

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Monday 25th January 2021
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Kingstanding Second City ABC, 834 Kingstanding Road, Kingstanding, Birmingham, B44 9RT
Ward affected:	Oscott
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider an application to review a Premises Licence.

2. Recommendation:

To consider and determine the review application.

3. Brief Summary of Report:

Review application received on 25th November 2020 from Birmingham City Council Licensing Enforcement in respect of Kingstanding Second City ABC, 834 Kingstanding Road, Kingstanding, Birmingham, B44 9RT.

Representation has been received from West Midlands Police as a responsible authority, and from other persons.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

Birmingham City Council Licensing Enforcement applied on 25th November 2020 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Kingstanding Second City ABC, 834 Kingstanding Road, Kingstanding, Birmingham, B44 9RT.

A representation has been received from West Midlands Police, as a responsible authority, which is attached at Appendix 1.

Representations have been received from other persons, in support of the premises licence holder. These are attached at Appendices 2 – 6.

Review application is attached. See Appendix 7.

The Premises Licence is attached at Appendix 8.

Site location plans are attached at Appendix 9.

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

The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -

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

6. List of background documents:

Copy of the representations as detailed in Appendices 1 – 6.

Review Application Form, Appendix 7.

Copy of Premises Licence, Appendix 8.

Site location plans, Appendix 9.

7. Options available

Modify the conditions of Licence

Exclude a Licensable activity from the scope of the Licence

Remove the Designated Premises Supervisor

Suspend the Licence for a period not exceeding 3 months

Revoke the Licence

No Action

Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

From: Mark Swallow
Sent: 23 December 2020 09:44
To: Licensing
Subject: REVIEW OF KINGSTANDING SECOND CITY ABC

GOOD MORNING LICENSING,

This review refers to Kingstanding Second City ABC a licensed premise at 834, Kingstanding Road, Kingstanding, Birmingham. Premises License number 4335/2. West Midlands Police wish to join this review following what has been discovered by the Licensing Authority.

Complaints have been received by Birmingham City Council Licensing Team that the premises have been playing loud music outside of their authorised hours. Enquiries have revealed that on two occasions music has been played till later than the authorised time and that alcohol has been served again outside of licensable hours.

As part of the investigation CCTV has been requested but not provided with poor excuses being given in each case. The requirement for CCTV and it being produced is a condition on the operating schedule. This is a criminal offence, which carries with it an unlimited fine and or 6 months imprisonment, but more importantly it shows that the premises are not upholding the prevention of crime and disorder objective. Although this is serious enough the premises have also failed to comply with the regulations allowing licensed premises to reopen during the Covid pandemic.

Following a Covid complaint regarding lack of social distancing the premises were requested to show their Covid 19 Secure risk assessment (required under the Coronavirus Regulations) which the premise licence holder was unable to do, or produce since. This is very concerning as the requirement for a risk assessment was designed to show that premises understood the risks needed to open.

These risks that if not properly understood and addressed with the required risk assessment could easily assist the spread of the disease into the local communities and also delay the country getting back to a semblance of normality.

With these failings it shows that the premise licence holder was putting profit before safety, which is unacceptable in normal times, but in these times where the country is suffering significantly during this covid crisis, it can only show their total disregard for the licensing objectives and the trust you place in them to operate a licensed premises.

The premises license holder is failing to comply with the conditions of their license.

The premises license holder has on two occasions put forward the mitigation that the breaches have been committed in their absence. This points to a lack of management at the premises.

It would appear that the premises license holder is not present to manage the premises and has left the premises in the control of people in her absence who are not fit for the role.

Due to the actions of the premises license holder West Midlands Police have no confidence in her ability to promote the licensing objectives. Despite advice being given, the premises license holder has failed to change her working practices. This has led to the persistent breaches of the licensing conditions and the Coronavirus regulations.

West Midlands Police therefore wish to join in this review and support the application made by the local authority licensing officers.

MARK SWALLOW
WEST MIDLANDS POLICE

From:
Sent: 20 December 2020 21:24
To: Licensing
Subject: Re:

On Sun, 20 Dec 2020 at 21:20, wrote:
To whom it may concern

I saw that the license is under review on a notice on the fence of Kingstanding Second City ABC bar and lounge

I have been using this club for many years myself and family feel safe in there, and I know that the owners make sure that there are no trouble makers by politely asking them to leave.

I have also seen when people who have already had enough to drink have been told politely that they need to go home and not been allowed in at all.

I have also seen that the bar staff check for ID to make sure there is no underage people getting served.

They have always made me feel that my children are welcome in the bar up to a certain time and i know that it's safe to bring them in there as theres no trouble.

They have signs on the door and the staff are always asking customers to leave quietly at the end of the night so as to not cause a public nuisance.

The DJ always stopped playing early and never plays "one more" and when people are leaving the door is held open by the lovely young man who will ask you to please leave quietly there are also signs displayed asking you do this as well.

The boxing club is a credit to the Kingstanding community which is helped to survive by the bar and is keeping children off the streets and learning them a skill, it teaches them good manners and respect promoting the protection of children.

Kind regards

From:
Sent: 20 December 2020 21:43
To: Licensing
Subject: 2nd city Club Kingstanding.

