

BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE C

Thursday 21 September 2023 at
1000 hours in 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

**RE: ZULU BAR & RESTAURANT, UNIT 1, 105 BREARLEY STREET,
BIRMINGHAM, B19 3XJ - LICENSING ACT 2003 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. Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003
- B. Application for Review of Licence
- C. Copy of Premises Licence
- D. Location maps

West Midlands Police have applied for an expedited review of the premises licence in respect of **Zulu Bar & Restaurant, Unit 1, 105 Brearley Street, Birmingham, B19 3XJ**.

The application has been made under Section 53A of the Licensing Act 2003 (as amended) and has been accompanied by a certificate signed by a senior member of the force, stating that in their opinion the licensed premises have been associated with serious crime and disorder. (See A and B above)

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 C.

The interim steps that must be considered at the hearing are:

- Modification of the conditions of the premises licence;
- Exclusion of the sale of alcohol by retail from the scope of the licence;
- Removal of the designated premises supervisor from the licence;
- Suspension of the licence

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.

West Midlands Police

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

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

Premises: Zulu Bar And Restaurant

Address: Unit 1, 105 – 127 Brearley Street, Aston, Birmingham, B19 3XJ

Premise Licence Number: 5165

Premise Licence Holder: Michael Wolde Rufael KAHSAY

Designated Premise Supervisor: Michael Wolde Rufael KAHSAY

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 17th September 2023, which involved a Section 18 wounding with a weapon and the breaches of premises licence by the operators on the morning of the incident, 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 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).

Signed :



Dated:

20/09/2023

- 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.



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I - Supt 2643 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: **Zulu Bar and Restaurant**

Postal address of premises, (or if none or not known, ordinance survey map reference or description): **Unit 1**

**105 – 127 Brearley Street
Aston
Birmingham
B19 3XJ**

2. Premises Licence details:

Name of premise licence holder (if known): **Michael Wolde Rufael KAHSAI**

Number of premise licence (if known): **5165**

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)

Zulu Bar and Restaurant is a small two roomed premises located at the junction of Brearley Street and Summer Lane in Birmingham. It has recently changed owner and is in the process of rebranding.

The premises holds a license for late night refreshment from 23:00 as well as recorded music and sale of alcohol by retail daily from 13:00.

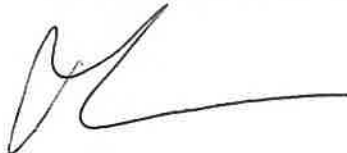
At 12:30 on Sunday 17th September, a 999 call alerted police to a disorder outside of the location. A number of males appeared involved and had blood on their hands and one had facial injuries. Enquiries inside showed that a disorder started inside of the premises and that the male with facial injuries had been glassed by another customer. This offence has been recorded as a S18 wounding which is classed as a serious crime.

"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.

Further enquiries have revealed that males inside of the premises had been served alcohol by the licence holder, despite the licence not permitting the sale of alcohol until 13:00.

West Midlands Police are concerned that this incident was preventable if the licence was being complied with and wish to bring this to the urgent attention of the licensing committee.

Signature of applicant:



Date:

20/09/2023

Rank/Capacity:

Det Sgt 2643 Hume

Contact details for matters concerning this application: BW Licensing

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

Telephone Number(s): 0121 626 6099

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

Notes for guidance:

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

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

- conduct that amounts to one or more criminal offences for which a person who has attended 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

Licensing Act 2003
Premises Licence

Premises Licence Number	5165
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description Zulu Bar & Restaurant , Unit 1, 105 Brearley Street, Birmingham, B19 3XJ
Telephone Number N/A

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence Sale of Alcohol by Retail Provision of Late Night Refreshment Playing of Recorded Music

Times the licence authorises the carrying out of licensable activities

<u>Sale of Alcohol by retail:</u>		
<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	13:00	01:00
Tuesday	13:00	01:00
Wednesday	13:00	01:00
Thursday	13:00	01:00
Friday	13:00	03:00
Saturday	13:00	03:00
Sunday	13:00	01:00
Place: Seasonal Variations: Non-Standard Times:		

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Provision of Late Night Refreshment:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	23:00	01:00
Tuesday	23:00	01:00
Wednesday	23:00	01:00
Thursday	23:00	01:00
Friday	23:00	03:00
Saturday	23:00	03:00
Sunday	23:00	01:00

Further Details:

Place:

Seasonal Variations:

Non-Standard Times:

Playing of Recorded Music:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	13:00	01:00
Tuesday	13:00	01:00
Wednesday	13:00	01:00
Thursday	13:00	01:00
Friday	13:00	03:00
Saturday	13:00	03:00
Sunday	13:00	01:00

Further Details:

Place:

Seasonal Variations:

Non-Standard Times:

The opening hours of the premises

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	13:00	01:00
Tuesday	13:00	01:00
Wednesday	13:00	01:00
Thursday	13:00	01:00
Friday	13:00	03:00
Saturday	13:00	03:00
Sunday	13:00	02:00

Seasonal Variations:

Non-Standard Times:

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

For consumption on the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Michael Wolde Rufael Kahsay

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

N/A

Name and address of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Micheal Wolde Rufael Kahsay

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number: 168054

Issuing Authority: BIRMINGHAM

Dated 19-09-2023

Shaid Yasser
Senior Licensing Officer
For Director of Regulation & 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: 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 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.

Annex 2 – Conditions consistent with the Operating Schedule

The premises licence holder shall ensure staff are trained as appropriate in respect of relevant licensing law.

All staff will be trained in their responsibility of the licensing act, challenge 25 policy and premises licensing objectives. This training will be documented and signed by both the trainer and trainee. No staff, with the exception of personal licence holders to work at the premises without this documented training. Staff training records will be made immediately available to any of the responsible authorities on request.

