

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Acting Director of Regulation and Enforcement
Date of Meeting:	Wednesday 29th November 2017
Subject:	Licensing Act 2003 Premises Licence – Summary Review
Premises:	Arthouse (Scru Club), 54 Bissell Street, Birmingham, B5 7HP
Ward affected:	Nechells
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896 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 3rd November in respect of Arthouse (Scru Club), 54 Bissell Street, Birmingham, B5 7HP.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

On 3rd November 2017 Superintendent Andrew Parsons, 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 in respect of Arthouse (Scru Club), 54 Bissell Street, Birmingham, B5 7HP.

The application was accompanied by the required certificate confirming that in his opinion the premises are associated with serious crime and disorder. See Appendix 1.

Within 48 hours of receipt of an application made under Section 53A, the Licensing Authority is required to consider whether it is appropriate to take interim steps pending determination of the review of the Premises Licence, such a review to be held within 28 days after the day of its receipt, review that Licence and reach a determination on that review.

Licensing Sub-Committee A met on 6th November 2017 to consider whether to take any interim steps and resolved that the Premises Licence be suspended pending a review of the Licence.

A copy of the decision is attached at Appendix 2.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other parties ended on 17th November 2017.

An additional representation has been received from West Midlands Police, as a responsible authority, see Appendix 3.

A representation has been received from Public Health, as a responsible authority, see Appendix 4.

A copy of the current Premises Licence is attached at Appendix 5.

Site location plans at Appendix 6.

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 decision of 6th November 2017 , Appendix 2
Copy of the representation from West Midlands Police, Appendix 3
Representation from Public Health, Appendix 4
Current Premises Licence, Appendix 5
Site location plans, Appendix 6

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

Appendix 1



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

1 - Superintendent 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: Arthouse

Postal address of premises

54 Bissell Street
Birmingham
B5 7HP

2. Premises Licence details:

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

Number of premise licence (if known): 4646

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED REF NO INITIALS

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 Tuesday 31st October, an event called Applebum was planned for Rainbow Warehouse, Digbeth, Birmingham. The event was advertised as being from 22:00 – 04:00.

This event was promoted nationally at several cities across the north of England in addition to Birmingham.

Due to issues with the Rainbow licence, this event was moved at the last minute to Arthouse Venues, Bissell Street, Digbeth, without police knowledge.

Arthouse Venues had supplied a risk assessment for a Halloween party with an expected audience of 200 customers. The times for this risk assessment were from 22:30 – 02:00 (The terminal hour for licensable activity at this venue on a Tuesday night is 02:00)

Arthouse venues did not communicate with WMP to explain that they were holding this event or any changes to their RA.

Initial investigations suggest there was an obvious issue with capacity, as customers were calling the 999 network to state that the club was so busy that they could not get out. It appeared that the management had totally lost control of the venue.

Following this event, there were no incident reports submitted by the venue.

Today, WMP have been made aware of an incident in the venue where a male has been attacked inside the venue, resulting in his jaw being broken in two places. This incident meets the criteria of serious crime and has been recorded as inflicting GBH.

This serious crime was avoidable, as this event should not have taken place at Arthouse. The hosting of this event at such short notice seriously undermined public safety which led to a serious crime being committed.

West Midlands Police are seeking the immediate suspension of the premise licence for this venue.

Signature of applicant:

Date:

30 November 2017

Rank/Capacity:

Supt 6655

Contact details for matters concerning this application: Pc 2413 READER

Address: Licensing Dept c/o Birmingham 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: Arthouse

Premise Licence Number: 4646

Premise Licence Holder: Art Venue Limited

Designated Premise Supervisor: Latisha Pemberton

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 disorder, which has led to a male having his jaw broken inside the venue.

The level and seriousness of the incident in terms of the crimes being committed warrant the use of this power.

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

The concern of West Midlands Police is that if immediate steps are not taken to consider the operation of this venue then similar incidents could occur.

I am conscious of the guidance contained with the Section 182 guidance around Summary 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



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE - A

MONDAY 6 NOVEMBER 2017

ARTHOUSE, 54 BISSELL STREET, BIRMINGHAM, B5 7HP

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Art Venue Ltd in respect of Arthouse, 54 Bissell Street, Birmingham, B5 7HP, this Sub-Committee determines:

that the Licence be suspended pending a review of the Licence,

such a review to be held within 28 days of receiving the Chief Officer of Police's application.

The Sub-Committee's reasons for imposing this interim step are due to concerns raised by West Midlands Police in relation to matters which came to light as a result of an incident during an event held at the premises on Tuesday 31st October 2017, as outlined in the Chief Officer of Police's certificate and application.

The Sub-Committee heard the submissions of West Midlands Police, who confirmed that an investigation had started. A Halloween evening event was being promoted by a national event promoter. The promoter was putting on the same "Hip-Hop Horror Show" night at various licensed premises across the country, including Birmingham. The Birmingham event had been scheduled to be held at licensed premises in Lower Trinity Street. However on the scheduled day, the promoter had wished to change the Birmingham venue at very short notice, and had approached Arthouse, who had agreed to accommodate the event.

Arthouse's operating hours were 1030 hours to 0200 hours – yet the promoter had marketed the event on social media as "1000 hours to 0400 hours". An initial Risk Assessment had been passed to West Midlands Police which stated that the expected attendance for the night was 200 persons, but neither Arthouse nor the independent promoter had informed the Police that the event was being moved from other premises to Arthouse – either in advance of the event, or even the next day. Indeed West Midlands Police had only discovered what had gone on when they were passed an email between a member of the public and the promoter. The Police observed that poor notification of events by Arthouse was an issue that they had previously raised with Arthouse via their solicitors.

On the Friday (3rd November 2017), West Midlands Police were informed of an incident of serious crime and disorder that had happened at the Halloween event – namely that a male patron inside the premises had become involved in an altercation with two other male patrons, which had culminated in an assault in which his jaw was broken. It was suspected by Police that the assault had

happened in the first room into which patrons pass as they enter the premises. The patron had been taken to hospital, and it was thought that he had had to have his jaw wired, and/ or a steel plate inserted in his jaw. He also had associated injuries such as face swelling. He was not yet well enough to give a statement to Police.

It was the recommendation of West Midlands Police that the licence be suspended whilst the Police investigated. It was the initial view of West Midlands Police that Arthouse had taken on somebody else's event at very short notice, for which they were not prepared, and as a result there had been an episode of serious crime and/ or disorder. Arthouse had not informed the Police of the venue change in advance; nor had the Police had any contact from Arthouse on the night. The only 999 calls received were from patrons of the premises, about other issues (not the broken jaw assault). The Police had not found out what had happened until after the event. The door staff had been informed of the incident at the time, but the two men were not stopped, and they left the premises.

The Sub Committee determined that the potential causes of the incident appeared to originate from inadequate internal management procedures at the premises, such that a patron appeared to have been attacked by others and had suffered a serious injury requiring hospitalisation and surgery. The Sub-Committee was particularly concerned to hear that although West Midlands Police had requested the CCTV, the premises licence holder had been unable to produce it, which was wholly unsatisfactory in circumstances where serious crime/ disorder had occurred. During the meeting it became apparent that there were problems over the operation of the CCTV in general – several cameras were thought to have been offline on the night, which caused the Police to question whether the premises was in fact operating without the CCTV arrangements which are a condition of their licence.

The premises, via their legal representative, urged the Sub-Committee not to suspend the Licence; they considered that the issues could be managed by the imposition of additional conditions, such that the premises could continue to operate. However the premises accepted that the Risk Assessment had not been done correctly, and also that there were some problems surrounding the operation of the CCTV, with which Arthouse's CCTV consultant was assisting.

Having heard the premises' account, the Sub-Committee determined that it was both necessary and reasonable to impose the interim step of suspension to address the immediate problem with the premises, in particular the likelihood of serious crime and or serious disorder, and to promote the prevention of crime and disorder objective in the Act.

