian, Hurst Street, Birmingham, B5 4ST		
List any dress code not allowed in venue (Football shirts, Fashion Labels, "Hoodies" etc). <ul style="list-style-type: none"> • Air Bubble Trainers • Caps or Hats • Hoods • Tracksuits • Football Shirts 		
Is there a Search policy?: If YES specify frequency and type of Search Yes there is a search policy as follows:-		
PLEASE NOTE ALL PATRONS ENTERING LEVANA INCLUDING DJ'S AND DJ'S HELPERS MUST HAVE FULL SEARCH <ul style="list-style-type: none"> • Each customer will be asked for Physical ID – If the DS is unsure about the ID shown and that it belongs to the customer we will require a 2nd Form of ID on the spot which correlates with initial ID with name, signature or address if needed ie a Bank Card to check signatures. • Each customer will have a Full Body Search with Hand Held Scan and Bag Search • All ID will be checked on a Scanning Machine • Can it also be noted that any functions/promotions during the week will also adhere to the same security conditions as the Friday and Saturday. Depending on the Risk Assessment carried out the amount of Door Supervisors may differ during the week as opposed to the weekend 		
Remember Females must be searched as frequently as males and by female Door Staff		
Is the Uniform as provided by our company acceptable? <ul style="list-style-type: none"> • Yes All staff will have their SIA Badges/Lanyard visible as well as Hi-Viz Coats/ Waist Jackets		
If NO Specify what uniform is required by the Venue Manager		
Is your venue protected by CCTV cameras? <ul style="list-style-type: none"> • Yes 		
Are there radio links between yourselves and other venues and police? <ul style="list-style-type: none"> • Yes 		
Are Radios to be provided by Customer or Cre8? <ul style="list-style-type: none"> • In house 		
Number of Radios:	Type: Motorola - 10	Number of Ear Pieces: 10

Total Venue Capacity:	310	RM1	RM2	RM3	RM4	RM5
Who is responsible for controlling the number of people using the venue and how will this be done: Door Supervisor or Venue Management.						
Number of clickers Required:	• 2	Clickers: Provided by the Client or Cre8?		• Client		

Are there any fire drills that the Door Staff need to be involved in. If so specify procedure:

- Escort Customers to nearest exit

What sound does the Fire Alarm make: Bleep (Loud) Siren

Do you have a "Non Emergency Evacuation" Code Word: No

Where is the First Aid equipment kept?

- Behind bar – Office – Glass Wash

Check it is adequately stocked

Location of Fire Extinguishers

- Located at various places throughout the venue as requested by Health and Safety and the Fire Service
- 2 Office

Location of Cigarette machine(s)

- N/A

Location of any Cash machines

- N/A on Site

If None in the Venue identify the nearest machine outside the venue : In Arcadian outside RUMRUM

Number of emergency exits and their locations.

- 4 –
- 1 - Far left hand side of the bar
- Three Main Doors

Are there any safety checks to be carried out by the Door Staff: eg fire doors etc (specify):

- All Fire Exit Door to be checked
- Toilets are to be checked

Are there any specific procedures covering Fire Drills, Emergencies, Incidents etc

- Incidents to be reported to manager
- Incident book to be completed
- In the event of a fire evacuate via nearest exit

Any additional duties required eg. Escorting staff, Transferring monies etc.

- Escorting of box office till to office
- Assisting with moving barriers

Has the customer identified any dress code for the **Door Staff** that is unacceptable Eg. Hats, Jewellery, Sun Glasses etc.

- Caps

Where is the disabled access points and disabled toilets

- The disabled access point is at the main entrance
- Disabled toilets are to the left of the bar down the corridor

Is there a preferred ejection route which avoids the main areas of the venue

- Via nearest exit

What is your policy on the following:

Hen or Stag Parties:	Free Access	Pre-Arranged only	Not Allowed	Door Staff Discretion
18 /21 Birthdays:	Free Access	Pre-Arranged only	Not Allowed	Door Staff Discretion

What is the required response to Taxi requests?

