

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING SUB-COMMITTEE B**

**TUESDAY, 26 MARCH 2024 AT 10:00 HOURS**  
**IN ON-LINE MEETING, MICROSOFT TEAMS**

*Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.*

### **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](#)) 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**

**5 - 24**

4 **MINUTES**

To note the Public part of the Minutes of the meeting held on 12 January 2024 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the Public part of the Minutes of the meeting held on 12 January 2024 at 1100 hours and to confirm and sign the Minutes as a whole.

To note the Public part of the Minutes of the meeting held on 30 January 2024 at 1000 hours and to confirm and sign the Minutes as a whole.

**25 - 64**

5 **LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW  
ELITE COCKTAIL BAR AND RESTAURANT, 81 STEWARD STREET,  
BIRMINGHAM, B18 7AF**

Report of the Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 10:00am.

6 **OTHER URGENT BUSINESS**

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

7 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

**PRIVATE AGENDA**

1 **MINUTES**

To note the Private part of the Minutes of the meeting held on 12 January 2024 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the Private part of the Minutes of the meeting held on 12 January 2024 at 1100 hours and to confirm and sign the Minutes as a whole.

To note the Private part of the Minutes of the meeting held on 30 January

2024 at 1000 hours and to confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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



## BIRMINGHAM CITY COUNCIL

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| <p><b>LICENSING<br/>SUB-COMMITTEE B<br/>12 JANUARY 2024</b></p> |
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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 12 JANUARY 2024 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Diane Donaldson in the Chair;

Councillors Sam Forsyth and Julien Pritchard.

**ALSO PRESENT**

David Kennedy – Licensing Section  
Joanne Swampillai – Legal Services  
Katy Poole – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

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1/120124

**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](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/120124

**DECLARATION 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.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3/120124

Apologies were submitted on behalf of Councillors Saddak Miah and Adam Higgs and Councillors Sam Forsyth and Julien Pritchard were the nominated substitute Members.

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**LICENSING ACT 2003 AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 – APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE – CONSIDERATION OF INTERM STEPS – HOLLOWAY CLUB TRADING AND KING VN, 89 HOLLOWAY HEAD, BIRMINGHAM, B1 1QP.**

**On Behalf of the Applicant**

Chris Jones – WMP (West Midlands Police)  
Ben Reader – WMP (West Midlands Police)

**On Behalf of The Premises Licence Holder**

No one attended. The elected Counsel (Duncan Craig) advised the Licensing Section that he would not be attending and therefore the meeting could proceed in his absence.

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The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

Ben Reader, WMP advised the Committee that there was an on-going criminal investigation linked to the expedited review application. Persons has been bailed due to offences. WMP intended to screen photos and video footage of what officers found when they visited the premises. Disclose of that information could prejudice the on-going criminal proceedings and subsequently they requested that the meeting be held in private.

Following a short adjournment the Committee approved the request submitted by Ben Reader, WMP and the Chair announced that the meeting would be held in private following the usual procedural points and after the Licensing Officer had presented the report in the public session.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. David Kennedy Licensing Section, outlined the report.

At this stage the chair invited the applicant/their representative to make their presentation in private.

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**EXCLUSION OF THE PUBLIC**

4/120124

**RESOLVED:-**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

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The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision was announced at the meeting. A full written decision of the Sub-Committee was sent to all parties as follows;

5/120124

**RESOLVED:-**

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 Hoai Nam Le in respect of Holloway Club, 89 Holloway Head, Birmingham B1 1QP, this Sub-Committee hereby determines:

- that the licence be suspended, and
  - that Thi Hong Quyen Van 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 Le, as premises licence holder for the premises.

West Midlands Police attended the meeting. The licence holder did not attend and was not represented.

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 matter was a live police enquiry regarding a serious crime incident. A Police investigation was ongoing regarding the incident. The Police asked for the proceedings to be conducted in private. The Sub-Committee conducted the meeting in private session.

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 had originated at the premises. The details were as per the documents in the Committee Report, and related to the execution of a search warrant at the venue under s23 of the Misuse of Drugs Act 1971.

The Police summarised the investigation thus far, relating to the discovery of significant quantities of illegal drugs, and significant sums of cash, at the site. An offence(s) under the Misuse of Drugs Act 1971 was suspected; the quantities discovered suggested an intent to supply, rather than simple possession.

The Police advised the Sub-Committee that such an offence was classed as a serious crime under s81 of the Regulation of Investigatory Powers Act 2000, as the sentence on conviction was likely to exceed three years. 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 lack of management control had led to the incident. Overall, the Police had no confidence in the premises' ability to prevent further serious crime. It was therefore 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 licence holder had not attended and was not represented, and therefore the Sub-Committee did not have the opportunity to hear from him or to ask him any 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 Le understood his responsibilities as licence holder, and moreover were not satisfied that there was proper management control of the premises.



## Licensing Sub-Committee B - 12 January 2024

The Police had observed that both the licence holder and the designated premises supervisor had been on site during the incident. The Sub-Committee considered that the wholly inadequate style of management described was a significant risk to the upholding of the crime prevention objective.

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, particularly relating to illegal drugs being found within licensed premises, pending the full Review hearing.

In deliberating, the Sub-Committee determined that there had been a discovery of a matter relating to 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 illegal drugs finding their way into licensed premises was extremely serious; moreover, on this occasion, significant quantities of illegal drugs had been discovered inside the premises whilst it was open to the public and conducting licensable activities.

This was 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 Members noted in particular the Police comments regarding the quantities of both illegal drugs and cash found at the site. The Police were the experts in crime and disorder, and accordingly the Sub-Committee accepted the Police's advice.

The Sub-Committee considered the other 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 in the meeting, 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.

The Members considered that Thi Hong Quyen Van had fallen far short of the standards expected of any designated premises supervisor, and that the style of

**Licensing Sub-Committee B - 12 January 2024**

operation described in the Superintendent’s certificate and application was a very significant risk to the upholding of the licensing objectives in Birmingham.

