

BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE B

**Friday 12 January 2024 at 1000
hours as an On-Line Meeting,
Microsoft Teams**

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite, please click this link, <https://birmingham.public-i.tv/core/portal/home> and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

Attached

4 RE: HOLLOWAY CLUB TRADING AS KING VN, 89 HOLLOWAY HEAD, BIRMINGHAM, B1 1QP - LICENSING NUMBER 5426 - LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS

N.B. Application scheduled to be heard at 1000 hours.

Documents submitted:

- A. Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003
- B. Application for Review of Licence
- C. Copy of Premises Licence
- D. Location maps

West Midlands Police have applied for an expedited review of the premises licence in respect of Holloway Club trading as King VN, 89 Holloway Head, Birmingham, B1 1QP - Licensing Number 5426.

The application has been made under Section 53A of the Licensing Act 2003 (as amended) and has been accompanied by a certificate signed by a senior member of the force, stating that in their opinion the licensed premises have been associated with serious crime and disorder. (See A and B above)

In accordance with the regulations, the licensing authority has given the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate.

This hearing has been arranged in order to consider whether it is necessary to take any interim steps in respect of the licence pending the determination of the review. The Premises Licence is included at item C.

The interim steps that must be considered at the hearing are:

- Modification of the conditions of the premises licence;
- Exclusion of the sale of alcohol by retail from the scope of the licence;
- Removal of the designated premises supervisor from the licence;
- Suspension of the licence

5 OTHER URGENT BUSINESS

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

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: Holloway Club, trading as King VN

Premise Licence Number: 5426

Premise Licence Holder: Mr Hoai Nam Li

Designated Premise Supervisor: Miss Thi Van

I am a Superintendent in West Midlands Police.

I am giving this certificate because I am of the opinion that the summary review procedure is necessary to ensure the licensing objectives are promoted expeditiously. Given the seriousness of the trigger incident on 6th January 2024, in my opinion immediate steps are required that can best be achieved through the summary review procedures. Other steps available under the Licensing Act 2003, including a standard review application, cannot lead to the imposition of immediately effective steps to promote the licensing objectives and so these are inadequate. I view this application as a proportionate and necessary response to the serious incident at the venue.

On Saturday 6th January 2024 a warrant under s23 Misuse of drugs act was executed at the premises.

The premises were open and trading.

A significant amount of what is suspected to be Class A drugs (which awaits scientific analysis) and loose cash not located in the cash tills or stored for banking, were recovered from within the premises, the scene was one consistent with drug dealing activity.

The premises licence holder and DPS were on site at the time of the warrant.

There is a live ongoing criminal investigation in relation to those persons linked to the premises for offences of possession with intent to supply drugs.

In coming to my opinion, I have had regard to the facts of the incident and current investigation, the track record of the premises, the terms of section 53A of the Licensing Act 2003 and Chapter 12 ("Summary Reviews") of the Guidance issued under section 182 of the Licensing Act 2003 (December 2022 revision).

Signed

 T15upt 9603



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

1 - Richard Evans T/Supt 4643

(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: **Holloway Club, trading as King VN**

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

89 Holloway Head

Post Town: **Birmingham**

Post Code (if known): **B1 1QP**

2. Premises Licence details:

Name of premise licence holder (if known):

Mr Noai Nam Le

Number of premise licence (if known):

5426

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

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

(Please tick the box to confirm)



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

On 6th January 2024 a warrant was executed at the premises under s23 of the Misuse of Drugs Act.

In conjunction with a drug detection dog, officers found a quantity of powders at the location believed to be Class A drugs, namely at the premises, both in the flat above the club and in the club itself. The drugs seized in totality were not consistent with simple possession.

A large quantity of cash was also seized by officers which was not located in the cash tills.

Both the premises licence holder and DPS were on site during the execution of the warrant.

This is an ongoing live criminal investigation in relation to possession with intent to supply offences.

"Serious crime" is defined by reference to S.81 of RIPA Act 2000. An offence for which an adult could reasonably be expected to be sentenced to imprisonment for a period of 3 years or more.

Signature of applicant:



Date: 11/01/24

Rank/Capacity: T/Supt 4693

Contact details for matters concerning this application: BW Licensing

Address: Licensing Dept c/o Birmingham West and Central Licensing Dept, Lloyd House, Birmingham

Telephone Number(s): 0121 626 6099

E-mail - bw_licensing@west-midlands.police.uk

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 attended 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.

LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

5426 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Holloway Club 89 Holloway Head	
Post town:	Post Code:
Birmingham	B1 1QP
Telephone Number:	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

E	Live Music
F	Recorded Music
G	Performance of Dance
H	Anything of a similar description to that falling within (e), (f), or (g)
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 - Thursday	10:00	-	03:00	E ,F ,G ,H ,M3
	23:00	-	03:00	L
Friday - Saturday	10:00	-	03:00	M3
	10:00	-	04:30	E ,F ,G ,H
	23:00	-	03:00	L
Sunday	10:00	-	07:00	E ,F ,G ,H ,M3
	23:00	-	05:00	L
New Year's Eve - Licensable activities extended from the end of permitted hours on New Year's Eve to the start of Permitted hours on New Year's Day.	00:00	-	00:00	All
On Bank Holidays, licensable activities will be extended by 1 hour.	00:00	-	00:00	All
On the commencement of British Summer time, one further hour to be added to the above time for the cessation of licensable activities.	00:00	-	00:00	All

The opening hours of the premises

Monday - Thursday	10:00	-	03:30
Friday - Saturday	10:00	-	05:00
Sunday	10:00	-	07:30

New Year's Eve - Licensable activities extended from the end of permitted hours on New Year's Eve to the start of Permitted hours on New Year's Day.

On Bank Holidays, licensable activities will be extended by 1 hour.

On the commencement of British Summer time, one further hour to be added to the above time for the cessation of licensable activities.

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

On and Off Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Hoai Nam Le	
Post town:	Post Code:
Telephone Number:	
Email N/A	

Registered number of holder for example company number or charity number (where applicable)
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Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Thi Hong Quyen Van	
Post town:	Post Code:
Telephone Number: N/A	

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 11731	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 12/10/2021

Bhapinder Nandhra
Senior 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

Training in relation to the Licensing Objectives and the conditions on the premises licence, Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers and incident records must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale or supply of alcohol and at least every six months thereafter.

Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.

Documented training records must be kept at the premises and made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

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

A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.

- i. The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
- ii. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
- iii. Cameras will encompass all ingress and egress to the premises, the immediate area outside the frontage of the Premises and all areas where the sale/supply of alcohol occurs.
- iv. The system will record and retain CCTV footage for a minimum of 28 days.
- v. The system will record at all times when the Premises are open.
- vi. The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
- vii. The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
- viii. There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
- ix. Upon receipt of a request for a copy of CCTV footage from Police, or Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours, or less if urgently required for investigations of serious crime.
- x. CCTV footage must be made available to be viewed by West Midlands Police or an Officer of a Responsible Authority upon request or during an inspection.

An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:

- i. Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
- ii. All crimes reported to the venue
- iii. Any faults in the CCTV system, searching equipment or scanning equipment
- iv. Any visit by a responsible authority or emergency service

The incident book must be kept at the premises and made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

A refusals register must be kept at the Premises and maintained up to date at all times recording the date time, type of product refused, reasons for every refusal to sell alcohol to a customer and the name and signature of member of staff refusing the sale.

The refusals record must be made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

The Premises Licence Holder or the Designated Premises Supervisor must monitor the Refusals Register every month and must sign and date the Refusals Register when this has been completed, or if the Refusals Register is electronic the check and date and time of the check must be clearly recorded.

A zero tolerance towards illegal drugs will operate at all times.

The premises licence holder will ensure that door supervisors stationed outside the front of the premises will wear high visibility jackets/coats/tabards and will have their SIA badge held in a clear arm sleeve. Door supervisors inside the premises will wear high visibility waist coats/tabards with their SIA badge held in a clear arm sleeve.

The premises licence holder will supply a risk assessment for all events held at the premises, including standard in house events, to include all security provision, with a minimum of 14 days' notice (or lesser period if agreed with West Midlands Police Licensing Department) Risk assessments will include search policies and a security deployment plan to reflect the risk of the event. Dispersal policies will also be contained

The DPS shall ensure that any door staff employed at the premises wear and clearly display their SIA registration badge at all times whilst on duty. A record shall be maintained containing the names, addresses, dates of birth and registration numbers of door supervisors. The record shall be made available for inspection upon request by the Police and/or officers of the responsible authorities.

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

The Licence Holder shall ensure that all emergency lighting is checked on a weekly basis. Entrances, exits and passageways shall be kept clear.

The premises' Fire Risk Assessment will be made available to any officer of a responsible authority upon request.

The premises licence holder shall ensure that the maximum number of persons on the premises at any one time shall not exceed the number agreed with West Midlands Fire Service.

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

The Premises Licence Holder shall ensure notices are displayed at all entrances and exits of the premises advising customers to have respect for the nearby residents and keep noise levels to a minimum as they depart.

