

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB COMMITTEE B 28 JULY 2015</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE B  
HELD ON TUESDAY 28 JULY 2015  
AT 1000 HOURS IN COMMITTEE  
ROOM 1, COUNCIL HOUSE,  
BIRMINGHAM**

**PRESENT:** - Councillor Lynda Clinton in the Chair

Councillors Nawaz Ali and Bob Beauchamp

**ALSO PRESENT**

Nicola Stansbie, Licensing Section  
Parminder Bhomra, Committee Lawyer  
Gwin Pountney, Committee Manager

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

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There were apologies from Councillor Gareth Moore and Councillor Bob Beauchamp attended as nominee member.

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**ELECTRIC, 1 HURST STREET, BIRMINGHAM, WEST MIDLANDS. B5 4AS, -  
LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION  
ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF PREMISES  
LICENCE: CONSIDERATION OF INTERIM STEPS**

A certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, an application for review of licence and copy of the current premises licence were submitted:-

(See document No. 1)

The following persons attended the meeting:-

**On behalf of West Midlands Police**

PC Ben Reader  
Sergeant Elliot Richards

**On behalf of the Premises Licence Holder**

There was no-one present on behalf of the Premises Licence Holder.

Following introductions by the Chairman, the main points of the report were outlined by Nicola Stansbie. Members were further advised that an e-mail had been received from the premises licence holder's legal representative advising Licensing Services of the premises licence holder's support of a suspension of the premises licence pending a full review, as such, the premises licence holder would not be attending the summary review hearing.

(See document No.2)

PC Reader, in presenting the case on behalf of the Police and in response to questions from Members, made the following points:-

- a) Electric had been previously licensed as Oceania but had since changed ownership. The premise licence for the venue had been subsequently granted to the property owner - Steve Thomas - not the business operator. Currently the solicitor was representing both parties but it was perceived that complications may arise regarding this position in the future.
- b) On Friday 24 July Electric opened for an externally promoted event operating from 11.00pm until 4.00am, featuring urban and grime artists. The premises had submitted a risk assessment for the event and had classified it as medium risk and deployed 16 security staff at the event.
- c) At 3.50 am on Saturday 25 July the Police had been notified of 2 males in hospital who had come in with gunshot wounds to their legs. One of these had a wound to his lower left thigh – the other had a grazing entry/exit wound to his left thigh. Both males independently stated that they had received gunshot wounds from being in the same venue – Electric Club, Hurst Street, Birmingham,
- d) As part of their investigation into this incident, the Police had obtained the CCTV footage for the premises for that night which showed a disorder on the main dance floor. At 3.22am a large number of individuals were seen to rapidly clear the dance floor and a male is seen quickly exiting the building – due to the speed of this clearance it was suggested that this was when a firearm had been discharged. A similar incident was seen on another camera covering a corridor where there was a sudden, dynamic dispersal of people – attempting to get away from something very quickly.
- e) The CCTV showed a lack of control at the premises with a client smoking, others wearing facial and head coverings and a male in a hoodie and goggles.
- f) A search of the premises following this incident had revealed while no shell casings were found, officers did discover blood by one of the bars and bloodied tissues within the main room.