The Sub-Committee considered whether it could impose any other interim step, including modification of licence conditions, or exclusion of the sale of alcohol by retail or the removal of the Designated Premises Supervisor. The Sub-Committee did not believe however that any of these would address the seriousness of an assault in which a patron had his jaw broken. The risks could only be addressed by the suspension of the Licence as an interim step.

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

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours (excluding non-working days).

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

Appendix 3

From: Ben Reader
Sent: 17 November 2017 14:12
To: Licensing
Cc: Talib Hussain; David Kennedy
Subject: ArtHouse Further Representations

Licensing,

West Midlands Police are continuing to investigate the serious crime that occurred at Arthouse/Scruclub on the night of 31st October this year.

As part of our investigation, and wider enquiries made into the venue, a number of further representations need to be made today, for inclusion at the full hearing. We appreciate that Jordan Patel states he has only been operating the venue for a short time period (end of September) but even in this short period of time, we have significant concerns.

We would also like to raise

- Public safety issues caused by last minute movement of Appleburn event
- Firearms intelligence relating to the venue raising further crime and disorder concerns which has come to light since the suspension
- Previous police interventions as we had concerns over events being booked which would have breached the premises licence.

Thank you

Ben

Police Constable 2413 Ben Reader
Licensing Department
Birmingham West Local Policing Unit
Police Headquarters,
Lloyd House,
Birmingham,
B4 6NQ

Preventing crime, protecting the public and helping those in need

This email is intended for the addressee only and may contain privileged or confidential information. If received in error, please notify the originator immediately. Any unauthorised use, disclosure, copying or alteration of this email is strictly forbidden. Views or opinions expressed in this email do not necessarily represent those of West Midlands Police. All West Midlands Police email activity is monitored for virus, racist, obscene, or otherwise inappropriate activity. No responsibility is accepted by West Midlands Police for any loss or damage arising in any way from the receipt or use of this email.



Birmingham Public Health

Arthouse

54 Bissell Street, Birmingham B5 7HP

Alcohol Licence: Expedited Review Response

DEADLINE FOR RESPONSE: 17 NOVEMBER 2017

On behalf of

Dr Adrian Phillips: Director of Public Health

17/11/17

Final version 1.0

The information contained in this document is provided for the purpose of review by Licensing Committee and may be circulated to all parties of the Review by Licensing Committee as appropriate. This document is not to be circulated to other parties outside of this Review without prior consent from the Author or used for purposes other than for the Review referred to in this report.

Contents

Contents	1
1 Premises or club details.....	3
2 Responsible Authority applicant.....	3
3 Overview of the Grounds for Review	4
4 Public Health response.....	5
5 Supporting Evidence and Information	7
5.1 Public Health Statistical Analysis	7
5.2 Crime	7
5.3 Transport Links	8
5.4 Impacts on economic activity	8
5.5 Conditions of License	9
6 References	9
Appendix 1. Public Health Data Analysis	10
1 Tier One Data Overall LSOA Score: RED / HIGH RISK.....	10
1.1 Tier One Indicator Scores and Risk Ratings	10
2 Tier Two Data Overall Aston Ward Score: AMBER / MEDIUM RISK	11
2.1 Tier Two Indicator Scores and Risk Ratings	12
3 Tier Three Data Scores	13
4 Summary	13
Appendix 2. Crime	14
Appendix 3. Transport links	16
Appendix 4. Conditions of License ([license number]).....	17

Arthouse **54 Bissell Street, Birmingham B5 7HP**

Public Health's Response to Expedited Review

Licence Review Reference Information

Licence Number: 4646

Review requested by: West Midlands Police

Date: 3 November 2017

This is a response document from Birmingham Public Health in its capacity as a Responsible Authority (Police Reform and Social Responsibility Act 2011). This document supports the application for a review of a premises licence or club premises certificate under the Licensing Act 2003.

This response will be specifically aligned to the licensing objectives (and any conditions of licence):

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

To promote good practice and a collaborative, multi-agency approach, we will also share this document with the other Responsible Authorities for licensing in Birmingham.

This report is provided on behalf of Dr Adrian Phillips, Director of Public Health.

Any queries relating to this report should be addressed to:

Adrian Phillips
Director of Public Health
Birmingham Public Health
PO Box 16732, Birmingham B2 2GF

publichealth@birmingham.gov.uk

1 Premises or club details

<i>Name of premises</i>	Arthouse
<i>Postal address of premises</i>	54 Bissell Street
<i>Post town</i>	Birmingham
<i>Post code</i>	B5 7HP
<i>Name of premises licence holder or club holding club premises certificate</i>	Art Venue Limited
<i>Number of premises licence or club premises certificate</i>	Latisha Pemberton

2 Responsible Authority applicant

<i>Name and address</i>	PC 2413 Ben Reader Licensing Dept, c/o Birmingham Central Police Station, Lloyd House, Birmingham
<i>Telephone</i>	0121 626 6099
<i>Email</i>	bw_licensing@west-midlands.police.uk

3 Overview of the Grounds for Review

Taken from the West Midlands Police Certificate for Expedited Review

On Tuesday 31st October, an event called Applebum was planned for Rainbow Warehouse, Digbeth, Birmingham. The event was advertised as being from 22:00- 04:00.

This event was promoted nationally at several cities across the north of England in addition to Birmingham.

Due to issues with the Rainbow licence, this event was moved at the last minute to Arthouse Venues, Bissell Street, Digbeth, with police knowledge.

Arthouse Venues had supplied a risk assessment for a Halloween party with an expected audience of 200 customers. The times for this risk assessment were from 22.30 – 02.00 (the terminal hour for licensable activity at this venue on a Tuesday night is 02.00).

Arthouse Venues did not communicate with WMP to explain that they were holding this event or any changes to their RA.

Initial investigations suggest there was an obvious issue with capacity, as customers were calling the 999 network to state that the club was so busy they could not get out. It appeared that the management had totally lost control of the venue.

Following this event, there were no incident reports submitted by the venue.

Today, WMP have been made aware of an incident in the venue where a male has been attacked inside the venue, resulting in his jaw being broken in two places. This incident meets the criteria of serious crime and has been recorded as inflicting GBH.

This serious crime was avoidable, as this event should not have taken place at Arthouse. The hosting of this event at such short notice seriously undermined public safety which led to a serious crime being committed.

4 Public Health response

Licensing Objective	Response
<i>The prevention of crime and disorder</i>	<p>There have been clear breaches of conditions of licence, conditions that are in place to prevent crime and disorder. There has been a fundamental breakdown in the ability of the venue to be able to promote these conditions, and therefore to be able to promote the very objective to prevent crime and disorder.</p> <p>This is a venue that has allowed an event to take place that did not have permission to take place, not because it was refused, but because the venue chose not to inform West Midlands Police, and submit a risk assessment. The failure of the venue to adhere to its conditions of licence led to the event taking place, being out of control, and culminating in one person having their jaw broken in two places, and needed urgent hospital treatment. This was wholly avoidable.</p> <p>There is a specific condition that states the following: “All events to be held at the premises are to be risk assessed”. This simply did not happen. This is a serious breach of this condition, and a fundamental failure to promote the objective to prevent crime and disorder.</p> <p>Did West Midlands Police receive a notification of this event at least 28 days prior to the event taking place? (We seek clarification). If notification was not received then this is another breach of conditions of licence.</p> <p>We are disappointed and disturbed by the fact that the serious crime that took place within the premises was not reported to West Midlands Police by the premises.</p> <p>This is an area (at LSOA level) that our alcohol tool registers as red for alcohol related crime. It is also registered as red for alcohol related hospital admissions – this is an area where alcohol is a problem. Licence holders should be setting a precedent in promoting the very objectives designed to reduce these issues, and should certainly not be contributing to them.</p>

