

## **BIRMINGHAM CITY COUNCIL**

### **LICENSING SUB-COMMITTEE C**

**WEDNESDAY, 26 FEBRUARY 2020 AT 09:30 HOURS**  
**IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA**  
**SQUARE, BIRMINGHAM, B1 1BB**

*Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.*

## **A G E N D A**

### **1 NOTICE OF RECORDING**

Chairman to advise meeting to note 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 that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

### **3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**3 - 16**

### **4 MINUTES**

To note the public part of the Minutes of the meeting held on 8 January 2020.

To confirm and sign the Minutes of the meeting held on 22 January 2020.

**17 - 42**

### **5 LICENSING ACT 2003 - SUBSIDE, 57 HIGH STREET, DIGBETH, BIRMINGHAM, B5 6DA**

Report of the Interim Assistant Director of Regulation and Enforcement.  
N.B. Application scheduled to be heard at 09:30am.

### **6 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.

7 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

**PRIVATE AGENDA**

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 8 January 2020 and to confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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.

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB - COMMITTEE C - 8 JANUARY 2020</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB-COMMITTEE C HELD  
ON WEDNESDAY 8 JANUARY 2020  
AT 0930 HOURS IN ELLEN PINSENT ROOM,  
COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Mike Leddy in the Chair;

Councillors Martin Straker-Welds (AM), Philip Davis (PM) and Neil Eustace.

**ALSO PRESENT:**

Chris Arundel (Drivers) and Bhapinder Nandhra – Licensing Section  
Sanjeev Bhopal – Legal Services  
Katy Townshend – Committee Services.

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**NOTICE OF RECORDING**

01/080120      The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**DECLARATIONS OF INTERESTS**

02/080120      Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest are declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

03/080120      Apologies were submitted on behalf of Councillor Nicky Brennan and Councillor Bob Beauchamp was the nominee Member.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT – DELI CASA, 187  
HIGH STREET, ERDINGTON, BIRMINGHAM, B23 6SY**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

**On behalf of the Applicant**

Jiger Rashmikanth Patel – Applicant  
Philip Colvin – Barrister - QC  
Ruthrasingam Sivashankar – Agent

Prior to the meeting starting the Licensing Officer and Committee Lawyer, informed the Committee that the representations had been withdrawn in the last 24 hours, and therefore it was not possible to cancel the meeting. The Committee Lawyer advised the Members of the procedural rules and regulations in relation to the withdrawal of the representations.

\* \* \*

Following introductions by the Chairman, Bhupinder Nandhra, Licensing Section, outlined the current position regarding the withdrawal of the representations (See Document 1a). He advised that he had received an email from the Local Ward Councillors whom had made objections, informing the Licensing Section that they were withdrawing their representations.

The Chairman continued to outline the procedure to be followed during the meeting and enquired as to whether there were any preliminary points at which stage Mr Philip Colvin informed the Committee of the legal consequences of the withdrawal of the representations: -

- ❖ That the process for making applications was governed by Section 17 of the Licensing Act 2003 and further, that the section for determining the applications was at Section 18.
- ❖ Licensing Act 2003 Section 18(1) This section applies where the relevant licensing authority—
  - (a) receives an application for a premises licence made in accordance with section 17, and
  - (b) is satisfied that the applicant has complied with any requirement imposed on him under subsection (5) of that section.

(2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to—

  - (a) such conditions as are consistent with the operating schedule accompanying the application, and
  - (b) any conditions which must under section 19, 20 or 21 be included in the licence.

- ❖ 18 (3) Where relevant representations are made, the authority must—
  - (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
  - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers [appropriate] for the promotion of the licensing objectives.
- ❖ 18(6) For the purposes of this section, “relevant representations” means representations which—
  - (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,
  - (b) meet the requirements of subsection (7),
  - (c) if they relate to the identity of the person named in the application as the proposed premises supervisor, meet the requirements of subsection (9), and
  - (d) are not excluded representations by virtue of section 32 (restriction on making representations following issue of provisional statement).
- ❖ 18(7) The requirements of this subsection are—
  - (a) that the representations were made by [a responsible authority or other person] within the period prescribed under section 17(5)(c),
  - (b) that they have not been withdrawn, and
  - (c) in the case of representations made by [a person who is not a responsible authority] , that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- ❖ Therefore, if the Local Ward Cllrs had withdrawn their representations on Monday there would have been no meeting and the licence would have been granted.

The Chairman requested an adjournment to consider the points made by Mr Philip Colvin and to seek legal advice on the matter.

At 0955 the meeting was adjourned and all parties with the exception of the Members, Committee Lawyer and Committee Manager withdrew from the meeting.

At 1001 the meeting was reconvened and all parties were invited to re-join the meeting and having taken into consideration the legal consequences of the withdrawal of the representations the Committee announced as follows:-

04/080120

**RESOLVED:-**

That having been informed that those making representations withdrew them on the 7 January 2020 as per the attached email (See document 1a) from Councillor Gareth Moore, but that this withdrawal of representations was not made at least 24 hours in advance of the Committee Meeting, and having heard representations from the applicant’s legal advisor, Philip Colvin, QC it is the decision of this Sub Committee that the application is referred back to the

Licensing Section to process in accordance with the provisions of the Licensing Act 2003.

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**EXCLUSION OF THE PUBLIC**

05/080120

**RESOLVED:**

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-  
(Paragraphs 3 & 4)

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06/080120

**ANY OTHER URGENT BUSINESS**

No urgent business.

