

## Witness Statement

(CJ Act 1967, S.9 MC Act 1980, ss. 5A (3a) and 5B. MC Rules 1981, R.70)

Statement of: Carl Moore.

Age: **Over 18**

Occupation: Director of CNA Risk Management Ltd


---

This statement (consisting of 2 pages 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.

Dated: **11<sup>th</sup> October 2016**

Signature: \_\_\_\_\_

1. I am a former police officer, having retired from West Midlands Police in 2006 after 30 years service. I started my police career in 1976 as a uniformed Constable in the Handsworth area of Birmingham, before moving on to CID in 1979. I was seconded to the Serious and then the Midland Regional Crime & Drugs Squad where I later specialised in drugs and intelligence gathering operations. I left the Midland Regional Crime Squad in 1997 and returned to West Midlands Police where I was stationed at Steelhouse Lane Police Station CID. Following an injury in 1999 I became the Licensing Officer for the Chinese Quarter in Birmingham. I held this position for four years.
2. Upon leaving the police in 2006, I set up C.N.A. Risk Management Ltd, a licensing consultancy company providing advice and assistance to operators of licensed premises including: advising on and submitting licensing applications; producing operational management protocols and risk assessments; security advice; mystery shoppers and drugs testing.
3. From my experience gained during my time as a police officer responsible for licensing issues, I am aware of how important partnerships between the operators and authorities are. For this reason, a significant amount of my time is spent acting as a liaison between my clients and the responsible authorities. I have attended a number of Licensing hearings as an expert witness in the four licensing objectives.
4. C.N.A. Risk Management Ltd is currently retained by a number of clients on a full time basis to look after their premises situated throughout the midlands. I also provide a licensing consultancy services to many other operators as and when they require assistance. All of my clients are from the late night leisure market including nightclubs, lap dancing venues, restaurants and bars.

Signature: 

Signature witnessed by: \_\_\_\_\_

5. C.N.A. Risk Management were instructed by Solicitor Heath Thomas of Harrison Clark Rickerbys Solicitors to visit the premises known as The Arthouse, a multi-purpose venue in Bissell Street, Highgate, Birmingham. I was to look at the operational side of the venue and to see what issue if any the venue would pose. My company have also been instructed to put in place management protocols and procedures to ensure that the premises meet the licensing objectives, in particular, the prevention of crime and disorder and promotion of public safety.
6. In conducting my investigation into possible issues at The Arthouse I have found that in Bissell street on a Friday & Saturday there are what we call 'Boy Racers' driving slowly past the front of Arabian Nites, a venue which is located in the same building, occasionally sounding their horns. This is capable of being a nuisance which may amount to Anti-Social Behaviour.
7. I have been liaising with West Midlands Police, Environmental Health and the Highways Department with a proposal to eradicate ASB in Bissell Street, by setting up a temporary road closure each weekend from 9pm through to 4am.
8. In my professional opinion, if protocols and procedures are put in place to ensure the premises meet the licensing objectives then the premises can promote the licensing objectives under the licensing act 2003 and will not give rise to/impact upon existing levels of crime and disorder and public nuisance in Bissell Street.

Signature: 

..... Signature witnessed by .....

## Witness Statement

(CJ Act 1967, s.9 MC Act 1980, ss.5A(3)(A) and 5B, MC Rules 1981, r.70)

First Statement of/

Age of under 18 over 18 (if over 18 insert "over 18") Occupation --

This statement (consisting of 5 Pages 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.

Dated 12<sup>th</sup> October 2016

I, \_\_\_\_\_ of \_\_\_\_\_  
WILL SAY AS FOLLOWS: -

1. I am a resident of Highgate, living at \_\_\_\_\_ I live there together with my partner,
2. I make this witness statement in connection with an application for the grant of a new licence for premises known as Arthouse, 54 Bissell Street, Birmingham, B5 7HP.
3. During the consultation period for the above application, a local resident, who is known as an individual who complains about everything and anything came to my home (came to the door with a petition, and she was being quite persuasive to my partner, \_\_\_\_\_ to sign the petition. \_\_\_\_\_ was not asked to read any letter that accompanied the petition, she was simply asked to sign it. In an effort simply to get rid of \_\_\_\_\_ I signed the petition. \_\_\_\_\_ then left, going to other neighbouring premises.

