

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

FRIDAY, 08 JUNE 2018 AT 10:00 HOURS
IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

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 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable 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.

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

4 APPOINTMENT OF SUB-COMMITTEE

To note the appointment by the City Council of the Committee and Chairman for the Municipal Year 2018/19.

Members of the Sub-Committee may nominate another member of their respective Party Group to attend in their place.

5 MINUTES

5 - 30

To note the public part of the Minutes of the meeting held on 9 April 2018.
To note the public part of the Minutes of the meeting held on 23 April 2018.
To note the public part of the Minutes of the meeting held on 24 April 2018.
To note the public part of the Minutes of the meeting held on 14 May 2018.

6 **DELEGATIONS TO SUB-COMMITTEE**

To note the delegations to the Sub-Committee as follows:-

To determine matters relating to the Licensing Act 2003, the Gambling Act 2005, hackney carriage licences and private hire licences and such business as may be referred by the Director of Regulation and Enforcement.

31 - 228 7 **LICENSING ACT 2003 PREMISES LICENCE – REVIEW CLOUD NINE, 76 GOOCH STREET NORTH, BIRMINGHAM, B5 6QU**

Report of the Acting Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am

Report to Follow

8 **DATE OF MEETINGS**

The Sub-Committee will meet on Mondays at 0930 hours, subject to business.

9 **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.

EXCLUSION OF THE PUBLIC

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

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

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 9 April 2018 and confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 23 April 2018 and confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 24 April 2018 and confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 14 May 2018 and confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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

LICENSING SUB - COMMITTEE A - 9 APRIL 2018

**MINUTES OF A MEETING OF
LICENSING SUB-COMMITTEE A HELD
ON MONDAY 9 APRIL 2018
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp and Nagina Kauser

ALSO PRESENT:

Chris Arundel – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services.

NOTICE OF RECORDING

01/090418 The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

02/090418 No apologies were submitted.

03/090418 **MINUTES**

That the MinuteS of meeting held on 4 December 2017 were confirmed and signed by the Chairperson.

That the public part of the Minutes held on 15 January 2018 were noted.

04/090418 **ANY OTHER URGENT BUSINESS**

There were no matters of urgent business.

EXCLUSION OF THE PUBLIC

05/090418

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:-
(Paragraphs 3 & 4)

BIRMINGHAM CITY COUNCIL

LICENSING SUB - COMMITTEE A - 23 APRIL 2018
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**MINUTES OF A MEETING OF
LICENSING SUB-COMMITTEE A HELD
ON MONDAY 23 APRIL 2018
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Alex Buchanan and Bob Beauchamp

ALSO PRESENT:

Chris Arundel – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services.

NOTICE OF RECORDING

01/230418 The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

02/230418 Apologies were submitted on behalf of Councillor Nagina Kauser and Councillor Alex Buchanan was the nominee Member.

MINUTES

03/230418 That the Minutes of meeting held on the 23 February were confirmed and signed by the Chairman.

04/230418 **ANY OTHER URGENT BUSINESS**

There were no matters of urgent business.

EXCLUSION OF THE PUBLIC

05/230418

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:-
(Paragraphs 3 & 4)

BIRMINGHAM CITY COUNCIL

LICENSING SUB - COMMITTEE A - 24 APRIL 2018
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**MINUTES OF A MEETING OF
LICENSING SUB-COMMITTEE A HELD
ON TUESDAY 24 APRIL 2018
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Alex Buchanan and Mike Leddy.

ALSO PRESENT:

David Kennedy – Licensing Section
Sanjeev Bhopal – Legal Services
Sarah Stride – Committee Manager.

NOTICE OF RECORDING

01/240418 The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

02/240418 No declarations of interest were raised.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

03/240418 No apologies were submitted.

MINUTES OF PREVIOUS MEETINGS – PUBLIC

04/240418 The public section of the Minutes of the meeting held on 26 February 2018, having been previously circulated were noted.

The Minutes of the meeting held on 5 March 2018, having been previously circulated were confirmed and signed by the Chair.

LICENSING ACT 2003 PREMISES LICENCE – (SUMMARY REVIEW)
GLAMOROUS SHOWBAR, ALBANY HOUSE, 27 – 45 HURST STREET,
BIRMINGHAM, B5 4BD

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

(See Document No. 1)

The following persons attended the meeting:

On behalf of the Applicant

Sarah Clover – Barrister at Kings Chambers
Mr S Hewlett – Member of the Public
Mr Matthew Eason – Premises Licence Holder and Designated Premises Supervisor.

Those Making Representations

PC Ben Reader – West Midlands Police
PC Abdool Rohomon – West Midlands Police
Kyle Scott – Environmental Health, Birmingham City Council

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

Mr Matthew Eason, Premises Licence Holder and Designated Premises Supervisor addressed the Sub-Committee at the start of the meeting and stated that throughout the correspondence submitted to the meeting the name of 'Glamorous Show Bar' had been spelt incorrectly as there was no 'u' after the first 'o'.

Members noted the spelling error in the paperwork submitted and thanked him accordingly.

Those Making Representations:

West Midlands Police

PC Ben Reader made reference to the document listing supporting evidence submitted by West Midlands Police and went through each point in great detail. He highlighted the many Police incident reports recorded and also the number of 'red' ambulance call outs following alcohol related crime offences at the venue.

He listed the following concerns –

- i) The venue was poorly managed.
- ii) The Premises Licence Holder was not addressing staffing issues.
- iii) The venue dress code was not being adhered to or enforced.
- iv) Staff not turning up for work on time or were not turning up at all.
- v) Intoxication levels – the venue was open late and door security staff should be more rigorous and robust when admitting patrons into the venue. Patrons

should not be admitted if they were under the influence of alcohol. Security staff should enforce door security and not rely upon the Police to disperse crowds and deal with minor issues occurring outside the premises.

- vi) He made reference to the new operating action plan submitted by Mr Eason, and stated that suitable candidates for the appointment of the new Designated Premises Supervisor were still unknown to the Police. Also it was anticipated that the venue would change the hours of opening and not just the name of the venue. He felt that the only significant major change that the venue had adopted was an entry fee into the venue.

PC Abdool Rohomon stated that he questioned Mr Eason's ability as a Premises Licence Holder as he was constantly trying to divert responsibility onto others. He added that as the Premises Licence Holder it was the responsibility of Mr Eason to remedy all situations.

In relation to the interim steps decision imposed by the Licensing Sub-Committee A on 11 April 2018 he felt that in view of the continuing problems associated with Glamorous Show Bar it was important that the suspension remained as he had been advised to limit the opening hours to 2am.

In response to questions raised by Members PC Rohomon stated that on the night of 1 March 2018 Officers attended an incident following an officers call for assistance. The call came from the force response unit and was not a local Police request. The message is transmitted to all officers to respond and officers were on the scene within four minutes. As soon as the incident was brought under control any remaining officers on route to the venue were instructed to stand down.

PC Reader stated that on paper the security and operational plan looked good but they were only as good as the Premises Licence Holder and things could have been handled better. An increase in door security staff and a reduction in opening hours needed to be enforced and controlled.

Environmental and Public Health

Kyle Scott, Environmental Health supported the evidence provided by West Midlands Police and stated that the venue had a history of crime and disorder. He made reference to the Public Health's response to the expedited review and stated that West Midlands Ambulance Service data would support the accounts of a significant level of crime and disorder on the premises. There had been a total of 24 ambulance attendances to the premises between 1 October 2015 and 31 March 2018, with 80.3% of patients needing to be transported to hospital for further treatment. The financial cost of one ambulance attendance was £1,000 and he stated that if the venue was managed correctly and Licensing objectives were promoted correctly then this expense to the public purse would not be incurred.

He confirmed that it was a concern that the premises was not able to promote the objective of public safety and that the premises was allowing intoxicated patrons into the venue which was in contravention of the Licensing Act 2003, Section 141.

With reference to the underage allegation of admission he confirmed that any persons under the age of 18 years of age should not, under any circumstance, be admitted into the venue.

On behalf of the Applicant:

Mr S Hewlett - A member of the public

Mr Hewlett addressed the Sub-Committee and made the following particular points in support of Glamorous Show Bar:

- a) He lived near to the venue and was a regular customer attending approximately once a month. He stated that the main attraction to the venue was that it remained open after many other venues had closed for the evening. He stated that his experience of the venue was very different to the one portrayed by previous speakers.
- b) The venue was mainly for the LGBT community and that he had met many friends in the venue. He had never felt unsafe or in danger whilst in the venue and he felt that other nightclubs had experienced far more incidences of violence and disorder. He had not witnessed any violence whilst in the venue and he did not want to see the venue closed down. Glamorous was a good and respectable gay bar that had first opened its doors in the 1980's. The venue had a good history.
- c) He stated that in his opinion the door security staff did a good job and often refused patrons from the Arcadian who were not LGBT customers into the Glamorous Bar.
- d) Glamorous Bar was situated directly opposite the taxi rank which was a prime location for violence and trouble after nightclubs in the Arcadian have closed for the night. Those requiring an ambulance would probably state that they were situated outside Glamorous Show Bar because the name of the venue was brightly lit and easily identifiable.
- e) He did not think that late night opening was the problem. He favoured Glamorous Bar closing after the Arcadian because it prevented incidents of homophobia and violence to the gay community.
- f) He favoured the notion of a dress code and the introduction of a cloak room would be advantageous to patrons and would also prevent incidents of theft.
- g) He stated that he had no knowledge of underage customers attending the venue and that the age range was mixed and comfortable.
- h) He stated that overall the venue was sited in a bad location opposite the Arcadian Centre and Snobs Nightclubs. He wanted the same hours of opening to remain and stressed that the main problem was keeping people out that were not suitable for the venue.
- i) There was a lack of LGBT venues in Birmingham city centre. He felt that more door security staff (2 upstairs and 2 downstairs) would prevent further incidents of violence and possibly the introduction of a wrist band system whereby patrons can re-enter the venue if required and also preventing individuals that are not LGBT from entering.

Ms Sarah Clover – Barrister at Kings Chambers

Sarah Clover stated that she was not aware that Mr Hewlett would be in attendance at the meeting and she echoed all of his concerns and comments raised.

She stated that she was aware that no-one in attendance at the meeting had an objective to close the venue. Glamorous Bar had been in existence for many years and she felt that due to the siting of the venue, door staff was not ready for the influx of patrons attending from outside the LGBT community. It has taken the venue a little time to 'get a grip of the situation and bring it under control.' This was achieved over the Christmas period where incidents of violence and unruly behaviour had dropped dramatically during this period. She made reference to the Security and Operation Plan attached to the papers submitted and stated that the Licence Holder was implementing changes that would secure the building and keep patrons inside the venue safe. There was a need to build upon the current Security and Operational Action Plan.

Ms Clover did not believe that a change in opening hours would remedy the situation as the venue was identified as a late night bar and it was what customers wanted and what many expected.

She stated that the problems with door security staff was not the responsibility of the Licence Holder but the Security Company itself. On one night in question a member of staff did not attend work and did not telephone in his sickness absence but rather he text instead. The policy is to telephone all absences in advance. By the time door staff had realised that he was not attending it was too late to arrange a substitute member of staff. This was not the fault of the Licence Holder but the security company involved.

She stated that she was at a loss to understand what the Police actually required from Mr Eason as he was unable to hire a new DPS if the premises were not open and on the other hand he cannot trade without a DPS. Did the Police favour a 2am closure because it reflected their shift patterns? She stated that Glamorous Bar was a victim of its location and that many of the incidents of violence were attributed to the surrounding night club venues and homophobia. Mr Eason was willing to work openly with the Police and it should not be taken that he was denying responsibility. She stated that many of the Police data records were not attributed to the Glamorous Bar but the surrounding area. She went through the Police incident records and commented on each. The sexual assault on a male was actually an altercation that took place outside the venue (although they had met in the Glamorous Bar). She questioned what door security staff could have done to prevent the incident taking place as the offence was committed outside the premises. She mentioned that a mobile phone was stolen and tracked to inside the Glamorous Bar and questioned why this incident was the fault of the Glamorous Bar. 16 crimes in total were listed but not all were attributed to the Glamorous Bar and she felt that no blame should be placed on the venue.

In one Police report Mr Eason admitted that door staff was to blame but the Police stated that Mr Eason was blaming everyone else but himself. In another incident it was reported that a finger had been broken during an argument but later transpired in an email that the finger was 'thought to be broken'. The underage allegation was unfounded as there was no report log and the Police had not taken any action against the individual concerned. She stated that in fact the female in question had been evicted from Glamorous Bar because she had vandalised the female toilets and as she was thrown out she made the allegation to get her door staff boyfriend into trouble because he was on the door when she was evicted. Ms Clover stated that PC Reader's account that the incidents were the greatest drain on Police resources was simply incorrect. There were no pattern or regular

occurrences happening. There were low levels of intoxication recorded in the majority of the Police reports, there were no repeat injuries occurring, nor any pattern whatsoever in poor management levels on particular days of the week.

Mr Matthew Eason, Premises Licence Holder and Designated Premises Supervisor

Mr Eason stated that he had met with licencing officers very recently and he was now aware of what was expected from him:

- 1) Appointment of DPS – he had an individual in mind and had undergone an interview process. The current interim DPS has worked in Weatherspoons and has had the required training. Aim to interview other suitable candidates for the position of DPS in the near future.
- 2) He has had meetings with staff to discuss management and staff issues.
- 3) He was continuing with the same door staff company because he preferred to work with individuals familiar to him. More communication between door staff and bar staff will take place in the future. Hold staff meetings on a weekly basis.
- 4) Security issues – he had looked back at previous incidents and looked at what could have been done to prevent problems. How can things be done differently? Glamorous is a basement bar – minimum 4 door staff on the main door to allow 2 members of staff to patrol downstairs on a rota basis.
- 5) Last admittance to venue changed to 3am.
- 6) Charge an entry fee for entertainment evenings.
- 7) Birmingham Pride Celebration – will have 2 security door staff and 2 security staff downstairs in the main room to identify hot spots and monitor emergency exit doors.
- 8) Glamorous has been closed for one month. Want to re-brand venue and bring it back to how it was. New logo and colour scheme to give the venue an indication of the clientele Glamorous wanted to attract.
- 9) Will place persons in drag at the main door. Will promote and hold more drag shows and gay entertainment evenings.
- 10) Many of the ambulance call outs could be attributed to Mr Eason's partner who has epilepsy and had had a number of seizures last year.
- 11) All staff has undertaken a number of training exercises even though the club has temporarily closed.
- 12) Will incorporate a dress code for individuals to turn up in different outfits and promote drag queen competitions in the venue.

The meeting was adjourned at 1338 hours for a comfort break and reconvened at 1403 hours. All parties were recalled to the meeting.

The Chairman asked each person to give a brief summary of their written and verbal statements.

Summary of Statements

Mr S Hewlett summed up his statement with the following comments:

- He would improve the door security situation by placing 2 door security personnel upstairs and 2 door security personnel downstairs.
- Bright lighting advertising LGBT would improve the outside appearance of the venue and deter unsuitable customers.

- The correct spelling of 'Glamorous' to be adhered to.
- Existing closure time should remain.

Kyle Scott summed up his statement with the following comments:

- The night time economy was good for the City and good for the LGBT community.
- Wish to work with Glamorous to improve situation and prevent problems. Need to look at how to minimise ambulance call outs. The ambulance data was not coded to the taxi rank or the Arcadian but to the Glamorous venue itself.
- Incidences did reduce over the Christmas period because it was felt that Glamorous had made an effort and had adhered to their conditions of licence. A robust future improvement plan was required to promote their objectives. An increase in door security staff was essential.
- Recommend that the current DPS be removed and that the suitable candidate be explored by the Police and interested parties before hiring.
- If licence continues want ambulance service to keep providing data.
- Ask for hours of opening to be reviewed and reduced.
- Will not make recommendations today but will liaise with the Licence Holder at a later date.
- 26 and 27 May 2018 is the Pride event and it was important that the venue served and protected the public to the best of their ability.

PC Ben Reader and PC Abdool Rohomon summed up their statements with the following comments:

- Confirmed that there were a total of 16 crimes committed in Glamorous Bar.
- Will liaise with Licence Holder to assess DPS position.
- Section 13 assault confirmed – a man was asleep in the venue and was kissed by another man. The fracas moved to outside the premises.
- It was thought that the wrist band system will not solve the alcohol issue.
- Want Mr Eason to become capable of managing his premises.

Ms Sarah Clover summed up her statement with the following comments:

- No person in the meeting is asking that the venue be closed. Mr Eason needs to know what is expected of him. The operating policy plan is similar to other venues in the City and works well in neighbouring Authorities.
- She made reference to the wording Steelhouse Lane Police Station in the statement submitted by West Midlands Police and stated that it should be replaced with "West Midlands Police Central Licensing Team."
- If the venue closed at 2am it could prove detrimental to the venue and its customers.

After an adjournment and at 1618 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

05/240418

RESOLVED:-

That having reviewed the premises licence following an Application made on behalf of the Chief Officer of West Midlands Police and Certificate under

Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Matthew Eason in respect of Glamorous Show Bar, Albany House, 27-35 Hurst Street, Birmingham, B5 4BD this Sub-Committee hereby determines to:

MODIFY THE CONDITIONS OF LICENCE AS FOLLOWS:

That the conditions of the premises licence be modified as follows, in order to promote the prevention of crime and disorder and promotion of public safety objectives in the Act:

A. Modification of Hours – Alcohol and other Licensable Activities (excluding late night refreshment)

The hours for the supply of alcohol and other licensable activities (excluding late night refreshment) - 1000 hours to 0400 hours Monday to Sunday.

B. Modification of Hours – Late night refreshment

The hours for the provision of late night refreshment shall apply as follows: 2300 hours to 0400 hours Monday to Sunday.

C. Door Supervisors

The licence holder shall provide a minimum of 4 (four) Security Industry Authority (SIA) approved door supervisors who shall be on duty in accordance with the Security and Operational Action Plan submitted to this Sub Committee by the Premises Licence Holder albeit operating within the reduced hours set out above.

D. Last Admission Restriction

No persons shall be admitted to the premises after 0300 hours Monday to Sunday.

E. Modification of Opening Hours of the Premises

Monday to Sunday 1000 hours to 0430 hours.

F. Challenge 25 Policy

The premises shall operate a Challenge 25 Policy at the venue and display clear prominent signage within the premises to reflect this.

G. Condition 3a General Committee Conditions

The current Condition at 3A within the Premises Licence will be retained subject to the following amendments:-

- i) To replace “4am” with “2am”
- ii) To replace “Birmingham Central (Steelhouse Lane) Police Station with “West Midlands Police Central Licensing Team.”

H. Security and Operational Action Plan

The Security and Operational Action Plan drafted by CNA Risk Management Ltd and submitted to this Sub Committee on 24th April 2018 contains various actions and these will now form part of the Premises Licence, save for where there are any revisions as a result of the above conditions.

The Sub-Committee's reasons for imposing these conditions are due to continuing concerns from the both the Police and Public Health about how the premises would properly promote the licensing objectives, particularly the prevention of Crime and Disorder and the promotion of Public Safety.

Whilst it was accepted that no party making representations today felt that revocation of the licence was appropriate at this time, there was a clear need to review how the premises operates and its plans to do so in the future. This was acknowledged by the Premises Licence Holder within his supporting evidence referencing a change in the DPS, Management for the premises, reviewing the current Security Company arrangements, rebranding the venue, revising the Music Policy, Entrance Policies/Conditions of Admission.

The Sub Committee felt that the venue should continue to engage constructively with Public Health Birmingham, particularly with regard to the collation of Ambulance “call out” data for the venue and how this should be recorded within the “Incident Handling” policies.

Since the imposition of interim steps at the previous hearing, the Sub-Committee noted the efforts being made by the premises licence holder to constructively engage with the Police to try and address their significant concerns about the level of police resources which the venue had been subjected to in the recent past culminated in the incident which gave rise to the Expedited Review Application.

Although, those making representations had not come to an agreed position on what the appropriate steps were to promote the licensing act objectives and address the issues of concern raised within the representations made, the Sub Committee felt that it was appropriate to restrict the hours of operation in the face of compelling evidence from both the Police and Public Health Birmingham on how the current hours of operation and historic poor management decisions had resulted in a spike of incidents at the venue.

The Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised in particular the likelihood of serious crime and or serious disorder.

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.

MODIFY THE INTERIM STEPS DECISION 29 MARCH 2018 AS FOLLOWS:

That having sought representations from all parties in the imposition of Interim Steps on the 29 March 2018, this Sub-Committee determines to modify the interim step of suspension of the premises licence and replace this instead with the

removal of Matthew James Eason as Designated Premises Supervisor (“DPS”), in order to promote the prevention of crime and disorder and public safety objectives in the Act.

It was accepted by the Police, Public Health Birmingham, and the Premises Licence Holder himself (also the DPS), that there was a clear need to review the existing arrangements and appoint a new DPS and manager for the venue. Both of these issues had been addressed by and proffered by the premises licence holder in his submissions at today’s meeting.

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, 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, Public Health Birmingham, the premises licence holder and/or their legal representative 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.

Save for the modification of the interim step as detailed above 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

6/240418 There was no other urgent business.

EXCLUSION OF THE PUBLIC

7/240418 That in view of the nature of the business to be transacted which includes exempt information of the category indicated that the public be now excluded from the meeting:-

Minutes – Exempt Paragraphs 3 and 4.

PRIVATE

MINUTES

8/240418 The private section of the Minutes of the meetings held on 26 February 2018 together with the public section noted earlier in the meeting, having been circulated, were confirmed and signed by the Chairman.

OTHER URGENT BUSINESS

9/240418 There was no other urgent business.

The Meeting ended at 1628 hours.

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BIRMINGHAM CITY COUNCIL

LICENSING SUB- COMMITTEE MONDAY, 14 MAY, 2018
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**MINUTES OF A MEETING OF THE LICENSING
SUB-COMMITTEE A HELD ON 14 MAY, 2018 AT
1300 HOURS, IN ELLEN PINSENT ROOM, COUNCIL
HOUSE, BIRMINGHAM, B1 1BB**

PRESENT: - Councillor Barbara Dring in the Chair.

Councillors Bob Beauchamp and Nagina Kauser

ALSO PRESENT

David Kennedy, Licensing Section
Joanne Swampillai, Legal Services
Louisa Nisbett, Committee Services

NOTICE OF RECORDING

- 1/140518 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.
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DECLARATIONS OF INTERESTS

- 2/140518 The Chairman reminded Members that they must declare all relevant pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable 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.

No declarations of interest were declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/140518 No apologies were received.
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MINUTES - PUBLIC

- 4/140518 The public part of the Minutes of the meeting held on 18 December, 2017 and 29 March, 2018 were confirmed and signed by the Chairman.

**LICENSING ACT 2003 PREMISES LICENCE (GRANT) – DOMUS, 28-30
BRISTOL STREET, BIRMINGHAM B5 7AA**

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

(See document no. 1)

On behalf of the Applicant

Paul Burrows - DPS
Josef Cannon - Barrister
Petros Liatis – Applicant
Clint Dunkley (AKA Beaver) from More Secure
Andrew Potts – Wright Hassall

On behalf of those Making Representations

P C Abdul Rohoman, West Midlands Police

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy, Licensing Section. It was noted that an extra document had been circulated in advance of the meeting:-

(See document no. 2)

In presenting the report on behalf of the applicant Josef Cannon, made the following points with regards to the application and in response to questions from Members:-

1. It was confirmed that all the documents had been received. Copies of proposed policies and procedures were available to the Committee should they wish to look at them. The Committee was provided with a larger copy of the plans.
2. The applicant had amended the closing hours to 0400 hours, 7 days a week.
3. Josef Cannon referred to the incident that had occurred at the premises formerly known as Prisma that had led to the revocation of the licence and undertook to alleviate the concerns of WMP. He would try to persuade the Committee that the premises could be brought back into beneficial use in a manner that did not prejudice the licensing objectives.
4. The previous licence had been revoked on 23 February, 2018 as a result of an incident that had occurred at the end of an event held on 28 January, 2018, involving the use of a firearm. The revocation of the licence had not been appealed by the previous licence holder.

5. Petros Liatis had invested in the lease and taken tenancy of the building from the freeholder. He intended to include multi-activities for the community during the daytime and evening in addition to use as a nightclub. He was an experienced businessman with a background in catering but had put together a team of experienced personnel. Clint Dunkley's Security Company would provide Security, Paul Burrows appointed as the DPS. also Carl Moore, Licensing Consultant had prepared the policies and procedures. This was a totally new operation
6. The main consideration was the proposed personnel who would run the business. Josef Cannon referred to the previous management and the documents that had been submitted by them. He referred to the witness statement from P C Ben Reader regarding the serious disorder on 28 January, 2018. He pointed out that the previous owner had not reported the incident to the police, also the venue did not have adequate security arrangements.
7. Josef Cannon went on to explain that one of two events planned for 28 January, 2018 had been cancelled resulting in those people attending the second event. The organiser of the second event had also been allowed to sell alcohol. To add to this the licence holder had not reported the incident to the police some 48 hours later even though it was evident from the CCTV footage that he had been present.
8. With reference to the decision of the Licensing Sub-Committee on 23 February, 2018, all the points made by PC Ben Reader were accepted, however a completely new team would be involved.
9. The freeholder of the building remained the same. A get out clause was included in the tenancy agreement should the licensing objectives be compromised. A different operating model was proposed for a multi-event space appealing to the Greek Cypriot community for events during the daytime and evenings as well as use as a nightclub.
10. Paul Burrows, the new DPS was highly experienced and had been recommended for this position. His CV was attached.
11. With regard to concerns about security arrangements the Sub-Committee was informed by Clint Dunkley that the Security Company had the benefit of being familiar with the premises. Staff would be SIA registered and meet all the licensing requirements. They would also carry out body searches. A new set of policies and procedures had been drawn up by Licensing Consultant, Carl Moore.
12. This was a different application to that made by Prisma. The opening hours had been reduced to 90 minutes earlier. The previous incident had occurred after 0600 hours. There were 3 large venues in the locality in particular Glamorous and the 02 that had late night licences. .
13. A list of conditions had been agreed with Environmental Health. The offered conditions covered the promotion of events, notifying the police of events one

month in advance and providing them with a list plus 4 additional proposed conditions -

- a. There shall be a last admission time of 0300 hours
- b. A Security and Operational Action Plan drawn up for approval by WMP
- c. Petros Liatis and Paul Burrows to become members of Southside BID and Southside Pubwatch,
- d. The usual Flyposting condition

14. No further conditions had been suggested by the police, however the conditions already proposed would ensure a responsible operation.
15. With reference to a comment by WMP that the operation mirrored the application previously submitted by Prisma and carried on where they had left off, this was not the same operation. This was a new team with different ideas and different hours. They had already addressed the previous concerns and proposed an experienced Security Company, DPS and Licensing Consultant. The operation would be transparent.
16. It had been noted that quite a lot of trouble-free promoted events had taken place leading up to the 28 January, 2018, The suitability of the location of the premises for the operation was dependent on how and by whom the premises were managed.
17. In response to concerns by WMP that Petros Liatis was inexperienced in the late-night economy area. Petros Liatis was an experienced businessman and had appointed experts to ensure the premises were correctly managed.
18. It was correct that the DPS and Security Company could leave the operation at any time, however if this was to happen WMP would have the right of approval of any new DPS. If the Security Company decided to move on the policies and procedures would remain.
19. WMP had not suggested any additional conditions, therefore it was felt that they did not want any nightclub in that venue.
20. On revocation of the previous licence, the new applicant had been advised to appoint respectable personnel for the premises. The decision related to the prior licence holder and not the proposed personnel. The decision was not relevant to this team and the previous issues of lack of security, policies and procedures, non-notification of events and disorder. All these issues had been addressed.
21. In reply to a question from Councillor Dring about the history and address of the locality, it was stated that there was a late night culture in that part of the City Centre. The earlier closing time would ensure that people were not leaving at the same time as other venues. The building had been a nightclub for 4 years. When nightclubs were in the same area as others there was a risk of attracting undesirable people.

22. The robust operation would deal with this potential. It could be shown that the club could be run whilst promoting the licensing objectives and bringing the venue back into beneficial use, contributing to the City's Council Tax and adding to a vibrant City. The incidents of 28 January, 2018 had occurred owing to the club being badly managed. The Sub-Committee could be confident that the premises would be managed in a professional and responsible way. They were willing to answer any questions.
23. In reply to a comment by Councillor Dring it was agreed that the security arrangements for Prisma in particular page 11 related to weapons was not satisfactory.
24. Petros Liatis had recently undertaken the relevant course for a Premises Licence Holder, allowing him to apply to become a Personal Licence Holder. He understood how to protect the licensing objectives.
25. In reply to Councillor Beauchamp's question regarding the location of the premises, the amount of people attending events and the associated problems, also what action would be taken if management was not up to standard, Clint Dunkley explained that when the premises first opened he had been appointed as the Security Company there however had withdrawn as security owing to the management being unwilling to listen to his advice.
26. He was very experienced and had worked in the area for over 10 years on a larger scale than 600 people attending a function, mentioning in particular that they had worked at Pride and St Patrick's Day. Although being unable to speak for Petros Liatis, Clint Dunkley had worked with Paul Burrows, DPS based in Erdington at several previous venues.
27. Paul Burrows added that he knew the area well and had run venues as a DPS with up to 3,000 students in attendance over the last 20 years. He lived in Birmingham and was familiar with the late night entertainment industry. He was putting his livelihood on the line.
28. Clint Dunkley said that he would not put his livelihood at stake if he did not trust that he was working with the right people.
29. Petros Liatis said that there was a market for the Greek Cypriot community to bring their families for a drink and listen to a band. It was confirmed that they did not wish to have an off-licence.
30. There was a proper security plan. Staff would be uniformed, and carry out full searches. They would ensure patrons left the premises in an orderly manner. Both Clint Dunkley and Peter Burrows would be in attendance.
31. The length of the lease for the building was for 1 year. The applicant had met with the police and submitted a risk assessment.
32. They would cooperate with WMP and everything would be transparent. They would not hold any event deemed unsuitable by WMP. Paul Burrows had experience of working at 02 and venues in the area. Clint Dunkley was aware

of the venue since it opened and aware it was an event venue owing to its location and not having the benefit of relying on passing trade.

33. The importance of the risk assessment was stressed as it determined the clientele. These would be submitted 1 month in advance. The venue consisted of 2 floors with a capacity of 270 ground floor and 330 on the second floor. There were 2 different entrances. Groups could not mingle across the 2 floors. Both rooms could be opened up to hold a large event.
34. The risk assessment would identify the number of door staff required. A rush on the door would be impossible as the security used robust barriers outside. Full body searches would be carried out to every single person regardless of who they were. 11 staff would work at the full venue including women. A roaming team will check the welfare of customers. There were enough staff to cover any absences

PC Abdul Rohoman made the following points with regards to the application and in response to questions from Members:-

1. The information had already been presented. P C Rohoman made reference to the history and location of the premises. The 3 premises close by including O2 and Glamorous were a fair way away. The premises was not in the main late-night economy area and relied on customers attending promoted events and could not rely on passing trade.
2. The applicant had met with WMP and it was clear that he intended working with previous promoters. The application mirrored the previous application apart from an earlier closing time.
3. There were plans to use the space for holding multi events however it would still focus on operation as a nightclub. The nightclub was not new to the Committee and had been reviewed on more than one occasion. WMP did not support the nightclub because of the history it came with. The type of people attracted to the promoted events was a risk in itself and this had led to previous problems of crime and disorder.
4. A very experienced team was required to run premises of this nature. Although the applicant had a wealth of experience in the restaurant business he did not have the experience to manage and promote premises with a troubled background outside the late-night economy area.
5. Paul Burrows the DPS had already been approached by the previous licence holder. His CV showed that his last job as a Manager of a Licenced premises was 9 years ago in 2009 for a 5 month period. Following which he was a Supervisor at Showsec International Ltd. WMP did not consider this to be the experience required to run a high risk premises.
6. The Security, DPS and Carl Moore, Licensing Consultant could leave the organisation at any time. Police powers to oppose a DPS was very limited and could be overruled.

7. In summary the application was proposing an inexperienced Licence Holder, and a DPS with some experience but not of that required to run these premises.
8. The premises could not rely on footfall and were therefore required to promote events. WMP had received risk assessments previously for events held at the premises. The position from WMP point of view had not changed. The closing time of 0400 hours was still late. They did not feel that additional conditions would promote the licensing objectives.
9. WMP had made it clear from the outset that they would not support any application for a nightclub at the premises and asked that the application be refused on the grounds of the lack of experience by the management in dealing with a venue with a troubled history in a difficult location.
10. The location of the premises was outside of the late-night economy area and police foot patrol area. The nightclub could not be compared with 02 and Glamorous. It was noted that they planned to hold events targeted at the Greek Cypriot Community however if this did not attract customers this could be changed and would open up the risk levels.
11. Gang nominals had turned up at the previous Prisma Club and caused a havoc. WMP had no knowledge of the ability of the applicant to run a late night venue of this nature as no evidence had been provided.

During his summing up P C Rohomon WMP objected to the application owing to the substantial history of the premises. The Licence Holder lacked experience in running a late night venue. The management could walk away from the premises at any time and WMP would be left to pick up the pieces.

During his summing up Josef Cannon acknowledged that although WMP were not confident in Petros Liatis as a Premises Licence Holder, it was pointed out that he had surrounded himself with experienced people. They were surprised with the points made about Paul Burrow's CV as he had managed staff at a variety of places including public houses and a big national event in Hyde Park. Clint Dunkley had confidence in Paul Burrows as DPS. It was clear that WMP did not want a nightclub at that premises. They suggested that if the premises was a nightclub, this was the team that could run it in a satisfactory way. WMP had 48 hours to object to any future DPS change. The team walking away from the operation was just speculation.

There was nothing wrong with an event based operation. WMP will receive notification a month in advance. Promotion only events can be fine. In summary there was nothing wrong with the building, security team, DPS (despite the comments from WMP), the applicant and Premises Licence Holder and the proposed operation. They had addressed and remedied the previous issues and understood there were concerns. The Committee could have confidence that the premises would be run in the correct manner by responsible people. .

At 1500 hours the Chairman requested all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

After an adjournment and at 1545 hours, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follow:-

5/140518 **RESOLVED:-**

That the application by Petros Liatis for a premises licence in respect of Domus, 28-30 Bristol Street, Birmingham B5 7AA.

BE REFUSED

In reaching this decision, the Sub-Committee was mindful of the promotion of the Licensing Objectives in the Act, particularly the prevention of crime and disorder and public safety.

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns expressed by West Midlands Police regarding the suitability of the proposed operation given the location of the premises, and its recent history of crime and disorder.

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact, but were not persuaded that the applicant and his proposed team would be capable of promoting the licensing objectives in premises with a history of troubled operation.

The Sub-Committee heard submissions from the applicant and his proposed team. The application had been amended to reduce the operating times, bringing forward the closing time by 60 minutes daily with licensable activities ceasing 30 minutes prior to closing. The plan was to operate the premises not only as a nightclub, but also to use it in the daytime/ early evenings for community events, perhaps marketed towards the large Greek Cypriot community in Birmingham. As for the nightclub, risk assessments were to become key in ensuring safe events.

The applicant was an experienced businessman with a background in running restaurant and catering premises. He had recently undertaken the necessary course which would enable him to apply for a Personal Licence. Upon taking the lease of the instant premises, he had assembled a fresh team of suitable people - in particular a new Designated Premises Supervisor, a new Security Manager, and also a Consultant to draft new policies and procedures. The applicant felt that this team could ensure that the operation would be managed responsibly. The Designated Premises Supervisor had experience in public houses as well as in event management - such as Pride, the Download Festival and an event in Hyde Park.

The applicant had taken on board the detailed criticisms voiced by West Midlands Police at the review hearing in February 2018, when the premises had been under entirely separate management. The previous operator had failed to adopt

adequate security arrangements, and had also failed to ensure that incidents were reported to the Police properly. Those criticisms had been examined by the applicant's new team, who had used them to plan the new operation in a manner intended to avoid the loss of control, and resulting crime & disorder, which had led to the revocation of the licence held by the previous operator.

The applicant had noted in particular the Police's observation that suitable people would have to take charge in any new operation. Accordingly, the applicant's intention was to have an entirely fresh start under experienced management. The premises also intended to cooperate fully with West Midlands Police, notifying them of all events, such that the Police would be able to advise and (if necessary) prevent any event they deemed unsuitable from going ahead. In addition, the premises planned to join the Pubwatch scheme and to become part of the BID.

West Midlands Police made submissions, in particular regarding the location of the premises. It was outside the main late-night economy area and as such it could not rely on passing trade from other night-time venues such as public houses/ bars – the other licensed premises in the vicinity were restaurants. Instead, it would be reliant on promoted events, and accordingly the Premises Licence Holder would have to be an experienced person with an understanding of the complex management needs of a venue which had shown itself unable to operate safely under previous management. There had been talk of holding daytime events, but it was the Police's view that in order to ensure profitability the premises would focus on night-time operation as a nightclub, and the shortened closing time of 04:30 hours was still extremely late.

The Police did not have confidence that any person from a restaurant/ catering background could understand the specific problems posed by a venue located outside the late-night economy area. The Police described the location as 'off the circuit', meaning outside the usual nightclub zone; it was not situated in a place where it could pick up passing trade from closing time at bars/ pubs, and therefore the location made the premises a 'destination venue', reliant on promoted events to attract custom.

The promoted events would of course have to be of a type that would be an attraction to patrons, but under previous management, promoted events had to a large extent been the root cause of the problems; the crime & disorder incidents which had led to the revocation of the Licence had occurred during what the previous management had called a 'private birthday party'. It later emerged that the event had not in fact been any kind of 'private party' - advance tickets had been sold to the general public, and on the night further arrivals (members of the general public) had been admitted after paying at the door. Some of the patrons had been gang nominals and the previous management had found themselves unable to cope. The event had then descended into chaos, with outbreaks of violence requiring the attendance of ambulances.

The Sub-Committee fully accepted the Police observation that the risks and threats for a nightclub situated outside the late-night zone were nothing like those seen by anyone with a background in the restaurant trade. Promoted events were required to entice patrons away from the recognised nightclub zone and to encourage them to make a specific trip out to a destination in Bristol Street.

These events would therefore require the most careful management, especially as the location was not on the Police foot patrol route.

However the Police stated to the Sub-Committee that they were not reassured by the team proposed by the applicant. The proposed Designated Premises Supervisor had experience of various venues and events, but the last time he had been responsible for managing licensed premises had been in 2009, and that had been for a period of five months. The Police did not consider such a person to have the necessary comprehensive experience to take on and manage nightclub premises in a difficult location with a troubled history. As such, public safety would be at risk.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the four licensing objectives were adequately promoted and that therefore the licence be granted - however West Midlands Police had recommended that the application be refused on the grounds of the lack of experience of the team in dealing with a venue with a troubled history.

After hearing all the evidence, the Sub-Committee agreed with West Midlands Police that the correct course to ensure the upholding of the licensing objectives was to refuse the application. The amendment to shorten the operating hours was not sufficient to mitigate the Sub-Committee's concerns about the proposed management team. The location and the history were full of risk, and the Sub-Committee did not consider that the backgrounds of the proposed team were such that the licensing objectives would be promoted and the premises could operate in safety.

The Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information contained in the application, the written representations received and the submissions made at the hearing by the applicant & his team, their legal adviser, and by West Midlands Police.

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.

OTHER URGENT BUSINESS

6/140518 There was no other urgent business.

EXCLUSION OF THE PUBLIC

7/140518 That in view of the nature of the business to be transacted which includes exempt information of the category indicated that the public be now excluded from the meeting:-

Minutes – Exempt Paragraphs 3 and 4.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

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

1. Purpose of report:

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

2. Recommendation:

To consider this review and to determine this matter.

3. Brief Summary of Report:

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

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

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

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

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

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

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

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

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

The Premises Licence is attached at Appendix 3.

Site location plans are attached at Appendix 4.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

6. List of background documents:

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

Copy of the representation from West Midlands Police, Appendix 2

Copy of Premises Licence, Appendix 3

Site location plans, Appendix 4

7. Options available

Take no action

Modify the conditions of Licence

Exclude a Licensable activity from the scope of the Licence

Suspend the Licence for a period not exceeding 3 months

Revoke the Licence

Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Appendix 1



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

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

Case number: **201800268424**

Orders

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

Date: 23 May 2018

Michael Seath
Justices' Clerk

Matters and orders

201800268424/1

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

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

Closure order made for "CLOUD NINE"

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

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

Appendix 2

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

Dear Licensing

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

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

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

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

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

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

Kind regards

Abs Rohomon

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

Follow us on Twitter - @brumcopslicensing

West Midlands Police

Appendix 3

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

4534 / 1

Part 1 - Premises details:

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

Cloud Nine
76 Gooch Street North

Post town:

Birmingham

Post Code:

B5 6QU

Telephone Number:

Not Specified

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

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

The opening hours of the premises

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

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

N/A

BIRMINGHAM CITY COUNCIL

Part 2

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

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

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

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

Dated 08/07/2016



SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

Annex 1 – Mandatory Conditions

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

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Regulated entertainment shall take place indoors only.

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

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

A search policy will be implemented at the premises.

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

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

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

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

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

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

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

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

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

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

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

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

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

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

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

Door Supervisors will wear High Visibility Jackets.

