Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B

TUESDAY, 16 JUNE 2015 AT 10:00 HOURS
IN COMMITTEE ROOM 1, COUNCIL HOUSE,
VICTORIA SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

3 - 4 **A16062015 LICENSING SUB B - AGENDA**

Item Description

5 - 90 **GUNMAKERS ARMS - REVIEW**

Item Description

91 - 94 **DECISION - GUNMAKERS ARMS 16.06.15**

Item Description

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

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting. If a pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B

Tuesday 16 June 2015 at 1000 hours in Committee Room 1, Council House, Birmingham

A G E N D A

1 NOTICE OF RECORDING

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

2 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

Attached 3 GUNMAKERS ARMS, 92-93 BATH STREET, BIRMINGHAM, B4 6HG – LICENSING ACT 2003 – PREMISES LICENCE - REVIEW

Report of Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 1000 hours.

4 OTHER URGENT BUSINESS

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

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	**Licensing Sub Committee B**
Report of:	**Director of Regulation & Enforcement**
Date of Meeting:	**Tuesday 16th June 2015**
Subject:	**Licensing Act 2003 Premises Licence – Review**
Premises:	**Gunmakers Arms, 92 – 93 Bath Street, Birmingham, B4 6HG**
Ward affected:	**Aston**
Contact Officer:	**David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk**

1. Purpose of report:

To consider an application to review a Premises Licence.

2. Recommendation:

To consider and determine the review application.

3. Brief Summary of Report:

Review application received on 22nd April 2015 from West Midlands Police in respect of the Gunmakers Arms, 92 – 93 Bath Street, Birmingham, B4 6HG.

Representations have been received from Trading Standards, as a responsible authority, and from other persons.

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:

The Chief Constable of West Midlands Police applied on 22nd April 2015 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for the Gunmakers Arms, 92 – 93 Bath Street, Birmingham, B4 6HG.

A representation has been received from Trading Standards, as a responsible authority, see Appendix 1.

Representations have been received from other persons. See Appendices 2 – 19.

Review application is attached, see Appendix 20.

The Premises Licence is attached at Appendix 21.

A site plan is attached at Appendix 22.

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 representations as detailed in Appendices 1 - 19
Review Application Form, Appendix 20
Copy of Premises Licence, Appendix 21
Site Plan, Appendix 22

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.

Appendix 1

From: Martin Williams
Sent: 06 May 2015 09:15
To: Licensing
Subject: Gunmakers Arms, 92-93 Bath Street, Birmingham B4 6HG - licence review application of behalf of West Midlands Police

Dear Licensing,

I wish to join the West Midlands police licence review for The Gunmakers Arms, 92-93 Bath Street, Birmingham B4 6HG on the grounds of;

1. The prevention of crime and disorder
2. Public safety.

Trading Standards involvement in this public house;

On 20th February 2015 I, Trading Standards Officer Martin Williams visited the Gunmakers Arms with officers from West Midlands Police. I inspected the bar and found a number of non-duty paid bottles of spirits on display and evidence that spirits had been decanted from some bottles to others on display on the optics. This is not allowed under the General Food Regulations 2004. I issued a traders notice to Mr Radoslav Halabrin who said he was in charge at the time to advise him to stop this practice.
Downstairs in the cellar amongst other stored bottles there were a small number of plain bottles containing spirits that Mr Halabrin said were left over from a private party. I advised him that he should dispose of them as they could end up being supplied in the bar but with no labelling it was impossible to know what was in them.

On 1st April 2015 we revisited the shop to check if my instructions had been complied with. I found a new unopened 1 Litre bottle of Jack Daniels whisky in the bar with no UK duty stamp and a 1 Litre bottle of Jägermeister without a duty stamp on the optic bank as well as an opened 1 litre bottle of Martel Brandy with no UK duty stamp on the counter. It looked as these latter two bottles had had spirits decanted into from other sources. I seized these three bottles and issued a traders notice to this effect as they were not legal for sale or supply in the UK. I left another traders notice to confirm this as well as the fact that it looked as though decanting was still happening.
All the bottles of spirits down in the cellar had been disposed of on this occasion.

Martin Williams
Trading Standards Officer
Birmingham Trading Standards
P O Box 16586
Birmingham
B33 3EH

www.birmingham.gov.uk/tradingstandards

Follow @bhamts

CAB Consumer Advice Line: 08454 04 05 06
CAB Website: http://www.adviceguide.org.uk/

Fair Regulation for all - achieving a safe, clean, green and fair trading city for residents, business and visitors

Appendix 2

2

Bath Street
Birmingham B4
17.5.2015

Dear Sir/Madam,

I have very strong objections to The Gunmakers Arms public house in Bath Street Birmingham continuing to operate as licensed premises.

I've made numerous complaints to the police regarding the noise from its customers congregating outside the front doors of the bar in large numbers for hours on end, often until around 3-4a.m. at which time the bar is still open for business.

Today a colleague from a homeless outreach group who had called to collect a food donation commented, without any awareness of my ongoing problems with the bar, that he could smell cannabis from the cigarettes of the group of about half a dozen outside the bar which he had just walked past.

These are young children living in this street and none of these things are practices they should be exposed to, in my view.

It is my hope that you will revoke the license for the Gunmakers Arms Bath Street at the earliest opportunity.

Yours sincerely,

Appendix 3

ENTERED Ø 3

Radoslav Halabrin

The Licensing Section
Crystal Court
Aston Cross
Rocky Lane
Aston
Birmingham
B6 5RQ

Dear Sirs

Re: The Gunmakers Arms, Bath Street, Birmingham

I am the DPS of the above public house and write to you to make representations as to why the premises license at the pub should not be revoked.

Firstly I wish to express my condolences regarding Mr P's death as I considered him as a friend aswell as a customer.

On the night in question it is true that Mr P had had too much to drink (he helped himself to a bottle of spirits from behind the bar) but I had no reason to believe his life was in danger. Had I thought this for a second I would have called an ambulance.

I thought the best thing to do was let him "sleep it off" and that when he woke up I would put him in a taxi home.

I have read the police grounds asking for review and consider their report misleading for the following reasons

1. On returning to the Pub I did not know Mr P was dead . I together with a fellow customer who had come back to the pub with me tried to wake him up. The ambulance men who arrived in response to my emergency call informed me Mr P had died.

2. It is incorrect to state I never made the CCTV available to the Police. Whilst it is true I did not know how to rewind it when they asked me to they did not know how to do it either and said they would send someone down to look at it but never did

3. I attended the inquest into Mr P's death when it became clear that he had a heart defect and I was not criticized by the coroner for my conduct on the night in question. Mr P's family were unaware of his heart condition and I believe he could have died at anytime.

4. Whilst I accept Mr P's family were very upset at his death I believe that unfortunately they wanted to blame somebody for it as a result of which they made accusations to the police against me selling illegal spirits. It is correct that when the licensing officers attended the pub on the 13/02/2015 they found bottles of unlabelled spirits. These were bottles of homemade spirits from my home country of Slovakia. I did not sell these sprits but offered them free of charge to my customers to celebrate birthdays and such like.

5. Further it is correct that there were further visits to my premises when bottles were seized and when I pointed out that had I anything to hide I would have removed them. I note the police have not provided any report suggesting the seized bottles contained any illegal substance.

6. The suggestion that I was trying to conceal photos and video evidence from the coroners court is totally misleading. I volunteered this information and provided it to the court.

7. I strongly object to the suggestions that I am hiding issues from the premises license holder and am more concerned with the sale of alcohol. I am more than happy to commence regularly meetings with the landlord if this is considered necessary

I took over the pub approximately 4 years ago and have spent thousands of pounds improving it and it is fair to say I am proud of my achievements.

I believe I run a good pub and that I do indeed promote the licensing objectives.

Yours Faithfully

Radi Halabrin

20/05/2015

Appendix 4

Entered

18th May 2015

Licencing Committee
Licensing Section, Crystal Court,
Aston Cross Business Village,
50 Rocky Lane, Aston,
Birmingham,
B6 5RQ

Dear Sir

RE: Support for Radi to remain as landlord at The Gunmakers Arms, Birmingham, B4 6HG

I am writing to give my support for Radi to remain as landlord at The Gunmaker's Arms where I am a regular customer. Radi is exemplary in his role as landlord and does not tolerate drunkness or disorder in the pub, making the environment very pleasant for customers.

I have been in the Gunmaker's Arms when a person has arrived who has already had too much to drink. Radi refused to serve him and asked him to leave.

I only visit Radi's once a week but would be very upset if he did not remain as landlord as he is a very kind person. He keeps the pub tidy and clean. I feel that he deserves my support.

Yours sincerely,

Rippingille Road,

Great Barr,

Birmingham.

B43

Appendix 5

ENTERED IN

WORCESTER WALK,
MARSTON GREEN,
BIRMINGHAM B37

DEAR SIRS,

ALTHOUGH NOT A REGULAR ATTENDEE AT THE GUNMAKERS ARMS I DO ON OCCASION DRINK IN THIS MOST HOSPITABLE PUB.
I HAVE ALWAYS FELT SAFE AND SECURE IN THE FRIENDLY AND FAMILY ATMOSPHERE THAT THIS PUB DISPLAYS.
RADI THE LANDLORD IS ALWAYS FRIENDLY, HAPPY AND MOST ACCOMODATING TO HIS CUSTOMERS AND IN MY OPINION AN ASSET TO THE PUB.
HE IS ALWAYS MINDFUL OF CUSTOMERS NEEDS AND SINCE TAKING OVER SOME YEARS AGO HAS MADE SIGNIFICANT IMPROVEMENTS TO THE PREMISES AT MAINLY HIS OWN EXPENSE.
I WOULD CERTAINLY LIKE TO CONTINUE USING THE PUB WHENEVER POSSIBLE WITH THE CURRENT SETUP.
FROM A HEALTH AND SAFETY POINT OF VIEW RADI IS ALWAYS LOOKING T MAKE IMPROVEMENTS TO THE BEST OF HIS ABILITY AND I WOULD SUPPORT HIM WHEREVER POSSIBLE.

KINDEST REGARDS

Appendix 6

ENTERED

Flat
Don Lee House
St Chads
Greenway
B'ham B14

16.5.15

To whom it may concern.

Dear Sir/Madam Re. MR. R. HALABRIN

With reference to the above person, I have always found Radi to be a kind person who embraces all cultures, no matter what nationality. We have a very mixed clientel, from Czech, Welsh, Irish English and African. We all get on very well, learning about everyone's different cultures.

Radi has always been strict on the way he conducts and runs the Gunmakers. If he thinks you have had too much he will have a word in your ear and say go home. He is a very charitable person and has been to many events on my park (Brookvale)

Whenever we have had a function @ the Gunmakers, he is very conscious of not disturbing the neighbours i.e the Salvation army and residents of Don Lee House always posting signs asking people to respect the neighbours and leave quietly. I regard him as a pillar of the community, and would never have a bad word said about him

If you require any more information please do not hesitate to contact me at the above address.

Yours faithfully

Appendix 7

Entered p

Ron Lee House
St Ives
Queensway
B'ham B14.
17.5.15

To whom it may concern
Dear Sir/Madam

Re MR R. HANABRIN.

With the gentleman above I have always found him courteous and polite. His place is spotless, his H&S safety issues are of a very high standard. He does not tolerate any people entering the gunmakers in a drunken state.

As a nearby resident my husband & I never even hearing any noise at closing time. The Pub is very Multi-Cultural, we have so much that we can learn from each other

It will be a massive loss to the community if the Pub should close, as he also does a lot of charity work and always put other people before himself and his family

If you should need any further information please do not hesitate to contact me or my husband.

Thank you

Jane Fairhurst

Appendix 8

ENTERED

Birmingham Licensing Committee 18TH May 2015

Council House

Victoria Square

Birmingham B1 1BB

Subject: Gunmakers Arms, Bath Street, Birmingham B4 6HG

Dear Sir,

I write to you in relation to the above premises, which I understand is the subject of an objection notice regarding its Alcohol License.

