

‘BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C 31 OCTOBER 2019
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**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE C
HELD ON WEDNESDAY 31 OCTOBER 2019
AT 0930 HOURS IN THE ELLEN PINSENT ROOM,
COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM B1 1BB**

PRESENT: - Councillor Mike Leddy in the Chair

Councillors Nicky Brennan and Neil Eustace

ALSO PRESENT

Shaid Yasser, Licensing Officer
Catherine Ravenscroft, Committee Lawyer
David Smith, Committee Manager

NOTICE OF RECORDING

- 1/311019 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

- 2/311019 Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/311019 There were no Nominee members.

MINUTES

- 4/311019 **RESOLVED:-**

That the private section of the Minutes of the meeting held on 2 October 2019 be noted.

**LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW STORIES,
LADYWELL WALK, BIRMINGHAM B5 4ST**

The review of the premises licence was required following an application for expedited review on 8 October 2019, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006):-

(See document No. 1)

The following persons attended the meeting.

On behalf of the Premises Licence Holder

Mr Ryan Gough – Designated Premises Supervisor (DPS)
Mr Leo Charalambedes – Solicitor for the Premises Licence Holder
Mr Carl Moore – Licensing Consultant
Mr Jerome Good – Co-owner
Mr Obi Miller – Co-owner
Mr Martin Hardman – Security Adviser
Mr Terry Runcorn – Chair of Southside Pub Watch

On behalf of West Midlands Police

PC Abdool Rohomon – West Midlands Police
Chris Jones – West Midlands Police

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Mr Shaïd Yasser, Licensing Section drew attention to supporting papers submitted on behalf of the Premises Licence Holder during the previous night, which it was noted Members had not had the opportunity to read. The Chairman agreed to adjourn the meeting until 1030 hours to enable all parties to read through the contents of the supporting papers.

At 1030 hours, the meeting reconvened. The Chairman made introductions, outlined the procedure to be followed and enquired whether there were any preliminary matters.

PC Abdool Rohomon advised that West Midlands Police (WMP) wished to show CCTV footage and 'YouTube' videos that formed part of an ongoing investigation and, therefore, he requested that the footage and videos be shown in private session, as at the interim steps hearing. Also, he questioned whether the Committee would accept the late supporting papers as there appeared to be only one statement within it and nothing which could be cross-examined.

Mr Leo Charalambedes expressed concern on behalf of the Premises Licence Holder at the request to show the footage and videos in private session as that would preclude that Police evidence from being scrutinised in public. Also, he understood that the victim of the alleged attack was refusing to co-operate with the Police in their investigation. He asked the Committee to accept the late supporting papers as they would support evidence to be presented.

The Chairman adjourned the meeting to take legal advice and requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting. When the meeting reconvened, with all parties present, the Chairman advised that the Committee had considered the balance of public interest and under the Licensing Act 2002, Section 14, the Committee had agreed to view in private session the CCTV footage and 'YouTube' videos to be presented by the Police. Furthermore, the Committee had agreed to accept the late supporting papers submitted on behalf of the Premises Licence Holder.

Mr Shaïd Yasser, Licensing Section, made introductory comments relating to the documents submitted.

PC Rohomon, on behalf of WMP, made the following points:-

1. The event on 5 October 2019 was not an official Radio 1 Xtra event and at no point had Stories been identified by Radio 1 Xtra as one of the venues for 'after parties' linked to the Radio 1 Xtra event at the National Indoor Arena.
2. The risk assessment showed an expected attendance of over 300 people, well within the venue capacity of 500. No 'DJs' or artists from the Arena event were listed in the risk assessment.
3. At 0400 hours on 6 October 2019, the Police received a call from the DPS informing WMP that disorder was occurring at Stories. At 04.08 hours, an emergency call was received from Dudley Road Hospital regarding a patient with a serious cut to his neck.
4. The patient had refused to talk with the Police or to consent to give access to his medical records. Therefore, an application would have to be made to the Court for access to the medical records. A group of people from London had attended Stories on 5 to 6 October 2019 and the patient was believed to have been with them.