Any person who appears drunk /aggressive will not be permitted on the premises.

The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol.

CCTV to be installed / updated to the specifications and recommendations of West Midlands Police. CCTV signage will be prominently displayed on the entrance door.

Customers may not take any drinks past the boundary of the building.

When regulated takes place the DPS or their nominated will conduct a noise assessment outside of the premises to ensure and regulated entertainment is not causing a statutory noise nuisance. These assessments are to be documented and signed by the person making the assessment. The assessments are to be made immediately available to any of the responsible authorities.

The premises license holder will ensure that a trained member of staff will be on duty and be available to download the CCTV to any of the Responsible Authorities.

The premises licence holder shall ensure CCTV is installed inside the premises. CCTV will be recording at all times the premises are open for any licensable activities and images will be held for a minimum of 28 days and made available immediately on request by any of the Responsible Authorities.

The licensable hours for all licensable activity at the premises will finish at 00.30hrs Sunday to Thursday and 03.00hrs Friday & Saturday nights. The premises will be clear of all customers half an hour after the termination time for licensable activity.

The premises will supply West Midlands Police with a full written risk assessment prior to commencement of the premises licence for their normal operating procedure / evenings. If the premises wish to operate outside their norm then they will supply West Midlands Police a minimum of 28 days notice and a full written risk assessment a minimum of 21 days prior to the event. West Midlands Police will have the power of veto on any event outside their normal operating risk assessment if they believe any of the licensing objectives will be compromised.

On Friday and Saturday nights when trading past midnight the premises will employ door staff from no later than 22.00hrs until all customers have dispersed at closing. Door staff will sign on and off duty. Door staff profiles will be kept on the premises for no less than 3 months. Profiles to include a copy of their SIA badge and utility bill no less than 3 months old. If a utility bill not available then a copy of photographic ID either passport or driving licence. Door staff signing in sheets and profiles will be made immediately available to any of the responsible authorities on request. Door staff will wear a fluorescent tabard or jacket while on duty at the premises.

The premises will keep an incident log. All incidents of crime, disorder and anti-social behaviour will be entered into the log irrespective as to whether the emergency services are called or not.

Last entry to the premises will be 01.30 Friday & Saturday nights. Signage to be displayed on the entrance door informing customers of this.

Doors and windows will be kept closed as deemed necessary by the Designated Premises Supervisor.

All deliveries will be received during daytime prior to 6pm to control noise nuisance.

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The Designated Premises Supervisor will arrange to monitor levels from both inside and outside the premises and remedial action will be taken as appropriate.

Floor staff will conduct physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the premises licence holder.

The premises licence holder shall fully support any directives received from the authorities.

A Challenge 25 policy will be strictly followed by all staff.

Challenge 25 signage to be displayed on the entrance door and bar serving area.

No children under the age of 18 will be allowed on the premises after 18.00 without an appropriate adult.
Staff not to be left in sole charge of any child.

Staff on duty will be trained and made aware of a challenge 25 policy and the requirements and the need to demand an acceptable form of age ID.

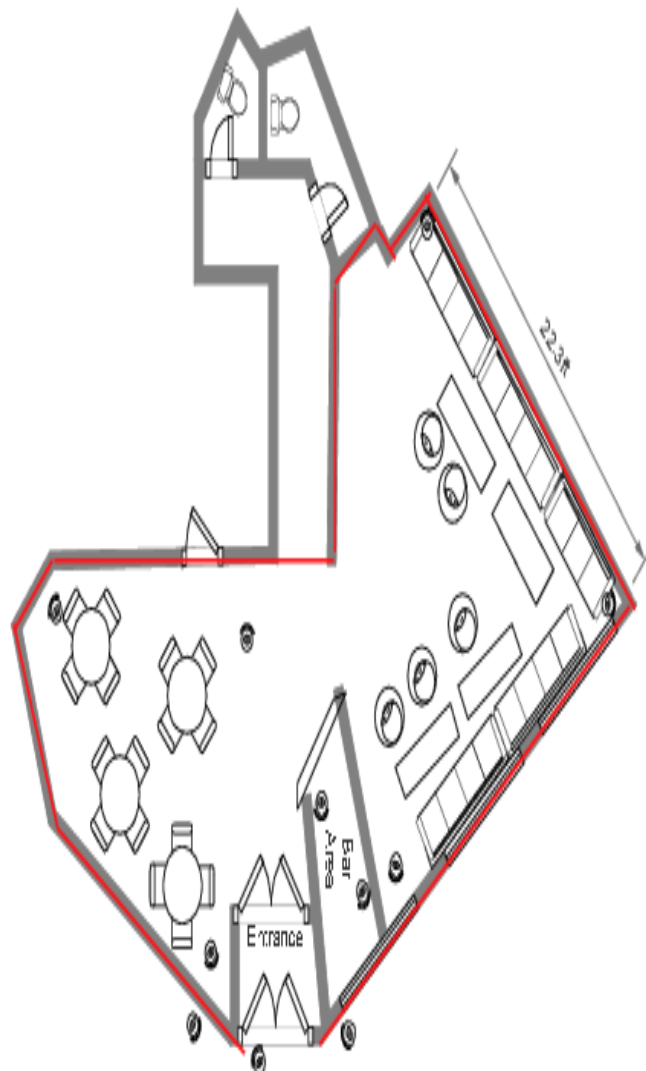
No adult entertainment is permitted at these premises.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4 – Plans

Plan Reference; - 169440 as attached.



Key:	
Licensable Area	
CCTV	
Client	Samuel Berhane

Scale Plan:	1:100 @ A4
Premises Details:	
Habesha Village	
Unit 1, 105 Brearley St, Birmingham, B19 3XJ	
Date:	May 2023
By:	Mojibur Rahman

