

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

**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB-COMMITTEE B**

**TUESDAY, 11 AUGUST 2015 AT 10:00 HOURS**  
**IN COMMITTEE ROOM 1, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

**A G E N D A**

1 **NOTICE OF RECORDING**

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

2 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3 **MINUTES**

**3 - 18**

To confirm and sign the Minutes of the meeting held on 16 June 2015.

To confirm and sign the Minutes of the meeting held on 28 July 2015.

4 **LICENSING ACT 2003 - PREMISES LICENCE - GRANT - DUBELLA LOUNGE, 112-116 BOLDMERE ROAD, SUTTON COLDFIELD, B73 5UB**

**19 - 52**

Report of Director of Regulation and Enforcement.

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

5 **OTHER URGENT BUSINESS**

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







# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB COMMITTEE B 16 JUNE 2015</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE B  
HELD ON TUESDAY 16 JUNE 2015  
AT 1000 HOURS IN COMMITTEE  
ROOM 1, COUNCIL HOUSE,  
BIRMINGHAM**

**PRESENT:** - Councillor Lynda Clinton in the Chair

Councillors Nawaz Ali and Gareth Moore

**ALSO PRESENT**

David Kennedy, Licensing Section  
Sanjeev Bhopal, Committee Lawyer  
Gwin Pountney, Committee Manager

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**NOTICE OF RECORDING**

1/160615

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

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

2/160615

There were no apologies or nominee members.

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

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

(See document No. 1)

The following persons attended the meeting.

**On behalf of the applicant**



Mr M O'Brien – Premises Licence Holder  
Mr R Halabrin – Designated Premises Supervisor (DPS)  
Mr T Morrissey – supporting the DPS  
Mr G Bird – supporting the DPS  
Mr N Phillips – supporting the DPS

**Making Representations in respect of the application**

PC A Rohomon – West Midlands Police  
M Williams – Trading Standards

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy, Licensing Section and Members were advised that West Midlands Police had submitted further supporting information.

(See documents No.2 and No.3)

PC Rohomon, in presenting the case on behalf of the Police and in response to questions from Members, made the following points:-

- a) The Gunmakers Arms was a small premises, outside the main entertainment area of Birmingham, licensed until 1.00am all week.
- b) At 1.53am on 10 December 2014 the emergency services had received a call from the premises requesting the police and ambulance services. Upon arrival at the premises the ambulance services found a male who they declared immediately as deceased.
- c) The Police subsequently interviewed the DPS, Mr Halabrin, who made a statement to the effect that the male had arrived at the premises between 5.00pm and 6.00pm and had been drinking cider and shots throughout most of the night, but had also consumed half a litre of whisky in 20 seconds and had eventually got so intoxicated that he had passed out.
- d) He stressed that this was 'an extortionate amount of alcohol' for a person to drink within such a short space of time.
- e) Mr Halabrin had further stated that another patron and himself had taken the drunken customer outside to try and revive him and then taken him back in and then splashed water on his face.
- f) Following this, the customer had been put into the recovery position and Mr Halabrin and his colleague had gone out to eat for 30 minutes. Upon their return the customer appeared cold so they put him up against a radiator to warm him up but when this failed they had called an ambulance – who had pronounced him dead.
- g) Following an examination of the body by the coroner a blood sample had been taken which had shown 436mg per 100ml alcohol in the blood with the statement that any levels above 400mg could be fatal. This was consequently stipulated in the coroner's report as one of the causes of death – 'Acute



ethanolic intoxication’.

- h) Commented on the photos in the police evidence bundle, (which had only come to light at the inquest in March 2015 despite 2 visits by the police to the premises prior to this), showing the customer:
- with a 2/3rds full bottle of whisky in front of him
  - with a line of shots
  - in a clearly intoxicated state
  - totally unconscious
  - with wet clothing and a wet towel around his head (in December when the weather at night had been 3 degrees at night)
  - slumped against a wall with his body contorted

all demonstrating a complete lack of care for the customer.

- i) Another photo showed the bar with 3 clear bottles – which were later identified as 50% proof, with another photo showing the price list –although the DPS had stated that these were not sold to customers but given to them as gifts.
- j) That the DPS had gone out to eat and locked the premises leaving the customer intoxicated, alone and unable to call or let in the emergency services. Upon his return the customer had been cold but an ambulance had only been called after propping him up against radiator and failing to warm him up.
- k) Concluded that there had been ‘monumental failings’ by the DPS at the premises and the premises licence holder was also culpable due to his lack of management of, or intervention at, the premises.
- l) Due to their failings someone had died on the premises of alcohol poisoning as a result of being served a very high concentration of alcohol. They had failed in their duty of care to their customer to enjoy his night and go home safely.
- m) That prior to this event the Police had had very little involvement with this pub with no association to crime and disorder.
- n) That the only possible outcome for this review, in the interests of public safety would be for the licence to be revoked. The customer had drunk cider and then a substantial quantity of spirits within a short space but had been allowed to continue to drink. This had been exacerbated further by the DPS’ actions following the customer’s intoxication and his failure to call an ambulance.
- o) That the customer had not been found in the recovery position as his body had been moved upon the DPS’ return and there were no photos of this – the only evidence of this was the DPS’ statement.

Martin Williams, made the following points in respect of his representation and in



response to Members' questions:-

- a) Referred to his evidence at appendix 1 of the licensing report detailing 2 visits to the premises when non-duty paid bottles of spirits, spirits decanted from different bottles and plain unlabelled bottles containing spirits.
- b) That he had made 2 visits to the premises on 20 February 2015 and 1 April 2015 and the bottles of spirits pictured in the police evidence bundle had not been present.
- c) That he had only visited the premises twice in response to 2 complaints prior to this it had been every other year as the pub had had no previous history of complaints.
- d) That he had issued Mr Halabrin with a traders notice regarding the unlabelled spirits bottles which Mr Halabrin had signed. The note clearly stated that should his actions reoccur there was a possibility that his licence could be revoked. He was therefore very concerned when the same thing had occurred on the second visit.

Mr O'Brien, in presenting his case and in response to questions from Members, made the following points:-

- a) That he had bought the Gunmakers Arms as a buy to let investment. It had been 50 years old at this point and he had brought it up to the current fire regulations. He had subsequently had little to do with the daily management of the premises and the rent had been collected by an agent.
- b) He had ensured that his DPS, Mr Halabrin had completed his DPS training and had then taken over the running of the pub. Following this he had visited the premises on a fortnightly basis and had not seen anything untoward occurring.
- c) That whilst he did not defend the actions on the night of December 9, he had attended the meeting to keep his premises licence.
- d) He had complied with the Police throughout their investigations and had only found out about the incident following a meeting with the Police and Trading Standards on 12 February 2015 to discuss the coroner's results and had been very concerned about the alcoholic issues surrounding the death of a customer – he had formerly been advised by the DPS that the customer had had a 'health issue'.
- e) That he had tried to get the keys for the premises back from the DPS without success and had subsequently served a 28 day notice of evacuation upon him.
- f) This matter had caused great stress to himself and his family and there had been no previous history of crime/disorder or public safety at the premises. He stressed his disgust at the pictures presented in the Police evidence which he had not previously seen and expressed his sadness for



the family at the death of the customer.