1

Signature ..

Signature Witnessed By \_\_\_\_\_

Continuation of Statement of

4. I have since become aware of the letter that accompanies the petition attached and marked 'DM1', and having been a resident here for over five years, I am able to comment on the issues raised.
5. I live approximately 50 metres from the Shisha Bar known as Arabian Nites. Save for "special" times of the year for example Eid, which can be a bit noisy, I have never experienced any problems with the operation of Arabian Nites.
6. \_\_\_\_\_ does not even live near Arabian Nites, and she would not be affected by its operation at any time.
7. I park my car near my home and near the premises, and I am able to say that I have experienced no problems with my car. Neither have my neighbours, and it is simply incorrect to say that we have been hit on many occasions. If these problems really exist in the way that \_\_\_\_\_ suggests, then I would have an expectation that the police would be here each night. They haven't, and there is not the problem that \_\_\_\_\_ suggests.
8. I have seen \_\_\_\_\_ come out with her iPad filming the premises and its clientele. I have also seen her on other occasions going to the park when we had problems with bikers when she has gone straight into the group shouting and swearing at them. I think she just allows small things to bother her, and then she gets involved herself.
9. I have not experienced any anti-social behaviour from Arabian Nites. The operator is genuinely concerned about the way in which they operate and has engaged with neighbours. Whilst the parking is sometimes a bit of a bother, I can say that no

2

Signature \_\_\_\_\_

Signature Witnessed By \_\_\_\_\_

Continuation of Statement of

neighbours' cars have been hit. I have experienced on one occasion nails in one of my tyres, but that was before Arabian Nites came to the area, and it was possibly due to kids. I cannot say that Arabian Nites has given rise to any problems associated with cars.

10. Living so close, I can also confirm that I have never experienced verbal abuse from the customers of Arabian Nites. My daughter works at the \_\_\_\_\_ and I used to put my head out and look out for her at the end of the evening which would be around closing time for Arabian Nites, and again I can say that I have never experienced any problems at that time.

11. I have never been inside Arabian Nites, and I can only comment upon any issues that exist around the premises rather than inside.

12. With regards to allegations of drug taking in the Grove and the Croft, again this is nothing to do with Arabian Nites. There is a large problem locally which is quite separate to Arabian Nites, and the two are separate issues. To suggest that customers are linked to drug taking locally is simply untrue. Highgate has its own pre-existing problems.

13. Very occasionally, I have heard shouting in the street, again this is not connected to Arabian Nites, there has been the very odd occasion when somebody might have been refused entry and they may have made a little noise then.

Signature \_\_\_\_\_

Signature Witnessed By \_\_\_\_\_

Continuation of Statement of

14. In terms of criminal <sup>damage</sup> ~~terms~~, we have not experienced criminal damage to wheely bins, I have three wheely bins and I have experienced no problems whatsoever and live at one of the closest properties to the building.

15. I am also able to confirm that there is no confrontation from youths in cars, and I have never experienced customers making out on my doorstep.

16. There are gangs of kids running around the community, but this is nothing to do with the existence of a Shisha Restaurant.

17. I think that \_\_\_\_\_ is focusing all of the community problems on the Shisha Bar and licensed premises. I believe that the people who go to the premises are nice people, and I can say from my own personal experience that they have never caused me any public nuisance.

18. I am aware of the new application for a premises licence for Arthouse. On the basis of my experience with Arabian Nights, I have no concerns regarding Arthouse, and I am satisfied that it will not cause me or my neighbour's problems associated with crime disorder and public nuisance.

Signature \_\_\_\_\_

Signature Witnessed By \_\_\_\_\_

Continuation of Statement of

Statement of

Age of under 18 over 18 (if over 18 insert "over 18") Occupation --

This statement (consisting of \_\_\_\_\_ Pages 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.