Dear Sir / Madam

It has come my attention via my parents () who are both in their mid eighties that there may be some sort of issue between the council and the 2nd city club in Kingstanding. They are distraught and very concerned. My parents have asked me to email in to you on their behalf to express their concern and explain what a lifeline that little club is not only to the local youths via the boxing gym (my dad who used to box himself in the 1950's holds the boxing club in the highest of regard) but also to the elderly of the area. The people that run that club are 100% committed to the community of kingstanding and the place itself is so much more than just a bar. My parents feel so safe in there and have never seen or heard a scrap of bother. The bar staff and the doorman are friendly yet professional and troublemakers are not allowed in. The bar staff call taxi's for the elderly patrons who do not use mobile phones and the young man on the door walks my parents and other elderly patrons into the taxi. I am a "Kingstanding lad" myself who now lives in Somerset and whenever I visit my parents I join them at the club and can say that it gives me great peace of mind knowing that mom and dad are socialising in a safe and secure environment and to see first hand the way the place is run and how the patrons are treated. They seem very firm but very fair. The area would loose a little gem if this place closed.

Yours Sincerley.

Lilac Grove
Retreat Estates
Berrow Road
Burnham-on-sea
Somerset

For and on behalf of my parents:

Elswick Grove
Kingstanding
Birmingham B44

From:
Sent: 21 December 2020 09:22
To: Licensing
Subject: REF; Second City Bar And Lounge

Good Morning.

To whom this may concern I would like to pass comment on a notice I have recently seen on the above establishments door and feel the need to put a few words together as I think someone has it very wrong somewhere.

I use this club as does many of my other family members, and have to say its been the best thing to come out of kingstanding for a long time. The staff and management are always very welcoming and helpful anytime you are in there.

There is a lot of community sprit in this club where the local people feel safe knowing that everything is done in a professtion controlled manner making sure there are no undesirables people allowed in and even if one slips through the net it is dealt with very discretely and in a well managed way , this is one of the reasons people are happy in there own minds that taking there children,nans, grandads,moms ,dads in for a relaxed drink in a clean and friendly environment is never a issue. Besides all this you have the added extra bonus of the boxing club of which a lot of my of friends take their children to, teaching them a sport that has a large element of respect for each other and others alike. The live music and disco nights including karaoke nights bring a great feel to you knowing there is somewhere to have a good nigh out without the worry of any trouble or aggravation, and once again if anyone is seen to be misbehaving or has had to much to drink then it is dealt with in a polite and professional manner by the management and staff.

In all this club has only brought good things to an area with a reputation, in looking after the young children in the area keeping them off the streets and giving them a focus in life and not just a computer screen. Event nights enabling all ages to enjoy a good night out in nice controlled way. I have never seen a time this club has gone against any of the rules of opening and closing times, age limits for drinking, and entertainment that is kept to a level that everyone can enjoy without any nusicence to residents etc.

For whoever reads this email and would like to contact me please feel free to do so ,as I feel someone somewhere does not know the depths this club goes to for this community especially in these unprecedented times.

Kind regards

From:
Sent: 21 December 2020 15:18
To: Licensing
Subject:

To whom it may concern I have recently noticed a blue notice on the fence of second city ABC bar and lounge .

I felt I should write to you let you know that the club us a great part of the community in more ways than one .

The boxing club helps the children by teaching them boxing skills learning discipline and keeping them safe by keeping them off the streets.

The lounge /bar is also very important to the community because it is a very safe place to socialise ,because management prevent any trouble hsppening by not allowing trouble makers into the bar .

Thank you for reading

Sincerely

From:
Sent: 22 December 2020 11:14
To: Licensing
Subject: Second City

To Who It May Concern

Good Morning

I would like to make a comment about a notice recently posted on the door of the above establishment as I feel it is necessary to point out there are people getting it wrong for whatever reason.

Me and my husband use this club and so do many of our family members. We never went in when it was Maximums as it seemed mainly for ale drinkers and pool/snooker players and offered little else. However, this club has been a breath of fresh air to the area of Kingstanding and we have waited a long time for someone to open their doors to such a place like this. All members of staff from cleaners up to management level are always very welcoming and helpful anytime you are in there.

There is a lot of community spirit at this club and as local people we feel safe knowing that everything is done in a professional and controlled manner making sure there are no undesirable people allowed a membership.

You may get the odd chancer who passes by but they are always dealt with in a very discreet and professional manner. This gives the club a big plus as to why people are happy visiting and taking in their children, Grandparents, Grandkids, Mums and Dads all going in for a relaxed drink in a clean and friendly club.

Then of course there is the extra bonus of the amateur boxing club. The boxing club would not exist if it were not for the support of the Bar and management involved. My family members and friends take their children to the boxing club. It's run by volunteers who teach them a sport that gives and teaches them respect for each other and others alike. The live music and disco nights including karaoke nights bring a great feel to you knowing there is somewhere to have a good local night out knowing it's going to be trouble free and no aggravation. If they suspect or see anyone misbehaving, or if a member has had too much to drink then it is dealt with in a polite and professional manner by the management and staff.

This club has in my mind only ever brought good things to the Kingstanding area which has a reputation of old that would be nice to see gone forever. They are looking after the young children in this area and keeping a great deal of them off our mostly these days unsafe streets and giving them a focus in life instead of just sitting in front of xboxes and computer games etc.

I have never seen a time the club has gone against any of the rules regarding opening and closing times, Age limits for drinking. The entertainment they provide is kept to a level so that everyone can enjoy themselves without any function becoming a nuisance to residents in the area.

It's sad if the person/people out there don't know the depths this club goes to for this community. A good job is done by the club in these unprecedented times.

Kind regards

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

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 this 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. You may wish to keep a copy of the completed form for your records.