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..... Chairman

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB - COMMITTEE C - 22 JANUARY 2020</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB-COMMITTEE C HELD  
ON WEDNESDAY 22 JANUARY 2020  
AT 0930 HOURS IN ELLEN PINSENT ROOM,  
COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Mike Leddy in the Chair;

Councillors Mary Locke and Neil Eustace

**ALSO PRESENT:**

Shaid Yasser – Licensing Section  
Joanne Swampillai – Legal Services  
Katy Townshend – Committee Services.

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**NOTICE OF RECORDING**

01/220120      The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**DECLARATIONS OF INTERESTS**

02/220120      Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest are declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

03/220120      Apologies were submitted on behalf of Councillor Martin Straker-Welds and Councillor Mary Locke was the nominee Member.

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**LICENSING ACT 2003 PREMISES LICENCE – REVIEW – BBQ VILLAGE  
CHINESE RESTAURANT T/A TASTY RESTAURANT, 55 STATION STREET,  
BIRMINGHAM, B5 4DY**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

**On behalf of the Applicant**

Gary Callaghan – Birmingham City Council - Licensing Enforcement Officer (LEO)

**On behalf of the Premises**

No one attended.

**Those making representations**

PC Ben Reader – West Midlands Police (WMP)

\* \* \*

The Chairman outlined the procedure to be followed during the meeting and enquired as to whether there were any preliminary points. None of the parties had any preliminary points to make.

Shaïd Yasser, Licensing Section, outlined the report.

Mr Gary Callaghan, LEO, made the following points: -

- a) That they had identified illegal workers at the premises which seriously undermined the Licensing Objectives, especially the prevention of crime and disorder objective.
- b) As a result of intelligence from Home Office Immigration a joint visit was carried out between WMP and Licensing Enforcement (LE) on the 6<sup>th</sup> November. They spoke to several individuals and made various checks, 3 males and 2 females were detained for possible Visa offences. All of them were “over-stayers” in the UK and should not have been working in the premises.
- c) The Guidance Issued Under Section 182 of the Licensing Act 2003 indicated the seriousness of illegal workers being found in licensed premises.
- d) That during the visit he tried to speak to various individuals but none of the 5 persons detained would talk. Therefore, Home Office Immigration had to



do all the ID checks, fingerprints and other checks to find out who they were.

- e) He spoke to a gentleman who appeared to oversee the premises and called himself Mr Chung Cheng, however, he did not know anything about the premises licence or the conditions on the licence. Moreover, he had no idea where Mr Yang Cheng (PLH) was or when he would be back.
- f) Another visit was carried out on 18<sup>th</sup> November with PC Reader and again they spoke to the same man. It became apparent that the CCTV had not been working for a number of years. Mr Yang Cheng was again, uncontactable and not present at the premises during the visit.
- g) Employing illegal workers was a serious offence and undermined the Licensing Objectives, particularly crime and disorder. Additionally, there were further serious implication, such as the implications of the workers being paid “cash in hand”, lack of employment rights and workers lack of wellbeing.
- h) They had serious concerns over the management style of the premises given that illegal workers were found there and therefore, Licensing Enforcement requested that the licence be revoked.

In answer to Members questions Mr Callaghan made the following points: -

- a) That all “over-stayers” had Visa’s, but they had expired.
- b) Another premises in Bath had been raided and 6 illegal workers were found there, so there was potential that it could be a much bigger operation.
- c) Other information was received that suggested drugs and firearms were found at the premises.
- d) Mr Yang Cheng’s home address was detailed as another Chinese restaurant, Licensing Enforcement (LE) went to hand deliver him notification of the review and no one knew of him at the restaurant. He was a personal licence holder, so they contacted Warwick Council who had an address for him in Leamington Spa, however, Mr Callaghan didn’t know if he was living there.
- e) There was also information received which came from another council department that indicated Mr Cheng owed business rates in excess of £150,000.
- f) That the visit he undertook was the worst he had witnessed.

Mr Callaghan read out the Home Office Immigration report (as detailed in the report).

PC Reader, on behalf of WMP, made the following points: -

- a) That “unusually” he “didn’t submit any evidence” for this case, as it was simply “black and white”.

- b) That WMP Licensing Team did not attend the first visit, however they did attend the second one on the 18 November and it was “a wall of silence”, no one would talk to them.
- c) The gentleman who they spoke to on that visit said that the licence holder had not been there for a few years and he had no contact information for him.
- d) During the visit PC Reader asked questions regarding how the business operated, however no one would talk to him.
- e) He went back the following day and served a Trader Notice on the premises. Whether they understood what was happening or the implications he didn't know, but they would not cooperate.

In answer to Members questions PC Reader made the following points: -

- a) That Home Office Immigration were a Responsible Authority in their own right, and although WMP liaised with them regularly, they could have made separate representations before the Committee.

Mr Gary Callaghan explained that Home Office Immigration did want to make a representation but due to them being located in Manchester it just “didn't happen” and they apologised.

PC Reader advised that he had nothing further to add and had no closing submissions.

In summing up Mr Gary Callaghan, LEO, made the following points: -

- ❖ That the premises had illegal workers at the restaurant.
- ❖ The premises had not undertaken any right to work checks.
- ❖ It was extremely serious and therefore, the licence should be revoked.

At 0953 the meeting was adjourned and all parties with the exception of the Members, Committee Lawyer and Committee Manager withdrew from the meeting.

