

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B

TUESDAY, 28 JULY 2015 AT 10:00 HOURS
IN COMMITTEE ROOM 1, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

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 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 - 18

3 OTHER URGENT BUSINESS - EXPEDITED REVIEW - ELECTRIC, 1 HURST STREET, BIRMINGHAM, WEST MIDLANDS, B5 4AS - LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE : CONSIDERATION OF INTERIM STEPS

Report of Director of Regulation and Enforcement.

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

4 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

LICENSING ACT 2003
PREMISES LICENCE SUMMARY

Premises Licence Number:

4156 / 2

Premises details:

Postal address of premises, or if none, ordnance survey map reference or description

Electric
1 Hurst Street

Post town:

Birmingham

Post Code:

B5 4AS

Telephone Number:

Not Specified

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

- | | |
|----|--|
| A | Plays |
| B | Films |
| C | Indoor sporting events |
| D | Boxing or wrestling entertainment |
| E | Live music |
| F | Recorded music |
| G | Performances of dance |
| H | Anything of similar description to that falling within (live music), (recorded music) or (performances of dance) |
| L | Late night refreshment |
| M1 | Sale of alcohol by retail (on the premises) |

The times the licence authorises the carrying out of licensable activities

Monday - Sunday	11:00	-	04:00	A ,B ,C ,D ,E ,F ,G ,H ,M1
	23:00	-	04:00	L

An additional hour to the standard & non-standard timings on the day when British Summer time commences.
Permitted licensable activities may be offered continuously from 11:00 hours on New Year's Eve until the standard terminal hours on 1st January.

The opening hours of the premises

Monday - Sunday	11:00	-	04:30
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An additional hour to the standard & non-standard timings on the day when British Summer time commences.
Permitted licensable activities may be offered continuously from 11:00 hours on New Year's Eve until the standard terminal hours on 1st January.

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

On Supplies

Name, (registered) address of holder of premises licence

Dooba Investments II Limited
C/O Commercial Estates Group Ltd
Sloane Square House
1 Holbein Place

Post town:

London

Post Code:

SW1W 8NS

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

HE 202517

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

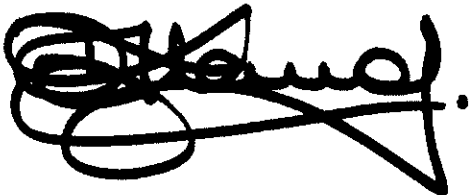
Mr Ryan Booth

State whether access to the premises by children is restricted or prohibited

No person under 18 year of age will be allowed into the venue unless for a separate 'under 18's' event with approval of West Midlands Police.

The offence provisions of the Licensing Act 2003 (ss 145 – 153) apply to the premises.

Dated 27/07/2015



David Kennedy
Senior Licensing Officer
For Director of Regulation and Enforcement

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LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

4156 / 2

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Electric 1 Hurst Street	
Post town: Birmingham	Post Code: B5 4AS
Telephone Number: Not Specified	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

- | | |
|----|--|
| A | Plays |
| B | Films |
| C | Indoor sporting events |
| D | Boxing or wrestling entertainment |
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On Supplies

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Part 2

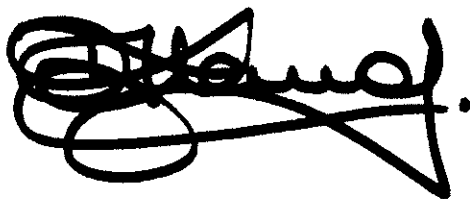
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Dooba Investments II Limited C/O Commercial Estates Group Ltd Sloane Square House 1 Holbein Place	
Post town: London	Post Code: SW1W 8NS
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) HE 202517

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Ryan Booth	
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 CVLN/206001157	Issuing Authority COVENTRY CITY COUNCIL

Dated 27/07/2015



David Kennedy
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

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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.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Maximum Capacity of 40 in the VIP area as shown on Plan Reference No - 1216/09.

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

The Premises Licence Holder shall ensure that reasonable notice of events is supplied in writing to Licensing Department at Birmingham West and Central Police Station. The notice period will reflect the type of event being held at the premises.

The Premises Licence Holder will supply to Birmingham West and Central Licensing Department an initial risk assessment for all standard in house events, to include all security provisions. The risk assessment will include a search policy which will reflect the event risk and security deployment plan.

If the premise uses any new promoter for any event, then for the first event the Designated Premises Supervisor for the premises will submit an events risk assessment to the Licensing Department at Birmingham West and Central Police Station before the first event. This will also include all 'Under 18's events.

The premises will liaise with Birmingham West and Central Licensing Department regarding any new events which are to be held at the premises.

Reasonable recommendations made to the Designated Premises Supervisor by West Midlands Police that satisfy the four licensing objectives will become conditions for that event

The Premises Licence Holder shall operate an incident book and record all incidents that occur inside and immediately outside premises. Incident book can be inspected at any time by any regulatory body.

