

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Director of Regulation and Enforcement
Date of Meeting:	Monday 14th September 2015
Subject:	Licensing Act 2003 Premises Licence – Summary Review
Premises:	Gatecrasher, 182 Broad Street, Birmingham, B15 1DA
Ward affected:	Ladywood
Contact Officer:	David Kennedy, Principal Licensing Officer 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:

A review of the premises licence is required following an application for an expedited review under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006).

2. Recommendation:

To consider the review and to determine this matter.

3. Brief Summary of Report:

An application under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) was received on 18th August 2015 in respect of Gatecrasher, 182 Broad Street, Birmingham, B15 1DA.

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:

On 18th August 2015 Superintendent Andrew Parsons, on behalf of West Midlands Police, applied for a review, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), of the Premises Licence granted in respect of Gatecrasher, 182 Broad Street, Birmingham, B15 1DA.

The application was accompanied by the required certificate confirming that in his opinion the premises are associated with serious crime and disorder. See Appendix 1.

Within 48 hours of receipt of an application made under Section 53A, the Licensing Authority is required to consider whether it is appropriate to take interim steps pending determination of the review of the premises licence, such a review to be held within 28 days after the day of its receipt, review that licence and reach a determination on that review.

Licensing Sub-Committee B met on 19th August 2015 to consider whether to take any interim steps and resolved that the Premises Licence be suspended immediately for a minimum period of 14 days (up to and including the 2nd September 2015) and then until the interim steps outlined in the decision are met by the Premises Licence Holder to the satisfaction of West Midlands Police.

A copy of the decision is attached at Appendix 2.

The Premises Licence Holder was notified of the interim steps taken by the Licensing Authority and subsequently made a representation at 13.57 hours on 19th August 2015. See Appendix 3.

Licensing Sub-Committee C were required to consider the representation within 48 hours of receipt (excluding non-working days). As a result of this representation the Licensing Sub-Committee resolved that the Premises Licence will remain suspended for a minimum of 7 days (up to and including Wednesday 26 August 2015) and then until the interim steps outlined in the previous decision of 19th August 2015 are met by the Premises Licence Holder to the satisfaction of West Midlands Police.

A copy of the decision is attached at Appendix 4.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other parties ended on 3rd September 2015.

At the time of publishing this report no additional representations had been received.

A copy of the premises licence is attached at Appendix 5.

Site location plan at Appendix 6.

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's functions under the Licensing Act 2003 are to promote the licensing objectives: -

- 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:

Review Application and Certificate from West Midlands Police, Appendix 1
Sub-Committee decision of 19th August 2015 , Appendix 2
Representation to interim steps from the Premises Licence Holder, Appendix 3
Sub Committee decision following receipt of representation to interim steps, Appendix 4
Premises Licence, Appendix 5
Site location plan, Appendix 6

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
Take no action



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 Andrew Parsons

(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: GATECRASHER

Postal address of premises, (or if none or not known, Ordnance Survey map reference or description): 182 Broad Street,

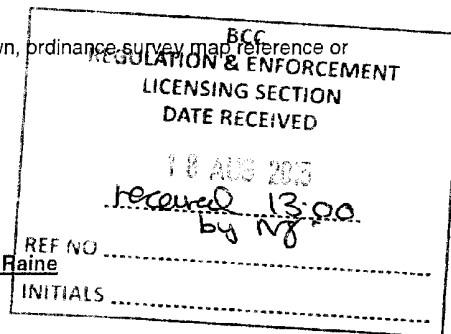
Post Town: Birmingham

Post Code (if known): B15 1DA

2. Premises Licence details:

Name of premise licence holder (if known): Simon Raine

Number of premise licence (if known): 2607



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 03.27 hours on Saturday 15th August 2015 (this will have been the Friday into Saturday trading day), West Midlands Police CCTV picked up a male who was dressed as a door supervisor punching a male on the floor outside Revolution.

Officers attend the scene and there is a male who has clear facial injuries. He is being supported by another male but is clearly very unsteady on his feet and keeps collapsing eventually going down to the floor, with officers then starting to administer first aid.

