

**BIRMINGHAM CITY COUNCIL**  
**LICENSING SUB-COMMITTEE B**

**Friday 8 March 2024 at 1000 hours**  
**as an On-Line Meeting, Microsoft**  
**Teams**

**A G E N D A**

**1 NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite, please click this link, <https://birmingham.public-i.tv/core/portal/home> and that members of the press/public may record and take photographs except where there are confidential or exempt items.

**2 DECLARATIONS OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

**3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**Attached**

**4 RE: LICENSING ACT 2003 - REPRESENTATIONS BACK AGAINST INTERIM STEPS IMPOSED - THE CASTLE & FALCON, 402 MOSELEY ROAD, BALSALL HEATH, BIRMINGHAM B12 9AT – AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS**

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

Documents submitted:

- A. Representations made by the premises licence holder
- B. Additional documentation from the Premises Licence Holder's Legal Representative.
- C. Decision of the meeting held on 29 February 2024
- D. Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003
- E. Application for Review of Licence
- F. Copy of Premises Licence
- G. Location maps

The premises licence holder has made representations back in respect of the interim steps imposed on 29 February 2024 (See Appendix A), Additional documentation from the Premises Licence Holder's Legal Representative (See Appendix B). A copy of the interim steps decision made by Licensing Sub Committee A on 29 February 2024 following the application from West Midlands Police for an expedited review of the premises licence in respect of **The Castle & Falcon, 402 Moseley Road, Balsall Heath, Birmingham B12 9AT** is attached at Appendix C.

The application was accompanied by a certificate signed by a senior member of the force, stating that in their opinion the licensed premises is associated with serious crime and disorder which was made under Section 53A of the Licensing Act 2003 (as amended). (See Appendices D & E respectively).

In accordance with the regulations, the licensing authority has given the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate.

This hearing has been arranged in order to consider whether it is necessary to take any interim steps in respect of the licence pending the determination of the review.

The Premises Licence is included at item F.

At the hearing the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanies the application,
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

There is no right of appeal to a magistrates court against the licensing authority's decision at this stage.

**5 OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

**From:** Philip Somarakis <[Philip.Somarakis@irwinmitchell.com](mailto:Philip.Somarakis@irwinmitchell.com)>  
**Sent:** Wednesday, March 6, 2024 4:26 PM  
**To:** Licensing <[licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)>  
**Cc:** Bhapinder Nandhra <[Bhapinder.Nandhra@birmingham.gov.uk](mailto:Bhapinder.Nandhra@birmingham.gov.uk)>; Duncan Craig <[dcraig@st-philips.com](mailto:dcraig@st-philips.com)>; Dominic Molloy <[dominicmolloy12@gmail.com](mailto:dominicmolloy12@gmail.com)>; Mark Swallow <[mark.swallow@westmidlands.police.uk](mailto:mark.swallow@westmidlands.police.uk)>  
**Subject:** Licensing Act 2003 - Section 53A Expedited Review The Castle and Falcon, 402 Moseley Road, Sparkbrook, Birmingham, B12 9AT [IM-Active.FID4374845]  
**Importance:** High

Some people who received this message don't often get email from [philip.somarakis@irwinmitchell.com](mailto:philip.somarakis@irwinmitchell.com).  
[Learn why this is important](#)

Dear Sirs

We are instructed by Molloy Enterprises Limited (“the Company”), Premises Licence Holder for the Castle and Falcon and Dominic Molloy, Director of the said company and Designated Premises Supervisor. We refer to the application by West Midlands Police for an expedited review of the premises licence. This follows a serious incident outside of the premises on 24<sup>th</sup> February 2024.

Please accept this email as a Notification for the purposes of Section 53B(6) and S53C(2) Licensing Act 2003, that is representations in relation to the interim steps and relating to the full review of the premises licence. Please also accept this email as confirmation that Counsel Duncan Craig is instructed to attend the review of the interim steps and secondly the full review hearing on 25<sup>th</sup> March 2024. We also give notice that Mr Molloy will be in attendance at both hearings.

At the interim steps hearing on 29<sup>th</sup> February 2024, both the Company and Mr Molloy expressed their concerns for the victim. Those concerns are repeated now, and they continue to hope that he makes a full recovery. They are shocked by what transpired on 24<sup>th</sup> February. This isolated incident is unrepresentative of what is fondly regarded by the community as a welcoming and safe late night music venue in Birmingham. The Castle and Falcon established itself way back in 1852 and is a proud part of the Molloy Enterprises Limited family run business est. 2006 and has been home to live music for decades, hosting legendary acts such as UB40 and Duran Duran whilst also being the epicentre for Birmingham’s punk scene for several years. During its time, the venue has hosted bands from as far as Canada, North and South America and Australia. The Castle and Falcon gives a platform to some of the biggest rising stars in music right here in the UK. Special performances have seen the likes of Sam Fender, Tom Walker, Mahalia, The Night Cafe, Seafret.

The Company did not oppose the suspension of the premises licence which has enabled it to conclude an internal review of what happened. This has also involved having discussions with the door company concerned but also with the Police. We can confirm that Mr Molloy met with the Police on Friday of last week. This was a productive meeting and those discussions have continued.

It is requested that the suspension of the premises licence is now lifted and that Mr Molloy is reinstated as DPS. Due to the sensitivity of the case and the fact that there are ongoing criminal proceedings, it is considered inappropriate to set out in any further detail, references to what happened on 24<sup>th</sup> February 2024. Instead, we wish to focus on the promotion of the licensing objectives. Should however it be necessary to provide further detail as to what transpired on the 24 February, Counsel will be instructed to address the sub committee and Mr Molloy will be available to answer any questions. That aspect of the meeting can of course be held in camera. Nevertheless, we can confirm that the SIA doorman and the member of staff involved in the incident are now excluded from the operation of this business.