This is the exhibit sheet ('DM1') of \_\_\_\_\_ Witness Statement dated .

Dated the \_\_\_\_\_ Day of \_\_\_\_\_ 2016

Signature \_\_\_\_\_

5

Signature ..

Signature Witnessed By \_\_\_\_\_

Representation 2

1 DM1

Residents Petition re Licence application, 54 Bissell st Highgate. Application number 98459  
Licence number PERS/NW/772/201 Ms Jamie-Lea Price Licence holder. Blog Venues Ltd  
Registered company 10329518 Start date 31/8/2016 End date 28/9/2016

Complaint regarding proposed Licensing of a new venue called the XTHOUSE a multi purpose venue planning to open and serve alcohol Monday to Sunday from 9pm until 6am.

We currently have a large amount of Anti Social Behaviour from the current Venue called Arabian Nites at 54 Bissell Street and are trying to get it stopped.

Areas affected include

Lawford Grove, Spooner Croft, Gooch Street, Bissell Street, Barford Street, Vaughton St.

Late night venues and residential areas do not mix, the area cannot cope with a venue not selling alcohol, so what will it be like with another one that is selling alcohol into the early hours, no doubt there will be a knock on effect with parking and litter, because the footfall will increase. With this venue increase customers attending the Shisha lounge Arabian Nites causes resident fear within the local community we are already fearful in our homes and concerned the crimes are affecting us already, please help.

Problems we currently have include

Neighbours cars have been hit on many occasions

We are extremely fearful of crimes and are being verbally abused by their clientele

Drug taking and drinking Alcohol in the Grove and Croft

Criminal Damage has been done to wheelie bins etc

Aggressive Confrontations from youths in the cars

Drug taking in their parked vehicles, council bins knocked out of their concrete

Noise and verbal abuse and we have been threatened

Couples making out on our door steps, literally.

Parking on grass land, pavements

Spraying graffiti, littering with fast food and bottles

Verbal abuse and swearing

Urinating up, our fences, gates, and sometimes our cars

Litter and drug use items being left in grove

Noise and shouting, car horns sounding until 4am

Public transport, ambulances fire trucks And buses have trouble getting through

Constant car doors slamming, playing loud music, engines revving

We are fearful of further crimes and feel prisoners in our homes. We have gathered video evidence and get verbally abused by the staff from Arabian Nites, calling us nosey, racists etc. We can not let them expand without any consultation or respect for the residents who have lived here for up 50 years, we have many elderly and young family's who suffer and the constant noise, shouting and screaming, abuse and anti social behaviour of fighting, urinating, drinking keeps us in fear and this is not a way to live, I believe under the human rights act we have a right to live peacefully and safe in our homes. Due to noise we can not even open our windows at night.

Regards the resident of Highgate. 25/9/2016



## Witness Statement

(CJ Act 1967, s.9 MC Act 1980, ss.5A(3)(A) and 5B, MC Rules 1981, r.70)

First Statement of

Age of under 18 over 18 (if over 18 insert "over 18") Occupation - .

This statement (consisting of 7 Pages 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.

Dated 12<sup>th</sup> October 2016

I, \_\_\_\_\_ of

WILL SAY AS FOLLOWS: -

1. I have lived within Highgate for 22 years.
2. I am currently the chair of the Highgate Housing Liaison Board where I have held a position for a approximately 18 years. That role requires me to liaise with residents and the local authority.
3. I am also Vice Chair of the Highgate Community Forum, and I have held that position for approximately 12 months.
4. I make this Witness Statement in connection with an application for the grant of a premises licence for premises to be known as Arthouse, 54 Bissell Street, Birmingham, B5 7HP.

