

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

FRIDAY, 08 OCTOBER 2021 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

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

A G E N D A

1 NOTICE OF RECORDING/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/UCT2kT7ZRPFCXq6_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

4 LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW **BAMBU, 1ST FLOOR KOTWALL HOUSE, WROTTESLEY STREET,** **BIRMINGHAM, B5 4RT**

Report of the Interim Assistant Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am.

5 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation and Enforcement
Date of Meeting:	Friday 8th October 2021
Subject:	Licensing Act 2003 Premises Licence – Summary Review
Premises:	Bambu, 1st Floor Kotwall House, Wrotesley Street, Birmingham, B5 4RT
Ward affected:	Bordesley and Highgate
Contact Officer:	David Kennedy, Principal Licensing Officer, 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 14th September 2021 in respect of Bambu, 1st Floor Kotwall House, Wrotesley Street, Birmingham, B5 4RT.

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 14th September 2021, Superintendent Fox, 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 to Arcadian Wrotesley Entertainment Ltd in respect of Bambu, 1st Floor Kotwall House, Wrotesley Street, Birmingham, B5 4RT.

The application was accompanied by the required certificate, 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 C met on 15th September 2021 to consider whether to take any interim steps and resolved that the Designated Premises Supervisor be removed and that the Premises Licence be suspended pending a review of the Licence. 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 13:18hours on 29th September 2021. See Appendix 3.

As a result of this representation the Licensing Sub-Committee met on the 1st October 2021 and again having heard from representatives of the licence holder and West Midlands Police, resolved that the suspension be lifted and that the conditions of the licence be modified until the determination of the Review hearing. 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 persons ended on 29th September 2021.

A representation has been received from Birmingham City Council Licensing Enforcement, as a responsible authority. See Appendix 5.

A copy of the current Premises Licence is attached at Appendix 6.

Site location plans at Appendix 7.

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 Interim Steps Meeting decision of 15th September 2021, Appendix 2

Representations back against Interim Steps decision of 15th September 2021, Appendix 3

Sub-Committee Interim Steps Meeting decision of 1st October 2021, Appendix 4

Copy of the representation from Birmingham City Council Licensing Enforcement, Appendix 5

Current Premises Licence, Appendix 6

Site location plans, Appendix 7

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

In addition the Sub Committee will need to decide what action, if any, should be taken regarding the interim steps imposed on the 15th September 2021 and modified on the 1st October 2021.



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 - SWAT 6839 MARIA FOX

(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: Bambu,

Postal address of premises, (or if none or not known, ordinance survey map reference or description): 1st Floor, Kotwall House, Wrotesley Street, Birmingham. B5 4RT.

2. Premises Licence details:

Name of premise licence holder (if known): Arcadian Wrotesley Entertainment Ltd.

Number of premise licence (if known): 447.

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)

Bambu Nightclub is located at 1st Floor, Kotwall House, Wrottesley Street, Birmingham. B5 4RT. It is a nightclub which between Sunday and Thursday each week is licensed between 1000 and 0400 hours on Friday and Saturday this is 0600 hours.

The premises were open and carrying out licensable activity on the evening of Friday 10.9.21 going into the morning of Saturday 11.9.21.

At this time two crimes of section 18 wounding were reported to West Midlands Police whereby two persons received stab wounds one to his right shoulder and hand and the other to his right hip. A further person was arrested for affray who was fighting with others at the location.

At 0207 hours Saturday 11.9.21 officers outside Bambu nightclub were flagged down by a member of the public who stated he did not feel well. Officers enquiries revealed that the male had cuts to his right shoulder and hand. First aid was administered and enquiries revealed that the incident had occurred on the dancefloor in the premises.

Officers attempted to enter the premises and were confronted by a large scale disorder taking place on the staircase. This was so ferocious that officers were forced back outside and persons were then coming out of the premises. One male was able to be arrested from this disorder, although in order to ensure their safety and effect the arrest officers were forced to deploy incapacitant spray.

Enquiries inside the premises revealed a further male with a stab injury to his right hip. This is believed to have happened in a room near to the entrance of the premises.

Both males that were injured were taken to the Queen Elizabeth Hospital to have their injuries treated. Neither set of injuries are believed to be life threatening.

Enquiries at the scenes in and around Bambu have revealed two knives and a wallet that have been discarded. These have been recovered by the police and will be subject of further examination.

There were a number of scenes with large amounts of blood in the premises and upstairs was an opened first aid kit which appeared to have been used to treat the persons with injuries.

The cctv system from the premises has been seized.

No call has been made from the premises to request police or ambulance despite the severity of the incident.

It has been noted that fire exits from the premises were blocked.

Officers have stated that staff at the premises have not been forthcoming with information about the incident when questioned.

The Designated Premises Supervisor was identified as Jasbeep Qaul who was spoken to by officers.

He has stated that he was not at the premises at the time of the incident. Qaul has stated that the premises were being used for a private party and a list that is believed to show the details of the attendees has been seized.

