

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Interim Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 14<sup>th</sup> September 2020</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Variation</b>
<b>Premises:</b>	<b>Tina's Club, 1<sup>st</sup> &amp; 2<sup>nd</sup> Floor 240 Broad Street, Birmingham, B1 2HG</b>
<b>Ward affected:</b>	<b>Ladywood</b>
<b>Contact Officer:</b>	<b>Bhupinder Nandhra, Senior Licensing Officer, 0121 303 9896 <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

To consider a relevant representation that has been made in respect of an application to vary the Premises Licence which seeks to remove those conditions listed in Annex 2a:

- The premises shall operate as a Burlesque Club; the concept of the premises shall not be changed without an application for full variation being made to Birmingham City Council.
- There will be a burlesque performance every hour the premises is open to the public.

The application also seeks to remove a condition listed in Annex 3b:

- The premises will at no time operate as a vertical drinking establishment.

The applicant is not seeking to vary the licensable activities or times under the scope of this application.

### 2. Recommendation:

To consider the representation that has been made and to determine the application.

### 3. Brief Summary of Report:

Variation application received on 27<sup>th</sup> July 2020 in respect of Tina's Club, 1<sup>st</sup> & 2<sup>nd</sup> Floor 240 Broad Street, Birmingham, B1 2HG

A representation has been received from West Midlands Police.

### 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.

<p><b>5. Relevant background/chronology of key events:</b></p> <p>Tina's Club Limited applied on 27<sup>th</sup> July 2020 to vary the Premises Licence for Tina's Club, 1<sup>st</sup> &amp; 2<sup>nd</sup> Floor 240 Broad Street, Birmingham, B1 2HG</p> <p>A representation has been received from West Midlands Police. See Appendix 1.</p> <p>The application is attached at Appendix 2.</p> <p>The current Premises Licence is attached at Appendix 3.</p> <p>Site Location Plans at Appendix 4.</p> <p>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:-</p> <ul style="list-style-type: none"> <li>a. The prevention of crime and disorder;</li> <li>b. Public safety;</li> <li>c. The prevention of public nuisance; and</li> <li>d. The protection of children from harm.</li> </ul>
<p><b>6. List of background documents:</b></p> <p>Copy of the representation as detailed in Appendix 1.</p> <p>Application Form, Appendix 2.</p> <p>Current Premises Licence, Appendix 3.</p> <p>Site Location Plans, Appendix 4.</p>
<p><b>7. Options available</b></p> <p>To grant the variation application</p> <p>To refuse the whole or part of the application</p> <p>To modify the conditions of the Licence</p>

**From:** bw licensing  
**Sent:** 05 August 2020 15:37  
**To:** Licensing Online  
**Cc:** 'Duncan Craig'  
**Subject:** RE: [External]: Online Variation - Tina's Club REF:982916

Dear Licensing

West Midlands Police have received and reviewed the attached application which seeks to remove conditions already on the licence. We note the application is made on behalf of Mr Phan by his barrister Mr Craig.

Mr Craig has made an approach prior to this application being submitted and we indicated that we would not support the removal of these conditions.

The premises is located within a Cumulative impact area, which was the first one granted by Birmingham City Council. The original licence application was submitted in 2013 and the conditions that are now being sort to be removed were volunteered by the then applicant as a way to show that they would not add to crime and disorder in the area.

It as for these reasons only and the conditions being imposed on the licence that WMP were satisfied there would not be an increase in crime and disorder. Had they not been accepted WMP would have objected as a another late night vertical drinking establishment would lead to further crime and disorder.

The premises has laid vacant for some time, however in January 2020 officers noticed that the premises appeared to be open, and as they patrol the area weekly were not aware that it could be. Officers eventually gained entry and saw people leaving and people inside the premises. They could hear music. Officers note safety concerns with the operation.

The manager who has been identified as Mr Phan, was not the DPS on the licence and he was not the licence holder and yet was engaged in licensable activity.

We made enquiries through the licence holder (which was a holding company) and they informed us they had new tenants in, who had said they would operate as a restaurant. The contact details for the new tenant Mr Phan were provided to us which resulted in phone calls and a visit to the premises.

In phone calls Mr Phan claimed that we were being racist to him as he was Chinese, whilst at the same time telling us that he only allowed Chinese people into his venue. He indicated he wanted to run a nightclub and it was pointed out to him what the conditions stated on the premise licence, he stated he never wanted to be a restaurant.

