

# BIRMINGHAM CITY COUNCIL

**LICENSING  
SUB-COMMITTEE C,  
WEDNESDAY, 22  
FEBRUARY 2017**

**MINUTES OF A MEETING OF THE LICENSING  
SUB-COMMITTEE B, HELD ON WEDNESDAY, 22  
FEBRUARY, 2017 AT 0930 HOURS, IN COMMITTEE  
ROOM 1, COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Alex Buchannan in the Chair.

Councillors Barbara Dring and Neil Eustace

**ALSO PRESENT**

David Kennedy, Licensing Section  
Joanne Swampillai, Committee Lawyer  
Tayyibah Daud, Committee Manager

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**NOTICE OF RECORDING**

01/220217 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**APOLOGIES**

02/220217 Apologies were submitted on behalf of Councillor Leddy. It was noted that Councillor Dring was the nominated member.

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**MINUTES**

03/220217 The public part of the Minutes of the meeting held on 25 January 2017 were noted.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT JAMAICA EXPAT ASSOCIATION CIC EVENT (5<sup>TH</sup> & 6<sup>TH</sup> AUGUST 2017) @ HANDSWORTH PARK, HOLLY ROAD, BIRMINGHAM, B20 2BY**

The following persons attended the meeting:-

**On behalf of the applicant**

Clifton Cameron – Director of Jamaican Expat Association C.I.C.  
Nysha Givans – Company Security  
William Burne – Euro Guard Security  
Maurice Whittingham – Euro Guard Security

**On behalf of West Midlands Police**

PC Abdool Rohomon  
SGT Talib Hussain (Observing)

**On behalf of Trading Standards**

Donna Bensley - Chief Inspector of Weights & Measures

**On behalf of West Midlands Fire Service**

Mick Robinson

**On behalf of Birmingham City Council Parks**

Garry Peal – Events Manager  
Paul Gallagher

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

(See Documents No. 1)

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy, Licensing Section.

Mr Cameron, the applicant for the licence, made the following points in respect of his representation and in response to Members' questions:-

1. This application has been made with the intention of celebrating the 55<sup>th</sup> Independence Day of Jamaica and to showcase what Jamaican culture has achieved.
2. As a minority group, we would not want to think that we are being penalised for who we are.

3. In regards to the evidence submitted by the objectors to this application, there were clearly a few concerns raised which have now been dealt with.
4. It would be unfair for us to be penalised just because there were a few flaws with the last Independence Day event. There are always flaws with each event which can be tweaked and made better.
5. He had had a successful meeting with the Responsible Authorities; the only issue of concern was the venue which may need to be changed in the near future.
6. Mr Cameron stated he has clear concerns that if the licence was not granted it would have a negative impact on Birmingham City Council and how it deals with diversity.
7. The event involves many other communities, statistically last year at the event there were 60% Jamaican, 31% White and European and 9% Asian, illustrating the event had a good cultural mix.
8. This strengthens the motto of Jamaica expat of 'out of many one people'. Jamaica is the only multicultural country to embraces individuals of every culture.
9. In 2012 when Birmingham City Council wished to showcase Usain Bolt for his achievements, this was only done as the council received some benefit out of it.
10. The main issue last year was in regards to the security. The security company used was recommended by Birmingham City Council themselves. Showing, the organisers have always listened to what the council has recommended.
11. Mr Cameron stated that it was an individual who he was working with that sabotaged the event. For the actions of one vindictive person it would be unfair to penalise him.
12. Mr Cameron stated that he sent out all the documentation in regards to the stalls that would be present at the event to Trading Standards.
13. Security concerns should be raised by West Midlands Police and not Trading Standards.
14. The issue with lost children and security have been addressed in the event manual.
15. Mr Cameron stated he 'did hold up my hand' as he was the event's organiser last year and was sabotaged by another manager.
16. Mr Cameron stated that he has done numerous work for the community and views himself as a community man.

