

BIRMINGHAM CITY COUNCIL

LICENSING SUB – COMMITTEE A 29 MARCH 2018
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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD
ON THURSDAY, 29 MARCH 2018 AT 1300 HOURS, IN COMMITTEE ROOM 2,
COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM.**

PRESENT: - Councillor Dring in the Chair;

Councillors Buchanan and Leddy.

ALSO PRESENT

David Kennedy	– Licensing Section
Sanjeev Bhopal	– Legal Services
Marie Reynolds	– Committee Services

01/290318 **NOTICE OF RECORDING**

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

**GLAMOUROUS SHOW BAR, ALBANY HOUSE, 27-35 HURST STREET,
BIRMINGHAM, B5 4BD - LICENSING ACT 2003 AS AMENDED BY THE
VIOLENT CRIME REDUCTION ACT 2006 – APPLICATION FOR EXPEDITED
REVIEW OF PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS**

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

(See document No. 1)

The following persons attended the meeting.

PC Ben Reader	-	West Midlands Police
Duncan Craig	-	Barrister
Matt James Eason	-	DPS Manager
Sam Hibbard	-	Business Partner

Those Making Representations

PC Reader - West Midlands Police

On behalf of the Premises Licence Holder

Duncan Craig	-	Barrister
Matthew James Eason	-	Designated Premises Supervisor
Sam Hibbard	-	Business Partner

The Chairman introduced the Members and officers present and explained the Hearing procedure.

Prior to the commencement of proceedings the Chair asked if there were any preliminary points for the Sub-Committee to consider.

The main points of the report were outlined by David Kennedy, Licensing Section.

PC Reader made the following points on behalf of West Midlands Police:

- He confirmed that at present the male that had been attacked on 28 March 2018 at the premises was receiving treatment in hospital and was still unable to speak to West Midlands Police.
- It was noted that the offender that had committed the crime, had been arrested shortly after the incident had taken place.
- On the 28 March 2018, West Midlands Police had received calls from West Midlands Ambulance and the premises that a male had been glassed to the head at the premises, and then had his chest stamped on by the same offender whilst lying on the dance floor which had taken place at 0300 hours.
- This was not the first time the premises had been brought to the attention of West Midlands Police. Since October 2017 the premises had been having incidents that had warranted the attention of the licensing team.
- As a result of this, the premises had been placed on an action plan in October 2017 due to the level of calls West Midlands Police were receiving in terms of violence, drunkenness and disorder. It was noted that West Midlands Police had even objected to a number of Temporary Event Notices submitted by the premises due to these issues.
- In December 2017, the premises were formally warned that if the levels of drunkenness and disorder continued that the power of veto for the use of the premises past 0400 hours that existed on the licence, would be exercised.
- Up until a month ago the premises appeared to be working well and that the level of incidents had reduced dramatically. However, since the 16

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February 2018 the level of incidents had escalated again and appeared to be growing in significance with people now suffering significant injuries.

- Since February 2018, the issues had involved drunkenness, poor lack of control by the premises and the door staff, disorder and violence as well as underage issues.
- West Midlands Police were concerned that even though the premises had been action planned and had significant intervention from the licensing team, the level of incidents were on the rise again, and that they were growing in significance.
- The incident on the 28 March 2018 was significant enough to warrant the use of this power as it was deemed a serious offence both under serious crime and would constitute serious disorder and with the history of recent issues only compounds the concerns. It was highlighted that West Midlands Police had lost confidence in how the premises were being run.
- In response to a question from David Kennedy (Licensing Section), PC Reader confirmed that they were seeking suspension of the premises licence and some form of wholesale change.

Duncan Craig (Barrister) and Matt Eason made the following points:

- Reference was made to the incident on 27 March 2018 and the individual that had entered the premises prior to committing the crime and on an initial assessment by the door supervisor, the individual appeared to pose no threat, especially as he had stood talking amicably to the door supervisor for 20 minutes before entering the venue.
- It was highlighted that as the offender did not pose any threat what could have been done to prevent this unprecedented attack taking place.
- It was noted that there was only one member of the door staff on duty at the time of the incident due to the fact that the other door supervisor had failed to arrive and the DPS was not in attendance as it was his night off.
- Once the premises were aware that the expected door supervisor would not be reporting to work, they sought to obtain a replacement door supervisor which unfortunately arrived after the incident had taken place.
- It was noted that they were looking at other door companies in order to improve the security aspect of the premises due to the fact that several of the door staff had proven to be inadequate.
- It was highlighted that there was no condition that stipulated there required to be a particular number of door staff on duty at any particular time.
- Reference was made to the fact that that the license holder and business partner took their responsibilities hugely seriously and reference was

made to the positive steps that had recently been taken to improve the health and safety aspect of the premises. New barriers had been installed for customers that smoked outside and additional CCTV had been installed, as well as improved outdoor floodlights in order to provide greater visibility.

