

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 11 NOVEMBER 2020 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

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**

4 **MINUTES**

3 - 20

To confirm and sign the Minutes of the meeting held on 26 August 2020.

To confirm and sign the Minutes of the meeting held on 9 September 2020.

5 **LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW**
DAHLAK LOUNGE, HAMPTON STREET, BIRMINGHAM, B19 3LS

21 - 132

Report of the Interim Assistant Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am.

6 **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

<p>LICENSING SUB-COMMITTEE C 26 AUGUST 2020</p>
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 26 AUGUST 2020 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Mike Leddy in the Chair;

Councillors Mary Locke and Martin Straker-Welds.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Phil Wright – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

NOTICE OF RECORDING/WEBCAST

- 1/260820 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/260820 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and 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.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/260820 Apologies were submitted on behalf of Neil Eustace and Councillor Mary Locke was the nominee Member.
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**LICENSING ACT 2003 PREMISES LICENCE – GRANT AFRICAN VILLAGE, 2
BARKER STREET, LOZELLS, BIRMINGHAM, B19 1EL**

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

(See document No. 1)

On Behalf of the Applicant

Mr S Aguh – Premises Licence Holder (applicant)

Mr K Mukulu – Counsel Amity Chambers representing the Premises Licence Holder

Those Making Representations

Councillor W Zaffar – Ward Councillor

The Chairman introduced the Members and officers present and asked if there were any preliminary points for the Sub-Committee to consider. No preliminary points were made.

At 1021 the meeting was adjourned due to technical difficulties.

At 1023 the meeting was reconvened.

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, Bhapinder Nandhra to outline the report.

Mr K Mukulu made the following points on behalf of the applicant:-

- a) The applicant had accepted the amendments to the opening times and the conditions requested by Environmental Health and documented in the papers.
- b) The applicant had also accepted the conditions proposed by Licensing Enforcement.
- c) The objections related to anti-social behaviour and parking and the Premises License Holder had addressed those points in the additional statement that he had submitted to the Sub-Committee.
- d) Paragraph 8 of the additional statement confirmed that the Premises Licence Holder had negotiated with a nearby premises owner to use their carpark.
- e) The parking on the pavement referred to by Councillor Zaffar could have been anyone and could not be confirmed to be associated to the applicant premises and paragraphs 8 and 9 in the additional statement deals with that issue in more detail.
- f) The applicant intended to put up signs in the restaurant advising patrons about parking in designated parking places.

- g) Regarding anti-social behaviour the applicant intended to employ appropriately badged security staff so that when the premises closed at night customers could be ushered out and loitering would be prevented. Persons leaving would do so via an exit on to Lozells Road thus avoiding Barker Street which was residential in nature.
- h) The amended hours agreed would alleviate concerns relating to anti-social behaviour.
- i) Submissions relating to a previous licenced premise in the area should be dismissed as the issues were not connected to the application premises.
- j) The representations from Councillor Zaffar made reference to the fact that the applicant had ran a business with the same name at Birchfield Road which was the subject of a number of complaints from residents. The applicant stressed that the previous premises had longer opening hours while the current application was for a restaurant closing earlier. The applicant also highlighted that he had never received any complaints about the premises at Birchfield nor had Councillor Zaffar provided any evidence of such complaints.
- k) The Sub-Committee was asked to grant the licence.

In answer to Members questions Mr K Mukulu and Mr S Aguh made the following points: -

- a) In order to attract the 'right clientele' the applicant would make it clear to prospective customers that the premises were a restaurant and the behaviour expected of customers. Any advertising would include the words 'best behaviour would be appreciated'. In addition, there would be security staff to deal with any issues that arose.
- b) There would be CCTV in operation and any footage would be provided to the police if requested.
- c) Whilst the capacity of the premises was 85 that would not be the figure for operating with Covid restrictions due to the size of the premises.
- d) Customers would be 'sign posted' to the parking which was on Heathfield Road near Villa Cross and a 2-3-minute walk from the restaurant. There was parking for 12 cars.
- e) There would be 4 security staff on duty on Friday and Saturday nights and 2 to 3 on the other nights.
- f) The licenced area being applied for was orange on the plans submitted. The main entrance was off Barker Street which went into a glass lobby before customers went through into the waiting area. The exit to Lozells Road to be used at the end of the evening was the emergency exit top right on the plan.

- g) Although the plans did not show seating the premise was to operate as a restaurant and not a bar. There would be no standing except for staff and maybe customers in the waiting area

Councillor Zaffar presented his representations and made the following points: -

- a) He was raising the concerns of local residents as the local Councillor.
- b) He was pro-business particularly local business and he welcomed the fact that the building was to be brought back after several years and the diversity of offer to the Lozells area and the wider area. The proposals would create employment and benefit the local economy.
- c) However, residents had grave concerns about the licensing of the premises due to the nature of the area in which they were situated which had had problems in the past. The reduction in hours was acknowledged.
- d) Whilst there were no licenced premises currently in the vicinity of the premises there had been a number operating in the past in the Villa Cross area which had either moved on or had the licences revoked. Whilst the applicant had not been connected to any of these it demonstrated the environment in which the proposed premises would operate.
- e) One premises which had no connection to the applicant was at the other end of Barker Street. Following issues, the licence was revoked, a position supported by local residents, police and the Sub-Committee who took the decision. The reason for the revoking of the licence was the Landlady could not control the clientele using the premises. These people were not from Lozells and would come and park in haphazardly in the surrounding streets. It was acknowledged that the Landlady had tried various measures to deal with the issues without success.
- f) As a Ward Councillor he had received many complaints from local residents, some who were very distressed, mostly following Friday and Saturday nights. Issues raised were people drinking and urinating on the street and in resident's gardens.
- g) Work was being undertaken by the City Council to create a low traffic neighbourhood in Lozells to reduce the amount of through traffic on residential roads such as Barker Street. The application would create more traffic. The ability for traffic to travel down Barker Street because of parking was so bad double yellow lines had had to be introduced.
- h) There appeared to be no evidence of the additional parking the applicant was providing. However, 12 spaces for 4 security staff, other staff and 85 customers was insufficient. Therefore, the premises would add to the parking difficulties in the area.
- i) It was noted that a petition that had been collected before the licence had been applied for could not be considered at the meeting. The reason that this petition was started was because a sign had gone up outside the premises

with the words African Village Bar and Restaurant which was the same name of a premises on Birchfield Road.

At this point Mr K Mukulu asked if Councillor Zaffar was seeking to reintroduce the petition. Councillor Zaffar explained that he was merely indicating that 430 local residents had signed a petition on the strength of a sign put up by the applicant.

Councillor Zaffar continued by making the following points:-

- j) The provision of security at a restaurant where families would go did not give the impression of a safe environment. The fact that the applicant and his representative had already said security staff would be available suggested that they are expecting the premises to attract the wrong clientele. Other restaurants in the vicinity catering for local residents did not have security.
- k) He felt that if the licence was to be granted it would have a detrimental impact on the local community and the situation that had happened with the licenced premises on Baker Street a few months ago would be recreated. The local residents were relieved when that licence had been revoked as the illegal barbeques and street parties stopped. That environment would be recreated if the license was granted for this restaurant because of the nature of the clientele who would be visiting the premises, would be similar to those visiting the closed premises on Barker Street and the African Village on Birchfield Road where the independent Birchfield Neighbourhood Forum had led a campaign.
- l) The area had many challenges with HMOs and previous riots which take time to recover from and further issues should not be encouraged.
- m) He had lived in the area all his life near the application premises and was familiar with the issues in the area. He could not endorse the application because of the impact on residents of Barker Street and felt that if granted a campaign to review the licence and calling for it to be revoked would be started. The Sub Committee would be looking at the licence again very soon. He felt that a restaurant without a licence would be welcomed.
- n) The premises was surrounded by parking restrictions because it was on a junction. He had been sent pictures of a vehicle which it was hard not to connect to the premises parked on the pavement between the railings and the restaurant. The only way it could have got there was by driving up on to the pavement at the traffic lights. The vehicle could have been connected to refurbishment work at the premises or delivering to it. It raised the question how deliveries would be made to the premises as no details had been given.
- o) He asked the Sub-Committee to understand the environment in which the premises were situated and the issues in the last 12 months with a licenced premises at the other end of Barker Road. The provision of security staff and the operation of the premises as a restaurant and not a night club as the premises on Birchfield Road did, together with reduced hours, would not be sufficient to deter people who would see the name of the restaurant and believe it to be operating in the same way as the premises at Birchfield Road.

The fact that the name was the same and it was operated by the same person was worrying.

In answer to Members questions Councillor Zaffar made the following points: -

- a) He had not been convinced by what he had heard in the meeting and emphasised that the applicant had known of his representations made on behalf of local residents but had not reached out to him or the local community. He had objected to other licensing applications where the applicant had put in some interventions which had allowed him to withdraw the representations. There had been no reassurances before the meeting or in the meeting. The residents feared that the premises would operate as a night club in the residential area as the same clientele would be attracted by name and the fact the former premises were not far away. He himself felt that the premises would be more of a bar than a restaurant which was reflected in the name on the signs where the word bar was first.
- b) There were no conditions in the licence which would deal with the main issue of anti-social behaviour as had happened with other premises nearby.
- c) He was disappointed that the police had not made representations as he was aware of conversations between local residents and the Neighbourhood Policing Team and the Neighbourhood Policing Team and the Police licensing Team. The police could not deal with the issues at the other premises which led them to seek a review. He had spoken to an experienced local police officer who feared the same problems may arise again.
- d) He did not see the situation with the premises closing at 2330 hours as different to that of the former premises which had longer opening hours as he felt the same clientele would be attracted. Also, the premises had the same name and operator. Whilst the bar would close at 2330 hours that would not stop the people going out onto the streets of Lozells and causing problems in the area. He highlighted that the former premises on Birchfield Road had a large carpark and was in a busier environment with less residential property nearby. The application premises had residential property a couple of doors down Barker Street.
- e) He believed the licensed premises would just attract people to congregate outside in the street which the applicant would find difficult to deal with. There was an issue in the area of illegal parties and people roamed from one licenced premise to another impacting on the quality of life of local residents.

In summing up, Councillor Zaffar explained that the issue was about peoples' lives, who should feel safe and secure in their own homes. Having the prospect of a licenced premises opening late so close to residents' homes had made them remember the problems they recently experienced with another premises in the vicinity. Despite reassurances from the applicant and his representative and the conditions put forward by Council Officers, residents were still not convinced and he requested that the Sub-Committee refuse the licence in order for residents to enjoy the peaceful life they have enjoyed since the other premises licence was revoked.

In summing up, Mr K Mukulu confirmed in order to comply with Covid guidelines on social distancing the restaurant would reduce its capacity from 85 to 22 persons seated. With reference to the security staff that the applicant intended to put in place, that should reflect on him positively for having the foresight to realise at times when alcohol is consumed by people issues may arise that require trained staff to deal with them. If Councillor Zaffar did not wish to attend a restaurant with security staff than that was his personal preference and should not be used against the applicant. Councillor Zaffar had made reference to anti-social behaviour and the applicant was providing security staff and CCTV to mitigate against that issue. It would appear that no conditions could be put forward by the applicant that would satisfy Councillor Zaffar.

Councillor Zaffar had made much of the fact that the premises would have the same name and operator as the closed African Village premises in Birchfield Road and therefore likely to attract the same clientele. The two premises had different opening hours with the proposed premises operating as a restaurant (not a nightclub) until 2330 hours. The two should not be linked for the purposes of the application.

The applicant had used the formal procedure to deal with the representations made by Councillor Zaffar rather than reach out to him beforehand and no weight should be put on this. The applicant was acting in a professional manner.

At 1125 the meeting was adjourned due to technical difficulties.

At 1127 the meeting was reconvened.

Mr Mukulu asked Mr Mr Aguh to address the issue of deliveries who explained that there was a garden at the rear which could be made into an off-road delivery area.

Mr Mukulu continued by noting the reference to the lack of Police representations by Councillor Straker Welds and Councillor Zaffar's apparent concern. It should be noted that the Police had the resources and the knowledge and intelligence to judge whether this type of application would create the type of issues raised by Councillor Zaffar. It was a material point that the Police had chosen not to make representations on the application which suggested that they viewed that application without reference to the Birchfield Road premises and that the two had different characteristics.

The Sub-Committee should ignore reference to illegal parties as there was no evidence that the applicant would encourage such parties and as he has made an application for a licence through the appropriate channels indicate his willingness to abide by the law.

Mr Mukulu noted that no evidence had been put forward to substantiate the concerns of the Birchfield Neighbourhood Forum. However professional Council Officers from Environmental Health had looked at the application and proposed conditions which were agreeable to the applicant.

The applicant, in his statement to the Sub-Committee, had addressed the issues raised by Councillor Zaffar, particularly parking, which was anecdotal. He confirmed that when he visited the premises, he had been able to park a couple of minutes walk away which suggested parking was available. The applicant was putting up appropriate signs highlighting where parking was available including the parking he had arranged with a third party.

There was no evidence linking the situation at the Public House up the road which had had its licence revoked, which was a drinking establishment and the application premises which was a restaurant serving alcohol and any suggestion that it was going to be anything different was misleading.

In conclusion Mr Mukulu invited the Sub-Committee to grant the licence bearing in mind that the Police who would be concerned with anti-social behaviour had not made representations and Environmental Health Officers had sought and agreed with the applicant some concessions in the form of conditions.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

4/260820

RESOLVED:-

That the application by Simeon Aguh for a premises licence in respect of African Village, 2 Barker Street, Lozells, Birmingham B19 1EL, **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 public nuisance.

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns expressed by the local Ward Councillor regarding the impact of the proposed operation on the particular locality of the premises, near to residential properties. The Ward Councillor made detailed representations relating to the Barker Street area, and the likely effect on people living in the vicinity.

The Sub-Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application, but was not persuaded that that the proposed operation of the premises adequately took into account the needs of local residents.

The application had stated that the premises was to be a restaurant. The applicant's legal representative addressed the Sub-Committee and confirmed that "this is a restaurant where alcohol will be served". Security guards would be on duty – four on Friday and Saturday nights, two/three on other nights.

The main issues raised by the Ward Councillor were parking and antisocial behaviour. Whilst the applicant had arranged for 12 parking spaces in a car park which was "two to three minutes away", it was observed by the Ward Councillor that the capacity of the premises was 85 persons; even allowing for the reduction in numbers required by the ongoing Covid-19 pandemic, the applicant expected to

be able to seat around 22 persons. Twelve parking spaces would therefore not be sufficient for customers, staff and the security personnel.

Regarding the risk of antisocial behaviour, the Ward Councillor stated that the sale of alcohol would lead to the same problems which had been experienced in the past in the Barker Street vicinity. Local residents had also made their views on this aspect plain to the Ward Councillor – that the risk of antisocial behaviour was a great worry to them. The Ward Councillor's fears were not speculative, but were based on his direct knowledge of problems created by alcohol-licensed premises which had operated in the area in the past. The Ward Councillor noted in particular that the applicant had arranged for four security guards to be on duty at weekends; the Sub-Committee agreed that this seemed unusual for a premises describing itself as a restaurant.

The Sub-Committee observed that the Ward Councillor was supportive of local businesses; he remarked that a restaurant would expand the food offer available in Barker Street, create jobs and contribute to the local economy. However, the issue was the sale of alcohol, which had been found to create problems in the area in the past, and to adversely affect the lives of residents as a result. The Sub-Committee therefore determined that the correct course was to refuse the application; the premises would be able to operate as a restaurant, but without the alcohol licence which would put the licensing objectives at risk.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the licensing objectives were adequately promoted and that therefore the licence might 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 terminal hour had already been brought forward, and regulated entertainment (recorded music) removed, from the scope of the application.

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 via his legal adviser, and by the Ward Councillor 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.

The meeting ended at 1147 hours.

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CHAIRMAN

eeBIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 9 SEPTEMBER, 2020
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 9 SEPTEMBER, 2020 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Mike Leddy in the Chair;

Councillors Mary Locke and Martin Straker-Welds.

ALSO PRESENT

Shaid Yasser – Licensing Section
Joanne Swampillai – Legal Services
Louisa Nisbett – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

NOTICE OF RECORDING/WEBCAST

1/090920 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/090920 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and 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.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/090920 Apologies were submitted on behalf of Neil Eustace, Councillor Mary Locke was the nominated Member.

LICENSING ACT 2003 PREMISES LICENCE – GRANT –, BIRMINGHAM, B

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

On Behalf of the Applicant

Robert Botkai, Representing the Applicant
Andrew Fox, Area Manager, Motor Fuel Group (MFG)
Andrew Sanders, MFG
John Mahon, MFG
Andy Murphy, Regional Manager

Those Making Representations

Councillor Gareth Moore

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Following introductions by the Chairman, the Chairman enquired if there were any preliminary points for the Sub-Committee to consider. The Chairman then explained the hearing procedure following which the main points of the report were outlined by Shaïd Yasser, Licensing Officer. In response to Councillor Gareth Moore, Shaïd Yasser confirmed that the supplementary evidence submitted had been circulated to all parties.

Robert Botkai, representing the Applicant made the following points with regards to the application and in response to questions from Members:-

- a) The site was previously a MRH site and they had merged with MRG the previous year. A current licence was held.
- b) The company were experienced in running 616 - 24 hours licensed petrol stations in other locations across England and Wales. They sought to match the Gravelly Hill premises with the hours offered at all the other sites.
- c) Robert Botkai made reference to the Licensing policy and informed that they had consulted with West Midlands Police and Licensing Enforcement Officers to offer agreed conditions.
- d) No representations had been made by WMP in terms of the conditions.
- e) With regard to the objections received and suggested conditions to include on the licence, any agreed conditions should be capable of being complied with. It was not possible to have a condition on a licence requiring the holder not to serve people believed to be street drinkers or with a drink problem. He had also not seen a condition on a licence to have no alcohol only sales.

- f) They already worked with the police. With regard to people congregating at the petrol station they would encourage people to move on however they would expect staff to call the police when necessary rather than put themselves at risk.
- g) They already had conditions to cover most of the suggested ones and had agreed to 4 out of the 7 suggested. They did not expect the number of alcohol sales to be high during the night.
- h) WMP had not raised any objections. The police could take immediate action against them if there were problems and residents were welcome to contact them. Generally speaking there would not be any problems if they worked responsibly.
- j) The concerns raised were reflected within the conditions. They understood the implications for the Cumulative Impact Zone which began on the other side of the roundabout.
- k) In reply to a question there was a night pay window and they could refuse a sale if there were any concerns. Cashiers were trained to diffuse a situation or to call the police if necessary.
- l) The type of people using their service was dependent on the time of day. The 7 suggested conditions on the list had either been already included or added as a condition. Conditions 1 and 3 could not be complied with as any condition must be enforceable.
- m) Staff received training in the store and online. Training was refreshed every 6 months. Most of their premises were already single manned at night. Risk assessments were carried to ensure staff were safe.

In making representations Councillor Gareth Moore made the following points with regards to the application and in response to questions from Members:-

- a) He was grateful for the opportunity to speak but was not opposing the application outright. The premises was close to his Ward. Erdington had a significant problem with street drinking and people congregating in the early hours causing a significant problem for local businesses.
- b) He had campaigned extensively against this and the existence of the Cumulative Inclusion Zone policy which was renewed by Birmingham City Council showed that there were significant problems in the area mostly at Six Ways, Erdington. .
- c) Street drinkers sat on the benches all day. He was largely concerned about the number off licences, takeaways and late night drinking issues. There was already a late night off licence and people simply drank in the street.

- d) He had real concerns about a 24 hours licence for alcohol virtually on the edge of the Ward.
- e) He appreciated the police had not objected to the application however when people realised there was a 24 hours licenced premises at the location it would result in anti-social behaviour when they used the premises.
- f) He hoped to agree some conditions with the applicant today.
- g) There were a number of well known individuals who were street drinkers however they were still sold alcohol. His suggested condition would force business owners to stop selling them alcohol.
- h) The problem was not reflected in the crime statistics. He would support the police to get resources to deal with the problem however he did not think the police wanted every ASB incident to be reported.
- i) It is worth noting that other premises had already agreed the majority of the conditions he had suggested and he hoped that if the Sub-Committee was minded to grant the variation they did so with the conditions included.
- j) The crime statistics reported to the police during the last 6 months were in close proximity to six ways. The statistics had been impacted by Covid-19 however there was a clear theme of anti-social behaviour. Violent offences were relevant and accounted for 39% of the offences in close proximity to the application site. There were serious concerns about this location.
- k) Not all petrol stations were close to CIZ areas. It was not clear who was running the premises as there was no DPS named on the licence. It was not known if the DPS had any experience of working in Erdington where there were significant problems. The person needed to be aware of the challenges faced.
- l) He had not received any information before today or during the hearing other than that staff will be trained. In order to ensure compliance the conditions and licence hours he had suggested should be agreed.
- m) In reply to questions Councillor Moore felt that if the suggested conditions were agreed the Council would have powers to force the applicant to comply with the conditions. The businesses that had already agreed to these conditions were mostly off licences. He was concerned that the public would use the premises as a 24 hours off licence. The premises were primarily an off licence.

In summing up, having made representations Councillor Gareth Moore made the following points:-

- It was noted that the applicant had agreed to two of the conditions and this would give additional safeguarding. The premises should not operate 24

hours as the Cumulative Inclusion Zone was nearby. The crime statistics showed that there were issues in close proximity of the premises.

- If the Sub-Committee was minded to grant the licence it should be with a reduction in the operating hours.

