

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 15 OCTOBER 2018 AT 09:30 HOURS
IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

A G E N D A

1 NOTICE OF RECORDING

Chairman to advise meeting to note 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

4 MINUTES

To confirm and sign the Minutes of the meeting held on 17 September 2018.

To confirm and sign the Minutes of the meeting held on 20 September 2018.

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.

6 EXCLUSION OF THE PUBLIC

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded

3 - 16

from the meeting:-

Exempt Paragraph 3

P R I V A T E A G E N D A

1 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976,
TOWN POLICE CLAUSES ACT 1847, PRIVATE HIRE AND HACKNEY
CARRIAGE DRIVERS LICENSES**

Report of the Director of Regulation and Enforcement.

(Paragraphs 1 & 7)

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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.

BIRMINGHAM CITY COUNCIL

**LICENSING SUB-
COMMITTEE
MONDAY 17 SEPTEMBER,
2018**

**MINUTES OF A MEETING OF THE LICENSING
SUB-COMMITTEE A HELD ON, 17 SEPTEMBER,
2018 AT 0930 HOURS, IN ELLEN PINSENT
COMMITTEE ROOM, COUNCIL HOUSE,
BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair.

Councillors Bob Beauchamp and Mike Leddy

ALSO PRESENT

Bhapinder Nandhra, Licensing Section
Joanne Swampillai, Committee Lawyer
Louisa Nisbett, Committee Manager

NOTICE OF RECORDING

1/170918

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

2/170918

DECLARATION OF INTERESTS

Members were reminded that they must declare all relevant and 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 to be recorded in the minutes of the meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/170918

There were no apologies received.

MINUTES

4/170918 The public section of the Minutes of the meeting held on 8 June, 2018 having been previously circulated were confirmed and signed by the Chairman.

LICENSING ACT 2003 PREMISES LICENCE (GRANT) – SADLER’S BREWHOUSE, 77 HIGH STREET, HARBORNE, BIRMINGHAM, B17 9NS

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

(See document no. 1)

The following persons attended the meeting:-

On behalf of the Applicant

Jim Pycraft - Applicant
Corrigan Lockett – Lockett & Co Consultants

There were no persons making representations in attendance.

Following introductions by the Chairman, the main points of the report were outlined by Bhapinder Nandhra, Licensing Section.

The following 2 additional documents were submitted showing photographs of the premises and a plan of the area to be licensed for licensable activities:-

(See document no, 2)

Corrigan Lockett made the following points with regards to the application and in response to questions from Members:-

1. The premises was a second one to an already successful business running in Quinton. Some pictures of the Quinton premises were viewed as an example. The quality of the premises could be seen in the pictures.
2. A £2M investment had been made into the brewery. They would sell speciality handcrafted beers, crabtrees ciders etc.
3. CCTV was installed, staff would be trained professionally on a regular basis by Lockett & Co.
4. The menu was included in the pictures.
5. A copy of the plan showed the layout of the premises and the area to be licensed for all licensable activities.
6. As part of the expansion of the licence they would sell specialist beers, ciders, gin and spirits. A gin distillery would be installed. In the premises in

Quinton experience days took place within the premises run as an educational course. Those taking part were able to make and take home their own gin.

7. Use of the outside area of the building would be kept to a minimum using a few table and chairs.
8. There would be training for staff, a challenge 25 policy, a refusals log and incidents log. They would require strict proof of ID.
9. They had agreed conditions with West Midlands Police prior to the meeting. Once staff were trained an employment handbook would be kept on site as a training record for viewing.
10. The premises were previously a licensed café/restaurant up until March when the lease had been surrendered back to the landlord.
11. With regard to anti-social behaviour, they had spoken to the police and explained that the type of clientele they would attract were middle aged, husband and wives etc. who could afford the price of the drinks there as they were not cheap. They would not expect to have issues with anti-social behaviour. The premises at Quinton had been trading since June with no issues.
12. It was noted that none of the objectors were present at the meeting. They had contacted the objectors hoping to mediate with them however they had not responded.
13. In relation to the prevention of crime and disorder, the applicant was an experienced operator. He had run the business in Quinton with no issues even though residents lived above the premises. There would be no-one living above the premises in Harborne.
14. They would comply with all the licensing objectives and keep written records.
15. The cellar was on ground level. There was rear access for deliveries. The outside area will be a smoking area. There would be polite notices on the outside of the building and the area would be policed.
16. Full capacity for the premises was 55 people over 3 floors. The 3rd floor would not be in use to customers. The chef would be on the 3rd floor kitchen. Bar staff would be on the ground floor.
17. The distillery would run on the ground floor on a small scale. The spirits were from 'City of London' company. The gin distillery will be on the ground floor and was a visual kit only. The distillery would not be used during trading hours.