17. Birmingham Community Development Scheme is a major organisation works alongside the community. With the help of 270 volunteers, Mr Cameron states that he has saved the council a lot of money.
18. Any events that are organised by Mr Cameron are to address the needs the local area may have and most importantly are done for community engagement.
19. Mr Cameron stated he is not a trouble maker and likes to see people living together.
20. He has zero tolerance for violence at any of his events.
21. After the park was used for an Vaisakhi event, there were many holes in the grass. He has made a freedom of information request to the parks department to see if Birmingham City Council parks have asked for costs to repair the park.
22. When using a park for any event, Mr Cameron makes sure that the park is left in better condition than what it was before the event. As soon as the day is finished Mr Cameron leaves the community looking clean and pretty.
23. Mr Cameron stated that he has helped the community for 35 years. He has helped so many people find employment.
24. He had started his company from nothing and received no help from the council. Economically the events have proven to be very successful and generate profits of £450,000.
25. Mr Cameron stated that for him to put an event on to bring the community together, and then to be penalised, is disgraceful.
26. There will be 60 security guards present at the event this year.

The Chair advised that this Committee assesses each licence on its own merit. The licence is viewed from the history of the licence, especially in regards to what has previously occurred and what has been applied for. This has no influence with who is applying for the event but rather what they are applying for. The Chair appreciated Mr Cameron's community work and stated there was no issue in discussing what Mr Cameron had done for the community.

27. Members were concerned that conditions of the previous licence had not been adhered to. There was no mention in regards to how the four licensing objectives would be upheld.
28. Mr Cameron stated that the safety of children has been dealt within the event manual. The organisation understands what child protection and safe guarding are and have never had any problems with this issue previously.

29. Mr Cameron reiterated that the actions of one person sabotaged their event. Mr Cameron had always followed what has been suggested at SAG meetings
30. Issues have been addressed and now three gates will be put in place. Areas will be monitored and there will be a supervisor present in each section.
31. Mr Cameron stated he has not been difficult with the Responsible Authorities who are objecting and understands they are doing their job.
32. Ms Givans explained that she had a background in teaching and in dealing with Ofsted.
33. In regards to the email from the park service attached at appendix 4 of the report. Mr Cameron stated that at the time of the email he had paid approximately 2/3 of the payment. However, he stated that on 10<sup>th</sup> February he has cleared all the debt,
34. Mr Cameron stated that in his summary, he had evidence to clearly explain who was responsible for what.

Mr Kennedy stated that it was of concern that the applicant is holding back evidence that they are relying on in the summing up. Ms Givans stated that has done a written response to the bundle submitted by the Police. The Chair advised that all evidence has the need to be served on all parties before it can be disclosed in the meeting.

Mr Kennedy, stated that all parties confirmed they accepted and understood the procedural rules, one of which is that all supporting documents must be served 3 working days before the meeting.

35. Mr Burne stated Euro guard have provided security for large events, and also street marshals and wardens. They have a lot of knowledge of event security. Every security guard will be SIA registered and always have their badges on display.
36. In regards to the security procedures proposed on 5<sup>th</sup> and 6<sup>th</sup> August 2017, Euro guard have stated they plan to have 2 event co-ordinators at the event during the whole day. There will be 120 staff on sight and each staff member is SIA registered and will have the appropriate badge on display.
37. Mr Cameron stated that the event manual is still a working document. (See Documents No.2)
38. Members were concerned that there were petrol generators on the premises when there shouldn't have been. Mr Cameron stated that he did not know that there were going to be petrol generators and this was the decision of the other event manager at the time.

39. Mr Cameron stated once he found out the generator was at the premises, he made sure it was not used but was not removed from the premises.
40. Mr Cameron stated the staff he was liaising with for the running of the event, sabotaged the operations and did not wish for the event to be successful.
41. In regards to the police not being able to contact an event co-ordinator on the days of the event, Mr Cameron stated as opposed to the other event organiser who was not approachable. He stated he was approachable and contactable by mobile and radio.
42. Mr Cameron stated he spoke to a Police Sgt on duty that day and had a discussion. He stated he was actively present at the event as he was apologising to crowds of people that the headline music artist would not in fact be performing at the event.
43. Mr Cameron further stated that he had a paid for a security service but was let down.

PC Rohomon in presenting the case for West Midlands Police and in response to questions from Members, made the following points:

1. There are genuine concerns from West Midlands Police that the four licensing objectives are at risk of being undermined.
2. Mr Cameron was the event manager last year, policies and procedures should have been followed.
3. It is important to note that the police can only go by what is promised by the applicant. If the event manager has stated that there will be two marquees that is what is expected to be at the event.
4. At the SAG process, it was stated that alcohol would not be served in glasses/glass bottles and that everyone entering the event would be clicked in. However none of this was observed.
5. There was no accurate figure as to how many people were actually present at the event. At one point, the officers who were present at the event estimated that there were 10,000 people present at the event.
6. This was double the amount of people expected. The SAG had been told to expect up to 4,999.
7. People were clearly seen bringing alcohol in and out of the event unchallenged by security.
8. It has been stated by Mr Cameron that the security company let down the event. However, it is important to note that the security company was

employed by the Premises Licence Holder or in this case the event organiser.