In summing up, in support of the application Robert Botkai made the following points: -

- An off licence was a small part of what the premises were offering as the store was already there. There was no suggestion that there were issues or that the premises being open 24 hours would cause an issue.
- Caution was urged in using the crime data as evidence. If crime was an issue it would have been raised by West Midlands Police. He agreed with 2 of the suggested conditions with a small amendment because the 2 suggested conditions were legal and enforceable :-
 - No alcohol to be served to customers who are believed to be street drinkers or are believed to consume alcohol within the vicinity of the premises and High Street
 - Any street drinkers who congregate within the vicinity of the store to be asked to move on by staff, or if needed reported to West Midlands Police
- He believed that smaller operators had agreed with the suggested conditions as they were told they would not get the licence. Cumulative Inclusion Zone's changed regularly.
- If the licence was agreed they would bring in an experienced DPS however the premises licence holder was responsible for the sale of alcohol and not the DPS. They did not believe the store would be a magnet for problems. The company was an experienced one and had not been reviewed at any time. They were happy to stay in touch with the Councillors. The premises could not be compared with Heron Food.
- It was requested that the application be granted.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

4/090920

RESOLVED:-

That the application by Motor Fuel Limited to vary the Premises Licence in respect of MRH Six Ways, Six Ways Filling Station, Gravelly Hill North, Erdington, Birmingham, B23 6BJ under section 34 of the Licensing Act 2003 BE GRANTED, with the addition of those conditions agreed with West Midlands Police and with Licensing Enforcement in advance of the meeting, namely:

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police or other authorised officer for inspection on request.
4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time
5. The system will display, on any recording, the correct time and date of the recording
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity
7. There will be no sales/supplies of beer, lager or cider with an ABV over 6%
8. There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police
9. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises
10. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence
11. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed
12. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive training in age restricted sales. Training records will be available for inspection by a police officer or other authorised officer on request. Further:
 - Induction training must be completed and documented prior to the sale of alcohol by the staff member
 - Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months
13. There shall be no sale of single cans of beer, lager or cider from the premises.

14. No more than 20% of the shop display area will be used for the display of alcohol.

15. All cashiers shall be trained to record refusals of sales of alcohol in a refusals log/register. This log/register will be available for inspection by a police officer or other authorised officer on request. The log/register will contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

16. The entrance door to the shop will be closed to customers between the hours of 2300 and 0600. Any sales between these hours will be made through the night pay window.

And with the following two conditions agreed with a person making representations:

17. No alcohol to be served to customers who are believed to be street drinkers or are believed to consume alcohol within the vicinity of the premises and High Street

18. Any street drinkers who congregate within the vicinity of the store to be asked to move on by staff, or if needed reported to West Midlands Police

The Sub-Committee deliberated the operating schedule put forward by the applicant and the likely impact of the application, including the agreed conditions, and concluded that by granting this application, the four licensing objectives contained in the Act will be properly promoted.

The Sub-Committee carefully considered the written representations made by the Ward Councillor, who also attended the meeting and addressed the Sub-Committee directly. However, the Members were not convinced that there was an evidential and causal link between the issues raised and the effect on the licensing objectives.

Once the applicant company had volunteered to accept the two conditions relating to street drinkers, the only remaining issue was the hours. The objection regarding 24-hour operation seemed to focus on the potential for antisocial behaviour caused by patrons, and the potential for an increase in crime, but the style of operation and the agreed conditions covered this. The applicant company was highly experienced in managing petrol stations with 24-hour licences. Moreover the Sub-Committee was impressed by the cooperative attitude displayed by the applicant company during the meeting, in accepting the two conditions relating to street drinkers.

There was no reason to believe that the premises would not be properly managed given that the applicant was so experienced, and so the Sub-Committee resolved to grant the application with the agreed conditions.

In reaching this decision, 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 application for a premises licence, the written representations received and the submissions made at the hearing by the applicant's legal representative and by those making representations (the Ward Councillor).

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.

OTHER URGENT BUSINESS

There was no other urgent business.

Please note, the meeting ended at 1133 hours.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation and Enforcement
Date of Meeting:	Wednesday 11th November 2020
Subject:	Licensing Act 2003 Premises Licence – Summary Review
Premises:	Dahlak Lounge, Hampton Street, Birmingham, B19 3LS
Ward affected:	Newtown
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

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 14th October 2020 in respect of Dahlak Lounge, Hampton Street, Birmingham, B19 3LS.

A representation has been received from Environmental Health, as a responsible authority.

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 14th October 2020, Superintendent Churchill, 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 Biniam Yemane Mebrahtu in respect of Dahlak Lounge, Hampton Street, Birmingham, B19 3LS.

The application was accompanied by the required certificate, 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 A met on 15th October 2020 to consider whether to take any interim steps and resolved that the Designated Premises Supervisor be removed and 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 persons ended on the 29th October 2020.

A representation has been received from Environmental Health, as a responsible authority. See Appendix 3.

A copy of the current Premises Licence is attached at Appendix 4.

Site location plans at Appendix 5.

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 15th October 2020, Appendix 2
Copy of representation from Environmental Health, Appendix 3
Current Premises Licence, Appendix 4
Site location plans, Appendix 5

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

In addition the Sub Committee will need to decide what action, if any, should be taken regarding the interim steps imposed on the 15th October 2020.



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 9919 Chruchill

(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: **Dahlak Lounge**

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

Hampton Street

Post Town: **Birmingham**

Post Code (if known): **B19 3LS**

2. Premises Licence details:

Name of premise licence holder (if known):

Mr Biniam Mebrahtu

Number of premise licence (if known):

5185

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)

This year has seen a pandemic disease, covid 19 infect vast numbers of people in the World, with the UK not being immune to its effects.

In March the UK Government had to take the extra ordinary step of closing down numerous operating premises, close schools, encourage people to work from home, all with the aim of stopping the spread of the virus, reduce the number of deaths and stop the infection rates.

Although the consequences for the country and the economy were considerable and far reaching this is what the UK Government had to do.

On the 4th July 2020, the UK government were able to start relaxing the lock down measures. This was not a return to normality but a start to allow businesses to reopen, and get the country operating again. The re-opening was assisted with guidance issued to the sectors that were being allowed to re-open.

For licensed premises, the guidelines were found in a document called "Keeping workers and customers safe during Covid 19, in restaurants, pubs, bars and takeaway services"

<https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/working-safely-during-covid-19-restaurants-pubs-takeaways-240920.pdf>

This document has been revised, on the 14th June, 24th June, 3rd July, 9th July, 23rd July, 31st July, 12th August, 10th September, 11th September, 18th September and 24th September.

The guidance was designed to do one thing, to show how premises could open and what they would need to do, to do so safely and minimise any potential spread of the disease.

This document provided guidance in matters such as, risk assessments, queue control, social distancing, and noise control, no dancing, shouting, cleaning, as with other measures.

Cases and infection rates of Covid 19 began to rise again in various parts of the UK through September, resulting in areas having to issue local lock down rules. Birmingham was not immune to the increased numbers of Covid 19, and had to impose local lock down rules on the 15th September 2020.

The premises came to the attention of the Police in the early hours 16th August 2020 when officers (including PC Reader) dealing with another incident heard loud music whilst in the street. Officers traced the music to the Dahlak Lounge.

As officers entered the premises they state that the music was very loud, people standing and a complete lack of social distancing. They also state the premises was packed and appeared overfull.

At the time the premises licence holder was spoken too, it was explained to him what measures he needed to put in place and what was expected from him to trade in a covid safe manner.

A meeting was then arranged on 26th August with officers from West Midlands Licensing Team (including PC Reader) and the premises licence holder.

Prior to this meeting, on 25th August the premises licence holder was emailed (by PC Reader) with detailed information of how a licenced premises should operate to be covid safe, what should be included in their covid safe risk assessment and links to the government website for covid safe guidance in pubs and bars.

Several representatives from the premises attended the meeting including the premises licence holder. At this meeting officers again spent a significant amount of time talking through what should be contained in a covid safe risk assessment and clarifying any points that the premises did not understand.

A lot of time was spent on explaining the social distancing rule and the 2 metre distance or 1 metre with mitigation between different groups of customers.

At this meeting the premises were asked for a copy of their fire risk assessment. In this document it clearly stated that the capacity of the venue was 60 persons upstairs and 60 persons downstairs. (When officers visited on 16th August they will state that there was clearly a lot more people in the premises than what was legally allowed by the premises own fire risk assessment.)

PC Reader asked the premises licence holder about the number of people on 16th August and Mr Mebrahtu was completely unaware of his legal capacity until it was pointed out to him. Officers left the meeting asking the premises to send, by email a copy of the premises updated covid safe risk assessment.

The premises sent a copy of the risk assessment on 3rd September. In this email the premises licence holder stated 'all the risk assessments are done and the venue is complying with all fire and risk regulations'

On Saturday 10th October officers again were at the premises at approximately 21.10hrs. This was as a result of a member of the public contacting West Midlands Police concerned that there was a large number of cars parked on the car park and loud music could be heard.

Officers attended the location and from the outside the premises looked closed with shutters down.

Loud music could be quite clearly heard from within the building as officers were in the car park walking towards the building. Officers noted 'countless cars' in the car park and around 20 people milling around. This led officers to believe that there were people inside albeit the premise looked locked and closed.

Officers tried to gain entry to the premises but all the doors were locked and shutters down. Officers could hear people inside. As officers waited outside the premises they saw someone looking out of an upstairs window and then the volume of the music was turn down.

A door to the premises was eventually opened from the inside by a male who appeared to be door staff.

Inside the premises on the ground floor officers describe there being approximately 150 people downstairs.

Seating on the ground floor was bench style or sofa type seating with no social distancing between different groups and no mitigation.

Officers state once inside the premises and on entering the ground floor they saw a DJ booth with 3 men stood behind it, no social distancing and no masks being worn.

Officers observed a number of people walking round inside the premises inside the premises again with no face covering.

Officers describe person after person sat in a large row with no social distancing measures.

Officers noted that customers were smoking shisha pipes within the premises and could see the coals glowing.

Officers state that a group of more than 6 people were sat within a booth style seating area clearly breaching covid regulations.

Officers then saw what they believe was a member of staff pulling two men out of a booth area telling them 'there is too many, get out' Officers also heard other voices from within the premises saying 'move, move, you've got to move'

A vast difference in the style of operation than the premises claimed in their email on 3rd September 'the venue is complying with all fire and risk regulations'

The premises state at the time of the officers visited they had 152 people inside the whole of the premises including the first floor.

The premises was selling shisha which by its nature increases the risk of a fire in the premises, in a venue that had limited if any means of escape and therefore making it vastly over capacity with the amount of available fire exits.

Ventilation is a key element to compliance with the Health Act 2006 and smoking of shisha, this was not being achieved with the shutters being closed shut.

The venue has been contacted in order their CCTV can be viewed and downloaded and also so that current copies of their risk assessment can be obtained.

Officers arranged a meeting at premises with the licence holder on 13th October to collect the CCTV and view the premises fire risk assessment and covid risk assessment.

The premise was closed and appeared set up as it was on the night that officers found it open, from what can be seen on officers body worn cameras. The premises also indicated the numbers allowed in each area, which again led officers to believe the set up was as it would be normally.

The premises state that the CCTV cannot be downloaded onto memory stick to DVD as there is no facility on the hard drive. The premises were saving the footage on to a mobile phone and were then going to email the clips over.

The premises were informed that the clips would probably too large to email and at the time of writing no emails have been received.

It was noted by officers at the meeting that the seating within in the premises was not 2 metres apart. The widest gap between seating was actually only 1.17 metres with the majority of seating closer together than that, some with no gaps what so ever.

The rules are clear that to go below 2m there must be a level of mitigation in place, which describes the use of screens; there was no evidence of this in place.

Officers saw that sofas / benches had been placed in what should have been the sterile fire route area for access to the fire exit.

Officers noted that emergency lighting and signage was not covering the front fire exit. Also that fire exit signage to the exit at the rear of the premises only led to the premises smoking area which is completely enclosed offering no means of escape.

Officers have concerns regarding the front fire exit on the left of the building that the door appears to be smaller than a standard size fire exit door and also as you approach the door the flooring in conjunction with the ill-fitting door causes a trip hazard.

Both the premises fire risk assessment and covid safe risk assessment were viewed by officers.

It was noted that the capacity figures had changed in the fire risk assessment from the meeting on 26th August. The capacity now stated 160 persons on the ground floor and 60 persons on the first floor. The premises stated this was due to the installation of a new fire exit door at the front of the building, (The exit previously mentioned which was blocked and a trip hazard.)

The fire risk assessment was still dated July 2020, the same date that officers saw on it when they visited in August 26th (where it indicated 60 people), it had not been re-dated or signed to show the new capacity figure

Officers have concerns with the premises fire compliance and question about the capacity figure quoted within the fire risk assessment and are referring them to fire safety.

The premises covid safe risk assessment was nothing more than a 'tick box' sheet which in the opinion of officers is not fit for purpose and did not have any detail around the management and enforcement of a safe environment. This was borne out by the lack of understanding of the premises on the 2 metre distancing rule.

The premises tried to defend their lack of covid safe trading and poor risk assessment by saying it was sent to West Midlands Police Licensing Team and that they should have told them at the time.

It was pointed out to the premises that due to workload it is impossible to look at all the risk assessments sent and that it was not the responsibility of West Midlands Police to manage their business and that we had previously spent a lot of time speaking to them face to face where they had the opportunity to ask about anything they didn't understand or was not sure about.

West Midlands Police have engaged with the premises and educated the premises licence holder with regard to his responsibility within the covid regulations with little current success putting, customers and the wider public at risk of infection.

The covid infection rate in Birmingham continues to rise, as well as the West Midlands region. As of the 12th October Birmingham has been categorised as Tier 2 on the threat pyramid which is High Level.

It has been widely reported that the hospital admission rate is raising for covid patients and that as of 13th October 2020 there were more people in hospital with the virus than before the lockdown was announced in March.

It is crucial that hospitality trade act in a responsible manner, complying with the rules set down by the government, to curb the spread of this virus.

The risk of spreading infections is deemed a "public nuisance". In the case of *R v Rimmington and Goldstein* (2005) UKHL 63, it quoted the leading modern authority on public nuisance as *Attorney general v PYA Quarries Ltd* (1957) 2 QB 169.

The case quotes "a person is guilty of a public nuisance (also known as a common nuisance) who (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or emission is to **endanger the life, health, property, morals**

or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty's subjects" (Rimmington at [3]).

Public nuisance is a common law offence which carries an sentence of life imprisonment. It is WMP's stance that a serious crime under the definition in RIPA has been fulfilled on the above facts.

"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.

West Midlands Police are concerned that the actions of this premise are contributing to the spread of the virus, they are ignoring the rules set to help reduce the threat of this virus, which places both its customers, staff in danger and threatens their safety, which then widens to the safety of their families and the communities they live in.

Signature of applicant: [REDACTED]

Date: 14/10/20

Rank/Capacity: T/Sgt Catherine

Contact details for matters concerning this application: BW Licensing

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

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: Dahlak Lounge

Premise Licence Number: 5185

Premise Licence Holder: Mr Biniam Mebrahtu

Designated Premise Supervisor: Mr Biniam Mebrahtu

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 serious management failings of the premises concerned.

The actions of the premise took in deciding not to follow covid safe trading and social distancing has placed an unnecessary risk to the health of individuals, families and local communities, at a time when the country is experiencing a national emergency. This is causing a public nuisance.

Public nuisance is a serious crime and combined with the national threat the Covid 19 possesses, it 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 objective of preventing crime and disorder 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



TISUPT Cthreathu



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE A

THURSDAY 15 OCTOBER 2020

DAHLAK LOUNGE, HAMPTON STREET, BIRMINGHAM B19 3LS

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 Mr Biniam Yemane Mebrahtu in respect of Dahlak Lounge, Hampton Street, Birmingham B19 3LS, 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, and
- that Biniam Yemane Mebrahtu be removed as the Designated Premises Supervisor

Before the meeting began the Sub-Committee was aware of the amended *Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020*, the updated version of the Guidance entitled '*Closing Certain Businesses and Venues in England*' originally issued by HM Government on 3rd July 2020, and the Guidance entitled '*Keeping Workers and Customers Safe in Covid-19 in Restaurants, Pubs, Bars and Takeaway Services*' issued originally by HM Government on 12th May 2020 and updated regularly thereafter.

The Sub-Committee was also aware of the special local lockdown measures (specifically for Birmingham) which had been announced by HM Government on Friday 11th September 2020, then introduced on Tuesday 15th September 2020. These measures had been an attempt to control the sharp rise in Covid-19 cases in the city.

Furthermore the Sub-Committee was aware of the further national measures to address rising cases of coronavirus in England as a whole, which had been announced by HM Government on 22nd September 2020. These national measures had been published on the "gov.uk" website on that date, and detailed the new requirements for all businesses selling food or drink (including cafes, bars, pubs and restaurants), ordering that all such premises must be closed between 22.00 hours and 05.00 hours. Other requirements for such premises included seated table service, wearing of masks, and participation in the NHS Test and Trace programme. These measures were an attempt by HM Government to control the sharp rise in Covid-19 cases nationally.

The pandemic had continued to be the top story in the national news across the Spring, Summer and now into the Autumn of 2020; the Birmingham lockdown, and also the new national measures announced on 22nd September, had been very widely publicised and discussed both in news reports and on social media. The

Prime Minister, together with HM Government's Chief Medical Officer and Chief Scientific Officer, had resumed the televised 'Coronavirus Briefing' broadcasts which had been a feature of the first few months of the pandemic. In recent days HM Government had also designated a pyramid-style 'Three Tier' system for the nation, to indicate the level of risk for each area. Birmingham had been designated as 'Tier 2', meaning a 'high' level of risk.

The Dahlak Lounge premises had been granted the premises licence on 12th March 2020, less than two weeks before the national lockdown was imposed.

Mr Biniam Yemane Mebrahtu attended the meeting, as the premises licence holder and also as the designated premises supervisor. Two other individuals also notified the Licensing department of their attendance – Mr Olayinka Soremi and Mr Victor Joseph, who described themselves as Mr Mebrahtu's "business partners". Mr Victor Joseph was the person who addressed the Sub-Committee. It was noted however that the premises licence was in the name of Mr Mebrahtu alone, not a partnership.

Members heard the submissions of West Midlands Police, namely that the background to the certificate issued by the Chief Superintendent under s53A(1)(b) of the Act was that, in Birmingham, it had been observed that the death rate, the rate of infection, and the rate of hospital admissions were all steadily increasing; there were more Covid patients in Birmingham hospitals currently than there had been at the start of the March 2020 lockdown.

From the 4th July 2020, when the new arrangements for reopening were being publicised and the lockdown was being eased for licensed premises such as pubs and bars, information on how to trade was readily available to such premises - via the "gov.uk" website, and also the very many news reports, both on television and on general social media. The requirements included no loud music, no dancing, queue management, and 2m social distancing (or 1m with mitigation measures).

On the 16th August 2020, West Midlands Police observed a general failure by the Dahlak Lounge premises to follow the Government Guidance. Whilst dealing with an incident nearby in the early hours of the morning, Police found that loud music was emanating from Dahlak Lounge at a volume which could be heard in the street.

Upon entering, Police observed that there was no social distancing or limitation of numbers of patrons as per the Covid-19 requirements, to allow for safe operation. Police described the premises as "packed" with patrons. Under the fire risk assessment, the capacity limit was 120 patrons - 60 on the ground floor and 60 on the first floor. Far more than these numbers were estimated by Police to have been inside. Loud music was playing, making normal conversation impossible, and therefore requiring raised voices – a known risk for Covid transmission. The Police ascribed these failures to unsatisfactory management by the premises licence holder Mr Mebrahtu, who was also the designated premises supervisor.

Police offered advice and help to the licence holder via email, to assist him in understanding what was required to trade in a Covid-safe manner. Police also held a meeting with him on 26th August, and spent a lot of time explaining the social distancing requirements. Surprisingly, Mr Mebrahtu was not aware that his premises had any capacity limit for numbers of patrons. Police requested that he supply the Covid-19 risk assessment which is a mandatory requirement under the Government Guidance; Mr Mebrahtu stated that the risk assessments had been done for both Covid risk and fire risk.

Then from September 2020, the measures imposed by HM Government became stricter – closure at 22.00 hours, music to be limited to 85 decibels, no standing (table service only), wearing of masks, and participation in the NHS Test and Trace programme. This information was readily available to licensed premises via the “gov.uk” website, television and on social media.

On 10th October 2020 Police received a complaint from a member of the public that loud music was emanating from the Dahlak Lounge and that there were numerous cars in the car park. Police attended at around 21.10 hours, which was within the permitted opening hours (closure required at 22.00). Police found that very loud music was indeed emanating from Dahlak Lounge, at a volume which could be heard in the street – despite the shutters to the premises being pulled down and locked, and the premises appearing to all intents and purposes to be ‘closed’. Around twenty people were in the car park. One individual inside the premises was seen to look out of an upstairs window; moments later, the volume of the music reduced significantly. A person, thought to perhaps be a security guard, then unlocked the door from the inside.

Upon entering, Police were astonished to find the situation inside to be even worse than that which had been observed on the 16th August. Around 150 people were found on the ground floor; no social distancing whatsoever was being observed and many patrons were standing or walking about. Others were seated together, either on long benches or in booths, but nobody was keeping a Covid-safe distance from others. The music being played had already been turned down, but the Police found that they still could not hear anything above it. Masks were not being worn by many customers, and even some of the staff, except for the security guards; smoking of shisha by patrons was going on.

Staff hurriedly began pulling patrons out of their seats, exhorting them to “move, move, you’ve got to move”, and ordering those seated in booths to “get out”, on the basis that the premises had exceeded its capacity limit.

Police observed that the door through which they had entered, which had been unlocked for them by somebody inside, was in fact a front fire escape. There was also a rear fire exit, but this was found to lead only to the outdoor smoking area – an entirely enclosed area, with no means of escape beyond that. A second front fire exit was also unsatisfactory to Police, given the small size of the door to it, and the presence of a trip hazard created by the flooring and the irregular-sized door. Emergency lighting and signage was not in place at the front fire exit; indeed sofas and benches had been placed in the path of the main escape route. The shutters had also been pulled down and locked. The premises’ view was that this was to stop people from getting in.