At 1039 the meeting was reconvened and all parties were invited to re-join the meeting and decision of the Sub-Committee was announced as follows:-

04/220120

**RESOLVED:-**

That having reviewed the premises licence held under the Licensing Act 2003 by Yang Cheng in respect of BBQ Village Chinese Restaurant T/A Tasty Restaurant, 55 Station Street, Birmingham, B5 4DY upon the application of the Licensing Enforcement department of the City Council, this Sub-Committee hereby determines that:

- the Licence be revoked, and that
- Mr Yang Cheng be removed as Designated Premises Supervisor

in order to promote the prevention of crime and disorder objective in the Act.

The Sub-Committee's reasons for revoking the licence are due to concerns expressed by Licensing Enforcement. An inspection had been carried out at the premises by Licensing Enforcement together with Home Office immigration officials. Undocumented workers were found on duty in the restaurant. There was no sign of Mr Yang Cheng, who is both the Designated Premises Supervisor and the Premises Licence Holder.

Despite extensive enquiries, Mr Yang Cheng had been untraceable ever since the visit; nor did he attend the meeting to address the Sub-Committee in person. Payment of business rates also was significantly in arrear. There was even confusion about the home address he had given – investigation had discovered that the 'home address' was in fact a Chinese restaurant premises; when contacted, that premises stated that they had never heard of any Mr Yang Cheng. The local authority in Warwickshire which had issued his personal licence had also confirmed that they did not know his whereabouts. It was noted that the home address which Mr Yang Cheng had given to the Warwickshire local authority was a property in Leamington Spa.

The person on duty in the premises as manager was entirely uncooperative beyond simply stating that Mr Yang Cheng was out of the country – yet the requirement of the role of designated premises supervisor was that if Mr Yang Cheng were not on duty, he should be easily contactable. The premises was operating in a chaotic manner; the manager was even unable to locate the premises licence when asked to produce it. The restaurant was staffed by undocumented workers who appeared to be persons who had entered the UK under visitors' visas (not workers' visas), and who had then overstayed. It was therefore apparent that no checks had been done by the premises as to whether the workers were legally entitled to remain, or to work.

It was the recommendation of Birmingham City Council Licensing Enforcement that the licence should be revoked as the premises was incapable of upholding the prevention of crime and disorder objective.

West Midlands Police made representations supporting this proposed course. The Police could not trace Mr Yang Cheng, and had also been unable to get answers as to his whereabouts from the undocumented workers. When they visited the restaurant, the person on duty as manager had again been unable to produce the premises licence. The workers would not answer questions, refusing even to confirm who opened and closed the restaurant each day; the Police described the situation as a 'wall of silence'. As a result the Police had no confidence that the premises could uphold the licensing objectives.

The Sub-Committee had grave concerns about the manner in which this premises had been operating. The Sub-Committee agreed with Licensing Enforcement that the operation had been managed in a way that was not merely irresponsible, but also illegal. The Sub-Committee was satisfied that

the correct notifications of the hearing had been made (via letters, and the display of notices) such that Mr Yang Cheng had been made aware of the hearing properly, and had chosen not to attend. Given the serious risks to the prevention of crime and disorder objective, it was entirely proper to make the decision in his absence.

After hearing all the evidence, Members of the Sub-Committee determined that the management of the operation was seriously undermining the crime and disorder objective, and therefore resolved to revoke the licence as recommended by the responsible authorities. A determination to revoke would follow the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. There were no compelling reasons to depart from the Guidance on this occasion. The removal of Mr Yang Cheng as DPS was a sensible measure given that he had seemingly taken no part in the business.

The Members of the Sub-Committee gave consideration as to whether they could modify the conditions of the licence, or suspend the licence for a specified period, but were not satisfied given the evidence submitted that the licensing objectives would be properly promoted following any such determination, for the reasons set out above.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the Licensing Enforcement department and by West Midlands Police.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the determination of the appeal.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT - CHANNEL COFFE & RESTAURANT, 145A STRATFORD ROAD, SPARKBROOK, BIRMINGHAM, B11 1RD**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

**On behalf of the Premises**

Betty Bayu – Applicant  
Kebrom Gebremariam – Husband of the applicant  
Mijanur Rahman – Agent

**Those making representations**

No one attended.

\* \* \*

The Chairman outlined the procedure to be followed during the meeting and then invited Shaid Yasser, Licensing Section, to outline the report. Mr Yasser also advised that the Birmingham City Council Licensing Enforcement Officer had withdrawn his representations prior to the meeting.

Mr Mijanur Rahman, on behalf of applicant made the following points: -

- a) That the objections had been due to Betty previously working at a café down the road for around 6 weeks, when she decided to open her own café, the owner of the café she previously worked at was not at all happy.
- b) Moreover, Betty had been made aware that the owner of the café had been going around the local area telling people that Betty was opening a pub so that's why people objected.
- c) The LEO objection had been withdrawn but there were concerns about food safety and fire safety. A health officer had visited the premises three times and was now satisfied that all the concerns had been addressed.

The Chairman asked the agent to explain the email from Sarah Lavender which talked about concerns from Environmental Health regarding cockroaches and shisha smoking but also a suspicion that alcohol was already been sold from the premises.

The agent explained that none of that was happening anymore and the cockroaches had been dealt with straight away. The premises was previously managed by Betty's husband and therefore it was going to be taken over by Betty. Her husband was managing the premises when the problems occurred.

In answer to members questions, Mrs Betty Bayu made the following points: -

- a) That the Prohibition Notice was no longer in place.
- b) The premises had a back shutter which needed fixing as they couldn't open it, but it had been fixed.
- c) The alcohol at the premises was only for a private party last year and was not for sale.
- d) That most of the allegations of drugs, prostitutes, alcohol issues in the area was made by the owner of the café she previously worked at.

