

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Monday 15th April 2019
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Stories, 30 Ladywell Walk, Birmingham, B5 4ST
Ward affected:	Bordesley & Highgate
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider an application to review a Premises Licence.

2. Recommendation:

To consider and determine the review application.

3. Brief Summary of Report:

Review application received on 19th February 2019 from West Midlands Police in respect of Stories, 30 Ladywell Walk, Birmingham, B5 4ST.

A representation has been received from Public Health, as a responsible authority.

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:

The Chief Constable of West Midlands Police applied on 19th February 2019 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Stories, 30 Ladywell Walk, Birmingham, B5 4ST.

Review application is attached, see Appendix 1.

A representation has been received from Public Health, as a responsible authority, which is attached at Appendix 2.

The Premises Licence is attached at Appendix 3.

Site location plans are attached at Appendix 4.

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 is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -

- 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 Form, Appendix 1
Copy of the representation as detailed in Appendix 2
Copy of Premises Licence, Appendix 3
Site location plans, Appendix 4

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
No Action

Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Birmingham City Council, PO Box 17013, Birmingham, B6 9ES

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

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 this 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. You may wish to keep a copy of the completed form for your records.

I The Chief Constable of West Midlands Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Stories 30 Ladywell Walk	
Post town Birmingham	Post code (if known) B5 4ST

Name of premises licence holder or club holding club premises certificate (if known) New Era Birmingham LTD

Number of premises licence or club premises certificate (if known) 3897	<p>BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED</p> <p>19 FEB 2019</p> <p>REF NO _____ INITIALS _____</p> <p>Please tick ✓ yes</p>
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Part 2 - Applicant details

I am

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname **First names**

I am 18 years old or over Please tick ✓ yes

Current postal address if different from premises address

Post town **Post Code**

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Licensing Department West Midlands Police HQ Lloyd House Birmingham B4 6NQ
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

The premises are a nightclub that operates within a special policy area in Southside, Birmingham city centre. It has not been operating in its current format for very long (representation end date for the licence transfer was 16th August 2018)

It currently has a 24 hour licence for a number of licensable activities including the sale of alcohol.

The premises used to be Legs 11 which operated under an SEV. The conditions on the premises licence are appropriate to such an operation and not for a nightclub.

The grounds for this application are the prevention of crime and disorder and promoting public safety.

During a licensing compliance visit on 26th December 2018, a licensing officer witnessed customers using balloons to inhale nitrous oxide. This nitrous oxide had been openly supplied by an employee of the venue.

The DPS was challenged over this supply in the manager's office in the presence of the licence holders, it was admitted that the venue were supplying nitrous oxide and balloons for customers to consume, that they knew it was wrong and that they would stop. CCTV has been retained for this incident.

The supply of nitrous oxide is covered by Psychoactive Substances Act 2016.

A further visit over the weekend of 16th February highlighted further licence breaches around maintaining profiles for security staff.

The premises do not appear to be operating in a manner which gives WMP confidence that the licensing objectives are being complied with. They have allowed offences to take place inside the premises and have failed to comply with conditions.

WMP believe it is necessary and proportionate to bring this licence back before a licensing subcommittee.

Please provide as much information as possible to support the application (please read guidance note 3)

Further evidence will be supplied in the evidence and disclosure bundle which will include CCTV of the events on Boxing Day.

Evidence from city centre Sgts who have attended and observed breaches of conditions.

Details of any relevant incidents linked to the premises.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day		Month		Year		

If you have made representations before relating to the premises please state what they were and when you made them



Birmingham Public Health

Stories
B5 4ST

License Review Response

Duncan Vernon
Acting Assistant Director of Public Health

18 March 2019

Final v1.0

The information contained in this document is provided for the purpose of review by Licensing Committee and may be circulated to all parties of the Review by Licensing Committee as appropriate. This document is not to be circulated to other parties outside of this Review without prior consent from the Author or used for purposes other than for the Review referred to in this report.

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Stories, 30 Ladywell Walk, B5 4ST

Public Health's Response to License Review

This is a response document from Birmingham Public Health in its capacity as a Responsible Authority (Police Reform and Social Responsibility Act 2011). This document supports the application for a review of a premises licence or club premises certificate under the Licensing Act 2003.

Wherever possible, supporting information contained within this document will be evidence-based and demonstrably refer to one or more of the licensing, those objectives being:

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

To promote good practice and a collaborative, multi-agency approach, we will also share this document with the other Responsible Authorities for licensing in Birmingham.

