

**From:** Philip Somarakis  
**Sent:** Wednesday, December 27, 2023 5:53 PM  
**To:** Licensing  
**Cc:** bw\_licensing; Mark Swallow  
**Subject:** Acapella. Frederick St, Hockley. B1 3HR. Licence Number 3536 [IM-Active.FID4261325]  
**Importance:** High

Dear Sirs

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

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

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

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

Around 9/10 a.m. Mr Ozdemir was contacted by the Police and was asked to allow them access to Acapella. He co-operated fully with the Police who confirmed that he had made their job easy by leaving the premises as it was the previous night. As Mr Ozdemir puts in “straws were still left in their drinks.” He remained at the premises for some 4 or 5 hours whilst the Police

undertook a forensics examination. He only commenced the cleaning up process once he was given the green light by the Police. We understand that it was initially suggested that he had cleaned up the crime scene, but that was based on limited information being available at the time the review papers were submitted. Now that the Police have had more time to make further enquiries of those conducting the investigation, we expect that this matter will be corrected before the Sub Committee.

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

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

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

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

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

Mr Ozdemir has operated the venue since 2017, initially as Frederick Coffee Lounge. He renamed the venue in 2019 when it relaunched as Acapella and a core feature of the business has been to showcase live bands regularly, many of whom are local musicians. After a year unfortunately the business was impacted by the Covid lockdown. This is a small family

business that supports Mr Ozdemir and his family as well as employing 6 part time staff. Acapella is everything to Mr Ozdemir and he cannot afford to keep it closed.

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

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

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

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

Yours faithfully

**Philip Somarakis**  
Partner  
For and on behalf of Irwin Mitchell LLP  
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# ACAPELLA

## Vulnerability Policy

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

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

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

These policies are.

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

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

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

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

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

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

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

### **ASK ANGELA/WAVE TRAINING**

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

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

The WAVE training is based upon 5 key principles.

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

### **ASK ANGELA**

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

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

## **CONDITIONS**

### **DUTY MANAGER**

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

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

### **TRAINING**

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

### **RISK ASSESSMENT**

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

### **PROMOTERS**

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

### **BOOKINGS**

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

booking will be informed that it is subject to agreement to the deployment of door staff and the entry/ search policies of the venue.

## **SIA DOORSTAFF**

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

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

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

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

## **ID SCANNER**

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

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

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

- (a) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.
- (b) A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the licensing authority and Police for a minimum period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager,
- (c) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.
- (d) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet.

#### **SEARCHING OF CUSTOMERS**

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

#### **LAST ENTRY TIME**

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

#### **INCIDENT LOG**

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

- (1) all crimes reported to the venue
- (2) all ejections of patrons
- (3) any complaints received concerning crime and disorder
- (4) any incidents of disorder
- (5) all seizures of drugs or offensive weapons
- (6) any faults in the CCTV system, searching equipment or scanning equipment
- (7) any refusal of the sale of alcohol
- (8) any visit by a relevant authority or emergency service

#### **SERIOUS ASSAULT**



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

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

#### **VULNERABILITY POLICY**

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

#### **ADULT ENTERTAINMENT**

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

#### **REGULATED ENTERTAINMENT**

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

#### **CCTV**

CCTV will be in operation 24 hours a day.

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

#### **IDENTIFICATION AND REFUSALS**

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

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

#### **DISPERSAL POLICY**

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

#### **TAXIS**

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

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

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

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

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

## **CUSTOMER CONTROL**

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

## **MUSIC NOISE**

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

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

# **Acapella**

## **Dispersal policy**

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

the needs of local residents and to leave the venue and the area quietly.

# CCTV POLICY

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

## Introduction

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

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

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

## **Review**

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

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

The premises licence (XXXXXXX) issued on the xxxxxxxx enables

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

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

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

### **Amend as appropriate**

- The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days.
- CCTV camera system covering both internal and external to the premises is to be installed.

- A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
- The system will comply with other essential legislation, and all signs as required will be clearly displayed.
- The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
- There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

## Operation

The CCTV surveillance systems are owned by XXXXXXXXXXXXX

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

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

The Information Commissioners Office registration document is attached to this policy

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

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

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

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

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

## Recording and retention of images



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

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

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

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

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

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

## **Viewing**

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

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

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

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

## **Access**

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

- The local licensing authority.

