

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee C</b>
<b>Report of:</b>	<b>Director of Regulation and Enforcement</b>
<b>Date of Meeting:</b>	<b>Wednesday 7<sup>th</sup> February 2024</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Summary Review</b>
<b>Premises:</b>	<b>HNDRX (Licence Number 1952), 89 Holloway Head, Birmingham, B1 1QP</b>
<b>Ward affected:</b>	<b>Ladywood</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

A review of the premises licence is required following an application for an expedited review under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006).

### 2. Recommendation:

To consider the review application and to determine this matter, having regard to:

- The submissions made by all parties
- The Statement of Licensing Policy
- The Public Sector Equality Duty
- The s182 Guidance

### 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 11<sup>th</sup> January 2024 in respect of HNDRX, 89 Holloway Head, Birmingham, B1 1QP.

### 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 11<sup>th</sup> January 2024, Superintendent Evans, on behalf of West Midlands Police, applied for a review, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), of the Premises Licence granted to Mao Wah Limited in respect of HNDRX, 89 Holloway Head, Birmingham, B1 1QP.

The application was accompanied by the required certificate, see Appendix 1.

Within 48 hours (excluding non-working days) 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 B met on 12<sup>th</sup> January 2024 to consider whether to take any interim steps and resolved that the licence be suspended, and that Parmjit Singh be removed as the Designated Premises Supervisor (DPS), pending the review of the licence. A copy of the decision is attached at Appendix 2.

The Premises Licence Holder was notified of the interim steps taken by the Licensing Authority and subsequently made a representation at 19:44hours on 14<sup>th</sup> January 2024.

As a result of this representation, Licensing Sub-Committee B met on 16<sup>th</sup> January 2024 and having heard from representatives of the licence holder and West Midlands Police, resolved that the suspension be lifted, that the removal of Parmjit Singh as Designated Premises Supervisor to remain in place and the licence conditions be modified by the adoption of a new condition as an interim step, namely that the premises shall not trade without the permission of West Midlands Police. A copy of the decision is attached at Appendix 3.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other persons ended on 26<sup>th</sup> January 2024.

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

Site location plans are attached at Appendix 5.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority's functions under the Licensing Act 2003 are to promote the licensing objectives: -

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

## **6. List of background documents:**

Review Application and Certificate from West Midlands Police, Appendix 1  
Sub-Committee Interim Steps Meeting decision 12<sup>th</sup> January 2024, Appendix 2  
Sub-Committee Interim Steps Meeting decision of 16<sup>th</sup> January 2024, Appendix 3  
Current Premises Licence, Appendix 4  
Site location plans, Appendix 5

**7. Options available:**

Modify the conditions of Licence  
Exclude a Licensable activity from the scope of the Licence  
Remove the Designated Premises Supervisor  
Suspend the Licence for a period not exceeding 3 months  
Revoke the Licence  
Take no action

In addition the Sub Committee will need to decide what action, if any, should be taken regarding the interim steps imposed on the 12<sup>th</sup> January 2024 and modified on 16<sup>th</sup> January 2024.

## **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: HNDRX, trading as King VN**

**Premise Licence Number: 1952**

**Premise Licence Holder: Mao Wah Limited**

**Designated Premise Supervisor: Mr Parmjit Singh**

I am a Superintendent in West Midlands Police.

I am giving this certificate because I am of the opinion that the summary review procedure is necessary to ensure the licensing objectives are promoted expeditiously. Given the seriousness of the trigger incident on 6<sup>th</sup> January 2024, in my opinion immediate steps are required that can best be achieved through the summary review procedures. Other steps available under the Licensing Act 2003, including a standard review application, cannot lead to the imposition of immediately effective steps to promote the licensing objectives and so these are inadequate. I view this application as a proportionate and necessary response to the serious incident at the venue.

On Saturday 6<sup>th</sup> January 2024 a warrant under s23 Misuse of drugs act was executed at the premises.

The premises were open and trading.

A significant amount of what is suspected to be Class A drugs (which awaits scientific analysis) and loose cash not located in the cash tills or stored for banking, were recovered from within the premises, the scene was one consistent with drug dealing activity.

There is a live ongoing criminal investigation in relation to those persons linked to the premises for offences of possession with intent to supply drugs.

In coming to my opinion, I have had regard to the facts of the incident and current investigation, the track record of the premises, the terms of section 53A of the Licensing Act 2003 and Chapter 12 ("Summary Reviews") of the Guidance issued under section 182 of the Licensing Act 2003 (December 2022 revision).



## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I - Richard Evans T/Supt 4693

(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: **HNDRX, trading as King VN**

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

**89 Holloway Head**

Post Town: **Birmingham**

Post Code (if known): **B1 1QP**

2. Premises Licence details:

Name of premise licence holder (if known):

**Mao Wah Limited**

Number of premise licence (if known):

**1952**

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 6<sup>th</sup> January 2024 a warrant was executed at the premises under s23 of the Misuse of Drugs Act.

In conjunction with a drug detection dog, officers found a quantity of powders at the location believed to be Class A drugs, namely at the premises, both in the flat above the club and in the club itself. The drugs seized in totality were not consistent with simple possession.

A large quantity of cash was also seized by officers which was not located in the cash tills.

This is an ongoing live criminal investigation in relation to possession with intent to supply offences.

"Serious crime" is defined by reference to S.81 of RIPA Act 2000. An offence for which an adult could reasonably be expected to be sentenced to imprisonment for a period of 3 years or more.

Signature of applicant:

Date: 11/01/24

Rank/Capacity: T/Supt 4643

Contact details for matters concerning this application: BW Licensing

Address: Licensing Dept c/o Birmingham West and Central Licensing Dept, Lloyd House, Birmingham

Telephone Number(s):

E-mail -

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.



## BIRMINGHAM CITY COUNCIL

## LICENSING SUB COMMITTEE B

FRIDAY 12 JANUARY 2024

HNDRX, 89 HOLLOWAY HEAD, BIRMINGHAM B1 1QP

That having considered the application made and certificate issued by a Superintendent of West Midlands Police under section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Mao Wah Limited in respect of HNDRX, 89 Holloway Head, Birmingham B1 1QP, this Sub-Committee hereby determines:

- that the licence be suspended, and
- that Parmjit Singh be removed as the designated premises supervisor 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 the two interim steps are due to the concerns which were expressed by West Midlands Police in relation to matters pertaining to serious crime, which had come to light as outlined in the Superintendent's certificate and application. Those documents were in the Committee Report.

The Sub-Committee determined that the cause of the serious crime originated from a style of management which had been incapable of upholding the licensing objectives. The style of management was the responsibility of the company, as premises licence holder for the premises.

West Midlands Police attended the meeting. A manager representing the licence holder also attended the meeting. The manager confirmed that the name of the venue was as per the name shown on the premises licence. The Sub-Committee noted this.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. The Police explained that the matter was a live police enquiry regarding a serious crime incident. A Police investigation was ongoing regarding the incident. The Police asked for the proceedings to be conducted in private. The Sub-Committee conducted the meeting in private session.

Members heard the submissions of West Midlands Police, namely that the certificate, which had been issued by a Superintendent under s53A of the Act, related to an allegation of serious crime which had originated at the premises. The details were as per the documents in the Committee Report, and related to the execution of a search warrant at the venue under s23 of the Misuse of Drugs Act 1971.

The Police summarised the investigation thus far, relating to the discovery of significant quantities of what were suspected to be illegal drugs, and also significant sums of cash, at the site. An offence(s) under the Misuse of Drugs Act 1971 was suspected; the quantities discovered suggested an intent to supply, rather than simple possession.

The Police advised the Sub-Committee that such an offence was classed as a serious crime under s81 of the Regulation of Investigatory Powers Act 2000, as the sentence on conviction was likely to exceed three years. The incident therefore warranted the use of the s53A power, and the matter had been brought before the Sub-Committee for an Expedited Review hearing.

The Police view was that interim steps were required in order to deal with the causes of the serious crime whilst the criminal investigation was under way. It was the advice of the Police that a lack of management control had led to the incident. It was the Police's recommendation that the incident had been so serious, and the risk to the upholding of the crime prevention objective so grave, that specific interim steps were required.

The Police recommended that the correct course was to remove the designated premises supervisor for the reasons given in the Superintendent's certificate and application. This was in the interests of guarding against the risks of further serious crime, pending the full Summary Review hearing in 28 days' time.

The Police did not press the Sub-Committee to suspend the licence, suggesting instead that the conditions could perhaps be modified, such that the premises would not be permitted to trade without the permission of West Midlands Police, pending the full Summary Review hearing in 28 days' time.

The Police stated that the reason that they suggested this course was because the priority was "to safeguard the public by not allowing the premises to trade". The Police confirmed that in the next 28 days they would work with the manager regarding the company's use of its licence.