I have frequented the above Public House on a regular basis over the past 2-3 years and have found it to be an extremely well run establishment, clean and tidy, with a welcoming atmosphere which owes a lot to the current Landlord, Radi.

His demeanour is warm and friendly, however, he runs a very tight ship and doesn't suffer foolish or drunken behaviour, indeed, I have introduced and recommended several of my friends to this establishment, something I wouldn't have done if I felt their enjoyment or safety might be compromised in any way.

Personally, I have found Radi to be an excellent host, always pleasant, helpful and very hard working and I, for one, would be extremely disappointed and surprised if he were to be removed or replaced as Landlord of the Gunmakers Arms.

I have provided my details below if you wish to discuss this matter further with me,

Best Regards

, Cook Street,

Birmingham

B7

Appendix 9

ENTERED R?

. Marlbank Avenue,
Worcester WR5
18th May 2015

Dear Sirs,
re: The Gun Makers Arms, 92 Bath Street B4 6HG

I write concerning the Landlord Radi and the aforementioned premises.
I work in Birmingham City Centre and I use The Gun Makers Arms. It is a well run establishment. I enjoy going to this venue to meet up with friends and colleagues and to enjoy a drink.
The Landlord keeps his beer well and the premises tidy and presentable. He does an excellent job in respect of health and safety issues. He runs an orderly pub and does not tolerate disorder or drunkness. His aim is to be a hospitable Landlord and he treats his customers very well.
I have even recommended The Gun Makers Arms to them.

Yours faithfully

To
Birmingham Licensing Office.

Appendix 10

10

ENTERED

To whoever it may concern:

I would like to offer my support to Radi. I use the Gunmakers Arms regularly and I have always found him a genuinely helpful and consciencious landlord. He runs a small, clean, peaceful establishment where everyone is welcomed. He is considerate of his customers and always tries to do his best for them.

PINEWOOD DRIVE
BARTHLEY GREEN
B32

Appendix 11

ENTERED

Bridgeside Close
Walsall
WS8

To whom it may concern.

I am writing this letter in support of Radi trying to keep his license.

Radi took over the pub a while ago and has kept it clean and tidy in this time and has always taken care of the customers and treats them well and with respect

On one occasion I was in the pub I saw Radi take the keys off a customer so to stop them driving so this shows he is a responsible landlord.

On no occasion when I have been in the pub have I seen Radi give a drink to anyone that has had to much to drink.

On a final note Radi has improved the pub in every way and I hope he is able to keep his licence.

Yours

Appendix 12

ENTERED R

Heartland Mews
Rowley Regis
Birmingham
B65

The Licensing Committee
Birmingham

19th May 2015

Dear Sirs,

Re: The Gunmakers

I write in reference to the Gunmakers Pub, in Birmingham. I have been a loyal customer of this pub for a number of years. The precise amount I cannot say, but at least three. I have over my time there come to know the proprietor, Raddy.

I am saddened to learn that questions are now being raised in respect of his license, and wish to show my utmost support to him. The Gunmakers is only one of a very few of remaining independent pubs in Birmingham. Raddy opened this at a significant risk to himself, I was aware that the pub had been empty for a number of years prior to this. The pub has since thrived under his care, and has developed a strong customer base of regulars that attend there.

I myself, attend mostly at lunchtime, and occasionally in the evening. I know that I can walk into the pub and get chatting to any of the regulars. I specifically recall one evening, where I attend, in drink and despite my best persuasion, Raddy refused to serve me. He arranged for a taxi for me to get home. I thanked him the following day for his help. This clearly demonstrates a man who cares for his customers, and why I have grown fond of him.

It would be at a great loss to Birmingham if his license was removed, and the Czech community that attend his pub on a frequent basis.

I wish to offer him my wholehearted support and ask that you allow him to retain his license. It would be a tragedy to loose such a great pub, and such a friendly publican.

Yours Sincerely

Appendix 13

ENTERED BY 13

Eastern Road,
Wylde Green,
Birmingham,
B73

17/5/15

Dear Sirs,

Re: "Radi" The Gunmakers Arms, Bath St

I write in relation to "Radi" the licensee at The Gunmakers Arms, Bath St, Birmingham. As is clear from my address I am not a "local" to the pub but use it quite regularly when I am in the City Centre for work or socially.

I have used the pub before and since Radi has been in charge on a couple of occassions a month. This has been at lunchtime and in the evenings. I have been present at birthday and Christmas get togethers as well as just for a "quick pint". On every occassion that I have been there Radi has been welcoming to me, my colleagues and on occassion clients.

I have never witnessed anything that would constitute a breach of licensing laws or policies such as underage drinking or serving people already heavily intoxicated. Radi has always exuded the appropriate air of authority and clearly been in

full control of the premises and appropriately regulate.

I find it very disgraceful to believe that "Radu's" competence or fitness to hold the licence is being called into question. I am aware that there was a death on the premises. I was not present and thus cannot comment on the facts of the incident. I am aware also that Radu was quite shaken by the experience. I hope that what was clearly an isolated and tragic incident unrelated to Radu's control of the pub will not deprive him of his livelihood and the pub of a hardworking, competent and responsible licence holder.

Yours aye

Appendix 14

ENTERED

Lichfield Road
Sandhills
Walsall
WS9

18th May 2015

Licencing Committee
Licensing Section, Crystal Court,
Aston Cross Business Village,
50 Rocky Lane, Aston,
Birmingham,
B6 5RQ

FOR THE ATTENTION OF THE LICENSING COMMITTEE

Letter of Support for Mr Radi Halabrin to remain as landlord at The Gunmakers Arms, Birmingham, B4 6HG

Dear Sirs

I have used the Gunmakers Arms in 92 Bath Street for 26 years. I know that I am not alone when I say that the current Licensee, Radi Halabrin , is one of most efficient, friendly and hospitable, Hard working managers we have ever had. He runs the pub so well and has made so many excellent improvements in his time there. He would certainly be a loss to this pub, and the brewery, if he did not continue in this position.

He actually "cares" for his customers I have even known him take a customer home when they needed to get home quickly, he certainly does a good job regarding health and safety issues and I know he does not allow for drunkenness or any kind of disorder in his pub. He runs a "tight ship", refusing to serve people who are little worse for wear. He may lose custom because of this, but thinks more of the safety of all of his customers.

I strongly support Radi completely he is probably the kindest person I know and know that many people would really miss his excellent management of this wonderful little pub.

If you require any further comments from me, please do not hesitate to get in touch.

Yours sincerely

Appendix 15

Entered 8/11

Shirley Road
Hall Green
Birmingham B27

25th MAY 2015

To
The Licensing Section
Crystal Court
Aston
Birmingham

Dear Sir,

RE THE GUNMAKERS ARMS – BATH STREET

Prior to the Gunmakers closing I was an infrequent visitor. However after the pub re-opened I paid it a visit and soon became a regular. I got to know the landlord Radi who I soon discovered was a hardworking conscientious publican. There has been a vast improvement in standards at the pub since Radi took over.

Radi is also very considerate and helpful and I now class him as a good friend. In fact Radi has recently come to live in an annexe at the rear of my home.

I have had my Birthday Party at the pub and my employees have also had our Xmas party there. Both events went off without an iota of trouble.

I visit the pub about 2-3 times a week and have made a lot of friends there in the pubs pleasant atmosphere. I feel totally safe there.

I can honestly say that I have never seen any drunkeness or rowdy behaviour there. Radi is

in control of his pub and its customers and has the respect of his customers. I have seen him refuse drinks to people who have had too much to drink and on one occasion recall him taking the car keys from a customer preventing him from driving home. Whilst this person was not drunk he was likely to have been over the "drink drive" limit and Radi would not allow him to drive home. I considered this to be the actions of a responsible landlord.

I have read the grounds on which the police seek a review the premises licence and whilst I was not present on the night of the 9/10th December 2014 I would comment that it is easy to be wise after the event. I am sure that had Radi brought Mr P was in need of medical attention that he would have called for it. I know from personal experience that I would now act differently in a certain set of circumstances.

I can confirm that on occasions I have been offered a free "shot" to celebrate a birthday or a happy event which was much appreciated.

There is another aspect to Radi's pub which is that it has brought the Midlands Slovak/Czech community to the pub who mix well with the other customers. I believe the pub is a recognised meeting place for the Slovak/Czech community.

To summarize, I consider Radi to be a first class landlord who runs the pub with the licensing objectives in mind. It would be a tragedy if the pub lost its licence and Radi lost his job which he works so hard for. If you need to contact me please feel free to do so.

Yours faithfully

Appendix 16

Emerged RJ

Rushbrook Close
Olton
Solihull
B92

Chairman
Licensing Committee
Birmingham City Council
Crystal Court
Rocky Lane
Birmingham

20th May 2015

Dear Sirs,

Re: Radoslav Halabrin
The Gunmakers Arms, 92 Bath Street, Birmingham

I respectfully submit the following in support of Mr Halabrin's application for continuation of his Licence in respect of the above premises.

My use of the premises arises from working close by for a number of years.

Previous Licensees at the premises, having been insitu for varying periods, have not always provided acceptable staffing levels and performance, or quality of their product, hence custom has failed.

Mr Halabrin has always provided staff with a proper level of expertise who are always helpful and courteous, reflecting Mr Halabrin's own work ethic. At all times Mr Halabrin and his staff are in full control of the running of the business and overseeing of the conduct of patrons. They enjoy a very good relationship with the public.

I have not witnessed excessive drinking and drunkenness by any of the patrons.

I have frequented the premises both at lunchtime and in the evening and also at similar times been a guest at functions taking place on behalf of members of the public involving catering which is always at a most acceptable quality.

Yours faithfully

Appendix 17

ENTERED ON SCPRA
RJ

Lakeside Walk,
Brookvale Village,
Birmingham,
B23

19th May 2015

Licensing section,

Ref The Gunmakers
Bath Street

I have had the pleasure of knowing Mr Radoslav Halabrin for the last four years.

I have been a regular customer at the Gunmakers for over twenty years.

When Mr Halabrin arrived at The Gunmakers the standards at this public house immediately rose Not only is it now very clean, he makes people welcome and does his best make the visit enjoyable.

He is aware that he has a responsibility to make sure his customers are safe. He will not flinch reminding drivers of driving limits, he will encourage drivers to leave cars and take a taxi or public transport home, I have seen him take keys from customers rather than allow them to drive.

Radosalav will refuse to serve anyone he feels have had too much to drink.

was a pensioner living alone who died in December 2014, he was a regular customer. Radoslav would make sure he had a meal, when he left the pub Radoslav would either see him to his home or arrange someone else to do so. He was a key holder after a few days of not seeing him he was found and taken to hospital.
This is a characteristic response from a person who cares for others.

I have occasionally helped him behind the bar; he makes it very clear that he wants customers to have a relaxed visit and enjoy themselves.

It is these standards that allow me to state that in the years that Radoslav has run this public house that I have never seen any disorder in or around this public house.

I know that if I want a relaxed night out that I will have a warm welcome at the Gunmakers.

It would be a great disappointment to see any change of management at this pub.

If you would like me to expand on anything I would be pleased to do so.

Yours sincerely

Appendix 18

Entered RJ

From:
To: <bw_licensing@west-midlands.pnn.police.uk>
Sent: 18 May 2015 14:33
Subject: The Gun Makers Arms Bath Street Birmingham

Dear Sir/Madam

I am writing to you in connection with the licence review of the above mentioned public house.

Myself and work colleges are frequent visitors to the guns as we like to call it.

Following the very unfortunate occurrence that lead to the death of we were all deeply shocked.

He too was a regular customer at the guns and was a very likeable hard working man who would be welcome in anyone's company.

Both and I work as electricians so we used to have plenty of conversations relating to work etc over the years and finding out about the very tragic death of was indeed a very sad time for me.

As you will obviously be aware the landlord of the gunmakers is now having a license review following the tragic circumstances on that night.
It is for this reason I am writing to you to give a personal reference for Raddi.

Since taking over the pub from it being closed for 2 years Raddi has worked tirelessly to keep the pub going and make improvements while obviously running on a tight budget.

