

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Friday 8th June 2018
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Cloud Nine, 76 Gooch Street North, Birmingham, B5 6QU
Ward affected:	Bordesley & Highgate
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

As a result of a closure order being issued by the Magistrates Court under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 the Licensing Authority is required to review the premises licence in accordance with section 167 (1) & (2) of the Licensing Act 2003.

2. Recommendation:

To consider this review and to determine this matter.

3. Brief Summary of Report:

As a result of the Licensing Authority receiving notification that the Magistrates Court has issued a closure order in respect of Cloud Nine, 76 Gooch Street North, Birmingham, B5 6QU the authority is required to review the premises licence.

At the time of publication of this report no additional representations had been received.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

On the 24th May 2018 Birmingham Magistrates Court notified the Licensing Authority that they had issued a closure order in respect of Cloud Nine, 76 Gooch Street North, Birmingham, B5 6QU in accordance with section 80 of the Anti-social Behaviour, Crime and Policing Act 2014.

As a result of receiving notification of the closure order the Licensing Authority is required to review the premises licence granted to Mr Mohammed Malik in respect of the aforementioned venue.

A copy of the closure order issued by the Magistrates Court is attached as Appendix 1.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other parties ended on 31st May 2018.

A representation, including supporting evidence, has been received from West Midlands Police as a responsible authority. See Appendix 2.

Due to the size of the supporting evidence, it has been attached as a separate appendix to this report.

The Premises Licence is attached at Appendix 3.

Site location plans are attached at Appendix 4.

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:

Copy of the closure order issued by the Magistrates Court, Appendix 1

Copy of the representation from West Midlands Police, Appendix 2

Copy of Premises Licence, Appendix 3

Site location plans, Appendix 4

7. Options available

Take no action

Modify the conditions of Licence

Exclude a Licensable activity from the scope of the Licence

Suspend the Licence for a period not exceeding 3 months

Revoke the Licence

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.

Appendix 1



Birmingham Magistrates' Court
Code 2922
Birmingham Magistrates Court
Victoria Law Courts, Corporation Street, Birmingham, B4 6QA

CLOUD NINE SHISHA LOUNGE
66 - 76 Gooch Street North
Highgate
Birmingham
B5 6QU

Case number: **201800268424**

Orders

The court has heard the matters shown below and made the orders listed.

Date: 23 May 2018

Michael Seath
Justices' Clerk

Matters and orders

201800268424/1

Application for a closure order following service of a notice on 09/05/2018 in respect of Cloud Nine Shisha lounge, 66 - 76 Gooch street North Highgate B5 6QU.

Pursuant to section 80 of the Anti-social Behaviour, Crime and Policing Act 2014.

Closure order made for "CLOUD NINE"

**66-67 GOOCH STREET NORTH,
BIRMINGHAM,**

B5 6QU for 3 months. Access is prohibited to all persons. This order applies to the whole of the premises.

Appendix 2

From: Abdool Rohomon -
Sent: 30 May 2018 13:26
To: Licensing
Cc: Benjamin Parsons
Subject: Reps - Cloud 9

Dear Licensing

As you are aware West Midlands Police have obtained a closure against Cloud 9, which is a licensed premises located at 76, Gooch Street North.

The representations that West Midlands Police rely are on are as follows

- Evidence of underage being on premises
- Evidence of premises supplying psychoactive active substances to persons under 18
- Evidence of premises being complicit in persons under the age of 18 taking psychoactive substances
- Evidence of premises denying responsible authorities access to the building when open
- Evidence of defective fire safety procedures
- Evidence of alleged alcohol consumption on the premises

West Midlands Police make the application that the evidence which will be supplied undermines the crime and disorder, public safety and protection of children from harm objectives and that as such the premise licence should be revoked.

The evidence bundle will be supplied in due course, and please note that West Midlands Police are likely to be legally represented as well as Sgt Ben Parsons

Please accept these as representations to be used in the licensing hearing

Kind regards

Abs Rohomon

**PC 4075 Rohomon
BW Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ**

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West Midlands Police

Appendix 3

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LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

4534 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description

Cloud Nine
76 Gooch Street North

Post town:

Birmingham

Post Code:

B5 6QU

Telephone Number:

Not Specified

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

D	Boxing or Wrestling Entertainment
E	Live Music
F	Recorded Music
G	Performance of Dance
L	Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

Monday - Thursday	11:00	-	01:00	D ,E ,F ,G
	23:00	-	01:00	L
Friday - Sunday	11:00	-	02:00	D ,E ,F ,G
	23:00	-	02:00	L

The opening hours of the premises

Monday - Thursday	11:00	-	01:00
Friday - Sunday	11:00	-	02:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

N/A

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Mohammed Malik	
Post town:	Post Code:
Telephone Number:	
Email cloud9.mk@outlook.com	

Registered number of holder for example company number or charity number (where applicable) N/A

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

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

Dated 08/07/2016



SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

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Annex 1 – Mandatory Conditions

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

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Regulated entertainment shall take place indoors only.

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

The premises licence holder shall install and maintain a CCTV system inside and outside the premises. CCTV recordings shall be provided to the Police upon request.