This report is provided on behalf of the Director of Public Health.

Any queries relating to this report should be addressed to:

Kyle Stott
Licensing Lead
Birmingham Public Health
PO Box 16732, Birmingham B2 2GF

1 Premises or club details

Name of premises	Stories
Postal address of premises	30 Ladywell Walk Birmingham B5 4ST
Premises licence holder	New Era Birmingham Ltd
Premises licence number	3897
Designated Premises Supervisor	Mr Ryan Gough

2 Overview of the Grounds for Review

The premises are a nightclub that operates within a special policy area in Southside, Birmingham city centre. It has not been operating in its current format for long (representation end date for the licence transfer was 16th August 2018)

It currently has a 24 hour licence for a number of off-licensable activities including the sale of alcohol. The premises used to be Legs 11 which operated under an SEV (sexual entertainment venue license). The conditions on the premises licence are appropriate to such an operation and not for a nightclub.

The grounds for this application are the prevention of crime and disorder and promoting public safety.

During a licensing compliance visit on 26th December 2018, a licensing officer witnessed customers using balloons to inhale nitrous oxide. This nitrous oxide had been openly supplied by an employee of the venue. The DPS was challenged over this supply in the manager's office in the presence of the licence holders, it was admitted that the venue were supplying nitrous oxide and balloons for customers to consume, that they knew it was wrong and that they would stop. CCTV has been retained for this incident. The supply of nitrous oxide is covered by Psychoactive Substances Act 2016.

A further visit over the weekend of 16th February 2019 highlighted further licence breaches around maintaining profiles for security staff.

They have allowed offences to take place inside the premises and have failed to comply with conditions.

3 Public Health response

Licensing Objective	Response
<i>The prevention of crime and disorder</i>	Nitrous Oxide (NO) is classed as a psychoactive drug and is covered by the 2016 Psychoactive Substances Act. As of 26 May 2016, it is an offence to possess with intent to supply, supply or offer to supply, produce, import or export a psychoactive substance.
<i>Public safety</i>	<p>The use of NO has a number of associated side effects that are well documented.</p> <p>The National Institute for Health and Care Excellence (NICE) have listed the following side effects of NO (<i>they have not attributed frequency of use to any of the following</i>): abdominal distension; addiction; dizziness; euphoric mood; megaloblastic anaemia; middle ear damage; myeloneuropathy (condition affecting vitamin B12 metabolism. Severe B12 deficiency can, in some cases, lead to nerve damage); nausea; paraesthesia (a burning or prickling sensation that is usually felt in the hands, arms, legs, or feet); sedation; subacute combined cord degeneration; tympanic membrane perforation; vomiting.</p> <p>The Medicines and Healthcare products Regulatory Agency state: "Nitrous oxide has a very good safety profile in normal use under the supervision of a healthcare professional. However, prolonged use may lead in rare cases to megaloblastic anaemia and neurological toxic effects (myelopathy) due to inactivation of vitamin B12".</p> <p>BOC (a producer of Nitrous Oxide) state in their Medical Gas Data Sheet for NO that "Prolonged or frequent use of nitrous oxide may result in megaloblastic marrow changes, myeloneuropathy and sub-acute combined degeneration of the spinal cord"</p>
<p>Summary</p> <p>It is Public Health's opinion that the licence holder has shown disregard for two of the licensing objectives, those being The Prevention of Crime and Disorder and Public Safety.</p> <p>Based on the information received from West Midlands Police, the prevention of crime and disorder objective has not been met. As stated above, Nitrous Oxide is classed as a psychoactive drug and it is an offence to supply. The fact that the Designated Premises Supervisor (in the presence of the licence holders) admitted that an employee of Stories was supplying nitrous oxide in balloons and they knew it to be an offence means it would be difficult to draw any conclusion other than that this objective was flagrantly disregarded.</p> <p>Public Safety is of considerable concern. The adverse side effects of nitrous oxide are listed in the relevant section above. The 'Drug Misuse: Findings from the 2017/18 Crime Survey for England and Wales' report has a section relating specifically to the use of NO and it states that 2.3% of adults aged</p>	

16-59 had used NO and within that demographic the highest use of was amongst 16-24 year old of which nearly 9% said they had used it.

Habitual use of NO may result in the need for hospital treatment. Please see section 4.5: Costs to the NHS.

