

BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE B

**Friday 29 December 2023 at 1000
hours as an On-Line Meeting,
Microsoft Teams**

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 DECLARATIONS OF INTERESTS

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

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

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

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

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

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

Attached

4 RE: LICENSING ACT 2003 - REPRESENTATIONS BACK AGAINST INTERIM STEPS IMPOSED - ACAPELLA (FORMERLY TRADING AS FREDERICK'S), REGENT HOUSE, FREDERICK STREET, BIRMINGHAM, B1 3HR – AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS

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

Documents submitted:

- A. Representations made by the premises licence holder
- B. West Midlands Police Response to Representation submitted by the premises license holder
- C. Decision of the meeting held on 12 December 2023
- D. Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003
- E. Application for Review of Licence
- F. Copy of Premises Licence
- G. Location maps

The premises licence holder has made representations back in respect of the interim steps imposed on 12 December 2023 (See Appendix A), West Midlands Police have submitted comments in response to the Representations made by the Premises licence holder (See Appendix B). A copy of the interim steps decision made by Licensing Sub Committee B on the 12 December 2023 following the application from West Midlands Police for an expedited review of the premises licence in respect of **Acapella (Formerly trading as Frederick's), Regent House, Frederick Street, Birmingham, B1 3HR** is attached at Appendix C.

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

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

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

The Premises Licence is included at item F.

At the hearing the licensing authority must:

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

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

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

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

5 OTHER URGENT BUSINESS

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



From: Philip Somarakis <Philip.Somarakis@irwinmitchell.com>
Sent: Wednesday, December 27, 2023 5:53 PM
To: Licensing <licensing@birmingham.gov.uk>
Cc: bw_licensing@westmidlands.police.uk; Mark Swallow <mark.swallow@westmidlands.police.uk>
Subject: Acapella. Frederick St, Hockley. B1 3HR. Licence Number 3536 [IM-Active.FID4261325]
Importance: High

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

Dear Sirs

We are instructed by Mr Seyhmus Ozdemir, premises licence holder and DPS for the above premises. Please accept this email as a Notification for the purposes of Section 53B(6) and S53C(2) Licensing Act 2003. That is – written representations regarding the interim steps and in relation to the premises licence review.

We refer to the application by West Midlands Police for an expedited review of the premises licence. We note that an interim steps hearing took place on 12 December 2023, following which it was determined that the premises licence should be suspended and that Mr Ozdemir should be removed as DPS. Unfortunately, due to the wrong email address being used, Mr Ozdemir was not aware of the hearing of the 12 December 2023 and his business has therefore remain closed since.

We have been liaising with Mark Swallow of West Midlands Police concerning the incident that gave rise to the expedited review. Mr Ozdemir has been candid with the Police that more could have been done to risk assess the event. Outwardly, this was a normal 21st Birthday Party. Mr Ozdemir had direct contact with the hirer prior to the event. She had been introduced to Mr Ozdemir by an existing customer. Mr Ozdemir met her face-to-face as he does not accept deposit payments over the telephone. This gave him the opportunity to speak with her about her party and she confirmed it was limited to friends and family. There were a number of subsequent conversations regarding the birthday party, and these took place over a 2 month period leading up to it

The birthday party had been trouble-free prior to closing time. The hirer clearly knew her guests and mixed with all who attended. It was only when guests were leaving that the two incidents which the Police refer to, occurred. The first being what happened in the street which **“REDACTED AT THE REQUEST OF WEST MIDLANDS POLICE DUE TO POTENTIAL IMPACT ON A LIVE CRIMINAL INVESTIGATION”** going off. This resulted in some customers rushing back into the premises. However, **“REDACTED AT THE REQUEST OF WEST MIDLANDS POLICE DUE TO POTENTIAL IMPACT ON A LIVE CRIMINAL INVESTIGATION”**. Those involved shortly left the premises. Mr Ozdemir was not aware of the discharge of the pistol. He continued to follow his normal closing procedures and ensured the last guest had departed safely. Thereafter staff were released with the intention that the premises would be cleaned up in the morning. This is clear from the CCTV from the venue.

Around 9/10 a.m. Mr Ozdemir was contacted by the Police and was asked to allow them access to Acapella. He co-operated fully with the Police who confirmed that he had made their job easy by leaving the premises as it was the previous night. As Mr Ozdemir puts in “straws were still left in their drinks.” He remained at the premises for some 4 or 5 hours whilst the Police undertook a forensics examination. He only commenced the cleaning up process once he was given the green light by the Police. We understand that it was initially suggested that he had cleaned up the crime scene, but that was based on limited information being available at the time the review papers were submitted. Now that the Police have had more time to make further enquiries of those conducting the investigation, we expect that this matter will be corrected before the Sub Committee.

Mr Ozdemir instructs us he was not aware of the expedited review hearing. He contacted this firm to assist him. We then engaged with the Police. A meeting with the Police took place at the premises on the 18th of December 2023. It is fair to say that the Police expressed to Mr Ozdemir their disappointment at him not following the correct procedures to risk assess the 21st Birthday Party. Mr Ozdemir has fully accepted the criticism levelled at him. He also agrees that there needs to be change at the premises. This will be threefold:

- 1) A change of DPS to Jasmine Davis
- 2) Updating the licence conditions as well as operating procedures and policies, which we attach. These provide additional focus on risk assessing both standard and non-standard operating days, use of door staff and employing screening and searching techniques.
- 3) A change of emphasis with a focus on operating as a whisky lounge, with a reduction in the hours for licensable activities

The Police do not have an issue with Mr Ozdemir remaining as Premises Licence Holder, but they are of the view that he should take steps to come off as Designated Premises Supervisor. Mr Ozdemir has a Manager, Jasmine Davis who will be obtaining her own Personal Licence and is booked on a BII Course at the beginning of January. We are requesting (with the support of the Police) that Mr Ozdemir is reinstated as DPS on a temporary basis until Ms. Davis has obtained her personal licence. Ms. Davis was not present during the event. We believe that it will take approximately 6 weeks for Ms. Davis to obtain her personal licence.

