

# BIRMINGHAM CITY COUNCIL

**LICENSING  
SUB-COMMITTEE B  
10 DECEMBER 2024**

## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 10 DECEMBER 2024 AT 1200 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Diane Donaldson in the Chair;

Councillors Julien Pritchard 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)

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### 1/101224 **NOTICE OF RECORDING/WEBCAST**

The Chair advised that the meeting would 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 were confidential or exempt items.

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### 2/101225 **DECLARATION OF INTERESTS**

Members were reminded to declare all relevant pecuniary and other registerable interests arising from any business to be discussed at the meeting.

If a disclosable pecuniary interest was declared, a Member would not participate in any discussion or vote on the matter and would not remain in the room unless they had been granted a dispensation.

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

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

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

The Chair declared that he only knew Cllr David Barker professionally through Council business and had not discussed the application with Cllr Baker.

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### **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

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Apologies were submitted on behalf of all three Members of Licensing Sub Committee B and Councillors Diane Donaldson, Julien Pritchard and Penny Wagg were the nominated substitute Members.

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### **LICENSING ACT 2003 PREMISES – TEMPORARY EVENT NOTICE – OASIS DISTRIBUTION, 80 BORDESLEY STREET, DIGBETH, BIRMINGHAM B5 5PG**

#### **On Behalf of the Applicant**

Terry Douglas - Applicant  
Lewis Douglas – Applicant

#### **On Behalf of Those Making Representations**

Alfred Ratcliffe – WMP (West Midlands Police)  
Mark Swallow – WMP

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

The Chair raised a preliminary point and stated that as per Section 1010(1) of the Licensing Act 2003, a temporary event notice given by the relevant premises user is void if the event period specified in it does not begin at least 24 hours after the event period specified in any other such notice. She noted that the relevant premises user submitted a notice for 20 December 2024 and in order for the Sub Committee to consider the TEN for the event on the 21<sup>st</sup> December 2024, the premises user would need to withdraw the notice for 20<sup>th</sup> December 2024.

Terry Douglas confirmed that they formerly withdrew the TEN for the 20 December 2024.

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

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At this stage the Chair invited the applicant to make a presentation. Terry Douglas made the following points: -

- a) The premises had an altercation outside during the last event, but they had issues with the security team who managed the event.
- b) They wanted to improve and learn from previous mistakes.

Questions were asked by Members and Lewis Douglas gave the following responses: -

- a) That the event would take place on 21<sup>st</sup> December 2024.
- b) The event was similar to the event held on 29 November 2024.
- c) WMP attended that event due to an altercation outside the premises.
- d) It was a music event.
- e) There was an administrative error with the previous TENs, so they applied for two TENs to make sure the overlap was over 24 hours.
- f) He emailed licensing to tell them the event would be going until 1am. They did go past the specified time and they took accountability for that.
- g) The event had been promoted and advertised. Someone else was hosting the event.

The Chair invited the WMP to make their presentation. Alfred Ratcliffe made the following points: -

- a) On 12 November 2024 WMP received a TEN in respect of the same applicant for an event to be held on 29 November 2024. The applicant stated that the event was for family, friends and coworkers – for entertainment, networking and entertainment purposes.
- b) WMP requested clarification on a few matters and appropriate responses were provided. However, there were some issues with the timings. Despite this the TEN was approved as WMP were satisfied with the responses provided by the applicant.
- c) A further TEN for 20 December 2024 was then applied for by the applicant which was said to be a small party similar to the first application. The party would be invite only. WMP carried out a short check on companies house as assumed it may be a Christmas Party event taking place.
- d) WMP asked questions of the applicant, similar to last time. The applicant stated the tickets were given by personal invitations to staff and family members. WMP did not object to that application. The applicant then requested longer hours until 3am and WMP advised the applicant that he would need to submit a further TEN due to the extension in hours.

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- e) On 2 December 2024 an officer of WMP notified Alfred Ratcliffe that there had been a disorder at the premises on 29 November 2024, the night they operated with the TEN. The disorder spilled out into the street as the premises were unable to control it. WMP officers attended the venue twice due to the disorder.
- f) On arrival by WMP it was evident that the applicant had gone beyond their TEN hours significantly.