This was all completely unacceptable in terms of fire safety, but was made infinitely more serious by the fact that many patrons inside were smoking shisha, which by its nature increases the risk of fire. Moreover, as the Police explained, ventilation arrangements are key to compliance with the Health Act 2006 when smoking shisha, yet the Dahlak Lounge had the main shutters pulled down and locked. Any outbreak of fire would have been a disaster even with social distancing and a proper limit of numbers – yet Police had observed around 150 people on the ground floor, which had a capacity limit of 60 persons.

The licence holder claimed to Police that the fire assessment had confirmed that he “could have more than 250 people inside”; upon examining the fire risk assessment document, Police observed that the capacity had changed to “220” in total for both

floors (not 120 in total), yet the document was still dated July 2020. Also unsatisfactory was the reliance on what was called the "extra fire exit" to justify the increase in the capacity limit; this turned out to be the irregular sized door with the trip hazard.

The Covid risk assessment produced by the licence holder was also found to be wholly unsatisfactory. It was regarded by Police as having been approached by the licence holder as a mere tick-box exercise, rather than a proper consideration of what was required to trade safely during the pandemic. Police had requested CCTV from the premises, but this had not been forthcoming; the licence holder told Police that he had found that the files downloaded to his telephone were of a file size too big to be emailed to Police.

The Police were therefore concerned that the premises licence holder was being reckless in his style of operating, and was endangering public health by risking the spread of Covid-19. All in all, the scene discovered on the 10th October was quite a contrast to his declaration in September that the premises was both fully Covid-compliant and fully fire risk compliant.

The Police explained that the premises' decision to trade in this unsafe manner, which was not compliant with the Government Guidance, was an overt risk to the health of individuals, families and local communities, at a time when the country is experiencing a national emergency. The Covid-19 virus is a pandemic which has required all licensed premises to act responsibly and in accordance with the Government Guidance when trading, in order to save lives. It was therefore a flagrant risk to public health for any licensed premises to breach the Government Guidance by trading in an unsafe manner.

The Police also remarked that in recent dealings it appeared that the licence holder was perhaps trying to place some of the blame for his failings on the Police. The Sub-Committee looked askance at this. It was quite apparent that the Police had given the Dahlak Lounge a great deal of advice and help, including a meeting, in August 2020. However, attempts by the Police to advise those at the premises had not been accepted. The premises was completely unsatisfactory in terms of Covid, in terms of fire safety, and also in terms of compliance with shisha requirements. The recommendation of the Police was therefore that the Sub-Committee should suspend the licence pending the review hearing.

Mr Victor Joseph then addressed the Sub-Committee to state that the licence holder was in the process of instructing a legal representative, and that no submissions would be made until this had been arranged.

In deliberating, the Sub-Committee agreed with the Police that the causes of the serious crime appeared to originate from unsatisfactory internal management procedures at the premises. The Sub-Committee found the Police observations relating to Covid, fire risk and shisha to be alarming, and not something that inspired the slightest confidence in the management arrangements at the premises. All in all, the Sub-Committee considered the licence holder to have failed to take his responsibilities seriously.

The Sub-Committee therefore determined that it was both necessary and reasonable to impose the interim step of suspension to address the immediate problems with the premises, namely the likelihood of further serious crime.

The Sub-Committee considered whether it could impose other interim steps, including modification of licence conditions, but considered that this would offer little to address the real issues, which were the unsatisfactory practices and the irresponsible attitude shown by the licence holder, both of which were a significant risk to public health in Birmingham.

However, the Sub-Committee determined that the removal of the designated premises supervisor was a very important safety feature given that it was this individual who was responsible for the day to day running of the premises, ie the decision to defy the Government Guidance in order to trade as usual. Therefore the risks could only be properly addressed first by the suspension of the Licence, and secondly by the removal of the DPS, pending the full Review hearing.

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 by the Police at the hearing.

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.

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

From: Martin Key
Sent: 29 October 2020 08:59
To: David Kennedy; Licensing
Cc: Pollution Team
Subject: RE: Licensing Act 2003 - Section 53A Expedited Review Application - Dahlak Lounge, Hampton Street, Birmingham, B19 3LS
Importance: High

Hi

I am responding on behalf of the Environmental Health team as a responsible authority. I am aware that on 14 October 2020 West Midlands Police lodged an application for the expedited review of the premises licence granted to Mr Biniam Mebrahtu in respect of Dahlak Lounge, Hampton Street, Birmingham, B19 3LS under Section 53A of the Licensing Act 2003. The application alleges that the licensed premises have been associated with serious crime and disorder.

West Midlands Police have submitted evidence that on 16th August 2020, West Midlands Police observed a general failure by the Dahlak Lounge premises to follow the necessary controls to maintain a COVID-secure premises. Whilst dealing with an incident nearby in the early hours of the morning, Police found that loud music was emanating from Dahlak Lounge at a volume which could be heard in the street. Upon entering, Police observed that the music was very loud and there was no social distancing or limitation of numbers of patrons as per the Covid-19 requirements. Police described the premises as packed and overfull. Under the fire risk assessment, the capacity limit was 120 patrons - 60 on the ground floor and 60 on the first floor. The Police estimated far more than these numbers were inside and loud music was playing, making normal conversation impossible, and therefore requiring raised voices. The Police offered advice and help to the licence holder via email and also held a meeting with him on 26th August and spent a lot of time explaining the social distancing requirements. Mr Mebrahtu was not aware that his premises had any capacity limit for numbers of patrons. Police also requested that he supply the Covid-19 risk assessment.

On 10th October 2020 Police received a complaint from a member of the public that loud music was emanating from the Dahlak Lounge and that there were numerous cars in the car park. Police attended at around 21.10 hours and heard very loud music emanating from Dahlak Lounge, at a volume which could be heard in the street – despite the premises appearing to be closed with shutters pulled down and locked. When the Police entered they found around 150 people on the ground floor; no social distancing whatsoever was being observed and many patrons were standing or walking about, others were seated together, either on long benches or in booths with inadequate social distancing. Masks were not being worn by many customers, (and some staff) and patrons were smoking shisha with poor ventilation.

Police observed that sofas and benches had been placed in the fire escape route and that the rear fire exit only led to the outdoor smoking area which is an entirely enclosed area, with no means of escape beyond that. The shutters had also been pulled down and locked. This was all unacceptable in terms of fire safety and was made more serious by the fact that many patrons inside were smoking shisha, which by its nature increases the risk of fire and there was inadequate ventilation arrangements which are key to compliance with the Health Act 2006 when smoking shisha.

The Police noted that the fire assessment capacity had changed to 220 in total for both floors, even though it was dated July 2020 and appeared to be the same as the previously supplied assessment with a capacity of 120.

The Covid risk assessment produced by the licence holder was also found to be wholly unsatisfactory. It was described by Police as a tick-box sheet and had no details of the measures to manage a COVID-secure premises. I have reviewed the risk assessment and it is guidance on what needs to be included in a COVID risk assessment rather than an assessment with risk evaluation, mitigation and the controls put in place to provide a COVID-secure premises.

The Police were therefore concerned that the actions of the premises licence holder were contributing to the spread of the virus and were ignoring rules set to reduce the spread placing customers and staff at risk.

There has been unprecedented public coverage of the COVID-19 pandemic and the response of the government which includes the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, Guidance entitled 'Closing Certain Businesses and Venues in England' Guidance entitled 'Keeping Workers and Customers Safe in Restaurants, Pubs, Bars and Takeaway Services'. In addition there were special local lockdown measures (specifically for Birmingham) and further national measures to address rising cases of coronavirus in England as a whole, which were announced by HM Government on 22nd September 2020. These national measures require that all businesses selling food or drink (including cafes, bars, pubs and restaurants) must be closed between 22.00 hours and 05.00 hours. There were other measures introduced including requirements for seated table service, wearing of masks, and participation in the NHS Test and Trace programme.

The premises are subject to Premises Licence reference 5185/1 issued on 12 March 2020. This licence includes a number of conditions including in 2a) a requirement for training on the four licensing principles and also a requirement for a risk assessment and in 2d) to monitor levels of noise from both inside and outside the premises and remedial action will be taken as appropriate. I dealt with the original application for the premises licence and submitted no objections on the basis that the application referred to background music which would be inaudible outside the premises.

The evidence suggests that the issues highlighted by West Midlands Police originate from unsatisfactory internal management procedures at the premises.

The Environmental Health team has a strong working relationship with the police over licensing matters as many of the issues raised by the night-time economy run across the key licensing objectives of crime prevention of crime and disorder, public nuisance and public safety. Since the beginning of the COVID-19 pandemic the Environmental Health team has considered COVID-19 secure practices in licensed premises through visits, TENs and applications. As in this case, the usual approach we adopt is education of the premises management and in most cases this results in COVID-secure operations. In this case the evidence suggests that the premises licence holder has failed to heed the advice and this has resulted in operations which I would submit do not provide sufficient controls to prevent COVID-19 transmission.

The Environmental Health team therefore submit this representation in support of the West Midlands Police application for the expedited review of the premises licence granted to Mr Biniam Mebrahtu in respect of Dahlak Lounge, Hampton Street, Birmingham, B19 3LS under Section 53A of the Licensing Act 2003.

Best Regards

Martin Key
Environmental Protection Officer

Environmental Health | Regulation & Enforcement Division

✉: Environmental Health, Manor House, PO Box 16977, Birmingham, B2 2AE
(Office Site: Environmental Protection, 1st Floor, 40 Moat Lane, Birmingham, B5 5BD)

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LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

5185 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Dahlak Lounge Hampton Street	
Post town: Birmingham	Post Code: B19 3LS
Telephone Number: Not Specified	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence	
F	Recorded music
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	16:00	-	02:00	F ,M1
	23:00	-	02:00	L
Friday - Saturday	16:00	-	04:00	F ,M1
	23:00	-	02:00	L

The opening hours of the premises				
Sunday - Thursday	16:00	-	02:30	
Friday - Saturday	16:00	-	04:30	

Where the licence authorises supplies of alcohol whether these are on and/or off supplies On Supplies Only
--

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Biniam Yemane Mebrahtu	
Post town:	Post Code:
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) N/A

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Biniam Yemane Mebrahtu	
Post town:	Post Code:
Telephone Number: N/A	

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 11701	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 12/03/2020

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 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

All members of staff must receive training regarding the:-

- Four licensing principles contained in the Licensing Act 2003
- Responsible retailing of alcohol, and the law
- Protection of children from harm and this must include how to competently check customers identification where necessary
- Authorised hours for licensable activities and the conditions attached to the premises licence.

All training provided to staff will be recorded and each member of staff will sign and date the training records to confirm they have received and understood the training and on-going refresher training every six months.

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

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

The Premises Licence holder shall ensure CCTV is installed inside and outside the premises. CCTV will be recording at all times the premises are open for any licensable activities and images will be held for a minimum of 28 days and made available immediately on request by any of the Responsible Authorities. The Premises Licence holder shall ensure that a trained member of staff will be on duty and be available to download the CCTV to any of the Responsible Authorities.

The Premises Licence holder shall ensure any person who appears drunk/aggressive will not be permitted on the premises.

An incident register/book will be kept at the premises and be made available to an authorised Officer of a Responsible Authority on request.

All alcohol sale refusals will be noted in a refusal register, which will be maintained at the premises and must be available for inspection by any of the responsible authorities.

The premises shall risk assess its standard operating procedure covering seven days a week, and any security provisions shall be included in this risk assessment, a copy of which shall be made available to WMP Licensing Department.

Door supervisors must sign on and off duty every time they work. The signing sheet shall include badge numbers and the sheet shall be retained on the premises for a minimum of 30 days.

If the venue wishes to hold an under 18 event, then the venue must provide WMP Licensing Department with 28 days notice, together with a risk assessment. West Midlands Police shall have a power of veto over any under 18 event.

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

The Premises Licence holder shall ensure all deliveries will be received during daytime prior to 6pm to control noise nuisance. in conjunction with steps proposed for the prevention of crime and disorder objectives, the Licensees and staff will at all times remain responsible for the prevention of public nuisance in and around the premises.

The Designated Premises Supervisor will arrange to monitor levels of noise from both inside and outside the premises and remedial action will be taken as appropriate. Any action taken will be recorded and made available to responsible authorities.

Doors and windows will be kept closed as deemed necessary by the Designated Premises Supervisor.

2e) Conditions consistent with, and to promote the protection of children from harm

The Designated Premises Supervisor and staff will at all times remain aware of their responsibilities under the objective, including that alcohol shall not be sold to anyone under the age of 18.

Staff on duty will be trained and made aware of a Challenge 25 policy and the requirements and the need to demand an acceptable form of age ID.

Training records will be maintained and updated by DPS every 6 months.

No adult entertainment is permitted at these premises.

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

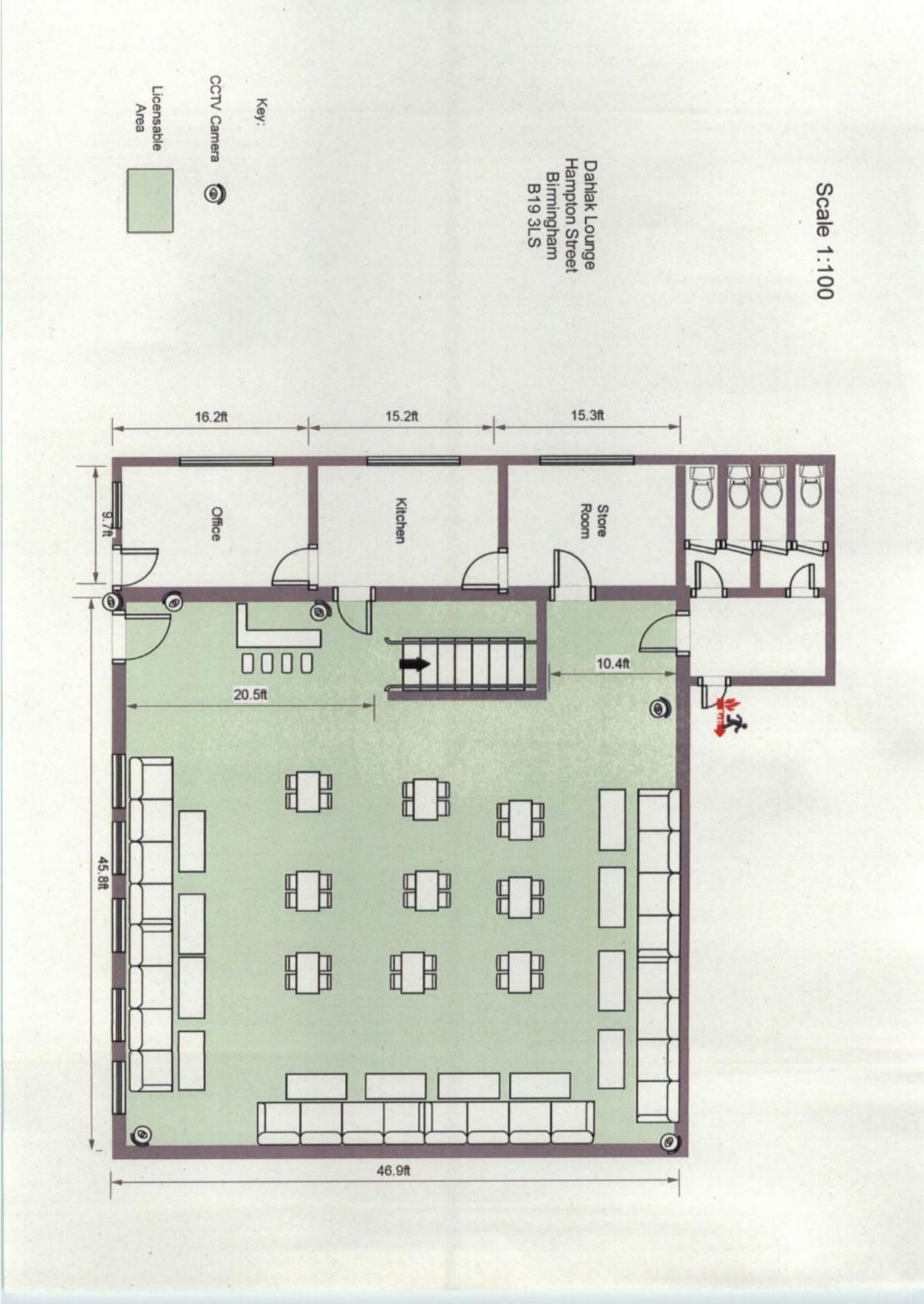
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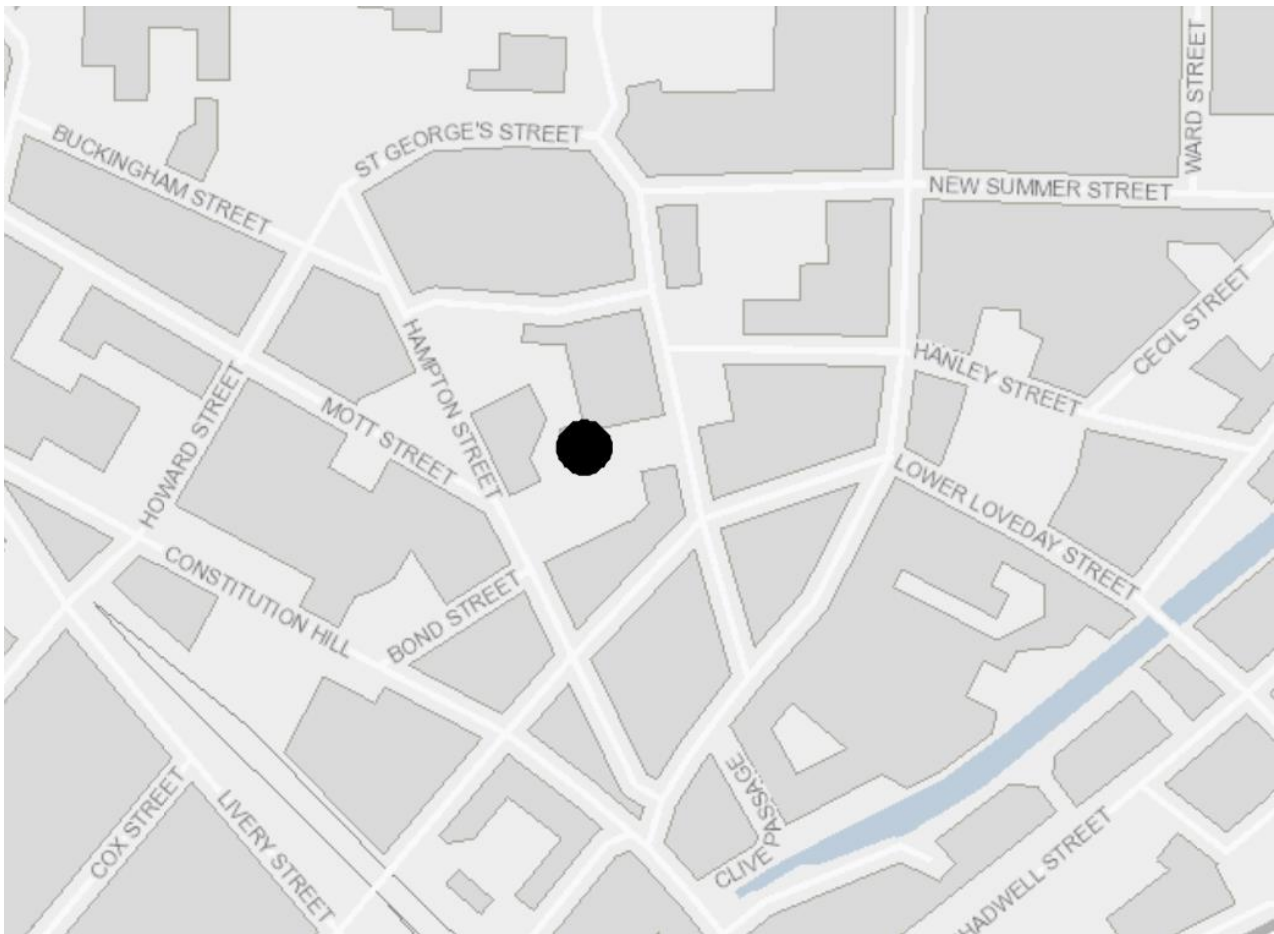
3d) Committee conditions to promote the prevention of public nuisance

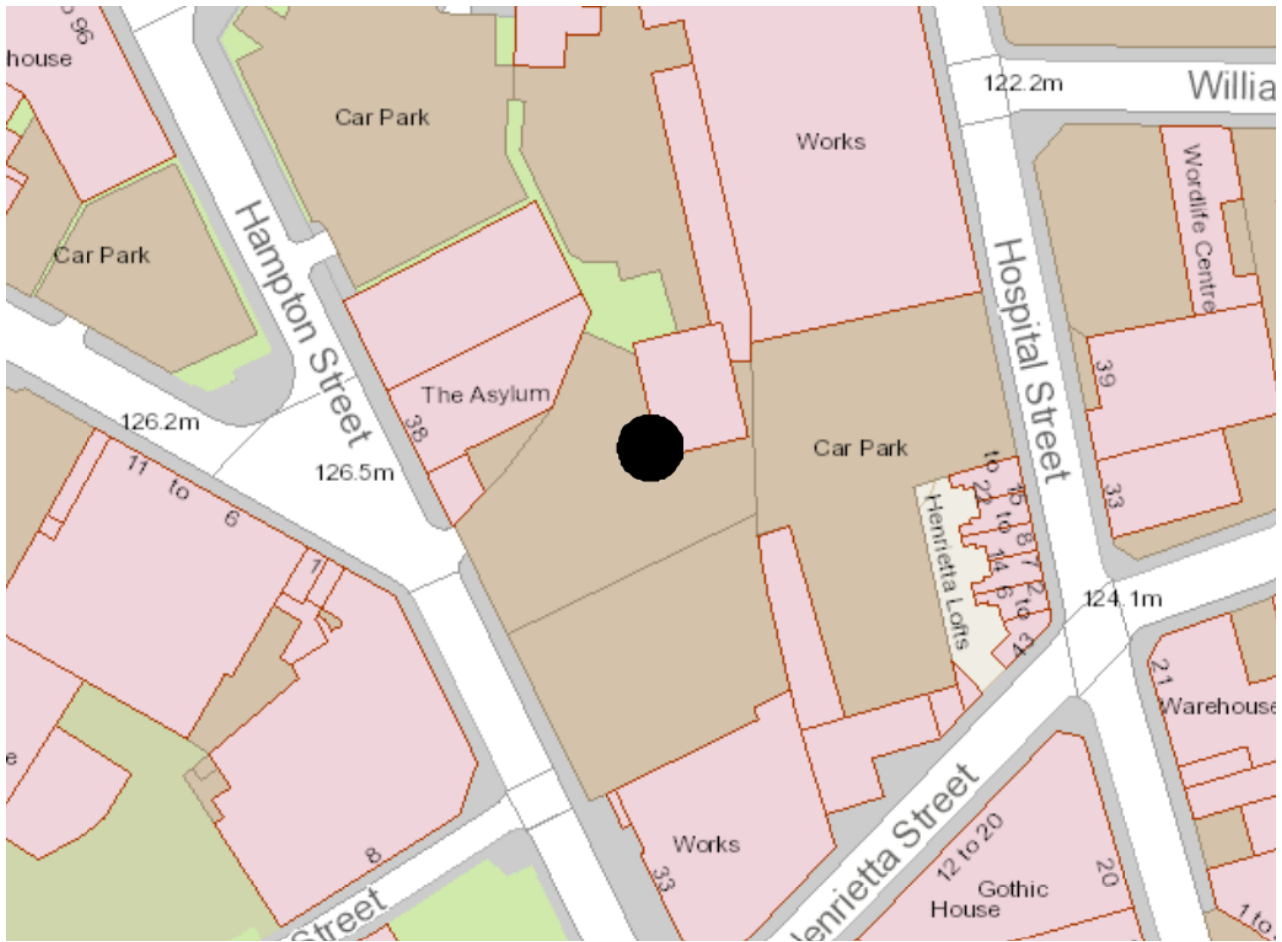
N/A

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

N/A







PROPOSED CONDITIONS

CHALLENGE 25

1. Staff must require ID in the form of a current ten-year passport, photo card driving licence or PASS Hologram identity card from any customer who appears to be under the age of 25 and verify the customer is over the age of 18 before any sale of alcohol is made.
2. Notices must be exhibited at all points of sale and at all entrances and exits informing customers and staff that the Premises is operating a Challenge 25 Policy.