Public safety	<p>This is the Second City, it is a young city, and therefore attracts many young people to events such as the one that we are discussing today, it is of paramount importance the we promote public safety at every opportunity, and even more fundamentally if this is in fact a condition and an objective that you have agreed upon in your application for an alcohol licence, and have subsequently obtained on the basis that you will indeed promote the objectives and conditions. It is our opinion that there is no place in Birmingham for licence holders who cannot promote public safety, and therefore guarantee public safety, especially when this means that people feel so threatened in an environment that they have to call 999 to inform the emergency services that it is so overcrowded that they cannot get out.</p> <p>It would seem that this is an event that was promoted to run until 4am. The condition of licence states that events occurring on a weeknight are only licensed until 2am. If after clarification from the committee and supporting officers that it is the case that the event was running after 2am then this is another fundamental and separate breach of the conditions of licence. (we seek clarification)</p>
The prevention of public nuisance	
The protection of children from harm	
<p>Summary</p> <p>It would seem that there is a cumulative impact with reference to the inability of the licence holder to be able to promote the licensing objectives, and the conditions attached to the licence. We have no confidence that the licence holder can promote the specific objectives of preventing crime and disorder, and promoting public safety, this is apparent because of the breaches of conditions that have taken place, specifically relating to not informing West Midlands Police that the event would be taking place, not providing a risk assessment, not reporting a serious crime (we don't consider "not knowing that it took place" as being a defence. It is up to the venue to know about these things, and indeed to prevent them from happening in the first instance.</p> <p>There was the real and significant risk to the safety of the public due to overcrowding, and also due to there being no risk assessment consultation with West Midlands Police, and also due to not notifying the police of the event in any instance.</p> <p>The venue was clearly operating outside of its conditions, and was not able to promote the very conditions that are there to prevent crime and disorder, and to promote public safety. We urge the committee to consider whether this venue, and licence holder are able to promote the conditions to protect the public from crime and disorder, and to ensure public safety.</p> <p>We also suggest that the committee consider, on the balance of probability, if it has any confidence in the ability of the venue and the licence holder to be able to promote the other objectives, to protect children from harm, and to prevent public nuisance, given that they</p>	

cannot promote the other two objectives.

Within a one mile radius of the venue, and in one month (August 2017) there have been 1456 individual crimes recorded for that month, including 301 for ASB, 24 Drugs, 10 possession of weapons, 74 public order, 280 violence & sexual offences. Due to the inability of the venue and the licence holder to be able to promote their objectives and fulfil their conditions, they are contributing to these statistics, this is not acceptable.

5 Supporting Evidence and Information

5.1 Public Health Statistical Analysis

The statistical analysis in Appendix 1 has determined a **HIGH RISK rating (RED)** against a series of key alcohol related crime offences.

This rating is based upon an analysis of a range alcohol related datasets through our Alcohol Risk Assessment Tool. This allows Public Health to place the premises' postcode into the tool and assess against the surrounding area, compare against the Birmingham LSOA average, examine the larger Ward area and impact within the district.

In particular, there is a high concentration of on- and off-license premises in this area and analysis has rated domestic violence as RED / HIGH RISK.. There are also commissioned alcohol misuse treatment services nearby.

It is important to note that the figures provided show statistical significance, meaning they are RAG rated by whether this LSOA is any better or worse than the average of all other LSOAs. As such, some figures show an AMBER or GREEN rating even though they may represent significant risk or have a high number of incidents in that area – the figures themselves are high, but the area may not be any worse than the average LSOA rating.

A clear example is Police (Non-Domestic Violence) which has been rated as GREEN (better than Birmingham's LSOA average); however, incidents are recorded as 124 for this area which represents a significant risk to health and is therefore rated as **HIGH RISK**.

Please note: Birmingham is made up of 10 districts with approximately 100,000 people in each; each district contains four ward of approx. 25,000 people; each ward contains approx. 20-25 LSOAs (lower super output area) of approximately 1,000 -1,500 people in each.

See Appendix 1

5.2 Crime

In August 2017, West Midlands Police reported 1456 individual crimes for that month, within a 1 mile radius of the property. These breakdown into several categories, a sample of which are below:

- Anti-social behaviour 301
- Criminal damage and arson 90

- Drugs 24
- Possession of weapons 10
- Public order 74
- Violence and sexual offences 280

Figure 3 in Appendix 3 shows the immediate vicinity around the premises and crimes recorded. 22 incidents were recorded in August 2017 in the same or neighbouring roads and included robbery, theft, violence/sexual offences, anti-social behaviour and public order

It is important to note that these are one month's figures.

The table below shows the number of recorded crime within 1 mile radius of the premises by month. It is clear that this area has a high crime rate which should be taken into consideration when considering the premises ability to uphold the licensing objectives.

Month	Number of recorded crime within 1 mile radius of premises (by month)
Aug 2017	1456
July 2017	1333
June 2017	1308
May 2017	1463
April 2017	1333
March 2017	1390
Feb 2017	1294
Jan 2017	1240
Dec 2016	1403
Nov 2016	1312
Oct 2016	1458
Sept 2016	1429
Aug 2016	1362

5.3 Transport Links

Access to public transport may become a consideration where premises are situated in residential areas (and customers will have to walk through the same residential areas to access transport) or where there are limited transport links resulting in large groups of people waiting for collection or walking through estates further.

In this instance, the premises are within the city centre boundaries within easy distance of several all-night buses, local buses, train stations (Moor Street and New Street) and main road connections (e.g. Bristol Street). This makes the premises easily accessible over a 24 hour period.

See Appendix 3

5.4 Impacts on economic activity

From a *public safety* pillar perspective, we're concerned that this type of criminal behaviour could deter investment, job creation, employment sustainability and the opportunity to socialise as part of

the night-time economy. Public Health outcomes, especially in the context of the wider and social determinants depend on a number of factors; two of these key factors are the creation and sustainability of safe environments and opportunities for employment.

5.5 Conditions of License

The premises conditions of license clearly state the West Midlands Police must be notified of all events happening within 7 days of the events and all late night events must be risk assessed within 28 days of the events.

The statement provided by the West Midlands Police states an event was risk assessed but they were not notified of the changes to the event when the Rainbow event moved to the Arthouse, and of the extended opening hours (the original risk assessment started closing at 2am, however the Rainbow event was advertised to run until 4am).

Failure to notify the Police of the changes and complete a revised risk assessment based on the additional numbers expected and timings of the event led to the venue staff "losing control" of the event, causing overcrowding and panic (calls were made to 999 stating they were unable to get out). Had this event been properly assessed and managed, the subsequent assault could have been prevented.

The Police statement also draws attention to the fact the club did not report the incident (a condition of license).

Failure to meet these conditions and uphold the licensing objectives is a serious breach of license.

Appendix 4.

6 References

- Crime statistics, www.police.uk
- The new public health role of local authorities, Department of Health, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/213009/Public-health-role-of-local-authorities-factsheet.pdf).
- Transport map, www.openstreetmap.org

Appendix 1. Public Health Data Analysis

Interpretation of this document:

Variable geographical levels of information have been used where available, in each case this is based on the post code of the application falling within this larger geographical area. Two terms are less commonly used outside of certain specialist areas and are detailed below:

- LSOA (Lower Super Output Area) is a geographical Census area with an approx. population of 1,500.
- MSOA (Medium Super Output Area) is a geographical Census area with a approx. population of 8,000.

Scores have been calculated by comparing the geographical area in question to the average at a higher level (Birmingham in most instances). 10% margin of error has been applied to both the smaller and larger areas and it is only where these are still relatively different that a RED (more prevalence or risk in area compared to average) or GREEN (less prevalence or risk in area compared to average) score has been calculated. Where these margins for error overlap in any way this has been calculated as AMBER (indifference).