Signature :

Signature Witnessed By

\_\_\_\_\_

\_\_\_\_\_

Continuation of Statement of

---

5. I am aware that a petition has been lodged against the grant of the above premises licence. That petition does not reflect the views of all local residents, and in my opinion, it is very much an orchestrated campaign by one resident only, namely
6. Rather than concentrating on the application for a new premises licence, that petition dwells on existing licensed premises known as Arabian Nites.
7. I have no personal or business connections with Arabian Nites.
8. I heard of complaints from a local resident, and made it my business to go down to Arabian Nites and take a look for myself to see whether or not these concerns were genuine.
9. I visited Arabian Nites and its locality on 11 occasions with the purpose of seeing for myself whether there are issues surrounding the operation of licensed premises. From those visits, the only issues I have found are ones involving vehicles, and drivers making a noise with their large exhausts and music coming from the cars. There has been no nuisance directly associated with or coming from the Arabian Nites premises.
10. I have also been a customer of Arabian Nites, and I am aware that it has a policy that customers will be searched and have to produce identification. Those that are not permitted entry may congregate on the opposite corner of the road opposite Arabian Nights. I have seen for myself this happening, and I have also witnessed security personnel from Arabian Nites go over and move those individuals away.

2

Signature \_\_\_\_\_

Signature Witnessed By \_\_\_\_\_

\_\_\_\_\_

Continuation of Statement of

---

11. In terms of the comments contained in the petition, I am aware that there is a letter that accompanies this marked "EH1". The following comments I make are in relation to that letter, which is attached to the petition.

12. I disagree that we have a large amount of anti-social behaviour from Arabian Nites. This has simply not been evidenced on any of my 11 visits.

13. As a local resident, we have always had problems of crime within the Highgate area. Highgate has big issues with drug taking and that is why we now meet as a forum to discuss these issues. Arabian Nites is not the cause of the drug issues, and it is wrong to say that residents live in fear of crime because of Arabian Nites. There is only one complainant regarding these premises, and that is

14. There is a suggestion in the petition that neighbours cars have been hit on many occasions. Car crime has always existed in Highgate. Arabian Nites has no responsibility for this, and neither has it added to car crime in the locality.

15. I have never witnessed residents being verbally abused by clientele of Arabian Nites. In fact, no local residents frequent Arabian Nites, and it is only [redacted] that has been there and I aware that she has verbally abused staff and customers so much so that a report was made to West Midlands Police. On all of the occasions I have been to the premises or in the vicinity of the premises, I have never experienced verbal abuse.

Signature \_\_\_\_\_

Signature Witnessed By \_\_\_\_\_

Continuation of Statement of

16. There is a suggestion that the premises is associated with drug taking and drinking of alcohol. These premises do not sell alcohol, and neither do they permit drug taking. However, drug taking and drinking of alcohol is all over Highgate, and it is not a problem that is either caused by or associated with licensed premises which in my opinion serves only to control the drinking of alcohol.

17. There is also a suggestion that there has been criminal damage to wheely bins. I am not aware of this.


18. I have not witnessed any aggressive confrontations from youths in their cars.

19.           also alleges that there is drug taking in parked vehicles. I have not witnessed any of this. When I have been to the premises and in its vicinity, there is no one in any of the cars parked by the premises.

20. I disagree with the suggestion that any residents have been threatened as a consequence of Arabian Nites. I have never been threatened or felt threatened in any way in connection with licensed premises and in particular the Arabian Nites.

21. The letter suggests that couples are making out on the doorsteps of residents, and again, I have never seen anything like that.

22. Parking on grassland and pavements is a common problem within Highgate. This problem particularly exists on Fridays, when the mosque is particularly busy. As a resident of Highgate, we have simply become used to it.

Signature 

Signature Witnessed By  

Continuation of Statement of

---

23. As regards graffiti, I am aware of graffiti in Northwood Grove, but this is not a problem associated with licensed premises and neither is Arabian Nites the source of any graffiti in the area.

24. Regarding the allegation of litter and fast food and bottles, this is not a fast food premises, and I am aware that Arabian Nites does not permit bottles to be taken out of their premises. The allegation is simply unfounded.

25. I have not experienced nor am I aware of a persistent problem of people urinating or fouling in or around residents' premises and cars.