The licence holder, via the manager who had attended, then addressed the Sub-Committee to explain that there were ongoing issues relating to the lease arrangements at the site. She stated that the licence holder company was not involved with the activities which had been described in the Superintendent's certificate and application.

She endorsed the Police's proposed course, remarking that she did not see that the licence holder company should be punished via a suspension of its licence when it was not responsible for what had been discovered. She further remarked that if the company retained its licence, the venue could be "let to someone else". She requested that the Sub-Committee impose "more conditions so that no-one can trade using our licence".

Regarding the other suggestion made by Police relating to the designated premises supervisor, the manager confirmed that she agreed with the Police that the designated premises supervisor should be removed, remarking that she had been endeavouring to do this herself.

Having heard all of the evidence, the Members were mindful of the Guidance issued by the Secretary of State under s182 of the Act, which advised them to only

impose those steps which were necessary to guard against the risks of further serious crime. However, the starting point was that the Members were not confident that the company understood its responsibilities as licence holder, and moreover were not satisfied that there was proper management control of the premises.

The Police had suggested that a suspension was not necessarily vital to guard against the risks of further serious crime. Ordinarily, the Sub-Committee would accept the advice of the Police without question, on any and all aspects relating to serious crime, as the Guidance issued by the Secretary of State deemed the Police to be the experts in dealing with crime and disorder.

However, on this occasion, the Sub-Committee considered that the wholly inadequate style of management described was a significant risk to the upholding of the crime prevention objective, especially in relation to illegal drugs in Birmingham.

The Sub-Committee felt strongly that it was not possible to have any trust in the management of the site. The Members felt that they were not prepared to take any risks whatsoever regarding the potential for further serious crime, particularly relating to illegal drugs being found within licensed premises, pending the full Review hearing.

In deliberating, the Sub-Committee determined that there had been a discovery of a matter relating to serious crime, which was being investigated by Police. It was abundantly clear that the operation was not being run in accordance with the licensing objectives. Any instance of illegal drugs finding their way into licensed premises was extremely serious; moreover, on this occasion, significant quantities of illegal drugs had been discovered inside the premises whilst it was trading and open to the public.

The Sub-Committee was not satisfied that the licence holder could be trusted to operate in a manner capable of preventing further serious crime. The Members noted in particular the Police comments regarding the quantities of both illegal drugs and cash found at the site. This was a clear risk to the prevention of crime and disorder objective. All in all, the management style seen at the premises was not at all the standard expected of premises licence holders in Birmingham.

The Police were the experts in crime and disorder, which the Sub-Committee accepted. However, the Police's advice, namely that a suspension was not necessarily required, was in the eyes of the Members a potential risk to the licensing objectives generally, and to the likelihood of further serious crime in particular. The Members found themselves unable to take any risks whatsoever regarding public protection where illegal drugs were concerned.

The Sub-Committee considered the other options of modification of the conditions of the licence, and exclusion of the sale of alcohol by retail from the scope of the licence, but did not consider that these would adequately cover the risks, given the seriousness of what had been described in the Superintendent's certificate and application.

Although the Police had recommended that the Sub-Committee should consider adopting a new condition, whereby the licence would remain in place but trading would not be permitted without Police approval, the Sub-Committee was not satisfied that this would adequately cover the risks, or be properly enforceable. The

Members considered the suggested condition to be nebulous and vague, and therefore inadequate to cover the risk of further serious crime at the site.

The correct way forward was therefore to suspend the licence pending the full Review hearing, even though this had not been explicitly demanded by the Police. The Sub-Committee considered suspension to be entirely the proper course given what had been described in the certificate and application, and determined that it was both necessary and reasonable to impose the interim step of suspension of the licence to address the immediate problems with the premises, namely the potential for further serious crime.

The Sub-Committee felt that on this occasion, given the quantities of illegal drugs and cash found at the site, a "belt and braces" approach was required to ensure the safety and protection of the public. The amounts discovered were in quantities which suggested a supply operation, and not simple possession; this was a huge risk to the community given that the site was a licensed premises. The Members felt that the protection of the public required an overabundance of caution, and for this reason decided to take the unusual step of imposing a suspension even though the Police had not in fact demanded this step.

Public safety was of paramount importance, and the Members considered that it was a danger to the public for the premises to continue to operate in the manner seen on the night in question. Under the current style of operation, large quantities of illegal drugs and cash had been found inside a licensed venue, and the quantities of both suggested that an intent to supply was likely. The Police had stated that the priority was "to safeguard the public by not allowing the premises to trade"; the Sub-Committee considered that the only way to properly ensure this was to suspend the licence as an interim step pending the full Summary Review hearing.