- e) There were also signatures which were not correct, people came to Betty and said the signatures were not theirs. The café owner had written fake signatures.
- f) That they didn't believe the area had problems with drugs, alcohol or prostitution.
- g) The premises would close at 2am on Friday and Saturday.
- h) The CCTV was already installed – 8 cameras.
- i) That she had spoken with the local people.
- j) There would be 3 employees.
- k) That she would take over the premises in March 2020.
- l) The objection in relation to loud music was from a friend of the Café owner and Betty had visited him and gave him her number, so if he had issues with loud music, he could call her, and she would be able to tell him if it was her premises or not.
- m) The business had only been running for 1 year and 6 months.
- n) That the area was well known and had lots of licensed premises.
- o) That the alcohol was for a private party and after numerous visits from the Responsible Authorities they were satisfied that the alcohol was not being sold.

In summing up Mr Rahman, on behalf of the applicant made the following points: -

- ❖ That Betty would take over the premises in March 2020.
- ❖ She was a qualified DPS and she would be DPS of the premises.
- ❖ She was keen to make the business a success as it was their “bread and butter”.

At 1138 the meeting was adjourned and all parties with the exception of the Members, Committee Lawyer and Committee Manager withdrew from the meeting.

At 1208 the meeting was reconvened and all parties were invited to re-join the meeting and having taken into consideration the legal consequences of the withdrawal of the representations the Committee announced as follows:-

05/220120

**RESOLVED:-**

That the application by Betty Bayu for a premises licence in respect of Channel Coffe & Restaurant, 145A Stratford Road, Sparkbrook, Birmingham, B11 1RD be granted, subject to the following conditions:

1. All those conditions agreed in advance with West Midlands Police, namely:
  - Alcohol will only be sold to customers who are seated by waiting staff, with the exception of those customers seated on the 5 bar stools shown on the original premises plan dated December 2019. There will be no vertical drinking within the premises
  - When trading past 23.00hrs the last entry to the premises will be at 00.45hrs. Signage to be displayed on the entrance door to inform customers of this
  - CCTV will be installed / updated to the recommendations and specifications of West Midlands Police
  - If for any reason the CCTV hard drive needs to be replaced the old/previous hard drive will be held on the premises for a minimum of 28 days and made immediately available to any of the responsible authorities on request
  - No children under the aged of 16 will be allowed on the premises after 20.00hrs unless accompanied by an appropriate adult. Staff are not to be left in sole charge of any child under 16
  - The premises fire risk assessment will be made available immediately on request of any of the responsible authorities
  - All staff will be trained in their responsibility under the Licensing Act 2003, Challenge 25 policy and premises operating conditions. This training will be documented and signed by both the trainer and trainee. No staff to work at the premises while it is carrying out licensable activity without this documented training (with the exception of personal licence holders). All training records to be made immediately available to any of the responsible authorities on request
  - The premises will risk assess the need to deploy SIA registered door staff
  - If SIA door staff are deployed at the premises then they will sign on & off duty. A profile of all door staff will be held by the premises which will include a copy of their SIA badge and photographic ID. If photographic is not available then a utility bill no older than 3 months may be accepted. Signing in books and profiles will be held at the premises for a minimum of 3 months and made immediately available to any of the responsible authorities on request.
2. All those conditions agreed in advance with Licensing Enforcement, namely:

- The Designated Premises Supervisor will arrange to monitor noise levels from both inside and outside the premises, all checks will be documented and remedial action will be taken and recorded as appropriate
  - All windows and doors will be closed after 21:00 hours
3. No sale of alcohol to be made unless the Designated Premises Supervisor is on duty within the premises

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

Members carefully considered the operating schedule put forward by the applicant and the likely impact of the application, including the agreed conditions, and concluded that by granting this application, the four licensing objectives contained in the Act will be properly promoted. The agreements made with the responsible authorities in advance gave confidence that the applicant and operation were both suitable.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for a premises licence, the written representations received, and the submissions made at the hearing by the applicant and her adviser.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

06/220120

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**ANY OTHER URGENT BUSINESS**

No urgent business.

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..... Chairman



# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee C</b>
<b>Report of:</b>	<b>Interim Assistant Director of Regulation and Enforcement</b>
<b>Date of Meeting:</b>	<b>Wednesday 26<sup>th</sup> February 2020</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Summary Review</b>
<b>Premises:</b>	<b>Subside, 57 High Street, Digbeth, Birmingham, B5 6DA</b>
<b>Ward affected:</b>	<b>Bordesley and Highgate</b>
<b>Contact Officer:</b>	<b>Bhupinder Nandhra, Senior Licensing Officer, 0121 303 9896 <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 and to determine this matter.

### **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 31<sup>st</sup> January 2020 in respect of Subside, 57 High Street, Digbeth, Birmingham, B5 6DA

### **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 31<sup>st</sup> January 2020, Superintendent Green, 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 Subside Bar Limited in respect of Subside, 57 High Street, Digbeth, Birmingham, B5 6DA.

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

Within 48 hours 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 A met on 3<sup>rd</sup> February 2020 to consider whether to take any interim steps and resolved that the Premises Licence be suspended pending a 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 17.05hours on 11<sup>th</sup> February 2020. See Appendix 3.

As a result of this representation the Licensing Sub-Committee met on the 13<sup>th</sup> February 2020 and again having heard from representatives of the licence holder and West Midlands Police resolved that the suspension of the premises licence be lifted and that there will be a restriction on opening hours at the premises. The premises will only be permitted to open between 12noon and 12midnight. A copy of the decision is attached at Appendix 4.