From CCTV the following chronology has been recorded as happening –

The Police CCTV is covering the front area of Gatecrasher and you can see two males (one wearing a light coloured shirt and the other a dark coloured shirt) clearly agitated but just pointing figures at two door supervisors – who are clearly identifiable as they are wearing Gatecrasher hi visibility jackets, and another male dressed in black who at the point is not identifiable.

There are no other persons around the two males and they drift away and back over a couple of seconds.

A male who is wearing a light coloured shirt, is pointing his fingers and one of the door supervisors, who is white and grey haired pushes this male's hand away, as the male in the white shirt starts to point again the same door supervisor suddenly takes a step forward and punches the male (with the light coloured shirt) to the face.

This then starts a series of punches between the males and the two door supervisors. The other male who is standing by the door supervisors also gets involved and with the white door supervisors they grab hold of the second male (dressed in dark shirt), with a neck hold and he is taken back into the club.

The other male in the light coloured top is seen weaving away from the second door supervisor and there are punches being thrown by both parties. The door supervisor does not back off and continues to go for the other male – who is backing off. This door supervisor is a large built black male also with a bald head.

The CCTV then just covers the male who has been put in a neck hold as he is taken back into the club. You can see that the Paramedic from the club runs towards Revolution.

As it pans round again to the front of Revolution, you can see that the male in the white shirt is now on the floor in the doorway, with the second doorman on top of him, initially you can see that the male on the floor has his arm up, but the door supervisor is fully on top of the male and you see the door supervisor repeatedly hit the male to the face with his clenched fist. You can see that there is a considerable amount of blood to his face. The Gatecrasher paramedic is also seen there and is standing by the side of the male on the floor. No first aid is offered by the Gatecrasher paramedic.

As the male is repeatedly punched you see his arm which had been raised flop to the floor.

Another door supervisor from another premise is then seen to try and pull the door supervisor off the male but has to try on several occasions to do this as the door supervisor shrugs him off and continues to throw punches at the male on the floor.

After approximately eight punches the door supervisor gets off the male, you can see that the male is clearly unconscious as he is not moving at all and has a lot of blood all over his face.

The door supervisor gets up and walks off. Even though the male is clearly lying on the floor in need of medical attention the paramedic from Gatecrasher walks back to the club.

Six Police officers are then dispatched to the scene, two officers start to give first aid to the male, prior to another paramedic turning up. Other officers then arrive at the club to identify the offenders.

A statement has been taken from the male in the light coloured shirt, he clearly recalls the attack and has made reference to a knuckle duster being used, that he describes as being used by a white door supervisor.

The witness describes this knuckle duster hitting his face across his nose causing him to fall to the ground and hit his head off the floor. He then describes the black door supervisor being on top off him and repeatedly punching him to the face before he blacks out.

The male has received numerous injuries from this attack, they are a broken nose, fractured eye socket, two black eyes, swollen lips multiple bruises to the back of his head.

This has been crimes as a section 20 wounding and so is considered a serious crime.

West Midlands Police are seeking the immediate suspension of the premise licence. Although this incident is serious enough, this is not the first time in recent months that the premises have come to our attention as a result of incidents, and this incident has clearly shown that the intervention does not appear to be working. It is our view that it is only a matter of time that someone is seriously injured at the premises.

Signature of applicant:

Date:

18th August 2015

Rank/Capacity:

Supt 6655 PARSON

Contact details for matters concerning this application: Pc 4075 Abdool ROHOMON

Address: Licensing Dept c/o Birmingham Central Police Station, Birmingham

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.

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: Gatecrasher

Premise Licence Number: 2607

Premise Licence Holder: Simon Raine

Designated Premise Supervisor: Adrian Swain

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 in terms of the crimes being committed warrant the use of this power. I am also aware that these premises have come to the attention of my licensing department, for matters in themselves, that would be deemed as serious. West Midlands Police have been working with the premises but the severity of the incidents still continue and it is apparent that the intervention is not working to remedy the issues at this premises.

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 concern of West Midlands Police is that if steps are not taken to consider the running of these premises they will continue to be used in the manner in which they were discovered during the early hours of Saturday 15th August. I am conscious of the DCMS guidance 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.