Under the current style of operation, large quantities of illegal drugs and cash had been found inside a licensed venue – the quantities of both suggested that an intent to supply was likely. 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.

**The meeting ended at 1053 hours.**

CHAIR.....

## BIRMINGHAM CITY COUNCIL

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| <p><b>LICENSING<br/>SUB-COMMITTEE B<br/>12 JANUARY 2024</b></p> |
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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 12 JANUARY 2024 AT 1100 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Diane Donaldson in the Chair;

Councillors Sam Forsyth and Julien Pritchard.

**ALSO PRESENT**

David Kennedy – Licensing Section  
Joanne Swampillai – Legal Services  
Katy Poole – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

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7/120124 **NOTICE OF RECORDING/WEBCAST**

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8/120124 **DECLARATION OF INTERESTS**

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interests flowchart which provides a simple guide to declaring interests at meetings.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

9/120124

Apologies were submitted on behalf of Councillors Saddak Miah and Adam Higgs and Councillors Sam Forsyth and Julien Pritchard were the nominated substitute Members.

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**LICENSING ACT 2003 AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 – APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE – CONSIDERATION OF INTERM STEPS – HNDRX, 89 HOLLOWAY HEAD, BIRMINGHAM, B1 1QP.**

**On Behalf of the Applicant**

Chris Jones – WMP (West Midlands Police)  
Ben Reader – WMP (West Midlands Police)

**On Behalf of The Premises Licence Holder**

Dorian Chan – Manager of PLH (Premises Licence Holder)

\* \* \*

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

Dorian Chan, the Manager for the PLH advised that she had submitted late supporting documentation and wanted clarification that the Committee had received those documents and read them.

The Chair confirmed that the Committee had received it.

Ben Reader, WMP advised the Committee that there was an on-going criminal investigation linked to the expedited review application. Persons had been bailed due to offences. WMP intended to screen photos and video footage of what officers found when they visited the premises. Disclosure of that information could prejudice the on-going criminal proceedings and subsequently they requested that the meeting be held in private.

Following a short adjournment the Committee approved the request submitted by Ben Reader, WMP and the Chair announced that the meeting would be held in private following the usual procedural points and after the Licensing Officer had presented the report in the public session.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. David Kennedy Licensing Section, outlined the report.

At this stage the chair invited the applicant/their representative to make their presentation in private.

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**EXCLUSION OF THE PUBLIC**

10/120124 **RESOLVED:-**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

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The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision was announced at the meeting. A full written decision of the Sub-Committee was sent to all parties as follows;

11/120124 **RESOLVED:-**

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 Mao Wah Limited in respect of HNDRX, 89 Holloway Head, Birmingham B1 1QP, this Sub-Committee hereby determines:

- that the licence be suspended, and
- that Parmjit Singh 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 the company, as premises licence holder for the premises.

West Midlands Police attended the meeting. A manager representing the licence holder also attended the meeting. The manager confirmed that the name of the

venue was as per the name shown on the premises licence. The Sub-Committee noted this.

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 matter was a live police enquiry regarding a serious crime incident. A Police investigation was ongoing regarding the incident. The Police asked for the proceedings to be conducted in private. The Sub-Committee conducted the meeting in private session.

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 had originated at the premises. The details were as per the documents in the Committee Report, and related to the execution of a search warrant at the venue under s23 of the Misuse of Drugs Act 1971.

The Police summarised the investigation thus far, relating to the discovery of significant quantities of what were suspected to be illegal drugs, and also significant sums of cash, at the site. An offence(s) under the Misuse of Drugs Act 1971 was suspected; the quantities discovered suggested an intent to supply, rather than simple possession.

The Police advised the Sub-Committee that such an offence was classed as a serious crime under s81 of the Regulation of Investigatory Powers Act 2000, as the sentence on conviction was likely to exceed three years. 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 lack of management control had led to the incident. 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 remove the designated premises supervisor for the reasons given in the Superintendent's certificate and application. 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 Police did not press the Sub-Committee to suspend the licence, suggesting instead that the conditions could perhaps be modified, such that the premises would not be permitted to trade without the permission of West Midlands Police, pending the full Summary Review hearing in 28 days' time.

The Police stated that the reason that they suggested this course was because the priority was "to safeguard the public by not allowing the premises to trade". The Police confirmed that in the next 28 days they would work with the manager regarding the company's use of its licence.

The licence holder, via the manager who had attended, then addressed the Sub-Committee to explain that there were ongoing issues relating to the lease arrangements at the site. She stated that the licence holder company was not involved with the activities which had been described in the Superintendent's certificate and application.

She endorsed the Police's proposed course, remarking that she did not see that the licence holder company should be punished via a suspension of its licence when it was not responsible for what had been discovered. She further remarked that if the company retained its licence, the venue could be "let to someone else". She requested that the Sub-Committee impose "more conditions so that no-one can trade using our licence".

Regarding the other suggestion made by Police relating to the designated premises supervisor, the manager confirmed that she agreed with the Police that the designated premises supervisor should be removed, remarking that she had been endeavouring to do this herself.

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 the company understood its responsibilities as licence holder, and moreover were not satisfied that there was proper management control of the premises.

The Police had suggested that a suspension was not necessarily vital to guard against the risks of further serious crime. Ordinarily, the Sub-Committee would accept the advice of the Police without question, on any and all aspects relating to serious crime, as the Guidance issued by the Secretary of State deemed the Police to be the experts in dealing with crime and disorder.

However, on this occasion, the Sub-Committee considered that the wholly inadequate style of management described was a significant risk to the upholding of the crime prevention objective, especially in relation to illegal drugs in Birmingham.

The Sub-Committee felt strongly that it was not possible to have any trust in the management of the site. The Members felt that they were not prepared to take any risks whatsoever regarding the potential for further serious crime, particularly relating to illegal drugs being found within licensed premises, pending the full Review hearing.

