

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C WEDNESDAY 25 MAY 2016
--

**MINUTES OF A MEETING OF LICENSING
SUB COMMITTEE A HELD ON WEDNESDAY
25 MAY 2016 AT 1000 HOURS IN
COMMITTEE ROOM 1, COUNCIL HOUSE,
BIRMINGHAM**

PRESENT:- Councillor Alex Buchanan in the Chair;

Councillors Mike Leddy and Neil Eustace.

ALSO PRESENT:-

Shaid Yasser - Licensing Section
Joanne Swampillai - Committee Lawyer
David Smith - Committee Manager

NOTICE OF RECORDING

1/250516 The Chair advised the meeting and it was noted that members of the press/public may record and take photographs except where there are confidential or exempt items.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

2/250516 None were received.

MINUTES

3/250516 The Minutes of the meetings held on 9 March 2016 and 4 May 2016 were confirmed and signed as correct records.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT 178 SOHO HILL,
HOCKLEY, BIRMINGHAM B19 1AG (FORMERLY FAITH AND CONFIDENCE
SOCIAL CLUB)**

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

(See document No. 1)

The following persons attended the meeting:-

On behalf of West Midlands Police:

PC Ben Reader
Sergeant Elliott Richards

On behalf of the Appellant

Mr Vernon Knight, proposed Designated Premises Supervisor for Reminisce Ltd.
Mr Adrian Curtis, Kenneth Curtis and Company, Solicitors

Following introductions by the Chair, the main points of the report were outlined by Shaid Yasser, Licensing Section.

Mr Curtis and Mr McKnight made the following points in respect of his application and in response to Members' questions:-

- a) The appellant was proposing to reduce the opening hours to finish at midnight on all 7 days each week, following discussion with West Midlands Police and in the light of previous occurrences.
- b) Details of incidents of disorder after midnight had been viewed in the Police logs and it had been understood that gangs had returned from the City Centre and caused problems in the local area.
- c) The premises would house a social club. Mr McKnight had gained experience providing security services with Birmingham City Council for many years, dealing with children and adults in social care and housing situations. He had developed his skills and had gained a Security Industry Authority (SIA) qualification.
- d) He had visited the former club at the site and was aware of issues there, which he felt could be avoided by managing the premises differently.
- e) He proposed to implement a strict search policy, with hats to be removed and a clear dress code, and to operate a sterile search area containing up to 4 people at a time before people paid to enter.
- f) There would be CCTV, which would include coverage of sterile areas and 24 hours recording, cleared signed in the entrance area. Staff would be trained, including operation of the CCTV equipment and making daily checks to ensure it was working.
- g) Checks would be made for metal objects, with visitors passing through a permanent scanner, and women's bags would be searched. The double entry doors could be closed to prevent a group of people rushing into the building and a lockable gate outside would restrict entry to the site.
- h) While he was confident that no-one would be allowed to enter the building with a weapon, in the event of any trouble all the lights would be turned on and the entertainment system would be switched off.