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 the 14<sup>th</sup> February 2020.

No additional representations have been received from representatives of other responsible authorities or other persons.

A copy of the current Premises Licence is attached at Appendix 5.

Site location plans at Appendix 6.

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 of 3<sup>rd</sup> February 2020, Appendix 2  
Representations back against Interim Steps decision of 3<sup>rd</sup> February 2020, Appendix 3  
Sub-Committee Interim Steps Meeting decision of 13<sup>th</sup> February 2020, Appendix 4  
Current Premises Licence, Appendix 5  
Site location plans, Appendix 6

**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 13<sup>th</sup> February 2020.



BCC	
REGULATION & ENFORCEMENT	
LICENSING SECTION	
DATE RECEIVED	
31 JAN 2020	
REF NO	RECEIVED e 10.43am
INITIALS	BN

**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 - Superintendent Ian Green**

(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: **SUBSIDE**  
**57 High Street**  
**Digbeth**

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

Post Town: **Birmingham**

Post Code (if known): **B5 6DA**

2. Premises Licence details:

Name of premise licence holder (if known): **Subside Bar limited**

Number of premise licence (if known): **2246**

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:

On Friday 31<sup>st</sup> January 2020, officers from West Midlands Police executed a warrant under the misuse of drugs act, at the above premises.

This followed intelligence that had been received that the premises and the manager was involved in the dealing of drugs from the premises

Warrants were executed at both the licensed premises and the address of the manager.

In the safe officers discovered significant quantities of different types of class A drugs, and a substantial amount of cash all together. The cash was in a black pouch next to the drugs, against the general cash which was in a different part of the safe.

At the home address of the manager more drugs were discovered as well as an array of weapons, including knives, cross bows and air weapons.

The amount discovered has led to the arrest of the manager for the offence of possession with intent to supply.

Documentation seized from the premises does not show that the drugs were seized from customers, or gives an explanation as to the cash in the black pouch. The drugs are in what we would describe as dealer bags. The intelligence on how the drugs operation works within the premises is supported by what the officers found.

A diary has been found with an entry from the 12<sup>th</sup> December 2019, showing that they have evicted people for dealing drugs, but officers have so far not seen any entries to show that drugs were being seized.

This is clearly an on-going criminal investigation, however there is a significant concern that the premises are being used to support the supply of class A drugs. On indictment this offence carries a life sentence and/or fine, and so would be defined as a serious offence under the RIPA regulations.

It is also noted that allowing a premises to be used for the supply of drugs controlled under the Misuse of Drugs Act 1971 is deemed a serious offence under the Licensing Act, and is contained within section 11.27 of the section 182 guidance.

The concern for West Midlands Police is that if interim steps are not undertaken that the premises will continue to be used in such a manner, not only contravening the crime and disorder objective but also placing the public at risk.

West Midlands Police are seeking the immediate suspension of the premise licence.

(Please read guidance note 2)

Signature of applicant:

Date: 31/1/20

Rank/Capacity: Supt 1218 GREGG

Contact details for matters concerning this application: Pc 4075 Abdool ROHOMON

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

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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: Subside**

**Premise Licence Number: 2246**

**Premise Licence Holder: Subside Bar limited**

**Designated Premise Supervisor: Benjamin MORTBOY**

**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 seriousness of the crime being committed with the basis of the intelligence that led to the warrant being granted warrant the use of this power. I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstance 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 incidents is a matter that needs to be brought to the attention of the Licensing Committee immediately.

The concern of West Midlands Police is that if steps are not taken to consider the running of these premises they will continue to be used in the manner in which they were discovered on the 31<sup>st</sup> January 2020. 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

1218 GREEN (Supt)



**BIRMINGHAM CITY COUNCIL**  
**LICENSING SUB COMMITTEE - A**

**MONDAY 3 FEBRUARY 2020**

**SUBSIDE, 57 HIGH STREET, DIGBETH, BIRMINGHAM, B5 6DA**

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Subside Bar Limited in respect of Subside, 57 High Street, Digbeth, Birmingham, B5 6DA this Sub-Committee determines:

That the licence be suspended 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 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 Sub-Committee's reason for imposing this interim step is due to the concerns of West Midlands Police in relation to matters which came to light as outlined in the Chief Officer of Police's certificate and application.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, and the submissions made by the police and by the premises licence holder/ DPS at the hearing.

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.

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



**From:** Melissa Toney  
**Sent:** 11 February 2020 17:05  
**To:** Licensing  
**Cc:**  
**Subject:** FW: Licensing Act 2003 - Section 53A Expedited Review Application - Subside Bar- 57 High St, Digbeth, Birmingham B5 6DA (SUB2/6)  
**Attachments:** Reps vs Interim Steps.doc

Dear Sirs

Following the sub-committee's decision on the 03 February 2020. I am instructed to submit an application to review the committee's interim's decision to suspend the premise licence pending a full hearing.

Please find attach my application. In the circumstances we would ask that the matter is listed for an urgent hearing to hear the application.

Kind Regards

**Melissa Toney**  
**Head of Regulatory and Licensing**  
**Gregg Latchams**

[Website](#) | [Twitter](#) | [LinkedIn](#)

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**GL** | Gregg Latchams Solicitors

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**Information:** Gregg Latchams Limited is a limited company registered in England & Wales with number 6899567. Our registered office is at 7 Queen Square, Bristol BS1 4JE. We are authorised and regulated by the Solicitors Regulation Authority under registered number 607476. For further information, visit the [Regulatory Info](#) page of our website.