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

### **Download Procedure**

Should a download be required as evidence, an electronic copy may only be made under the supervision of the owner and/or the DPS. Where this is to be released to the Police or the Licensing Authority this will only be released on receipt of a completed Data Release Form and sight of their warrant card or council identification

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

### **Individual Access Rights**

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

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

Requests for access to CCTV images must include:-

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

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

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

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

### **Access to Images by Third Parties**

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

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

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

### **Staff Training**

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

## Drugs Policy

### Introduction

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

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

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

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

### Drugs

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

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.	Paper squares printed with various designs, gelatine microdots, less commonly tablets	Swallowed	Hallucinations, erratic and unpredictable behaviour
Cocaine:- also known as White, Wash, Toot, Stones, Snow, Rocks, Percy, Pebbles, Freebase, Crack, Coke, Ching, Charlie, Chang, C.	White powder	Sniffed/snorted, more rarely injected	Euphoria, but sometimes causes anxiety, runny nose, sniffing, traces of powder around nostrils and on banknotes. Banknotes rolled into tubes when making payment
Crack:- also known as White, Wash, Toot, Stones, Snow, Rocks, Percy, Pebbles, Freebase, Crack, Coke, Ching, Charlie, Chang, C.	Yellowish rocky lumps	Smoked in a pipe or heated on foil and inhaled	Instant elation – wears off quickly. Violent behaviour. Empty wrappers and scorched foil

Cannabis:- also known as weed, skunk, sinsemilla, sensi, resin, Puff, Pot, Marijuana, herb, hashish, hash, grass, ganja, draw, Dope, Bud, bhang.	Resin (brownish lumps) or herbal	Smoked in hand rolled cigarettes known as joints, reefers, doobies and spliffs. Resin can also be eaten	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
Heroin:- also known as Smack, Skag, Horse, H, Gear, Brown.	Off-white or brownish powder	Injected. Can also be heated on foil and inhaled through a straw – known as chasing the dragon	Sleepy euphoria, slow breathing, runny nose and eyes, needle marks on body, syringes, needles, blood stained cotton wool, scorched tin foil or spoons
Rohypnol:- also known as Vallies, Rugby balls, Roofies, Rohypnol, Norries, Moggies, Mazzies, Jellies, Eggs, Downers, Blues, Benzos.	Tablets	Swallowed – colourless and odourless when dropped into drinks, dissolving rapidly (tasteless)	Muscle relaxation, slow responsiveness and lower inhibitions, victim feels disorientated

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

### **Right of Entry**

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

being under the influence of illegal drugs or substances will not be allowed to enter the premises.

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

### **Zero tolerance policy in relation to illegal substances**

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

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

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

### **Staff training in relation to illegal substances**

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

### **Warning signs and vigilance**

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

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

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

- Very dilated pupils
- Excessive sniffing, dripping nose, watering or reddening of the eyes.
- Sudden severe cold symptoms following a trip to the toilet or outside.
- White marks or traces of powder around the nostrils.
- Excessive giggling, laughing at nothing and/or non-stop talking.
- Vacant staring, a customer being unnaturally dopey or exhibiting signs of sleepy euphoria.
- Non-stop, fidgety movement, jigging about or dancing.
- Gagging or retching actions.
- Excessive consumption of soft drinks.
- Sudden, inexplicable tearfulness or fright.
- Any marked alteration in behaviour following from a trip to the toilet or external to XXX.
- Any person holding court, with a succession of visitors who do not stay.
- A person making frequent trips to the toilets or outside the venue, followed by different people each time.
- Visits to the toilets by groups or couples.
- People exchanging small packages or cash, often this can be done secretly, but can be quite open to avoid suspicion.
- Furtive or conspiratorial behaviour
- Conversation which includes reference to drugs or slang terms for drugs.

