

**BIRMINGHAM CITY COUNCIL**  
**LICENSING SUB-COMMITTEE C**

**Wednesday 7 June 2023 at 1000**  
**hours in On-Line Meeting,**  
**Microsoft Teams**

**A G E N D A**

**1      NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite, please click this link, <https://birmingham.public-i.tv/core/portal/home> 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 they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

**3      APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**Attached**

**4      RE: VELVET MUSIC ROOMS, GROUND FLOOR, CUMBERLAND HOUSE, 200 BROAD STREET, LADYWOOD, BIRMINGHAM, B15 1SU - LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS**

N.B. Application scheduled to be heard at 1000 hours.

Documents submitted:

- A. Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003
- B. Application for Review of Licence
- C. Copy of Premises Licence
- D. Location maps

West Midlands Police have applied for an expedited review of the premises licence in respect of **Velvet Music Rooms, Ground Floor, Cumberland House, 200 Broad Street, Ladywood, Birmingham, B15 1SU.**

The application has been made under Section 53A of the Licensing Act 2003 (as amended) and has been accompanied by a certificate signed by a senior member of the force, stating that in their opinion the licensed premises have been associated with serious crime and disorder. (See A and B above)

In accordance with the regulations, the licensing authority has given the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate.

This hearing has been arranged in order to consider whether it is necessary to take any interim steps in respect of the licence pending the determination of the review. The Premises Licence is included at item C.

The interim steps that must be considered at the hearing are:

- Modification of the conditions of the premises licence;
- Exclusion of the sale of alcohol by retail from the scope of the licence;
- Removal of the designated premises supervisor from the licence;
- Suspension of the licence

## **5 OTHER URGENT BUSINESS**

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

# **West Midlands Police**

## **CERTIFICATE UNDER SECTION 53A (1)(B) OF THE LICENSING ACT 2003**

I Superintendent 2643 James Munro hereby certify that in my opinion the premises described below are associated with both serious crime and serious disorder.

**Premises: Velvet Music Rooms**

**Address: 200, Broad Street, City Centre, Birmingham. B15 1SU.**

**Premise Licence Number: 3282**

**Premise Licence Holder: Sugar Leisure Ltd.**

**Designated Premise Supervisor: Steven Emmison.**

**I am a Superintendent in West Midlands Police.**

I am giving this certificate because I am of the opinion that the summary review procedure is necessary to ensure the licensing objectives are promoted expeditiously. Given the seriousness of the trigger incident on 5th June 2023, which involved a disorder at the premises Whereby two victims have been stabbed one multiple times and the other once. Other steps available under the Licensing Act 2003, including a standard review application, cannot lead to the imposition of immediately effective steps to promote the licensing objectives and so these are inadequate. I view this application as a proportionate and necessary response to the serious incident at the venue.

In coming to my opinion, I have had regard to the facts of the incident and current investigation, the terms of section 53A of the Licensing Act 2003 and Chapter 12 ("Summary Reviews") of the Guidance issued under section 182 of the Licensing Act 2003 (December 2022 revision).

Signed:

Dated: 5<sup>th</sup> June 2023



## 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 2643 James Munro,**

**(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: Velvet Music Rooms.**

Postal address of premises, (or if none or not known, ordinance survey map reference or description):

**200, Broad Street, City Centre.**

Post Town: **Birmingham**

Post Code (if known): **B15 1SU..**

**2. Premises Licence details:**

Name of premise licence holder (if known):

**Sugar Leisure Ltd.**

Number of premise licence (if known):

**3282..**

**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)

Velvet Music Rooms is a licensed premises situated at 200, Broad Street, City Centre, Birmingham. B15 1SU. The premises license holder is Sugar Leisure Ltd and designated premises supervisor is Mr Steven Emmison.

The premises is licensed to sell alcohol for consumption on and off the premises between the hours of 1000 and 0600 each day of the week.

Between 0049 and 0054 hours Monday 5<sup>th</sup> May 2023 the premises were open and conducting licensable activity.

At this time disorder has occurred within the premises and as a result of this a customer in the premises has received several stab wounds and a member of security staff has received a superficial wound to his arm. The offender has left the scene prior to police arrival. It would also appear that the scene had been cleaned prior to the police attending the scene.

