

**Reminder: Members must declare all relevant personal and/or prejudicial interests relating to any items of business to be discussed at this meeting**

**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB-COMMITTEE B**

**Tuesday 12 March 2019 at 1230  
hours in Ellen Pinsent Room,  
Council House, Birmingham**

**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**

**Attached**

**4 THE DUKES, BRISTOL ROAD SOUTH, NORTHFIELD, BIRMINGHAM, B31 2JR - 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 1230 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 Dukes, Bristol Road South, Northfield. 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.

A

## 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 Dukes**

Premise Licence Number: **4002**

Premise Licence Holder: **Mr Patrick Deward**

Designated Premise Supervisor: **Mrs Jean De Ward**

I am a Superintendent in West Midlands Police.

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

The level and seriousness of the incidents both in terms of the crimes being committed and serious disorder warrant the use of this power. I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstances due to the above reasons and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

The Police have concerns how the venue is being managed and believe there is no promotion of the licensing objectives. It is quite evident from the CCTV footage that the licensing objectives have been and will be seriously undermined due to the serious crime and disorder that has clearly taken place. West Midlands Police are concerned that if immediate steps are not taken to suspend the licence then we believe that there will be further incidents at this venue.

I am conscious of the guidance under the 2003 licensing act on the use of "Expedited Reviews" and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

Signature of applicant:

*[Handwritten signature]* 12.8 Supt GCH

Date: **11<sup>th</sup> March 2019**

Rank/Capacity: **Superintendent for Local Policing, Birmingham West NPU**





B

## 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

### I – Superintendent Green

(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 Dukes**  
Postal address of premise: **Bristol Road South, Northfield**  
Post Town: **Birmingham**  
Post Code (if known): **B31 2JR**
2. Premises Licence details :  
Name of premise licence holder (if known): **Mr Patrick Deward**  
Number of premise licence (if known): **4002**
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)



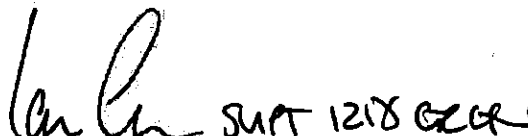
4. Details of association of the above premises with serious crime, serious disorder or both:

(Please read guidance note 2)

- At approximately 2:20am on Saturday the 9<sup>th</sup> March 2019 West Midlands Police received several emergency calls from persons stating there was a disorder at Medley's Club in Northfield.
- One caller stated that there were 25 people involved, they were arguing and punching each other. Another call stating people had been stabbed at the club, this caller was crying and distressed. The third caller stated there was a fight in progress, knives and hammers had been used and at least one person having been stabbed.
- Officers arrived at the location and found a 22 year old man with stab wounds to the front of his chest and the victim was being given first aid by other customers.

- Officers established from staff that 2/3 Asian males had entered the venue and began to start trouble with others attempting to calm it down. The staff stated they had gone up stairs and found someone had been stabbed.
- Police establish the main offence area was in the bar with one injured male had been found receiving first aid on the stairs out of the venue.
- Police find at the location 2 victims who have been stabbed, one with four stab wounds which had punctured his lung. The second victim had been stabbed in the abdomen which had cut his liver.
- Police also at the scene had recovered a hammer believed to be used in the offenders.
- Police also establish that a third male had presented himself at the QE hospital having been glassed and it is believed this also occurred during this disorder.
- CCTV footage shows a disorder taking place inside the venue during which is when we believe the stabbings occur but the victim attempts to leave via the stairs but collapses.
- CCTV footage also shows a number of people entering and leaving the venue. It then shows a white male staggering and being helped up the stairs before collapsing at the top. During the footage you see a number of people leaving the venue by stepping over the victim including the DJ leaving with his equipment. The victim is there for some time with no evidence door or venue staff assisting or giving first aid.
- The third clip of CCTV footage show Police Officers arriving and assisting first aid before the paramedics arrive.
- Also, an email from the investigating officer has viewed the CCTV in depth and they see what they believe to be a hand gun and also drugs being concealed.
- It is also quite evident from the footage that the one member of doorstaff or management has no control at the venue.
- West Midlands Police have great concerns in how the premises are managed. The Police have now established that the venue has various conditions which they are in breach of. One of these conditions is around event notification and risk assessments. West Midlands Police have not received either from these premises for some considerable time and so were not aware how the venue was operating.
- West Midlands Police are requesting a suspension of the licence until a full review can be heard.