18. The staff team would consist of the manager, the deputy manager, the keyholder and 3 part time staff. There would be 4 staff on duty on a Saturday with 6 staff on busy days The Licence holder is the manager,
19. The Sub-Committee were shown a copy of the training manual which would be refreshed every 6 months. The handbook would also add to the manual.
20. At 2200 to 2230 hours the windows and doors would remain closed to eliminate the noise.
21. There was additional storage on the ground floor cellar for the spirits.
22. There was no space for large bands. There would most likely be a single musician or background music.
23. Casks and kegs would be used for the beers. They did not intend to have weekend door staff but would monitor the situation.
24. The Manager was also the DPS. The Premises Licence Holder was the same as the Quinton premises and was aware of their responsibilities. Sadler's was part of a bigger corporation called Halewoods.

During his summing up Corringan Lockett informed that the applicant was looking to open a second venue following the success of the premises in Quinton. They would operate in line with the conditions of Licence and hoped that it would be a success.

At 1020 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 1040 hours, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

RESOLVED:-

That the application by Sadler's Brewhouse Limited for a premises licence in respect of Sadler's Brewhouse, 77 High Street, Harborne, Birmingham, B17 9NS **BE GRANTED.**

Those matters detailed in the operating schedule, and the relevant mandatory conditions under the Licensing Act 2003, will form part of the licence issued, together with those conditions agreed between the applicant and West Midlands Police in advance of the hearing.

The Sub Committee deliberated the operating schedule put forward by the applicant and the likely impact of the application, including the agreed conditions, and concluded that by granting this application, the four Licensing Objectives contained in the Act will be properly promoted.

Members carefully considered the written representations made by other persons, but were not convinced that any adverse effect on the Licensing Objectives was likely to arise. The applicant confirmed that the conditions required by West Midlands Police had been accepted. The applicant was an experienced operator and had been running similar premises in Quinton without problems. The Sub-Committee found the proposed operating schedule and management arrangements to be satisfactory.

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 for a premises licence, the written representations received and the submissions made at the hearing by the applicant and their adviser.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

OTHER URGENT BUSINESS

There was no other urgent business.

EXCLUSION OF THE PUBLIC

That in view of the nature of the business to be transacted which includes exempt information of the category indicated that the public be now excluded from the meeting:-

Minutes – Exempt Paragraphs 3 and 4.

PRIVATE

MINUTES

The private section of the Minutes of the meeting held on 8 June, 2018 having been previously circulated were confirmed and signed by the Chairman.

OTHER URGENT BUSINESS (EXEMPT INFORMATION)

The meeting ended at 1045 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

LICENSING SUB - COMMITTEE A - 20 SEPTEMBER 2018
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**MINUTES OF A MEETING OF THE LICENSING SUB-
COMMITTEE A HELD ON THURSDAY 20 SEPTEMBER
2018 AT 0930 HOURS IN COMMITTEE ROOM A,
COUNCIL HOUSE EXTENSION,
MARGARET STREET, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp and Mike Leddy.

ALSO PRESENT:

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Sarah Stride – Committee Manager

NOTICE OF RECORDING

01/200918 The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

02/200918 No declarations of interest were raised.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

03/200918 No apologies were submitted.

**LAB 11, 26 OXFORD STREET, DIGBETH, BIRMINGHAM B5 5NR –
LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION
ACT 2006 – CONSIDERATION OF REPRESENTATIONS IN RESPECT OF THE
INTERIM STEPS IMPOSED ON 6 SEPTEMBER 2018**

The following persons attended the meeting:

On behalf of the Applicant

Duncan Craig – Citadel Chambers
Mr William Power – Premises Licence Holder and owner of Lab 11, and also
Company Director of Afta Dark Ltd.

Those Making Representations

PC Abdool Rohomon – West Midlands Police.

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

(See Document No. 1)

Following introductions by the Chair, the main points of the report were outlined by David Kennedy, Licensing Section.

On behalf of the Applicant

Duncan Craig – Citadel Chambers

The following additional information was submitted:-

(See Document No. 2)

Mr Craig stated that the applicant wished to modify the interim steps since the suspension was imposed on 6 September 2018. Since that time his client and West Midlands Police had been engaged in long term discussions in order to agree improvements to the operation of the premises with a view to public safety. Both parties were working together to achieve a joint goal.