West Midlands Police stated that a further visit over the weekend of 16th February 2019, brought to light further licence breaches around maintaining profiles for security staff. This would appear to be in contravention of one of the operating condition which states that '...there must be a portfolio kept on the premises in a secure location at all times, detailing each door supervisor who is/has worked at the premises. This will be proof of address (utility bill within the last 6 months) and proof of name and photo (passport or copy SIA badge) and made available to any authorised agency...'
We would draw your attention to appendix 4 of this document.

Public Health concur with the view of West Midlands Police that the premises are operating in a manner that does not instil confidence that licensing objectives would be complied with and therefore we also request a review of the premises licence.

4 Supporting Evidence and Information

4.1 Public Health Statistical Analysis

The statistical analysis in Appendix 1 has determined a **HIGH RISK rating (RED)** against a series of key alcohol related crime offences including police domestic violence and Police (Non-Domestic Violence).

This rating is based upon an analysis of a range alcohol related datasets through our Alcohol Risk Assessment Tool. This allows Public Health to place the premises' postcode into the tool and assess against the surrounding area, compare against the Birmingham LSOA average, examine the larger Ward area and impact within the district.

Please note: Birmingham is made up of 10 districts with approximately 100,000 people in each; each district contains four ward of approx. 25,000 people; each ward contains approx. 20-25 LSOAs (lower super output area) of approximately 1,000 - 1,500 people in each.

See Appendix 1

4.2 Ambulance Activity

The West Midlands Ambulance Service (WMAS) collate data on ambulance activity including nature of call out, age, gender, time of day, day of the week, etc. We contacted the WMAS who were able to provide ambulance activity data in relation to these premises, where the incident was either in or directly outside the premises.

The data shows one incident for the period 1 August 2018 to 21 February 2019.

See Appendix 2.

4.3 Crime

In December 2018, West Midlands Police reported 1607 individual crimes for that month, within a 1 mile radius of the property (www.police.uk). These breakdown into several categories, a sample of which are:-

- | | |
|--------------------------------|-----|
| • Anti-social behaviour | 189 |
| • Criminal damage and arson | 77 |
| • Drugs | 34 |
| • Possession of weapons | 20 |
| • Public order | 93 |
| • Violence and sexual offences | 447 |

It is important to note that these are one month's figures.

See Appendix 3

4.4 Impacts on economic activity

From a *public safety* pillar perspective, we're concerned that this type of criminal behaviour could deter investment, job creation, employment sustainability and the opportunity to socialise as part of the night-time economy. Public Health outcomes, especially in the context of the wider and social determinants depend on a number of factors; two of these key factors are the creation and sustainability of safe environments and opportunities for employment.

4.5 Costs to the NHS

There can be costs to the NHS.

A case study published by the Department of Neurology, University Hospital of Wales, reports that a 36-year-old male presented to the hospital with a five-week history of ascending limb paraesthesia and balance difficulties. The individual admitted habitual nitrous oxide inhalation. The treatment consisted of intramuscular B₁₂ replacement and intensive physiotherapy, and he was advised to stop inhaling nitrous oxide. He was discharged after four weeks but required the use of a zimmer frame for a further twelve weeks.

The same report references a review of 18 published cases of nitrous oxide toxicity which identified the most common neurological presentations as paraesthesia and gait disturbance, which did improve over weeks and months with high dose B₁₂ replacement, although only 25% of cases regained their original level of function.

5 References

- Crime stats (appendix 2) - www.police.uk
- <http://www.nationalcrimeagency.gov.uk/crime-threats/organised-crime-groups>
- <http://birminghamcsp.org.uk/admin/resources/birmingham-alcohol-strategy-2012-2016-lo-res-210612-v2.pdf>
- Home Office: Drug Misuse: Findings from the 2017/18 Crime Survey for England and Wales
- Department of Neurology, University Hospital of Wales: Nitrous Oxide misuse and Vitamin B₁₂ deficiency

Appendix 1. Public Health Data Analysis

Interpretation of this document:

Variable geographical levels of information have been used where available, in each case this is based on the post code of the application falling within this larger geographical area. Two terms are less commonly used outside of certain specialist areas and are detailed below:

- LSOA (Lower Super Output Area) is a geographical Census area with an approx. population of 1,500.
- MSOA (Medium Super Output Area) is a geographical Census area with a approx. population of 8,000.