Signature of applicant:

 Supt 1218 GZG

Date: 11<sup>th</sup> March 2019

Rank/Capacity: Superintendent for Local Policing, Birmingham West NPU

Contact details for matters concerning this application: PC 1978 Walker

**Address: Birmingham Police Central Licensing**

**Telephone Number(s): 0121 626 6099**

**E-mail - [bw\\_licensing@west-midlands.pnn.police.uk](mailto:bw_licensing@west-midlands.pnn.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.



C

**LICENSING ACT 2003****PREMISES LICENCE****Premises Licence Number:****4002 / 1****Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
The Dukes Bristol Road South Northfield	
<b>Post town:</b>	<b>Post Code:</b>
Birmingham	B31 2JR
<b>Telephone Number:</b>	
N/A	

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

E	Live music
F	Recorded music
L	Late night refreshment
M1	Sale of alcohol by retail (on the premises)

**The times the licence authorises the carrying out of licensable activities**

Sunday - Thursday	12:00	-	00:00	E, F, M1
	23:00	-	00:00	L
Friday	12:00	-	02:00	E, F, M1
	23:00	-	04:00	L
Saturday	12:00	-	04:00	E, F, M1
	23:00	-	00:00	L
Sundays preceding a Bank Holiday, Boxing Day & New Year's Eve.	12:00	-	04:00	E, F, M1
	23:00	-	04:00	L

**The opening hours of the premises**

Sunday - Thursday	12:00	-	00:30
Friday	12:00	-	02:30
Saturday	12:00	-	04:30
Sundays preceding a Bank Holiday, Boxing Day & New Year's Eve.	12:00	-	04:30

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

On Supplies

**BIRMINGHAM CITY COUNCIL**

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Mr Patrick Deward	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> N/A	
<b>Email</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b> N/A
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Mrs Jean De Ward	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> N/A	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 5898	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

Dated 01/09/2013

Nicola Stansbie  
Senior Licensing Officer  
For Director of Regulation and Enforcement

**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 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.

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**

Regulated entertainment and late night refreshment to take place indoors only.

Any person who appears to be drunk will not be permitted on the premises.

All Staff to be trained regarding their responsibilities under Licensing Act 2003.

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

No bottles/glassware to be taken off the premises.

A C.C.T.V. system is to be installed at the premises to the specification agreed with the Licensing Department at Bournville Lane Police Station. C.C.T.V. is to be operational whilst the premises are open and be recording continually. If a hard drive system is used the recordings are to be kept for minimum of 30 days. CCTV images to be made available to any responsible authority immediately on request. Entrance and queuing area to be covered by CCTV.

The premises must operate an incident book and record all incidents that occur inside and immediately outside premises. The Incident book can be inspected at any time by any regulatory body.

All training records for all staff, in regard to drunkenness, and for the protection from harm for children to be maintained and to be available upon request from any regulatory body

Premise to operate a drugs policy, and lost / found property policy. Copies of both to be supplied to Licensing Department Bournville Lane Police Station.

At any time where regulated entertainment is taking place at the venue, an SIA badged door staff will be present. After midnight there shall be at least two SIA badged door staff.

Door supervisors will wear their SIA badge on their arm, held in a clear sleeve.

The premises is to maintain door staff profiles for all door staff working at the premises, and for any door staff that have worked on the premises in the last three months. The door staff profile will consist of identification for the member of staff, a copy of his/her SIA badge, Passport or driving Licence. If the proof of identification is anything other than the photo driving Licence, then the member of staff will need proof of address, which must be a copy of a utility bill and be dated within the last six months.

If the premises use any new promoter for any event, then for the first event the Designated Premises Supervisor for the premises will arrange to meet Bournville Lane Police Station Licensing Department at least 30 days before the first event, with risk assessments for the event. The premises will not hold any new events without the agreement of Bournville Lane Licensing Department. Recommendations made to the Designated Premises Supervisor that satisfy the four licensing objectives will become conditions for that event on the premises licence.

Premises to supply a risk assessment for all events held at premises. 30 days notice is required, unless otherwise agreed with West Midlands Police, Licensing Department at Bournville Lane Police Station. Included in risk assessment is a search policy which will reflect the event risk and Security deployment plan.