It is noted that as a result of operating licensing conditions and conditions imposed by Licensing Sub Committee A on 8.7.19 the premises must risk assess each days business and events, all customers and staff including DJs attending the premises must be searched, nominated security staff must wear body cams and the cctv was to be updated.

It is of particular concern that despite these robust licensing conditions being in place that at least two knives have been inside the premises which have then been used to cause serious injury whilst a mass disorder has taken place. No call has been made from the premises to summon either police or the ambulance service and when enquiries have been made by police in relation to the incident there has been an unsatisfactory response from the premises.

The premises license holder has failed to promote the licensing objectives and as a result of this members of the public have been subject of vicious unprovoked attacks with offensive weapons.

The premises have failed to promote the licensing objectives of reducing crime and disorder and promoting public safety.

"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. Two offences of section 18 wounding have been crimed which reach this criteria.

West Midlands Police are concerned that the management failings at this premises have contributed to serious assaults taking place and wish to bring this to the urgent attention of the licensing committee.

Signature of applicant:

Date:

14/9/21

Rank/Capacity:

SWT 6839 FOX

Contact details for matters concerning this application: BW Licensing

Address: Licensing Dept c/o Birmingham West and 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: Bambu,

Premise Licence Number: 447.

Premise Licence Holder: Arcadian Wrotesley Entertainment Ltd.

Designated Premise Supervisor: Jasbeep Qaul.

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 Saturday 11th September 2021 the premises was open for business hosting a private party. At approximately 0217 hours that day officers outside the premises are approached by a male who states he does not feel well. Enquiries show that this male is suffering from stab wounds to his right shoulder and his hand. Further enquiries are made at the premises and a large fight is ensuing on the staircase. One male is arrested from this following a protracted struggle where officers are forced outside of the building. The male arrested put up such resistance that incapacitant spray had to be used to prevent injury and effect the arrest. A second male coming out of the premises is also found to be suffering from a stab wound to his right hip.

Two section 18 woundings using weapons are serious crimes each carrying a maximum sentence of life imprisonment which warrants 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 circumstance due to the above reasons, and the fact that to maintain the licensing objectives of preventing crime and disorder and promoting public safety the normal review procedure would not be sufficient.

The severity of the incident is a matter that needs to be brought to the attention of the Licensing Committee immediately.

I am conscious of the 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

Supt 6839 Fox



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE - C

WEDNESDAY 15 SEPTEMBER 2021

Bambu, 1st Floor Kotwall House, Wrotesley Street, Birmingham B5 4RT

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 Arcadian Wrotesley Entertainment Ltd in respect of Bambu, 1st Floor Kotwall House, Wrotesley Street, Birmingham B5 4RT, this Sub-Committee determines:

- that the licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application, and
- that Jasdeep Kaul be removed as the Designated Premises Supervisor

Members heard the submissions of West Midlands Police, namely that the certificate issued by Superintendent Fox under s53A(1)(b) of the Act related to two instances of wounding under section 18 of the Offences Against the Person Act 1861 which had happened at the premises. There had also been an outbreak of disorder, and an arrest for affray had been made.

The evidence was that on the day in question it was poor management control which had led to the incident. The Police recommended that the Sub-Committee should impose the interim step of suspension of the licence, pending the full review hearing.

The Sub-Committee then heard from the company which held the licence, via its counsel. The licence holder did not oppose the suspension of the licence, and stated an intention to cooperate with the Police in their investigation. The director of the licence holder company had recently taken the premises on, but did not have any previous experience of running licensed premises.

In deliberating, the Sub-Committee determined that the failure to uphold a safe style of operation had led to an outbreak of serious crime, and agreed with the Police that the causes of the serious crime appeared to originate from unsatisfactory internal management procedures at the premises.

The Sub-Committee found the Police evidence relating to the s18 wounding incidents to be alarming, and not something that inspired the slightest confidence in the operating style at Bambu. The Sub-Committee determined that it had no confidence in the management to ensure safe operation. All in all, the Sub-Committee considered the licence holder to have failed to take its responsibilities seriously.

The Sub-Committee determined that it was both necessary and reasonable to impose the interim step of suspension to address the immediate problems with the premises, namely the likelihood of further serious crime.

The Sub-Committee considered whether it could impose other interim steps, including modification of licence conditions, but considered that this would offer little to address the real issue, which was the lack of proper management control shown by the licence holder, which was a significant risk to the upholding of the licensing objectives.

However, the Sub-Committee determined that the removal of the designated premises supervisor was a very important safety feature, given that it was this individual who was responsible for the day to day running of the premises. Therefore, the risks could only be properly addressed first by the suspension of the licence, and secondly by the removal of the designated premises supervisor, pending the full Review hearing.

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 under s182 of the Act, and the submissions made by the licence holder via its counsel, and by West Midlands Police, at the hearing.

