

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Tuesday 16th June 2015
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Gunmakers Arms, 92 – 93 Bath Street, Birmingham, B4 6HG
Ward affected:	Aston
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider an application to review a Premises Licence.

2. Recommendation:

To consider and determine the review application.

3. Brief Summary of Report:

Review application received on 22nd April 2015 from West Midlands Police in respect of the Gunmakers Arms, 92 – 93 Bath Street, Birmingham, B4 6HG.

Representations have been received from Trading Standards, as a responsible authority, and from other persons.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

The Chief Constable of West Midlands Police applied on 22nd April 2015 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for the Gunmakers Arms, 92 – 93 Bath Street, Birmingham, B4 6HG.

A representation has been received from Trading Standards, as a responsible authority, see Appendix 1.

Representations have been received from other persons. See Appendices 2 – 19.

Review application is attached, see Appendix 20.

The Premises Licence is attached at Appendix 21.

A site plan is attached at Appendix 22.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

6. List of background documents:

Copy of the representations as detailed in Appendices 1 - 19
Review Application Form, Appendix 20
Copy of Premises Licence, Appendix 21
Site Plan, Appendix 22

7. Options available

Modify the conditions of Licence
Exclude a Licensable activity from the scope of the Licence
Remove the Designated Premises Supervisor
Suspend the Licence for a period not exceeding 3 months
Revoke the Licence
No Action

Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Appendix 1

From: Martin Williams
Sent: 06 May 2015 09:15
To: Licensing
Subject: Gunmakers Arms, 92-93 Bath Street, Birmingham B4 6HG - licence review application of behalf of West Midlands Police

Dear Licensing,

I wish to join the West Midlands police licence review for The Gunmakers Arms, 92-93 Bath Street, Birmingham B4 6HG on the grounds of;

1. The prevention of crime and disorder
2. Public safety.

Trading Standards involvement in this public house;

On 20th February 2015 I, Trading Standards Officer Martin Williams visited the Gunmakers Arms with officers from West Midlands Police. I inspected the bar and found a number of non-duty paid bottles of spirits on display and evidence that spirits had been decanted from some bottles to others on display on the optics. This is not allowed under the General Food Regulations 2004. I issued a traders notice to Mr Radoslav Halabrin who said he was in charge at the time to advise him to stop this practice.

Downstairs in the cellar amongst other stored bottles there were a small number of plain bottles containing spirits that Mr Halabrin said were left over from a private party. I advised him that he should dispose of them as they could end up being supplied in the bar but with no labelling it was impossible to know what was in them.

On 1st April 2015 we revisited the shop to check if my instructions had been complied with. I found a new unopened 1 Litre bottle of Jack Daniels whisky in the bar with no UK duty stamp and a 1 Litre bottle of Jägermeister without a duty stamp on the optic bank as well as an opened 1 litre bottle of Martel Brandy with no UK duty stamp on the counter. It looked as these latter two bottles had had spirits decanted into from other sources. I seized these three bottles and issued a traders notice to this effect as they were not legal for sale or supply in the UK. I left another traders notice to confirm this as well as the fact that it looked as though decanting was still happening. All the bottles of spirits down in the cellar had been disposed of on this occasion.

Martin Williams
Trading Standards Officer
Birmingham Trading Standards
P O Box 16586
Birmingham
B33 3EH

www.birmingham.gov.uk/tradingstandards

 Follow @bhamts

CAB Consumer Advice Line: 08454 04 05 06
CAB Website: <http://www.adviceguide.org.uk/>

Fair Regulation for all - achieving a safe, clean, green and fair trading city for residents, business and visitors

Bath Street
Birmingham B4
17.5.2015

Dear Sir/Madam,

I have very strong objections to The Gunmakers Arms public house in Bath Street Birmingham continuing to operate as licensed premises.

I've made numerous complaints to the police regarding the noise from its customers congregating outside the front door of the bar in large numbers for hours on end, often until around 3-a.m. at which time the bar is still open for business.

Today a colleague from a homeless outreach group who had called to collect a food donation commented, without any awareness of my on-going problems with the bar, that he could smell cannabis from the cigarettes of the group of about half a dozen outside the bar which he had just walked past.

There are young children living in this street and none of these things are practices they should be exposed to, in my view.

It is my hope that you will revoke the license for the Gunmakers Arms Bath Street at the earliest opportunity.

Yours sincerely,

Radoslav Halabrin

The Licensing Section
Crystal Court
Aston Cross
Rocky Lane
Aston
Birmingham
B6 5RQ

Dear Sirs

Re: The Gunmakers Arms, Bath Street, Birmingham

I am the DPS of the above public house and write to you to make representations as to why the premises license at the pub should not be revoked.

Firstly I wish to express my condolences regarding Mr P's death as I considered him as a friend as well as a customer.

On the night in question it is true that Mr P had had too much to drink (he helped himself to a bottle of spirits from behind the bar) but I had no reason to believe his life was in danger. Had I thought this for a second I would have called an ambulance.