1 Tier One Data Overall LSOA Score: RED / HIGH RISK

This score has been generated based on information regarding alcohol related violence and domestic violence, existing on-licences and off-licences, alcohol related fires, alcohol related safeguarding, underage sales and the existence of a cumulative impact area. These elements have been viewed as having the largest measurable impact on whether the licence should be granted and actual numbers were made available on a low level geography. The score is by quartiles and these are colour coded worst to best as Red, Amber, Yellow, Green. Full details below.

Whilst Alcohol Related Ambulance Activity is viewed as Tier One data it has not been possible to include it in the overall LSOA score as the data is only available on a post code district level.

1.1 Tier One Indicator Scores and Risk Ratings

Alcohol Related Ambulance Activity score was generated using actual incident information covering the period of September 2014- April 2015 provided by West Midlands Police Service.	AMBER / MEDIUM	The score for the Post Code District was AMBER or 1 on a scale of 0-2 meaning that it was not significantly statistically different from the average across all Post Code Districts. There were 10 incidents in the Post Code District in the period.
Police (Non-Domestic Violence) score was generated using actual incident information covering the period of 2008-2013 provided by West Midlands Police Service.	GREEN / HIGH	The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 124 incidents in the LSOA in the period.
Police (Domestic Violence) score was generated using actual incident information covering the period of 2008-2013 provided by West Midlands Police Service.	RED / HIGH	The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There were 21 incidents in the LSOA in the period.

Existing On-Licences score was generated utilising a list of all current existing Alcohol Licences of the relevant type known to Birmingham City Council.	RED / HIGH	The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There are 1 in the Post Code.
Existing Off Licences score was generated utilising a list of all current existing Alcohol Licences of the relevant type known to Birmingham City Council.	RED / HIGH	The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There are 0 in the Post Code.
Cumulative Impact Areas (CIA) score was calculated based on if a given LSOA contains a Post Code that falls wholly or partly within a CIA.	GREEN / LOW	The score for the LSOA was GREEN or 0 on a scale of 0 or 2 meaning that it was significantly statistically better than the average across all LSOAs. The individual post code does not fall wholly or partly within a CIA.
Fire Services score was generated using actual incident information on a Post Code level covering the period of 2009-2014 provided by West Midlands Fire Service.	AMBER / MEDIUM	The score for the LSOA was AMBER or 1 on a scale of 0-2 meaning that it was not significantly statistically different from the average across all LSOAs. There were 0 incidents in the Post Code in the period.
Safeguarding score was generated utilising factors identified at the end of Birmingham City Council Children assessments over the period 01/04/2014 to 31/03/2015 that were alcohol relevant at a post code level.	AMBER / MEDIUM	The score for the LSOA was AMBER or 1 on a scale of 0-2 meaning that it was not significantly statistically different from the average across all LSOAs. There were 0 incidents in the Post Code in the period.
Underage Sales Justified Complaints was based on information provided from the relevant department covering the period 2009-2015 at a post code level.	GREEN / LOW	The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.
Underage Sales Alcohol was based on information provided from the relevant department covering the period 2009-2015 as a post code level.	GREEN / LOW	The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.
Underage Sales Any Item was based on information provided from the relevant department covering the period 2009-2015 at a post code level.	GREEN / LOW	The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.

2 Tier Two Data Overall Aston Ward Score: **AMBER / MEDIUM RISK**

This score has been generated based on information regarding alcohol specific deaths, liver disease preventable deaths, counterfeit activity and whether reducing alcohol consumption is a

priority for the District. These elements have been viewed as having an indirect impact on whether the licence should be granted and were made available on a medium level geography, some of the information utilised is estimates rather than actuals. The score is by quartiles and these are colour coded worst to best as Red, Amber, Yellow, Green. Full details are below.

2.1 Tier Two Indicator Scores and Risk Ratings

Alcohol Specific Deaths score was based on information provided by Birmingham Public Health comparing ONS actual figures on alcohol specific deaths with ONS ward population estimates covering the period 2011-2013 on a ward level.	AMBER / MEDIUM	The score for Nechells Ward was AMBER or 1 on a scale of 0-2 meaning that is not significantly statistically different from the average across all Wards. The directly standardised rate calculated was 28.91.
Liver Disease Preventable Death score was based on information provided by Birmingham Public Health comparing ONS actual figures on alcohol specific deaths with ONS ward population estimates covering the period 2011-2013 on a ward level.	AMBER / MEDIUM	The score for Nechells Ward was AMBER or 1 on a scale of 0-2 meaning that is not significantly statistically different from the average across all Wards. The directly standardised rate calculated was 28.24.
Counterfeit Activity was based on information provided from the relevant department covering the period 2009-2015 at a post code level.	GREEN / LOW	The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that is significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.
District Priority was determined by all Post Codes that fall within a District that has currently identified alcohol as one of their priority issues.	RED / HIGH	The score for this application was RED or 2 on a scale of 0-2. Nechells Ward does fall within a District that has alcohol issues as a current priority.

3 Tier Three Data Scores

Low number of indicators and differing geographies do not allow for a meaningful overall score. The information is of a high level, estimated numbers and / or a wider social determinant rather than a more direct link.

- Binge Drinking MSOA: **AMBER / MEDIUM RISK**
- Alcohol Related Hospital Admissions MSOA: **RED / HIGH RISK**
- Commissioned* Alcohol Misuse Services MSOA: **RED / HIGH RISK**
- Mental Health Adults Services in Ladywood District: **AMBER / MEDIUM RISK**

*Based on working age adult information only, while the service provider for children and older adults was engaged there was not sufficient volume of data to enable a meaningful analysis.

4 Summary

The statistical analysis above has determined a HIGH RISK rating (RED) against a series of key alcohol related crime offences.

In particular, there is a high concentration of on- and off-license premises in this area and analysis has rated domestic violence as RED / HIGH RISK.. There are also commissioned alcohol misuse treatment services nearby.

It is important to note that the figures provided show statistical significance, meaning they are RAG rated by whether this LSOA is any better or worse than the average of all other LSOAs. As such, some figures show an AMBER or GREEN rating even though they may represent significant risk or have a high number of incidents in that area – the figures themselves are high, but the area may not be any worse than the average LSOA rating.