We have also comprehensively updated the conditions on Mr Ozdemir's premises licence. These are now much more robust and meet with the approval of the Police. In addition, Mr Ozdemir has been working with Mr Andrew Bamber, a Licensing Security Consultant and expert witness. Mr Bamber has assisted Mr Ozdemir in reviewing his operating policies and procedures. These are included within this submission.

Mr Ozdemir's business has remained closed since the expedited review. This has come at a very busy time, and he has had to cancel a number of bookings and lost significant takings. However, he appreciates the importance of regaining the trust of the Police and working with them, to ensure that this incident is not repeated. In particular, they have stressed the need to prevent such undesirable customers gaining access to the premises in the future.

Mr Ozdemir has operated the venue since 2017, initially as Frederick Coffee Lounge. He renamed the venue in 2019 when it relaunched as Acapella and a core feature of the business has been to showcase live bands regularly, many of whom are local musicians. After a year unfortunately the business was impacted by the Covid lockdown. This is a small family business that supports Mr Ozdemir and his family as well as employing 6 part time staff. Acapella is everything to Mr Ozdemir and he cannot afford to keep it closed.

Mr Ozdemir will be taking steps in the summer of 2024 to focus on operating as a whisky lounge, meaning he will be less reliant on one-off events such as 21st birthday parties. He has indicated to the Police that he would be prepared to reduce the hours for licensable activities on the following days:

- a) Thursday until midnight (30 minutes close)
- b. Friday and Saturday until 2.am (30 minutes close)

In summary, Mr Ozdemir is sorry that a serious incident occurred on his premises which has resulted in a Police investigation and a hearing before the Sub Committee. During this period of suspension, he has focused his efforts on reviewing his licence conditions and operating procedures in order to de-risk his business. He is grateful to the Police for their time and feedback which has been extremely pragmatic to date. The Police are currently considering the above proposals and of course, there may be further dialogue in the meantime.

The closure of his business has cost him significantly both in terms of loss of revenue and reputational damage. He believes that now is the time for him to be permitted to reopen and he respectfully requests that the interim steps are now reviewed at a hearing and that the above points are similarly taken into account at the full review hearing.

Yours faithfully

Philip Somarakis

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Please consider the environment - Think before you print

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CONDITIONS

DUTY MANAGER

Pending the appointment of a new DPS to replace Mr Seyhmus Ozdemir, the licence holder shall appoint a Duty Manager whose role shall be to ensure compliance with the Licensing Objectives and Premises Licence Conditions. The Duty Manager will be on duty on Fridays and Saturdays from 9pm until close and during any event when identified as necessary in furtherance of the risk assessment. The appointment of the Duty Manager shall be subject to the prior approval of West Midlands Police

Upon Mr Ozdemir being replaced as DPS, this condition shall cease to apply and will be deleted from the licence.

TRAINING

All staff will be trained in their responsibilities under the Licensing Act 2003 and other relevant legislation relating to age restricted products. This training will be updated /refreshed on a regular basis and records will be kept of this.

RISK ASSESSMENT

The premises will supply to West Midlands Police (Licensing Dept at Birmingham Central Police Station) the risk assessment for standard nights at the premises. For any non-standard night, the DPS will provide risk assessment of the night/event to West Midlands Police (Licensing Department at Birmingham Central Police Station) at least 28 days before the event, or at a time agreeable between DPS and the police. All security measures (if needed) detailed in the risk assessment will have to be agreed with West Midlands Police (Licensing Department at Birmingham Central Police Station). Agreement will be provided in writing to the DPS.

PROMOTERS

Where an event takes place using any of the licensable activities with an external promoter then the DPS must give notification to (Licensing Dept at Birmingham Central Police Station), at least 28 days before the event on the first occasion, and any other occasion where the same promoter is used for a different event. Recommendations will be provided in writing and will become conditions for use at that event. These recommendations must be retained by the premises for inspection.

BOOKINGS

The premises will take details of persons booking the venue including the name, address telephone number of the person making the booking. Details are to be confirmed by photographic ID or in exceptional circumstances a utility bill no older than 3 months old. Booking details are to be kept on the premises for a minimum of 28 days after the event and made available to West Midlands Police on request. A deposit is to be taken for all bookings. Additionally, the persons booking will be informed that it is subject to agreement to the deployment of door staff and the entry/ search policies of the venue.

SIA DOORSTAFF

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

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

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

All door supervisors working at the premises are to sign on duty when they start work and off duty when they finish. All door supervisors must wear their SIA badge in a clear sleeve arm holder. Door supervisors working outside the premises will wear hi-visibility coats. Where door supervisors are used the premises will retain a profile of all door supervisors that have worked at the premises in the last 3 months. A profile will consist of proof of ID (copy passport, photo driving license, SIA badge) and proof of address dated within the last 6 months (copy bank statement, utility bill etc). No proof of address needed if proof of ID is photo driving license. Door supervisor profiles must be retained at the premises and be made available for inspection immediately on request of any of the responsible authorities. Door supervisors will work past the closing time of the premises for a period until all patrons have dispersed from the locality. Door supervisors will patrol areas around collection points for taxis by the premises to prevent disorder. The premises will have an incident book and record all incidents that occur inside or immediately outside the premises, irrelevant if any of the emergency services have been called. This incident book can be inspected at any time by any regulatory body.

ID SCANNER

On Fridays and Saturdays from 21:00 until close and during any event when identified as necessary in furtherance of the risk assessment, all customers entering the premises shall have their ID scanned

on entry. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.

The requirement in above is subject to the following exceptions, namely that a maximum number of ten guests per night may be admitted at the Managers discretion without necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:

(a) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.

(b) A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the licensing authority and Police for a minimum period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager,

(c) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.

(d) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet.

SEARCHING OF CUSTOMERS

On Friday and Saturdays after 21:00 until close and during any event when identified as necessary in furtherance of the risk assessment, no customers shall be admitted or re-admitted to the premises unless they have been subject to a metal detection search and, if the search metal detector is activated, or at the discretion of staff, then physically searched, which will include a 'pat down search' and a full bag search. Searches shall be monitored by the premises CCTV system.