In deliberating, the Sub-Committee determined that there had been a discovery of a matter relating to 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 illegal drugs finding their way into licensed premises was extremely serious; moreover, on this occasion, significant quantities of illegal drugs had been discovered inside the premises whilst it was trading and open to the public.

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 Members noted in particular the Police comments regarding the quantities of both illegal drugs and cash found at the site. This was 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 Police were the experts in crime and disorder, which the Sub-Committee accepted. However, the Police's advice, namely that a suspension was not necessarily required, was in the eyes of the Members a potential risk to the licensing objectives generally, and to the likelihood of further serious crime in particular. The Members found themselves unable to take any risks whatsoever regarding public protection where illegal drugs were concerned.

The Sub-Committee considered the other 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.

Although the Police had recommended that the Sub-Committee should consider adopting a new condition, whereby the licence would remain in place but trading would not be permitted without Police approval, the Sub-Committee was not satisfied that this would adequately cover the risks, or be properly enforceable. The Members considered the suggested condition to be nebulous and vague, and therefore inadequate to cover the risk of further serious crime at the site.

The correct way forward was therefore to suspend the licence pending the full Review hearing, even though this had not been explicitly demanded by the Police. The Sub-Committee considered suspension to be entirely the proper course given what had been described in the certificate and application, 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 felt that on this occasion, given the quantities of illegal drugs and cash found at the site, a "belt and braces" approach was required to ensure the safety and protection of the public. The amounts discovered were in quantities which suggested a supply operation, and not simple possession; this was a huge risk to the community given that the site was a licensed premises. The Members felt that the protection of the public required an overabundance of caution, and for this reason decided to take the unusual step of imposing a suspension even though the Police had not in fact demanded this step.

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. Under the current style of operation, large quantities of illegal drugs and cash had been found inside a licensed venue, and the quantities of both suggested that an intent to supply was likely. The Police had stated that the priority was "to safeguard the public by not allowing the premises to



**Licensing Sub-Committee B - 12 January 2024**

trade”; the Sub-Committee considered that the only way to properly ensure this was to suspend the licence as an interim step pending the full Summary Review hearing.

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. This course had been endorsed by both the Police and the manager representing the licence holder.

The Members considered that Parmjit Singh had fallen far short of the standards expected of any designated premises supervisor, and that the style of operation described in the Superintendent’s certificate and application was a very significant risk to the upholding of the licensing objectives in Birmingham. Moreover, there was something of a suggestion that the Parmjit Singh could perhaps be connected to other premises operated by the licence holder company. The Sub-Committee had concerns that there could potentially be links of a type which could undermine the prevention of further serious crime. The designated premises supervisor was therefore removed pending the full Summary Review hearing.

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 and by the manager representing the licence holder company.

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.

**The meeting ended at 1317 hours.**

CHAIR.....



## BIRMINGHAM CITY COUNCIL

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| <p><b>LICENSING<br/>SUB-COMMITTEE B<br/>30 JANUARY 2024</b></p> |
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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 30 JANUARY 2024 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Diane Donaldson in the Chair;

Councillors Saddak Miah and Julien Pritchard.

**ALSO PRESENT**

Bhapinder Nandhra – Licensing Section  
Joanne Swampillai – Legal Services  
Katy Poole – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

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1/300124

**NOTICE OF RECORDING/WEBCAST**

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2/300124

**DECLARATION OF INTERESTS**

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interests flowchart which provides a simple guide to declaring interests at meetings.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3/300124 Apologies were submitted on behalf of Councillor Adam Higgs and Councillor Julien Pritchard was the nominated substitute Member.

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**MINUTES**

4/300124 That the Public section of the Minutes of the meeting held on 19 December 2023 at 1000 hours were noted and the Minutes as a whole were circulated and confirmed and signed by the Chair.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT – KINGS EXPRESS,  
204 WITTON ROAD, ASTON, BIRMINGHAM, B6 6LB.**

**On Behalf of the Applicant**

Patrick Burke – Agent  
Kishore Kumar Rajah – Applicant

**On Behalf of The Premises Licence Holder**

No one making representations attended the meeting.

\* \* \*

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Bhapinder Nandhra Licensing Section, outlined the report.

At this stage the chair invited the applicant to make their presentation and Patrick Burke on behalf of the applicant made the following points: -

- a) That the premises was currently closed but had traded before but not with an alcohol licence.
- b) That the applicant had many years' experience running shops and selling alcohol.
- c) The applicant planned to refurb the premises and extend the range and quality of goods available.

## Licensing Sub-Committee B - 30 January 2024

- d) The applicant has also been running premises for over 10 years in London and different areas of Birmingham.
- e) The application had been submitted in accordance with the requirements.
- f) They had agreed a closing time with WMP (West Midlands Police).
- g) The objector had stated many residents were concerned about the application, particularly ASB (anti-social behaviour) and crime. However, there was no evidence of this and no objection from WMP.
- h) The agent reminded the Sub-Committee that any decision should be based on evidence as per R (on the application of Daniel Thwaites plc) v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin), which emphasised the principles laid down by the Licensing Act 2003 and the accompanying Guidance issued by the Secretary of State under s182 of the Act - namely that there should be "light touch bureaucracy" when dealing with applications for premises licenses, and that restrictions should only be attached to premises licences if necessary to promote the licensing objectives, and be made on evidence, not based on speculation.
- i) That if the authority gave weight to the representation they would fail to comply with their own statement of licensing policy and the Licensing Act 2003.