At this point, PC Rohomon sought to refer the Committee to a photograph of the patient's injury. However, Mr Charalambedes objected to the evidence being put forward, as the patient had not given consent to the photograph or to access to his medical records. PC Rohomon advised that the photograph had been taken by a Police Officer on their 'body cam', that it was not part of the patient's medical records and the patient's name was not given in the evidence. Therefore, the Chairman agreed that the photograph could be shown and reference could be made to it.

5. PC Rohomon estimated that the cut was 15 inches long, advising that it had been deemed by medical staff to be life threatening, being close to an artery. The bottom of the wound was a clean cut, while the top of the wound was ruffled and the cut was very deep, into the muscle. In the view of WMP, the cut had been made by a sharp implement in a straight, side to side movement across the neck.

6. WMP had been told that the cut had been made by the bottom of a rope stand identified at the venue, but he believed that it would have needed the attacker to hold it upside down with 2 hands and sweep it across the victim's neck. However, there was no evidence in the CCTV footage and 'YouTube' videos that an attack of that nature had taken place.

At 1110 hours, PC Rohomon asked to show CCTV footage and 'YouTube' videos on behalf of WMP. Members agreed to move into private session and it was

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RESOLVED:-

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt paragraphs 2 and 5

At this point, members of the public and press, including Mr Terry Runcorn, Chair of Southside Pub Watch, left the meeting.

At 1153 hours, following the presentation of CCTV footage and 'YouTube' videos by PC Rohomon, it was

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RESOLVED:-

That members of the public and press be readmitted to the meeting.

PC Rohomon continued:-

7. There had been evidence given previously in the Interim Steps hearing that another group of people had been admitted to the venue, via the side doors. In fact, 2 groups of people had been admitted via alternative doors. PC Hunt had reported a group of 20 to 30 males entering at 0001 hours.
8. Evidence had been given at the Interim Steps hearing that the artist and their team had entered via the front entrance and it was accepted that they had been searched. However, there was no proof of searches having taken place at the other doors.
9. Sergeant Gregory had asked who had been admitted and it was clear that those groups were not on the guest list. Therefore, WMP believed that the risk assessment had been invalidated.
10. He suggested that the further security officers and the dogs had been arranged because of the cancellation of one of the 'after parties'. Only 1 'DJ' was named on the event flyer and no official Radio 1 Xtra event 'DJ' was mentioned.
11. An artist from London and their team had been admitted and a second artist and their team had been admitted as well. The second artist was believed to be the victim of the attack.

12. A complete melee had ensued, with items thrown and knives believed to have been present. Security officers struggled to stop the violence and the security arrangements were voided, with members of the public being endangered.
13. This was not the first incident. In 14 months, there had been 1 normal review and 2 expedited reviews. Nitrous Oxide had been found and conditions had been imposed. Conditions had also been offered by the premises, but representatives for the Licence Holder had argued at the Expedited Review that that no conditions had been given and had stated that nothing had been implemented.
14. The incident in May 2019 had been similar, but had occurred at an undisclosed private party. Conditions had been stipulated that required all door supervisors to wear body cams and all bottles to be tethered. In meetings with the premises, WMP had been told the Licence Holder was appealing against the wording of the conditions.
15. In the statement made by Mr Chris Jones regarding a Pub Watch meeting earlier in the year, the DPS was said to be boasting that he had 'beaten' the WMP conditions.
16. An appeal against the conditions was ongoing, with a hearing expected in December 2019. The Licence Holder had stated an intention to stop the appeal, but had failed to stop it despite having the opportunity. Therefore, he questioned whether the Licence Holder was promoting the Licencing Objectives.
17. The Licence Holder had said that it was trying to work with the Police and WMP officers had attended a meeting at the premises, as requested. WMP was told that the premises had issues with the security company and that the victim's injury had been caused by a rope stand. However, WMP completed disagreed with the suggested cause of the injury.
18. When the bookings arrangements had been questioned, the premises had claimed that a booking had been cancelled when a problem had been identified. However, no evidence of that claim had been provided to date.
19. A fundamental change was needed at the premises for WMP to believe that it was a safe environment.