- g) That whilst he understood his own responsibilities regarding public safety, he had felt as the DPS had been fully trained that he was fit for the role and there had been no previous issues with him. Furthermore on the occasions he had visited the premises everything had seemed to be running well.
- h) That the DPS had at one point changed the locks and locked him out of the premises for a period of three months and that they had a strained relationship. The situation had escalated since this event and he had been attempting to remove the DPS through the legal process and felt that there was no further action he could take.

Mr Halabrin in presenting his case and in response to questions from Members, made the following points:-

- a) That he felt responsible for some of the events on 9 December, but not and he felt very sad about the death on the premises of the customer whom he had often frequented the premises.
- b) That he seen the customer in the premises prior to this event getting drunk and then revived him. On this occasion he had earlier in the evening offered to put him into a taxi home but the offer had been refused.
- c) That he had lost control of events on 9 December but had tried his best to manage the situation.
- d) That he had taken photographs of the evening to show to the customer on the following evening regarding his drunken behaviour in order to restrain his drinking.
- e) That he had not served the whisky to the customer – it had been stolen by him whilst he had been away from this part of the bar and he had not removed the bottle from him as his behaviour had become more aggressive as he was becoming intoxicated at this point.
- f) That he had not insisted that the customer leave the premises after offering to get him a taxi as he had been a friend who visited the bar 4-5 times per week. However, he had poured some of the cider in front of him into the sink and not served him any further alcohol. Later on in the evening he had left him to fall asleep to awaken later to send home.
- g) That he had put the customer in the recovery position with an available exit when he went to get some food. He would have therefore been able to leave the premises if he had come around – but Mr Halabrin admitted that should the emergency services have been called, they would have been unable to get in.
- h) That whilst the customer had been drunk at the pub on previous occasions his behaviour had generally been loud and boisterous whilst on this



occasion he had become aggressive – particularly after he had drunk the whisky. It was possible however, that he had been drinking before he came into the pub.

- i) That he was keeping a record of the drinks taken by the customer to charge him for them the next day – this was normal practice for his regular customers, however they were not generally allowed to help themselves to drinks from behind the bar.
- j) That the licence should not be revoked as he had been very open about the events of 9 December and with regard to the unlabelled spirits he served at the bar, these were complimentary drinks for his customers. Furthermore he had learned from these events to move drinks away from the reach of intoxicated customers and to refuse them any further drinks and had become a more careful/cautious DPS.
- k) That the customer had vomited and urinated in the bar and he had cleaned it up using cleaning fluid and paper towels.
- l) That he had undertaken training for his role as Designated Premises Supervisor which included information on measures of alcohol – he had not been advised of this by the premises licence holder.
- m) That he had attempted to revive the customer using approximately ½ litre of cold water and whilst he had had no formal first aid training he had knowledge of the recovery position and that it required placing a person on their side.

Mr Morrisey in presenting his case and in response to questions from Members, made the following points:-

- a) That upon Mr Halabrin taking over the role as DPS at the Gunmakers Arms the pub had become a multi-cultural environment with a very good customer atmosphere and welcoming environment. – prior to this it had been in rack and ruin.
- b) That Mr Halabrin was a 'first class character' and treated all his customers like family.

Mr Bird in presenting his case and in response to questions from Members, made the following points:-

- a) That Mr Halabrin had made the pub a safe and welcoming environment with a large client base from all ethnic backgrounds. The customers had put together a petition with 78 signatures in support of Mr Halabrin, however this had been deemed inadmissible by Licensing Services.
- b) That he had observed the change in Mr Halabrin since these events and had seen him refuse drinks to customers where necessary and take their car keys to prevent them from driving home.



Mr Phillips in presenting his case and in response to questions from Members, made the following points:-

- a) That he had known the DPS for 4 years during which he had made a tremendous effort to build up the customer base and atmosphere. The pub was clean, warm and welcoming and he regarded Mr Halabrin as a friend and had had taken his family and friends to the pub frequently. It was also used by the Salvation Army for lunch refreshments.
- b) That Mr Halabrin had been the key holder for one of his customers and had fed him and ensured that he got home safely and had ensured that he was cared for when he was ill.
- c) That he had never seen Mr Halabrin take money for the non-duty spirits at the bar,
- d) That he had observed a deterioration in Mr Halabrin's mental state over the previous 6 months and seen his anguish over the death of a customer on the premises and his recognition that he had made a big mistake.

In summing up, PC Rohomon pointed out that it had been clear at the meeting that the premises licence holder did not understand his responsibilities with regard to the licensing act and objectives. He had treated the premises merely as an asset to make money and sell alcohol without any duty of care.

With regard to the DPS he had been in a position to save his customer but had allowed him to drink an extortionate amount of alcohol in a short space of time and had continued to let him carry on drinking. He had then proceeded to drench his customer with cold water and leave him alone in the pub while he went out – showing no duty of care in any of his actions. PC Rohomon stressed his sympathy for the family of the customer who had lost a family member due to the actions of the DPS and premises licence holder and asked for the premises licence to be revoked.

In summing up Mr O'Brien stressed that he had co-operated with the Police throughout their investigation, he felt he was innocent with regard to the events of 9 December and had actively tried to remove the DPS following the coroner's verdict in March and asked that the DPS be removed from the premises but that the premises licence be suspended, not revoked, in order that the premises could continue with a new DPS.

In summing up, Mr Halabrin admitted to his actions of 9 December and stressed that he would accept the decision of the Sub-Committee regarding the events of 9 December.

In summing up, Mr Bird expressed his scepticism of any Police intervention if Mr Halabrin had reported a drunken customer asleep on the premises. He stressed however that mistakes had been made and the events of 9 December had been sad for everyone concerned. However, lessons had been learned from this and changes of behaviour by the DPS had been noticeable. Therefore he requested that conditions be imposed on the premises and monitored by the Police, rather



than revocation of the premises licence.

In summing up, Mr Phillips stressed that prior to Mr Halabrin taking on the premises the pub had not really existed. Furthermore, he had had a very difficult 6 months following this event and had learned a lot of lessons and matured during this period - continuing to manage the pub well and being firmer with his refusals to drunken customers – and therefore emphasis should be placed on his level of care and consideration for his customers rather than his mistakes.

At 1245 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Managers to withdraw from the meeting.

At 1431 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

3/160615

**RESOLVED:-**

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

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

- 1) The circumstances giving rise to the death of a patron on the 10 December 2014; and;
- 2) A number of non-duty paid bottles of spirits on display and evidence that spirits had been decanted from some bottles to others on display on the optics, contrary to the General Food Regulations 2004 on the 20 February 2015 and again on the 1 April 2015, when three bottles of non-duty paid Jack Daniels, Jagermeister, and Martel Brandy were seized from the Premises.

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

The Sub Committee were particularly concerned about the Safety of the Public, given the sad and unfortunate events which took place on the 10 December 2014. These culminated in the death of a patron from the following causes of death:

- 1) Acute ethanolic intoxication and
- 2) Coronary artery atheroma/Chronic degenerative mitral valvar disease.