I Christina McCullough of Licensing Enforcement, Birmingham City Council

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Kingstanding Second City ABC, 834 Kingstanding Road, Kingstanding	
Post town Birmingham	Post code (if known) B44 9RT
Name of premises licence holder or club holding club premises certificate (if known) Michelle BOND	
Number of premises licence or club premises certificate (if known) Premises Licence 4335/2	

Part 2 - Applicant details

I am

Please tick ✓ yes

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3) a member of the club to which this application relates (please complete (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes
☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Christina McCullough Licensing Section Phoenix House Valepits Road Garretts Green Birmingham B33 0TD
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- | | | |
|-----------------------------------------|-------------------------------------|---------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> | Please tick one or more boxes ✓ |
| 2) public safety | <input checked="" type="checkbox"/> | |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> | |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> | |

Please state the ground(s) for review (please read guidance note 2)

The premises have failed to uphold the licensing objectives by breaching the hours they are authorised to sell alcohol, provide regulated entertainment and comply with the conditions attached to the licence that are in place specifically to promote the licensing objectives and therefore committing offences under the Licensing Act 2003.

Under the Act a person commits an offence if they carry on a licensable activity without the required authorisation (premises licence, club premises certificate or temporary event notice) or carrying on a licensable activity in breach of a condition in an authorisation.

The penalty for such an offence on conviction can lead to six months imprisonment and/or a fine of £20,000.

Please provide as much information as possible to support the application (please read guidance note 3)

The premises is licensed for recorded music and the sale of alcohol (both on and off the premises) Monday to Sunday between 11.00 am – 01.00 am. The opening hours of the premises are 11.00 am – 01.30 am.

A complaint was received alleging that on 12th October 2019 loud music could be heard outside the venue in a residential property. It was alleged that the noise was preventing the complainant from sleeping even with double glazing. The music did not stop until approximately 1.10am, outside of the licensable hours. It was suspected, by the complainant, that the venue was propping the doors open whilst the music was being played at high volume inside the premises.

I made enquiries and established that there was an outstanding annual fee, in the sum of £180, against premises licence number 4335.

On 25th October 2019 I visited the premises and met with the licence holder and DPS, Michelle Bond. I discussed the complaint with Ms Bond and asked to see the CCTV footage. It was evident from the footage that the DJ was playing music, on 20th October 2019, until 1.15am. The Licence holder stated that neither her or her husband were present at the time, however, the DJ was not the normal one that they used – this was put forward as the reason why the hours had been exceeded. I was informed by Ms Bond that she would sort it out with all DJ's that they used in future and that they would put a notice on doors advising that they cannot be propped open at all. I issued a traders notice (**appendix 1**) advising Ms Bond of the complaint and the matter of outstanding fees.

The annual fee was subsequently paid in full.

Another similar complaint was received from the same complainant regarding events during the early hours of 1st February 2020. It was alleged that recorded music could be heard until 1.20am.

On 12th February 2020 I visited the premises and spoke to Michelle Bond, I advised that we had received another complaint alleging that they had gone outside of their licensable hours. I asked to see the CCTV. However, Ms Bond said that she had only popped into the premises and had not got the keys to the office with her. The CCTV system is based in the office. I said that I would visit the following Monday evening.

On 17th February 2020 I visited the premises with a colleague, Sarah Lavender. We met Michelle Bond, her husband and Robert Edge, a Licensing Consultant, Ms Bond had asked Mr Edge to attend. Ms Bond immediately admitted that they had gone over their hours and that the DJ had stopped at 1.10am. Mr Edge said that they had drawn up additional measures that they aimed to put in place. Ms Bond's husband asked if I would contact the complainant and tell them they were wrong and that they had not gone until

1.20am. I explained that it was irrelevant what the complainant had said, they had still gone outside of the licensable hours and that they had been advised about an identical incident previously. Ms Bond went on to say that as part of the new proposed measures the Head Barmaid would ensure that that this would not happen again in the future. I asked if it was the normal DJ that was working on the night in question, Ms Bond advised that it was. I explained that last time it had happened I was informed that it was because it was not the normal DJ, it was his brother. Mr Edge said that he was not aware that they had been warned before. We looked at the CCTV footage and noticed that a member of staff was serving bottles of alcohol until approximately 2.00am. Ms Bond confirmed it was the head barmaid that could be seen serving on the CCTV. I requested a copy of the CCTV within the next 7 days. I issued a trader's notice (**appendix 2**).

On 24th February 2020 emails were exchanged between Ms Bond and myself. Ms Bond sent the footage by email, but I could not access it. Ms Bond confirmed in a later email that she could not access the footage that she had copied. It was agreed that she would copy it onto a memory stick. (**email chain is attached as appendix 3**).

On 26th February 2020 a memory stick was collected from the premises. However, the footage could not be viewed by this means either.

On 11th March 2020 I sent an email to Ms Bond advising that I could not access the footage on the memory stick. I didn't receive a response. On 13th March 2020 I sent a further email asking for response. Later that day I received an email from Ms Bond ... "Sorry Christina, I thought I had replied already, dont know where thats gone then. The CCTV wouldnt play on mine it said file not supported or words to that effect but I thought that was because it's a Mac Book and not everything works the same on it. The CCTV lasts for 28 days so unfortunately it will have been overridden at the end of February." (**email chain is attached as appendix 4**).

On 3rd August 2020 a final advisory letter was sent to Ms Bond. (**appendix 5**)

During early September 2020 information was received alleging that the business was not operating in line with COVID regs. On 24th September Licensing Enforcement Officer Sharon Watts visited the premises. Michelle Bond was present at the premises. Ms Bond was unable to produce a COVID risk assessment stating it was at home, nor could she produce her personal licence or premises licence. A trader's notice was issued to Michelle Bond. The written statement of Sharon Watts, Enforcement Officer, and traders notice are attached (**appendices 6 and 7**).