A search policy will be implemented at the premises.

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

SIA registered door supervisors will be present at the premises on the weekends.

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

Notices shall be displayed at the premises requesting customers to have regard for neighbours.

The premises shall have a noise limiter and audio devices to ensure the level of amplified music is controlled.

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

Persons under the age 18 shall not be permitted to the premises.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Conditions as stated below under the appropriate objective set by Licensing Sub Committee B on Tuesday 21st June 2016:

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

Alcohol will not be permitted to be drunk on the premises, or brought onto the premises

If staff believe that customers have alcohol in their possession they will be asked to submit to a search. If they decline or are found to be in possession of alcohol they will be refused entry or asked to leave the premises.

A record of all searches will be kept at the premises and produced to Officers on request

A refusal of entry log will be kept at the premises and produced to Officers on request

Door supervisors will be on duty at the premises on Friday and Saturday nights between the hours of 22:00 and closing. Also at any times that the Premises holds a Special Event

Door Supervisors will wear High Visibility Jackets.

Door Supervisors will wear their SIA badge in a position where it can clearly be seen.

Door Supervisors will sign in and out of a register at the start and finish of each shift. The register must be kept on the premises and produced to Officers on request.

A Profile for each Door supervisor must be kept at the premises and be available for inspection by Officers on request. The profile must contain:

- A copy of the Door Supervisors SIA Badge
- Photographic ID (Passport or DVLA Licence)
- Proof of address dated within the last 6 months (Utility Bill or DVLA)
- Profiles must be kept at the premises for 6 months from the date of the Door Supervisors last shift.

3c) Committee conditions to promote public safety

N/A

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

N/A

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

No one under the age of 18 is permitted on the premises after 18:00 hours

Challenge 25 will be promoted at the premises. Staff will be trained in Challenge 25 and signage will be displayed.

Any person attempting to enter the premises, or make a purchase from the premises, will be asked to prove they are over 18 if they look under 25.

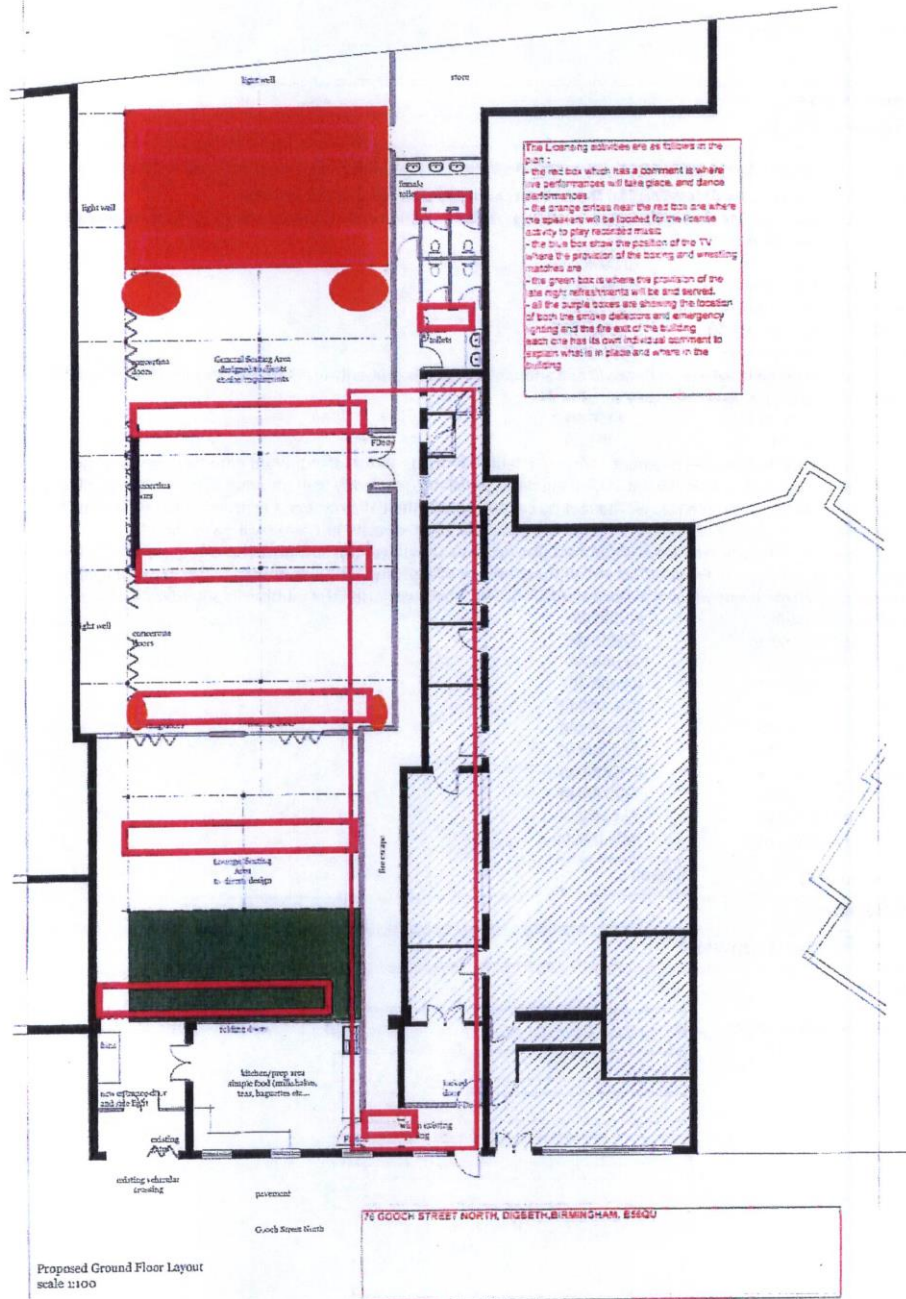
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The only forms of Identification which will be accepted are Passport or DVLA Licence.