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

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

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

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

3c) Committee conditions to promote public safety

N/A

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

N/A

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

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

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

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

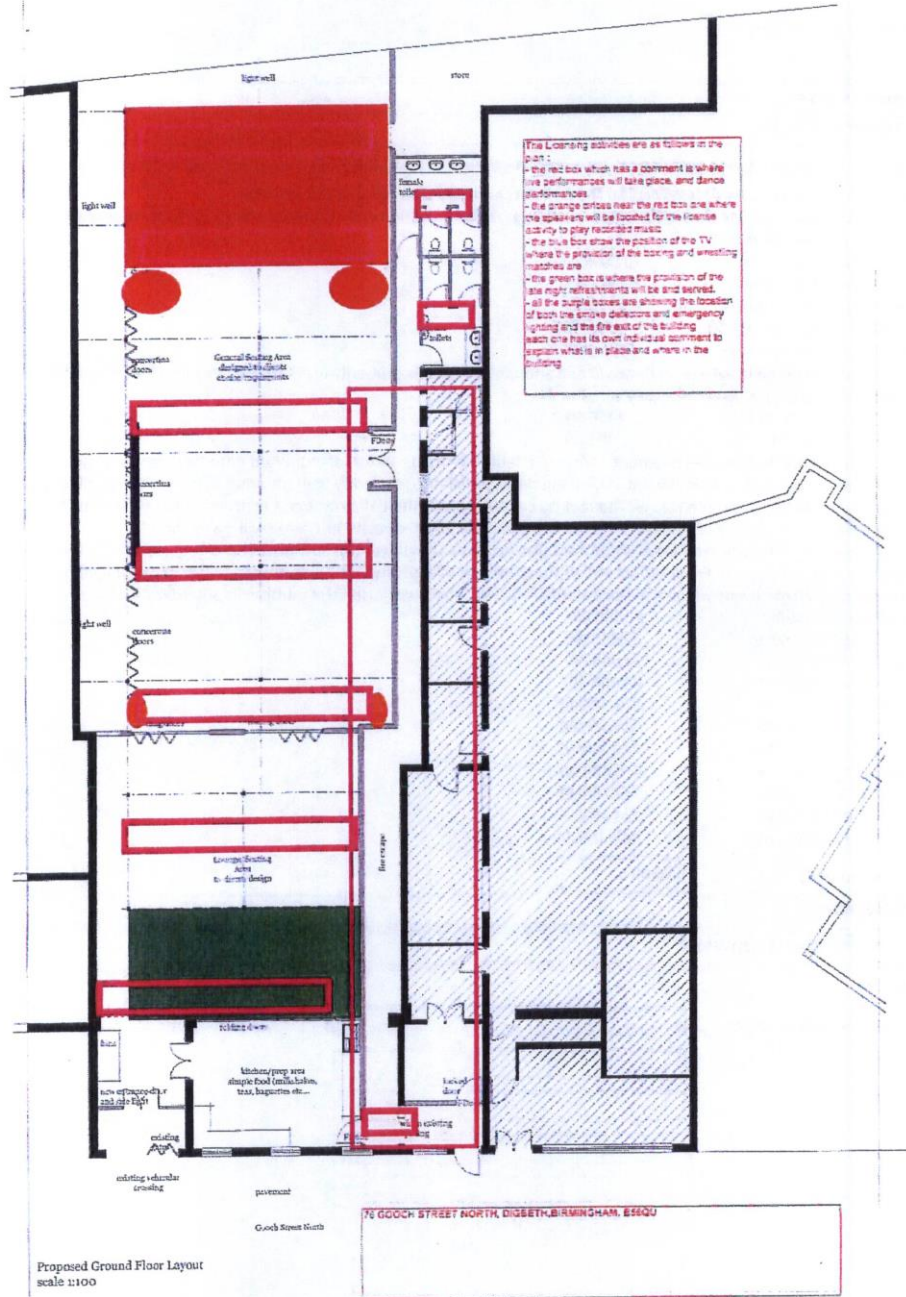
BIRMINGHAM CITY COUNCIL

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

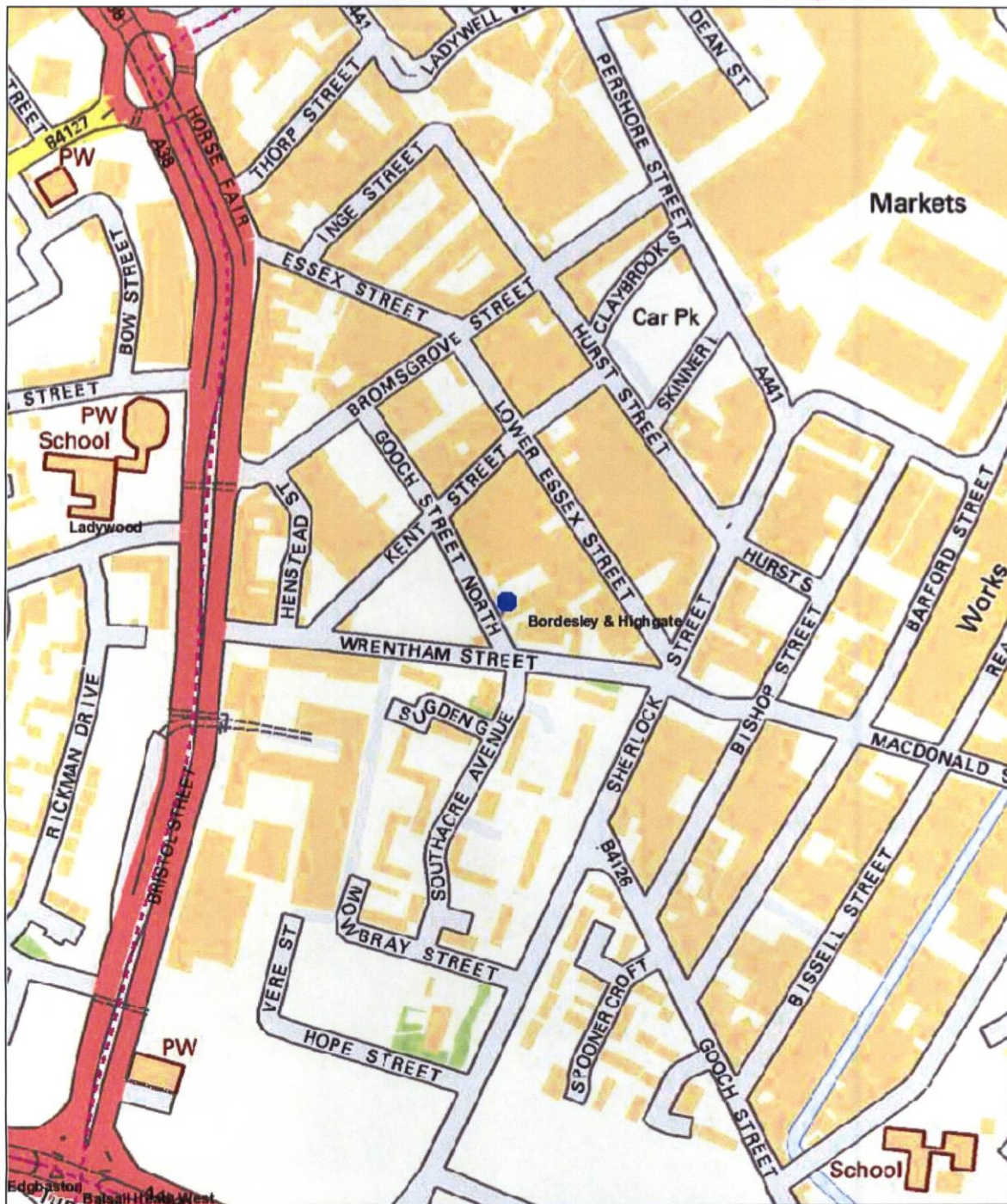
A record of all refusals will be kept in the refusals log.

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

Annex 4 - Plans



Appendix 4



Birmingham City Council

Map Created By:

Date of Map Creation: 24/05/2018

Notes



Scale:
1:4,000

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Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 24/05/2018



Scale:
1:1,250

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IN THE MATTER OF:

AN APPLICATION FOR A CLOSURE ORDER IN RESPECT OF:

"Cloud Nine" situated at 66 - 76 Gooch Street North, Birmingham, B5 6QU

BIRMINGHAM MAGISTRATES' COURT

HEARING DATE: 10am on 23rd May 2018

HEARING BUNDLE INDEX

<u>Document</u>	<u>Page No.</u>
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Please note that pages 41 - 48 (inclusive), 71 and 74 contain images of children and have been removed from the bundles filed at court and served on whoever attends court on behalf of the Respondent Premises.

The Applicant shall show the court copies of these pages, if required, however, primarily relies upon police officer opinion to prove the age of individuals witnessed inside and near to the Respondent Premises (when associated with its use).

Application for of Closure Order (Section 80 Anti-Social Behaviour, Crime and Policing Act 2014)

Birmingham Magistrates' Court

Hearing at 2pm on Thursday 10 May 2015

Respondent Premises: Cloud Nine Shisha Lounge, situated at 66 - 76 Gooch Street North, Birmingham, B5 6QU ("Cloud Nine")

Applicant Authority: West Midlands Police

Relevant Authorities consulted: Birmingham City Council

Particulars:

The Applicant relies on consistent and corroborative evidence dating back to April 2017 to show that: (1) people have engaged in disorderly, offensive or criminal behaviour on the premises; (2) the use of the premises has resulted in, and if an order is not made, is likely to result in serious nuisance to members of the public; and, (3) if an order is not made, there is likely to be serious disorder and criminality near those premises associated with the use of those premises.

Overall, the Applicant respectfully submits that a closure order is necessary to prevent the above mentioned criminal behaviour, serious nuisance or disorder from continuing, recurring or occurring.

The Applicant's primary submission is that the management and/or staff at Cloud Nine have been complicit in the sale or provision of psychoactive substances to children, specifically, capsules of Nitrous Oxide (commonly known as 'laughing gas'). It is an offence under s. 5 of the Psychoactive Substances Act 2016 to supply or to offer to supply a psychoactive substance, and an offence contrary to s.7 of the 2016 Act to possess psychoactive substances with intent to supply.

Nitrous Oxide is an unlawful psychoactive substance (capable of producing a psychoactive effect in a person who consumes it) when not used for medicinal purposes. The supporting evidence from police officers show that the Nitrous Oxide used at and near to Cloud Nine has been entirely recreational and nothing whatsoever to do with health.

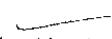
Police officers attended Cloud Nine on Easter Monday 2 April 2018 and Bank Holiday Monday 7 May 2018, and witnessed children (aged upwards of approximately nine years old) inside the premises consuming and suspected to have consumed psychoactive substances. Photographs taken by police officers show used numerous capsules of Nitrous Oxide discarded over the

floor of the Respondent Premises. Photographs from 2 April 2018 show further evidence of alcohol consumption by children at the premises.

Police officers have also attended Cloud Nine or had reason to suspect that similar criminal behaviour has happened from CCTV at the premises on 18 February 2018, 11 February 2018, 23 April 2017 and 2 April 2017. There is a clear pattern throughout these incidents that the management and/or staff of Cloud Nine have put children at a significant risk of harm by exposing them to psychoactive substances for financial gain.

The complaint of:

Name: Chief Constable of West Midlands Police

Signed:  (Staffordshire and West Midlands Police Legal Services duly authorised by the Applicant to sign this application)

Dated: 9 May 2018

Address: Staffordshire and West Midlands Police Joint Legal Services, Police Headquarters, Lloyd House, Colmore Circus, Birmingham B4 6NQ.



WEST MIDLANDS POLICE
Certificate of Consultation

Application for Closure Order

Closure Order under Section 80 Anti-Social Behaviour, Crime and Policing Act 2014

Applicant: Chief Constable of West Midlands Police

Respondent Premises: "Cloud Nine" situated at 66-76 Gooch Street North, Birmingham B5 6QU

The following Local Authority representative and representative for the West Midlands Police have been consulted in respect of this application for a Closure Order

1. ROBERT JAMES D. BAKER Birmingham City Council
2. LYNSEY YATES POLICE SERGEANT 20344

To be completed by the representative of the Local Authority

1. ROBERT JAMES D. BAKER (Print name and title)

Certify that I am authorised to consult on behalf of Birmingham City Council and have consulted the representative of the West Midlands Police on 9th May 2018 (date)
about the application for a Closure Order at Cloud Nine
66-76 Gooch Street North Birmingham B5 6QU

Signature: [Signature] Date: 9th May 2018

To be completed by the representative of the West Midlands Police

1. LYNSEY YATES POLICE SERGEANT 20344 (Print name and title)

Certify that I am authorised to consult on behalf of the Chief Constable of the West Midlands Police and have consulted the representative of Birmingham Council on 9/5/18 (date)
about the application for a Closure Order at Cloud 9 Shisha Lounge, Gooch
Street North, Birmingham B5 6QU

Signature: [Signature] Date: 9/5/18

**CLOSURE NOTICE SUPERINTENDENT / INSPECTOR
AUTHORISATION**

**Sections 76 & 77 Anti-Social Behaviour, Crime and Policing Act
2014**

Respondent Premises: "Cloud Nine" situated at 66 - 76 Gooch Street North,
Birmingham, B5 6QU

I am Superintendent / Inspector MATHEW SHAER
of BIRMINGHAM CENTRAL Police Station, BIRMINGHAM WEST MID

I am satisfied that there are reasonable grounds for believing that

- (a) the use of the Respondent Premises has resulted or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or
- (b) there has been, or (if the notice is not issued) is likely soon to be, disorder near the Respondent Premises associated with the use of those premises

I am satisfied that there are reasonable grounds for believing that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring

I have been provided with a copy of a Consultation Certificate and am satisfied that the appropriate body/bodies and/or individual(s) have been consulted.

Reasonable efforts have been made to inform people who live on the Respondent Premises and any person who has control of or responsibility for the premises or who has an interest in them that a Closure Notice is going to be issued.

I am satisfied that it is appropriate to authorise the issue of a Closure Notice for a period of **24 / 48 hours** in respect of "Cloud Nine" situated at 66 - 76 Gooch Street North, Birmingham, B5 6QU.

Name(s) of any habitual residents and/or owners:

Freehold owners: Lady Gooch Susan Barbara Christie, Lucinda Hulson MVO, Andrew Herbert Lane and Victoria Vere Nicoll - trustees of the Sir Timothy Gooch Will Trust

Leasehold owner: BPG (Urban) Limited of Rubicon House, 13 Ravenhurst Street, Birmingham, B12 0HD

Premises Licence Holder: Mohammed Malik, business address: 66-70 Gooch Street North Birmingham, B5 7HE

Name(s) of any dependants: None

Superintendent / Inspector (Print name) M. SHAER

Signed: 

Date & Time authorised: 08/05/18 09:40 hrs

CLOSURE NOTICE
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

We hereby give you notice that on

10 May 2018 at 2pm

At Birmingham Magistrates' Court

Sitting at Victoria Law Courts Corporation St, Birmingham West Midlands B4 6QA

West Midlands Police intend to apply for a Closure Order under section 90 of the Anti-Social Behaviour, Crime and Policing Act 2014

From the service of this notice all persons who do not live and/or are not habitually resident in

"Cloud Nine" situated at 66 - 76 Gooch Street North, Birmingham, B5 6QU

are prohibited from remaining and returning and/or entering this premises.

**Access to this premises by any person other than the owner and/or
habitual resident, is considered a criminal offence. Persons
in breach of this can be arrested.**

In the event of the Closure Order being granted by the courts the premises will be sealed and no further entry will be allowed. The occupier will therefore be required to find alternative accommodation. Any persons entering the premises following the closure order, without the permission of West Midlands Police or Birmingham Magistrates' Court, commit an offence and can be arrested.

Notice issued by:-

Superintendent Inspector (Deputy) (print name) **M. SHAFIES**

Signed: 

Dated: **10/05/18**

Enquiries regarding this notice may be directed to the:

Birmingham Central Police Station, Steelhouse Lane, Birmingham
Tel: 0345 113 5000

Detailed below are telephone numbers and points of contact for housing and drug advice issued. It may be in your interest to contact these agencies for advice.

Citizens Advice Bureau, 171 Birchfield Road, Birmingham, B10 1LL
Tel: 08444 77 10 10

Housing Advice: Sanctuary Housing - 0800 131 3348 or 0300 123 3511 Email:
contactus@sanctuaryhousing.co.uk

Council: Birmingham City Council - Council House, Victoria Square, Birmingham, B1 1BB
Tel: 0121 216 3030

Help and advice, counselling and information for people concerned about their use of drugs or their families and friends. Talk to Frank - 0800 778620

**CLOSURE ORDER
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

We hereby give you notice that on

10 May 2018

At Birmingham Magistrates' Court
Sitting at Victoria Law Courts, Corporation St, Birmingham, West Midlands B4 6QA

A Closure Order under section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014 was granted.

From the granting of this Order persons are prohibited from remaining, returning and/or entering the premises of:

**"Cloud Nine" situated at 66 - 76 Gooch Street North, Birmingham, B5
6QU**

For three months until midnight on **2018**

A person commits an offence if they remain on or enters this premises and can be arrested. If found guilty of an offence they are liable to imprisonment and/or a fine.

This premises has been sealed and no further entry will be allowed. The occupier will therefore be required to find alternative accommodation. Any persons entering the premises without the permission of West Midlands Police or Birmingham Magistrates' Court commits an offence and can be arrested.

Order issued by Birmingham Magistrates' Court

Print Name:

Signed

Dated

Enquiries regarding this Order may be directed to the:
Birmingham Central Police Station, Steelhouse Lane, Birmingham
Tel: 0345 113 5000

Detailed below are telephone numbers and points of contact for housing and drug advice issued. It may be in your interest to contact these agencies for advice;

Citizens Advice Bureau: 171 Birchfield Road, Birmingham, B19 1LL

Tel: 08444 77 10 10

Housing Advice: Sanctuary Housing - 0800 131 3348 or 0300 123 3511 Email:
contactus@sanctuary-housing.co.uk

Council: Birmingham City Council - Council House, Victoria Square, Birmingham, B1 1BB Tel: 0121 216 3030

Help and advice, counselling and information for people concerned about their use of drugs or their families and friends. Talk to Frank – 0800 776600

IN THE BIRMINGHAM MAGISTRATES' COURT

HEARSAY NOTICE SECTION 2
CIVIL EVIDENCE ACT 1995, THE MAGISTRATES COURTS
(HEARSAY EVIDENCE IN CIVIL PROCEEDINGS) RULES 1999

AN APPLICATION FOR A CLOSURE ORDER IN RESPECT OF:

"CLOUD NINE SHISHA LOUNGE" AT 66 - 76 GOOCH STREET NORTH,
BIRMINGHAM, B5 6QU

BIRMINGHAM MAGISTRATES' COURT

HEARING DATE: 2pm on Thursday 10 May 2018

HEARSAY NOTICE

The Applicant hereby gives notice that he proposes to produce the following hearsay evidence, copies of which are attached to this Notice.

<u>Document Description</u>	<u>Reason for not calling Witness to give oral evidence</u>
1. Copy of Consultation Certificate	<i>It is not appropriate or justified to call all of the witnesses to give evidence in person and to limit the number of witnesses who give evidence for the administrative convenience of the Court.</i>
2. Copy of Superintendent's Authorisation	
3. Copy of Closure Notice	
4. Overview Witness Statement of PC Willets (09/05/18)	
5. Witness Statements and any related photographs from: PC Moir (07/05/18) PC Cartmell (07/05/18) PC Rahman (07/05/18) PC Willets (07/05/18) PS Yates - photograph from outside Respondent Premises on 29 April 2018 PS Yates (03/04/18) PC White (03/04/18) PC Sanghar (03/04/18) PC Ali (02/04/18) PC Barnes (16/04/18) PS Stanley (16/04/18) PC Willets - photographs taken inside Respondent Premises on 23 April 2017	

PC Ali (03/04/17)

The Applicant proposes to put the above documents before the Court as hearsay evidence as it is not appropriate or justified to call all of the witnesses to give evidence in person and to limit the number of witnesses to give evidence for the administrative convenience of the Court.

To: The Clerk to the Justices, Birmingham Magistrates' Court
The Respondent Premises

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 2 MAY 2018 AT 20:07:35. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN HM LAND REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY HM LAND REGISTRY, COVENTRY OFFICE.

TITLE NUMBER: WM813281

There is no application or official search pending against this title.

A: Property Register

This register describes the land and estate comprised in the title.

WEST MIDLANDS : BIRMINGHAM

- 1 (21.10.2003) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being 66 Gooch Street North, Birmingham (B5 6QY).

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (02.05.2012) PROPRIETOR: LADY GOOCH SUSAN BARBARA CHRISTIE of Cedars, Cove Hiths, Beccles, Suffolk NR34 7JW trustee of the Sir Timothy Gooch Will Trust and LUCINDA HUTSON MVO of Benacre Park House, Benacre, Beccles, Suffolk NR34 7LJ trustee of the Sir Timothy Gooch Will Trust and ANDREW HERBERT LANE of 31 Hill Street, London W1G 5LS trustee of the Sir Timothy Gooch Will Trust and VICTORIA VERE NICOLL of Hall Farmhouse, Benacre, Beccles, Suffolk NR34 7LJ trustee of the Sir Timothy Gooch Will Trust.
- 2 (07.10.2010) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.
- 3 (02.05.2012) A Transfer of the land in this title and other land dated 5 April 2012 made between (1) Susan Barbara Christie (Lady Gooch), Lucinda Hutson MVO and Andrew Herbert Lane and (2) Susan Barbara Christie (Lady Gooch), Lucinda Hutson MVO, Andrew Herbert Lane and Victoria Vere Nicoll contains purchaser's personal covenants.

(NOTE:-Copy filed under WM804613.)

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (06.02.2007) The land is subject to the lease set out in the schedule of leases hereto.

Schedule of notices of Leases

1	29.01.2007	65-76 Gooch Street	30.11.1984	WM899650
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Title number WM813281

Schedule of notices of leases continued

99 years from
25 December
1953

End of register

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 2 MAY 2018 AT 19:59:35. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN HM LAND REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY HM LAND REGISTRY, COVENTRY OFFICE.

TITLE NUMBER: WM898650

There is no application or official search pending against this title.

A: Property Register

This register describes the land and estate comprised in the title. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

WEST MIDLANDS : BIRMINGHAM

- 1 (29.01.2007) The Leasehold land shown edged with red on the plan of the above title filed at the Registry and being 66-76 Gooch Street North, Birmingham (B5 6QU).
- 2 (29.01.2007) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
Date : 30 November 1954
Term : 99 years from 25/12/1953
Parties : (1) Colonel Sir Robert Eric Sherlock Gooch
(2) Industrial Pyrometer Company Limited
NOTE: Original lease is lost, only a copy of the counterpart could be produced on First Registration
- 3 (29.01.2007) The landlord's title is registered.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

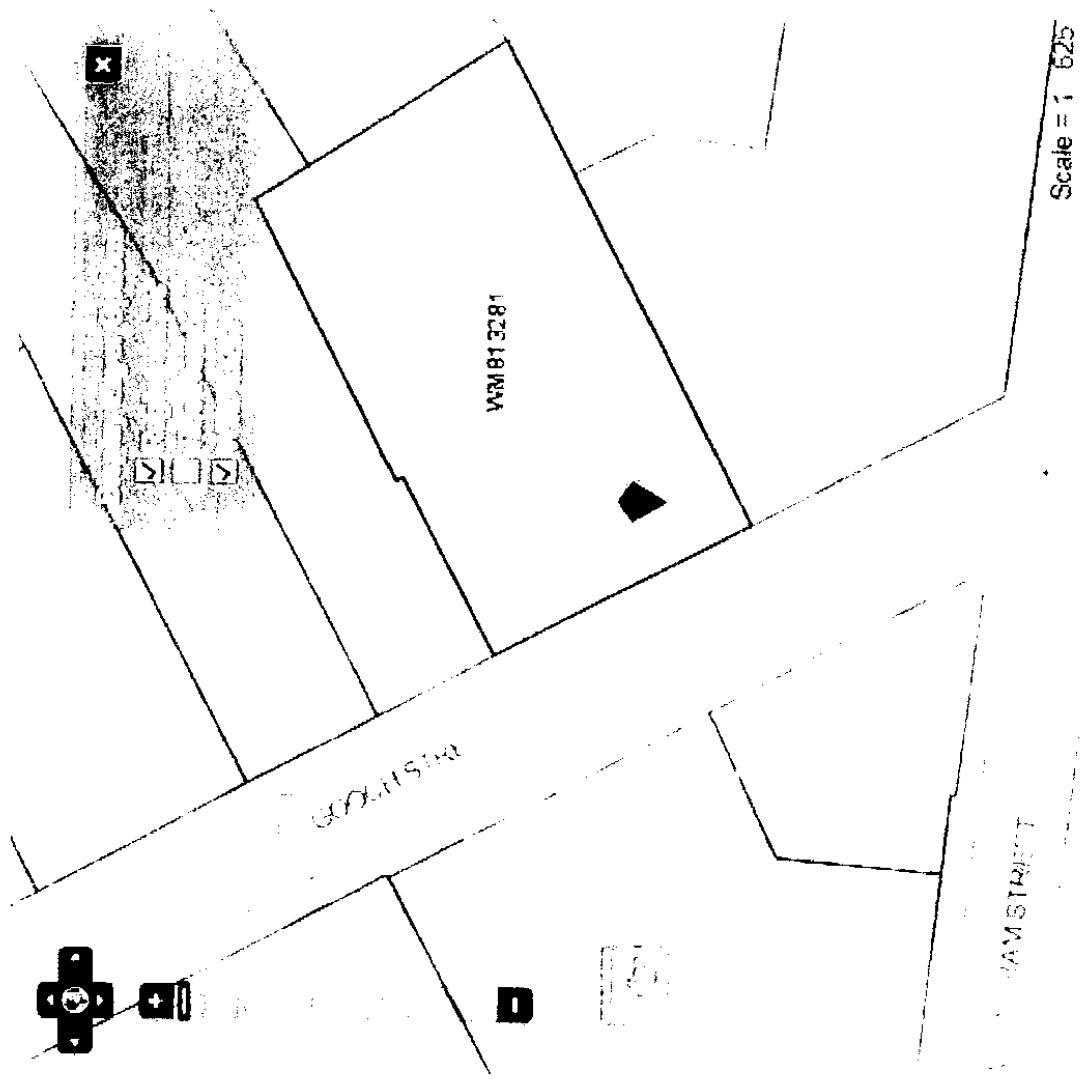
- 1 (29.01.2007) PROPRIETOR: BPG (URBAN) LIMITED (Co. Regn. No. 05544592) of Rubicon House, 13 Ravenhurst Street, Birmingham B12 0HD.
- 2 (29.01.2007) The price stated to have been paid on 1 December 2006 was £240,000.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (29.01.2007) The land is subject to the rights reserved by the registered lease.

End of register



Scale = 1 : 625

407134.60721, 285958.16571

Postcode Title number

or

GOOCH STREET NORTH

BIRMINGHAM

Search **Reset**

Titles (2 of 2 loaded)

Title number	Estate information	Address
WM813281	Freehold	66-76 Gooch Street North Birmingham B2 6QU
WM898650	Leasehold	

Applicant: Chief Constable of
West Midlands Police
Name: Ben Willetts
Statement No. 1
Exhibit: BW01
Made: 8th May 2018

IN THE BIRMINGHAM MAGISTRATES' COURT

BETWEEN:

CHIEF CONSTABLE OF WEST MIDLANDS POLICE

Applicant

AND

PREMISES AT CLOUD NINE SHISHA LOUNGE
67 - 76 GOOCH STREET NORTH, DIGBETH B5 6QY

Respondent

WITNESS STATEMENT OF BEN WILLETTTS

- 1) I am Police Constable 21773 Ben Willetts of the West Midlands Police ('WMP'), currently attached to the City Centre Neighbourhood Team covering Birmingham City Centre
- 2) My duties include both the patrolling of and responding to incidents that take place within the City Centre area of Birmingham. In addition, I work with partner agencies, such as the local Business Improvement Districts and also Birmingham City Council to assist in the prevention and detection of crime.
- 3) I make this witness statement in relation to Cloud Nine Shisha Lounge, 67 - 76 Gooch Street North, Digbeth, Birmingham ('Cloud Nine'). This information is from my own knowledge and belief save where stated.

Cloud Nine

- 4) Cloud Nine has a licence to operate as a restaurant and provide live music, boxing or wrestling entertainment, recorded music, performance of dance and late night refreshment. Birmingham City Council granted the licence on 22 June 2016 and the Premises Licence Holder is Mohammed Malik.
- 5) The licence allows the Cloud Nine to trade between 11:00 and 01:00 hours on Monday – Thursday, and 11:00 and 02:00 hours from Friday - Sunday.
- 6) I exhibit a copy of its licence as BW/01.

Grounds for closure order

Incident on Bank Holiday Monday 7 May 2018

- 7) At approximately 16:00 hours on bank holiday Monday 7 May 2018, CCTV captured a member of staff from Cloud Nine appearing to deal capsules from a vehicle to a number of young males suspected to be below the age of 18 outside the premises before taking a brown box into the premises.
- 8) Police officers went on to arrest a male called Mohammed ASHIQ () for Supply of Psychoactive substance at approximately 16:02 from directly outside of Cloud Nine having located him within and requesting he come outside with the officers. Police officers went on to recover a large brown cardboard box containing smaller unopened boxes (cream chargers) of capsules of Nitrous Oxide. I exhibit witness statements from attending officers and visual evidence recovered as BW/02.
- 9) Nitrous Oxide is a banned psychoactive substance when not used for medicinal purposes under the Psychoactive Substances Act 2016.
- 10) Police officers further witnessed approximately 100 children (aged between approximately 9 - 17 years) inside Cloud Nine inhaling Nitrous Oxide through balloons and numerous capsules (of the same appearance as those seized from inside the premises and allegedly seen in the possession of Mohammed ASHIQ) scattered over the floor.

11) Police officers also searched the above-mentioned vehicle (from which ASHIQ was allegedly dealing Nitrous Oxide outside Cloud Nine) and recovered more unopened boxes of Nitrous Oxide, further carrier bags full of canisters and an unused package of balloons. In addition to this, a large amount of paperwork relating to the Cloud Nine Venue was also recovered from inside the vehicle. Some of these documents appeared to be those issued to the venue by the fire service when Police and fire visited on 2nd April 2018. These included documents that had been signed by the arrested male Mohammed ASHIQ and also the license holder Mohammed MALIK

12) In my view, individuals in charge of Cloud Nine were clearly using the premises to supply children with psychoactive substances. The below incidents show that this particular incident was not a one-off and as well as causing me significant concerns due to this behaviour putting so many children at risk, it leads me to believe that the same will just happen again if a closure order is not granted.

Possible Incident on Sunday 29 April 2018

13) WMP officers drove by Cloud Nine at approximately 10:30 on Monday 30 April and noticed around 30 to 40 Nitrous Oxide capsules on the stretch of Gooch Street outside Cloud Nine. PS Yates spoke with a member of the public near to Cloud Nine who confirmed that the same stretch of Good Street was completely covered with the same capsules that morning, but the street cleaner had swept them up. I exhibit a photograph taken of this part of Good Street as BW/03

14) I am aware that PS Yates spoke to Birmingham City Council CCTV operators however, was informed that the cameras were facing away from Cloud Nine on Sunday 29 April and therefore, no relevant footage was captured of what happened at the premises.

Incident on Easter Monday 2 April 2018

15) WMP received a call at approximately 16:52 that a large number of people was blocking the section of Gooch Street by Cloud Nine and causing traffic issues. The following police officers attended the location: PS 20344 Yates , PC 0318 Sanghar , PC 22196 Ali AND PC 5045 White.

- 16) In summary, the officers found the metal shutter closed on the entrance of Cloud Nine however, it became evident that there were people clearly inside and no one appearing to raise the shutters at the request of the officers
- 17) I have viewed CCTV footage from before the officers' attendance and it appears to show a member of staff from Cloud Nine look in the direction of the police officers as they arrived in the van before going inside. Just after this happens, the metal shutter is then lowered.
- 18) This meant that WMP officers had to request the Fire Service to attend to assist with opening the shutter but no sooner had the Fire Service arrived, the shutter all of a sudden rose allowing officers entry.
- 19) On doing so, all officers providing statements have detailed the sheer number of people inside estimating approximately 300 people to be within the venue. In addition, all officers also witnessed the fact that the majority of people within appeared to be under 18 years old with a large proportion of these being below 16 years old.
- 20) On inspection of the main inside area of Cloud Nine, police officers witnessed hundreds of used silver capsules and the boxes in which the capsules would appear to have been packaged.
- 21) I exhibit as BW/04 a witness statement and related photographs taken by PS Yates. One shows a young male suspected to be under the age of 18 inhaling what strongly seems to be the psychoactive substance Nitros Oxide via a balloon that was in his mouth.
- 22) Also found within the venue by PC 5045 White was a folding knife next to a pillar as you walk in on the left. I exhibit a copy of his witness statement as BW/05. I exhibit a witness statement from PC Sanghar to show additional details as BW/06.
- 23) I exhibit a witness statement from PC 22196 Ali with related photographs as BW/07 in which he confirms witnessing an empty orange bottle of Moet Champagne on the floor with a number of cork screws littered on the floor inside the venue.
- 24) There also appeared to be number of empty boxes of alcohol in the bins at the front of the venue despite Cloud Nine not having a licence to sell alcohol. Both the empty champagne bottle, discarded corks apparently from other champagne bottles and the

presence of empty boxes of alcohol in its bins strongly suggests to me that Cloud Nine had engaged in the provision or sale of alcohol to its customers, the significant majority of whom were children on 2 April 2018.

- 25) Whilst inside the venue officers have been met by a male identifying himself as both Mohammed ASHIQ and the person in charge however, he was neither the Premises Licence Holder or the Designated Premises Supervisor. He stated that the Premises Licence Holder was a Mohammed MALIK and it was he who asked ASHIQ to open the venue for a small group who had attended however, more and more people kept arriving and it eventually got out of hand and it was for this reason that the shutter had been pulled down.
- 26) I disbelieve this account as the CCTV obtained appears to show a large amount of youths gathering outside of the main entrance at approximately 15:00 hours on 2 April. Moments later a white saloon vehicle arrived and parked directly outside the main entrance. An Asian male appears to exit the vehicle and approach the main entrance before activating the metal shutter to open.
- 27) Officers went on to speak with some of the youths inside the venue who stated that the laughing gas capsules had been purchased from Cloud Nine staff.
- 28) Upon the attendance of the Fire Service, Fire Officers found that Cloud Nine's only fire exit had been locked and that the fire alarm system was not working. As a result, the Fire Officer present stated to the club that Cloud Nine had to cease trading until this had been fixed and a member of the Fire Service had attended to verify that it was now in working order.
- 29) Later that same date, police officers attended and found that Cloud Nine had re-opened with customers inside. The manager Mohammed MALIK was present at this time and was challenged by officers as to why Cloud Nine was back open.
- 30) MALIK stated to officers that the Fire Officer had informed him that as long as it was fixed Cloud Nine could begin trading once again. PS YATES disputed this and spoke with the Fire Officer in question who confirmed that this was not the instruction given as once it had been fixed they would need to contact Fire Officers once again to attend to check that it was indeed in working order. As a result the premises was told it should cease trading once again.

31) In relation to the evidence mentioned above, I can also provide, if required, Body Worn Video footage from PC Ali and CCTV from Birmingham City Council between 15:00 and 19:25 on Monday 2 April 2018

32) I obtained the above CCTV footage from Paul MURPHY at Birmingham City Council. It shows young males and females entering Cloud Nine in large numbers. It also appears to support the fact that a large proportion of the people using the venue were indeed minors in their early teens. Also obtained as part of the footage is that which covers between 20:00 hours and 21:30 hours which shows the venue opening later that same evening and allowing customers within despite the advice given by the Fire Service.

Incident on Sunday 18 February 2018

33) I exhibit a witness statement from PC Barnes dated 16 April 2018 as BW/08 in which he confirms his attendance at Cloud Nine at approximately 02:10 hours on Sunday 18 February 2018. PC Barnes witnessed the premises being open after its designated closing time of 02:00 hours, evasive comments from a male purporting to be the manager and comments from patrons that the premises is usually open later than 02:00 hours.

Incident on Sunday 11 February 2018

34) At approximately 16:37 WMP received a call from a member of the public reporting that youths aged 14 to 15 years old taking drugs outside Cloud Nine and at the rear of the facility using poppers and inhaling balloons. The caller stated that there were "thousands" of empty capsules on Gooch Street

35) This log relates to an earlier call from a member of the public reporting that a white van was parked facing the wrong way down Gooch Street (one-way street) blocking the street and that the occupants of the vehicle were throwing small silver gas capsules on the floor.

36) We have obtained CCTV footage of the same incident from from Birmingham City Council's Watch Camera. I have viewed it and confirm that between 15:47 and 17:00, it shows a large number of young males and females waiting outside the venue. These individuals appear to be of a similar age to the

youths witnessed at Cloud Nine on 7 May and 2 April and some appeared to be younger than that.

37) The same individuals are allowed entry to Cloud Nine and the main entrance shutter can be seen to close after letting people inside the premises.

38) Outside Cloud Nine, a large number of people can be seen inhaling from balloons suspected to contain Nitrous Oxide. A number of apparently related vehicles are parked in various inappropriate locations on Gooch Street with one driving the wrong way down the one-way road.

Incident reported on 21 October 2017

39) On this date, PCSO 31048 Bishop spoke to a caller who had contacted WMP to report that their 14-year old son and other underage youths had attended Cloud Nine and smoked tobacco, and that the staff at Cloud Nine were regularly allowing this to happen.

Incident on Sunday 23 April 2017

40) On this date, I attended Cloud Nine with officers in response to a report of youths using laughing gas both inside and outside the premises. On our arrival at the location, we found a large number of males and females outside. It became apparent that a large proportion of these individuals appeared to be under the age of 18 years old, some a lot younger.

41) Once outside the venue, the shutter to the main entrance began to go down however, as it has done, PS 20329 Stanley managed to get inside on his own. I exhibit a witness statement from PS Stanley as BW/09.

42) Despite PS Stanley being inside the shutter has stayed down for a few minutes leaving him isolated from the other officers present. At one point whilst isolated a silver Nitrous Oxide capsule has been used as missiles striking PS Stanley.

43) Eventually the shutter has been raised allowing other officers to enter. On doing so, I witnessed staff quickly trying to tidy up the inside of the premises with large quantities of silver gas capsules found both inside and out.

44) Whilst present I took a number of photographs detailing both the staff tidying up and the large quantities of nitros oxide capsules disgarded within. I exhibit copies of these photographs as BW/10.

Incident on Sunday 2 April 2017

45) At approximately 15:13 hours, PC 22196 Ali has attended Gooch Street in company with PC 22179 Lee and PC 5283 Preston following a report that a male was selling laughing laughing gas in balloons to members of the public in a car park at the location

46) On arrival at the location PC Ali witnessed seeing a number of vehicles parked on the car park opposite Cloud Nine. One car was a white Mercedes and by it were a group of males inhaling nitrous oxide. When officers approached, the group walked off and entered Cloud Nine. Minutes later an Asian male exited and asked if the officers wished to speak with staff. Whilst this conversation was taking place, PC Ali has heard one of the males state in Urdu: "HURRY UP CLEAN THE FLOOR INSIDE".

47) Officers have gone on to conduct a walk through and on doing so have found the entire floor covered in the empty silver Nitrous Oxide capsules and the boxes that these capsules are packaged in. Despite the floor being covered in the capsules, Cloud Nine staff denied to the police officers any knowledge of where the capsules had come from. Cloud Nine staff also stated to officers that they did not have any door staff at the venue that day.

Necessity

48) The above mentioned incidents show a repeated use and alleged supply of psychoactive substances at Cloud Nine to children. It is clear that the management of Cloud Nine is not changing its behaviour or looking at ways to promote its licencing objectives; most notably, the protection of children.

- 49) A large portion of the incidents relate to children being allowed to consume or allegedly being provided with the Nitrous Oxide to consume by the staff and/or management at Cloud Nine. Although staff have, on occasion, said to officers that these are isolated incidents, the fact is that there is now both visual evidence and officer accounts to the contrary and that by regularly allowing this to take place, Cloud Nine is putting children at a significant risk of harm.
- 50) Further, the persistent number of problems suggests that criminal behaviour, disorder, anti-social behaviour and serious nuisance is likely to occur in the future without intervention. A closure of the premises is therefore necessary to deter further escalation in violence.
- 51) I am aware that a closure order, if granted, will prevent Cloud Nine from operating as a business and this will have a financial impact on the staff. However, I have to balance this with the significant risk of harm the use of the premises is having on children.

Statement of Truth

I believe that the facts contained in this my Witness statement are true.

Signed [Signature]

Dated 09-05-18

BIRMINGHAM MAGISTRATES' COURT

APPLICATION FOR A CLOSURE ORDER PURSUANT TO S.80 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

CHIEF CONSTABLE OF WEST MIDLANDS POLICE

Applicant

v

CLOUD NINE

Respondent Premises

EXHIBIT BW/1

Public Register: Licence Report

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4. Conditions
 - 4.1 Mandatory Conditions
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5. Licence History
6. Designated Premises Supervisor History
7. Events

1. Licence

Summary of the licence certificate.

Application Reference	95851
Licence Holder Name	Mr Mohammed Malik
Registered Company Number	
Licence Number	4534
Time Limited Start Date	N/A
Time Limited End Date	N/A
Issue Number	1
Issue Date	08/07/2016
Grant Date	22/06/2016
Granted By	SHAID YASSER
Status	Current
Representation Start Date	29/04/2016
Representation End Date	27/05/2016

2. Current Designated Premises Supervisor

A DPS is required wherever there is a licenced activity for the sale of alcohol for consumption on or off the premises.

No Information available

3. Premises Details

Details of the premises, the licensed activities and hours of operation.

Premises Name	Cloud Nine
Premises Type	RESTAURANT
Premises Address	76 Gooch Street North, Birmingham, B5 6QU
Ward Name	NECHELLS

3.1 Licensable Activities

A list of activities for which this premises is licensed.

Code	Description
D	Boxing or wrestling entertainment
E	Live music
F	Recorded music
G	Performances of dance
L	Late night refreshment

3.2 Activity Times

The times of day during which the activities listed in 3.1 are permitted. Where the start time is later than the end time, the period of activity spans mid-night. Where the start time is equal to the end time, the period licensed is 24 hours.