The Sub Committee had heard evidence that the patron had consumed an excessive amount of alcohol, directly from a bottle of Jack Daniels Whiskey in one go, in circumstances when there had been a clear management failing in prohibiting any such action from arising in the first place.

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

The actions of the DPS demonstrated a complete lack of concern for his patron, as well as breaching the Licensing Act 2003, and the Guidance issued by the Home Office under Section 182 of the Act.

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

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

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

The Sub Committee also carefully noted the various representations made on behalf of the DPS, and how the actions of the DPS had restored the fortunes of the Premises in the 4 years he had been in charge, and the impact this had had



on the local and wider communities. However, the circumstances giving rise to the Review were considered so significant that these vastly outweighed these representations.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the applicant / premises licence holder / and other persons.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision. The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

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04/160615 **OTHER URGENT BUSINESS**

There was no other urgent business.

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The meeting ended at 1445 hours.

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CHAIRMAN



# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB COMMITTEE B 28 JULY 2015</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE B  
HELD ON TUESDAY 28 JULY 2015  
AT 1000 HOURS IN COMMITTEE  
ROOM 1, COUNCIL HOUSE,  
BIRMINGHAM**

**PRESENT:** - Councillor Lynda Clinton in the Chair

Councillors Nawaz Ali and Bob Beauchamp

**ALSO PRESENT**

Nicola Stansbie, Licensing Section  
Parminder Bhomra, Committee Lawyer  
Gwin Pountney, Committee Manager

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

1/280715

There were apologies from Councillor Gareth Moore and Councillor Bob Beauchamp attended as nominee member.

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**ELECTRIC, 1 HURST STREET, BIRMINGHAM, WEST MIDLANDS. B5 4AS, -  
LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION  
ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF PREMISES  
LICENCE: CONSIDERATION OF INTERIM STEPS**

A certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, an application for review of licence and copy of the current premises licence were submitted:-

(See document No. 1)

The following persons attended the meeting:-

**On behalf of West Midlands Police**

PC Ben Reader  
Sergeant Elliot Richards



**On behalf of the Premises Licence Holder**

There was no-one present on behalf of the Premises Licence Holder.

Following introductions by the Chairman, the main points of the report were outlined by Nicola Stansbie. Members were further advised that an e-mail had been received from the premises licence holder's legal representative advising Licensing Services of the premises licence holder's support of a suspension of the premises licence pending a full review, as such, the premises licence holder would not be attending the summary review hearing.

(See document No.2)

PC Reader, in presenting the case on behalf of the Police and in response to questions from Members, made the following points:-

- a) Electric had been previously licensed as Oceania but had since changed ownership. The premise licence for the venue had been subsequently granted to the property owner - Steve Thomas - not the business operator. Currently the solicitor was representing both parties but it was perceived that complications may arise regarding this position in the future.
- b) On Friday 24 July Electric opened for an externally promoted event operating from 11.00pm until 4.00am, featuring urban and grime artists. The premises had submitted a risk assessment for the event and had classified it as medium risk and deployed 16 security staff at the event.
- c) At 3.50 am on Saturday 25 July the Police had been notified of 2 males in hospital who had come in with gunshot wounds to their legs. One of these had a wound to his lower left thigh – the other had a grazing entry/exit wound to his left thigh. Both males independently stated that they had received gunshot wounds from being in the same venue – Electric Club, Hurst Street, Birmingham,
- d) As part of their investigation into this incident, the Police had obtained the CCTV footage for the premises for that night which showed a disorder on the main dance floor. At 3.22am a large number of individuals were seen to rapidly clear the dance floor and a male is seen quickly exiting the building – due to the speed of this clearance it was suggested that this was when a firearm had been discharged. A similar incident was seen on another camera covering a corridor where there was a sudden, dynamic dispersal of people – attempting to get away from something very quickly.
- e) The CCTV showed a lack of control at the premises with a client smoking, others wearing facial and head coverings and a male in a hoodie and goggles.
- f) A search of the premises following this incident had revealed while no shell casings were found, officers did discover blood by one of the bars and bloodied tissues within the main room.



- g) Drugs paraphernalia was also found on the premises including; empty dealer bags, cannabis roll ups and remnants of herbal cannabis on the floor and tables.
- h) The manager, Ryan Booth had told officers he was aware of the disorder at the premises but had not reported this to the Police. He had however denied that there had been any shootings – the first indication of these had been from the hospital.
- i) Further information had been received from Nottinghamshire police regarding a male in Nottingham receiving medical treatment for a stab wound who had stated that he had been stabbed on the dance floor at Electric following a dispute with other customers.
- j) That the Police had also recovered a knife from the office block adjacent to the premises and CCTV footage had revealed males running from Electric into this office area.
- k) That there was a catalogue of serious incidents which had occurred at the premises which had culminated in 3 offences of Section 18 wounding's being committed at Electric – 1 with a knife and 2 with firearms.
- l) West Midlands Police had serious concerns about the premises – it was clear that the search procedure for the premises was inadequate as a firearm had been allowed into the premises and the additional findings of remnants of perceived to be herbal cannabis added to these concerns.
- m) Furthermore, on monitoring social media the Police had noted several tweets regarding this event: 'great night until someone pulled out a gun', '....managed to let someone in with a gun', '2 people bottled and someone pulled out a gun'.
- n) That the fact that shell cases had not been found for the bullets may be due to the fact that some firearms did not discharge shell cases when fired.
- o) The Police had spoken to the designated premise supervisor, Ryan Booth on the morning of Saturday 25 July and had agreed to the scheduling of an event on the premises that evening as they had been reassured by him that this was a regular event with a different crowd, reduced numbers and a different dynamic. Moreover at this point in time the Police were still in the middle of their investigations and had not got a complete picture of the events from the night before and had not been fully briefed on all the artists appearing at the event.
- p) Mr Booth has felt that this event could be more easily managed and that boosted security with a heightened search procedure would also be put into place. However the Police had visited the premise both on the night to check on proceedings and had still found significant issues with the premises.
- q) Presented a DVD with the CCTV footage obtained from the premises showing events on the morning of Saturday 25 July including the 2 occasions when



firearms had been discharged, the resulting panic, the rapid dispersal of customers from the venue and the distressed faces of some of the female customers.

- r) That the Police were at this stage unsure if there was any link between the 2 males that had been shot or if there were any links between the artists and gang related activity. However, even if this was the case the Police would only intervene if there was a life threatening situation.
- s) That performers and their entourage had entered the premises from a different entrance to the customers which was not as well regulated as the main entrance and the Police had concerns that this may have been the source of the contraband.
- t) With regard to the security for the event on Friday 24/Saturday 25 July the Police had been informed that 800 people would be present and upon looking at the risk assessment had felt that the security arrangements were proportionate to this. However upon viewing the CCTV footage it was clear that matters had got out of hand and that as well as the woundings, some customers had also left the premises carrying large glass bottles in their hands.
- u) The premises had been visited on numerous occasions by the Police and an action plan had been put in place for the premises.