REASON FOR REVIEW

I have seen CCTV footage of two separate occasions where amplified music was being played outside of licensable hours.

- The Licence holder, who is also the DPS, was not present on either occasion.

- Excuses and putting the blame on somebody else have been provided for both occasions.

I witnessed on CCTV footage at the premises that the sale of alcohol took place outside of licensable hours on 1st February 2020. The sale was made by the head Barmaid.

On 24th September 2020 the premises licence could not be produced – contrary to Section 57 of the Licensing Act 2003.

On 24th September 2020 the licence holder/DPS could not produce her personal licence. Contrary to Section 135 of the Licensing Act 2003 - Licence holder's duty to produce licence. Ms Bond offered the reason that she did not know that she had to have it with her. Yet again on this occasion Ms Bond did not have the keys to gain entry to the office.

Michelle Bond was first issued a personal licence during March 2010, therefore being a personal licence holder for 10 years.

A condition attached to the licence:

"The CCTV system shall record and store images for a minimum of 28 days. Images to be made available to West Midlands Police and Local Authority officers upon request."

When I visited on 12th February 2020, I could not have access to the CCTV footage, Ms Bond had not got the keys to the office. This was the case again on 24th September 2020 during the visit made by Officer Watts.

Even when access can be gained to the CCTV system, Ms Bond is not capable of downloading images.

Both of the complaints made about licensable activity going outside hours have been substantiated. However, I cannot put CCTV evidence before you due to Ms Bond's lack of ability to provide copies.

There does appear to be consistent breaches of legislation. Advisory letters have been sent to the premises but are not being adhered to.

Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date **25TH NOVEMBER 2020**

.....

Capacity **CHRISTINA MCCULLOUGH, LICENSING ENFORCEMENT**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

APPENDIX 1



No. 26194

Licensing (Enforcement) Section
P.O. Box 17013
Birmingham
B6 9ES



Chris Neville
Head of Licensing

M. Michelle Bond

Enquiries to: CHRIS M'CAULOUGH

Kingstanding Second City

Telephone:

B44 9RT

Date: 25th October 2017

Legislation: Licensing Act 2003 Licence 4335

The following matters have been identified which do not comply with the above legislation: I have today visited in relation to a complaint about music playing until 11.5 hrs. We have checked the CCTV and can see on 20th October the DJ was playing after 01:00 hrs the licensable hours. Please ensure all regulated entertainment stops at 01:00 hrs. It has been highlighted that there is an outstanding annual fee in the sum of £180.00. This will need to be paid within the next 21 days by calling 0121 quote reference BP3100179765 Inv N° 9002496671.

Received by:

Authorised Officer:



The Government Standard



No. 26507

Licensing (Enforcement) Section
P.O. Box 17013
Birmingham
B6 9ES



FS 26188

Chris Neville
Head of Licensing

Mrs. Michelle Baxt

Enquiries to: C. McCullough

Kingstand, Grand City, ABC

Telephone: _____

834 Kingstand, Rd
B44 9RT

Date: 17th February 2020

Legislation: Licensing Act 2003 - Licence No 4335

The following matters have been identified which do not comply with the above legislation:

Following an allegation of the provision of regulated entertainment on 31st January 2020 ^{and 1st Feb 2020} outside of licensable hours. Inspection of the CCTV for the evening in question clearly shows that entertainment was provided until 01:10 hours. Furthermore the CCTV shows that a barmaid continued to serve alcohol by retail until approximately 02:00 hrs. This is contrary to the Licensing Act, the licensable hours are 01:00 hours. I require a copy of the CCTV footage between the hours of 23:59 (31.1.2020) and 02:30 hours (1.2.2020). The barmaid's home address is

H. H. H.

Received by: _____

Authorised Officer: _____



The Government Standard

44.49

Chris Neville
Head of Licensing

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No. 26508

Licensing (Enforcement) Section
P.O. Box 17013
Birmingham
B6 9ES



M. Michelle Bond

Kingstanding Second City ABC
834 Kingstanding Rd

Enquiries to: C. McCullough

Telephone:

Date: 17th February 2020

Legislation: Licensing Act 2003

The following matters have been identified which do not comply with the above legislation:

a offence to provide any regulated activity when
it is not in compliance with the authorisation.
Legal proceedings may be instigated for the
above breaches.

Please contact me within the next 7 days
when the footage must be available.

Christina McCullough

Footage for the DJ and Bar area.

Received by:

Authorised Officer:



The Government Standard

44.49

Christina McCullough

From: Christina McCullough
Sent: 24 February 2020 11:25
To: michelle bond
Subject: FW: cctv second city
Attachments: Unsupported File Types Alert.txt

Michelle

I'm not getting the footage either. You said you've copied it on a flash drive, can I collect the flash drive from you? I can make copies from it.

Regards

Christina McCullough
Licensing Enforcement Officer

Birmingham City Council,
Licensing Section,
P.O. Box 17013,
Birmingham,
B6 9ES

www.birmingham.gov.uk/licensing

Twitter: @BCCLicensing

For information on Birmingham Licensed premises including licensed hours, activities and conditions go to
<http://publicregister.birmingham.gov.uk>

Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.