26. The suggestion that litter and drug use items are left in the Grove because of licensed premises is again unfounded. Aluminium canisters can be found anywhere in Highgate, it is not a problem that has come here because of Arabian Nites, it has always existed in the community.

27. As to noise and shouting, car horns sounding at 4am, I have been present at Arabian Nites when it has been closing. I have witnessed people saying goodnight to one another and the occasional car horn but I disagree that this would cause a nuisance to residents.

28. There have been occasions of cars sounding and revving their engines, but I am aware that Arabian Nites proposes to operate a road closure on Fridays and Saturdays each week, and I am confident that this will resolve any concerns relating to noise from vehicles in the vicinity.

Signature \_\_\_\_\_

Signature Witnessed By \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Continuation of Statement of

---

29. I do feel that \_\_\_\_\_ grossly exaggerates the claims against licensed premises, and I feel that this is no more than a orchestrated campaign by one individual against licensed premises within the community.

30. I support the application for grant of a new premises licence for Arthouse. I see no evidence that it will give rise to Crime and Disorder or Public Nuisance.

Signature (

Signature Witnessed By

\_\_\_\_\_

\_\_\_\_\_

Continuation of Statement of

Statement of

Age of under 18 over 18 (if over 18 insert "over 18") Occupation -

This statement (consisting of \_\_\_\_\_ Pages 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.

This is the exhibit sheet ('EH1') of Witness Statement dated

7

Signature \_\_\_\_\_

Signature Witnessed By \_\_\_\_\_

E4.1

Residents Petition re licence application, 54 Bissell st Highgate, Application number 98453  
Licence number PER5/NW/772/201 Ms Jamie-Lea Price Licence holder, Bloc Venues Ltd  
Registered company 10329518 Start date 31/8/2016 End date 28/9/2016

Complaint regarding proposed licensing of a new venue called the ARTHOUSE a multi  
purpose venue planning to open and serve alcohol Monday to Sunday from 5pm until 6am.

We currently have a large amount of Anti Social Behaviour from the current Venue called  
Arabian Nites at 54 Bissell Street and are trying to get it stopped.

Arrears effected include

Lawford Grove, Spooner Croft, Gooch Street, Bissell Street, Bairford Street, Vaughan st.

Late night venues and residential areas do not mix, the area cannot cope with a venue not  
selling alcohol, so what will it be like with another one that is selling alcohol into the early  
hours, no doubt there will be a knock on effect with parking and litter, because the footfall  
will increase. With this venue increase customers attending the Silsha Lounge Arabian Nites  
causes resident fear within the local community we are already fearful in our homes and  
concerned the crimes are affecting us already, please help.

Problems we currently have include

Neighbours cars have been hit on many occasions

We are extremely fearful of crimes and are being verbally abused by their clientele

Drug taking and drinking Alcohol in the Grove and Croft

Criminal Damage has been done to wheels, bins etc

Aggressive Confrontations from youths in the cars

Drug taking in their parked vehicles, council bins knocked out of there concrete

Noise and verbal abuse and we have been threatened

Couples making out on our door steps, literally.

Parking on grass land, pavements

Spraying graffiti, littering with fast food and bottles

Verbal abuse and swearing

Urinating up, our fences, gates, and sometimes our cars

Litter and drug use items being left in grove

Noise and shouting, car horns sounding until dawn

Public transport, ambulances Fire trucks And buses have trouble getting through

Constant car doors slamming, playing loud music, engines revving

We are fearful of further crimes and feel prisoners in our homes. We have gathered video  
evidence and get verbally abused by the staff from Arabian Nites, calling us nousey, racists  
etc. We can not let them expand without any consultation or respect for the residents who  
have lived here for up to 50 years, we have many elderly and young families who suffer and  
the constant noise, shouting and screaming, abuse and anti social behaviour of fighting,  
urinating, drinking keeps us in fear and this is not a way to live, I believe under the human  
rights act we have a right to live peacefully and safe in our homes. Due to noise we can not  
even open our windows at night.

Regards the resident of Highgate. 25/9/2016