The premises shall have an operational dispersals policy and noise management plan.

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

The premises licence holder shall adopt the Challenge 25 scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any bar server. The premises will operate a policy whereby any person attempting to buy alcohol or any person attempting to gain entry for premises who appears to be under 25 will be asked for photographic ID to prove their age. The ID that will be accepted is a passport or driving licence with a photograph.

The premises licence holder shall display Challenge 25 posters in prominent positions within the premises, including at the point of sale and the entrance to the premise.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

On 29 September 2021, Licensing Sub Committee C resolved to GRANT the licence subject to the conditions below:

The licence holder shall not carry on any licensable activities from the premises concurrently with Birmingham City Council premises licence number 1952.

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

N/A

3c) Committee conditions to promote public safety

The licence holder shall ensure that no waste shall be left outside except in the bin store to the rear of the premises.

The premises shall clear the area immediately in front of the building of any waste before and after it operates.

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

The premises shall have a documented dispersal policy which shall be implemented for dispersal at all times the premises is open for licensable activity.

All external windows and doors (other than as necessary for safe and effective access and egress) shall be closed whenever licensed activity is undertaken at the premises.

There shall be no speakers used for amplified music, speech or sound outside the building.

The Premises Licence Holder shall ensure notices are displayed at all entrances and exits of the premises advising customers to have respect for the nearby residents and keep noise levels to a minimum as they depart

To avoid nuisance being caused to neighbours the premises licence holder, or other nominated person/staff, shall monitor the external areas of the Premises after 00:00 hours. If necessary, they shall remind customers to be respectful of neighbours and where necessary they shall limit the number of customers going outside to use the smoking area and take appropriate steps to avoid customers who use the frontage of the premises causing a nuisance.

No waste/recyclable glass material, including bottles, shall be moved, removed or placed in areas outside the premises building between the hours of 19.00 and 08.00.

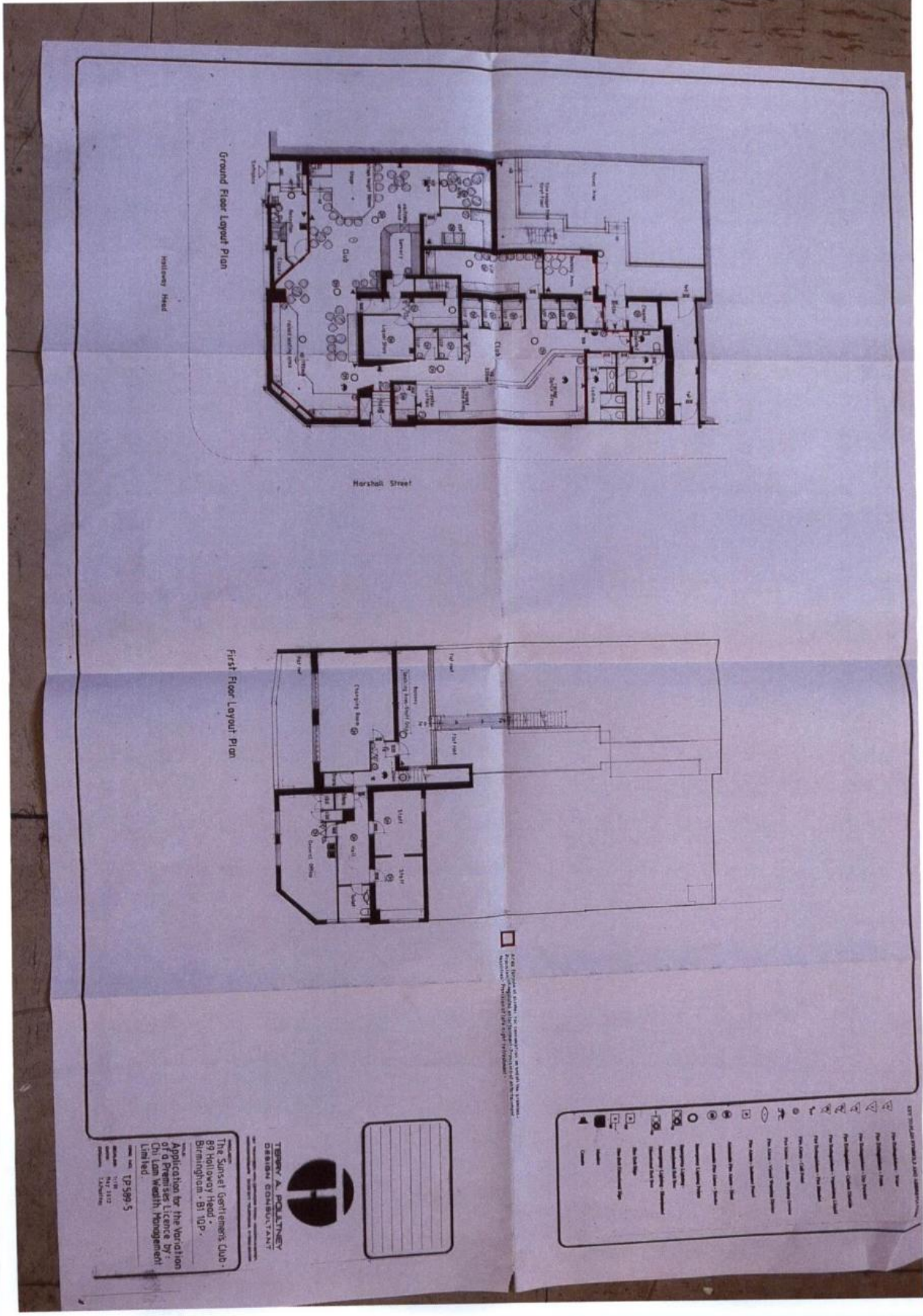
Patrons shall not remove from the premises late night refreshment provided at the premises.