- It was further highlighted that a female senior door supervisor had recently been employed which was having a positive effect on the premises.
- It was highlighted the steps that had been taken especially since the action plan and reference was made to the number of proposed interim steps that had been offered in order to modify the licence pending the review:-
 - Last entry 4 am
 - ID Entry Scanner
 - Polycarb condition (including bottles)
 - Minimum 3 door staff every night the premises were open
 - Door staff bodycam
 - Additional Knife Arch
- It was noted that the above-mentioned conditions were offered as well as working in conjunction with the reduction of time to the last entry to the premises.
- With regard to recent issues that had arisen, it was emphasised that they had been most unfortunate with the poor selection of door staff and with the most recent incident, this had been difficult to prevent as it was completely unexpected.
- It was noted that the changes requested by West Midlands Police had been undertaken and a number of voluntary steps had also been taken.
- In response to a question from Sanjeev Bhopal, it was confirmed that night activities were licensable actions carried out on the premises.

In summing up, Mr Duncan Craig, acting on behalf of the premises, made the following points;

- Mr Matthew Eason had demonstrated positive actions in engaging with West Midlands Police in order to promote the licensing objectives for the premises.
- He questioned how the incident could have been prevented given the circumstances that had been presented.

In summing up PC Ben Reader, on behalf of West Midlands Police made the following points:

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- There had been a great deal of communication between West Midlands Police and the premise licence holder especially in the last few months with regard to increasing issues.
- There was concern about the deficient security measures in not having the requisite number of door supervisors on duty on the night in question.
- Management's inability to properly assess the risks of opening the venue with inadequate door supervisors, and the consequential risk this would pose to members of the public, particularly when a Risk Assessment for premises determined that a minimum number of door supervisors were needed in order to operate safely and yet despite this the venue chose to open.
- West Midlands Police remain concerned that with the imposition of the additional conditions, the venue would not be able to adhere to these conditions in light of the apparent management failures to date.
- This had resulted in a lack of confidence and trust by West Midlands Police and it was their view, that only a suspension of the premises licence would allow the premises licence holder to engage more fully with the Police and determine what changes to the premises licence were needed, in order to restore their confidence with the venue's operation.

At 1410 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1530 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

02/290318 **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 Matthew Eason in respect of Glamorous Show Bar, Albany House, 27-35 Hurst Street, Birmingham, B5 4BD this Sub-Committee hereby determines:

- That the premises 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 the early hours of 28 March 2018 as outlined in the Chief Officer of Police's Certificate and Application.

The Sub Committee determined the causes of the serious crime and or serious disorder appeared to originate from a number of factors, namely:-

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- the actions of a specific patron of the premises, who on initial assessment by the door supervisor, appeared to pose no threat to venue and its patrons but then went on to glass a patron in the head and stamp on his chest;
- deficient security measures in not having the requisite number of door supervisors on duty on the night in question, albeit the premises sought to resolve this issue on the night as soon as they became aware of the matter but sadly, the additional door supervisor did not arrive at the premises until after the event giving rise to this Review Application had occurred;
- the inability of management to properly assess the risks of opening the venue with inadequate door supervisors, and the consequential risk this would pose to members of the public, particularly when a Risk Assessment for premises determined that a minimum number of door supervisors were needed in order to operate safely and yet despite this the venue chose to open;

It was therefore necessary and reasonable to impose this step 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.

In reaching its decision, the Sub Committee considered whether the proposals submitted by the premises licence holder through the imposition of additional conditions, would address the concerns raised by the Police. Although, these were viewed as positive steps by the Sub Committee, the Police nevertheless continued to express concerns about allowing the premises to undertake licensable activities, even with the imposition of these additional conditions when they had lost all confidence and trust with the venue given its most recent history of service calls to the premises.

The Sub Committee were informed that since the 16 February 2018, the Police had received 6 service calls to the venue not including the serious incident of crime and or serious disorder on the 28 March 2018. Full details of these matters would be referred to at the Summary Review hearing, but the history of these incidents within a relatively short period of time resulted in the Police expressing some doubt as to whether any of the measures which the Premises had previously agreed to put into place were being actually being actioned by the management.

Although a breach of an imposed condition could result in a criminal sanction against the Premises Licence Holder, the Police remain concerned that the venue would not be able to adhere to these conditions in light of the apparent management failures to date.

This had resulted in a lack of confidence and trust by the Police and it was their view that only a suspension of the premises licence would allow the premises licence holder to engage more fully with the Police and determine what changes to the premises licence were needed in order to restore their confidence with the venue's operation.

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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 light the concerns they had raised at today's meeting.

The Sub Committee did note the submissions made by both the Police and the premises licence holder's legal representative, about the way the premises had engaged constructively with the Police to try and alleviate their concerns. The Sub Committee viewed this as positive step. However, it was also clear that a more formal review of the conditions attached to the Licence was now needed which included a thorough review of the venues policies and procedures, including all appropriate risk assessments and how these would be actioned.

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, and the submissions made by the Police, the premises licence holder and legal representative 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.

03/290318 **OTHER URGENT BUSINESS**

There were no matters of urgent business.

The meeting ended at 1535 hours.

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CHAIRMAN