

Report to:	Licensing Sub Committee B
Report of:	Director of Regulation and Enforcement
Date of Meeting:	Tuesday 26th March 2024
Subject:	Licensing Act 2003 Premises Licence – Summary Review
Premises:	Elite Cocktail Bar and Restaurant, 81 Steward Street, Birmingham, B18 7AF
Ward affected:	Ladywood
Contact Officer:	Shaid Yasser, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

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

2. Recommendation:

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

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

3. Brief Summary of Report:

An application under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) was received on 27th February 2024 in respect of Elite Cocktail Bar and Restaurant, 81 Steward Street, Birmingham, B18 7AF.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

On 27th February 2024, Superintendent Evans, on behalf of West Midlands Police, applied for a review, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), of the Premises Licence granted to Angella Raymond in respect of Elite Cocktail Bar and Restaurant, 81 Steward Street, Birmingham, B18 7AF.

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

Within 48 hours (excluding non-working days) of receipt of an application made under Section 53A, the Licensing Authority is required to consider whether it is appropriate to take interim steps pending determination of the review of the Premises Licence, such a review to be held within 28 days after the day of its receipt, review that Licence and reach a determination on that review.

Licensing Sub-Committee B met on 29th February 2024 to consider whether to take any interim steps and resolved that the licence be suspended, and that Angella Raymond be removed as the Designated Premises Supervisor (DPS), pending the review of the licence. A copy of the decision is attached at Appendix 2.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other persons ended on 13th March 2024.

A representation has been submitted on behalf of the Premises Licence Holder, which is attached Appendix 3.

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

Site location plans are attached at Appendix 5.

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

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

6. List of background documents:

Review Application and Certificate from West Midlands Police, Appendix 1
Sub-Committee Interim Steps Meeting decision 29th February 2024, Appendix 2
Representation submitted on behalf of the Premises Licence Holder, Appendix 3
Current Premises Licence, Appendix 4
Site location plans, Appendix 5

7. Options available:

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

In addition the Sub Committee will need to decide what action, if any, should be taken regarding the interim steps imposed on the 29th February 2024.



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I - Superintendent *Richard Evans* 5003
(on behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003

1. Premises details: Elite Cocktail Bar and Restaurant.

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

81 Steward Street, Winson Green,

Post Town: Birmingham

Post Code (if known): B1B 7AF.

2. Premises Licence details:

Name of premise licence holder (if known):
Mrs Angella Raymond.

Number of premise licence (if known):
98165

3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:
(Please read guidance note 2)

Elite Cocktail Bar and Restaurant is a licensed premises situated at The Cross Keys, 81 , Steward Street, Winson Green, Birmingham. B18 7AF..The premises license holder and designated premises supervisor is Mrs Angella Raymond.

The premises is licensed to sell alcohol for consumption on the premises between the hours of 1200 and 0100 on each day of the week. The premises has an operating condition that all members of the public must be out of the premises by 0130 hours each day.

At approximately 0145 hours Friday 23rd February 2024 the premises were open and conducting licensable activity.

At this time an incident occurred whereby an incident of disorder has occurred which has involved up to fifteen persons. At this time the premises should have stopped all licensable activity and should have been free of all members of the public. If this had been the case then this incident would not have occurred. It is not known if anyone received injuries as a result of this disorder or the severity of any injuries obtained. After the incident people left the premises of their own accord and no staff appear to have intervened to stop the incident. The premises have no called the emergency services. .

This matter is a violent disorder which is a serious crime by virtue of the maximum sentence on conviction being up to five years imprisonment.

West Midlands Police have serious concerns for the promotion of the licensing objectives at this premises. A largescale disorder has taken place in the premises and the staff have failed to either intervene to prevent it or to summon help from the emergency services.

West Midlands Police have no confidence in the management of the premises. The lack of confidence in the management is compounded by the premises carrying out licensable activity in breach of the premises license by serving after time and by not ensuring that the premises were clear of members of the public by the time specified in the operating conditions of the premises license. Had these things been done then this incident would not have occurred .