The Chair then invited the applicant/representative to make a brief closing submission, Patrick Burke made the following closing statements: -

- That the objector made reference to HMOs (House in multiple occupation) in the area but the agent stated that it did not mean it was a bad thing.
- There was a premises licence opposite but they recently closed and was now operating as a clothes shop. People in the area had lost one shop.
- It was a brave thing for the applicant to open a shop with the rising costs of gas and electric.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision was announced at the meeting. A full written decision of the Sub-Committee was sent to all parties as follows;

5/300124

### **RESOLVED:-**

That the application by Kishore Kumar Rajah for a premises licence in respect of Kings Express, 204 Witton Road, Aston, Birmingham B6 6LB, be granted with an amendment of the hours as agreed between the applicant and West Midlands Police in advance of the meeting, namely:

- sale of alcohol by retail to operate from 07:00 hours until 22:00 hours (Monday to Sunday)

## Licensing Sub-Committee B - 30 January 2024

- premises to remain open to the public from 07:00 hours until 22:00 hours (Monday to Sunday)

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

The applicant attended the meeting and was represented by a licensing consultant. The consultant addressed the Sub-Committee on behalf of the applicant to explain that the premises was currently a closed shop. It had traded for many years as a convenience store under a variety of different operators, but had never been a licensed premises.

The applicant had many years' experience of running such shops, and of selling alcohol. He planned to refurbish the shop and extend the range and quality of the goods on offer. He had worked in licensed premises for over ten years, running petrol stations and off licence shops in various locations such as London, Small Heath, Dudley, and also in Vauxhall Road, Nechells, which was very near the instant premises.

Regarding the view which had been taken of the application by the responsible authorities, the consultant remarked that the police had initially asked for a closing time of 22.00 hours, and a restriction on the alcohol by volume percentage of beers and ciders. However, after discussions, and in view of the applicant's experience, the police had decided there was no need for an ABV condition.

The consultant confirmed that there had been no other comments from any of the other responsible authorities. The Sub-Committee noted this.

There had been one written objection to the application, from the local Ward Councillor, who had stated that many residents were complaining about the application. The concern was the potential risks to the licensing objectives given the number of HMO properties in the area. The Ward Councillor's representation also referred to an "enormous problem" with crime and antisocial behaviour, and he was worried that the sale of alcohol would further exacerbate these issues.

However, the consultant observed that there was no evidence of risks to the licensing objectives; after all, there had been no objection from the responsible authorities. Regarding the crime prevention objective, the police had been satisfied once the hours were amended. Local residents had not personally objected, despite the notice displayed on the building giving clear instructions on how to object to an application.

The consultant reminded the Sub-Committee that decisions should be evidence based, per *R (on the application of Daniel Thwaites plc) v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin)*, which emphasised the principles laid down by the Licensing Act 2003 and the accompanying Guidance issued by the Secretary of State under s182 of the Act - namely that there should be "light touch bureaucracy" when dealing with applications for premises licenses, and that restrictions should only be attached to premises licences if necessary to

promote the licensing objectives, and be made on evidence, not based on speculation.

The applicant considered that the representations submitted had been speculative in content, and therefore felt that if the Sub-Committee were to give weight to these speculative opinions, it would in fact be failing to follow the Guidance issued by the Secretary of State under s182 of the Act, and the City Council's own Statement of Licensing Policy. The Sub-Committee noted this.

The consultant reminded the Sub-Committee that the premises was currently a closed business. The applicant intended to invest in the business; in doing so, he would improve the area. The Ward Councillor's objection had made reference to the number of HMOs in the area; the consultant remarked that this was not always a bad thing. The consultant was aware that HMO buildings were not exclusively for people who might be viewed as 'problem' residents; he knew of HMO buildings elsewhere which housed "working people with good jobs who prefer to live in that type of accommodation".

He also remarked that there had been a licensed premises situated on the opposite side of the road, at no 169, which was no longer operating. The local community had therefore lost one shop that was selling alcohol very close by to the Kings Express premises.

The consultant observed that it was something of a brave thing to open a new business given the current economy and in particular the spiralling costs of gas and electricity. He commended the applicant to the Sub-Committee as someone who intended to "open up a closed business and make it successful". The Sub-Committee was sympathetic to this view.

The Sub-Committee noted that, under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk to the promotion of the licensing objectives. The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact have an adverse effect on the licensing objectives.

The Sub-Committee carefully considered the written representations submitted by the Ward Councillor, but as he had not attended the meeting in person, the Members did not have an opportunity to ask him any questions.

When deliberating, the Sub-Committee noted that the operating schedule had been drafted with consideration of the licensing objectives, and had been approved by the Police. This was reassuring. The consultant had also stated that many of the concerns raised in the representations were about issues that were speculative. The Members agreed with this.

The principal concern of the Members was the risk level around the proposed hours for the sale of alcohol; these had been reduced such that they were satisfactory to the police. The police considered that the licensing objectives could be upheld provided the hours were amended. Despite the comments made by the Ward Councillor about a risk of an increase in crime and antisocial

behaviour, there had not been any objection regarding crime and disorder from the police, who were the experts on crime prevention.

After careful consideration, and in the light of the shortened hours, the Sub-Committee determined that the application could safely be granted. Members considered that by granting the application with the amended hours, the four licensing objectives in the Act would be properly promoted. The Sub-Committee was satisfied that trading would be safe, and noted that the applicant was an experienced person who had been considered satisfactory by the Police. The application was therefore granted with the amended hours.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the application for a premises licence, the written representations received and the submissions made at the hearing by the applicant via his consultant.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

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**EXCLUSION OF THE PUBLIC**

6/300124

**RESOLVED:-**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

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CHAIR.....



## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

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

**1. Purpose of report:**

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

**2. Recommendation:**

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

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

**3. Brief Summary of Report:**

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

**4. Compliance Issues:****4.1 Consistency with relevant Council Policies, Plans or Strategies:**

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

## **5. Relevant background/chronology of key events:**

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

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

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

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

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

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

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

Site location plans are attached at Appendix 5.

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

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

## **6. List of background documents:**

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

## **7. Options available:**

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

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



## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

1. Premises details: Elite Cocktail Bar and Restaurant.

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

81 Steward Street, Winson Green,

Post Town: Birmingham

Post Code (if known): B1B 7AF.