Signed

DAVID 6655 PARSONS



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LICENSING SUB COMMITTEE - B

19 AUGUST 2015

Gatecrasher, 182 Broad Street, Birmingham, B15 1DA

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 Simon Raine in respect of Gatecrasher, 182 Broad Street, Birmingham, B15 1DA this Sub-Committee determines:

That the licence be suspended immediately for a minimum period of 14 days (up to and including the 2nd September 2015) and then until the interim steps outlined below are met by the premises licence holder to the satisfaction of West Midlands Police, pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application:

- To terminate with immediate effect, the contract with the company providing Security Services/Door Staff to the Licensed Premises, at the time the incidents giving rise to this Review Application was made.
- To engage a new external Security Services company for the provision of security personnel at the Licensed Premises, which must have Approved Contractor Status with the Security Industry Authority. All staff employed by the new company, must not have been employed by their predecessor, whether directly or indirectly.
- If, and when, the licensed premises become open to the public before the date of the Full Review, the first full week of trading will be limited to 50% of the capacity of the premises and any time thereafter, at full capacity.
- The Premises Licence Holder will conduct a root and branch review of the management team, with refresher training provided on the promotion of the four licensing objectives and the conditions of the premises licence. This review will also include all relevant policies which the Premises currently implements.
- The Premises Licence holder will contract with a Health Care Security Company to retain the services of a trained paramedic at the premises, at all times it remains open to the public. The individual will have appropriate training in any problems associated with alcohol and drug misuse.

The Sub-Committee's reasons for imposing these interim steps are due to concerns by West Midlands Police in relation to matters which came to light at the

premises on 15 August 2015 as outlined in the Chief Officer of Police's certificate and application.

The Sub Committee determined the causes of the serious crime and serious disorder originated from both the actions of the door men stationed outside to the front of the premises that caused severe injuries to at least one patron of the club, and, the inability of the club management to deal with the incident in a responsible manner or at all. The Sub Committee were particularly perturbed by the inaction of the on duty paramedic/first aider in assisting the injured patron, or preventing further injury to him.

As a result of the above, the Members felt the management team required a comprehensive review, and have in place a staff with strong leadership and conflict management skills, to promote and maintain high standards within a high profile licensed venue.

Although, Members accepted that the dismissal of the Security Services company removed the likelihood of serious crime and serious disorder occurring at or originating from, the premises, a period of suspension was nevertheless warranted in order to give the Premises Licence Holder sufficient time to implement the above conditions, and provide any appropriate evidence to the West Midlands Police in respect of the same.

It was therefore necessary and reasonable to impose these steps to address the immediate problems with the premises, in particular the shortcomings identified in the management of the premises, their Security Services company and the likelihood of serious crime and or serious disorder, and to promote the prevention of crime and disorder objective in the Act.

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 and the premises licence holder and their legal representative 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.

Appendix 3

From: Simon Raine
Sent: Wednesday, August 19, 2015 1:57 PM
To: Nicola Stansbie
Cc: R. McVeighy
Subject: Re: Expedited Review - Gatecrasher, Broad Street Birmingham - Review of Decision

Dear Sirs

Following the decision of the sub committee today re the suspension of the license for 14 days from today at gatecrasher birmingham 182 Broad Street we hereby wish to inform we wish to have the decision reviewed within 48 hours.



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LICENSING SUB COMMITTEE - C

21 August 2015

Gatecrasher, 182 Broad Street, Birmingham, B15 1DA

That, having considered the representations made on behalf of Simon Raine the premises licence holder for Gatecrasher, 182 Broad Street, Birmingham, B15 1DA in respect of the interim steps imposed on 19 August 2015, this Sub-Committee hereby determines that the premises licence will remain suspended for a minimum of 7 days (up to and including Wednesday 26 August) and then until the interim steps outlined in the previous decision of 19 August are met by the premises licence holder to the satisfaction of West Midlands Police, pending a review the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application.