Scores have been calculated by comparing the geographical area in question to the average at a higher level (Birmingham in most instances). 10% margin of error has been applied to both the smaller and larger areas and it is only where these are still relatively different that a RED (more prevalence or risk in area compared to average) or GREEN (less prevalence or risk in area compared to average) score has been calculated. Where these margins for error overlap in any way this has been calculated as AMBER (indifference).

1 Tier One Data Overall LSOA Score: RED / HIGH RISK

This score has been generated based on information regarding alcohol related violence and domestic violence, existing on-licences and off-licences, alcohol related fires, alcohol related safeguarding, underage sales and the existence of a cumulative impact area. These elements have been viewed as having the largest measurable impact on whether the licence should be granted and actual numbers were made available on a low level geography. The score is by quartiles and these are colour coded worst to best as Red, Amber, Yellow, Green. Full details below.

Whilst Alcohol Related Ambulance Activity is viewed as Tier One data it has not been possible to include it in the overall LSOA score as the data is only available on a post code district level.

1.1 Tier One Indicator Scores and Risk Ratings

<p>Alcohol Related Ambulance Activity score was generated using actual incident information covering the period of September 2014- April 2015 provided by West Midlands Police Service.</p>	<p>AMBER / MEDIUM</p>	<p>The score for the Post Code District was AMBER or 1 on a scale of 0-2 meaning that it was not significantly statistically different from the average across all Post Code Districts. There were 10 incidents in the Post Code District in the period.</p>
<p>Police (Non-Domestic Violence) score was generated using actual incident information covering the period of 2008-2013 provided by West Midlands Police Service.</p>	<p>RED / HIGH</p>	<p>The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There were 963 incidents in the LSOA in the period.</p>

<p>Police (Domestic Violence) score was generated using actual incident information covering the period of 2008-2013 provided by West Midlands Police Service.</p>	<p>RED / HIGH</p>	<p>The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There were 68 incidents in the LSOA in the period.</p>
<p>Existing On-Licences score was generated utilising a list of all current existing Alcohol Licences of the relevant type known to Birmingham City Council.</p>	<p>RED / HIGH</p>	<p>The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There are 10 in the Post Code.</p>
<p>Existing Off Licences score was generated utilising a list of all current existing Alcohol Licences of the relevant type known to Birmingham City Council.</p>	<p>RED / HIGH</p>	<p>The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There are 0 in the Post Code.</p>
<p>Cumulative Impact Areas (CIA) score was calculated based on if a given LSOA contains a Post Code that falls wholly or partly within a CIA.</p>	<p>GREEN / LOW</p>	<p>The score for the LSOA was RED or 2 on a scale of 0 or 2 meaning that it was significantly statistically worse than the average across all LSOAs. The individual post code does fall wholly or partly within a CIA.</p>
<p>Fire Services score was generated using actual incident information on a Post Code level covering the period of 2009-2014 provided by West Midlands Fire Service.</p>	<p>AMBER / LOW</p>	<p>The score for the LSOA was AMBER or 1 on a scale of 0-2 meaning that it was not significantly statistically different from the average across all LSOAs. There were 0 incidents in the Post Code in the period.</p>
<p>Safeguarding score was generated utilising factors identified at the end of Birmingham City Council Children assessments over the period 01/04/2014 to 31/03/2015 that were alcohol relevant at a post code level.</p>	<p>GREEN/LOW</p>	<p>The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.</p>
<p>Underage Sales Justified Complaints was based on information provided from the relevant department covering the period 2009-2015 at a post code level.</p>	<p>GREEN / LOW</p>	<p>The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.</p>
<p>Underage Sales Alcohol was based on information provided from the relevant department covering the period 2009-2015 as a post code level.</p>	<p>GREEN / LOW</p>	<p>The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.</p>

<p>Underage Sales Any Item was based on information provided from the relevant department covering the period 2009-2015 at a post code level.</p>	<p>GREEN / LOW</p>	<p>The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.</p>
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2 Tier Two Data Overall Aston Ward Score: AMBER / MEDIUM RISK

This score has been generated based on information regarding alcohol specific deaths, liver disease preventable deaths, counterfeit activity and whether reducing alcohol consumption is a priority for the District. These elements have been viewed as having an indirect impact on whether the licence should be granted and were made available on a medium level geography, some of the information utilised is estimates rather than actuals. The score is by quartiles and these are colour coded worst to best as Red, Amber, Yellow, Green. Full details are below.