2. Premises Licence details:

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

Number of premise licence (if known):  
98165

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

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

(Please tick the box to confirm)

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

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

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

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

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

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

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

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

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

Signature of  
applicant;

Date: 27.2.24

Rank/Capacity: Superintendent

Contact details for matters concerning this application: BW Licensing  
Address: Licensing Dept c/o Birmingham West and Central Police Station,  
Birmingham Telephone Number(s):

E-mail -

Notes for guidance:

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

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

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

# West Midlands Police

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

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

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

**Premise Licence Number: 98165**

**Premise Licence Holder: Mrs Angella Raymond .**

**Designated Premise Supervisor: Mrs Angella Raymond .**

**I am a Superintendent in West Midlands Police.**

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

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

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

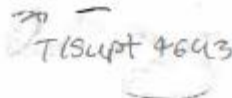
Violent disorder is a serious crime by virtue of the maximum sentence being up to five years imprisonment if a person is found guilty of this offence and warrants the use of this power. The offence has been committed in the presence of staff at the premises who are in a position of trust in the premises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

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

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

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

Signed





**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB COMMITTEE - B**

**THURSDAY 29 FEBRUARY 2024**

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

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

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

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

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

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

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

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

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

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

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

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



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

Dear Sirs

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

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

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

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

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

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

Yours faithfully

**Philip Somarakis**

Partner

For and on behalf of Irwin Mitchell LLP

London (Holborn)

40 Holborn Viaduct

London

EC1N 2PZ

Licensing Act 2003Premises Licence

|                                |       |
|--------------------------------|-------|
| <b>Premises Licence Number</b> | 98165 |
|--------------------------------|-------|

**Part 1 – Premises Details**

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

|  |
|--|
| <b>Where the licence is time limited the dates</b> |
| N/A  |

|  |
|--|
| <b>Licensable activities authorised by the licence</b>   |
| Sale of Alcohol by Retail<br>Provision of Late Night Refreshment<br>Performance of Live Music<br>Playing of Recorded Music<br>Performance of Dance |

**Times the licence authorises the carrying out of licensable activities**

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

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

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

**Performance of Live Music:**

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

**Further Details:**

**Place:**

**Seasonal Variations:**

**Non-Standard Times:**

**Playing of Recorded Music:**

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

**Further Details:**

**Place:**

**Seasonal Variations:**

**Non-Standard Times:**

**Performance of Dance:**

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

**Further Details:**

**Place:**

**Seasonal Variations:**

**Non-Standard Times:**

**The opening hours of the premises**

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

**Seasonal Variations:**

**Non-Standard Times:**

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

For consumption on and off the premises

**Part 2**

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

Ms Angella Raymond

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

N/A

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

Mrs Angella Raymond

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

**Licence Number:** 12280

**Issuing Authority:** Birmingham City Council

Dated 10-11-2022

Bhapinder Nandhra  
Senior Licensing Officer  
**For Director of Regulation & Enforcement**

## Annex 1 – Mandatory Conditions

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

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

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

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

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

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

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

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

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

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

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

## **Annex 2 – Conditions consistent with the Operating Schedule**

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

Regulated entertainment to only take place indoors

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

N/A

# Annex 4 – Plans

Plan Reference; - 98165 as attached.