This matter is subject of a crime report for wounding against section 18 wounding against The Offences Against The Persons Act 1861 which is a serious crime by virtue of the maximum sentence on conviction being life imprisonment. This is an ongoing enquiry which may lead to more reports of injuries.

West Midlands Police have serious concerns for the promotion of the licensing objectives at this premises. There are concerns as to how the scene was managed by management and staff from the venue. This is a live on-going criminal investigation and any CCTV footage of the incident has not been viewed by Licensing Staff.

West Midlands Police have had communications with the premises and are awaiting the results of this.

**Signature of applicant:**

**Date:** 5<sup>th</sup> June 2023.

**Rank/Capacity:** Superintendent 2643 Munro

**Contact details for matters concerning this application:** BW Licensing

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

**Telephone Number(s):**

**E-mail -**

**Notes for guidance:**

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly

state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

3282 / 2

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Velvet Music Rooms Ground Floor Cumberland House 200 Broad Street	
<b>Post town:</b>	<b>Post Code:</b>
Birmingham	B15 1SU
<b>Telephone Number:</b>	

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

N/A

**Licensable activities authorised by the licence**

B	Films
E	Live music
F	Recorded music
G	Performances of dance
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

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

Monday-Sunday	10:00	-	06:00	B ,E ,F ,G ,H ,M3
	23:00	-	05:00	L
23:00hrs on New Year's Eve to 05:00hrs on New Year's Day.				
From the start of permitted hours on New Years Eve to the end of permitted hours on New Years Day.				B ,E ,F ,G ,H ,M3

**The opening hours of the premises**

Monday-Sunday	10:00	-	06:30
From the start of permitted hours on New Year's Eve to 06:30 on 2nd January.	00:00	-	00:00

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**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**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b>  Sugar Leisure Limited Velvet Music Rooms  200 Broad Street	
<b>Post town:</b>  Birmingham	<b>Post Code:</b>  B15 1SU
<b>Telephone Number:</b>	
<b>Email</b>  N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b>  06860362
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b>  Steven Emmison	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b>  19/000001/LAPER	<b>Issuing Authority</b>  SANDWELL METROPOLITAN BOROUGH COUNCIL

Dated 19/04/2022

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

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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.

**Annex 2 – Conditions consistent with operating schedule**

**2a) General conditions consistent with the operating schedule**

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

No adult entertainment services or activities permitted on the premises at any time.

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

Use of the premises between 0400 and 0600 on 28 days notice to the police licensing officer at Steelhouse Lane Police Station or any other officer or police station as may be advised to the designated premises supervisor in writing and with the police having the right of veto any such occasion within 3 days of notification, such veto not to be exercised unreasonably.

CCTV to be installed and maintained to the satisfaction of West Midlands Police.

The CCTV system to be in full working order, including all the cameras at all times when the premises are open for any licensable activity.

The CCTV system must record and store images, for a minimum of 30 days. These images must be available, with immediate access, to the Police and local authorities. The CCTV must be installed in a secure location.

If the premises use external door supervisors, those door supervisors must sign on and off duty every time they work. The signing sheet to include badge numbers and the sheet to remain on the premises for a minimum of 30 days.

If an external door company is used the venue must keep on the premises doorstaff profiles, to include photo ID, (other than their SIA badge), and a utility bill which must not be dated later than 6 months previous. Such profiles to be available for inspection by the Police or local authority at any time and kept in a secure location. If any door supervisors leave the premises, the profile to be retained on the premises for at least three months, following their departure.

The premises to implement a Challenge 25 proof of age scheme.

When door supervisors are used at the venue, they must wear Hi-Vis clothing as follows:-

- a) Hi-Vis jackets outside the premises save for British Summer Time when Hi-Vis tabards may be worn; and
- b) Hi-Vis tabards inside the premises at all times.

The premises will implement and put in to practice a drugs policy for the venue as approved by West Midlands Police.

If the venue wishes to hold an under 18 event, the venue must provide Steelhouse Lane Licensing Department with 28 days notice, together with a Risk Assessment. West Midlands Police to have a power of veto over any under 18 event.

All sales of alcohol for consumption off the premises are to be in sealed containers.

The premises will risk assess its standard operating procedure. The Risk Assessment will be kept at the premises and made available upon request to responsible authorities

Where a third party promoter is used for any new late night event at the premises, there will be a Risk Assessment completed and sent to Birmingham Central Licensing Team at least 7 days (or such shorter notice as may be agreed in writing with West Midlands Police Birmingham Central Licensing Team) before the event.