2.1 Tier Two Indicator Scores and Risk Ratings

<p>Alcohol Specific Deaths score was based on information provided by Birmingham Public Health comparing ONS actual figures on alcohol specific deaths with ONS ward population estimates covering the period 2011-2013 on a ward level.</p>	<p>AMBER / MEDIUM</p>	<p>The score for Nechells Ward was AMBER or 1 on a scale of 0-2 meaning that is not significantly statistically different from the average across all Wards. The directly standardised rate calculated was 28.91.</p>
<p>Liver Disease Preventable Death score was based on information provided by Birmingham Public Health comparing ONS actual figures on alcohol specific deaths with ONS ward population estimates covering the period 2011-2013 on a ward level.</p>	<p>AMBER / MEDIUM</p>	<p>The score for Nechells Ward was AMBER or 1 on a scale of 0-2 meaning that is not significantly statistically different from the average across all Wards. The directly standardised rate calculated was 28.24.</p>
<p>Counterfeit Activity was based on information provided from the relevant department covering the period 2009-2015 at a post code level.</p>	<p>GREEN / LOW</p>	<p>The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that is significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.</p>
<p>District Priority was determined by all Post Codes that fall within a District that has currently identified alcohol as one of their priority issues.</p>	<p>RED / HIGH</p>	<p>The score for this application was RED or 2 on a scale of 0-2. Nechells Ward does fall within a District that has alcohol issues as a current priority.</p>

3 Tier Three Data Scores

Low number of indicators and differing geographies do not allow for a meaningful overall score. The information is of a high level, estimated numbers and / or a wider social determinant rather than a more direct link.

- Binge Drinking MSOA: **AMBER / MEDIUM RISK**
- Alcohol Related Hospital Admissions MSOA: **RED / HIGH RISK**
- Commissioned* Alcohol Misuse Services MSOA: **RED / HIGH RISK**
- Mental Health Adults Services in Ladywood District: **AMBER / MEDIUM RISK**

*Based on working age adult information only, while the service provider for children and older adults was engaged there was not sufficient volume of data to enable a meaningful analysis.

Appendix 2. Ambulance Activity Data for premises

Ambulance call out data for all call outs made directly to the premises, provided by West Midlands Ambulance Services on 22 February 2019.

Month	Incidents and Transports to Hospital		
	Incidents	Transports	% Transported
January 2019	1	0	0.0 %
Total	1	0	0.0 %

Day of Week / Hour of Day	4 Total	
Saturday	1	1
Total	1	1

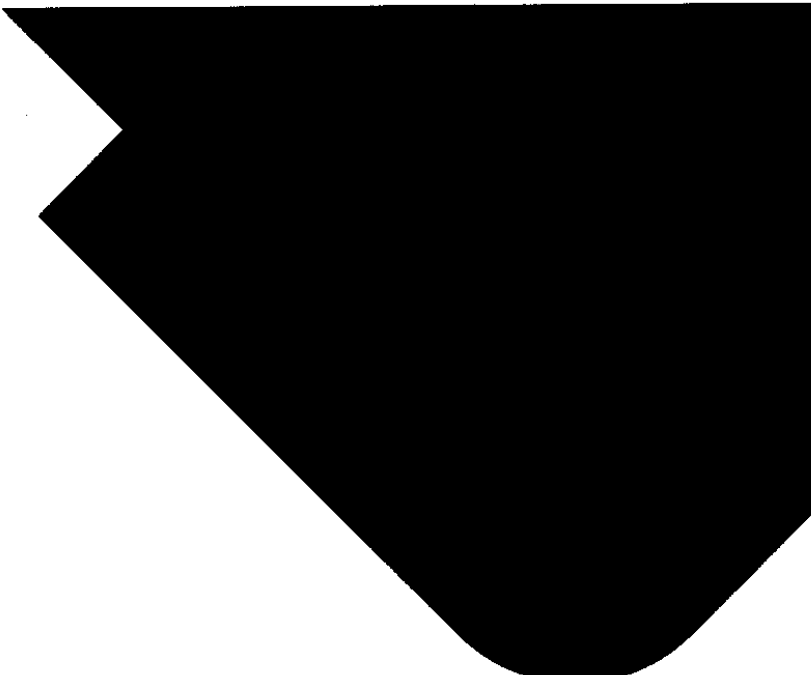
Age Band	Incidents by Age & Gender	
	Male	Total
20-29	1	1
Total	1	1

Chief Complaint/ Hour of Day	4 Total	
Collapse Breathing Normal	1	1
Total	1	1

Appendix 4. Conditions of License (license number 3897)

CRIME The Premises Licence Holder shall ensure all staff employed at the premises will be trained and made aware of all 4 licensing objectives.

