

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Director of Regulation and Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 8<sup>th</sup> January 2024</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Summary Review</b>
<b>Premises:</b>	<b>Acapella (Formerly trading as Frederick's) Regent House, Frederick Street, Birmingham, B1 3HR</b>
<b>Ward affected:</b>	<b>Soho and Jewellery Quarter</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

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

### 2. Recommendation:

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

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

### 3. Brief Summary of Report:

An application under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) was received on 11<sup>th</sup> December 2023 in respect of Acapella (Formerly trading as Frederick's) Regent House, Frederick Street, Birmingham, B1 3HR.

### 4. Compliance Issues:

#### 4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

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

On 11<sup>th</sup> December 2023, Superintendent Twyford, on behalf of West Midlands Police, applied for a review, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), of the Premises Licence granted to Seyhmus Ozdemir in respect of Acapella (Formerly trading as Frederick's) Regent House, Frederick Street, Birmingham, B1 3HR.

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

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

Licensing Sub-Committee B met on 12<sup>th</sup> December 2023 to consider whether to take any interim steps and resolved that the licence be suspended, and that Seyhmus Ozdemir be removed as the Designated Premises Supervisor (DPS), pending the review of the licence. A copy of the decision is attached at Appendix 2.

The Premises Licence Holder was notified of the interim steps taken by the Licensing Authority and subsequently made a representation at 17:53hours on 27<sup>th</sup> December 2023. As a result of this representation, Licensing Sub-Committee B met on 29<sup>th</sup> December 2023 and having heard from representatives of the licence holder and West Midlands Police, resolved that the interim steps imposed on 12<sup>th</sup> December 2023 were no longer necessary. The Sub-Committee resolved that the conditions of the premises licence be replaced with those agreed between the premises licence holder and West Midlands Police including the reduction of hours for the provision of all licensable activities on a Thursday, Friday & Saturday as a modified interim step, as detailed in the annex attached to the decision notice and that Seyhmus Ozdemir be reinstated as the DPS.

A copy of the decision is attached at Appendix 3.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other persons ended on 28<sup>th</sup> December 2023.

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

Site location plans are attached at Appendix 5.

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

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

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

Review Application and Certificate from West Midlands Police, Appendix 1  
Sub-Committee Interim Steps Meeting decision 12<sup>th</sup> December 2023, Appendix 2  
Sub-Committee Interim Steps Meeting decision of 29<sup>th</sup> December 2023, Appendix 3  
Current Premises Licence, Appendix 4  
Site location plans, Appendix 5

**7. Options available:**

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

In addition the Sub Committee will need to decide what action, if any, should be taken regarding the interim steps imposed on the 12<sup>th</sup> December 2023 and modified on 29<sup>th</sup> December 2023.



## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

### I - Superintendent David Twyford

(on behalf of) the chief officer of Police for the West Midlands Police area, apply for the review of a premises licence under section 53A of the Licensing Act 2003

#### 1. Premises details: Fredericks trading as Acapella.

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

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

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

#### 2. Premises Licence details:

Name of premise licence holder (if known):

Mr Seyhmus Ozdemir.

Number of premise licence (if known):

3536

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

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

(Please tick the box to confirm)

x

☐

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

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

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

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

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

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

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

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

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

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

**Signature of applicant:**

**Date: 11.12.23.**

**Rank/Capacity: Superintendent 9700**

**Contact details for matters concerning this application: BW Licensing**

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

**Telephone Number(s):**

**E-mail**

Notes for guidance:

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

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

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

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

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

# **West Midlands Police**

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

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

**Premises: Fredericks Trading as Acapella,**

**Premise Licence Number: 3536**

**Premise Licence Holder: Mr Seyhmus Ozdemir.**

**Designated Premise Supervisor: Mr Seyhmus Ozdemir.**

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

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

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

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

Wounding with intent to cause grievous bodily harm is a serious crime by virtue of the maximum sentence being up to life imprisonment if a person is found guilty of this offence and warrants the use of this power. The offence has been committed in the presence of staff at the premises who are in a position of trust in the premises with a duty to promote the safety of the public and to prevent crime and disorder which they have failed to do.

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

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

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

Signed:

Superintendent 9700. 11/12/23



**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB COMMITTEE B**

**TUESDAY 12 DECEMBER 2023**

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

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

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

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

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

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

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

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

Members heard the submissions of West Midlands Police, namely that the certificate, which had been issued by a Superintendent under s53A of the Act, related to an allegation of serious crime which was said to have originated at the premises. The details were as per the documents in the Committee Report.

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

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

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

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

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

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

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

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

The Sub-Committee noted in particular that the premises had not reported the incident to the Police, and indeed appeared to have cleaned up the crime scene before Police arrived. Both of these matters were wholly unacceptable. Moreover, the Police had observed that the offence was committed in the presence of staff at the premises. The Police had advised that the staff "were in a position of trust in the premises, with a duty to promote the safety of the public and to prevent crime and

disorder, which they have failed to do". The Sub-Committee considered that this was a significant risk to the upholding of the crime prevention objective.