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

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

From: Duncan Craig
Sent: 29 September 2021 13:18
To: Licensing
Cc: 'bw licensing'
Subject: Section 53A Expedited Review RE: Bambu, 1st Floor Kotwall House, Wrotesley Street, Birmingham, B5 4RT

Dear Licensing

I act for the above premises, whose licence was subject to a S53A Licensing Act 2003 application by West Midlands Police, dated 14th September 2021.

I hereby inform Birmingham City Council's licensing authority that the licence holder, Arcadian Wrotesley Limited, makes representations against the interim step of suspension imposed upon the premises licence by the licensing authority on 15th September 2021, in accordance with section 53B(6) of the Licensing Act 2003.

Please could you arrange a hearing to consider those representations within 48 hours (excluding non-working days) of this notification.

I have copied West Midlands Police into this email.

Kind regards,

Duncan Craig
Barrister



BIRMINGHAM CITY COUNCIL
LICENSING SUB COMMITTEE - A
FRIDAY 1 OCTOBER 2021

That, having considered the representations made on behalf of Arcadian Wrotesley Entertainment Ltd, the premises licence holder for Bambu, 1st Floor Kotwall House, Wrotesley Street, Birmingham B5 4RT, in respect of the interim steps imposed on the 15 September 2021, this Sub-Committee hereby determines that

- the suspension of the licence is lifted, and
- the licence shall be modified in that all the proposed conditions (agreed between the premises licence holder and West Midlands Police in advance of the meeting) shall form part of the licence until the determination of the Review hearing.

The agreed conditions are as follows:

- The licence holder shall maintain and operate an ID Scan to all persons entering the premises whenever licensable activities are being carried on. The premises is to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY"
- All persons (including staff, DJs and entertainers) entering the premises whenever licensable activities are being carried on will be subject to a search. This search will include a full body search AND metal detection. Each of those activities will be undertaken by a separate door supervisor
- The licence holder will have available for use a working bleed kit whenever licensable activities are carried on from the premises
- No person will be allowed entry to the premises after 03:00, save for re-entry for persons who were on the premises before 03:00. Every person re-entering the premises will be strictly subject to the body and metal detection search
- The licence holder will consult with WMP when they intend to vary the DPS on the premises licence
- The licence holder will consult with WMP before changing the company that provides door security at the premises

It is further agreed that the authorised hours on the premises licence will be modified by reducing the terminal hour for licensable activities on a Friday and Saturday as follows:

- the sale of alcohol by retail to 04:00, and
- regulated entertainment and late night refreshment to 04:30 on a Friday and Saturday.

The Sub-Committee carefully considered the application. The premises licence holder company made submissions via its counsel, and the company director. The licence holder had held discussions with West Midlands Police, and a comprehensive suite of modified conditions had been agreed between the premises licence holder and the Police. The director had also invested a significant sum into improvements, such as ID scanner equipment.

Members then heard the submissions of West Midlands Police, who agreed that the new conditions were satisfactory and observed that they had been impressed with the cooperative attitude of, and prompt action taken by, the director.

Upon hearing this, the Sub-Committee formed the view that the suspension of the licence could be lifted pending the final Review hearing. The suspension had been imposed at the original meeting to safeguard public protection after two instances of wounding under section 18 of the Offences Against the Person Act 1861 which had happened at the premises; however it was the Police who were the experts in crime and disorder, and accordingly the Sub-Committee took their comments on board.

In reaching this decision, the Sub-Committee has given due consideration to the guidance issued by the Home Office under s182 of the Act, the original certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 and the application for review, the City Council's Statement of Licensing Policy, the documents submitted on behalf of the premises licence holder, and the submissions made by the licence holder company via its counsel and the company director, and by West Midlands Police, at the hearing.

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.

From: Shaid X Ali
Sent: 28 September 2021 11:56
To: Licensing
Cc: Bhupinder Nandhra
Subject: Representation - Bambu, 1st Floor Kotwall House, Wrottesley Street, Birmingham B5 4RT

Good morning,

I am aware that West Midlands Police (WMP) have called for a review of the Premises Licence number 447 issued to Arcadian Wrottesley Entertainment Limited in respect of the Premises known as Bambu, 1st Floor Kotwall House, Wrottesley Street, Birmingham B5 4RT. WMP have stated that they are of the opinion the premises is associated with serious crime and disorder following an incident inside the premises in the early hours of 11/9/21 which resulted in two persons receiving stab wounds. WMP only became aware of the incident after officers who were outside the premises were flagged down by one of the individuals who had been stabbed. All the information I have received from the WMP in relation to this incident has been submitted to the Committee and therefore the committee will be aware of their reasons for calling for a review of the licence which I fully support and which I do need to repeat.

