

BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE C

Wednesday 19 October 2022 at
1000 hours as an On-Line Meeting,
Microsoft Teams

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

Attached

4 GLAMOROUS 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

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

Documents submitted.

- 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
- D. Location maps

West Midlands Police have applied for an expedited review of the premises licence in respect of **Glamorous Show Bar, Albany House, 27 - 35 Hurst Street, Birmingham, B5 4BD**.

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 is included at item C.

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

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.

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: Glamorous Show Bar.

Premise Licence Number: 1414.

Premise Licence Holder: Mr Matthew Eason.

Designated Premise Supervisor: Mr Rafael Clarke

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 circumstances of this matter are that Glamorous Show Bar was carrying out licensable activity at 0500 hours. A male has approached the premises and has been involved in an altercation with door staff. This has resulted in the male being detained and restrained on the floor by two members of door staff.

Whilst the male was being restrained and in a vulnerable position a third member of door staff has picked up one of the crowd barriers and struck the male to the head with it on a number of occasions. This has rendered the male unconscious. Police have attended the scene and intervened. The male was taken to the QE Hospital.

Wounding with intent to cause grievous bodily harm is a serious crime and warrants the use of this power. This offence has been perpetrated by a person in a position of trust appointed by the premises to ensure that the licensing objectives are promoted and the public is protected.

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 objectives of preventing crime and disorder and promoting public safety the normal review procedure would not be sufficient.

The severity of the incident is a matter that needs to be brought to the attention of the Licensing Committee immediately.

I am conscious of the 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.

Sing Supt 3294

Signed



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 3294 Simpson

(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: Glamorous Show Bar.

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

Albany House, 27-35, Hurst Street, China Town, Birmingham.

Post Town: **Birmingham**

Post Code (if known): **B5 4BD.**

2. Premises Licence details:

Name of premise licence holder (if known):

Mr Matthew Eason

Number of premise licence (if known):

1414

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)

Glamorous Show Bar is situated at Albany House, 27-35, Hurst Street, China Town, Birmingham. B5 4BD. It has a premises license number 1414 and is licensed for licensable activity between the hours of 1000 and 0600 the next morning on each day.

At 0440 hours Sunday 16th October 2021 the premises was open and conducting licensable activity. At this time a male has approached the premises and has been involved in an altercation with door staff from the premises. This has resulted in the male being detained by two members of the premises door staff and being restrained on the floor.

This has rendered the male unable to defend himself and was not struggling. A third member of door staff who was not involved in the detention of the male and who was stood at the entrance was next to a metal crowd control barrier which was approximately 3'x 6' in dimensions. This member of door staff has repeatedly struck the head of the male on the floor being restrained with the barrier. This has led to the male lapsing into unconsciousness.

Officers have attended the scene and have rendered first aid until medical assistance has arrived and the male has been taken to the QE Hospital where he has had to be placed in an induced coma. The injuries the male has apprehended have not yet been ascertained.

The three security guards have been arrested for the offence and have been interviewed in regards to the matter. The security guards have been released under investigation whilst enquiries continue into the matter.


This is a vicious attack by a member of security staff from a licensed premises on a male that was unable to protect themselves due to being restrained and was not struggling. Door staff are employed by licensed premises to ensure that the licensing conditions are being promoted in particular that members of the public are safe. In this case it is a person that is in a trusted position that has actually carried out this unprovoked attack.

Glamorous Show Bar has been subject of a number of interventions from West Midlands Police in relation to incidents and the conduct of their staff including an incident earlier this year when a minor review was submitted and the security company changed due to assaults on members of the public.

Section 18 wounding with intent to cause grievous bodily harm is a serious crime by virtue of the sentence for the offence and in this case is aggravated by the use of a weapon and the fact that the perpetrator of the offence is a person appointed to protect the public. A further two members of security staff witness the assault and do nothing to prevent it carrying on and do not render adequate first aid to the victim of the assaults.

West Midlands Police therefore as a culmination of issues and an increase in the seriousness of them have no confidence in the abilities of the management of the premises to manage them safely and promote the licensing objectives. West Midlands Police would therefore request that the license is suspended and the Designated Premises Supervisor is removed pending a final hearing for the matter.

Signature of applicant:

 SUPT 3294

Date: 18.10.22.

Rank/Capacity:

Supt 3294.

Contact details for matters concerning this application: BW Licensing

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

Telephone Number(s): 0121 626 6099

E-mail - bw_licensing@west-midlands.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.

LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

1414 / 11

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Glamorous Show Bar Albany House 27-35 Hurst Street China Town	
Post town: Birmingham	Post Code: B5 4BD
Telephone Number:	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

B	Films
E	Live music
F	Recorded music
G	Performances of dance
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

The times the licence authorises the carrying out of licensable activities

Monday - Sunday	10:00	-	06:00	B ,E ,F ,G ,M3
	23:00	-	05:00	L

The opening hours of the premises

Monday - Sunday	10:00	-	07:00
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and Off Supplies

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Matthew James Eason	
Post town:	Post Code:
Telephone Number: Not Specified	
Email	

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

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

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number WS/PEL/2926	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 27/04/2022

Bhapinder Nandhra
Senior Licensing Officer
For Director of Regulation and Enforcement

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 must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises— (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. 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 either— (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that— (a) where any of the following alcoholic drinks is sold or supplied for 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) it is available to customers in the following measures— (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

(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

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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.

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The DPS or nominated shall keep and maintain a register of door supervisors, in which shall be recorded at the start of each period of duty the date, name, door supervisors registration number, commencement and finishing time. The finishing time shall be completed at the end of the period of duty.

The DPS shall produce the register and the verification of door supervisors identities, upon request at all reasonable times to any Police Officer or to any authorised officer of the City Council

The licence holder shall ensure -

All regulated entertainment is permitted is to take place inside the premises only

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

CCTV to be operational and working at all times that the premises are open.

The premises will deploy door staff when trading. Door staff will sign on and off duty. The premises will keep a profile of all door staff which will include a copy of their SIA licence and photographic ID. (If photographic ID is not available then a utility bill no older than 3 months will be acceptable.) The signing in & out sheets and profiles will be kept on the premises for a minimum of 3 months and made immediately available to any of the responsible authorities on request. Door staff will remain on duty until all the customers have dispersed. The premises license holder or their nominee will ensure that door staff are wearing their correct uniform and record this in a log which is to be retained for 3 months and made available to any of the responsible authorities on request.

The numbers of door staff will be risk assessed by the premises. This risk assessment will be made available to any of the responsible authorities immediately on request.

All door staff will be equipped with bodycam. The bodycams will be recording all the time whilst the door staff using it is performing duty. Bodycam footage is to be retained for 30 days from the date that the footage is taken and made available to any of the responsible authorities on request. Each bodycam will be checked by the premises license holder or their nominee to ensure that it is working each day prior to licensable activity taking place. The result of the check, the time it took place and the identity of the checker are to be recorded in a log on the date that the check takes place. At the conclusion of the operatives tour of duty the bodycam will be booked in by the premises license holder or their nominated representative. This will be recorded in the log and retained for 3 months. This log is to be made available to any of the responsible authorities on request.

All door staff deployed are to be SIA(ACS) approved.

The premises will operate a last entry time of 04.30 hours on each day of trading. After this time the front doors to the premises will remain closed other than for when people egress the premises or to re-enter the premises if they have been outside to smoke.

Staff are to be trained in their responsibilities under the Licensing Act 2003 prior to being allowed to carry out work in the premises. All training is to be documented and signed by the Premises License Holder or their representative and the trainee. All training records are to be made available to any of the responsible authorities on request. Staff are to receive documented refresher training every six months.

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

The official occupancy of the premises will be determined by a Fire Risk assessment and agreed with by West Midlands Fire Service.

All on duty security/door supervisors must wear high visibility jackets whilst attending the door and must wear

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high visibility arm bands within the premises itself.

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

No enforceable conditions identified from operating schedule.

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

The licence holder shall ensure persons under 18yrs of age are not permitted on the premises after 6pm, unless accompanied by an adult at a pre-arranged event.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

On the 28th April 2010, Licensing Sub Committee C resolved to modify the conditions of the premises licence following a Review submitted by West Midlands Police:

The premises will have a standard operating hour of 4 a.m. i.e. licensable activities will cease at that time. If the premises wish to operate past this hour the Designated Premises Supervisor or premises licence holder must give 28 days notice to Birmingham Central (Steelhouse Lane) police station. The notice is to include a full risk assessment for the event. The notice can be in any written form. West Midlands Police (Birmingham Central licensing team) retain the power to veto any such extension if any of the licensing objectives have been or are likely to be compromised.

The premises shall have a CCTV system fitted to the specification and in the locations agreed with West Midlands Police. Fixed cameras will be placed on the outside of the premises to monitor any queue, with the door staff to augment the fixed cameras and so monitor any queue. These cameras will be of Home Office approved type with the ability to digitally store and download images of evidential quality. Recordings will be retained for a minimum of 30 days and made available on request to any of the regulatory bodies.