9. The Police were not able to take any action or imply extra safety measures as they did not have any event control.
10. Referring to the bundle (See Documents No.3) key parts of the event log were highlighted. The logs clearly illustrated issues at the event.
11. It was stated that the licence had agreed to have two tents which would sell alcohol; however, there was just a single marquee with two tables selling alcohol with no security.
12. The event log also stated that the officer on duty had tried to contact the manager, Sted Wallen and event organiser, Mr Cameron on numerous occasions and was unable to contact either.
13. PC Rohomon stressed that the time should be noted of this log, which was at 16:40 hours. If it was 09:00 hours you would expect senior staff members to be unavailable due to organising the event.
14. The event log also made it clear that there was no definite number of how many people were present due to the clickers being at maximum.
15. The event was described as a community event however, it became apparent that it met the criteria of a gig/concert as was a very large scale event serving and selling alcohol to customers.
16. The larger the event the more control measures are needed.
17. There was clear car park issues, several vehicles were travelling on the park walkways obstructing pedestrians.
18. Last year West Midlands Police were informed there would be 41 security staff at the event. It was stated by Mr Cameron there would be 60 staff however, the event manual states there will be 52 members of security.
19. It is not the police's responsibility to take control over the event and assist security as it is not an event which has been run by the police. It is the responsibility of the Licence Holder and in this case the event organiser to make sure there are adequate security measures.
20. Referring to PC Gibbs statement, it was clear that the people attending the event did not wear wristbands and were walking out the premises with alcohol in their hands.
21. PC Rohomon stressed that what was promised at SAG meetings had not been adhered to. There is little confidence that the premises will adhere to the proposed conditions and procedures that have been set out in the event manual.

22. As the grant of this premises licence is only for two days, action cannot be taken after the event in the form of an expedited review.
23. It is evident that a lot of families attended the event, meaning that small children were exposed to alcohol and cannabis.
24. There was cannabis present at the premises, as supported by the statements however, it was impossible to pinpoint any particular individuals due to the number of people attending.
25. PC Rohomon stressed that if conditions were imposed, like the outcome of the SAG meetings held last year. There is no confidence the event organiser will comply with them resulting in the Responsible Authorities being in the same situation as last year.
26. Security cannot solely be blamed as there was clearly no chain of command present. As an event organiser there would someone below as a manager then the security. There should have been clear briefing from the organiser and manager.
27. As stated previously, it is important to note that officers numerous tried contacting the senior organisers, it would be expected for organisers to be present at the event and be proactive however they were unreachable.
28. Buckets of alcohol were being sold at stalls and stall owners were not aware that they were not able to sell alcohol to members of public.

Chief Inspector of Weights & Measures in presenting the case for Trading Standards and in response to questions from Members, made the following points:

1. In regards to the protection of children from harm objective, it does not mean finding lost children but it is focused around alcohol being accessible to children.
2. Concerns were initially raised in August 2016 were the sale of wrist bands was not adhered to and the overall running of the event.
3. Upon attendance of the SAG debrief and reading the police bundle encouraged Trading Standards to object.
4. When a person attending the event last year wished to complain, they were abused by a member of security. This was handled in a bad manner and had the potential to escalate to violence.
5. There is still no complains procedure outlined in the event manual for this years proposed event.



6. There was no control over the vendors who were arriving at the premises.
7. No list of the stall holders attending the event was provided to Trading Standards last year.
8. In regards to public safety it is quite evident that last year this was not upheld as there was no control over the event, there was a clear lack of supervision and leadership.
9. The primary concern for Trading Standards is in regards to the protection of children from harm. Certain measures such as age restricted tobacco and alcohol will not be sold to people under 18, persons engaged in sale of alcohol shall be trained. A refusals log and a challenge 25 policy will be adhered too. These are standard conditions which are expected of any premises licence and event.
10. No assurance has been given that the above measures would be put into place. There are clear concerns with adults passing children alcohol to consume illustrating there is no control in place from children assessing alcohol.