LAST ENTRY TIME

There shall be no entry or re-entry for the public after 01:00 (except smokers, or in exceptional circumstances, if someone leaves the venue i.e. medical reasons, they will be searched upon entry).

INCIDENT LOG

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

- (1) all crimes reported to the venue
- (2) all ejections of patrons
- (3) any complaints received concerning crime and disorder
- (4) any incidents of disorder
- (5) all seizures of drugs or offensive weapons

(6) any faults in the CCTV system, searching equipment or scanning equipment

(7) any refusal of the sale of alcohol

(8) any visit by a relevant authority or emergency service

SERIOUS ASSAULT

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

(1) The police (and, where appropriate, the Ambulance Service) are called without delay;

(2) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;

(3) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and

(4) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

VULNERABILITY POLICY

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

ADULT ENTERTAINMENT

No adult entertainment, services or activities permitted on the premises.

REGULATED ENTERTAINMENT

Regulated entertainment and late night refreshment shall take place indoors only.

CCTV

CCTV will be in operation 24 hours a day.

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

IDENTIFICATION AND REFUSALS

The premises will operate a Challenge 21 policy. Signage will be displayed at the venue. The only identification that the premises will accept will be Photo driving licence, Passport or Pass approved card.

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

DISPERSAL POLICY

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

TAXIS

Customers who require a taxi from the site shall be advised by staff to use taxi companies specified by the licensee.

The licensee shall ensure that a written agreement is made with a reputable taxi company/ companies requiring that when taxis pick up and drop off customers from the licensed premises, that noise from these vehicles does not cause a nuisance to local residents.

Notices shall be displayed within the licensed premises for customers to view, giving details of taxi companies to use.

Patrons and Taxis will be directed to the existing defined areas at Frederick Street and Vyse Street to avoid affecting residents on Albion Street.

During events at night, the DPS shall ensure that noise break out from the premises is monitored in order to ensure that a nuisance is not caused to occupiers in the vicinity. Results of assessments and follow up actions shall be promptly recorded in a diary to include the name of the person making the assessment, the date, time, location and results of the assessment and any follow up actions.

CUSTOMER CONTROL

Customers shall not use the outside seating area after the hours of 11pm. Between the hours of 2.30am and 3am music shall be lowered to background level. Alcohol shall not be served after 2.45am.

MUSIC NOISE

Windows to the front of the premises shall be kept closed when regulated entertainment is taking place on the premises. All amplified music shall be controlled by a noise limiter, the noise limiter shall be installed and set at a level which meets with the approval of Birmingham City Council Environmental Health.

The conditions agreed between applicant and Environmental Health, as shown in section 2d) to form part of the licence.[?????]

ACAPELLA

Search Policy

1. We operate a zero-tolerance policy on drugs and weapons and anybody found in the possession of drugs or weapons will be refused entry.
2. This search policy has been created to reinforce the 4 licencing objectives.
 - The prevention of crime and disorder.
 - Public safety.
 - The prevention of public nuisance.
 - The protection of children from harm.
3. A sign highlighting the search policy as a condition of entry will be clearly displayed at the entrance to the venue and in the bar area. The sign will state: “To provide our patrons with safe and comfortable surroundings, we will request permission to search people entering these premises as a condition of entry. Thank you for your cooperation”.
4. The venue will be searched daily prior to the evening opening to ensure that people have not secreted weapons or illegal substances during the day prior to any evening function.
5. Entry into the premises is conditional upon a search prior to entry.
6. Searching will take place after customers have passed through the ID scanner to ensure that details are captured of any individual found to be carry a weapon or suspected illegal substances. This will provide ‘best evidence’ for any potential police investigation.
7. The area where searches take place will be covered by CCTV.
8. Searches will be carried out by qualified SIA door staff. There should always be 2 staff present to protect against any potential allegation. At least one member of SIA staff will wear a body warn camera.
9. How to perform the search:

- The search must be conducted by a member of staff or door staff. Females will be searched by female staff, males by male staff.
- You must request permission from customers to conduct a search. If the customer refuses, they should be automatically denied entry/ejected.
- You should not open customers' bags; the customer must open their own bags, coats and empty out their own pockets at your request.
- All searches should take place with a witness present preferably in an area with CCTV coverage.

10. Search wands will be used to detect any concealed items and all bags will be searched.

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

SECURITY PLAN

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

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

	<p>On Fridays and Saturdays from 21:00 onwards, at least (2) SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business and remain on duty past the closing time of the premises for a period until all patrons have dispersed from the locality. Door supervisors will patrol areas around collection points for taxis by the premises to prevent disorder.</p> <p>During any event deemed high risk following the risk assessment required in the “Risk Assessment” condition, the number of SIA licensed door supervisors on duty at the entrance of the premises and within shall be that identified in the risk assessment. They shall remain on duty past the closing time of the premises for a period until all patrons have dispersed from the locality. Door supervisors will patrol areas around collection points for taxis by the premises to prevent disorder.</p> <p>Along with the Management team the SIA staff will be responsible for the dispersal policy at the end of trading.</p> <p>The venue will retain a personal profile of all door supervisors that have worked at the premises for 3 months. The profile will consist of proof of ID (copy passport, photo driving license, SIA badge) and proof of address dated within the last 6 months (copy bank statement, utility bill etc).</p> <p>No proof of address will be needed if proof of ID is a photo of a driving license.</p> <p>Door supervisor profiles will be retained at the premises and be made available for inspection immediately on request of any of the responsible authorities.</p> <p>Door supervisors will work past the closing time of the premises and manage the dispersal policy.</p>
Incident log	An incident log will be maintained at the venue and made available to any authorised officer upon request.