The Sub-Committee further noted that it was the responsibility of the designated premises supervisor to ensure that alcohol sales were conducted in accordance with the licence. The Sub-Committee therefore determined that the removal of the designated premises supervisor was a very important safety feature. This course had been endorsed by both the Police and the manager representing the licence holder.

The Members considered that Parmjit Singh had fallen far short of the standards expected of any designated premises supervisor, and that the style of operation described in the Superintendent's certificate and application was a very significant risk to the upholding of the licensing objectives in Birmingham. Moreover, there was something of a suggestion that the Parmjit Singh could perhaps be connected to other premises operated by the licence holder company. The Sub-Committee had concerns that there could potentially be links of a type which could undermine the prevention of further serious crime. The designated premises supervisor was therefore removed pending the full Summary Review hearing.

In reaching this decision, the Sub-Committee has given due consideration to the application made and certificate issued by a Superintendent of West Midlands Police, the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office under s182 of the Act, the written submissions made, and the submissions made at the hearing by West Midlands Police and by the manager representing the licence holder company.

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

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



**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB COMMITTEE - B**

**16 January 2024**

**HNDRX, 89 HOLLOWAY HEAD, BIRMINGHAM B1 1QP**

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That, having considered the representations made under section 53B of the Licensing Act 2003 on behalf of Mao Wah Ltd, the premises licence holder for HNDRX, 89 Holloway Head, Birmingham B1 1QP, in respect of the interim steps which were imposed at the Sub-Committee meeting of 12<sup>th</sup> January 2024, this Sub-Committee hereby determines that, in order to address the risk of further serious crime:

- the interim step of suspension of the licence, which was imposed on the last occasion, is lifted
- the licence conditions are modified by the adoption of a new condition (which was agreed between the parties at today's meeting) as an interim step, namely that the premises shall not trade without the permission of West Midlands Police
- the interim step of the removal of Parmjit Singh as the designated premises supervisor, which was imposed on the last occasion, will remain in place

pending the 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 the decision regarding the interim steps which were originally imposed at the meeting of 12<sup>th</sup> January 2024, were due to the representations made by both the licence holder company and by West Midlands Police during the meeting.

The licence holder company was represented by a manager at the meeting. The local Ward Councillor attended to support her local constituent (ie the manager). West Midlands Police also attended.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. The Police explained that there had been no change in the criminal investigation. The matter remained a live police enquiry regarding a serious crime incident. The Police asked for the proceedings to be conducted in private.

The Sub-Committee asked for clarification as to whether the Police required the local Ward Councillor to leave, as well as the public. The manager had said that she would like the Ward Councillor to remain. The Police said they did not look to remove persons unnecessarily, but asked the Sub-Committee to seek advice from

the Committee Lawyer in this regard. The Committee Lawyer asked the nature of the evidence which the Police did not wish the Ward Councillor to see. The Police said that the evidence would relate to the same issues as last time and stated that the evidence could not be in the public domain.

The Sub-Committee noted that the Ward Councillor had attended to support a constituent, and not as a representative or to act for the company in any capacity. The Sub-Committee therefore excluded the public, including the Ward Councillor, and conducted the meeting in private session with only the Police and the company manager in attendance.

The licence holder, via the manager who had attended, then addressed the Sub-Committee to explain the background of the ongoing issues relating to the lease arrangements at the site. She stated that the licence holder company was not involved with the activities which had been described in the Superintendent's certificate and application; instead, it was simply the landlord, and had no adverse history.

The HNDRX licence was not trading. Trading had been conducted at the 89 Holloway Head site under a licence which was entirely separate from the HNDRX licence. This other licence was held by another person, not Mao Wah Ltd. The Sub-Committee was aware of this.

The unsatisfactory activities which had formed the subject of the Superintendent's certificate and application were therefore entirely the responsibility of a separate licence holder. The manager informed the Sub-Committee that the Police now understood that the two licence holders were not linked. The Sub-Committee noted this.

The manager confirmed that she agreed with the Police that the designated premises supervisor should be removed, and said that she had tried to do this herself, but Parmjit Singh had not been available to sign the relevant document.

However, regarding the suspension, she asked that this should be lifted, as she agreed that a condition not to trade without the permission of the Police should be adopted. The Sub-Committee noted this.