It is considered both appropriate and proportionate that as an interim step, the enclosed substantial list of conditions replaces the outdated licence conditions, in order to promote the licensing objectives. These conditions have followed a thorough review and as we have stated, following discussions with the Police. Some key points to highlight are:

- 1) A member of the management team of the premises will have control and direction over the security team when the premises is open for licensable activities.
- 2) A reduction in the terminal hour for licensable activities by 30 minutes with a corresponding reduction in the closing time of the premises.
- 3) A last entry time of 03:00.
- 4) The requirement for a number of key operating policies to be available for inspection by the responsible authorities. These will be provided under separate cover.

We can only reiterate that our client Company and Mr Molloy are shocked and dismayed by what happened. They are both grateful to the Police for engaging with them and agreeing a set of suitable licence conditions and operating standards as part of the reopening process, pending a full review of the premises licence.

Yours faithfully

**Philip Somarakis**

Partner

For and on behalf of Irwin Mitchell LLP

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## **INCIDENT LOG**

An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (1) all crimes reported to the venue
- (2) all ejections of patrons
- (3) any complaints received concerning crime and disorder
- (4) any incidents of disorder
- (5) all seizures of drugs or offensive weapons
- (6) any faults in the CCTV system, searching equipment or scanning equipment
- (7) any refusal of the sale of alcohol
- (8) any visit by a relevant authority or emergency service

## **SERIOUS ASSAULT**

In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- (1) The police (and, where appropriate, the Ambulance Service) are called without delay;
- (2) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- (3) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- (4) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

## **CCTV**

CCTV will be in operation 24 hours a day.

CCTV to be installed to the specifications and locations of West Midlands Police Licensing Department at Birmingham Central Police station. Recording at all times premises are open for any licensable activity. Which ever system used all images are to be held for a minimum of 28 days. If tape system used all tapes are to be held in secure holding facility. If tape system used all tapes to be replaced every 6 months with new ones. This is to be recorded in incident book for premises. All images held are to be available immediately on request by any of the responsible authorities.

The CCTV system is to be checked daily, prior to carrying out licensable activity, to ensure it is working and recording this checked will be documented, timed, dated and signed by the person checking.

If for any reason the hard drive needs to be replaced then the previous / old hard drive will be kept on the premises for a minimum of 28 days and made available to WMP if required.

There will be a member of staff on site, while the premises is carrying out licensable activity that is capable of operating the CCTV systems. Images / recording will be made available to WMP on request.

## **CAPACITY**

The maximum capacity of persons shall be subject to a fire risk assessment

## **IDENTIFICATION AND REFUSALS**

The premises will operate a Challenge 25 policy. Signage will be displayed at the venue. The only identification that the premises will accept will be Photo driving licence, Passport or Pass approved card.

Staff will record all refusals of alcohol and other age restricted products and the books will be checked and signed weekly by the Designated Premises Supervisor. The refusal register must be made available for inspection by any of the responsible authorities.

## **SIA DOORSTAFF**

A member of the management team of the premises will have control and direction over the security team when the premises is open for licensable activities

The number of SIA licensed door staff on duty shall be subject to a risk assessment, which shall be documented and made available to the responsible authorities upon request. This condition applies both to normal days as well as to event days.

Where there is a requirement for SIA licensed door supervisors, the licensee shall ensure that

- a) they are on duty at the entrance of the premises at all times whilst it is open for business and remain on duty past the closing time of the premises for a period until all patrons have dispersed from the locality. Door supervisors will patrol areas around collection points for taxis by the premises to prevent disorder and be Deployed as per the risk assessment.
- b) at least one licensed SIA door staff on duty at the premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the West Midlands Police. That person shall be required to attend all incidents that require intervention.
- c) all BWV recordings shall be stored for a minimum period of [28/31] days with date and time stamping, and
- d) viewing of recordings shall be made available immediately upon the request of Police or Birmingham City Council

All door supervisors working at the premises are to sign on duty, listing their first and surnames together with their full SIA licence number when they start work and off duty when they finish. All

door supervisors must wear their SIA badge in a clear sleeve arm holder. Door supervisors will wear hi-visibility coats /jackets or tabards. Where door supervisors are used the premises will retain a profile of all door supervisors that have worked at the premises in the last 3 months. A profile will consist of proof of ID (copy passport, photo driving license, SIA badge) and proof of address dated within the last 6 months (copy bank statement, utility bill etc). No proof of address needed if proof of ID is photo driving license Door supervisor profiles must be retained at the premises and be made available for inspection immediately on request of any of the responsible authorities. Door supervisors will work past the closing time of the premises for a period until all patrons have dispersed from the locality. Door supervisors will patrol areas around collection points for taxis by the premises to prevent disorder.

Door supervisors stationed outside the premises shall wear hi-visibility jackets/coats. Door supervisors inside shall wear hi-visibility waist coats. All SIA door staff will wear their SIA badge in a clear arm sleeve. When door staff are deployed at least one door staff will be equipped with a bodycam and will attend all incidents that require intervention. Bodycam footage will be retained for a minimum of 31 days.

### **STAFF TRAINING**

Staff shall be trained in the requirements of the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Staff shall sign to confirm that they have received and understood the training. Written records of this training shall be retained and made available to the Police or authorised officers of the Licensing Authority upon request.

All staff responsible for selling alcohol shall receive relevant training before making any unsupervised sales.

The training shall include:

- the Licensing Act 2003 in terms of the licensing objectives and offences committed under the Act;
- the conditions of the Premises Licence;
- the sale of age-restricted products.

This training will be refreshed at least every six months. Staff shall sign to confirm that they have received and understood the training. Written records of this training shall be retained and made available to the Police or authorised officers of the Licensing Authority upon request.

Age-restricted products training shall cover the following steps:

- the assessment of age;
- how and when to challenge for proof of age;
- acceptable proof of age and how to check; and
- recording refusals.

All staff shall be trained in how to identify drunk or drug impaired customers. This training shall be repeated at least biannually. Staff shall sign to confirm that they have received and understood the

training. Written records of this training shall be retained and made available to the Police or authorised officers of the Licensing Authority upon request.

