

BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE C

Wednesday 29 September 2021 at
1200 hours in 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/UCT2kT7ZRPFCXg6_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 THE ROCKET CLUB, 258 BROAD STREET, BIRMINGHAM, B1 2HF - 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 1200 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 The Rocket Club, 258 Broad Street, Birmingham, B1 2HF.

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: The Rocket Club.

Premise Licence Number: 397

Premise Licence Holder: Balevents Limited

Designated Premise Supervisor: Warrick Ramseir

I am a Superintendent in West Midlands Police.

I am giving this certificate because I am of the opinion that the standard review procedures are thought to be inappropriate due to the seriousness of the crimes, and the serious management failings of the premises concerned.

On Sunday 26th September 2021 at 05.43hrs a telephone call was made to West Midlands Police by a member of the public stating that her sister had been raped in the Rocket Club on Broad Street in Birmingham City Centre.

Officer's initial investigations revealed that the alleged rape took place in a staff only area of the premises and a male that identified himself as the manager and up to 3 other males had been involved in the alleged rape of this victim.

There has been one arrest made so far by officers and the investigation is live and on-going.


The level of seriousness and severity of this incident needs to be brought to the attention of the Licensing Committee immediately.

The concern of West Midlands Police is that if steps are not taken to consider the running of these premises then other serious offences will take place at the premises resulting in more victims going through a life changing assault.

The aggravating factors that one of the alleged offenders identified himself as the manager, 3 other persons were allegedly also involved in the offence and it took place in an area not open to the general public.

I am conscious of the guidance on the use of 'Expedited Reviews' and given the emphasis that is given to the use of this power – to tackle serious crime and disorder my feelings are this process is appropriate and proportionate.

Signed


Chief Supt 4631 GRANAM



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

1 - *Chief Supt 4631 Stephen GRAMM*

(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: The Rocket Club.

Postal address of premises,(or if none or not known, ordinance survey map reference or description): 258 Broad Street, Birmingham B1 2HF

2. Premises Licence details:

Name of premise licence holder (if known): Balevents Limited

Number of premise licence (if known): 397

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)

The Rocket Club is located 258 Broad Street Birmingham City Centre It is a sexual entertainment venue which benefits from a premises licence between 10.00 and 06.00 daily.

On Sunday 26th September 2021 at 05.43hrs West Midlands Police received a telephone call from a member of the public stating her sister had just been raped in the Rocket Club on Broad Street, Birmingham City Centre.

Officer's initial investigation revealed that the alleged rape took place in a staff only area of the club and a male that identified himself as the manager to the victim and up to 3 other males had been involved in the alleged rape.

The victim's initial account from the primary investigation states:

- She was in a back staff room with the strippers after having had a conversation with them in the normal public area of the club.
- A male who she believed was the owner was also in the back area and he gave her a lot of attention asking her to work there. To which she declined.
- After this she went back to the main room with her sister and friend.
- Sometime later she went to the toilet and then stayed in the staff room.
- This time they (referring to the manager and other males) asked her to strip and again asked her to work for them.
- The other males asked her 'how much she charged?'
- The manager then said she should 'try out' to which she refused.
- The manager then said she had 'led him on'
- At this point the other males were 'all over her'
- All the males including the manager were 'all over the strippers' as well.
- She states at this point is when 'everything started happening' and 'everything went bad.'
- They (meaning the males) started to ask her 'to do stuff, like dance and things' She again refused.
- They (meaning the males) wanted her 'to get on top of them and grind' She refused.
- They (meaning the males) pulled her 'on top of them and she is 'pretty certain that his penis went inside' her.
- She was then 'dragged on top of and between the owner/manager and the three other guys'
- 'It was all a bit of a blur after that'
- She stormed out and 'that's when the realisation hit' her.
- She starting shouting and crying
- She was also concerned for the women trapped in there.
- The owner/manager penetrated her and also one of the other males.
- The last time she consented to sex was the previous Wednesday with her husband.

The above bullet pointed account is taken from the victim as soon as practicable after the alleged offence.

Officers have arrested one male on suspicion of rape who is currently on police bail.

Both the arrested male and victim have had forensic samples taken.

The victim has been interviewed by specialist officers in a designated sexual offence suite. A full statement will be available in the future.