The Sub-Committee carefully considered the representations made both by West Midlands Police and the premises licence holder and his Solicitor and concluded that whilst significant progress had and continues to be made by the premises licence holder to implement the interim steps since 19 August it was nevertheless felt that given the view of the Police, sufficient time was required to enable the implementation of measures put forward by Mr J H Hislop, a newly appointed consultant (who would act as the premises external auditor) to be fully embedded.

It was determined by the Sub Committee that it would be proportionate in light of the progress made to reduce the length of suspension but equally reinforce the continued need to provide any appropriate evidence gathered thus far and in the future in relation to the steps taken, to West Midlands Police.

In reaching this decision the Sub Committee took a holistic view of the financial and entertainment value of the venue in the late night economy of Birmingham and balanced this against the need for public safety and the prevention of crime and disorder, and found on the balance of probability the licensing objectives substantially outweighed the financial considerations in the public interest.

The Sub-Committee therefore considers that the suspension of the premises as revised remains necessary for the promotion of the licensing objectives.

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.

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LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

2607 / 5

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Gatecrasher 182 Broad Street	
Post town: Birmingham	Post Code: B15 1DA
Telephone Number:	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence	
B	Films
C	Indoor sporting events
D	Boxing or wrestling entertainment
E	Live music
F	Recorded music
G	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			
Sunday - Friday	11:00	-	04:00 B , C , D , E , F , G , M3
	23:00	-	04:00 L
Saturday	11:00	-	06:00 B , C , D , E , F , G , M3
	23:00	-	05:00 L
Start of permitted hours 26 December 2013 through to 06:00 hours 27 December 2013 Each Sunday preceding a statutory Bank holiday – the terminal hour for licensable activities may be extended to 06:00.			

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If the premises wish to operate past 04:00a.m. for any licensable activity then the premises must notify the Licensing Department at Steel house Lane Police Station, by any known means of communication, 28 days in advance for a risk event (a risk event being defined as an event that attracts a selected audience type which is attracted due to the nature of the music/entertainment being provided) and 7 days in advance for a non-risk event. West Midlands Police hold the right to veto any such extension if any of the licensing objectives are breached. This will be done in writing to the D.P.S. of the premises at least 72 hours before the event or at any other time which is mutually acceptable to both parties.

In the event of a transmission of any recognised international sporting event (in which British or Republic of Ireland teams are participants) which falls outside the current permitted hours on the premises licence to permit the activity commencing one hour after the event has ended. Details of the activity to be notified to the Police 14 days beforehand. The event will not proceed if the Police serve, at least 72 hours before the event, a formal objection upon the DPS. New Year's Eve – from end of permitted hours to commencement of permitted hours New Year's Day.

On the commencement of British Summer Time a further additional hour to the standard permitted times.

The opening hours of the premises

Sunday - Friday	11:00	-	04:30
Saturday	11:00	-	06:30

Start of permitted hours 26 December 2013 through to 06:30 hours 27 December 2013
N.B. Opening hours may be extended to reflect any such extension of the permitted times for Licensable Activities as are detailed above.

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 Mr Simon Raine	
Post town:	Post Code:
Telephone Number:	
Email	

Registered number of holder for example company number or charity number (where applicable)
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Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Adrian Swain	
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 2340	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 09/07/2015

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."

(1) 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

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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 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.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

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

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No adult entertainment or services to be provided under the authority of this licence.

Staff will be trained to the requirements of the relevant legislation.

The provision of regulated entertainment and late night refreshment to take place indoors only.

Conditions relating to the provision of "Boxing and Wrestling Events"

Notification shall be given to the police 14 days in advance of these events taking place by way of a one-off special event risk assessment to include:

1. The number of customers expected to attend
2. Medical provision for the event
3. Number of bouts and duration of each
4. The names of all sponsors including their business and dates of birth
5. A copy of the promoters show licence to be available for inspection at each event.
6. A copy of the promoters insurance to be available for inspection at each event.
7. All participants to be in possession of a copy of their licence to ensure their eligibility to participate
8. The number of SIA registered door supervisors to be on duty.
9. The Personal Licence Holder to ensure that the risk assessment carried out prior to each boxing event will be retained for 12 months and will be produced if requested by an Officer of any of the Responsible Authorities.
10. Each boxing event will be licensed and conducted under the rules governing the sport.
11. The boxing ring will be clearly delineated and positioned in such a way as to ensure the safety of spectators.