Days	Start Time	End Time	Licensed Activity Codes
Monday - Thursday	11:00	01:00	D, E, F, G
	23:00	01:00	L
Friday - Sunday	11:00	02:00	D, E, F, G
	23:00	02:00	L

3.3 Operating Hours

The hours of operation of the premises during the day. Where the start time is later than the end time, the period of operation spans mid-night. Where the start time is equal to the end time, the period of allowed operation is 24 hours.

Days	Start Time	End Time
Monday - Thursday	11:00	01:00
Friday - Sunday	11:00	02:00

4. Conditions

4.1 Mandatory Conditions

A DPS is required wherever there is a licenced activity for the sale of alcohol for consumption on or off the premises.

No Information available

3. Premises Details

Details of the premises, the licensed activities and hours of operation.

Premises Name	Cloud Nine
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Premises Address	76 Gooch Street North, Birmingham, B5 6QU
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	23:00	01:00	L
Friday - Sunday	11:00	02:00	D, E, F, G
	23:00	02:00	L

3.3 Operating Hours

The hours of operation of the premises during the day. Where the start time is later than the end time, the period of operation spans mid-night. Where the start time is equal to the end time, the period of allowed operation is 24 hours.

Days	Start Time	End Time
Monday - Thursday	11:00	01:00
Friday - Sunday	11:00	02:00

4. Conditions

4.1 Mandatory Conditions

Mandatory conditions attached to the licence.

Objective	Condition
N/A	Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

4.2 Operating Conditions

Operating conditions attached to the licence and classified by objective:

General

General conditions consistent with the operating schedule.

Crime

Conditions consistent with, and to promote the prevention of crime and disorder.

Safety

Conditions consistent with, and to promote public safety.

Nuisance

Conditions consistent with, and to promote the prevention of public nuisance.

Child

Conditions consistent with, and to promote the protection of children from harm.

Objective	Condition
GENERAL	Regulated entertainment shall take place indoors only.
CRIME	The premises licence holder shall install and maintain a CCTV system inside and outside the premises. CCTV recordings shall be provided to the Police upon request.
CRIME	A search policy will be implemented at the premises.
SAFETY	SIA registered door supervisors will be present at the premises on the weekends.
NUISANCE	Notices shall be displayed at the premises requesting customers to have regard for neighbours.
NUISANCE	The premises shall have a noise limiter and audio devices to ensure the level of amplified music is controlled.
CHILD	Persons under the age 18 shall not be permitted to the premises.

4.3 Committee Conditions

Conditions attached to the licence after a hearing by the licensing authority and classified by objective:

General

General conditions consistent with the operating schedule.

Crime

Conditions consistent with, and to promote the prevention of crime and disorder.

Safety

Conditions consistent with, and to promote public safety.

Nuisance

Conditions consistent with, and to promote the prevention of public nuisance.

Child

Conditions consistent with, and to promote the protection of children from harm.

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

Objective	Condition
CRIME	Alcohol will not be permitted to be drunk on the premises, or brought onto the premises
CRIME	If staff believe that customers have alcohol in their possession they will be asked to submit to a search. If they decline or are found to be in possession of alcohol they will be refused entry or asked to leave the premises.
CRIME	A record of all searches will be kept at the premises and produced to Officers on request
CRIME	A refusal of entry log will be kept at the premises and produced to Officers on request
CRIME	Door supervisors will be on duty at the premises on Friday and Saturday nights between the hours of 22:00 and closing. Also at any times that the Premises holds a Special Event Door Supervisors will wear High Visibility Jackets Door Supervisors will wear their SIA badge in a position where it can clearly be seen Door Supervisors will sign in and out of a register at the start and finish of each shift. The register must be kept on the premises and produced to Officers on request
CRIME	A Profile for each Door supervisor must be kept at the premises and be available for inspection by Officers on request. The profile must contain: - A copy of the Door Supervisors SIA Badge - Photographic ID (Passport or DVLA Licence) - Proof of address dated within the last 6 months (Utility Bill or DVLA) Profiles must be kept at the premises for 6 months from the date of the Door Supervisors last shift.
CHILD	No one under the age of 18 is permitted on the premises after 18:00 hours
CHILD	Challenge 25 will be promoted at the premises. Staff will be trained in Challenge 25 and signage will be displayed
CHILD	Any person attempting to enter the premises, or make a purchase from the premises, will be asked to prove they are over 18 if they look under 25.
CHILD	The only forms of Identification which will be accepted are Passport or DVLA Licence
CHILD	A record of all refusals will be kept in the refusals log.
CHILD	The premises will have a working CCTV system consisting of a minimum of 20 cameras. The system will be recording at all times when the premises is open for business. Images must be made available to Officers on request.

5. Licence History

The history of variation and transfer applications since the initial application for grant or conversion.

No Information available

6. Designated Premises Supervisor History

A list of all Designated Premises Supervisors that have been responsible for sale of alcohol from the premises.

No Information available

Objective	Condition
CRIME	Alcohol will not be permitted to be drunk on the premises, or brought onto the premises
CRIME	If staff believe that customers have alcohol in their possession they will be asked to submit to a search. If they decline or are found to be in possession of alcohol they will be refused entry or asked to leave the premises.
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CHILD	A record of all refusals will be kept in the refusals log.
CHILD	The premises will have a working CCTV system consisting of a minimum of 20 cameras. The system will be recording at all times when the premises is open for business. Images must be made available to Officers on request.

5. Licence History

The history of variation and transfer applications since the initial application for grant or conversion.

No Information available

6. Designated Premises Supervisor History

A list of all Designated Premises Supervisors that have been responsible for sale of alcohol from the premises.

No Information available

http://publicregister.birmingham.gov.uk/Gen/viewReport.aspx?ReportType=Premises&ReportID=4534_32&QueryID=293763&Page=&Sort=&Direc=

7. Events

Other significant events recorded for this licence.

Date	Reference	Event Name
08/07/2016	95851	Licensable Activities Added/Changed
08/07/2016	95851	Issue
22/06/2016	95851	Licence Approval
22/06/2016	95851	Committee Decision
09/05/2016	95851	Licensable Activities Added/Changed
09/05/2016	95851	Licensable Activities Added/Changed
09/05/2016	95851	Licensable Activities Added/Changed
09/05/2016	95851	Licensable Activities Added/Changed
09/05/2016	95851	Licensable Activities Added/Changed
09/05/2016	95851	Licensable Activities Added/Changed
03/05/2016	95851	Application Received (New Application)

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Email: licensing@birmingham.gov.uk

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BIRMINGHAM MAGISTRATES' COURT

APPLICATION FOR A CLOSURE ORDER PURSUANT TO S.80 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

CHIEF CONSTABLE OF WEST MIDLANDS POLICE

Applicant

v

CLOUD NINE

Respondent Premises

EXHIBIT BW/2

RESTRICTED – (when complete)

MG11

Crime No.

WITNESS STATEMENT

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

URN 20/BW/0010332/18

Statement of Robert MOIR

Age if under 18 O18 (if over 18 insert "over 18")

Occupation Police Officer

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: 22015 MOIR

Date 07/05/2018

I am Police Constable 22015 MOIR of WEST MIDLANDS POLICE. I am currently based at DIGBETH police station as part of the BIRMINGHAM CITY CENTRE NEIGHBOURHOOD TEAM 3.

At 1545hrs on MONDAY 7TH MAY 2018 I was on duty in full uniform with PC 21937 CARTMELL when I was directed to GOOCH STREET NORTH by PS 2858 MCGRATH as there were reports of a an asian male selling silver canisters of Nitrous Oxide from a vehicle outside of CLOUD NINE SHISHA LOUNGE. It was reported that children could be seen purchasing boxes of the canisters and then inhaling the contents from balloons.

On arrival at the location I assisted in detaining a male who was walking with a small box labelled as containing 24 of these canisters in his hands. Upon being detained the male dropped the box which I recovered from the floor. The male stated that he had just purchased the box from inside the premises from an asian male. I could see the whole street outside the premises was littered with empty canisters and balloons and that a large amount of children were coming out of the premises and inside.

After a short while PC CARTMELL emerged from CLOUD NINE with a male I now know as Mahammad ASHIQ and placed him under arrest on suspicion of supplying a psychoactive substance. The male I was talking to confirmed that ASHIQ was the male that had supplied him the box. I therefore seized the box at 1600hrs, which was open and contained 13 canisters, as evidence and can produce it as exhibit RM/01, court ref ().

PC 21032 RAHMAN then came outside of the premises and handed me a carboard box containing 13 boxes of 24 canisters, 11 of which were sealed and 2 were opened but full. PC RAHMAN informed he had seized this as evidence as exhibit MR/1, and had located them inside a fridge in the premises. I took control of this exhibit.

I assisted PC CARTMELL in transporting ASHIQ to PERRY BARR custody block where his detention was

Signature 22015 MOIR

Signature witnessed by

09/2011

RESTRICTED – (when complete)

E 31

URN	20/BW/0010332/18
Statement of Robert MOIR	

authorised.

During the custody process ASHIQ was searched and PC CARTMELL recovered approximately £2000 worth of cash from ASHIQ's pockets. PC CARTMELL remarked that ASHIQ had lots of money on him. ASHIQ immediately replied saying 'IT'S FROM THE DOOR', as he was the on duty door security for CLOUD NINE that day. He then stated 'THEY'RE GYPSIES, THEY'LL PAY ANYTHING YOU ASK. SOME OF THEM YOU GET AWAY WITH ASKING FOR 50 QUID AND THEY WILL HAND IT OVER'.

After the custody process was complete I booked exhibit RM/01 into the detained property store under ref 2180667/C, seal number 889657. I also booked exhibit MR/1 into the detained property store under ref 2180667/C, seal: 889656.

I had no further dealings in the matter.

Signature: 22015 MOIR	Signature witnessed by:
-----------------------	-------------------------

Signature 22015 MOIR

Signature witnessed by

09/2011

RESTRICTED – (when complete)

MG11

Crime No.

WITNESS STATEMENT

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

URN 20/BW/0010332/18

Statement of PC 21937 CARTMELL

Age if under 18 O'18 (if over 18 insert "over 18")

Occupation Police Constable

This statement (consisting of 3 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: John CARTMELL

Date 07/05/2018

I am PC 21937 CARTMELL of West Midlands Police and I am currently aligned to the BIRMINGHAM city centre neighbourhood team.

On MONDAY 7th MAY 2018 I was on duty and in full uniform, crewed with PC 22015 MOIR, in the company of a number of officers, including PC 0788 BEDDALL, PC 21773 WILLETTS and PS 2858 MCGRATH.

We had received information that there was an IC4 male in a white top and silver watch loading psychoactive substances from the rear of a car on GOOCH STREET NORTH and giving it to people and taking it inside the venue. These were seemingly boxes of gas.

At around 15:55 we attended GOOCH STREET NORTH, in particular outside of the CLOUD 9 shisha bar.

On my arrival I saw hundreds of small silver canisters on the floor surrounding vans and other vehicles. CCTV guided us in towards the location and in particular two silver vehicles where the IC4 male had been seen removing boxes of the silver canisters from the boot and giving them to individuals on the street and also taking them inside the premises. One of the vehicles was a grey golf VRM WX15USJ.

When I arrived I had seen hundreds of the canisters on the floor and I suspected that these were a psychoactive substance known as NOS or Notorious oxide (Laughing Gas). Some of these were in boxes some were not, I could not confirm what was inside the unmarked gas canisters but again I suspected they were psychoactive substances.

Signature John CARTMELL

Signature witnessed by

09/2011

RESTRICTED – (when complete)

E 33

RESTRICTED - (when complete)

MG11

URN 20/BW/0010332/18

Statement of PC 21937 CARTMELL

After a short time of engaging with members of the public outside I entered CLOUD 9 with PC 21773 WILLETTS and PS 2858 MCGRATH when I saw an IC4 male I now know to be Mohammad ASHIQ, being led out by PC 21773 WILLETTS.

I assisted PC 21773 WILLETTS as he informed him he was detained for a stop and search, with PC 21032 RAHMAN cuffing him to the front. During the search I noted the presence of hundreds of pounds in cash and he said that he was a door man for the venue. I assisted PC 21773 WILLETTS in the search and found a SIA car in his pocket. We conducted this search outside the front door and I heard CCTV confirm that ASHIQ was the male seen supplying the canisters. I noted the presence of children in the area and one male told me he was 17 years old, he was heading back inside the venue.

CCTV confirmed that ASHIQ was the male responsible to taking the canisters inside the venue and he was seen giving them out from the boot of a car, I suspected that he was responsible for supplying psychoactive substances.

At 16:02 I informed ASHIQ that "YOU ARE UNDER ARREST UNDER SUSPICION OF SUPPLYING PSYCHOACTIVE SUBSTANCES 'CAUTION'". I informed him that he had been seen supplying the canisters of Notorious oxide from the rear of the vehicle. The cuffs were checked and double locked. I noted the presence of a large amount of cash in his pockets and suspected they were the proceeds of dealing.

ASHIQ was lead to the police van by PC 22015 MOIR, where I and other officers had to calm an aggressive loud male down as he was shouting and swearing. He was following ASHIQ and PC 22015 MOIR and had to be told to go away. One member of public from the building site said something like "ITS ABOUT TIME" regarding the action surrounding the premises. During my dealings with ASHIQ was informed his arrest was necessary for the prompt and effective investigation of the offence and to prevent harm as there were children inside the premises. I believe that this Notorious oxide is a harmful substance and the other cans discarded had no labelling so again could be dangerous psychoactive substances. I suspected ASHIQ was involved in the supply of these.

Signature John CARTMELL

Signature witnessed by

09/2011

RESTRICTED - (when complete)

E 34

RESTRICTED – (when complete)

MG11

URN 20/BW/0010332/18

Statement of PC 21937 CARTMELL

ASHIQ made no relevant comment to caution at this time. Myself and PC 22015 MOIR conveyed him to PERRY BARR CUSTODY, arriving at 16:28.

I relayed the circumstances to the custody officer who authorised his detention and searching. I found no relevant objects during the search, although noted his two phones and over £2000 in cash. During the booking in procedure I noted that there was a lot of money present with ASHIQ replying words to the effect that the travellers will pay anything on the door you ask.

ASHIQ implied that the money was from the door. I believe he was working on the door and the money he had was the proceeds. He mentioned that he was a door man whilst he was being booked into custody.

ASHIQ was lead to his cell whilst I spoke to the duty Inspector who delayed his rights and signed up a Section 18 (1) premises search for his home address of

Between 18:59 and 19:25 myself and PC 22015 MOIR searched
seizing no objects.

I Exhibit the Section 18 search book as (Exhibit Ref JC/1)(Exhibit No.).

Signature: John CARTMELL

Signature witnessed by:

Signature John CARTMELL

Signature witnessed by

09/2011

RESTRICTED – (when complete)

E 35

RESTRICTED -- (when complete)

MG11

Crime No.

WITNESS STATEMENT

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

URN

20/BW/0010332/18

Statement of Mohammed RAHMAN

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: Mohammed RAHMAN

Date 07/05/2018

This statement is with reference to a search I conducted along with other police officers at CLOUD 9, GOOCH STREET NORT, BIRMINGHAM, B5 6QU after the arrest of a male who I now know as Mohammed ASHIQ.

I am the above named officer currently stationed at Digbeth police station. On the 7/05/2018 at approximately 1600 hrs, I attended CLOUD 9 premises with other police officers to a report of a male seen on CCTV dealing nitrous oxide cannisters from outside CLOUD 9 and that the male was constantly going in and out of CLOUD 9. On arrival outside the premises, I heard further message on my personal radio that the male who was selling drugs outside who I now know as Mohammed ASHIQ was gone inside the premises as police arrived at the location. After around ten or five minutes of arriving at the location, I saw PC CARTMELL bringing ASHIQ out from inside of CLOUD 9. I then saw ASHIQ getting arrested by PC CARTMELL for supplying psychoactive substances.

Upon his arrest, I attended CLOUD 9 with other police officers and conducted a Section 32 PACE search of the premises. I searched the kitchen area directly behind the customer service area where I found a box inside the fridge with twelve nitrous oxide boxes Exhibit MR/1 which I seized at 1615 hrs. I then handed Exhibit MR/1 to PC CARTMELL and informed him of the location where I seized them from.

I saw numerous nitrous oxide used cannisters all littered along the floor inside the premises and saw further boxes recovered by uniformed officers from inside the premises.

Signature Mohammed

Signature witnessed by

09/2011

RESTRICTED -- (when complete)

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36

RESTRICTED – (when complete)

MG11

URN

20/BW/0010332/18

Statement of Mohammed RAHMAN

After completing the search I left the premises and had no further dealings. This statement is to be treated as my original notes.

Signature: **Mohammed**

Signature witnessed by:

Signature **Mohammed**

Signature witnessed by

09/2011

RESTRICTED – (when complete)

E 37

RESTRICTED – (when complete)

MG11

Crime No.

WITNESS STATEMENT

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

URN 20/BW/0010332/18

Statement of Ben Willetts

Age if under 18 O/18 (if over 18 insert "over 18")

Occupation Police Constable

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: B.WILLETTS

Date 07/05/18

I am Police Constable 21773 WILLETTS of the West Midlands Police currently attached to the City Centre Neighbourhood Team covering Birmingham City Centre.

On Monday 7th May 2018 I was on duty in full police uniform working in company with PC 0788 BEDDALL

At approximately 15:30 hours on that day and date, information was received from the City Watch CCTV control room that the Cloud Nine Shisha lounge on Gooch Street North in Birmingham City Centre appeared to be open with a large number of young children in attendance. In addition to this it appeared that a male was selling boxes containing what suspected to be the silver cannisters containing Nitrous Oxide from the boot of his car to the young children.

As a result both PC BEDDALL and I joined a number of other officers and proceeded to make our way to the venue. On our arrival at the location my attention was initially drawn to the number of used balloons and silver cannisters that were littering the streets however at the same time the CCTV controller has directed us to the vehicle in question which was a Black Volkswagen Golf They then proceeded to state that the male who had been witnessed to be selling the cannisters was an Asian Male, muscle build wearing a White Tee shirt, Blue Jeans and had a Silver Watch on his wrist. As there was no person matching that description outside of the venue, Both myself and other officers have entered. On entering Cloud Nine, I have been met by a male who matched the description provided. He was also a male who I had previously spoken to on previous visits and was of the belief that he was either a member of staff or associated to the premises. I would later discover this males identity to be Mohammad ASHIQ.

Signature B.WILLETTS

Signature witnessed by

09/2011

RESTRICTED – (when complete)

E 38

RESTRICTED – (when complete)

MG11

URN **20/BW/0010332/18**

Statement of Ben Willetts

On seeing ASHIQ I have approached him and requested that he come outside which he subsequently did. Once outside I asked him about the car however he denied it to be his. I then informed him that information had been received that he was believed to be selling the psychoactive substance nitros oxide from the rear of the vehicle and as a result I was detaining him for the purposes of the search under the psychoactive substances act to ascertain if he had any such item in his possession.

I have then commenced the search and during which I have found ASHIQ to have in his pockets a large quantity of cash. ASHIQ at this point informed me that he was working the doors and the money was from the entrance fee paid by the customers.

Moments after the search was complete and given what had been witnessed on the CCTV, PC 21937 CARTMELL has arrested ASHIQ in relation to the supply of a psychoactive substance.

Following PC CARTMELL leading the male away I have then re-entered the club with the intention of completing a search of the premises as it was believed that boxes of the cannisters had been taken into the premises. Whilst completing the search it became evident that there was still a large number of young males and females within the club with the majority of these believed to be under 18 years of age. In addition there were also a large number of the silver cannisters scattered across the floor with the discarded white and red empty boxes also present. I have also witnessed one young male wearing a black teeshirt inhaling the contents of a black balloon which I suspected to contain Nitrous Oxide.

Once the search was completed I was informed by PC 21032 RAHMAN that he had located a brown box containing a number of unopened boxes containing the silver Nitrous Oxide cannisters in a fridge in the staff only area at the back of the bar area.

Once the search was completed I have then returned to the outside of the premises where I had been informed that no person had claimed ownership to the black golf and as a result the rear driverside window had been smashed to allow entry to the vehicle to enable that to be searched also. Whilst this vehicle was being searched I have observed officers locate another brown box containing unopened boxes of silver cannisters, a number of bags containing unused silver cannisters believed to contain Nitrous Oxide, a bag containing unused black balloons similar to that seen all over the floor both inside and outside of the club, a quantity of cash and also paperwork linked to both the Cloud Nine venue and also some with ASHIQ's

Signature **B.WILLETTS**

Signature witnessed by

09/2011

RESTRICTED – (when complete)

E 39

RESTRICTED – (when complete)

MG11

URN 20/BW/0010332/18

Statement of Ben Willetts

name on. These were seized by PC BEDDALL.

Whilst inside and outside of the club I proceeded to take a number of photographs detailing what I had observed both inside and outside of the venue and I now produce them as evidence in an evidential booklet as Police Reference BW/01 Exhibit Reference ().

Following this I have then proceeded to attend the Birmingham City Council CCTV control room where I have taken possession of a CD containing the City Watch CCTV footage covering the Cloud Nine Venue. This was then booked into detained property at Perry Barr Custody Suite under property reference 2180684/C.

At 20:36 hours I have proceeded to take possession of the following items from out of the ASHIQ's property at Perry Barr Custody.

Quantity of cash believed to be in excess of £2000. Property Reference BW/02 Exhibit Reference ().

1 x Black Iphone mobile phone with smashed screen . Property Reference BW/03 Exhibit Reference ().

1 x White Iphone Mobile Phone with cracked screen. Property Reference BW/04 Exhibit Reference ().

All were then booked into detained property at Perry Barr Custody Suite under property reference 2180691/C

Signature: B.WILLETTS

Signature witnessed by:

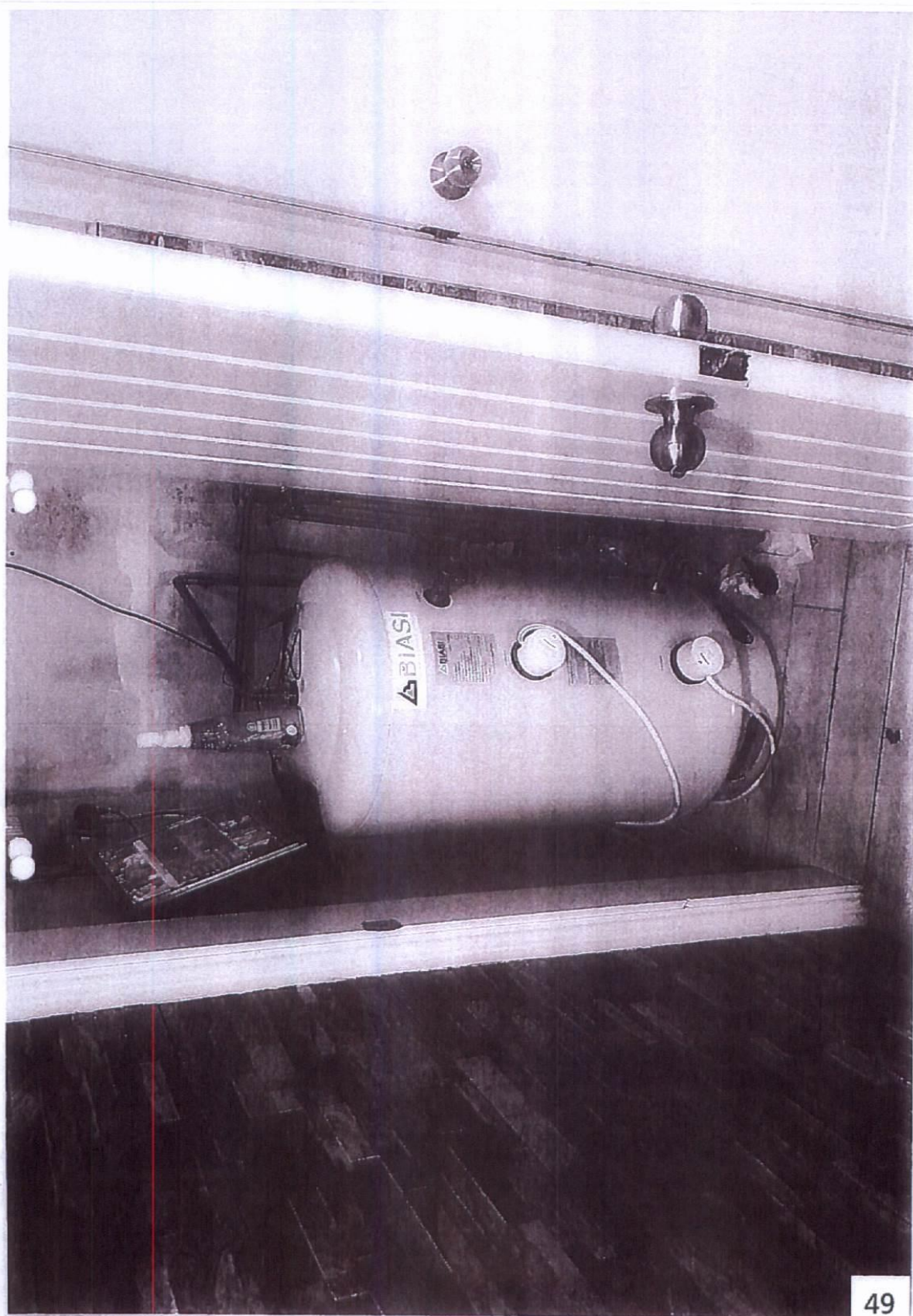
Signature B.WILLETTS

Signature witnessed by

09/2011

RESTRICTED – (when complete)

E 40



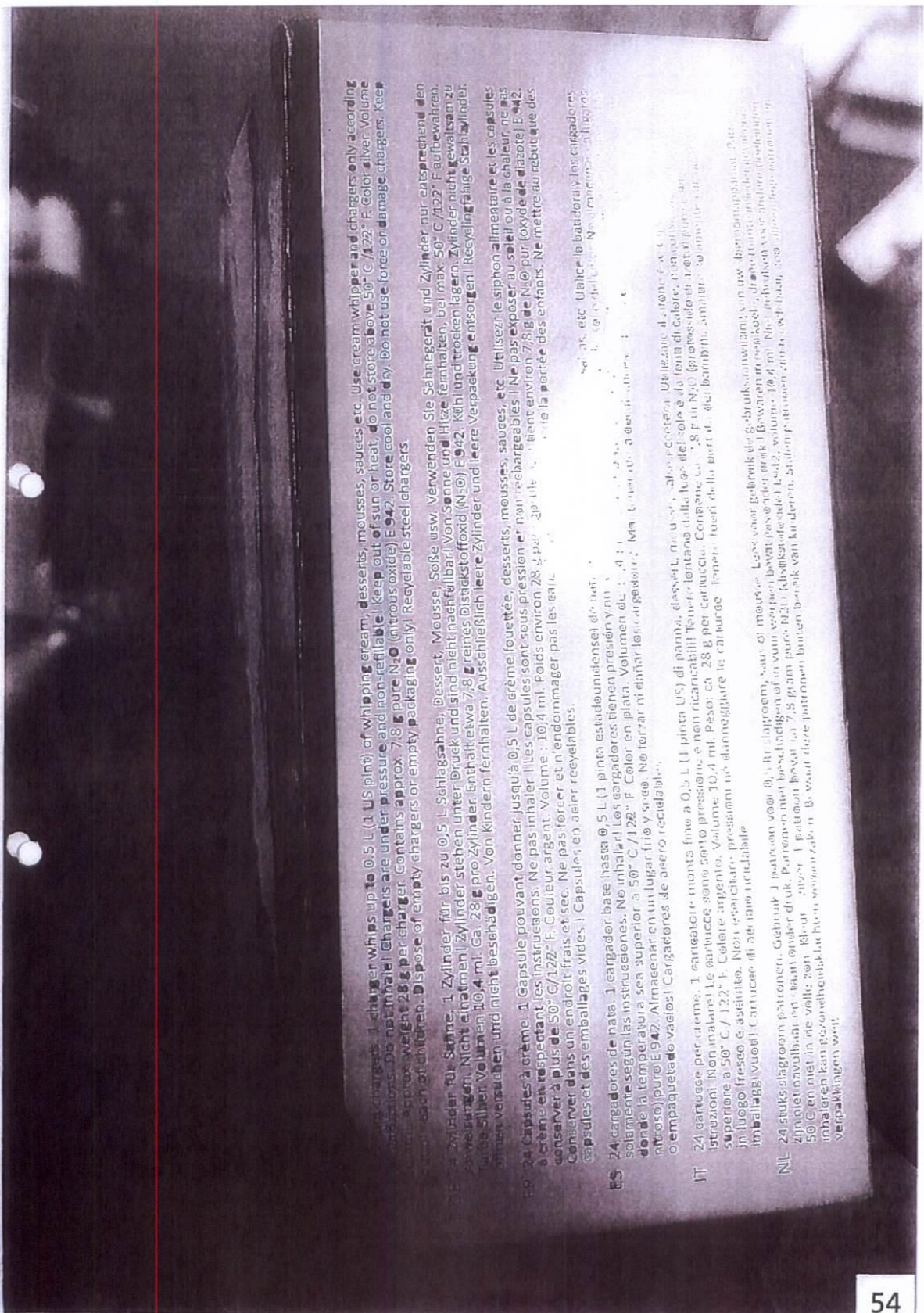




51







24 cream whips up to 0.5 L (1 US pint) of whipping cream, desserts, mousses, sauces etc. Use cream whips and chargers only according to instructions. Do not inhale! Chargers are under pressure and non-refillable! Keep out of sun or heat. Do not store above 50° C / 122° F. Color silver. Volume approx. 28 g per charger. Contains approx. 7.8 g pure N₂O (nitrous oxide) E 942. Store cool and dry. Do not use force or damage chargers. Keep each at children. Dispose of empty chargers or empty packaging only. Recyclable steel chargers.

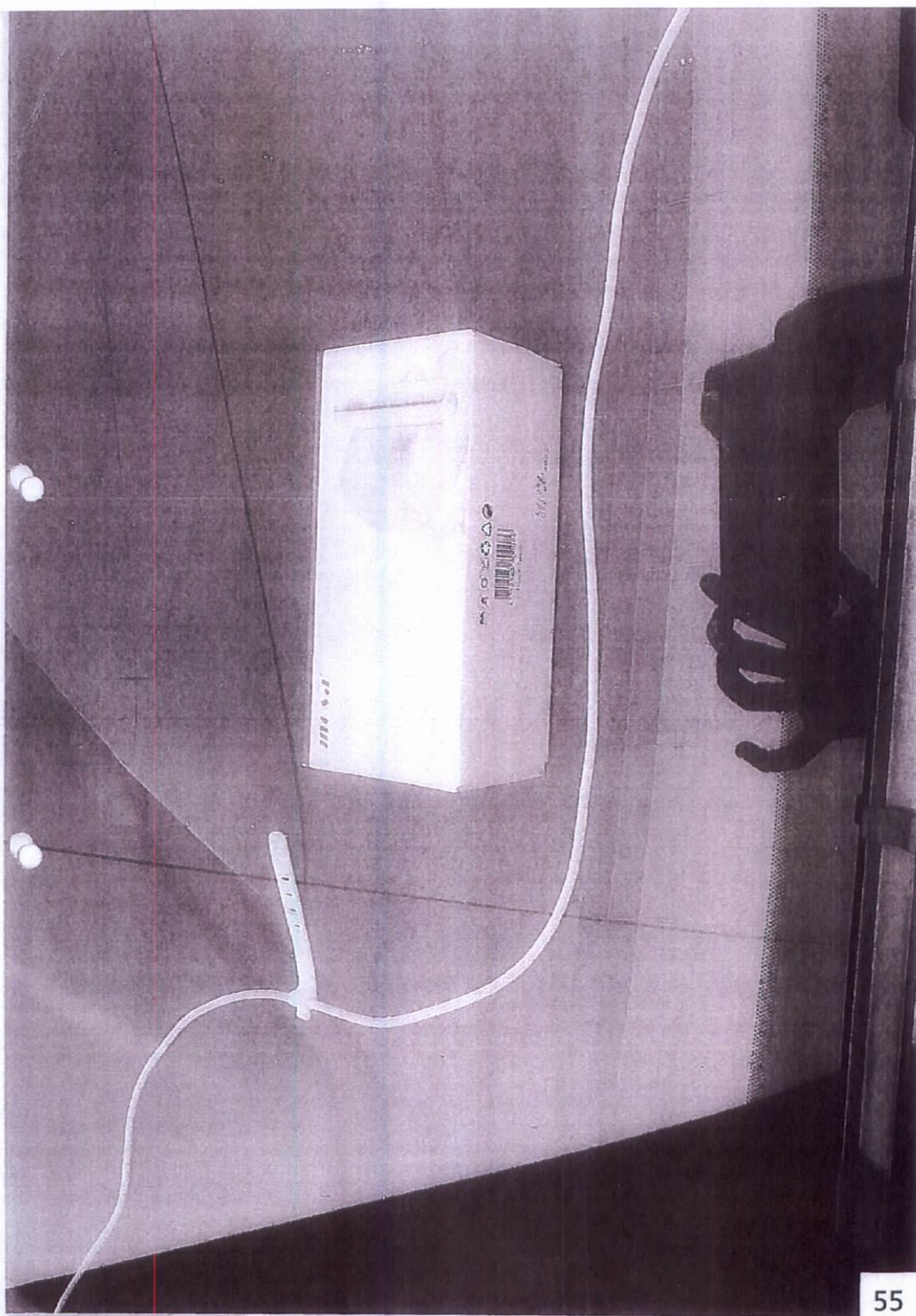
DEUTSCH 24 Schlagsahne, Dessert, Mousses, Soße usw. Verwenden Sie Sahnegeißt und Zylinder nur entsprechend den Anweisungen. Nicht einatmen! Zylinder stehen unter Druck und sind nicht nachfüllbar! Von Sonne und Hitze fernhalten, bei max. 50° C / 122° F aufbewahren. Farbe Silber. Volumen 28 g pro Zylinder. Enthält etwa 7,8 g reines Distickstoffdioxid (N₂O) E 942. Kühl und trocken lagern. Zylinder nicht gewaltsam zu öffnen versuchen und nicht beschädigen. Von Kindern fernhalten. Ausschließliche leere Zylinder und leere Verpackung entsorgen! Recyclingfähige Stahlzylinder. Zylinder verschließen und nicht beschädigen. Von Kindern fernhalten. Ausschließliche leere Zylinder und leere Verpackung entsorgen! Recyclingfähige Stahlzylinder.

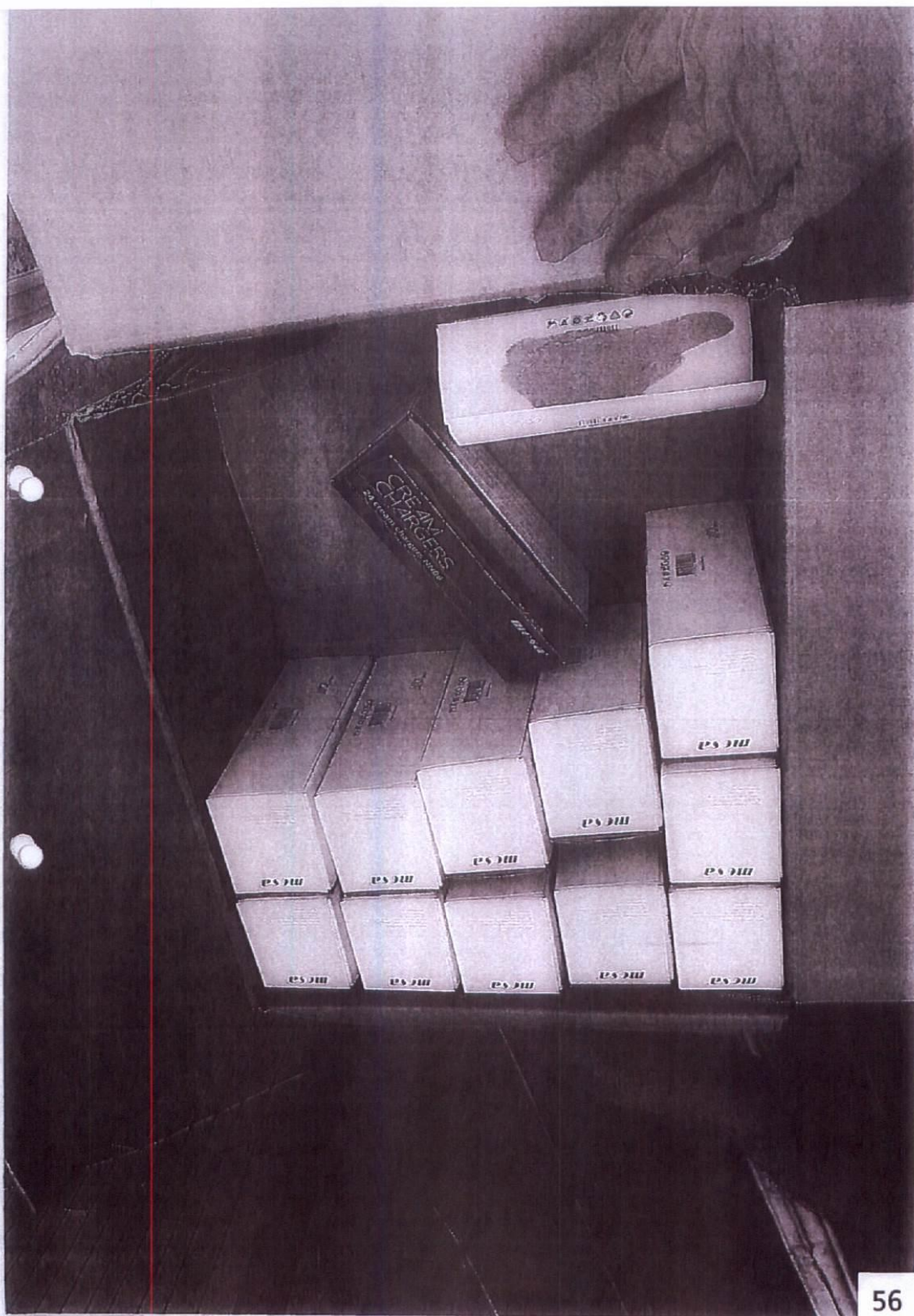
FRANÇAIS 24 Capsules à crème. 1 Capsule pouvant donner jusqu'à 0,5 L de crème fouettée, desserts, mousses, sauces, etc. Utilisez le siphon alimentaire et les capsules selon les instructions. Ne pas inhaler! Les capsules sont sous pression et ne sont pas rechargeables. Ne pas exposer au soleil ou à la chaleur, ne pas conserver à plus de 50° C / 122° F. Couleur argent. Volume : 28 g par capsule. Poids environ 28 g par capsule. Contient environ 7,8 g de N₂O pur (oxyde de diazote) E 942. Conserver dans un endroit frais et sec. Ne pas forcer et ne pas endommager pas les capsules. Ne pas laisser les capsules et les emballages vides. Les capsules et les emballages sont recyclables.

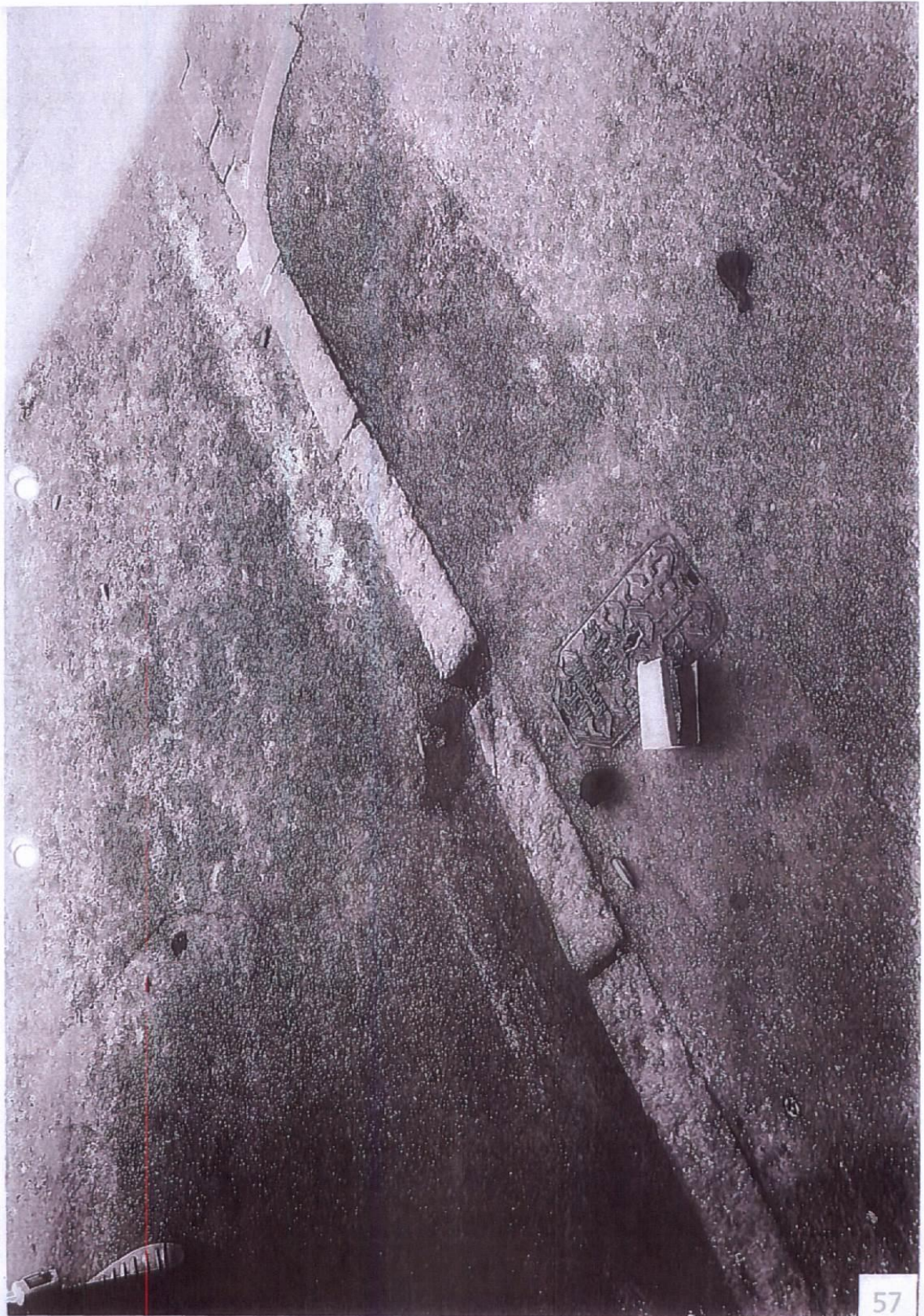
ITALIANO 24 cariche per crema. 1 caricatore monta fino a 0,5 L (1 pinta US) di panna, dessert, mousses, salse, ecc. Usare solo i caricatori e le capsule secondo le istruzioni. Non inalare! Le cariche sono sotto pressione e non ricaricabili! Tenere lontano dalla luce del sole e dal calore, non esporle a temperature superiori a 50° C / 122° F. Colore argenteo. Volume 28 g per caricatore. Contiene ca. 7,8 g di N₂O (ossido di azoto) E 942. Conservare in un luogo fresco e asciutto. Non forzare e non danneggiare le cariche. Separare le cariche e i materiali di imballaggio vuoti. I caricatori di acciaio sono riciclabili.