In summing up, PC Reader, stressed that crime and disorder had occurred at Electric on the night of Friday 24/Saturday 25 July and there were some indications that at the event on Saturday night there had been further problems. The Police therefore asked that the premises licence be suspended as there were a number of events scheduled to be held on the premises and the Police had serious concerns regarding public safety as it was felt that search procedures would not be adequately met.

At 1110 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Managers to withdraw from the meeting.

At 1123 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

2/280715

**RESOLVED:-**

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Dooba Investments II Limited in respect of Electric, 1 Hurst Street, Birmingham, West Midlands, Birmingham, B5 4AS this Sub-Committee determines that the licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application.



The Sub-Committee's reasons for imposing this interim step are due to concerns by West Midlands Police in relation to matters which came to light at the premises on Saturday 25 July 2015 as outlined in the Chief Officer of Police's certificate and application.

The Sub Committee determined the cause of the serious crime and serious disorder inside the licensed premises itself appeared to originate from the inability of management to conduct adequate search procedures at the premises which enabled firearms to be brought into the premises and discharged on more than one occasion. It was noted that there may have been a lack of monitoring of security for entrance/exits used by the VIP performers. In addition, the patrons of the premises were allowed to: smoke on premises, wear hoodies and leave the premises with large bottles of alcohol. Concerns were also raised regarding the seriousness of the incidents of the shootings and stabbing at the premises that were not reported to the police by the designated premises supervisor.

It was therefore necessary and reasonable to impose a suspension to address the immediate problems with the premises, in particular the likelihood of serious crime and or serious disorder, and to promote the prevention of crime and disorder objective in the Act.

The Sub-Committee considered whether it could impose other interim steps including modification of licence conditions, exclusion of the sale of alcohol or other licensable activities, or removal of the Designated Premises Supervisor. The Sub-Committee did not believe however that any of these would address the totality of issues brought to their attention by the police.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, and the submissions made by the police at the hearing.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours.

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

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03/280715 **OTHER URGENT BUSINESS**

There was no other urgent business.

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The meeting ended at 1125 hours.

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CHAIRMAN







# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee B</b>
<b>Report of:</b>	<b>Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Tuesday 11<sup>th</sup> August 2015</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Grant</b>
<b>Premises:</b>	<b>Dubella Lounge, 112 – 116 Boldmere Road, Sutton Coldfield, B73 5UB</b>
<b>Ward affected:</b>	<b>Sutton Vesey</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, 0121 303 9896, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

To consider relevant representations that have been made in respect of an application for a Premises Licence to permit the Sale of Alcohol (for consumption on and off the premises) to operate from 07:00am until 12:01am (Sunday to Thursday) and 07:00am until 01:00am (Friday and Saturday).

To permit the provision of Regulated Entertainment consisting of films, indoor sporting events, live music, recorded music and anything of a similar description, to operate indoors only, from 07:00am until 12:01am (Sunday to Thursday) and 07:00am until 01:00am (Friday and Saturday).

To permit the provision of Late Night Refreshment to operate from 11:00pm until 12:01am (Sunday to Thursday) and 11:00pm until 01:00am (Friday and Saturday).

Premises to remain open to the public from 07:00am until 12:30am (Sunday to Thursday) and 07:00am until 01:30am (Friday and Saturday).

Other dates and times as specified in the application form.

### 2. Recommendation:

To consider the representations that have been made and to determine the application.

### 3. Brief Summary of Report:

An application for a Premises Licence was received on 19<sup>th</sup> June 2015 in respect of Dubella Lounge, 112 – 116 Boldmere Road, Sutton Coldfield, B73 5UB.

Representations have been received from other persons.

### 4. Compliance Issues:

#### 4.1 Consistency with relevant Council Policies, Plans or Strategies:

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



<p><b>5. Relevant background/chronology of key events:</b></p> <p>Edmund Pubs Ltd applied on 19<sup>th</sup> June 2015 for the grant of a Premises Licence for Dubella Lounge, 112 – 116 Boldmere Road, Sutton Coldfield, B73 5UB.</p> <p>Representations have been received from other persons. See Appendices 1 – 4.</p> <p>The application is attached at Appendix 5.</p> <p>Conditions have been agreed with Environmental Health and the applicant, which are attached at Appendix 6.</p> <p>The premises have the benefit of a current Premises Licence, which is attached at Appendix 7.</p> <p>Site Location Plan at Appendix 8.</p> <p>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:-</p> <ul style="list-style-type: none"> <li>a. The prevention of crime and disorder;</li> <li>b. Public safety;</li> <li>c. The prevention of public nuisance; and</li> <li>d. The protection of children from harm.</li> </ul>
<p><b>6. List of background documents:</b></p> <p>Copy of the representations as detailed in Appendices 1 – 4</p> <p>Application Form, Appendix 5</p> <p>Conditions agreed with Environmental Health, Appendix 6</p> <p>Current Premises Licence, Appendix 7</p> <p>Site Location Plan, Appendix 8</p>
<p><b>7. Options available</b></p> <p>To Grant the licence in accordance with the application.</p> <p>To Reject the application.</p> <p>To Grant the licence subject to conditions modified to such an extent as considered appropriate.</p> <p>Exclude from the licence any of the licensable activities to which the application relates.</p> <p>Refuse to specify a person in the licence as the premises supervisor.</p>



## Appendix 1

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21

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**From:**  
**Sent:** 07 July 2015 20:55  
**To:** Licensing  
**Subject:** dubella bar- boldmere - request to extend opening hours

Dear Sirs

We wish to strongly object and oppose the request of Dubella bar to extend it's opening hours at weekends.

Dubella is situated at the end of the high street, at the start of a tightly knit residential and quiet area of Sutton Coldfield. The high street already has a very high proportion of restaurants, which is fine as they all close at a reasonable hour and do not have loud music.

We do not want to turn Boldmere into a late night opening area, attracting lots of people to this quiet area. Dubella is situated on the corner of Boldmere Road and Antrobus Road (residential road) and as it has a large pavement area outside, where the bar already has tables and chairs, it would in all likelihood mean that people would be outside the bar as well as inside, thus creating even more noise/disturbance than if it was just contained within the bar. There are plenty of bars/clubs a couple of miles away, in the centre of Sutton Coldfield where people may stay out late etc if they wish and be in an area that does not have houses nearby.

I hope that you will take this objection seriously and look forward to hearing from you.

yours faithfully

Western Road, Boldmere, Sutton Coldfield



## Appendix 2

ENTERED  
R

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**From:**  
**Sent:** 07 July 2015 20:11  
**To:** Licensing  
**Subject:** DUBella, Boldmere, Sutton Coldfield - Application for extended opening hours

I am writing to voice my concern at the proposed extension of opening hours at the Dubella venue on Boldmere road, Sutton Coldfield.

This would increase noise levels, particularly as the venue has fully opening windows and often hosts live music acts. There is also a risk of antisocial behaviour from excessive drinking.

The area is residential, including some elderly accommodation in a Block on the opposite side of the road. The extended hours would no doubt have a negative impact on the quality of life of the local residents.

Regards

Frederick Road  
B73



Enver  
R

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**From:**  
**Sent:** 07 July 2015 17:54  
**To:** Licensing  
**Subject:** Re: Dubella, Boldmere

Dear Sir/Madam,

I strongly object to the proposed extended hours of Dubella in Boldmere. At the weekend it hosts VERY LOUD bands in the evenings. The block of flats opposite the venue sits between us and Dubella, yet the noise is still very audible.