The nearest taxi rank is in Hurst Street

Where will the Security File and Door Supervisors possessions be kept (Securely)

- Office

NOTES

RISK ASSESSMENT REPORT	
DATE OF SURVEY: 09/06/2023	SURVEYOR NAME: [REDACTED]
VENUE CAPACITY: 310	VENUE OPEN: M T W T F S S
<p>Describe the venue: eg number of floors etc and the age group using the venue.</p> <ul style="list-style-type: none"> 1 Floor. 18-30 	
<p>Is there any Live Football or Live Music at the venue etc which could cause flash points of trouble</p> <ul style="list-style-type: none"> Live Sports <p>Consider extra Door staff at these times</p>	
<p>Is there a history of: Low Drug Abuse, Low Violent Customers, Low Drug Dealers, Low Excess Drinking</p> <p>If so indicate each one and assess the risk as low, medium or high</p>	
<p>Could fire exits get blocked? YES NO (specify any necessary actions)</p> <p>Door Supervisors to make regular checks</p>	
<p>Do queues form outside the venue that could potentially cause problems if not managed?</p> <p style="text-align: center;">YES NO</p>	
<p>Is it necessary to search customers before they enter the venue?</p> <p style="text-align: center;">Full Body Searches YES NO (specify necessary precautions)</p> <p>(See Addendum For Full Details of Search Policies)</p>	
<p>Are there any specific areas within the venue that could cause potential bottlenecks? Eg stairs (specify and record any preventive actions)</p> <p style="text-align: center;">YES NO</p> <p style="margin-left: 100px;">Toilets</p>	
<p>Are there any "Hot Spots" in the venue where potential trouble could occur?</p> <p style="text-align: center;">YES NO</p> <p style="margin-left: 100px;">Superbooth, Dance Floor, Smoking Area.</p>	
<p>Is the first aid box adequately stocked eg, rubber gloves, blood spillage kits etc.</p> <p style="text-align: center;">YES NO (If not implement or request corrective actions)</p>	

Hazard Check List:

HAZARD TYPE	YES	NO	N/A
NOISE	X		
REMOTE / ISOLATED WORK	X		
FIRE	X		
VIOLENCE / MANUAL HANDLING	X		
BOMB THREATS	X		
HYPODERMIC NEEDLES	X		
HIGH TEMPERATURES	X		
LASERS	X		
CROWD CONTROL	X		
GLASS BOTTLES/GLASSES	X		
SEARCH POLICY / REFUSAL OF ADMISSION	X		
DRUG USE OR DISTRIBUTION	X		
ASBESTOS	X		
STRESS			X
POWER FAILURE			X
OTHER - PLS DETAIL			
OTHER - PLS DETAIL			
OTHER - PLS DETAIL			

Identify Hazards	Forecast hazard risk	Proactive Measures	Further Action	Residual Risk
What are the Potential/Real Hazards?	Who might the hazard apply to and how?	Precautions / Controls already in place to reduce risks of hazard occurring.	What action is necessary if the hazard occurs?	Low / Medium / High *Low - Minor impact / damage quickly repaired *Medium - Moderate impact / partial loss of operations *High - Disaster / very serious consequences
NOISE	Door Supervisors - Long-term exposure to unsafe noise levels in the workplace could cause permanent or temporary hearing damage.	Consulted with the venue operator to determine if the expected noise level will exceed the exposure standard where the Door Supervisors will be working. Door Supervisors rotation between quiet and noisy areas. All Door Supervisors provided with ear plugs.	No further action at this stage	Low
FIRE	Door Supervisors and Customers. May suffer fatal injuries from smoke inhalation, burns.	Consulted with the venue operator to check full fire risk assessment is in situ and Door Supervisors are aware of location and fully understand procedures to follow. Regularly check with venue operator this is fully updated. Ensure Door Supervisors are trained on venue Fire risk assessment procedure as part of induction.	No further action at this stage.	Low