Licence holder	In addition to the SIA security staff there will always be a personal licence holder in the premises during operating hours.
Entry procedure (ID scanner)	<p>On Fridays and Saturdays from 21:00 until close and during any event deemed high risk following the required risk assessment all customers entering the premises shall have their ID scanned on entry. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.</p> <p>Failure to provide suitable documents will result in entry to the venue being refused.</p> <p>See licence condition.</p>
Searching	<p>On Friday and Saturdays after 21:00 until close and during any event deemed high risk following the risk assessment required in the “Risk Assessment” condition above, all persons entering or re-entering the premises shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system.</p> <p>The search wand will be used by both male and female SIA staff, searches of the outer clothing must be by an SIA member of staff who is of the same sex.</p> <p>When searching is carried out, a notice will be prominently displayed at the entrance explaining that:</p> <ul style="list-style-type: none">• Persons entering the premises will be searched.• Agreement to search is a condition of entry• If persons do not consent, entry will be refused.• Police may be called if drugs or weapons are found.

	<p>Any suspected drugs or any weapon seizures will be recorded in the incident book. The following details will be recorded:</p> <ul style="list-style-type: none"> • Date/Time items found • Where found • Details of item • Seal number of property bag • Any action taken (e.g. person detained, police called). • Signature of person of person seizing. • Signature of the DPS or manager. • Details of the person searched. <p>Any items that are seized will be securely stored in the manager's office until collected by the police. Any CCTV or other identifying evidence will be supplied to the police along with the item.</p>
<p>Queuing</p>	<p>The SIA door staff will manage any queue that forms at the entrance.</p> <p>SIA staff will ensure that any people queuing are made aware of the required search process and the age verification process. This will be supported by the relevant signs.</p>
<p>Re-entry Policy</p>	<p>After 01.00 the venue will operate a no entry policy. Any person leaving the venue, other than to smoke in the designated smoking area, will be refused entry/re-entry to the venue.</p> <p>In exceptional circumstances, if someone leaves the venue i.e. medical reasons, they will be researched upon entry by electronic wand and pockets of any outer clothing</p>
<p>Ejections from the premises</p>	<p>All ejections of customers will be recorded in the incident book and drawn to the attention of the DPS who will countersign the book.</p>

<p>Incidents</p>	<p>In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:</p> <ol style="list-style-type: none"> (1) The police (and, where appropriate, the Ambulance Service) are called without delay; (2) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police; (3) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and (4) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises <p>Staff will act upon the advice given to them by police officers in attendance.</p>
<p>CCTV</p>	<p>The venue is adequately covered by a high-quality CCTV system that has been registered at the Information Commissioners Office. All public areas within the venue are covered along with the entrance to the venue. The system provides high quality facial identification in all lighting conditions.</p> <p>Images are stored for a minimum of 28 days. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. Someone will be on the premises, who can download the images and present them on request to a police officer or other responsible authority, upon completion of the relevant disclosure document.</p> <p>At least 1 member of the SIA staff will wear a body cameras.</p>
<p>Drugs</p>	<p>There is a zero tolerance policy to illegal substance. See drugs policy.</p>
<p>Ask for Angela (WAVE TRAINING).</p>	<p>People who feel unsafe, vulnerable, or threatened can discreetly seek help by approaching venue staff. All staff at the venue have attended 'Wave training'</p>

	The scheme is advertised in the venue.
Drink spiking	<p>All staff have been trained around drink spiking and understand what to look for. Appropriate notices are placed in the venue for customers to note, pointing out the 3 key areas to be aware of.</p> <ul style="list-style-type: none">• Never lose sight of your drink• Be vigilant if you're drinking with strangers• Be a drink buddy <p>The venue will ensure that drink spiking test kits are available on request at the bar. Drinking vessel top covers will also be made available at the bar throughout the hours that the venue is open.</p>
Drinking vessels	Polycarbonate drinking vessels will be used throughout the venue on event nights.

DRAFT

Acapella

Dispersal policy

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

CCTV POLICY

CCTV POLICY

CCTV POLICY		
		DATE
DATA CONTROLLER		
ICO REGISTRATION		
ICO RENEWAL		
PREMISES IMPACT ASSESSMENTS;	Completed	
DATE OF DOCUMENT REVIEW		

Introduction

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

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

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

Review

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

XX situated at XXXXX. It is currently open between XXXXX offering XXXXXXXX

The premises licence (XXXXXXX) issued on the xxxxxxxx enables

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

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

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

Amend as appropriate

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

Operation

The CCTV surveillance systems are owned by ~~XXXXXXXXXXXXXX~~

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

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

The Information Commissioners Office registration document is attached to this policy

The location of the cameras has been advised by both the Police and the respective Licensing Authorities and the system has been signed off by them.

The Cameras are located at strategic points throughout the premises. The cameras monitor the public areas of the venue and also cover the entrance to the venue. The cameras at the entrance also cover a limited area of public space on the highway and a **Privacy Impact Assessment** is attached to this policy document.

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

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

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

Recording and retention of images

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

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

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

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

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

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

Viewing

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

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

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

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

Access

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

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

Download Procedure

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

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

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

Individual Access Rights

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

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

Requests for access to CCTV images must include:-

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

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

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

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

Access to Images by Third Parties

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

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

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

Staff Training

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

Drugs Policy

Introduction

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

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

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

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

Drugs

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

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

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

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

Right of Entry

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

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

Zero tolerance policy in relation to illegal substances

Acapella operates a zero-tolerance policy in relation to illegal substances.

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

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

Staff training in relation to illegal substances

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

Warning signs and vigilance

Acapella staff should be vigilant at all times and should be on the lookout for:

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

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

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

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

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

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

Confiscation of illegal substances

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

Detaining persons in relation to illegal substances

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

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

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

ACAPELLA

Vulnerability Policy

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

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

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

These policies are.

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

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

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

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

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

There is an age verification policy that is supported by the use of an ID scanner. After 21.00 all customers will have to present suitable ID to be scanned and checked by SIA staff.

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

ASK ANGELA/WAVE TRAINING

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

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

The WAVE training is based upon 5 key principles.

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

ASK ANGELA

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

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

Draft

OFFICIAL

From: Mark Swallow <mark.swallow@westmidlands.police.uk>
Sent: Thursday, December 28, 2023 11:27 AM
To: Licensing <licensing@birmingham.gov.uk>
Cc: 'Philip Somarakis' <Philip.Somarakis@irwinmitchell.com>
Subject: Appeal against Interim Steps Acapella Frederick St, Hockley License number 3536.