I thought the best thing to do was let him "sleep it off" and that when he woke up I would put him in a taxi home.

I have read the police grounds asking for review and consider their report misleading for the following reasons

1. On returning to the Pub I did not know Mr P was dead . I together with a fellow customer who had come back to the pub with me tried to wake him up. The ambulance men who arrived in response to my emergency call informed me Mr P had died.
2. It is incorrect to state I never made the CCTV available to the Police. Whilst it is true I did not know how to rewind it when they asked me to they did not know how to do it either and said they would send someone down to look at it but never did
3. I attended the inquest into Mr P's death when it became clear that he had a heart defect and I was not criticized by the coroner for my conduct on the night in question. Mr P's family were unaware of his heart condition and I believe he could have died at anytime.

4. Whilst I accept Mr P's family were very upset at his death I believe that unfortunately they wanted to blame somebody for it as a result of which they made accusations to the police against me selling illegal spirits. It is correct that when the licensing officers attended the pub on the 13/02/2015 they found bottles of unlabelled spirits. These were bottles of homemade spirits from my home country of Slovakia. I did not sell these sprits but offered them free of charge to my customers to celebrate birthdays and such like.
5. Further it is correct that there were further visits to my premises when bottles were seized and when I pointed out that had I anything to hide I would have removed them. I note the police have not provided any report suggesting the seized bottles contained any illegal substance.
6. The suggestion that I was trying to conceal photos and video evidence from the coroners court is totally misleading. I volunteered this information and provided it to the court.
7. I strongly object to the suggestions that I am hiding issues from the premises license holder and am more concerned with the sale of alcohol. I am more than happy to commence regularly meetings with the landlord if this is considered necessary

I took over the pub approximately 4 years ago and have spent thousands of pounds improving it and it is fair to say I am proud of my achievements.

I believe I run a good pub and that I do indeed promote the licensing objectives.

Yours Faithfully

Radi Halabrin

20/05/2015

Appendix 4

Entered 21

18th May 2015

Licensing Committee
Licensing Section, Crystal Court,
Aston Cross Business Village,
50 Rocky Lane, Aston,
Birmingham,
B6 5RQ

Dear Sir

RE: Support for Radi to remain as landlord at The Gunmakers Arms, Birmingham, B4 6HG

I am writing to give my support for Radi to remain as landlord at The Gunmaker's Arms where I am a regular customer. Radi is exemplary in his role as landlord and does not tolerate drunkenness or disorder in the pub, making the environment very pleasant for customers.

I have been in the Gunmaker's Arms when a person has arrived who has already had too much to drink. Radi refused to serve him and asked him to leave.

I only visit Radi's once a week but would be very upset if he did not remain as landlord as he is a very kind person. He keeps the pub tidy and clean. I feel that he deserves my support.

Yours sincerely,

Rippingille Road,
Great Barr,
Birmingham.
B43

WORCESTER WALK,
MARSH GREEN,
BIRMINGHAM B37

DEAR SIRS,

ALTHOUGH NOT A REGULAR ATTENDEE AT
THE SUNMAKERS ARMS I DO ON OCCASION DRINK IN
THIS MOST HOSPITABLE PUB.

I HAVE ALWAYS FELT SAFE AND SECURE IN THE FRIENDLY
AND FAMILY ATMOSPHERE THAT THIS PUB DISPLAYS.

RADI THE LANDLORD IS ALWAYS FRIENDLY, HAPPY
AND MOST ACCOMMODATING TO HIS CUSTOMERS AND IN
MY OPINION AN ASSET TO THE PUB.

HE IS ALWAYS MINDFUL OF CUSTOMERS NEEDS
AND SINCE TAKING OVER SOME YEARS AGO HAS MADE
SIGNIFICANT IMPROVEMENTS TO THE PREMISES AT MAINLY
HIS OWN EXPENSE.

I WOULD CERTAINLY LIKE TO CONTINUE USING THE PUB
WHenever POSSIBLE WITH THE CURRENT SETUP.

FROM A HEALTH AND SAFETY POINT OF VIEW
RADI IS ALWAYS LOOKING TO MAKE IMPROVEMENTS TO THE
BEST OF HIS ABILITY AND I WOULD SUPPORT HIM
WHenever POSSIBLE.

KINDEST REGARDS

Entered #

Flat
Don Lee House
St Chad's
Greenway
B'ham B'k.
16.5.15

To whom it May Concern.

Don Lee / Madbu

Re. HR. R. HALABRIN

With reference to the above person, I have always found Radli to be a good person who embraces all cultures, no matter what nationality. We have a very mixed church, from Greek, Welsh, Irish English and African. We all get on very well, learning about everyone's different cultures.

Radli has always been strict on the way he conducts and runs the Gunmakers. If he thinks you have had too much he will have a word in your ear and say go home. He is a very charitable person and has been to many events at my Park (Brookdale)

Whenever we have had a function @ the Gunmakers, he is very conscious of not disturbing the neighbours i.e. the Salvation Army and residents of Don Lee House always putting signs asking people to respect the neighbours and please quietly. I regard him as a pillar of the community, and would never have a bad word said about him.