At this stage Alfred Ratcliffe of WMP showed the Committee some body camera footage from one of the attending police officers on 29 November 2024.

Alfred Ratcliffe made the following points: -

- a) The premises was open and conducting licensable activity beyond their hours.
- b) WMP believed that the applicant was being disingenuous when applying for TENs stating the company was Oasis Distribution however the company was dissolved in 2019 and the men who were involved were not listed as anyone involved in the business.
- c) The applicant had stated it was a small private party, yet the advertisements listed it as a rave event. The event was being advertised on social media to 1000s of people
- d) The previous TEN resulted in disorder which the applicant failed to manage and respond to correctly.
- e) The applicant also failed to abide by the hours permitted in the TEN.
- f) WMP believed that the applicant had no intention of complying with the TEN and they had no confidence that they could uphold the licensing objectives. Therefore they requested that the TEN be refused.

The Chair then invited Alfred Ratcliffe, WMP to make a closing submission. Alfred Ratcliffe made the following closing statements: -

- The event was supposed to be a private party, but it was clear from the footage that it was an advertised event.
- The applicant was applying for something entirely different to what was actually taking place.
- The applicant had already confirmed that they had a disorder at the premises and that security was a problem. However, it was the applicant responsibility to ensure that the events were safe and in line with what was applied for and granted.

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- The applicant had also admitted that they were applying for the event, but somebody else was running the event. WMP had no indication of who that third party was.
- That based on everything that had been presented WMP had no confidence that the applicant could properly promote the licensing objectives and did not believe that any conditions could be agreed in order for the TEN to take place.
- The previous TEN was granted and the applicant breached the hours and a disorder took place.
- It was in their expert opinion that granting the TEN would undermine the licensing objectives and therefore they requested that the Sub Committee refused the TEN.

The Chair then invited Terry Douglas and Lewis Douglas to make a closing submission. Terry Douglas had nothing to add and Lewis Douglas summarized that they accepted what had been said and that some points raised by WMP were incorrect – they were not purposefully disingenuous. The party was held for family and friends. They did not allow walk ins.

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;

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### **RESOLVED:** -

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That, having considered the objection notice from West Midlands Police in respect of the temporary event notice as submitted by Terry Douglas, the premises user, for an event to be held from the 21st December 2024 to 22nd December 2024 at Oasis Distribution, 80 Bordesley Street, Digbeth, Birmingham B5 5PG, the Sub-Committee determines that a counter notice be issued under section 105 of the Licensing Act 2003.

The Sub-Committee's reason for issuing a counter notice to prevent the temporary event from taking place is to promote the licensing objectives in the Act, namely the prevention of crime and disorder, the prevention of public nuisance, and public safety.

The premises user Mr Terry Douglas attended the meeting, together with Mr Lewis Oliver Douglas. At the start of the meeting the Chairman noted that the premises user had submitted a separate temporary event notice for 20th December 2024. The Chairman referred to section 101(1) of the Licensing Act 2003, and reminded the premises user that a temporary event notice is void if the event period specified in it does not begin at least 24 hours after the event period specified in any other such notice.

The premises user Mr Terry Douglas verbally confirmed to the Sub-Committee that the notice for 20th December 2024 was withdrawn. The Sub-Committee

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therefore moved on to consider the temporary event notice for the event to be held from the 21st December 2024 to 22nd December 2024.

The Sub-Committee noted that the Committee Report contained documents submitted by West Midlands Police which referred to a recent temporary event held by the same premises user at the same location, on 29<sup>th</sup> November 2024. That temporary event had not been run well; in fact the Police had had to attend at the location to deal with an outbreak of disorder, and subsequently paid a second visit that night. On both occasions the premises user was found to be conducting licensable activity after the hours covered by the temporary event notice. The Police described this as “a significant period” beyond the time allowed by the notice.