All staff shall be trained in how to manage a crime scene and crime scene preservation. This training shall be repeated at least once a year. Staff shall sign to confirm that they have received and understood the training. Written records of this training shall be retained and made available to the Police or authorised officers of the Licensing Authority upon request.

### **OPERATING POLICIES**

A copy of the premises' dispersal/drugs/search/security/vulnerability policies shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Birmingham City Council.

The premises will have at least one staff member on duty that is first aid trained when carrying out licensable activity and a first aid trained staff member will take the lead on any medical or vulnerability incidents

### **STAFF TRAINING**

The premises licence holder shall ensure that all shift managers are trained in safety and accredited Conflict Management Training.

### **LICENSABLE ACTIVITIES**

The premises will conclude licensable activity at 0330 each day.

### **LAST ENTRY TIME**

Last entry time, save for smokers, will be 03:00 hours

## Castle & Falcon

### Search Policy

1. We operate a zero-tolerance policy on drugs and weapons and anybody found in the possession of drugs or weapons will be refused entry.
2. This search policy has been created to reinforce the 4 licencing objectives.
  - The prevention of crime and disorder.
  - Public safety.
  - The prevention of public nuisance.
  - The protection of children from harm.
3. A sign highlighting the search policy as a condition of entry will be clearly displayed at the entrance to the venue and in the bar area. The sign will state: “To provide our patrons with safe and comfortable surroundings, we will request permission to search people entering these premises as a condition of entry. Thank you for your cooperation”.
4. The venue will be searched daily prior to the evening opening to ensure that people have not secreted weapons or illegal substances during the day prior to any evening function.
5. Entry into the premises is conditional upon a search prior to entry.
6. The area where searches take place will be covered by CCTV.
7. Searches will be carried out by qualified SIA door staff. There should always be 2 staff present to protect against any potential allegation. At least one member of SIA staff will wear a body warn camera.
8. How to perform the search:
  - The search must be conducted by a member of staff or door staff. Females will be searched by female staff, males by male staff.
  - You must request permission from customers to conduct a search. If the customer refuses, they should be automatically denied entry/ejected.
  - You should not open customers’ bags; the customer must open their own bags, coats and empty out their own pockets at your request.

- All searches should take place with a witness present preferably in an area with CCTV coverage.

9. All bags will be searched.

10. Items confiscated during any search will be securely retained, logged against any CCTV record or ID scanner detail, and retained until collected by the police.

# Castle & Falcon

## SECURITY PLAN

*(This document is supported by a plan of the venue, (not to scale) that highlights the fixed CCTV camera positions and the locations that SIA staff will occupy during the agreed operating hours).*

<b>Booking Events/police notification</b>	<p>Prior to any event being held in the venue a full risk assessment will be completed to determine if the event should go ahead.</p> <p>A risk assessment for standard nights will be supplied to West Midlands Police on request.</p> <p>For any non-standard night, the DPS will provide risk assessment of the night/event to West Midlands Police (Licensing Dept at Birmingham Central Police Station) at least 28 days before the event, or at a time agreeable between DPS and the police. All security measures (if needed) detailed in the risk assessment will have to be agreed with West Midlands Police (Licensing Dept at Birmingham Central Police Station). Agreement will be provided in writing to the DPS.</p> <p>Full details of the person organising the event will be made available along with a recognised form of identification. For such events bookings will not be taken over the phone and the organiser will be required to present themselves in person.</p> <p>If the event is promotor led, then full details of the promotor will be forwarded to the police for their own risk assessment function. The DPS will give notification to (Licensing Dept at Birmingham Central Police Station), at least 28 days before the event on the first occasion, and any other occasion where the same</p>
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	<p>promoter is used for a different event. Recommendations will be provided in writing and will become conditions for use at that event. These recommendations must be retained by the premises for inspection.</p> <p>Risk assessing a proposed event is a subjective exercise. During the risk assessment exercise, the management will consider,</p> <ul style="list-style-type: none"> <li>• The number of guests that are anticipated to attend.</li> <li>• Are there likely to be guests outside (queuing or trying to gain late entry)</li> <li>• Outside marketing on social media by the organiser or third parties</li> <li>• The type of entertainment proposed.</li> <li>• The type of event that has been proposed.</li> <li>• A scan of social media associated with the event organiser and past events at other locations.</li> <li>• The time of the year.</li> </ul>
<p><b>SIA Staff</b></p>	<p>The venue will operate with qualified SIA staff.</p> <p>All door supervisors working at the premises are to sign on duty when they start work and off duty when they finish. All door supervisors must wear there SIA badge in a clear sleeve arm holder. Door supervisors working outside the premises will wear hi-visibility coats.</p> <p>The SIA staff will be responsible for entry into the venue, age verification and the search function prior to entry. The search area will be covered by CCTV..</p> <p>At least one licensed SIA door staff on duty at premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the West Midlands Police</p> <p>All recordings shall be stored for a minimum period of 31 days with date and time stamping, and</p>

viewing of recordings shall be made available immediately upon the request of Police.

On Fridays and Saturdays from 23:00 onwards, at least (2) SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business and remain on duty past the closing time of the premises for a period until all patrons have dispersed from the locality. Door supervisors will patrol areas around collection points for taxis by the premises to prevent disorder.

During any event deemed high risk following the risk assessment required in the “Risk Assessment” condition, the number of SIA licensed door supervisors on duty at the entrance of the premises and within shall be that identified in the risk assessment. They shall remain on duty past the closing time of the premises for a period until all patrons have dispersed from the locality. Door supervisors will patrol areas around collection points for taxis by the premises to prevent disorder.

Along with the Management team the SIA staff will be responsible for the dispersal policy at the end of trading.

The venue will retain a professional profile of all door supervisors that have worked at the premises for 3 months. All personal data will be available on request from the door supervisors employers.

No proof of address will be needed if proof of ID is a photo of a driving license.