The Designated Premises Supervisor (DPS) Mr Jasdeep Kaul issued with a Personal Licence number 5030 by Birmingham City Council (BCC) was spoken to by WMP and he denied being at the premises when the incident took place. Mr Kaul has been involved with the premises either as the DPS since 14/5/2009 when the premises licence was held by Baron Leisure Limited and then by Leisure Nights Limited and as the DPS and Premises Licence Holder since 2/4/2014 when the Licence was transferred from Leisure Nights Limited to China Town Leisure Limited (dissolved 26/1/2021, Mr Kaul was the person with significant control). The Licence was then transferred to Kotwall One Limited (Mr Kaul person with significant control) and then to Arcadian Wrottesley Entertainment Limited (Mr Kaul was person with significant control until 31/5/2021 but now it is Mr Abdul Kadir).

The premises licence was previously reviewed on 8/7/2019 when Mr Kaul was the DPS and following this the licence conditions were modified and some new committee conditions were added. The following conditions were added;

Management have also taken the decision that all staff and performers (DJ's) will be searched on the front entrance the same as patrons attending the venue. The security deployment plan will be revisited to take this into account of extra security on the entrance for searching. Security deployment and search plan will be in place before Friday 21st June 2019. A copy of this document will be made available to West Midlands Police.

The removal of the current Designated Premises Supervisor and replaced with a new DPS. An application to change the DPS has been submitted. The new DPS has been put forward as Callum James Davis.

On 13/8/2021 a transfer request to remove Mr Davis as the DPS from the licence and to replace him with Mr Kaul was received by licensing. Mr Davis was removed on 13/9/2021 and Mr Kaul once again took over the DPS role. Mr Kaul was the DPS at the premises when the licence was reviewed in 2019 and he was again the DPS when the stabbing incidents took place and the reason why the review has been called for now. Clearly the above conditions have not been complied with because if there was a proper search carried out on the customers and staff then the knives should not have got through the premises and Mr Kaul should not have been the DPS as the above condition asked for his removal and having removed himself he has then reinstated himself as the DPS.

The reasons given by WMP for calling for a review of the Premises Licence are in my opinion fully justified as they have stated there was no call to the emergency services made by the managements or staff of the premises and the staff who were working at the premises at the time of the incident have not been forthcoming with information when questioned. This shows a serious concern that the management of the premises and those responsible for the day to day running of the premises have little regard to for the

Prevention of Crime and Disorder and for the safety of the public and are not able to operate the premises in accordance with the conditions of the licence.

Please accept this as my representation in support of the Review of the Premises Licence submitted by WMP.

Regards

Shaid Ali - Licensing Enforcement Officer
Valepits Road
Garretts Green
Birmingham
B33 0TD

LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

447 / 5

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Bambu 1st Floor Kotwall House Wrottesley Street China Town	
Post town:	Post Code:
Birmingham	B5 4RT
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
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 – Thursday	10:00	-	04:00	M3
	10:00	-	04:30	E,F,G
	23:00	-	04:00	L
Friday – Saturday	10:00	-	06:00	M3
	10:00	-	08:00	E,F,G
	23:00	-	05:00	L
New Year's Day 24 hours				

The opening hours of the premises				
Sunday – Thursday	10:00	-	04:30	
Friday – Saturday	10:00	-	08:00	
New Year's Day 24 hours				

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
On and Off Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Arcadian Wrotesley Entertainment Ltd 129 Edward Road	
Post town: Birmingham	Post Code: B12 9JQ
Telephone Number: Not specified	
Email	

Registered number of holder for example company number or charity number (where applicable) 13071930
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Jasdeep Kaul	
Post town:	Post Code:
Telephone Number: Not specified	

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 5030	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 13/09/2021

Bhapinder Nandhra
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 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 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.

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

Conditions as stated below under the appropriate licensing objective.

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

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 dated within the last six months.

Door supervisors stationed outside the front of the premises will wear hi-visibility jackets/coats and will have their SIA badge held in a clear arm sleeve. Door supervisors inside the premises will wear hi-visibility arm bands, again with their SIA badge held in a clear arm sleeve.

A CCTV system is to be installed at the premises to the specification agreed with the Licensing Department at Steelhouse Lane Police Station. CCTV 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 a minimum of 31 days. CCTV images to be made available to any responsible authority immediately on request.

If the premises use any new promoter for any event then for the first event the Designated Premises Supervisor will arrange to meet Steelhouse Lane Police Station Licensing Department at least 28 days before the first event with risk assessments for the event. The premises will not hold any new events without the agreement of Steelhouse 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. West Midlands Police to have a power of veto of any such event, if it's believed that any of the four licensing objectives may be compromised.

Venue to provide a standard operating risk assessment for each night of the week to include door staff numbers and deployment plan.

Venue also to provide risk assessment for all non standard events i.e. student nights.
Notice to be given as follows for certain types of events, in writing to Steelhouse Lane Police Station Licensing Department.

28 days notice required for all non standard events unless otherwise agreed with West Midlands Police.

14 days for a sporting event, student nights or student promotions.

7 days for non risk events.

Venue to implement a drugs policy and to supply Steelhouse Lane with a copy.

Venue to provide in writing a month in advance a list of all events to the Licensing Department at Steelhouse Lane Police Station.