Mr Robinson in presenting the case for West Midlands Fire Service and in response to questions from Members, made the following points:

1. In regards to last year's event, all the SAG meetings were attended by Mr Robinson on behalf of West Midlands Fire Service.
2. At the meetings, a lot of reassurances were given to the procedures and policies that would be in place at the event.
3. On the day of the event the Mr Robinson accompanied by a member of staff from the parks service attended the event for a routine safety inspection.
4. Upon arriving at around at 0930 hours the gates had been opened and traders were setting up where they wanted. This differed from the routine that was stated at the SAG meetings that each vehicle attending would be searched by security and made sure they been booked in advance.
5. The event organiser and event manager were not present at the premises.
6. In regards to fencing, the fire service had advised that three gates would be needed. When they arrived only two gates had been put up. They further requested another gate.
7. They were assured by the staff members at the event this would be sorted out, however it was not.
8. Any petrol generators and alcohol would be stopped at the gate, however at the event both alcohol and petrol generators were present.

9. From the start of the event there was no control as to how many people were entering the event; there were over 300 stall holders plus the staff they brought alongside them.
10. It is not known what the stall holders brought into the event as they were not checked.
11. There was no briefing done by the event organiser or manager and security was not aware of what was going on.
12. The police control log estimated around 10,000 people being present at the event. This was double what had been stated at SAG meetings.
13. All assessments were done on what was stated by the event organiser and manager, especially in regards to the people attending. The fire service agreed and confirmed that the safety measures and gates would have been suitable for up to 4999 people; however as the number of people attending doubled, this threw everything 'out the window'.
14. Public safety has clearly been undermined, if what was promised in the SAG meetings been adhered to then it would have been an ideal event.
15. As a Responsible Authority the fire service has tried to help the event to run successfully before SAG meetings, after SAG meetings, at the event and even after the event to make sure that everything can be done to ensure the successful running of the event.
16. However, what is promised at the SAG meetings differs from the measures in place on the day of the event.

Mr Peal in presenting the case for Birmingham City Council Parks and in response to questions from Members, made the following points

1. Mr Peal stated that he has a wealth of experience in running events including: Eid Mela, Vaisakhi, Chinese New Year and St Patricks Day.
2. Mr Peal stated that he is a member of the SAG team and this year has refused the booking on the recommendations of SAG members as there has been clear non-compliance with the conditions of the licence and the SAG process.
3. The park should be returned in the state it was given, this is part of the booking condition.
4. At the time the application was made, there was an outstanding discrepancy which has now been paid.
5. There are conditions laid out in the parks procedure, these were not adhered to.

6. The parks management have to bear in mind that the park is in a high residential area meaning there are not vast parking opportunities. When any event is permitted through Licencing then road management and traffic management need to be considered to prevent an issued especially grid lock.
7. If these procedures are not in place, this becomes an issue of public nuisance.
8. Applications are not turned down lightly by the parks service but there is a procedure that needs to be followed. The past experiences of the event alongside other planned events are looked as a whole to make sure the park is not over used.
9. The park and residents are keen to maintain their quality of life.
10. The noise at any event will have to be controlled.
11. Traffic management is controlled by the event organiser.

In summing up, Mr Peal stated that he has worked closely with the Jamaican community over the years and organised various events. There has been no mention from the Jamaican Government or Jamaican High Commission to support this event.

In summing up Mr Robinson stated that the fire service worked hard with the premises to ensure last year's event was successful, however they were let down. The fire service have no confidence that the measures which have been proposed for this year's event, will be followed.

In summing up, the Chief Inspector of Weights and Measures stated that Trading Standards are not convinced that there is sufficient controls in place to deal with complaints that may arise that could lead to potential crime and disorder. There is no control in place to prevent alcohol being purchased by children.

In summing up, PC Rohomon stated that it was the first time that four members of a SAG group have felt so strong that the licencing objectives will not be met, that they have objected to an application. The police can only go by what they are told and have to trust that what is promised will be adhered to. It is not justifiable to blame other individuals, when ultimately it is the responsibility of the event organiser to have the reasonable procedures in place.

None of the fundamental issues that occurred at last year's event can be rectified or addressed as they were not reported anywhere. PC Rohomon stressed that the licence should not be granted as it is a time limited event, on the day of the event if the conditions are not followed the police will not be able to do anything.

