

## **BIRMINGHAM CITY COUNCIL**

### **LICENSING SUB-COMMITTEE A**

**MONDAY, 11 JUNE 2018 AT 09:30 HOURS**  
**IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA**  
**SQUARE, BIRMINGHAM, B1 1BB**

*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**

Chairman to advise meeting to note 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**

**3 - 24**

4 **LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW**  
**ARTHOUSE, 54 BISSELL STREET, BIRMINGHAM, B5 7HP**

Report of the Acting Director of Regulation and Enforcement.  
N.B Application scheduled to be heard at 09:30am

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.



# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Acting Director of Regulation and Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 11<sup>th</sup> June 2018</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Summary Review</b>
<b>Premises:</b>	<b>Arthouse, 54 Bissell Street, Birmingham, B5 7HP</b>
<b>Ward affected:</b>	<b>Bordesley &amp; Highgate</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, 0121 303 9896 <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### **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 15<sup>th</sup> May 2018 in respect of Arthouse, 54 Bissell Street, Birmingham, B5 7HP.

### **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 15<sup>th</sup> May 2018 Superintendent Shaer, 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 Art Venue Limited in respect of Arthouse, 54 Bissell Street, Birmingham, B5 7HP.

The application was accompanied by the required certificate confirming that in his opinion the premises are associated with serious crime and disorder, 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 16<sup>th</sup> May 2018 to consider whether to take any interim steps and resolved that the Premises Licence be suspended pending a review of the Licence. A copy of the decision is attached at Appendix 2.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other parties ended on the 31<sup>st</sup> May 2018.

A copy of the current Premises Licence is attached at Appendix 3.

Site location plans at Appendix 4.

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 16<sup>th</sup> May 2018 , Appendix 2  
Current Premises Licence, Appendix 3  
Site location plans, Appendix 4

**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



### 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 - Supt Mat Shaer**

**(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: Arthouse**

54 Bissell Street.

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

Post Town: Birmingham

Post Code (if known): B5 7HP

**2. Premises Licence details:**

Name of premise licence holder (if known): **Art Venue Limited**

Number of premise licence (if known):**4646**

**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:**

These premises are located in an industrial area of Digbeth, with residential housing a short distance away. It is a destination venue in that it puts events on to attract its clientele.

At approximately 03.11 hours on Saturday 12<sup>th</sup> May 2018 a 999 call was received stating that there had been a party and that someone had fired a gun and they are all fighting. The location given initially was an adjoining premise.

Officers from the firearm unit and general response officers attended, upon arrival they witnessed large numbers of people panicking and star bursting trying to get away and several vehicles making off at speed from the location, one of which was then involved in a collision.

Officers have then spoken to security or a person purporting to be a security operative and he stated that he had seen a gun being pointed at someone's head inside the club on the dance floor, and that then disorder took place inside the club.

Officers also spoke to the event organiser who also confirmed that disorder had happened inside the premises and that they had then been ejected but she had not seen any firearm.

Enquiries also revealed that the individuals believed to be involved in the disorder are known members of organised crime groups, and involved in the possession of firearms and other serious offences. The organiser of this event who is also believed to be a member of the management team has been linked to other events at other venues where members of organised crime groups have frequented and firearms have been discharged or produced.

Officers were told the DPS was a Jordan Patel and that only he had access to the CCTV system. He was contacted and provided officers with a memory stick with CCTV on it.

The CCTV does not show any disorder which contradicts the accounts given to officers from witnesses, security and management. Further CCTV work is being undertaken.


From accounts made to officers it is clear something significant happened that caused people to panic and star burst in an attempt to get away. Officers have recorded in the incident log that people were telling them that someone had pointed a gun at another person's head inside the club and that this had then lead to the disorder.

This is a very concerning incident for West Midlands Police, the production of a firearm is a serious offence and has been crimed as such, people at the venue were clearly concerned for their own safety. The fact that known members of organised crime groups have also been named as being involved in the disorder only goes to enhance the concerns of West Midlands Police further.

The history of these premises is also of concern, in November 2017 West Midlands Police applied for an expedited review against these premises following further incidents of disorder, which was resolved with a number of conditions, some of which have been breached in the opinion of West Midlands Police.

West Midlands Police consider this premises to be a serious threat to public safety through its association with serious crime and serious disorder and are seeking the immediate suspension of the premise licence.

