

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

WEDNESDAY, 19 AUGUST 2015 AT 10:00 HOURS
IN COMMITTEE ROOM 1, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

3 - 8

1 GATECRASHER, 182 BROAD STREET, BIRMINGHAM, B15 1DA -
LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME
REDUCTION ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF
PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS

Report of Director of Regulation and Enforcement.

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

- A. Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003
- B. Application for Review of Licence
- C. Copy of Premises Licence

West Midlands Police have applied for an expedited review of the premises licence in respect of Gatecrasher, 182 Broad Street, Birmingham, B15 1DA. The application has been made under Section 53A of the Licensing Act 2003 (as amended) and has been accompanied by a certificate signed by a senior member of the force, stating that in their opinion the licensed premises have been associated with serious crime and disorder. (See A and B above)

In accordance with the regulations, the licensing authority has given the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate.

This hearing has been arranged in order to consider whether it is necessary to take any interim steps in respect of the licence pending the determination of the review. The Premises Licence will be circulated around the table at the meeting.

The interim steps that must be considered at the hearing are:

- Modification of the conditions of the premises licence;
- Exclusion of the sale of alcohol by retail from the scope of the licence;
- Removal of the designated premises supervisor from the licence;
- Suspension of the licence

2 **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.

West Midlands Police

CERTIFICATE UNDER SECTION 53A (1)(B) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime and disorder

Premises: Gatecrasher

Premise Licence Number: 2607

Premise Licence Holder: Simon Raine

Designated Premise Supervisor: Adrian Swain

I am a Superintendent in West Midlands Police.

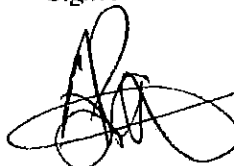
I am giving this certificate because I am in the opinion that the procedures under the Licensing Act are inappropriate in this case because the standard review procedures are thought to be inappropriate due to the seriousness of the crime, and the serious management failings of the premises concerned.

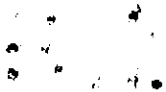
The level and seriousness of the incidents in terms of the crimes being committed warrant the use of this power. I am also aware that these premises have come to the attention of my licensing department, for matters in themselves, that would be deemed as serious. West Midlands Police have been working with the premises but the severity of the incidents still continue and it is apparent that the intervention is not working to remedy the issues at this premises.

I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstances due to the above reasons, and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

The concern of West Midlands Police is that if steps are not taken to consider the running of these premises they will continue to be used in the manner in which they were discovered during the early hours of Saturday 15th August. I am conscious of the DCMS guidance on the use of "Expedited Reviews" and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

Signed

 Supt 6655 PARSONS



1B



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 the 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

I - Superintendent Andrew Parsons

(on behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003

1. Premises details: GATECRASHER

Postal address of premises, (or if none or not known, ordinance survey map reference or description): 182 Broad Street,

Post Town: Birmingham

Post Code (if known): B15 1DA

2. Premises Licence details:

Name of premise licence holder (if known): Simon Faine

Number of premise licence (if known): 2607

BCC
REGULATION & ENFORCEMENT
LICENSING SECTION
DATE RECEIVED
18 AUG 2015
received 13.00
by NG
REF NO
INITIALS

3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



4. Details of association of the above premises with serious crime, serious disorder or both:
(Please read guidance note 2)

At approximately 03:27 hours on Saturday 15th August 2015 (this will have been the Friday into Saturday trading day), West Midlands Police CCTV picked up a male who was dressed as a door supervisor punching a male on the floor outside Revolution.

Officers attend the scene and there is a male who has clear facial injuries. He is being supported by another male but is clearly very unsteady on his feet and keeps collapsing eventually going down to the floor, with officers then starting to administer first aid.

From CCTV the following chronology has been recorded as happening –

The Police CCTV is covering the front area of Gatecrasher and you can see two males (one wearing a light coloured shirt and the other a dark coloured shirt) clearly agitated but just pointing figures at two door supervisors – who are clearly identifiable as they are wearing Gatecrasher hi visibility jackets, and another male dressed in black who at the point is not identifiable.

There are no other persons around the two males and they drift away and back over a couple of seconds.

A male who is wearing a light coloured shirt, is pointing his fingers and one of the door supervisors, who is white and grey haired pushes this male's hand away, as the male in the white shirt starts to point again the same door supervisor suddenly takes a step forward and punches the male (with the light coloured shirt) to the face.

This then starts a series of punches between the males and the two door supervisors. The other male who is standing by the door supervisors also gets involved and with the white door supervisors they grab hold of the second male (dressed in dark shirt), with a neck hold and he is taken back into the club.

The other male in the light coloured top is seen weaving away from the second door supervisor and there are punches being thrown by both parties. The door supervisor does not back off and continues to go for the other male – who is backing off. This door supervisor is a large built black male also with a bold head.

The CCTV then just covers the male who has been put in a neck hold as he is taken back into the club. You can see that the Paramedic from the club runs towards Revolution.

As it pans round again to the front of Revolution, you can see that the male in the white shirt is now on the floor in the doorway, with the second doorman on top of him, initially you can see that the male on the floor has his arm up, but the door supervisor is fully on top of the male and you see the door supervisor repeatedly hit the male to the face with his clenched fist. You can see that there is a considerable amount of blood to his face. The Gatecrasher paramedic is also seen there and is standing by the side of the male on the floor. No first aid is offered by the Gatecrasher paramedic.

As the male is repeatedly punched you see his arm which had been raised flop to the floor.

Another door supervisor from another premise is then seen to try and pull the door supervisor off the male but has to try on several occasions to do this as the door supervisor shrugs him off and continues to throw punches at the male on the floor.

After approximately eight punches the door supervisor gets off the male, you can see that the male is clearly unconscious as he is not moving at all and has a lot of blood all over his face.

The door supervisor gets up and walks off. Even though the male is clearly lying on the floor in need of medical attention the paramedic from Gatecrasher walks back to the club.

Six Police officers are then dispatched to the scene, two officers start to give first aid to the male, prior to another paramedic turning up. Other officers then arrive at the club to identify the offenders.

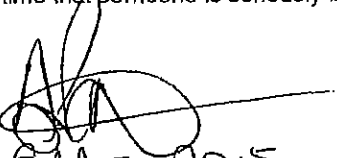
A statement has been taken from the male in the light coloured shirt, he clearly recalls the attack and has made reference to a knuckle duster being used, that he describes as being used by a white door supervisor.

The witness describes this knuckle duster hitting his face across his nose causing him to fall to the ground and hit his head off the floor. He then describes the black door supervisor being on top off him and repeatedly punching him to the face before he blacks out.

The male has received numerous injuries from this attack, they are a broken nose, fractured eye socket, two black eyes, swollen lips multiple bruises to the back of his head.

This has been crimes as a section 20 wounding and so is considered a serious crime.

West Midlands Police are seeking the immediate suspension of the premise licence. Although this incident is serious enough, this is not the first time in recent months that the premises have come to our attention as a result of incidents, and this incident has clearly shown that the intervention does not appear to be working. It is our view that it is only a matter of time that someone is seriously injured at the premises.

Signature of applicant: 

Date:

18th August 2015

Rank/Capacity:

Supt 6655 PARSONY

Contact details for matters concerning this application: Pc 4075 Abdool ROHOMON

Address: Licensing Dept c/o Birmingham Central Police Station, Birmingham

Telephone Number(s): 0121 626 6099

E-mail - bw_licensing@west-midlands.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.