Door supervisor profiles will be retained at the premises and be made available for inspection immediately on request of any of the responsible authorities.

Door supervisors will work past the closing time of the premises and manage the dispersal policy.

<b>Incident log</b>	An incident log will be maintained at the venue and made available to any authorised officer upon request.
<b>Licence holder</b>	In addition to the SIA security staff there will always be a personal licence holder in the premises during operating hours.
<b>Entry procedure (ID scanner)</b>	<p>On Fridays and Saturdays from 23:00 until close and during any event deemed high risk following the required risk assessment all customers entering the premises shall have their ID checked by SIA registered security.</p> <p>Failure to provide suitable documents will result in entry to the venue being refused.</p> <p>See licence condition.</p>
<b>Searching</b>	<p>On Friday and Saturdays after 23:00 until close and during any event deemed high risk following the risk assessment required in the “Risk Assessment” condition above, all persons entering or re-entering the premises shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system.</p> <p>When searching is carried out, a notice will be prominently displayed at the entrance explaining that:</p> <ul style="list-style-type: none"> <li>• Persons entering the premises will be searched.</li> <li>• Agreement to search is a condition of entry</li> <li>• If persons do not consent, entry will be refused.</li> <li>• Police may be called if drugs or weapons are found.</li> </ul> <p>Any suspected drugs or any weapon seizures will be recorded in the incident book. The following details will be recorded:</p> <ul style="list-style-type: none"> <li>• Date/Time items found</li> </ul>

	<ul style="list-style-type: none"> <li>• Where found</li> <li>• Details of item</li> <li>• Seal number of property bag</li> <li>• Any action taken (e.g. person detained, police called).</li> <li>• Signature of person of person seizing.</li> <li>• Signature of the DPS or manager.</li> <li>• Details of the person searched.</li> </ul> <p>Any items that are seized will be securely stored in the manager's office until collected by the police. Any CCTV or other identifying evidence will be supplied to the police along with the item.</p>
<b>Queuing</b>	<p>The SIA door staff will manage any queue that forms at the entrance.</p> <p>SIA staff will ensure that any people queuing are made aware of the required search process and the age verification process. This will be supported by the relevant signs.</p>
<b>Re-entry Policy</b>	<p>After 03.00 the venue will operate a no entry policy. Any person leaving the venue, other than to smoke in the designated smoking area, will be refused entry/re-entry to the venue.</p> <p>In exceptional circumstances, if someone leaves the venue i.e. medical reasons, they will be researched upon entry.</p>
<b>Ejections from the premises</b>	<p>All ejections of customers will be recorded in the incident book and drawn to the attention of the DPS who will countersign the book.</p>
<b>Incidents</b>	<p>In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:</p> <p>(1) The police (and, where appropriate, the Ambulance Service) are called without delay;</p>

	<p>(2) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;</p> <p>(3) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and</p> <p>(4) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises</p> <p>Staff will act upon the advice given to them by police officers in attendance.</p>
<b>CCTV</b>	<p>The venue is adequately covered by a high-quality CCTV system that has been registered at the Information Commissioners Office. All public areas within the venue are covered along with the entrance to the venue. The system provides high quality facial identification in all lighting conditions.</p> <p>Images are stored for a minimum of 28 days. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. Someone will be on the premises, who can download the images and present them on request to a police officer or other responsible authority, upon completion of the relevant disclosure document.</p> <p>At least 1 member of the SIA staff will wear a body cameras.</p>
<b>Drugs</b>	There is a zero tolerance policy to illegal substance. See drugs policy.
<b>Ask for Angela (WAVE TRAINING).</b>	<p>People who feel unsafe, vulnerable, or threatened can discreetly seek help by approaching venue staff. 'Ask Angela'</p> <p>The scheme is advertised in the venue.</p>
<b>Drink spiking</b>	All staff have been trained around drink spiking and understand what to look for. Appropriate notices are placed in the venue for customers to note, pointing out the 3 key areas to be aware of.

	<ul style="list-style-type: none"><li>• Never lose sight of your drink</li><li>• Be vigilant if you're drinking with strangers</li><li>• Be a drink buddy</li></ul> <p>The venue will ensure that drink spiking test kits are available on request at the bar. Drinking vessel top covers will also be made available at the bar throughout the hours that the venue is open.</p>
<b>Drinking vessels</b>	Polycarbonate drinking vessels will be used throughout the venue on event nights after 23.00.

# Castle & Falcon

## Vulnerability Policy

There are a number of bespoke policies that address vulnerability in Castle & Falcon's operating schedule. All are designed to address the 4 licensing objectives of

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

The consumption of alcohol raises the risk level attached to each of the objectives and the following policies, to be read as part of the vulnerability policy, are designed to address the vulnerabilities of both customers and staff.

These policies are.

- Risk Assessments
- Drugs policy.
- Drink spiking.
- Search policy.
- Ask Angela/Wave training.
- The employment of SIA security staff.
- Age verification.
- Comprehensive use of CCTV.

Risk assessments are required for events. These assessments will identify events that have the potential to cause problems. The venue will refuse to agree to an event if problems are identified during the process. The venue operators will also listen to police advice on any particular event and act upon the advice. All individuals that apply to hold an event will have to provide suitable ID and there will be a social media review on all available material.

Drug policy provides information for staff working at the venue and the measures to be adopted to prevent the use of illegal substances in the venue. The policy also highlights the right to refuse entry if an individual is suspected to be under the influence of a controlled substance.

Drink spiking is a clear vulnerability for customers in any venue. Drink testing kits are readily available at the bar for any customer to test the content of the glass. Notices throughout the venue highlight the issue and the availability of testing kits.

The search policy protects both staff and customer. Customers are searched during the hours that have been identified to reduce the potential for illegal substances and weapons being taken into the venue. This policy will be carried out by authorised SIA staff employed by the venue.

There is an age verification policy. After 21.00 all customers will have to present suitable ID to be checked by SIA staff.