On the 10th December 2018 at Birmingham Magistrates Court it was agreed by way of a consent order that the decision of Birmingham City Council Licensing Sub Committee A dated 24th April 2018 in respect of Glamorous Show Bar, Albany House, 27-35 Hurst Street, Birmingham, B5 4BD be rescinded and replaced with the following decision:

- a) The Licensee must conduct licensable activities in accordance with the Security and Operational Plan submitted to Birmingham Magistrates' Court on 10th December 2018 bearing document reference "Final Version 10.12.18"
- b) The Licensee must notify the Police Licensing Team and Birmingham City Council's Licensing Enforcement Team of any proposed amendment to the Security and Operational Plan at least 14 days before any proposed amendment is intended to take effect.
- c) In the event that the Licensee departs from the Security and Operational Plan in circumstances where it was not reasonably practicable to give 14 days' notice of that proposed change to the Police Licensing Team and Birmingham City Council's Licensing Enforcement Team the Licensee is to record that change and the reasons for it in the Premises' Incident Book.

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

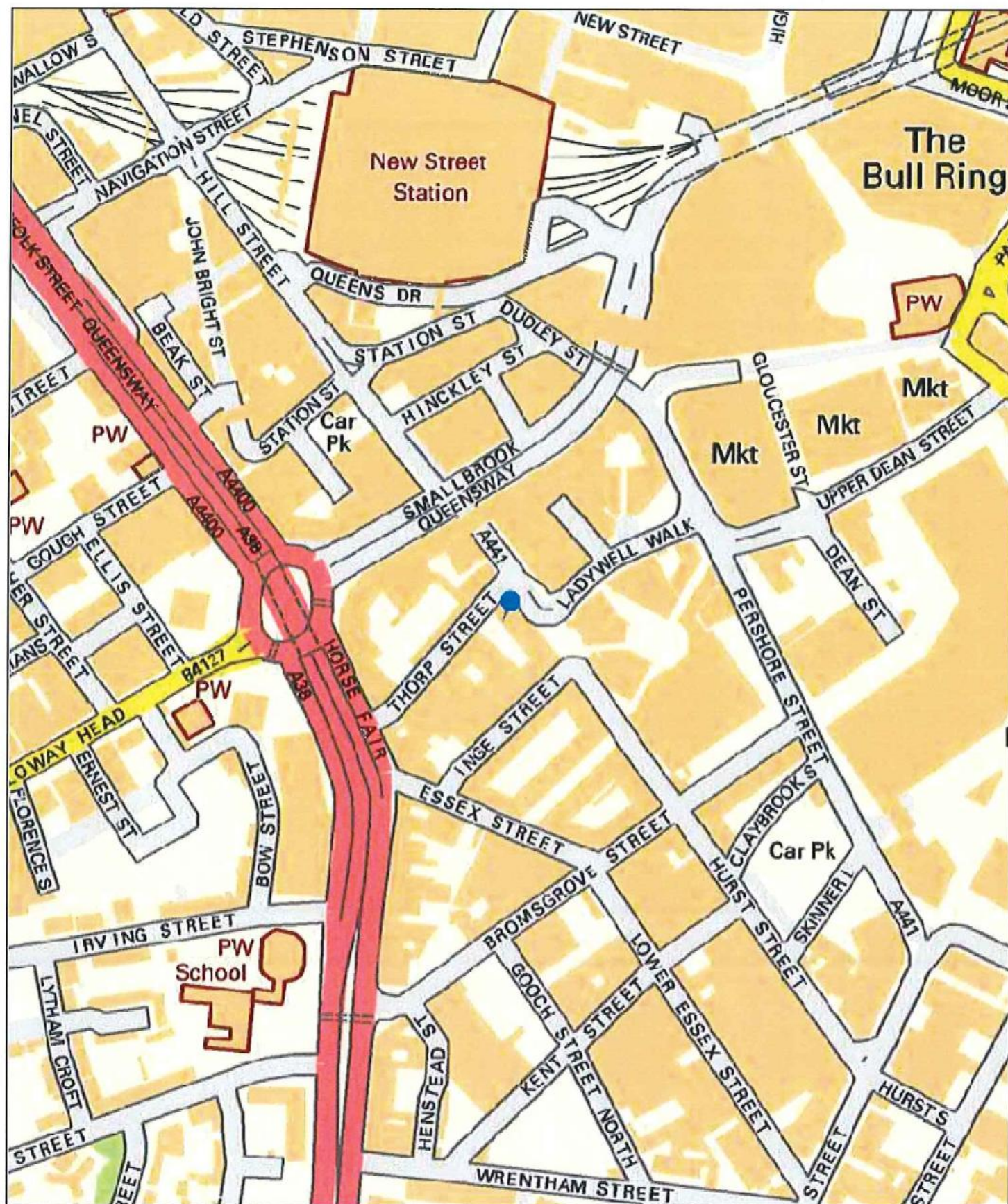
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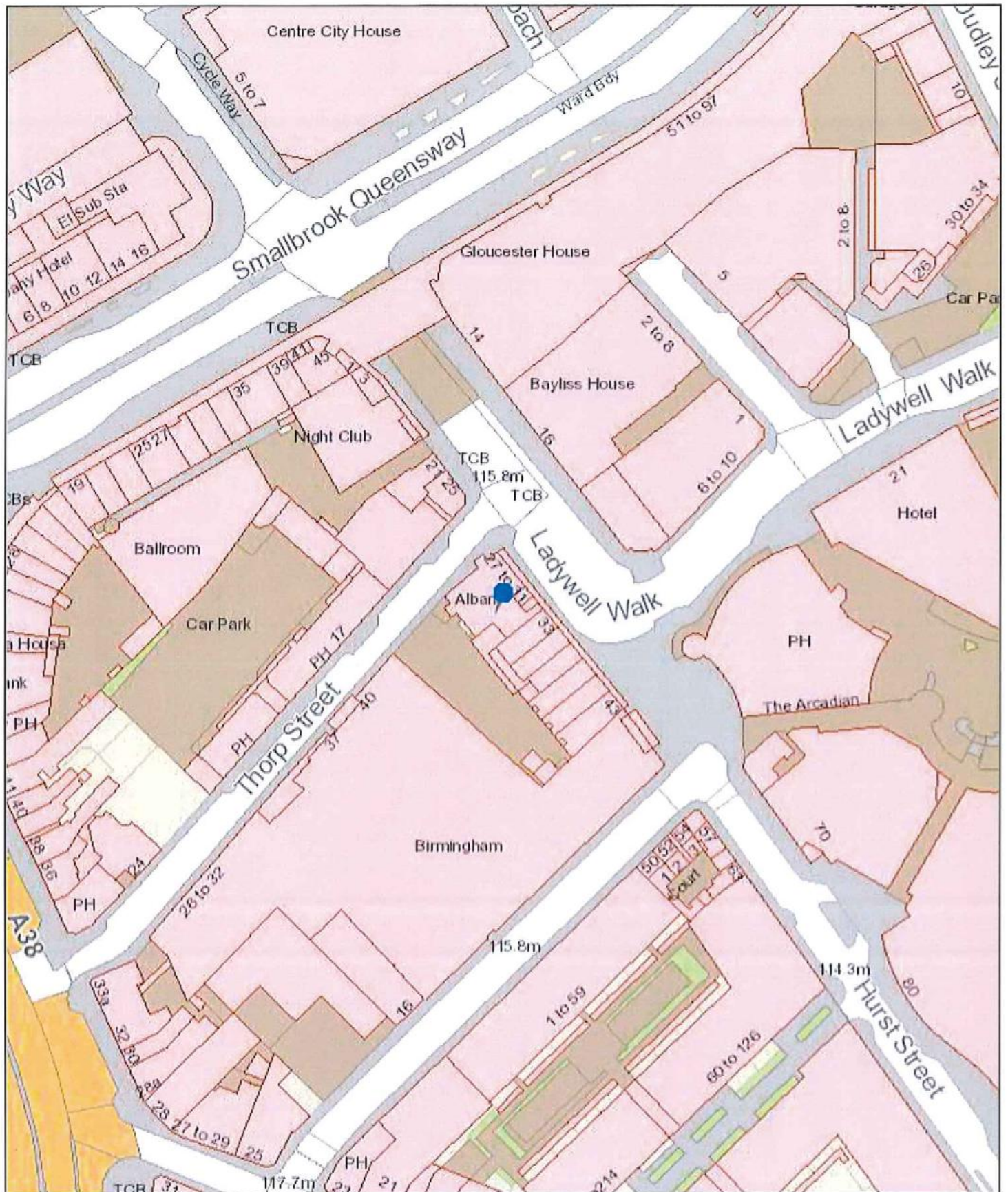
3e) Committee conditions to promote the protection of children from harm

N/A

Annex 4 – Plans

The plan of the premises with reference number **124545-1414/11** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.





Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 28/03/2018



Scale:
1:1,250

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