If the premises wish to operate past 01:00hrs, the premises must inform the Licensing Department at Bournville Lane Police Station, in writing, a minimum of 28 days in advance. West Midlands Police have a power of veto, if it's believed that any of the four Licensing Objectives may be breached.

The premise is only permitted to operate past 01:00 hours, 15 times per calendar year.

All events occurring after 01:00 are to be on a 'ticket only' basis for entrance to the premise. All other events before midnight are to operate on a guest list basis.

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

No enforceable conditions identified from operating schedule.

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

Customers to be reminded to be considerate to neighbours when entering/leaving the premises.

The Licence Holder shall not permit noise emanating from the licensed premises to unreasonably disturb persons in the neighbourhood and in any case, will ensure that the noise levels from the event during the times authorised by this licence shall not exceed levels set at neighbouring occupied residential properties that will be agreed with Responsible Authorities.

The Licence Holder shall ensure the conduct of patrons leaving premises will be supervised and monitored to minimise potential nuisance. Similarly, conduct of the general public in the vicinity will be monitored and the Police advised of inappropriate behaviour/unlawful activity.

The pub manager / DPS is required to actively participate in and support the local Pubwatch scheme (where active).

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

The premises will adopt the Challenge 25 scheme, with appropriate signage. The premise must also record the number of refusals in a refusals book.

Any person under the age of 18 must be accompanied by a responsible adult and are not permitted in the venue past midnight.

**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

Annex 4 – Plans

MONDAY 10<sup>th</sup> JUNE 2013

THE DUKES  
Bristol Rd South  
NORTHFIELD  
Birmingham  
B31-2JR

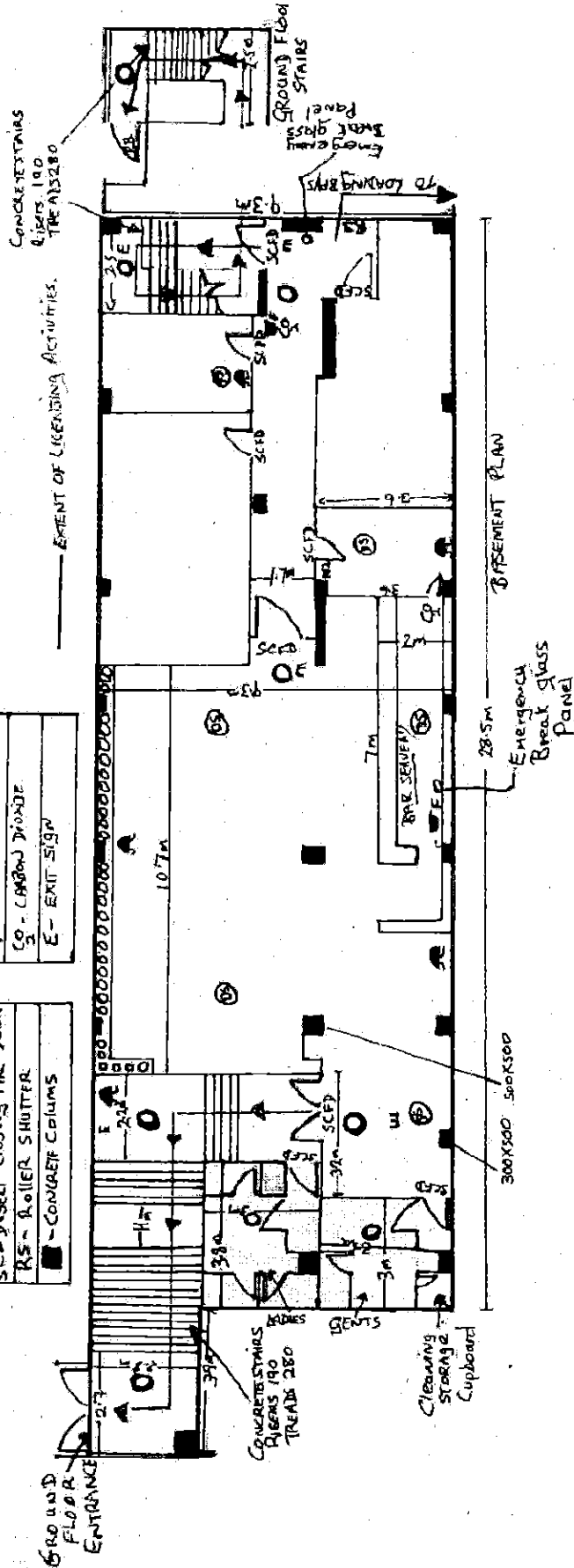
STAFF

SCALE 1-100

Table occupation.