Mr Craig discussed in detail what was being imposed on the interim steps and made reference to the additional information submitted earlier. During the course of discussion the following points were made:

- 12 new CCTV cameras to be installed.
- Provision of welfare officers. One welfare officer per room in operation. All welfare officers to carry radios and will be in constant communication with medics.
- Posters and notices on acceptable levels of behaviour to be distributed throughout the building and in all event rooms.
- The operational plan will cover the entire operation and will be linked into the risk assessment. Body cameras will be added to the event risk assessment if required.

- It was confirmed that Mr William Power was the DPS and licence holder.
- A new operational manager had been employed as had a new bar manager.
- The newly appointed security company was Eagle Security and Leisure.
- Positive steps have been taken to promote the licensing objectives and the interim steps have been approved by West Midlands Police.
- The interim steps taken are as follows:

‘For every event at the premises there will be a documented risk assessment detailing as a minimum:

- a. Artists (full name, stage name)
- b. Hours of operation, including last entry time
- c. Security deployment
- d. CCTV and bodycam provision
- e. Searching
- f. Drugs prevention and policy
- g. Welfare and vulnerability policy
- h. Anything else that may be relevant, and lastly, West Midlands Police will have power of veto over each event.’

- Mr Craig stated that a tragic event had happened but the DPS was doing everything in his power to minimise future public risk. He requested that the suspension be replaced with the interim steps condition as mentioned above.

In response to questions raised by Members Mr Craig and Mr Power made the following comments:

- Toilet seat covers had now been removed.
- All surfaces in the toilet cubicle areas were angled and not straight surfaces. Baby oil will be applied to all surfaces in the toilet areas.
- Toilets areas patrolled and checked every hour.
- UV lights applied on entry to building and drug detection dogs at the entrance.
- Amnesty bins will be provided to allow punters to discard any illegal weapons of drugs prior to gaining entry into the premises.
- Last re-entry will be dependent upon the nature of the event. However, no re-entry will be admitted once a customer had left the venue.
- Door staff will patrol the outside of the premises as well as door entry.

Those Making Representations:

West Midlands Police

PC Abdool Rohomon expressed deep concern that a young man had tragically lost his life whilst in the venue and the Police were awaiting toxicology reports to be confirmed in order to determine the exact cause of death.

He stated that since this tragic event Mr Power had remained very open and honest and had worked with the Police on every level. A thorough CCTV search of the premises had been undertaken. Mr Power had sought guidance from the Police and other external sources. He developed the idea of welfare officers and

had had a good response from customers when he uploaded the idea on social media.

He confirmed that CCTV cameras had been updated and images had improved. Mr Power had spent a lot of time to improve the measures taken.

He confirmed that Eagle Security and Leisure had been appointed as the main security company in use for all events. A proper and correct activity risk assessment had been provided.

PC Rohomon confirmed that the Police will have the power to veto, therefore, it was within the licence holders interest to ensure that correct procedures were followed at all times.

Summary of Statements

PC Rohomon stated that he had no further comments to add.

In summing up Mr Duncan stated that Mr Power had been deeply affected at what happened in his venue and he wanted to ensure the safety of all future customers. He concluded that Mr Power will continue to work directly with PC Rohomon when dealing with future events and risk assessments.

After an adjournment and at 1143 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

04/200918

RESOLVED:-

That, having considered the representations made on behalf of Afta Dark Music Ltd, the premises licence holder for Lab 11, 26 Oxford Street, Digbeth, Birmingham B5 5NR, in respect of the interim steps imposed on the 6 September 2018, this Sub-Committee hereby determines that the interim step of suspension shall be lifted and replaced with the condition agreed in advance of the meeting between the premises and West Midlands Police, and which was dictated to the Sub-Committee by the premises' legal representative during the meeting, namely:

"For every event at the premises there will be a documented risk assessment detailing as a minimum:

- a) Artists (full name, stage name)
- b) Hours of operation, including last entry time
- c) Security deployment
- d) CCTV and bodycam provision
- e) Searching
- f) Drugs prevention and policy
- g) Welfare and vulnerability policy
- h) Anything else that may be relevant

and lastly, West Midlands Police will have power of veto over each event".

The Sub-Committee carefully considered the representations made both by the Police and on behalf of the premises licence holder. The Police

confirmed that the premises had been cooperative throughout, and keen to adopt all the measures that the Police had recommended.

In reaching this decision, the Sub-Committee has given due consideration to the guidance issued by the Home Office in relation to expedited and summary licence reviews, the certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 and the application for review.

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.

OTHER URGENT BUSINESS

5/200918 There was no other urgent business.

The meeting ended at 1218 hours.

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CHAIRMAN