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

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



### **Confiscation of illegal substances**

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

### **Detaining persons in relation to illegal substances**

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

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

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

## SECURITY PLAN

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

<b>Booking Events/police notification</b>	<p>Prior to any event being held in the venue a full risk assessment will be completed to determine if the event should go ahead.</p> <p>A risk assessment for standard nights will be supplied to West Midlands Police.</p> <p>For any non-standard night, the DPS will provide risk assessment of the night/event to West Midlands Police (Licensing Dept at Birmingham Central Police Station) at least 28 days before the event, or at a time agreeable between DPS and the police. All security measures (if needed) detailed in the risk assessment will have to be agreed with West Midlands Police (Licensing Dept at Birmingham Central Police Station). Agreement will be provided in writing to the DPS.</p> <p>Full details of the person organising the event will be made available along with a recognised form of identification. For such events bookings will not be taken over the phone and the organiser will be required to present themselves in person.</p> <p>If the event is promotor led, then full details of the promoter will be forwarded to the police for their own risk assessment function. The DPS will give notification to (Licensing Dept at Birmingham Central Police Station), at least 28 days before the event on the first occasion, and any other occasion where the same promoter is used for a different event. Recommendations will be provided in writing and will become conditions for use at that event. These recommendations must be retained by the premises for inspection.</p>
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	<p>Risk assessing a proposed event is a subjective exercise. During the risk assessment exercise, the management will consider,</p> <ul style="list-style-type: none"> <li>• The number of guests that are anticipated to attend.</li> <li>• Are there likely to be guests outside (queuing or trying to gain late entry)</li> <li>• Outside marketing on social media by the organiser or third parties</li> <li>• The type of entertainment proposed.</li> <li>• The type of event that has been proposed.</li> <li>• A scan of social media associated with the event organiser and past events at other locations.</li> <li>• The time of the year.</li> </ul>
<b>SIA Staff</b>	<p>The venue will operate with qualified SIA staff.</p> <p>All door supervisors working at the premises are to sign on duty when they start work and off duty when they finish. All door supervisors must wear their SIA badge in a clear sleeve arm holder. Door supervisors working outside the premises will wear hi-visibility coats.</p> <p>The SIA staff will be responsible for entry into the venue, age verification, the management of the ID scanner, and the search function prior to entry. Search wands that may detect any hidden objects will be in use at the entrance and the search area will be covered by CCTV..</p> <p>At least one licensed SIA door staff on duty at premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the West Midlands Police</p> <p>All recordings shall be stored for a minimum period of 31 days with date and time stamping, and viewing of recordings shall be made available immediately upon the request of Police.</p> <p>On Fridays and Saturdays from 21:00 onwards, at least (2) SIA licensed door supervisors shall be on duty at the entrance of</p>

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

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

	<ul style="list-style-type: none"> <li>• Seal number of property bag</li> <li>• Any action taken (e.g. person detained, police called).</li> <li>• Signature of person of person seizing.</li> <li>• Signature of the DPS or manager.</li> <li>• Details of the person searched.</li> </ul> <p>Any items that are seized will be securely stored in the manager's office until collected by the police. Any CCTV or other identifying evidence will be supplied to the police along with the item.</p>
<b>Queuing</b>	<p>The SIA door staff will manage any queue that forms at the entrance.</p> <p>SIA staff will ensure that any people queuing are made aware of the required search process and the age verification process. This will be supported by the relevant signs.</p>
<b>Re-entry Policy</b>	<p>After 01.00 the venue will operate a no entry policy. Any person leaving the venue, other than to smoke in the designated smoking area, will be refused entry/re-entry to the venue.</p> <p>In exceptional circumstances, if someone leaves the venue i.e. medical reasons, they will be researched upon entry by electronic wand and pockets of any outer clothing</p>
<b>Ejections from the premises</b>	<p>All ejections of customers will be recorded in the incident book and drawn to the attention of the DPS who will countersign the book.</p>
<b>Incidents</b>	<p>In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:</p> <p>(1) The police (and, where appropriate, the Ambulance Service) are called without delay;</p> <p>(2) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;</p> <p>(3) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and</p>

	<p>(4) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises</p> <p>Staff will act upon the advice given to them by police officers in attendance.</p>
<b>CCTV</b>	<p>The venue is adequately covered by a high-quality CCTV system that has been registered at the Information Commissioners Office. All public areas within the venue are covered along with the entrance to the venue. The system provides high quality facial identification in all lighting conditions.</p> <p>Images are stored for a minimum of 28 days. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. Someone will be on the premises, who can download the images and present them on request to a police officer or other responsible authority, upon completion of the relevant disclosure document.</p> <p>At least 1 member of the SIA staff will wear a body cameras.</p>
<b>Drugs</b>	<p>There is a zero tolerance policy to illegal substance. See drugs policy.</p>
Ask for Angela (WAVE TRAINING).	<p>People who feel unsafe, vulnerable, or threatened can discreetly seek help by approaching venue staff. All staff at the venue have attended 'Wave training'</p> <p>The scheme is advertised in the venue.</p>
Drink spiking	<p>All staff have been trained around drink spiking and understand what to look for. Appropriate notices are placed in the venue for customers to note, pointing out the 3 key areas to be aware of.</p> <ul style="list-style-type: none"> <li>• Never lose sight of your drink</li> <li>• Be vigilant if you're drinking with strangers</li> <li>• Be a drink buddy</li> </ul>

	The venue will ensure that drink spiking test kits are available on request at the bar. Drinking vessel top covers will also be made available at the bar throughout the hours that the venue is open.
Drinking vessels	Polycarbonate drinking vessels will be used throughout the venue on event nights.



# **ACAPELLA**

## **Search Policy**

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

9. How to perform the search:

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

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

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