If you require any more information please do not hesitate to contact me at the above address.

Yours faithfully

Appendix 7

Entered p

Jon Lee House
Stochards
Cusarswoay
B'ham B44.
17.5.15

To whom it may concern
Dear Sir/Madam

Re MR R. HAMBRIN.

With the gentleness above I have always found
him courteous and polite. His place is spotless, his
staff issues are of a very high standard. He does not
tolerate any people entering the premises in a drunken state.

As a nearby resident my husband and I never even
hearing any noise at closing time. The Pub is very multi-
cultural, we have so much that we can learn from each other.

It would be a massive loss to the community if
the Pub should close, as he also does a lot of charity
work and always put other people before himself and his
family.

If you should need any further information please do
not hesitate to contact me or my husband.

Thank you

Yours faithfully,

Appendix 8

ENTERED R 5

Birmingham Licensing Committee

18TH May 2015

Council House

Victoria Square

Birmingham B1 1BB

Subject: Gunmakers Arms, Bath Street, Birmingham B4 6HG

Dear Sir,

I write to you in relation to the above premises, which I understand is the subject of an objection notice regarding its Alcohol License.

I have frequented the above Public House on a regular basis over the past 2-3 years and have found it to be an extremely well run establishment, clean and tidy, with a welcoming atmosphere which owes a lot to the current Landlord, Radi.

His demeanour is warm and friendly, however, he runs a very tight ship and doesn't suffer foolish or drunken behaviour, indeed, I have introduced and recommended several of my friends to this establishment, something I wouldn't have done if I felt their enjoyment or safety might be compromised in any way.

Personally, I have found Radi to be an excellent host, always pleasant, helpful and very hard working and I, for one, would be extremely disappointed and surprised if he were to be removed or replaced as Landlord of the Gunmakers Arms.

I have provided my details below if you wish to discuss this matter further with me,

Best Regards

, Cook Street,

Birmingham

B7

Marlborough Avenue,
Worcester WR5
18th May 2015

Dear Sirs
re: The Gun Makers Arms, 92 Bath Street B4 6HG

I write concerning the Landlord Rudi and the aforementioned premises.

I work in Birmingham City Centre and I use The Gun Makers Arms. It is a well run establishment. I enjoy going to this venue to meet up with friends and colleagues and to enjoy a drink.

The Landlord keeps his beer well and the premises tidy and presentable. He does an excellent job in respect of health and safety issues. He runs an orderly pub and does not tolerate disorder or drunkenness. His aim is to be a hospitable Landlord and he treats his customers very well.

I have even recommended The Gun Makers Arms to others.

Yours faithfully

To
Birmingham Licensing Office.

Appendix 10

Entered pl

10

To whoever it may concern:

I would like to offer my support to Radi. I use the Gunmakers Arms regularly and I have always found him a genuinely helpful and conscientious landlord. He runs a small, clean, peaceful establishment where everyone is welcomed. He is considerate of his customers and always tries to do his best for them.

PINEWOOD DRIVE
BARTLEY GREEN
B32

Appendix 11

Entered by

Bridgeside Close
Walsall
WS8

To whom it may concern.

I am writing this letter in support of Radi trying to keep his license.

Radi took over the pub a while ago and has kept it clean and tidy in this time and has always taken care of the customers and treats them well and with respect

On one occasion I was in the pub I saw Radi take the keys off a customer so to stop them driving so this shows he is a responsible landlord.

On no occasion when I have been in the pub have I seen Radi give a drink to anyone that has had to much to drink.

On a final note Radi has improved the pub in every way and I hope he is able to keep his licence.

Yours

Heartland Mews
Rowley Regis
Birmingham
B65

The Licensing Committee
Birmingham

19th May 2015

Dear Sirs,

Re: The Gunmakers

I write in reference to the Gunmakers Pub, in Birmingham. I have been a loyal customer of this pub for a number of years. The precise amount I cannot say, but at least three. I have over my time there come to know the proprietor, Raddy.

I am saddened to learn that questions are now being raised in respect of his license, and wish to show my utmost support to him. The Gunmakers is only one of a very few of remaining independent pubs in Birmingham. Raddy opened this at a significant risk to himself, I was aware that the pub had been empty for a number of years prior to this. The pub has since thrived under his care, and has developed a strong customer base of regulars that attend there.

I myself, attend mostly at lunchtime, and occasionally in the evening. I know that I can walk into the pub and get chatting to any of the regulars. I specifically recall one evening, where I attend, in drink and despite my best persuasion, Raddy refused to serve me. He arranged for a taxi for me to get home. I thanked him the following day for his help. This clearly demonstrates a man who cares for his customers, and why I have grown fond of him.

It would be at a great loss to Birmingham if his license was removed, and the Czech community that attend his pub on a frequent basis.

I wish to offer him my wholehearted support and ask that you allow him to retain his license. It would be a tragedy to loose such a great pub, and such a friendly publican.