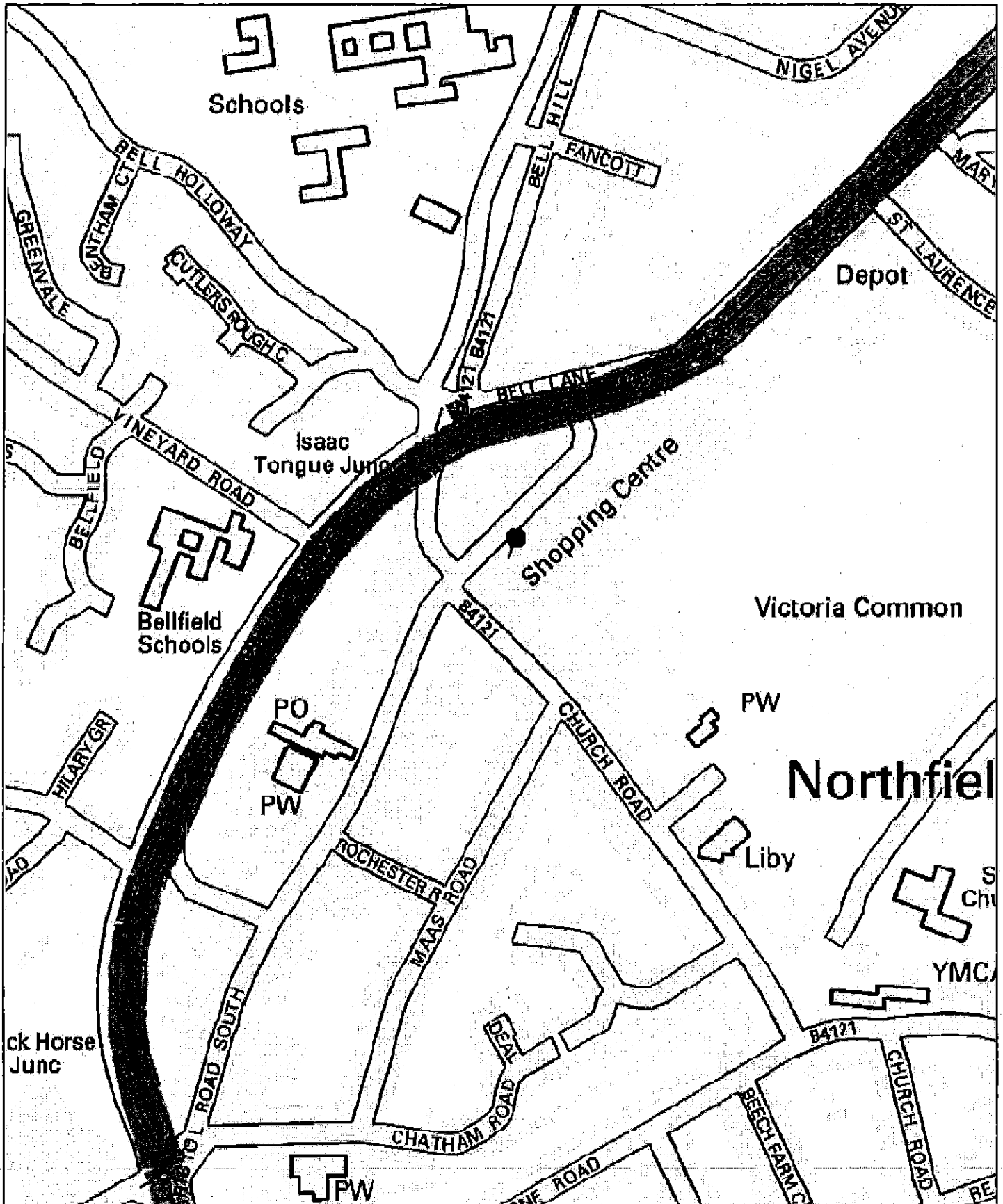
00000000 - Seating
P.A. - Push Bar
■ - FIRE ALARM/ZONE INDICATOR PANEL
N2 - STAFF FIRE NOTICE
F - FOAM EXTINGUISHER
CO - CARBON DIOXIDE
E - EXIT SIGN