Good Morning Licensing,

West Midlands Police are in receipt of the above application and the supporting documentation.

The appeal is not an agreed position, however, after examination of the suggested conditions West Midlands Police would make the attached recommendations for a position that would promote the licensing objectives. I submit the attached as evidence for the hearing.

West Midlands police will be making a request for the hearing to be held in private as this is a current ongoing police investigation and it would not be desirable for information to be public that may prejudice the conduct of the criminal investigation. The applicants representatives have been copied into this email.

Mark Swallow.

This email is intended for the addressee only and may contain privileged or confidential information. If received in error, please notify the originator immediately. Any unauthorised use, disclosure, copying or alteration of this email is strictly forbidden. Views or opinions expressed in this email do not necessarily represent those of West Midlands Police. All West Midlands Police email activity is monitored for virus, racist, obscene, or otherwise inappropriate activity. No responsibility is accepted by West Midlands Police for any loss or damage arising in any way from the receipt or use of this email.

OFFICIAL

CONDITIONS

DUTY MANAGER

Pending the appointment of a new DPS to replace Mr Seyhmus Ozdemir, the licence holder shall appoint a Duty Manager whose role shall be to ensure compliance with the Licensing Objectives and Premises Licence Conditions. The Duty Manager will be on duty on Fridays and Saturdays from 9pm until close and during any event when identified as necessary in furtherance of the risk assessment.

Upon Mr Ozdemir being replaced as DPS, this condition shall cease to apply and will be deleted from the licence.

TRAINING

All staff will be trained in their responsibilities under the Licensing Act 2003 and other relevant legislation relating to age restricted products. This training will be updated /refreshed on a regular basis and records will be kept of this. **-Signed by both the trainer and trainee and made available to any of the responsible authorities on request. No staff to work at the premises while it is carrying licensable activity without this documented training, with the exception of personal license holders.**

All staff shall be trained in their responsibility for (crime) scene management. This training is to be documented, signed by both the trainer and trainee. This documented training to be made available to WMP on request. No staff to work at the premises while it is carrying licensable activity without this documented training.

RISK ASSESSMENT

The premises will supply to West Midlands Police (Licensing Dept at Birmingham Central Police Station) the risk assessment for standard nights at the premises. For any non-standard night, the DPS will provide risk assessment of the night/event to West Midlands Police (Licensing Department at Birmingham Central Police Station) at least 28 days before the event, or at a time agreeable between DPS and the police, **if the event is graded medium risk or above.** All security measures (if needed) detailed in the risk assessment will have to be agreed with West Midlands Police (Licensing Department at Birmingham Central Police Station).

PROMOTERS

For any 3rd party promoted event (whether it is fully or part promoted) the premises will notify WMP a minimum of 28 days prior to the event. The premises will supply a risk to WMP a minimum of 28 days prior to the event if graded medium risk or above. The risk assessment if not sent to WMP will be available for inspection at the premises if required.

BOOKINGS

The premises will take details of persons booking the venue including the name, address telephone number of the person making the booking. Details are to be confirmed by photographic ID or in exceptional circumstances a utility bill no older than 3 months old. Booking details are to be kept on the premises for a minimum of 28 days after the event and made available to West Midlands Police on request. A deposit is to be taken for all bookings. Additionally, the persons booking will be informed

that it is subject to agreement to the deployment of door staff and the entry/ search policies of the venue. **The premises will supply a risk to WMP a minimum of 28 days prior to the event if graded medium risk or above. The risk assessment if not sent to WMP will be available for inspection at the premises if required.**

SIA DOORSTAFF

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

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

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

All door supervisors working at the premises are to sign on duty, **listing their first and surnames together with their full SIA licence number** when they start work and off duty when they finish. All door supervisors must wear their SIA badge in a clear sleeve arm holder. Door supervisors will wear hi-visibility coats **/jackets or tabards**. Where door supervisors are used the premises will retain a profile of all door supervisors that have worked at the premises in the last 3 months. A profile will consist of proof of ID (copy passport, photo driving license, SIA badge) and proof of address dated within the last 6 months (copy bank statement, utility bill etc). No proof of address needed if proof of ID is photo driving license Door supervisor profiles must be retained at the premises and be made available for inspection immediately on request of any of the responsible authorities. Door supervisors will work past the closing time of the premises for a period until all patrons have dispersed from the locality. Door supervisors will patrol areas around collection points for taxis by the premises to prevent disorder. The premise will have an incident book and record all incidents that occur inside or immediately outside the premise, irrelevant if any of the emergency services have been called. This incident book can be inspected at any time by any regulatory body.

ID SCANNER

On Fridays and Saturdays, **days preceding bank holidays and bank holidays** from 21:00 **or early time identified by the risk assessment** until close and during any event when identified as necessary in furtherance of the risk assessment, all customers **DJs / artists** entering the premises shall have their

ID scanned on entry. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.

The requirement in above is subject to the following exceptions, namely that a maximum number of ten guests per night may be admitted at the Managers discretion without necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:

(a) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.

(b) A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the licensing authority and Police for a minimum period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager,

(c) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.

(d) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet.

The manager allowing entry not through the ID scanning requirement will note the time of entry on the signing sheet for reasons of identifying these people on entry form the premises CCTV.

SEARCHING

On Friday and Saturdays **days preceding bank holidays and bank holidays from 21:00 or early time identified by the risk assessment** until close and during any event when identified as necessary in furtherance of the risk assessment, no customers **DJs / artists** shall be admitted or re-admitted to the premises unless they have been subject to a metal detection search and, if the search metal detector is activated, or at the discretion of staff, then physically searched, which will include a 'pat down search' and a full bag search. Searches shall be monitored by the premises CCTV system.

LAST ENTRY TIME

There shall be no entry or re-entry for the public after 01:00 (except smokers, or in exceptional circumstances, if someone leaves the venue i.e. medical reasons, they will be searched upon entry).