Appendix 2. Crime

Taken from www.police.uk

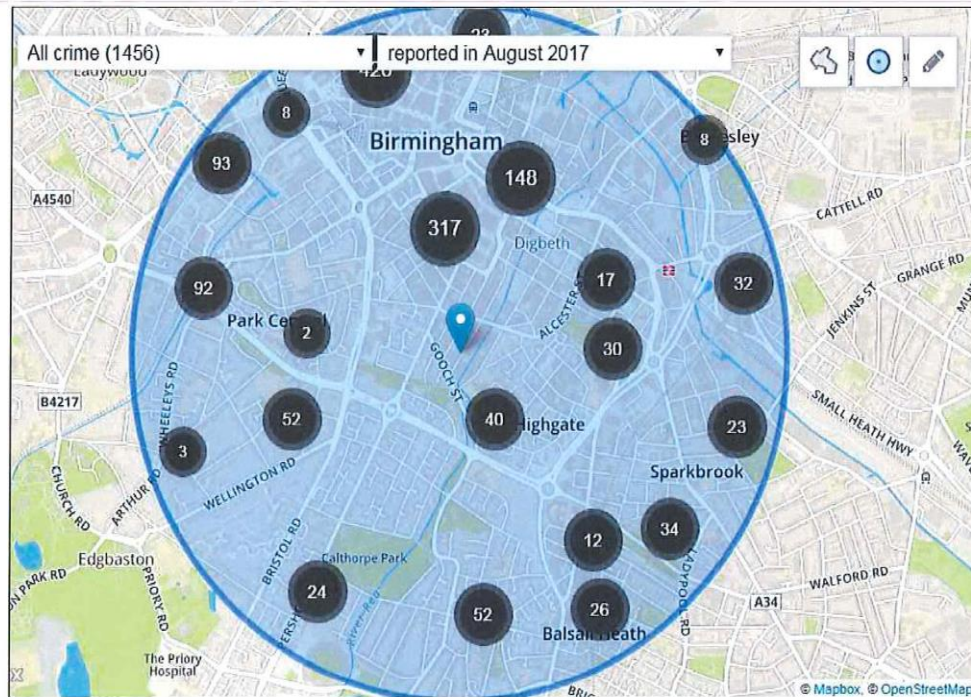


Figure 1: Map showing all recorded crime in August within 1 mile of the premises

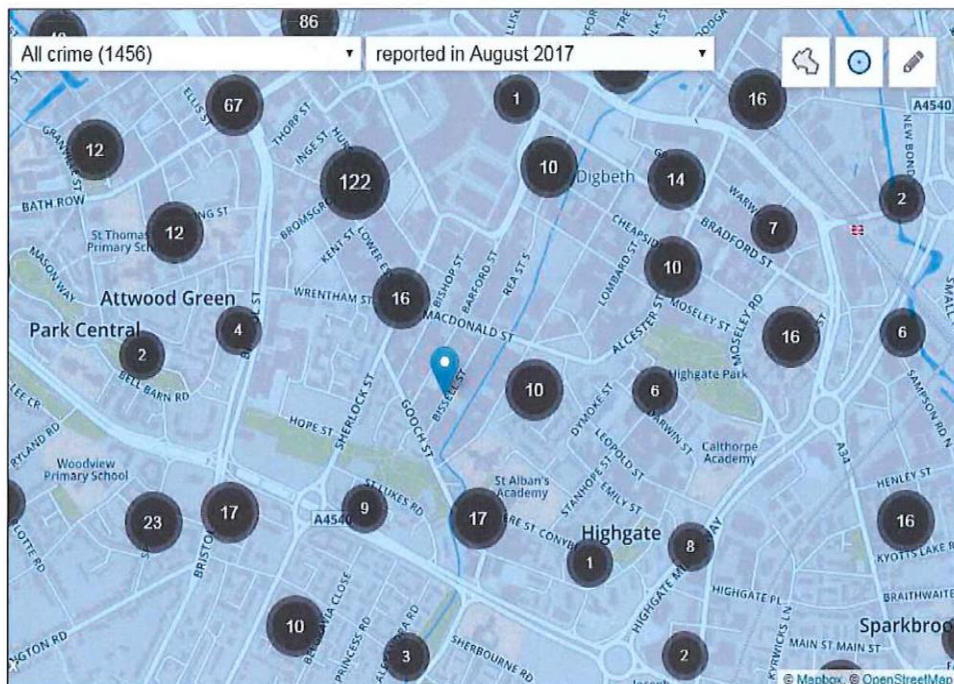


Figure 2: Map showing all crime recorded in August 2017 within 1/2 mile of the premises

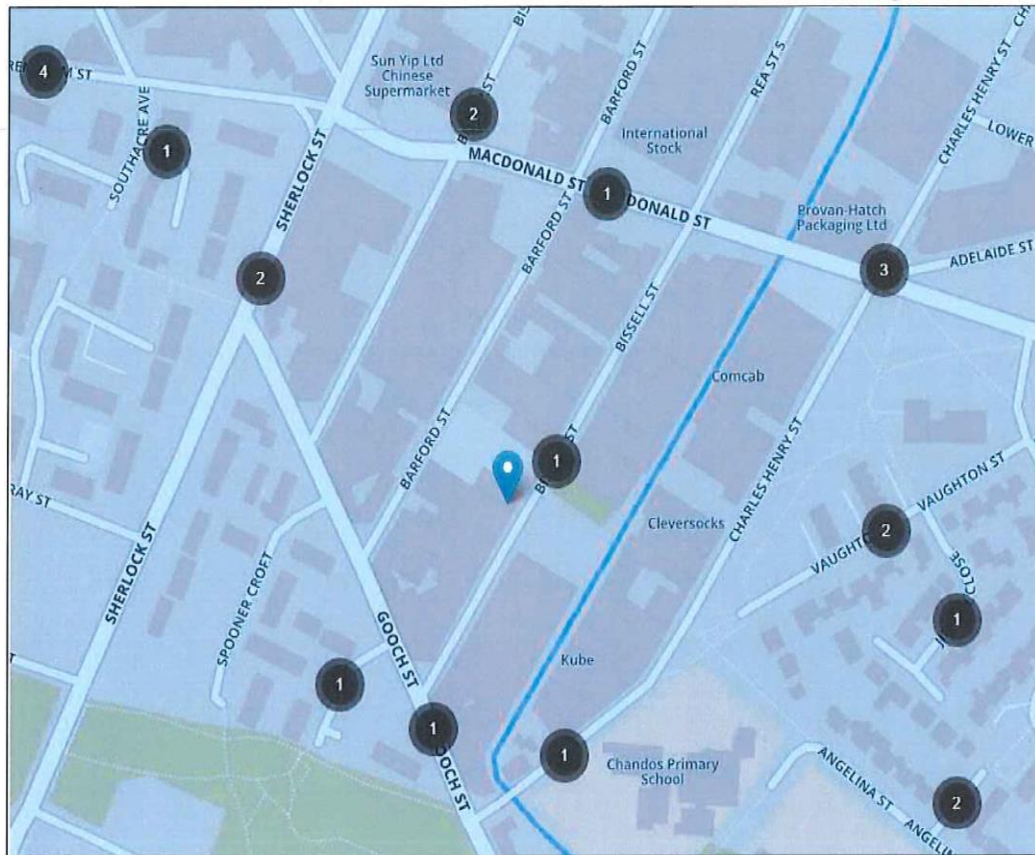


Figure 3: Map showing all crime recorded in August 2017 within the immediate vicinity of the premises

Crime types	
Anti-social behaviour	(301)
Bicycle theft	(9)
Burglary	(64)
Criminal damage and arson	(90)
Drugs	(24)
Other crime	(6)
Other theft	(140)
Possession of weapons	(10)
Public order	(74)
Robbery	(62)
Shoplifting	(150)
Theft from the person	(65)
Vehicle crime	(181)
Violence and sexual offences	(280)

Figure 4: Breakdown of all recorded crime in August 2017 within 1 mile of the premises, by crime type

Appendix 4. Conditions of License (4646)

from https://www.birmingham.gov.uk/info/20081/licensing/912/licensing_act_2003_public_register.

Summary of the licence certificate.

Application Reference	102936
Licence Holder Name	Art Venue Limited
Registered Company Number	10880521
Licence Number	4646
Time Limited Start Date	N/A
Time Limited End Date	N/A
Issue Number	2
Issue Date	02/11/2017
Grant Date	03/02/2017
Granted By	Bhapinder Nandhra
Status	Suspended
Representation Start Date	25/09/2017
Representation End Date	09/10/2017

2. Current Designated Premises Supervisor

A DPS is required wherever there is a licenced activity for the sale of alcohol for consumption on or off the premises.

No Information available

3. Premises Details

Details of the premises, the licensed activities and hours of operation.

Premises Name	Arthouse
Premises Type	Multi Purpose Venue
Premises Address	54 Bissell Street, Birmingham, B5 7HP
Ward Name	NECHELLS

3.1 Licensable Activities

A list of activities for which this premises is licensed.

Code	Description
A	Plays
B	Films
E	Live music
F	Recorded music

Code	Description
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)

3.2 Activity Times

The times of day during which the activities listed in 3.1 are permitted. Where the start time is later than the end time, the period of activity spans mid-night. Where the start time is equal to the end time, the period licensed is 24 hours.

Days	Start Time	End Time	Licensed Activity Codes
Sunday - Thursday	09:00	02:00	A , B , E , F , G , H , M1
	23:00	02:00	L
Friday & Saturday	09:00	04:00	A , B , E , F , G , H , M1
	23:00	04:00	L

3.3 Operating Hours

The hours of operation of the premises during the day. Where the start time is later than the end time, the period of operation spans mid-night. Where the start time is equal to the end time, the period of allowed operation is 24 hours.