(Please read guidance note 2)

Signature of applicant: 

Date: 15/05/18

Rank/Capacity: Supt

Contact details for matters concerning this application: Birmingham Central Licensing team

Address: Licensing Dept c/o Lloyd House 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 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: Arthouse**

**Premise Licence Number: 4646**

**Premise Licence Holder: Art Venue Limited**

**Designated Premise Supervisor: Mr Jacob Kerin**

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

I am giving this certificate because I am in the opinion that the procedures under the Licensing Act are inappropriate in this case because the standard review procedures are thought to be inappropriate due to the seriousness of the crime and the disorder, and the serious management failings of the premises concerned.

The level and seriousness of the incident both in terms of the crimes being committed and the serious disorder warrant 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 circumstances due to the above reasons, and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

The matter has been crimed as Possession of a firearm with intent to cause fear and violence, which is deemed as a serious offence under the provisions of section 81 of the Regulation of Investigatory Powers Act 2000.

A closure notice was not issued on either night mainly as officers were very busy dealing with the incidents and the numerous injured persons, and gathering as much evidence as possible, however the severity of the incidents is a matter that needs to be brought to the attention of the Licensing Committee immediately.

The recent history of these premises is also of concern in that West Midlands Police applied for another expedited review in November of 2017 following other incidents of serious disorder.

The concern of West Midlands Police is that if steps are not taken to consider the running of these premises they will continue to be used in the manner in which they were discovered on the weekend of 12<sup>th</sup> May 2018. 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

- SUIT SHAER .  
18/05/18



**BIRMINGHAM CITY COUNCIL**  
**LICENSING SUB COMMITTEE - C**  
**WEDNESDAY 16 MAY 2018**

**ARTHOUSE, 54 BISSELL STREET, BIRMINGHAM, B5 7HP**

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 Art Venue Ltd, in respect of Arthouse, 54 Bissell Street, Birmingham B5 7HP, 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.

The Sub-Committee's reasons for imposing this interim step are due to concerns raised by West Midlands Police in relation to matters which came to light as a result of an incident of serious crime & disorder that had occurred during an event held at the premises during the weekend of 12<sup>th</sup> May 2018, as outlined in the Chief Officer of Police's certificate and application.

The Sub-Committee heard the submissions of West Midlands Police, who confirmed that an investigation had started into the incident of serious crime and disorder. At 03:11 hours, the Police had been called to attend what was described to them as an incident in which a firearm had been discharged and thereafter a fight had broken out.

On arrival, the Police had found scenes of chaos, with patrons fleeing the location in a panicked manner; cars were observed by Police to be driving off at speed. An investigation was in its early stages. It was suspected by Police that there had indeed been a firearm crime, which was of course a serious crime, and too significant a serious risk to public safety to deal with via the ordinary licensing review regime.

Bodycam footage recorded by a Firearms Officer attending the incident had been reviewed by Sergeant Williams carefully – in particular a recording of a member of security staff stating that a gun had been pointed at a man's head inside the premises. Police were already aware at this early stage that patrons had included those known to be involved in organised crime and in drugs. There were suggestions to Police that the Designated Premises Supervisor was a Mr Patel, which had caused alarm; following previous incidents at the club, the Sub-Committee had imposed a condition that he was not to have any role in management.

Following the incident, Police requested CCTV from the premises by contacting Mrs Wilcox, who is a Director of the company which holds the premises licence. However it had been Mr Patel who had responded to Police and supplied the CCTV footage. When the premises' CCTV was examined, it showed no incident at all. Given the melee which had greeted the attending officers on the night, and the

chaos the Police witnessed of a 'starburst' of patrons escaping the scene either on foot or by car, this was surprising.

The Sub-Committee heard submissions from the premises' legal representative, and from Mrs Wilcox, a Director of the company which holds the premises licence. It was the premises' view that no serious crime incident involving a firearm had occurred at all. This was extraordinary given the account given on the Superintendent's Certificate. This, however, was their firm position, and accordingly the approach to the hearing taken by the premises was that no action should be taken; instead all decision-making should simply be deferred to the summary review hearing in 28 days' time. The premises did not propose any additional security/ searching methods which would prevent weapons being taken into the premises.

The Police confirmed that the incident of serious crime and disorder was that involving the firearm, and the resulting 'starburst' of patrons fleeing the site. Yet the premises' general circumstances, and in particular the management arrangements, described by Police, also seemed highly unsatisfactory.