INCIDENT LOG

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

- (1) all crimes reported to the venue
- (2) all ejections of patrons
- (3) any complaints received concerning crime and disorder

- (4) any incidents of disorder
- (5) all seizures of drugs or offensive weapons
- (6) any faults in the CCTV system, searching equipment or scanning equipment
- (7) any refusal of the sale of alcohol
- (8) any visit by a relevant authority or emergency service

SERIOUS ASSAULT

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

The premises will nominate a member of the management team as an incident controller, when open for licensable activity. This person will have the responsibility to ensure if required:

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

Ensure incidents reports are completed

VULNERABILITY POLICY

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

ADULT ENTERTAINMENT

No adult entertainment, services or activities permitted on the premises.

REGULATED ENTERTAINMENT

Regulated entertainment and late-night refreshment shall take place indoors only.

CCTV

CCTV will be in operation 24 hours a day.

CCTV to be installed to the specifications and locations of West Midlands Police Licensing Department at Birmingham Central Police station. Recording at all times premises are open for any licensable activity Which ever system used all images are to be held for a minimum of 28 days. If tape system used all tapes are to be held in secure holding facility. If tape system used all tapes to be replaced

every 6 months with new ones. This is to be recorded in incident book for premises. All images held are to be available immediately on request by any of the responsible authorities.

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

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

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

IDENTIFICATION AND REFUSALS

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

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

DISPERSAL POLICY

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

TAXIS

Customers who require a taxi from the site shall be advised by staff to use taxi companies specified by the licensee.

The licensee shall ensure that a written agreement is made with a reputable taxi company/ companies requiring that when taxis pick up and drop off customers from the licensed premises, that noise from these vehicles does not cause a nuisance to local residents.

Notices shall be displayed within the licensed premises for customers to view, giving details of taxi companies to use.

Patrons and Taxis will be directed to the existing defined areas at Frederick Street and Vyse Street to avoid affecting residents on Albion Street.

During events at night, the DPS shall ensure that noise break out from the premises is monitored in order to ensure that a nuisance is not caused to occupiers in the vicinity. Results of assessments and follow up actions shall be promptly recorded in a diary to include the name of the person making the assessment, the date, time, location and results of the assessment and any follow up actions.

CUSTOMER CONTROL

Customers shall not use the outside seating area after the hours of 11pm. Between the hours of 2.30am and 3am music shall be lowered to background level. Alcohol shall not be served after 2.45am.

MUSIC NOISE

Windows to the front of the premises shall be kept closed when regulated entertainment is taking place on the premises. All amplified music shall be controlled by a noise limiter, the noise limiter shall be installed and set at a level which meets with the approval of Birmingham City Council Environmental Health.

The conditions agreed between applicant and Environmental Health, as shown in section 2d)to form part of the licence.[?????]



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE B

TUESDAY 12 DECEMBER 2023

ACAPELLA (FORMERLY T/A FREDERICKS)
REGENT HOUSE, FREDERICK STREET, BIRMINGHAM B1 3HR

That having considered the application made and certificate issued by a Superintendent of West Midlands Police under section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Mr Seyhmus Ozdemir in respect of Acapella (formerly trading as Fredericks), Regent House, Frederick Street, Birmingham B1 3HR, this Sub-Committee hereby determines:

- that the licence be suspended, and
- that Mr Seyhmus Ozdemir be removed as the designated premises supervisor

pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application.

The Sub-Committee's reasons for imposing the two interim steps are due to the concerns which were expressed by West Midlands Police in relation to matters pertaining to serious crime, which had come to light as outlined in the Superintendent's certificate and application. Those documents were in the Committee Report.

The Sub-Committee determined that the cause of the serious crime originated from a style of management which had been incapable of upholding the licensing objectives. The style of management was the responsibility of Mr Seyhmus Ozdemir, as premises licence holder for the premises; he was also the person named on the licence as the designated premises supervisor.

Mr Ozdemir did not attend the meeting, and was not represented. West Midlands Police did attend, and addressed the Sub-Committee.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. The Police explained that the evidence related to a serious crime which had occurred a few days ago. The matter was a live police enquiry regarding the discharge of a firearm in licensed premises; that firearm was still in public circulation. The Police therefore asked that the meeting be held in private session. The Sub-Committee agreed to this course.

Members heard the submissions of West Midlands Police, namely that the certificate, which had been issued by a Superintendent under s53A of the Act,

related to an allegation of serious crime which was said to have originated at the premises. The details were as per the documents in the Committee Report.

The Police summarised the investigation thus far. A person had brought a handgun into the Acapella premises whilst it was open and conducting licensable activities. The firearm was then discharged inside the premises, causing a serious injury to a person (on the leg).

An offence of wounding with intent to cause grievous bodily harm under s18 of the Offences Against the Person Act 1861 had been reported, which was classed as a serious crime under s81 of the Regulation of Investigatory Powers Act 2000. This was a serious crime, by virtue of the potential maximum sentence on conviction being life imprisonment. The incident therefore warranted the use of the s53A power, and the matter had been brought before the Sub-Committee for an Expedited Review hearing.

The Police view was that interim steps were required in order to deal with the causes of the serious crime whilst the criminal investigation was under way. It was the advice of the Police that a complete absence of management control had led to the incident; of particular note was the suggestion that nobody from the premises had alerted the Police. In fact, the matter had only come to Police attention when the injured party arrived at hospital after the incident. The Police advised Members that they had been told that the discharge of the firearm had occurred "in a raised area upstairs at the premises".

Furthermore, the Police officers who attended at the premises to investigate noted that those at Acapella appeared to have cleaned up the crime scene in advance of their arrival. The Sub-Committee looked askance at this.

Overall, the Police had no confidence whatsoever in the premises' ability to prevent further serious crime. It was the Police's recommendation that the incident had been so serious, and the risk to the upholding of the crime prevention objective so grave, that specific interim steps were required.

The Police recommended that the correct course was to suspend the licence, for the reasons given in the Superintendent's certificate and application, and also to remove the designated premises supervisor. This was in the interests of guarding against the risks of further serious crime pending the full Summary Review hearing in 28 days' time.