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- g) Drugs paraphernalia was also found on the premises including; empty dealer bags, cannabis roll ups and remnants of herbal cannabis on the floor and tables.
- h) The manager, Ryan Booth had told officers he was aware of the disorder at the premises but had not reported this to the Police. He had however denied that there had been any shootings – the first indication of these had been from the hospital.
- i) Further information had been received from Nottinghamshire police regarding a male in Nottingham receiving medical treatment for a stab wound who had stated that he had been stabbed on the dance floor at Electric following a dispute with other customers.
- j) That the Police had also recovered a knife from the office block adjacent to the premises and CCTV footage had revealed males running from Electric into this office area.
- k) That there was a catalogue of serious incidents which had occurred at the premises which had culminated in 3 offences of Section 18 wounding's being committed at Electric – 1 with a knife and 2 with firearms.
- l) West Midlands Police had serious concerns about the premises – it was clear that the search procedure for the premises was inadequate as a firearm had been allowed into the premises and the additional findings of remnants of perceived to be herbal cannabis added to these concerns.
- m) Furthermore, on monitoring social media the Police had noted several tweets regarding this event: 'great night until someone pulled out a gun', '....managed to let someone in with a gun', '2 people bottled and someone pulled out a gun'.
- n) That the fact that shell cases had not been found for the bullets may be due to the fact that some firearms did not discharge shell cases when fired.
- o) The Police had spoken to the designated premise supervisor, Ryan Booth on the morning of Saturday 25 July and had agreed to the scheduling of an event on the premises that evening as they had been reassured by him that this was a regular event with a different crowd, reduced numbers and a different dynamic. Moreover at this point in time the Police were still in the middle of their investigations and had not got a complete picture of the events from the night before and had not been fully briefed on all the artists appearing at the event.
- p) Mr Booth has felt that this event could be more easily managed and that boosted security with a heightened search procedure would also be put into place. However the Police had visited the premise both on the night to check on proceedings and had still found significant issues with the premises.
- q) Presented a DVD with the CCTV footage obtained from the premises showing events on the morning of Saturday 25 July including the 2 occasions when

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firearms had been discharged, the resulting panic, the rapid dispersal of customers from the venue and the distressed faces of some of the female customers.

- r) That the Police were at this stage unsure if there was any link between the 2 males that had been shot or if there were any links between the artists and gang related activity. However, even if this was the case the Police would only intervene if there was a life threatening situation.
- s) That performers and their entourage had entered the premises from a different entrance to the customers which was not as well regulated as the main entrance and the Police had concerns that this may have been the source of the contraband.
- t) With regard to the security for the event on Friday 24/Saturday 25 July the Police had been informed that 800 people would be present and upon looking at the risk assessment had felt that the security arrangements were proportionate to this. However upon viewing the CCTV footage it was clear that matters had got out of hand and that as well as the woundings, some customers had also left the premises carrying large glass bottles in their hands.
- u) The premises had been visited on numerous occasions by the Police and an action plan had been put in place for the premises.

In summing up, PC Reader, stressed that crime and disorder had occurred at Electric on the night of Friday 24/Saturday 25 July and there were some indications that at the event on Saturday night there had been further problems. The Police therefore asked that the premises licence be suspended as there were a number of events scheduled to be held on the premises and the Police had serious concerns regarding public safety as it was felt that search procedures would not be adequately met.

At 1110 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Managers to withdraw from the meeting.

At 1123 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

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### **RESOLVED:-**

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Dooba Investments II Limited in respect of Electric, 1 Hurst Street, Birmingham, West Midlands, Birmingham, B5 4AS this Sub-Committee determines that the licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application.

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The Sub-Committee's reasons for imposing this interim step are due to concerns by West Midlands Police in relation to matters which came to light at the premises on Saturday 25 July 2015 as outlined in the Chief Officer of Police's certificate and application.

The Sub Committee determined the cause of the serious crime and serious disorder inside the licensed premises itself appeared to originate from the inability of management to conduct adequate search procedures at the premises which enabled firearms to be brought into the premises and discharged on more than one occasion. It was noted that there may have been a lack of monitoring of security for entrance/exits used by the VIP performers. In addition, the patrons of the premises were allowed to: smoke on premises, wear hoodies and leave the premises with large bottles of alcohol. Concerns were also raised regarding the seriousness of the incidents of the shootings and stabbing at the premises that were not reported to the police by the designated premises supervisor.

It was therefore necessary and reasonable to impose a suspension to address the immediate problems with the premises, in particular the likelihood of serious crime and or serious disorder, and to promote the prevention of crime and disorder objective in the Act.

The Sub-Committee considered whether it could impose other interim steps including modification of licence conditions, exclusion of the sale of alcohol or other licensable activities, or removal of the Designated Premises Supervisor. The Sub-Committee did not believe however that any of these would address the totality of issues brought to their attention by the police.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, and the submissions made by the police at the hearing.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours.

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

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### 03/280715 **OTHER URGENT BUSINESS**

There was no other urgent business.

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The meeting ended at 1125 hours.

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CHAIRMAN