Dubella is surrounded by residential areas, including many homes with young families. A late-night music/bar venue is totally out-of-character for this area.

Please refuse this proposal.

Regards,

Highbridge Road



## Appendix 4

Entered  
P

4

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**From:**  
**Sent:** 08 July 2015 13:44  
**To:** Licensing  
**Subject:** Dubella, Boldmere Road

I understand that Dubella are applying for an extension to their licence including music until 1 a.m. on the weekend. As a local resident I strongly oppose this application. Dubella is close to many residents including young families and local sheltered housing. The music from the bar is currently extremely loud particularly in the summer months when the windows/doors to the bar must be kept open. Whilst it does currently finish at 11 it regularly keeps us awake. In addition many of the customers currently walk down Fir Tree Grove past our house making a lot of noise. I believe it an inappropriate location for an extended licence, particularly a music licence and urge the council to reject it.

Highbridge Road  
Boldmere



9770 20.6.15 - 17.7.15

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

**Application for a premises licence to be granted  
Under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We **EDMUND PUBS LIMITED**

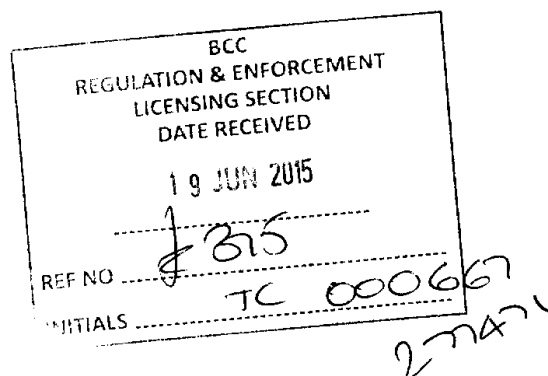
*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <b>DUBELLA LOUNGE</b> <b>112 to 116 Boldmere Road</b> <b>Sutton Coldfield</b>			
Post town	<b>Birmingham</b>	Postcode	<b>B73 SUB</b>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£36750.00</b>





**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |     |                                                                                                                                                                     |                                     |                             |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------|
| a)  | an individual or individuals *                                                                                                                                      | <input type="checkbox"/>            | please complete section (A) |
| b)  | a person other than an individual *                                                                                                                                 |                                     |                             |
|     | i. as a limited company                                                                                                                                             | <input checked="" type="checkbox"/> | please complete section (B) |
|     | ii. as a partnership                                                                                                                                                | <input type="checkbox"/>            | please complete section (B) |
|     | iii. as an unincorporated association or                                                                                                                            | <input type="checkbox"/>            | please complete section (B) |
|     | iv. other (for example a statutory corporation)                                                                                                                     | <input type="checkbox"/>            | please complete section (B) |
| c)  | a recognised club                                                                                                                                                   | <input type="checkbox"/>            | please complete section (B) |
| d)  | a charity                                                                                                                                                           | <input type="checkbox"/>            | please complete section (B) |
| e)  | the proprietor of an educational establishment                                                                                                                      | <input type="checkbox"/>            | please complete section (B) |
| f)  | a health service body                                                                                                                                               | <input type="checkbox"/>            | please complete section (B) |
| g)  | a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales                                         | <input type="checkbox"/>            | please complete section (B) |
| ga) | a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/>            | please complete section (B) |
| h)  | the chief officer of police of a police force in England and Wales                                                                                                  | <input type="checkbox"/>            | please complete section (B) |

**\* If you are applying as a person described in (a) or (b) please confirm:**

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

☒

I am making the application pursuant to a

- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

☐☐



**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>		Mrs <input type="checkbox"/>		Miss <input type="checkbox"/>		Ms <input type="checkbox"/>		Other Title (for example, Rev)			
Surname						First names					
I am 18 years old or over										<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address											
Post town						Postcode					
Daytime contact telephone number											
E-mail address (optional)											

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>		Mrs <input type="checkbox"/>		Miss <input type="checkbox"/>		Ms <input type="checkbox"/>		Other Title (for example, Rev)			
Surname						First names					
I am 18 years old or over										<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address											
Post town						Postcode					
Daytime contact telephone number											
E-mail address											



**(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.

Name <b>EDMUND PUBS LIMITED</b>
Address <b>DUBELLA UNIT 1 &amp; 2 110 – 112 Boldmere Road Sutton Coldfield West Midlands England B73 5UB</b>
Registered number (where applicable) <b>08542266</b>
Description of applicant (for example, partnership, company, unincorporated association etc.) <b>Limited Company</b>
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD MM YYYY  
1 1 0 7 2 0 1 5

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD MM YYYY  
1 1 1 1 1 1 1 1

**Please give a general description of the premises (please read guidance note 1)**

The applicant currently operates a licensed Coffee lounge/Bistro called DUBELLA LOUNGE.

The Dubella Lounge is located in one of a number of retail units on the ground floor of a two storey building. There is a large paved frontage with access to the front and rear of the premises. The applicant will be intending to apply for a pavement licence to the large frontage of the premises, with the area being licensed.

The applicant has acquired an adjoining unit with a view to expanding the current premises and its current facilities. The premises consist of ladies & gents toilets for customers, a kitchen, Cellar & cold storage facilities. The premise also has access to a large car park at the rear.

The DUBELLA LOUNGE is furnished to a very high standard. There will be non-fixed seating and tables in the lounge area, a large & small bar server from which the customers can purchase coffees, teas and a small selection of Wines, Spirits, Champagne & bottled premium beers. Food is also ordered from the serveries. Customers are able to purchase hot & cold food consisting of a selection of cakes & pastries and Tapas Food.

PC WALKER West Midlands Police Licensing Officer for the Boldmere area has been consulted and supports the application as agreed.



If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

Please tick any that apply

- |                                                                                                             |                                     |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------|
| a) plays (if ticking yes, fill in box A)                                                                    | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)                                                                    | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)                                                   | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)                                        | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)                                                               | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)                                                           | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)                                                    | <input type="checkbox"/>            |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

**Provision of late night refreshment** (if ticking yes, fill in box I)

☒

**Supply of alcohol** (if ticking yes, fill in box J)

☒



In all cases complete boxes K, L and M

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
			<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 4)			
Wed						
Thur						
			<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Fri						
Sat						
Sun						



# B

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	07:00hrs	00:01hrs			
Tue	07:00hrs	00:01hrs	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Wed	07:00hrs	00:01hrs	<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5) The morning British Summer Time commences an additional hour to be allowed for the clocks going forward at 01:00 hours. New Year's Eve - from commencement of permitted hours to end of permitted hours New Year's Day		
Thur	07:00hrs	00:01hrs			
Fri	07:00hrs	01:00hrs			
Sat	07:00hrs	01:00hrs			
Sun	07:00hrs	00:01hrs			