ESPAÑOL 24 cargadores de nata. 1 cargador bate hasta 0,5 L (1 pinta estadounidense) de nata. Usar solo los cargadores y las cápsulas de acuerdo a las instrucciones. No inhalar! Los cargadores tienen presión y no se recargan. No exponerlos a la luz solar directa ni al calor, no almacenarlos a temperaturas superiores a 50° C / 122° F. Color en plata. Volumen de : 28 g por cargador. Contiene ca. 7,8 g de N₂O (óxido de nitrógeno) E 942. Almacenar en un lugar frío y seco. No forzar ni dañar los cargadores. Separar los cargadores vacíos de los materiales de empaquetado vacíos. Los cargadores de acero son reciclables.

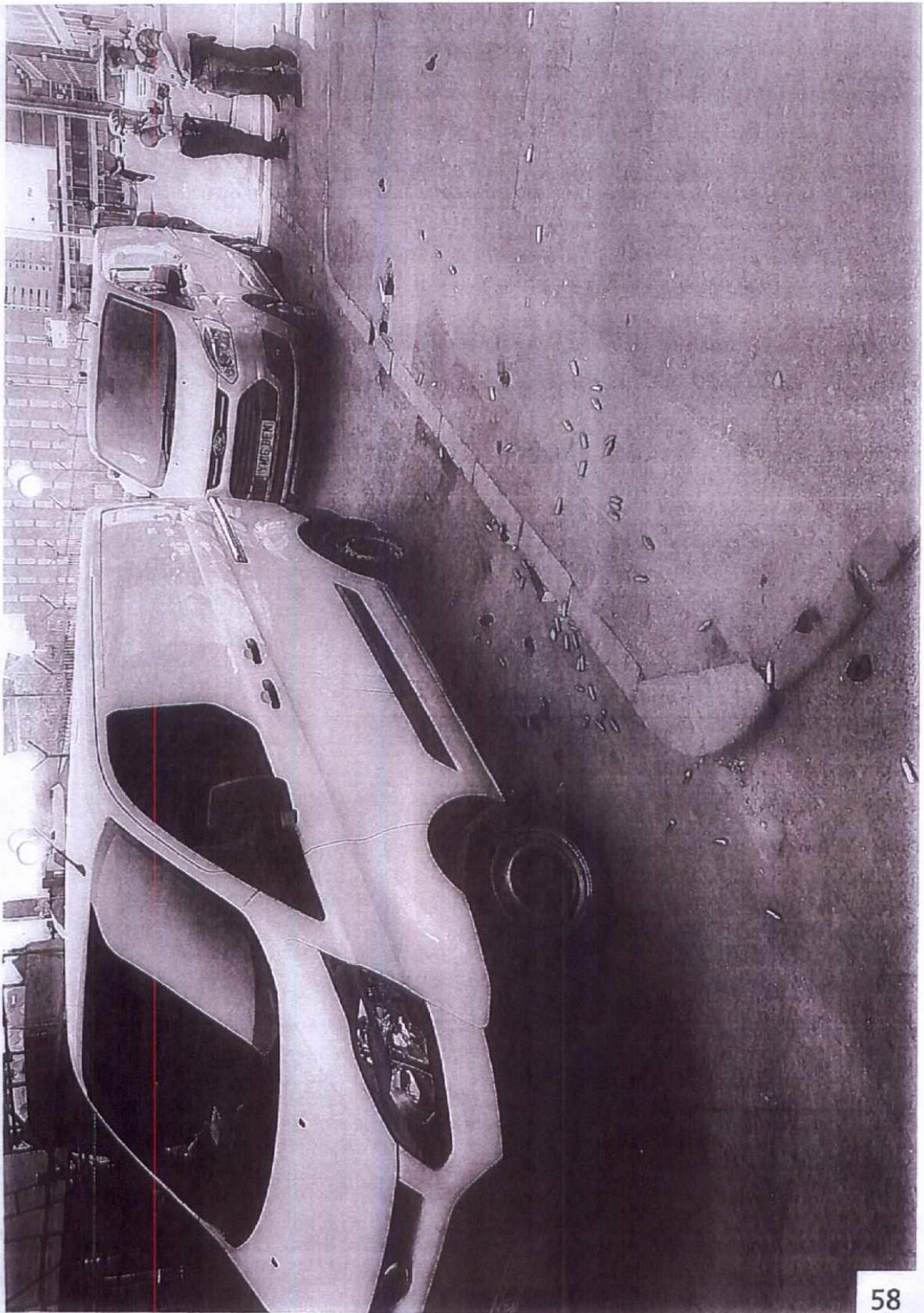
NEDERLANDS 24 stuks slagroom patronen. Gebruik 1 patronen voor 0,5 l (1 liter) slagroom, saus of mousses. Lees voor gebruik de gebruiksaanwijzing van uw ingrediëntenpakket. Niet inademen! Patronen zijn onder druk. Patronen zijn niet oplaadbaar en niet herbruikbaar. Houd af van direct zonlicht en warmte. Niet opslaan boven 50°C (122°F). Kleur zilver. Volume ongeveer 28 g per patronen. Bevat ongeveer 7,8 g zuiver N₂O (distikstofoxide) E 942. Opslaan op een koele, droge plaats. Gebruik geen geweld of schade aan patronen. Behoudt de patronen op een droge, koele plaats. Verpakkingsmateriaal is recyclebaar.



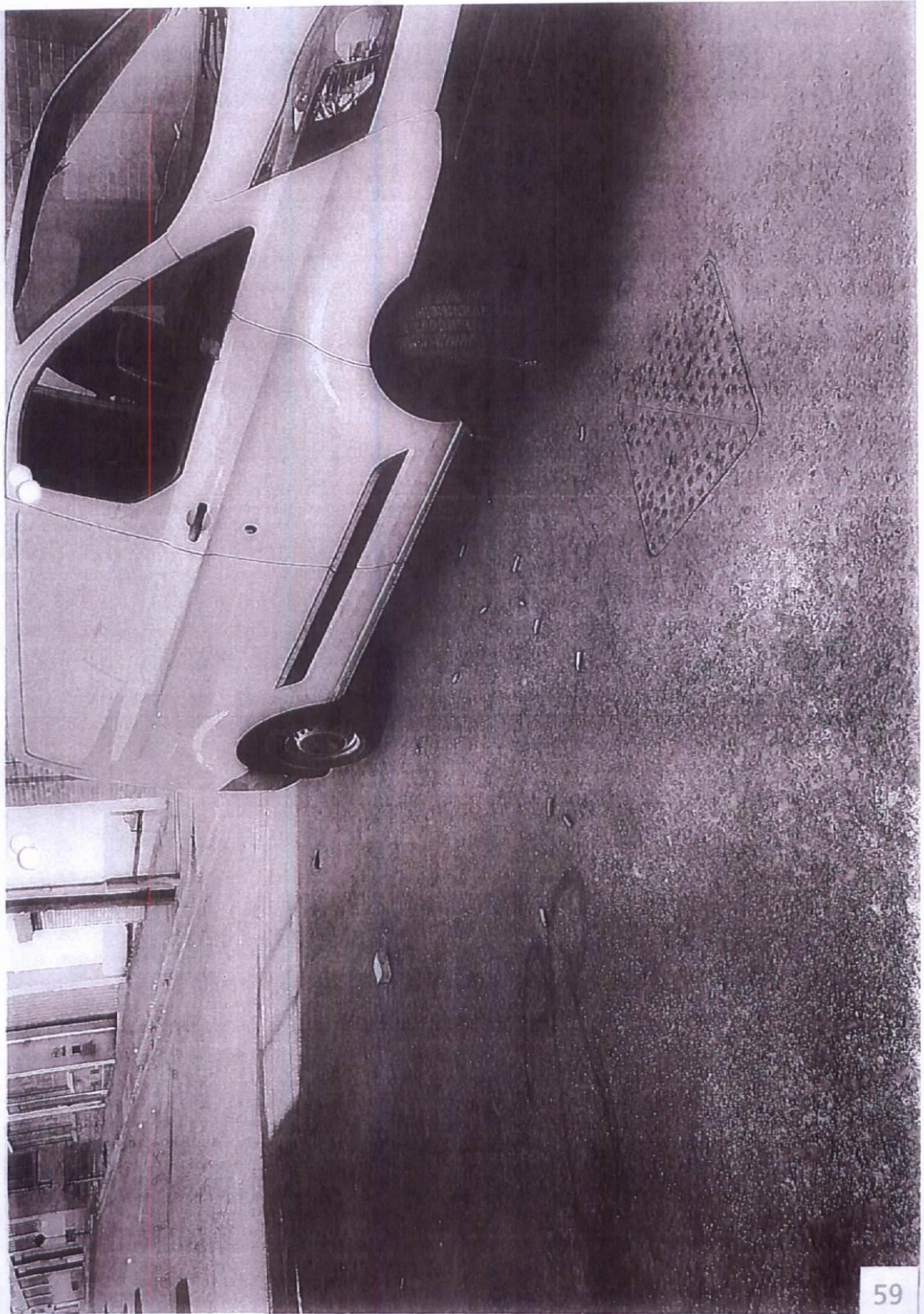


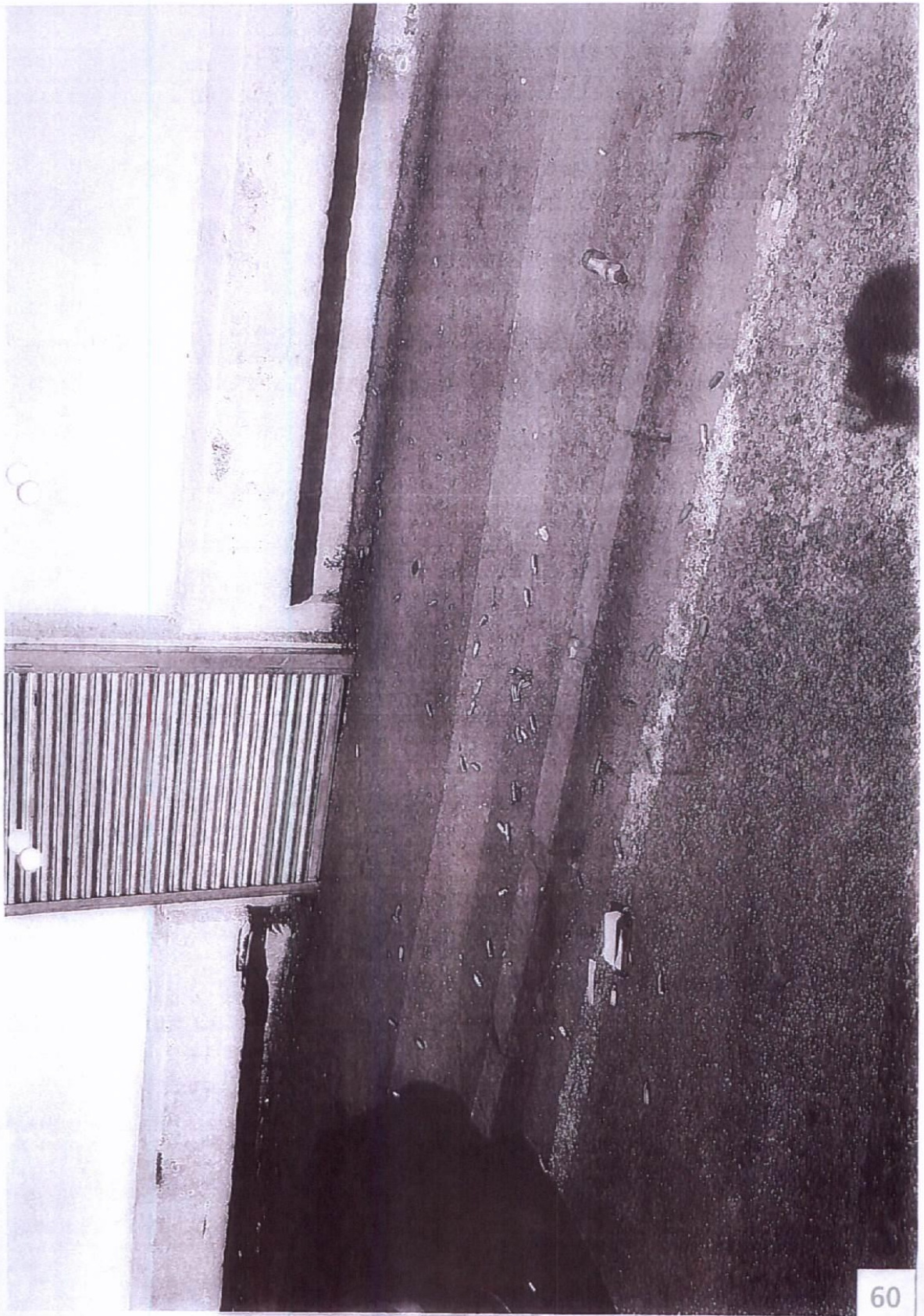


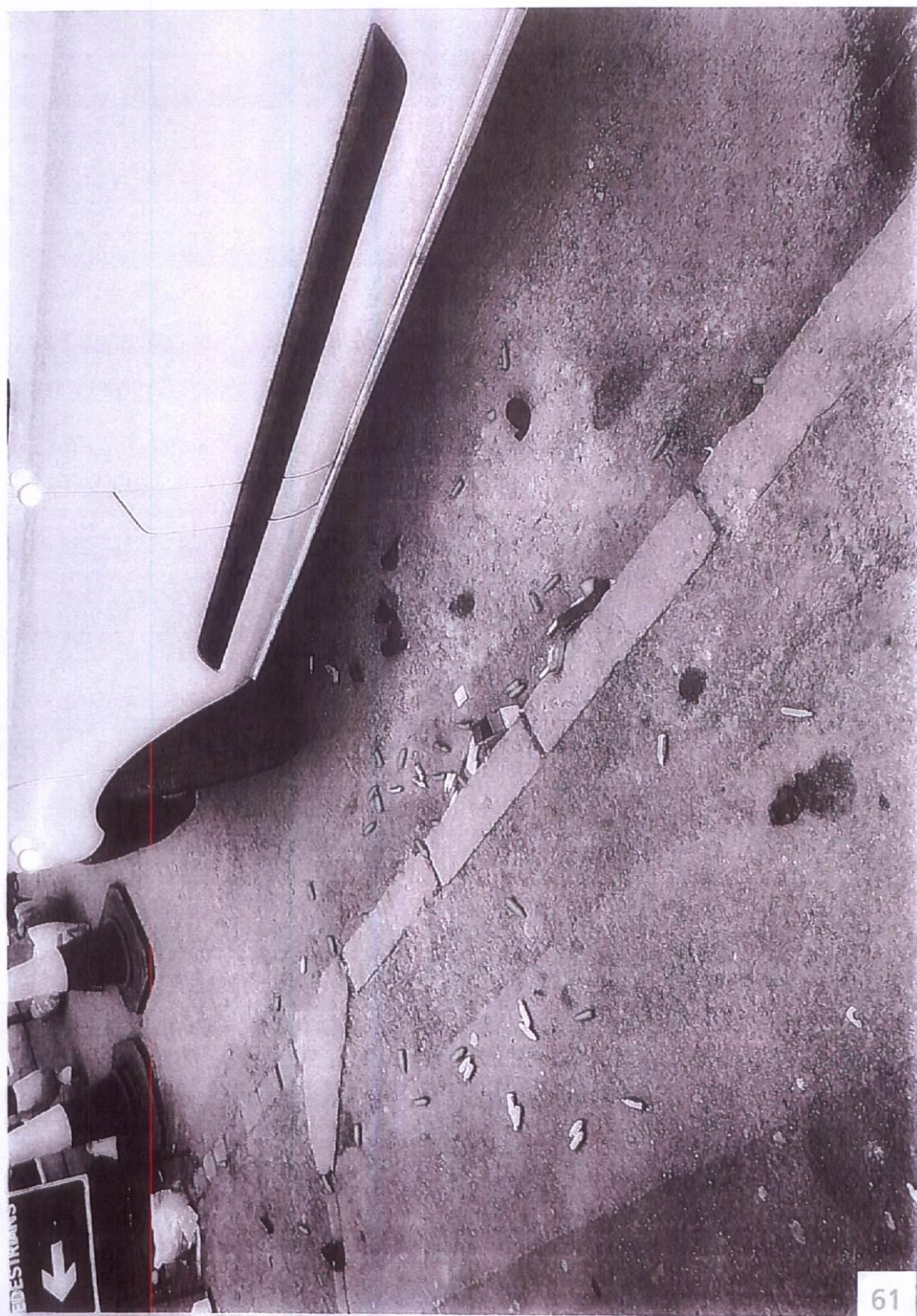
57

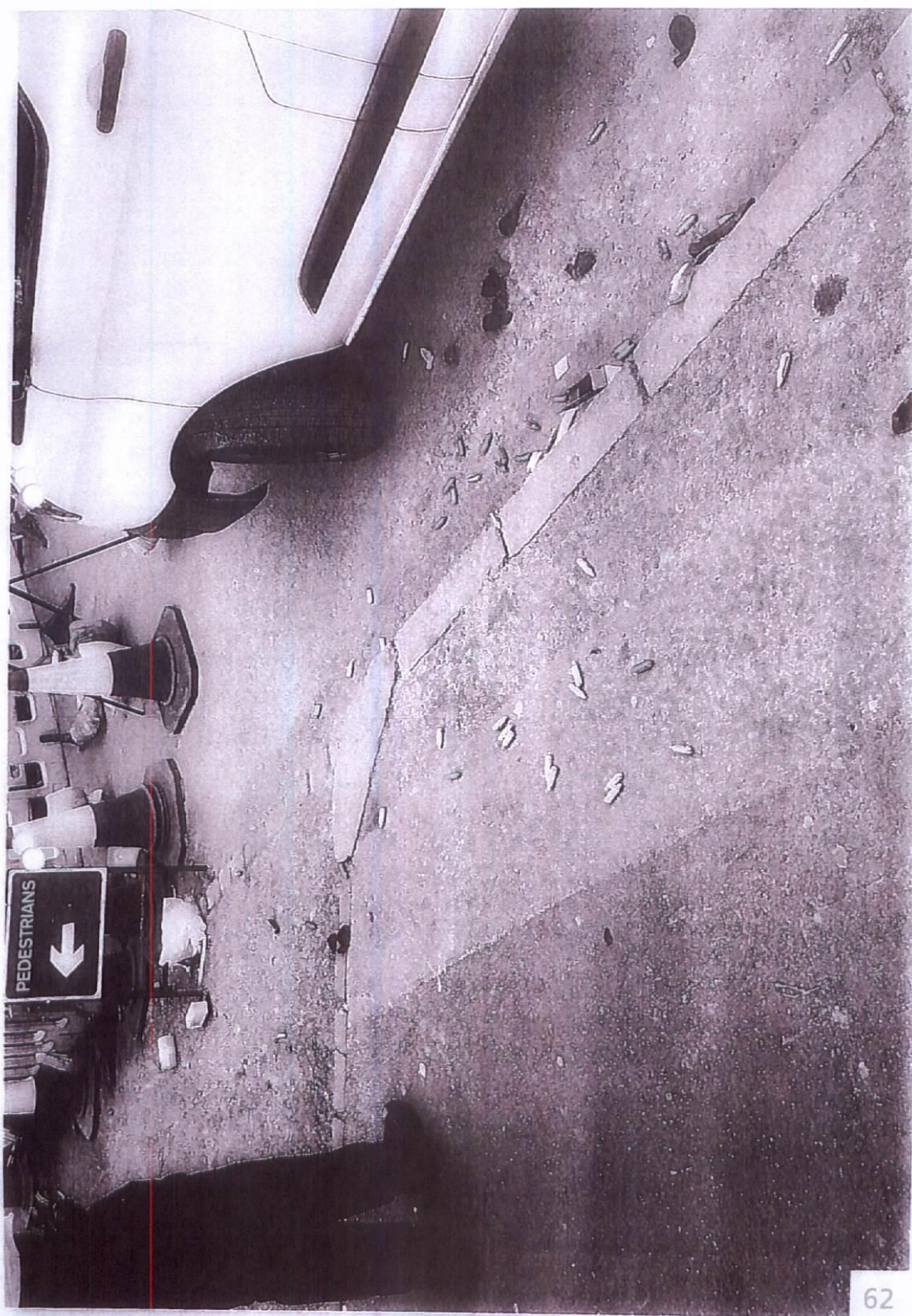


58









BIRMINGHAM MAGISTRATES' COURT

APPLICATION FOR A CLOSURE ORDER PURSUANT TO S.80 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

CHIEF CONSTABLE OF WEST MIDLANDS POLICE

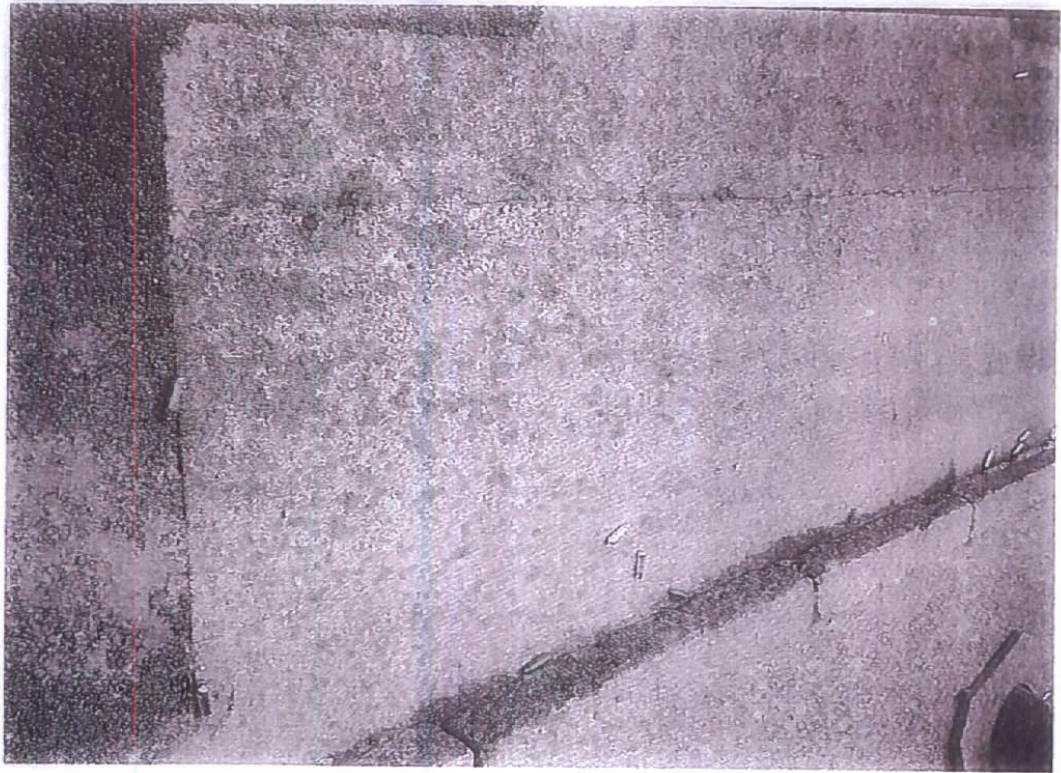
Applicant

v

CLOUD NINE

Respondent Premises

EXHIBIT BW/3



BIRMINGHAM MAGISTRATES' COURT

APPLICATION FOR A CLOSURE ORDER PURSUANT TO S.80 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

CHIEF CONSTABLE OF WEST MIDLANDS POLICE

Applicant

v

CLOUD NINE

Respondent Premises

EXHIBIT BW/4

OFFICIAL – (when complete)

MG11

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 Lyndsey YATES

Age if under 18 or 18 (if over 18 insert "over 18")

Occupation Police Sergeant 20344

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: (witness)

Date 03/04/2018

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

I am Police Sergeant 20344 Lyndsey YATES of the West Midlands Police currently based on the Birmingham City Centre Neighbourhood Team at Digbeth police station.

On 02/04/2018 I was on uniformed mobile patrol when I was alerted to an event that was taking place at Cloud 9 Shisha Lounge, Gooch Street North, Birmingham. Our CCTV operator had been monitoring the location due to the large amount of travellers that were attending and causing traffic issues with their vehicles, which had also been reported to the Police by members of the public.

The CCTV operator informed officers that he had witnessed several hundred people enter the premises. He stated that the venue clearly had a lookout, as every time a Police vehicle would come near the location, the shutters would be closed in an attempt to look like they were closed. This, he stated, happened on several occasions.

Myself and members of both Team 2 and Team 5 attempted to gain entry to the location to ensure that they were abiding by the terms of their licence. The shutters were down, but I could clearly hear music and people within the premises. I attempted to make contact with people inside the location for some 30 minutes. Due to the fire risk the closed shutters posed, I requested that PC 20098 SLEATH contact the Fire Service and request their attendance.

Some 10 minutes later, I heard the sirens of the Fire Truck approaching. Coincidentally the shutters of the Shisha Lounge began to open at the same time that the Fire Officers arrived.

I liaised with the Fire Service whilst members of my team made their way into the location. A few minutes later I made my way into the location and was shocked by what I saw. Within the 2 open plan rooms I saw between 250 and 300 people, the majority of who were young in age. I spoke to several of the younger looking children; one of whom stated that he was 13. In my opinion, having worked for 4 years in the Child Protection Department of West Midlands Police, he was more like 11 years old. I was aware that their

Signature Signature witnessed by

03/2018

OFFICIAL – (when complete)

66

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Lyndsey YATES

licence does not permit them to allow entry to any persons under the age of 18 years old.

The large volume of people made it very difficult for the officers to move within the location. I would say that the venue was completely full. I was aware that the venue's licence allows them to have 55 persons within the venue, including staff, at any one time. There was clearly over 250 persons in the location.

On the floor of the entire venue, I saw hundreds of Nitrous Oxide (Laughing Gas) cannisters, along with empty untied balloons and the device that is used to remove the Nitrous Oxide from the cannisters and place it into the balloons. There were also several people inhaling the Nitrous Oxide from these balloons in front of us. I saw large amounts of empty boxes of Nitrous Oxide cannisters and was informed by PC 0318 SANGHAR that some of the revellers had informed him that they were being sold behind the bar. I directed PC SANGHAR to check behind the bar, but nothing was located.

I myself located an empty bottle of Moet within the venue and large amounts of empty boxes of wine and Moet alongside the rubbish of the venue. I was aware of the fact that Cloud 9 do not have a licence to sell alcohol.

PC 5045 WHITE also informed me that he had located a lock knife.

The Fire Officers and their Fire Safety Officer completed a full and detailed assessment of the location. They informed me that the venue did not have a working fire alarm and it's one fire escape had been nailed shut. Therefore, had there been a fire, the only way out of the location for these 300 children, would have been the main entrance that they had closed the electric shutters down on. Had there been a loss of electricity and a fire, the shutters would have been unable to be opened and they would have all been trapped inside.

I spoke with the male who appeared to be in charge. He stated that he was the brother of the owner and that there was no DPS present.

Once all revellers had exited the location, it was decided by the Fire Safety Officer that the venue would be prohibited from trading until their Fire Alarm had been fixed and the Fire Officers had attended to confirm this. I therefore informed our CCTV operator of this fact and asked them to inform me if they saw the venue reopen. I received a call to say that this had happened at 21:10 hours, only some 3 hours later. I saw two groups of customers, about 15 people in total, smoking shisha in the booths at the back of the venue. I spoke with the owner/DPS who had now returned from a wedding. He stated that they were customers and that he had just spoken to the Fire Safety Officer, Warren, who had said that they could start trading again as long as a technician was on route to fix the alarm. There was a technician present, but the fire alarm was not fixed. I therefore called the Fire Service and spoke with Warren, as this was completely different to what

Signature Signature witnessed by

03/2016

OFFICIAL – (when complete)

67

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Lyndsey YATES

had been agreed upon our initial attendance. He stated that he not said anything of the sort and that they were trying to "pull a fast one". I asked him whether he wanted me to remove the patrons from the location, as the venue should not be open. He said "yes". I therefore directed my team to request that the patrons leave, which they did.

The attitude of the staff while we were at the location was appalling. They were obstructive, rude and completely uncooperative. They laughed at officers, showing their clear lack of interest or care in the safety of the children in their venue. The health and safety of their patrons should be utmost in their actions and it clearly was not. I have officers evidence showing that they have breached at least 4 of their licence conditions and intelligence suggested that they are breaking the law too by selling Nitrous Oxide.

In my opinion, during the 30 minutes that the staff refused to allow us access to the venue, the staff were removing all signs of alcohol from the venue and the Nitrous Oxide boxes from behind the counter.

I took 10 photographs whilst in the venue and I can produce this at court if necessary as (ref no LY/01)(exhibit no).

Signature

Signature witnessed by

03/2016

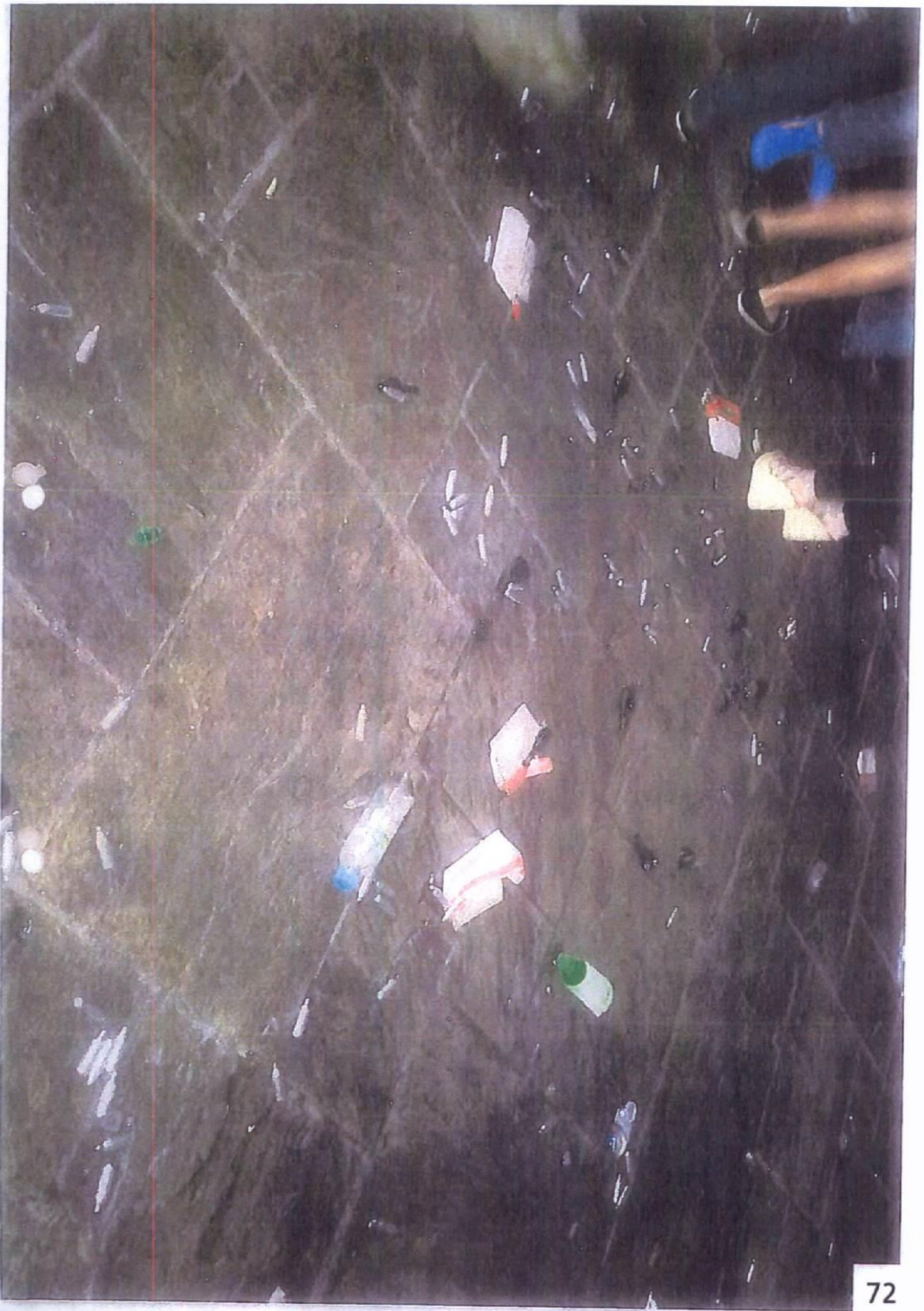
OFFICIAL – (when complete)

68

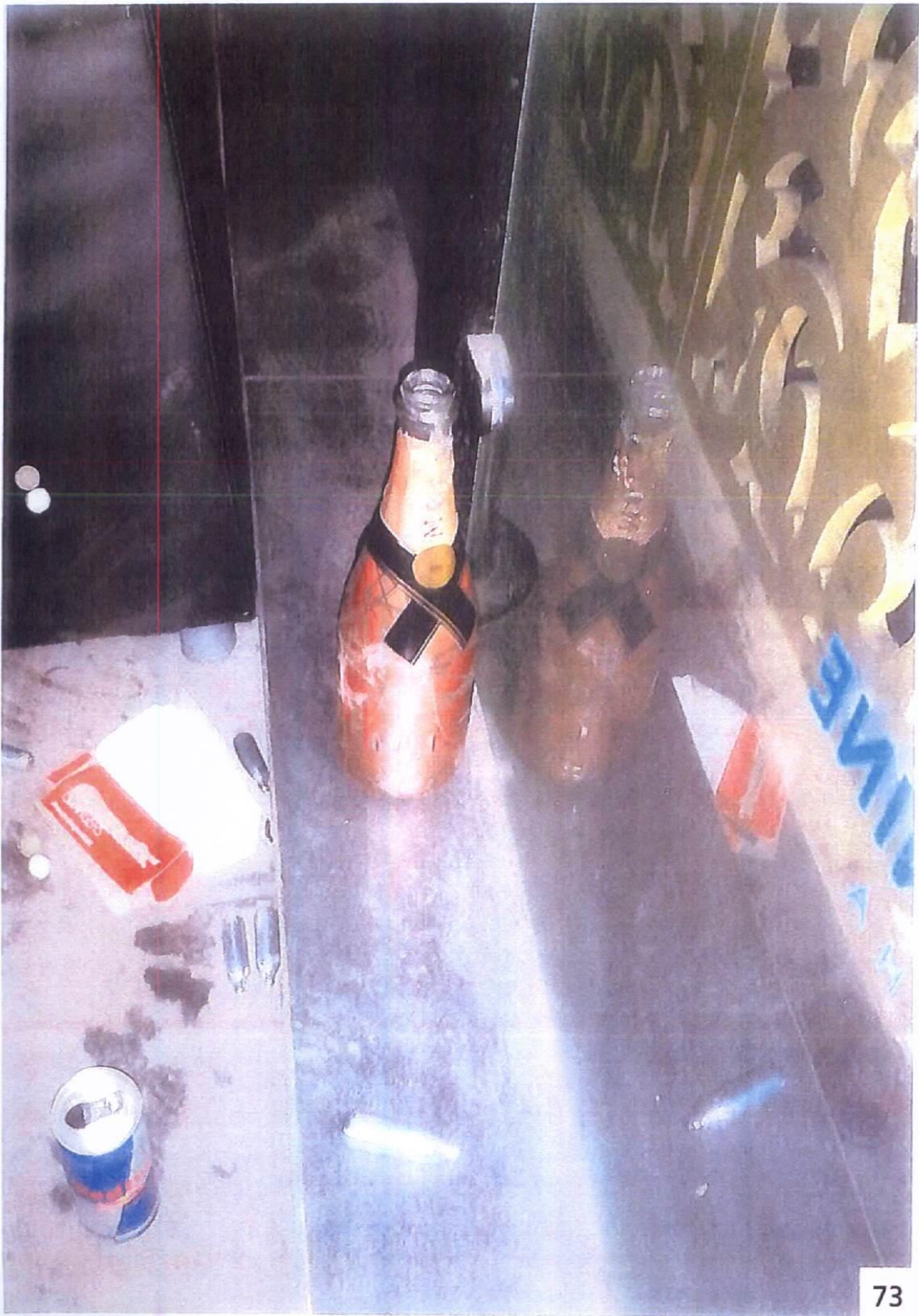




70



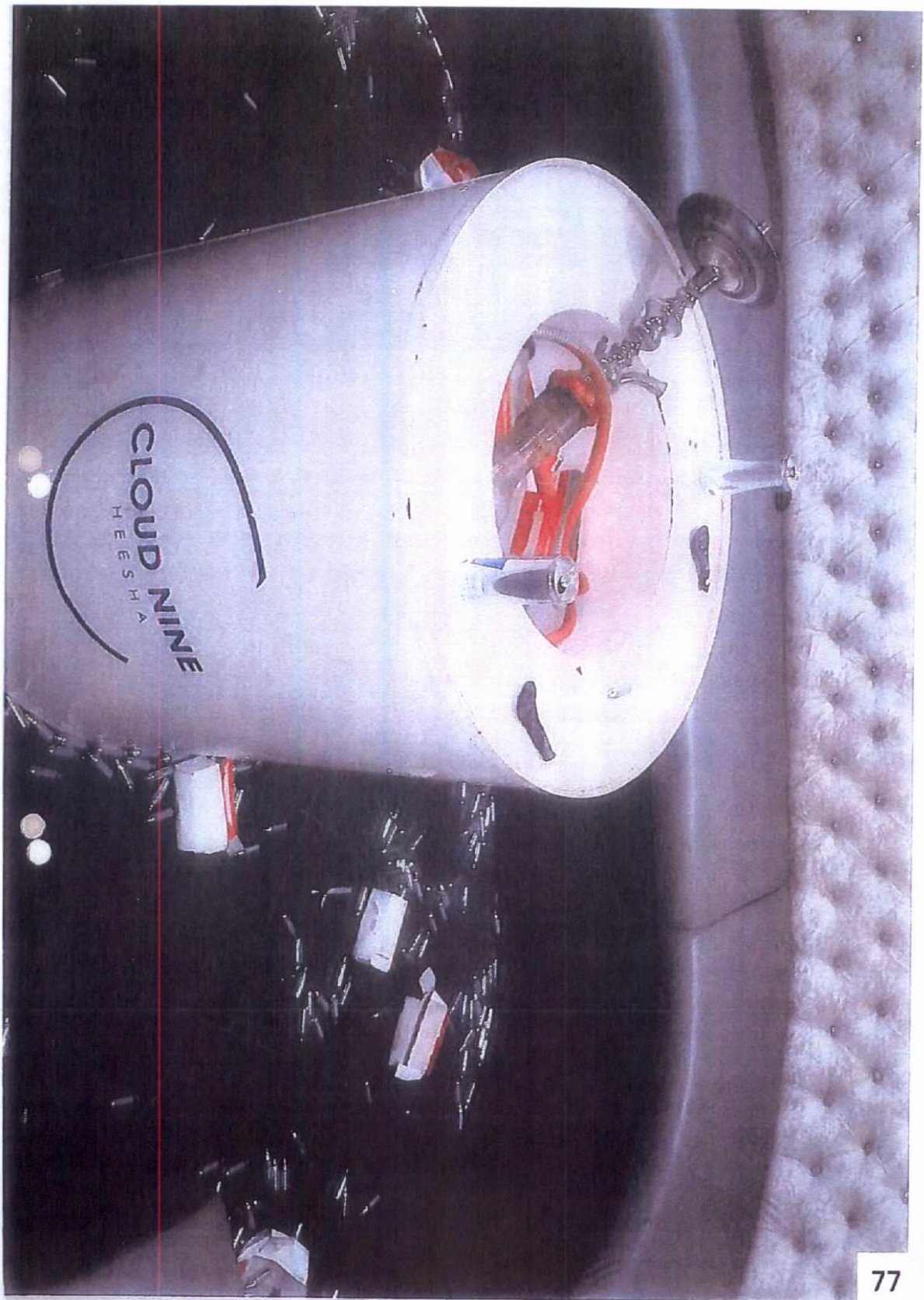
72



73









78

BIRMINGHAM MAGISTRATES' COURT

APPLICATION FOR A CLOSURE ORDER PURSUANT TO S.80 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

CHIEF CONSTABLE OF WEST MIDLANDS POLICE

Applicant

v

CLOUD NINE

Respondent Premises

EXHIBIT BW/5

OFFICIAL -- (when complete)

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s. 53

Crime No. _____

URN _____

Statement of Mark WHITE PC 5045

Age if under 18 or 18 (If over 18 insert 'over 18')

Occupation Police Constable

This statement (consisting of 4 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: M. WHITE PC 5045 (witness)

Date 03/04/2018

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

I am Police Constable 5045 WHITE of the West Midlands Police, currently based at Digbeth Police Station Birmingham on Team: 2 (A) of the City Centre Neighbourhood Policing Team

On Monday 2nd April 2018 I was on uniformed duty working from 15:00 hours until 23:00 hours.

At approximately 16:52 hours I was on hi visibility mobile patrol, around Birmingham City Centre in company with PC 0084 BROWN and PC 21403 LANDER. It was at this time that I heard from BW Police Control, via my personal issue radio the report of a large group of travellers blocking the road on Gooch Street North, Digbeth and causing traffic issues (Log 1483 of 02 04 18 refers)

A short time later I was aware that my team supervisor PS 20344 YATES and other officers from my team had shouted up and were making towards the location. Due to recent similar incidents, involving the travelling community in the same area I decided to make towards the general area to offer assistance if need be.

I heard an update to Police Control, from Police CCTV stating that groups of travellers had been seen to enter Cloud Nine Shisha Lounge on Gooch Street North and then for the metal shutters to be closed down behind them upon officers been seen to drive onto Gooch Street North

PS YATES then requested for further officers to assist, and for Police Control to contact the Fire Service in

Signature _____

Signature witnessed by _____

03/2018

OFFICIAL -- (when complete)

80

OFFICIAL - (when complete)

MG11

Crime No. []

URN []

Statement of Mark WHITE PC 5045

order for them to attend to help gain entry through the metal shutters, and due to the safety risk of members of the public being locked inside.

Due to the information and in company with PC BROWN and PC LANDER I immediately made my way to the location to offer assistance. Upon arrival at 17:04 hours I could see various private vehicles parked outside Cloud Nine Shisha Lounge with pockets of small groups of travellers (male and female) directly outside the location and with the general area

At approximately 17:21 hours I observed the fire brigade to pull into Gooch Street North a short distance away from where myself and the other uniformed officers were stood. Their blue lights were illuminated and tones activated. This obviously made the staff inside the premises aware, as within seconds of the fire service arriving the shutters on the front door of Cloud Nine Shisha Lounge all of a sudden opened up allowing a large amount of very young travellers to start rushing out.

In company with other officers I entered Cloud Nine Shisha Lounge where I was confronted by masses of young traveller's attempting to rush the door in an attempt to leave. Inside I would describe the premises as having two open plan rooms that are connected together. The first room, located to the front near to the entrance exit is much smaller than the room at the rear.

The front room contains the counter area from where the staff work behind. There was no seating area set up for customers. At the time there were approximately 50 people crammed into this room, all pushing each other in an attempt to make their way towards the exit.

The rear room has a large open space in the middle with seating booths down the left hand side and seating booths/tables on a raised platform at the rear. At the time there were approximately 250 people crammed into this room. Some were making their way towards the front exit, with the majority remaining where they were and refusing to move.

Signature []

Signature witnessed by []

03/2016

OFFICIAL - (when complete)

81

OFFICIAL -- (when complete)

MG11

Crime No.

URN

Statement of Mark WHITE PC 5045

In both rooms more so the rear room I could see scattered all over the floor seats and tables a large amount of used silver Nitrous Oxide cartridges and black untied balloons. Also present were a number of canisters used to extract the Nitrous Oxide from the cartridges. From previous knowledge during my 14 years police experience I am aware that the canisters are used to fill the balloons with the Nitrous Oxide, as known as laughing Gas which is then inhaled by the person to give them a high. This is prohibited under the Psychoactive Substance Act 2016. I don't know the exact amount, but I would say that there was easily hundreds of the Nitrous Oxide canisters scattered around the inside of the premises with just as many black balloons.

I immediately made my way outside and updated PS YATES and the fire service commander of my findings. Both then returned inside the premises with me. A short time later I assisted them and other officers with removing all the occupants from the premises.

At 17:40 hours, while the fire service were conducting safety checks I searched around both rooms to gather further information. In the rear room, situated to the rear left hand side, on the floor next to some of the seating booths I observed 2 champagne corks. A further 2 champagne corks were also located on the right hand side of the same room near to the men's toilets. I also located an empty champagne bottle near to the partition between the front and rear room. As the premises have no alcohol licence I made PS YATES aware of my findings.

During a search of the front smaller room I located a lock knife on the floor, placed against a metal beam. This was situated directly in front of the entrance/exit a short distance from the left hand side of the staff counter. I would describe the lock knife as having a brown and gold coloured handle with a 8cm long. At 17:50 hours I seized the lock knife which I can produce if need be as Ref: MAW/01 (Court Exh:)

Upon locating the lock knife I aware that the manager of Cloud Nine Shisha Lounge, Mohammed ASHIQ and other members of staff were present. I immediately said to ASHIQ "DO YOU NOT SEARCH PEOPLE WHEN THEY ENTER THE PREMISES?", to which he chuckled and replied, "NO, THERE'S TOO MANY PEOPLE TO SEARCH". This was echoed by his other staff that also made comments of, "WE WOULD BE THERE FOR AGES, CAN'T YOU SEE HOW MANY PEOPLE ARE IN THERE".

Signature

03/2016

Signature witnessed by

OFFICIAL -- (when complete)

82

OFFICIAL - (when complete)

MG11

Crime No.

URN

Statement of Mark WHITE PC 5045

ASHIQ then asked why I was asking about searches to which I replied 'WELL YOUR FLOORS ARE COVERED WITH HUNDREDS OF NITROUS OXIDE CANISTERS, AND AS YOU'VE JUST WITNESSED THAT I FOUND THIS ON THE FLOOR' as I lifted up and showed them the lock knife

I was made aware by PS YATES that PC 22196 ALI was recording video and still images of the inside of the location for evidence to be passed onto the licensing team. As such I instructed PC ALI to take images of the lock knife in situ and the champagne corks in situ. This was conducted and the images exhibited by PC ALI

During the whole incident the attitude by the manager and staff was obstructive, evasive and very unhelpful. They were very rude, and at times confrontational towards officers. They didn't seem to care about the whole incident, as if it was a joke to them.

In regards to the travellers present inside the premises, which were made up of both males and females I would estimate that the large majority, if not all were under the age of 18, with some even clearly appearing to be under the age of 16.

Later that evening I booked the lock knife into detained property at Perry Barr Custody. Property Record: 2168199/F - Seal Number: 14838221

An image of the lock knife was taken whilst at Perry Barr. An A4 copy was subsequently printed off which I can exhibit as Ref: MAW/02 (Court Exh:)

I had no further dealings in this matter.

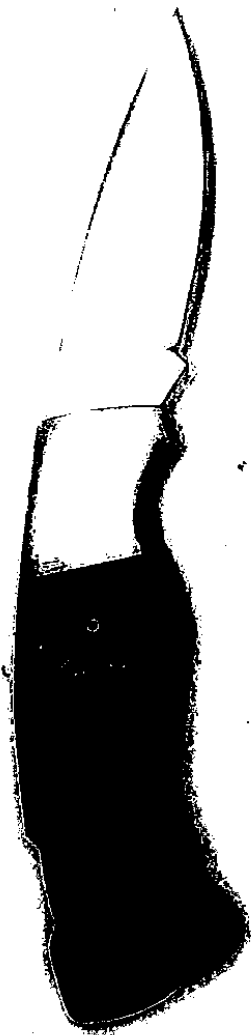
Signature

Signature witnessed by

03/2016

OFFICIAL - (when complete)

83



— 1c

— 2

— 3

If you are the first person on the scene
of a major incident, follow the
METHANE mnemonic below:

— 4

— 5

Major Incident declared

— 6

Exact Location

— 7

Type of Incident

— 8

Hazards present or suspected

— 9

Access routes that are safe to use

— 10

Number, type, severity of casualties

— 11

**Emergency services present and
those required**

— 12

— 13

— 14

— 15

— 16

Ref: [illegible] (C)
[illegible]
[illegible]

BIRMINGHAM MAGISTRATES' COURT

APPLICATION FOR A CLOSURE ORDER PURSUANT TO S.80 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

CHIEF CONSTABLE OF WEST MIDLANDS POLICE

Applicant

v

CLOUD NINE

Respondent Premises

EXHIBIT BW/6

OFFICIAL – (when complete)

MG11

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 Hanif Sanghar

Age if under 18 ☐ (if over 18 insert "over 18")

Occupation Police Constable 0318

This statement (consisting of 1 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: H Sanghar (witness)

Date 03/04/2018

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

I am PC 0318 Sanghar of West Midlands Police and currently based at Digbeth Police Station.

On Monday 2nd April 2018 I was based on fully uniformed mobile Police patrol duties in company with PC 1029 Ali, PC 21019 Jones, PC 0409 Bentley and PS 20344 Yates. All officers were in a marked Police carrier.

During the course of our shift officers were diverted via our Airwaves radio to Cloud 9, Gooch Street North to a report of a large group of Traveller Youths who were going in and out of this establishment. These youth were causing traffic issues. Upon arrival at this address there were a few cars blocking the road for other traffic users which were moved by officers. There were a group of Traveller youth outside the venue trying to get into Cloud 9. I was struck immediately at the age of these youths, even though the females were heavily tanned and made up I would still only estimate their ages at under 18. The male Traveller youths looked younger. At this time it was decided to try and access the venue. The steel shutters were down and tightly locked at the entrance of this venue so officers could not access venue. Very loud music could be heard from inside. Officers knocked the shutter loudly and more Traveller youths were turning up trying to get in. Officers waited for over 20 minutes trying to access the venue.

I remember after this period the shutter finally rolling up and a few Traveller females leaving the venue. Officers then went in. I was shocked at how many youths there were inside this venue, the foyer area possibly had I'd estimate 100 youths and the main area beyond this was absolutely packed with possibly another 200 youths. The ages of these youths were very young I would estimate some were younger than 16 possibly. The areas were packed and the floor was wet and slippery. I could see on the floor of this venue a lot of discarded Nitrous Oxide mini cannisters and a lot of used balloons as well. The whole area

Signature Signature witnessed by

03/2016

OFFICIAL – (when complete)

86

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Hanif Sanghar

was a chaotic disorganised dark loud mess. It was very unsafe as well. Officers were met by the staff of Cloud 9 who were very truculant and evasive, refusing to tell officers why they felt the need to have shutters down and create such a dangerous environment. As I walked around to assess the area the Traveller youths decided to leave the venue. Some spoke to me on the way out and asked me what was wrong. I told them about the dangers and that they should leave. Some were more than happy to tell me that the staff of Cloud 9 told them that they would be happy to supply them with Alcohol if needed and that they were selling Nitrous Oxide cannisters and balloons "under the counter" if wanted. I know from previous experience that the cannisters are used to inflate the balloons and then the balloons are sucked and a 'high' is obtained from the Nitrous Oxide gas. The youths were happy to tell me that Cloud 9 provide a 'Travellers Only' daytime nightclub experience. I asked the youths if they would be happy to provide me with statements about what happens in the club when they have Travellers in and they point blank refused as they don't like to be associated with the Police. There were no illuminated Exit signs and I could not see any type of fire protection equipment either. Had there been a fire in this venue I believe it would have been fatal as I could not see any preparation for its avoidance.

The staff were not engaging whatsoever with Police and found it hilarious to challenge officers on petty pointless arguments about why it took so many officers to clear children from their venue. A male I now know to be called Muhammed Ashiq proved very truculant and was happy to get very irate with me when I asked him who was in charge. At one stage Ashiq tried to 'square' up to me but I moved him away and walked away from him as he was becoming more obnoxious. He did manage to tell me that the owner was at a wedding and he did not understand what a DPS was and why the Police would ask for one to be present in a club. Equally obnoxious was another male I know only to be called Hamza (no surname known) who found this whole incident particularly hilarious and why the Police were trying to close the venue down. He would follow Officers around the venue in an attempt to goad them as we were trying to do our job.

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

87

OFFICIAL – (when complete)

MG11

Crime No.

URN

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Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

88

BIRMINGHAM MAGISTRATES' COURT

APPLICATION FOR A CLOSURE ORDER PURSUANT TO S.80 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

CHIEF CONSTABLE OF WEST MIDLANDS POLICE

Applicant

v

CLOUD NINE

Respondent Premises

EXHIBIT BW/7

OFFICIAL – (when complete)

MG11

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 Wajid Ali

Age if under 18 18+ (if over 18 insert "over 18")

Occupation Police Constable 22196

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)

Date 02/04/2018

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

This statement is in relation to an incident I attended on GOOCH STREET Birmingham City Centre to a report of vehicles blocking the road on GOOCH STREET.

I was in full uniform when I attended the location. I was in company with PC 5283 PRESTON PC 20098 SLEATH and numerous other City Centre Officers and PS 20344 YATES.

On MONDAY 2nd APRIL 2018 at approximately 16-45 hrs while myself and my colleagues were high visibility mobile patrol in Birmingham City Centre we were despatched to GOOCH STREET to reports of a large group of individuals blocking the road and causing traffic issues at the location.

Upon arrival at the location I saw a number of vehicles parked on both sides of the road and vehicles parked in the middle of the road blocking traffic. The vehicles were linked to CLOUD 9 SHEESHA LOUNGE on GOOCH STREET. We managed to clear the road and drove past CLOUD 9 SHEESHA Lounge and noticed the roller shutters at the front entrance of the venue was down. However there were a number of teenagers congregating outside the venue who said they were waiting to get in as their friends were inside the venue.

As the shutter was down I contacted Police CCTV operator to check if there were any people inside the location and I was informed by CCTV OPERATOR 55908 MORETON that there a number of people inside the venue and the staff at the venue have a male as a lookout and each time police vehicles are seen to approach GOOCH STREET they shut the venue by closing the front roller shutter. My colleagues and I then stood at the front of the venue and banged on the shutter several times for the occupants to open the venue so we can carry out a walk thru of the venue and to ensure they are abiding by their licensing agreements as they should not have the front shutter down when people are inside the premises due to a fire risk. As they did not open the door we requested the fire service to attend the location. Just as the fire service arrived the shutter was lifted and the venue opened.

Signature 

Signature witnessed by

03/2016

OFFICIAL – (when complete)

90

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Wajid Ali

While at the location I saw the entire Street both outside cloud 9 and the rest of the STREET littered in empty canisters of what I believe to be nitrogen oxide.

PS YATES spoke to the male in charge of the venue who provided his details as MUHAMMAD ASHIQ

While PS YATES was speaking to this male I walked around the premises. I saw the entire floor covered in empty silver canisters of nitrogen oxide. In addition to this there were several empty boxes which originally contained the canisters.

I also saw an empty orange bottle of MOET champagne which was placed on the floor along with numerous cork screws that were littered on the floor inside the venue.

Additionally outside the venue there were numerous empty boxes and bottles of alcohol next to the bin area. I have taken pictures of the alcohol and cork screws. I have taken a video of the venue with the empty nitrogen oxide canisters littered on the floor. This has been uploaded on to axon. I can produce the video in court as (ref:WA/01) (Court exh:). I have taken twelve pictures of the empty alcohol bottles and Cork screws along with a folding knife that was found inside the venue next to a pillar as we walk in on the left by PC 5045 WHITE. I can produce the images in court as (ref:WA/02) (Court exh:). While officers were speaking to the customers they had stated they bought the gas canisters from within the venue as the staff were selling them from behind the counter. However the staff denied this and stated they were not aware where these canisters had come from. Officers requested for the CCTV to be viewed but the staff stated they could not operate the system and the Licensee was at a wedding out of town. I have uploaded the video footage and the photos on to evidence.com under log 1483 02/04/2018.

Signature WA

Signature witnessed by

03/2016

OFFICIAL – (when complete)

91

OFFICIAL - (when complete)

MG11

Crime No.

URN

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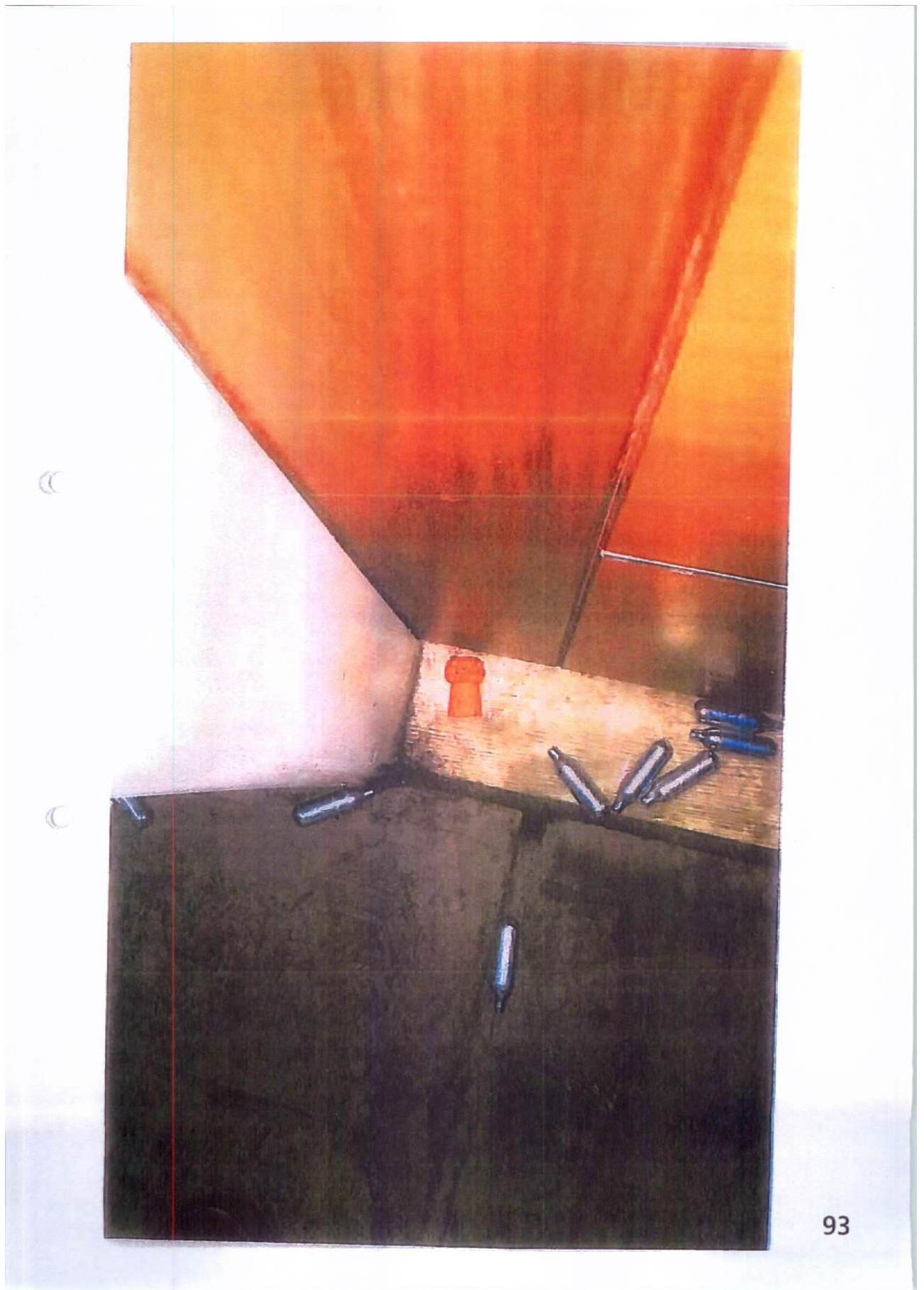
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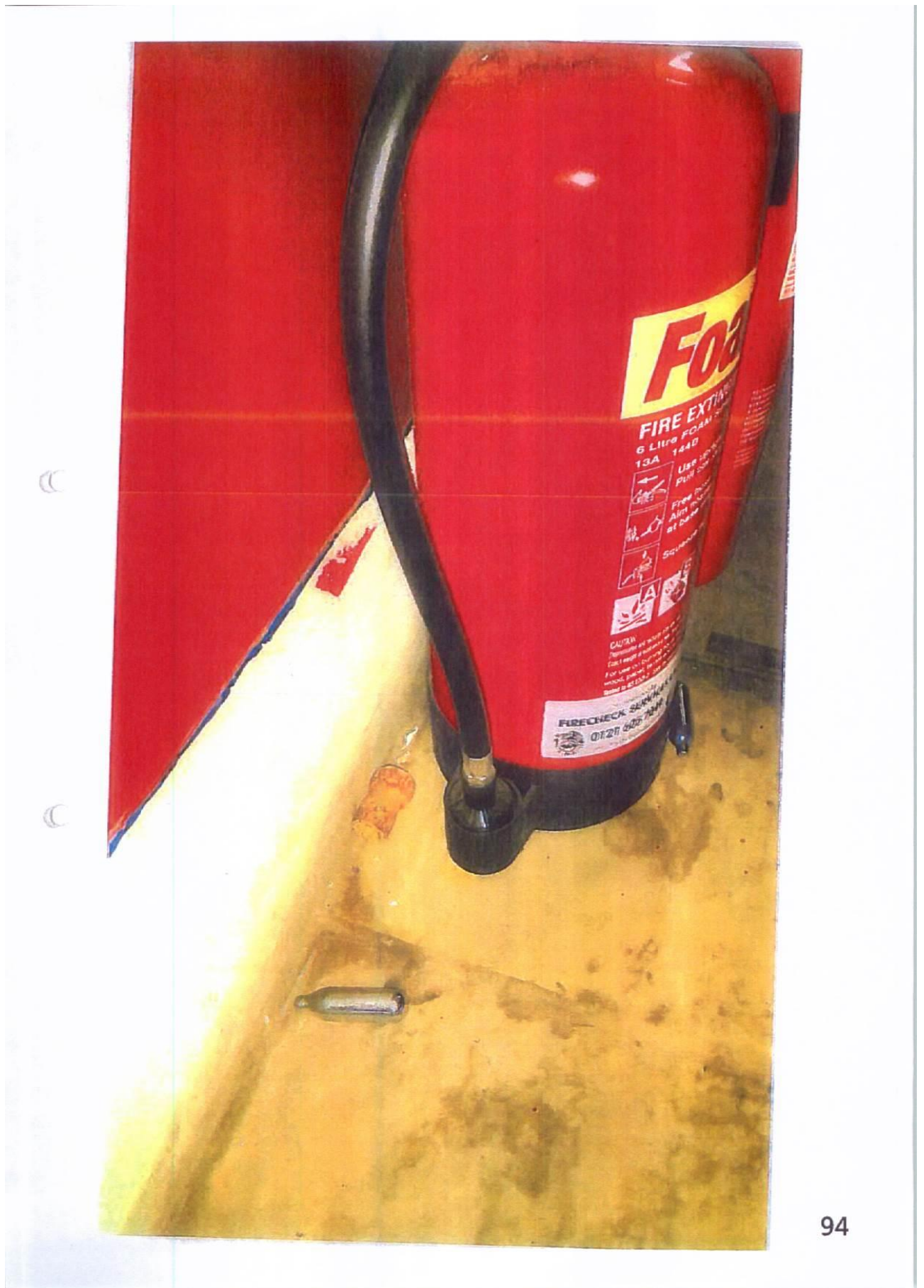
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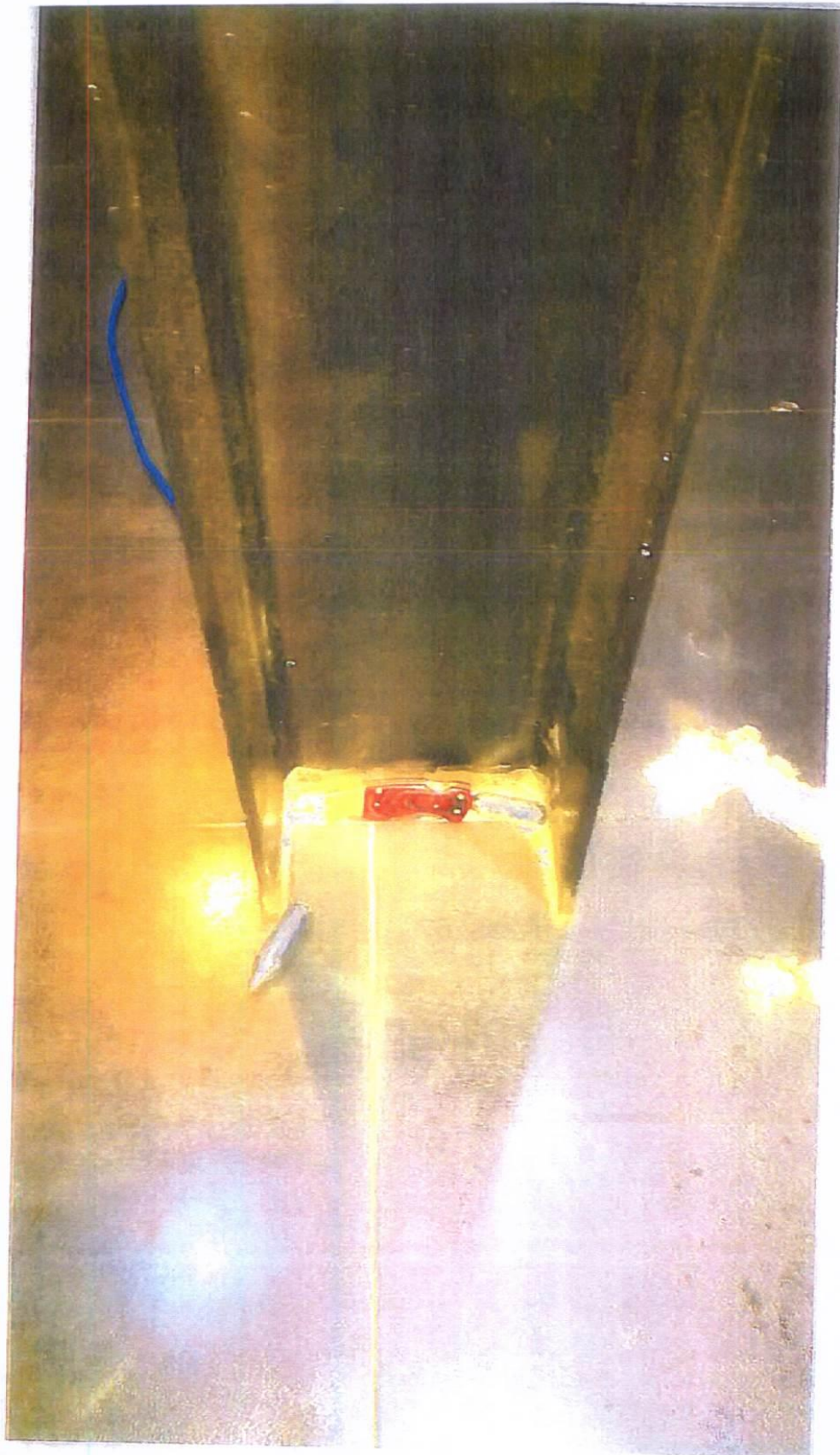
Signature witnessed by

OFFICIAL - (when complete)

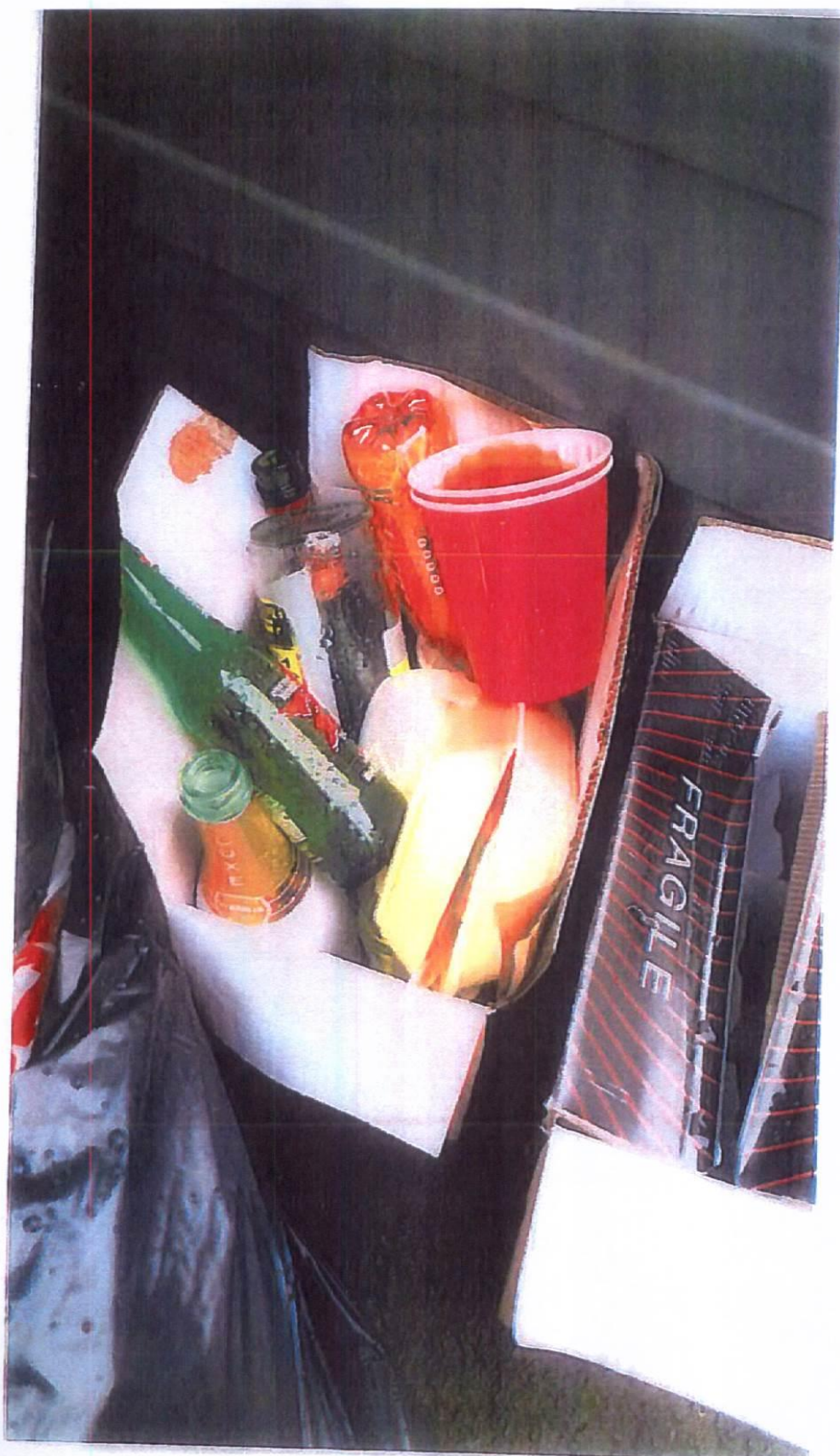
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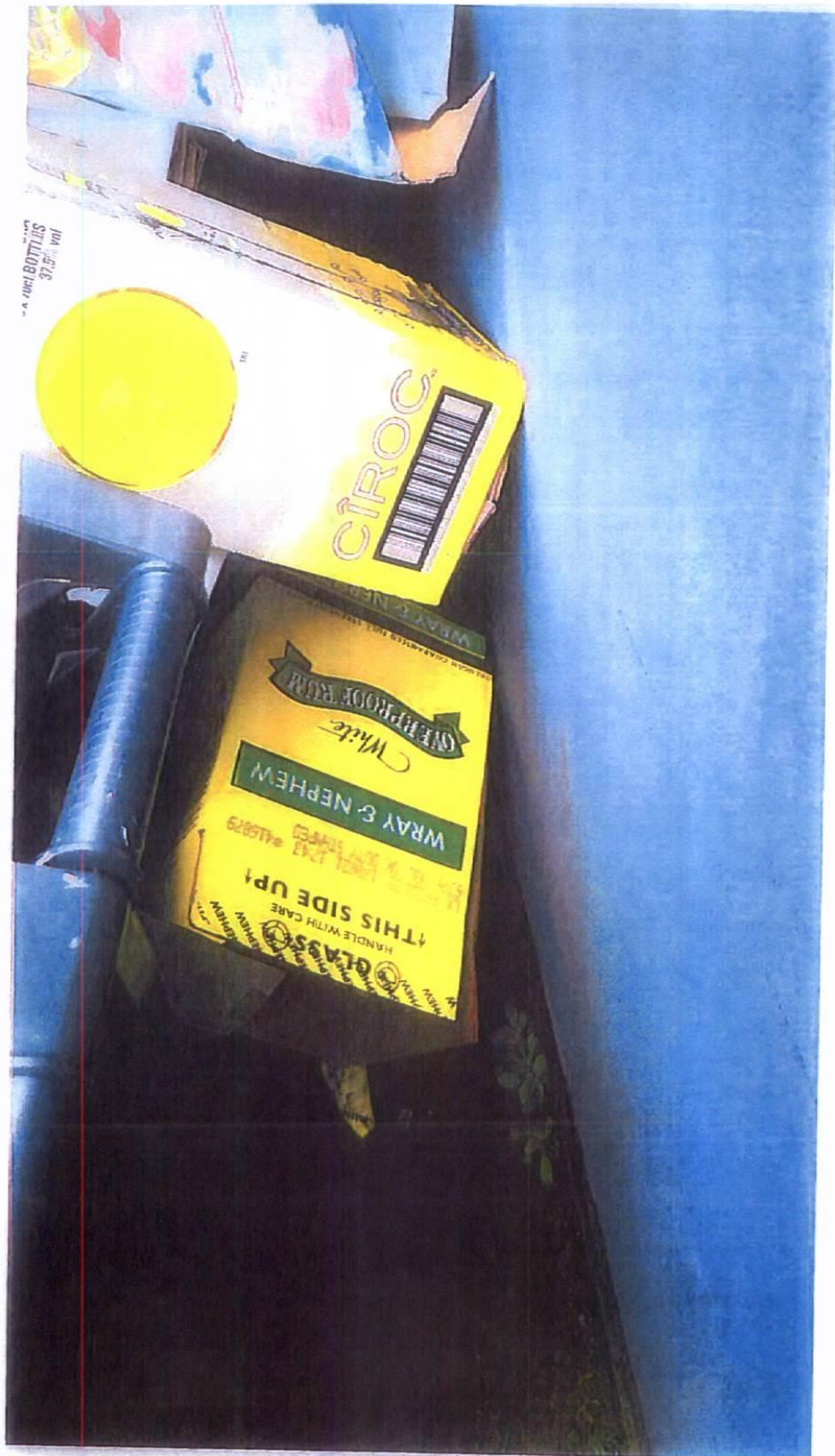






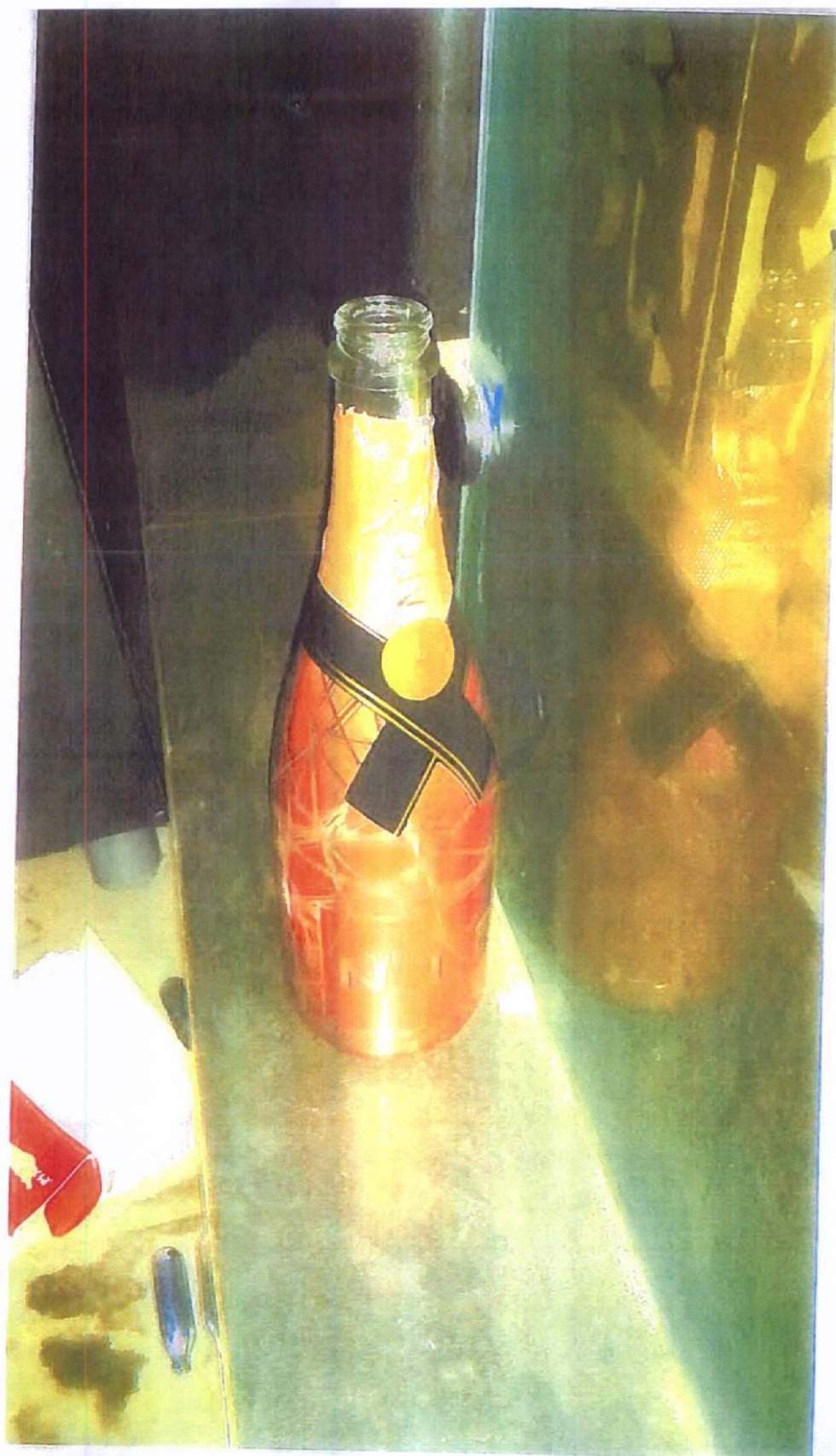




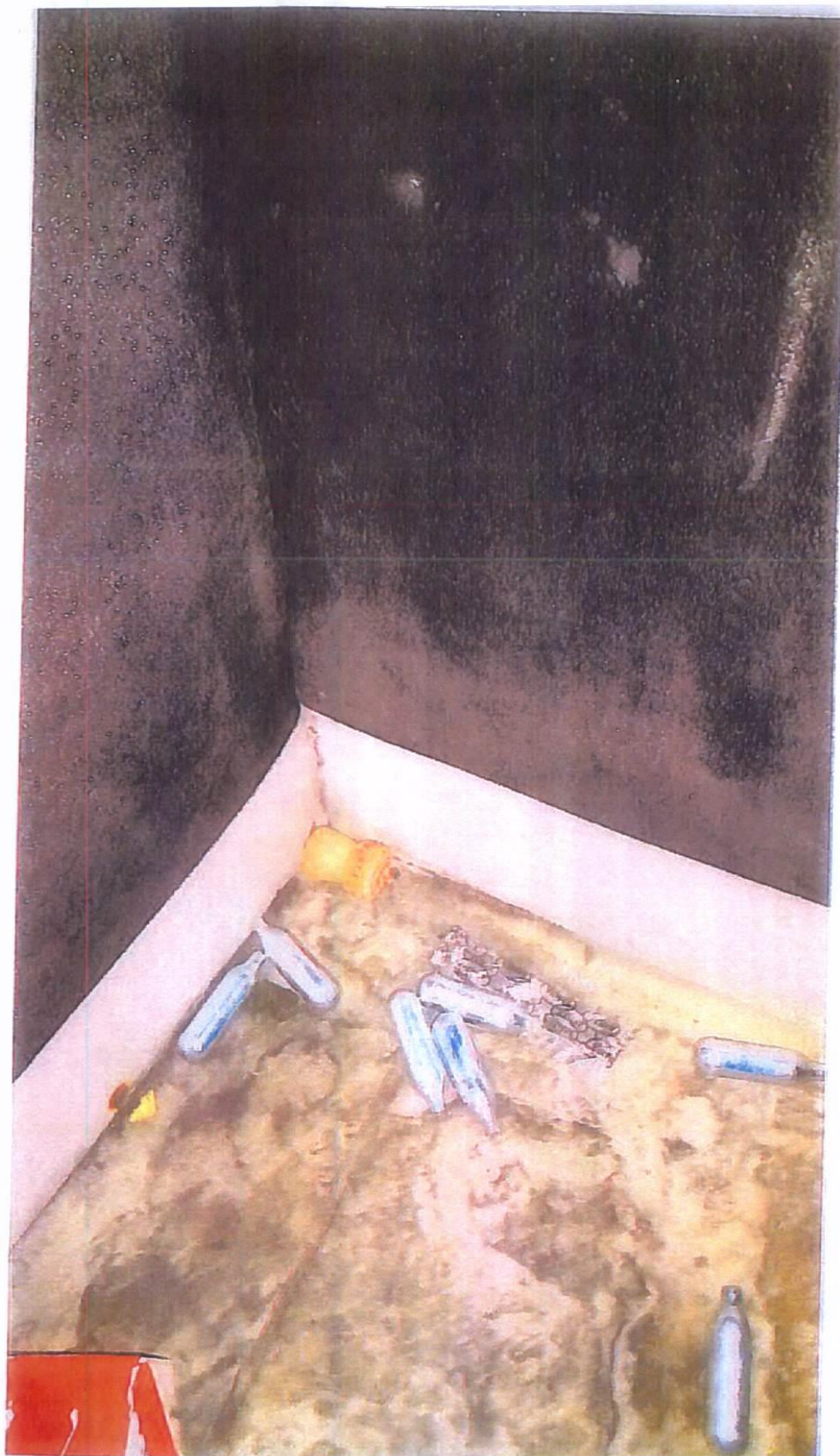




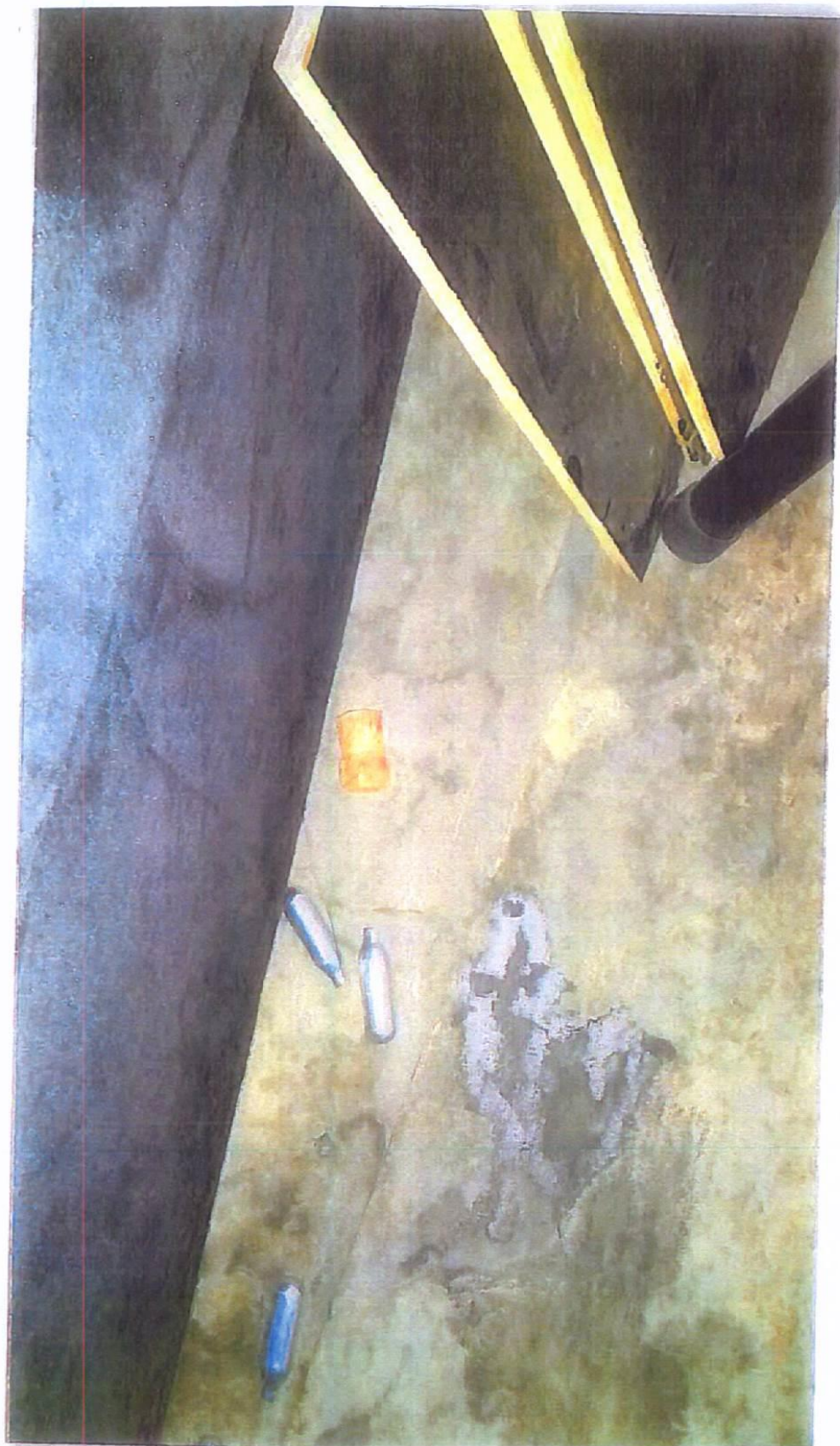
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BIRMINGHAM MAGISTRATES' COURT

APPLICATION FOR A CLOSURE ORDER PURSUANT TO S.80 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

CHIEF CONSTABLE OF WEST MIDLANDS POLICE

Applicant

v

CLOUD NINE

Respondent Premises

EXHIBIT BW/8

OFFICIAL – (when complete)

MG11

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 David Barnes

Age if under 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)

Date 16/04/18

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

I am Police Constable 21874 BARNES of the West Midlands Police currently stationed at Digbeth Police Station.

On Sunday 18th February 2018 I was on duty in full police uniform on foot patrol in company with PC 22150 JONES.

At approximately 02:10 hours on that day and date we attended Cloud Nine Shisha Lounge, Gooch Street North, City Centre, Birmingham.

Given the time and having knowledge of their licensing conditions and that they have a closing time of 01:00 hours I was expecting the venue to be closed, however this wasn't the case.

On arrival the doors were unlocked and the shutter was up. We have walked inside to find the music still on and the venue full of customers still.

I have spoken to the manager who told me "WE ARE CLOSED, I HAVE TOLD PEOPLE THAT WE ARE CLOSING".

I informed the manager that officers won't be leaving the venue until the place has cleared of its customers. It was only then when the manager started to tell people that they had to leave.

As people were leaving some decided to cover up their faces with coverings and hoods on their jackets which I thought wasn't right so I challenged the manager about who he lets in the venue. I told him that he

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

106

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of David Barnes

could be letting in a criminal element into the venue to which the manager replied " AS LONG AS THEY DONT CAUSE ME ANY ISSUES THEN ITS NOT MY ISSUE".

I was then told by the manager that all the people have left and that the only people left are with him i.e. staff, family or friends.

I didn't believe this and continued to do a walkthrough as I walked around I noticed a group at the back of the venue. I asked who they were to which the manager replied " OH THEIR CUSTOMERS THEY ARE JUST LEAVING".

I then left the venue to notice the people kicked out still outside and in no rush to leave. The group to me seemed very young. I asked the group if we was to walk off now would the venue let you back inside the group turned around and said " YES, WERE NORMALLY IN THEIR LATER". At about 0230 hours another male approached the same group and said " WHAT'S GOING ON ARE WE NOT GOING BACK IN?" I asked him if the venue normally was still open at this time to which he replied yes.

I went around the group and asked for proof of age, it was then most of the group said they were only 17 however none would provide any further identification details.

While stood outside the venue the manager continued to let people out the venue, these were the people who were friends and family. What I found odd though was when these people were leaving they didn't say good bye to each other or even look at each other which made me think that they were actually regular customers.

I now produce as evidence an email which I sent detailing this to the Birmingham West Licensing Team and now produce it as Police Reference DB/01 Exhibit Reference ().

Signature

03/2016

Signature witnessed by

OFFICIAL – (when complete)

107

BIRMINGHAM MAGISTRATES' COURT

APPLICATION FOR A CLOSURE ORDER PURSUANT TO S.80 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

CHIEF CONSTABLE OF WEST MIDLANDS POLICE

Applicant

v

CLOUD NINE

Respondent Premises

EXHIBIT BW/9

OFFICIAL – (when complete)

MG11

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 Sean Stanley

Age if under 18 ☐ 18 (if over 18 insert "over 18")

Occupation Police Sergeant

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) *S. Stanley* 20329

Date 16/04/18

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

I am Police Sergeant 20329 STANLEY of the West Midlands Police currently stationed at Digbeth Police Station in Birmingham City Centre.

On Sunday 23rd April 2017 I was on duty in full police uniform on mobile patrol in company with other officers.

At approximately 16:30 hours on that day and date we were called to cloud 9 Shisha Lounge, Gooch Street North, City Centre, Birmingham to a report of group of youths throwing nitrous oxide cannisters at traffic.

As we arrived in Gooch Street North, I could see that the road was littered with expired cannisters. As I approach the main entrance door to Cloud Nine I could see that can see a number of youths inside throwing cannisters around. No sooner had I seen this that the metal shutter to the entrance began to start to shut, I have managed to get inside before it shut however this left me isolated from the other officers who were left outside. On getting inside I would describe what I saw as carnage. There are approx 30 youths between 13 - 18 years inside all throwing nitrous oxide cannisters at each other. On seeing myself, staff members began to frantically start trying to sweep up the cannisters. One youth threw a cannister directly at me striking my body armour. I approached this male and proceeded to arrest him for an offence under section 4 of the public order act before attempting to escort him out of the premises. I then realised at this point that the shutters were still closed with my colleagues trying to get inside, leaving me feeling vulnerable. By this time I was surrounded by a number of youths from the traveling community demanding I release their friend. As a result I began to demand that staff open the shutters but they did not do this straight away. Eventually the doors open and a number of the youths left the premises whilst I escorted the young male I had arrested to our marked police carrier however once I had confirmed his details no further action was taken against the youth.

Signature *S. Stanley* 20329

Signature witnessed by

03/2016

OFFICIAL – (when complete)

109

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Sean Stanley

Once this was done and the male had been requested to leave , I have returned to the premises and spoke with males who alleged to be management of the venue. They were spoken to and advised about who they allow into their venue and the conduct which has been allowed to take place.

In my opinion on that day, the staff had no control of the activities that were occurring. Injury could have resulted to people within the premises and outside due to the expired nitrous oxide cannisters that were being thrown around like missiles. I believe the staff were trying to cover up the goings on within the premises by activating the shutter doors and preventing officers from entering, this in addition to staff frantically trying to clean up the mess on seeing myself.

S Stanley 20329

Signature *S Stanley* 20329

Signature witnessed by

03/2016

OFFICIAL – (when complete)

110

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S. J. 20379

Signature *S. J. 20379*

Signature witnessed by

03/2016

OFFICIAL – (when complete)

111

BIRMINGHAM MAGISTRATES' COURT

APPLICATION FOR A CLOSURE ORDER PURSUANT TO S.80 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

CHIEF CONSTABLE OF WEST MIDLANDS POLICE

Applicant

v

CLOUD NINE

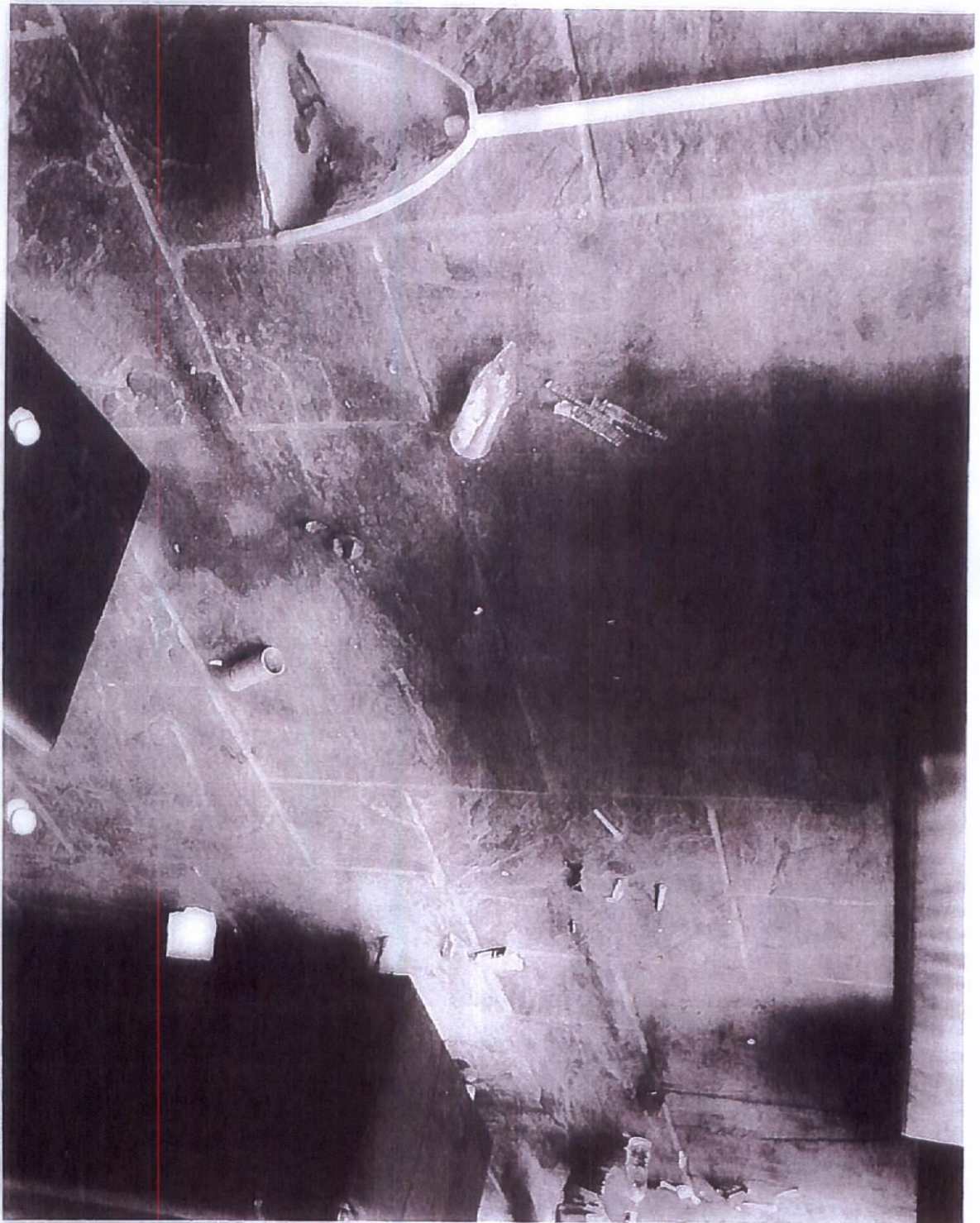
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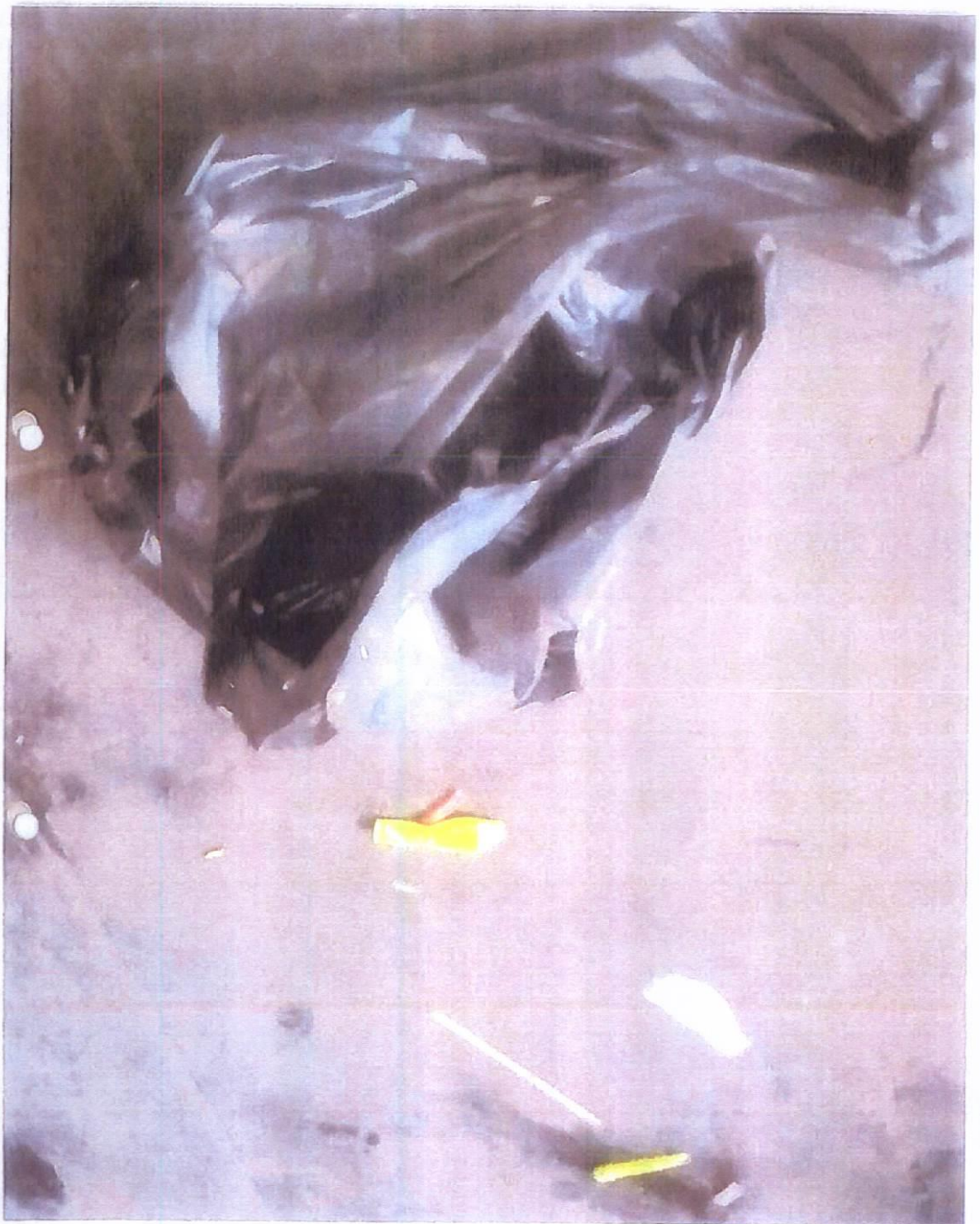
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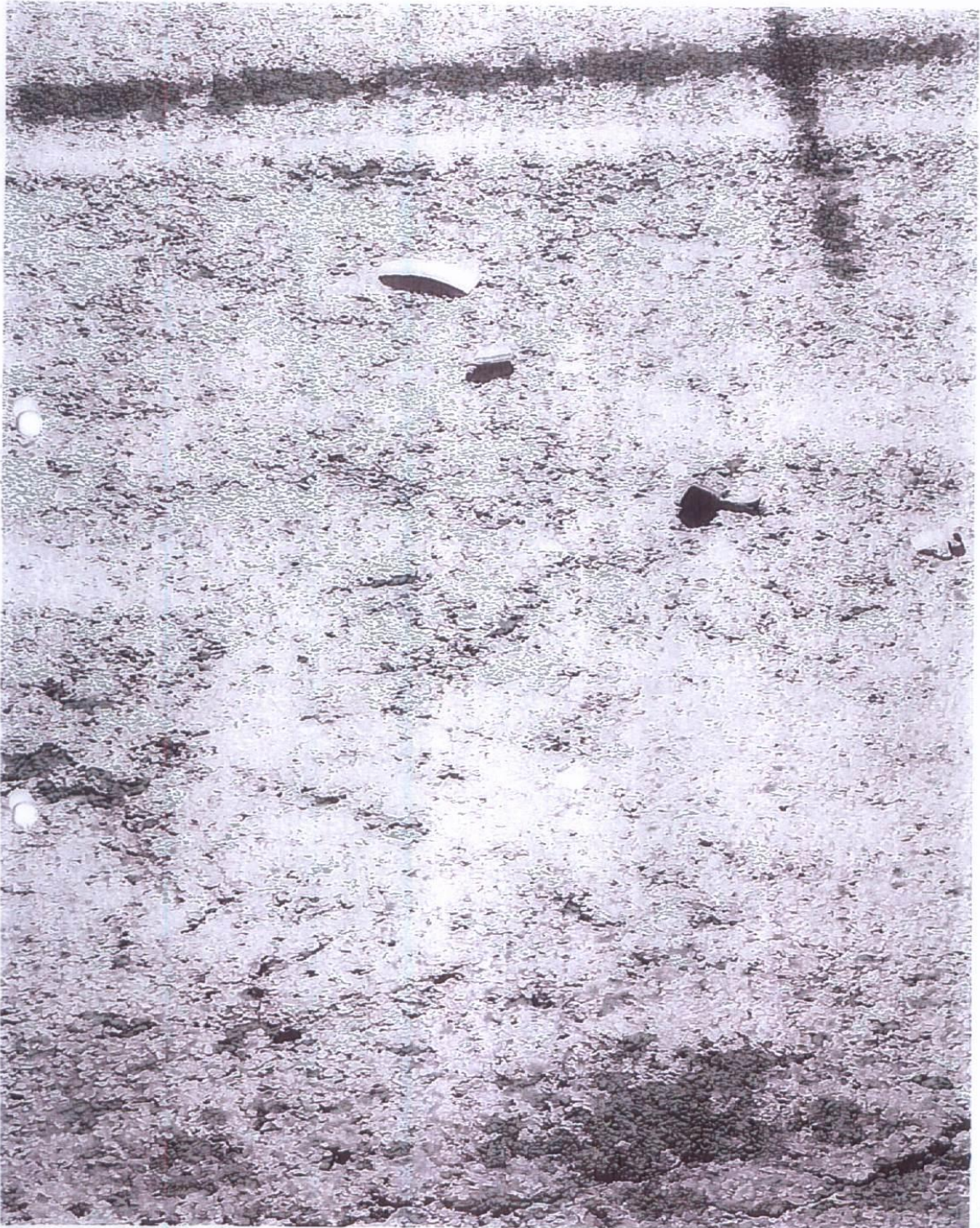


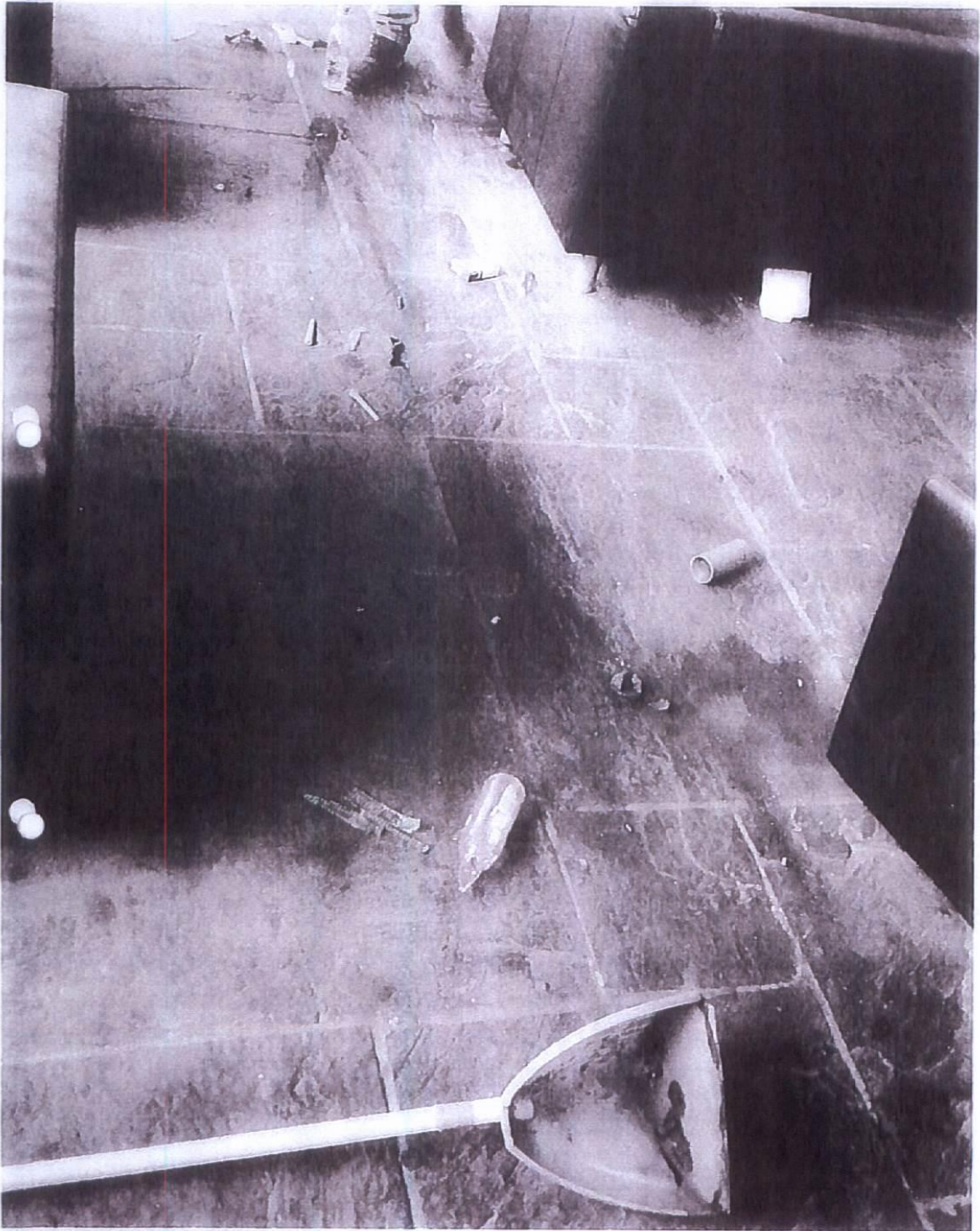




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BIRMINGHAM MAGISTRATES' COURT

APPLICATION FOR A CLOSURE ORDER PURSUANT TO S.80 ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

CHIEF CONSTABLE OF WEST MIDLANDS POLICE

Applicant

v

CLOUD.NINE

Respondent Premises

EXHIBIT BW/11

RESTRICTED – (when complete)

MG11

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 Wajid Ali

Age if under 18 Over18 (if over 18 insert "over 18")

Occupation Police Constable

This statement (consisting of 3 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: W.ali (witness)

W.A.

Date 03/04/2017

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

This statement is in relation to an incident I attended on GOOCH STREET Birmingham City Centre to reports of an Asian male selling drugs from the rear of his vehicle in a car park on GOOCH STREET.

I was in full uniform when I attended the location. I was in company with PC 22179 LEE and PC 5283 PRESTON.

On Sunday 2nd APRIL 2017 at approximately 15-13 hrs while myself and my colleagues were at Digbeth Police Station we were despatched to GOOCH STREET to reports of a male selling laughing gas also known as nitrogen oxide in balloons to members of the public in the car park.

Upon arrival at the location I saw a number of vehicles parked in the car park opposite cloud 9 shisha lounge one of which was a white Mercedes-Benz vehicle bearing the vehicle registration of with its boot open. As there were a number of youths standing outside cloud 9 with balloons inhaling gas we approached these youths to speak to them but they all walked in to cloud 9 shisha lounge. During this time the vehicle in the car park drove off. I would describe the males standing outside cloud 9 as ic1 white males between the age groups of 13-18. While at the location I saw the entire Street both outside cloud 9 and the rest of the STREET littered in empty canisters of what I believe to be nitrogen oxide.

While myself and my colleagues were standing outside cloud 9 we were approached by a group of ic4 Asian males who asked us if we would like to speak to a member of staff. We said yes a short while later a member of staff came out. This member of staff said they do not know where the canisters were from and

Signature *W.A.*

Signature witnessed by

03/2016

RESTRICTED – (when complete)

123

RESTRICTED – (when complete)

MG11

Crime No.

URN

Statement of Wajid Ali

cloud 9 did not have anything to do with where the canisters had come from. Soon after this we were joined by a ic4 Asian male, 6 ft tall, muscular built with short black hair. Who was wearing a white t-shirt and blue jeans.

This male said cloud 9 cannot control both what happens inside and outside the location as they can only manage what happens inside the premises. While PC PRESTON was speaking to the male I heard the male speak to one of the other males in the entrance in urdu. I believe he said to the male in urdu "HURRY UP CLEAN THE FLOOR INSIDE". Shortly after this he asked PC PRESTON if he wanted to have a walk through the premises to see if everything was OK inside the premises.

Once inside the premises I saw the entire floor covered in empty silver canisters of nitrogen oxide. In addition to this there were several empty boxes which originally contained the canisters and a member of staff who had cleared the premises up had up to twenty to thirty empty canisters in his hand.

Once again even though the canisters were openly littered all over the floor inside the premises the staff were denying any knowledge of where these canisters had come from and said they cannot control this as they did not have any door staff today and because they cannot search females it is difficult for them to control customers from bringing the canisters in.

While outside the location we explained to the staff that we will be making a referral to the licensing team due to the large number of empty canisters at the location.

A short while later we were joined by a male who provided his name as KAMRAN who said he was the owner. This male said he cannot control what happens outside the premises and it's difficult to stop the customers from taking the canisters in as they did not have any door staff during the day. Additionally as the premises was booked out for the afternoon for a private party for the travelling community it was not his responsibility to provide the security.

While speaking to KAMRAN I informed him about the comment that the member of staff had made who

Signature 

Signature witnessed by

03/2016

RESTRICTED – (when complete)

124

RESTRICTED – (when complete)

MG11

Crime No.

URN

Statement of Wajid Ali

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While outside the location we explained to the staff that we will be making a referral to the licensing team due to the large number of empty canisters at the location.

A short while later we were joined by a male who provided his name as KAMRAN who said he was the owner. This male said he cannot control what happens outside the premises and it's difficult to stop the customers from taking the canisters in as they did not have any door staff during the day. Additionally as the premises was booked out for the afternoon for a private party for the travelling community it was not his responsibility to provide the security.

While speaking to KAMRAN I informed him about the comment that the member of staff had made who

Signature 

Signature witnessed by

03/2016

RESTRICTED – (when complete)

125

RESTRICTED – (when complete)

MG11

Crime No.

URN

Statement of Wajid Ali

escorted us around the premises and he said this male does not work here and he was not a member of his staff.

Additionally he said he was not aware of the legislation around nitrogen oxide and he stated he will ask the individuals who were inhaling this inside the premises to leave.

KAMRAN was offered words of advice and informed that it was his responsibility to ensure that all the people on his premises were safe. Officers informed KAMRAN that a referral will be made to the police licensing team and officers then left the location.

Signature

03/2016

Signature witnessed by

RESTRICTED – (when complete)

126

RESTRICTED – (when complete)

MG11

Witness contact details

URN : / /

Name of witness: Mr/Mrs/Ms/Miss/Dr

Former name

*Email address:

*Email address needed for correspondence i.e. support material to be sent

Address Postcode:

Preferred telephone number: Alternate telephone number:

Agreed means of contact and frequency :

Gender Date and place of birth Ethnicity Code (16+1)

DATES OF WITNESS NON-AVAILABILITY: (12 months)

Witness care

Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case. ALSO crimes involving gun and knife crimes and victims of Modern Slavery Act 2015)

Yes ☐ No ☐ If 'Yes', submit **MG2** with file in NGAP, contested or indictable only cases OR to read VPS in GAP cases.

Witness Consent (for witness completion)

- a) I am aware that I may have to attend court. Yes ☐ No ☐
- b) I have been given the Victims' leaflet **with the crime number on.** Yes ☐ No ☐
- c) The Victim Personal Statement scheme (victims only) has been offered to me. Yes ☐ No ☐
- d) It has been explained to me what will happen next with this investigation Yes ☐ No ☐
- e) I consent to police having access to my medical record(s) in relation to this matter (obtained in accordance with local practice) Yes ☐ No ☐ N/A ☐
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA, CLPD. Yes ☐ No ☐ N/A ☐
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes ☐ No ☐ N/A ☐
- I would like the CPS to apply for reporting restrictions on my behalf. Yes ☐ No ☐ N/A ☐
- I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.
 - I understand that my details may be passed to other agencies who can offer me help and support in relation to being a victim of this crime.
- I give my informed and explicit consent for my personal details to be passed to other agencies that can support me or are involved in the criminal justice process. Yes ☐ No ☐

Signature..... Date

Parent/guardian signature..... Date

Address

Contact tel no

Supporter signature..... Date

Statement taken by (print name): Station:

Time and place statement taken:

Signature Signature witnessed by

03/2016

RESTRICTED – (when complete)

127

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/76 Power to issue closure notices

Chapter 3
Closure of Premises Associated with Nuisance or Disorder etc

Closure notices

76 Power to issue closure notices

(1) A police officer of at least the rank of inspector, or the local authority, may issue a closure notice if satisfied on reasonable grounds--

- (a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or
- (b) that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises,

and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

(2) A closure notice is a notice prohibiting access to the premises for a period specified in the notice.

For the maximum period, see section 77.

(3) A closure notice may prohibit access--

- (a) by all persons except those specified, or by all persons except those of a specified description;
- (b) at all times, or at all times except those specified;
- (c) in all circumstances, or in all circumstances except those specified.

(4) A closure notice may not prohibit access by--

- (a) people who habitually live on the premises, or
- (b) the owner of the premises,

and accordingly they must be specified under subsection (3)(a).

(5) A closure notice must--

- (a) identify the premises;
- (b) explain the effect of the notice;
- (c) state that failure to comply with the notice is an offence;
- (d) state that an application will be made under section 80 for a closure order;
- (e) specify when and where the application will be heard;
- (f) explain the effect of a closure order;
- (g) give information about the names of, and means of contacting, persons and organisations in the area that provide advice about housing and legal matters.

(6) A closure notice may be issued only if reasonable efforts have been made to inform--

- (a) people who live on the premises (whether habitually or not); and
 - (b) any person who has control of or responsibility for the premises or who has an interest in them,
- that the notice is going to be issued.

(7) Before issuing a closure notice the police officer or local authority must ensure that any body or individual the officer or authority thinks appropriate has been consulted.

(8) The Secretary of State may by regulations specify premises or descriptions of premises in relation to which a closure notice may not be issued.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1)

Appointment

Appointment: 20 October 2014: see SI 2014/2590, art 3(c).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/77 Duration of closure notices

77 Duration of closure notices

- (1) The maximum period that may be specified in a closure notice is 24 hours unless subsection (2) applies.
- (2) The maximum period is 48 hours--
 - (a) if, in the case of a notice issued by a police officer, the officer is of at least the rank of superintendent, or
 - (b) if, in the case of a notice issued by a local authority, the notice is signed by the chief executive officer of the authority or a person designated by him or her for the purposes of this subsection.
- (3) In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.
- (4) The period specified in a closure notice to which subsection (2) does not apply may be extended by up to 24 hours--
 - (a) if, in the case of a notice issued by a police officer, an extension notice is issued by an officer of at least the rank of superintendent, or
 - (b) if, in the case of a notice issued by a local authority, the authority issues an extension notice signed by the chief executive officer of the authority or a person designated by the chief executive officer for the purposes of this subsection.

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(5) An extension notice is a notice which--

- (a) identifies the closure notice to which it relates, and
- (b) specifies the period of the extension.

(6) In this section 'chief executive officer', in relation to a local authority, means the head of the paid service of the authority designated under section 4 of the Local Government and Housing Act 1989.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Appointment

Appointment: 20 October 2014: see SI 2014/2590, art 3(c).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/78 Cancellation or variation of closure notices

78 Cancellation or variation of closure notices

(1) This section applies where a closure notice is in force and the relevant officer or authority is no longer satisfied as mentioned in section 76(1), either--

- (a) as regards the premises as a whole, or
- (b) as regards a particular part of the premises

(2) In a case within subsection (1)(a) the relevant officer or authority must issue a cancellation notice.

A cancellation notice is a notice cancelling the closure notice.

(3) In a case within subsection (1)(b) the relevant officer or authority must issue a variation notice.

A variation notice is a notice varying the closure notice so that it does not apply to the part of the premises referred to in subsection (1)(b).

(4) A cancellation notice or a variation notice that relates to a closure notice which was--

- (a) issued by a local authority, and
- (b) signed as mentioned in section 77(2)(b),

must be signed by the person who signed the closure notice (or, if that person is not available, by another person who could have signed as mentioned in section 77(2)(b)).

(5) A cancellation notice or a variation notice that relates to a closure notice which was--

- (a) issued by a local authority, and
- (b) extended under section 77(4)(b).

must be signed by the person who signed the extension notice (or, if that person is not available, by another person who could have signed the extension notice).

(6) In this section "the relevant officer or authority" means--

- (a) in the case of a closure notice issued by a police officer and not extended under section 77(4)(a), that officer (or, if that officer is not available, another officer of the same or higher rank);
- (b) in the case of a closure notice issued by a police officer and extended under section 77(4)(a), the officer who issued the extension notice (or, if that officer is not available, another officer of the same or higher rank);
- (c) in the case of a closure notice issued by a local authority, that authority.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Appointment

Appointment: 20 October 2014: see SI 2014/2590, art 3(c)

Extent

This section does not extend to Scotland: see s 184(1)(a)

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made
13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/79 Service of notices

79 Service of notices

(1) A closure notice, an extension notice, a cancellation notice or a variation notice must be served by--

- (a) a constable, in the case of a notice issued by a police officer;
- (b) a representative of the authority that issued the notice, in the case of a notice issued by a local authority.

(2) The constable or local authority representative must if possible--

- (a) fix a copy of the notice to at least one prominent place on the premises,
- (b) fix a copy of the notice to each normal means of access to the premises,
- (c) fix a copy of the notice to any outbuildings that appear to the constable or representative to be

used with or as part of the premises,

(d) give a copy of the notice to at least one person who appears to the constable or representative to have control of or responsibility for the premises, and

(e) give a copy of the notice to the people who live on the premises and to any person who does not live there but was informed (under section 76(6)) that the notice was going to be issued.

(3) If the constable or local authority representative reasonably believes, at the time of serving the notice, that there are persons occupying another part of the building or other structure in which the premises are situated whose access to that part will be impeded if a closure order is made under section 60, the constable or representative must also if possible serve the notice on those persons.

(4) The constable or local authority representative may enter any premises, using reasonable force if necessary, for the purposes of complying with subsection (2)(a)

(5) In this section "representative", in relation to a local authority, means--

(a) an employee of the authority, or

(b) a person, or employee or a person, acting on behalf of the authority.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Appointment

Appointment: 20 October 2014: see SI 2014/2590, art 3(c).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 121/Part 4
Community Protection (ss 43-93)/80 Power of court to make closure orders

Closure orders

80 Power of court to make closure orders

(1) Whenever a closure notice is issued an application must be made to a magistrates' court for a closure order (unless the notice has been cancelled under section 78).

(2) An application for a closure order must be made--

(a) by a constable, if the closure notice was issued by a police officer;

(b) by the authority that issued the closure notice, if the notice was issued by a local authority.

(3) The application must be heard by the magistrates' court no later than 48 hours after service of the closure notice.

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- (4) In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.
- (5) The court may make a closure order if it is satisfied--
- (a) that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or
 - (b) that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or
 - (c) that there has been, or (if the order is not made) is likely to be, disorder near those premises
- and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.
- (6) A closure order is an order prohibiting access to the premises for a period specified in the order.
- The period may not exceed 3 months.
- (7) A closure order may prohibit access--
- (a) by all persons, or by all persons except those specified, or by all persons except those of a specified description;
 - (b) at all times, or at all times except those specified;
 - (c) in all circumstances, or in all circumstances except those specified.
- (8) A closure order--
- (a) may be made in respect of the whole or any part of the premises;
 - (b) may include provision about access to a part of the building or structure of which the premises form part.
- (9) The court must notify the relevant licensing authority if it makes a closure order in relation to premises in respect of which a premises licence is in force.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1)

Appointment

Appointment: 20 October 2014. see SI 2014/2590, art 3(c).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made
13/03/2014

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UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/81 Temporary orders

81 Temporary orders

(1) This section applies where an application has been made to a magistrates' court under section 80 for a closure order.

(2) If the court does not make a closure order it may nevertheless order that the closure notice continues in force for a specified further period of not more than 48 hours, if satisfied—

(a) that the use of particular premises has resulted, or (if the notice is not continued) is likely soon to result, in nuisance to members of the public, or

(b) that there has been, or (if the notice is not continued) is likely soon to be, disorder near those premises associated with the use of those premises,

and that the continuation of the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

(3) The court may adjourn the hearing of the application for a period of not more than 14 days to enable—

(a) the occupier of the premises,

(b) the person with control of or responsibility for the premises, or

(c) any other person with an interest in the premises,

to show why a closure order should not be made.

(4) If the court adjourns the hearing under subsection (3) it may order that the closure notice continues in force until the end of the period of the adjournment.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Appointment

Appointment: 20 October 2014: see SI 2014/2580 art 3(c).

Extent

This section does not extend to Scotland: see s 184(1)(a)

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/82 Extension of closure orders

82 Extension of closure orders

<http://www.lexisnexis.com/uk/legal/results/enhdocview.do?docLinkInd=true&ersKey...> 27/10/2015

- (1) At any time before the expiry of a closure order, an application may be made to a justice of the peace, by complaint, for an extension (or further extension) of the period for which the order is in force.
- (2) Those entitled to make an application under this section are--
- (a) where the closure order was made on the application of a constable, a police officer of at least the rank of inspector;
 - (b) where the closure order was made on the application of a local authority, that authority.
- (3) A police officer or local authority may make an application under this section only if satisfied on reasonable grounds that it is necessary for the period of the order to be extended to prevent the occurrence, recurrence or continuance of--
- (a) disorderly, offensive or criminal behaviour on the premises
 - (b) serious nuisance to members of the public resulting from the use of the premises, or
 - (c) disorder near the premises associated with the use of the premises,
- and also satisfied that the appropriate consultee has been consulted about the intention to make the application.
- (4) In subsection (3) "the appropriate consultee" means--
- (a) the local authority, in the case of an application by a police officer;
 - (b) the chief officer of police for the area in which the premises are situated, in the case of an application by a local authority.
- (5) Where an application is made under this section, the justice of the peace may issue a summons directed to--
- (a) any person on whom the closure notice was served under section 79, or
 - (b) any other person who appears to the justice to have an interest in the premises but on whom the closure notice was not served,
- requiring the person to appear before the magistrates' court to respond to the application.
- (6) If a summons is issued under subsection (5), a notice stating the date, time and place of the hearing of the application must be served on the persons to whom the summons is directed.
- (7) If the magistrates' court is satisfied as mentioned in subsection (3)(a), (b) or (c), it may make an order extending (or further extending) the period of the closure order by a period not exceeding 3 months.
- (8) The period of a closure order may not be extended so that the order lasts for more than 6 months.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1)

Appointment

Appointment: 20 October 2014: see SI 2014/2560, art 3(c).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014
Date made
 13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
 Community Protection (ss 43-93)/83 Discharge of closure orders

83 Discharge of closure orders

- (1) At any time before the expiry of a closure order, an application may be made to a justice of the peace, by complaint, for the order to be discharged.
- (2) Those entitled to make an application under this section are--
- (a) a constable, where the closure order was made on the application of a constable;
 - (b) the authority that applied for the closure order, where the order was made on the application of a local authority;
 - (c) a person on whom the closure notice was served under section 79;
 - (d) anyone else who has an interest in the premises but on whom the closure notice was not served.
- (3) Where a person other than a constable makes an application under this section for the discharge of an order that was made on the application of a constable, the justice may issue a summons directed to a constable considered appropriate by the justice requiring him or her to appear before the magistrates' court to respond to the application.
- (4) If a summons is issued under subsection (3), a notice stating the date, time and place of the hearing of the application must be served on--
- (a) the constable to whom the summons is directed;
 - (b) the persons mentioned in subsection (2)(c) and (d) (other than the complainant).
- (5) Where--
- (a) the order in question was made on the application of a local authority, and
 - (b) a person other than that authority makes an application under this section for the discharge of the order,
- the justice may issue a summons directed to that authority requiring it to appear before the magistrates' court to respond to the application.
- (6) If a summons is issued under subsection (5), a notice stating the date, time and place of the hearing of the application must be served on--
- (a) the authority mentioned in that subsection;
 - (b) the persons mentioned in subsection (2)(c) and (d) (other than the complainant).
- (7) The magistrates' court may not make an order discharging the closure order unless satisfied that the closure order is no longer necessary to prevent the occurrence, recurrence or continuance of--
- (a) disorderly, offensive or criminal behaviour on the premises.

- (b) serious nuisance to members of the public resulting from the use of the premises; or
- (c) disorder near the premises associated with the use of the premises

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Appointment

Appointment: 20 October 2014; see SI 2014/2630, art 3(c).

Extent

This section does not extend to Scotland; see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made
13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/84 Appeals

Appeals

84 Appeals

- (1) An appeal against a decision to make or extend a closure order may be made by:
 - (a) a person on whom the closure notice was served under section 79;
 - (b) anyone else who has an interest in the premises but on whom the closure notice was not served.
- (2) A constable may appeal against--
 - (a) a decision not to make a closure order applied for by a constable;
 - (b) a decision not to extend a closure order made on the application of a constable;
 - (c) a decision (under section 81) not to order the continuation in force of a closure notice issued by a constable.
- (3) A local authority may appeal against--
 - (a) a decision not to make a closure order applied for by that authority;
 - (b) a decision not to extend a closure order made on the application of that authority;
 - (c) a decision (under section 81) not to order the continuation in force of a closure notice issued by that authority.
- (4) An appeal under this section is to the Crown Court.
- (5) An appeal under this section must be made within the period of 21 days beginning with the date of

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the decision to which it relates.

(6) On an appeal under this section the Crown Court may make whatever order it thinks appropriate.

(7) The Crown Court must notify the relevant licensing authority if it makes a closure order in relation to premises in respect of which a premises licence is in force.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 165(1)

Appointment

Appointment: 20 October 2014: see SI 2014/2590, art 3(c).

Extent

This section does not extend to Scotland: see s 164(1)(a)

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/H-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/85 Enforcement of closure orders

Enforcement

85 Enforcement of closure orders

(1) An authorised person may--

(a) enter premises in respect of which a closure order is in force,

(b) do anything necessary to secure the premises against entry.

(2) In this section "authorised person"--

(a) in relation to a closure order made on the application of a constable, means a constable or a person authorised by the chief officer of police for the area in which the premises are situated,

(b) in relation to a closure order made on the application of a local authority, means a person authorised by that authority.

(3) A person acting under subsection (1) may use reasonable force.

(4) A person seeking to enter premises under subsection (1) must, if required to do so by or on behalf of the owner, occupier or other person in charge of the premises, produce evidence of his or her identity and authority before entering the premises.

(5) An authorised person may also enter premises in respect of which a closure order is in force to carry out essential maintenance or repairs to the premises.

NOTES

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Initial Commencement

To be appointed

To be appointed: see s 185(1).

Appointment

Appointment: 20 October 2014: see SI 2014/2590 art 3(c).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/4H-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/86 Offences

86 Offences

(1) A person who without reasonable excuse remains on or enters premises in contravention of a closure notice (including a notice continued in force under section 81) commits an offence.

(2) A person who without reasonable excuse remains on or enters premises in contravention of a closure order commits an offence.

(3) A person who without reasonable excuse obstructs a person acting under section 79 or 85(1) commits an offence.

(4) A person guilty of an offence under subsection (1) or (3) is liable on summary conviction--

(a) to imprisonment for a period not exceeding 3 months, or

(b) to a fine,

or to both.

(5) A person guilty of an offence under subsection (2) is liable on summary conviction--

(a) to imprisonment for a period not exceeding 51 weeks, or

(b) to a fine,

or to both.

(5) In relation to an offence committed before the commencement of section 261(5) of the Criminal Justice Act 2003, the reference in subsection (5)(a) to 51 weeks is to be read as a reference to 6 months.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

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Appointment

Appointment: 20 October 2014: see SI 2014/2520, art 3(c).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12): Part 4
Community Protection (ss 43-93)/87 Access to other premises

Supplemental

87 Access to other premises

(1) Where--

(a) access to premises is prohibited or restricted by, or as a result of, an order under section 80, 81, 82 or 84,

(b) those premises are part of a building or structure, and

(c) there is another part of that building or structure that is not subject to the prohibition or restriction,

an occupier or owner of that other part may apply to the appropriate court for an order under this section.

(2) The appropriate court is--

(a) the magistrates' court, in the case of an order under section 80, 81 or 82;

(b) the Crown Court, in the case of an order under section 84

(3) Notice of an application under this section must be given to--

(a) whatever constable the court thinks appropriate;

(b) the local authority;

(c) a person on whom the closure notice was served under section 79;

(d) anyone else who has an interest in the premises but on whom the closure notice was not served.

(4) On an application under this section the court may make whatever order it thinks appropriate in relation to access to any part of the building or structure mentioned in subsection (1).

It does not matter whether provision has been made under section 80(3)(b).

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

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Appointment

Appointment: 20 October 2014: see SI 2014/2590 art 3(c).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/88 Reimbursement of costs

88 Reimbursement of costs

- (1) A local policing body or a local authority that incurs expenditure for the purpose of clearing, securing or maintaining premises in respect of which a closure order is in force may apply to the court that made the order for an order under this section.
- (2) On an application under this section the court may make whatever order it thinks appropriate for the reimbursement (in full or in part) by the owner or occupier of the premises of the expenditure mentioned in subsection (1).
- (3) An application for an order under this section may not be heard unless it is made before the end of the period of 3 months starting with the day on which the closure order ceases to have effect.
- (4) An order under this section may be made only against a person who has been served with the application for the order.
- (5) An application under this section must also be served on--
 - (a) the local policing body for the area in which the premises are situated, if the application is made by a local authority;
 - (b) the local authority, if the application is made by a local policing body.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(*)

Appointment

Appointment: 20 October 2014: see SI 2014/2590 art 3(c).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

<http://www.lexisnexis.com/uk/legal/results/enndocview.do?docLinkInd=true&ersKey...> 27/10/2015

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/89 Exemption from liability

89 Exemption from liability

(1) A police officer, or the chief officer of police under whose direction or control he or she acts, is not liable for damages in proceedings for--

- (a) judicial review, or
- (b) the tort of negligence or misfeasance in public office,

arising out of anything done or omitted to be done by the police officer in the exercise or purported exercise of a power under this Chapter.

(2) A local authority is not liable for damages in proceedings for--

- (a) judicial review, or
- (b) the tort of negligence or misfeasance in public office,

arising out of anything done or omitted to be done by the authority in the exercise or purported exercise of a power under this Chapter.

(3) Subsections (1) and (2) do not apply to an act or omission shown to have been in bad faith

(4) Subsections (1) and (2) do not apply so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful by virtue of section 6(1) of the Human Rights Act 1998.

(5) This section does not affect any other exemption from liability (whether at common law or otherwise).

NOTES

Initial Commencement

To be appointed

To be appointed, see s 185(1).

Appointment

Appointment: 20 October 2014; see SI 2014/2590, art 3(c)

Extent

This section does not extend to Scotland; see s 184(1)(a)

Document information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/90 Compensation

90 Compensation

(1) A person who claims to have incurred financial loss in consequence of a closure notice or a closure

<http://www.lexisnexis.com/uk/legal/results/enhancedview.do?docLinkInd=true&ersKey...> 27/10/2015

order may apply to the appropriate court for compensation

(2) The appropriate court is:

- (a) the magistrates' court that considered the application for a closure order (except where paragraph (b) applies);
- (b) the Crown Court, in the case of a closure order that was made or extended by an order of that Court on an appeal under section 54

(3) An application under this section may not be heard unless it is made before the end of the period of 3 months starting with whichever of the following is applicable:-

- (a) the day on which the closure notice was cancelled under section 76;
- (b) the day on which a closure order was refused;
- (c) the day on which the closure order ceased to have effect;

(4) For the purposes of subsection (3)(b) the day on which a closure order was refused is:-

- (a) the day on which the magistrates' court decided not to make a closure order (except where paragraph (b) applies);
- (b) the day on which the Crown Court dismissed an appeal against a decision not to make a closure order;

(5) On an application under this section the court may order the payment of compensation out of central funds if it is satisfied:-

- (a) that the applicant is not associated with the use of the premises, or the behaviour on the premises, on the basis of which the closure notice was issued or the closure order made;
- (b) if the applicant is the owner or occupier of the premises, that the applicant took reasonable steps to prevent that use or behaviour;
- (c) that the applicant has incurred financial loss in consequence of the notice or order; and
- (d) that having regard to all the circumstances it is appropriate to order payment of compensation in respect of that loss.

(6) In this section 'central funds' has the same meaning as in enactments providing for the payment of costs.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Appointment

Appointment: 20 October 2014; see SI 2014/2590, art 3(a).

Extent

This section does not extend to Scotland; see s 124(1)(a)

Document information

<http://www.lexisnexis.com/uk/legal/results/enhdocview.do?docLinkInd=true&ersKey...> 27/10/2015

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/91 Guidance

91 Guidance

(1) The Secretary of State may issue--

(a) guidance to chief officers of police about the exercise, by officers under their direction or control, of those officers' functions under this Chapter,

(b) guidance to local authorities about the exercise of their functions under this Chapter and those of their representatives (within the meaning of section 79);

(2) The Secretary of State may revise any guidance issued under this section.

(3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Appointment

Appointment: 20 October 2014: see SI 2014/2590, art 3(c).

Extent

This section does not extend to Scotland: see s 182(1)(a)

Document Information

Anti-social Behaviour, Crime and Policing Act 2014

Date made

13/03/2014

UK Parliament Acts/A/AH-AN/Anti-social Behaviour, Crime and Policing Act 2014 (2014 c 12)/Part 4
Community Protection (ss 43-93)/92 Interpretation of Chapter 3

92 Interpretation of Chapter 3

(1) In this Chapter--

"cancellation notice" has the meaning given by section 78(2);

"criminal behaviour" means behaviour that constitutes a criminal offence;

"extension notice" has the meaning given by section 77(5);

"local authority" means--

(a) in relation to England, a district council, a county council for an area for which there is no district council, a London borough council, the Common Council of the City of London or the Council

<http://www.lexisnexis.com/uk/legal/results/enbdocview.do?docLinkInd=true&ersKey=...> 27/10/2015

(1) The repeal or amendment by this Act of provisions about any of the notices specified in subsection (2) or orders specified in subsection (3) does not apply in relation to--

- (a) any such notice issued or order made before the commencement day,
- (b) anything done in connection with any such notice or order.

(2) The notices are--

- (a) a notice issued under section 1 of the Anti-social Behaviour Act 2003;
- (b) a notice issued under section 11A of that Act.

(3) The orders are--

- (a) an order made under section 2 of the Anti-social Behaviour Act 2003;
- (b) an order made under section 11B of that Act;
- (c) an order made under section 40 of that Act;
- (d) an order made under section 161 of the Licensing Act 2003;
- (e) an order made under section 165(2)(b), (c) or (d) of that Act.

(4) A person deciding whether to issue a closure notice may take into account things that--

- (a) happened before the commencement day; and
- (b) would have given rise to the power to issue one of the notices specified in subsection (2) or to make an order specified in subsection (3)(c) or (e).

(5) A court deciding whether to make a closure order may take into account things that--

- (a) happened before the commencement day; and
- (b) would have given rise to the power to make an order specified in subsection (3)(a), (b) or (e).

(6) Subsections (4) and (5) apply only during the period of 3 months beginning with the commencement day.

(7) In this section "commencement day" means the day on which this Chapter comes into force.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 185(1).

Appointment

Appointment: 20 October 2014; see SI 2014/2590, art 2(c).

Extent

This section does not extend to Scotland: see s 184(1)(a).

Document information

<http://www.lexisnexis.com/uk/legal/results/enhdocview.do?docLinkInd=true&ersKey...> 27/10/2015

C 3583

R v Chapman 2017 Possession of nitrous oxide (N₂O) in a claim to supply for recreational purposes was held to be a offence under the Psychoactive Substances Act 2016; nitrous oxide is a psychoactive substance for medicinal purposes

AR C 1111

2017

DE A 101

[2017] EWCA Crim 1743

COUR

Court of Appeal

C and three others were convicted on unconnected occasions of possessing a psychoactive substance with intent to supply, namely nitrous oxide, contrary to section 7 of the Psychoactive Substances Act 2017.

C was stopped when driving his car and 408 canisters were found in the vehicle, along with several bags of balloons. A self-storage unit owned by C was searched and 13,800 canisters of nitrous oxide were seized. C's case was that the canisters, save for a small number for personal use, were for use in his small catering business, in particular for whipping cream, which is what they were designed for.

T was found passing a holdall through a park fence to avoid security checks at a county fair taking place in the park. He was also in possession of another bag. Both bags were searched and between them contained 200 small canisters of nitrous oxide and balloons. T denied that the bags were his and said he was doing a favour for a friend. Again, the nitrous oxide in question had been produced for use in the catering industry.

H was searched by security staff as he tried to enter a festival. He was found to be in possession of 245 boxed canisters of nitrous oxide, a dispensing device and balloons. The police were informed. H claimed they were for personal use although his telephone provided evidence that he was dealing. The canisters in question were packaged as cream chargers.

B was at a festival and was reported to the police for acting suspiciously. B was searched and was found to have 191 canisters of nitrous oxide in a bag along with some balloons. B's tent was searched and a further 1,084 canisters were found along with balloons. B said that the canisters in the bag were for his personal use and that those in the tent were not his.

C, T, H and B applied for leave to appeal against their convictions, on the grounds that nitrous oxide is a medicinal product and an exempted substance. In none of their cases had it been contended that the nitrous oxide in their possession was an exempted substance under section 3 of the Act. Indeed, it was agreed that it was not. These applications were prompted by widespread publicity given to a handful of other cases where such a contention was accepted by trial judges.

It was not disputed in any of these cases at trial that nitrous oxide was a psychoactive substance capable of producing a psychoactive effect of the sort described in section 2 of the 2016 Act. The question to be considered was whether it was an exempted substance under Schedule 1 to the 2016 Act, in particular a medicinal product exempted by paragraph 2 of Schedule 1.

medicinal products in Schedule 1 to the 2016 Act has the same meaning as in regulation 2 of the Human Medicines Regulations 2012. It was noted that if nitrous oxide in the form and use described in these cases were a medicinal product, as now contended, then no offence was committed as it was not an offence under the 2016 Act to possess a medicinal product with intent to supply. On the other hand, if the nitrous oxide was not a medicinal product, then all of the applications must fail.

The defence submitted that since nitrous oxide may bring benefits to human health it should be treated as a medicinal product irrespective of the purpose for which it was manufactured or the circumstances of its use, and that it is not a dangerous legal high of the sort at which the 2016 Act primarily aims.

The prosecution submitted that nitrous oxide produced for catering purposes and intended for use as a recreational drug falls outside the concept of a medicinal product and pointed to the consequences of the contrary submission, namely that the common use of the gas for legitimate catering purposes would fall to be regulated under the 2012 Regulations.

Held

Applications refused.

In the 2012 Regulations, 'medicinal product' can be defined through two possible routes. The first route is by 'presentation' and the second is by 'function'. There was no suggestion in any of these cases that the nitrous oxide in question was presented as a medicinal product for the purposes of regulation 2(1) (a).

In relation to its function under regulation 2(1)(b), the Court considered the case of *D & G* (C-358/13, C-181/4), in which the Luxembourg Court considered the meaning of 'medicinal products' in Directive 2001/83/EC, from which regulation 2 of the 2012 Regulations was created. The products concerned in that case modified physiological functions without bringing about any improvement in those functions or to health, indeed the contrary. They were consumed solely to achieve a state of intoxication. The Luxembourg Court was asked to consider whether synthetic cannabinoids were 'medicinal products' in accordance with the Directive. It concluded that they were not. It considered that both limbs of the definition of medicinal product should be read together so that the reference in the first limb to treating or preventing disease informed the meaning of the second limb, the language of which also points in that direction. It stated:

'... in aligning national laws, it is necessary to attain a high level of human health protection.'

'... the term 'medicinal product' ... must be interpreted as not covering substances whose effects merely modify physiological functions and which are not such as to entail immediate or long-term beneficial effects for human health.'

'...the national authorities, acting under the supervision of the courts, must decide on a case-by-case basis, taking account of all the characteristics of the product, in particular its composition, its pharmacological, immunological or metabolic properties, to the extent to which they can be established in the present state of scientific knowledge, the manner in which it is used, the extent of its distribution, its familiarity to consumers and the risks which its use may entail ...'

The Luxembourg Court went on to note that the substances in issue were not consumed for therapeutic reasons, but purely for recreational purposes, and that they were harmful to health.

The Court in the instant case held that this case-by-case approach entailed the possibility that different products with precisely the same chemical composition may fall within or outside the definition of medicinal product depending on the circumstances; a substance may be a medicinal product for one purpose but not another. It stated that it had no difficulty in accepting that the manufacture and supply of nitrous oxide for medical purposes was covered by the 2012 Regulations because in that context it falls within the definition of a medicinal product, but that a combination of factors in the current cases lead inexorably to the conclusion that in the circumstances of these cases, the nitrous oxide in question was not a medicinal product. It was noted that the gas no doubt modifies the physiological functions of those who inhale it, but it brings neither short term nor long-term beneficial effects to human health in these circumstances. The canisters in question were in fact manufactured for use unconnected with medical purposes, widely available and distributed for use in catering, which in itself was a strong indicator that they were not medicinal products. Further, the purpose for which it was intended to supply the canisters was purely recreational and nothing whatsoever to do with health. This last feature coupled with the fact that the gas was intended to be used in circumstances which were not beneficial to health, indeed causing a possible risk to health, was sufficient to take it outside the definition of a medicinal product, whatever label may have been on the boxes in which the canisters were originally packed.

The Court refused all applications and held the convictions to be safe.

'medicinal product' in Schedule 1 to the 2016 Act has the same meaning as in regulation 2 of the Human Medicines Regulations 2012. It was noted that if nitrous oxide in the form and use described in these cases were a medicinal product, as now contended, then no offence was committed as it was not an offence under the 2016 Act to possess a medicinal product with intent to supply. On the other hand, if the nitrous oxide was not a medicinal product, then all of the applications must fail.

The defence submitted that since nitrous oxide may bring benefits to human health it should be treated as a medicinal product irrespective of the purpose for which it was manufactured or the circumstances of its use, and that it is not a dangerous legal high of the sort at which the 2016 Act primarily aims.

The prosecution submitted that nitrous oxide produced for catering purposes and intended for use as a recreational drug falls outside the concept of a medicinal product and pointed to the consequences of the contrary submission, namely that the common use of the gas for legitimate catering purposes would fall to be regulated under the 2012 Regulations.

Held

Applications refused.

In the 2012 Regulations, 'medicinal product' can be defined through two possible routes. The first route is by 'presentation' and the second is by 'function'. There was no suggestion in any of these cases that the nitrous oxide in question was presented as a medicinal product for the purposes of regulation 2(1)(a).

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'... in aligning national laws, it is necessary to attain a high level of human health protection.'

'... the term 'medicinal product' ... must be interpreted as not covering substances whose effects merely modify physiological functions and which are not such as to entail immediate or long-term beneficial effects for human health.'

'... the national authorities, acting under the supervision of the courts, must decide on a case-by-case basis, taking account of all the characteristics of the product, in particular its composition, its pharmacological, immunological or metabolic properties, to the extent to which they can be established in the present state of scientific knowledge, the manner in which it is used, the extent of its distribution, its familiarity to consumers and the risks which its use may entail ...'

The Luxembourg Court went on to note that the substances in issue were not consumed for therapeutic reasons, but purely for recreational purposes, and that they were harmful to health.

The Court in the instant case held that this case-by-case approach entailed the possibility that different products with precisely the same chemical composition may fall within or outside the definition of medicinal product depending on the circumstances; a substance may be a medicinal product for one purpose but not another. It stated that it had no difficulty in accepting that the manufacture and supply of nitrous oxide for medical purposes was covered by the 2012 Regulations because in that context it falls within the definition of a medicinal product, but that a combination of factors in the current cases lead inexorably to the conclusion that in the circumstances of these cases, the nitrous oxide in question was not a medicinal product. It was noted that the gas no doubt modifies the physiological functions of those who inhale it, but it brings neither short term nor long-term beneficial effects to human health in these circumstances. The canisters in question were in fact manufactured for use unconnected with medical purposes, widely available and distributed for use in catering, which in itself was a strong indicator that they were not medicinal products. Further, the purpose for which it was intended to supply the canisters was purely recreational and nothing whatsoever to do with health. This last feature coupled with the fact that the gas was intended to be used in circumstances which were not beneficial to health, indeed causing a possible risk to health, was sufficient to take it outside the definition of a medicinal product, whatever label may have been on the boxes in which the canisters were originally packed.

The Court refused all applications and held the convictions to be safe.

Psychoactive Substances Act 2016 - possession of psychoactive substance with intent to supply
Psychoactive Substances Act 2016 - meaning of 'psychoactive substance' etc
Psychoactive Substances Act 2016 - exempted substances
Psychoactive Substances Act 2016 - Schedule 1 - exempted substances
Human Medicines Regulations 2012 - medicinal products

7 Possession of psychoactive substance with intent to supply
2 Meaning of 'psychoactive substance' etc
3 Exempted substances
Schedule 1 - Exempted substances
2 Medicinal products

England and Wales

06 November 2017

**CLOSURE NOTICE
ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

We hereby give you notice that on

Wednesday 23rd May 2018 at 10am
At Birmingham Magistrates' Court
Sitting at Victoria Law Courts, Corporation St, Birmingham, West Midlands B4 6QA

West Midlands Police intend to apply for a Closure Order under section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014

From the service of this notice all persons who do not own and/or are not habitually resident in

**"CLOUD NINE" AT 66 - 76 GOOCH STREET NORTH, BIRMINGHAM, B5
6QU**

are prohibited from remaining and returning and/or entering this premises.

**Access to this premises by any person, other than the owner and/or
habitual resident, is considered a criminal offence. Persons
in breach of this can be arrested.**

In the event of the Closure Order being granted by the courts the premises will be sealed and no further entry will be allowed. The occupier will therefore be required to find alternative accommodation. Any persons entering the premises following the closure order, without the permission of West Midlands Police or Birmingham Magistrates' Court, commit an offence and can be arrested.

Notice issued by: Birmingham Magistrates' Court

Dated:- 10th May 2018

Enquiries regarding this notice may be directed to the:

Birmingham Central Police Station, Lloyd House, Birmingham
Tel: 0345 113 5000

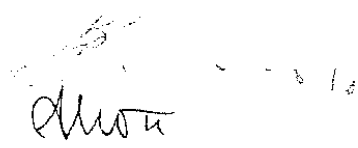
Detailed below are telephone numbers and points of contact for housing and drug advice issued. It may be in your interest to contact these agencies for advice;

Citizens Advice Bureau: 171 Birchfield Road, Birmingham, B19 1LL
Tel: 08444 77 10 10

Housing Advice: Sanctuary Housing - 0800 131 3348 or 0300 123 3511 Email:
contactus@sanctuary-housing.co.uk

Council: Birmingham City Council - Council House, Victoria Square, Birmingham, B1 1BB
Tel: 0121 216 3030

Help and advice, counselling and information for people concerned about their use of drugs or their families and friends. Talk to Frank – 0800 776600



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Cloud Nine Contractual Agreement

This is a formal contractual agreement between Cloud Nine Sheesha Lounge and Mohammad Ashiq.

Confirmed Date 30 / 04 / 18

Event Date 07 / 05 / 18

Deposit £500

Total Due £1500

Hirer Name Mohammad Ashiq

Hirer Signature M. Ashiq

Cloud Nine Signature [Signature]

Name of Hirer: Mohammad Aswad
Contact Number: [REDACTED]
Requested Date/Dates: 7/5/16
Signature: [REDACTED]



Conditions of Hire
Please read these Conditions of Hire carefully and sign each page.

1. BOOKING

- 1.1. Applications for hiring premises for the venue shall be made to the Manager of Cloud 9 Shisha Lounge.
- 1.2. The lounge may require the hirer at any time to supply a detailed written description of all activities to be conducted on the premises during the period of hire.
- 1.3. The booking will not be considered effective by the lounge until:
 - 1.3.1. the specified deposit when applicable is received by the lounge
- 1.4. All hires will begin at 2pm and will finish at 6pm

2. CHARGES AND DEPOSITS

- 2.1. The charges payable by the hirer shall be those set by the lounge from time to time and will be those in force at the time of the hirer's use of premises.
- 2.2. The hirer shall pay to the such deposit, and at such time, as the lounge specifies.
- 2.3. The hirer shall pay the balance of charges at such time as determined by the lounge.

3. CANCELLATION

- 3.1. Where notice of cancellation is given by the hirer to the lounge not less than three calendar months before the time for which the premises are booked, such notice must be given in writing and any deposit paid by the hirer shall be refunded.
- 3.2. Where notice of cancellation is given less than three calendar months before the time for which the venue is booked, any deposit paid by the hirer shall be considered by the lounge to be forfeited.

4. INSURANCE

- 4.1. The hirer shall indemnify and keep indemnified the lounge against all losses, expenses, liabilities, claims and damages incurred as a result of or arising out of the hiring of the premises whether caused by any act or omission of the hirer, its servants, agents, or invitees.

5. Publicity

- 5.1. The hirer shall not issue any advance publicity to the use of the premises before receipt of written confirmation of the hiring by the lounge as referred to in Clause 1.2.3. of these conditions of hire.
- 5.2. The hirer shall not make any statement in any advertisement which directly or indirectly falsely implies that the use for which the premises are hired is conducted or promoted by the lounge.
- 5.3. The hirer shall not display any poster or advertisement in any part of the premises or grounds of the lounge.

Name of Hirer: Mohammad Aswad
Contact Number: [REDACTED]
Requested Date/Dates: 7/5/18
Signature: [REDACTED]

C
CLOUD NINE
76 Grenville Street, Third Floor
Leeds, LS2 7HT
Tel: 0113 275 1111

6. OBSERVANCE OF LAWS

- 6.1. The hirer shall not admit patrons to the premises in excess of the number of seats available.
6.2. The hirer shall indemnify and keep indemnified the lounge against all losses, expenses, liabilities, claims and damages incurred by the lounge for infringement of copyright arising from the hirer's use of the premises. The lounge is under no obligation to ensure, prior to the use of the premises, that the activity for which the premises are hired does not infringe copyright.
6.3. The hirer shall comply with the laws of the United Kingdom and in no manner act against these laws and if done the hirer agrees that this would be a breach of contract.

7. Good Order

- 7.1. The hirer shall be responsible for the maintenance of good order in and around the premises during the period for which the premises are hired.
7.2. The hirer shall comply with any instruction by any member of staff of the lounge to the maintenance of good order and compliance with these conditions in and around the premises.

8. Visitors

- 8.1. The hirer should ensure that the number of people does not exceed the number of seats available in the lounge and will inform the lounge owner/manager of those who will be in attendance.

9. Damage to premises

- 9.1. The hirer shall be responsible for leaving the premises clean and tidy at the conclusion of the hiring and the lounge may carry out at the expense of the hirer such cleaning or other work as may be required to restore the premises to a satisfactory condition.
9.2. Excepting fair wear and tear, the hirer shall be liable to the lounge for any damage to premises, or any fittings, equipment, furniture, carpets or other property therein, which occurs during the period of the hiring.

10. LIQUOR AND REFRESHMENTS

- 10.1. The hirer shall not bring or sell any liquor, beverage, food or refreshments on any part of the premises hired under any circumstances.
10.2. The hirer shall not be permitted to sell anything of any detrimental nature including any illegal or banned substances on the premises.

Name of Hirer: Mohammad Ashia
Contact Number: [REDACTED]
Requested Date/Dates: 7/5/18
Signature: [REDACTED]



11) Application of hiring

11.1 The lounge reserves the right to amend or delete any of the conditions of hire as outlined above or to add extra conditions provided that the hirer is notified prior to confirmation of the booking of any changes made to the conditions. The applications of the various conditions may therefore vary from hirer to hirer as the lounge in its sole opinion considers necessary.

* All references to the "lounge" refers to Cloud Nine of 76 Gooch Street North Digbeth, Birmingham, B5 6QU *

DATE	TIME	PRODUCT	NAME OF PERSON OR DESCRIPTION	OBSERVATIONS	STAFF MEMBER
24/12/10	7:00pm	Alcohol	Main 14 yellow bottles off shelf	Nervous, refused to show ID	Alan Smith
11/4	16:04	Tobacco	Female (ginger)	NO ID	H. Hussain
6/4	21:10	Tobacco	Male (cop)	Refused to show ID	H. Hussain
6/4	17:44	Tobacco	Male x 1	Under aged	H. Hussain
7/4	15:12	Tobacco	Woman about 25?	Drunk	H. Hussain
14/4	21:10	Tobacco	Bl ck males x 1	Buying as mch	H. Hussain
15/4	22:09	Tobacco	2 black males	Smell of weed	H. Hussain
15/4	00:12	Tobacco	2 white female	Drunk	H. Hussain
22/4	23:42	Tobacco	1 asian man	Arguing about payment	H. Hussain
24/4	17:04	Tobacco	6 asian males	Leaving off	H. Hussain
28/4	19:49	Tobacco	2 hijab females	NO ID	H. Hussain
29/4	20:02	Toba	3	NO ID	H. Hussain

MANAGER'S SIGNATURE

DATE

30/04/18

DATE	TIME	PRODUCT	NAME OF PERSON OR DESCRIPTION	OBSERVATIONS	STAFF MEMBER
24/12/10	7:00pm	Alcohol	Main 14 yellow bottles off shelf	Nervous, refused to show ID	Alan Smith
02/05	16:44	T	4 x 16 y/o MALES	NO ID	
03/05	15:50	T	1 x 17 y/o FEMALE	NO ID	

DATE	TIME	SUBJECT	NAME OF PERSON OR DESCRIPTION	OBSERVATIONS	DATE
2/4/18	7:00pm	Alcohol	Male 14 years blonde girl	Nervous, reluctant to show ID	27 Feb 2018
4/1/18	19:06	T	2 blonde females	NO ID	28 Feb
1/1	19:14	T	1 male	NO ID	28 Feb
7/1	23:49	T	4 males	Drunk	28 Feb
14/1	16:19	T	6 college kids	Showed college ID at bar	28 Feb
12/1	23:11	T	2 black males	Unob	28 Feb
13/1	01:19	T	2 headscarf women	Influence	28 Feb
15/1	18:07	Entry	1 white guy (smelly)	Refused to follow house rules	28 Feb
19/1	18:12	Entry	1 white female	Homeless / Stralking customers	28 Feb
20/1	01:55	T	6 males	Homeless / Stralking customers	28 Feb
20/1	16:09	T	17 y/o, 1 male	Being rowdy about closing times	28 Feb
21/1	19:45	T	1 woman	Underage	28 Feb
28/1	15:09	T	6 females	Refused to show ID	28 Feb
30/1	21:13	T	2 males	NO ID shown	28 Feb
31/1	02:19	T	4 males	Drunk	28 Feb
31/1	19:45	T	1 male & 1 female	Too late	28 Feb
				Tried bringing alcohol inside	28 Feb

MANAGER'S SIGNATURE M. Malik

DATE 02/02/18

DATE	TIME	PRODUCT	NAME OF PERSON OR DESCRIPTION	OBSERVATIONS	STAFF MEMBER
24/02/10	7:00pm	Alcohol	Male 14-years (bottle 51111)	Nervous, refused to show ID	Alan Smith
03/02/18	17:42	Tobacco	4 ASIAN FEMALE GIRLS	LOOKED YOUNG NO ID.	Alan Smith
04/02/18	16:07	Tobacco	SAME AS ABOVE. J	NO ID.	Alan Smith
07/02/18	22:13	Tobacco	1 WHITE MALE	HOMELESS/DUNK.	Alan Smith
11/02/18	15:38	Tobacco	2 FEMALE COLLEGE STUDENTS	UNDERAGE.	Alan Smith
14/02/18	00:04	Tobacco	3 BLACK MALES. COME FROM CLUBBING.	NO ID.	Alan Smith
15/02/18	15:40	Tobacco	7 ASIAN COLLEGE STUDENTS.	OVERLY DRUNK.	Alan Smith
17/02/18	23:05	Tobacco	5 WHITES MALES CLUBBING.	SEEN BADGE. UNDERAGE.	Alan Smith
17/02/18	23:19	Tobacco	4 WHITE FEMALE CLUBBING.	NO ID. UNDERAGE.	Alan Smith
17/02/18	23:45	Tobacco	1 ASIAN MALE.	ACTING AGGRESSIVE.	Alan Smith
18/02/18	00:02	Tobacco	2 YOUNG BLACK MALES	OVERLY DRUNK.	Alan Smith
20/02/18	16:00	Tobacco	12 ASIAN YOUNG LADS.	FINDING SOMEONE INSIDE TO BEAT UP.	Alan Smith
20/02/18	16:13	Tobacco	5 MALES PART OF GROUP ABOVE FOR PARTY	TRIED TO SNEAK IN. ALIEN. NO ID.	Alan Smith
22/02/18	17:14.	Tobacco	2 FEMALES	LOOKED YOUNG.	Alan Smith
24/02/18	20:26	Tobacco	2 DRUNK MALES	NO ID.	Alan Smith
26/02/18	19:04	Tobacco	5 MALES COME FOR PARTY	LOOKED YOUNG.	Alan Smith
				Drunk.	Alan Smith
				NO ID.	Alan Smith

M. Malik

MANAGER'S SIGNATURE

DATE

27/2/18

DATE

TIME

PRODUCT

DATE 2/12/18

M-Male

MANAGER'S SIGNATURE

OBSERVATIONS

NAME OF PERSON OR DESCRIPTION

PRODUCT

TIME

DATE

STAFF MEMBER

Refused to show ID

Refused to show ID

Refused to show ID

Refused to show ID

Refused to show ID

Refused to show ID

Refused to show ID










Refused to show ID



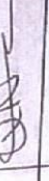
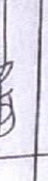

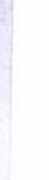

2/12/18	16:00	Tobacco	3 males + 2 females. Bristlebox	No ID	Refused to show ID	Refused to show ID
2/12/18	16:00	Tobacco	4 males + 6 girls same group	No ID	Refused to show ID	Refused to show ID
2/12/18	16:07	Tobacco				
2/3	01:53	Tobacco	1 male (black)	Bringing Alcohol	Refused to show ID	Refused to show ID
3/3	16:45	Tobacco	2 college girls	Nervous about ID	Refused to show ID	Refused to show ID
3/3	23:19	Tobacco	8 group of males (trucks + hoodies)	Private refused to show ID	Refused to show ID	Refused to show ID
4/3	02:03	Tobacco	6 party girls	Too late	Refused to show ID	Refused to show ID
7/3	16:19	Tobacco	4 young lads	No ID	Refused to show ID	Refused to show ID
8/3	21:14	T	2 couple (male & female)	Kept shouting + swearing (drunk)	Refused to show ID	Refused to show ID
23/3	22:36	Tobacco	1 man	Stench of weed	Refused to show ID	Refused to show ID
25/3	21:06	Tobacco	2 girls	wanted to not pay first	Refused to show ID	Refused to show ID
28/3	18:09	Tobacco	1 boy	No ID	Refused to show ID	Refused to show ID
31/3	15:54	Tobacco	3 females	wouldn't show ID	Refused to show ID	Refused to show ID







DATE 03/04/18










M-Male

MANAGER'S SIGNATURE

Door Supervisor Name	Log in time	Log out time	Date	Signature
Qasam Nasar	20:08	02:01	3/3/2018	
Qasam Nasar	21:00	02:14	4/3/2018	
Qasam Nasar	21:01	01:58	10/3/2018	
Qasam Nasar	20:51	02:19	11/3/2018	
Qasam Nasar	21:05	02:01	12/3/2018	
Qasam Nasar	20:58	01:55	24/3/2018	
Qasam Nasar	21:37	02:09	25/3/2018	
Qasam Nasar	20:57	02:11	30/3/2018	
Qasam Nasar	21:09	01:59	31/3/2018	

Door Supervisor Name	Log in time	Log out time	Date	Signature
Qasam Nasar	20:59	02:09	1/4/2018	
Mohammad R-Ashidi	14:01	18:02	2/4	M. R. A.
Qasam Nasar	21:19	01:57	7/4/2018	
Qasam Nasar	21:44	02:07	8/4/2018	
Qasam Nasar	20:47	01:59	13/4/2018	
Qasam Nasar	21:02	02:00	14/4/2018	
Qasam Nasar	22:02	02:02	15/4/2018	
Qasam Nasar	20:46	01:49	20/4/2018	
Qasam Nasar	19:57	02:06	21/4/2018	

Door Supervisor Name	Log in time	Log out time	Date	Signature
Qasam Nasar	21:02	01:44	22/4/2018	
Qasam Nasar	20:44	02:04	27/4/2018	
Qasam Nasar	21:19	02:19	28/4/2018	
Qasam Nasar	20:58	01:58	29/4/2018	
Qasam Nasar	21:01	00:55	5/5/2018	
Qasam Nasar	20:49	02:09	6/5/2018	
Mohammad R. Ashiq	14:01		7-5-18	M.R.A.

Door Supervisor Name	Description of what was found	Date	Signature
Qasam Nasar	1 x Black Flip Knife	10/3/2018	
Qasam Nasar	1 x small weed bag	12/3/2018	
Qasam Nasar	1 x Alcohol bottle	12/3/2018	
Qasam Nasar	4x unperfected 1 x flip knife, 1 x alcohol bottle 3 weed bag	24/3/2018	
Qasam Nasar	6 maza capsules	29/3/2018	
Qasam Nasar	Small bag with 3 pills inside, unsure of which	30/3/2018	
Qasam Nasar	lighter / knifeduster weapon	30/3/2018	
Qasam Nasar	1 x beer can	31/3/2018	
Qasam Nasar	Sharp comb/knife	01/4/2018	

Door Supervisor Name	Description of what was found	Date	Signature
Mohammed R. Aslam	Alcohol Bottle x 1	2/4	MSD
Qasam Nasar	Ripped / Sharp core can	07/4/2018	QNA
Qasam Nasar	Sparklers / fireworks (small)	15/4/2018	QNA
Qasam Nasar	needle / syringe	21/4/2018	QNA
Qasam Nasar	1x beer can	21/4/2018	QNA
Qasam Nasar	1x alcohol bottle	22/4/2018	QNA
Qasam Nasar	1x flip knife (silver)	24/4/2018	QNA
Qasam Nasar	1x blunt / weed	5/5/2018	QNA
Qasam Nasar	1x mosa box	5/5/2018	QNA

Door Supervisor Profile

Name: Qasam Nasar

Address: [REDACTED]

SIA Door Supervisor Pass



ID



Door Supervisor Profile

Name: Mohammad (Ramzan) Ashiq

Address: [REDACTED]

SIA Door Supervisor Badge

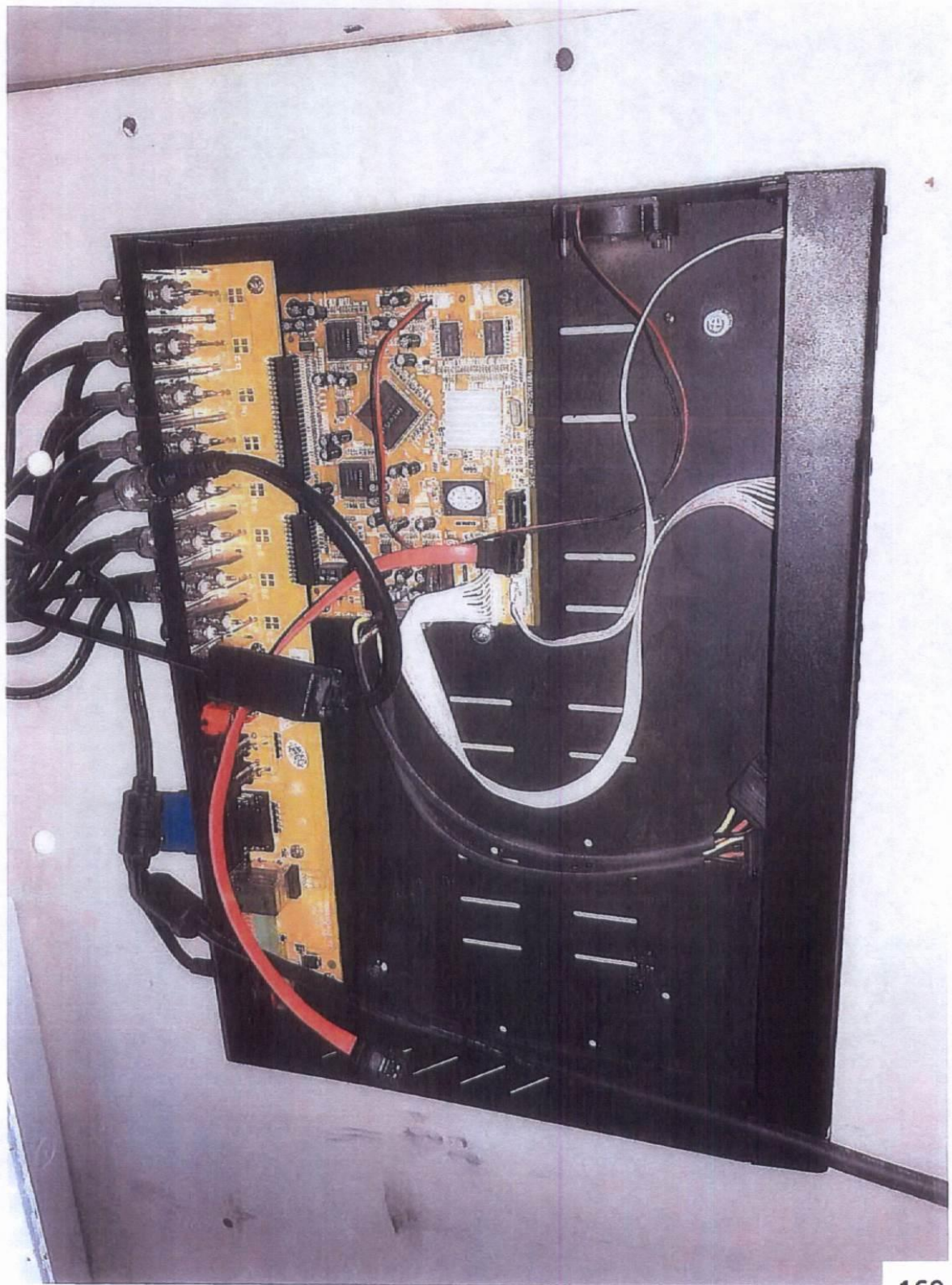


ID & Proof of Address





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Sent from my iPhone

Sent from my iPhone

Begin forwarded message:

From: Cloud Nine <cloud9.nine@outlook.com>
Date: 8 April 2018 at 23:05:42 BST
To: Ben Reader <breader@west-midlands.pnn.police.uk>
Subject: Re: Contact

Dear Ben,

Sorry for the delay in my response. Unfortunately, I have been pre-occupied in a family affair. I have also spoken to your colleague who gave me a call earlier today.

I have not been at the venue and cannot comment on the photographs you have seen.

However, I have tried to make the CCTV footage available for you to view but unfortunately I cannot provide the footage.

This is due to being unable to play back the footage upon closer inspection, it has come to light that the hard drive has been removed from the recorder.

This was removed by police PC

kkanth@west-midlands.pnn.police.uk to review footage linking crime reference number 208W/36325P/18 PC Fisher.

I am told the hard drive was taken around the 7th of March, the staff on shift have confirmed this.

I am sorry I cannot provide the CCTV, but would appreciate if they can return the hard drive if they have finished with it.

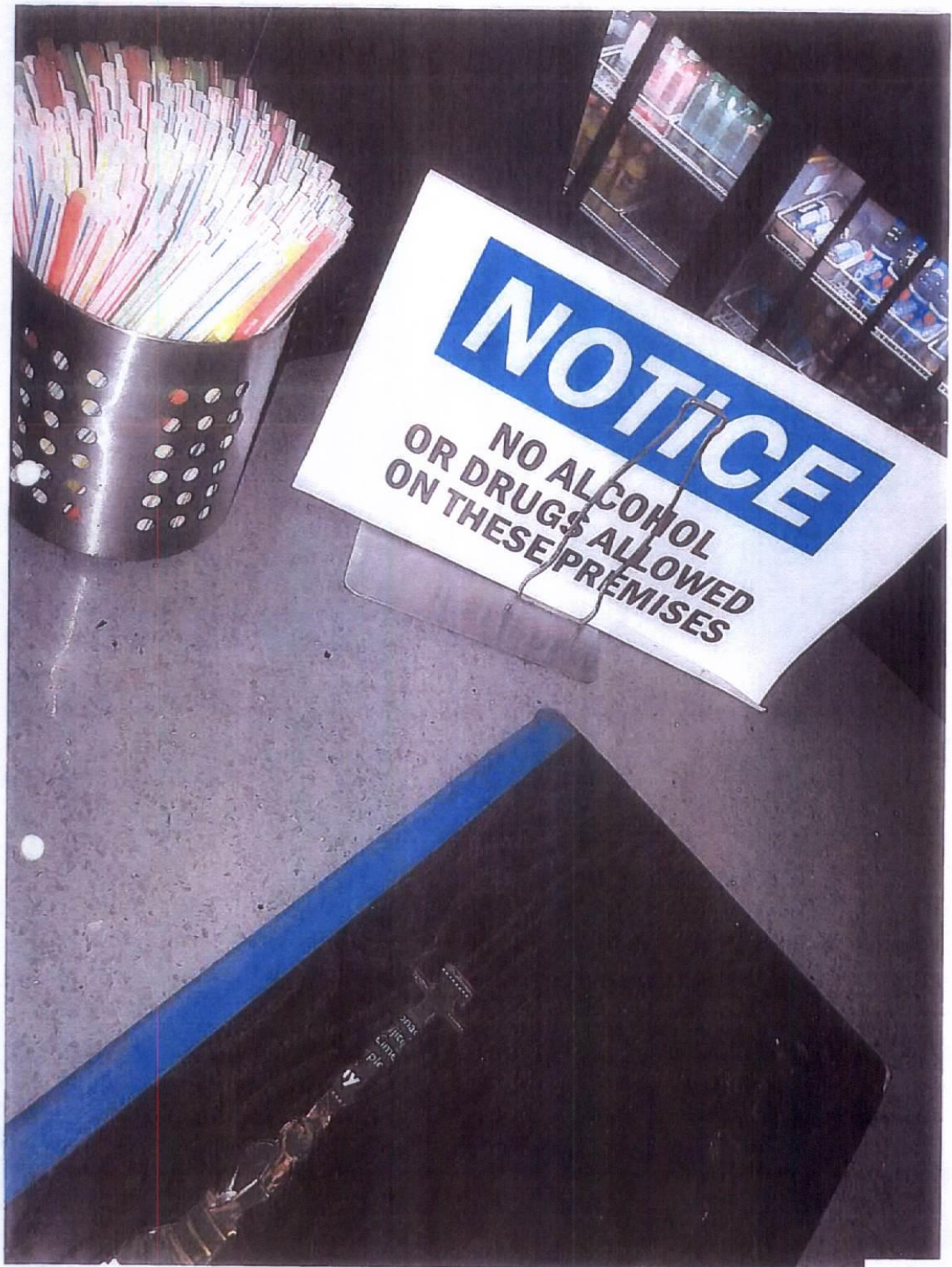
Many Thanks,

M Malik
Cloud Nine

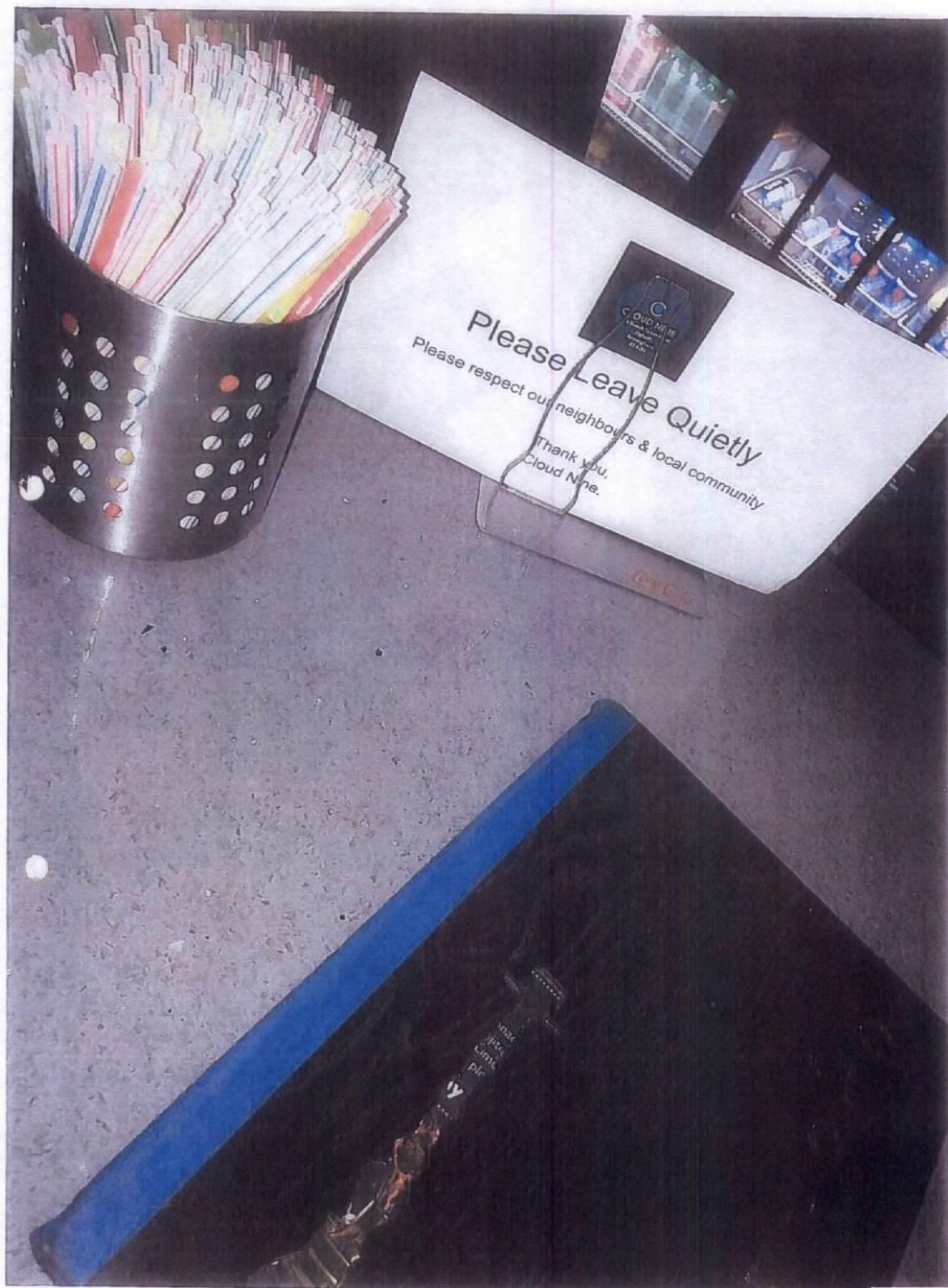
On 5 Apr 2018, at 08:36, Ben Reader <breader@west-midlands.pnn.police.uk> wrote:

<https://outlook.live.com/owa/>





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URGENT - PROHIBITION NOTICE - ACTION REQUIRED
REGULATORY REFORM (FIRE SAFETY) ORDER 2005: ARTICLE 31

To: Mohammed Ashiq
(As the responsible person / person having control of the premises)

Address: [REDACTED]

Premises to which this Notice relates: Cloud Nine Dessert and Shis Lounge, 76 Gooch Street North, Highgate Birmingham B5 6QU.

The West Midlands Fire and Rescue Authority is of the opinion that use of the premises to which this notice relates ~~involve~~ / will involve* a risk to people so serious that use of the premises ought to be ~~prohibited~~ / restricted*.

The use of premises to which this notice relates is prohibited / restricted* to the following extent:	No more than 55 persons to be allowed into the premise which includes staff.
Matter(s) which give rise* / will give rise * to that risk is / are*:	No means of giving warning in case of fire, i.e. no working fire alarm.
The measures which must be taken to remedy the matters are:	Reinstate the fire alarm in working order showing no fault by qualified engineer. Put in method of monitoring the number of people in the premise at any one time.

The ~~prohibition~~ / restriction* takes effect from: date 2/4/2018 time 19.14.

The premises are ~~prohibited~~ / restricted* as stated until the specified matters have been remedied.

Signed: ' [Signature]

.6462 Dated: 2/4/2018

On behalf of, and duly appointed by the West Midlands Fire & Rescue Authority

* Delete as applicable

Invoice No. 8846

INVOICE

Date: 2/4/18
Name: Cloud 9
Business:
Address: 66-76 Gooch STREET
Birmingham
Post Code: B5 6QU
Tel No.: [REDACTED]
Email: [REDACTED]
REPORT NO. 05041

**ALL ENGINEERS
SAFE & F.E.T.A
TRAINED**

B.S. EN ISO 9001 QUALITY ASSURED

ALL EQUIPMENT PARTS AND REFILLS, REMAIN
THE PROPERTY OF FIRECHECK SERVICES (UK) LTD.
UNTIL FULL PAYMENT IS RECEIVED.

30 DAYS WRITTEN NOTICE IS REQUESTED TO
CANCEL AGREEMENT. FAILURE WILL RESULT
IN A SERVICE CHARGE TO BE MADE PAYABLE.



Firecheck Services (UK) Ltd

61 Beechdale Avenue

Great Barr

Birmingham B44 9DJ

t:0121 605 7049

e: info@firecheckservices.co.uk

REPORT NO. 05041



CONTRACTORS HEALTH & SAFETY ASSESSMENT SCHEME
Accredited Contractor

ISO 9001
REGISTERED FIRM

PURCHASE ORDER

[illegible]

**Carry out fire safety training online at
www.firecheckservices.co.uk**

F like us on facebook
Fire Check Services Ltd

VAT will be charged at current rate at date of invoice
VAT Reg.No. 171 9827 76

Method of Payment	CASH.
-------------------	-------

PAYMENT TO BE RECEIVED ON COMPLETION OF WORK

NOTICE FOR PAYMENT ON ACCOUNT

DEDUCT CREDIT ACCOUNT CHARGE, IF PAYMENT IS MADE WITHIN 29 DAYS OF INVOICE DATE. IF PAYMENT IS MADE AFTER 28 DAYS OF INVOICE DATE, CREDIT ACCOUNT CHARGE WILL BE PAYABLE.

FOR BACS PAYMENTS

SORT CODE: 30-98-37 ACCOUNT NO: 40450168

Sub Total	4234.6
-----------	--------

V.A.T.	# 46-92
--------	---------

Total	4231	53
-------	------	----

Credit Account	34	00
----------------	----	----

Charge		
Grand Total		

Customer's Signature _____

Printed Name

Position

Engineer

The signatory confirms that the maintenance work has been carried out in accordance with the agreement and customer satisfaction. All work carried out to Current British Standards.

10 YEAR GUARANTEE

FINTECH CASE SERVICES (UK) LTD hereby agrees not to alter, and free of charge to place on file for deposit for its use, any data, etc. which shall, in any examination to be conducted by or on behalf of, any authority, may appear in FIRECHECK (UK) LTD'S (UK) LTD'S registers within two years of the date of its deposit from our premises. This applies providing that the data appears at all times covered by a current FIRECHECK SERVICES (UK) LTD Service Agreement and that they are fitted with parts and pressure changes supplied and fitted by FIRECHECK SERVICES (UK) LTD. Furthermore, FIRECHECK SERVICES (UK) LTD agree to finance all white-powder, as relevant to portable fire-fighting extinguisher equipment from any other UK supplier when their terms and conditions have been adhered to.

FINECHECK SERVICES LIMITED Company Reg. No. 2646113, Registered Address: Sahar Singh House, 2nd Floor, 44 Radford Street, N.Y. 10, 00051-2004

Certificate of Fire Maintenance



The certificate confirms that Firecheck Services (UK) Ltd
Have completed the maintenance service of the fire equipment listed at the premises below
to British Standards B.S. 5306

Business Name: CLUBS

Site Address: GOUGH STREET NORTH
BIRMINGHAM
B5 6DU

Invoice No: 8396

Service Sheet No: 8000

Engineer No: 1001

****Caution** B.S. 5306 pt. 8**
Dry Powder extinguishers are not recommended for indoor use.
Using Dry Powder extinguishers can cause asphyxiation and problems during evacuation due to loss of visibility.
Unless mitigated by a health and safety risk assessment.

Valid for Period:

MAY 2017 To MAY 2018

It is recommended that regular inspection of all fire extinguishers be carried out by the user representatives at regular intervals. Inspections should ensure that the appliances are in their proper positions and have not been discharged, lost pressure or suffered obvious damage. These inspections should be carried out at least weekly. If there are signs of damage or if an extinguisher has been used or part used contact Firecheck services (UK) Ltd immediately.

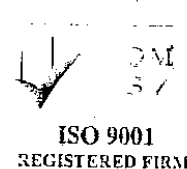
WATER	FOAM	CO2	DRY POWDER	WET CHEMICAL	FIRE BLANKET	MULTI-CHEM	WATER MIST
Class: A	Class: A & B	Class: B & Electrical	Class: A, B, C, & Electrical	Class: A & F		Class: A, B, & F	Class: A, B, F & Electrical
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Additional work/action is considered necessary recommendations and requirements have been recorded on the service sheet issued
Tick box if applicable: ☐

Firecheck Services (UK) Ltd.
61 Beechdale Avenue, Birmingham B44 9DJ

TEL: 0121 605 7049

E-Mail: info@firecheckservices.co.uk
www.firecheckservices.co.uk



Page 212 of 228

Fire Risk Assessment:

In accordance with:
The Regulatory Reform (Fire Safety) 2005

GENERAL INFORMATION:

Company Name: CLOUD 9

Company Address:
GOOCH STREET NORTH
BIRMINGHAM
B5 6QU

Work Activity: SHISHA LOUNGE & DESERT BAR

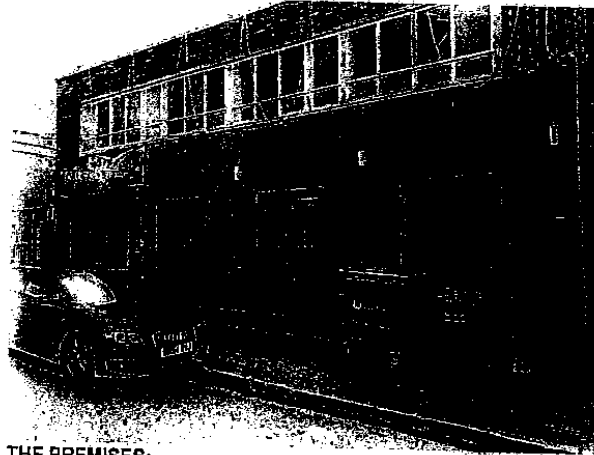
Date of assessment: 5TH MAY 2017

Review date of assessment: 5TH JUNE 2018 or when procedures or building changes.

Responsible person: MOHAMMED MALIK

Outside contact number: [REDACTED]

----- The purpose of this form is to provide an assessment of the risk to life from fire in these premises. It is the duty of the Responsible person to, where appropriate take action on any significant findings to ensure safety. The Risk Assessment must be reviewed by the date stated or earlier if there are significant changes to circumstances within the premises.
Fire check Services only offer a guide to the findings on the day of assessment, and are not liable for any information supplied or advised.



THE PREMISES:

The premises are located on Gooch Street North. The premises operate as a Shisha smoking lounge and a food desert bar. No alcohol is sold or allowed on the premises.

The business operates on one floor level which is open plan.

There is a front main entrance and a rear exit that leads through an external walk way to the front of the premises. There is also an exit route from the kitchen/shisha prep area that leads to the front fire exit door.

The shisha smoking is carried out at the rear of the premises. The rear of the premises is an outside area that has no walls on the one side of the building and has a portal frame roof with king span 80mm sheets which are fire retardant to 1hr.



CONSTRUCTION OF THE BUILDING:

Brick built building & portal frame with king span 80mm insulated fire retardant sheets.

RELEVANT PERSONS:

Approximate number of employees in the Building at any one time: (A) 5

Maximum number of other persons in the Building at any one time: (B) 50

Approximate maximum occupancy Within the building at any one time (A+B) 55

PERSONS WITH DISABILITIES:

No staff with disabilities. Staff will be aware of any visitors that may have disabilities, mobility, vision, hearing, health problems & pregnant women, where assistance may be needed to evacuate the premises.

OPENING HOURS: Open 7days week 3pm – 2am.

ENFORCING AUTHORITY: West Midlands Fire Service.

PREVIOUS LOSS: None.

ELECTRICAL: (Ignition Source)

The main electrical fuse board is located in the kitchen area and is housed in a metal fuse board box. Extension cables are used, no evidence on the day of assessment that they were over used.

FINDINGS FOR ELECTRICAL (High Risk)

On the day of assessment there was no evidence of periodic electrical inspections being carried out.

No evidence of P.A.T Testing (Portable appliance testing)

The extension cables that are used require positioning better, do not allow cables to become tangled.



Behind the bar area it was noted that the extension cable was hanging from the bar. Do not allow cables to be left hanging where they can easily be damaged.

The heat gun and fan wire in the Coal warming area in the kitchen require attention, the heat gun requires replacing due to the heat damage on the gun. Wires are pulled across objects where they could be damaged easily.



BRANCH 752
 BIRMINGHAM
 TEL: 0121 611 1121
 FAX: 0121 611 1121

INVOICE NUMBER 0162023
 DATE 26 04/19
 TIME 16:40

TEL: 07960962428
 FAX: 0121 611 1121

INVOICE NUMBER 0162023
 DATE 26 04/19
 TIME 16:40

ITEM	PACK SIZE	QTY	PRICE	VALUE	VAT	STD RRP	PER
12 500ml	1	7.33	7.33	12.17	F	1.19	37.90
12 500ml	2	7.33	14.66	14.78	B	1.19	37.90
12 500ml	1	6.45	6.45	8.45	F	1.35	37.45
12 500ml	1	7.29	7.29	39.16	F	1.35	37.45
12 500ml	2	7.49	14.98	14.98	B	1.28	31.80
12 500ml	2	6.92	13.84	13.84	F	1.15	30.25
24 500ml	2	4.99	9.98	14.97	F	0.87	30.25
1 24x330	2	10.39	20.78	20.78	B		
12 275ml	6	7.49	44.94	44.94	F		
SUB-TOTAL	ITEMS	31	GOODS	214.57	EXC.VAT		
1 24x330	1	7.99	7.99	7.99	A		
SUB-TOTAL	ITEMS	1	GOODS	7.99	EXC.VAT		
48 45g	1	15.00	15.00	15.00	B	0.00	40.49
SUB-TOTAL	ITEMS	1	GOODS	15.00	EXC.VAT		

ORDER TOTAL 234.57

NETT	NETT	VAT	TOTALS: GOODS	214.57
0.00	7.99	0.00	VAT	46.25
234.57	234.57	46.25	INVOICE TOTAL	280.82

ORDER PRODUCTS NOT STOCKED IN BRANCH !
 WWW.BOOKER.CO.UK - ONLINE EXCLUSIVES



address

66 Gooch Street North

Post town

Birmingham

Post code

B96QU

Daytime contact telephone number

E-mail address
(optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr ☒

Mrs ☐

Miss ☐

Ms ☐

Other title

(for example, Rev.)

Surname

Nasar

First names

Qasam

Date of birth

I am 18 years old or over

Please tick ☒ yes

Nationality

Current
residential
address if
different from
premises
address

05/01/99 - British

66 Gooch Street North

Post town

Birmingham

Post code

B96QU

Daytime contact telephone number

E-mail address
(optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.



34400 / 7260 / 98183943902
SONIA HUSSAIN
CLOUD NINE
66-76 GOOCH STREET NORTH
BIRMINGHAM
B5 6QU

Renewal Fee Summary

Warehouse No:	115
Member No:	98183943902
Cardholder Name	Amount
SONIA HUSSAIN	£67.20
KAMRAN BANARES	£0.00

IF YOU HAVE ANY QUESTIONS ABOUT YOUR RENEWAL PLEASE
CALL OUR CENTRAL MEMBERSHIP DEPARTMENT ON
01923 830477.

RENEWAL IS FOR A 12 MONTH PERIOD BASED ON THE MONTH OF
INITIAL ENROLMENT, WHETHER OR NOT SHOPPING PRIVILEGES
HAVE BEEN EXERCISED

PAYMENT

ONLINE - If you have NO CHANGES to your membership account visit
www.costco.co.uk/renewals and pay online with American Express,
Mastercard, Visa, Debit cards or American Express.

By POST - Send a cheque made payable to: Costco Wholesale UK Ltd,
with your renewal notice to: Costco Membership, UK Home Office,
Hartspring Lane, Watford WD25 8JS. Please write your membership
number on the back of the cheque.

WAREHOUSE - Take your payment and renewal notice to the membership
department at your nearest Costco warehouse. Payment can be made by
Cash, Cheque or Debit Card

AT THE TILLS - If you have no changes to your membership, simply pay at
the tills with your purchase

PLEASE DO NOT STAPLE YOUR CHEQUE TO THIS FORM WHEN
REPLYING AND DO NOT SEND POST DATED CHEQUES.
PLEASE RETURN THE WHOLE OF THIS FORM TO RENEW.
IF YOU HAVE RENEWED YOUR MEMBERSHIP ANY TIME SINCE THE
16TH OF THIS MONTH THEN PLEASE IGNORE THIS NOTICE

Member Name - SONIA HUSSAIN

Renewal Month - DECEMBER

Total Amount Paid -

Please tick here if there are any address or
cardholder changes (pto) ☐

Total Renewal Fee: £67.20 inc VAT
VAT IS CHARGED AT THE APPLICABLE RATE

Executive Trade Member

Primary	£56.00 plus VAT
Spouse	Free
Add On Cards (Non Executive)	£14.00 plus VAT each
Maximum number of add on cards is 6	

**As an Executive Member, here is your £36.06 reward
you have earned since April 2016!**

Thank you for shopping with Costco this year!

Congratulations! Attached is your 2% Reward Certificate which is now valid for you to use against any purchases, apart from Food Court, within any UK
warehouses.

The reward applies to the combined purchases on your Executive Membership card and your
spouse/domestic partner card only. Additional cardholders on your membership are not included on the
Reward scheme.

Executive members can now save even more! You can receive exclusive rates on Costco Member
Services.

Please pick up a brochure on your next visit to your local warehouse or visit costco.co.uk

Member No 98183943902



098183943902006720



22 June 2016

Cloud Nine
C/O Mr Mohammed Malik
76 Gooch Street North
Birmingham
B5 6QU

Dear Mr Malik

Licensing Act 2003 Premises Licence (Grant)
Re: Cloud Nine, 76 Gooch Street North, Birmingham. B5 6QU

The application by Mr Mohammed Malik, for a premises licence under the Licensing Act 2003 in respect of Cloud Nine, 76 Gooch Street North, Birmingham B5 6QU, was considered by the Licensing Sub-Committee of Birmingham City Council on Tuesday 21 June 2016.

I can advise that the Sub-Committee resolved to grant the premises licence application subject to the following conditions to promote the prevention of crime and disorder and the prevention of public nuisance objectives in the Act.

The conditions that have been agreed with the Licensing Enforcement Department of Birmingham City Council, as detailed in email correspondence from 27th May 2016 onwards between Mr Mohammed Malik and the Licensing Enforcement Officer Doug Wright. (West Midlands Police have withdrawn their representations based on the conditions as agreed between the applicant and Licensing Enforcement) -

- 1) Alcohol will not be permitted to be drunk on the premises or brought onto the premises
 - 2) If staff believe that customers have alcohol in their possession they will be asked to submit to a search. If they decline or are found to be in possession of alcohol they will be refused entry or asked to leave the premises.
 - 3) A record of all searches will be kept at the premises and produced to Officers on request
 - 4) A refusal of entry log will be kept at the premises and produced to Officers on request
 - 5) Door supervisors will be on duty at the premises on Friday and Saturday nights between the hours of 22:00 and closing. Also at any times that the Premises holds a Special Event
 - 6) Door Supervisors will wear High Visibility Jackets
 - 7) Door Supervisors will wear their SIA badge in a position where it can clearly be seen
 - 8) Door Supervisors will sign in and out of a register at the start and finish of each shift
- The register must be kept on the premises and produced to Officers on request



ONE BETTER IN EVERYTHING

Birmingham City Council
Licensing Section
PO Box 17013
Birmingham
B6 9ES

General Licensing
Telephone: 0121 303 9896
Facsimile: 0121 303 9982
Email: licensing@birmingham.gov.uk
Web: www.birmingham.gov.uk/licensing

THE PLACE DIRECTORATE



Our reference WK/008910790

5th January 2018

The Manager
Clo: 7
66 Gooch Street North
Birmingham
B5 6QU

Dear Sir/Madam,

Safety within Shisha Premises
Health Act 2006 Health and Safety at Work etc Act 1974; Health Act 2006

Safety of your premises, your customers and yourself is extremely important to you and it is important to us. We want to ensure you have the most up to date information with regard to safety practices surrounding the activities that occur within your business. Please find enclosed the updated information for shisha premises. In particular we would like to draw your attention to the following specific information:

- As your business is open to the public and is a workplace then you cannot allow smoking in areas that are enclosed or substantially enclosed. Smoking includes shisha, cigarettes, cigars, pipes etc.
- The legislation is the Health Act 2006
<http://www.legislation.gov.uk/ukpga/2006/23/section/2> and the definition of enclosed and substantially enclosed can be found here
<http://www.legislation.gov.uk/ukSI/2006/3368/regulation/2/made>
- Your business needs to have a risk assessment. More information can be found here.
<http://www.hse.gov.uk/risk/controlling-risks.htm>. The 'food service' and 'night club' examples may be useful for your particular business.
- You will also need to consider the **risks associated with the presence of carbon monoxide**. This is a colourless, odourless, poisonous gas that is produced when shisha charcoal/ coals, propane gas or other fuels are burnt. Moderate exposure can lead to serious health effects.

No business should have a competitive advantage over another business by not complying with relevant legislation. To safeguard against unfair trading and practises which may give rise to Health and Safety issues, agencies visits businesses throughout the city to assist businesses and ensure compliance.

If you have any questions please get in touch, my details are below



Louise Elliot
Environmental Health
PO Box 16777
Birmingham
B2 2AE

Telephone: 0121 303 5434
Fax: 0121 303 1391
E mail: louise.elliott@birmingham.gov.uk
The Place Directorate



Business

Your gas contract

Date: 19 December 2017

Your details

Customer name: Mr Mohammad Malik T/a Cloud Nine

Supply address:
66 GOOCH STREET NORTH
BIRMINGHAM
B5 6QU

Billing address:
66 GOOCH STREET NORTH
BIRMINGHAM
West Midlands
B5 6QU

Your MPRN (meter number): [REDACTED]

Your account number [REDACTED]

Your contract

You've chosen:

Your Business Easy Mover Gas ROB, gas, Cash/Cheque

Helping you manage your energy costs when you've moved into new business premises

Prices will be fixed for a 1, 2, or 3 year contract period agreed with you and will remain fixed for the period unless we're given inaccurate information about your meter or usage, or your consumption changes significantly.

Start date:

18 December 2017

Duration:

36 months

End date:

17 December 2020

Notice period:

At least 30 days' notice before the end date

Your gas prices

Our pricing reference: 25_17_12_B_01_G

Standing charge

24.000 p / day

Unit rate

4.610 p / kWh

Prices are valid for the fixed period only, and are exclusive of VAT, Climate Change Levy (CCL) and Green Deal charges where applicable. We'll send you bills quarterly or monthly as agreed, and the standing charge shown on your bill will be based on the number of days the bill covers.

Your bills

Payment method: Cash/Cheque

Payment terms: 14 days from date of invoice

If you don't pay by Direct Debit there will be a 5% surcharge on your bill.

LLOYDS BANK



J317710286VMAA0000005175001001344000

Mr H A Hussain

[REDACTED]



To contact us about this letter
either visit any branch or write to us at:
Bordesley Green Birmingham (778510)
Branch
Lloyds Bank
BOX1
BX1 1LT

or call us on: 0345 3000000

Our reference: EM921 / AEM2

Letter Date: 18 July 2017

Dear Mr Hussain

Your account details: [REDACTED]

Why we are writing to you

- We were unable to make all the requested payments from your account today as there wasn't enough money to cover it.
- We won't charge you for the missed payments.
- Please make sure there's enough money in your account to cover future payments.

We are writing to let you know that the following payment you arranged to come out of your account today could not be made as unfortunately, there wasn't enough available money in your account to cover this.

Payment request date 18th July 2017
Payment Type Direct Debit
Details PAYPAL PAYMENT
Amount £9.13

What this means for you

Because of the type of account you have, we won't charge you for the missed payment. We do encourage that you make sure there is enough money in your account to cover your future payment.

What happens next

The following information explains what we will do next and any actions we need you to take.

PLEASE CONTACT US IF YOU'D LIKE THIS LETTER IN BRAILLE, LARGE
PRINT OR ON AUDIO!

If you have a hearing or speech impairment and would prefer to use Textphone, please feel free to contact us on 0345 300 7281 (or 01624 640719 for international customers) or via Text Relay.
Calls may be monitored or recorded in case we need to check we have carried out your instructions correctly and to help improve our quality of service.
Lloyds Bank plc Registered Office: 25 Gresham Street, London EC2V 7RN. Registered in England and Wales no. 2043. Telephone: 020 7626 1500.
Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority under registration number 119376.
We also subscribe to The Lending Code. Details can be obtained from www.lendingstandardsboard.org.uk. Eligible deposits with us are protected by the Financial Services Compensation Scheme. We are covered by the Financial Ombudsman Service.

Page 1 of 2.

11/20/2017 11:18:13 AM 11/20/2017 11:18:13 AM

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4) **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

21/2/18

Capacity

Director

For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 5) **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

21/02/18

Capacity

Director

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Haider Hussain	
66 George Street North	
Post town	Post Code
Birmingham	B56 0W
Telephone number (if any)	
[REDACTED]	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	
[REDACTED]	

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships

A licence may not be held by an individual or an individual in a partnership which is not a limited liability partnership who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the

DATE 5/5/17
Name Cloud 9
Business Cloud 9
Address 000CH 3F
PHHAI

Post Code 85600
0750664774
E-Mail No. _____
mail _____

2560

0750647714

Email _____

APPLIANCES TO BE RECORDED ON CERTIFICATE					
Model	Quantity	Model	Quantity	Model	Quantity
Water	1	Foam	3	CO2	2
Dry Powder	1	Wet Chemical	1	Fire Blanket	1

Y ✓	N	Next Service Due: 5/20/18
-----	---	---------------------------

Periodic testing: Water, Foam, Dry Powder, Wet Chemical = Every 5 years
CO2 Extinguishers = Every 10 years

ENGINEERS RECOMMENDATION

[illegible]

**ALL ENGINEERS
SAFE TRAINED**

Disposal of Equipment

Customer

environmental disposal required

HA **ISO 9001**
 OPERATIONS HEALTH & SAFETY ASSESSMENT SCHEME
 Accredited Contractor
 QMS - SY

WORK CARRIED OUT

[illegible]

Engineer

Days	Control (Number of eggs per female)	Diet 12 (Number of eggs per female)
0	0	0
1	0	0
2	9.5	2.5
3	9.5	3.5
4	9.5	4.5
5	9.5	5.0
6	9.5	5.5
7	9.5	6.0
8	9.5	6.2
9	9.5	6.4
10	9.5	6.5

Engineer:

**BIRMINGHAM MAGISTRATES' COURT
SUMMONS FOR NON-PAYMENT OF
NATIONAL NON-DOMESTIC RATE**

Issue Date
10-Jan-2018

MR MOHAMMED MALIK
66-70 GOOCH STREET NORTH
BIRMINGHAM
B5 7HE

Reference Number
6005787331 - NDR LAD
Overdue Amount
£13791.63
Address to which this charge relates
66-70 GOOCH STREET NORTH BIRMINGHAM B5 7HE

For enquiries regarding this Summons
Telephone: 0121 303 5509
Textphone: 0121 303 1119
business_rates@birmingham.gov.uk

Complaint has been made to me, the undersigned by Birmingham City Council, that you are subject to National Non-Domestic Rate in the said City and have not paid the total sum of £13687.63

YOU ARE THEREFORE SUMMONED TO APPEAR ON Wednesday 7th February 2018 AT 13:30

before Birmingham Magistrates' Court at VICTORIA LAW COURTS, CORPORATION STREET, BIRMINGHAM, B4 6QA to show why you have not paid this amount. Please note that should you fail to attend, your case will be dealt with in your absence.

Outstanding National Non-Domestic Rate for: - From 21-JUN-2017 to 31-MAR-2018	£13687.63
Amount as shown above	£13687.63
Costs incurred on the issue of this Summons	£104.00
TOTAL AMOUNT NOW DUE (including costs)	£13791.63

Authorised
Michael Seath Justices' Clerk (West Mids & Warwickshire Magistrates' Courts) Dated: 10-Jan-2018
Please note that should the **total amount now due** be sent to the Birmingham City Council, Revenues Department, P.O. Box 5, Birmingham, B4 7AB, **before the date of the hearing**, all proceedings will be stopped.



BIRMINGHAM CITY COUNCIL
N.N.D.R SUMMONS

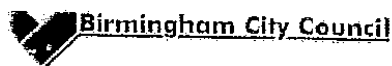
Bank Giro Credit ABC

155	Reference (Billing Number)	6005787331	Debit Account Number		Amount due (this fee payable at PO counter)	£ 13791.63
82	Signature		Date		CHEQUE ACCEPTABLE	
CASHIER'S stamp and initials		MR MOHAMMED MALIK 66-70 GOOCH STREET NORTH BIRMINGHAM B5 7HE		Barcode 6332 4330 6005 7873 319		CASH
HEARING DATE 07-Feb-2018		5		CHEQUE		£

Please do not write or mark below this line and do not fold this document

6005787331 00001379163

60057873317 44322250195 91



NATIONAL NON-DOMESTIC RATE REMINDER NOTICE

Issue Date
16-Nov-2017

MR MOHAMMED MALIK
66-70 GOOCH STREET NORTH
BIRMINGHAM
B5 7HE

01930 000450100100

Reference Number
6005787331 - NDR LAD
Overdue Amount
£3421.63
Address to which this charge relates
66-70 GOOCH STREET NORTH BIRMINGHAM B5 7HE

For enquiries regarding your Account
Telephone: 0121 303 5509
Textphone: 0121 303 1119
business_rates@birmingham.gov.uk

Dear Sir/Madam

Our records show that your instalment for the property address shown above is overdue.

You are now required to pay £3421.63 within 7 days, from the date of this notice, to bring your account up to date.

If you do not pay £3421.63 within 7 days you will lose your right to pay by instalments and the total balance for the year, currently £13667.63 will become due. If this is not paid in full we will take court action against you. If it becomes necessary to do this, you will have to pay additional court summons costs of £104.00.

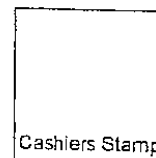
To avoid reminders in future, why not pay by Direct Debit? A mandate form is enclosed for you to complete to avoid further reminders and the risk of losing your right to pay by instalments.

Please note if you default on your instalment again you will only be allowed to continue paying by instalments if you agree to pay by Direct Debit and keep your payments up to date.

Yours sincerely,

Chris Gibbs

Chris Gibbs
Assistant Director Revenues and Benefits



BIRMINGHAM CITY COUNCIL
N.N.D.R.

Bank Giro Credit ABC

155	Reference (Billing Number)	6005787331	Credit Account Number	Amount due (to fee payable at PO counter)	£ 3421.63
82	Signature		Date		CHEQUE ACCEPTABLE
Cashier's stamp and initials		MR MOHAMMED MALIK 66-70 GOOCH STREET NORTH BIRMINGHAM B5 7HE		Barcode 6332 4330 6005 7873 319	
CAPT 10/10		5		CASH CHEQUE £	

Please do not write or mark below this line and do not fold this document

6005787331 00000342163

60057873317 44822250195 91 X



**Valuation Office
Agency**



Mohammed Malik
Cloud 9
66-70 Gooch Street North
Birmingham
B5 7HE

Daljit Virk BSC (Hons) MRICS
Valuation Officer

Ndr Central
2 Broadway
Broad Street
Edgbaston
Birmingham
B15 1BG

Your Reference :

Our Reference :

Please Ask For :

Contact Numbers :

Tel

Fax

Date : 05-APR-2017

Dear Sir/Madam,

**THIS NOTICE IS IMPORTANT
NOTICE OF ALTERATION TO THE 2010 RATING LIST**

I have now made a new entry in the Rating List as follows :-

Billing Authority : BIRMINGHAM

Reference Number : 10639722

Description : RESTAURANT AND PREMISES

Rateable Value : £35,250

Effective Date of Alteration : 12-DEC-2015

Actual Date of Alteration : 05-APR-2017

Address : 66-70, GOOCH STREET NORTH, BIRMINGHAM, B5 7HE

The purpose of this Notice is to inform you of this alteration which I have needed to make because the property, or its occupation, has been rearranged to form one or more different rateable units.

I enclose a summary of the valuation showing how the Rateable Value was calculated.

For your information I attach a schedule which shows the other associated list alteration(s) I have made. A separate Notice has been sent to the occupier or owner of each unit of occupation shown in the "Revised Entry(ies)" section of the attached schedule.

An entry in the Rating List indicates liability for the payment of rates. You may make a proposal to alter the Rating List if you disagree with the alteration I have made and wish to appeal even if you have an earlier appeal outstanding because it may not apply to this alteration. If you wish to appeal you can obtain a proposal form from this office.

If you have an agent acting on your behalf in an outstanding appeal, or a retained agent, this notice has not been copied to them, and you may wish to send them a copy.

Enquiries about the payment of rates should be directed to the Billing Authority. For any other queries please contact this office, quoting "Our reference" shown above.

Yours faithfully,

Daljit Virk BSC (Hons) MRICS

Valuation Officer.

Enc.

VO 7013B (2005)

The VOA is an Executive Agency of HM Revenue & Customs

