

From: Duncan Craig <dcraig@st-philips.com>
Sent: Friday, December 29, 2023 8:46 AM
To: Licensing <licensing@birmingham.gov.uk>
Cc: Mark Swallow <mark.swallow@westmidlands.police.uk>; bw_licensing <bw_licensing@westmidlands.police.uk>; Philip Somarakis <Philip.Somarakis@irwinmitchell.com>
Subject: FW: Appeal against Interim Steps Acapella Frederick St, Hockley License number 3536.

Dear Licensing

Please find attached further amended conditions which are now agreed between the parties. The only amendment from what WMP sent over yesterday is the insertion of the word 'assessment' into two of the conditions.

Please can this be placed before members in advance of this morning's hearing.

I have copied WMP into this email.

Many thanks .

Kind regards,

Duncan Craig
Barrister

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DUNCAN CRAIG



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From: Mark Swallow <mark.swallow@westmidlands.police.uk>
Sent: Thursday, December 28, 2023 1:45 PM
To: Duncan Craig <dcraig@st-philips.com>
Subject: FW: Appeal against Interim Steps Acapella Frederick St, Hockley License number 3536.

From: Mark Swallow
Sent: 28 December 2023 11:27
To: 'Licensing' <licensing@birmingham.gov.uk>

Cc: 'Philip Somarakis' <Philip.Somarakis@irwinmitchell.com>

Subject: Appeal against Interim Steps Acapella Frederick St, Hockley License number 3536.

Good Morning Licensing,

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

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

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

Mark Swallow.

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CONDITIONS

DUTY MANAGER

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

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

TRAINING

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

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

RISK ASSESSMENT

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

PROMOTERS

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

BOOKINGS

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

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

SIA DOORSTAFF

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

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

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

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

ID SCANNER

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

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

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

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

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

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

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

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

SEARCHING

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

LAST ENTRY TIME

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

INCIDENT LOG

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

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

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

SERIOUS ASSAULT

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

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

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

Ensure incidents reports are completed

VULNERABILITY POLICY

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

ADULT ENTERTAINMENT

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

REGULATED ENTERTAINMENT

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

CCTV

CCTV will be in operation 24 hours a day.

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

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

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

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

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

IDENTIFICATION AND REFUSALS

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

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

DISPERSAL POLICY

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

TAXIS

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

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

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

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

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

CUSTOMER CONTROL

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

MUSIC NOISE

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