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

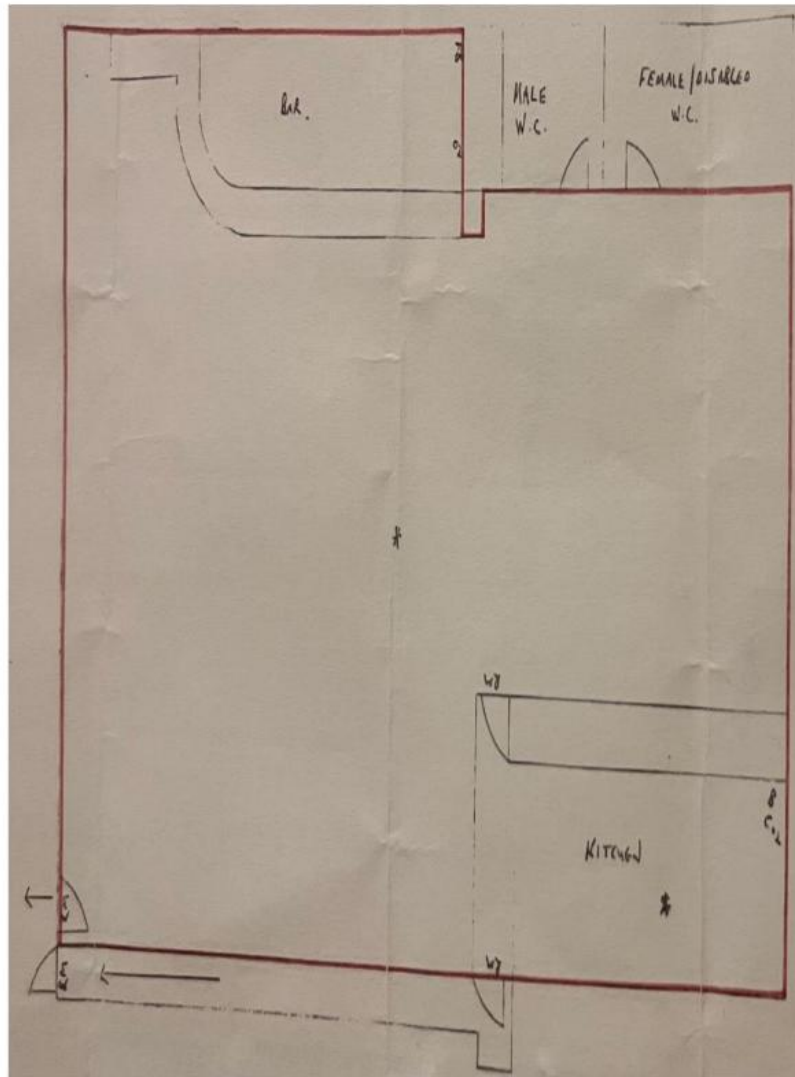
— PROPOSED LICENSABLE AREA

\* - SMOKE ALARM

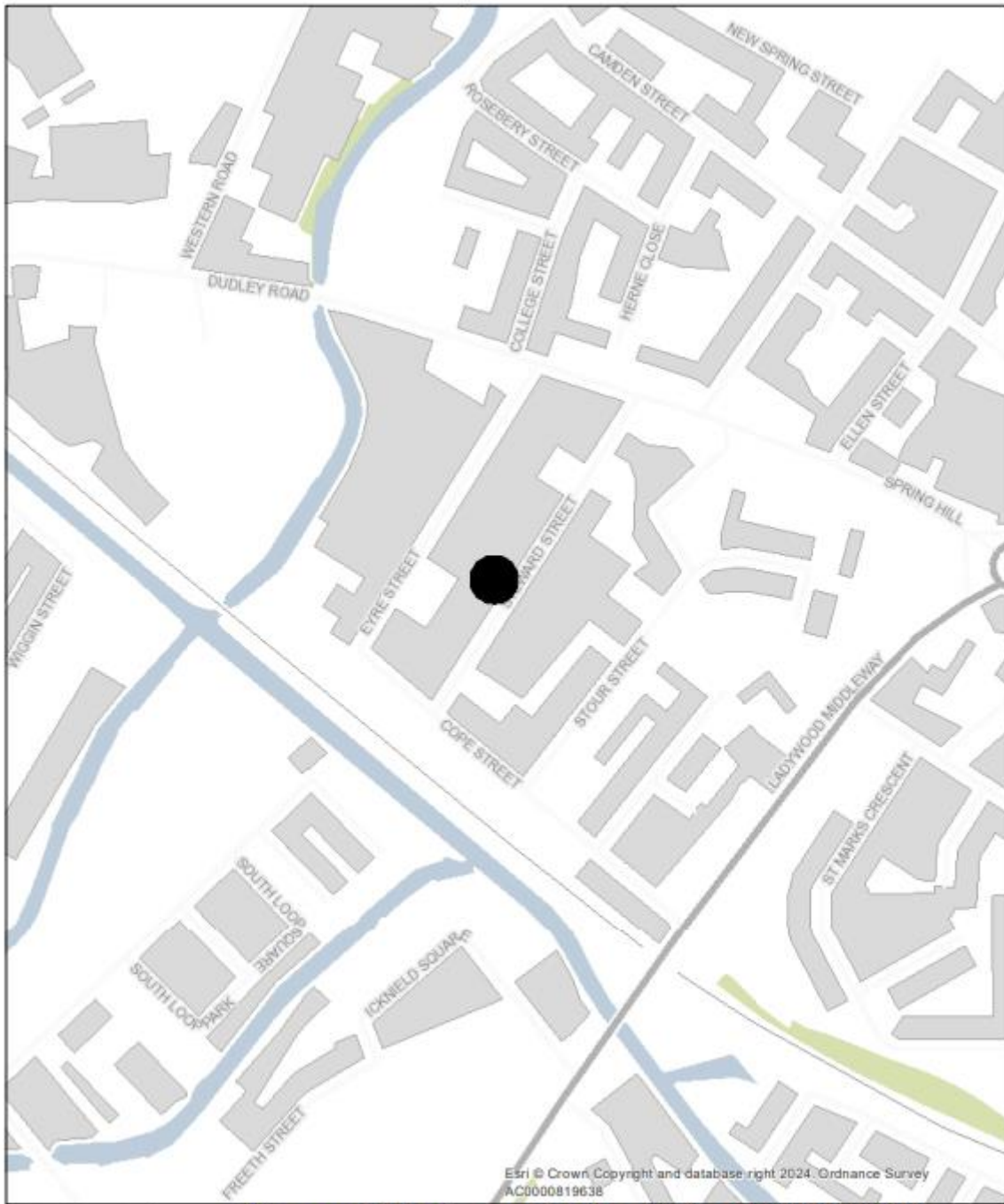
FB - FIRE BLANKET

CO2 - CO2 FIRE EXTINGUISHER

O2 - WATER FIRE EXTINGUISHER



SCALE 1:100



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## WITNESS STATEMENT

Crime Number:.....

**Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN 

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

Statement of: Mark Swallow.....

Age if under 18: Over 18..... *(if over 18 insert 'over 18')* Occupation: Police Licensing Officer 60264.....

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

Signature: M.Swallow..... Date 22nd March 2024.....

Tick if witness evidence is visually recorded  *(supply witness details on rear)*

I am Police Licensing Officer 60264 Mark Swallow of the West Midlands Police Force currently stationed at Lloyd House Police Station. I am part of a team that deals with all matters concerning premises and persons that hold licenses under the Licensing Act 2003.

Elite Cocktail Bar and Restaurant is a licensed premises situated at The Cross Keys, 81, Steward Street. Winson Green, Birmingham. B18 7AF. The premises license holder and designated premises supervisor is Mrs Angella Raymond. The premises is licensed to sell alcohol for consumption on the premises between the hours of 1200 and 0100 on each day of the week. The premises has an operating condition that all members of the public must be out of the premises by 0130 hours each day. On 27<sup>th</sup> September 2023 Miss Raymond met with staff from West Midlands Police Birmingham Licensing Department to discuss extending the hours of the premises for licensable activity. Miss Raymond was informed that West Midlands Police did not support any extension of hours beyond the level that they were then.

At approximately 0145 hours Friday 23<sup>rd</sup> February 2024 the premises were open and conducting licensable activity. At this time an incident of disorder has occurred which has involved up to fifteen persons. At this time the premises should have stopped all licensable activity and should have been free of all members of the public. If this had been the case then this incident would not have occurred. After the incident people left the premises of their own accord and no staff appear to have intervened to stop the incident. The premises have not called the emergency services. During the evening persons were also allowed to smoke in the premises and from Miss Raymonds account of events it is believed that the premises had exceeded its capacity for patrons and had allowed a promoted event against the operating conditions of its premises license.