Identify Hazards	Forecast hazard risk	Proactive Measures	Further Action	Residual Risk
What are the Potential/Real Hazards?	Who might the hazard apply to and how?	Precautions / Controls already in place to reduce risks of hazard occurring.	What action is necessary if the hazard occurs?	Low / Medium / High *Low - Minor impact / damage quickly repaired *Medium - Moderate impact / partial loss of operations *High - Disaster / very serious consequences
VIOLENCE / MANUAL HANDLING	Door Supervisors and Customers - could be subject to violence and aggression if assaulted or whilst defusing a fight.	<p>All Door Supervisors trained to spot potential trouble makers, defuse tense situations etc.</p> <p>Ensure adequate number of trained Door Supervisors placed.</p> <p>All SIA badged Door Supervisors are trained to a minimum of physical intervention.</p> <p>Information sharing with police and other security Door Supervisors at licensed premises in the area.</p> <p>Radio's / Earpiece allow Door Supervisors and venue manager to converse.</p> <p>Security Door Supervisors aware of all exits.</p>	No further action at the stage.	Medium
BOMB THREATS	Door Supervisors and Customers. Could lead to stampede of customers attempting to exit venue and casualties as a cause of this or potential explosion.	<p>Consult with the venue operator and follow bomb threat procedures.</p> <p>Ensure all Door Supervisors who could conceivably receive a bomb threat are trained in handling procedures or have ready access to venue instructions.</p>	No further action at this stage.	Low

Identify Hazards	Forecast hazard risk	Proactive Measures	Further Action	Residual Risk
What are the Potential/Real Hazards?	Who might the hazard apply to and how?	Precautions / Controls already in place to reduce risks of hazard occurring.	What action is necessary if the hazard occurs?	Low / Medium / High *Low - Minor impact / damage quickly repaired *Medium - Moderate impact / partial loss of operations *High - Disaster / very serious consequences
HYPODERMIC NEEDLES	Door Supervisors may suffer puncture injuries from discarded needles, which may result in serious ill-health problems.	Strict no drugs policy, enforced by the venue and Door Supervisors. Door Supervisors to notify venue operator to discard any needles using 'sharps kit'. Door Supervisors trained never to put their hands inside customer's bags / handbags.	Train Door Supervisors in action to be taken in case of needle stick injury.	Low
HIGH TEMPERATURES	Door Supervisors and Customers may suffer from dehydration or fainting if it is too hot.	Venue has sufficient ventilation throughout venue. Air Conditioning on in hot weather or in surroundings of increased temperature.	No further action at this stage.	Low
LASERS	Door Supervisors may suffer eye damage.	Venue must gain permission from licensing authority via assessment of suitability and ensure customers and venue staff including Door Supervisors are safe.	No further action at this stage.	Low
CROWD CONTROL	Door Supervisors / Customers are at risk of injury from obstructing or interfering with other members of the public outside the venue incase of poor crowd control. Customers / Door Supervisors may get panic attacks or faint and it would be difficult for First Aiders or Emergency Services to get through.	Control Barriers should be in place to keep the crowd in an orderly queue. Adequate number of trained SIA badged security Door Supervisors. Each area within the venue is controlled by clickers to prevent overcrowding. Once capacity for that area is reached no more customers are allowed in that area of the venue.	*Additional Control barriers located in store room. * Adequate Door Supervisors will be put in place to keep crowd in place.	Medium

Identify Hazards	Forecast hazard risk	Proactive Measures	Further Action	Residual Risk
What are the Potential/Real Hazards?	Who might the hazard apply to and how?	Precautions / Controls already in place to reduce risks of hazard occurring.	What action is necessary if the hazard occurs?	Low / Medium / High *Low - Minor impact / damage quickly repaired *Medium - Moderate impact / partial loss of operations *High - Disaster / very serious consequences
GLASS BOTTLES/GLASSES	Customers and Door Supervisors. Glass bottles/glasses if dropped they could shatter and cause harm. Glass bottles could be used as a weapon during conflict.	Cleaners respond immediately to any breakages or spillages. Drinks from glass bottles are poured into Plastic containers and kept out of reach from customers.	* Risk is minimal given measures in place to avoid glass being within reach of customers.	Low
SEARCH POLICY / REFUSAL OF ADMISSION	Door Supervisors and Customers. Searching to be done to prevent anyone getting into the venue with drugs or weapons	Search policy remains a condition of entry including promoters/artists. Adequate number of door Door Supervisors to facilitate same gender searches. Door Metal detector and hand held wand to be used accordingly. Notices to be placed at entry to venue, any promotional material to highlight admission will be refused if found in possession of drugs/weapons. Drugs/Weapons seized must not be left lying around but must be logged and placed in a safe environment until handed over to the police	If any weapons or drugs found on customers etc, they will be confiscated and the customer refused entry.	High

