

BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE C

Wednesday 15 September 2021 at
1200 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 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

Attached

4 BAMBU, 1ST FLOOR KOTWALL HOUSE , WROTTESLEY STREET, CHINA TOWN, BIRMINGHAM, B5 4RT - 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 1200 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 Bambu, 1st Floor Kotwall House, Wrotesley Street, Birmingham, B5 4RT.

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 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

Manah/Geo Supt 6839 Fox



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. *SUPV 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 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.

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:

Maria Day

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

Telephone Number(s): 0121 626 6099

E-mail - bw_licensing@west-midlands.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

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

- conduct that amounts to one or more criminal offences for which a person who has attended 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 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 Wrotesley 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

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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
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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

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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.

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.

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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.

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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

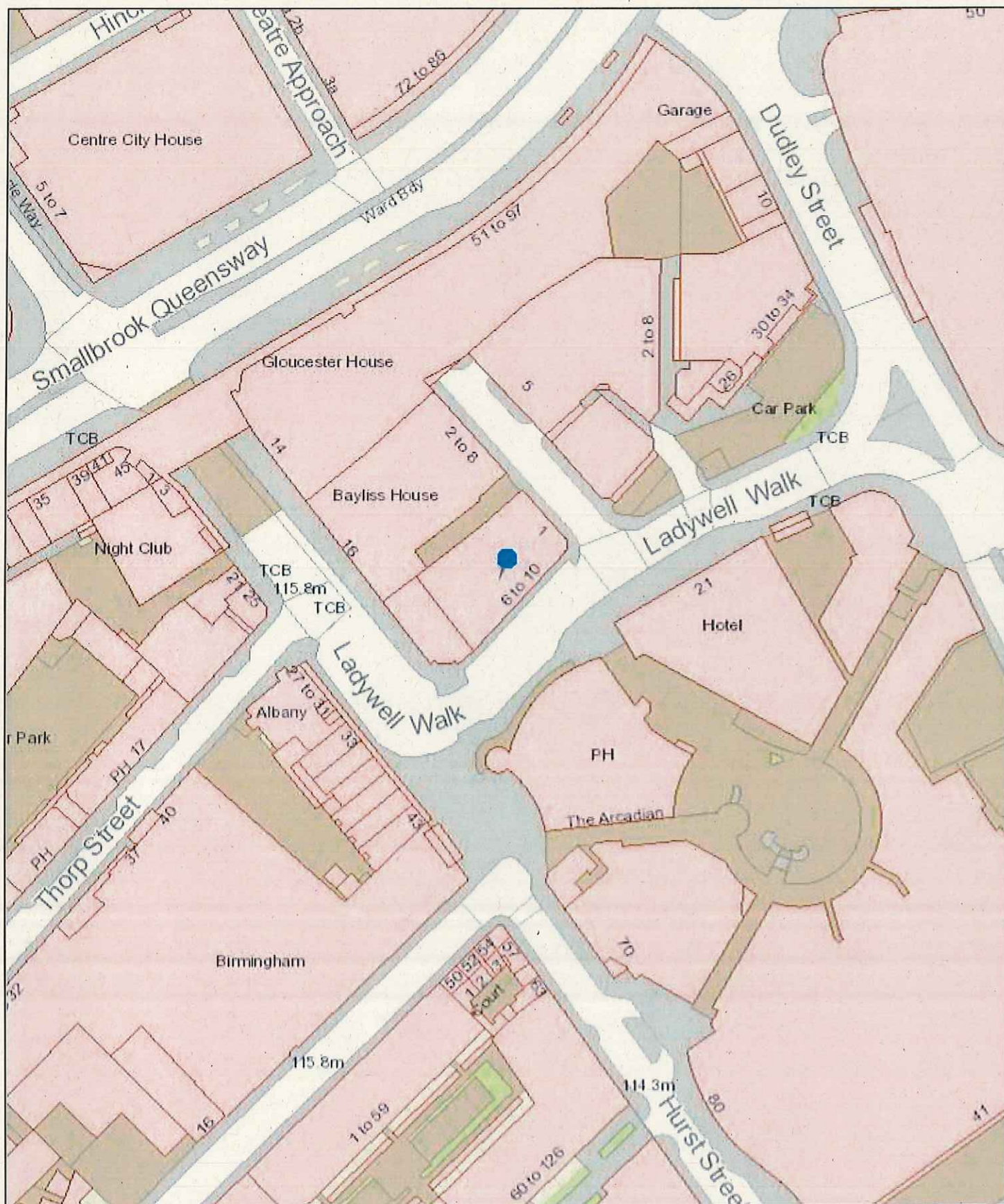
3e) Committee conditions to promote the protection of children from harm

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

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Scale:
 1:1,250