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

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

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

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

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

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

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

In reaching this decision, the Sub-Committee has given due consideration to the application made and certificate issued by a Superintendent of West Midlands Police,

the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office under s182 of the Act, the written submissions made, and the submissions made at the hearing by West Midlands Police.

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

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



**BIRMINGHAM CITY COUNCIL**  
**LICENSING SUB COMMITTEE - B**  
**29 DECEMBER 2023**

---

That, having considered the representations made on behalf of Seyhmus Ozdemir the premises licence holder for Acapella (Formerly Trading As Frederick's), Regent House, Frederick Street, Birmingham, B1 3HR in respect of the interim steps imposed on the 12 December 2023, this Sub-Committee hereby determines that the Interim Steps measures are no longer necessary and the sub-Committee is content to agree that the conditions attached to the licence be replaced with those agreed between the premises licence holders representative and West Midland Police as a modified interim step with the additional wording inserted as follows (in italics)

"Duty Manager

*Mr Seyhmus Ozdemir is reinstated as DPS until 8 January 2024 pending the appointment of a replacement DPS. If none is appointed by 8 January 2024 the matter will be reconsidered.*" The wording then continues as per the agreed document.

The hours for all licensable activities also to be reduced as per the agreement reached with West Midlands Police in advance of the meeting being:

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

The Sub-Committee carefully considered the interested parties reaction to the events of 10 December 2023 as detailed in the application for review and explored the representations made both by the police and on behalf of the premises licence holder.

In reaching this decision, the Sub-Committee has given due consideration to the guidance issued by the Home Office, the certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 and the application for review.

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

To reduce the hours for all licensable activities on the following days:

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

#### CONDITIONS

##### DUTY MANAGER

*Mr Seyhmus Ozdemir is reinstated as DPS until 8 January 2024 pending the appointment of a replacement DPS. If none is appointed by 8 January 2024 the matter will be reconsidered.* The wording then continues as per the agreed document.

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 3<sup>rd</sup> 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 from 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.

**LICENSING ACT 2003****PREMISES LICENCE**

Premises Licence Number:

3536 / 4

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Fredericks Bar 50 Frederick Street	
<b>Post town:</b>	<b>Post Code:</b>
Birmingham	B1 3HR
<b>Telephone Number:</b>	
Not Specified	

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

E	Live music
F	Recorded music
L	Late night refreshment
M1	Sale of alcohol by retail (on the premises)

**The times the licence authorises the carrying out of licensable activities**

Sunday – Wednesday	08:00	-	00:00	E,F,M1
	23:00	-	00:00	L
Thursday	08:00	-	01:30	E,F,M1
	23:00	-	01:30	L
Friday	08:00	-	02:30	E,F,M1
	23:00	-	02:30	L
Saturday	08:00	-	03:00	E,F
	08:00	-	02:45	M1
	23:00	-	03:00	L
Christmas Eve and New Years Eve	08:00	-	04:00	E,F,M1
	23:00	-	04:00	L
Bank Holidays	08:00	-	02:00	E,F,M1
	23:00	-	02:00	L

**The opening hours of the premises**

Sunday – Wednesday	08:00	-	00:00
--------------------	-------	---	-------

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

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

On Supplies Only

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Mr Seyhmus Ozdemir	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	
<b>Email</b>	

<b>Registered number of holder for example company number or charity number (where applicable)</b> N/A
---

<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Mr Seyhmus Ozdemir	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 9820	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

Dated 24/04/2017

David Kennedy  
Principal Licensing Officer  
For Director of Regulation and Enforcement

## Annex 1 – Mandatory Conditions

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

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

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

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

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

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

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

applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

## **Annex 2 – Conditions consistent with operating schedule**

### **2a) General conditions consistent with the operating schedule**

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

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

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

CCTV will be in operation 24 hours a day.

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

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

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

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

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

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

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

#### **DOOR SUPERVISORS:**

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

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

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

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

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

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

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

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

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

#### **PROMOTERS:**

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

These recommendations must be retained by the premises for inspection.

#### **IDENTIFICATION**

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

Signage will be displayed at the venue.

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

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

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

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

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

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

#### Customer Control

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

#### Music

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

#### Taxi's

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

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

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

We will operate a Challenge 21 Policy as a minimum.

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

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

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

## **Annex 3 – Conditions attached after hearing by licensing authority**

### **3a) General committee conditions**

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

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

N/A

### **3c) Committee conditions to promote public safety**

N/A

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

N/A

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

N/A

#### **Annex 4 – Plans**

The plan of the premises with reference number **101026-3536/4** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