In response to Member questions, the manager confirmed that the licence holder company did not intend trading to start under its licence any time soon. The manager remarked, "it will be at least two years".

The Chairman then asked the manager if she was in agreement with the Police now regarding the adoption of a suitable condition, as this had not been the case at the last meeting. The manager confirmed that she was.

The Sub-Committee then heard from West Midlands Police, who said that the manager's submissions regarding the licence holder's failed attempt to remove designated premises supervisor had not been correct. The Police remarked that it had been the manager's own error in submitting an incorrect form, and moreover the company had had ample opportunity to remove Parmjit Singh years ago in any event, but had not in fact done so. The Sub-Committee noted this.

The Police advised that they supported the course which had been adopted by the Sub-Committee at the last meeting, and expressed surprise that the manager had decided to make representations against the interim steps without speaking to the Police first. The Police were particularly dissatisfied that whilst the manager had stated that the licence holder would not trade under the lease for two years, the holder of the other premises licence for the 89 Holloway Head site held a set of keys.

The Police stated that they did not want the premises to trade, and advanced a suggestion that the representations had been made by the licence holder company for reputational reasons, but then left the decision entirely to the discretion of the Sub-Committee.

The Members asked for clarification as to what the Police recommendation was, and whether, if the suspension were to be lifted, the Police recommended the adoption of the same condition as had been proposed at the last Sub-Committee meeting.

The Police replied that they did not want the premises to trade and were concerned that the other licence holder could become involved. They reminded the Members that on the last occasion the Sub-Committee had considered that the proposed condition was not sufficient.

At this point the Committee Lawyer asked for clarification of the Police position. In response to this, the Police advised that under the current interim suspension of the licence, the premises could not trade; if that position were to change, the Police would want some safeguards, particularly in view of the fact that the other licence holder held keys to the site. The Police felt that the company's motivation for the representations had been image and reputational risk.

The Police had understood the Sub-Committee's decision on the last occasion and the rationale for it. However, their view was that if the manager wished to discuss the issues with them, they would do so. The Sub-Committee noted this.

In summing up, the manager stated that she felt that the issuing of the Superintendent's certificate and application regarding HNDRX had been "a mistake because they did not know that two licences were in force; they thought that the landlord [ie HNDRX] was trading". She was confident that the Police now understood that the landlord and tenant were totally separate, and that HNDRX "had been nothing to do with it".

She confirmed that those at the company were upset and felt that the suspension would damage the company's reputation. She felt that the company as landlord was being punished for the actions of its tenant. The tenant had been trading under his own licence, and could not use the landlord's licence. She confirmed that the company was keen to work with the Police to ensure that no-one could trade from the site.

Having heard all of the evidence, the Members were mindful that the manager had now accepted the condition proposed by the Police at the last meeting. This was a significant change from the position at the last meeting. The manager had also accepted that the interim step of removal of the designated premises supervisor,

imposed on the last occasion, should be maintained pending the full Summary Review hearing.

The Sub-Committee was of course primarily concerned with the likelihood of a further serious crime incident, pending the full Summary Review hearing. The original incident which had given rise to the Expedited Review application had been a very serious criminal matter, in which there were suspicions of some type of drug supply operation being conducted at the site of licensed premises; public protection was therefore the first priority.

However, having heard all of the representations at the instant meeting, the Sub-Committee was satisfied that to lift the suspension, and instead to substitute an agreed condition requiring Police permission before trading, was an appropriate course which would not create any increased risk of any further serious crime incident pending the full Summary Review hearing.

The Sub-Committee was therefore satisfied that the interim step of suspension could be lifted, as it was accepted that there was no increased risk of further serious crime. The Members resolved to adopt the condition which had been proposed by the Police at the previous meeting, as the licence holder company now agreed that the condition should be adopted. The removal of the designated premises supervisor was also the subject of agreement between the parties, and therefore remained in place.

The Members considered that the correct way forward in the interim period, before the Summary Review hearing, was for the licence holder to cooperate with the Police, and to take whatever course was guided by the Police.

In reaching this decision, the Sub-Committee has given due consideration to the application made under s53B by the licence holder, the certificate issued earlier by a Superintendent of West Midlands Police, the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office under s182 of the Act, the written submissions made, and the submissions made at the hearing by the manager representing the licence holder company, and by West Midlands Police.

All parties are advised that the premises licence holder may make further 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.