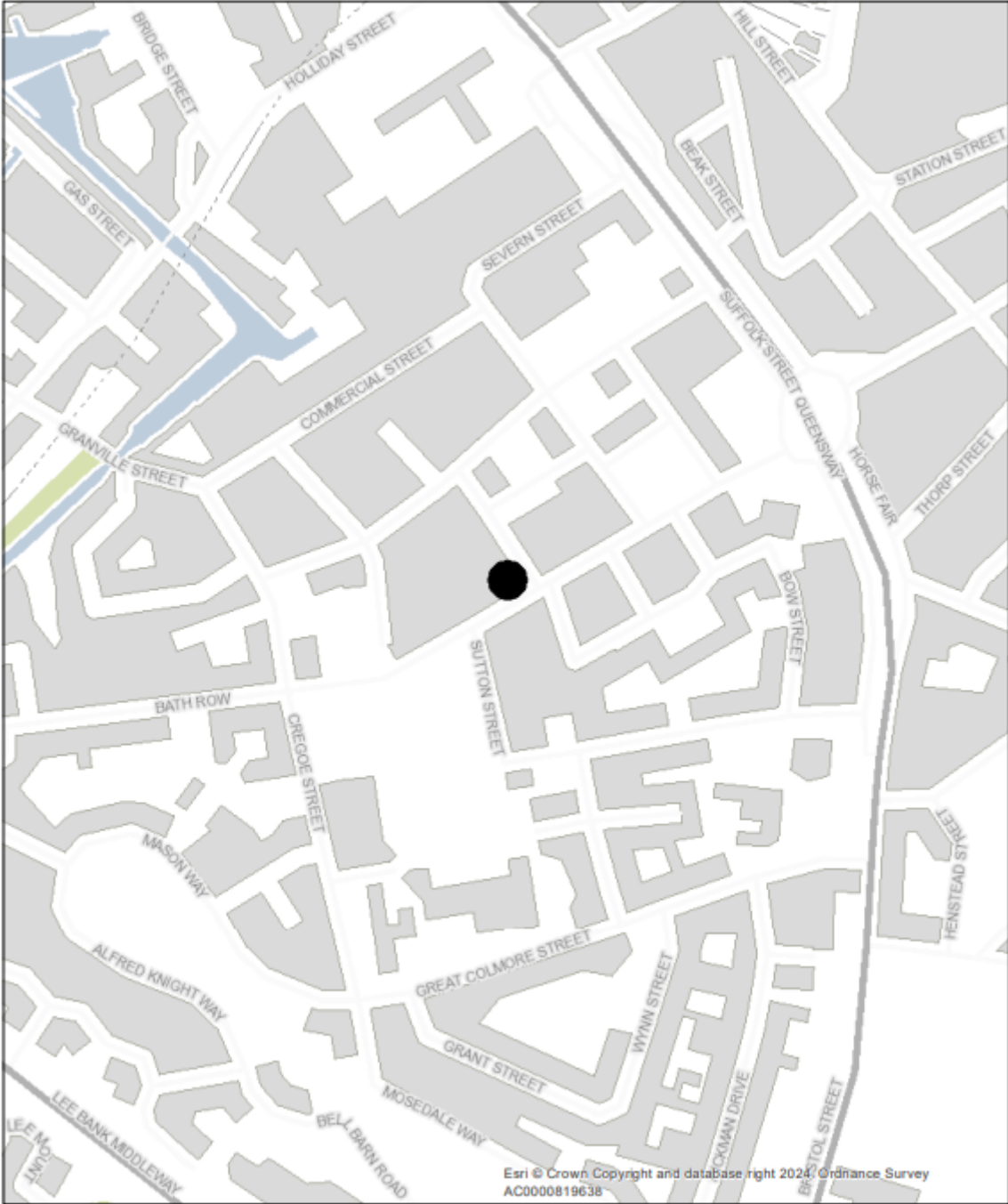
The premises shall restrict deliveries to the hours of 08.00 and 19.00.