All training records for all staff, in regard to drunkenness, and for the protection from harm for children to be maintained and to be available upon request from any regulatory body.

The Premises Licence holder shall ensure that the premises will operate a drugs policy, and lost / found property policy. Copies of both policies to be supplied to the Licensing Department at Birmingham West and Central Police Station.

The Premises Licence Holder shall ensure that a CCTV system is to be installed at the premises to the specification agreed with the Licensing Department at Birmingham West and Central Police Station. CCTV is to be operational whilst the premises are open and be recording continually. If a hard drive system is used the recordings are to be kept for minimum of 31 days. The CCTV images to be made available to any responsible authority immediately on request. Entrance and queuing area to be covered by CCTV.

The premises will ensure that the entrance area together with queuing area is sufficiently lit and covered by CCTV giving full facial recognition of all persons entering the premises.

The Premises license holder will ensure that at least one member of staff will be on duty at all times who can operate, access and download CCTV images on request of the Police or Licensing Authority.

When the premise uses door staff the numbers will be determined by a risk assessment, to be disclosed to West Midlands Police (Birmingham Central Licensing Department). When door staff have been deployed they are to be in High Visibility coats/jackets when outside and tabards inside. All door staff to sign on and off duty every night, and the signing in sheet is to include the full name and SIA badge number. Profiles are to be retained on the premise for every member of door staff that is working at the premises or has done in the last 6 months. Profiles are to include proof of identity (copy SIA badge, passport or photo driving licence) and proof of address dated in the last 6 months (utility bill, bank statement or other government letter). Profiles are to be made available immediately on request to any responsible authority.

Door staff are to remain on duty on the outside of the premises to ensure the effective dispersal of patrons

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from the immediate vicinity.

A dispersal Policy will be implemented in consultation with Birmingham West and Central Police Licensing Unit.

No person will be allowed to leave the premises with any glass or glass bottle.

A Search Policy will be implemented and will be incorporated in the Events Risk Assessment.

The premises shall join the local Pub Watch or other local Crime Reduction Scheme approved by the Police, if available.

The premises licence holder will consult with West Midlands Police prior to the appointment of any Designated Premises Supervisor.

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

An accurate management recording system will be implemented to ensure that the capacity for the venue, and for each of the internal rooms within the venue as set out in the Fire Risk Assessment are not exceeded.

Full details of maximum capacities for each room will be displayed in signage form on the entrance to each room.

A room within the premises shall be identified as a safe place, whereby ill or intoxicated persons can be taken to a place of safety for medical treatment or in the case of minors until reunited with a parent or a responsible adult.

2d) Conditions consistent with, and to promote the prevention of public nuisance

The Premises shall operate and adhere to a dispersal policy. The dispersal policy for the Premises is as agreed with West Midlands Police and Environmental Health and has been numbered dispersal policy 2014/1 and a copy is attached to the licence.

Whenever regulated entertainment takes place within the licensed premises, such entertainment will not be such as to be a statutory nuisance in any noise sensitive or residential premises.

A telephone number for an allocated taxi company shall be displayed at the premises. The designated Premises Supervisor shall ensure that a written agreement is made with the allocated Taxi company to ensure that when taxis pick up and drop off customers that noise from the vehicles does not cause a nuisance to neighbouring noise sensitive properties.

Signage to be displayed requesting customers to leave the premises quietly. Staff shall remind patrons of the need to keep noise to a reasonable level as they depart.

The premises License holder will attend and convene a quarterly meeting with the manager of the Holiday Inn to review trading practices and operations. This requirement may be altered or discontinued by agreement between both parties.

A telephone number shall be provided to the manager of the Holiday Inn to enable the manager to contact the Premises License Holder, or the DPS, to ensure early intervention of a particular issue or concern.

A radio system(or other electronic means) shall be supplied to the Holiday Inn to enable the Night Porter at the Holiday Inn to contact security working at the venue whilst the venue is trading.

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

All staff who work behind the bars are to be fully trained to ensure there is no sale of alcohol to people who are drunk or to persons under 18yrs.

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The premises will operate a 'Challenge 21' Policy.

No person under 18 year of age will be allowed into the venue unless for a separate 'under 18's' event with approval of West Midlands Police. Risk assessment will include a search policy which will reflect the event risk and Security deployment plan.

Events organised especially for persons under the age of 18yrs will not be held at the same time as the premises are open to persons over the age of 18yrs.

During an 'Under 18's event the premises License Holder and/or DPS shall:

- a). Ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.
- b). Implement a search of entry policy to prevent alcohol and other illegal substances being brought into the premises. Such policy to be agreed with The Birmingham Safeguarding Children Board and Birmingham West Central Police Licensing Unit.
- c). Ensure a Policy is in place to prevent under aged persons leaving and returning to the premises in order to consume alcohol outside.