The premises will not engage in any drinks promotion on a Friday/Saturday or Sunday night after 6pm i.e. 2-4-1, double up for less than double value, all inclusive and any other promotions which allow free drinks to be given away.

Venue to supply Standard Operating Risk Assessment for each night of the week that they are open to the Licensing Department at Steelhouse Lane Police Station.

Venue to stop serving alcohol a minimum of 30 minutes before the venue closes.

West Midlands Police to have power of veto for any licensable activities after 4am.

Agreed capacity of venue to be clearly displayed in the foyer of the venue.

Sale of alcohol will cease a minimum of 30 minutes prior to the closure of premises.

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

Sale of alcohol will cease a minimum of 30 minutes prior to the closure of premises.

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

No enforceable conditions identified from operating schedule.

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

The premises will adopt Challenge 25 policy for anyone appearing under 25 years of age.

Only 3 recognised forms of ID will be accepted.

- Photo card driving licence

- Passport

- Pass card for over 18's

No person under 18 years will be allowed into the venue unless for a separate 'under 18' event with approval of WEst Midlands Police. All events for persons under the age of 18 are classed as high risk for purposes of notification. West Midlands police to have a veto over any such event (under 18 yrs).

The premises will operate in accordance with all relevant legislation which promotes the protection of children from harm objectives.

Staff will be provided with training on appropriate behaviour to protect children from harm.

Children are not permitted to remain on the premises after 20:00 on Sunday to Thursday.

Children are not permitted to remain on the premises after 19:00 on Friday and Saturday.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

This Licence was reviewed by Licensing Sub Committee A on Monday 8th July 2019, where the licence conditions were modified. The following conditions under crime and disorder have been added to the Licence:

3b) Committee conditions to promote the prevention of crime and disorder

N/A

The current Drugs Policy for the venue has been revisited and updated.

The drugs policy is in place at the venue a copy of which will be provided to West Midlands Police.

All staff at Bambu including the regular door supervisors will take an online Drugs Awareness course with an accredited company called CPL. This will be recorded. All staff to include bar staff, management, glass collectors, door supervisors and in house promoters. This training will be in place before Friday 21st June 2019.

Management have also identified a member of staff at the premises that work for CRANSTOUN, a registered charity organisation providing quality and innovative drug and alcohol treatment services in England since 1969. She will be putting together a training package to be implemented for all staff at BAMBU. She will be working closely with management. This training will be recorded. The training will be a continuation of the initial training online, this will be conducted every 3 months. The training package will be in place in time for the first training session.

Management have also taken the decision that all staff and performers (DJ's) will be searched on the front entrance the same as patrons attending the venue. The security deployment plan will be revisited to take this into account of extra security on the entrance for searching. Security deployment and search plan will be in place before Friday 21st June 2019. A copy of this document will be made available to West Midlands Police.

Regular checks of all bottle bins inside the premises, this is to check for signs of substance use from discarded drug paraphernalia. The bottle bins will be checked by glass collectors at the end of each night the premises is open.

Regular toilet checks to be made by security supervisors. These visits will be recorded on a checklist located inside each of the toilets which will give the time and offered making the visit. Door supervisors will carry out toilet inspections every 30 minutes.

All events risk assessments will be revisited and updated if required. Copies will be provided to West Midlands Police as per their current Premises Licence conditions, with a 28 day notification of all events in advance accompanied by a full risk assessment.

The position of the CCTV cameras has been addressed. A further 4 cameras have been added to the system, re-positioned and a service of the system. This has been completed.

There will be security supervisors with body cams. There will be one body cam on the front entrance and a further two supervisors with bodycams inside the main room who will be roaming the area periodically to include the side rooms. The recordings will be kept for 28 days. These are in place.

The management have taken it upon them to acquire a Defibrillator which will be kept on the premises. A first aider will be identified before the night commences and will be trained to use this equipment. The equipment will also be made available for any neighboring venues in need of it. This has been ordered. Awaiting delivery.

Regular training will take place every 3 months this will include the four licensing objectives in particular Crime scene preservation and identifying drug abuse. This will be given to all staff including the clubs regular door supervisors. This will be recorded. A copy of the training package will be made available to West

Midlands Police for inspection on Friday 21st June 2019.

The removal of the current Designated Premises Supervisor and replaced with a new DPS. An application to change the DPS has been submitted. The new DPS has been put forward as Callum James Davis.

Body Worn Camera's recordings/images shall be made available to a Police officer or an authorised officer of the Responsible authority upon request, providing that such requests are made in accordance with the EU General Data Protection Regulation (GDPR) and Data Protection Act 2018.