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**At Birmingham City Council**

**DTBF**

**Licensing Sub Committee**

**DAVID LONGMATE (Applicant)  
Subside Bar**

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**Representation against Interim Steps Imposed –  
Premises- Subside Bar**

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## **DETAILS OF APPLICATION**

Application to make representations for the Interim Steps imposed by the Sub Committee on 03 February 2020 to be withdrawn and the premise permitted to be re-opened pending a full review.

Application on behalf of David Longmate by Gregg Latchams Solicitors.

## **APPLICANT**

David Longmate  
Subside Bar  
57 High Street  
Digbeth  
Birmingham  
B5 6DA

These representations are made against the decision of the Licensing Sub Committee to suspend the premise licence of the Subside Bar on the 03 February 2020. This interim step was taken following an application for an expedited/summary licence review under section 53A of the Licensing Act 2003 as amended by the Violent Crime Reduction Act 2006.

The representations are as follows;

- 1) The premises licence holder has immediately and successfully implemented the measures requested by PC 4075 Rohomon both as discussed after the hearing, on the phone the next day and in a meeting on the 7<sup>th</sup> February 2020, to promote the Licensing Objectives.
- 2) The reasons for imposing the interim step; namely due to the concerns which were expressed by West Midlands Police in relation to matters pertaining to serious crime is no longer present.
- 3) Following the improvements made by the Premise Licence Holder the Sub Committee can be satisfied that the new style management can properly uphold the licensing objectives.
- 4) The decision taken by the Sub Committee to suspend the Premise License is no longer necessary to promote the Licensing Objectives and has a serious effect on the viability of the business.

## **MEASURES UNDERTAKEN**

The following steps have been taken in meeting the measures requested by PC 4075 Rohomon:

Implementation of new policies and procedures to include:

- Licensing Training Handbook and Questionnaire
- Licensing Training Questionnaire Answers
- Licensing Training Record Sheet
- Drugs Policy Handbook and Record Sheet
- Eight Step Drugs Seizure Policy Implemented as follows:
  1. Drugs confiscated.
  2. Details of customer taken, if safe and appropriate to do so
  3. Drugs passed to duty manager.
  4. Drugs secured in sealed evidence bag and placed in drugs safe by Duty Manager
  5. Incident recorded and signed by duty manager and security staff or bar staff (2 people).
  6. Record made in handover book for next day (or next duty manager changeover).
  7. Details of incident passed to DPS as soon as possible (if DPS is not duty manager).
  8. Incident discussed at monthly meeting and arrangements for transfer to police made

All management, security & bar & reception staff were trained by All In Security on the above policies and procedures on the 05/02/2020

All staff will have refresher sessions every six months. New staff will be given initial training on commencement of employment and will take part in refresher courses.

To facilitate the Drugs Seizure Policy: a new drug safe has been purchased and placed inside the main safe, securing the seized item from anyone but management. Sealable evidence bags and incident book have been purchased to make the above transparent and effective.

Once a week the premises licence holder will check all incidents logged (if any) and ensure the evidence bags that match any incidents coincide with the records.

## **CCTV**

A new 40 camera 4K HD system giving crystal clear images throughout both the public and staff areas within every room and will include cameras for the toilets and

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a camera with audio for the welfare/vulnerability room. At a cost of £18,000.00 from Clear Sound Security Ltd, a Gold Standard NSI Security Company, this will be installed by March 13th 2020 but put a caveat that the absolute latest date would be Friday March 27th 2020.

### **Security**

Security will be provided by Nationwide Security for the next three months, during which time both the PLH and DPS will undertake to obtain SIA badges, after which time security will revert to in-house.

All customers will have a bag/pocket search on entry on weekend nights, with a more robust search if security are suspicious of anyone. A female operative will be added to the weekend rota.

Anyone refusing a search will not be admitted.

### **Future Management Staff**

All future management staff will undergo a DBS check, this being a natural course for those applying for a personal licence at that time.

### **Challenge 21 Checks and Refused Entry**

All challenge 21 checks where no ID is produced would be refused entry to the bar, this will be recorded on sheets kept at the bar or entry kiosk. These will be collated into a separate book for inspection and maintained by the duty manager each night and overseen by the DPS weekly.

All staff will have 6 monthly training on this procedure.

### **Checks on Checks**

All In Security, to carry out unscheduled spot audits on the policy recording documents for 12 months.

### **CONCLUSIONS**

The above measures are subject to further review DTBF.

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The purpose of the above measures are:

- 1 To protect the public.
- 2 To ensure that properly trained staff are in place on the premises. This is necessary because the premises recently suffered an incident of serious crime and disorder.
- 3 To promote the relevant licensing objectives

It is submitted the above measures allow for the interim steps to be withdrawn and the premise to be reopened.

**Melissa Toney**  
**Gregg Latchams Solicitors**  
**11<sup>th</sup> February 2020**



**BIRMINGHAM CITY COUNCIL**  
**LICENSING SUB COMMITTEE - A**

**13 FEBRUARY 2020**

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That, having considered the representations made on behalf of Subside Bar Limited the premises licence holder for Subside, 57 High Street, Digbeth, Birmingham, B5 6DA in respect of the interim steps imposed on the 3 February 2020, this Sub-Committee hereby determines that the appropriate course is to modify the interim steps imposed at the meeting on 3<sup>rd</sup> February 2020 as follows:

- The suspension of the premises license will be lifted; and
- There will be a restriction on opening hours at the premises. The premises will only be permitted to open between 12 noon and 12 midnight.