PUBLIC NUISANCE

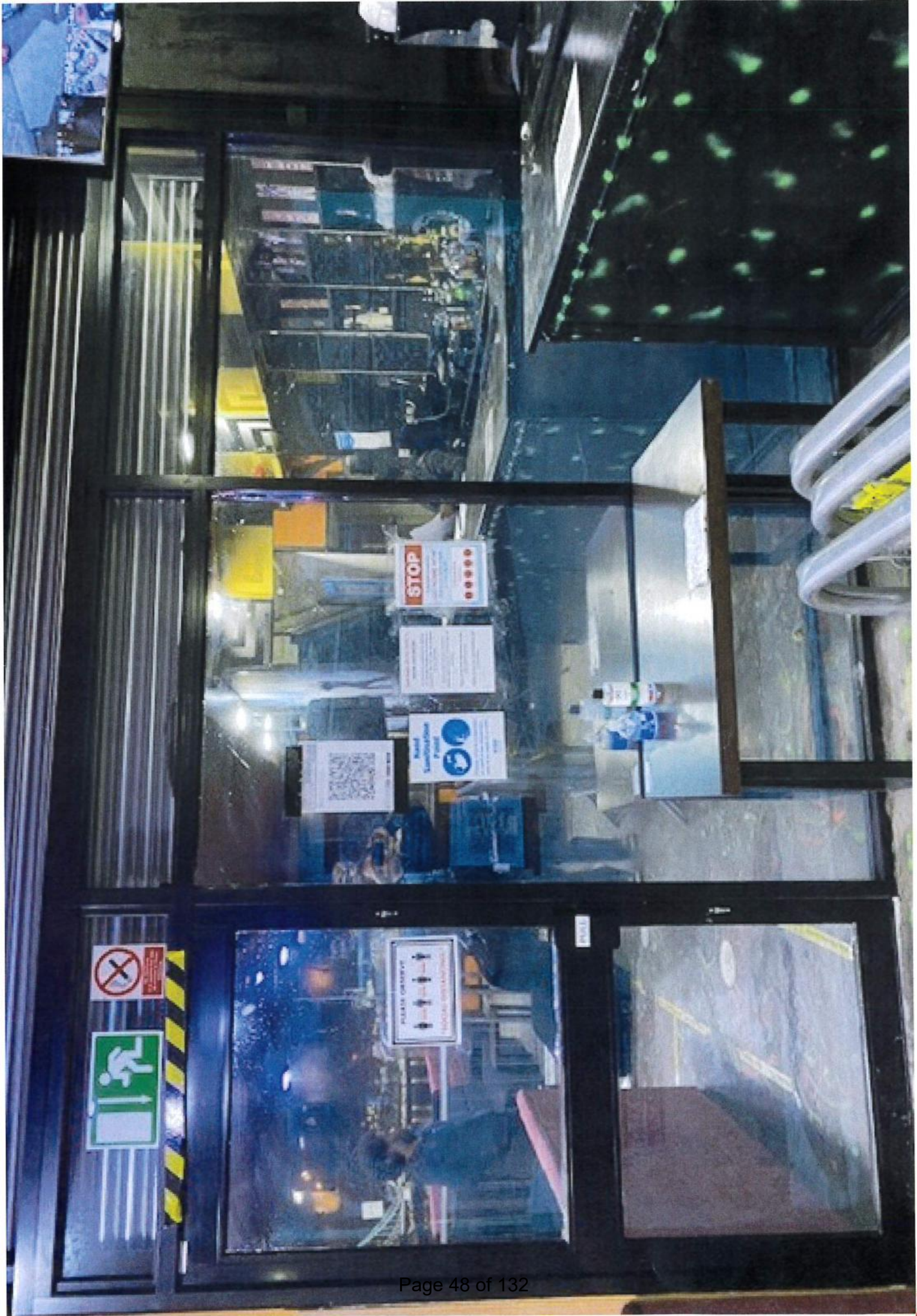
3. Signs shall be placed at all exits asking customers to respect the needs of local residents and requesting that they leave the premises quietly. Adequate bins shall be available for customers to dispose of litter.

PUBLIC SAFETY

4. The Licence Holder shall ensure that all lighting (including emergency lighting) is checked on a weekly basis. Entrances, exits and passageways shall be kept clear.
5. At least one member of staff on duty will be trained in the use of first aid.
6. All electrics, gas and fire equipment will be checked and maintained in working order and tested annually.
7. A fire drill will be carried out weekly.
8. A Fire Risk assessment will be undertaken at least every twelve months and will be available for inspection upon request for any authorised officer of a responsible authority.

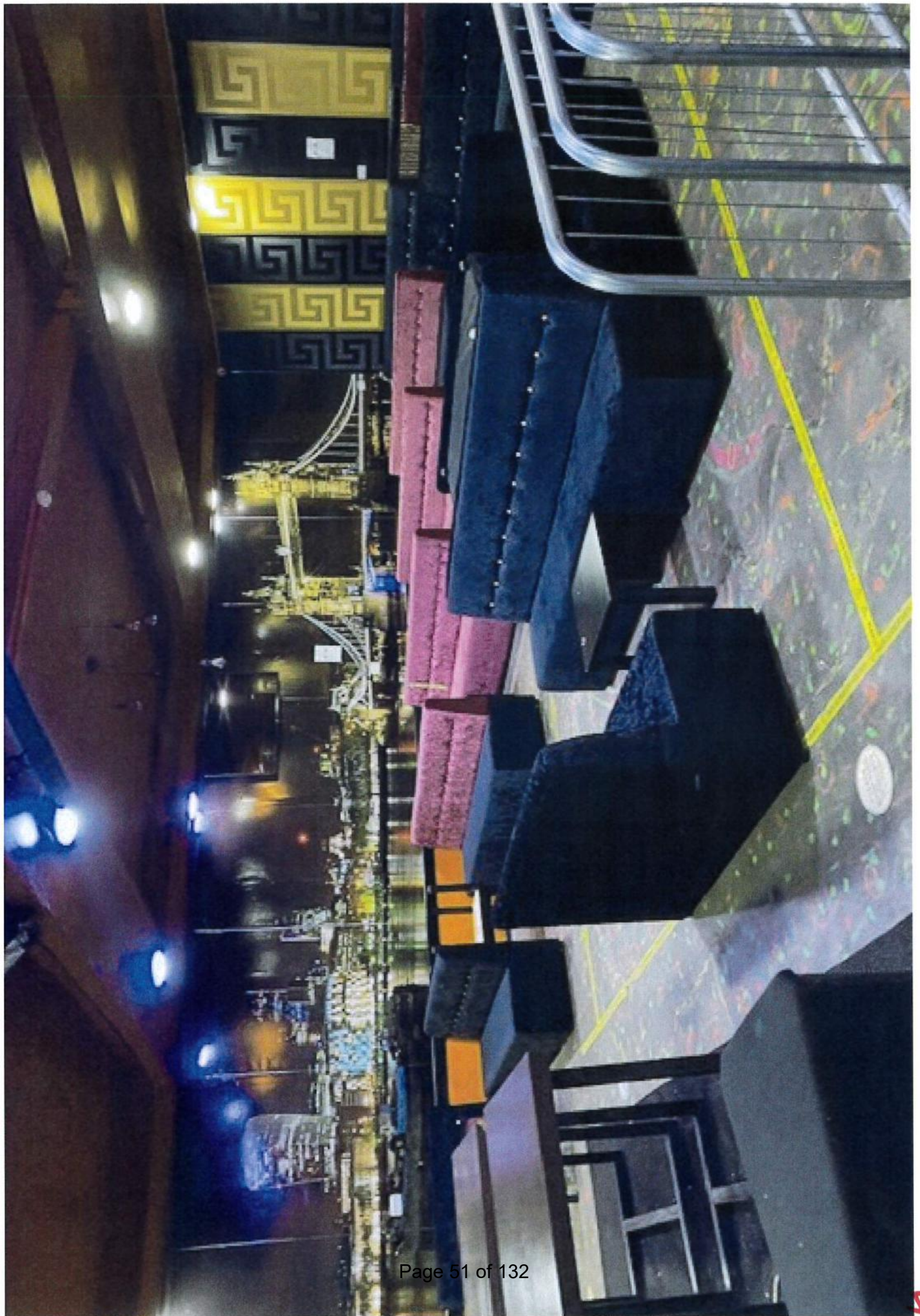
THE PROTECTION OF CHILDREN FROM HARM

9. No children shall be permitted on the premises.











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Hand Sanitisation Point




Please inform a member of staff if the dispenser unit is in need of a refill

STOP
THE SPREAD OF CORONAVIRUS

CUSTOMER NOTICE COVID 19 SOCIAL DISTANCING

To protect our customers & staff we are actively managing the number of customers who can enter our premises at any one time.

Please make sure you stand two metres apart using the marked lines on the floor.

When at the front wall behind the line we'll called forward.

Thank you for your understanding and co-operation.

STOP

If you have symptoms
GO HOME NOW
Protect your fellow workers and their families

Coronavirus symptoms

- High temperature
- Loss of taste or smell
- Cough
- Sore throat
- Headache
- Diarrhoea



STOP OF CORONAVIRUS

Test and Trace

QR code with your
D-19 App to check-in



Dahlak Lounge

DAHLAK LOUNGE










Dahlak Lounge COVID-19 Risk Assessment	Document Ref: 08.2020
Hazards: Coronavirus (COVID-19)	
Who might be affected: Employees, contractors, visitors, and customers could contract the virus and fall ill. Special consideration needs to be given to vulnerable groups with the classification extended to those with the most serious underlying health conditions as defined PHE.	
Control Measures	In place at premises Yes or N/a
Hand wash routines implemented with the reminders via KSRS.	yes
Controls to manager queues are in place both internally and externally in order to maintain social distance.	yes
Event managers, DPS, Security available to monitor queuing, occupancy and advise of social distance.	yes
Limited numbers of entrances in use in order to aid management of occupancy numbers	yes
Entry and exit will operate on a 1 in and 1 out system	yes
Doors to be pinned open to increase air flow and reduce hand contact points (non-fire doors)	yes
Surface sanitiser is effective against enveloped viruses. Compliant with BS EN 1276 (removal of bacteria) and BS EN 14476 (elimination of enveloped Viruses)	yes
Hand sanitiser to be available at key locations included customer entrance, customer toilets, behind the bar, at the staff area. Hand sanitiser conforms to BS EN 1500 (chemical disinfectants and antiseptics) and BS EN 12054 (bactericidal efficacy) and has been proven effective against enveloped viruses.	yes
Hygiene, social distancing, and directional signage notice prominently displayed for customers and staff	yes
Tables are to be spaced out to facilitate in social distancing	yes
Dahlak lounge to operate without dance floors to aid distancing	yes
Designated external smoking areas marked out to aid distancing and no smoking at the front door	yes
Maximum occupancy numbers set for smoking area.	yes
Encouraging more use the online ticket order and contactless payment on site	yes
Limited number of cash tills in use and staff limited to using one till per shift	yes
Customers are encouraged to use the order a	yes
Pre-tickets brought from online and booking only tables, some walk in maybe aloud in where space if available	yes
Number of employees assigned to a single till kept to a minimum.	yes
Face masks and nitrile gloves available to staff to use if they wish	yes
Additional site specific control	
Date produced: 09/10/2020	

Dahliak Lounge COVID-19 Risk Assessment		
Temperature checks completed with all employees / contractors / customers prior to starts work each day.		Yes ✓
Shift start and finish times staggered to avoid employee crowding		Yes ✓
All staff to be trained on social distancing, known routes of transmissions and additional controls introduced to maintain their wellbeing as well as those they come into contact with.		Yes ✓
Clear signage displayed on entrance, bar area, seating area of COVID-19 control measures		Yes ✓
Track and trace system is in place at the entrance of the premises.		Yes ✓
Capacity has been reduced to 30% of the fire risk assessment certificate.		Yes ✓
Additional site specific control		
Date produced: 09/10/2020		

Designated Premises holder 

Staff member 

Date 09.10.2020

Dahlak Lounge & Restaurant
Hampton Street
Birmingham
B19 3LU



FIRE RISK ASSESSMENT

01/07/2020

Declaration

This risk assessment is based upon my survey of the premises and the information given to me by the owners. It is also to the best of my knowledge a fair and accurate assessment of the fire safety status of the premises. I declare that I am covered by professional risk indemnity insurance

Fire Risk Assessment Maintenance

Mr Biniam Merahtu will be responsible for monitoring the effectiveness of this fire risk assessment process and its implementation

Regulatory Reform (Fire Safety) Order 2005

This Fire Risk Assessment is carried out in accordance with the "Regulatory Reform (Fire Safety) Order 2005 and will be carried out by Mark Ansine on behalf of 4 Point Fire Solutions Ltd

Whilst the assessor has taken reasonable care to ensure accuracy of the information Mark Ansine will not accept any liability for any loss (including loss of any profits, loss of expected future business or damage to goodwill) or claim in connection with the information contained in this report.

Introduction

From the time these Regulations came into force in October 2006 it is a requirement for all employers, occupiers or owners of a property to:

Carry out a fire risk assessment of the workplace/property taking into consideration employees and all other people who may be affected by a fire within the building.

Identify the significant findings of the risk assessment and the details of anyone who might be at risk in case of fire. If five or more people are employed or if the property has a licence it is a requirement that these significant findings are recorded;

(However, it is recommended that a written record is produced on all occasions to assist when reviewing your fire risk assessment).

Provide and maintain such fire precautions as are necessary to safeguard those who use the property.

Provide information, instruction and training to employees about the fire precautions in the property to ensure the safety of all persons who use the property.

The responsible person's will also need to provide

- . An acceptable method of: Controlling entry of Patrons to the venue.
- . Identifying the numbers of persons present on the premises at any time
- . Provide appropriate staffing levels (stewards) for numbers of patrons expected on the premises
- . **Produce on demand to any authorised officer of the authority**, the Police or Fire and Rescue Service, evidence of the number of **persons present on the premises** at any given time

Access/Egress

The premises must be suitable for everyone to use as stipulated in the Disability Discrimination Act 1995 requirements.

The design must consider wheelchair users and therefore be safe for people to enter and leave the premises. It must also consider visual and hearing impairments, and consider the following:

- . Any steps must have their edges highlighted with high visibility/contrasting paint
- . Safety and information signs should be provided
- . Careful consideration should also be given to how your customers and employees will enter and leave the premises
- . Consideration should also be given to vehicles

Ensure suitable arrangements are created for car parking, deliveries etc.

Table 1

Assembly Hall/Dual purpose area	0.45
Dining Room, Restaurants, educational	0.9
Sports Hall (not used for assembly or examinations etc)	5.0
Office	6.0
Staff Common Room	1.0

Width of Escape Routes

Table 2 Number Of Exits Needed

Maximum number of persons	Maximum number of escape routes
60	1
600	2
More than 600	3

Table 3 Fire Exit door width

Minimum width of doors on escape route (stated in mm)	Maximum number of persons
750	100
1050	200
Over 1050mm wide then every additional 75mm increases capacity by 15 persons (or part thereof) e.g. 1200 mm 1500 mm 1800 mm	 230 290 350

Escape Routes

All doors on escape routes should open in the direction of escape, and be fitted with a safety vision panels. This is particularly important if more than 160 people are expected to use them at any one time or they provide an exit from an area of high fire risk.

Exits & Occupancy

Ground floor

Front Entrance -

Exit from rear kitchen prep area

Exit from the front of the building

Occupants must not exceed - 160 persons

1st Floor

1 x Exit - Egress to the rear of the building - Occupants must not exceed 60 persons

(At the time of assessment exit was obstructed. All items obstructing exit should be removed see pics 4,5 & 6)

Total maximum capacity should not exceed 220 persons

General Statement of Policy

It is the responsibility of Mr Biniam Merahtu to protect all Occupants, patrons, employees and contractors from potential injury and damage to their health which might arise from a fire on the premises.

He will also need provide and maintain safe working conditions, equipment and systems of work for all occupants, staff members and contractors, and to provide such information, training and supervision as they need for this purpose.

Mr Merahtu will need to give a high level of commitment to health and safety and will also need to comply with all statutory requirements.

Description of premises

Brick & stud partition walls

The building has 2 floor levels separated by a concrete slab

The building currently has 1 un protected internal staircases leading to Final Exit to the front of the building

The ground floor;

Bar & Lounge

1st Floor

Restaurant

Owners responsibilities

Most significantly reducing the risk from fire, keeping heat/ignition sources to a minimum and keeping combustible materials away from all heat sources, **no smoking** within the building and **not to impede escape routes**. Furthermore, all staff must be aware of what to do in the event of fire. Key staff members should be **trained as fire marshals** which would include being competent in the use Of all fire fighting equipment located on site.

Fire Detection

The building currently has automatic fire detection and will therefore provide early warning in the event of fire. No previous service records were seen at the time of assessment. **Assessor would advise the following recommendations to the Fire Alarm**

All Fire Alarm Zones should be identified and noted on a suitable Zone Chart located near the Fire Panel

A Public Address system connected to the existing **fire alarm** should be installed, to assist with evacuation. System should turn music off on **activation of the Fire Alarm**

Flashing beacons installed, public toilets connected to fire alarm panel (provide visual warning)

Emergency Lighting

The building has existing non maintained emergency lighting. No previous service records were seen at the time of assessment. Emergency Lighting should be serviced & maintained in accordance to BS; 5266.

Assessor advises the following

- Maintained Emergency** lighting should be provided on all **Final Exits**
- Provided Emergency lighting** **External exit from the rear**

Occupancy:		Shisha Lounge	Size:
Times the Premises are in use: Monday & Thursday Friday - Saturday Sunday	19.00 01.00am 19.00 01.00 am 19.00 01,00 am	Building footprint approx sq ft: whole building	As above
Premises in use:		Bar & lounge	
Recommended Evacuation Time		2 Minutes	Furthest point of the building

Table C

TENANCY	YES	NO	N/A
Is the building in multi-occupancy?		X	
Are there other tenanted/occupied spaces/buildings adjacent to the premises being assessed?		X	
If Yes describe operations/processes of other Tenants:			
What arrangements are in place for liaising with adjacent property in the event of a Fire			
Arrangements will need to be confirmed			

Table D

OCCUPANCY	(am) to (pm)		
Times the premises are in use/occupied:	As above		
Total number of persons employed within the premises at any one time:	5		
Total number of persons who may occupy the premises at any one time: Once refurb works have been completed	As above		
Vulnerable Persons:	Known to be present		Comments
	Yes	N/A	Number of People
People who Work Alone or are Isolated	X		
People who are Unfamiliar with Premises	X		Public
People who Sleep on Premises		X	
Children/Young persons		X	
Dependency Levels:	Known to be present		Comments
	Yes	N/A	Number of People
LOW DEPENDENCY - describes occupants who have the physical and mental capability to respond to a fire emergency and exit the premises unaided.			