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

Signature of
applicant;

Date: 27.2.24

Rank/Capacity: Superintendent

Contact details for matters concerning this application: BW Licensing

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

Birmingham Telephone Number(s):

E-mail -

Notes for guidance:

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

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

- conduct that amounts to one or more criminal offences for which a person who has attended the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.

West Midlands Police

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

I hereby certify that in my opinion the premises described below are associated with serious crime and disorder

Premises: Elite Cocktail Bar and Restaurant, 81 Steward St, Winson Green, Birmingham B18 7AF

Premise Licence Number: 98165

Premise Licence Holder: Mrs Angella Raymond .

Designated Premise Supervisor: Mrs Angella Raymond .

I am a Superintendent in West Midlands Police.

I am giving this certificate because I am in the opinion that the procedures under the Licensing Act are inappropriate in this case because the standard review procedures are thought to be inappropriate due to the seriousness of the crime, and the serious management failings of the premises concerned.

The actions of the management and staff involved in the premises where this incident has occurred casts serious doubt on their abilities to promote the licensing objectives.

In this incident at 0145 Friday 23.2.24 hours an incident has occurred whereby a disorder has occurred within the premises which has involved up to fifteen persons. The premises has operating conditions to finish licensable activity at 0100 hours and to be completely free of members of the public by 0130 hours each day.

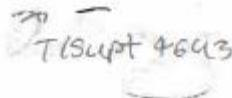
Violent disorder is a serious crime by virtue of the maximum sentence being up to five years imprisonment if a person is found guilty of this offence and warrants the use of this power. The offence has been committed in the presence of staff at the premises who are in a position of trust in the premises with a duty to promote the safety of the public and to prevent crime and disorder which they have failed to do. The staff at the premises are also in breach of the operating conditions of the premises license.

I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstances due to the above reasons, and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

The severity of the incident is a matter that needs to be brought to the attention of the Licensing Committee immediately.

I am conscious of the guidance on the use of "Expedited Reviews" and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

Signed

T. Supt 4643



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE - B

THURSDAY 29 FEBRUARY 2024

**ELITE COCKTAIL BAR AND RESTAURANT, 81 STEWARD STREET,
LADYWOOD, BIRMINGHAM, B18 7AF**

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence in respect of Elite Cocktail Bar and Restaurant, 81 Steward Street, Ladywood, Birmingham, B18 7AF this Sub-Committee determines:

- That the licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application
- That Ms Angella Raymond be removed as the Designated Premises Supervisor.

The Sub-Committee's reasons for imposing these interim steps are due to concerns by West Midlands Police in relation to matters which came to light at the premises on the 23rd of February 2024 as outlined in the Chief Officer of Police's certificate and application.

The Sub Committee determined the causes of the serious crime and or serious disorder appeared to originate from patrons of the premises. The licensing conditions were not met, and there was an inability in management to ensure the security and safety of those on and leaving the premises, and to ensure an appropriate approach was taken taken by staff and security staff in response to a serious incident of crime and disorder.

It was therefore necessary and reasonable to impose these steps to address the immediate problems with the premises, in particular the likelihood of serious crime and or serious disorder, and to promote the prevention of crime and disorder objective in the Act.

In reaching its decision, the Sub Committee considered the submissions made on behalf of the premises licence holder, but they were not satisfied that those submissions dealt with the concerns as raised by the Police.

Similarly, the Sub-Committee did not believe that any other interim measures would address the totality of issues brought to their attention by the police.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home

Office in relation to expedited and summary licence reviews, and the submissions made by the police (and the premises licence holder) at the hearing.

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

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

From: Philip Somarakis
Sent: Wednesday, March 13, 2024 4:38 PM
To: Licensing
Cc: Bhapinder Nandhra; angellaconnage; Mark Swallow; Duncan Craig
Subject: Section 53A Expedited Review Elite Cocktail Bar and Restaurant, 81 Steward Street, Ladywood, Birmingham, B18 7AF [IM-Active.FID4375115]
Importance: High

Dear Sirs

We are instructed by Ms Angella Raymond Premises Licence Holder and Designated Premises Supervisor for the above named premises. We refer to the application by West Midlands Police for an expedited review of the premises licence.