The Sub-Committee carefully considered the representations made by the legal representative for the holder of the premises licence. The premises relied on the written application made in advance of this meeting. They stated that the premises have successfully implemented measures discussed with the police both during and after the meeting on 3<sup>rd</sup> February 2020. The premises stated that these were extensive and that the concerns stated by the police at the expedited review on 3<sup>rd</sup> February 2020 were no longer present following these implementations. The venue therefore stated that it is their view that the suspension of the licence is no longer necessary and has an effect on the viability of the business.

The premises did not seek to go through each measure imposed, however they did highlight the measures in relation to security. They stated that a search of every customer would not be viable and they would instead impose random searches.

The Sub Committee were concerned with whether the measures implemented would alleviate the concerns which led to the expedited review on 3<sup>rd</sup> February 2020. The premises stated that the police raid was specific to one person who is no longer employed by the venue and, although there were flaws in management, the implementation of the measures discussed with the police would improve management and accountability. The premises also stated that the DPS has been actively involved in the development of these changes.

The Sub Committee gave consideration to copies of the training manual implemented by the premises which was provided during the meeting. The Sub Committee were not impressed that the premises had not had a fully implemented drugs policy before the need for the expedited review arose. The premises held their hands up that their previous drugs policy was targeted towards customers and that they had not considered that the problem might originate within the management of the venue.

The Sub Committee observed that the concerns which led to the initial review were exacerbated by the existence of a safe on the premises to which only one individual had access. The premises stated that any drugs seized would now be placed within a safe which only three members of senior members of staff would have access to, including the DPS and the owner of the premises.

The police were then invited to respond to the representations made by the premises. The police briefly set out the background to expedited review. PC Rohomon confirmed that the police had been consulting with the premises in relation to the policies and changes put forward. This has been an extensive process but the police found that the business have been engaging with them. The police stated that they are as satisfied as they can be that the amendments suggested by them have been implemented by the premises. In the opinion of the police, there is not anything more that the premises could do now and they would be satisfied for the suspension to be lifted.

The Sub Committee gave consideration to the representations made both by the police and on behalf of the premises licence holder. The Sub Committee did not have confidence that the premises would properly imbed the measures put forward and therefore felt that the licensing objective of the prevention of crime and disorder could be undermined. The premises had not satisfied the members that the landlord was not an absentee from the business. It was felt that the premises needed to demonstrate over time that they would implement these measures.

The Sub-Committee therefore considers that the appropriate course is to modify the interim step as follows:

- The suspension of the premises license will be lifted; and
- There will be a restriction on opening hours at the premises. The premises will only be permitted to open between 12 noon and 12 midnight.

In reaching this decision, the Sub-Committee has given due consideration to the guidance issued by the Home Office in relation to expedited and summary licence reviews, 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.



## BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

2246 / 7

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Subside 57 High Street Digbeth	
<b>Post town:</b>	<b>Post Code:</b>
Birmingham	B5 6DA
<b>Telephone Number:</b>	

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

N/A

**Licensable activities authorised by the licence**

E	Live music
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 - 23:59	E ,F ,G ,H ,M3
	23:00 - 05:00	L

**The opening hours of the premises**

Monday -Sunday	00:00 - 23:59
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**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On and Off Supplies

**BIRMINGHAM CITY COUNCIL**

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Subside Bar Limited c/o Vinings Limited Grafton House Bulls Head Yard, Alcester	
<b>Post town:</b> Warwickshire	<b>Post Code:</b> B49 5BX
<b>Telephone Number:</b>	
<b>Email</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b> 06278870
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Benjamin Mortiboy	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> N/A	

<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> 7785	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

Dated 10/03/2017

\_\_\_\_\_  
David Kennedy  
Principal 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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**BIRMINGHAM CITY COUNCIL**

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.

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**BIRMINGHAM CITY COUNCIL**

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

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

The provision of regulated entertainment and late night refreshment to take place indoors only.

No adult entertainment or services permitted on the premises.

There shall be a minimum of 3 Security SIA licensed security staff on duty on each Friday to Saturday from 21:00-06:00.

CCTV shall be in use at the premises;

- Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard.

-Where a CCTV system is to be installed it shall be fully operational prior to any licensable activity taking place. Where existing CCTV systems are to be replaced or extended the replacement or extension of the system shall be concluded and the CCTV system shall be fully operational before any licensable activities take place.

The CCTV equipment shall be maintained in a good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority.

The correct time and date will be generated onto both the recording and the real time image screen and there shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all hours the premises is open to the public.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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**BIRMINGHAM CITY COUNCIL**

