

BIRMINGHAM CITY COUNCIL

LICENSING SUB- COMMITTEE A, 22 NOVEMBER, 2017
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**MINUTES OF A MEETING OF THE
LICENSING SUB-COMMITTEE A HELD
ON THURSDAY, 22 NOVEMBER 2017 AT
1200 HOURS, IN COMMITTEE ROOM 1,
COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB**

PRESENT: - Councillor Dring in the Chair;

Councillors Beauchamp and Buchanan.

ALSO PRESENT

Sanjeev Bhopal – Legal Services
David Kennedy – Licensing Section
Louisa Nisbett – Committee Manager

**NUVO, 11 BRINDLEY PLACE, BIRMINGHAM, WEST MIDLANDS,
B1 2LP – LICENSING ACT 2003 – AS AMENDED BY THE VIOLENT
CRIME REDUCTION ACT 2006 – CONSIDERATION OF
REPRESENTATIONS IN RESPECT OF THE INTERIM STEPS
IMPOSED ON 9 NOVEMBER, 2017**

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

(See document No. 1)

Those Making Representations

PC Rohoman – West Midlands Police

On behalf of the Premises Licence Holder

Christopher Papachristoforou – Director, Nuvo.
Leonard Coppage – Security Officer, Freedom Security
Joshua Hadley – Co-Director, Freedom Security

Netin Yusuf – Proposed DPS
Scott Hyde – Premises Operational Manager
Heath Thomas - Solicitor

Following introductions the Chairman, explained the hearing procedure to consider representations against the interim steps imposed at the expedited review in respect of the licence.

The main points of the report were outlined by David Kennedy, Licensing Section. It was noted that since copies of the new proposed Interim Steps had been distributed further amendments had been made to the document. Copies of the amended document were given out.

(See document No, 2 - final amended copy)

Heath Thomas made the following points in support of the representations in respect of the interim steps imposed on 9 November, 2017 and in response to questions from Members:-

1. They had held extensive consultation and attended meetings with West Midlands Police resulting in some agreed conditions. Measures had been put forward at the earlier review however it was considered that there was insufficient time to review the details.
2. During the time the licence had been suspended they had sufficient time to review the documents. They recognised that there needed to be a stronger DPS in place. Netin Yusuf was being put forward as the proposed DPS. He was an experienced DPS and had been appointed to the position.
3. There were 15 interim steps in the document. Heath Thomas requested that the Sub-Committee agree to impose them as interim steps pending the full review on 30 November, 2017. There was one weekend prior to that date that they hoped to trade.
4. West Midlands Police and the Licence Holder had agreed the position. In terms of the document, they had amended it together this morning and all parties were in agreement with the contents. Copies of the final version had been given to the Sub-Committee.
5. Heath Thomas invited the Sub-Committee to consider the documents and policies. They would be attending the full review on 30 November, 2017 and will have considered the final conditions together with West Midlands Police.

6. Councillor Dring said that the close proximity of the VIP Lounge to the public area was a matter of concern. She continued that there should be a separation of the 2 areas.
7. Heath Thomas replied that the deployment plan took this matter into consideration. It sets out plans for the SIA and door supervisors and where they will be positioned in the premises. Separation for the areas would be considered for the future. They had reached an agreed position with all parties and this was reflected in the management of the premises. They had taken this on board together with West Midlands Police before the meeting and it would be more formal in the full review.
8. In reply to a query from Councillor Dring regarding how bottles were secured, Heath Thomas explained that the bottles would be on the table manned by a member of staff. Scott Hyde had researched how bottles were secured and looked at the system used by some London Clubs. The Sub-Committee was shown a picture of the cuff system to be used. The cuff would be fixed to the bottle and the chain secured to the table. The bottle will be secured in such a way that it could not be moved from that area.
9. P C Rohoman welcomed the addition of a condition in relation to the bottles and undertook to go and look at the system.
10. An additional condition had been added to the weapons policy, that if any firearm was found the doorstaff should retreat into the premises immediately, secure the doors, call 999 immediately and remove customers away from any front windows.
11. Training will be delivered to staff on everything in the policy. 2 senior members of Freedom Security were present. The document had been prepared in conjunction with the Premises, the police and the security.
12. Also included in the Dispersal policy was that door staff should not leave the premises until authorised by the DPS. Heath Thomas said that all persons will be searched on entry, including those returning from the smoking area.
13. In reply to a question from Sanjeev Bhopal, Legal Service about proposals when the DPS was not on the premises to authorise staff to leave, Heath Thomas answered that the DPS would nominate a person to act in his absence to authorise staff to leave.

P C Rohoman made the following points with regards to the representations and in response to questions from Members:-

1. P C Rohoman clarified that from the police position, it was perfectly adequate for the DPS to nominate someone to act in their absence.
2. Page 2 of the interim steps, no. 5 should read no later than 3 days before the event. This had been agreed with PC Rohoman.
3. P C Rohoman confirmed that he had taken the time to look through all of the policies and reviewed them again today. West Midlands Police were satisfied with the proposals and in agreement with them. They were happy for the suspension of the licence to be lifted and for the matter to be dealt with at the full review.
4. Heath Thomas added that a full document setting out the policies with be provided by 30 November, 2017.
5. Councillor Dring reminded everyone that the responsibility for the licence was with the Premises Licence Holder.
6. It was noted by the Councillors that the previous DPS was still employed by the premises and it should be ensured that he was not one of the designated persons nominated in the absence of the new DPS. P C Rohoman also agreed that this should not happen. This was added to the conditions.

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

After an adjournment and at 1327 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

1/221117

RESOLVED:-

That, having considered the representations made on behalf of Athina Caterers Limited the premises licence holder for **NUVO, 11 BRINDLEY PLACE, BIRMINGHAM, WEST MIDLANDS, B1 2LP** in respect of the interim steps imposed on Thursday 9th November 2017, this Sub-Committee hereby determines to modify the Interim Step of suspension imposed on the 9 November 2017 and replace this with the Interim Steps agreed between the Premises Licence Holder and West Midlands Police (as set out within a written document signed and dated the 22 November 2017 and handed to the Committee Lawyer at

approximately 12.55pm a copy of which is annexed to this decision notice).

The Sub Committee noted that the Premises Licence Holder had applied to vary the Premises Licence to nominate Mr Metin S Yusuf to be the Designated Premises Supervisor and general manager of the premises with immediate effect.

The Sub Committee noted that although the parties had come to Committee with an agreed position on the issue of modified Interim Steps, they nevertheless expected the parties to clarify the position of the actual Premises Licence Holder in the management of the premises at the Full Review, given that the legal responsibility to comply with the provisions of the Licensing Act 2003 rests with them.

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 and Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, the written representations and the submissions made at the hearing by the premises Licence Holder, their legal representative, and West Midlands Police.

All parties are advised that there is no right of appeal to a magistrates' court against the decision of the Licensing Authority at this stage. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.

OTHER URGENT BUSINESS

2/060916 There was no other urgent business.

The meeting ended at 1330 hours.

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CHAIRMAN