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

All customers must as a condition of entry, consent to a search conducted and/or supervised by an SIA registered member of security. This search will include pat downs, property and person search and the use of search arches and hand held wands. If this arch indicates a warning further searching will ensue in the form of pat downs, personal and property inspection and the use of hand held wands. Any customer who refuses to consent to a search will as a consequence be refused entry into the premises. The only persons exempt from going through the metal detecting arches would be those with a disability preventing them to do so. These persons will still be subject to a personal and property search as a condition of entry.

A C.C.T.V. system maintained in accordance with the agreed Police specifications will be in operation during the hours of trading.

The premises is to operate a hand held C.C.T.V. camera at the front of the premises to record a visual facial and upper body of all patrons entering the premises.

Images from the hand held camera are to be stored in a secure location in the premises for up to 14 days.

Any illegal drugs or weapons found will be stored in a secure facility and arrangements made for their delivery to the Police.

Any person who appears to be intoxicated or who is behaving disorderly will not be allowed entry to the venue.

At the end of the night, door supervisors are to walk outside the premises in fluorescent jackets and help disperse patrons and/or get them pre-arranged taxis.

Door supervisor profiles are to be kept on the premises for inspection and must be kept accurate and in date.

Door supervisors are to be set at a level of 1-100+1 per capacity for general opening hours, this figure may

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vary if the premises is having an event which is classed as high risk. These figures are to be discussed with the Police prior to any high risk event.

Door supervisors at the front of the premises are to wear hi-visibility coats/summer vests stating security.

Door supervisors inside the premises are to wear either hi-fluorescent arm bands or summer vests stating security.

If a D.J. is used on any night then the D.J. will ask customers to leave quietly.

If applicable, text/radio pages will be used during the hours of trading and will be monitored by a responsible member of staff.

Music and dancing will be a prominent feature of trading.

Notices stating that C.C.T.V. is in operation 24 hours a day will be displayed throughout the premises.

The Licence Holder will only operate a responsible drink promotion and will aim for a drug free environment.

The venue will actively partake in the local Pubwatch or equivalent scheme.

There will be regular liaison with the Police.

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

A person trained in First Aid will be at the premises who will have received training in any problems associated with alcohol and drug misuse.

All staff are fully trained on all safety issues.

The premises has effective emergency lighting systems and fire evacuation procedures.

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

Noise limiters will be in operation where appropriate and windows and doors will be closed where appropriate.

Staff will encourage customers to leave the premises quietly recognising the need of local residents and businesses.

Staff will pick up litter.

There will be an air conditioning system operating in the premises.

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

Persons under the age of 18 will only be admitted as part of a specially organised event for the youth market when the venue will adhere to a strict admission policy, code of conduct for staff and a child protection policy.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Conditions attached by Birmingham Magistrates Court following a consent order agreed on 31st October 2014;

The Premises Licence Holder and/or Designated Premises Supervisor ("the DPS") must supply to the Police Licensing Department (Birmingham West and Central) an "event planner" document for the following month. The event planner shall be submitted at least 7 days before the end of the previous month

The following definitions apply:

- a. An "event" is where the premises is open to the public for licensable activities.
- b. A "special event" is an event where licensable activity takes place on the premises which is
 - i. promoted or advertised to the public at any time before the event, and
 - ii. predominately features DJs or MCs performing to a recorded backing track, and
 - iii. the premises remains open past 0400 hours.

The event planner shall include, at a minimum:

- a. Dates and times of all events and special events;
- b. Details of all DJs, live acts or other performers (including full name and date of birth) performing at any event or special event;
- c. Details of where this/these events are being advertised, expected audience numbers and demographic information shall be provided by the Premises Licence Holder or the Designated Premises Supervisor to West Midlands Police (Birmingham West and Central Licensing Department).