The DPS had had little involvement in dealing with Police enquiries; instead, that job had been taken on by a member of staff who was not meant to have any managing control. Another member of staff, thought to be acting as some kind of Events Organiser/ Events Manager or similar, was named by Police at the hearing; the Sub-Committee was taken aback on hearing this name in connection with Arthouse, as the name was well known to them as a person associated with problem premises elsewhere, and who had been shown in the past to have no concern whatsoever for the safety of night-time patrons in the city. It was noted that this person had stated to Police attending on the night that she had not seen any gun; this seemed surprising given that other staff, recorded on Police bodycam, had confirmed that a gun had been pointed at a man's head inside the club.

A Venue Management Plan handed to Police showed the vast majority of events described simply as 'to be confirmed', which was completely unsatisfactory. The reason given by Mrs Wilcox for this was that the venue was often privately hired; the Sub-Committee found this unpersuasive, as such events would necessarily have to be booked in advance and details noted in order that arrangements could be made. The event on the night in question was described to the Sub-Committee as a private birthday party; West Midlands Police confirmed that this was the first time that they had heard the event referred to as such.

The premises, via their legal representative, urged the Sub-Committee not to suspend the Licence; they considered that there was no evidence that such an incident had taken place on the night. This was not persuasive. The Director stated that staff had left the premises as the event was over; yet staff had been recorded on the bodycam of the Firearms Officer. The Sub-Committee observed that the DPS named on the documents did not attend to address them, which they initially found surprising; however as the hearing progressed Members suspected that this was perhaps because the named DPS had had little involvement – either on the night or in the immediate aftermath. However the two staff members who had been identified as having a degree of involvement and/ or control did not attend to address the Sub-Committee either.

The only person who did attend was a company Director who had not been present on the night and who had passed Police requests for assistance to Mr Patel to deal with. The reason given by Mrs Wilcox for passing Police requests to Mr Patel was

that he was available at the time; yet the Sub-Committee heard that Mr Patel “had to leave his brother’s wedding” in order to liaise with Police over the CCTV of the serious crime incident. Members considered that this explanation rather confirmed the importance of Mr Patel’s role in the premises’ management structure.

It was the recommendation of West Midlands Police that the licence be suspended whilst the Police investigated. This was to ensure public safety. It was not accepted that the Premises Licence Holder company was running the premises through its Director Mrs Wilcox; it was suspected by Police that it was in fact Mr Patel who had managerial control. Throughout, the DPS had been conspicuous in his absence – in the descriptions of the night, the dealings with the Police, and also in not attending the Sub-Committee meeting.

The Sub-Committee agreed that the interim step of suspension was the correct course. On hearing submissions from both sides, the Sub-Committee was particularly concerned to hear of the management arrangements. It appeared that the arrangements were wholly unsatisfactory in terms of upholding the prevention of crime & disorder and public safety objectives. The suggestion by the premises that the evidence was pure speculation was not accepted; a ‘starburst’ of patrons had been directly witnessed by Police officers, and some patrons were suspected to be connected to organised crime and drugs. The application had not been made based on speculation, but on the basis of first-hand accounts recorded on the night. It was striking that the premises’ submissions were concerned primarily with the financial loss to the business that a suspension would cause, rather than the prevention of crime & disorder, or taking any steps to ensure public safety.

Having heard the Police’s account, the Sub-Committee determined that it was both necessary and reasonable to impose the interim step of suspension to address the immediate problem with the premises, in particular the likelihood of serious crime and or serious disorder, and to ensure public safety.

The Sub-Committee considered whether it could impose any other interim step, including modification of licence conditions, or exclusion of the sale of alcohol by retail or the removal of the Designated Premises Supervisor. The Sub-Committee did not believe however that any of these would address the seriousness of an incident in which the Police suspected a firearm had found its way in to the premises. The risks could only be addressed by the suspension of the Licence as an interim step.

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 in relation to expedited and summary licence reviews, and the submissions made at the hearing by the Police, by the legal representative for the premises, and by a Director of the premises licence holder company.

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 (excluding non-working days).