He has made efforts to know people and from my experience he has been a very kind very caring and a very generous man.
Having witnessed numerous gestures of kindness to other elderly customers to the extent of making extra soup on cold days and taking the soup by hand to make sure they were ok after not apearing in the pub for an evening or two..
Even last year on my 50th birthday he turned up at my suprise party making sure he hadn't missed saying hi, even though he had been on a motorcycle event some considerable miles away.
He made the effort to come !

The pub itself, he keeps very clean and while it's certainly not everyone's cup of tea again he makes the effort to make everyone welcome.
Due to the location of the guns there are a lot of undesirable people frequently around the area. This makes his work there even more difficult having to keep a close watch on who walks through the door.
This being the case he keeps a very nice pub and certainly does not stand for any bad behavior.
On the whole I believe that Raddi deserves to keep his licence and continue to run the premises. He is a very genuine very hard working landlord who would be very sadly missed should his licence be removed.

At present I am on holiday in Florida and only just found out about his pending licence review from a message from a work colleague.
I felt the need to put forward a reference for a very genuine landlord.

Myself not being familiar with these proceedings, should a character reference be needed in court, would be more then happy to appear before the court to offer my character reference in person.
I will be back in the UK on the 23rd of May.

18/05/2015

Appendix 19

Emerged N

From:
Sent: 19 May 2015 10:20
To:
Subject: Radi

Caddick

Road

Great Barr

Birmingham

B42

19/05/2015

Gunmakers Arms Bath Street Birmingham

Dear Sir / Madam

I have been using the Gunmakers arms for the past 3 years, in that time I have never witnessed any trouble or drunken behaviour, the pub is a traditional back street venue with bags of character which we regulars love.

We get to have a decent quiet drink with no rowdy lager louts disrupting our relaxing time.

The Licensee does not tolerate drunken or loutish behaviour and is quick to put an early stop to it in his charming polite manor he refuses to serve anyone he thinks has had too much to drink.

If any customers appear to be fooling around he asks them to stop before someone gets hurt stating the obvious health & safety as it is his livelihood at stake.

Radi is one of the most hard working men I have ever come across he never stops cleaning, the whole pub always has a fresh smell to it including the toilets something one doesn't really find in a Public house these days.

Radi came to the UK about 7 years ago and has never claimed any benefits and only ever wanted to work hard which I hope you would agree is a rare thing these days, he is a very proud man who is humbled by the support he is getting from us regulars and sometimes very tearful, this man is a very caring person who goes to long lengths to ensure his customers are well and cared for.

I myself had not been in to the Gunmakers for over a week due to illness and Radi asked one of my friends to call me to see if I were ok, something which had not entered my own friends mind.

We are all guilty of this sort of thing we take friends for granted and never give it a thought that one may be ill, not Radi he's always thinking where's so and so are they ok why haven't they been in? A typical concerned reaction from this kind man.

Another customer who left his spare key with Radi didn't turn in for a few days, Radi asked a friend of mine another regular to go round to . flat with him only to find . on the floor they

wanted to call an ambulance but begged them not to and said he would be in the pub later, when didn't turn in Radi and my friend went back to the flat to find that he had moved from the floor, but felt an ambulance should be called as never missed a Friday night out he was obviously ill, this could have been a man left in his flat unattended for months had it not been for Radi insisting they should visit unfortunately passed away a few weeks later in Hospital.

To end my appeal on Radis behalf, by revoking his licence would be putting this kind hard working man out of work and possibly on the dole something which none of us want especially Radi, also we would be losing a great friend and publican, who knows where he could end up?

This is our local a great little cosy place back in time which are fast becoming rare, please give this man the chance he deserves let him retain his licence and job, and let us keep our lovely meeting place.

Yours Sincerely

19/05/2015

Appendix 20

DCC
REGULATION & ENFORCEMENT
LICENSING SECTION
DATE RECEIVED

Birmingham City Council, Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

REF NO .....

INITIALS .....

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 Chief Constable of West Midlands Police
(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 Gunmakers Arms 92-93 Bath Street	
Post town Birmingham	**Post code (if known) B4 6HG**

Name of premises licence holder or club holding club premises certificate (if known) **Mr Thomas O'Brien**

Number of premises licence or club premises certificate (if known) **3518**

Part 2 - Applicant details

I am SUPERINTENDENT 3172 ANDY BEARD

	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 Operational Superintendent Birmingham West and Central Police Station Steelhouse Lane Birmingham B4 6NW
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

	Please tick one or more boxes ✓
1) the prevention of crime and disorder	☒
2) public safety	☒
3) the prevention of public nuisance	☐
4) the protection of children from harm	☐

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

This premises is a public house located on Bath Street, just outside of Birmingham City Centre's inner ring road. The designated premises supervisor is Mr Radoslav HALABRIN. The DPS has leased the premises from the Premise Licence Holder, a Mr Thomas O'Brien, although Mr O'Brien remains the premise licence holder.

On 10th December 2014, West Midlands Police received a call from the ambulance service at 01:53 hours stating there was a male in cardiac arrest at the premises. Initial reports at the scene stated this was not suspicious. However, as the full investigation proceeded, there were some concerns raised in relation to public safety and the actions of the DPS, Mr Radoslav HALABRIN.

Mr HALABRIN stated that the deceased male (who will be referred to as Mr P) was a regular customer at the premises. On 9th December, Mr P had been drinking Cider and shots throughout the evening at the premises, he reached across the bar taking hold of a bottle of Jack Daniels and began downing the spirit straight from the bottle. Mr P then became very intoxicated and verbal, banging his fists on the bar. At approximately 23:30 hours, Mr HALABRIN sat Mr P in a chair where he vomited and urinated. He then went to sleep. When all the customers left and the pub closed, Mr P was still unconscious, in the premises. Mr HALABRIN placed Mr P in the recovery position and left the premises to get himself some food. Mr P was left unattended at this point, and although he was put in the recovery position, there was no call to the police or the ambulance service regarding concern for Mr P's health. On returning from having a meal inside a take away, Mr HALABRIN found Mr P had died. It was at 01:48 hours that an ambulance was finally called.

Police Officers who attended requested to see the CCTV in the premises, to establish events surrounded Mr P's death. Mr HALABRIN could not operate the system and this CCTV was never made available.

Mr P was subsequently found to have a high concentration of alcohol in his blood. Underlying health issues (hardening arteries and valvular heart disease) together with the high level alcohol appear to have led to the death. The Histopathologist has proffered 'Acute ethanolic intoxication' as a contributing factor to the cause of death.

As the investigations into Mr P's death continued, on 13th February 2015, licensing officers from Birmingham Central Police Station visited the Gunmakers Arms. Officers found a number of unlabelled Jack Daniels bottles that contained a clear, strong smelling liquid behind the bar. Mr HALABRIN was advised regarding safety concerns of serving unidentifiable alcohol and issued a Traders Notice.

On 20th February 2015 officers conducted a follow up visit in the company of a Trading Standards officer. Bottles similar to those found on the previous visit were this time found in the back of the cellar. There were no labels, and they contained a clear liquid.

On 1st April, police officers and trading standards re-visited the premises. Trading standards had cause to seize bottles of alcohol that did not comply with legislation.

A Coroners inquest has started for this incident and through this it was discovered that the DPS had taken photos of what had happened, these have eventually been handed to the Police which corroborate the facts as above.

The concerns that have been identified by West Midlands Police are that the DPS had not called for an ambulance when Mr P initially consumed a large amount of alcohol and then went unconscious. This prompt action of responsibility could have prevented Mr P's death. The DPS left Mr P alone and unconscious in the premises, albeit he placed him in the recovery position. If he had such concerns for Mr P by placing him in the recovery position he should have not left him alone, and should have called for medical assistance.

In addition, CCTV was not accessible on the evening or during the initial investigation for officers. This would have provided valuable evidence in the moments leading up to the death of Mr P.

The premises licence holder was completely unaware of the death in his premises until 3 months

afterwards. The lack of communication between the licence holder and DPS causes police deep concerns that the premises is not promoting the licensing objectives effectively, especially in regard to public safety.

Both the Premise Licence Holder and the DPS have clearly shown disregard for the licensing objectives, especially Public Safety and Prevention of Crime and Disorder. The Premise Licence Holder is clearly unaware of what is happening in his premises and the DPS is clearly hiding issues that are happening and more concerned with the sale of alcohol.

West Midlands Police do not believe that to just change the DPS or impose conditions would resolve the issues here, which ultimately led to the death of a male. To change the DPS would only mean that the current DPS would still keep the lease and have control of the premise and then apply for another DPS to run the premises.

As such West Midlands Police are seeking the revocation of this licence, had it not been the delay in getting information West Midlands Police would have sought an application under Sec 53.

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

Sudden death report

Statement from officer

Statement from DPS and witness

Police Log

Photographs provided by Coroners Court, which were taken by the DPS

Toxicology Report

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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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
....

Date
..... 17/04/15 .....

Capacity
..... SUPERINTENDENT 3172 ANDY BEARD. WEST MIDLANDS POLICE. .....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Birmingham Central Licensing Team Birmingham Central Police Station Steelhouse Lane	
Post town **Birmingham**	**Post Code** B4 6NW
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.

	Please tick ✓ yes
Have you made an application for review relating to the premises before	☐

If yes please state the date of that application

Day		Month		Year			

If you have made representations before relating to the premises please state what they were and when you made them

Appendix 21

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number: **3518 / 2**

Part 1 - Premises details:

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

Gunmakers Arms
92-93 Bath Street

Post town:	**Post Code:**
Birmingham	B4 6HG

Telephone Number:

Not Specified

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

C	Indoor sporting events
F	Recorded music
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

The times the licence authorises the carrying out of licensable activities

Monday - Sunday	10:00	-	00:00	F
	10:00	-	01:00	C ,H ,M3
	23:00	-	01:00	L
BANK HOLIDAYS, NEW YEARS DAY, CHRISTMAS DAY, BOXING DAY	10:00	-	02:00	C ,F ,H ,M3
	23:00	-	02:00	L

The opening hours of the premises

Monday - Sunday	10:00	-	01:00
BANK HOLIDAYS, NEW YEARS DAY, CHRISTMAS DAY, BOXING DAY	10:00	-	02:00

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

On and Off Supplies

Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ

BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Thomas Martin O'Brien	
Post town:	**Post Code:**
Telephone Number:	
Email	

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

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Radoslav Halabrin	
Post town:	**Post Code:**
Telephone Number:	

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	**Issuing Authority**

Dated *01/02/2011*

Nicola Stansbie
Senior Licensing Officer
For Director of Regulation and Enforcement

Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ

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.

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

The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol:-

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 a holographic mark.

Where any of the following alcoholic drinks is sold or supplied for sale or 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) the responsible person shall ensure that it is available to customers in the following measures:-

1. Beer or cider - ½ pint;
2. Gin, rum, vodka or whisky - 25ml or 35ml; and
3. Still wine in a glass - 125ml; and

The responsible person must also ensure that customers are made aware of the availability of the aforementioned measures.

Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The provision of regulated entertainment shall take place indoors only.

No adult entertainment permitted at the Premises.

The licence holder shall ensure they are a member of the Local Pub watch Scheme

The licence holder shall ensure the staff are trained on Licensing Act 2003 when they are recruited and given training in "Drug Awareness".

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

No enforceable conditions identified from the operating schedule.

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

A maximum occupancy of 200 people will be set.

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

There will be volume limiters on music amplification equipment.

All customers will be asked to leave quietly.

The garden will be closed at 23:00.

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

Children under the age of 16 must be accompanied by an adult at all times.

Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

3c) Committee conditions to promote public safety

N/A

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

N/A

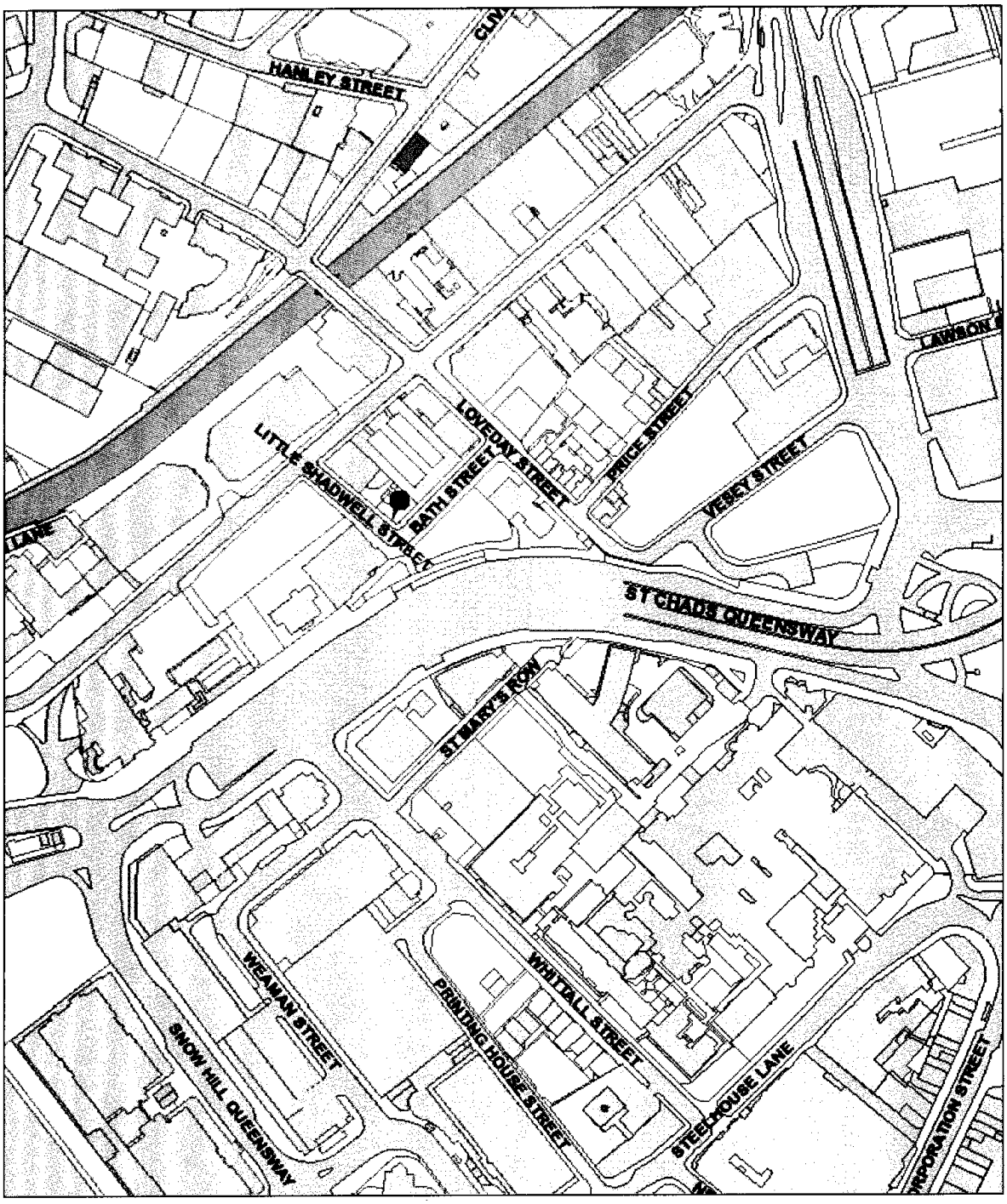
3e) Committee conditions to promote the protection of children from harm

N/A

Annex 4 – Plans

The plan of the premises with reference number **71218-3518/2** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection between the hours of 9am – 4pm Monday, Tuesday and Thursday, 10am – 4pm Wednesday and 9am – 3.30pm Friday (excluding Bank Holidays etc) at the Licensing Service, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham B6 5RQ.

Appendix 22



Birmingham City Council Map Created By:

Date of Map Creation: 27/05/2015

Notes

N

Scale: 1:2,500

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Evidence Bundle

The Gunmakers Arms PH

Review Hearing

BCC
REGULATION & ENFORCEMENT
LICENSING SECTION
DATE RECEIVED
10 JUN 2015
REF NO .....
INITIALS .....

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Traders Notice issued 20/02/15.....Pg 39

Statement from Licensing Officer, PC Vicki Demuth.....Pg 40-41

Please be advised that the family of the deceased have given West Midlands Police permission to use the photo's showing the deceased prior to his death. However, they wish to ensure that his name is not declared during these proceedings.

Incident 139 of 10/12/2014

URN	Date	Owner	LPU beat
139	10/12/2014 01:53	BWR1	BWDA

Initial classification	Response	Last updated	Status
MISCELLANEOUS	IMMEDIATE	10/12/2014	CLOSED

Reported by	AMBULANCE CONTL
Caller	AMBO LOG 161
Caller Address	
Caller Phone	Ex-Directory
Location	GUNMAKERS ARMS PH,92 BATH STREET CITY CENTRE,BIRMINGHAM,WEST MIDLANDS
OSGR	407113,287625
Incident Detail	WE HAVE A MALE IN HIS 30S POSSIBLE CARDIAC ARREST
Warning Markers	TREAT ALL CALLS AS URGENT
Crime Number	

Log updates

Date	Time	User	Terminal	Text
10/12/2014	01:53	57291	YMCH17	Routed To Radio Operator(s)
10/12/2014	01:53	0054	BWR1	Incident Transfer Accepted by terminal BWR1
10/12/2014	01:53	57291	YMCH17	GRADED AS IMMED AS NO FURTHER DETAILS
10/12/2014	01:53	57291	YMCH17	NFI - CALLLR OFF LINE
10/12/2014	01:56	0054	BWR1	BWO63 Automatic STM Notification generated
10/12/2014	01:56	0054	BWR1	BWO63 Despatched
10/12/2014	01:59	0054	BWR1	BWO63 Arrived at Incident
10/12/2014	01:59	0054	BWR1	Resource at Scene Processing Abandoned
10/12/2014	02:00	7915	WebOASIS	HM 5 AWARE
10/12/2014	02:00	51461	BWR2	O63.. MALE IS DECEASED..
10/12/2014	02:00	51461	BWR2	STAFF THOUGHT HE HAD FALLEN ASLEEP.. WHEN THEY TRIED
10/12/2014	02:01	51461	BWR2	TO WAKE HIM THEY REALISED HE HAD DIED.
10/12/2014	02:04	0054	BWR1	BWR50 Automatic STM Notification generated
10/12/2014	02:04	0054	BWR1	BWR50 Despatched
10/12/2014	02:05	51461	BWR2	BWR50 Already Despatched

1

10/12/2014	02:05	6377	WebOASIS	BWV55 - NOTED TO HERE, SUPERVISOR ON ROUTE.
10/12/2014	02:23	6553	BSSD2	RADI HALABRIN 11 1 77 NT PNC
10/12/2014	02:23	51461	BWR2	Personnel Searcher (View Only)
10/12/2014	02:23	51461	BWR2	Resources Dealing with this Incident Enquiry
10/12/2014	02:24	51461	BWR2	20319 LIASING WITH F/CID 4325
10/12/2014	02:25	20993	WebOASIS	I HAVE SPOKEN TO DS0024 KNIGHT IN RELATION TO THIS
10/12/2014	02:25	20993	WebOASIS	MATTER. HE STATES THAT AS LONG AS THE RELEVANT CHECKS
10/12/2014	02:25	20993	WebOASIS	ARE CONDUCTED IN RELATION TO VISIBLE INJURIES AND
10/12/2014	02:25	20993	WebOASIS	CCTV TO ENSURE NO FOUL PLAY THEN THE MATTER SHOULD BE
10/12/2014	02:25	20993	WebOASIS	DEALT WITH AS A STANDARD SUDDEN DEATH REPORT. I HAVE
10/12/2014	02:25	20993	WebOASIS	NOT ATTENDED AT THIS POINT DUE TO ENQUIRIES IN
10/12/2014	02:25	20993	WebOASIS	RELATION TO HIGH RISK MISPER BUT I HAVE FULLY BRIEFED
10/12/2014	02:25	20993	WebOASIS	THE OFFICERS AT THE LOCATION TO CONDUCT CHECKS AROUND
10/12/2014	02:25	20993	WebOASIS	INJURIES AND CCTV. AWAITING AN UPDATE.
10/12/2014	02:29	51461	BWR2	1042 Automatic STM notification generated
10/12/2014	02:29	51461	BWR2	1042 Allocated to Incident
10/12/2014	02:29	51461	BWR2	1042 IS F/CID USING 4325'S RADIO
10/12/2014	02:31	6377	WebOASIS	BWV55 - UPDATE NOTED.
10/12/2014	02:38	57226	YMCH27	FROM PC 20319 - [redacted] - IS THE MOBILE FOUND
10/12/2014	02:38	57226	YMCH27	WITH THE DECEASED. ASKING FOR INTEL CHECKS ON THE
10/12/2014	02:38	57226	YMCH27	MOBILE FROM BW RADS.
10/12/2014	02:39	57226	YMCH27	POSSIBLE NAMES ARE [redacted] CHECKS ON THE NAME
10/12/2014	02:39	57226	YMCH27	ALSO PLS
10/12/2014	02:39	57226	YMCH27	Incident Switch to Terminal
10/12/2014	02:39	57226	YMCH27	BWR1,BWR2,BWR3,BWR4,BWCCTV3,BWCCTV2
10/12/2014	02:39	57226	YMCH27	AS LAST PLS
10/12/2014	02:39	57226	YMCH27	Incident Switch
10/12/2014	02:39	0054	BWR1	Incident Switch Accepted By BWR1
10/12/2014	02:41	51461	BWR2	PNC - #NE [redacted]
10/12/2014	02:44	51461	BWR2	NO TRACE PNC.

2

10/12/2014	02:45	51461	BWR2	ONLY [redacted] ADDRESS OF [redacted]
10/12/2014	02:45	51461	BWR2	[redacted]
10/12/2014	02:48	51461	BWR2	PNC - #NE [redacted]
10/12/2014	02:48	51461	BWR2	*** PNC screen captured - 1 to Log
10/12/2014	02:48	51461	BWR2	*** PNC screen captured - 2 to Log
10/12/2014	02:48	51461	BWR2	DESCRIPTION PASSED TO OFFICERS.. APPEARS TO BE
10/12/2014	02:48	51461	BWR2	[redacted]
10/12/2014	02:48	51461	BWR2	*** PNC screen captured - 3 to Log
10/12/2014	02:49	51461	BWR2	*** PNC screen captured - 4 to Log
10/12/2014	03:03	51461	BWR2	BWO63 Redeployed to Incident 188 10/12/14
10/12/2014	03:04	51461	BWR2	20319 WILL SUBMIT SUDDEN DEATH FORM
10/12/2014	03:04	51461	BWR2	All Resources Leave Scene/Dispatch Cancelled etc
10/12/2014	03:04	51461	BWR2	BWO63 Automatic STM notification generated
10/12/2014	03:04	51461	BWR2	BWO63 Allocated to Incident
10/12/2014	03:16	0054	BWR1	BWO63 Arrived at Incident
10/12/2014	03:16	0054	BWR1	BWO63 MAKING FURTHER ENQS
10/12/2014	03:33	0054	BWR1	Incident Transferred by terminal BWR1 to BWR2
10/12/2014	03:33	0054	BWR1	AS
10/12/2014	03:33	0054	BWR1	Incident Transfer
10/12/2014	03:33	51461	BWR2	Incident Transfer Accepted by terminal BWR2
10/12/2014	03:44	57935	YMCH13	FURTHER FROM AMBO. THLY STATE UNKNOWN MALE OF
10/12/2014	03:44	57935	YMCH13	UNKNOWN AGE FOUND IN A PUBLIC PLACE. NON SUSPICIOUS,
10/12/2014	03:45	57935	YMCH13	CONFIRMED AT 0157AM BY PARAMEDIC 3120
10/12/2014	03:45	57935	YMCH13	HE IS BEING TAKEN TO NEWTON STREET MORTUARY.
10/12/2014	03:45	57935	YMCH13	NFI YM CLEAR
10/12/2014	03:50	20319	WebOASIS	FROM FLINTS THERE MAY BE AN ADDRESS OF [redacted]
10/12/2014	03:50	20319	WebOASIS	[redacted] OF POSSIBLE NEXT OF KIN. OFFICERS ON ROUTE TO
10/12/2014	03:50	20319	WebOASIS	[redacted]
10/12/2014	03:51	0054	BWR1	NTD
10/12/2014	04:32	0054	BWR1	GIRLFRIEND AND BROTHER ALL INFORMED
10/12/2014	04:32	51461	BWR2	All Resources Leave Scene/Dispatch Cancelled etc
10/12/2014	04:33	51461	BWR2	Incident Closed By Terminal BWR2
10/12/2014	04:33	51461	BWR2	Incident End (Result / Close)

3

10/12/2014 04:38	0054	BWR1	No Resources Attached to this Incident
	57669	BWFA2	The following was entered after the Incident was
	57669	BWFA2	Closed
10/12/2014 13:06	57669	BWFA2	Re-Opened by BWFA2
10/12/2014 13:06	57669	BWFA2	**********
10/12/2014 13:07	57669	BWFA2	THE SISTER OF THE DECEASE HAVE ATTEND SHL FRONT
10/12/2014 13:07	57669	BWFA2	ENQIURING ABOUT THE DECEASE PROPERTY TAKEN.
10/12/2014 13:08	57669	BWFA2	HER CONTACT DETAILS ARE AS FOLLOWED: [redacted]
10/12/2014 13:08	57669	BWFA2	
10/12/2014 13:09	57669	BWFA2	ADDRESS - [redacted]
10/12/2014 13:09	57669	BWFA2	MOB - [redacted]
10/12/2014 13:10	57669	BWFA2	SHE REQUEST THAT OFFICE IN CHARGE CONTACT HER ASAP.
10/12/2014 13:10	57669	BWFA2	Incident Transferred by terminal BWFA2 to BWRAD
10/12/2014 13:10	57669	BWFA2	FYI THANKS
10/12/2014 13:10	57669	BWFA2	Incident Transfer
10/12/2014 13:10	8974	BWR1	Incident Transfer Accepted by terminal BWR1
10/12/2014 13:11	8974	BWR1	NOTED HOWEVER THE MATTER WILL BE BEING DEALT WITH BY
10/12/2014 13:11	8974	BWR1	CORONERS
10/12/2014 13:12	8974	BWR1	THEY WILL NEED TO LIASE WITH THEM AS THE PROPERTY
10/12/2014 13:12	8974	BWR1	WILL ONLY BE RELEASED WITRH CORONERS OFFICER
10/12/2014 13:12	8974	BWR1	AUTHORITY
10/12/2014 13:12	8974	BWR1	Incident Switch to Terminal BWFA2
10/12/2014 13:12	8974	BWR1	.
10/12/2014 13:12	8974	BWR1	Incident Switch
10/12/2014 13:12	57669	BWFA2	Incident Switch Accepted By BWFA2
10/12/2014 13:13	57669	BWFA2	NOTED CALLER STATES SHE HAVE UPDATE
10/12/2014 13:14	57669	BWFA2	THE CORONERS WITH HER DETAILS ALREADY.
10/12/2014 13:14	8974	BWR1	NOTED SHE WILL NEED TO WAIT FOR THIER RESPONSE
10/12/2014 13:14	8974	BWR1	Incident Switch to Terminal BWFA2
10/12/2014 13:14	8974	BWR1	.
10/12/2014 13:14	8974	BWR1	Incident Switch
10/12/2014 13:14	57669	BWFA2	Incident Switch Accepted By BWFA2
10/12/2014 13:21	8974	BWR1	Incident Closed By Terminal BWR1

4

10/12/2014	13:21	8974	BWR1	Incident End (Result / Close)
		8974	BWR1	The following was entered after the Incident was
		8974	BWR1	Closed
10/12/2014	13:22	8974	BWR1	Re-Opened by BWR1
10/12/2014	13:22	8974	BWR1	Incident Closed By Terminal BWR1
10/12/2014	13:22	8974	BWR1	Incident End (Result / Close)

Resources

Rank	Name	Collar No	Dispatched	Arrived	Left	Cancelled	Informed	Informed Cancelled	Dea Wit
PC	HUGHES	7686	1:56	1:59		3:03			
PC	SMITH	20319	1:56	1:59		3:03			
PC	WARREN-SMITH	20993	2:04			3:04			
DC	CUNNINGHAM	1042					2:29	3:04	
PC	HUGHES	7686		3:16	4:32		3:04		
PC	SMITH	20319		3:16	4:32		3:04		

PNC Results

Warning: the PNC information shown here represents the information extracted from PNC at the time of the check, and should be used only as a record of the information available at that time. The information may now be out-of-date, and consideration should be given to making a new check to obtain up-to-date information.

☐ Check / Uncheck All

☐ PNC - #NE [redacted]
☐ PNC - #NE
☐ PNC - #NE
☐ PNC - #NE

Show PNC Results

Incorrect use of this facility may be an offence under the Computer Misuse Act 1990 and the data displayed is subject to the provisions of the Data Protection Act 1998.

For further information please see the WebOASIS Help page.

5

[redacted]

West Midlands Police

WG 427
(10.02)

SUDDEN DEATH REPORT TO H M CORONER

TIME AND DATE DEATH REPORTED: 01:57 10/12/14

BY WHOM: [redacted]

DECEASED

SURNAME: [redacted] FORENAME(S): [redacted]

MAIDEN NAME: AGE: [redacted]

DATE OF BIRTH: [redacted] PLACE OF BIRTH:

OCCUPATION: ADDRESS: [redacted]

[redacted] TEL NO:

FIND

SURNAME: [redacted] FORENAME(S): [redacted]

ADDRESS: [redacted]

[redacted] RELATIONSHIP TO DECEASED: [redacted]

TEL NO: MOBILE NO: [redacted] NOTIFIED OF DEATH: YES ☒ NO ☐

FAMILY DOCTOR

NAME: N/K

PRACTICE ADDRESS:

TEL NO:

DOCTOR / AMBULANCE PARAMEDIC ATTENDING TO CONFIRM DEATH

NAME: [redacted] Call Sign TM 7668

TIME: 01:57 hrs DATE: 10/12/14

PLACE OF DEATH:

UNDERTAKER REMOVING BODY

NAME OF COMPANY: Newton Street Coroners

BODY FOUND AT: Gunmakers Arms 92 Bath St, Birmingham

OFFICER WHO EXAMINED BODY

NAME: PC 7686 Hughes STATION: Newtown

PLACE BODY FOUND: Gunmakers Arms 92 Bath Street Birmingham

POSITION OF BODY: Floor of Bar

ANY APPARENT INJURIES: None

PROPERTY TAKEN FROM PERSON / BODY / SCENE

DETAINED PROPERTY NO: — STATION: —

DESCRIPTION OF ITEM(S): —

PROPERTY LEFT ON BODY: (Rings etc) Pen knife, mobile, lighter, keys

NOTES FOR COMPLETION:

1. The procedure for dealing with sudden or suspicious deaths are outlined in the Policy and Procedure Manual S6
2. The original of this form should be forwarded or faxed to HM Coroner of the district concerned as soon as practicable together with any statements taken.
3. Any item including addressed letters, poisonous substances, weapons, implements etc. suspected to be connected with the death should be itemised on this report and retained for inquest purposes

*DELETE AS APPROPRIATE

(6)

IDENTIFICATION

POLICE OFFICER TO WHOM BODY WAS IDENTIFIED (name):

RANK: PC | NO: 7686 | STATION: NEWTOWN

AND BY WHOM (Relative, friend etc): SURNAME:

FORENAME(S): | ADDRESS

TEL NO: | RELATIONSHIP TO DECEASED:

ANY OTHER PERSON WHO CAN SUPPLY USEFUL INFORMATION TO THE CORONER'S ENQUIRY

(continue on separate sheet if necessary)

SURNAME: [redacted] | FORENAME(S): [redacted]

ADDRESS: [redacted]

TEL NO: [redacted] | RELATIONSHIP TO DECEASED: FRIEND

SURNAME: HALIABRIN | FORENAME(S): RADI

ADDRESS: [redacted]

TEL NO: [redacted] | RELATIONSHIP TO DECEASED:

SURNAME: | FORENAME(S):

ADDRESS:

TEL NO: | RELATIONSHIP TO DECEASED:

PERSONS WHO ATTENDED THE SCENE

		NAME OF OFFICER	
CID	YES ☐ NO ☑		
Scenes of Crime Officer (1)	YES ☐ NO ☑		
Scenes of Crime Officer (2)	YES ☐ NO ☑		
Accident Investigations	YES ☐ NO ☑		
Others	YES ☐ NO ☑		

CIRCUMSTANCES OF DEATH/OTHER USEFUL INFORMATION

(attach on separate sheet if necessary)

THE DECEASED HAS BEEN DRINKING AT THE SUMMERS ARMS FROM AROUND 1700 HRS ON THE 9/12/14. AT APPROXIMATELY THE DECEASED AND THE TWO ABOVE FRIENDS, WERE THE ONLY THREE PEOPLE LEFT IN THE BAR. AT AROUND 0100 HRS ON THE 10/12/14 THE DECEASED AT THIS TIME WAS VERY INTOXICATED AND WAS TAKEN OUTSIDE TO SOBER UP BY THE ABOVE. THE WEATHER WAS WET AND COLD. A SHORT TIME LATER THE DECEASED WAS THEN TAKEN BACK INTO THE PUBLIC HOUSE, WHERE HE WAS LEFT ON THE FLOOR ASLEEP, WHILST THE ABOVE WENT TO GET FOOD. HALF AN HOUR LATER THEY RETURNED TO FIND THE DECEASED

OFFICER SUBMITTING REPORT (block capitals): PC 7686 HUGHES

STATION: NEWTOWN | DATE: 10/12/14

REPORT EXAMINED BY: | DATE:

*DELETE AS APPROPRIATE

7

RESTRICTED - (When Complete)

MG11

Crime Ref. No.

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of RADI HALABRIN

Age If Under 18: OVER (place after 18 insert over 18) Occupation: BAR MANAGER

This statement (consisting of ..... 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: 26/1/15

(Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I AM THE ABOVE NAMED AND LIVE AT THE ADDRESS GIVEN. THIS STATEMENT IS IN RELATION TO A MALE I KNOW AS [redacted], WHICH IS SHORT FOR [redacted]. I KNOW FROM THE GUN MAKERS ARMS WHERE I WORK AS BAR MANAGER. ON 9TH DECEMBER, I WAS AT MY PLACE OF WORK. MY TIME OF DUTY WAS FROM TWELVE O'CLOCK MIDDAY TILL MIDNIGHT. AT AROUND SIX O'CLOCK ON THE EVENING OF THE 9TH DECEMBER 2014 [redacted] CAME INTO THE BAR AND HAD A PINT OF HIS USUAL DRINK A PINT OF CIDER. HE CONTINUED DRINKING CIDER TILL AROUND 21.30 HRS. HE THEN STARTED TO DRINK SHOTS. HE HAD AROUND ONE OF TWO SHOTS. HE THEN REACHED OVER THE BAR AND TOOK HOLD OF A BOTTLE OF JACK DANIELS HONEY AND DRANK ABOUT HALF A LITER IN ABOUT EIGHTY SECONDS

Signature: Signature Witnessed By:

200617 (1) RESTRICTED - (When Complete)

8

RESTRICTED (when complete)

MG11(CONT)

Crime Number: .....

Continuation of Statement of: RADI HALASSRIN

Page No. ..... of 2

I SAID TO [redacted] WHAT YOU DOING
YOU ARE GOING TO BE SMASHED
AT THIS TIME THERE WAS AROUND
THREE PEOPLE IN THE BAR. I HAD
NEVER SEEN [redacted] DRINK LIKE THAT
BEFORE. HE BECAME VERY INTOXICATED
AND VERBAL BANGING HIS HANDS ON
THE BAR. MICHAEL ANOTHER MAN
WHO WAS IN THE BAR TRIED TO
GET [redacted] TO GO HOME BUT HE REFUSED
AND SAID HE WANTED TO SAY IT
WAS AROUND 23.00 HRS AT APPROXIMATELY
23:30 HRS ON THE SAME DATE
[redacted] SAT DOWN IN A CHAIR AND
WENT TO SLEEP I THOUGHT THIS
WAS OKAY AS I WOULD WAKE HIM
UP WHEN I WAS CLOSING THE BAR
AND TAKE HIM HOME AND THAT HE
MAY BE A BIT MORE SOBER. DURING
THIS TIME EVERYBODY ELSE LEFT THE
BAR EXCEPT MYSELF AND ANOTHER
MAN I KNOW AS [redacted].
[redacted] WAS STILL ASLEEP IN THE
CHAIR AT APPROXIMATELY 00.30 HRS
MYSELF AND [redacted] DECIDED TO GO
FOR SOME FOOD, SO WE PUT [redacted] ON

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

2013

RESTRICTED (when complete)

9

RESTRICTED (when complete)

MG11(CONT)

Crime Number:

Continuation of Statement of: RADI HALABRIN

Page No. ..... of ..3..

THE FLOOR OF THE PUB IN THE RECOVERY POSITION IN CASE HE WAS SICK. MYSELF AND [redacted] LEFT THE PUB AND LOCKED THE DOORS WE RETURNED AROUND HALF AN HOUR LATER AND [redacted] WAS STILL ON THE FLOOR. [redacted] TOOK HOLD OF HIS HANDS AS HE HAD NOT MOVED AND [redacted] SAID THAT [redacted] WAS COLD. WE SAT HIM UP BY THE RADIATOR AND TRIED TO WAKE HIM UP. BUT HE DID NOT RESPOND. [redacted] THEN CALL FOR AN AMBULANCE. THE AMBULANCE ARRIVED IN ABOUT FIFTEEN MINUTES. MYSELF AND [redacted] CONTINUED THROUGHOUT THIS TIME TO TRY AND WAKE HIM UP. THE AMBO CREW ARRIVED AND ALSO TRIED TO REVIVE [redacted] BUT HE DID NOT WAKE UP. THEY THEN TOLD ME HE WAS DEAD. A SHORT TIME LATER THE POLICE ARRIVED. I WOULD LIKE TO ADD THAT PRIOR TO MYSELF AND [redacted] CARRYING TO SET KEEP WE TOOK [redacted] FROM HIS CHEST AND OUTSIDE THE DOOR STEP OF THE PUB TO TRY

Signature: Signature witnessed by:

2013

RESTRICTED (when complete)

10

Crime Number:

Continuation of Statement of: RAOI HALABI'N

AND WAKE HIM, WE SAT HIM ON THE STEP HE WAS STILL ASLEEP BUT BREATHING HEAVILY AND SNORING HE WAS ON THE STEP FOR AROUND TEN MINUTES, DURING THIS TIME I GOT A BUCKET OF WATER AND SPLASHED IT OVER HIS FACE WITH MY HANDS, BUT HE STILL DID NOT WAKE HIM, WE THEN PUT HIM BACK IN THE PUB ON THE FLOOR AND WENT TO SET SOME FOOD

Signature: Signature witnessed by:

H.M. CORONER, BIRMINGHAM AND SOLIHULL DISTRICTS
CORONER'S ENQUIRY
WITNESS STATEMENT

Statement of [redacted]

Age if under 21 over 21 (If over 21 insert 'over 21').

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.

Dated the 19th day of January 19 2015

Signature over telephone

My name is [redacted] and my date of birth is [redacted]. I resided at [redacted]

On 9th December 2014 I finished work and walked a short distance to the 'Plumbers Arms' Public House in Bath Street Birmingham, arriving between 16.30hrs and 16.45hrs

I purchased a drink then sat down at a table within the bar area, where I remained whilst drinking and talking to various people within the premises

Later that evening, there remained three of us, myself,

H.M. CORONER, BIRMINGHAM AND SOLIHULL DISTRICTS
CORONER'S ENQUIRY
WITNESS STATEMENT

Statement of .....

Age if under 21 ..... (If over 21 insert 'over 21').

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.

Dated the day of 19

Signature.....

the deceased and another person, the bartender known as Radi Halabin.
Both myself and the deceased were intoxicated and then the deceased whilst sat at a table near to the bar and next to the Christmas tree fell asleep.
I checked a couple of times on the deceased that he was still breathing.
Radi and I then went in Radi's vehicle to a nearby food outlet to purchase food.
We returned a short time later to find the deceased in the same position.
I checked on the deceased to find he was no longer breathing and called for an ambulance straight away.

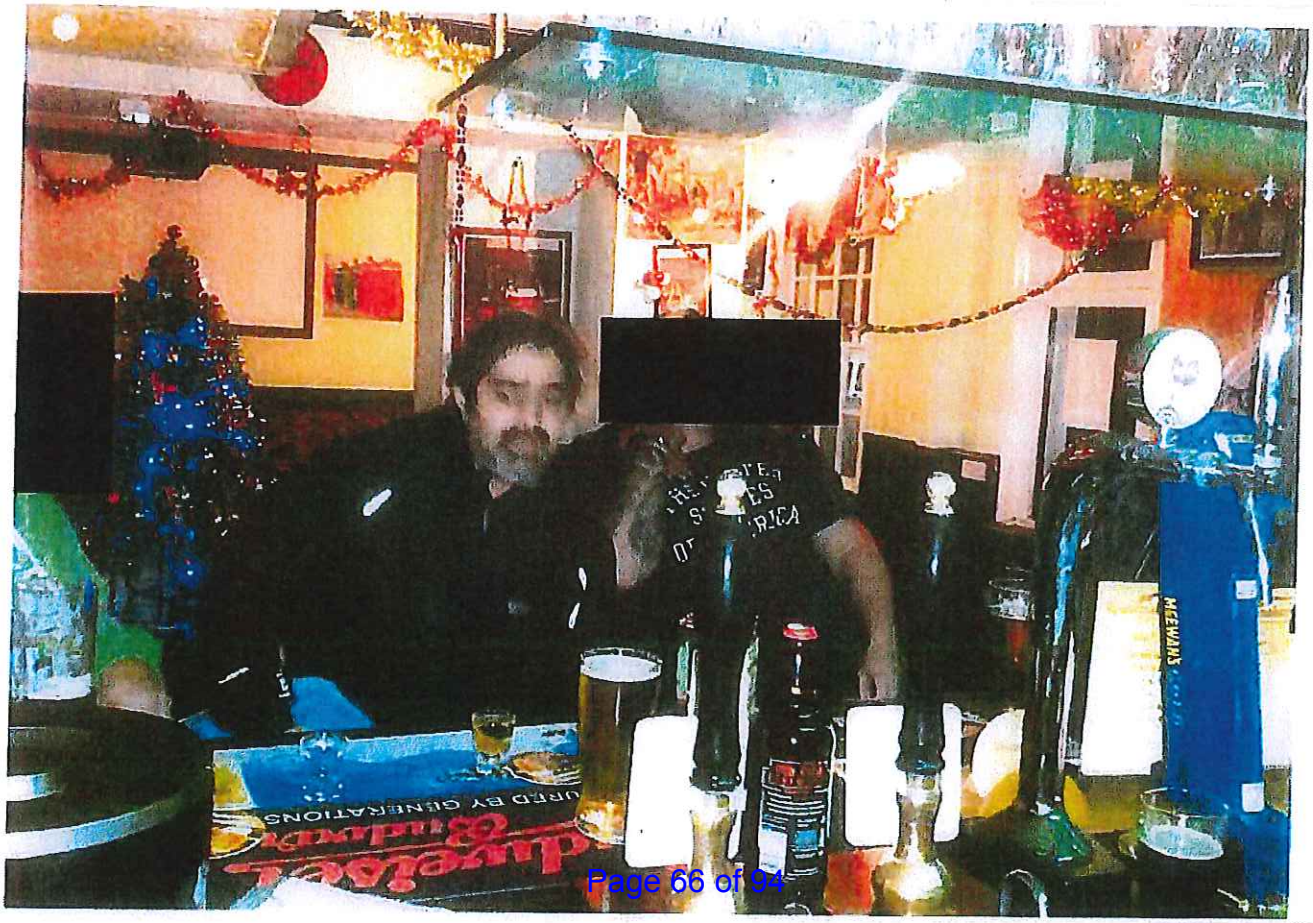
13

14

(15)

(16)

THE UNITED
STATES



(18)

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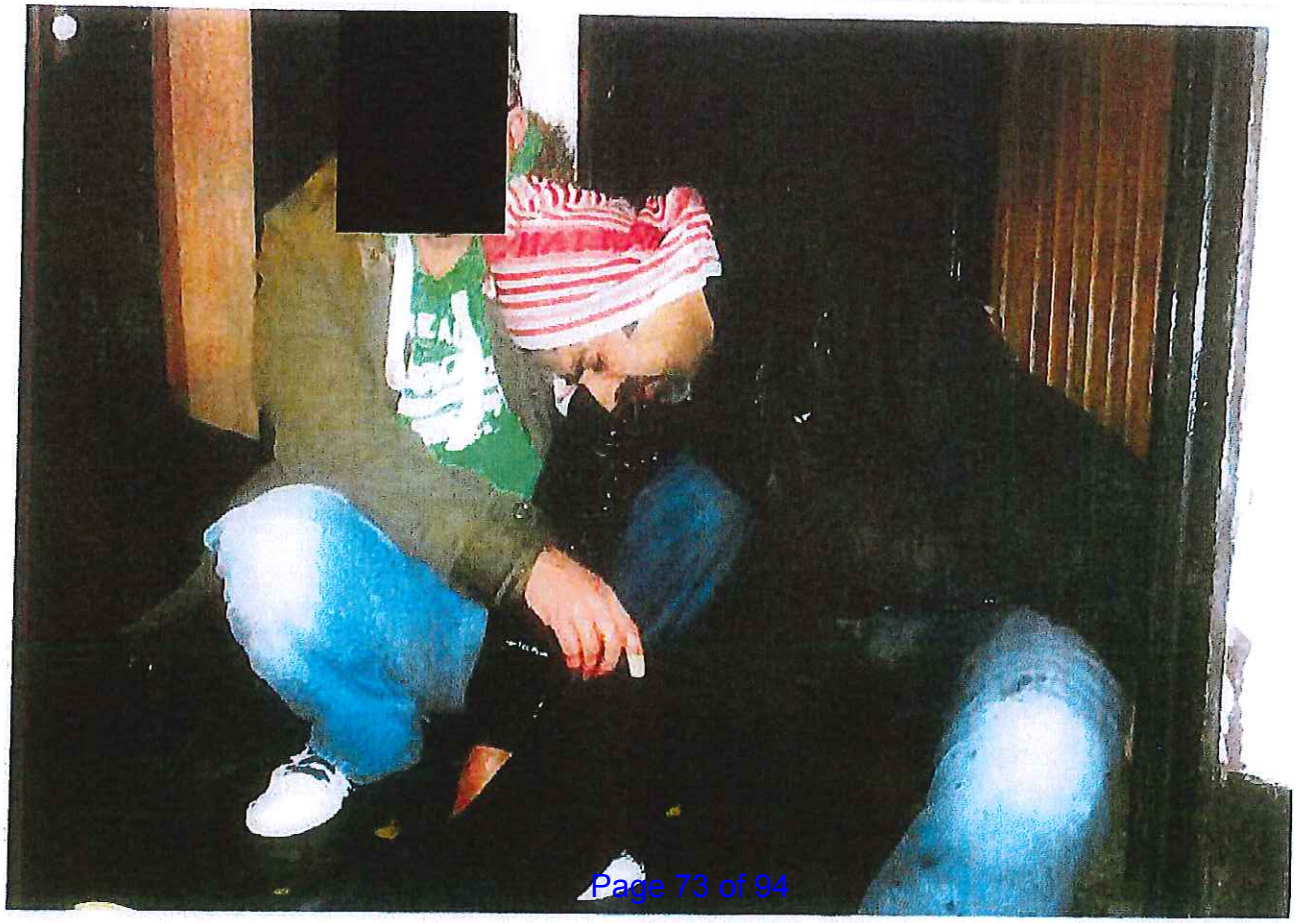


(26)

(28)

19 December 2014

Our Ref: 14T/5251

[redacted]
HM Coroner (Birmingham & Solihull)
50 Newton Street
Birmingham
B4 6NE

For the attention of [redacted]

Dear [redacted]

DECEASED - [redacted]

CORONERS CASE REFERENCE NUMBER [redacted]

REPORT BY [redacted] M.Chem.A. C.Chem M.R.S.C.

On 16 December 2014, Mr [redacted] an Apollo driver, brought to the laboratory, specimens of blood and urine attributed to the deceased and submitted by a Coroners Officer [redacted] These have been examined with the assistance of scientific support staff with the following results:-

LSN 14T/5251/00001 Blood - Fluoride

Ethyl Alcohol = 436 mg per 100ml

LSN 14T/5251/00002 Blood - Unpreserved

No Analysis Required

LSN 14T/5251/00003 Urine - Fluoride

Ethyl Alcohol 491 mg per 100ml

LSN 14T/5251/00004 Urine - Unpreserved

No Analysis Required

CONCLUSIONS

Analysis has shown the presence of a very substantial level of ethyl alcohol in the body of the deceased. Levels above 400 mg per 100 ml in the blood can be fatal due to respiratory depression, however tolerance may be developed during regular usage.
Alternatively death may occur at lower blood concentrations as a result of inhalation of vomit during unconsciousness.

Birmingham City Laboratories
Phoenix House
Valepits Road
Garrets Green
Birmingham
B33 0TD

Telephone: 0121-303 9300
Facsimile: 0121-303 9301
email: bcl@birmingham.gov.uk
web site: www.birmingham.gov.uk/bcl

University Hospital Birmingham NHS

NHS Foundation Trust

Department of Cellular Pathology (Histopathology), [redacted]
Level -1
Queen Elizabeth Hospital Birmingham,
Mindelsohn Way,
Edgbaston, Birmingham
B15 2WB

☎ : 0121 371 3348 (direct line)
☎ : 0121 371 3324 (secretary)
🖷 : 0121 371 3333 (fax)
🖳 : [redacted]

ATW/MPS

7th January, 2015

For the attention of [redacted]

[redacted]
Senior Coroner
H M Coroners Court
50 Newton Street
Birmingham
B4 6NE

16 JAN 2015

Dear [redacted]

Re: [redacted] (deceased): HMC ref. [redacted]

Thank you for furnishing me with a copy of the Birmingham City Laboratories' toxicological analysis report on this case.

You will read that this confirms my gross autopsy impression of a very substantial quantity of ethyl alcohol in the body of the decedent around the time of death, significantly above the threshold typically associated with fatalities.

I, therefore, now proffer the following medical cause of death:

Ia Acute ethanolic intoxication

II Coronary artery atheroma.
Chronic degenerative mitral valvar disease.

The mode of dying is likely profound cardio-respiratory/central nervous system depression consequent upon the direct toxic effects of imbibed alcohol, contributed to by pre-existing natural physical disense, to wit coronary artery atheroma and chronic degenerative mitral valvar disease. The annual incidence of sudden death in individuals suffering severe single vessel left anterior descending coronary artery stenosis is approximately 11%, attributed to spontaneous ventricular arrhythmias. Alcohol destabilises cardiac myocytes, thereby heightening any predisposition to cardiac dysrhythmia, potentiating this risk.

This concludes my examination here.

I anticipate that this is satisfactory for the purposes of your investigation.

Yours sincerely

[redacted]
MB,ChB, FRCPath
Consultant Histopathologist.

From: [redacted]
Sent: 02 February 2015 14:06
To: [redacted]
Subject: FW: Deceased - [redacted]

From: David Hughes
Sent: Monday, February 02, 2015 11:39 AM
To: [redacted]
Subject: RE: Deceased - [redacted]

Hi [redacted]

I have today spoken to [redacted] who has stated that he was not at the Gunmakers arm's on the night in question, and that he does not know what happened, that night. He went on to stated that he has in te past been given a special brew made by Radi, but connot say if Mr [redacted] had been drinking it that night.

Regards

PC 7686 Hughes
Police Constable 7686 Dave Hughes
BIRMINGHAM WEST & CENTRAL LPU
Team E Response
Newtown Police Station
Bridge Street
Newtown
Birmingham
B19 2YT

E-mail: d.w.hughes@west-midlands.pnn.police.uk
Switchboard: 101 or (0845 113 5000) ext 7814 6536

'Serving Our Communities, Protecting Them From Harm'

From: [redacted]
Sent: 27 January 2015 13:44
To: David Hughes
Subject: Deceased - [redacted]

Dear PC Hughes,

I appreciate you are obtaining a statement from Mr Radi Halabrin from [redacted]

The sister of the deceased has since been in touch stating a friend of the deceased named [redacted] who also drinks in the Gunmakers PH was told, since the death by Radi Halabrin that on the night of the incident (09/12/2014 – 10/12/2014) the deceased had been given free drinks by Mr Halabrin from a "special brew" kept under the bar counter inside the premises.

Please can you obtain confirmation regarding the above.

Regards

[redacted]

Vicki Demuth

From:	Tim Payne
Sent:	05 February 2015 11:57
To:	Vicki Demuth
Cc:	[redacted] John Garbett
Subject:	FW: Licensing information re Gunmakers Arms, 92 Bath Street, Aston.
Attachments:	Scanned from a Xerox multifunction device001.pdf

Vicki,

With reference to the below :

Please can you arrange some visit(s) to the premises - I would like this done by our own department.

Please update me by 26/2/15.

Regards,

Inspector Tim Payne
Licensing & Planning Inspector
BW&C Inspector's Representative IBB WMP Federation Birmingham Central BW&C LPU Tel Internal: 7861 6711
Tel External: 0345 113 5000 Tel Mobile: 07786 335028
E.mail : t.payne@west-midlands.pnn.police.uk

-----Original Message-----
From: John Garbett
Sent: 05 February 2015 11:50
To: Tim Payne
Cc: [redacted]
Subject: Licensing information re Gunmakers Arms, 92 Bath Street, Aston.

Inspector Payne.

I hope you are well.

A death occurred at the above premises on 10/12/14. This was (quite properly) treated as non suspicious and reported to the Coroner. OASIS log 139 refers.

The deceased, [redacted] was subsequently found to have a high concentration of alcohol in his blood. Underlying health issues (hardening arteries and valvular heart disease) together with the alcohol appear to have led to the death. The Histopathologist has proffered the cause of death as. '1a Acute ethanolic intoxication'. An inquest is due to take place on 25/2/15.

The deceased's sister, [redacted] attended SHLPS yesterday reporting that she thinks her brother was in fact murdered. OASIS log 2094 (4/2/15) refers.

She informed officers that she had recordings of the deceased's friends telling her that the landlord gives away illegal home made alcohol from behind the bar. She believes that this would account for the large level of 'ethanol' in her brothers blood.

She also believes the landlord has recorded over the CCTV and not kept it as he should. She also states that the landlord left him in the pub unconcious whilst he went out for food. The log also details the sisters belief that her brother wouldn'y have been able to jump over the counter (he had a bad knee) and that Jack Daniels (which the bar manager has stated that the deceased consumed a lot of very quickly) contains no ethanol.

Having obtained the relevant documents from the Coroners officer [redacted] I have been able to explain to Miss [redacted] that the ethanol recorded in the toxicology finding relates to 'alcohol', that the reading was over 400mg (per 100ml of blood) and that the statement describes her brother reaching over the bar and not jumping.

I have accessed the Innkeeper site on the intranet and can find no condition of the licence which suggests anyone is obliged to retain any CCTV from the premises for a specified time. I have informed Miss [redacted] of this.

The statement from the landlord does describe leaving the deceased on the floor of the pub but it also details the fact that he was still breathing at that point and that the deceased was then placed in the recovery position to avoid complications if he was sick.

I have researched closed logs and reported crimes for the pub over the last twelve months and there is nothing that obviously suggests that anyone else has come to harm by potentially drinking a home brewed product supplied at the pub. Log 2029 10/7/14 relates to a haemophiliac vomiting blood at the premises but there is nothing contained on the log which shows any direct connection.

Given all the circumstances there is no indication that further police investigation into the circumstances of the death is necessary.

However, the information regarding the alleged supply of a home brewed product may be something you wish to pursue.

I have attached documentation regarding the death. The home brew is only mentioned on the e-mails between [redacted] and PC 7686 HUGHES who was given corroboration of the information supplied by the deceased's sister by a male named [redacted]

John Garbett
DS 5205 - Force CID Homicide
Harborne Police Station
Tel. 101 ext. 863 3171
07733003423

From: j.garbett@west-midlands.pnn.police.uk <j.garbett@west-midlands.pnn.police.uk>
Sent: 05 February 2015 11:37
To: John Garbett
Subject: Scanned from a Xerox multifunction device

Please open the attached document. It was scanned and sent to you using a Xerox multifunction device.

Sent by: garbett_5205 [j.garbett@west-midlands.pnn.police.uk]
Attachment File Type: pdf

Birmingham City Council

No. 19425

Licensing (Enforcement) Section
Crystal Court
50 Rocky Lane
Aston
Birmingham B6 5RQ

FS 26188

Chris Neville
Head of Licensing

M. Roslaslav HALABRIN
Guardians Arms
92-93 Bath St, B4 6HG

Enquiries to: PC 2027 Vicki Demuth

Telephone: 0121 626 6099

Date: 13/02/2015

Legislation: L.A. 2003

The following matters have been identified which do not comply with the above legislation:

On 13/2/15 at 13:45, PC Demuth & Greenfield visited location following intelligence received that 'home-brewed' alcohol was being served on the premises kept under counter. PC Demuth found 6 unmarked bottle (Jack Daniels bottles) with no labels, & strong smelling clear liquid inside. Mr Halabr stated this is 'Jovalusen Vodka' that was left over from a previous party. It was not sold to anyone & was given complimentary to guests. PC Demuth made Mr Halabr aware of breaching law & regulations, and also alerted him to health & safety of spiking and such drink.

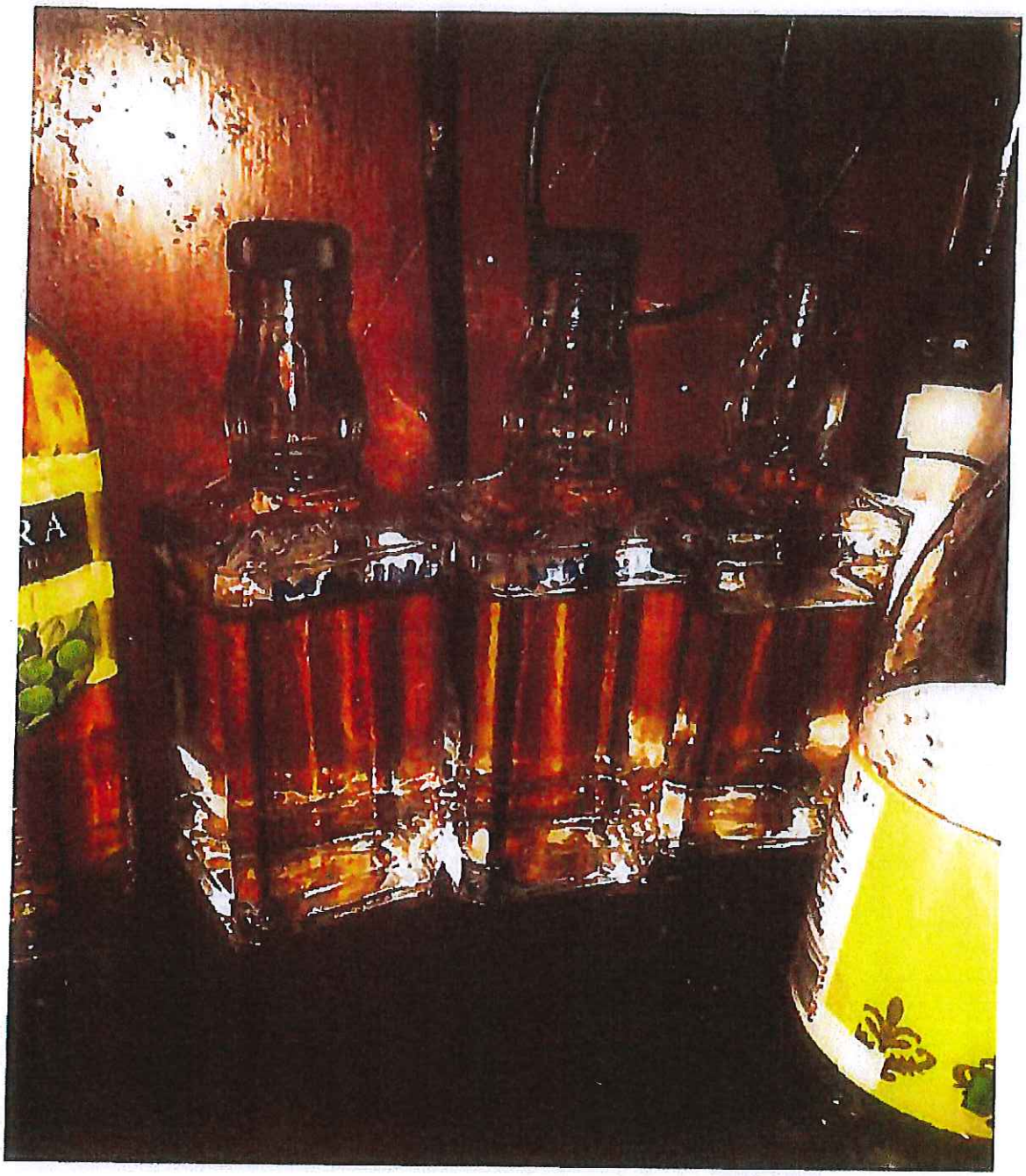
Received by: [signature]

Authorised Officer: [signature] PC 2027

CUSTOMER SERVICE EXCELLENCE UK
The Government Standard

061187

35


RA

Indian
tonic

Pilsner Urquell

12% ZLATÝ BAŽANT Ł 30

SLIVKA
HRUŠKA
ŽELENÁ
RUM

35ml Ł 00

GULÁŠ Ł 4.00

Birmingham City Council

No. 3085

Jacqui Kennedy
Director of Regulatory Services

Trading Standards
Valepits Road
Garrets Green
Birmingham B33 0TD

FS 26188

M. ~~R. Astrostjav~~ RADOSLAW HALABRIN
Guardians
92 Bath St
B69 4HQ

Enquiries to: M. Williams

Telephone: 0121 303 9144

Date: 20/2/15

Legislation: Food Safety Act 1990
Licensing Act 2003

Following an inspection of the above public house a small number of non-duty alcohol (spirits above 30%) was found on the premises. You cannot sell or supply such items to customers in the bar.
Do not decant alcohol from one bottle to another it is an offence to do so.
You cannot supply alcoholic spirits to customers from bottles that have had products decanted from other sources.
(Ensure all non-duty alcohol or unlabelled bottles are removed from sale)
Your licence may be at risk if you do the above.

Received by: [signature]

Authorised Officer: [signature]
TRADING STANDARDS

SEE IMPORTANT NOTICE OVERLEAF

Awarded for excellence

49516

39

WITNESS STATEMENT

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

Crime No.

URN

Statement of Vicki DEMUTH

Age if under 18 O'18 *(if over 18 insert "over 18")* Occupation Police Constable

This statement (consisting of 2 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: (witness) V Demuth **Date 06/06/2015**

I am PC 0027 Vicki DEMUTH, and am currently stationed at Birmingham Central Police Station as a Licensing Officer.

This statement is in relation to my contact with the Gunmakers Arms PH, 92 Bath Street, Birmingham following the report of a deceased male at the premises on 10th December 2014.

On 5th February 2015 I received an email from Sgt John GARBETT who is based on the Force Homicide team. He had been conducting enquiries into the death of a male on 10/12/14 at the Gunmakers Arms PH. As the death had occurred in a licensed premises, he made the licensing department aware to follow up any possible licensing concerns or breaches..

The email I had received gave mention to 'illegal home made' alcohol that was kept behind the bar and served to customers.

On 13th February 2015, I visited the Gunmakers Arms with PC 20325 GREENFIELD. On arrival I spoke to a female who stated the DPS, Radoslav HALABRIN was currently out, but would be back shortly. Whilst waiting for his arrival, I noticed there were approximately 5 clear bottles under the bar counter. They were old Jack Daniels bottles, recognisable by the distinctive square shape. Each bottle was full of a clear liquid, and the outside of the bottle had blue writing scribbled onto it, with various words, including 'MALINA' and 'SLIVKA'. Shortly after this, Mr HALABRIN arrived at the premises. He was very defensive and immediately contacted a solictior on the phone requesting that PC GREENFIELD speak with the solicitor. I explained that I was conducting a visit to follow up reports of 'home brew' alcohol being sold on the premises. I pointed at the bottles under the bar and asked what they were. Mr HALABRIN stated they were slovakian spirits left over from a party. He quickly added that he did not sell the alcohol, but party goers would have a glass of it when leaving as this was a slovakian tradition. I advised Mr HALABRIN that the sale of such alcohol would be against the law, and there would be significant health and safety implications. On this occasion I issued Mr HALABRIN a traders notice with this advice, and was assured by Mr HALABRIN that he would dispose of the alcohol. I also noticed at this point there was a price list on the wall for various

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items, which I photographed. I later found by internet research that the items on the list referred to various flavoured spirits. Slivka being a clear coloured plum spirit.

On 20th February I re-visited the Gunmakers Arms in company of Trading Standards Officer Martin Williams. There were no unlabelled bottles in the main bar area. However, on entering the cellar, it was apparent that bottles similar to those found on my previous visit were located at the rear of the cellar. Again there were no labels and they were full of a clear liquid. Martin WILLIAMS conducted tests on the liquid to assess the alcohol by volume level, and found it was 50% abv. Trading Standards issued a further traders notice in relation to decanting alcohol, to which Mr HALABRIN stated he was unaware of this legislation.

On 27th March 2015 I attended the inquest at Coroners Court into the death of the male found at the Gunmakers Arms on 10th December 2014. During this, I was made aware of photographs that had been taken by Mr HALABRIN on the night of the death. The photographs showed the male lookind highly intoxicated. Images also showed shots of alcohol across the bar and a bottle of Jack Daniels Honey sat also on the bar top. Further images show the male unconscious in a chair inside the premises, then unconscious outside on the doorstep of the premises. The cause for concern being that the male was clearly highly intoxicated and unresponsive, but no medical assistance was called at this time. Further concern was highlighted when another image shows that Mr HALABRIN left the male unconscious and unresponsive in the pub, whilst locking the door and going for food, without seeking any form of medical assistance.

On 10th April 2015, I met with the Premises Licence Holder for the Gunmakers Arms, namely Mr Thomas O'BRIEN. I informed him of everything that had happened with regards to the death of the male in the premises and subsequent follow up visits. He stated that he had not been made aware of the death until a couple of months after the incident and that he was shocked that Mr HALABRIN hadn't told him of what had happened. He further added that he was unable to get into the premises as Mr HALABRIN had changed the locks.

From the above dealings I have had with the premises, the licence holder and the DPS, I feel that there is a significant lack of communication between all parties, and also a lack of responsibilty for promoting public safety. This leads to serious concern for the management of such premises at this time, and significant changes need to be made in order to successfully promote the licensing objectives.

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BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE - B

16 June 2015

Gunmakers Arms, 92 -93 Bath Street, Birmingham B4 6HG

That, having reviewed the premises licence held under the Licensing Act 2003 by Mr Thomas Martin O'Brien, in respect of the Gunmakers Arms, 92 -93 Bath Street, Birmingham B4 6HG upon the application of West Midlands Police, this Sub-Committee hereby determines to **REVOKE the LICENCE,** in order to promote the prevention of crime and disorder and public safety objectives in the Act:

The Sub-Committee's reasons for revoking the licence are due to concerns by West Midlands Police as Applicant for the Review and Trading Standards, Birmingham City Council in relation to:-

1) The circumstances giving rise to the death of a patron on the 10 December 2014; and;

2) A number of non-duty paid bottles of spirits on display and evidence that spirits had been decanted from some bottles to others on display on the optics, contrary to the General Food Regulations 2004 on the 20 February 2015 and again on the 1 April 2015, when three bottles of non-duty paid Jack Daniels, Jagermeister, and Martel Brandy were seized from the Premises.

The Sub-Committee gave consideration as to whether it could modify the conditions of the licence, remove the Designated Premises Supervisor or suspend the licence for a specified period of not more than 3 months, but was not satisfied given the evidence submitted, that the licensing objectives would be properly promoted following any such determination.

The Sub Committee were particularly concerned about the Safety of the Public, given the sad and unfortunate events which took place on the 10 December 2014. These culminated in the death of a patron from the following causes of death, 1) Acute ethanolic intoxication and 2) Coronary artery atheroma/Chronic degenerative mitral valvar disease. The Sub Committee had heard evidence that the patron had consumed an excessive amount of alcohol, directly from a bottle of Jack Daniels Whiskey in one go, in circumstances when there had been a clear management failing in prohibiting any such action from arising in the first place.

The actions of staff on duty on the night in question were then compounded, as a result of failing to ensure that the patron, (who had shortly afterwards become unconscious or fell asleep), had been provided with appropriate medical attention. Having viewed photographs of the events on the night in question, the Sub Committee were not convinced that the patron had been refused further alcohol after having consumed a significant amount of neat spirits. The actions of the DPS demonstrated a complete lack of concern for his patron, as

**delete as applicable*

well as breaching the Licensing Act 2003, and the Guidance issued by the Home Office under Section 182 of the Act.

According to West Midlands Police, and the DPS, after he had passed out, the patron was initially propped up at a table within the Premises, and left alone to sober up. Shortly afterwards, it was the submission of West Midlands Police that the patron had been sprayed with a great deal of water, in order to bring him about. When this failed, the patron was placed on the floor, and left alone within the premises unaccompanied and unconscious, whilst the DPS closed the premises and went to eat some food. On his return the DPS checked the patron, and discovered he was cold, so placed him by the radiator. As a result of his failing to come around, an ambulance was called and it later transpired that the patron had died from the causes of death referred to above.

In relation to the prevention of Crime and Disorder, the Sub Committee were of the view that there were no compelling reasons to deviate from paragraphs 11.28 and 11.29 of the Guidance issued under Section 182 of Licensing Act 2003. There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the licensed premises for the sale or storage of smuggled tobacco and alcohol as set out within the representation from Trading Standards. The Sub Committee determines that the crime prevention objective is being undermined, because having issued the DPS with a Seizure Notice on the 20th February 2015, a further seizure of non-duty paid alcohol took place on the 1st April 2015.

The Sub Committee had heard evidence from the Premises Licence Holder during the course of the hearing, and carefully considered the submissions made by both West Midlands Police and Trading Standards that they had sought nothing other than a Revocation of the Licence. Having heard all the submissions from all the representatives, it was clear that the Premises Licence Holder, had no understanding of how to properly promote the Licensing Objectives within the Act. There had been little or no communication between the DPS and the Licence Holder about how the premises were to be managed and run and the consequences to both as a result of breaching the Licensing Act 2003.

The Sub Committee also carefully noted the various representations made on behalf of the DPS, and how the actions of the DPS had restored the fortunes of the Premises in the 4 years he had been in charge, and the impact this had had on the local and wider communities. However, the circumstances giving rise to the Review were considered so significant that these vastly outweighed these representations.

In reaching this decision, 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 application for review, the written representations received and the submissions made at the hearing by the applicant / premises licence holder / and other persons.

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 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 disposed of.