○ - EMERGENCY LIGHTING
⊙ - SMOKE DETECTOR
⊕ - FIRE ALARM SOUNDER
SCFD - SELF CLOSING FIRE DOOR
RS - ROLLER SHUTTER
■ - CONCRETE COLUMNS





D



**Birmingham City Council**

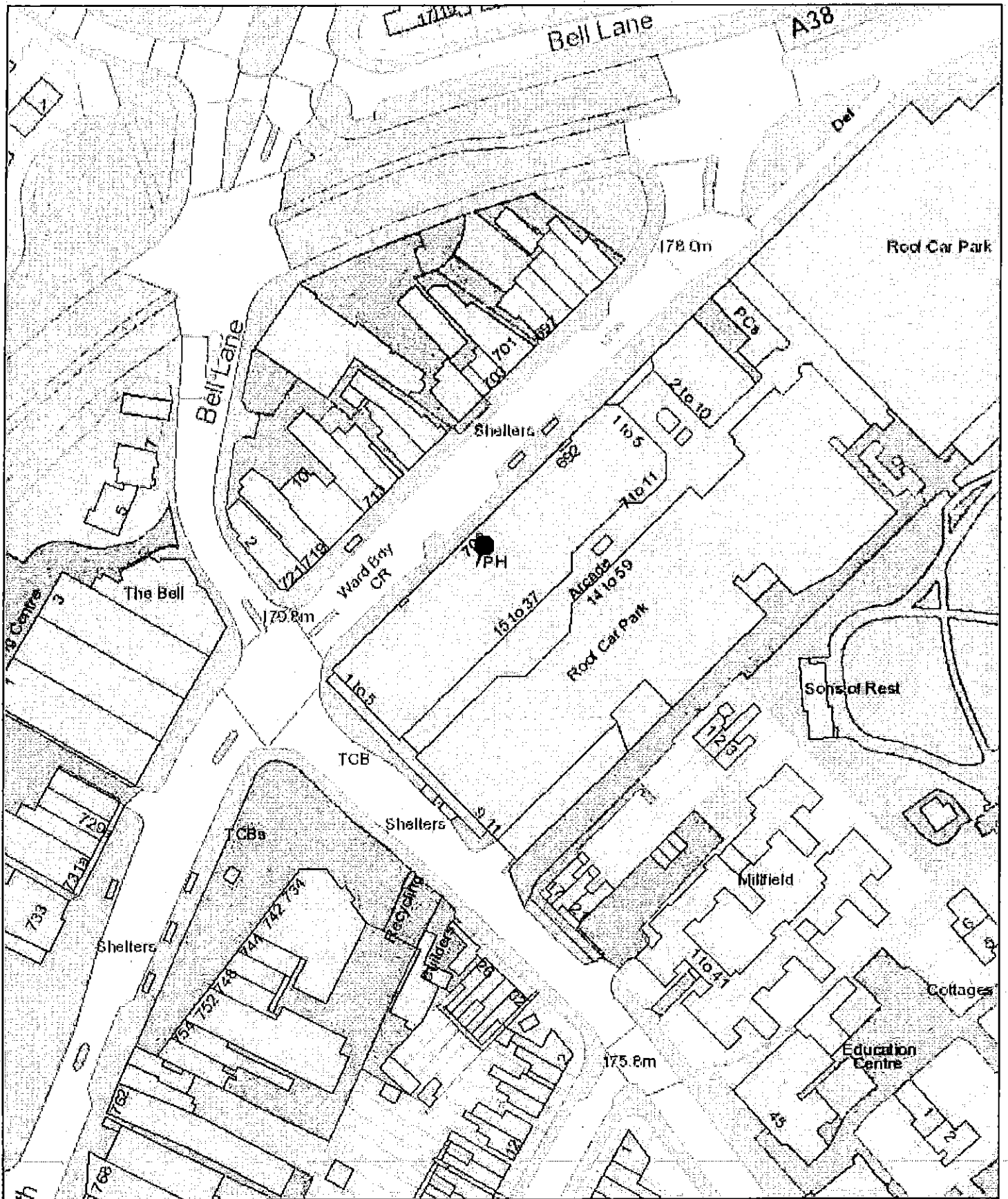
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Date of Map Creation: 11/03/2019



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**Birmingham City Council** Map Created By:

**Notes**

Date of Map Creation: 11/03/2019



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