The premises appear to have failed to meet two of the Licensing Objectives, those being the prevention of crime and disorder and public safety and therefore they may have breached the above operating condition of their License.



Public Health

PO Box 16732
Birmingham
B2 2GF

www.birminghampublichealth.co.uk
www.birmingham.gov.uk

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BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

3897 / 3

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Stories 30 Ladywell Walk	
Post town: Birmingham	Post Code: B5 4ST
Telephone Number: Not Specified	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence	
B	Films
F	Recorded music
G	Performances of dance
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

The times the licence authorises the carrying out of licensable activities			
Monday - Sunday	00:00	-	00:00 B ,F ,G ,H ,M3
	23:00	-	05:00 L

The opening hours of the premises		
Monday - Sunday	00:00	- 00:00

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

BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence New Era Birmingham Ltd 20 - 22 Wenlock Road	
Post town: London	Post Code: N1 7GU
Telephone Number: Not Specified	
Email	

Registered number of holder for example company number or charity number (where applicable) 11213450
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Ryan Gough	
Post town:	Post Code:
Telephone Number:	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 10971	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 17/08/2018

SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

Annex 1 – Mandatory Conditions

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

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

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

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

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

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

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where

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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.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

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

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The Premises Licence Holder shall ensure a member of staff will be trained in first aid.

Regulated entertainment shall take place indoors only.

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

The maximum occupancy level is to be agreed with West Midlands Fire Service, this figure may be varied from time to time subject to agreement with West Midlands Fire Service and West Midlands Police.

CCTV to be installed to the specifications and recommendations of West Midlands Police. This will include dancing booths to negate any accusations of illegal activity and offer protection to dancers.

CCTV footage will be kept for a minimum of 31 days and will be fit for purpose.

CCTV to be operational at all times the premises are open.

CCTV images to be made available to any responsible authority immediately upon request.

Adult entertainment of the following nature is permitted at the premises; Lap Dancing, Pole dancing in lounge areas, full nude in dance booths and private rooms.

The Premises Licence Holder shall ensure all staff employed at the premises will be trained and made aware of all 4 licensing objectives.

SIA Door Supervisors; There must be a portfolio kept on the premises in a secure location at all times, detailing each door supervisor who is/has worked at the Premises. This will be proof of address (utility bill within the last 6 months) and proof of name and photo (passport or copy SIA badge) and made available to any authorised agency. Profiles of staff who no longer work at the premises will be retained for a period of 3 months.

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

Electrics, gas services and any relevant equipment are to be checked and maintained in working order and tested annually. Electrical sockets are to be fitted with residual current device protection (complying with BS7671 requirements for electrical installations) and labelled accordingly.

Preparation and dispense equipment to be checked and maintained in good working order and tested annually.

Suitable and sufficient written Fire risk assessments to satisfy the Regulatory Reform (Fire Safety) Order 2005 shall be produced to the requirements of West Midlands Fire Service.

Suitable and sufficient written public health and safety risk assessments shall be produced in relation to the adult entertainment activities.

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

A zero tolerance policy towards drunken or anti-social behaviour is to be in operation on the operation on the premises at all times.

The Licence Holder is to provide responsible management at all times.

SIA registered security staff will oversee patrons arriving or departing the premises and not allow anti-social behaviour by individuals or groups. When necessary advice will be given to such patrons not to do anything which may cause annoyance or disturbance to the local community.

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

The premises will adopt the challenge 21 Policy for under age sales and anyone appearing under 21 will be asked for identification (Photocard Driving Licence, Passport, Pass card for over 18's).

No photographs of naked or semi-naked women or other images of striptease or similar dancing to be displayed outside the premises.

No persons under the age of 18 to be admitted to the area of the premises identified as Legs 11 where adult entertainment is provided.

No Entertainment of an adult nature provided at the premises is to be visible to the passing public.

2 Profiles to be kept on the premises of all dancers who are working at the premises or who have worked at the premises in the last 3 months. Profile is to be proof of identity and age (passport/driving licence) and proof of address dated in the last 3 months such as (utility bill or other government document) and national insurance number. Profile to be made available to any responsible authority on request.