Please accept this email as a Notification for the purposes of Section S53C(2) Licensing Act 2003, that is representations in relation to the full review of the premises licence. Please also accept this email as confirmation that Counsel Duncan Craig is instructed to attend the full review hearing, along with Ms Angella Raymond and Mr Aldane Williams .

Following the expedited review, Ms Raymond has instructed this firm to assist her in promoting the licensing objectives. She fully accepts responsibility for the incident on 23 February 2024 that led to the review being brought. In summary, she permitted her premises to be hired out for the night and accepts that in doing so, she did not exercise full control over those who attended or in ensuring that the licensing hours were adhered to. She does not wish to downplay the incident but it would appear that no serious injury resulted and the incident was de-escalated quickly. She is upset by what happened as this incident is not representative of how she has operated the premises for the last two years. Ms Raymond did not object to the request by West Midlands Police to the interim steps of suspending the premises licence or removing her as DPS. Furthermore, she has engaged with the Police since the interim steps hearing. Ms Raymond along with ourselves, held a meeting with the Police on Monday of this week to discuss the incident. Whilst the Police have not had cause for concern over her running of the premises for the last two years, it is fair to say that they expressed their disappointment in no uncertain terms at the events of 23 February 2024. Consequently, it is clear from our meeting with the Police that they have concerns over Ms Raymond's future management of the premises and its clientele. They expect a change of approach and that has been acknowledged by our client.

Accordingly, we have advised the Police changes are now being made. There will be a new DPS and that process is underway. Ms Raymond's son Aldane Williams has now passed his NCPLH exam and is in the process of submitting a personal licence application to Birmingham City Council. Once he obtains his personal licence, he will be appointed as DPS. Mr Williams has no desire to operate the premises "as is" but instead wishes to transform the premises into an LGBTQ bar. Invariably that will lead to a significant change in the customer base and it is hoped, alleviate the concerns the Police have. Mr Williams is currently working on a business plan and this will be shared with the Police. Clearly that will involve further dialogue and this will also involve discussions around the licensing hours and conditions. Ultimately this proposal needs the support of the Police and so time must be allowed for those discussion to take place. It is for that reason that we are not submitting representations at this stage in relation to the interim steps.

Our client is sorry for the events that led to the expedited review and wishes to apologise for this transgression. Ms Raymond is a working mother who is also studying for a degree in Health Care Management. She will graduate this summer. She is the leaseholder for these premises and has invested her savings in this business. This has been a salutary lesson for her and she fully appreciates the importance of complying with her obligations as licence holder and DPS at all times. She clearly has a lot to lose.

The proposed involvement of her son Aldane and his plans for these premises is a positive development and we are sure that the Sub Committee would welcome this. We will ensure that full details regarding this proposal are provided in due course along with the outcome of the discussions with the Police.

Yours faithfully

Philip Somarakis

Partner

For and on behalf of Irwin Mitchell LLP

London (Holborn)

40 Holborn Viaduct

London

EC1N 2PZ

Licensing Act 2003Premises Licence

Premises Licence Number	98165
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description
Elite Cocktail Bar and Restaurant, 81 Steward Street, Birmingham, B18 7AF
Telephone Number
N/A

Where the licence is time limited the dates
N/A

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

Times the licence authorises the carrying out of licensable activities

<u>Sale of Alcohol by retail:</u>		
<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	12:00	01:00
Tuesday	12:00	01:00
Wednesday	12:00	01:00
Thursday	12:00	01:00
Friday	12:00	01:00
Saturday	12:00	01:00
Sunday	12:00	01:00
Place:		
Seasonal Variations:		
Non-Standard Times: For Off Sales of Alcohol: Monday - Sunday 12:00 - 02:00am		

<u>Provision of Late Night Refreshment:</u>		
<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	23:00	01:00
Tuesday	23:00	01:00
Wednesday	23:00	01:00
Thursday	23:00	01:00
Friday	23:00	01:00
Saturday	23:00	01:00
Sunday	23:00	01:00
Further Details:		
Place:		
Seasonal Variations:		

Non-Standard Times: For Off Sales of LNR Monday - Sunday 23:00 - 02.00 (delivery only after midnight.)