The Sub-Committee noted that the licence holder had not attended the meeting and was not represented; the Members therefore had no opportunity to ask him questions.

Having heard all of the evidence, the Members were mindful of the Guidance issued by the Secretary of State under s182 of the Act, which advised them to only impose those steps which were necessary to guard against the risks of further serious crime. However, the starting point was that the Members were not confident that Mr Ozdemir understood his responsibilities as licence holder, and were definitely not satisfied that there was proper management control of the premises.

The Sub-Committee noted in particular that the premises had not reported the incident to the Police, and indeed appeared to have cleaned up the crime scene before Police arrived. Both of these matters were wholly unacceptable. Moreover, the Police had observed that the offence was committed in the presence of staff at

the premises. The Police had advised that the staff “were 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 Sub-Committee considered that this was a significant risk to the upholding of the crime prevention objective.

Other potential aspects of concern, relating to risk assessments, door supervisors and style of events, would be discussed between the Police and the premises in due course. However, in the interim, the Sub-Committee agreed with the Police that at this stage it was not possible to have any trust in the management of the operation. The Members felt that they were not prepared to take any risks regarding the potential for further serious crime, pending the full Review hearing.

In deliberating, the Sub-Committee determined that there had been an allegation of serious crime, which was being investigated by Police. It was abundantly clear that the operation was not being run in accordance with the licensing objectives. Any instance of a firearm finding its way into licensed premises was extremely serious; moreover, on this occasion, the weapon had in fact been fired whilst the premises was open to the public and conducting licensable activities, and consequently a person inside the premises had been wounded in the leg.

An offence under s18 had been reported; this was a serious criminal offence and a clear risk to the prevention of crime and disorder objective. All in all, the management style seen at the premises was not at all the standard expected of premises licence holders in Birmingham.

The Sub-Committee was not satisfied that the licence holder could be trusted to operate in a manner capable of preventing further serious crime. The Sub-Committee considered the options of modification of the conditions of the licence, and exclusion of the sale of alcohol by retail from the scope of the licence, but did not consider that these would adequately cover the risks, given the seriousness of what had been described in the Superintendent’s certificate and application. Moreover, the Police had not recommended either of these as a satisfactory course for the Sub-Committee to take.

The correct way forward was therefore to suspend the licence pending the full Review hearing, as recommended by the Police. The Sub-Committee found the Police recommendation to be entirely the proper course given what had been described in the documents, and determined that it was both necessary and reasonable to impose the interim step of suspension of the licence to address the immediate problems with the premises, namely the potential for further serious crime.

The Sub-Committee further noted that it was the responsibility of the designated premises supervisor to ensure that alcohol sales were conducted in accordance with the licence. The Sub-Committee therefore determined that the removal of the designated premises supervisor was a very important safety feature, given that it was this individual who was responsible for the day to day running of the premises.

The Members considered that Mr Ozdemir had fallen far short of the standards expected of him as both licence holder and designated premises supervisor, and that the style of operation described in the Superintendent’s certificate and application was a significant risk to the upholding of the licensing objectives in Birmingham. Public safety was of paramount importance, and the Members considered that it was a danger to the public for the premises to continue to operate in the manner seen on the night in question.

In reaching this decision, the Sub-Committee has given due consideration to the application made and certificate issued by a Superintendent of West Midlands Police, the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office under s182 of the Act, the written submissions made, and the submissions made at the hearing by West Midlands Police.

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 excluding non-working days.

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

West Midlands Police

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

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

Premises: Fredericks Trading as Acapella,

Premise Licence Number: 3536

Premise Licence Holder: Mr Seyhmus Ozdemir.

Designated Premise Supervisor: Mr Seyhmus Ozdemir.

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 a person has entered the premises which were open and conducting licensable activity in possession of a handgun. The person has then produced the firearm and it has been discharged causing a person a wound to his leg. The person has then left the premises. The premises have not reported the incident to the police and have cleared the scene up prior to police attendance.

Wounding with intent to cause grievous bodily harm is a serious crime by virtue of the maximum sentence being up to life 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.

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: *D. Twyford* Superintendent 9700. 11/12/23



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 David Twyford

(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: Fredericks trading as Acapella.

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

**Regent House,
Frederick Street,
Jewellery Quarter,
Post Town: Birmingham**

Post Code (if known): **B1 3HR.**

2. Premises Licence details:

Name of premise licence holder (if known):

Mr Seyhmus Ozdemir.

Number of premise licence (if known):

3536

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)

x

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

Acapella is a licensed premises situated at Regent House, Frederick Street. Jewellery Quarter, Birmingham. B1 3HR. The premises license holder and designated premises supervisor is Mr Seyhmus Ozdemir.

The premises is licensed to sell alcohol for consumption on the premises between the hours of 0800 and 0245 on Saturdays.

At approximately 0300 hours Sunday 10th December 2023 the premises were open with persons in the premises.

At this time an incident occurred whereby a handgun was produced and has been discharged. This has caused a wound to a persons leg. All the persons have left the premises a short time later. At no time have the premises contacted the police in relation to the incident. The premises have also cleaned the area of the incident prior to police attendance.

This matter is a wounding with intent to cause grievous bodily harm contrary to section 18 Offences Against The Persons Act 1861 which is a serious crime by virtue of the maximum sentence on conviction being life imprisonment.

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

A firearm has been in the premises and discharged showing current control measures at the premises to be inadequate and ineffective.

West Midlands Police have no confidence in the management of the premises. The lack of confidence in the management is compounded by the premises failing to report the matter to the police and cleaning up the scene of the incident hampering police enquiries into the matter.

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: *D. J. WYFORD*

Date: 11.12.23.