There will be regular I.D. checks at the premises and the venue will only accept photographic driving licences, passport or (in agreement with the Police) Military ID and a form of identification with the PASS hologram.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

3c) Committee conditions to promote public safety

N/A

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

N/A

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

N/A

Annex 4 – Plans

The plan of the premises with reference number **88035-4156/2** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection between the hours of 9am – 4pm Monday, Tuesday and Thursday, 10am – 4pm Wednesday and 9am – 3.30pm Friday (excluding Bank Holidays etc) at the Licensing Service, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham B6 5RQ.



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary

I - Supt Andrew Parsons

(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:

**Electric
1 Hurst Street
Birmingham
West Midlands
B5 4AS**

2. Premises Licence details:

Name of premise licence holder (if known): Dooba Investments II Limited

Number of premise licence (if known): 4156

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)

On Friday 24th July, the Electric Nightclub was open for business. The operating times for a Friday being 10:00 hours until 04:00 hours. On this particular night, an externally promoted event was in operation from 11pm until 4am.

At approximately 03:50 hours on Saturday 25th July, West Midlands Police were notified that two males had presented themselves at hospital with gunshot wounds to their legs. The two males independently stated that they have received gunshot injuries from being in the same venue, Electric Club, Hurst Street, Birmingham. One male has a

bullet wound to his left lower thigh, where the bullet became lodged and the male requires surgery to remove it. The other male has a grazing entry and exit wound to his left thigh.

CCTV in the premises shows a disorder on the main dance floor in front of the DJ booth. At around 03:22 hours, a large number of individuals clear the dance floor immediately and a male can be seen being walked away across the dance floor, out towards the corridor and exit. Due to the rapid clearance of the dance floor it would suggest that this is when the firearm, is discharged. A similar disorder is seen on another camera covering a corridor area, whereby there is a sudden, dynamic dispersal of people, as if they are trying to get away from something very quickly. Shortly after these incidents, people start to leave the venue.

CCTV shows a lack of control. A male in the corridor is smoking, numerous customers have head and facial coverings, one male in particular zips up his hood with goggles, before going back into the main dance area.

Officers conducted a search of the premises after the incident. During this search, no shell casings were recovered. Officers did discover blood by one of the bars and also bloodied tissues in the main room. This is currently being examined by forensic experts. In addition, during the search, drugs paraphernalia was found inside the venue; including empty dealer bags, cannabis roll ups and remnants of herbal cannabis on the floor and tables. There were also a number of cigarette butts on the floor of the premises.

The manager, Ryan Booth has told officers that he was aware of a disorder in the venue where bottles were thrown. However, this was not reported to police officers at any time during the incident.

Further information has today been received from Nottinghamshire police stating that a male has received medical treatment in Nottingham for a stab wound. The male has stated he was stabbed on the dance floor, following a dispute with other males.

Police officers have today recovered a knife from an office block adjacent to the venue. CCTV shows males running from the Electric into the SB2 office area.

This is a catalogue of serious incidents which has culminated in three offences of Section 18 wounding's being committed at Electric. One with a knife and two with a firearm.

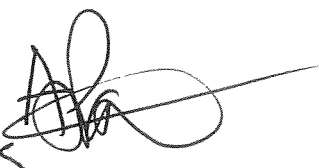
West Midlands police have serious concerns about these premises. It is clear that the search procedure wasn't adequate, allowing a firearm into the premises. The additional finding of a substance believed to be herbal cannabis on the table and floor adds to this concern.

As a result of the above, West Midlands Police are seeking the expedited review of these premises and the immediate suspension of the licence as an interim step.

Signature of applicant:

Date:

Rank/Capacity:


27/7/15
SUPERINTENDENT 6655 PARSONS

Contact details for matters concerning this application: PC 2413 Ben Reader

Address: Licensing Dept c/o Birmingham Central Police Station

Telephone Number(s): 0121 626 6099

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

Notes for guidance:

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

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

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

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

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

West Midlands Police

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

I hereby certify that in my opinion the premises described below are associated with serious crime.

Premises: SBQ (Known as Electric)

Premise Licence Number: 4156

Premise Licence Holder: Dooba Investments II Limited

Designated Premise Supervisor: John Bunce

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.

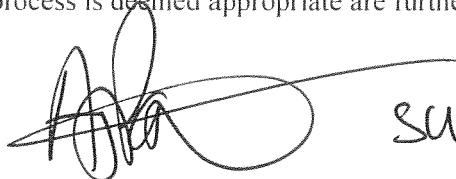
The seriousness of the crime warrants the use of this power.

The prevention of crime and disorder and public safety are two of the four licensing objectives. WMP have no confidence that the premises licence holder can promote these, as three serious crimes have occurred during the same event within a very short space of time.

I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstances due to the above reasons. In order to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

I am conscious of the DCMS 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

 Supt 6655 PARSONS

Duly authorised and on behalf of the Chief Constable.