The venue is comprehensively covered by CCTV and the system has been signed off signed off by Birmingham Cities licensing departments. Notices informing customers that the venue is covered by CCTV will be displayed at the entrance to the venue and at other key locations.

### **ASK ANGELA/WAVE TRAINING**

Welfare And Vulnerability Engagement (WAVE) training aims to create awareness of vulnerability, their responsibilities it and how to deal with it.

This training will be part of Castle & Falcon's staff training to increase the skills, knowledge, and confidence to identify vulnerability at the venue and making appropriate interventions.

The WAVE training is based upon 5 key principles.

- Preventing and reducing violent crime linked to the licensed economy.
- Preventing and reducing sexual offences
- Reducing preventable injury linked to alcohol and drug use in the licensed economy.
- Reducing opportunities for criminal activity and anti-social behaviour in licensed premises
- Promoting partnerships and engagement with communities and key stakeholders in the licensed economy.

### **ASK ANGELA**

Staff training will include the use of the code phrase 'Ask Angela'. Staff will be trained to support people who feel unsafe, vulnerable, or threatened. The use of the phrase will prompt members of staff to support and assist any customer seeking help.

Signage highlighting the scheme will be prominently displayed throughout the venue.



**Castle & Falcon**  
**CCTV POLICY**

**CCTV POLICY**

<b>CCTV POLICY</b>		
		<b>DATE</b>
DATA CONTROLLER	Dominic Molloy	6/3/24
ICO REGISTRATION	Yes	6/3/24
ICO RENEWAL		6/3/25
PREMISES IMPACT ASSESSMENTS;	Completed	6/3/24
DATE OF DOCUMENT REVIEW		6/3/25

## **Introduction**

This policy sets out the use and management of the CCTV equipment and images in compliance with the Data Protection Act 1998, the General Date Protection Regulations and the CCTV Code of Practice.

This system is operated and managed in accordance with the law. Its use is sanctioned by the Licensing Authority who placed a licence condition on the Premises Licence. as stipulated by the Licensing Authority.

The Castle & Falcon CCTV facilities record images only. There is no audio recording i.e. conversations are not recorded on CCTV.

## **Review**

The system is subject to an annual review and the completion of a Premises Impact Assessment. Copies are kept with this policy.

**Castle & Falcon** is situated at 402 Moseley Rd, Birmingham, B12 9AT. It is currently open between 6pm – 4am offering live music events and late night disco.

The premises licence 2050/2 issued enables

- E Live Music
- F Recorded Music
- G Performances of dance
- H Anything of similar description to that falling within (live music), (recorded music) or (performance & dance).
- L Late night refreshment
- M3 Sale of alcohol by retail (both on & off the premises).

The Licensing Authorities have set conditions in the licence that are specific to the installation and management of a premises CCTV system. They have set these conditions to ensure that the 4 licensing objectives listed below are addressed

- the prevention of crime and disorder.
- public safety.
- the prevention of public nuisance.
- the protection of children from harm.

The following conditions have been set by the Licensing Authority and they are reflected in the Premises Licence.

- The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days.
- CCTV camera system covering both internal and external to the premises is to be installed.
- A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
- The system will comply with other essential legislation, and all signs as required will be clearly displayed.
- The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
- There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

## **Operation**

The CCTV surveillance systems are owned by Castle & Falcon

The Designated Premises Supervisor is responsible for the day-to-day operation of the system and ensuring compliance with this policy.

The CCTV systems are registered with the Information Commissioner under the terms of the Data Protection Act 1998 and the company will seek to comply with the requirements both of the Data Protection Act 1998 and the Commissioner's Code of Practice.

The Cameras are located at strategic points throughout the premises. The cameras monitor the public areas of the venue and also cover the entrance to the venue. The cameras at the entrance also cover a limited area of public space on the highway.

**No cameras focus on, toilets, staff kitchen areas or private offices.**

The cameras are all located in visible locations and are not covert cameras. The system, in line with the licence conditions, records high quality images that can capture full frontal images in any light conditions that will enable the identification of the individual if a request for disclosure is made.

**Notices are displayed to inform customers that a CCTV system is in operation in the venue.**

## **Recording and retention of images**

In line with the Premises Licence the images produced by the CCTV equipment are intended to be as clear as possible so that they can identify people in any sort of light condition.

There is a maintenance and 'call out' contract in place to ensure that the system operates effectively during the licensing hours and that the business complies with the licence conditions.

The recording system records digital images, any CCTV images that are held on the hard drive of a PC or server are deleted and overwritten on a recycling basis and, in any event, are not held for more than (31 days). Once a hard drive has reached the end of its use, it will be erased prior to disposal.

Images that are stored on, or transferred on to, removable media such as CDs are erased or destroyed once the purpose of the recording is no longer relevant.

In normal circumstances, this will be a period of 31 days. However, where a law enforcement agency is investigating a crime, images may need to be retained for a longer period.

Any downloads are securely stored in the business office and only the data controller and the owner of the venue will have access to them.

## **Viewing**

Recordings may be viewed by the police in the presence of the Designated Premises Supervisor or the owner of the venue. Any viewing of footage will be strictly controlled and will only take place in the secure office environment.

Permission to view CCTV data will depend on the explanation given by the person making the request and the nature of the potential investigation.

The owner and the DPS are authorised to review CCTV recordings to ascertain the circumstances relating to potential incidents involving staff and/or customers.

The owner and/or the DPS may authorise members of staff to view the CCTV images with him/her that relates to a potential incident that affects the venue and its operation..

## **Access**

Disclosure of images will only be made in accordance with the purposes for which the system is used and will be limited to:

- The local licensing authority.
- The police and other law enforcement agencies, where the images recorded could assist in the prevention or detection of a crime or the identification and prosecution of an offender or the identification of a victim or witness.
- Prosecution agencies, such as the Crown Prosecution Service.
- Line managers involved with Company disciplinary and performance management processes.