Rank/Capacity: Superintendent 9700

Contact details for matters concerning this application: BW Licensing

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

Telephone Number(s): 0121 626 6099

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

Notes for guidance:

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

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

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

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

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

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

3536 / 4

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Fredericks Bar 50 Frederick Street	
Post town: Birmingham	Post Code: B1 3HR
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
L	Late night refreshment
M1	Sale of alcohol by retail (on the premises)

The times the licence authorises the carrying out of licensable activities				
Sunday – Wednesday	08:00	-	00:00	E,F,M1
	23:00	-	00:00	L
Thursday	08:00	-	01:30	E,F,M1
	23:00	-	01:30	L
Friday	08:00	-	02:30	E,F,M1
	23:00	-	02:30	L
Saturday	08:00	-	03:00	E,F
	08:00	-	02:45	M1
	23:00	-	03:00	L
Christmas Eve and New Years Eve	08:00	-	04:00	E,F,M1
	23:00	-	04:00	L
Bank Holidays	08:00	-	02:00	E,F,M1
	23:00	-	02:00	L

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The opening hours of the premises

Sunday – Wednesday	08:00	-	00:00
Thursday	08:00	-	01:30
Friday	08:00	-	02:30
Saturday	08:00	-	03:00
Christmas Eve and New Years Eve	08:00	-	04:00
Bank Holidays	08:00	-	02:00

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

On Supplies Only

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Seyhmus Ozdemir	
Post town:	Post Code:
Telephone Number:	
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 Mr Seyhmus Ozdemir	
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 9820	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 24/04/2017

David Kennedy
Principal Licensing Officer
For Director of Regulation and Enforcement

Annex 1 – Mandatory Conditions

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

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

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

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

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

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

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) “permitted price” is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in

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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.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Regulated entertainment and late night refreshment shall take place indoors only.

No adult entertainment, services or activities permitted on the premises.

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

CCTV will be in operation 24 hours a day.

CCTV to be installed to the specifications and locations of West Midlands Police (Licensing Dept at Birmingham Central Police station. Recording at all times premises are open for any licensable activity Which ever system used all images are to be held for a minimum of 28 days.

If tape system used all tapes are to be held in secure holding facility.

If tape system used all tapes to be replaced every 6 months with new ones. This is to be recorded in incident book for premises.

All images held are to be available immediately on request by any of the responsible authorities.

RISK ASSESSMENT: Premises will supply to West Midlands Police (Licensing Dept at Birmingham Central Police Station) the risk assessment for standard nights at the premises.

For any non-standard night, the DPS will provide risk assessment of the night/event to West Midlands Police (Licensing Dept at Birmingham Central Police Station) at least 28 days before the event, or at a time agreeable between DPS and the police.

All security measures (if needed) detailed in the risk assessment will have to be agreed with West Midlands Police (Licensing Dept at Birmingham Central Police Station). Agreement will be provided in writing to the DPS.

DOOR SUPERVISORS:

All door supervisors working at the premises are to sign on duty when they start work and off duty when they finish.

All door supervisors must wear there SIA badge in a clear sleeve arm holder.

Door supervisors working outside the premises will wear hi-visibility coats

Where door supervisors are used the premises will retain a profile of all door supervisors that have worked at the premises in the last 3 months.

A profile will consist of proof of ID (copy passport, photo driving license, SIA badge) and proof of address dated within the last 6 months (copy bank statement, utility bill etc). No proof of address needed if proof of ID is photo driving license

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

Door supervisors will work past the closing time of the premises for a period until all patrons have dispersed from the locality. Door supervisors will patrol areas around collection points for taxis by the premises to prevent disorder.

The premise will have an incident book and record all incidents that occur inside or immediately outside the premise, irrelevant if any of the emergency services have been called.

This incident book can be inspected at any time by any regulatory body.

PROMOTERS:

Where an event takes place using any of the licensable activities with an external promoter then the DPS must give notification to (Licensing Dept at Birmingham Central Police Station), at least 28 days before the event on the first occasion, and any other occasion where the same promoter is used for a different event. Recommendations will be provided in writing and will become conditions for use at that event.

These recommendations must be retained by the premises for inspection.

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IDENTIFICATION

Premises will operate a Challenge 21 policy (can go higher if necessary)

Signage will be displayed at the venue.

The only identification that the premises will accept will be Photo driving licence, Passport or Pass approved card (Delete if necessary).

Refusals will be logged in a refusal register which must be available for inspection by any of the regulatory authorities.

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

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

Patrons and Taxis will be directed to the existing defined areas at Frederick Street and Vyse Street to avoid affecting residents on Albion Street.

During events at night, the DPS shall ensure that noise break out from the premises is monitored in order to ensure that a nuisance is not caused to occupiers in the vicinity. Results of assessments and follow up actions shall be promptly recorded in a diary to include the name of the person making the assessment, the date, time, location and results of the assessment and any follow up actions.

Customer Control

1. Customers shall not use the outside seating area after the hours of 11pm.
2. Between the hours of 2.30am and 3am music shall be lowered to background level.
3. Alcohol shall not be served after 2.45am.

Music

1. Windows to the front of the premises shall be kept closed when regulated entertainment is taking place on the premises.
2. All amplified music shall be controlled by a noise limiter, the noise limiter shall be installed and set at a level which meets with the approval of Birmingham City Council Environmental Health.

Taxi's

1. Customers who require a taxi from the site shall be advised by staff to use taxi companies specified by the licensee.
2. The licensee shall ensure that a written agreement is made with a reputable taxi company/ companies requiring that when taxis pick up and drop off customers from the licensed premise's, that noise from these vehicles does not cause a nuisance to local residents.
3. Notices shall be displayed within the licensed premises for customers to view, giving details of taxi companies to use.

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

Staff will record all refusals of alcohol and other age restricted products and the books will be checked and signed weekly by the Designated Premises Supervisor.

We will operate a Challenge 21 Policy as a minimum.

We will be vigilant to ensure that adults are not purchasing alcohol for those under 18.

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All staff will be trained in their responsibilities under the Licensing Act 2003 and other relevant legislation relating to age restricted products. This training will be updated /refreshed on a regular basis and records will be kept of this.

A refusal book will be maintained on the premises at all times. The refusals register will be available for inspection by any of the Responsible Authorities.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

The conditions agreed between applicant and Environmental Health, as shown in section 2d)to form part of the licence.

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

N/A

3c) Committee conditions to promote public safety

N/A

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

N/A

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

N/A

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Annex 4 – Plans

The plan of the premises with reference number **101026-3536/4** 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.