From: Jill A Walker On Behalf Of Quarantine
Sent: Monday, February 24, 2020 11:22 AM
To: Christina McCullough
Subject: FW: cctv second city

From: michelle bond
Sent: Monday, February 24, 2020 11:01 AM
To: Christina McCullough
Subject: cctv second city

Hello Christina,
Sorry I didn't attach the files to the last email correctly. I have attached them now. I have sent the same files to John Loble and he has got back to me saying that there is not video footage on there and he is

getting the message that there is a virus. I have no clue why that is. It was not as straightforward as I first thought so not 100% what I have done. I have sent you everything that was on the flash drive.
regards
Michelle

Christina McCullough

From: Christina McCullough
Sent: 11 March 2020 13:12
To: michelle bond
Subject: RE: cctv second city

Hi Michelle

Unfortunately, I can't access the footage on the flash drive. Have you accessed it on the flash drive yourself? If so, can you send me instructions on how to play the file. Alternatively, I can visit you again and film the footage from your screen on my phone, if the footage is still there.

Can you let me know.

Regards

Chris

Christina McCullough
Licensing Enforcement Officer

Birmingham City Council,
Licensing Section,
P.O. Box 17013,
Birmingham,
B6 9ES

www.birmingham.gov.uk/licensing

Twitter: @BCCLicensing

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<http://publicregister.birmingham.gov.uk>

Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.

From: michelle bond
Sent: Tuesday, February 25, 2020 4:27 PM
To: Christina McCullough
Subject: Re: cctv second city

Hello Christina,
Yes that's fine.
Regards
Michelle

From: Christina McCullough
Sent: Tuesday, February 25, 2020 3:39:34 PM
To: michelle bond
Subject: RE: cctv second city

Hello Michelle,

Please accept my apologies for not responding sooner, we've moved offices today and I've only just accessed my emails.

Is it possible for my colleague to collect the flash drive from you tomorrow at 3.30pm?

Regards

Christina McCullough
Licensing Enforcement Officer

Birmingham City Council,
Licensing Section,
Phoenix House,
Valepits Road,
Garretts Green,
Birmingham. B33 0TD

www.birmingham.gov.uk/licensing

Twitter: @BCC Licensing

For information on Birmingham Licensed premises including licensed hours, activities and conditions go to
<http://publicregister.birmingham.gov.uk>

Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.

From: michelle bond
Sent: Tuesday, February 25, 2020 9:31 AM
To: Christina McCullough
Subject: Re: cctv second city

Hello Christina

We will be in Second city from 11am this morning for a couple of hours if you want to pop in for the flash drive. Or I can just leave it there and you can call in when you're ready.

Regards
Michelle

From: Christina McCullough
Sent: Monday, February 24, 2020 11:25:29 AM

To: michelle bond
Subject: FW: cctv second city

Michelle

I'm not getting the footage either. You said you've copied it on a flash drive, can I collect the flash drive from you? I can make copies from it.

Regards

Christina McCullough
Licensing Enforcement Officer

Birmingham City Council,
Licensing Section,
P.O. Box 17013,
Birmingham,
B6 9ES

www.birmingham.gov.uk/licensing

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From: Jill A Walker On Behalf Of Quarantine
Sent: Monday, February 24, 2020 11:22 AM
To: Christina McCullough
Subject: FW: cctv second city

From: michelle bond
Sent: Monday, February 24, 2020 11:01 AM
To: Christina McCullough
Subject: cctv second city

Hello Christina,
Sorry I didn't attach the files to the last email correctly. I have attached them now. I have sent the same files to John Loble and he has got back to me saying that there is not video footage on there and he is getting the message that there is a virus. I have no clue why that is. It was not as straightforward as I first thought so not 100% what I have done. I have sent you everything that was on the flash drive.
regards
Michelle



Our ref: WK/009587367

3rd August 2020

Mrs Michelle Bond
Kingstanding Second City ABC

Birmingham

Dear Mrs Bond

Section 136 – Licensing Act 2003 – Unauthorised Licensable Activity

I write further to the visit made to your premises on 17th February 2020 in response to a complaint that recorded music was being played outside of the licensable hours during the early hours of 1st February 2020.

Upon watching the CCTV, it was evident that recorded music was played until 01.10 hours. When asked if it was the normal DJ, you advised me that it was. I asked this because of an explanation you had given me on a previous occasion. However, whilst watching the footage it became apparent that other licensable activity had taken place at the premises on the same date, namely alcohol had been supplied until 02.00 hours when the premises is only licensed until 01.00 hours.

During the visit you advised me that you had a head barmaid who was very good and it would not happen again. However, when we looked at the footage it was in fact your head barmaid who'd sold the alcohol.

I requested that you provide me with the CCTV footage. You did not provide me with the requested footage from the CCTV system in a viewable format. It was apparent that you were unable to download viewable images.

As you are aware, I had visited your premises on a previous occasion, namely 25th October 2019 in relation to an allegation that music was being played outside of licensable hours on 20th October. This was evidenced by watching your CCTV in your presence. You advised me that it was because it was not the usual DJ. You were issued with a notice detailing the breach, copy attached.

You, as the licence holder and as the DPS, are solely responsible for ensuring that the premises is compliant with the conditions of licence. On two separate occasions I have witnessed licensable activity taking place after licensable hours.

It is an offence under Section 136 of The Licensing Act 2003 to carry on or attempt to carry on a licensable activity on or from any premises otherwise than under and in accordance with an

**General Licensing
Regulation & Enforcement**
P.O. Box 17831
Birmingham
B2 2HJ



Licensing Enforcement

Email: licensing@birmingham.gov.uk
Web: www.birmingham.gov.uk/licensing

NEIGHBOURHOODS DIRECTORATE

authorisation, the authorisation being the premises licence. The premises licence clearly states the hours that licensable activity can be offered.

Under normal circumstances, I would have either formally interviewed you with a view to instigating legal proceedings through the courts, for which, if proven guilty carries a fine of up to £20,000 and/or six months imprisonment. Alternatively, I may have called for a review of the premises licence due to your failings. Committee have the power to either revoke, suspend or amend the conditions of the licence.