A site visit revealed issues and evidence of works taking place to change the premises, including music decks, dance floors and lighting. There were issues in the amount of CCTV coverage which hadn't been upgraded, there was no fire risk assessment when asked, there were fire safety concerns and smoking had been allowed on the premises.

To remove the conditions would result in the premises becoming a nightclub and vertical drinking establishment and lead to an increase in crime and disorder. It is noted that the applicant has not offered any additional conditions to support how these premises would not add to crime and disorder, to negate the presumption that the licence should not be granted unless they can show they will not add to crime and disorder. Mr Phan has already demonstrated a lack of understanding in terms of licensing, has committed offences and put people at risk.

West Midlands Police therefore object to this application

Regards

Abs

**Abs Rohomon. BEM**

**PC 4075 Rohomon. BEM**  
**BW Licensing**



**Birmingham**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact:  
[licensingonline@birmingham.gov.uk](mailto:licensingonline@birmingham.gov.uk)  
 Telephone: 0121 303 9896

\* required information

**Section 1 of 18**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

☒ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

*Continued from previous page...*

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☐ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☒ A private individual acting as an agent

**Your Address**

Address official correspondence should be sent to.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

Continued from previous page...

**Section 2 of 18**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 18**

**VARIATION**

Do you want the proposed variation to have effect as soon as possible? ☒ Yes ☐ No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

☐ Yes ☒ No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

*Continued from previous page...*

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Describe Briefly The Nature Of The Proposed Variation**

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Removal of two conditions relating to the premises operating as a Burlesque club. Due to Government Covid-19 Guidance, these conditions are placing a restrictive burden on the business and preventing it from operating safely.

Removal of a further condition relating to vertical drinking - as it is nebulous, imprecise, unenforceable and therefore contrary to Para 1.16 of the Section 182 Guidance.

All other conditions to remain as existing on the licence.

**Section 4 of 18**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 5 of 18**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes

☒ No

<i>Continued from previous page...</i>
<b>Section 8 of 18</b>
<b>PROVISION OF LIVE MUSIC</b>
See guidance on regulated entertainment
Will the schedule to provide live music be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 9 of 18</b>
<b>PROVISION OF RECORDED MUSIC</b>
See guidance on regulated entertainment
Will the schedule to provide recorded music be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 10 of 18</b>
<b>PROVISION OF PERFORMANCES OF DANCE</b>
See guidance on regulated entertainment
Will the schedule to provide performances of dance be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 11 of 18</b>
<b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b>
See guidance on regulated entertainment
Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 12 of 18</b>
<b>PROVISION OF LATE NIGHT REFRESHMENT</b>
Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 13 of 18</b>
<b>SUPPLY OF ALCOHOL</b>
Will the schedule to supply alcohol be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 14 of 18</b>
<b>ADULT ENTERTAINMENT</b>

**Continued from previous page...**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

*Continued from previous page...*

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The premises shall operate as a Burlesque Club; the concept of the premises shall not be changed without an application for full variation being made to Birmingham City Council.

There will be a burlesque performance every hour the premises is open to the public.

The premises will at no time operate as a vertical drinking establishment.

- ☐ I have enclosed the premises licence
- ☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Not to hand

#### **Section 16 of 18**

#### **LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

c) Public safety

*Continued from previous page...*

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d) The prevention of public nuisance

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e) The protection of children from harm

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**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

**Continued from previous page...**

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

#### **Section 18 of 18**

#### **PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at <https://www.tax.service.gov.uk/business-rates-find/search>

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00\*

Band E - £125001 and over - £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 - £1,000.00

Capacity 10000 -14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

\* Fee amount (£)

190.00

#### **DECLARATION**

**Continued from previous page...**

I/WE UNDERSTAND THAT 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.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name   
\* Capacity   
\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**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.**

**OFFICE USE ONLY**

Applicant reference number   
Fee paid   
Payment provider reference   
ELMS Payment Reference   
Payment status   
Payment authorisation code   
Payment authorisation date   
Date and time submitted   
Approval deadline   
Error message   
Is Digitally signed ☐

**1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18** Next >

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

4094 / 4

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> Tina's Club 240 Broad Street First and Second Floor	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B1 2HG
<b>Telephone Number:</b> Not Specified	

<b>Where the licence is time limited the dates</b> N/A
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<b>Licensable activities authorised by the licence</b>	
F	Recorded music
G	Performances of dance
M1	Sale of alcohol by retail (on the premises)

<b>The times the licence authorises the carrying out of licensable activities</b>				
Sunday – Thursday	20:00	-	04:00	F,G,M1
Friday – Saturday	19:00	-	04:00	F,G,M1
1 additional hour on the night when the clocks go forward for British Summer Time each year				All