Identify Hazards	Forecast hazard risk	Proactive Measures	Further Action	Residual Risk
What are the Potential/Real Hazards?	Who might the hazard apply to and how?	Precautions / Controls already in place to reduce risks of hazard occurring.	What action is necessary if the hazard occurs?	Low / Medium / High *Low - Minor impact / damage quickly repaired *Medium - Moderate impact / partial loss of operations *High - Disaster / very serious consequences
DRUG USE OR DISTRIBUTION	Door Supervisors and Customers at risk. Any quiet areas within the building may attract Drug Dealers / Users.	Thorough checks on entry to venue. Door Supervisors to conduct regular venue patrols during shift. All remote areas to be well lit. Any areas of the venue unused to be closed off and manned by Door Supervisors.	Door Supervisors will detain any drug users / dealers and call the police.	Medium
<div> <div> SURVEYORS SIGNATURE: VENUE REPRESENTATIVE (SIGN) </div> <div> PRINT NAME: PRINT NAME </div> </div>				

CRE8 Security Ltd**IMPORTANT ADDENDUM TO RISK ASSESSMENT AT LEVANA BAR
– TO BE FOLLOWED ALONGSIDE LEVANA BAR VENUE
INSTRUCTIONS****For All Door Supervisors****UPDATED WORKING PROCEDURES @ 9TH JUNE 2023**

Crowd Control Barriers must be in place before Bar opens. The barriers will distinguish an ENTRANCE AND EXIT system for all customers.

On Fridays and Saturdays 4 Door Supervisors must be based at the FRONT OF LEVANA BAR in the following positions:-

Door Supervisor 1 – BASED AT EXIT**Door Supervisor 2, 3 and 4 BASED AT ENTRANCE in following positions:-**

PLEASE NOTE ALL PATRONS ENTERING LEVANA INCLUDING DJ'S AND DJ'S HELPERS MUST HAVE FULL SEARCH

- **Door Supervisor 2 – Asking each customer for and carefully checking Physical ID – If the DS is unsure about the ID shown that it belongs to the customer we will require a 2nd Form of ID on the spot which correlates with initial ID with name, signature or address if needed ie a Bank Card to check signatures.**
- **Door Supervisor 3 – Full Body Search with Hand Held Scan for all customers and Bag Search**
- **Door Supervisor 4 – Will double check authenticity of ID through Scanning Machine**
- **Can it also be noted that any functions/promotions during the week will also adhere to the same security conditions as the Friday and Saturday. Depending on the Risk Assessment carried out the amount of Door Supervisors may differ during the week as opposed to the weekend**

There is now a new Security Team at Levana Bar that will be versed in the requirements of the venue in the areas which have been highlighted to ensure that the stipulations are being adhered to. A basic induction will be done by a Cre8 Security Supervisor and a more indepth induction will be done on site by the Levana Management Team to all members of the Security Team regarding protocols and procedures. In the event of cover guards being used they will also be inducted accordingly on the night. Each Door Supervisor must sign to confirm they have received this training and all Venue Instructions have been read and are understood.

Confirmed By:-

VENUE Management Date

CRE8 Management Date

Approved by T Kassim

QC : 128 Version 2 Issued : 08.20

Cre8 Security Ltd

Venue Instructions Signature Sheet

All Door Supervisors must read the Venue Instructions and the Generic Risk Assessment applicable to this Venue and sign below to confirm understanding

Name of Door Supervisor	SIA Badge Number	Date Received Training	Signature of Door Supervisor	Signature of Trainer

LEVANA BAR

ID, Search and Entry Procedure

The new entry procedures (v1 31.07.2023)

SET UP of entry, exit and smoking area to be set up before opening. Ensure that there is a separation between entry, exit and smoking areas.

SIA attendance and numbers (kept under assessment and risk assessed)

Fri from opening (8/9pm) min one SIA; by 9pm +1; by 10pm +2 and by 11pm +1 – min 5 SIA by 23:00.

Sat from opening 4pm min one SIA; by 7/8 + 1 SIA; by 10pm +2 SIA and by 11 Pm +2 SIA – min 6 SIA by 23:00

SIA deployment as set out in the CRE8 Security Ltd Venue & Risk Assessment (dated 09.06.2023)

Stage 1: SIA will move along the line reminding persons that only physical ID is permitted and checking ID. No ID means no entry. With NO exceptions.