However, due to the pandemic these are not normal times and it is with this in mind that you are issued with this warning letter. This letter and the advice given to you will remain on file.

Should any breaches of the Licensing Act 2003 occur in the future your actions and the contents of this letter will be taken into account when deciding upon an appropriate course of action.

Should you wish to discuss this matter please don't hesitate to contact me.

Yours sincerely

COPY.

Christina McCullough
Licensing Enforcement Officer

c.c. Kingstanding Second City ABC,
834 Kingstanding Road,
Kingstanding,
Birmingham
B44 9RT

**Birmingham City Council
Regulatory Services
STATEMENT OF WITNESS**

(Criminal Procedure Rules, r 16.2;
Criminal Justice Act 1967,s9)

STATEMENT OF Sharon Watts

Age of witness Over 18

Occupation of witness Licensing Enforcement Officer

This statement, consisting of [3] page(s) each* signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 19th day of November 2020

SignedSharon Watts..Witnessed by

I am employed by the Regulatory Services Division of Birmingham City Council as a Licensing Enforcement Officer. As such I am authorised under the Licensing Act 2003.

On 24th September 2020 I visited the premises of Second City Bar and Lounge, 854 Kingstanding Road, Kingstanding, Birmingham, B44 9RT. The visit was made as a result of a complaint received by to our Environmental Health Team that the business was not complying with COVID legislation, in respect of social distancing and allowing too many people into the premises at weekends.

I arrived at the premises at 12:34 pm and approached the entrance. The premises were open. On entering I noted that licensable activities were taking place (sale of alcohol). I went over to the bar area and spoke to a woman who was behind the bar. I introduced myself and requested to speak to the Designated Premises Supervisor.

Signed Signature Witnessed by
officer/typist/Number

**Birmingham City Council
Regulatory Services
STATEMENT OF WITNESS**

(Criminal Procedure Rules, r27.1; Criminal Justice Act 1967,
s9, Magistrates' Courts Act 1980 ss5A &5B)

Continuation Sheet No. 1 Statement of Sharon Watts

The woman informed me that she would fetch her. Shortly after another female approached me and introduced herself as the Designated Premises Supervisor (DPS) giving her name as Michelle Bond.

I informed Ms Bond that Birmingham City Council's Environmental Health Service had received a complaint from a member of the public relating to allegations of breaching COVID Health and Safety legislation. I requested Ms Bond to provide me with a copy of their COVID risk assessment for the premises. I waited whilst Ms Bond went off to look for the document. On her return she stated that she was unable to find the risk assessment and informed me that it must have been left at home.

I then requested for Ms Bond to show me where the Premises Summary Licence was displayed and produce to me the full Premises Licence. Ms Bond showed me the Premises Summary Licence which had fallen off the wall. She placed it back in position. She spent another 15 minutes looking for the Premises Licence and was unable to find it. Ms Bond made a telephone call to someone she informed me to be her manager, and continued looking for the licence. Ms Bond stated that she was unable to find it, but believed it was somewhere on the premises. I subsequently

Signed Signature Witnessed by
officer/typist/Number

**Birmingham City Council
Regulatory Services
STATEMENT OF WITNESS**

(Criminal Procedure Rules, r27.1; Criminal Justice Act 1967,
s9, Magistrates' Courts Act 1980 ss5A &5B)

Continuation Sheet No. 2 Statement of Sharon Watts

requested for Ms Bond to produce to me her Personal Licence. She was unable to produce this.

I informed Ms Bond that it was an offence under the Licensing Act 2003 not to be able to produce the Premises Licence or her Personal Licence upon the request of an authorised officer.

I explained that I would complete a trader notice outlining the breaches which needed to be rectified. I completed trader notice no. 26669 and requested Ms Bond to sign it which she did. I gave her the top copy. I now produce a copy of the trader notice no. 26669 as exhibit SMW/1 signed and dated by myself.

I then left the premises at 13:05pm.

Signed & Signature Witnessed by
officer/typist/Number

Home address of witness:

Home telephone number:

Business telephone number:

Mobile telephone number:

Email Address:

Male/Female (delete as appropriate)

Date of birth:

***Does the person making this statement give their consent to it, or any personal details being disclosed for the purpose of civil proceedings?
Yes / No***

Dates to be avoided. Delete dates of non availability of witness.

Month of:							Month of:							Month of:						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

Month of:							Month of:							Month of:						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

Contact point, if different from above

Address:

Telephone number:

STATEMENT TAKEN BY (print name)

Chris Neville
Head of Licensing

M. Michelle Bond

Enquiries to: Sharon Watts

Second City

Telephone: [redacted]

834 Kingstanding Rd
B44 9RT

Date: 24/9/20

Legislation: Licensing Act 2003

The following matters have been identified which do not comply with the above legislation:

You have received a visit from me today regarding covid legislation. You were unable to produce a risk assessment for these premises.

You were also unable to produce your personal licence which constitutes an offence under the licensing Act 2003.

You were unable to produce the premises licence which also constitutes an offence under the licensing act.

Please rectify the above with immediate effect.

A further ^{visit} may be carried out.