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

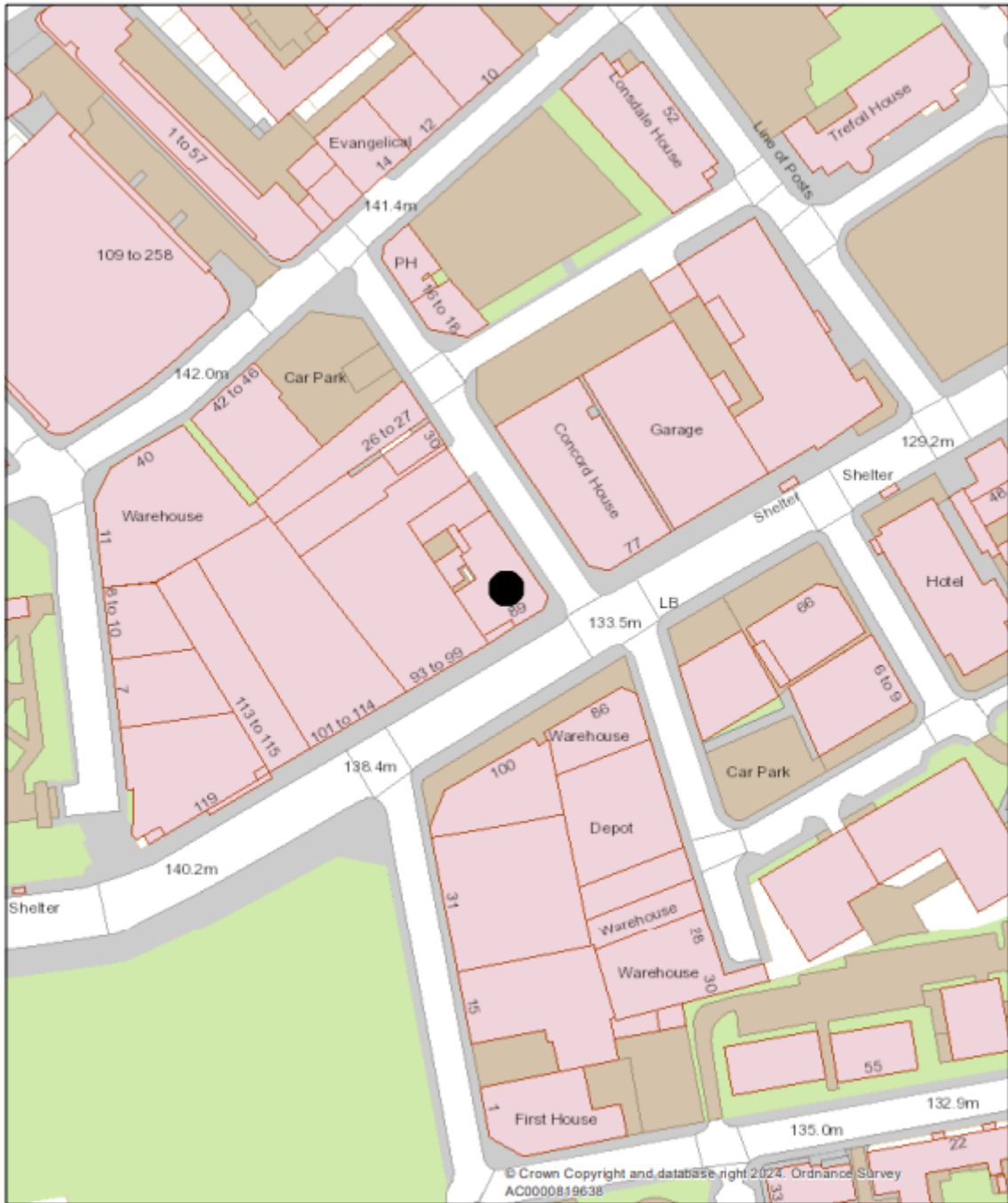
N/A

Annex 4 – Plans





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● LB Street View

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