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

## BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

4646 / 2

**Part 1 - Premises details:****Postal address of premises, or if none, ordnance survey map reference or description**Arthouse  
54 Bissell Street**Post town:**

Birmingham

**Post Code:**

B5 7HP

**Telephone Number:**

Not Specified

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

N/A

**Licensable activities authorised by the licence**

- |    |  |
|----|--|
| A  | Plays  |
| 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   |
| M1 | Sale of alcohol by retail (on the premises)  |

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

Sunday - Thursday	09:00	-	02:00	A ,B ,E ,F ,G ,H ,M1
	23:00	-	02:00	L
Friday & Saturday	09:00	-	04:00	A ,B ,E ,F ,G ,H ,M1
	23:00	-	04:00	L

**The opening hours of the premises**

Sunday - Thursday	09:00	-	02:00
Friday & Saturday	09:00	-	04:00

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On Supplies

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Part 2

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Art Venue Limited Saturn Business Centre Bissell Street	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B5 7HP
<b>Telephone Number:</b> Not Specified	
<b>Email</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b> 10880521
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Jacob Simeon Kerin	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> N/A	

<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> 9197/1	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

Dated 02/11/2017

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Shaid Yasser  
Senior Licensing Officer  
For Director of Regulation and Enforcement

## BIRMINGHAM CITY COUNCIL

### 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 glamourise 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

## **BIRMINGHAM CITY COUNCIL**

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.



## **BIRMINGHAM CITY COUNCIL**

### **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 shall have a CCTV system installed to the satisfaction of West Midlands Police Licensing Team at Birmingham West and Central Police Station. All recordings from the CCTV shall be retained for a minimum of 31 days and access to the footage shall be given to any of the responsible authorities upon request.

All events to be held at the premises are to be risk assessed. The requirement for SIA registered door supervisors to form part of the risk assessment.

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

No enforceable conditions identified from operating schedule.

#### **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**

No enforceable conditions identified from operating schedule.

## **BIRMINGHAM CITY COUNCIL**

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

#### **3a) General committee conditions**

Licensing Sub Committee A resolved on 11th November 2016 to grant the premises licence subject to:

Modification of hours – Alcohol and regulated entertainment

The hours for the supply of alcohol and provision of regulated entertainment shall apply as follows:

Sunday to Thursday: 0900 hours to 0200 hours

Friday and Saturday: 0900 hours to 0400 hours

Modification of hours – Late night refreshment

The hours for the provision of late night refreshment shall apply as follows:

Sunday to Thursday: 2300 hours to 0200 hours

Friday and Saturday: 2300 hours to 0400 hours

Conditions agreed with Licensing Enforcement , Birmingham City Council:

The Premises Licence Holder shall ensure that the Designated Premises Supervisor or another qualified person will train any staff at the premises on;

All of the licensing objectives contained in the Licensing Act 2003;

Responsible retailing of alcohol, and the law regarding sales of alcohol;

The protection of children from harm and this must include how to competently check customers' identification where necessary;

Permitted hours during which licensable activities can take place and on compliance with the conditions attached to the premises licence.

The training provided to staff will be recorded and each member of staff will sign and date their training records to confirm they have received and understood the training provided. Refresher training will be completed and documented every 6 months.

The staff training records will be kept at the premises and made available to any Responsible Authority upon request.

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

Policies, Procedures, and Risk Assessments:

The Premises Licence Holder will provide West Midlands Police, Licensing Section with copies of:

- 1) all policies and procedures that relate to the management of the premises within 7 days of requesting the same and on each occasion these are subsequently updated, revised or amended;

## BIRMINGHAM CITY COUNCIL

- 2) Risk Assessments for any Event taking place at the premises within 7 days of requesting the same, or lesser period, depending on the time and date the Event is taking place.

Following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, Licensing Sub Committee A (20<sup>th</sup> November 2018) hereby determines:

- to modify the Conditions as per the following showing the 5 Conditions agreed between the premises and West Midlands Police, namely:
  1. Jordan Patel shall take no part in the management or decision-making function of Art Venue Ltd, the premises licence holding company
  2. The Premises Licence Holder to produce evidence to West Midlands Police and to the Licensing Authority that Jordan Patel has ceased to be a director and controlling shareholder of Art Venue Ltd
  3. The current Designated Premises Supervisor, Latisha Pemberton, to be removed and replaced with Steve Bailey within seven days
  4. Current CCTV condition to be amended to include:
    - a. CCTV shall record at all times the premises are open for the provision of licensable activities
    - b. The DPS, or a nominated member of staff in his absence, shall be capable of using the CCTV system for playing, re-playing and downloading footage as required by West Midlands Police
  5. The Schedule of Events condition at Annex 3(b) of the premises licence to be modified as follows:  
*"the Premises Licence Holder will provide West Midlands Police Licensing Section with a schedule of forthcoming events 28 days in advance of any proposed event (or such shorter notice period as may be agreed in writing with West Midlands Police). Notification to be sent via email to West Midlands Police Licensing Section. Notification will include name address and date of birth of the promoter or persons hiring the venue or part of the venue, and stage names, real names and date of birth of any DJ, artist or performer for that event. West Midlands Police to retain the right to veto any event should one of the four licensing objectives be compromised. The power of veto will be explained to the venue as soon as possible when West Midlands Police are aware of any intelligence that will compromise any of the licensing objectives. This explanation will be followed up in writing with full rationale and reasoning"*

In addition to this the following 2 undertakings are agreed:

- that the premises shall voluntarily close for a seven day period in order to put the agreed arrangements in place
- that Lucy Jayne Wilcox shall undertake Personal Licence Holder training to the satisfaction of West Midlands Police

Conditions agreed with Licensing Enforcement , Birmingham City Council:

The premises licence holder will have in place a written drugs policy, search policy, incident handling policy, dispersal policy, drink & drunkenness policy and noise policy prior to any licensable activity taking place at the premises.

All staff members will be trained on each policy. The training provided to staff will be recorded and each member of staff will sign and date their training records to confirm they have received and understood the training provided. Refresher training will be completed and documented every 6 months.

The staff training records will be kept at the premises and made available to any Responsible Authority upon request.

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

N/A

## **BIRMINGHAM CITY COUNCIL**

The Premises shall adopt a Challenge 25 Scheme and signage shall be displayed on site advising customers of the scheme. All staff shall be trained on the Challenge 25 scheme. The training provided to staff will be recorded and each member of staff will sign and date their training records to confirm they have received and understood the training provided. Refresher training will be completed and documented every 6 months.

The staff training records will be kept at the premises and made available to any Responsible Authority upon request.

## Annex 4 – Plans



Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES

## **BIRMINGHAM CITY COUNCIL**

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

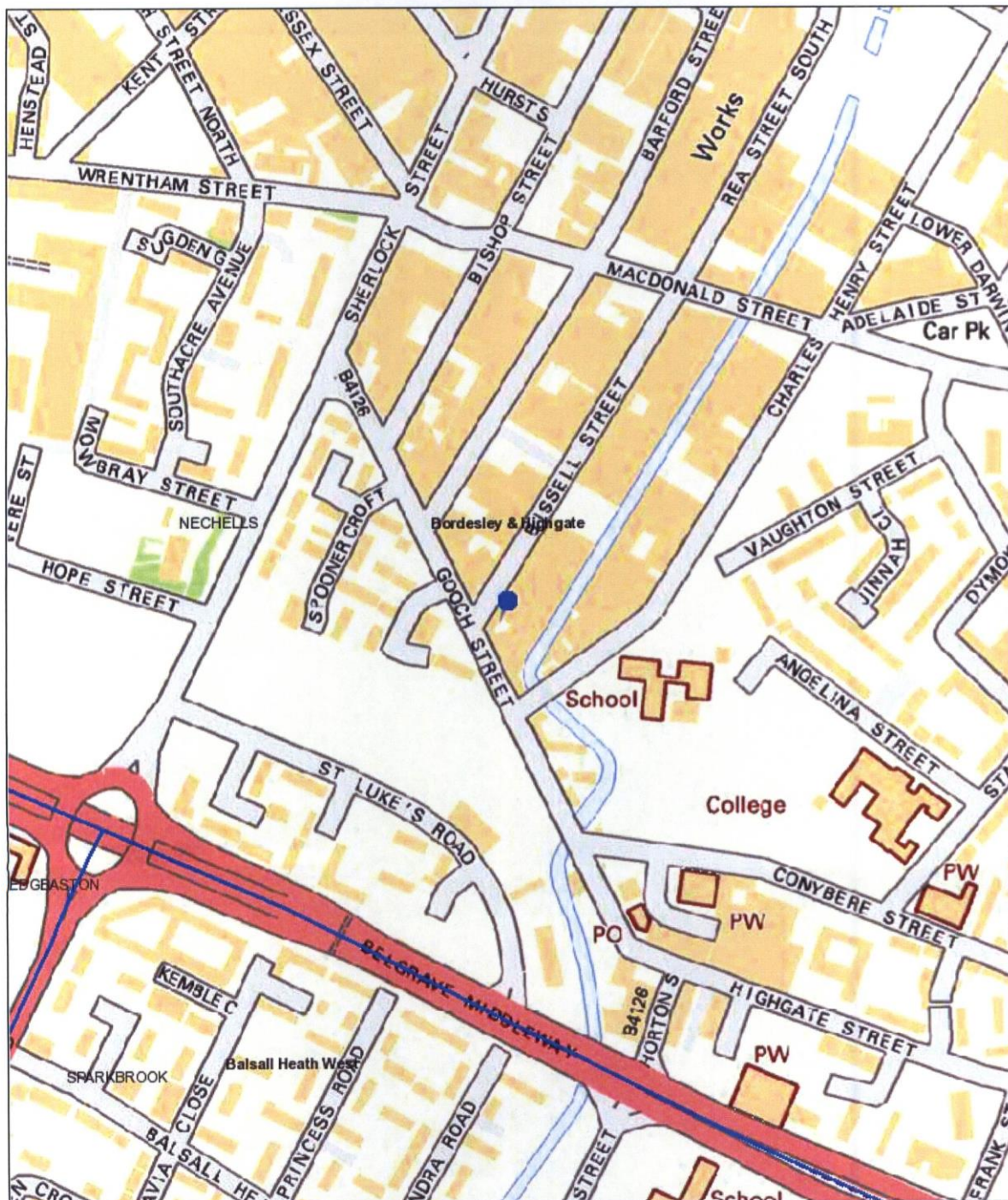
Conditions agreed with Environment Health, Birmingham City Council:

1. The Premises Licence Holder shall ensure that a written agreement is made with reputable taxi companies to ensure that when taxi's pick up and drop off customers from the licensed premises noise from these vehicles does not cause a public nuisance to local residents.
2. Customers who require a taxi from the site shall be advised by staff to use taxi companies specified by the Premises Licence Holder.
3. Notices shall be displayed within the licensed premises for customers to view giving details of taxi companies to use.
4. The Premises Licence Holder shall ensure notices shall be displayed near the entrance and exits of the premises at a weekend advising customers who wish to use the outside areas that they should do so with respect for the nearby residents and keep noise levels to a minimum.
5. The Premises Licence Holder shall be responsible for ensuring that patrons wishing to utilise the outside areas do so quietly and that noise from patrons moving to and from the external areas is kept to a minimum.
6. The Premises Licence Holder shall be responsible for ensuring that the external areas do not create a public nuisance to neighbours at the premises and if necessary will direct all customers leaving the venue for the night a North Easterly direction down Bissell Street. If necessary The Premises Licence Holder will increase the number of stewards/doorman to control customers.
7. The Premises Licence Holder shall be responsible for ensuring that the external areas do not create a public nuisance to neighbours at the premises and if necessary will:
  - a) restrict the number of people utilising the outside areas at any one time.
  - b) direct people away from neighbouring residential premises.
  - c) increase the number of stewards/doorman to control customers.
8. All external doors and windows within the licensed area to be closed during regulated entertainment except for access and egress
9. If Environmental Health deem it necessary a Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the amplification system and set at a pre-set volume level agreed with the Environmental Protection Section, to ensure the volume of music is pre-set so as not to cause a noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Section at least 14 days before its' initial operation and shall fulfil the following criteria:
  - a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position unless prior approval is given
  - b) The device shall be capable of cutting off the mains power to the amplification system if the volume exceeds the pre-set level determined by the Environmental Protection Unit or shall be capable of maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit and shall not restore power to the sound system until the NLD is reset by the licensee or their nominated person.
  - c) The amplification system shall only be operated through the sockets/power points linked to and controlled by the NLD at all times.
  - d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification system is operational.
  - e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.

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

Conditions agreed with Licensing Enforcement , Birmingham City Council:





**Birmingham City Council** Map Created By:

Date of Map Creation: 14/05/2018

**Notes**



Scale:  
1:4,000

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**Birmingham City Council** Map Created By:

Date of Map Creation: 14/05/2018

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Scale:  
1:1,250