<p>MEDIUM DEPENDENCY - describes occupants who are either:</p> <p>(a) will require physical assistance or guidance from a staff member to respond appropriately in a fire emergency; or</p> <p>(b) can exit the premises unaided but will take an extended time to achieve this.</p>	X		
<p>HIGH DEPENDENCY - describes occupants who are totally dependent on staff and may require the assistance of two or more staff members in a fire emergency.</p>			

Table E

POTENTIAL FIRE HAZARDS			
Ignition Sources:	Known to be present		Comments
	Yes	No	
Electrical - installations	X		
Electrical - portable equipment	X		
Boilers/Heaters - gas, electric	X		
Hot Processes/Working - welding, battery charging, etc.	X		
Cooking - equipment		X	
Mechanical Equipment - sparks, friction	X		
Equipment - hot surfaces, etc.	X		
Lighting Equipment - lamps	X		
Smoking - Cigarettes, lighters	X		Limited to outside of the building & designated areas
Spontaneous Combustion - rags	X		
Naked Flames - candles, gas rings		X	
Arson - deliberate	X		
Other - seasonal decorations, etc.	X		At specific times

Combustible Materials?	Known to be present		Comments
	Yes	No	
Furniture -	X		
Fixtures & Fittings - curtains, etc.	X		
Textiles - bedding, sleepwear, etc.		X	
Waste Products - wood/pallets, paper & packaging	X		
Plastics/Rubber	X		
Flammable Liquids - white spirit, cooking oils, etc.	X		
Flammable Products - paints, varnishes, thinners, adhesives	X		
Flammable Chemicals - cleaning agents, etc.	X		
Flammable Materials - solvents, etc.		X	
Mains supply, LPG, aerosols, etc.	X		
Other -			

Sources of Oxygen:	Known to be present		Comments
	Yes	No	
Mechanical Ventilation Systems		X	
Piped	X		
Cylinders	X		
Oxidizing Materials		X	
Oxidizing Chemicals		X	
Other -			

PART B

Table F

FIRE RISK ASSESSMENT - CONTROL MEASURES										Abbreviations Y- Yes, N - No, DK - Don't Know, NA - Not Applicable, H - High, M - Medium, L - Low.				
1.0 MANAGEMENT ARRANGEMENTS		VERIFICATION				RISK RATING			COMMENTS - ACTION					
REF	CONTROL MEASURES	Y	N	DK	NA	H	M	L	ADDITIONAL CONTROL MEASURES NEEDED					
Policy														
1.1	Does Dahlak Lounge have a suitable Fire Policy and supporting procedures and arrangements?		X				X		A Fire Policy is required . The buildings Fire Policy should be kept on site at all times it will need to document the business procedures and arrangements. IE Fire Evacuation Procedures including actions staff must take in the event of fire, supported by a Building Plan showing location of Fire Extinguishers & Fire Assembly Point					
1.2	Do the company/premises have the appropriate licenses and/or registration?	X						X						
1.3	Has a person been appointed to be responsible for fire safety?	X						X	Mr Biniam Merahtu					
1.4	Does the responsible person acknowledge their responsibility for Fire Safety?	X						X						
1.5	Has a deputy been designated in case of absence?		X				X		This will need to be confirmed & noted in the Fire Policy					
1.6	Are arrangements in place to liaise with Occupant's within or adjacent to premises?	X						X	Details will need to be noted in the Fire Policy					
Emergency Plan														
1.7	Has an Emergency Plan been drawn up and a copy kept other than at the workplace?		X				X		Emergency Plan describing who has what responsibilities and the actions they must take needs to be documented. This will become part of bars Fire Policy as in Section 1.1.					

FIRE RISK ASSESSMENT - CONTROL MEASURES									
Abbreviations Y - Yes, N - No, DK - Don't Know, NA - Not Applicable, H - High, M - Medium, L - Low.									
1.0 MANAGEMENT ARRANGEMENTS		VERIFICATION				RISK RATING		COMMENTS - ACTION	
REF	CONTROL MEASURES	Y	N	DK	NA	H	M	L	ADDITIONAL CONTROL MEASURES NEEDED
1.8	Have persons been designated to assist with the Emergency Evacuation Plan?	X				X			It was said staff would be responsible on busy nights. It is also advised designated staff members should be appointed for when door staff are not available. All staff members should receive evacuation training
1.9	PERSONAL EMERGENCY EVACUATION PLANS Are reasonable arrangements in place for the evacuation of persons with special needs? (PEEPS)		X			X			Suitable arrangements must be in place to ensure that all staff / patrons can safely leave to a place of safety in the event of a fire. This will need to ensure that if for example a person is incapacitated or injured they will have help & exits available to them – and will allow for any person including staff to leave the building to a place of safety with no obstructions ie, <u>uneven surfaces, objects on passage ways etc.</u> Details will need to be Documented in Fire Policy
1.10	Is evidence available to show regular Emergency Evacuation Drills have taken place?		X			X			A Fire Drill should be completed within the next 60 days . Results should be logged in the buildings Fire Log Book . All staff members should know there responsibilities in the event of fire.
1.11	Are appropriate procedures in place for summoning emergency assistance?	X					X		It was said that the Fire Brigade would be called by the business owner or a member of staff on the day. This will need to be Documented in Fire Policy. Training for staff. All staff members should be informed of the importance of calling 999 on discovery of Fire within the building
1.12	Are arrangements in place for liaison with the Local Fire Authority?	X					X		This would be the responsibility of either Mr Merahtu or a senior member of Staff. Details of this should be documented in the Fire Policy
1.13	Is there a system in place for conducting a roll call at the assembly point?	X					X		Staff Rota will be used to conduct roll call in the event of Fire at the Fire Assembly Point
1.14	Has a suitable assembly point been identified away from the premises?	X					X		Fire Assembly Point is located the Front of the building. The area should be marked with an appropriate Fire Assembly Point sign. The location of the Assembly point should be written on all of the sites Fire Action Notices located throughout the building

FIRE RISK ASSESSMENT - CONTROL MEASURES										
Abbreviations Y- Yes, N - No, DK - Don't Know, NA - Not Applicable, H - High, M - Medium, L - Low.										
1.0 MANAGEMENT ARRANGEMENTS		VERIFICATION					RISK RATING			COMMENTS - ACTION
REF	CONTROL MEASURES	Y	N	DK	NA	H	M	L		ADDITIONAL CONTROL MEASURES NEEDED
1.22	a Is the fire Alarm system checked, maintained and tested on a regular basis?	X							X	Service July 2020 - by 4 Point Fire Solutions Ltd
	b Is there a record of checking, testing and maintenance of the fire alarm system?	X							X	
1.23	a Is all fire Fighting Equipment checked, tested and maintained on a regular basis?	X						X		Fire Fighting equipment has been provided throughout. Ensure staff members are aware of types of extinguishers & how to use them correctly
	b Is there a record of all maintenance and testing of firefighting equipment?	X							X	Installation has been completed in line with BS:5306 annual service contract should be put into place to service equipment annually
1.24	a Is the Emergency Lighting checked, maintained and tested on a regular basis?	X						X		Completed as part of refurbishment works. Ensure the following is in place Maintained lights on all Final Exits Annual Inspection should be completed in line with BS:5266 part 1 to include a 3 hour drain test as required by the standard
	b Is there a record of checking, testing and maintenance of the emergency lighting?	X							X	
1.25	Is the sprinkler system checked, maintained and tested on a regular basis?				X					
1.26	Where applicable are dry/wet risers inspected and tested on six monthly and annual basis respectively				X					

FIRE RISK ASSESSMENT - CONTROL MEASURES									
Abbreviations Y - Yes, N - No, DK - Don't Know, NA - Not Applicable, H - High, M - Medium, L - Low.									
1.0 MANAGEMENT ARRANGEMENTS									
REF	CONTROL MEASURES	Y	N	DK	NA	VERIFICATION			COMMENTS - ACTION
1.28	Do routine Housekeeping Inspections take in to consideration the storage of waste and combustible materials within the building?	X							ADDITIONAL CONTROL MEASURES NEEDED
1.29	Is there a system for controlling the amounts of combustible materials and flammable liquids and gasses that are kept in the workplace?		X						A responsible person should be appointed to monitor waste levels Inspections should be carried out daily. All un used & waste items should be removed from site.
1.30	Are all combustible materials and flammable liquids stored safely?	X							As above. A System should be put into place to remove waste items daily from the building. Waste should NOT be allowed to build up. External BINS should not be stored near Escape Routes External bins should be secured away from the main building & locked at the end of each working day
1.31	Are arrangements in place for the maintenance and cleaning of work equipment? - Cooker hoods, etc.						X		Ensure all flammable items such as sprits, cleaning agents are stored securely within a contained cupboard away from any potential heat sources.
1.32	Are arrangements in place for the maintenance and testing of portable and fixed heating equipment?	X							It was said that heating systems are serviced annually ; Certificates should be available for inspection at all times. Last service will need to be confirmed
1.33	Is Portable Appliance Testing carried out on portable electrical equipment?		X					X	PAT testing is required on all portable electrical items. Test should be completed by a competent person. Certificate should be retained & available for inspection at all times
1.34	Are fixed Electrical Installations periodically inspected and tested?		X					X	Date of last inspection was not confirmed - Periodic Inspection is a test and inspection to ascertain the condition of existing electrical installations, to identify (in order of priority) any deficiencies against BS7671:2008 which is the British standards for electrical Safety. Inspection & test should be completed ASAP

1.35	Are suitable arrangements in place for the control of the mains gas supply in an emergency situation?		X																	Gas bottle provided in the kitchen. It is advised that the bottle should be relocated externally in a secure cage
1.36	Have suitable measures been taken to protect against the risk of Arson?	X																		
FIRE RISK ASSESSMENT - CONTROL MEASURES																				
1.0 MANAGEMENT ARRANGEMENTS																				
REF	CONTROL MEASURES	VERIFICATION			RISK RATING				COMMENTS - ACTION											
		Y	N	DK	NA	H	M	L												
1.37	Is the external storage of waste and other combustible materials kept to a minimum to reduce the potential for ignition by outsiders?		X																	As per 1.29
1.38	Are Staff aware of & following the company procedures for controlling of Contractors?		X																	Ensure contractors working within the bar are aware of the buildings Fire Procedures. Prior to any works being completed within the building
1.39	Are Visitors and Contractors given relevant information relating to the Fire Arrangements for the premises?		X																	As above
1.40	Do all furniture, textiles and fixtures and fittings meet the required British Standard for Fire retardation?		X																	All Upholstered Furniture will need to be treated for Fire Retardancy by an external company should be contracted to complete this. Certificate of compliance should be provided on completion works should comply with BS 7177 for fire retardancy

FIRE RISK ASSESSMENT - CONTROL MEASURES		Abbreviations Y- Yes, N - No, NA - Not Applicable, DK - Don't Know, H - High, M - Medium, L - Low.						
2.0 COMMUNICATION		VERIFICATION			RISK RATING		COMMENTS - ACTION	
REF	CONTROL MEASURES	Y	N	DK	NA	H	M	L
Raising Alarm.								
2.1	Is there an appropriate means of raising the alarm throughout the building/premises?	X						
		As per introduction, The following should be provided . Zone Chart is provided , . Flashing sounder beacons (public toilet areas) provide visual warning of fire . A Public Address system should be installed to activate on activation of the Fire Alarm. Installation of all works should be completed in line with BS:5839 part 1						
Manual/Verbal Means of Raising Alarm - Shouting, Whistle, Bell, Klaxon.								
2.2	Are manual/verbal arrangements for raising the Fire Alarm adequate?	X				X		
2.3	Can a fire be easily detected in all areas of the building/premises?	X						X

FIRE RISK ASSESSMENT - CONTROL MEASURES		Abbreviations Y - Yes, N - No, NA - Not Applicable, DK - Don't Know, H - High, M - Medium, L - Low.									
2.0 COMMUNICATION		VERIFICATION				RISK RATING			COMMENTS - ACTION		
REF	CONTROL MEASURES	Y	N	DK	NA	H	M	L	ADDITIONAL CONTROL MEASURES NEEDED		
2.4	Can all persons in all areas of the building/premises hear the fire alarm?	X						X	Provide flashing sounder beacons connected to existing fire alarm in all public toilers. To provide a visual warning for patrons. Installation should be completed in line with BS5839 part 1		
2.5	Are all members of staff aware of method for raising the fire alarm?		X			X			Ensure all members of staff as part of their induction, are trained in how to raise the alarm using the manual Call Points to also include calling 999 on discovery of fire		
Automatic Means of Raising Alarm											
2.6	Is there an automatic fire detection and alarm system?	X						X			
2.7	Is the fire alarm system connected to a monitoring center which calls the fire brigade?		X					X			
2.8	Is the fire alarm system and all its components, continuously monitored?		X					X			
2.9	Are there a suitable number of break glass call points available throughout the collage?	X						X			
Signage and Notices											
2.10	Are Fire Action notices displayed prominently throughout the workplace?	X						X	Ensure location of Assembly point is written on each sign (inform all staff members of location)		
2.11	Are all fire alarm call points clearly visible and unobstructed?	X						X			

FIRE RISK ASSESSMENT - CONTROL MEASURES		Abbreviations Y- Yes, N - No, NA - Not Applicable, DK - Don't Know, H - High, M - Medium, L - Low.										
2.0 COMMUNICATION		VERIFICATION				RISK RATING			COMMENTS - ACTION			
REF	CONTROL MEASURES	Y	N	DK	NA	H	M	L				
2.13	Are all firefighting equipment clearly indicated and labeled?	X							X	ADDITIONAL CONTROL MEASURES NEEDED		
2.14	Are emergency escape routes throughout the building adequately marked with appropriate pictorial safety signage?		X					X		Fire Exit signs required. A Full Sign survey is required once refurbishment works have been completed.		
2.15	Is the assembly point clearly identified, labeled or signposted?	X							X	Fire Assembly Point located to the front of the building. Ensure all staff members are aware of location		

FIRE RISK ASSESSMENT - CONTROL MEASURES									
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3.0	MEANS OF ESCAPE		VERIFICATION				RISK RATING		COMMENTS - ACTION
REF	CONTROL MEASURES		Y	N	DK	NA	H	M	L
3.1	Are there a sufficient number of exits of a suitable width for the people likely to be present?		X						X
3.2	Do the exits lead to a place of safety?		X						X
3.3	Are all escape routes free from obstructions and free from tripping and slipping hazards?		X					X	As per 1.5 All Fire Exits should be inspected daily to ensure all are free from obstruction. Competent person should be appointed to conduct inspections prior to the bar opening to patrons. FIRE EXITS SHOULD BE FREE FROM OBSTRUCTION AT ALL TIMES
3.5	Are final exits always unlocked and readily available when the building is occupied?			X			X		As above
3.6	Are the locking devices that secure final exits capable of being opened immediately and easily without the use of a key?		X						X
3.7	Do all critical doors on escape routes open in the direction of travel?		X					X	
3.8	Are travel distances to secure/protected areas reasonable given the level of perceived risk?		X						X
3.9	Do escape routes allow for the building to be evacuated in a reasonable time?		X						X

FIRE RISK ASSESSMENT - CONTROL MEASURES									
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3.0 MEANS OF ESCAPE		VERIFICATION				RISK RATING		COMMENTS - ACTION	
REF	CONTROL MEASURES	Y	N	DK	NA	H	M	L	ADDITIONAL CONTROL MEASURES NEEDED
3.10	Are provisions in place to ensure that escape routes are adequately lit at all times when building is occupied?		X				X		A full inspection of Emergency Lighting is required. Maintained Emergency Lights in good working order should be present on each Final Exits
3.11	Are external escape routes maintained in good condition? - Fire escape stairs, etc.	X						X	
3.12	Have revolving doors or lifts on escape routes been specifically designed for escape purposes?				X				
3.13	Are employees aware that revolving doors or lifts should not be used in the evacuation from the building unless they have been designed for that purpose?				X				

FIRE RISK ASSESSMENT - CONTROL MEASURES									
Abbreviations Y - Yes, N - No, NA - Not Applicable, DK - Don't Know, H - High, M - Medium, L - Low.									
4.0 CONTAINMENT		VERIFICATION				RISK RATING		COMMENTS - ACTION	
REF	CONTROL MEASURES	Y	N	DK	NA	H	M	L	ADDITIONAL CONTROL MEASURES NEEDED
4.1	Is there evidence of inadequate compartmentation of the building/premises?		X					X	

4.2	Is there evidence of inadequate fire separation of the building/premises?	X					X		<p>Replace the following standard doors</p> <ul style="list-style-type: none"> . Entrance to Kitchen . Entrance to food prep area <p>Doors should be replaced with 30 minute fire resisting doors with</p> <ul style="list-style-type: none"> . Positive closing door closer . Dry smoke & heat seals fitted to the recess of each door . 'Fire Door Keep Closed' signs fitted to both side of the door
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FIRE RISK ASSESSMENT - CONTROL MEASURES		Abbreviations Y- Yes, N - No, NA - Not Applicable, DK - Don't Know, H - High, M - Medium, L - Low.									
4.0 CONTAINMENT		VERIFICATION					RISK RATING			COMMENTS - ACTION	
REF	CONTROL MEASURES	Y	N	DK	NA	H	M	L			
4.3	Is there evidence of inadequate structural fire protection of the building/premises?		X						ADDITIONAL CONTROL MEASURES NEEDED		
4.4	Do any wall coverings promote the spread of fire/flame?	X									
4.5	Is there evidence of adequate fire stopping around pipe-work and wiring?		X			X			Ceiling covering should be removed; Fire within this area could cause significant harm to occupants attempting to leave the building. Fire would be accelerated very quickly if ceiling covering caught fire - This should be removed ASAP		
4.6	Are fire doors fitted with magnetic devices secured in a closed position?		X					X			
4.7	Are all fire doors fitted with the appropriate smoke stop or intumescent strips?	X					X		Retained & new installed internal Fire Doors opening on to the means of escape should conform to the FD30 standard. Doors should all have the correct dry smoke & heat seals fitted within recess of each door. See significant findings		
4.8	Where necessary are escape routes constructed of fire resistant materials?	X						X			
Additional Comments:											

4.9	Have staff been trained in the identification and use of the fire extinguishers available in the premise?	X				X			Basic Fire Training is required for all staff members. Training should be on going and repeated each year.
5.0	Are hose reels provided and in working?				X				
5.1	Is any fixed fire-fighting installation or automatic fire suppression system installed and in working order? – sprinkler systems etc.					X			
5.2	Is there sufficient access and facilities for the fire service?	X						X	Access for Fire Service is Via front of the building. Ensure Access is not obstructed at any time

FIRE RISK ASSESSMENT - CONTROL MEASURES		Abbreviations Y- Yes, N - No, NA - Not Applicable, DK - Don't Know, H - High, M - Medium, L - Low.							
5.0	EXTINGUISHMENT	VERIFICATION				RISK RATING			COMMENTS - ACTION
REF	CONTROL MEASURES	Y	N	DK	NA	H	M	L	ADDITIONAL CONTROL MEASURES NEEDED
5.10	Is there a fire hydrant available for use by the fire service?				X				
Additional Comments:									
<p>This Fire Risk Assessment and Action Plan has been put together by the Assessor, in good faith, from the information given and observations made on the day of the visit.</p> <p>There may be situations that arise, which may affect the information gathered in this current risk assessment. If this is the case, this risk assessment must be reviewed in light of any changes, albeit temporary, which could affect the risk to life from fire in these buildings/premises. For example: Fire works displays at new year or other similar functions.</p>									



Pic 1

Location of Fire Assembly point should be clearly written on each **Fire Action Notices** located throughout the building replace where missing



Required on every external side of all Final Exits



Fire Assembly Point sign required Location should be written on all of the buildings Fire Action Notices.



Fire Exit Sign Survey Required



Picture 4
1st Floor

All routes to Exit **MUST** remain **free from obstruction** at all times
move all obstruction from the escape routes.



Picture 5

As above. **The tree should be removed.** To allow the exit to be used



Picture 6

Seek permission from the yard owners to use exit for emergency use only.



Picture 7

- . Provide the following
- . Replace standard cupboard door with FD 30
- . Provide '**Danger 240 volts**' sign external side of door
- . Door should remain locked at all times access for authorized persons . only



Picture 8

- . PAT Testing required on all electrical items with the building



Picture 9

Relocate gas bottle to an external position. Gas bottle should be stored within a secure approved cage as per 14

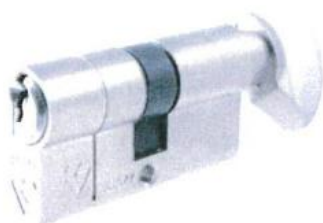


Picture 10
Replace standard door with FD 30 (kitchen)



Picture 11
Replace standard lock on door Exit from kitchen with thumb turn lock to allow exit without the use of a key

Picture 12
. As above





Picture 13

Make good electrical cable in cupboard under stairs. Cupboard should not be used to store items. Cupboard should remain locked at all times



Picture 14

. Gas bottles should be stored externally secured within a cage



Picture 15

Ceiling covering should be removed; Fire within this area could cause significant harm to occupants attempting to leave the building. ***Fire would be accelerated very quickly if ceiling covering caught fire***

PART C**FIRE RISK ASSESSMENT – SUMMARY SHEET****PART B – CONTROL MEASURES IN PLACE – Actions Already Taken to Reduce the Risks**

Are arrangements and procedures for ensuring the reduction of the risk of fire occurring in place and adequate?

ADEQUATE

Yes

No

Summarise your findings from the previous sections.