This is due to resources issues as well the police not having the authority to close the event, as it is not their event. PC Rohomon stated nothing has been heard to alter the view that, the police have no confidence that the event organiser will comply with the conditions of their licence.

In summing up Mr Cameron stated that he can get a letter from the Jamaican high Commission to support his application. Mr Cameron stated that mistakes had been made at last year's event. However, this year he will make sure that everything will be adhered to and that he will be doing everything that should have been done last year. For the proposed event this year, Mr Cameron has employed a new co-coordinator who is a member of the Jamaican Commission. Mr Cameron stated that he does not counteract with what the police have stated and works regularly with the police and understands the concerns they may have. Mr Cameron stated he wished for the Committee to grant him the licence, to allow him the opportunity to prove he is able to run the event.

Mr Kennedy stated that two Temporary Event Notices were applied for by Mr Terrence Wallen.

Ms Givans stated the following: last year the Temporary Event Notice applications were made by somebody else; she herself had been present at last year's event and had been equipped with a radio.

Regarding the issue vehicles being driven through the park, she stated that this had not happened and in any event no cars could have come through in view of the numbers of people in the park. However, regardless of that, the issue had been discussed with their security team. Regarding the vendors, written terms and conditions had been drafted in readiness for this year's event.

At 1122 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1207 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

04/220217 **RESOLVED:-**

That the application by Jamaica Expat Association CIC, for a premises licence in respect of premises Jamaica Expat Association CIC Event (5th & 6th August 2017) at Handsworth Park, Holly Road, Birmingham, B20 2BY:

**BE REFUSED**

In reaching this decision, the Sub-Committee was mindful of the promotion of all four of the Licensing Objectives in the Act, namely the prevention of crime and

disorder, public safety, the prevention of public nuisance, and the protection of children from harm.

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns by West Midlands Police, Trading Standards, the Fire Service, and also other persons (namely the Parks Department of the City Council) regarding the impact of the proposed operation, in the light of what had been observed at the event when it was held last year.

West Midlands Police urged the Sub-Committee to take account of the detailed Police Log of what had happened at the last event, in terms of inadequate management arrangements, and the fact that the event had required considerable Police involvement in order that control of the event could be appropriately managed in terms of public safety. The Sub-Committee found that the Police Log showed clearly that the level of Police involvement had been substantial, and went far beyond what they would have expected for a properly managed event.

West Midlands Police confirmed that the Security arrangements had been wholly inadequate. Whilst it was impossible to ascertain the actual number of people who had attended (as the 'clicker' arrangements, for counting the numbers of people entering, were not followed by the Security staff) it had been agreed by all the Responsible Authorities that the numbers attending had been far in excess of what had been expected. There was a clear risk of crime and disorder, and risk to public safety, when numbers had been exceeded to such a degree, at an event where Police had had to intervene in the running of the Security arrangements.

Trading Standards raised concerns regarding the protection of children from harm. The previous event had been unsatisfactorily managed and there had been significant risks relating to age-related products (such as children having access to alcohol), inadequate control of vendors at the site, and so on. In particular there had been a concern at the previous event that the unacceptable way in which complaints had been dealt with could itself have been a risk to public safety.

The Fire Service recommended that the application be refused on the grounds of the risks to public safety. After hearing about the requirements regarding fencing and gates for large-scale events attracting such large numbers of people, the Sub-Committee accepted that there was a potential for risks to public safety, and were not convinced that the organiser had taken sufficient steps to deal with the Fire Service's concerns, or to follow their advice, to ensure public safety.

The Parks Department of the City Council confirmed that they had declined permission for the use of the Park based on what had happened last year and the fact that the event had not been properly managed by the organisers.

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application but were not persuaded that that the proposed operation was suitable. The Sub-Committee gave consideration to whether any measures could be taken to ensure that the four licensing objectives were adequately promoted and that therefore the licence be granted; however Members considered that neither modifying conditions of the licence,

refusing the proposed Designated Premises Supervisor nor excluding any of the licensable activities from the scope of the licence would mitigate the concerns raised by those making representations.

The Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information contained in the application, the written representations received and the submissions made at the hearing by the applicant, their Security company, and by those making representations - namely West Midlands Police, Trading Standards, the Fire Service and the Parks Department.

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.

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