Where a "special event" is proposed to take place at the premises:

- a. The Premises Licence Holder or DPS must provide to West Midlands Police (Birmingham West and Central Licensing Department) a documented risk assessment at least 28 days before the date of the proposed event.
- b. The premises must implement all recommendations of the police made in response to this risk assessment that are designed to reduce the risks to the licensing objectives.
- c. Any police recommendation must be communicated to the Premises Licence Holder or DPS no later than 5 working days from receipt of the risk assessment.
- d. If the police recommendation is that the event must not take place because of a serious risk to the Crime and Disorder or the Public Safety licensing objectives then an officer of the rank of Inspector or above the Birmingham West and Central Police Station must provide a written explanation of the reasons for the veto at the same time as the recommendation or soon as reasonably practicable.

The premises must implement a written lost and found policy which has been agreed with the Police Licensing Department (Birmingham West and Central Police Station). Such agreement to be in writing.

The premises must implement a written policy dealing with the management of parts or sections of the

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premises that are to be closed to the public, which has been agreed with West Midlands Police (Birmingham West and Central Licensing). Such agreement to be in writing.

The premises must implement a written policy for coach parties attending the premises, which has been agreed with West Midlands Police (Birmingham West and Central Licensing). Such agreement to be in writing.

An electronic identification system that stores approved forms of identification and photographs of 'relevant persons' (such as Clubscan or ScanNet) shall be installed and maintained in good working order and used and to scan approved forms of identification of all relevant persons seeking entry to the premises. 'Relevant persons are:

- (a) Customers
- (b) Persons forming the entourage of an artist/performer
- (c) Members of door staff

Where in exceptional circumstances a relevant person does not have their identification scanned, this can only be at the discretion and approval of the DPS or appointed duty manager who must record in writing their reasons for the use of their discretion. This record must be made available for inspection by the Police or a Local Authority Officer.

The electronic identification scanning system will be tested by 1800 hours on every day that the premises open to the public. In the event that the system or a part of it does not work the premises must:

- a. Report the situation to the supplier's support team, the Police Services and the Licensing Department by 18:30 hours by email.
- b. Record all machine failures in the Incident Log.
- c. Ensure that all "relevant persons" (as defined above) entering the premise have their photographic identification photographed or copied as a condition of admission. A copy of this identification will be retained by the premises for 28 days. The only forms of identification permitted are passport, photographic licence, or other photographic identification bearing the PASS hologram.

Information from the ID Scanning system must be made available to police or local authority officers within 24 hours of a request being made for the purposes of the investigation or detection of crime or disorder (unless an extended time for compliance is agreed).

All fire exits must be alarmed with an audible and visual alarm system.

Where a fire exit alarm is triggered a clear alert must be sited in both the office and front reception enabling staff to respond.

The alarm system must log any occasions the fire exit alarm is triggered. This log is to be made available for inspection by an officer of any responsible authority on request.

CCTV images are to be kept at the premises for a minimum of 28 days and made available to police or local authority officers in a viewable format within 48 hours of a request.

Any incidents involving violence, criminal damage, injury or harm to an individual, or ejections from the premises must be recorded in an incident book by the end of that trading day. The incident book is to be kept at the premises and made available for inspection by an officer of a responsible authority including police and local authority officers.

The Premises Licence Holder or the Designated Premises Supervisor shall provide on a monthly basis (in writing to Police Licensing Department Birmingham West and Central Police Station) details of a nominated

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manager able to respond to any police requests (including a contact telephone number).

All door staff must be supplied by an external company have "Approved Contractor Status" with the Security Industry Authority.

No vessels or bottles made of glass are to be supplied to customers except in the "Luxury Areas". The "Luxury Areas" are the delineated VIP areas and waitress serviced booths and tables identified on the plans attached to the Premises Licence. No customer shall be allowed to exit the Luxury Areas with a vessel or bottle made of glass.