1.0 Management Arrangements

- Policy

- Emergency Plan

- Information & Training

- Maintenance, Testing & Record Keeping

- Inspections and Fire Hazard Control Measures

2.0 Means of Raising Alarm – Communication

3.0 Means of Escape

4.0 Means of Restricting Spread of Fire

5.0 Means of Fighting Fires

Taking into account the nature of the building and the occupants, as well as the fire protection and procedural arrangements observed at the time of this risk assessment, it is considered that the risk to life in the event of fire would be:

INITIAL ASSESSMENT OF OVERALL RISK

LOW

MEDIUM

X

HIGH

FIRE RISK RATING	RISK RATING = HAZARD + SEVERITY x LIKELIHOOD	
	SEVERITY of injury/disease	LIKELIHOOD of occurrence
HIGH	Extreme Harm	Certain or near certain to occur
MEDIUM	Moderate Harm	Reasonably likely to occur
LOW	Slight Harm	Unlikely to occur

SIGNIFICANT FINDINGS TO REDUCE FIRE RISK – IF APPLICABLE			
Existing control measures that require improving or additional control measures that will reduce the risks still further are listed below.			
ADDITIONAL CONTROL MEASURES	RESPONSIBLE PERSON	COMPLETION DATE	PRIORITY
1.0 Management of:			
<p>Emergency Evacuation procedures Needs to be established & documented for dealing with any fire situation.</p> <p>The purpose of the emergency evacuation procedure is to ensure that all staff and / or temporary staff members know what to do if there is a fire and that the site can be safely evacuated allowing people to move to a place of safety.</p> <p>Procedures should be in place to ensure all patrons & staff members can safely leave the building without obstruction on the means of escape</p> <p>Ensure all staff members are aware of the emergency plan</p>	Management		P1
<p>Policy- A Fire Policy is required. This should show what will happen in an emergency situation and who has what responsibilities</p> <p>Refer to this and other sections of the Report with regards to what should be in the Fire Policy</p>	Management		P1

<p><u>Escape Routes.</u></p> <p>All steps must have their edges highlighted with high visibility/contrasting Paint Rear External Exit</p> <p><u>Complete the following</u></p> <ul style="list-style-type: none"> . Remove tree & obstruction from 1st floor fire escape . Seek permission from yard owner to have access into the rear yard for Emergency Use only. . Replace standard lock with 'Push Bar to Open' (Exit from kitchen) . Fire Exit from ground floor (toilets) <i>this exit should only be used if suitable access can be provided to allow safe Egress.</i> <p><i>Cupboard under stairs SHOULD NOT BE USED as storage- Relocate items stored under stairs</i></p>	Management		P1
<p><u>Fire Doors</u></p> <p>All doors separating kitchen & high risk areas should meet with the FD standard</p> <p>The standard requires the following</p> <ul style="list-style-type: none"> . 30 minute Fire Resisting door & frame . Positive closing door closer able to overcome the resistance of any latch or lock . Dry smoke & heat seals fitted to the recess of each door . Vision panel if internal if on escape route <p><u>The following doors should be replaced</u></p> <ul style="list-style-type: none"> . Mains cupboard door (ground floor) . Entrance to Kitchen door . Internal Kitchen door . Entrance to 1st floor (Top stairs) 	Management		P1
<p><u>Ensure all staff members</u> know what actions must be taken in the event of fire <u>calling 999</u></p>	Management		P1
<p><u>Information and Training –</u></p> <ul style="list-style-type: none"> . Fire extinguisher Training required for all staff members. . Use of fire extinguishers, . Keeping routes to exit clear . Not allowing patrons to obstruct exits . Importance of protecting Fire Exits etc . Complete Fire Dill . Ensure all staff members know what to do in the event of fire 	Management		P2

Maintenance, Testing and Recording Fire Log Book required .The responsible person is required to ensure that weekly / monthly tests are carried out at the specified times – <ul style="list-style-type: none"> . Fire Extinguishers - Daily . Fire Alarm - Weekly . Emergency Lighting. Monthly . Fire Doors = Daily . Ensure all fire exits are free from obstruction at all times <p>All tests should be logged in the buildings Fire Log Book</p>	Management		P1
Fire Risk Reduction Measures <ul style="list-style-type: none"> . Complete Pat annually . Confirm date of 5 year electrical periodic test . Service heating systems . External Bins should be secured away from the main building & locked when not in use 	Management		P1
Raising the Alarm (provide the following) <ul style="list-style-type: none"> . Public Address system required connected to the fire alarm (to turn music off on activation of fire alarm) . Flashing beacons required. Public toilet areas . Ensure all staff how to raise alarm . Staff calling 999 on discovery of fire 	Management		P1
2.0 Communication Plan of business – as mentioned above, to show escape routes for rooms, final exits, extinguishers, call points etc Signs and Notices Fire Assembly Point Sign, Fire Exit & general signage required	Management		P2

SIGNIFICANT FINDINGS TO REDUCE FIRE RISK – IF APPLICABLE			
Existing control measures that require improving or additional control measures that will reduce the risks still further are listed below.			
ADDITIONAL CONTROL MEASURES	RESPONSIBLE PERSON	COMPLETION DATE	PRIORITY
Fire Log Book Required	Management		P1
Opening and closing procedure required ensuring all non- essential electrical equipment with the bar area has been turned off etc	Management		P1
1.10 A Fire Drill should be completed with all staff members including door staff / security every 6 months . In order for evacuation procedures to stay fresh in mind. Results should be logged in MJ's Fire Log Book	Management		P3
1.16 Fire Training for all staff Members including management, to include the use of Fire Extinguishers. Training should be on going & repeated each year	Management		P2
1.17 Training for staff members on raising the alarm calling 999 in an emergency . The importance of keeping exits free from obstruction, assisting patrons during an evacuation	Management		P2
General Information and Training – 5.6 Provide Fire Training For All staff members. <ul style="list-style-type: none"> . How to use the fire extinguishers . The importance of keeping Fire Exits clear . Housing keeping within the work place & kitchen . Safer disposal of redundant oil . Reporting to management damaged equipment etc . How to raise the alarm . Not to obstruct fire extinguishers . Keeping working areas free from obstruction etc 	Management		P1

<p>Additional training should be provided for all kitchen staff to ensure good working practices</p> <p>Responsible person must ensure that employees are provided with adequate safety training at the time when they are first employed and on their being exposed to new or increased risks.</p> <p>This training must include suitable and sufficient instruction and training on the appropriate precautions and actions to be taken by the employee in order to safeguard themselves and other "relevant persons" on the premises. The following should be applied</p> <ul style="list-style-type: none"> . Not over loading plugs . Safe use of deep fat fryer . Gas shut downs . Avoid using extension leads . Provide additional wall sockets if & were required . leaving phone chargers plugged in un attended . Storage of waste within the kitchen . Staff wearing the appropriate, clothing . Keeping work areas clean & tidy . Not leaving cooking food un attended . Knowing where remote shutdowns are located . Using the firefighting equipment . Education of staff, safe working practices <p>Fire Safety Management system should be implemented Only trained & authorized staff members should be permitted to use the deep fat fryer. Ensure all staff members know what to do in the event of Fire</p>	Management		P1
<p>2.10 Fire Exit Sign survey required to include</p> <ul style="list-style-type: none"> . Directional Fire Exit Signs . Fire Action Notices . Fire Door Keep Closed Signs . Fire Exit Keep Clear signs . Fire Assembly Point sign . No smoking signs 	Management		P2
<p>1.37 External bins. Bins should be secured away from the main building & locked at the end of each working day</p>	Management		P2
<p>1.31 Confirm arrangements & last service dates for the service of the following</p> <ul style="list-style-type: none"> . Gas Boiler . Extraction systems 	Management		P1
<p>1.21 Implement Fire Alarm service 2 visits per year Completed in line with BS 5839 part 1</p>	Management		P1
<p>1.24 Implement Emergency Light Service 1 visit per year. Completed in line with BS 5622 part 1</p>	Management		P3

<p>1.21 & 2.1 Fire Alarm</p> <p>Installation of Public Address system interfaced into the fire alarm panel to shut down music in the event of fire</p> <p>Zone chart Including zone locations required</p> <p>Replace existing sounders in all male & female toilets to sounder beacons to provide visual warning</p> <p>All works should be completed in line with BS:5839 part 1</p>	Management		P1
<p>1.33 Complete Portable Pat Testing</p> <p>Inspection certificate should be retained for inspection</p>	Management		P3
<p>1.34 A Fixed wiring test should be carried out at the property every 5 years (periodic electrical test) Last test date will need to be confirmed. Test certificate should be retained & be available for inspection at all times</p>	Management		P1
<p>1.38 Contractors carrying out work on site should be informed of Elites fire evacuation procedures prior to start of works</p>	Management		P1
<p>Provide additional training for all members of staff working within the kitchen to include the following</p>	Management		P1
<p><u>All Upholstered Furniture will need to be treated for Fire Retardency</u> by an external company should be contracted to complete. Certificates should be provided</p> <p>Ensure all future fabrics installed within the club are treated to comply with BS 7177 for fire retardency</p>	Management		P1

Taking into account the nature of the building and the occupants, the existing fire protection measures and procedural arrangements observed at the time of this risk assessment and including the implementation of the additional control measures identified above, it is considered that the risk to life in the event of fire would be.

RESIDUAL ASSESSMENT OF OVERALL RISK	LOW		MEDIUM	X	HIGH	
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RISK ASSESSMENT CIRCULATION LIST:					
Employees	X	Management	X	Contractors	X
Other – Specify:					
Signature of responsible person:			Date:		
Assessor:		Signature:			
Date Assessed:	01/07/2020	Review Date:	01/07/2021		

Priority Key – Complete the action within the specified period from the date of this FRA

P1 Immediately **P2** Within two weeks **P3** Within two months **P4** Within six months

Fire Evacuation Plan

Dahlak Lounge & Restaurant

FIRE EVACUATION PLAN

Fire Safety Housekeeping

Fire doors are designed to prevent the spread of fire and poisonous smoke, and to provide people with protected routes to safety in the event of fire. **DO NOT WEDGE FIRE DOORS OPEN**, or store combustible materials in corridors or under stairs.

Familiarize yourselves with the location of all **Fire Exits, Fire Extinguishers and the Fire Assembly Point**.

Smoking is **NOT** permitted anywhere within the building

Discovering a fire – what you must do:

RAISE THE ALARM - Warn everyone in the building that there is a fire.

IF YOU SUSPECT A FIRE, SOUND THE ALARM. **DO NOT** search for the seat of the fire.

Only the Fire Brigade should do that - particularly where this involves opening doors when a fire is suspected to be behind them. If there is smoke in the Corridor etc; then you have already found the fire and it is already time to

RAISE THE ALARM!

Fire Marshalls

Ensure that Visitors leave from the nearest **Exit** to the Assembly Point located at the **Front and Rear** of the building.

CALL THE FIRE BRIGADE

DO NOT DELAY in summoning the Fire Brigade. Call from a place of safety. Dial 999 if possible

ATTEMPT TO FIGHT THE FIRE – (if safe to do so **Keeping Exit behind You**)
Prompt use of a fire extinguisher can nip a major incident in the bud.

If you encounter a fire then only use the extinguisher if it is safe to do so, and **If** you know how to use them. Leave as soon as the extinguisher has emptied or if the fire is growing!

REMEMBER:

- SOUND THE ALARM FIRST & CALL THE FIRE BRIGADE
- KEEP YOUR ESCAPE ROUTE CLEAR
- USE THE CORRECT TYPE OF EXTINGUISHER.
- LEAVE THE BUILDING PROMPTLY,
- DO NOT WAIT TO BE TOLD AND DO NOT Attempt to collect personal belongings.

- All doors and windows should be closed behind you if time permits and only where you can.
- Use your nearest **Fire Exit**, (look for the green „Running-Man“ signs).
- **DO NOT** block the fire exits.
- Move away from the building and keep the entrances clear for the Fire Brigade.
- Once **out** of the building proceed to the **Fire Assembly Point**
(Located to Front & Rear of the building)

- The Fire Marshall to liaise with the Fire Brigade on their arrival.
- DO NOT go back into the building until you are specifically told to do so by the Fire Brigade Officer in-Charge.

NOTE: silencing the alarms is not a signal to re-enter the building.

- DO assist anyone with mobility difficulties.

Fire Assembly Point:
The Fire Assembly Point located to the
Front of the Building



West Midlands Police
Supporting Evidence
Review Hearing:
Dhalak Lounge
Hampton Street Birmingham B19 3LS

PAGE(S)	DOCUMENT(S)
1 to 6	Statement of licensing officer Chris Jones
7 to 11	Decision notice from expedited review
12	Licensing plan of premises
13 to 15	Statement of licensing officer Ben Reader
16 to 20	Statement of PC Wheeler from 10th October
21 to 22	Statement of PC Twomey from 10th October
23 to 25	Email to PLH from PC Reader dated 25.08.20
26	Email from PLH to WMP licensing dated 03.09.20
27	Email referral to West Midlands Fire Service dated 15.10.20
28 to 29	Emails from WMP Licensing to PLH for CCTV from 10.10.20

WITNESS STATEMENT

Crime Number:.....

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

URN

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Statement of: 55410 Christopher Jones

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Licensing Officer

This statement (consisting of 6 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 4th November 2020Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am employed by West Midlands Police as a Licensing Officer currently based as Lloyd House, Colmore Circus Birmingham B4 6NQ working within the Central Licensing Team. This team has responsibility for all licenced premises within the Birmingham City Council area.

This statement is in relation to a premise called Dahlak Lounge, Hampton Street, Birmingham B19 3LS – premises licence number 5185.....

The premises itself is a large ex-industrial unit which I believe was a large garage. The building lies back approximately 50 metres from the road. Entry to the car park is gained by large metal gates leading off the road, which when I have visited the premises have been wide open. The building has two floors a large ground floor with bar area and stairs leading to a smaller first floor. The main entrance to the premises is roughly in the centre of the building accessed by a door behind a roller shutter with the door is normally accessible with the roller shutter being up. There are doors either side of the roller shutter, to the left hand side a white UPVC door and to the right a small black door being used as a fire exit. This door has been added to the premises since my visit on 26th August.

Neither of these two doors are normally used as an entrance or exit. On the ground the seating is large bench / sofa style seating with small square tables situated between the seating. There is a long bar to the left hand side of the premises as you walk in. At the rear of the premises there is an enclosed smoking shelter.

The premises licensing plan is now incorrect to the way the premises was set up on my last visit. The seating is now long bench type / sofa seating in rows, the bar is longer, extended more towards where the door is shown.

There is now a small door, the premises state is a fire exit on the right side. Of note the only fire exit shown on the plan is at the rear and leads to an enclosed smoking shelter.. ..

On 16th August 2020 in the early hours of the morning the premises came to attention of officers as they could hear loud music whilst in the street dealing with another incident. Officers traced this music to Dahlak Lounge,

As officers entered the premises they describe very loud music playing, people standing and a complete lack of

social distancing. Officers state that the premises was very full and appeared to be overfull.

The premises should have been trading in a manner to keep the public safe which was detailed in a government document 'Keeping workers and customers safe during Covid 19 in restaurants, pubs, bars and takeaway services. This document was produced to show how premises could reopen from 4th July after the national lockdown in a safe manner to minimise any potential spread of the disease.

This guidance included matters such as risk assessments, social distancing, no shouting, no dancing and cleaning. At the time officers attended they spoke with the DPS who is also the premises licence holder and gave him advice and explained what measures he needed to put in place in order to trade in a covid safe way.

As a result of this incident a meeting was arranged with the premises licence holder and officers from the police licensing team - PC Reader and myself. PC Reader had also been one of the officers that had attended in the venue in the early hours of 16th August. The meeting was arranged for 26th August.

Before the meeting, on 25th August PC Reader emailed the premises licence holder with detailed points of how a licence premises should operate to be covid safe, what should be included in the premises covid safe risk assessment and a link to the government website for the covid safe guidance in pubs and bars.

Several representatives from the premises, including the premises licence holder attended the meeting at the premises with PC Reader and myself.

At this meeting we spent a significant amount of time talking through what should be contained in a covid safe risk assessment and clarifying any points the premises did not understand. A lot of time was spent explaining the social distancing rule of 2 metres or if not viable 1 metre plus mitigation between different groups of a maximum size of 6 people.

At the meeting I also asked for a copy of the premises fire risk assessment as officers had commented on the number of people in the premises and how full it was. In this document it clearly stated that the venue capacity was 60 people on the first floor and 60 people on the ground floor. (When officers were at the premises on 16th August they have stated that there was considerably more people in the premises than legally allowed as stated in the fire risk assessment document.

PC Reader then asked the premises licence holder about the number of people present at the premises on 16th August. Mr Mebrahtu was completely unaware of his legal capacity until it was pointed out to him. He was also informed that any risk assessment should include how he intended to manage capacity levels between the floors to comply with the fire risk assessment.

As the meeting came to an end PC Reader asked the premises licence holder to email a copy of the premises covid safe risk assessment to him.

On 3rd September the premises sent an email to the licensing team which stated 'all the risk assessments are

done and the venue is complying with all fire and risk regulations'. There was an attachment to this email which was the premises risk assessment. Although due to time and workload the actual risk assessment was never viewed.

On Saturday 10th October 2020 at approximately 21.10hrs officers again had cause to attend the premises. This was as a result of a member of the public contacting West Midlands Police concerned by the number of cars on the car park and the volume of music emanating from the building.

Officers attended the location and from the outside the building looked closed with shutters down.

Loud music could be quite clearly heard from within the building as the officers entered the car park, walking past the metal gate from the street. Quite clearly on the officer's bodycam I can see that the main gate to the car park, which is normally open was half closed and a barrier blocking the other side of the entrance. The main entrance shutter to the building was also down. This would give the impression to anyone driving past or even walking past that the venue was closed and appeared to be completely locked up.

The officers noted a significant number of cars on the car park and around 20 people milling around. As officers started to engage with people in the car they told officers that they were waiting to get into the premises as there was loads of people inside and it was a ticket only event. Officers came to the conclusion that there were obviously people inside the premises albeit the premises from the outside looked locked and closed.

Officers tried to gain entry to the premises but all the doors were locked and shutters were down. As officers waited outside the venue they saw someone looking out of an upstairs window and then the volume of the music was lowered.

A door to the premises was eventually opened, officers describe hearing keys and the door being unlocked from the inside by a male would appeared to be working as door staff at the premises.

Officers describe approximately 150 people on the ground floor with bench or sofa style seating. Officer's state there was no social distancing between different groups and mitigation in place.

Officers also noted a DJ booth with 3 men stood behind it none of which were wearing face covering or were socially distanced.

Officers observed a number of people walking around inside the premises who again were not wearing any face covering.

Officers describe person after person sat in a large row with no social distancing and a group of more than 6 people sat within booth style seating clearly breaching covid regulations.

Officers saw customers smoking shisha pipes within the premises and could see the glow of the coals.

Officers then became aware of what they believed was a member of staff pulling two men out of a booth area telling them 'there is too many, get out'. Officers also heard other voices from within the premises saying 'move,

move you've got to move.

The premises stated to officers they had 152 people in the whole of the premises.

The fact that the premises was selling shisha / allowing it to be smoked on their premises by its nature increases the fire risk at the premises. In a venue that had limited, at the best or no means of escape due the fact the shutters were down and doors to the premises were locked.

Ventilation is a key element to compliance with the smoking of shisha and in the opinion of West Midlands Police, even if the shutters were open the premises would not be shisha compliant as it would not be 50% open.

It is the opinion of West Midlands Police that the premises licence holder had put profit over public safety and had made a deliberate attempt to conceal the fact the was trading in such a unsafe manner by trying to give the impression the venue was closed. A vast difference in the operation style that the premises stated in their email dated 3rd September that 'the venue is complying with all fire and risk regulations.'

I arranged another meeting with the premises licence holder on 13th October to obtain a copy of their CCTV from 10th October and to view their covid safe and fire risk assessments.

I attended the venue on 13th October and again several representatives from the premises were present including the premises licence holder. The premises was not trading at this time and appeared to be set the same way as when it was trading on 10th October from what I had seen on the officer's bodycam. The premises also indicated the numbers of people allowed in each area which confirmed to me, the venue set up of the seating would be the same as when the premises were trading.

The premises stated that the CCTV could not be downloaded onto a memory stick or DVD as there was no facility on the hard drive. They said that they were saving the footage onto a mobile phone and would email the clips. Unfortunately the clips were too large to email

I left the premises with PC Reader and returned to the office, after discussing the visit I decided to return to the venue as the more I thought and talked about the first visit the more I became concerned with the premises. I returned to the premises about 30 minutes later with a colleague. The same representatives of the premises were still present.

At this meeting it was noted that the seating within the premises was not 2 metres apart. The widest gap between seating was only 1.17 metres with the vast majority of seating closer than that, some with no gaps at all. The rules are clear that to go below 2 metre gap there must be a level of mitigation in place which describes the use of screens. There was no sign of any mitigation measures in place, far from the safe trading environment complying with all risk regulations as they stated.

There were sofas / benches positioned for customers in a place that should have been a sterile fire route for access to the fire exit. It was also noted that emergency lighting and signage was not covering the front fire exit.

Also that the fire exit at the rear of the premises led to a totally enclosed smoking area offering no means of escape.

Concerns were also raised to the premises that the front fire exit (which was blocked by the furniture) appeared to be smaller than a standard size door as there was a trip hazard, a concrete step painted black as you approached the exit.

Both the premises fire risk assessment and covid risk assessment were reviewed.

I noted that the capacity figures on the fire risk assessment for the ground floor had increased from 60 as of the meeting on 26th August to 160 people. The premises stated that the increase in capacity was as a result of installing the new front fire exit (the exit which was blocked with furniture that had the trip hazard.)

The fire risk assessment was still dated July 2020. The same date that I had seen at the meeting on 26th August (where it indicated 60 people) The risk assessment had not been signed or re-dated to show the new capacity figure.

I have emailed West Midlands Fire Service Safety Team with my concerns about the premises, the fire compliance and capacity figure, who have stated that will contact the venue for an inspection.

The premises covid safe risk assessment was nothing more than a 'tick box' sheet which in my opinion was not fit for purpose and did not detail any management, enforcement or capacity for trading a covid safe environment. This was shown by the lack of social distancing between seating at the venue.

The premises then tried to defend themselves not trading covid safe by blaming West Midlands Police Licensing Team as they had sent us their risk assessment and we hadn't commented on it, albeit in the email in which the premises attached their risk assessment they stated 'the venue is complying with all fire and risk regulations.'