## **Download Procedure**

Should a download be required as evidence, an electronic copy may only be made under the supervision of the owner and/or the DPS. Where this is to be released to the Police or the Licensing Authority this

will only be released on receipt of a completed Data Release Form and sight of their warrant card or council identification

All requests for downloads will be retained by the data controller for 12 months or after the incident that the download relates to has been closed.

### **Individual Access Rights**

The Data Protection Act 1998 gives individuals the right to access personal information about themselves, including CCTV images.

All requests for access to view/copy CCTV footage by individuals should be made in writing to the data controller.

Requests for access to CCTV images must include:-

- The reason for the request
- The date and time the images were recorded
- Information to identify the individual, if necessary
- The location of the CCTV camera
- Proof of Identity

The data controller will respond promptly and at the latest within 30 calendar days of receiving the request processing fee. The data controller will determine the processing fee and sufficient information to identify the images requested.

If the venue cannot comply with the request, the reasons will be documented.

The requester will be advised of these in writing, where possible.

### **Access to Images by Third Parties**

Unlike Data Subjects, third parties who wish to have a copy of CCTV images (i.e. images not of the person making the request) do not have a right of access to images under the DPA, and care must be taken when complying with such requests to ensure that neither the DPA, HRA or the CCTV Policy are breached. As noted above, requests from third parties will only be granted if the requestor satisfies the following criteria:

- Law enforcement agencies (where the images recorded would assist in a specific criminal enquiry)
- Prosecution Agencies and their Legal Representatives
- Insurance Companies and their Legal Representatives
- All third party requests for access to a copy of CCTV footage should be made in writing to the data controller.

If a law enforcement or prosecution agency is requesting access they should make a request under Section 29 of the Data Protection Act 1998.

### **Staff Training**

The company will ensure that all employees handling CCTV images or recordings are trained in the operation and administration of the CCTV system and on the impact of the Data Protection Act 1998 with regard to that system.

# Castle & Falcon

## Dispersal policy

1. The music volume will be lowered within the last 20 minutes prior to closing.
2. There will be an announcement over the PA system asking guests to leave quickly, quietly and to respect the venue's neighbours.
3. Door supervisors will endeavour to control a slow stream of customers and guests leaving the venue.
4. Door supervisors will be proactive about dispersal of groups of people outside the venue.
5. Guests will be encouraged to leave the area quickly and quietly.
6. Door supervisors will patrol the street outside the venue to ensure customers and guests leave the area quietly. Any customers and guests causing noise or disturbance will be asked to be quiet. Those that do not will be refused entry in the future.
7. As customers leave and the venue empties, door supervisors from inside the venue will be posted outside to assist with dispersal, as appropriate.
8. Guests will not be allowed to take drinks with them as they leave. Security will be posted at the exit to prevent this happening.
9. A taxi service will be available to guests.
10. The tempo of music will be slowed down and the volume will be lowered gradually at the end of the night to encourage guests exit in a calm manner.
11. The brightness of the lighting inside will be increased gradually as part of a 'cooling off' period.
12. Notices will be prominently displayed at exits requesting the guests to respect the needs of local residents and to leave the venue and the area quietly



# Castle & Falcon Drugs Policy

## Introduction

Castle & Falcon acknowledges that due to the nature of its business, there is the possibility of the introduction of controlled drugs ("illegal substances") onto the premises by staff or customers. This policy therefore sets out our approach to illegal substances at our venue.

This policy has been designed with Licensing Objectives of the prevention of crime and disorder, and public safety in mind.

The Premises Licence does not contain a specific condition in relation to illegal substances in the venue. This **does not** mean that the sale or consumption of illegal substances at the Premises is something that staff should not be alive to.

All staff are required to read and familiarise themselves with this policy as a condition of their employment. All staff will be required to sign to confirm that they have read and understood this policy document.

## Drugs

<b>Controlled drug and slang names</b>	<b>Form</b>	<b>How taken</b>	<b>Signs to look out for</b>
Ecstasy:- also known as XTC, superman, Rolexes, Pink superman, Pills, Mitsubishi's, MDMA, Mandy, E, Dolphins, Crystal, Cowies, Brownies.	White or brown tablets, pink, yellow or clear capsules or powder	Swallowed	Excessive energy, dancing, euphoria, dehydration, increased demand for non-alcoholic drinks
Amphetamines:- also known as Whizz, Sulph, Paste, Billy, Base, Amphetamine Sulphate, Amphetamine.	Tablets, capsules or white, yellow, pink or brown paper	Swallowed	Rapid speed, confusion, enlarged pupils. Effects may be increased by the consumption of alcohol

<p>LSD:- also known as Window, Trips, Tripper, Tab, Stars, Smilies, Rainbows, Paper Mushrooms, Micro Dot, Lucy, Liquid Acid, Lightning Flash, L, Hawk, Flash, Drop, Dots, Cheer, Blotter, Acid.</p>	<p>Paper squares printed with various designs, gelatine microdots, less commonly tablets</p>	<p>Swallowed</p>	<p>Hallucinations, erratic and unpredictable behaviour</p>
<p>Cocaine:- also known as White, Wash, Toot, Stones, Snow, Rocks, Percy, Pebbles, Freebase, Crack, Coke, Ching, Charlie, Chang, C.</p>	<p>White powder</p>	<p>Sniffed/snorted, more rarely injected</p>	<p>Euphoria, but sometimes causes anxiety, runny nose, sniffing, traces of powder around nostrils and on banknotes. Banknotes rolled into tubes when making payment</p>
<p>Crack:- also known as White, Wash, Toot, Stones, Snow, Rocks, Percy, Pebbles, Freebase, Crack, Coke, Ching, Charlie, Chang, C.</p>	<p>Yellowish rocky lumps</p>	<p>Smoked in a pipe or heated on foil and inhaled</p>	<p>Instant elation – wears off quickly. Violent behaviour. Empty wrappers and scorched foil</p>
<p>Cannabis:- also known as weed, skunk, sinsemilla, sensi, resin, Puff, Pot, Marijuana, herb, hashish, hash, grass, ganja, draw, Dope, Bud, bhang.</p>	<p>Resin (brownish lumps) or herbal</p>	<p>Smoked in hand rolled cigarettes known as joints, reefers, doobies and spliffs. Resin can also be eaten</p>	<p>Talkativeness, euphoria, lack of coordination, relaxed inhibitions, dilated pupils, bloodshot eyes, a strong smell of burnt leaves, torn beer mats or foam upholstery to make filters</p>