Licensing Sub Committee C – 25 May 2016

- i) He did not intend to introduce total membership, but would encourage people to become members. A photograph and finger prints would be required, as well as the search requirements.
- j) The clientele would be aged 50 years and older and the music played would be from the 1990's and earlier, which would be tailored to an older age group.
- k) Mr McKnight was intending to retire and manage the club, based on the business model he had produced. He would be promoting attendance at the club earlier in the daytime or evening.
- l) Mr Curtis explained that the application had been produced on the advice of an agent, Mr Chambers, who had used the application for the former club as a template. Mr McKnight had noted Police concern that Mr Chambers was linked to the previous applicant.
- m) Mr McKnight would lease the property and pay rent. He assured Members that he was not acting as a 'front' for the previous applicant. The previous applicant was part of a group that owned the premises. Mr McKnight would respect the premises and had asked the landlord to bring the building up to an acceptable standard.
- n) Mr McKnight advised that he had held the security qualification since 2015 and was more used to working in business, rather than commercial, settings. He had worked in peripheral sites for the City Council, had witnessed and had had to respond to acts of violence.
- o) He did have contact with the central Customer Support Officers, but was responsible for security in buildings outside the Central Administrative Buildings, such as social centres and libraries.
- p) He confirmed that the site opening hours would match the licensing hours, with the site being closed at 0030 hours to allow 30 minutes after final drinks sales. A friend/colleague was working with him on the structure of the social club. The previous applicant for a licence at the site could not become part of the management, but could become only a member.
- q) He would be the only owner and shareholder along with Mr Lewis, his partner and fellow shareholder, who was putting money into the business. The landlord was undertaking repair and maintenance of the site, but had no financial input to the club.
- r) He expected to have between 100 and 150 users and to host meetings and funeral wakes from Monday to Friday. He would not host weddings or wedding receptions and would not hire out the room because he wanted to retain full control. Searches would be applied to everyone attending the site. There was competition from a venue on the opposite side of the road, mainly serving food, but there were no public houses close by.
- s) Children could attend up to 2100 hours only, if accompanied by adults, which would be explained to everyone bringing a child/children to the site.

Licensing Sub Committee C – 25 May 2016

Sergeant Richards and PC Reader made the following points on behalf of West Midlands Police and in response to Members' questions:-

- a) The application was clearly very similar to the previous application, with 70% of the conditions being identical. Mr McKnight had volunteered changes to the conditions, but it was obvious that the club was his first business venture.
- b) The premises had been high risk for West Midlands Police since 2007, with a history of violent, gang-related crime. The position of the premises as a flashpoint for those problems was supported by intelligence logs and Police. The neighbouring business had been involved in the problems as well and no longer had a licence.
- c) Officers had received intelligence recently that Mr McKnight was acting as a 'front' for the previous owner. In order to be a suitable licence holder, the applicant needed to be robust and have experience. Mr McKnight was not even an experienced 'SIA' badge-holder. Police Officers needed to have confidence in the new licensing arrangements.
- d) Officers were concerned that the application was not good enough and, while the business plan gave information, neither the application nor the business plan gave sufficient details. The Police position regarding further applications for the building had been explained to the Committee at a previous meeting.
- e) Within the costings provided there was no provision for the gate arrangements, finger-printing or CCTV equipment. No meetings had been held with the company providing the service and no discussions had been held with it.
- f) Police Officers were concerned that 'airport level' security was being proposed for a community building. The premises had been 'scarred' by previous crime and the troublemakers did not care who were the owners or organisers. Officers did not have confidence that Mr McKnight was capable of managing the premises in the light of that situation.
- g) Attention was drawn to a statement submitted by Chief Inspector Stuart Bill. The situation was difficult because community venues were important, but there was a need to ensure public safety and licensing values were protected. Officers needed to be certain that the venue would progress away from past problems with new and robust management.
- h) Officers were concerned at the element of commercial viability. The introduction of an older client base was encouraging, but Officers could not envisage that the business would be viable. They were concerned that it would want to change to later hours and to rent out the room, as the security measures suggested that would be a later progression. There were no problems before midnight, so why was a high level of security proposed?
- i) Officers welcomed the conditions and offers put forward, but believed that the changes were re-writing the application significantly. West Midlands Police could not agree with the application as it stood at the time of the meeting, but would be able to move forward with an experienced licence holder and clearly set out plans for the premises.

- j) It was understood that the Moorish Bar was nearby, that the Mango Lounge was situated on Aldridge Road and that the Caribbean Delight was not close by. The Pool Hall was on the opposite side of the road and had had its licence revoked. Attention was drawn to an Indian Restaurant nearby.
- k) Officers were concerned that a previous applicant, Mr Richards, continued to have an interest as leaseholder/landlord of the site. It had appeared that he was put forward an application through another person.
- l) They believed that a detailed business plan was needed, with information on how the club would operate and satisfactory risk assessments. If further information was provided, West Midlands Police would be willing to consider whether it met those requirements.
- m) The problems at the site in the past had dispersed now to various venues, some of which were open late, and some of the venues had had restrictions placed upon them as a consequence.