Performance of Live Music:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	12:00	00:45
Tuesday	12:00	00:45
Wednesday	12:00	00:45
Thursday	12:00	00:45
Friday	12:00	00:45
Saturday	12:00	00:45
Sunday	12:00	00:45

Further Details:

Place:

Seasonal Variations:

Non-Standard Times:

Playing of Recorded Music:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	12:00	00:45
Tuesday	12:00	00:45
Wednesday	12:00	00:45
Thursday	12:00	00:45
Friday	12:00	00:45
Saturday	12:00	00:45
Sunday	12:00	00:45

Further Details:

Place:

Seasonal Variations:

Non-Standard Times:

Performance of Dance:

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	12:00	00:45
Tuesday	12:00	00:45
Wednesday	12:00	00:45
Thursday	12:00	00:45
Friday	12:00	00:45
Saturday	12:00	00:45
Sunday	12:00	00:45

Further Details:

Place:

Seasonal Variations:

Non-Standard Times:

The opening hours of the premises

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	12:00	01:30
Tuesday	12:00	01:30
Wednesday	12:00	01:30
Thursday	12:00	01:30
Friday	12:00	01:30
Saturday	12:00	01:30
Sunday	12:00	01:30

Seasonal Variations:

Non-Standard Times:

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

For consumption on and off the premises

Part 2

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

Ms Angella Raymond

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

N/A

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

Mrs Angella Raymond

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: 12280

Issuing Authority: Birmingham City Council

Dated 10-11-2022

Bhapinder Nandhra
Senior Licensing Officer
For Director of Regulation & Enforcement

Annex 1 – Mandatory Conditions

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

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

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

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

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either - (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures - (i) beer or cider: 1/2 pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

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

Annex 2 – Conditions consistent with the Operating Schedule

The Licence Holder will ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder asks for a photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age. Adopt and comply with the British Beer and Pub Associations Guidelines on On-Trade Promotions.

The Licence Holder will Provide a means of two way communication to report incidents between the premises and the local police or CCTV monitoring centre. The Licence Holder will Install Video/CCTV equipment inside/outside the premises and ensure that it is maintained in working order. The Licence Holder will provide Set Video/CCTV equipment to record from the time that the premises open to the public until the premises close and all members of the public have left.

The Licence Holder will ensure that any cameras covering the exterior of the premises are left to record for the duration of the tape and for a period not less than 24 hours a day. The Licence Holder will ensure that monitoring tapes are retained for at least twenty eight days and are produced to an authorised officer on demand. The Licence Holder will ensure to Put up notices advising that CCTV has been installed on the premises so that they are clearly visible to the public within the licensed premises.

The Licence Holder will ensure to Display any conditions of entry to the premises in the vicinity of any entrance to the premises. The Licence Holder will ensure that any request by an authorised officer of the Council in relation to reducing noise levels is complied with. The Licence Holder will ensure that the placing of bottles into receptacles outside the premises takes place at times that will minimise disturbance to nearby properties. The Licence Holder will ensure that they Display prominent, clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly. The Licence Holder will ensure that offensive smells from the licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented. The Licence Holder will ensure that receptacles for waste are emptied regularly to minimise nuisance smells. The Licence Holder will ensure that flashing or particularly bright lights on or outside the licensed premises do not cause a nuisance to nearby properties, whilst balancing the need for lighting in the interests of prevention of crime and disorder. The Licence Holder will ensure that adequate and suitable (lidded) receptacles to receive and store refuse from the premises/site. The Licence Holder will ensure that receptacles for refuse storage are maintained in a clean condition.

The Licence Holder will ensure that litter is regularly cleared from the vicinity of the premises.