An expedited review was applied for in relation to the incident and a hearing was held on 29<sup>th</sup> February 2024 which resulted in interim steps being issued that the premises license was suspended and the designated premises supervisor was removed.

I can say further that;

West Midlands Police hold information in April 2023 class A drugs are kept at Elite Cocktail Bar, 81 Steward Street, B18 7AF and dealt to customers. The bar allows after hours drinking in breach of licensing conditions.

West Midlands Police hold information in February 2024 that during a disorder inside Elite Cocktail Bar, 81 Steward Street, B18 7AF guns were drawn, people injured and gang nominals were present.

Miss Raymond was the designated premises supervisor of a licensed premises situated in Walsall when its premises license was revoked in 2022 for persistently failing to promote the licensing objectives. The premises had also continued to trade without a premises license holder in place and was subject to a closure notice.

I was present at a meeting with Miss Raymond on 11.3.24 to discuss the matters. She stated that the venue had been hired by a male named Ricky a businessman from Dudley Road, Winson Green who had hired the venue for a party. The fee for hire was £350. The organisation of the event was done by Ricky and there was an entrance fee charged on the door. He was aware the event should finish by 0130. Ricky also provided a DJ and 3 security personnel who Miss Raymond knew from working as security previously. She believed there were 80 persons present at the venue from the tickets sold.

At the hearing CCTV was played of the disorder in the premises exhibit number reference number MS1 and there is also CCTV footage of persons smoking within the premises exhibit number reference number MS2 exposing a breach of the fire regulations and an illegal act which I now produce as evidence. The further breaches of the operating conditions for the premises and the Licensing Act 2003 are serving alcohol after the terminal time for it, having persons in the premises after 0130, hosting a promoted event and having more persons in the premises than the agreed safe capacity of 60.

Despite diligent attempts to find an acceptable operating model for the premises in order to ensure that the licensing objectives are promoted and that an incident such as this would not occur again this has not been possible to achieve. Miss Raymond has consistently failed to recognise any failings in the premises and persists in her wishes to operate a late-night venue. Miss Raymonds suggestions have been ill thought through and unworkable. This has been an example of Miss Raymonds approach to her trade and her actions show an inability to promote the licensing objectives. It is clear that Miss Raymond has not demonstrated an attitude that would engender trust in her to promote the licensing objectives.

Due to the systematic breaches of the premises license conditions and the failure of Miss Raymond to promote the licensing objectives in particular the prevention of crime and disorder and the promotion of public safety and despite attempts being made to find an alternative course of action which has been unsuccessful therefore the only course of action that West Midlands Police would recommend and request is that the premises license is revoked and Miss Raymond is removed as the Designated Premises Supervisor.M.Swallow.







WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. [ ]

URN [ ]

Statement of Spencer HUNT

Age if under 18 O/18 (if over 18 insert "over 18")

Occupation Police Constable

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: Spencer HUNT (witness) [Signature]

Date 13/03/24

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am Police Constable 4743 Spencer HUNT of the West Midlands Police. I am currently an officer on the Organised Crime and Gang Team.

I have been an officer on the Organised Crime and Gang Team for the last 8 years. Although for the majority of my career I have worked in the areas of Birmingham that are populated by the main Birmingham based gangs such as the Burger Bar Gang and Johnson Crew Gang which has given me a good knowledge base in this field.

The role of the Organised Crime and gang Team is to conduct work focused on Gangs and Organised Crime Groups based in Birmingham. This will include the managing and monitoring of individuals who are linked to the Gangs/Organised Crime Groups. The work will also include enforcement action of all types and obtaining gang injunctions. We work closely with officers from the National Probation Service and Youth Offending Teams to manage those released from prison who are on licence. We also work with other partner agencies as well as mentoring services. We engage directly with those we manage, their families, their associates and the wider community. As well as this we have an overview of police intelligence relating to this form of criminality. Consequently, our role gives us a unique perspective on Gang activity and Organised Crime Groups within the Birmingham area and gives us an understanding of these gangs and groups beyond those we directly manage.

On the 11th March 2024 I was contacted by PS LYNN who is a Licencing Supervisor for West Midlands Police.

PS LYNN was requesting a statement from an officer from the Organised Crime and Gang Team regarding activity at Elite Cocktail Bar, 81 Steward Street, Ladywood, B18 7AF which is known to attract gang members.

Signature [Signature]

Signature witnessed by .....

Crime No. [ ]

URN [ ]

Statement of Spencer HUNT

On the 23rd February 2024 information was received that a disorder had occurred at the location during which weapons were produced. Enquires revealed that some sort of disorder had occurred inside the venue but weapons could not be seen on the CCTV and no persons have come forward and reported and injuries as a result of the disorder.

Im aware that on the night of the disorder there were a number of very well known elevated gang members who all have access to firearms.

The bar has always been heavily used by gang members from the centrally based gangs such as Burger Bar, AR, and Ladywood Gangs amongst others. Clearly with the attraction of Gang members this brings the inherent risk of trouble between gang members. Gang members are well known to carry weapons due to the risk of confrontation with rival members.

The venue is recently under new management and has clearly starting hosting events which will attract gang members. A common term for the events is 'Round Robins' . The events are held at music venues such as Elite and involves a large group of persons who take it in turn leading the event and they will make profit from said event. Again the events attract a large percentage of Gang members in a concentrated area.

Elite Cocktail Bar has formally been known as the Cross Keys pub / banqueting suite and it is situated in the middle of an industrial area between Ladywood and Winson Green just off Spring Hill. The bonus to the location is that there is no residential building close to it and the surrounding businesses tent to close in the evening leaving the only open venue being the Bar and therefor resulting in the only risk of police being call regarding issues down to customers using said venue.

As a result over the years there has been a number of incidents including the death of an individual who was involved in a disorder and fatally stabbed. The perpetrator was charged with murder but found guilty of manslaughter at court.

During my time on the Organised Crime and Gang Team I have reviewed the information that we receive and can recall that there has been a number of Gang related issues involving violence.