Received by: [redacted] Authorised Officer: [redacted]

LICENSING ACT 2003**PREMISES LICENCE****Premises Licence Number:**

4335 / 2

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Kingstanding Second City ABC 834 Kingstanding Road Kingstanding	
Post town: Birmingham	Post Code: B44 9RT
Telephone Number: Not specified	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence	
E	Live music
F	Recorded music
M3	Sale of alcohol by retail (both on & off the premises)

The times the licence authorises the carrying out of licensable activities				
Sunday - Friday	11:00	-	01:00	F ,M3
Saturday	11:00	-	01:00	F ,M3
	19:00	-	23:00	E
Christmas Eve & New Year's Eve until 01:00 hrs.				E
Christmas Eve & New Year's Eve until 02:00 hrs.				F ,M3

The opening hours of the premises		
Monday - Sunday	11:00	- 01:30
Christmas Eve & New Year's Eve until 02:30 hrs.		

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mrs Michelle Bond	
Post town:	Post Code:
Telephone Number: Not Specified	
Email	

Registered number of holder for example company number or charity number (where applicable) N/A

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

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 5795	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 09/12/2019

SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

Annex 1 – Mandatory Conditions

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

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

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

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

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

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

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

different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Members of staff will receive regular training in their responsibilities under the Licensing Act 2003, to include use of the proof of age scheme adopted by the premises. Such training to be documented and records shall be retained at the premises and produced to responsible authorities upon request.

No alcoholic drinks will be allowed into the gym area.

Live music to take place indoors only.

Drinks that are taken into the gym area must be in plastic vessels.

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

The premises licence holder will provide West Midlands Police Licensing Department 28 days- notice, if they propose to show international football matches {Including World cup} and any local derby football matches.

A refusal log to be maintained at the premises which will be available for inspection by any of the responsible authorities. Staff to record all refusals of sale of alcohol.

The premises will implement and put in practice a drugs policy.

An incident log book will be kept and maintained on the premises, and will be made available for inspection by West Midlands Police and responsible authorities.

CCTV to be installed and maintained to the satisfaction of West Midlands Police. The CCTV system to be in full working order at all times when the premises are open for licensable activities.

The CCTV system shall record and store images for a minimum of 28 days. Images to be made available to West Midlands Police and Local Authority officers upon request.

The premises will carry out a risk assessment for any organised event; this is to include any provision of SIA staff to be used. These are to be made available to West Midlands Police Licensing on reasonable request

If the premises has any late night external promoter event which is not part of the standard operating procedure, then a risk assessment will be completed and forwarded to West Midlands Police Licensing Department at least 28 days, or such other time as agreed with West Midlands Police Licensing Department, before the event. Any additional conditions (in writing) required by West Midlands Police will become a condition of the premises licence for the purposes of that event.

SIA registered door supervisors will be employed at the premises when a risk assessment determines the need.

Door staff profiles will be retained for all SIA staff that are working in the premises or have been working at the premises in the last 3 months. Profiles are to be proof of identity (photocopy of driving licence or passport) and proof of address (utility bill or bank statement). Proof of identity is to be a new photo driving licence, or copy of a passport, these are to be available for inspection on request by a responsible authority.

All external areas of the premises will be checked every hour whilst the premises is open for licensable activity. The premises will implement a system to record this.

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

No enforceable conditions identified from operating schedule.

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

Notices to be displayed, reminding patrons to leave the premises quietly, having consideration for local residents.

Any external speakers will be used for background music only.

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

The premises will run the Challenge 25 Scheme. Posters reinforcing the operation of that scheme must be prominently displayed at the premises.

Children will not be permitted in the bar/lounge area after 21:00 hours.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