The Licence Holder will ensure that where glass bottles are used, they will be retained or disposed of on the premises. The Licence Holder will ensure that no customers will be admitted, or permitted to leave when carrying open or sealed bottles or glasses. The Licence Holder will ensure that the consumption of alcohol is restricted to the areas identified on the plan attached to the operating schedule. The Licence Holder will ensure that a secure deposit box is kept on the premises for the retention of confiscated items and that the Police are advised of any items which require safe disposal. The Premises Licence Holder will be responsible for the disposal of waste on the frontage of the premises and make provision for the emptying of litter bins in the vicinity of the premises. The Licence Holder will ensure that lighting is provided outside the premises (and in my private car park) during the hours of darkness when any licensable activity takes place on the premises. The Licence Holder will ensure that escape routes and exits, including external exits, are maintained to ensure that they are not obstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. The Licence Holder will ensure that where chairs and tables are provided, internal gangways are kept unobstructed. The Licence Holder will ensure that all exit doors are easily openable and do not require the use of a key, card, code or similar means. The Licence Holder will ensure that doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check is kept. The Licence Holder will ensure that any removable security fastenings are removed whenever the premises are open to the public or occupied by staff. The Licence Holder will ensure that all fire doors are maintained effectively self-closing and not held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors). The Licence Holder will ensure that fire resisting doors to ducts, service shafts, and cupboards are kept locked shut. The Licence Holder will ensure that the edges of the treads of steps and stairways are maintained so as to be conspicuous. The Licence Holder will ensure that Safety checks are carried out before the admission of the public or club members and guests; and details of such checks are kept in a Log-book.

Display any restrictions on the admittance of individuals according to age (e.g. Children) on or immediately outside the premises. Implement a proof of age policy agreed by the police and local authority.

Premises to be clear of members of the public by 01.30hrs

The premises will not employ / hire / contract any 3rd party promoters, whether it be for fully or part promoted events.

The premises will operate a challenge 25 policy, with photographic ID needed to prove the age of any customer challenged.

The premises will keep an incident log which will detail all incidents of crime, disorder, ejections, refused entry, first aid and vulnerability incidents. This log will be signed off by the premises licence holder or their nominated person at the end of each day's licensable activity. The incident log to be made available to any of the responsible authorities on request.

The premises will have a documented, search, drug, entry and vulnerability policy. These policies will be made available to any of the responsible authorities on request.

All staff will be trained in the premises challenge 25 policy, vulnerability policy and their responsibilities under the licensing act. This training will be documented and signed by the trainer and trainee. No staff to work at the premises (with the exception of personal licence holders), while it is carrying out licensable activity without this documented training. These training records to be made available to any of the responsible authorities on request.

The premises will risk assess the need for door staff, numbers and start times. All door staff will sign on and off duty along with their full SIA badge number. Door staff will wear a hi visibility coat, jacket or waist coat while on duty at the premises. The premises will keep a portfolio of door staff (for a minimum of 31 days after their last shift) that work at the premises, this will include a copy of the SIA badge and photographic ID. If photographic is not available then a utility bill no older than 3 months may be accepted. The signing in book and portfolio will be made available to any of the responsible authorities on request. Door staff to remain on duty until all the customers have dispersed from the vicinity of the premises.

The premises will install / update CCTV system to the recommendations and specifications of West Midlands Police. CCTV images will be kept for a minimum of 28 days, display the correct time & date stamp, be downloadable and made available to any of the responsible authorities on request. There will be a member of staff on site to facilitate this. The premises will check the CCTV system daily, prior to carrying out licensable activity, to ensure it is working and recording. This checked to be documented, signed, dated and timed by the person checking. This log to be made available to any of the responsible authorities on request. If for any reason the CCTV hard drive needs to be replaced then the old / previous hard drive will be kept on the premises for a minimum of 28 days. The old / previous hard drive will be made available to any of the responsible authorities on request.