**LICENSING ACT 2003****PREMISES LICENCE**

Premises Licence Number:

1952 / 10

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
HNDRX 89 Holloway Head	
<b>Post town:</b>	<b>Post Code:</b>
Birmingham	B1 1QP
<b>Telephone Number:</b>	

<b>Where the licence is time limited the dates</b>
N/A

<b>Licensable activities authorised by the licence</b>	
E	Live music
F	Recorded music
G	Performances of dance
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

<b>The times the licence authorises the carrying out of licensable activities</b>				
Monday - Thursday	10:00	-	03:00	E
	10:00	-	07:00	F ,G ,M3
	23:00	-	05:00	L
Friday - Saturday	10:00	-	07:00	F ,G ,M3
	10:30	-	07:00	E
	23:00	-	05:00	L
Sunday	12:00	-	02:00	E
	12:00	-	07:00	F ,G ,M3
	23:00	-	05:00	L
New Year's Eve - From the end of permitted hours on New Year's Eve to the commencement of hours on the following day				All

<b>The opening hours of the premises</b>		
Monday - Saturday	10:00	- 07:30
Sunday	12:00	- 07:30
New Year's Eve - From the end of permitted hours on New Year's Eve to the commencement of hours on the following day.		

<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b>
On and Off Supplies

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b>  Mao Wah Limited 98 Bristol Road Ethel Street	
<b>Post town:</b>  Birmingham	<b>Post Code:</b>  B5 7XH
<b>Telephone Number:</b>  Not Specified	
<b>Email</b>  N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b>  04671374
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b>  Parmjit Singh	
<b>Post town:</b>  	<b>Post Code:</b>  
<b>Telephone Number:</b>  N/A	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b>  	<b>Issuing Authority</b>  BIRMINGHAM CITY COUNCIL

Dated 27/08/2019

SHAID YASSER  
Senior Licensing Officer  
For Director of Regulation and Enforcement

## Annex 1 – Mandatory Conditions

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

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

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises— (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that— (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) “permitted price” is the price found by applying the formula  $P = D + (D \times V)$ , where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

## **Annex 2 – Conditions consistent with operating schedule**

### **2a) General conditions consistent with the operating schedule**

The provision of regulated entertainment and late night refreshment to take place indoors only.

The premises will operate in accordance with all relevant legislation.

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

The premises will operate in accordance with all relevant legislation which promotes the crime and disorder objective.

The premises will liaise and co-operate with the responsible authorities.

A zero tolerance towards illegal drugs will operate at all times.

Staff will be trained to observe the measures necessary to promote the Crime and Disorder objective.

C.C.T.V. will be fitted to the specifications and locations as specified by West Midlands Police (Licensing Department at Steelhouse Lane).

All images, however recorded, will be stored for a period of 28 days if the system used is a tape system, then all tapes will be replaced every 6 months (which must be documented in the incident book).

C.C.T.V. will be recorded at all times that the premises are open for any licensable activities.

All images held will be made available immediately to any responsible authority on request.

Door staff will be employed at appropriate times during the hours when licensable activities are provided at a ratio of 1:100 plus one reserve.

The DPS shall ensure that any door staff employed at the premises wear and clearly display their SIA registration badge at all times whilst on duty. A record shall be maintained containing the names, addresses, dates of birth and registration numbers of door supervisors. The record shall be made available for inspection upon request by the Police and/or officers of the responsible authorities.

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

The premises will operate in accordance with all relevant legislation which promotes the Public Safety objective.

Staff will be trained to observe the measures necessary to promote the Public Safety objective.

The existing fire safety precautions will be retained and maintained.

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

The premises will operate in accordance with all relevant legislation which promotes the Public Nuisance objectives.

Staff will be trained to observe the measures necessary to promote the Prevention of Public Nuisance objective.

The premises will be adequately ventilated to prevent nuisance.

Arrangements will be made for the storage and disposal of refuse which do not cause a nuisance.

Any noise from the licensable activities provided will be monitored in order to prevent nuisance.

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

The premises will operate in accordance with all relevant legislation which promotes the protection of children objective.

A proof of age policy will operate in relation to relevant licensable activities.

Staff will be trained to observe the measures necessary to promote the Protection of Children objective.

Non-alcoholic drinks will be available.

The premises shall adopt the Challenge 25 Scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any bar server. The premises will operate a policy whereby any person attempting to buy alcohol will be asked for photographic ID to prove their age. The only ID that will be accepted is a passport, driving licence with a photograph or an accredited proof of age card bearing the PASS mark hologram.

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

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

#### **Annex 4 – Plans**

The plan of the premises with reference number **112317-1952/10** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