In response to questions, PC Rohomon stated that:-

- (i) He had been involved in policing the night-time economy for 28 years and he believed that there were hundreds of licensed premises.
- (ii) No reference had been made in the information submitted by the Licence Holder to a high-profile guest being admitted through a separate entrance.

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- (iii) The guest list had been received late and there had been no time to review it. However, the attendance of a high-profile guest would have required a change to the risk assessment.
- (iv) Radio 1 Xtra organisers had informed WMP where artists were going after the Arena event and Stories had not been mentioned. They had advised that any artist who did not comply with Radio 1 Xtra requirements would lose their contract. After the Arena event, Radio 1 Xtra had instructed the artists to go home.
- (v) The premises document referring to a Radio 1 Xtra 'after party' was dated as 5 October 2019, but his copy of the risk assessment was dated as 1 October 2019. He noted an explanation from Mr Charalambedes that the later document had been given to PC Ben Reader.
- (vi) He confirmed that WMP had contacted official 'after parties' following the problems at the Arena event and advised that 1 venue had cancelled an 'after party'. Stories was not contacted as WMP was not aware of it holding an 'after party'.
- (vii) 12 WMP officers and 1 camera operator were listed on the log as having attended the incident at Stories. Also, there had been an investigation team and the Force CID involved. He did not believe that any officers went inside the venue, as it had been evacuated during the incident.
- (viii) WMP officers only established that the victim seen at the hospital had attended Stories when they viewed the 'YouTube' video. The victim would not co-operate with the Police, but officers knew who he was and that he was an artist from London.

At this point in the proceedings, Mr Leo Charalambedes asked the Chairman if Members would allow Mr Terry Runcorn, Chair of Southside Pub Watch, to address the Sub-Committee on behalf of the Premises Licence Holder, before he had to leave or the meeting was adjourned for lunch.

Members agreed to that request and Mr Runcorn made the following points:-

- He was the Chair of the Southside Pub Watch and a member of the Safety Board. The meeting to which Mr Chris Jones had referred had been convened by the 3 Pub Watch organisations in the City.
- The DPS of Stories was required to attend the Pub Watch meeting and Pub Watch meetings were intended to be open and involve frank exchanges. The night-time economy supervisor attended as well.
- Concern had been expressed by the Pub Watches and by venues regarding the administration of licensing arrangements. He had questioned whether draconian measures had been imposed because he had heard that the Licensing Sub-Committee had requested that body cams be worn by all security officers.

- There was concern that the experience of WMP officers was being lost as more civilian officers were being involved.
- Mr Ryan Gough, DPS of Stories, had stated that an appeal had been submitted because the venue was not clear at what times the body cams should be worn and should be operating. The meeting discussed what was felt to be good practice.
- He did not believe that Mr Gough had been disrespectful and he challenged Mr Jones' comments. He was concerned that Pub Watch meetings needed to be frank and open discussions and that Mr Jones' comments would deter Pub Watch members.

In response to questions from Members, Mr Runcorn advised that:-

- Pub Watch members understood fully that the Licensing Authority, not WMP, imposed the conditions. Stories was a member of Southside Pub Watch.
- Pub Watch worked closely with WMP and was aware that reported crime within the Arcadian Centre area was low at the present time. They were aware of incidents, which were mainly involving muggings, assaults and group disorders outside of premises.

The Chairman thanked Mr Runcorn and adjourned the meeting for a lunch break at 1241 hours.

The meeting reconvened at 1330 hours and all parties, except Mr Runcorn, returned to the meeting.

On behalf of the Premises Licence Holder, Mr Leo Charalambedes made the following points:-

- a) The Licence Holder was concerned to identify the causes of the problems, but he expressed concern that the WMP officers were trying to create a narrative that fitted what they believed happened. This repeated an approach taken in a previous review hearing.
- b) He would highlight the item that the premises believed was used as a weapon to cause injury and show that the evidence was contaminated as a result of Police actions.
- c) The Licence Holder acknowledged that there was an incident and that it was serious. There were 6 minutes of disorder that were of significant concern. However, the alleged victim left the premises and there was no sign of blood in the room.