Mr Curtis and Mr McKnight summarised the applicant's case by pointing out that the previous problems had occurred after the planned closing time of midnight. If Mr McKnight wanted to extend the opening hours, he would need to have to apply to the City Council, but that was not under consideration in this application. The Police concern centred on previous problems at the premises and the messy application, which had been prepared by a previous agent for Mr McKnight. He acknowledged that he did not have experience of managing a club, but he had suitable knowledge and experience to enable him to manage it properly and safely. He wanted the opportunity to open the club and prove his capability. He was not associated with Mr Richards, who was the site leaseholder.

On behalf of West Midlands Police, Sergeant Richards summarised the concerns regarding the history of the premises and the capability of Mr McKnight. The site had been run effectively as a community centre in the past, but Police Officers had not received enough evidence to give them confidence that the site would return to that safe situation. The Police force was committed to reducing and removing gang crime and recommended that the application was rejected.

At 1140 hours, the Sub-Committee adjourned and the Chair requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1220 hours, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

4/250516

RESOLVED:-

That the application by Mr Vernon McKnight for a premises licence in respect of 178 Soho Hill, Hockley, Birmingham B19 1AG be refused.

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

Licensing Sub Committee C – 25 May 2016

The Sub-Committee heard from West Midlands Police that the proposed premises were high-risk, given that since 2007 it has had a history of violent crime, gang-related issues, anti-social behaviour and even firearms problems, as set out in the Evidence Bundle within the Committee Papers.

The Sub-Committee noted that it was the opinion of the Police that whilst the premises would require an experienced and robust person to manage it if it were to overcome the serious problems which have arisen in the past, there was little detail or clarity regarding exactly how the applicant would properly promote the licensing objectives, particularly the prevention of crime and disorder and public safety objectives within the Act.

The representation from West Midlands Police specifically sought the refusal of the application. It was also their opinion that that the operation of this premise would require the type of experienced Licence Holder who could satisfy them that he could manage a high risk venue and take appropriate steps to ensure that issues the premises had been subjected to in the past would not reoccur.

At present the Police had no confidence in the applicant's ability to promote the Licensing Objective relating to the prevention of crime and disorder and public safety. This was further supported in a written statement submitted by Chief Inspector Bill recommending refusal.

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application, but were not persuaded that the proposed operation of the premises was suitable. The Sub-Committee noted in particular that it was the opinion of the Police that the application lacked detail regarding the most important issue, namely: how exactly the club would operate to satisfy the proposed conditions.

In addition to the above, the Sub-Committee were concerned over the proposed operation of the premises under a person who confirmed to the Sub-Committee that, whilst he is experienced in general security management, he is inexperienced in management of a licensed commercial premise such as a Social Club.

The Sub-Committee heard representations that the application had been submitted by a consultant who was no longer representing Mr McKnight. Mr McKnight's solicitor, who attended the hearing, confirmed to the Sub-Committee that the application was not one that he had assisted to draft, and remarked that it appeared that the consultant who submitted it had based it on a previous application, which had been made by a different applicant and was subsequently refused.

The Sub-Committee considered that the application as submitted was unsatisfactory. The Members observed that to alter the proposed conditions to the extent required would mean rewriting the document entirely. It was not robust enough to satisfy the Police that granting it at this stage would be appropriate for the reasons set out above.

Licensing Sub Committee C – 25 May 2016

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, and by his solicitor, and also by those making representations, i.e West Midlands Police.

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

5/250516 There was no urgent business.

The meeting ended at 1225 hours

.....
CHAIRPERSON