

# 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

---

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](#)

We'd love to hear about your experience in dealing with us. Our brief client satisfaction survey takes only a couple of minutes. Please complete here:

<https://www.gregglatchams.com/client-satisfaction-survey>



**GL** | Gregg Latchams Solicitors

7 Queen Square, Bristol BS1 4JE  
 Tel: +44 (0)117 906 9400 Fax: +44 (0)117 906 9401  
 DX: 7845 Bristol

3 Fitzhardinge Street, Manchester Square, London W1H 6EP  
 Tel: +44 (0)20 7299 9800 Fax: +44 (0)20 7299 9801  
 DX: 42734 Oxford Circus North

**Lexcel** **Conveyancing Quality** **Wills & Probate Quality**

**Personal Information:** The information which you supply to us may be used in a number of ways, for more information please visit the [Personal Data Processing Policy](#) page on our website.

**Confidentiality:** This email and its attachments are confidential and may be privileged and protected by law. Only [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk) is authorised to access this email and its attachments. If you are not [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk), please notify [melissa.toney@gregglatchams.com](mailto:melissa.toney@gregglatchams.com) and immediately and permanently delete this email. Do not use, copy or disclose the information contained in this message or any attachment. **Viruses:** No liability is accepted for viruses and it is your responsibility to scan any attachments. **Scams & Hoaxes:** We are aware that Gregg Latchams and the names of individual staff members have been used by criminals in various scam emails, letters and phone calls. We are also aware that clients of some firms have been tricked into sending funds to the wrong bank account. For further information, visit the [Scams & Hoaxes](#) page on our website. **Regulatory**

**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.

---

**At Birmingham City Council**

**DTBF**

**Licensing Sub Committee**

**DAVID LONGMATE (Applicant)  
Subside Bar**

---

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

---

## **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

---

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.

---

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**

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
----------------	---------------

**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
--

<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

---

**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.

---

**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.

---

**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

## Annex 4 – Plans





**Birmingham**  
City Council

© Crown copyright. All rights reserved. Birmingham City Council 100021326 (2019).

You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

© GeoPerspectives, supplied by Bluesky International Ltd

Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved

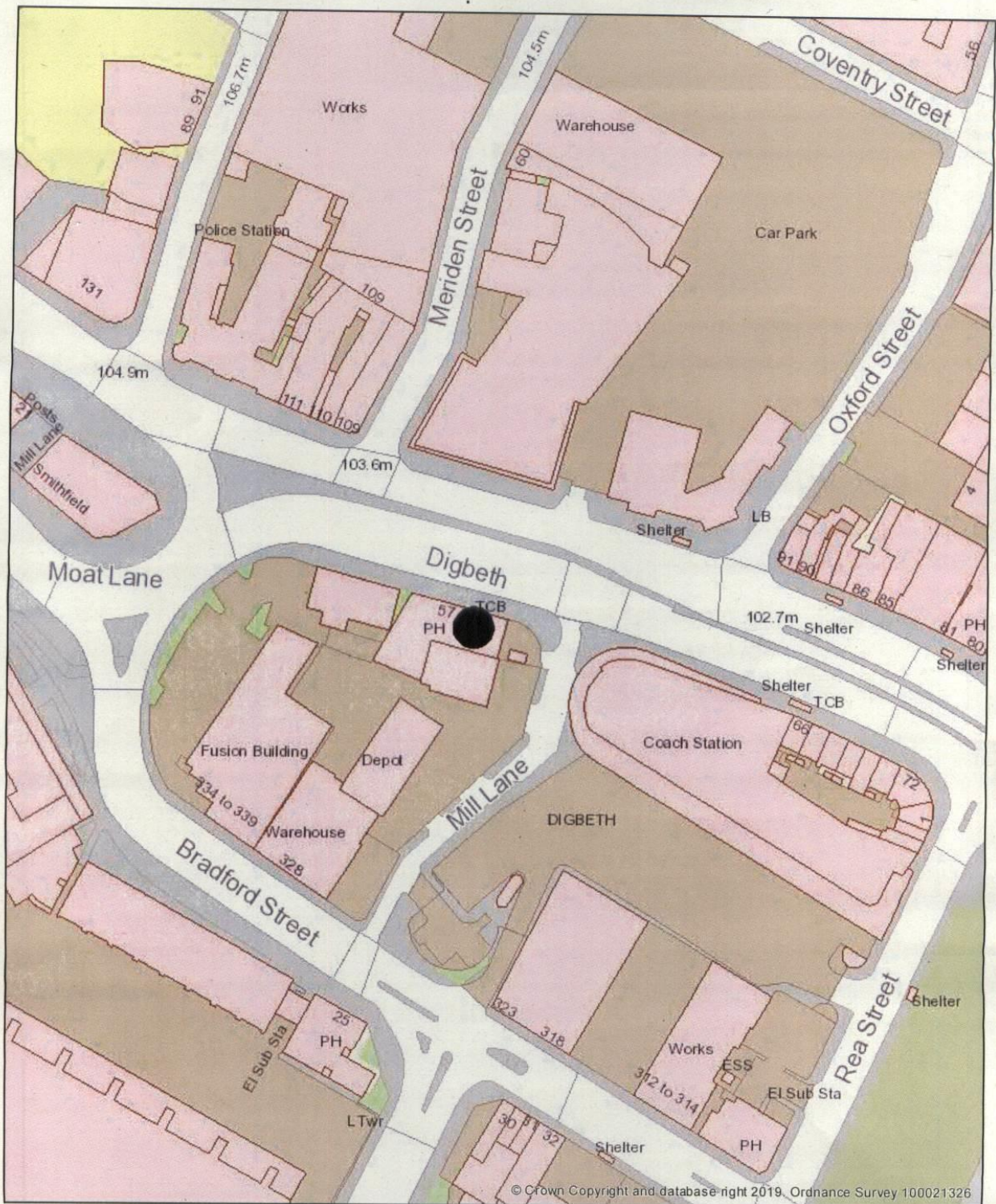
Date of Map Creation: 31/01/2020

Map Created By:

Scale: 1:4,000







**Birmingham**  
City Council

© Crown copyright. All rights reserved. Birmingham City Council 100021326 (2019).

You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

© GeoPerspectives, supplied by Bluesky International Ltd

Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved

Date of Map Creation: 31/01/2020

Map Created By:

Scale: 1:1,250

N