Days	Start Time	End Time
Sunday - Thursday	09:00	02:00
Friday & Saturday	09:00	04:00

4. Conditions

4.1 Mandatory Conditions

Mandatory conditions attached to the licence.

Objective	Condition
N/A	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.
N/A	Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
N/A	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,

Objective	Condition
	individuals toâ€ (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).
N/A	The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
N/A	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 eitherâ€ (a) a holographic mark, or (b) an ultraviolet feature.
N/A	The responsible person must ensure thatâ€ (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 measuresâ€ (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.â€
N/A	(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) â€permitted priceâ€ 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) â€dutyâ€ is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) â€relevant personâ€ means, in relation to premises in respect of which there is in force a premises licenceâ€ (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) â€relevant personâ€ 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) â€value added taxâ€ means value added tax charged

Objective	Condition
	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 (â€œthe first dayâ€) would be different from the permitted price on the next day (â€œthe second dayâ€) 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.
N/A	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.
N/A	Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

4.2 Operating Conditions

Operating conditions attached to the licence and classified by objective:

General: General conditions consistent with the operating schedule.

Crime: Conditions consistent with, and to promote the prevention of crime and disorder.

Safety: Conditions consistent with, and to promote public safety.

Nuisance: Conditions consistent with, and to promote the prevention of public nuisance.

Child: Conditions consistent with, and to promote the protection of children from harm.

Objective	Condition
GENERAL	Conditions as stated below under the appropriate licensing objective.
CRIME	The premises shall have a CCTV system installed to the satisfaction of West Midlands Police Licensing Team at Birmingham West and Central Police Station. All recordings from the CCTV shall be retained for a minimum of 31 days and access to the footage shall be given to any of the responsible authorities upon request.
CRIME	All events to be held at the premises are to be risk assessed. The requirement for SIA registered door supervisors to form part of the risk assessment.
SAFETY	No enforceable conditions identified from operating schedule.
NUISANCE	No enforceable conditions identified from operating schedule.
CHILD	No enforceable conditions identified from operating schedule.

4.3 Committee Conditions

Conditions attached to the licence after a hearing by the licensing authority and classified by objective:

General: General conditions consistent with the operating schedule.

Crime: Conditions consistent with, and to promote the prevention of crime and disorder.

Safety: Conditions consistent with, and to promote public safety.

Nuisance: Conditions consistent with, and to promote the prevention of public nuisance.

Child: Conditions consistent with, and to promote the protection of children from harm.

Objective	Condition
GENERAL	Licensing Sub Committee A resolved on 11th November 2016 to grant the premises licence subject to: Modification of hours - Alcohol and regulated entertainment The hours for the supply of alcohol and provision of regulated entertainment shall apply as follows: Sunday to Thursday: 0900 hours to 0200 hours Friday and Saturday: 0900 hours to 0400 hours Modification of hours - Late night refreshment The hours for the provision of late night refreshment shall apply as follows: Sunday to Thursday: 2300 hours to 0200 hours Friday and Saturday: 2300 hours to 0400 hours
GENERAL	Conditions agreed with Licensing Enforcement , Birmingham City Council: The Premises Licence Holder shall ensure that the Designated Premises Supervisor or another qualified person will train any staff at the premises on; â€¢ All of the licensing objectives contained in the Licensing Act 2003; â€¢ Responsible retailing of alcohol, and the law regarding sales of alcohol; â€¢ The protection of children from harm and this must include how to competently check customers' identification where necessary; â€¢ Permitted hours during which licensable activities can take place and on compliance with the conditions attached to the premises licence. The training provided to staff will be recorded and each member of staff will sign and date their training records to confirm they have received and understood the training provided. Refresher training will be completed and documented every 6 months. The staff training records will be kept at the premises and made available to any Responsible Authority upon request.
CRIME	Schedule of Events: The Premises Licence Holder will provide West Midlands Police, Licensing Section with a Schedule of forthcoming events at the Premises for the first 3 months after the premises open, and thereafter, as agreed with West Midlands Police, Licensing Section, but as a minimum at least 28 days in advance of any proposed event.
CRIME	Policies, Procedures, and Risk Assessments: The Premises Licence Holder will provide West Midlands Police, Licensing Section with copies of: 1) all policies and procedures that relate to the management of the premises within 7 days of requesting the same and on each occasion these are subsequently updated, revised or amended; 2) Risk Assessments for any Event taking place at the premises within 7 days of requesting the same, or lesser period, depending on the time and date the Event is taking place.
CRIME	Conditions agreed with Licensing Enforcement , Birmingham City Council: The premises licence holder will have in place a written drugs policy, search policy, incident handling policy, dispersal policy, drink & drunkenness policy and noise policy prior to any licensable activity taking place at the premises. All staff members will be trained on each policy. The training provided to staff will be recorded and each member of staff will sign and date their training records to confirm they have received and understood the training provided. Refresher training will be completed and documented every 6 months. The staff training records will be kept at the premises and made available to any Responsible Authority upon request.
SAFETY	N/A
NUISANCE	Conditions agreed with Environment Health, Birmingham City Council: 1. The Premises Licence Holder shall ensure that a written agreement is made with reputable taxi companies to ensure that when taxi's pick up and drop off customers from the licensed premises noise from these vehicles does not cause a public nuisance to local residents. 2. Customers who require a taxi from the site shall be

Objective	Condition
	<p>advised by staff to use taxi companies specified by the Premises Licence Holder. 3. Notices shall be displayed within the licensed premises for customers to view giving details of taxi companies to use. 4. The Premises Licence Holder shall ensure notices shall be displayed near the entrance and exits of the premises at a weekend advising customers who wish to use the outside areas that they should do so with respect for the nearby residents and keep noise levels to a minimum. 5. The Premises Licence Holder shall be responsible for ensuring that patrons wishing to utilise the outside areas do so quietly and that noise from patrons moving to and from the external areas is kept to a minimum. 6. The Premises Licence Holder shall be responsible for ensuring that the external areas do not create a public nuisance to neighbours at the premises and if necessary will direct all customers leaving the venue for the night a North Easterly direction down Bissell Street. If necessary The Premises Licence Holder will increase the number of stewards/doorman to control customers. 7. The Premises Licence Holder shall be responsible for ensuring that the external areas do not create a public nuisance to neighbours at the premises and if necessary will: a) restrict the number of people utilising the outside areas at any one time. b) direct people away from neighbouring residential premises. c) increase the number of stewards/doorman to control customers. 8. All external doors and windows within the licensed area to be closed during regulated entertainment except for access and egress 9. If Environmental Health deem it necessary a Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the amplification system and set at a pre-set volume level agreed with the Environmental Protection Section, to ensure the volume of music is pre-set so as not to cause a noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Section at least 14 days before its' initial operation and shall fulfil the following criteria: a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position unless prior approval is given b) The device shall be capable of cutting off the mains power to the amplification system if the volume exceeds the pre-set level determined by the Environmental Protection Unit or shall be capable of maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit and shall not restore power to the sound system until the NLD is reset by the licensee or their nominated person. c) The amplification system shall only be operated through the sockets/power points linked to and controlled by the NLD at all times. d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification system is operational. e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.</p>
CHILD	<p>Conditions agreed with Licensing Enforcement , Birmingham City Council: The Premises shall adopt a Challenge 25 Scheme and signage shall be displayed on site advising customers of the scheme. All staff shall be trained on the Challenge 25 scheme. The training provided to staff will be recorded and each member of staff will sign and date their training records to confirm they have received and understood the training provided. Refresher training will be completed and documented every 6 months. The staff training records will be kept at the premises and made available to any Responsible Authority upon request.</p>