Dancers going onto the smoking area outside the premises must be clothed so that no lingerie can be seen.

The premises will operate in accordance with all relevant legislation which promotes the protection of children from harm objectives.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

3c) Committee conditions to promote public safety

N/A

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

N/A

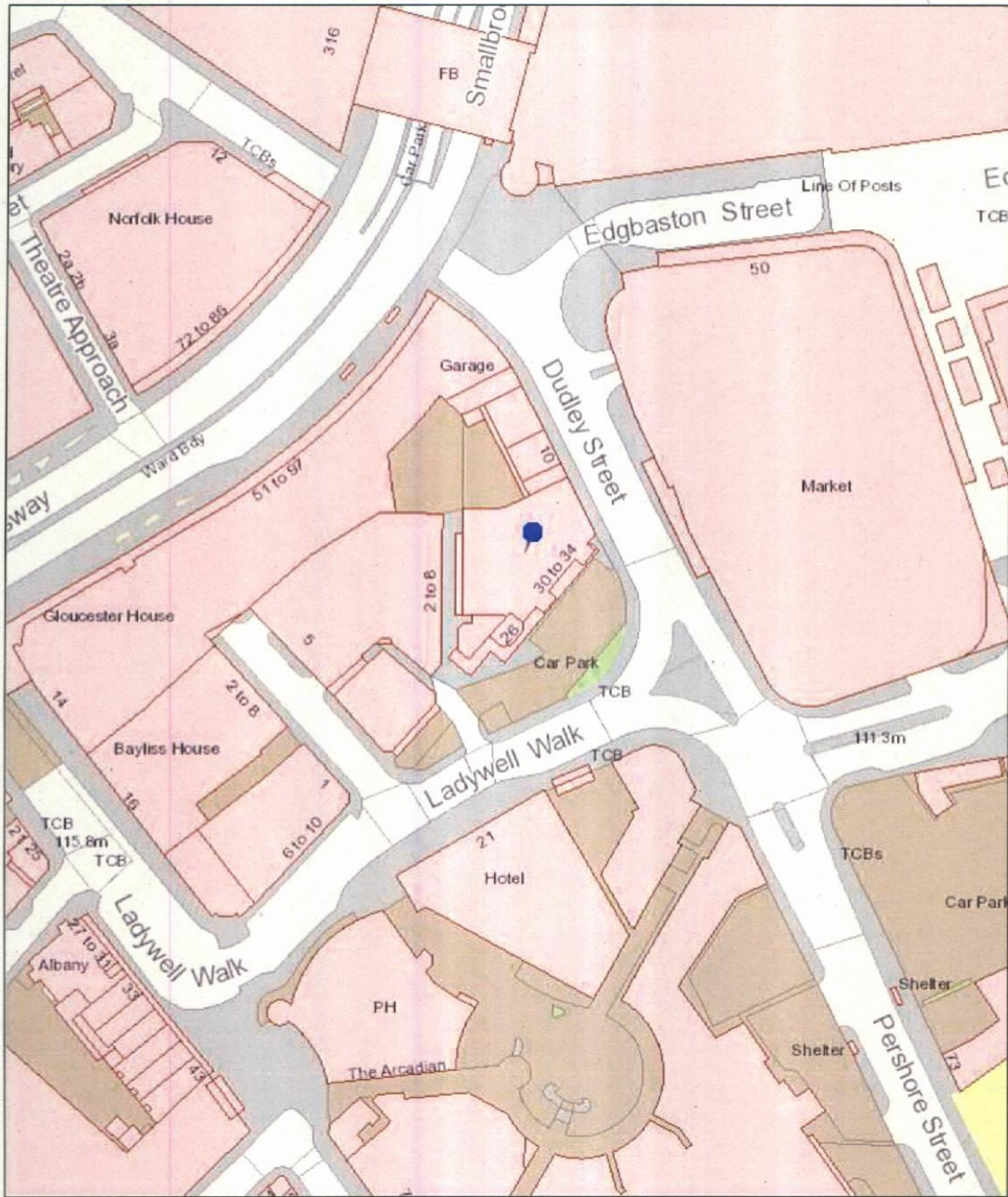
3e) Committee conditions to promote the protection of children from harm

N/A

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Annex 4 – Plans

The plan of the premises with reference number **107436-3897/3** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



Birmingham City Council Map Created By:

Notes

Date of Map Creation: 01/04/2019



Scale:
1:1,250

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