

24 December 2015

PC Ben Reader
West Midlands Police
Licensing Department
Birmingham West & Central Police Station
Steelhouse Lane
Birmingham
B4 6NW

Dear PC Reader,

Licensing Act 2003 Premises Licence (Grant)

Re: Gateway Exhibition Centre, 30-34 River Street, Digbeth, Birmingham, B5 5SA

The application by Secure Asset Management Limited, for a premises licence under the Licensing Act 2003 in respect of Gateway Exhibition Centre, 30-34 River Street, Birmingham B5 5SA, was considered by the Licensing Sub-Committee of Birmingham City Council on Monday 14 December 2015.

I can advise that the Sub-Committee resolved to refuse the premises licence application.

In reaching this decision, the Sub-Committee was mindful of the promotion of the Licensing Objectives in the Act, particularly the prevention of crime and disorder and the prevention of public nuisance.

The Sub-Committee's reasons for refusing this application for a premises licence was due to concerns by other persons, West Midlands Police and Environmental Health regarding the impact of the proposed operation on locality of the premises and the dangers associated with a venue of this size.

The applicants were keen to stress that the premises would primarily be used as a community centre and that licensable activities would only account for 10% of the use of the premises and that the rental of the premises for events based around licensable activities was to make the operation of the premises financially viable. However, it appeared to the Sub-Committee that the applicants had not properly grasped the seriousness of what they were asking for. When asked about the capacity of the premises the applicants seemed unsure and initially suggested 2000 people but later when the capacity of the various sections of the premises were discussed it appeared it was closer to 2800.

The Police pointed out that at this size this would make the premises one of the largest nightclubs in the city. The applicants were keen to stress that they were not a nightclub. Yet the hours they were applying for, even on the reduced basis put forward at the hearing, were those of a night club. Further, the applicants would essentially operate as a landlord renting out the space to different promoters to use for licensed activities. The Police were concerned that the applicant had not properly considered the implications of running a premises of such a scale. The Sub-Committee shared those concerns and were not satisfied that the applicants could properly promote the licensing objectives.



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The Sub-Committee gave consideration to whether any measures could be taken to ensure that the four licensing objectives were adequately promoted and that therefore the licence be granted; however, Members considered that neither modifying conditions of the licence, refusing the proposed Designated Premises Supervisor nor excluding any of the licensable activities from the scope of the licence would mitigate the concerns raised by those making representations.

The Sub-Committee gave due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information contained in the application, the written representations received and the submissions made at the hearing by the applicant and those making representations.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision

If any appeal lodged by yourself is ultimately unsuccessful, I would ask you to note that the City Council is likely to ask the Court to order you to pay any costs it has incurred in defending the appeal. The Court has a discretion to award such costs.

Yours sincerely

~~David Kennedy~~
Principal Licensing Officer



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BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE - C

24 FEBRUARY 2016

Quantum Gateway, 30 – 34 River Street, Digbeth, Birmingham, B5 5SA

That the application by Secure Asset Management for a premises licence in respect of Quantum Gateway, 30 – 34 River Street, Digbeth, Birmingham, B5 5SA **be refused.**

In reaching this decision, the Sub-Committee was mindful of the promotion of the Licensing Objectives in the Act, particularly the prevention of crime and disorder public safety, and the prevention of public nuisance.

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns by other persons, West Midlands Police and Environmental Health regarding the impact of the proposed operation on the particular locality of the premises, the operation of which had previously caused nuisance to residents within close/immediate proximity of the venue.

The Sub Committee carefully considered the operating schedule put forward by the applicant, part of which was revised at the Hearing itself (limiting the number of late night events to a maximum of 25 per year, albeit, subject to a proposed veto from West Midlands Police, on 14 days' notice) and the likely impact of the application but were not, on balance, persuaded that the applicant was capable of properly promoting the licensing objectives at this stage.

The Sub Committee, were pleased to note that the applicant had put forward a number of significant changes within the current application which had gone some way to placate those making representations. This included carrying out a fire risk assessment to establish the maximum capacity for the venue, devising policing and procedures which covered a variety of subject matter e.g. Noise Management, Dispersal Policy, Management and Training Personnel, Event Risk Assessments etc. These were considered in detail by the Sub Committee.

However, the totality of these was still not sufficient to persuade those making representations to withdraw them. West Midlands Police viewed the Timings and Revised Conditions positively, but continued to express concern over how these would be implemented on a practical level. Environmental Health were similarly not persuaded that noise from the proposed operation of the venue, especially from patrons leaving the venue late at night could be managed in a meaningful way, that would not cause nuisance to nearby residents. The Sub Committee had heard direct evidence from some of the residents themselves, detailing the disruption and nuisance that had been caused as a result of previous events held at the venue. The Sub Committee were also not satisfied about how the venue would be managed, to properly promote the licensing objectives, given that there

continued to be changes and revisions to its operating schedule, proposed Conditions, and business activities generally. The Sub Committee hoped that the applicant would continue to engage with the responsible authorities and those making representations in order to address these matters, but at this stage felt that they were not able to properly promote the licensing objectives.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the four licensing objectives were adequately promoted and that therefore the licence be granted; however Members considered that neither modifying conditions of the licence, refusing the proposed Designated Premises Supervisor nor excluding any of the licensable activities from the scope of the licence would mitigate the concerns raised by those making representations.

The Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information contained in the application, the written representations received and the submissions made at the hearing by the applicant, their adviser and those making representations.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

WITNESS STATEMENT

Crime Number:.....

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B


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Statement of: William O'CONNOR

Age if under 18: over 18..... (If over 18 insert 'over 18') Occupation: Police Inspector 1758.....

This statement (consisting of 1 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:.....Date 30th August 2016.....Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Inspector William O'Connor based at Digbeth Police Station. I am the Sector Inspector for Ladywood East, which incorporates the geographically areas of Aston, Nechells, Small Heath, Digbeth and Highgate.

On Sunday the 13th March 2016 I was one the Police Commanders for the St Patrick's Day parade in Digbeth when officers made me aware of posters that had been placed around Digbeth, under the guise of Digbeth Residents Association, accusing two innocent men of being paedophiles and posting their photographs. I later found out that in the preceding weeks the two men had also had bricks thrown through the windows to their flats and graffiti daubed on the walls outside.

On enquiring further I discovered that the two men in question had previously attended a licensing committee where they had objected to a licensing application from Quantum Exhibition Centre for 30-34 River Street Digbeth.

I am of the belief that the two men were targeted and victimised for the objections that they had raised to the licensing application.....

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Signature:.....

Signature witnessed by:.....