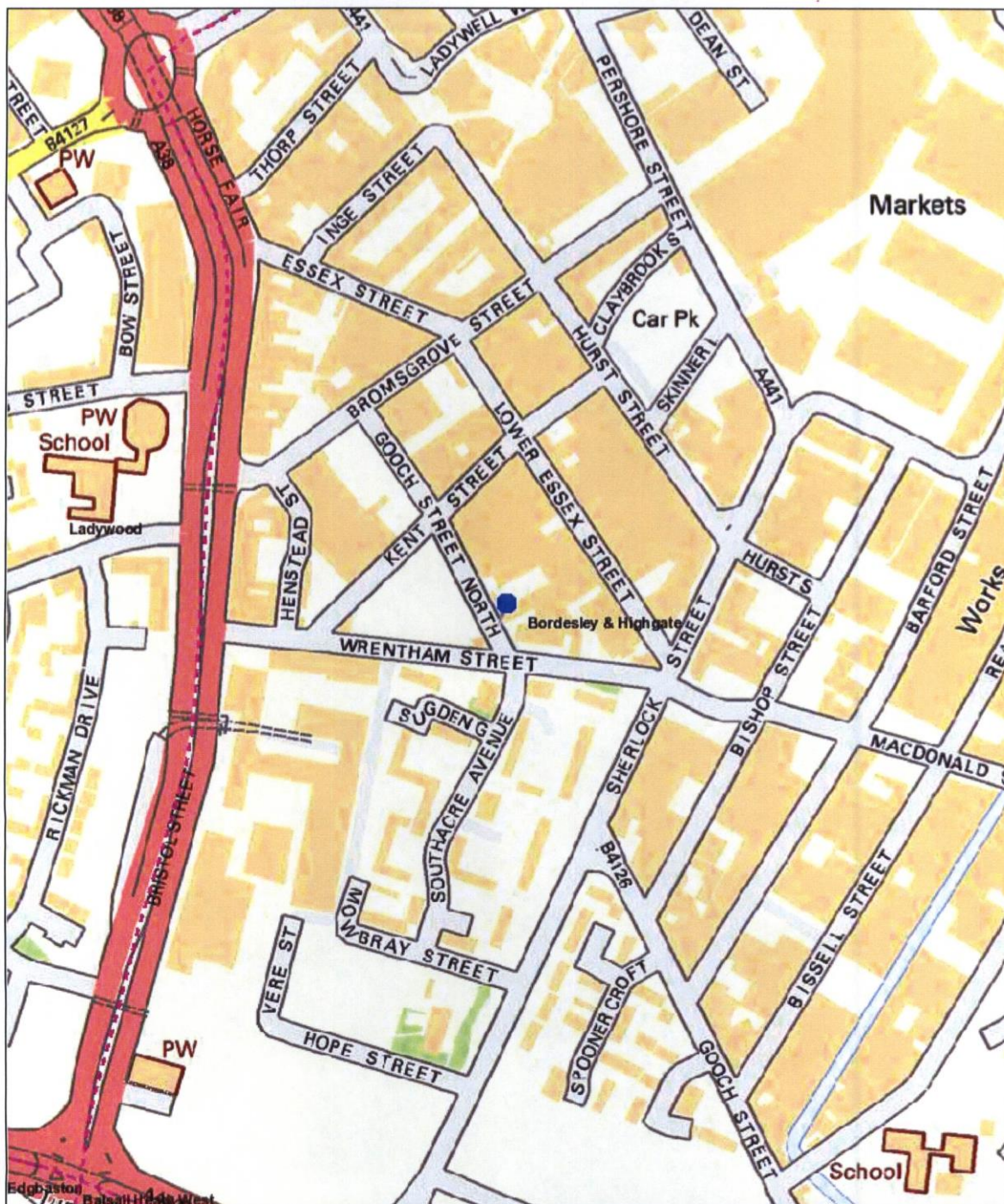
A record of all refusals will be kept in the refusals log.

The premises will have a working CCTV system consisting of a minimum of 20 cameras. The system will be recording at all times when the premises are open for business. Images must be made available to Officers on request.

Annex 4 - Plans



Appendix 4



Birmingham City Council

Map Created By:

Date of Map Creation: 24/05/2018

Notes



Scale:
1:4,000

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Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 24/05/2018



Scale:
1:1,250

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