Heroin:- also known as Smack, Skag, Horse, H, Gear, Brown.	Off-white or brownish powder	Injected. Can also be heated on foil and inhaled through a straw – known as chasing the dragon	Sleepy euphoria, slow breathing, runny nose and eyes, needle marks on body, syringes, needles, blood stained cotton wool, scorched tin foil or spoons
Rohypnol:- also known as Vallies, Rugby balls, Roofies, Rohypnol, Norries, Moggies, Mazzies, Jellies, Eggs, Downers, Blues, Benzos.	Tablets	Swallowed – colourless and odourless when dropped into drinks, dissolving rapidly (tasteless)	Muscle relaxation, slow responsiveness and lower inhibitions, victim feels disorientated

For a full list of drugs, slang terms and their various effects, XXXX staff are encouraged to visit the FRANK website at: <http://www.talktofrank.com/drugs-a-z>

### **Right of Entry**

The Designated Premises Supervisor, SIA registered door supervisor (when engaged) or staff member acting on behalf of Castle & Falcon reserve the right to decide who will and who will not be allowed onto the Premises. Persons suspected of being under the influence of illegal drugs or substances will not be allowed to enter the premises.

The Designated Premises Supervisor, SIA registered door supervisor (when engaged) or staff member acting on behalf of Castle & Falcon reserve the right to ask a customer to leave the premises. Persons suspected of being under the influence of illegal drugs or substances will be asked to leave the premises.

### **Zero tolerance policy in relation to illegal substances**

Castle & Falcon operates a zero-tolerance policy in relation to illegal substances.

Any person or persons found to be under the influence of illegal drugs or substances classified under the Misuse of Drugs Act 1971 will be asked to leave the Premises and will be reported to the Police. Any evidence of or suspicion of drug use at Castle & Falcon may also be reported to the Police.

Any CCTV footage of suspected dealing will be retained for any potential police investigation.

## **Staff training in relation to illegal substances**

Castle & Falcon treats the training of its staff in relation to this policy as a high priority. All staff are required to read and familiarise themselves with this policy as a condition of their employment. All staff will be required to sign to confirm that they have read and understood this policy document.

## **Warning signs and vigilance**

Castle & Falcon staff should be vigilant at all times and should be on the lookout for:

- Torn-up coasters/cigarette packets/bits of cardboard left on tables or in ashtrays outside.
- Foam stuffing removed from seating and/or bits of foam left around
- Roaches (homemade filter tips from cannabis cigarettes)
- Small packets made of folded paper (particularly lottery tickets), card or foil
- Empty sweet wrappers left in toilets
- Payments made with any tightly rolled banknotes, or notes that have been tightly rolled and unrolled before payment is made
- Traces of blood or powder on banknotes handed to staff
- Drinking straws left in toilets

Staff should be vigilant at all times and should watch customers for:

- Very dilated pupils
- Excessive sniffing, dripping nose, watering or reddening of the eyes.
- Sudden severe cold symptoms following a trip to the toilet or outside.
- White marks or traces of powder around the nostrils.
- Excessive giggling, laughing at nothing and/or non-stop talking.
- Vacant staring, a customer being unnaturally dopey or exhibiting signs of sleepy euphoria.
- Non-stop, fidgety movement, jigging about or dancing.
- Gagging or retching actions.
- Excessive consumption of soft drinks.
- Sudden, inexplicable tearfulness or fright.
- Any marked alteration in behaviour following from a trip to the toilet or external to XXX.
- Any person holding court, with a succession of visitors who do not stay.
- A person making frequent trips to the toilets or outside the venue, followed by different people each time.
- Visits to the toilets by groups or couples.

- People exchanging small packages or cash, often this can be done secretly, but can be quite open to avoid suspicion.
- Furtive or conspiratorial behaviour
- Conversation which includes reference to drugs or slang terms for drugs.

Any signs or suspicions of illegal substances must be reported to the Designated Premises Supervisor and/or Duty Manager as soon as possible. The Designate Premises Supervisor or Duty Manager will determine what action to be taken. Such actions may include:

- Requesting that the customer turn out his or her pockets
- Surveillance of customers going into the toilets to check for behaviours noted above
- The ejection of any customer refusing to cooperate or exhibiting signs of drugs
- Calling the Police

### **Confiscation of illegal substances**

Any illegal substances or suspected illegal substances found or confiscated will be taken immediately to the Designated Premises Supervisor and/or the Duty Manager who will arrange for secure storage of the illegal substance/suspected illegal substance until such time as it can be handed over to the police. The Designated Premises Supervisor or the Duty Manager shall inform the Police within 24 hours of any illegal substances or suspected illegal substances being confiscated and will deal with the illegal substances/suspected illegal substances in accordance with the recommendation of the Police. A note of the officer spoken to and what action is to be taken should be noted on the illegal substance record form.

### **Detaining persons in relation to illegal substances**

If an illegal substance or suspected illegal substance is found in the possession of a customer, the customer should be informed that it is desirable that they remain until the Designated Premises Supervisor/Duty Manager and the Police can attend.

If the customer refuses or asks if they can leave then they should be politely told that it is desirable that they remain until the Designated Premises Supervisor/Duty Manager and the Police can attend.

If the customer insists on leaving then they should be allowed to do so, but a detailed description of the individual should be prepared and noted down on the incident report form. CCTV footage of the customer should be sought and burnt to disk and/or USB as soon as possible.