This matter has been crimed as a rape of female aged 16 or over

“Serious crime” is defined by reference to S.81 of RIPA Act 2000. An offence for which an adult could reasonably be expected to be sentenced to imprisonment for a period of 3 years or more. This offence, if convicted would meet this criteria.

West Midlands Police are concerned that the alleged rape has taken place in a staff only area by a male that has identified himself as the manager/owner of the premises and up to 3 other males in a staff only area have been involved in the alleged offence at this premises.

West Midlands Police wish to bring this to the urgent attention of the licensing committee.

Signature of applicant: *Graban*

Date: *28/7/21*

Rank/Capacity: *Commander, Birmingham West and Central*

Chief Superintendent

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:

397 / 3

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
The Rocket Club 258 Broad Street	
Post town:	Post Code:
Birmingham	B1 2HF
Telephone Number:	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence	
E	Live music
F	Recorded music
G	Performances of dance
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
J	Provision of facilities for dancing
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	E, F, G, H, J, M3
	23:00	-	06:00	L
New Year's Eve - from commencement of permitted hours to end of permitted hours				
New Year's Day.				
No persons under the age of 18 will attend the premises under any circumstances due to the nature of the entertainment.				

The opening hours of the premises				
Monday - Sunday	10:00	-	06:00	

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 Balevents Limited 26 Goodall Street	
Post town: Walsall	Post Code: WS1 1QL
Telephone Number:	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 04210642
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Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Warrick Ramseir	
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 PERS/NW/643/2012	Issuing Authority NORTH WARWICKSHIRE BOROUGH COUNCIL

Dated 29/12/2011

Nicola Stansbie
Senior Licensing Officer
For Director of Regulation and Enforcement

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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.”

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 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

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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.

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 premises licence holder shall ensure all staff receive training regarding the licensing objectives and licensing regulations. A record of the training will be kept by the management.

No persons under the age of 18 will attend the premises under any circumstances due to the nature of the entertainment.

The licence holder will ensure all members of staff will be trained on the requirements of the Licensing Act 2003. With particular reference to no underage drinking, no drunkenness on the premises or outside of the premises, no use of drugs, violent or anti-social behaviour and a need to protect children from harm.

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

The premises licence holder shall ensure CCTV is installed and fit for the purpose for the satisfaction of the West Midlands Police. Images will be retained for at least 31 days and shall be made available upon request to the officers of the responsible authorities.

Staff will be given ongoing training including identification of anti-social or unusual behaviour.

The licence holder shall ensure:

Appropriate measures are taken to ensure management controls capacity levels on the premises.

Appropriate measures to ensure members of staff receive ongoing training which will include identification of anti-social or unusual behaviour and using a proof of age scheme.

External checks of the car park including provision of lighting and bins are carried out.

Internal and external lighting is checked regularly.

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

The licence holder shall ensure:

Members of staff receive first aid training.

A fire risk assessment is carried out weekly and additional health and safety risk assessments are carried out regularly.

The electrics, gas fire and relevant equipment on the premises are checked and maintained in working order and tested annually.

A smoking policy statement is displayed on the premises.

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

The licence holder shall ensure:

There will be zero tolerance to drunken or anti-social behaviour on the premises.

All interior and exterior areas of the premises are inspected on a regular basis.

All out of hours deliveries will be monitored.

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All staff members are trained to ensure patrons leave the premises quietly.

Members of staff collect any litter left outside the premises.

The ventilation system is maintained to prevent nuisance of odour and noise.

Music sound levels are monitored on the premises.

All windows will be kept closed after 23:00 hours.

There is no consumption of alcohol outside the building, except within the curtilage of the premises, after 23:00 hours.

SIA registered security staff will oversee customers arriving or departing the premises and not allow anti-social behaviour by individuals or groups

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

No persons under the age of 18 will attend the premises under any circumstances due to the nature of the entertainment.

The licence holder will adopt challenge 21 as a proof of age scheme on the premises i.e.

There will be no display of any promotional material externally on the premises to indicate the nature of the adult entertainment provided inside the premises

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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

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Annex 4 – Plans

The plan of the premises with reference number **T.P. 563.2** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please ring the Licensing Section on 0121 303 9896 to book an appointment.

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