The premises user addressed the Sub-Committee, and stated that he and Mr Lewis Douglas had attended the meeting in order to learn where they had gone wrong and to understand how they could improve. He felt that the security firm employed for the evening had not been adequate, even though he had checked and found them to be “fully qualified to do the job”. Despite this, he felt that they had not managed the evening appropriately. He also accepted that the dispersal policy probably had not been as good as it could have been. He reiterated that he was attending because he wanted to learn how to improve.

Mr Lewis Douglas then addressed the Sub-Committee to confirm that the event planned for the 21<sup>st</sup> and 22<sup>nd</sup> December was similar to the one that had taken place on the 29<sup>th</sup> November. He accepted that on the 29<sup>th</sup> November the Police had attended to deal with a physical altercation between two men outside the venue. He stated that the venue had been hosting a musical fusion event on the night in question.

Members asked how it was that licensable activities had been found to be continuing beyond the permitted hour. Mr Lewis Douglas stated that this had been “an administrative error” on his part which had been discussed with the Police, as per the documents in the Committee Report. He stated that he took full accountability for the times and administrative errors, accepting that “unfortunately we did go past the specified time”.

He confirmed that the planned event had been advertised and explained that other people would be hosting the event. The premises user would be “acting as the venue, and then we have people hosting the event who are promoting it with their own means, which is their business model and their plans”. The Sub-Committee noted this.

West Midlands Police then addressed the Sub-Committee as per their documents in the Committee Report regarding the event of the 29th November 2024. The event had initially been described as a private event for family, friends and coworkers, and also for musical networking and entertainment purposes. The music was to be from the Desi and the Punjabi genre.

The Police had asked for clarification around times, numbers of people attending, the security plan, noise policy and dispersal policy. The response had appeared to be satisfactory, as it had included details of risk assessments, public liability

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insurance, appropriate plans around dispersal and noise management, and the security arrangements. The premises user had then wished to clarify the times, and said that there had been a mistake. The Police had not objected.

A further temporary event notice had then been submitted for the 20th December 2024. It was to be an event of a similar nature - described as a small private party, playing music, serving drinks and food, and selling alcohol. Details had again been given of risk assessments, security deployments and public liability insurance. The premises user had stated that the tickets would be personal invitations to staff members, family and friends, and Fatsoma (an advertiser). Security staff would ensure that only invited guests entered. This new event had seemed legitimate, and the Police therefore had not objected.

The premises user had again stated that there had been another error with respect to the hours, and had asked the Police to amend the notice, but the Police had informed him that he would need to submit a further notice and liaise with the City Council.

However, it had then come to the attention of the Police that at the event on the 29th November there had been disorder within the location. The premises user had been unable to effectively deal with the disorder, which had then continued in the street outside. Officers had attended the event twice, each time for disorder, and whilst there they had noted that the event had overrun the permitted time significantly.

Redacted bodyworn video of the attending officers was shown to the Sub-Committee. The Members observed that the footage showed that the venue was conducting licensable activity at 02.53 hours, and those at the venue who spoke to Police were informed that they had run over the permitted time significantly. The officer in the footage also said that those at the venue had been spoken to a number of times that evening. This did not inspire confidence.

The Police urged the Sub-Committee to compare the footage shown to them with the description of the event given in the notice (a “small private party”), remarking that they believed that the premises user had been disingenuous when submitting the notice. The Sub-Committee agreed that the goings-on seen in the footage were a vast departure from how the event had been described in the notice. The Members further noted that the event had been advertised on an event tickets website as a “Desi Fever Punjabi Rave” event. This seemed quite at odds with the “small private party” described in the notice.

The Police also remarked that it had been noted that on social media the event had been advertised to hold in excess of 1,000 persons, which was more than twice the number actually allowed – a clear risk to the public safety objective. The Members looked askance at this. The Police also made submissions regarding the company arrangements.

The Police view was that the applicant had failed to deal with disorder which had arisen. The security measures had been insufficient, and management had not responded correctly. Whilst the premises user had stated that there had been

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problems with the security firm, it was the premises user who was ultimately responsible for the event.

The premises user had also failed to abide by the hours – as shown by the advertisements which were in the Committee Report. The Police considered that the advertised times showed that the premises user had never intended to abide by the hours, as the advertisement was for operation until 03.00 hours. The Sub-Committee considered that this posed a clear risk to the upholding of the licensing objectives.