3c) Committee conditions to promote public safety

N/A

3d) Committee conditions to promote the prevention of public nuisance

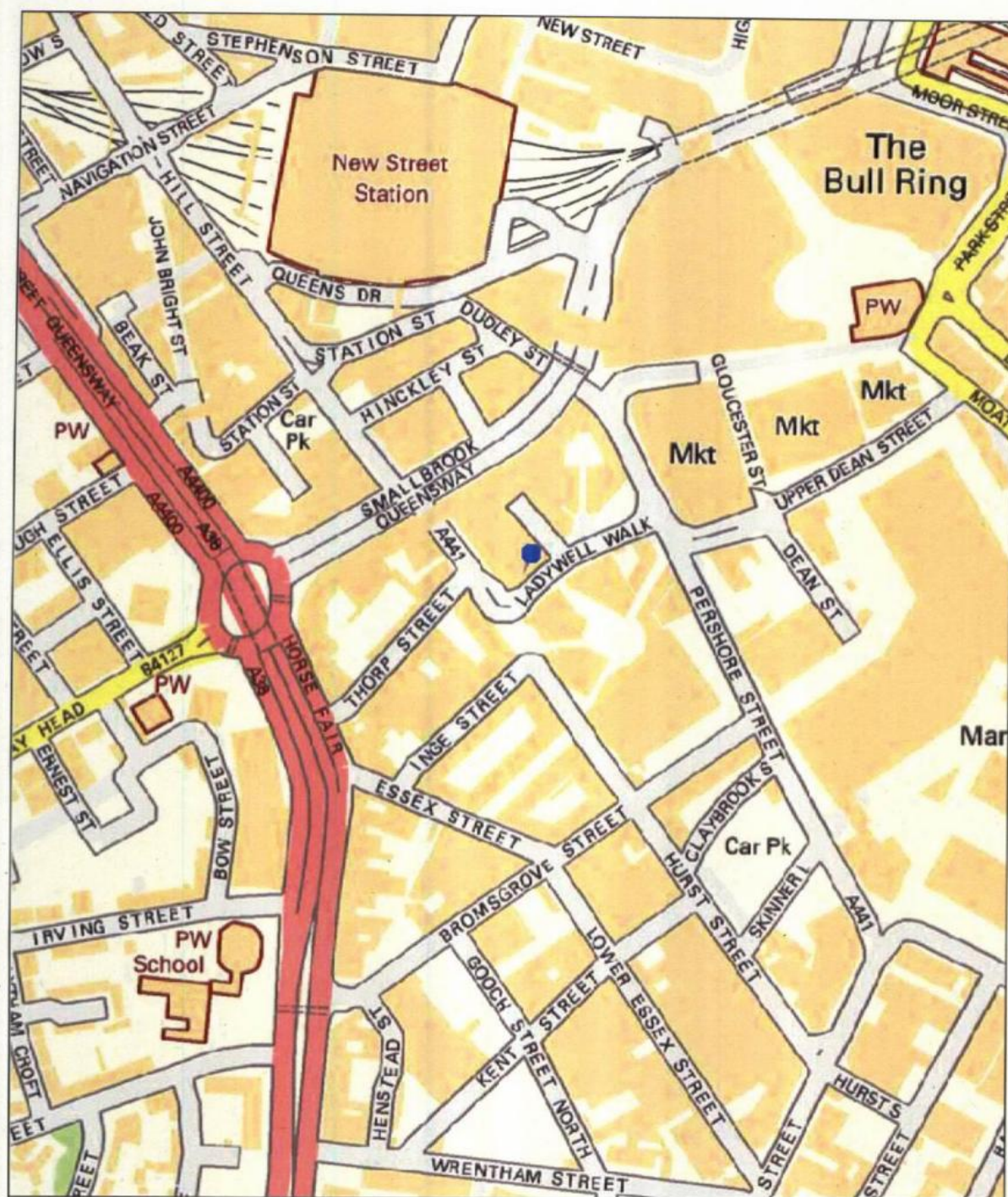
N/A

3e) Committee conditions to promote the protection of children from harm

N/A

Annex 4 – Plans

The plan of the premises with reference number **121053-447/5** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 11/06/2019

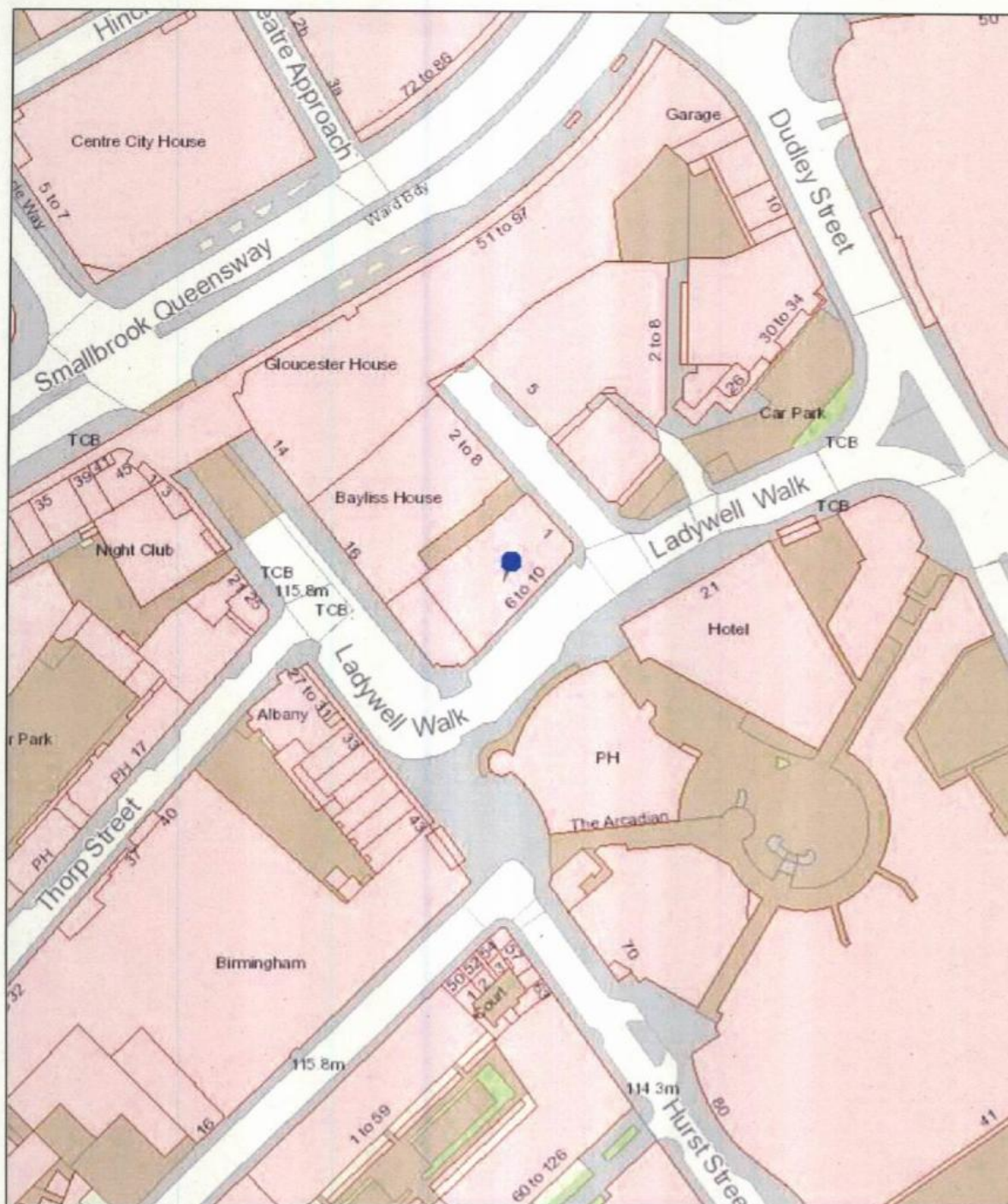


Scale:
1:4,000

(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

(c) GeoPerspectives, supplied by Bluesky International Ltd

Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved



Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 11/06/2019



Scale:
1:1,250

(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.
(c) GeoPerspectives, supplied by Bluesky International Ltd
Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved

OFFICIAL – (when complete)

MG11

WITNESS STATEMENT**Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B****Crime No.****URN**

Statement of MARK SWALLOW

Age if under 18 OVER 18 (if over 18 insert "over 18")

Occupation POLICE LICENSING OFFICER 60264

This statement (consisting of THR page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: M.SWALLOW. (witness)**Date 4TH OCTOBER 2021.**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Licensing Officer 60264 Mark Swallow of the West Midlands Police Force currently stationed at Lloyd House Police Station.

Bambu Nightclub is located at 1st Floor, Kotwall House, Wrottesley Street, Birmingham. B5 4RT. It is a nightclub which is licensed between 1000 and 0400 on each day of the week.

The premises were open and carrying out licensable activity on the evening of Friday 10.9.21 going into the morning of Saturday 11.9.21.

At 0217 hours two crimes of section 18 wounding were reported to West Midlands Police whereby two persons received stab wounds one to his right shoulder and hand and the other to his right hip. A further person was arrested for affray who was fighting with others at the location. Enquiries into these matters are ongoing.

Officers attempted to enter the premises after being made aware of the first stabbing and were confronted by a largescale disorder taking place on the staircase. This was so ferocious that officers were forced back outside and persons were then coming out of the premises. One male was able to be arrested from this disorder, although in order to ensure their safety and effect the arrest officers were forced to deploy incapacitant spray.

Enquiries inside the premises revealed a further male with a stab injury to his right hip. This is believed to have happened in a room near to the entrance of the premises.

Signature Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No. URN

Statement of MARK SWALLOW

Both males that were injured were taken to the Queen Elizabeth Hospital to have their injuries treated. Neither set of injuries are believed to be life threatening. Enquiries at the scenes outside Bambu have revealed two knives and a wallet that have been discarded. These have been recovered by the police and are subject of further examination. There were a number of scenes with large amounts of blood in the premises and upstairs was an opened first aid kit which appeared to have been used to treat the persons with injuries. The cctv system from the premises has been seized. Security from the premises made officers aware of the stabbing incident outside of the premises when they became aware of the fact that the male had been stabbed.

The Designated Premises Supervisor was identified as Jasbeep Qaul who was spoken to by officers. He has stated that he was not at the premises at the time of the incident. Qaul has stated that the premises were being used for a private party and a list that is believed to show the details of the attendees has been seized.

It is noted that as a result of operating licensing conditions and conditions imposed by Licensing Sub Committee A on 8.7.19 the premises must risk assess each days business and events providing these to West Midlands Police 28 days prior to them occurring, all customers and staff including DJs attending the premises must be searched, nominated security staff must wear body cams and the cctv was to be updated.

I have made enquiries into the events that has led to these incidents taking place. I found that the Designated Premises Supervisor had not completed an adequate risk assessment for the event and had then submitted this to West Midlands Police on the day of the event which was far too late for comprehensive checks to be made into the information. This has meant that the birthday party as booked was in fact an event with gang orientated attendance. Due to the appearance of the risk assessment this would have taken in-depth enquiries to reveal the inadequacies of it. This has led to an inadequate response to the threat posed by the event and allowed the issues that manifested themselves to take place. It is my belief that the DPS either acted out of complicity or neglect in the preperation of the risk assessment and there is no reason to believe that he acted other than alone in this. The search regime has also failed and knives have been taken into the premises.

Signature Signature witnessed by

Crime No. URN

Statement of MARK SWALLOW

I have worked with the Premises License Holder Kadir Ahmed since the event to provide a robust regime whereby these issues would not re-occur. An agreed position has been reached between the Premises License Holder and West Midlands Police. As a result an appeal was made against the Interim Steps Order and was held on 1st October 2021 where conditions were agreed by the Sub-Committee allowing the premises to re-open.

The agreed conditions are:

- The licence holder shall maintain and operate an ID Scan to all persons entering the premises whenever licensable activities are being carried on. The premises is to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY".
- All persons (including staff, DJs and entertainers) entering the premises whenever licensable activities are being carried on will be subject to a search. This search will include a full body search AND metal detection. Each of those activities will be undertaken by a separate door supervisor.
- The licence holder will have available for use a working bleed kit whenever licensable activities are carried on from the premises.
- No person will be allowed entry to the premises after 03:00, save for re-entry for persons who were on the premises before 03:00. Every person re-entering the premises will be strictly subject to the body and metal detection search.
- The licence holder will consult with WMP when they intend to vary the DPS on the premises licence.
- The licence holder will consult with WMP before changing the company that provides door security at the premises.

It is further agreed that the authorised hours on the premises licence will be modified by reducing the terminal hour for licensable activities on a Friday and Saturday as follows:

- the sale of alcohol by retail to 04:00, and
- regulated entertainment and late night refreshment to 04:30.

Additionally the Designated Premises Supervisor has been dismissed and replaced by a new DPS after consultation with West Midlands Police. It is my belief that these conditions provide a double-check failsafe for the issues identified and puts in place conditions whereby the licensing objectives are being promoted. M. SWALLOW.

Signature Signature witnessed by

Crime No.

URN

Statement of MARK SWALLOW

Signature Signature witnessed by

Witness contact details

URN : / /

Name of witness: Mr/Mrs/Ms/Miss/Dr

Former name

Email address:**Email address needed for correspondence i.e. support material to be sent**

Address

Postcode:

Preferred telephone number:

Alternate telephone number:

Agreed means of contact and frequency :

Gender

Date and place of birth

Ethnicity Code (16+1)

DATES OF WITNESS NON-AVAILABILITY: (12 months)**Witness care**

Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case. ALSO crimes involving gun and knife crimes and victims of Modern Slavery Act 2015*)

Yes ☐ No ☐ If 'Yes', submit **MG2** with file in NGAP, contested or indictable only cases OR to read VPS in GAP cases.

Witness Consent (for witness completion)

- | | | | |
|---|------------------------------|-----------------------------|------------------------------|
| a) I am aware that I may have to attend court. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| b) I have been given the Victims' leaflet with the crime number on . | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| c) The Victim Personal Statement scheme (victims only) has been offered to me. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| d) It has been explained to me what will happen next with this investigation | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| e) I consent to police having access to my medical record(s) in relation to this matter (<i>obtained in accordance with local practice</i>) | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA, CLPD. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| g) Child witness cases only. I have had the provision regarding reporting restrictions explained to me. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| I would like the CPS to apply for reporting restrictions on my behalf. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

- *I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.*
- *I understand that my details may be passed to other agencies who can offer me help and support in relation to being a victim of this crime.*

I give my informed and explicit consent for my personal details to be passed to other agencies that can support me or are involved in the criminal justice process. Yes ☐ No ☐

Signature..... Date

Parent/guardian signature..... Date

Address

Contact tel no

Supporter signature..... Date

Statement taken by (*print name*):

Station:

Time and place statement taken:

Signature Signature witnessed by