The premises will make their fire risk assessment available to any of the responsible immediately on request. The premises licence holder will ensure the contract with any third party company delivering alcohol (the "Deliverer") includes that staff training will be provided by the Deliverer to all delivery drivers ("Drivers") which will stipulate that every driver will be trained in the requirements of the Licensing Act 2003 ensuring that proof in the form of photo ID is required from every person to whom alcohol is delivered who appears 25 or under and that the driver must record the identity of the person who receives the alcohol and the identity of the Driver. Any contract with a Deliverer will be kept on site and will be made available to any of the Responsible Authorities on request. There will be no delivery of alcohol to open spaces. Alcohol delivery will only be made to residential or work addresses.

Challenge 25 signage will be displayed in clear view of customers and any refusal of the sale of alcohol will be recorded in the daily incident log or a separate dedicated refusal register. Date and time will be recorded along with a description of the person being refused including details of the member of staff who refused the sale and any further relevant information in relation to the customer.

The Premises Licence Holder will ensure that the outside of the premises is cleared of any litter or fouling at the close of business and bins are provided for the disposal of cigarette stubs in any area used for smoking

Regulated entertainment to only take place indoors

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

N/A

Annex 4 – Plans

Plan Reference; - 98165 as attached.

ELITE COCKTAIL BAR AND RESTAURANT
81 STEWARD STREET
BIRMINGHAM
B18 7AF

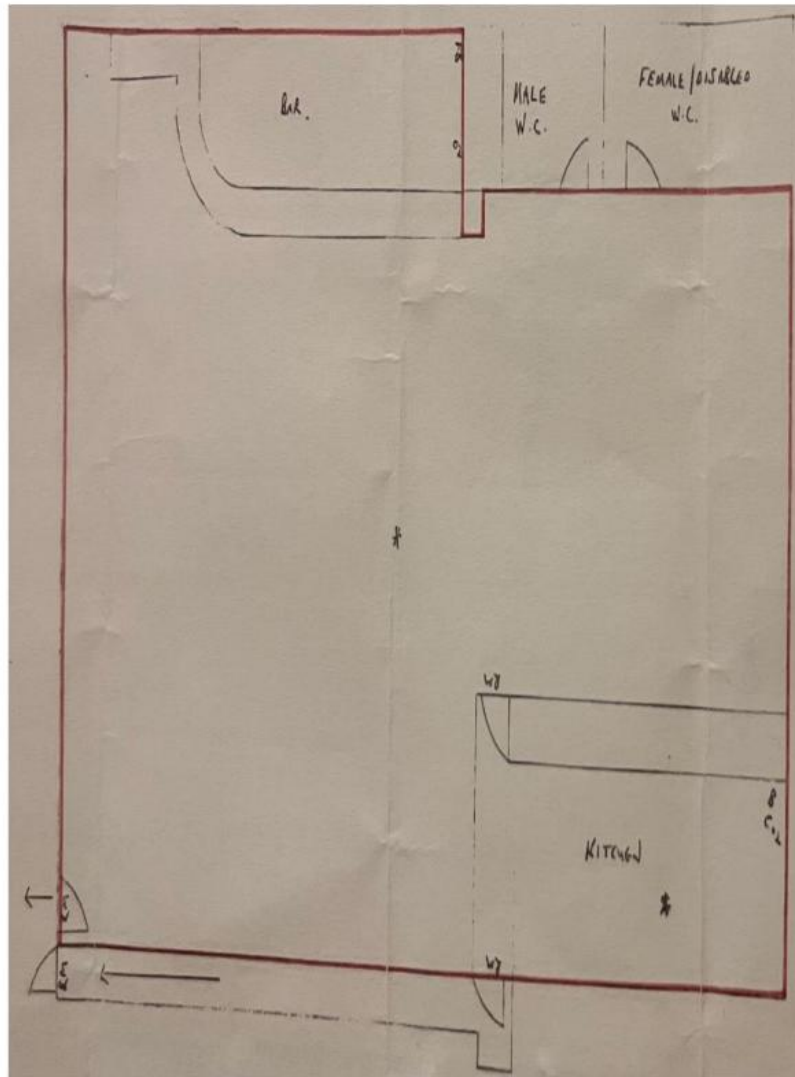
— PROPOSED LICENSABLE AREA

* - SMOKE ALARM

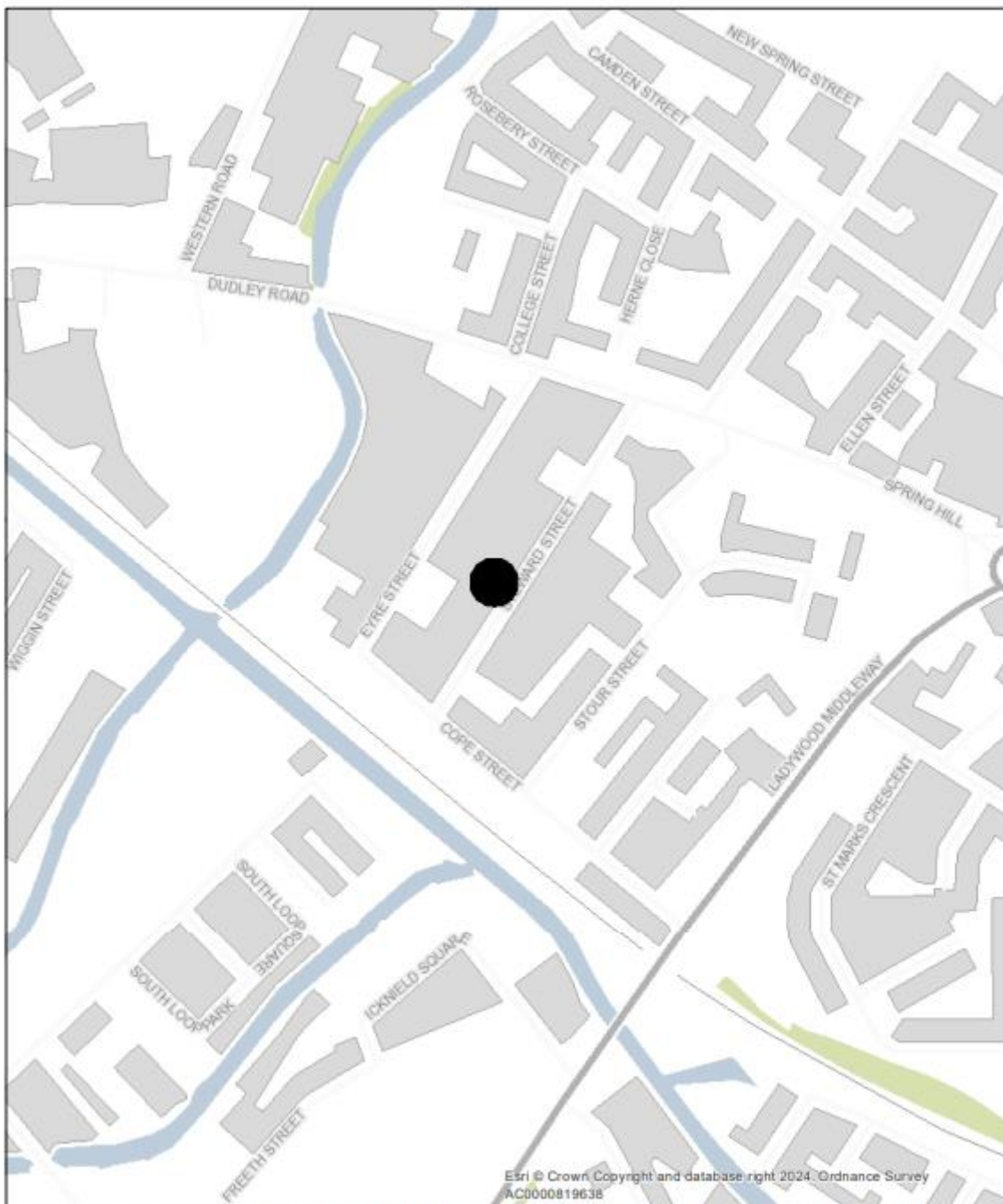
FB - FIRE BLANKET

CO2 - CO2 FIRE EXTINGUISHER

O2 - WATER FIRE EXTINGUISHER



SCALE 1:100



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