The Police confirmed that they had no confidence in the premises user, and no confidence that the premises user would uphold the licensing objectives. Moreover, they believed that the premises user intended to undermine the licensing objectives, particularly with respect to the prevention of public nuisance, and in turn, the premises user would breach the public safety and prevention of crime and disorder licensing objectives. The Police therefore urged the Sub-Committee to issue a counter notice.

When summing up, the premises user Mr Terry Douglas stated that he fully accepted the Police comments. However, Mr Lewis Douglas stated that he only accepted “partial amounts” and stated that some information was incorrect. He had noted that the Police were disputing whether it had been a private party or not, and gave his opinion that this was subjective.

He did not feel that he and Mr Terry Douglas as premises users had been purposely disingenuous in submitting the notice. The persons attending the event, who were coworkers, friends and family, and also the DJs playing at the event, were all known to each other, and everyone had attended at the personal invitation of the promoter. No walk-in patrons were allowed at the door.

However, in terms of security and keeping control of the events, Mr Lewis Douglas stated that the premises user accepted full responsibility for falling short of the requirements during the last event, and confirmed that the same applied to the timings, which he said had been an administrative issue by him as premises user.

When deliberating, the Sub-Committee considered the submissions of West Midlands Police, and determined that to allow the event to proceed at the premises was a very clear risk to the licensing objectives – particularly those of the prevention of public nuisance, public safety, and the prevention of crime and disorder.

Although due regard was given to the premises user’s application in the Committee Report, the Sub-Committee was not at all confident that the proposed event could run well, due to the potential for risks to the objectives (as per the Police’s advice).

There was also something of a question mark over whether the planned private party described in the notice would be what was seen on the night; the bodycam footage of the last occasion had shown quite a different style of event taking place. There were clear risks to the upholding of the public safety objective, and



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this was a great concern to the Members, especially given that the event was proposed for a few days before Christmas.

The premises user had accepted that there had been disorder at the event and had stated that this had been due to issues with the security arrangements. However, the Police had reminded the Sub-Committee that it was the premises user who was ultimately responsible for promoting the licensing objectives when holding an event. The Members agreed with this.

The Police had also observed that the premises user had stated that he had submitted the notice to hold the event, but had then let someone else take responsibility for the running of the event. The Police had not known who that third party was, but in any event it was the premises user who was ultimately responsible, and accordingly was expected to take control of the event and take responsibility with respect to security, public safety, and preventing crime and disorder.

The Members agreed with this. It was entirely unacceptable that any premises user should try to evade responsibility by stating that a third party had been the host of the event. The notice had been submitted by Mr Terry Douglas as the premises user, and he was therefore the person responsible.

The Police had declared that they did not have confidence in the premises user or his ability to promote the licensing objectives. It was not possible to attach conditions to the notice (as the venue was not a licensed premises), but the Police had confirmed that even if it had been possible to attach conditions, they did not believe that there were any conditions that could permit the event to take place safely, observing that the permitted hours for licensable activities had been breached on the previous occasion, and not just slightly but significantly. The Members found the breach of the hours to be a significant risk to the promotion of the licensing objectives.

The Sub-Committee was aware of the Guidance issued by the Secretary of State under section 182 of the Act, which confirmed that West Midlands Police were the experts in terms of prevention of crime and disorder. It had been the firm recommendation of the Police that a counter notice should be issued to prevent the temporary event from going ahead.

The Sub-Committee agreed with the Police that nothing whatsoever about the previous unsuccessful event had inspired confidence. The Members therefore felt that in all the circumstances the correct course was to follow the Police recommendation and to issue a counter notice, to ensure the promotion of the licensing objectives.

The Sub-Committee has had regard to the evidence, argument and submissions placed before it, in addition to the Committee Report, the Guidance issued by the Secretary of State under section 182 of the Act, and its own Statement of Licensing Policy.

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

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Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision. No appeal may be brought later than five working days before the day on which the event period specified in the Temporary Event Notice begins.

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**The meeting ended at 1243 hours.**

**Chair.....**