- d) He was concerned that the major event at the Arena had been closed and that people there had been allowed to roam around the night-time economy area. The premises could not control who visited the premises and did not operate a 'closed door' policy. That was why the premises produced regularly updated risk assessments.
- e) A risk assessment was sent to WMP on 7 September 2019 regarding a "Radio 1 Xtra Party" at the venue. The event had been advertised in advance, but was not an official event nor was it an 'after party'. The title was used on the risk assessment.
- f) A further risk assessment was provided to WMP on 1 October 2019, in which the event was down-graded and a full list of 'DJs' was given.
- g) PC Ben Reader was contacted on 3 October 2019 regarding a table booked in an assumed name by a person associated with a previous private party at which an incident had occurred. The booking was reviewed and cancelled. Extra security supervisors and the owner of the security company were asked to attend the event.
- h) On 4 October 2019 at 1510 hours, a copy of the guest list was sent to WMP to enable the Police to apply intelligence. That list was not closed and bookings were ongoing.
- i) WMP would not necessarily be aware of arrangements, as the venue was one of many taking advantage of interest in the Radio 1 Xtra event in the City. However, it was not possible to risk assess who would attend an event.
- j) The names of a number of visiting celebrities had been listed. Allowing them entry could create delays at the front entrance and, therefore, the extra security was used to take them through a separate door and search them. It was regretted that there were no CCTV cameras in place at the other entrance, but that would be addressed.
- k) A WMP vehicle had been asked to move from the car park entrance to enable a celebrity and their group to drive in and the officers were advised the group would be admitted via the side doors.
- l) At the previous review hearing, a series of conditions were proposed and concern had been expressed on behalf of the Licence Holder regarding the wording. The premises wanted flexibility to be able to use another entrance for celebrities and, while it was committed to using the knife arch, it was concerned at reference to 'all' patrons.
- m) The condition relating to body cams would have required the extra security staff and the dogs to use body cams. Tethers available for bottles included chains and the premises were concerned that they could be used as a weapon. An alternative magnetic tether was shown to Members and it was emphasised that the premises were committed to ensuring safety and managing risks.

- n) The Premises Licence Holder was disappointed at the WMP failure to recognise how management, security, the 'DJ', undercover officers and others had intervened quickly to stop the incident.
- o) Gang fights and knives were a social issue. It was asserted that closing the venue would punish innocent people and would force the gangs to go 'underground'. Section 182 of the licensing guidance expected the Committee to determine the cause of the concern and to consider appropriate action.
- p) Concern was expressed at medical and forensic details within the WMP evidence. The wound was estimated to be 15 inches across and was described as looking like the victim had been hit on the back of the head with something large, rather than the victim being stabbed.
- q) WMP officers had declined an invitation to 'walk through' the incident and could not accurately describe the layout of the premises. It was said that there were 2 groups present, when there were actually 3 groups present – 2 groups were admitted by the alternative entrance, which had been discussed with WMP officers.
- r) The CCTV pictures showed that 2 groups had left by the time of the incident and only 1 group (with "Kano") was left. The incident had arisen because someone had caused concern for another small group of people.
- s) The premises CCTV pictures would show the whole incident, including how it started and the knife search. There had been no WMP involvement and Arcadian Police had attended at the request of the DPS.

At this point in the proceedings, Mr Charalambedes requested that the representatives for the Premises Licence Holder be allowed to show CCTV and still pictures taken during the event at the venue on 5 and 6 October 2019. The Chairman agreed to that request, with general points and questions of clarification being permitted as follows:

- ◆ The Chairman questioned the relevance of a celebrity appearance on 27 July 2019 and asked the parties to concentrate on the incident on 5 and 6 October 2019.
- ◆ Video 1 demonstrated that the person who had thrown an object/was alleged to have a knife had passed through the knife arch and been searched. The knife arch had been installed and calibrated, showing the object density and where it was located. Attendees had to repeatedly go through the knife arch until all objects were identified and they received an 'all clear' response.
- ◆ Images around the fire escape entrance towards the rear of the premises showed the DPS speaking to WMP officers, asking that their vehicle be moved and explaining that "Kano" and his team of 30 people would enter the premises through that entrance. There was no video available, but everyone was searched by 'patting down' and using a 'wand'.