Signature .....



Signature witnessed by .....

03/2016



### Highfield Qualifications

Certifies that

*Aldane Hugh Williams*

has successfully passed an assessment in

Highfield Level 2 Award for Personal Licence Holders (RQF)

Qualification number 603/2597/5

Date of award 07 March 2024


Certificate number PLH7767110

  
Course Director

Safetymark Training and Consultancy Ltd

Training Organisation



  
Jason Sprenger - Chief Executive  
Highfield Qualifications



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## **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.

## **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.

### **CAPACITY AND EVACUATION PROCEDURES**

The maximum capacity of persons shall be subject to a fire risk assessment

The Licence Holder will ensure that escape routes and exits, including external exits, are maintained to ensure that they are not obstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.

The Licence Holder will ensure that where chairs and tables are provided, internal gangways are kept unobstructed. The Licence Holder will ensure that all exit doors are easily openable and do not require the use of a key, card, code or similar means. The Licence Holder will ensure that doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check is kept. The Licence Holder will ensure that any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.

The Licence Holder will ensure that all fire doors are maintained effectively self-closing and not held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors). The Licence Holder will ensure that fire resisting doors to ducts, service shafts, and cupboards are kept locked shut. The Licence Holder will ensure that the edges of the treads of steps and stairways are maintained so as to be conspicuous.

### **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.

### **SIA DOORSTAFF**

A member of the management team of the premises will have control and direction over the security team when the premises is open for licensable activities

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 [28/31] 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.

Door supervisors stationed outside the premises shall wear hi-visibility jackets/coats. Door supervisors inside shall wear hi-visibility waist coats. All SIA door staff will wear their SIA badge in a clear arm sleeve. When door staff are deployed at least one door staff will be equipped with a bodycam and will attend all incidents that require intervention. Bodycam footage will be retained for a minimum of 31 days.

### **STAFF TRAINING**

Staff shall be trained in the requirements of the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence. Staff shall sign to confirm that they have received and understood the training. Written records of this training shall be retained and made available to the Police or authorised officers of the Licensing Authority upon request.

All staff responsible for selling alcohol shall receive relevant training before making any unsupervised sales.

The training shall include:

- the Licensing Act 2003 in terms of the licensing objectives and offences committed under the Act;



- the conditions of the Premises Licence;
- the sale of age-restricted products.

This training will be refreshed at least every six months. Staff shall sign to confirm that they have received and understood the training. Written records of this training shall be retained and made available to the Police or authorised officers of the Licensing Authority upon request.

Age-restricted products training shall cover the following steps:

- the assessment of age;
- how and when to challenge for proof of age;
- acceptable proof of age and how to check; and
- recording refusals.

All staff shall be trained in how to identify drunk or drug impaired customers. This training shall be repeated at least biannually. Staff shall sign to confirm that they have received and understood the training. Written records of this training shall be retained and made available to the Police or authorised officers of the Licensing Authority upon request.

All staff shall be trained in how to manage a crime scene and crime scene preservation. This training shall be repeated at least once a year. Staff shall sign to confirm that they have received and understood the training. Written records of this training shall be retained and made available to the Police or authorised officers of the Licensing Authority upon request.

#### **OPERATING POLICIES**

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

The premises will have at least one staff member on duty that is first aid trained when carrying out licensable activity and a first aid trained staff member will take the lead on any medical or vulnerability incidents

#### **STAFF TRAINING**

The premises licence holder shall ensure that all shift managers are trained in safety and accredited Conflict Management Training.

#### **WASTE, SMELLS AND LITTERING**

The Licence Holder will ensure that the placing of bottles into receptacles outside the premises takes place at times that will minimise disturbance to nearby properties. The Licence Holder will ensure that they Display prominent, clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

The Licence Holder will ensure that offensive smells from the licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented. The Licence Holder will ensure that receptacles for waste are emptied regularly to minimise nuisance smells. The Licence

Holder will ensure that flashing or particularly bright lights on or outside the licensed premises do not cause a nuisance to nearby properties, whilst balancing the need for lighting in the interests of prevention of crime and disorder. The Licence Holder will ensure that adequate and suitable (lidded) receptacles to receive and store refuse from the premises/site. The Licence Holder will ensure that receptacles for refuse storage are maintained in a clean condition.

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

The Licence Holder will ensure that where glass bottles are used, they will be retained or disposed of on the premises. The Licence Holder will ensure that no customers will be admitted, or permitted to leave when carrying open or sealed bottles or glasses. The Licence Holder will ensure that the consumption of alcohol is restricted to the areas identified on the plan attached to the operating schedule. The Licence Holder will ensure that a secure deposit box is kept on the premises for the retention of confiscated items and that the Police are advised of any items which require safe disposal. The Premises Licence Holder will be responsible for the disposal of waste on the frontage of the premises and make provision for the emptying of litter bins in the vicinity of the premises. The Licence Holder will ensure that lighting is provided outside the premises (and in my private car park) during the hours of darkness when any licensable activity takes place on the premises.

#### **PROMOTED EVENTS**

The premises will not employ/ hire / contract any 3rd party promoters, whether it be for fully or part promoted events, unless the prior approval of West Midlands Police has been obtained and that approval is in writing

#### **OFF-SALES DELIVERIES**

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

#### **LICENSABLE ACTIVITIES**

The premises will conclude licensable activity at 2300 each day and close 30 minutes thereafter. However, where the prior approval of West Midlands Police has been obtained, the hours for licensable activity will conclude at 23:30 and the premises shall close at 00:00

Regulated entertainment to only take place indoors



# Drugs Policy

## Introduction

[name of venue] 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

| <b>Controlled drug and slang names</b>   | <b>Form</b>  | <b>How taken</b> | <b>Signs to look out for</b>  |
|--|--|------------------|---|
| 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 [name of venue] 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 [name of venue] 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**

[name of venue] 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 [name of venue] 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**

[name of venue] 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**

[name of venue] 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.