Yours Sincerely

Eastern Road,
Wylde Green,
Birmingham,
B73

17/5/15

Dear Sirs,

Re: "Radi" The Gunmakers Arms, Bath St

I write in relation to "Radi" the licensee at The Gunmakers Arms, Bath St, Birmingham. As is clear from my address I am not a "local" to the pub but use it quite regularly when I am in the City Centre for work or socially.

I have used the pub before and since Radi has been in charge on a couple of occasions a month. This has been at lunchtime and in the evenings. I have been present at birthday and Christmas get togethers as well as just for a quick pint. On every occasion that I have been there Radi has been welcoming to me, my colleague and on occasion clients.

I have never witnessed anything that would constitute a breach of licensing laws or policies such as underage drinking or serving people already visibly intoxicated. Radi has always exuded the appropriate air of authority and clearly been in

(2)

full control of the premises and appropriately
vigilante.

I find it very difficult to believe that "Radi's"
competence or fitness to hold the licence is
being called into question. I am aware that
there was a death on the premises. I was not
present and thus cannot comment on the facts
of the incident. I am aware also that Radi
was quite shaken by the experience. I hope that
what was clearly an isolated and tragic incident
unrelated to Radi's control of the pub will not
deprive him of his livelihood and the pub of
a hardworking, competent and responsible house-
holder.

Yours aye

ENTERED R.

1-

Lichfield Road
Sandhills
Walsall
WS9

18th May 2015

Licensing Committee
Licensing Section, Crystal Court,
Aston Cross Business Village,
50 Rocky Lane, Aston,
Birmingham,
B6 5RQ

FOR THE ATTENTION OF THE LICENSING COMMITTEE

Letter of Support for Mr Radi Halabrin to remain as landlord at The Gunmakers Arms, Birmingham, B4 6HG

Dear Sirs

I have used the Gunmakers Arms in 92 Bath Street for 26 years. I know that I am not alone when I say that the current Licensee, Radi Halabrin, is one of most efficient, friendly and hospitable, Hard working managers we have ever had. He runs the pub so well and has made so many excellent improvements in his time there. He would certainly be a loss to this pub, and the brewery, if he did not continue in this position.

He actually "cares" for his customers I have even known him take a customer home when they needed to get home quickly, he certainly does a good job regarding health and safety issues and I know he does not allow for drunkenness or any kind of disorder in his pub. He runs a "tight ship", refusing to serve people who are little worse for wear. He may lose custom because of this, but thinks more of the safety of all of his customers.

I strongly support Radi completely he is probably the kindest person I know and know that many people would really miss his excellent management of this wonderful little pub.

If you require any further comments from me, please do not hesitate to get in touch.

Yours sincerely

Shirley Road
Hall Green
Birmingham B27

28th MAY 2015

TO
The Licensing Section
Crystal Court
Aston
Birmingham

Dear Sirs,

RE THE GUNMAKERS ARMS - BATH STREET

Prior to the Gunmakers closing I was an infrequent visitor. However after the pub re-opened I paid it a visit and soon became a regular. I get to know the landlord Radi who I soon discovered was a hardworking conscientious publican. There has been a vast improvement in standards at the pub since Radi took over.

Radi is also very considerate and helpful and I now class him as a good friend. In fact Radi has recently come to live in an annexe at the rear of my home.

I have had my Birthday Party at the pub and my employers have also had our Xmas party there. Both events went off without an iota of trouble.

I visit the pub about 2-3 times a week and have made a lot of friends there in the pub's pleasant atmosphere. I feel totally safe there.

I can honestly say that I have never seen any drunkenness or rowdy behaviour there. Radi is

in control of his pub and its customers and was in control of his customers. I have seen him refuse drinks to people who have had too much to drink and on one occasion recall him taking the car keys from a customer preventing him from driving home. Whilst this person was not drunk he was likely to have been over the "drink drive" limit and Radi would not allow him to drive home. I considered this to be the actions of a responsible landlord.

I have read the grounds on which the police seek to review the Premises License and whilst I was not present on the night of the 9/10/12 December 2014 I would comment that it is easy to be wise after the event. I am sure that had Radi brought Mr P was in need of medical attention that he would have called for it. I know from personal experience that I would now act differently in a certain set of circumstances.

I can confirm that on occasions I have been offered a free "shot" to celebrate a birthday or a happy event which was much appreciated.

There is another aspect to Radi's Pub which is that it has brought the Midlands Slovak/Czech community to the pub who mix well with the other customers. I believe the pub is a recognised meeting place for the Slovak/Czech community.

To summarize, I consider Radi to be a first class landlord who runs the pub with the licensing objectives in mind. It would be a tragedy if the pub lost its license and Radi lost his job which he works so hard for. If you need to contact me please feel free to do so.