# C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3)
Day	Start	Finish	
Mon	07:00hrs	00:01hrs	
Tue	07:00hrs	00:01hrs	<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Wed	07:00hrs	00:01hrs	
Thur	07:00hrs	00:01hrs	
Fri	07:00hrs	01:00hrs	<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5) The morning British Summer Time commences an additional hour to be allowed for the clocks going forward at 01:00 hours. New Year's Eve - from commencement of permitted hours to end of permitted hours New Year's Day
Sat	07:00hrs	01:00hrs	
Sun	07:00hrs	00:01hrs	



**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					



# E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)	
Mon	07:00hrs	00:01hrs		
Tue	07:00hrs	00:01hrs		
Wed	07:00hrs	00:01hrs		
Thur	07:00hrs	00:01hrs	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)	
Fri	07:00hrs	01:00hrs		
Sat	07:00hrs	01:00hrs	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) The morning British Summer Time commences an additional hour to be allowed for the clocks going forward at 01:00 hours. New Year's Eve - from commencement of permitted hours to end of permitted hours New Year's Day	
Sun	07:00hrs	00:01hrs		



**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="checked" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	07:00hrs	00:01hrs			
Tue	07:00hrs	00:01hrs			
Wed	07:00hrs	00:01hrs	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	07:00hrs	00:01hrs			
Fri	07:00hrs	01:00hrs	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) The morning British Summer Time commences an additional hour to be allowed for the clocks going forward at 01:00 hours. New Year's Eve - from commencement of permitted hours to end of permitted hours New Year's Day		
Sat	07:00hrs	01:00hrs			
Sun	07:00hrs	00:01hrs			



**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	07:00hrs	00:01hrs			
Tue	07:00hrs	00:01hrs	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Wed	07:00hrs	00:01hrs			
Thur	07:00hrs	00:01hrs			
Fri	07:00hrs	01:00hrs	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5) The morning British Summer Time commences an additional hour to be allowed for the clocks going forward at 01:00 hours. New Year's Eve - from commencement of permitted hours to end of permitted hours New Year's Day		
Sat	07:00hrs	01:00hrs			
Sun	07:00hrs	00:01hrs			



## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	07:00hrs	00:01hrs		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	07:00hrs	00:01hrs	<b>Please give further details here</b> (please read guidance note 3)		
Wed	07:00hrs	00:01hrs			
Thur	07:00hrs	00:01hrs	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri	07:00hrs	01:00hrs			
Sat	07:00hrs	01:00hrs	<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5) The morning British Summer Time commences an additional hour to be allowed for the clocks going forward at 01:00 hours. New Year's Eve - from commencement of permitted hours to end of permitted hours New Year's Day		
Sun	07:00hrs	00:01hrs			



# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	23:00hrs	00:01hrs			
Tue	23:00hrs	00:01hrs			
			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Wed	23:00hrs	00:01hrs			
Thur	23:00hrs	00:01hrs			
			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5) The morning British Summer Time commences an additional hour to be allowed for the clocks going forward at 01:00 hours. New Year's Eve - from commencement of permitted hours to end of permitted hours New Year's Day		
Fri	23:00hrs	01:00hrs			
Sat	23:00hrs	01:00hrs			
Sun	23:00hrs	00:01hrs			



**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	
			On the premises	<input type="checkbox"/>
			Off the premises	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)	
Mon	07:00hrs	00:01hrs		
Tue	07:00hrs	00:01hrs		
Wed	07:00hrs	00:01hrs		
Thur	07:00hrs	00:01hrs		
Fri	07:00hrs	01:00hrs		
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5) The morning British Summer Time commences an additional hour to be allowed for the clocks going forward at 01:00 hours. New Year's Eve - from commencement of permitted hours to end of permitted hours New Year's Day	
Sat	07:00hrs	01:00hrs		
Sun	07:00hrs	00:01hrs		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name <b>Edmund BRESLIN</b>
Address
Postcode
Personal licence number (if known)
Issuing licensing authority (if known)



K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).**  
 Non

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	07:00hrs	00:30hrs	<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)</p> <p>The morning British Summer Time commences an additional hour to be allowed for the clocks going forward at 01:00 hours.</p> <p>New Year's Eve - from commencement of permitted hours to end of permitted hours New Year's Day</p>
Tue	07:00hrs	00:30hrs	
Wed	07:00hrs	00:30hrs	
Thur	07:00hrs	00:30hrs	
Fri	07:00hrs	01:30hrs	
Sat	07:00hrs	01:30hrs	
Sun	07:00hrs	00:30hrs	



## M

**Describe the steps you intend to take to promote the four licensing objectives:**

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

- Management will ensure all staff receive adequate training on a regular basis, relating to the four licensing objectives, general licencing regulations/Conditions including Fire regulations.
- A record of the training will be kept by the management.

**b) The prevention of crime and disorder**

- Customers will not be permitted to carry open bottles or glasses beyond the licensed area.
- CCTV will be fitted and maintained in the premises
- No alcohol will be allowed to be consumed at the front (Outside) of the premises after 22:00hrs daily
- Empty glasses and bottles will be cleared when finished with.
- Staff will be given on-going training including identification of anti-social or unusual behaviour

**c) Public safety**

- Adequate Lighting will be provided in all public areas and outside
- Management will ensure that the external areas of the premises are monitored to prevent any anti-social behaviour, public nuisance and ensure litter caused by the premises is kept to a minimum.
- Electric, gas and relevant equipment are to be checked and maintained in working order and tested annually.

**d) The prevention of public nuisance**

- An incident register will be kept on the premises and made available at all times.
- The Designated Premises Supervisor will provide responsible management at all times

**e) The protection of children from harm**

- We will adopt the "Challenge 25" age policy
- Management will ensure all employees are fully trained and aware of the challenge 25 rule.
- There will be a provision of sufficient staff to protect children from harm with training on appropriate behaviour.
- The premises licence holder shall ensure that staff are fully conversant with the legal prohibitions in relation to the sale of alcohol to under 18s



**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 11).  
**If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	Friday 19 <sup>th</sup> June 2015
Capacity	Authorised Agent – Carl Moore of C.N.A Risk Management Limited

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

**Carl Moore**  
**C.N.A. Risk Management Limited**  
**P.O. Box 13293**  
**Great Barr**

Post town	<b>Birmingham</b>	Postcode	<b>B42 9BP</b>
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



# FIRE SAFETY STANDARDS

Design and construction requirements for fire resisting structures are in accordance with British Standard BS 58: 1977 as amended.

Fire resisting doors required to resist the passage of smoke and hot gases must comply with BS 58: 1977 as amended. Fire resisting doors must also comply with BS 58: 1977 as amended. Fire resisting doors must also comply with BS 58: 1977 as amended.

The fire alarm system shall be installed in accordance with BS 58: 1977 as amended. The fire alarm system shall be installed in accordance with BS 58: 1977 as amended. The fire alarm system shall be installed in accordance with BS 58: 1977 as amended.

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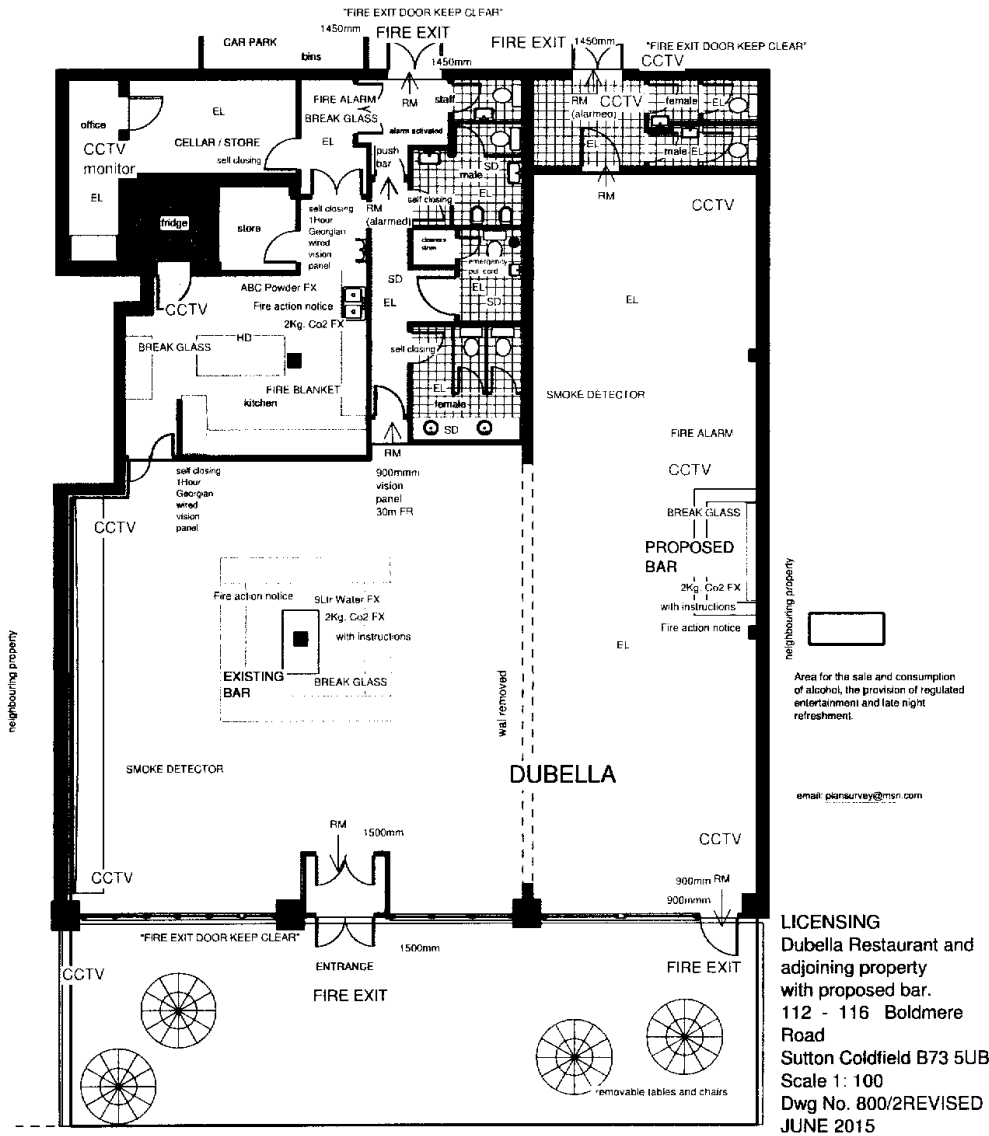
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**From:** Gerg Jambor  
**Sent:** 14 July 2015 09:44  
**To:** Licensing  
**Cc:** Carl Moore; Deano Walker; Savraj Bahia  
**Subject:** dubella lounge 112-116 boldmere rd - premises licence application

*1. updated on  
5/22/15  
no 15/1/15*

Dear Licensing,

As authorised officer for Environmental Health, I hereby notify you of an agreement to the modification of the operating schedule regarding the above. The agreement can be seen in the emails below.

For convenience the amendments comprise inclusion of conditions as follows:

- External doors and windows shall be kept closed, other than for access and egress, whenever regulated entertainment is provided (ie music levels that require customers to raise voices).
- The DPS shall maintain a register of nuisance complaints and actions taken to address them. The register shall be kept at the premises and made available to an Officer of a Responsible Authority upon request.
- The DPS shall maintain a telephone number that can be used by local residents to make complaint directly to the premises.
- Regulated entertainment shall cease automatically when the fire exit to Boldmere Road is opened.
- A cut-out sound limiter device shall be installed at the premises.

On the basis that the modifications are made to the licence, no representation or objection to grant of the licence is made by Environmental Health.

Please do not hesitate to contact me if you have any questions.

Best Regards,

Mr Gerg Jambor  
Environmental Protection Officer  
Birmingham City Council, 581 Tyburn Road, Birmingham B24 9RX

Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors. <http://www.birmingham.gov.uk/regulatorycharter>

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**From:** Carl Moore  
**Sent:** Monday, July 13, 2015 5:13 PM  
**To:** Deano Walker; Gerg Jambor  
**Subject:** RE: dubella - premises licence application

Hi Both

Just to advise that Chris Sherry has agreed to the conditions as stated below in regards to the licence application for Dubella Boldmere.

If you require anything else, please do not hesitate to contact me.

Kind Regards



BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

4129 / 1

**Part 1 - Premises details:**

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

Dubella Lounge  
110 - 112 Boldmere Road

**Post town:**

Sutton Coldfeild

**Post Code:**

B73 5UB

**Telephone Number:**

N/A

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

- |    |                                                                                                                  |
|----|------------------------------------------------------------------------------------------------------------------|
| B  | Films                                                                                                            |
| C  | Indoor sporting events                                                                                           |
| E  | Live music                                                                                                       |
| F  | Recorded music                                                                                                   |
| H  | Anything of similar description to that falling within (live music), (recorded music) or (performances of dance) |
| M3 | Sale of alcohol by retail (both on & off the premises)                                                           |

**The times the licence authorises the carrying out of licensable activities**

Monday - Sunday 07:00 - 23:00 All

**The opening hours of the premises**

Monday - Sunday 07:00 - 23:30

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

On and Off Supplies



**BIRMINGHAM CITY COUNCIL**

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Edmund Pubs Limited Dubella Unit 1 & 2 110-112 Boldmere Road Sutton Coldfield	
<b>Post town:</b> West Midlands	<b>Post Code:</b> B73 5UB
<b>Telephone Number:</b> N/A	
<b>Email</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b> 08542266
----------------------------------------------------------------------------------------------------------------

<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Mr Edmund Breslin	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	

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

Dated 06/06/2014

David Kennedy  
Senior Licensing Officer  
For Director of Regulation and Enforcement



## BIRMINGHAM CITY COUNCIL

### Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

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

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

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

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

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Where any of the following alcoholic drinks is sold or supplied for sale or consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) the responsible person shall ensure that it is available to customers in the following measures:-

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

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

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:- (a) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ , where- (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence- (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

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



**BIRMINGHAM CITY COUNCIL**

**Annex 2 – Conditions consistent with operating schedule**

**2a) General conditions consistent with the operating schedule**

Regulated entertainment to take place indoors only.