If the venue wishes to hold an under 18 event, the venue must inform Birmingham Central Licensing Team with at least 28 days notice, together with a risk assessment. West Midlands Police to have a power of veto

over any under 18 event.

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

A fire safety assessment will be conducted and implemented in the 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**

Children will be permitted on the premises in accordance with the provisions of the Licensing Act 2003.

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**Annex 3 – Conditions attached after hearing by licensing authority**

**3a) General committee conditions**

N/A

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

N/A

**3c) Committee conditions to promote public safety**

N/A

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

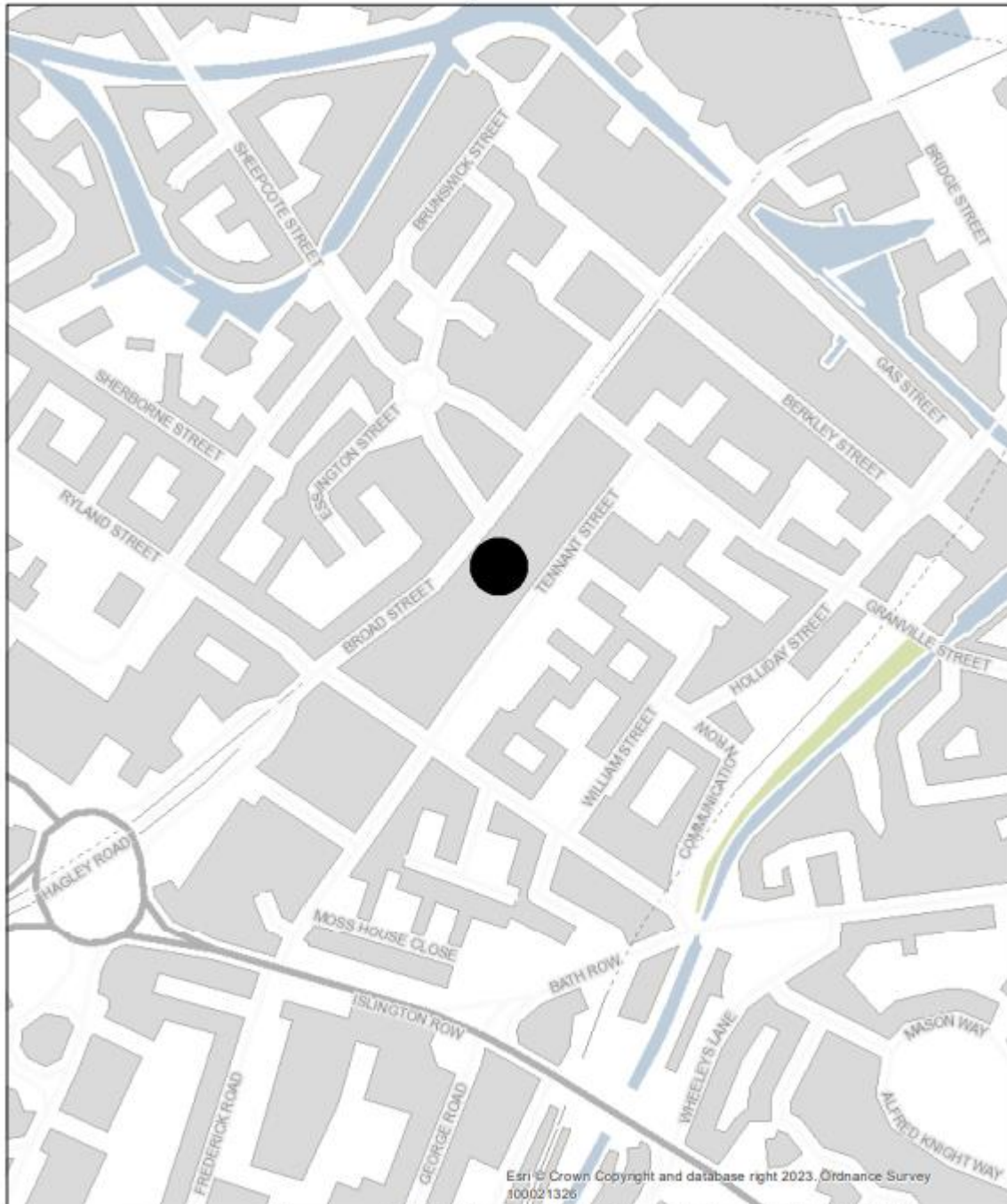
N/A

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

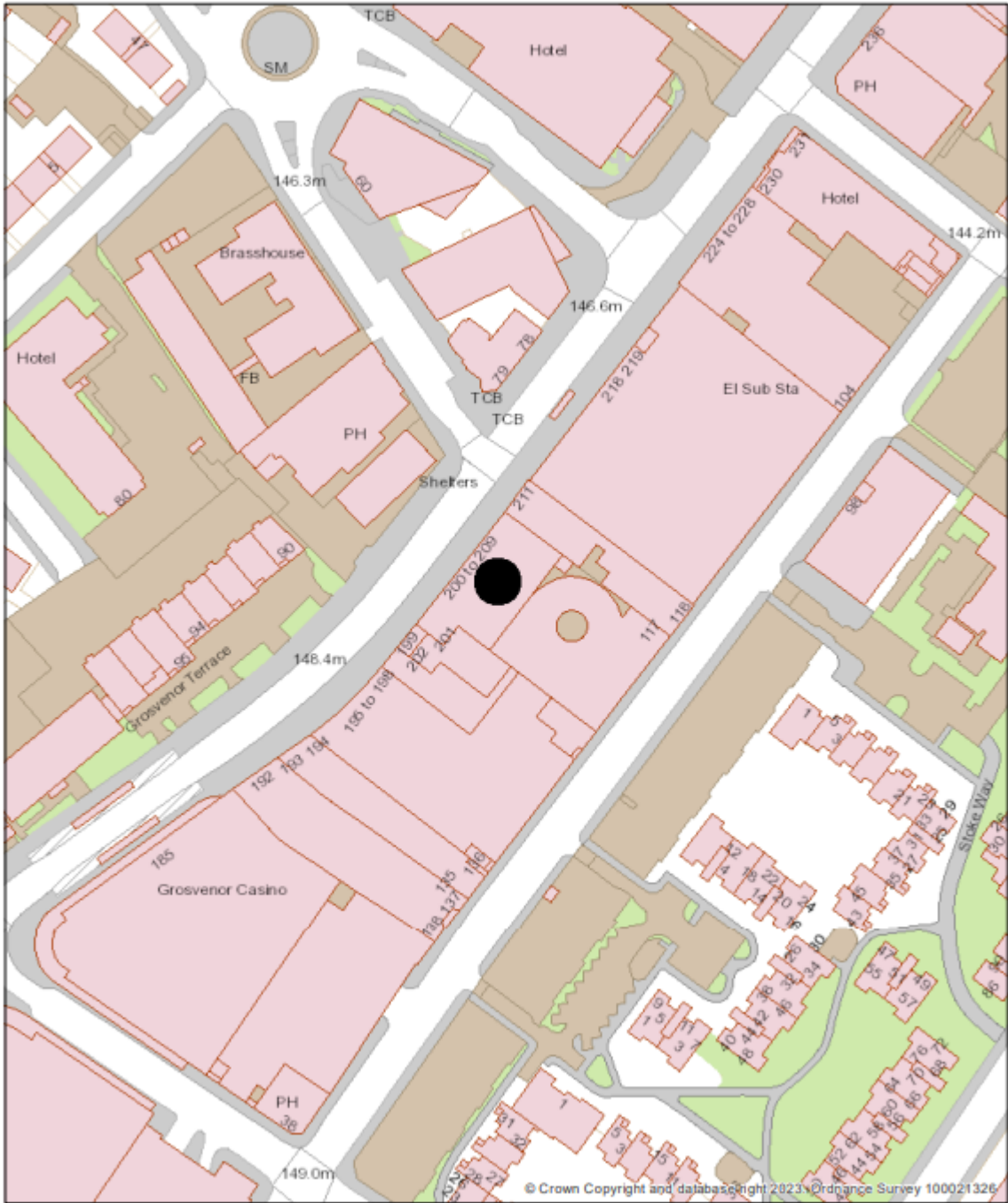
N/A

**Annex 4 – Plans**

The plan of the premises with reference number **124346-3282/2** 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.







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