The key policy for all security, staff (including street promoters) is that there all persons are to have valid ID. Without valid ID there is no entry with no exceptions.

Each customer will be asked for Physical ID – If the DS is unsure about the ID shown and that it belongs to the customer, we will require a 2nd Form of ID on the spot which correlates with initial ID with name, signature or address if needed ie a Bank Card to check signatures.

SIA are also to review the dress code: No Air Bubble Trainers. No caps or hats. No hoods. No Tracksuits. No football shirts.

Stage 2: Searching as set out in the CRE8 Security Ltd Venue & Risk Assessment (dated 09.06.2023).

Each customer will have a Full Body Search with Handheld Scan and Bag Search

Stage 3: ID scanner manned by an SIA security person.

All ID will be checked on a Scanning machine.

ID Search and Entry Support

[1] Street Promoter Training

[2] DPS Supervision of the queuing system. The DPS will undertake spot checks and supervision of the queue and the ID operation especially during peak entry hours of 23:30 – 01:30.

[3] Dedicated ID Scanner Supervisor. The premises will employ and deploy a dedicated member of staff to act as the supervisor of the ID scanning unit and ID, Search and Entry system.

All staff will have their SIA Badges/Lanyard visible as well as Hi-Viz Coats/
Waist Jackets

Implemented - 09.06.2023.

Date of review

Curriculum Vitae

Education

Wood Green Academy
2006 – 2011
12 GCSE'S ranging from A* - C

Wood Green Academy Sixth
Form
2011-2013
4 A-Levels

University College Birmingham
2013 – 2015
Foundation Degree in Salon &
Business Management.

Key skills

Management, Personal Licence
Holder, Bar Trained, Restaurant
Experience, Fully Qualified
Hairdresser and Beautician. I
hold a Foundation Degree, POS
systems, Cash takings, Stock
counts, Problem solving,
Maintaining multiple customers at
once, Communication skills,
Collaborate well with other areas
in the venue.

Contact

[REDACTED]
[REDACTED]
[REDACTED]

References

Available upon request.

Experience

2015-2017
Bar Supervisor • Players Bar

2017-2021
Bar Manager/General Manager • Levana Bar

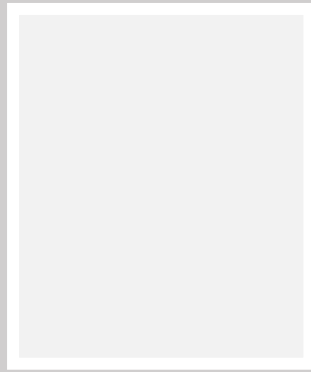
2021-2022
Duty Manager • Ball Park

2022-2023
Assistant Manager • Melvic's Lounge

2023 – Current
General Manager & DPS – [REDACTED]

Communication

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



CONTACT

Address

[REDACTED]
[REDACTED]

Phone

[REDACTED]

Email

[REDACTED]

Facebook

[REDACTED]
[REDACTED]

Linkedin

[REDACTED]

REFERENCES

[REDACTED]

Managing Director

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Director

[REDACTED]

[REDACTED]

[REDACTED]

PROFILE

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

CAREER

Bar Manger/DPS [REDACTED]

2018 - Present

My duties included the running of the bar and handling day-to-day operations, managing resources and employees. I also had to ensure a safe, fun environment was created for staff and customers.

2016- 2018

Security supervisor [REDACTED]

I had the responsibility of monitoring and organising my security team. I would train and schedule learning programs for security personnel. This position included the maintenance of all security devices to ensure the safety of my colleagues and customers.

2014 - 2016

Owner [REDACTED]

2011- 2014

Forklift Truck Driver [REDACTED]

- Load and unload products from trailers using forklift truck. Transport products to and from warehouse and distribution centres

SKILLS

- Customer Service
- Problem Solving
- Fast Paced Worker
- Physical Agility
- Adaptable
- Forklift Driving
- Team Leadership
- Creative

ACADEMIC

2008 - 2010

NVQ Level 3 Diploma - [REDACTED]
Personal trainer

2003 - 2005

Edxcel Level 3 - [REDACTED]
Maths and English

