

BIRMINGHAM CITY COUNCIL

LICENSING SUB - COMMITTEE A - 20 SEPTEMBER 2018
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**MINUTES OF A MEETING OF THE LICENSING SUB-
COMMITTEE A HELD ON THURSDAY 20 SEPTEMBER
2018 AT 0930 HOURS IN COMMITTEE ROOM A,
COUNCIL HOUSE EXTENSION,
MARGARET STREET, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp and Mike Leddy.

ALSO PRESENT:

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Sarah Stride – Committee Manager

NOTICE OF RECORDING

01/200918 The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

02/200918 No declarations of interest were raised.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

03/200918 No apologies were submitted.

**LAB 11, 26 OXFORD STREET, DIGBETH, BIRMINGHAM B5 5NR –
LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION
ACT 2006 – CONSIDERATION OF REPRESENTATIONS IN RESPECT OF THE
INTERIM STEPS IMPOSED ON 6 SEPTEMBER 2018**

The following persons attended the meeting:

On behalf of the Applicant

Duncan Craig – Citadel Chambers
Mr William Power – Premises Licence Holder and owner of Lab 11, and also
Company Director of Afta Dark Ltd.

Those Making Representations

PC Abdool Rohomon – West Midlands Police.

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See Document No. 1)

Following introductions by the Chair, the main points of the report were outlined by David Kennedy, Licensing Section.

On behalf of the Applicant

Duncan Craig – Citadel Chambers

The following additional information was submitted:-

(See Document No. 2)

Mr Craig stated that the applicant wished to modify the interim steps since the suspension was imposed on 6 September 2018. Since that time his client and West Midlands Police had been engaged in long term discussions in order to agree improvements to the operation of the premises with a view to public safety. Both parties were working together to achieve a joint goal.

Mr Craig discussed in detail what was being imposed on the interim steps and made reference to the additional information submitted earlier. During the course of discussion the following points were made:

- 12 new CCTV cameras to be installed.
- Provision of welfare officers. One welfare officer per room in operation. All welfare officers to carry radios and will be in constant communication with medics.
- Posters and notices on acceptable levels of behaviour to be distributed throughout the building and in all event rooms.
- The operational plan will cover the entire operation and will be linked into the risk assessment. Body cameras will be added to the event risk assessment if required.

- It was confirmed that Mr William Power was the DPS and licence holder.
- A new operational manager had been employed as had a new bar manager.
- The newly appointed security company was Eagle Security and Leisure.
- Positive steps have been taken to promote the licensing objectives and the interim steps have been approved by West Midlands Police.
- The interim steps taken are as follows:

‘For every event at the premises there will be a documented risk assessment detailing as a minimum:

- a. Artists (full name, stage name)
- b. Hours of operation, including last entry time
- c. Security deployment
- d. CCTV and bodycam provision
- e. Searching
- f. Drugs prevention and policy
- g. Welfare and vulnerability policy
- h. Anything else that may be relevant, and lastly, West Midlands Police will have power of veto over each event.’

- Mr Craig stated that a tragic event had happened but the DPS was doing everything in his power to minimise future public risk. He requested that the suspension be replaced with the interim steps condition as mentioned above.

In response to questions raised by Members Mr Craig and Mr Power made the following comments:

- Toilet seat covers had now been removed.
- All surfaces in the toilet cubicle areas were angled and not straight surfaces. Baby oil will be applied to all surfaces in the toilet areas.
- Toilets areas patrolled and checked every hour.
- UV lights applied on entry to building and drug detection dogs at the entrance.
- Amnesty bins will be provided to allow punters to discard any illegal weapons of drugs prior to gaining entry into the premises.
- Last re-entry will be dependent upon the nature of the event. However, no re-entry will be admitted once a customer had left the venue.
- Door staff will patrol the outside of the premises as well as door entry.

Those Making Representations:

West Midlands Police

PC Abdool Rohomon expressed deep concern that a young man had tragically lost his life whilst in the venue and the Police were awaiting toxicology reports to be confirmed in order to determine the exact cause of death.

He stated that since this tragic event Mr Power had remained very open and honest and had worked with the Police on every level. A thorough CCTV search of the premises had been undertaken. Mr Power had sought guidance from the Police and other external sources. He developed the idea of welfare officers and

had had a good response from customers when he uploaded the idea on social media.

He confirmed that CCTV cameras had been updated and images had improved. Mr Power had spent a lot of time to improve the measures taken.

He confirmed that Eagle Security and Leisure had been appointed as the main security company in use for all events. A proper and correct activity risk assessment had been provided.

PC Rohomon confirmed that the Police will have the power to veto, therefore, it was within the licence holders interest to ensure that correct procedures were followed at all times.

Summary of Statements

PC Rohomon stated that he had no further comments to add.

In summing up Mr Duncan stated that Mr Power had been deeply affected at what happened in his venue and he wanted to ensure the safety of all future customers. He concluded that Mr Power will continue to work directly with PC Rohomon when dealing with future events and risk assessments.

After an adjournment and at 1143 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

04/200918

RESOLVED:-

That, having considered the representations made on behalf of Afta Dark Music Ltd, the premises licence holder for Lab 11, 26 Oxford Street, Digbeth, Birmingham B5 5NR, in respect of the interim steps imposed on the 6 September 2018, this Sub-Committee hereby determines that the interim step of suspension shall be lifted and replaced with the condition agreed in advance of the meeting between the premises and West Midlands Police, and which was dictated to the Sub-Committee by the premises' legal representative during the meeting, namely:

"For every event at the premises there will be a documented risk assessment detailing as a minimum:

- a) Artists (full name, stage name)
- b) Hours of operation, including last entry time
- c) Security deployment
- d) CCTV and bodycam provision
- e) Searching
- f) Drugs prevention and policy
- g) Welfare and vulnerability policy
- h) Anything else that may be relevant

and lastly, West Midlands Police will have power of veto over each event".

The Sub-Committee carefully considered the representations made both by the Police and on behalf of the premises licence holder. The Police

confirmed that the premises had been cooperative throughout, and keen to adopt all the measures that the Police had recommended.

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.

OTHER URGENT BUSINESS

5/200918 There was no other urgent business.

The meeting ended at 1218 hours.

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CHAIRMAN