5. Licence History

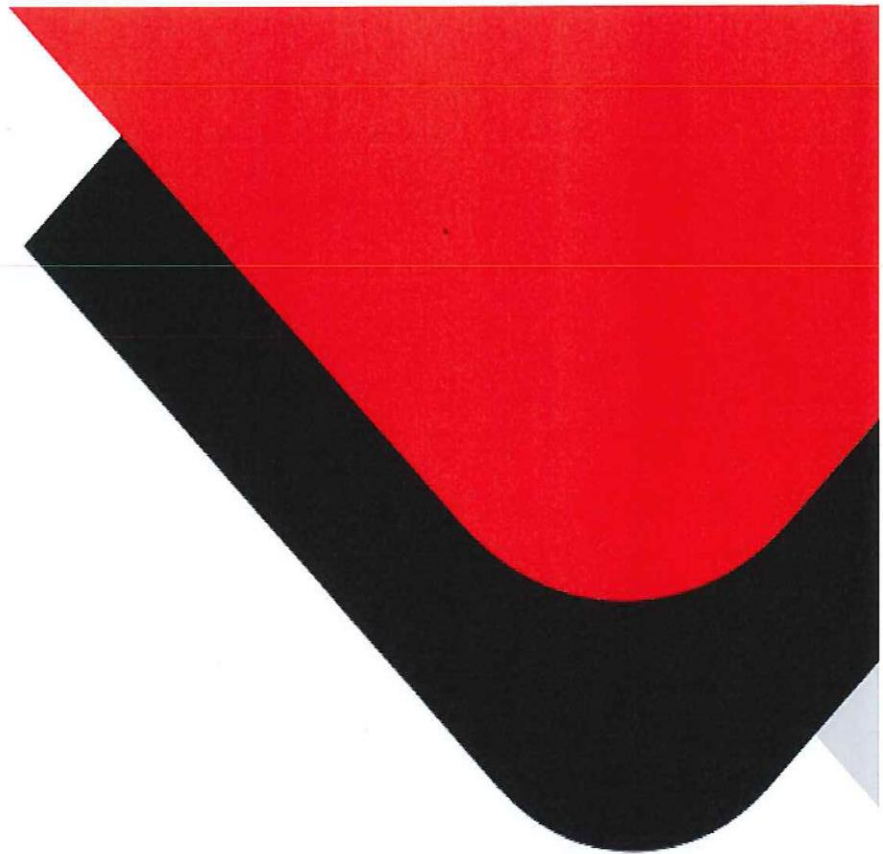
The history of variation and transfer applications since the initial application for grant or conversion.

Reference	Applicant Name	Application Type	Application Date	Status	Representation Dates	Variation Reason
98453	Bloq Venues Limited	New Application	31/08/2016	Transferred	31/08/2016 To 28/09/2016	

6. Designated Premises Supervisor History

A list of all Designated Premises Supervisors that have been responsible for sale of alcohol from the premises.

Start Date	Finish Date	Name	Licence	Issuing Authority
02/11/2017	09/11/2017	Ms Latisha Pemberton	14-000389-LAPER	Sandwell
31/08/2016	01/09/2017	Ms Jamie-Lee Price	PERS/NW/772/2015	Other
31/08/2016	01/09/2017	Ms Jamie-Lee Price	PERS/NW/772/2015	Other



Public Health

PO Box 16732
Birmingham
B2 2GF

publichealth@birmingham.gov.uk

www.birminghampublichealth.co.uk
www.birmingham.gov.uk

The information contained in this document is provided for the purpose of review by Licensing Committee and may be circulated to all parties of the Review by Licensing Committee as appropriate. This document is not to be circulated to other parties outside of this Review without prior consent from the Author or used for purposes other than for the Review referred to in this report.

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

4646 / 2

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

Birmingham

Post Code:

B5 7HP

Telephone Number:**Where the licence is time limited the dates**

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

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

The opening hours of the premises

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

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

On Supplies

BIRMINGHAM CITY COUNCIL

Part 2

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

Registered number of holder for example company number or charity number (where applicable) 10880521
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Latisha Pemberton	
Post town:	Post Code:
Telephone Number:	

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	Issuing Authority

Dated 02/11/2017

Bhupinder Nandhra
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises— (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or 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

BIRMINGHAM CITY COUNCIL

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.

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

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

BIRMINGHAM CITY COUNCIL

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Conditions as stated below under the appropriate licensing objective.

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

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

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

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

BIRMINGHAM CITY COUNCIL

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

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

Modification of hours – Alcohol and regulated entertainment

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

Sunday to Thursday: 0900 hours to 0200 hours

Friday and Saturday: 0900 hours to 0400 hours

Modification of hours – Late night refreshment

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

Sunday to Thursday: 2300 hours to 0200 hours

Friday and Saturday: 2300 hours to 0400 hours

Conditions agreed with Licensing Enforcement , Birmingham City Council:

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

- All of the licensing objectives contained in the Licensing Act 2003;
- Responsible retailing of alcohol, and the law regarding sales of alcohol;
- The protection of children from harm and this must include how to competently check customers' identification where necessary;
- Permitted hours during which licensable activities can take place and on compliance with the conditions attached to the premises licence.

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

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

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

Schedule of Events:

The Premises Licence Holder will provide West Midlands Police, Licensing Section with a Schedule of forthcoming events at the Premises for the first 3 months after the premises open, and thereafter, as agreed with West Midlands Police, Licensing Section, but as a minimum at least 28 days in advance of any proposed event.

Policies, Procedures, and Risk Assessments:

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

- 1) all policies and procedures that relate to the management of the premises within 7 days of requesting the

BIRMINGHAM CITY COUNCIL

same and on each occasion these are subsequently updated, revised or amended;

2)

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

Conditions agreed with Licensing Enforcement , Birmingham City Council:

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

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

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

3c) Committee conditions to promote public safety

N/A

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

Conditions agreed with Environment Health, Birmingham City Council:

1. The Premises Licence Holder shall ensure that a written agreement is made with reputable taxi companies to ensure that when taxi's pick up and drop off customers from the licensed premises noise from these vehicles does not cause a public nuisance to local residents.
2. Customers who require a taxi from the site shall be advised by staff to use taxi companies specified by the Premises Licence Holder.
3. Notices shall be displayed within the licensed premises for customers to view giving details of taxi companies to use.
4. The Premises Licence Holder shall ensure notices shall be displayed near the entrance and exits of the premises at a weekend advising customers who wish to use the outside areas that they should do so with respect for the nearby residents and keep noise levels to a minimum.
5. The Premises Licence Holder shall be responsible for ensuring that patrons wishing to utilise the outside areas do so quietly and that noise from patrons moving to and from the external areas is kept to a minimum.
6. The Premises Licence Holder shall be responsible for ensuring that the external areas do not create a public nuisance to neighbours at the premises and if necessary will direct all customers leaving the venue for the night a North Easterly direction down Bissell Street. If necessary The Premises Licence Holder will increase the number of stewards/doorman to control customers.
7. The Premises Licence Holder shall be responsible for ensuring that the external areas do not create a public nuisance to neighbours at the premises and if necessary will:
 - a) restrict the number of people utilising the outside areas at any one time.
 - b) direct people away from neighbouring residential premises.
 - c) increase the number of stewards/doorman to control customers.
8. All external doors and windows within the licensed area to be closed during regulated entertainment

BIRMINGHAM CITY COUNCIL

except for access and egress

9. If Environmental Health deem it necessary a Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the amplification system and set at a pre-set volume level agreed with the Environmental Protection Section, to ensure the volume of music is pre-set so as not to cause a noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Section at least 14 days before its' initial operation and shall fulfil the following criteria:

- a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position unless prior approval is given
- b) The device shall be capable of cutting off the mains power to the amplification system if the volume exceeds the pre-set level determined by the Environmental Protection Unit or shall be capable of maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit and shall not restore power to the sound system until the NLD is reset by the licensee or their nominated person.
- c) The amplification system shall only be operated through the sockets/power points linked to and controlled by the NLD at all times.
- d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification system is operational.
- e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.