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- ◆ The group was not on the guest list and had arrived after midnight. “Kano” had been asked about performing that evening, but he had not been interested. Only a short warning was given that they were going to attend. Nothing was confirmed until 00:30 hours on 6 October 2019 and the photographs were taken approximately 15 minutes later. High profile guests with their own security team were admitted by the alternative entrance to avoid delays at the front entrance.
- ◆ The Chairman expressed concern that people could be seen smoking indoors in videos 2 and 3. Mr Charalambedes confirmed that the premises would address that matter. The DPS confirmed to PC Rohomon that the rope standard separation was put in place earlier in the evening of 5 October 2019.
- ◆ Videos 4 and 5 were high quality CCTV pictures that showed an alleged attacker had a plastic tumbler in his hand. It was suggested that the light had reflected off only a small segment of the black tumbler in the images shown by WMP, giving the appearance that it could have been a knife.
- ◆ The Chairman questioned the passage of time in videos 6 and 7 and was advised that the DPS telephoned the Police after 4 minutes of the main disruption starting. PC Rohomon clarified that the ‘999’ call had been recorded at 03:58 hours. It was noted that the times shown on the body cam pictures and the CCTV pictures were not synchronised.
- ◆ While showing video 8, the DPS informed Members that a Police Officer had attended the premises and recorded CCTV footage with his mobile telephone. WMP notified the premises of a stabbing with a large item. After a search, the only relevant item found was a rope stand, which was collected by a Police Officer on the next Wednesday afternoon.
- ◆ Video 9 showed the Police Officer collecting the rope stand and it was highlighted to Members that the stand had not been bagged or protected before it was taken away.
- ◆ The smoking area outside, shown in videos 10 to 12, consisted of a removable pen at one side of the entrance. Anyone leaving and returning would have to go through the entrance area. It would be possible to pass a knife into the smoking area from outside, but security people were present there and the Perspex sides to the pen were high.
- ◆ While watching videos 13 to 15, Members were advised that there were 44 CCTV cameras in the building, of which 36 were in the main area.

At Members’ request, representatives for the Premises Licence Holder demonstrated how the chain and magnetic tethers worked. It was noted that the policies contained in the supporting papers submitted on behalf of the Premises Licence Holder had been updated following the previous Interim Steps hearing, had been discussed with WMP officers and were being updated regularly.

Mr Charalambedes continued:-

- t) It was proposed that the outstanding conditions could be implemented, as clarified during the meeting, and further actions taken to ensure that the licensing objectives were upheld in respect of future events.
- u) The further actions proposed on behalf of the Premises Licence Holder were:
 - risk assessments updated each month and reviewed weekly;
 - I.D. scanner to be added to the existing knife arch at the main entrance;
 - other entrances not to be used unless a knife arch was in place there;
 - a separate queue to be introduced at the main entrance for admitting VIPs;
 - no-one to be allowed to stop in the lobby area, other than door staff;
 - all bottles to be tethered using magnetic tether straps;
 - SIA officers to be contracted from Cryton, the newly instructed security company;
 - CCTV cameras to be installed to cover rear and side exits;
 - a booth barrier to be installed to screen the area for 'DJs';
 - stations/rope stands not to be used unless bolted to the floor;
 - a minimum of 6 body cams to be used during opening hours by security staff.
- v) It had been accepted that serious disorder had taken place on 5 and 6 October 2019 and evidence had been shown on behalf of the Premises Licence Holder that acknowledged the incident.
- w) It was asserted that the problems that had arisen could be resolved and that the premises could operate well in future if the proposed actions were implemented.

In response to questions from Members, representatives on behalf of the Premises Licence Holder made the following statements: -

- A. The DPS confirmed that the event on 5 and 6 October 2019 had been organised by Stories, that a risk assessment had been submitted on 7 September 2019 and that the estimated attendance of 350 people had been based on previous experience.
- B. The higher level of attendance had not been expected and a dog team had been engaged when more bookings were received. A further risk assessment had been submitted on 2 or 3 October 2019.
- C. The co-owner, Mr Jerome Good, advised that updates had been provided to PC Ben Reader and a guest list had been sent to WMP as soon as the premises were aware of the higher attendance. The DPS confirmed that he had informed WMP as soon as he was aware of the higher attendance and advised that the guest list had been compiled from social media details and bookings taken.

- D. With reference to the conditions imposed following the previous Expedited Review, it was confirmed that staff numbering had been introduced, a knife arch had been installed (but an appeal had been submitted), and nitrous oxide was no longer supplied.
- E. It was accepted that only a few other premises in the City had been the subjects of more than 1 Expedited Review in the previous 12 months, (PC Rohomon concurred with that point). On 5 and 6 October 2019, it was understood that only the Arena and one other venue had experienced problems of disorder.
- F. It was accepted also that there had been members of the public congregating in a staff area during the disturbance and showing signs of distress. However, Members were advised that many of those people had not left the premises when asked.
- G. While evidence had been shown from 'YouTube' videos posted by members of the public, it was asserted that viewing the whole CCTV evidence gave a different perspective of the incident.
- H. The premises' understanding of the melee was that it had begun with a disagreement between a group of 3 people and another group of 5 people. A man in a camouflage top had instigated the violence, along with 1 of the women. They did not believe that it involved gang members, but that 15 to 20 'opportunists' joined in the fight, with others crowding in to watch or to try to calm the situation.
- I. It was acknowledged that the 'dress code' for the event had been 'smart/casual', but that people could be seen clearly in the CCTV pictures who were not adhering to that code. That matter and the incident of people smoking inside the premises had been taken up with the security company that was present at the event.
- J. The dog and handler had been requested to assist with dispersing anyone causing problems outside the venue, as a previous incident had occurred outside, but the incident on 5 and 6 October 2019 had occurred inside and had not continued outside. The dog had remained in the handler's van, unless needed.
- K. If gangs had been involved, the premises would have expected any problems inside to continue or escalate outside the venue.
- L. The use of other entrances for celebrity groups was undertaken to ensure that delays did not occur at the main doors and was seen as being good practice. Jerome Good has admitted, counted and searched "Kano's" group, while the DPS had admitted and searched the second group.
- M. The seats where the groups had been sitting were empty before the incident had occurred. It was not known at exactly what times the 2 groups left, but 1 group had left through the fire exit doors and the other had left through the front entrance.

- N. The previous incident on 29 April 2019 had involved a private party and had not been marketed, nor had it involved 'DJs'. Since that incident, no private parties had been held unless the record of the participants was known. Representatives from the premises had attended Pub Watch meetings, contact with WMP had increased, a knife arch had been installed, security had been revised and policies had been reviewed.
- O. The premises wanted to build on that by introducing an ID scanner as good practice and to identify unknown gang members. Extra CCTV cameras, more body cams and magnetic tethering of bottles were also improvements that the premises wanted to introduce. At the same time, a new security company had been engaged to work at the premises.
- P. It was pointed out that the event at the Arena had been disrupted despite the best efforts of the organisers to host a safe event and it was suggested that, if people wanted to cause trouble, it was difficult to prevent that happening.
- Q. The incident at Stories had started 10 minutes before the closing time and there had been a rapid response by the security team, with the problem within the premises contained and no problems occurring outside the venue.
- R. The premises opening hours were 2300 hours to 0430 hours, with last orders of alcohol taken half of an hour before the premises closed. The premises had a 24-hour licence, but did not operate 24-hour opening.

In summing up, PC Rohomon of West Midlands Police stated that the risk assessments provided by Stories had been inconsistent. Two entrances to the premises, not one, had been used on the night and 2 body cams were available with which entry at the second entrance could have been recorded. However, the premises had not been proactive and the risk of using the second entrance had not been assessed. It was not clear how many people had been admitted through the other doors. The representatives had stated that the injury to the victim had been caused by a rope stand, but that was not how it appeared in the images shown.