Yours faithfully

EMILED RJ

Rushbrook Close
Olton
Solihull
B92

Chairman
Licensing Committee
Birmingham City Council
Crystal Court
Rocky Lane
Birmingham

20th May 2015

Dear Sirs,

Re: Radoslav Halabrin
The Gunmakers Arms, 92 Bath Street, Birmingham

I respectfully submit the following in support of Mr Halabrin's application for continuation of his Licence in respect of the above premises.

My use of the premises arises from working close by for a number of years.

Previous Licensees at the premises, having been insitu for varying periods, have not always provided acceptable staffing levels and performance, or quality of their product, hence custom has failed.

Mr Halabrin has always provided staff with a proper level of expertise who are always helpful and courteous, reflecting Mr Halabrin's own work ethic. At all times Mr Halabrin and his staff are in full control of the running of the business and overseeing of the conduct of patrons. They enjoy a very good relationship with the public.

I have not witnessed excessive drinking and drunkenness by any of the patrons.

I have frequented the premises both at lunchtime and in the evening and also at similar times been a guest at functions taking place on behalf of members of the public involving catering which is always at a most acceptable quality.

Yours faithfully,

ENTERED ON SUPRA
RU

Lakeside Walk,
Brookvale Village,
Birmingham,
B23

Licensing section,

19th May 2015

Ref The Gunmakers
Bath Street

I have had the pleasure of knowing Mr Radoslav Halabrin for the last four years.

I have been a regular customer at the Gunmakers for over twenty years.

When Mr Halabrin arrived at The Gunmakers the standards at this public house immediately rose. Not only is it now very clean, he makes people welcome and does his best to make the visit enjoyable.

He is aware that he has a responsibility to make sure his customers are safe. He will not flinch reminding drivers of driving limits, he will encourage drivers to leave cars and take a taxi or public transport home, I have seen him take keys from customers rather than allow them to drive.

Radoslav will refuse to serve anyone he feels has had too much to drink.

... was a pensioner living alone who died in December 2014, he was a regular customer. Radoslav would make sure he had a meal, when he left the pub Radoslav would either see him to his home or arrange someone else to do so. He was a key holder after a few days of not seeing him he was found and taken to hospital.

This is a characteristic response from a person who cares for others.

I have occasionally helped him behind the bar; he makes it very clear that he wants customers to have a relaxed visit and enjoy themselves.

It is these standards that allow me to state that in the years that Radoslav has run this public house that I have never seen any disorder in or around this public house.

I know that if I want a relaxed night out that I will have a warm welcome at the Gunmakers.

It would be a great disappointment to see any change of management at this pub.

If you would like me to expand on anything I would be pleased to do so.

Yours sincerely

From:
To: <bw_licensing@west-midlands.pnn.police.uk>
Sent: 18 May 2015 14:33
Subject: The Gun Makers Arms Bath Street Birmingham

Dear Sir/Madam

I am writing to you in connection with the licence review of the above mentioned public house.

Myself and work colleagues are frequent visitors to the guns as we like to call it.

Following the very unfortunate occurrence that led to the death of [redacted] we were all deeply shocked.

He too was a regular customer at the guns and was a very likeable hard working man who would be welcome in anyone's company.

Both [redacted] and I work as electricians so we used to have plenty of conversations relating to work etc over the years and finding out about the very tragic death of [redacted] was indeed a very sad time for me.

As you will obviously be aware the landlord of the gunmakers is now having a license review following the tragic circumstances on that night.

It is for this reason I am writing to you to give a personal reference for Raddi.

Since taking over the pub from it being closed for 2 years Raddi has worked tirelessly to keep the pub going and make improvements while obviously running on a tight budget.

He has made efforts to know people and from my experience he has been a very kind very caring and a very generous man.

Having witnessed numerous gestures of kindness to other elderly customers to the extent of making extra soup on cold days and taking the soup by hand to make sure they were ok after not appearing in the pub for an evening or two..

Even last year on my 50th birthday he turned up at my surprise party making sure he hadn't missed saying hi, even though he had been on a motorcycle event some considerable miles away.

He made the effort to come !

The pub itself, he keeps very clean and while it's certainly not everyone's cup of tea again he makes the effort to make everyone welcome.

Due to the location of the guns there are a lot of undesirable people frequently around the area. This makes his work there even more difficult having to keep a close watch on who walks through the door. This being the case he keeps a very nice pub and certainly does not stand for any bad behavior.

On the whole I believe that Raddi deserves to keep his licence and continue to run the premises. He is a very genuine very hard working landlord who would be very sadly missed should his licence be removed.

At present I am on holiday in Florida and only just found out about his pending licence review from a message from a work colleague.

I felt the need to put forward a reference for a very genuine landlord.

Myself not being familiar with these proceedings, should a character reference be needed in court, would be more than happy to appear before the court to offer my character reference in person. I will be back in the UK on the 23rd of May.

18/05/2015

From:
Sent: 19 May 2015 10:20
To:
Subject: Radi

Road

Caddick

Great Barr

Birmingham

B42

19/05/2015

Gunmakers Arms Bath Street Birmingham

Dear Sir / Madam

I have been using the Gunmakers arms for the past 3 years, in that time I have never witnessed any trouble or drunken behaviour, the pub is a traditional back street venue with bags of character which we regulars love.

We get to have a decent quiet drink with no rowdy lager louts disrupting our relaxing time.

The Licensee does not tolerate drunken or loutish behaviour and is quick to put an early stop to it in his charming polite manor he refuses to serve anyone he thinks has had too much to drink.

If any customers appear to be fooling around he asks them to stop before someone gets hurt stating the obvious health & safety as it is his livelihood at stake.

Radi is one of the most hard working men I have ever come across he never stops cleaning, the whole pub always has a fresh smell to it including the toilets something one doesn't really find in a Public house these days.

Radi came to the UK about 7 years ago and has never claimed any benefits and only ever wanted to work hard which I hope you would agree is a rare thing these days, he is a very proud man who is humbled by the support he is getting from us regulars and sometimes very tearful, this man is a very caring person who goes to long lengths to ensure his customers are well and cared for.

I myself had not been in to the Gunmakers for over a week due to illness and Radi asked one of my friends to call me to see if I were ok, something which had not entered my own friends mind.

We are all guilty of this sort of thing we take friends for granted and never give it a thought that one may be ill, not Radi he's always thinking where's so and so are they ok why haven't they been in? A typical concerned reaction from this kind man.

Another customer who left his spare key with Radi didn't turn in for a few days, Radi asked a friend of mine another regular to go round to flat with him only to find on the floor they

19/05/2015.

wanted to call an ambulance but begged them not to and said he would be in the pub later, when I didn't turn in Radi and my friend went back to the flat to find that he had moved from the floor, but felt an ambulance should be called as never missed a Friday night out he was obviously ill, this could have been a man left in his flat unattended for months had it not been for Radi insisting they should visit unfortunately passed away a few weeks later in Hospital.

To end my appeal on Radi's behalf, by revoking his licence would be putting this kind hard working man out of work and possibly on the dole something which none of us want especially Radi, also we would be losing a great friend and publican, who knows where he could end up?

This is our local a great little cosy place back in time which are fast becoming rare, please give this man the chance he deserves let him retain his licence and job, and let us keep our lovely meeting place.

Yours Sincerely

19/05/2015

Appendix 20

Birmingham City Council, Licensing Section, Crystal Court, Aston Cross Business Village,
50 Rocky Lane, Aston, Birmingham, B6 5RQ

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

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 this 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. You may wish to keep a copy of the completed form for your records.

I Chief Constable of West Midlands Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Gunmakers Arms 92-93 Bath Street	
Post town Birmingham	Post code (if known) B4 6HG

Name of premises licence holder or club holding club premises certificate (if known) Mr Thomas O'Brien
--

Number of premises licence or club premises certificate (if known) 3518

Part 2 - Applicant details

I am **SUPERINTENDENT 3172 ANDY BEARD**

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 21/01/2014
REF NO
INITIALS

(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over Please tick ✓ yes

Current postal address if different from premises address	<input type="text"/>
--	----------------------

Post town	<input type="text"/>	Post Code	<input type="text"/>
------------------	----------------------	------------------	----------------------

Daytime contact telephone number	<input type="text"/>
---	----------------------

E-mail address (optional)	<input type="text"/>
----------------------------------	----------------------

(B) DETAILS OF OTHER APPLICANT

Name and address
<input type="text"/>
Telephone number (if any)
<input type="text"/>
E-mail address (optional)
<input type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Operational Superintendent Birmingham West and Central Police Station Steelhouse Lane Birmingham B4 6NW
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

This premises is a public house located on Bath Street, just outside of Birmingham City Centre's inner ring road. The designated premises supervisor is Mr Radoslav HALABRIN. The DPS has leased the premises from the Premise Licence Holder, a Mr Thomas O'Brien, although Mr O'Brien remains the premise licence holder.

On 10th December 2014, West Midlands Police received a call from the ambulance service at 01:53 hours stating there was a male in cardiac arrest at the premises. Initial reports at the scene stated this was not suspicious. However, as the full investigation proceeded, there were some concerns raised in relation to public safety and the actions of the DPS, Mr Radoslav HALABRIN.

Mr HALABRIN stated that the deceased male (who will be referred to as Mr P) was a regular customer at the premises. On 9th December, Mr P had been drinking Cider and shots throughout the evening at the premises, he reached across the bar taking hold of a bottle of Jack Daniels and began downing the spirit straight from the bottle. Mr P then became very intoxicated and verbal, banging his fists on the bar. At approximately 23:30 hours, Mr HALABRIN sat Mr P in a chair where he vomited and urinated. He then went to sleep. When all the customers left and the pub closed, Mr P was still unconscious, in the premises. Mr HALABRIN placed Mr P in the recovery position and left the premises to get himself some food. Mr P was left unattended at this point, and although he was put in the recovery position, there was no call to the police or the ambulance service regarding concern for Mr P's health. On returning from having a meal inside a take away, Mr HALABRIN found Mr P had died. It was at 01:48 hours that an ambulance was finally called.

Police Officers who attended requested to see the CCTV in the premises, to establish events surrounded Mr P's death. Mr HALABRIN could not operate the system and this CCTV was never made available.

Mr P was subsequently found to have a high concentration of alcohol in his blood. Underlying health issues (hardening arteries and valvular heart disease) together with the high level alcohol appear to have led to the death. The Histopathologist has proffered 'Acute ethanolic intoxication' as a contributing factor to the cause of death.

As the investigations into Mr P's death continued, on 13th February 2015, licensing officers from Birmingham Central Police Station visited the Gunmakers Arms. Officers found a number of unlabelled Jack Daniels bottles that contained a clear, strong smelling liquid behind the bar. Mr HALABRIN was advised regarding safety concerns of serving unidentifiable alcohol and issued a Traders Notice.

On 20th February 2015 officers conducted a follow up visit in the company of a Trading Standards officer. Bottles similar to those found on the previous visit were this time found in the back of the cellar. There were no labels, and they contained a clear liquid.

On 1st April, police officers and trading standards re-visited the premises. Trading standards had cause to seize bottles of alcohol that did not comply with legislation.

A Coroners inquest has started for this incident and through this it was discovered that the DPS had taken photos of what had happened, these have eventually been handed to the Police which corroborate the facts as above.

The concerns that have been identified by West Midlands Police are that the DPS had not called for an ambulance when Mr P initially consumed a large amount of alcohol and then went unconscious. This prompt action of responsibility could have prevented Mr P's death. The DPS left Mr P alone and unconscious in the premises, albeit he placed him in the recovery position. If he had such concerns for Mr P by placing him in the recovery position he should have not left him alone, and should have called for medical assistance.

In addition, CCTV was not accessible on the evening or during the initial investigation for officers. This would have provided valuable evidence in the moments leading up to the death of Mr P.

The premises licence holder was completely unaware of the death in his premises until 3 months

afterwards. The lack of communication between the licence holder and DPS causes police deep concerns that the premises is not promoting the licensing objectives effectively, especially in regard to public safety.

Both the Premise Licence Holder and the DPS have clearly shown disregard for the licensing objectives, especially Public Safety and Prevention of Crime and Disorder. The Premise Licence Holder is clearly unaware of what is happening in his premises and the DPS is clearly hiding issues that are happening and more concerned with the sale of alcohol.

West Midlands Police do not believe that to just change the DPS or impose conditions would resolve the issues here, which ultimately led to the death of a male. To change the DPS would only mean that the current DPS would still keep the lease and have control of the premise and then apply for another DPS to run the premises.

As such West Midlands Police are seeking the revocation of this licence, had it not been the delay in getting information West Midlands Police would have sought an application under Sec 53.

Please provide as much information as possible to support the application (please read guidance note 3)

Sudden death report

Statement from officer

Statement from DPS and witness

Police Log

Photographs provided by Coroners Court, which were taken by the DPS

Toxicology Report

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date

..... 17/04/15

Capacity

..... SUPERINTENDENT 3172 ANDY BEARD. WEST MIDLANDS POLICE.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Birmingham Central Licensing Team Birmingham Central Police Station Steelhouse Lane	
Post town Birmingham	Post Code B4 6NW
Telephone number (if any) (
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Appendix 21

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

3518 / 2

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Gunmakers Arms 92-93 Bath Street	
Post town: Birmingham	Post Code: B4 6HG
Telephone Number: Not Specified	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

C	Indoor sporting events
F	Recorded music
H	Anything of similar description to that falling within (live music), (recorded music) or (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	-	00:00	F
	10:00	-	01:00	C ,H ,M3
	23:00	-	01:00	L
BANK HOLIDAYS, NEW YEARS DAY, CHRISTMAS DAY, BOXING DAY	10:00	-	02:00	C ,F ,H ,M3
	23:00	-	02:00	L

The opening hours of the premises

Monday - Sunday	10:00	-	01:00
BANK HOLIDAYS, NEW YEARS DAY, CHRISTMAS DAY, BOXING DAY	10:00	-	02:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and Off Supplies

BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Thomas Martin O'Brien	
Post town:	Post Code:
Telephone Number:	
Email	

Registered number of holder for example company number or charity number (where applicable)
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Radoslav Halabrin	
Post town:	Post Code:
Telephone Number:	

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	Issuing Authority

Dated 01/02/2011

Nicola Stansbie
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

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.

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol:-

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 a holographic mark.

Where any of the following alcoholic drinks is sold or supplied for sale or 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) the responsible person shall ensure that it is available to customers in the following measures:-

1. Beer or cider - ½ pint;
2. Gin, rum, vodka or whisky - 25ml or 35ml; and
3. Still wine in a glass - 125ml; and

The responsible person must also ensure that customers are made aware of the availability of the aforementioned measures.

BIRMINGHAM CITY COUNCIL

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The provision of regulated entertainment shall take place indoors only.

No adult entertainment permitted at the Premises.

The licence holder shall ensure they are a member of the Local Pub watch Scheme

The licence holder shall ensure the staff are trained on Licensing Act 2003 when they are recruited and given training in "Drug Awareness".

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

No enforceable conditions identified from the operating schedule.

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

A maximum occupancy of 200 people will be set.

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

There will be volume limiters on music amplification equipment.

All customers will be asked to leave quietly.

The garden will be closed at 23:00.

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

Children under the age of 16 must be accompanied by an adult at all times.

BIRMINGHAM CITY COUNCIL

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

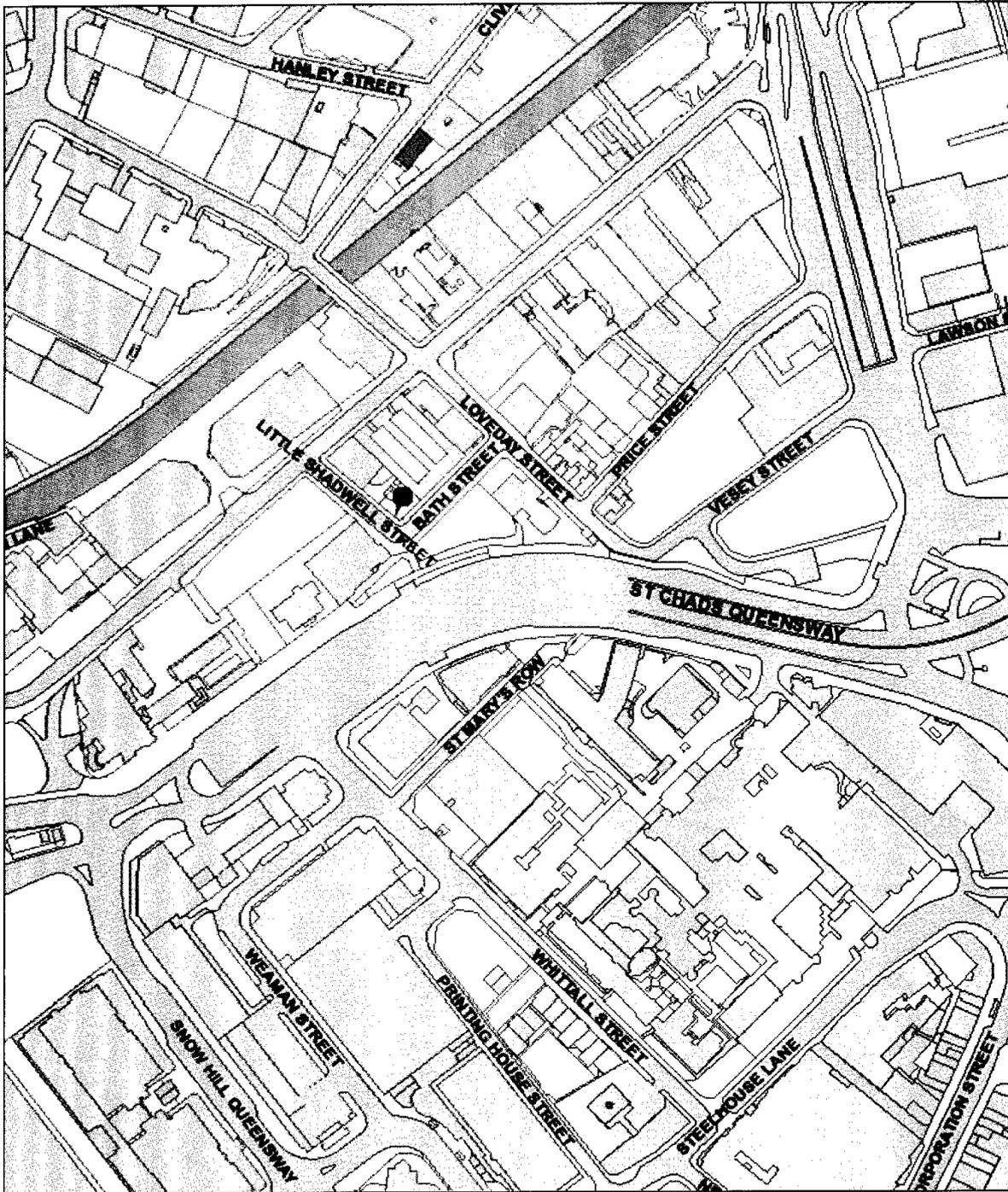
3e) Committee conditions to promote the protection of children from harm

N/A

BIRMINGHAM CITY COUNCIL

Annex 4 – Plans

The plan of the premises with reference number **71218-3518/2** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection between the hours of 9am – 4pm Monday, Tuesday and Thursday, 10am – 4pm Wednesday and 9am – 3.30pm Friday (excluding Bank Holidays etc) at the Licensing Service, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham B6 5RQ.



Birmingham City Council Map Created By:

Date of Map Creation: 27/05/2015

Notes



Scale:
1:2,500

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