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

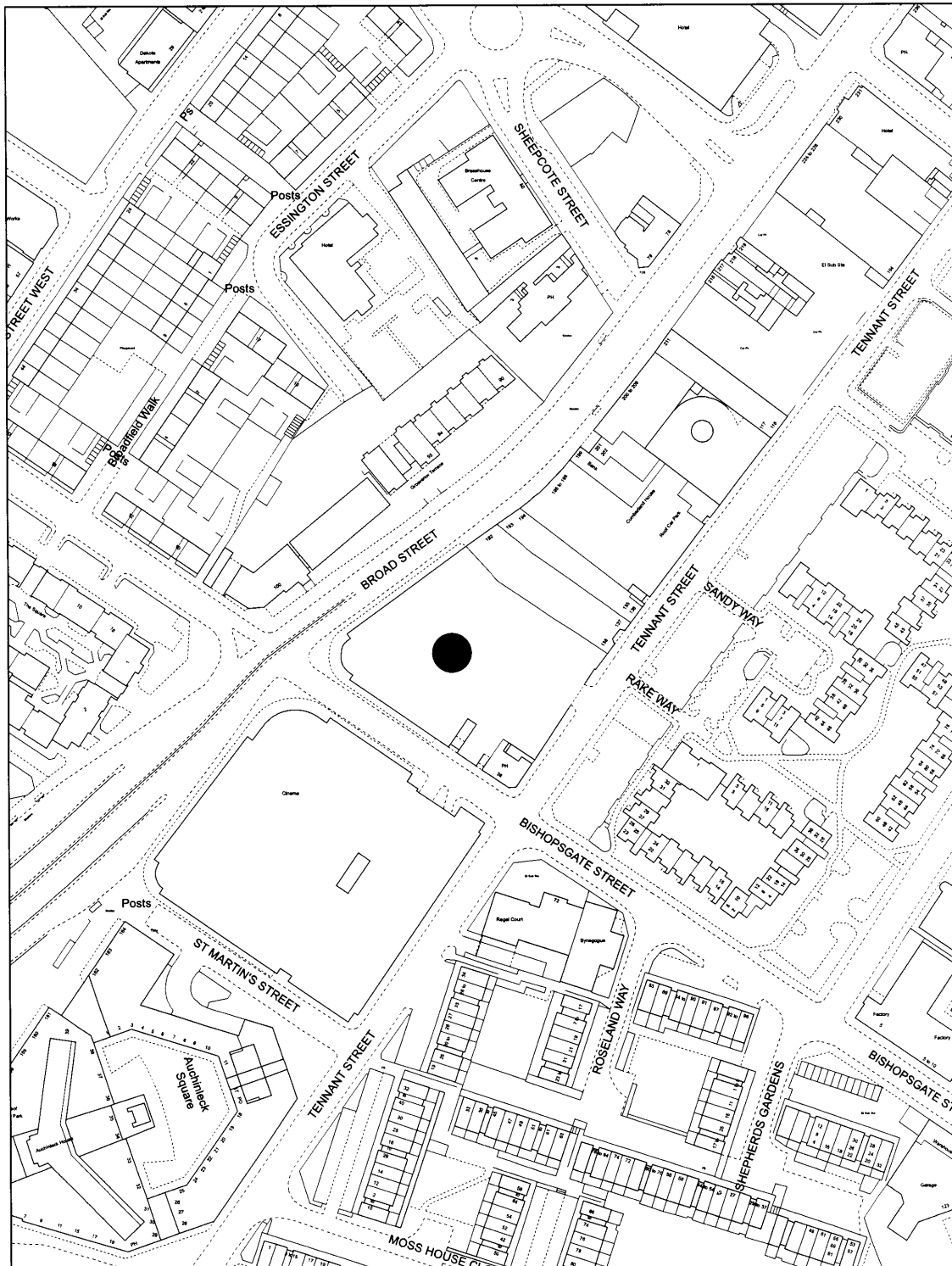
N/A


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Annex 4 – Plans

The plan of the premises with reference number **84741-2607/5** 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.

Appendix 6



<p>Gatecrasher, 182 Broad Street, Birmingham, B15 1DA</p>	<p>Scale: 1:1,250 Date: 06/11/2013</p>	<p>© Crown Copyright and database right 2013. Ordnance Survey 100021326. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form. A-Z Street Map, if present, reproduced by permission of Geographers' A-Z Map Co Ltd. Licence No. A1081. 2012 Aerial Photography Copyright Bluesky</p>
<p> Birmingham City Council</p>	<p>Path: E:\Bharat Patel\LICENCE.mxd</p>	

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