3c) Committee conditions to promote public safety

N/A

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

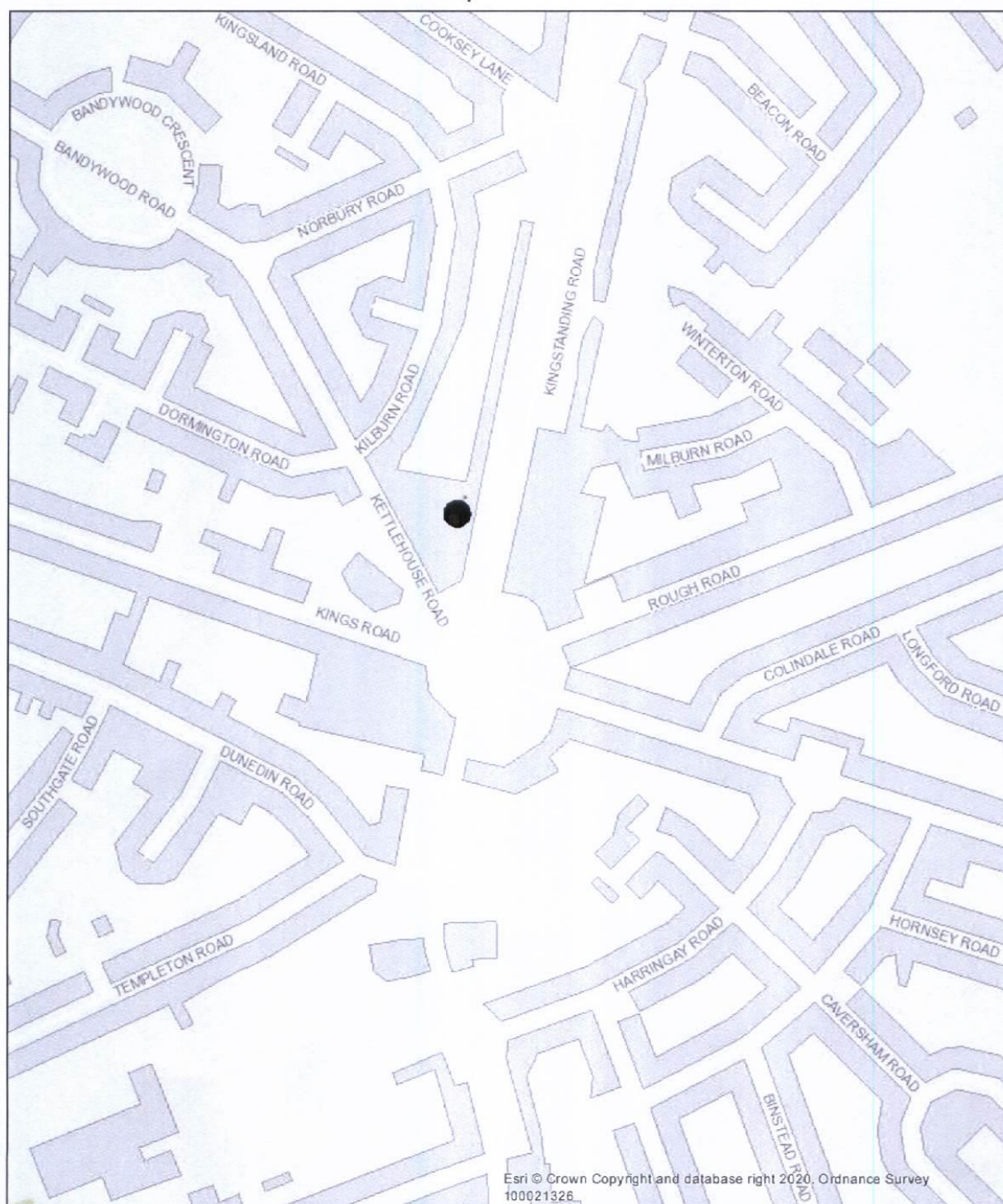
N/A

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

N/A

Annex 4 – Plans

The plan of the premises with reference number **112847-4335/2** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



Birmingham
City Council

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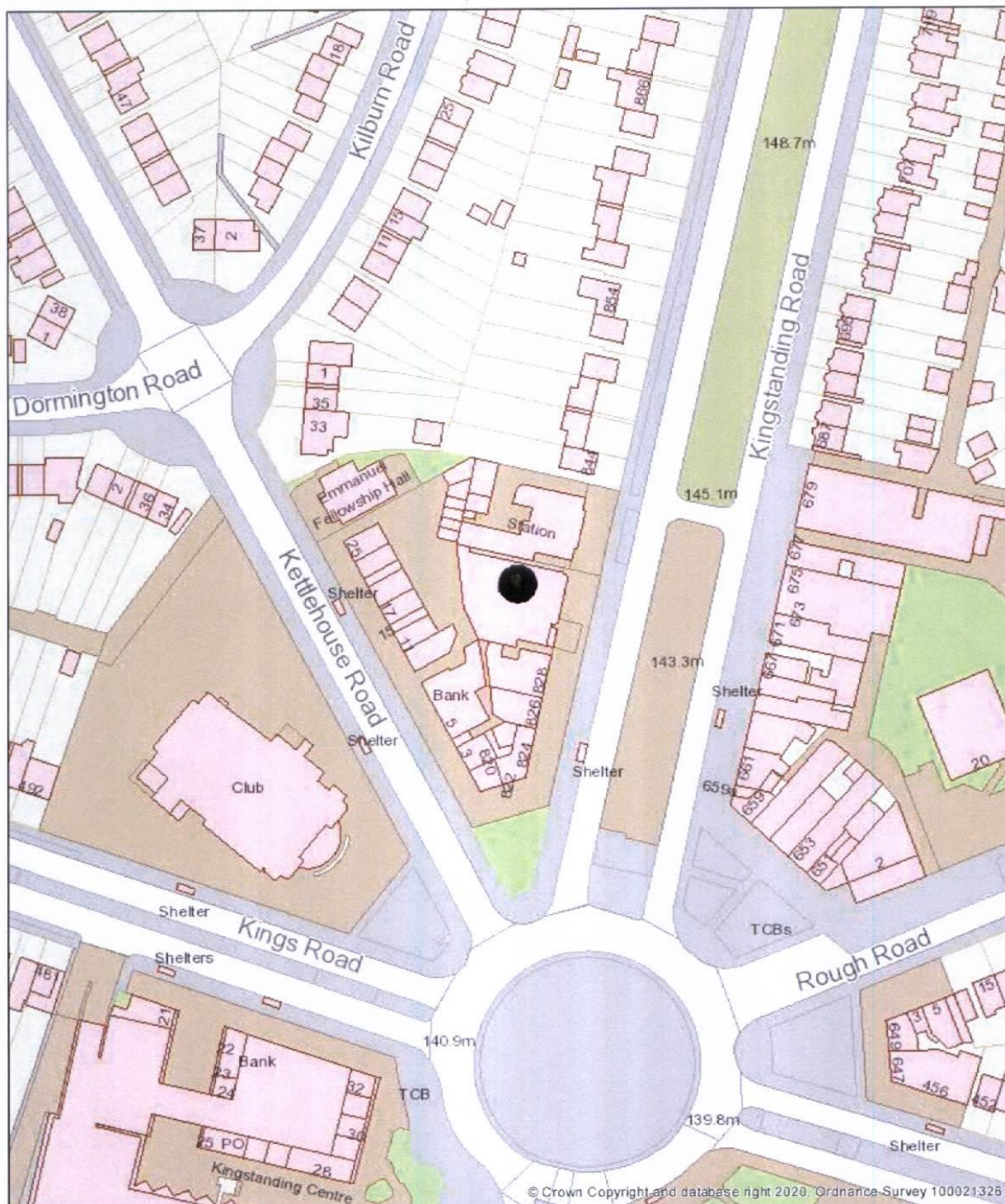
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