He reminded Members that, at each review hearing, there had been disagreements about the conditions to be imposed. The premises had not liked the tethering arrangements and had appealed against the conditions. It was clear that not everyone had passed through the knife arch that had been installed. He questioned how many chances could be given to the premises and whether they could be trusted to uphold the 4 licensing objectives. With reference to people smoking inside, it was the first time he had seen those images and the incident had not been raised with Police.

When the incident started, 3 minutes passed before security became involved. The level of violence that occurred was clear. Members had seen a photograph of the wound. There was no evidence that those people who had been admitted through the other doors had been searched.

He urged Members to consider the history of the premises, the severity of incidents that had occurred and the premises' response. He believed that revocation was the only option that should be taken and that the suspension of the licence should stay in place.

In summing up Mr Charalambedes, on behalf of the premises, stated that he was concerned at the blinkered view being taken by the Police, who were defending their position and not taking the full picture into account. The premises were being open with Members and were seeking to address the situation, bearing in mind that the regulations expected consideration of remedies. He believed that the risk assessment had contained sufficient information, but that WMP officers had not read it properly. The premises had 34 active CCTV cameras and body cams, from which video images were available to the Police, but WMP officers had chosen to access 'YouTube' or 'Gossip TV' images. The WMP had failed to become familiarised with the premises, to understand the room layout and to use the resources available at the premises.

The premises did not want problems to occur and did not want to need to attend licensing review hearings. However, when incidents did occur, he believed that all parties should be considering what actually happened and what remedies or improvements could be introduced to address the situation. The Premises Licence Holder and DPS wanted to work with WMP and to ensure that incidents did not occur again. He asked the Sub-Committee to accept the remedies put forward by the representatives.

At 1630 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1725 hours, the meeting was reconvened and all parties were invited to rejoin the hearing. The decision of the Licensing Sub-Committee C was announced as follows:-

8/311019

RESOLVED:-

That having reviewed the premises licence held under the Licensing Act 2003 by New Era Birmingham Limited in respect of Stories, 30 Ladywell Walk, Birmingham, B5 4ST, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines that the conditions of the premises licence be modified as follows, in order to promote the prevention of crime and disorder objective in the Act:

CCTV cameras shall be installed and operated at every entrance with a minimum of 2 cameras on each entrance.

All bottles supplied to customers shall be tethered to the tables at all times, until removed by staff.

ID scanners shall be installed and operated at every entrance at all times.

A knife arch will be installed and operated at every entrance, through which all patrons shall pass when entering the premises.

A minimum of 6 security staff shall wear and operate body cameras at all times, and the premises shall follow all police instructions relating to retention and disclosure of footage. The body cameras must be capable of recording images and audio at all times.

The Sub-Committee's reasons for imposing these conditions are in response to submissions by West Midlands Police and the Licence Holder in relation to an incident which occurred on Saturday 5th October 2019 and involved levels of serious crime and disorder at the premises as outlined in the Chief Officer of the Police's certificate and application. The Sub-Committee took into account the frankness of the Licence Holder to accept the failings in their security and policies, and their willingness to amend their actions going forward.

Since the imposition of interim steps at the previous hearing, the Sub-Committee noted the efforts being made by the premises licence holder to consider these failings and propose constructive conditions. The Sub-Committee reasoned that the Licence Holder had demonstrated a willingness to address their issues and therefore considered the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised, in particular the likelihood of serious crime and or serious disorder.

The Sub-Committee considered section 53D of the Act. On 10th October 2019, the Sub-Committee suspended the premises licence. The Sub-Committee determined that the interim steps should be modified. The interim steps are modified to the conditions imposed above.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued.

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 2003 Act, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, the application and certificate issued by West Midlands Police under Section 53A of the 2003 Act, the written representations, and the submissions made at the hearing by the police, and the premises licence holder and their legal representative.

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.

OTHER URGENT BUSINESS

9/311019 There was no other urgent business raised.

EXCLUSION OF THE PUBLIC

10/311019 **RESOLVED:-**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt paragraph 3