The premises licence holder was reminded that the management and operation of his venue was his responsibility and not down to West Midlands Police. He was also reminded of the amount of time we had spent as a department, face to face, offering advice and education for covid safe trading, giving the premises the opportunity to ask any questions or to clarify any points.

West Midlands Police and myself have spent a lot of time engaging with the premises with regard to their responsibilities around covid safe trading.

West Midlands Police are concerned that the premises has not learnt from any advice given to them for covid safe trading. The premises continues to trade in a manner that would have been seen prior to this pandemic, against all the regulations and guidance given by the government in order to trade in a safe manner and stop the spread of the virus. This in turn threatens the safety of their families and the communities they live in.

Since the suspension of the licence I have contacted the premises licence holder on at least 5 occasions by both phone and email to obtain a copy of the premises CCTV in a format which would be viewable by West Midlands Police from 10th October which as yet not been forth coming. I have ask also ask if they had appointed any legal representation and if the premises would prefer me to contact them. Again I am still awaiting a reply from the premises and still have not seen the premises CCTV for the 10th October. On 3rd November Birmingham City Council Licensing have informed me that the premises has legal representation and I have since telephoned them asking for the CCTV. *Ches*

Signature: *Ches* Signature witnessed by:

OFFICIAL (when complete)

Witness contact details

URN : / / /

Name of witness: Mr/Mrs/Ms/Miss/Dr

Former name: *Email address:

*Email address needed for correspondence i.e. support material to be sent

Address: Postcode:

Preferred telephone number: Alternate telephone number:

Agreed means of contact and frequency :

Gender: Date and place of birth: Ethnicity Code (16+1):

DATES OF WITNESS NON-AVAILABILITY: (12 months)



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE A

THURSDAY 15 OCTOBER 2020

DAHLAK LOUNGE, HAMPTON STREET, BIRMINGHAM B19 3LS

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 Mr Biniam Yemane Mebrahtu in respect of Dahlak Lounge, Hampton Street, Birmingham B19 3LS, 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, and
- that Biniam Yemane Mebrahtu be removed as the Designated Premises Supervisor

Before the meeting began the Sub-Committee was aware of the amended *Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020*, the updated version of the Guidance entitled '*Closing Certain Businesses and Venues in England*' originally issued by HM Government on 3rd July 2020, and the Guidance entitled '*Keeping Workers and Customers Safe in Covid-19 in Restaurants, Pubs, Bars and Takeaway Services*' issued originally by HM Government on 12th May 2020 and updated regularly thereafter.

The Sub-Committee was also aware of the special local lockdown measures (specifically for Birmingham) which had been announced by HM Government on Friday 11th September 2020, then introduced on Tuesday 15th September 2020. These measures had been an attempt to control the sharp rise in Covid-19 cases in the city.

Furthermore the Sub-Committee was aware of the further national measures to address rising cases of coronavirus in England as a whole, which had been announced by HM Government on 22nd September 2020. These national measures had been published on the "gov.uk" website on that date, and detailed the new requirements for all businesses selling food or drink (including cafes, bars, pubs and restaurants), ordering that all such premises must be closed between 22.00 hours and 05.00 hours. Other requirements for such premises included seated table service, wearing of masks, and participation in the NHS Test and Trace programme. These measures were an attempt by HM Government to control the sharp rise in Covid-19 cases nationally.

The pandemic had continued to be the top story in the national news across the Spring, Summer and now into the Autumn of 2020; the Birmingham lockdown, and also the new national measures announced on 22nd September, had been very widely publicised and discussed both in news reports and on social media. The

Prime Minister, together with HM Government's Chief Medical Officer and Chief Scientific Officer, had resumed the televised 'Coronavirus Briefing' broadcasts which had been a feature of the first few months of the pandemic. In recent days HM Government had also designated a pyramid-style 'Three Tier' system for the nation, to indicate the level of risk for each area. Birmingham had been designated as 'Tier 2', meaning a 'high' level of risk.

The Dahlak Lounge premises had been granted the premises licence on 12th March 2020, less than two weeks before the national lockdown was imposed.

Mr Biniyam Yemane Mebrahtu attended the meeting, as the premises licence holder and also as the designated premises supervisor. Two other individuals also notified the Licensing department of their attendance – Mr Olayinka Soremi and Mr Victor Joseph, who described themselves as Mr Mebrahtu's "business partners". Mr Victor Joseph was the person who addressed the Sub-Committee. It was noted however that the premises licence was in the name of Mr Mebrahtu alone, not a partnership.

Members heard the submissions of West Midlands Police, namely that the background to the certificate issued by the Chief Superintendent under s53A(1)(b) of the Act was that, in Birmingham, it had been observed that the death rate, the rate of infection, and the rate of hospital admissions were all steadily increasing; there were more Covid patients in Birmingham hospitals currently than there had been at the start of the March 2020 lockdown.

From the 4th July 2020, when the new arrangements for reopening were being publicised and the lockdown was being eased for licensed premises such as pubs and bars, information on how to trade was readily available to such premises - via the "gov.uk" website, and also the very many news reports, both on television and on general social media. The requirements included no loud music, no dancing, queue management, and 2m social distancing (or 1m with mitigation measures).

On the 16th August 2020, West Midlands Police observed a general failure by the Dahlak Lounge premises to follow the Government Guidance. Whilst dealing with an incident nearby in the early hours of the morning, Police found that loud music was emanating from Dahlak Lounge at a volume which could be heard in the street.

Upon entering, Police observed that there was no social distancing or limitation of numbers of patrons as per the Covid-19 requirements, to allow for safe operation. Police described the premises as "packed" with patrons. Under the fire risk assessment, the capacity limit was 120 patrons - 60 on the ground floor and 60 on the first floor. Far more than these numbers were estimated by Police to have been inside. Loud music was playing, making normal conversation impossible, and therefore requiring raised voices – a known risk for Covid transmission. The Police ascribed these failures to unsatisfactory management by the premises licence holder Mr Mebrahtu, who was also the designated premises supervisor.

Police offered advice and help to the licence holder via email, to assist him in understanding what was required to trade in a Covid-safe manner. Police also held a meeting with him on 26th August, and spent a lot of time explaining the social distancing requirements. Surprisingly, Mr Mebrahtu was not aware that his premises had any capacity limit for numbers of patrons. Police requested that he supply the Covid-19 risk assessment which is a mandatory requirement under the Government Guidance; Mr Mebrahtu stated that the risk assessments had been done for both Covid risk and fire risk.

Then from September 2020, the measures imposed by HM Government became stricter – closure at 22.00 hours, music to be limited to 85 decibels, no standing (table service only), wearing of masks, and participation in the NHS Test and Trace programme. This information was readily available to licensed premises via the “gov.uk” website, television and on social media.

On 10th October 2020 Police received a complaint from a member of the public that loud music was emanating from the Dahlak Lounge and that there were numerous cars in the car park. Police attended at around 21.10 hours, which was within the permitted opening hours (closure required at 22.00). Police found that very loud music was indeed emanating from Dahlak Lounge, at a volume which could be heard in the street – despite the shutters to the premises being pulled down and locked, and the premises appearing to all intents and purposes to be ‘closed’. Around twenty people were in the car park. One individual inside the premises was seen to look out of an upstairs window; moments later, the volume of the music reduced significantly. A person, thought to perhaps be a security guard, then unlocked the door from the inside.

Upon entering, Police were astonished to find the situation inside to be even worse than that which had been observed on the 16th August. Around 150 people were found on the ground floor; no social distancing whatsoever was being observed and many patrons were standing or walking about. Others were seated together, either on long benches or in booths, but nobody was keeping a Covid-safe distance from others. The music being played had already been turned down, but the Police found that they still could not hear anything above it. Masks were not being worn by many customers, and even some of the staff, except for the security guards; smoking of shisha by patrons was going on.

Staff hurriedly began pulling patrons out of their seats, exhorting them to “move, move, you’ve got to move”, and ordering those seated in booths to “get out”, on the basis that the premises had exceeded its capacity limit.

Police observed that the door through which they had entered, which had been unlocked for them by somebody inside, was in fact a front fire escape. There was also a rear fire exit, but this was found to lead only to the outdoor smoking area – an entirely enclosed area, with no means of escape beyond that. A second front fire exit was also unsatisfactory to Police, given the small size of the door to it, and the presence of a trip hazard created by the flooring and the irregular-sized door. Emergency lighting and signage was not in place at the front fire exit; indeed sofas and benches had been placed in the path of the main escape route. The shutters had also been pulled down and locked. The premises’ view was that this was to stop people from getting in.

This was all completely unacceptable in terms of fire safety, but was made infinitely more serious by the fact that many patrons inside were smoking shisha, which by its nature increases the risk of fire. Moreover, as the Police explained, ventilation arrangements are key to compliance with the Health Act 2006 when smoking shisha, yet the Dahlak Lounge had the main shutters pulled down and locked. Any outbreak of fire would have been a disaster even with social distancing and a proper limit of numbers - yet Police had observed around 150 people on the ground floor, which had a capacity limit of 60 persons.

The licence holder claimed to Police that the fire assessment had confirmed that he “could have more than 250 people inside”; upon examining the fire risk assessment document, Police observed that the capacity had changed to “220” in total for both

floors (not 120 in total), yet the document was still dated July 2020. Also unsatisfactory was the reliance on what was called the "extra fire exit" to justify the increase in the capacity limit; this turned out to be the irregular sized door with the trip hazard.

The Covid risk assessment produced by the licence holder was also found to be wholly unsatisfactory. It was regarded by Police as having been approached by the licence holder as a mere tick-box exercise, rather than a proper consideration of what was required to trade safely during the pandemic. Police had requested CCTV from the premises, but this had not been forthcoming; the licence holder told Police that he had found that the files downloaded to his telephone were of a file size too big to be emailed to Police.

The Police were therefore concerned that the premises licence holder was being reckless in his style of operating, and was endangering public health by risking the spread of Covid-19. All in all, the scene discovered on the 10th October was quite a contrast to his declaration in September that the premises was both fully Covid-compliant and fully fire risk compliant.

The Police explained that the premises' decision to trade in this unsafe manner, which was not compliant with the Government Guidance, was an overt risk to the health of individuals, families and local communities, at a time when the country is experiencing a national emergency. The Covid-19 virus is a pandemic which has required all licensed premises to act responsibly and in accordance with the Government Guidance when trading, in order to save lives. It was therefore a flagrant risk to public health for any licensed premises to breach the Government Guidance by trading in an unsafe manner.

The Police also remarked that in recent dealings it appeared that the licence holder was perhaps trying to place some of the blame for his failings on the Police. The Sub-Committee looked askance at this. It was quite apparent that the Police had given the Dahlak Lounge a great deal of advice and help, including a meeting, in August 2020. However, attempts by the Police to advise those at the premises had not been accepted. The premises was completely unsatisfactory in terms of Covid, in terms of fire safety, and also in terms of compliance with shisha requirements. The recommendation of the Police was therefore that the Sub-Committee should suspend the licence pending the review hearing.

Mr Victor Joseph then addressed the Sub-Committee to state that the licence holder was in the process of instructing a legal representative, and that no submissions would be made until this had been arranged.

In deliberating, the Sub-Committee agreed with the Police that the causes of the serious crime appeared to originate from unsatisfactory internal management procedures at the premises. The Sub-Committee found the Police observations relating to Covid, fire risk and shisha to be alarming, and not something that inspired the slightest confidence in the management arrangements at the premises. All in all, the Sub-Committee considered the licence holder to have failed to take his responsibilities seriously.

The Sub-Committee therefore determined that it was both necessary and reasonable to impose the interim step of suspension to address the immediate problems with the premises, namely the likelihood of further serious crime.

The Sub-Committee considered whether it could impose other interim steps, including modification of licence conditions, but considered that this would offer little to address the real issues, which were the unsatisfactory practices and the irresponsible attitude shown by the licence holder, both of which were a significant risk to public health in Birmingham.

However, the Sub-Committee determined that the removal of the designated premises supervisor was a very important safety feature given that it was this individual who was responsible for the day to day running of the premises, ie the decision to defy the Government Guidance in order to trade as usual. Therefore the risks could only be properly addressed first by the suspension of the Licence, and secondly by the removal of the DPS, pending the full Review hearing.

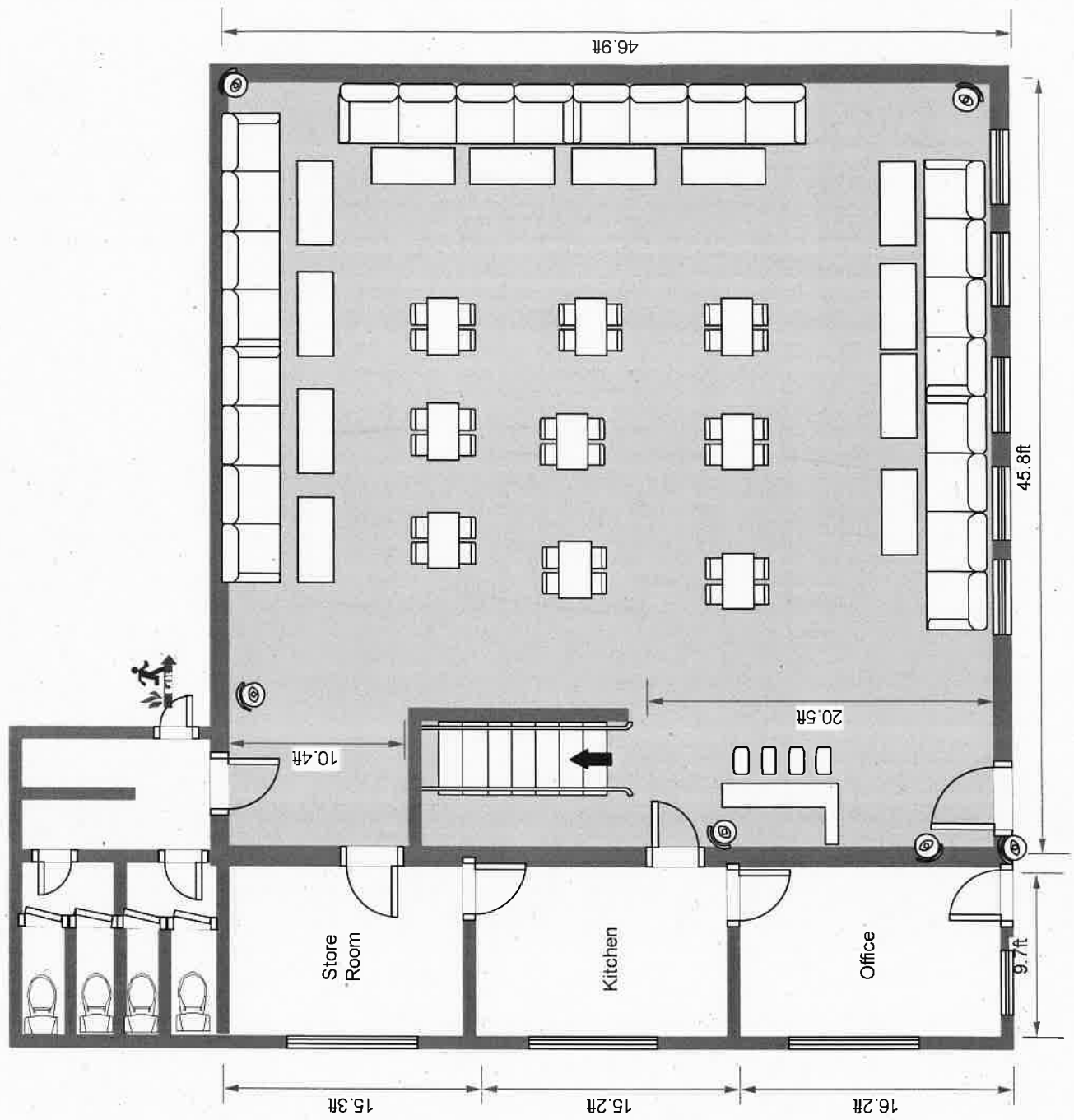
In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, and the submissions made by the Police at the hearing.

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.

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

Scale 1:100

Dahlak Lounge
91-96 Hampton Street
Birmingham
B19 3LS



WITNESS STATEMENT

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

Crime No. URN

Statement of Ben Reader

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation Police Constable 2413

This statement (consisting of 3 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: (witness)

Date 3rd November 2020Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC 2413 Reader, a specialist licensing officer based at Police Headquarters.

On Saturday 15th August 2020, I was deployed as the Popsa (Public order and public safety tactical advisor) to Insp 29950 Edwards, who was the bronze commander for Operation Reliant.

OP Reliant is a force wide operation which deals with calls to service for potential unlicensed music events and potential covid breaches.

The bulk of the evening was taken up with a large UME which kept moving location. It went to an empty Car Park on the junction of Hampton Street and Henrietta Street.

In the early hours of 16th August this UME was dispersed. We had a drone team (callsign Drone 7) situated nearby. At 00:59 that came on the radio to say that although the crowd had dispersed, they could still hear loud music.

The source of this music was quickly located as being Dahlak Lounge on Hampton Street.

Dahlak Lounge was known to me as it was a relatively new premises and I had dealt with the application for it, which included meeting the applicant with his licensing agent at the premises.

I attended Dahlak Lounge with Bronze 1.

The music was very loud, it was clearly audible from outside of the venue.

I asked to speak with Biniam Mebrahtu, the licence holder and DPS. There was a queue outside of the venue and two door supervisors at the front door, I spoke to them and they were from RG8 security. I looked inside of the venue, it was very busy. I would estimate between 100 and 120 people inside on the ground floor. There was a DJ on the raised stage area. Customers were sat around in booths and on benches, they groups far exceeded the rule of 6. I did not go upstairs.

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

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B

Crime No. URN

Statement of Ben Reader

I was disappointed to see the venue so busy and apparently trading without regard for any covid safe guidance.

I called for Acting Insp Giess to attend the location so that he could see how it was operating. He completed a walkthrough of the venue.

Biniam Mebrahtu seemed to be unaware of what he needed to have in place and did not have a covid safe risk assessment. I explained to him about covid safe measures and social distancing. I took some contact details from him to follow up the visit using the four E approach which was force policy, engage, explain, encourage and enforce.

Myself and Chris Jones arranged a meeting with the venue to go through the risk assessment with them and explain what measures they should have in place.

Before this meeting, I sent them an email (dated 25th August) with a link to the .gov website and I also copied in 16 points of guidance for licensed premises.

On Wednesday 26th August, I attended Dahlak Lounge with Chris Jones. There were several representatives for the venue present at the meeting including Biniam Mebrahtu and also Olu, who is the owner of RG8 security.

In talking with the venue, it was clear that they did not understand the rule of 6. They pointed at a long sofa and stated that they could get 6 people per sofa, and that 4 sofas would be around one table. I explained that this would mean that there could be 24 people around one table which was not compliant with the guidance. It was suggested to them that they should consider moving the furniture within the venue to enable groups of up to 6 to sit together, and be sufficiently apart from other groups to enable social distancing.

Biniam gathered some paperwork and showed them to us. He had a fire risk assessment which gave a fire safe capacity of 60 persons on the lower floor and 60 on the upper floor. Biniam seem surprised by this. He said that he didn't realise it was 60. There were certainly more than 60 people on the ground floor on my visit of 16th August. Chris was explaining about fire exits being used to judge a capacity and not just the size of the room. They asked how they could increase the capacity and we suggested that additional fire exits would be needed but they should seek specialist fire safety advice.

We also discussed the need to keep the limits of 60 upstairs and downstairs, and that this would need some form of counting via a member of door staff at the stairs.

On Friday 28th August, I sent Biniam the following email –

Signature Signature witnessed by 

03/2016

OFFICIAL – (when complete)

14

Crime No. URN

Statement of Ben Reader

Biniam,

Following our meeting on Wednesday, I am concerned that you are not complying with your premises licence.

The most concerning part of your operation is that you were not aware of the capacity limits as documented in the fire risk assessment which gives a maximum occupancy of 120 people, split as 60 upstairs and 60 downstairs.

There is an event on eventbrite advertised for your venue this evening as below

Please can you confirm that you have all conditions complied with, that the Covid risk assessment is complete and that the venue is compliant for smoking of Shisha.

Thank you

Ben

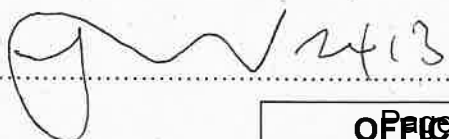
I also pasted in a copy of an eventbrite advert which was advertising an event for that evening including cocktails, Shisha, music, food and games.

On the 3rd September, Biniam sent some documents to myself stating that all of his RA are done and that the venue is now compliant with all fire and risk regulations. He stated he would love for me to go down and see the venue.

Due to work capacity within the department, I was not able to return to the venue or to provide feedback on the RA that was sent through.

The RA that was sent through appears to have come from the security company, as it suggests deploying 4 door supervisors but states that the venue have decided to use 2 instead.

Signature



Signature witnessed by

03/2016

OFFICIAL – (when complete)

15

WITNESS STATEMENT

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

Crime No. URN

Statement of Simon WHEELER

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation Police Constable 6329

This statement (consisting of 5 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: S WHEELER (witness)

Date October 13th 2020Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Constable 6329 WHEELER of the West Midlands Police Force currently based at Digbeth Police Station.

At approximately 21.00 hours on Saturday October 10th 2020 I was on duty in company with PC 6334 TWOMEY, at this time were were part of Operation Reliant. This is part of West Midlands Police's responses to breaches around Covid-19 looking at unlicensed music events and large gatherings.

At this time Birmingham also had local restrictions in place making rules on licenced on premises to be closed by 22.00 hours, for no two houses to mix amongst other social distancing measures, inclusive that music within licenced premises should be at ambient level and two persons should be able to talk over it.

At this point we were directed to the junction of Mott Street with Hampton Street the site previously of Jacksons garage, to a report of loud music and numerous cars present. On arrival i could see a large car park with countless cars parked and a number of people in and around the car park.