<b>The opening hours of the premises</b>				
Sunday – Thursday	20:00	-	04:30	
Friday – Saturday	19:00	-	04:30	
1 additional hour on the night when the clocks go forward for British Summer Time each year				

<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b> On Supplies Only
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**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Tinas Club Limited 240 Broad Street	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B1 2HG
<b>Telephone Number:</b> Not Specified	
<b>Email</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b> 12278248
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Mr Hung Phan	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> N/A	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 11590	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

*Dated 21/02/2020*

SHAID YASSER  
Senior Licensing Officer  
For Director of Regulation and Enforcement

## Annex 1 – Mandatory Conditions

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

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

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

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

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

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

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

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

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

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

The premises shall operate as a Burlesque Club; the concept of the premises shall not be changed without an application for full variation being made to Birmingham City Council.

There will be a burlesque performance every hour the premises is open to the public.

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

CCTV shall be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting condition, particularly facial recognition.

Cameras shall encompass all ingress and egress to and from the premises and all areas where the sale/supply of alcohol occurs.

CCTV equipment shall be maintained in good working order, correctly time and date stamped.

Recordings shall be kept in date order, numbered consequently and kept for a period of 31 days and copies made available to the Police or Trading Standard Officers on request.

The recording equipment and disc/tapes shall be kept in a secure environment under the control of the DPS or other nominated responsible individual.

Appropriate signage representative of the above shall be displayed in conspicuous positions.

A last entry time of 03:30 hours will be implemented.

A minimum of 2 SIA registered door staff shall be employed at the premises with additional to ensure a minimum ratio of 1:100 customers as required. They shall remain on duty until the premises are closed and shall clearly display their SIA badges at all times when on duty.

Door Staff will sign on and off duty in a book kept for that purpose and all entries shall be checked and signed by the DPS or their nominated deputy.

An additional book shall be kept at the premises which shall contain the full names, current addresses, dates of birth, badge number and up to date photograph of all door staff who work at the premises (such records shall be made available for inspection to an authorised Officer of the Council, The Police or the SIA).

At least 1 door supervisor shall be positioned at the entrances in use at all times when regulated entertainment is taking place.

On a Friday and Saturday night there will be a minimum of 3 SIA Door Supervisors employed at the premises between 01:00 hours and close' at all other times there will be up to 2 SIA Supervisors employed at a ratio of 1:100 customers or part thereof.

The premises will maintain an incident book and will record all incidents occurring inside or immediately outside the premises.

A policy of random searches of persons entering the premises shall be operated.

The Licence Holder shall ensure that any person who appears to be drunk/intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.

Notices providing taxi firm numbers shall be displayed near the exit of the premises.

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

Persons shall not be allowed to leave or enter the premises with open bottles or glasses.

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

Noise from regulated entertainment will not constitute a nuisance at the nearest noise sensitive properties.

Regulated entertainment shall take place indoors only.

Glassware shall not be collected from the premises, or disposed of into outside waste receptacles between 20:00 and 08:00 hours.

All external windows or doors shall be kept closed when regulated entertainment is being provided except for access and egress to and from the premises and/or in the event of an emergency.

Signage shall be displayed at the exits requesting that customers leave the premises quietly.

Doorstaff shall use their best endeavours to ensure the quiet and speedy dispersal of persons leaving the premises.

The smoking area shall accommodate a maximum of 10 persons at any time.

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

Persons under 18 years of age are not permitted inside the premises.

Signage shall be displayed at all entrances informing the customers that persons under 18 years shall not be admitted on the premises.

A challenge 25 scheme will be operated at the premises (the only valid form of ID being a passport, photo driving licence, PASS Hologram id card or Her Majesty's Forces Warrant Card).

The Licence Holder shall compile and maintain a Refusal Book containing records of instances/persons that have been refused entry to the premises on the basis of their perceived age.

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

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

The conditions stated below under the Crime & Disorder objective heading were agreed between the applicant and West Midlands Police as part of the initial application process and were attached to the licence by Birmingham Magistrates Court by way of an appeal on the 17th March 2014.

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

The premises will at no time operate as a vertical drinking establishment.

CCTV will be installed to the specification and recommendation of Birmingham Central Licensing Department, West Midlands Police.

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

The number of customers permitted on the premises is limited to 150 persons. (Subject to this limit not exceeding the maximum occupancy figure stated in the venues fire risk assessment.)

### **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 **114674-4094/4** 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.