**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**

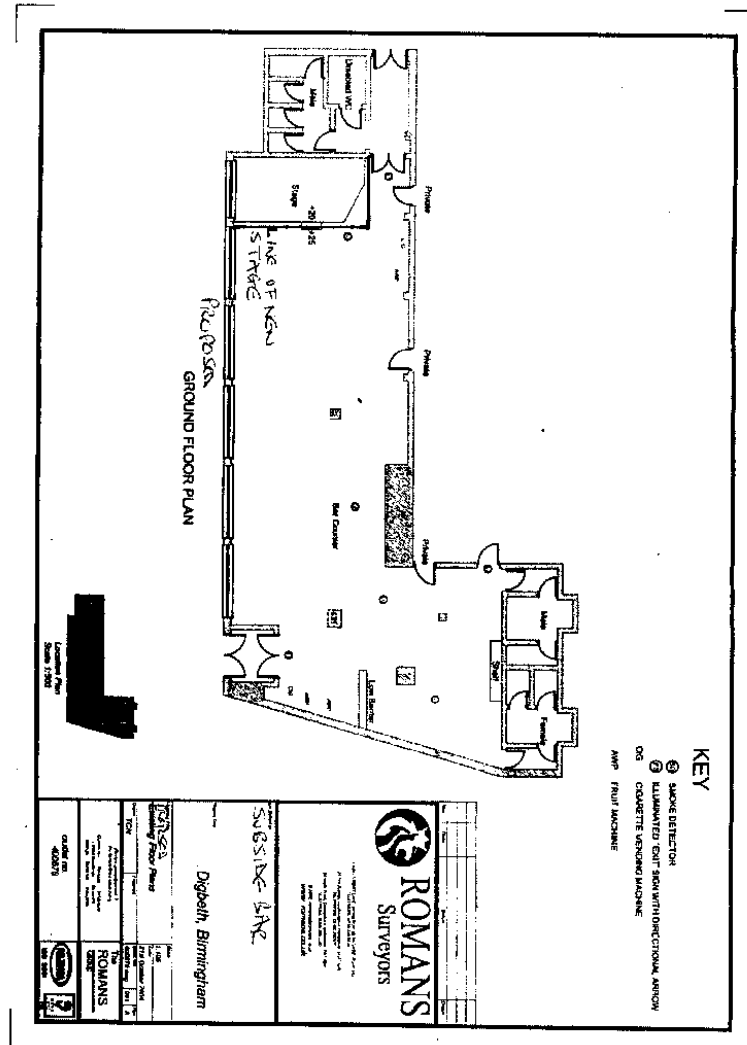
N/A

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

N/A

# BIRMINGHAM CITY COUNCIL

## Annex 4 – Plans





**Birmingham**  
City Council

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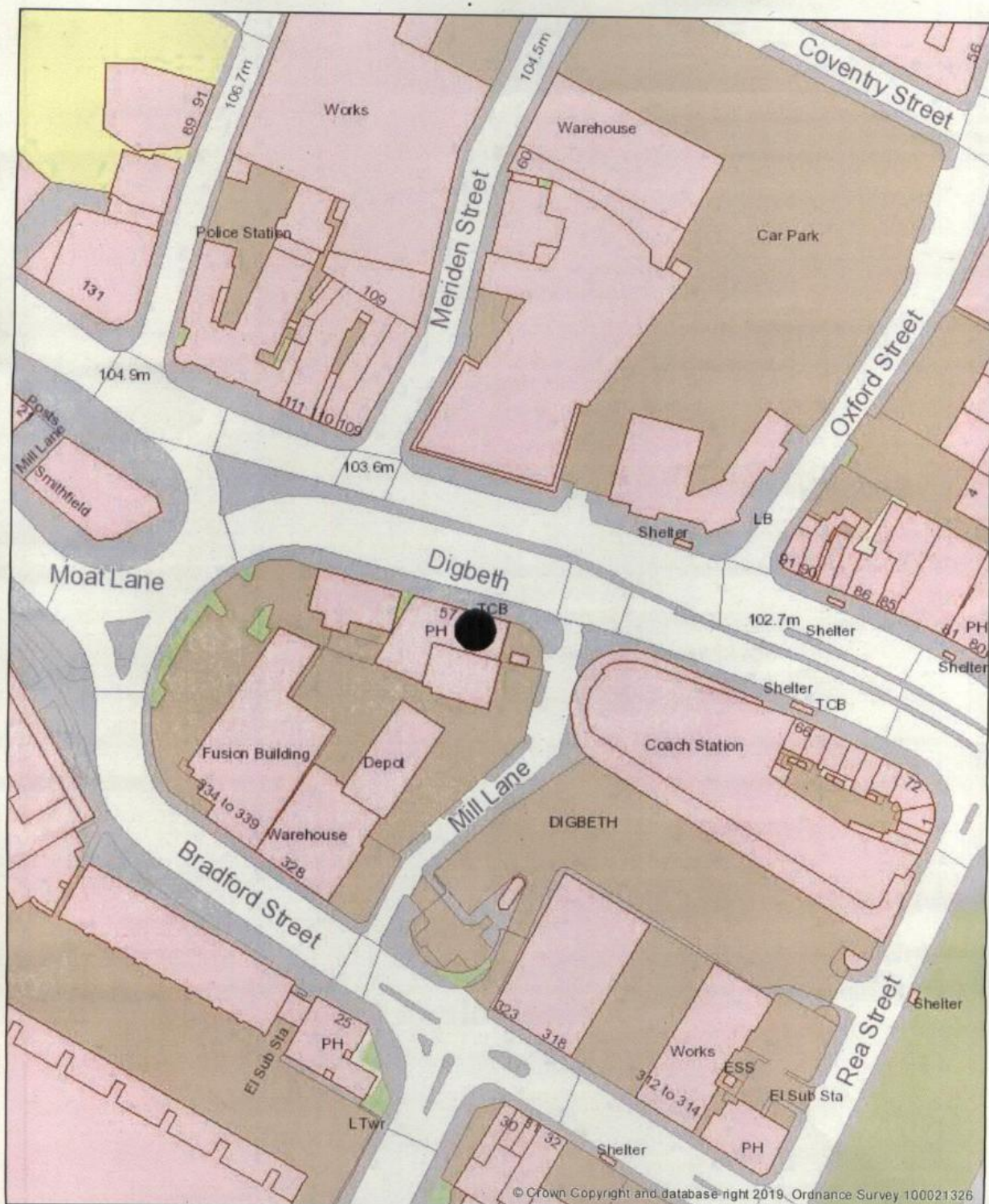
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Scale: 1:4,000







**Birmingham**  
City Council

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Scale: 1:1,250