On entering the car park i could see around 20 people milling around outside the large lock up garage i later discovered it to be called Dhalak Lounge. The lock up garage was around 40-50 metres from the entrance. As i stepped inside by around 2 metres i could hear extremely loud music coming from the garage and PC TWOMEY made reference to it stating "God that's loud" The music clearly being played wasn't in any way ambient.

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Signature

Signature witnessed by

Crime No. URN

Statement of Simon WHEELER

We continued to walk towards the premises i could see a solid door to the right hand side two large roller shutters to the centre that were down and to the left there was a white UPVC door with two glass panels.

I made my way to the door on the right hand side and attempted to gain entrance to the premises. This door was clearly highlighted as a 'Fire Escape' but was locked and secured. The music at this time having got next to the building was blaring and extremely loud, i envisage this would be captured on my body worn video. I then informed the radio allocator and dispatcher to what we had come across and that we require some further units to assist requesting two serials.

On the basis that the location appeared to be a disused converted garage the numbers i believed were present inside and the what was deafening music, it was my belief we had attended an unlicensed rave party.

I then had cause to speak to a group of 4 males in a vehicle who made several references to the location being a party to which i informed them sorry you can't have a party. We still could not gain access to the premises.

A short period of time later i attempted to gain access using the UPVC door to the left however this was locked and secured and no entrance could be gained. It was at this point i could hear people inside the establishment, the noise coming from the people inside was extremely loud and they could be heard over the music.

Every door to the premises was locked. It is of my opinion that had there been a fire emergency i believe there would have been an endangerment of life. I could see that above the UPVC door a silhouette of a person appeared who in my opinion could see myself and PC TWOMEY on the ground. It was at this point the level of the music went down.

At this point i could begin to hear the people from inside the premises the noise from the amounts of people and the shouting of voices coming from the otherside of the secured roller shutters. I began to envisage that

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

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Crime No. URN

Statement of Simon WHEELER

the numbers the other side were excessive of what should be inside with distancing measures in place.

A short period of time later i again was at the door to the right hand side and i managed to speak to a unknown male the other side of the door. He informed me the door was locked and they were getting the key. I later heard the gingling of keys but i had moved away prior to the door being opened. This was marked as a fire escape and clearly was not being used as one and people's safety was at risk.

I spoke to a male at the door who by appearance I was able to identify as a security guard and asked what was going on. The male informed me it was a sheesha Lounge, I informed him that this could not be a sheesha lounge by virtue of the loud music that was being played. I then went on to ask for the DPS or manager. I again attempted to speak to the male who was in a close proximity but could not hear me due to the loud noise from inside the mixture of music and people.

I then looked inside the premises, infront of me to the left on the centre of the wall if i call this the front was a DJ Booth three men stood behind no social distancing no masks were being worn and music being played. To the left hand side of that was a bar dispensing drinks. I could see a number of people walking round not wearing facial coverings other than perople i would describe as securty guards that were wearing facial coverings. I am able to say they are securty from the tabards they were wearing.

The opposite wall to the DJ Booth was a large bench from one side to the other where person after person was sat in a large long row, there were no 2 metre gaps between any people sat on this row. This row of people were all using sheesha pipes and i could see the pipes and the glow from coals. The main centre and to the left there was booth style seating i could see in some there were more than six people and clearly covid restrcitions were being breached, i then clearly observed from one booth two people being pulled out and the male pulling them out saying "there is too many people in there get out" It was my opinion that there was around 150 people present inside and that information i passed over my radio. I could also hear voices saying to others "move move you've got to move" I relayed what i observed to PC TWOMEY as the entrance point was very small.

I again spoke with a further security guard and asked for the manager/ DPS who i later spoke with.

Signature

Signature witnessed by 18

03/2016

OFFICIAL – (when complete)

Crime No. URN

Statement of Simon WHEELER

I was unable to see any QR code signs for track and trace there was no registration point to take details for track and trace either.

I did not walk further into the premises as it was my belief it was unsafe. There was in excess of 150 people present and there was just myself and PC TWOMEY at this time in attendance, in addition for my safety during this pandemic i feel at that time it was unsafe to enter. The premises was not being run in a safe covid secure manner. I had clearly observed people standing around wearing no masks, there was no social distancing and music being played at extreme levels. The doors to the premises were locked and secured from the inside and i observed in excess of 6 people socilasing together in the booths. I was informed that there were 134 people inside the venue by members of staff.

I then spoke with a male who identified himself as the DPS and his own face covering was being worn beneath his chin. He informed me that the music was at an ambient level and i explained to him my findings. I then went onto explain my other concerns regarding what Covid breaches we had observed. He stated that the QR code was present at the door and i explained i had not seen this. There was no signing register for persons present either. I also asked for a copy of his Covid risk assessment. After a short while he re appeared with a few scruffy pieces of paper which he stated was his risk assessment. He went on to say his fire assessment stated he could have in excess of 200 persons present inside.

At this point Sgt Giess and his serial arrived and he entered the building with a number of his officers.

Once had i gained entrance to the venue I found manager/ DPS to be evasive and alouf with regards to the questions presented to him. Some of the questions were not answered or a brief unsatisfactory explanantion was provided. The security at the venue seemed to be friendly however they appeared not to be aware of covid regulations required.

The DPS/ manager were then spoken to by Sgt Giess in relation to his findings and they spoke at length.

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

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Crime No. URN

Statement of Simon WHEELER

We remained present as people were exiting the building/car park then we were then informed by a member of security that there were 154 people present at the location. They were leaving through the metal roller shutter on the left which had been raised by this time. In total it took in excess of 7 minutes for us to gain access to the licenced premises as uniformed Police officers.

As the DJ exited with his equipment he approached myself and PC TWOMEY and stated "I remember you from last night". On seeing him, i am able to say we had cause to deal with the same DJ regarding a Covid Breach the previous evening. This occurred inside a private dwelling, where a party had been taking place and we had been requested to attend. As a result of a complaint we had cause to disperse a number of people from the location due to further breaches of local covid restrictions.

I can produce my body worn footage of the incident in court as exhibit ref (SW1) exhibit ()

These are my original notes of the incident and should be treated as such.

Signature

Signature witnessed by 

WITNESS STATEMENT

Crime Number:.....

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

URN

Statement of: Dawn TWOMEY

Age if under 18: 0/18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 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: D TWOMEY

Date 13TH OCTOBER 20Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC 6334 TWOMEY of the West Midlands Police, currently based at Digbeth Police Station. On Saturday 10th OCTOBER 20, I was on mobile uniform patrol on Operation Reliant which is the forces response to the Health Protection (Coronavirus Restrictions) 2020 in company with PC 6329 WHEELER.

At about 21.00hrs, via my police radio I was directed towards the junction of Hampton St – Mott St, Birmingham at the Old Jacksons Recovery Yard, as there had been a report of a large gathering of people/cars whereby there were lots of mingling and playing music - no social distancing.

On arrival, I could see that the building was a very large disused garage, with a substantial car park which spanned around the location. As I walked onto the car park, I could hear very loud music coming from the building and I commented to PC WHEELER and this was captured on BWV whilst walking towards the entrance. I observed approximately 20 – 30 people outside the building and around the same amount of cars. As I approached the front of the building, I could see that there was a white single door on the left hand side, then two huge corrugated metal shutters which were down and then another small door to the right hand side. Above the metal shutters, it had a sign which said " DAHLAK LOUNGE" which included a phone number. I walked with PC WHEELER towards all 4 entrances and he tried to open each door which were clearly locked. As PC WHEELER banged on the door to gain access, I spoke to a number of people who were standing by the entrance at the right hand side of the building. They told me they were waiting to gain access as there were loads of people inside. They also told me that it was a ticket only event. I could hear lots of voices coming from inside the building and also someone using the microphone which I presumed was the DJ, although I couldn't hear what he was saying. Due to what we heard and observed, PC WHEELER requested for 2 serials. At this point the music was still extremely loud and it took about 10 minutes before the right hand door was opened by someone wearing a fluorescent and a mask not covering his face but it was worn under his chin. I presumed was a member of security. PC WHEELER introduced himself and asked to speak to the DPS or the manager. The doorway only had room to squeeze 2 people through so I stood to

the security guard went back into the building to get the DPS/manager I heard a male voice then say " MOVE, MOVE, YOU NEED TO MOVE"

PC WHEELER stood in the doorway and I was aware that he was trying to gain footage via BWV.

After a short time, two males exited the building stating that they were the DPS and the manager. As the males were talking to PC WHEELER, I aware that the music had been turned down from its original volume, however it was still loud.

By this time SGT 1041 GIESS and his serial had arrived and he entered the building through the right hand side door. A few minutes later, SGT GIESS exited the building and started speaking to the DPS and manager.

We made our way towards the left hand side of the building to which the large left hand metal shutter was rolled up and people started to exit. I could now see into that part of the building, where I observed numerous people inside the location, walking around and most were not wearing masks. I could not see any social distancing from where I was standing. I could see a DJ booth with several males behind the structure, and by this time, the music had been turned off. The serial, by now had entered the building to facilitate emptying the location. I would estimate there were about 150 people in the building who then started to congregate in the car park for about 40 minutes.

A male exited the location carrying equipment which was covered. As he past PC WHEELER and I, he said " I RECOGNISE YOU TWO FROM LAST NIGHT " and PC WHEELER replied " YES I RECOGNISE YOU TOO" This was referring to an incident that happened the night before (09th OCTOBER 20) at Apartment 408 Helena St, City Centre, where there was a party and a breach of Covid 19 Restrictions. The male was also the DJ at that location as well.

The whole incident lasted about an hour to which all of this was captured on my BWV which has been uploaded to Evidence. Com which I can produce as Ref No (DT/01) Exh No ()......

The DAHLAK Lounge has clearly breached The Covid Regulations 2020 from what I observed. There was no difference at this location to a venue operating prior to the start of the Covid outbreak. It is the DPS/ managers responsibility to ensure the safety of the persons attending the venue, which also includes the individuals working there. There is no excuse to allow this sort of behaviour especially in a venue as large as the DAHLAK LOUNGE. Clearly the DPS had knowledge regarding his responsibilities around the Covid legislation/ restrictions as he produced a small piece of paper regarding a risk assessment. I was shocked at the total disregard towards the health and safety for all involved and the possible repercussions of such actions can never be measured or known.

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2413 PC Ben Reader

Birmingham Central Licensing Team

Force Public Order & Public Safety Tactical Advisor
T: 101 (ext. 801 1669) Direct 0121 626 6099

Preventing crime, protecting the public and helping those in need.

If it's not 999, search WMP Online



View all our social network links

From: Ben Reader
Sent: 25 August 2020 14:43
To: 'Biniam Mebrahtu'
Subject: RE: [External]: Re: FW: Contact

Thank you for the confirmation.

Can I highlight the below link and advice from the [gov.uk](https://www.gov.uk) website.

It highlights guidance for operating a venue during this pandemic.

These measures should be implemented and you should have a covid risk assessment in place to keep your customers as safe as possible.

What I witnessed during the visit on 16th August caused me concerns.

When I visit tomorrow I will go through your licence conditions and your risk assessment

Thank you

Ben

1. Calculating the maximum number of customers that can reasonably follow social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable) at the venue. Taking into account total indoor and outdoor space, specific venue characteristics such as furniture as well as likely pinch points and busy areas.
2. Reconfiguring indoor and outdoor seating and tables to maintain social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable) between customers of different households or support bubbles. For example, increasing the distance between tables.
3. Working with your local authority or landlord to take into account the impact of your processes, including queues, on public spaces such as high streets and public car parks.
4. Working with neighbouring businesses and local authorities to provide additional parking or facilities such as bike-racks, where possible, to help customers avoid using public transport.
5. Reducing the need for customers to queue, but where this is unavoidable, discouraging customers from queuing indoors and using outside spaces for queueing where available and safe. For example, using some car parks and existing outdoor services areas, excluding disabled car parking bays.
6. Managing outside queues to ensure they do not cause a risk to individuals, other businesses or additional security risks, for example by introducing queuing systems, having staff direct customers and protecting queues from traffic by routing them behind permanent physical structures such as street furniture, bike racks, bollards or putting up barriers.
7. Providing clear guidance on social distancing and hygiene to people on arrival, for example, signage, visual aids and before arrival, such as by phone, on the website or by email.
8. Managing the entry of customers, and the number of customers at a venue, so that all indoor customers are seated with appropriate distancing, and those outdoors have appropriately spaced seating or standing room. This is to ensure that the venue, including areas of congestion does not become overcrowded. Managing entry numbers can be done, for example, through reservation systems, social distancing markings, having customers queue at a safe distance for toilets or bringing payment machines to customers, where possible.
9. Ensure customers are compliant with limits on household gatherings. For example, inform customers of restrictions through signage or notices at the point of booking or on arrival, and ask customers for verbal confirmation of the number of households in their party at the point of arrival. Indoor gatherings are limited to members of any 2 households (or support bubbles), while outdoor gatherings are limited to members of any 2 households (or support bubbles), or a group of at most 6 people from any number of households. Limits on gatherings may vary with local restrictions.
10. Ensuring any changes to entrances, exits and queue management take into account reasonable adjustments for those who need them, including disabled customers. For example, maintaining pedestrian and parking access for disabled customers.
11. Reminding customers who are accompanied by children that they are responsible for supervising them at all times and should follow social distancing guidelines.
12. Keeping indoor and soft play areas closed. For guidance on opening outdoor playgrounds safely, see [guidance for managing playgrounds](#) published by the Ministry of Housing, Communities and Local Government.
13. Looking at how people move through the venue and how you could adjust this to reduce congestion and contact between customers, for example, queue management or one-way flow, where possible.
14. Planning for maintaining social distancing guidelines (2m, or 1m with risk mitigation where 2m is not viable) in the event of adverse weather conditions, being clear that customers cannot seek shelter indoors unless social distancing can be maintained.
15. Working with neighbouring businesses and local authorities to consider how to spread the number of people arriving throughout the day for example by staggering opening hours; this will help reduce demand on public transport at key times and avoid overcrowding.

16. Determining if schedules for essential services and contractor visits can be revised to reduce interaction and overlap between people, for example, carrying out services at night.

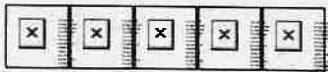
2413 PC Ben Reader

Birmingham Central Licensing Team

Force Public Order & Public Safety Tactical Advisor
T: 101 (ext. 801 1669) Direct 0121 626 6099

Preventing crime, protecting the public and helping those in need.

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From: Biniam Mebrahtu [mailto:████████████████████]
Sent: 25 August 2020 14:37
To: Ben Reader
Subject: [External]: Re: FW: Contact

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Yes thanks

On Tue, 25 Aug 2020, 14:22 Ben Reader, <b.reader@west-midlands.pnn.police.uk> wrote:

Hello,

Have you received my mail?

Are you still available to meet at 6pm tomorrow?

From: Biniam Mebrahtu [mailto:biniam.mebrahtu@west-midlands.pnn.police.uk]
Sent: 03 September 2020 17:19
To: Ben Reader
Subject: [External]: Re: Guidance

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Hi there

All the risk assessment is done and submitted the venue is complying with all the fire and risk regulations. We will love you to come down anytime next week to see the venue. Thanks

On Thu, 3 Sep 2020, 13:16 Ben Reader, <b.reader@west-midlands.pnn.police.uk> wrote:

Biniam,

Is there any update on your operations?

Thank you

Ben

2413 PC Ben Reader

Birmingham Central Licensing Team

Force Public Order & Public Safety Tactical Advisor

T: 101 (ext. 801 1669) Direct 0121 626 6099

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From: Ben Reader
Sent: 28 August 2020 13:58
To: 'Biniam Mebrahtu'
Subject: Guidance

Biniam,

Christopher Jones

From: Christopher Jones
Sent: 15 October 2020 07:18
To: WMFS safety (firesafety.admin@wmfs.net)
Cc: Abdool Rohomon
Subject: Saftey referral

Importance: High

Good Morning,

Together with colleagues I visited DAHALK LOUNGE, HAMPTON STREET BIRMINGHAM B19 3LS which is a licenced premises and also sells shisha.

Officers had the following concerns:

- A fire exit to the rear of the premises led out to an enclosed smoking area giving people nowhere to go
- No emergency lighting over the fire exits
- Fire exit and escape route being blocked by large furniture.
- Front fire exit on the right appears to not be a standard size door
- Trip hazards at the above fire exit.
- Capacity levels quoted in their fire risk assessment of 160 downstairs and 60 on the first floor seems high with the amount and size of fire exits.

Of note I have previous seen the premises fire risk assessment in August and it quoted a capacity of 60 both on the ground and first floors. The premises state they have since installed the front fire exit on the right which gives them the extra capacity.

Regards and thanks

Chris Jones 55410

Birmingham Central Licensing Team West Midlands Police
Tel: 101 (ext. 801 1628) - DD: 0121 626 6099

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27

Christopher Jones

From: Christopher Jones
Sent: 02 November 2020 08:55
To: [REDACTED]
Subject: FW: CCTV
Importance: High

Good Morning,

As per below email chain.

Can you please give a time when your CCTV will be ready for collection in a format that West Midlands Police can view.

Can you please confirm if you have a legal representative for the full hearing as I will need to send them the paper work and you may wish me to contact them rather than yourself if they are acting on your behalf.

Many thanks

Regards

Chris Jones 55410

Birmingham Central Licensing Team West Midlands Police
Tel: 101 (ext. 801 1628) - DD: 0121 626 6099

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From: Christopher Jones
Sent: 27 October 2020 14:36
To: [REDACTED]
Subject: FW: CCTV
Importance: High

Good afternoon,

As per the below email and phone call on 21st October.

Can you please give a time when your CCTV will be ready for collection in a format that West Midlands Police can view.

Can you please confirm if you have a legal representative for the full hearing as I will need to send them the paper work and you may wish me to contact them rather than yourself if they are acting on your behalf.

Many thanks

Regards

Chris Jones 55410

Birmingham Central Licensing Team West Midlands Police
Tel: 101 (ext. 801 1628) - DD: 0121 626 6099

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From: bw licensing

Sent: 19 October 2020 13:54

To: [REDACTED]

Subject: CCTV

Importance: High

Good afternoon,

West Midlands Police still require your premises CCTV as requested at our meeting on 13th October from Saturday 10th October 2020 between 7pm and 9.30pm.

You have previously stated that the CCTV hard drive does not / cannot download onto a DVD or memory stick and you offered to email the images. Unfortunately the size of any such email would be too large to come through West Midlands Police email system.

(If you have emailed the clips then they haven't come through)

At our meeting on the 13th October you were downloading some CCTV onto your phone. This could be downloaded onto a computer / laptop and then stored on a format (DVD or memory) I could collect.

Please reply by return email when the CCTV will be ready for collection.

Many thanks

Regards

Chris Jones 55410

Birmingham Central Licensing Team West Midlands Police
Tel: 101 (ext. 801 1628) - DD: 0121 626 6099

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Dhalak lounge – cctv // timeline

Clip 1 – Date 10th Oct 2020 time 20:32:58

Camera 1

- Starts – shows vast majority standing up
- No social distancing
- No control
- People dancing
- Free movement of people
- People standing up, leaning on furniture

Security are in the premises and taking no control, staff walking round with Shisha Pipes/Gongs and also firework in an ice buckets, no control being exerted on the customers

A large number of Shisha pipes/gongs visible throughout the premise, they have a glowing white top, the cameras are not thermal they are picking but they are picking up the glow of the hot coals used on top

This continues through the whole clip, and happens at various times across the whole premises, at times can see multiple people in seating booths that total more than 6. People freely move from seating area to seating area.

The clip which lasts until 21.06:54 shows the same level of non-compliance throughout.

Clip 2 – Date 10th Oct 2020 time 21:16

Camera 1

The footage between 21.06:54 and the start of clip 2 does not load, this has been requested from the premises

Starts 21.16

Now see people seated, completely different to the picture seen in Clip 1

When correlated with the body cam footage from officers – the Police arrived around 21.12 hours and tried to get in

See the number of shisha items in the premises

People can be seen standing at the bar

Person recognised as the head of the security company is also present and walking around the premises

21.19 – male with arm band on – appears to be security

Approaches bottom table on screen

Moves 3 people from this table, they head off to the stage and disappear upstairs

3 more people from same table then get up and leave via the new added fire exit (or head towards it to leave)

Can still see 1 male on the same table (you see the back of his head), then another male comes into shot, and leans over the other chairs to talk to the another group

Would appear to be at least 8 in that seating arrangement

Security made a very deliberate act to move 3 people off that seating arrangement

21.22 officers seen inside the premise

21.20:01 – booth immediately above sign Camera 1

Someone blows on top of shisha gong

Sparks come of it

Something that is brightly lit is picked up

Blown on again

Numerous sparks fly off, this is done three times

This item is dropped on the floor, dropped and picked up again

More are picked up and blown on with sparks coming off, this would indicate that they are hot coals and not electronic shisha.

21.27:01 – female has to edge past booth above camera 1 sign and seats put against back wall, indicates the limited width available to get past.

This is the route that leads directly to the new added fire exit

21.38 premises empty but you get a clear indication of the layout of the premises, in terms of seating arrangement

Clip 3 – Date 10th Oct 2020 time 19.00.38

Camera 1

Layout explained –

Bar top left of screen – with 3 rectangular light units

Main door (out of shot) is immediately to the left of the bar in front of it

Directly under the time on the screen is a white door shape that leads upstairs

Stage & DJ stage set up immediately to the right of that

Toilets in far top corner, can see fire exit sign above

These leads to smoking area, which is enclosed by fencing

Bottom right hand corner – below where it says Camera 1, is the new added fire exit door, as detailed in the statement form Chris Jones

Shows people at the bar, standing around smoking shisha and no control exerted on them, there are only a few people in the premise at this time

Clip ends 19.02:55