**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB COMMITTEE - A**

**THURSDAY 29 FEBRUARY 2024**

**THE CASTLE & FALCON, CEOL CASTLE, 402 MOSELEY ROAD,  
SPARKBROOK, BIRMINGHAM B12 9AT**

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 The Castle & Falcon, Ceol Castle, 402 Moseley Road, Sparkbrook, Birmingham B12 9AT 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
- That Dominic Molloy be removed as the Designated Premises Supervisor.

The Sub-Committee's reasons for imposing these interim steps are due to concerns by West Midlands Police in relation to matters which came to light at the premises on the 24<sup>th</sup> of February 2024 as outlined in the Chief Officer of Police's certificate and application.

The Sub Committee determined the causes of the serious crime and serious disorder extended beyond the licensed premises itself and appeared to originate from: patrons of the premises; the involvement of the staff and security staff; the inability of the Designated Premises Supervisor to adequately supervise and train staff.

It was therefore necessary and reasonable to impose these steps to address the immediate problems 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.

In reaching its decision, the Sub Committee considered whether the proposals submitted by the premises licence holder addressed the concerns raised but felt that these were insufficient in the circumstances.

The Sub-Committee did not believe however that any other conditions would address the totality of issues brought to their attention by the police.

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

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

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

# West Midlands Police

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

I Detective Superintendent 2643 James Munro hereby certify that in my opinion the premises described below are associated with both serious crime and serious disorder.

**Premises: The Castle and Falcon**

**Address: Ceol Castle, 402, Moseley Road, Sparkbrook, Birmingham. West Midlands. B12 9AT.**

**Premise Licence Number: 2050**

**Premise Licence Holder: Molloy Enterprises Ltd**

**Designated Premise Supervisor: Mr Dominic Molloy.**

**I am a Detective 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 24<sup>th</sup> February 2024, which involved an assault whereby the injured party was rendered unconscious. The actions of members of staff from the premises have contributed to this situation occurring and have led to it worsening, 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.

In coming to my opinion, I have had regard to the facts of the incident and current investigation, 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).

Signed:



## 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 - Detective Superintendent 2643 James Munro

(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: The Castle and Falcon.

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

**Ceol Castle, 402, Moseley Road.  
Sparkbrook,  
Post Town: Birmingham**

Post Code (if known): B12 9AT.

2. Premises Licence details:

Name of premise licence holder (if known):

**Molloy Enterprises Ltd.**

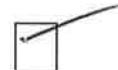
Number of premise licence (if known):

**2050.**

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)

The Castle and Falcon is a licensed premises situated at Ceol Castle, 402, Moseley Road, Sparkbrook, Birmingham. B12 9AT. The premises license holder is Molloy Enterprises Ltd and designated premises supervisor is Mr Dominic Molloy.

The premises is licensed to sell alcohol for consumption on and off the premises between the hours of 1000 and 0400 each day of the week.

At 0355 hours Saturday 24<sup>th</sup> February 2024 it is believed the premises were open and conducting licensable activity.

At this time a person has been ejected from the premises from the beer garden. On the footpath outside the premises an argument has ensued between the person ejected and friends with staff and door staff from the premises. This has culminated in a disorder taking place where a number of punches have been thrown.

As a result of being punched a person has fallen to the ground unconscious. This person is currently undergoing hospital treatment.

A member of staff from the premises has been charged with unlawful wounding in relation to this incident.

West Midlands Police have serious concerns for the promotion of the licensing objectives at this premises.

West Midlands Police have no confidence in the management of the premises. It is clear that unlawful and excessive force has been used in this instance.

This is such a serious incident and breach of the licensing objectives that West Midlands Police would request that the premises license is suspended and the Designated Premises Supervisor is removed.

**Signature of applicant:**

**Date:** 27<sup>th</sup> February 2024.

**Rank/Capacity:** Detective Superintendent 2643 James Munro

**Contact details for matters concerning this application:** BW Licensing

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

**LICENSING ACT 2003**

**PREMISES LICENCE**

**Premises Licence Number:**

2050 / 2

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
The Castle & Falcon 402 Moseley Road Balsall Heath	
<b>Post town:</b>	<b>Post Code:</b>
Birmingham	B12 9AT
<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
H	Anything of similar description to that falling within (live music), (recorded music) or (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 – Sunday	23:00	-	04:00 L
Monday – Saturday	10:00	-	04:00 E,F,G,H,M3
Sunday	12:00	-	04:00 E,F,G,H,M3
New Years Eve – From the commencement of permitted hours to the end of permitted hours on the following day.			

<b>The opening hours of the premises</b>			
Monday – Saturday	10:00	-	04:30
Sunday	12:00	-	04:30
New Years Eve – 10:00 (12:00 if a Sunday) until 04:30 2 <sup>nd</sup> January			

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

BIRMINGHAM CITY COUNCIL

Part 2

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Molloy Enterprises Limited 402 Moseley Road Balsall Heath	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B12 9AT
<b>Telephone Number:</b>	
<b>Email</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b> 5935566
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Dominic Molloy	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> Not Specified	

<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> 1780	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

Dated 16/07/2007

David Kennedy  
Principal 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

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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.

### **Embedded Restrictions**

Where the number of children attending the entertainment exceeds 100 the licensee shall ensure the provisions of Section 12 of The Children and Young Persons Act 1933 are complied with.

This licence is granted subject to compliance with the conditions attached to the Public Entertainment Licence, previously issued in respect of these premises, as detailed in document reference number: PEL4.8 (copies of which are available upon request from the Licensing Section)

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

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

The licence holder shall ensure -

All regulated entertainment is permitted is to take place inside the premises only

No adult entertainment or services are permitted on the premises.

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

No enforceable conditions identified from operating schedule.

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

The licence holder shall ensure -

The maximum capacity of persons shall be: Back Room - 110 Front Lounge - 50

**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.

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

**3a) General committee conditions**

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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### **Annex 4 – Plans**

The Plan of the premises with reference number **47866-2050/2** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please ring the Licensing Section on 0121 303 9896 to book an appointment.