Management will ensure all staff receive adequate training on a regular basis, relating to the four licensing objectives, general licensing regulations and identification of anti-social or unusual behaviour..

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

No alcohol will be allowed to be consumed at the front (outside) of the premises after 1900hrs daily.

Customers will not be permitted to carry open bottles or glasses beyond the licensed area.

The Premises Licence Holder shall ensure a CCTV system will be installed and maintained at the premises.

Empty glasses and bottles will be cleared when finished with.

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

Management will ensure that the external areas of the premises are monitored to prevent any anti-social behaviour, public nuisance and ensure litter caused by the premises is kept to a minimum.

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

An incident register will be kept on the premises and made available at all times.

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

The premises will operate the 'challenge 25' policy.

All staff to be fully trained on the Challenge 25 policy.



**BIRMINGHAM CITY COUNCIL**

**Annex 3 – Conditions attached after hearing by licensing authority**

**3a) General committee conditions**

N/A

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

N/A

**3c) Committee conditions to promote public safety**

N/A

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

N/A

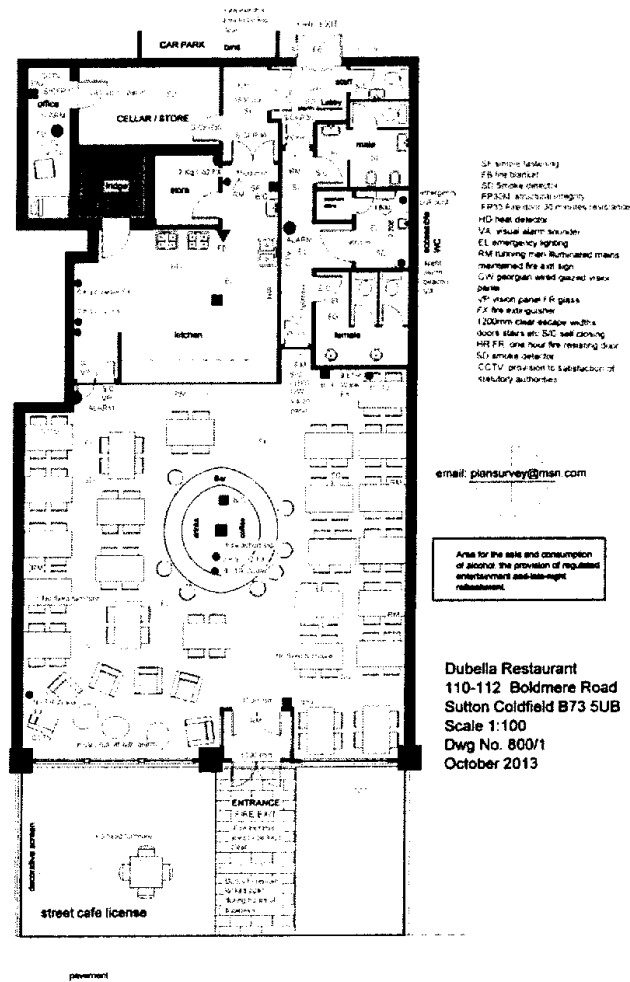
**3e) Committee conditions to promote the protection of children from harm**

N/A

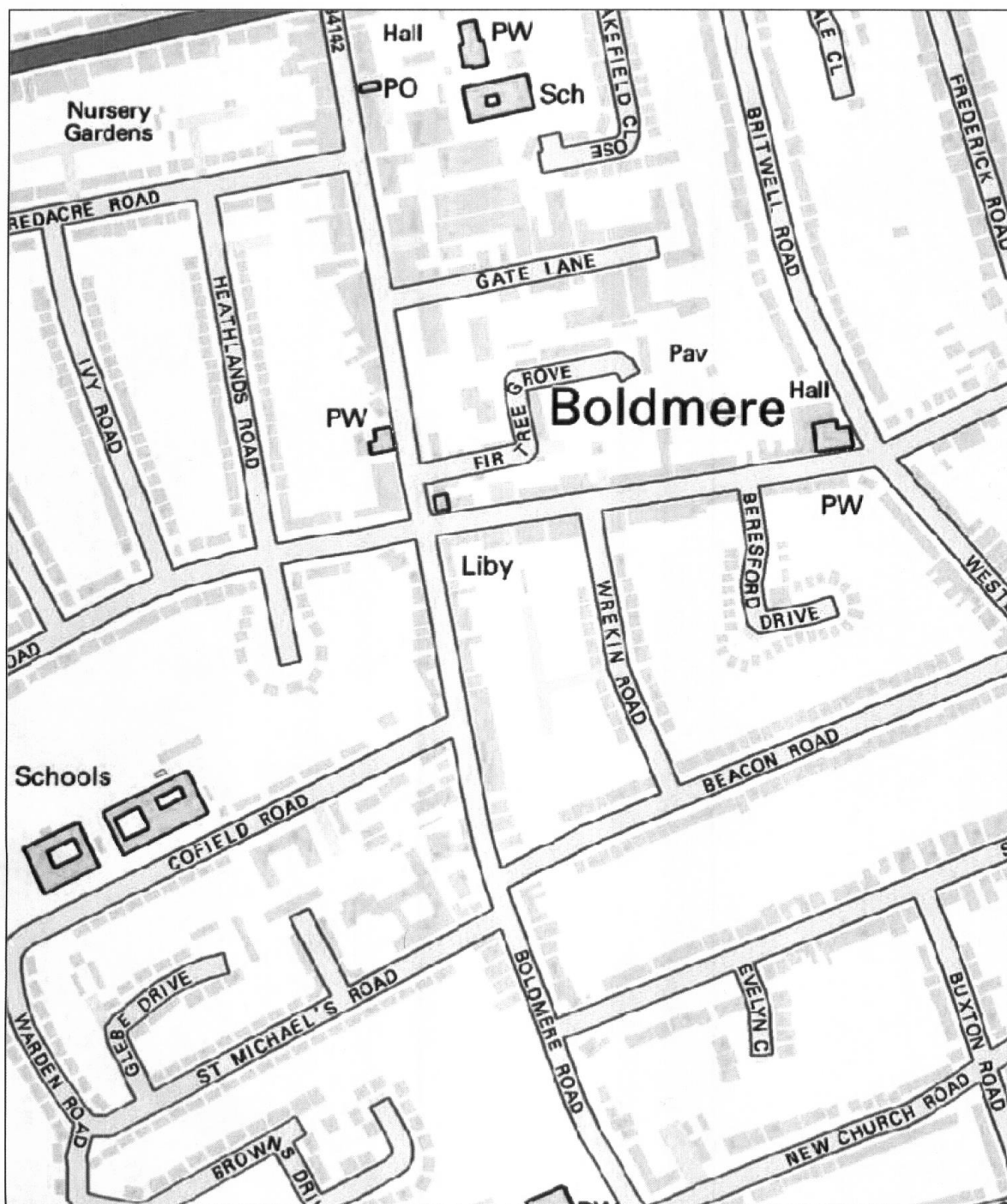


# BIRMINGHAM CITY COUNCIL

## Annex 4 – Plans







**Birmingham City Council**

Map Created By:

Notes

Date of Map Creation: 17/07/2015



Scale:  
1:4,000

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