

BIRMINGHAM CITY COUNCIL

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| 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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