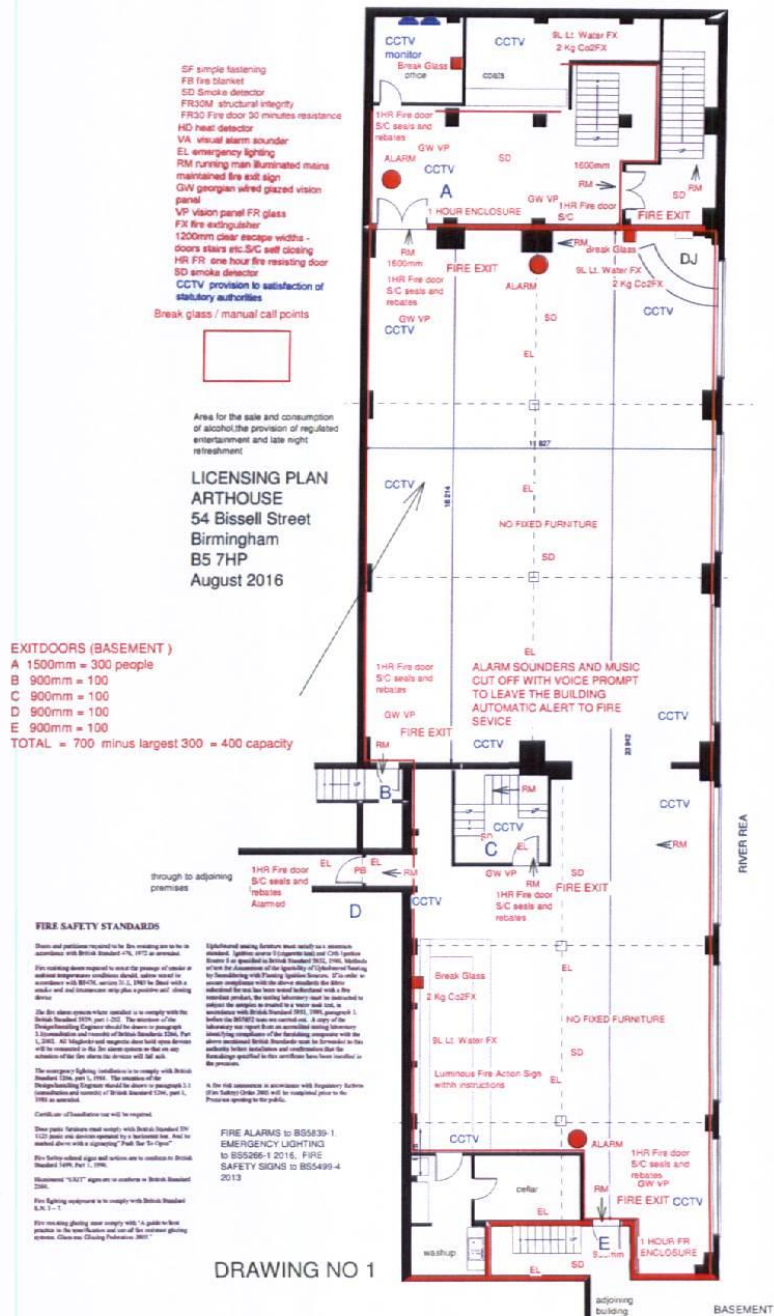
3e) Committee conditions to promote the protection of children from harm

Conditions agreed with Licensing Enforcement , Birmingham City Council:

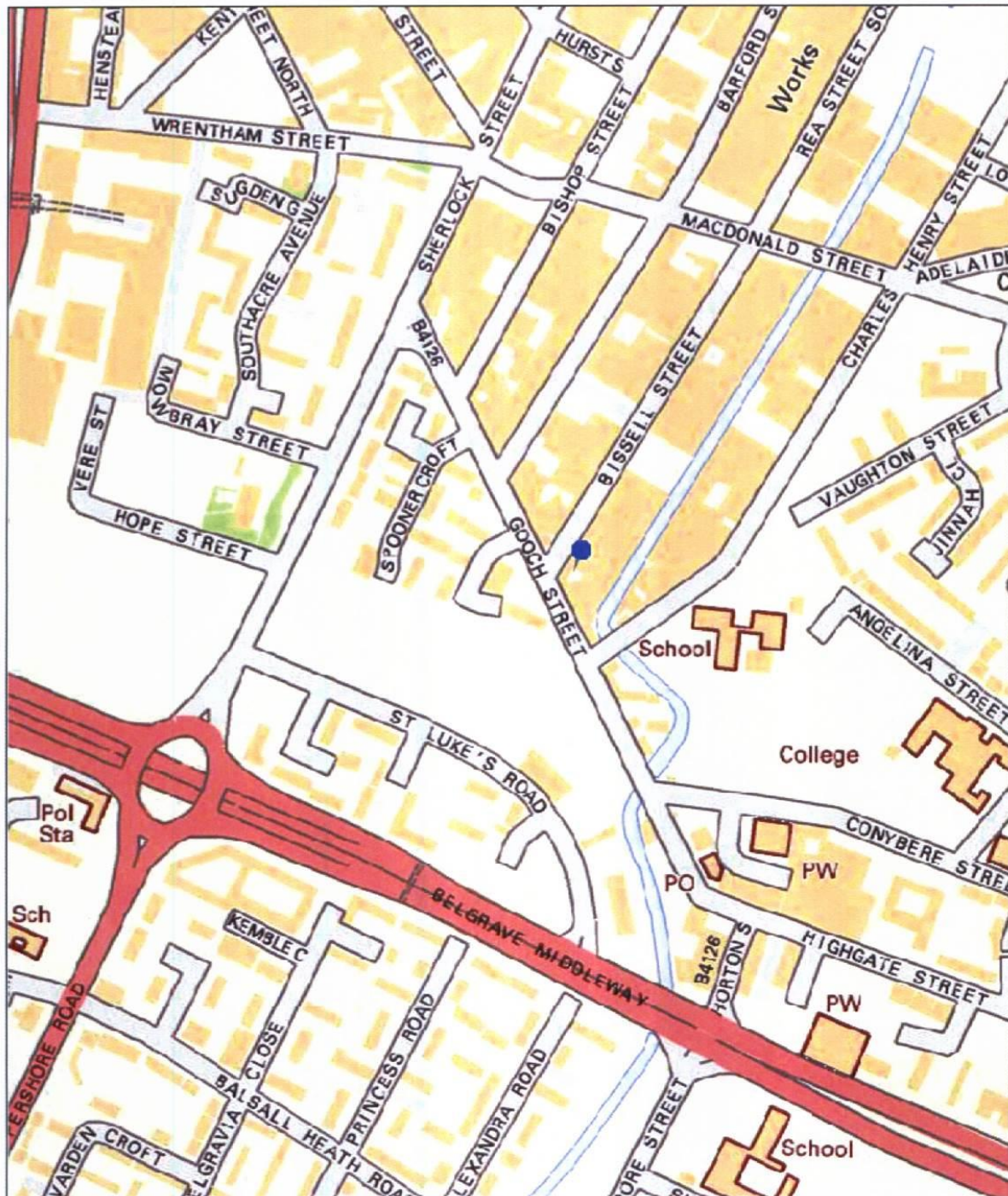
The Premises shall adopt a Challenge 25 Scheme and signage shall be displayed on site advising customers of the scheme. All staff shall be trained on the Challenge 25 scheme. The training provided to staff will be recorded and each member of staff will sign and date their training records to confirm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

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

Annex 4 – Plans



Appendix 6



Birmingham City Council Map Created By:

Date of Map Creation: 03/11/2017

Notes



Scale:
1:4,000

(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).

You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

(c) GeoPerspectives, supplied by Bluesky International Ltd

Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved



Map Created By:

Date of Map Creation: 03/11/2017

Notes



Scale:
1:1,250

(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).

You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

(c) GeoPerspectives, supplied by Bluesky International Ltd

Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved