

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Monday 13th January 2025
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	1 Rea Court, 40 Trent Street, Birmingham, B5 5NL
Ward affected:	Bordesley and Highgate
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider an application to review a Premises Licence.

2. Recommendation:

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

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

3. Brief Summary of Report:

Review application received on 15th November 2024 from Mr Mihaly Iveszics of Birmingham Central Backpackers in respect of 1 Rea Court, 40 Trent Street, Birmingham, B5 5NL.

A representation has been received from Birmingham City Council Licensing Enforcement as a responsible authority.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

Mr Mihaly Iveszics of Birmingham Central Backpackers applied on 15th November 2024 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for 1 Rea Court, 40 Trent Street, Birmingham, B5 5NL.

A representation has been received from Birmingham City Council Licensing Enforcement as responsible authority, which are attached at Appendix 1.

The Review application is attached at Appendix 2.

On 9th December 2024 an application was received to nominate David Whittall as the Designated Premises Supervisor (DPS). At the time of writing this report David Whittall was responsible for licensable activities, as the application sought to take immediate effect.

On 12th December 2024 a Minor Variation application was received to update the plan of the premises, detailing the removal of the brewing tanks.

The Premises Licence is attached at Appendix 3.

Site location plans are attached at Appendix 4.

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

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

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

6. List of background documents:

Copy of the representation, Appendix 1
Review Application Form, Appendix 2
Copy of Premises Licence, Appendix 3
Site location plans, Appendix 4

7. Options available

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

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

From: Lisa Woodward

Sent: 13 December 2024 06:32

To: Licensing

Subject: Updated Representation in Support of Review Application - Halton Turner Brewing Company, 1 Rea Court, 40 Trent Street, B5 5NL

Dear Licensing,

**REPRESENTATION OF BIRMINGHAM CITY COUNCIL, LICENSING ENFORCEMENT
1 REA COURT, 40 TRENT STREET, DIGBETH, BIRMINGHAM, B5 5NL
PREMISES LICENCE NUMBER: 5324**

I, Lisa Woodward, a Licensing Enforcement Officer, wish to submit representations on behalf of Birmingham City Council, Licensing Enforcement, in respect of the application for the review of the premises licence of 1 Rea Court, 40 Trent Street, Digbeth, Birmingham, B5 5NL submitted by Mr Mihaly Iveszics (member of public).

As part of my duties, I have access to records held by Birmingham City Council Licensing in respect of licences issued in accordance with the Licensing Act 2003. From these records I can state that Halton Turner Brewing Company Ltd is the Licence holder of the premises.

On 30th November 2023 Licensing received a request from Giles Halton to be removed as the Designated Premises Supervisor.

My attention was drawn to a premises licence review that was submitted on 15th November 2024 and as such I conducted an inspection to ensure compliance with the premises licence number 5324.

A number of matters were identified that were not compliant with the premises licence:

- The premises licence summary was not displayed.
- CCTV recordings could not be viewed nor could recordings for the previous 28 days be accessed.
- The Risk Assessment for the standard operating procedure including the need for door staff could not be produced.
- The bespoke Risk Assessment for when there is a) a football match or event at St Andrews Football Ground, b) when Birmingham City are playing a local derby (home or away), c) when there is an international football game which the premises are screening or any other game of significance and d) when there is any organised event or large gathering based around the Digbeth area could not be produced. The licence holder confirmed that the premises had held such events during the year.
- Door staff profiles are not maintained.
- Documented staff training records had not been completed and could not be produced. The licence condition requires that staff are trained before carrying out any licensable activity.
- Challenge 25 signage was not displayed.
- The Fire Risk Assessment could not be produced.
- The Risk Assessment that is required to be sent to West Midlands Police relating to hiring out the venue to third parties. The licence holder confirmed that the premises had held at least one event during the year (a wedding) and had not produced a Risk Assessment for this.
- There was no signage displayed asking customers to leave quietly.
- The layout of the premises differed to the layout that was attached to the premises licence. The plans had the brewing vats in situ, however, they have been removed and a stage has been installed. The licence holder has stated that they will be submitting a variation to amend this. I

have attached a copy of the plans that form part of the existing licence and a copy of the revised plan as appendices 1 and 2, respectively.

Whilst at the premises I informed the licence holder that there was not currently a Designated Premises Supervisor (DPS) attached to the licence and there hadn't been one since 30th November 2023. A DPS Variation application was submitted by David Whittall nominating himself as the DPS on 6th December 2023, this was subsequently returned unprocessed as the licence holder had not submitted the application. The licence holder stated that they weren't aware of this and had been recently advised by David Whittall that he had found the returned application email in his junk folder. David Whittall has extensive experience in the licensing industry, he is the sole director of a company that holds another premises licence and is the DPS for that premises – taking into account his involvement he would have extensive knowledge of how the licensing system works and that he should have received a new premises licence.

The licence holder, nor David Whittall, had taken steps to ensure that this application had been processed. Taking into account that the fee for this application would have been refunded to the account that the payment was made from, nor was a new licence received. All of these measures should have been enough for the licence holder to realise that there was not a DPS attached to the premises licence. A mandatory condition on the premises licence is, “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.” This premises has operated between November 2023 until I visited the premises on 4th December 2024 without a DPS during which time licensable activity has been carried out.

The premises has been managed and operated by David Whittall and I understand that the licence holder, Halton Turner Brewing Company Ltd, has very little involvement with the premises. In fact, I would describe the licence holders involvement as minimalist.

When the premises licence was first granted it was on the basis that the premises would be a micro-brewery venue. Since the premises has been operated by David Whittall it appears that the main use of the premises has become a music venue, whether that be live or recorded music – this is in complete contrast to when it was first licensed. In fact the conditions that form part of the licence are more suitable to micro-brewery and not a music venue.

On 12th December 2024 a follow-up inspection at the premises was conducted, the licence holder had addressed almost all the failings identified the previous week, they were able to show the CCTV which was currently recording with the correct date and time stamp. I was informed that the CCTV had been recording previously and was stored, however, this could not be evidenced.

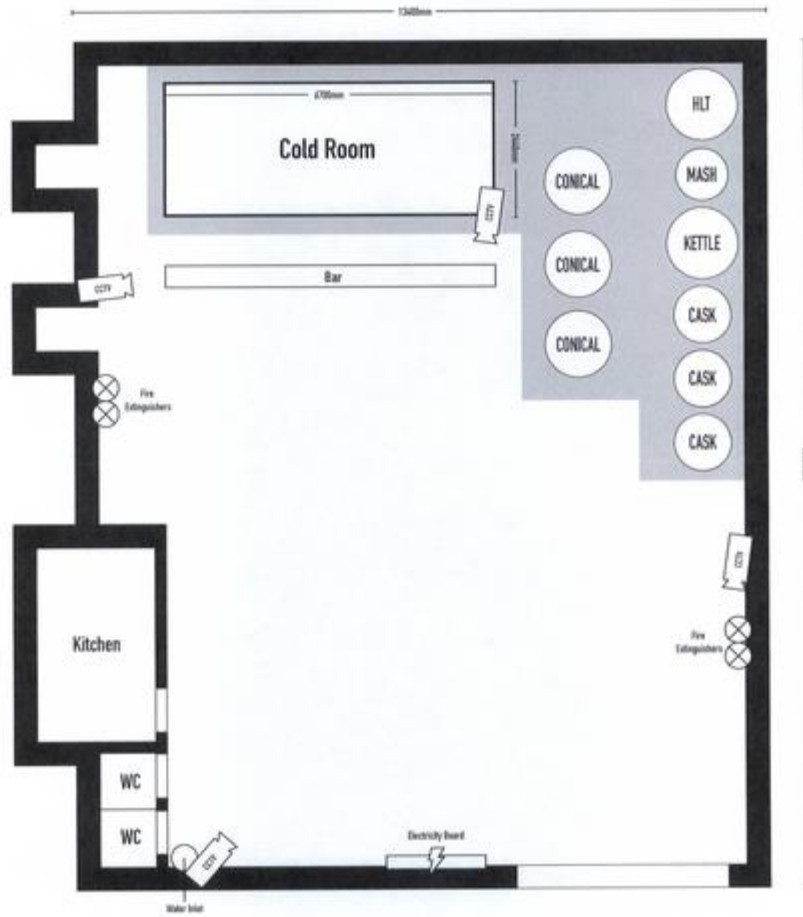
All of the matters identified constitute offences under the Licensing Act 2003 due to non-compliance with the conditions attached to the premises licence.

Taking into account the remote, virtually non-existent management of the premises by the licence holder; that the premises has been carrying out licensable activities for over 12 months without a DPS; and that the premises failed to comply with the majority of conditions that form part of the premises licence, Licensing Enforcement do not have any confidence that the licence holder is capable of promoting the Licensing objectives at this premises, in particular the Prevention of Crime and Disorder and the prevention of Public Nuisance. Due to severity of the matters identified Licensing Enforcement would recommend that the Licensing Sub-Committee revoke the premises licence.

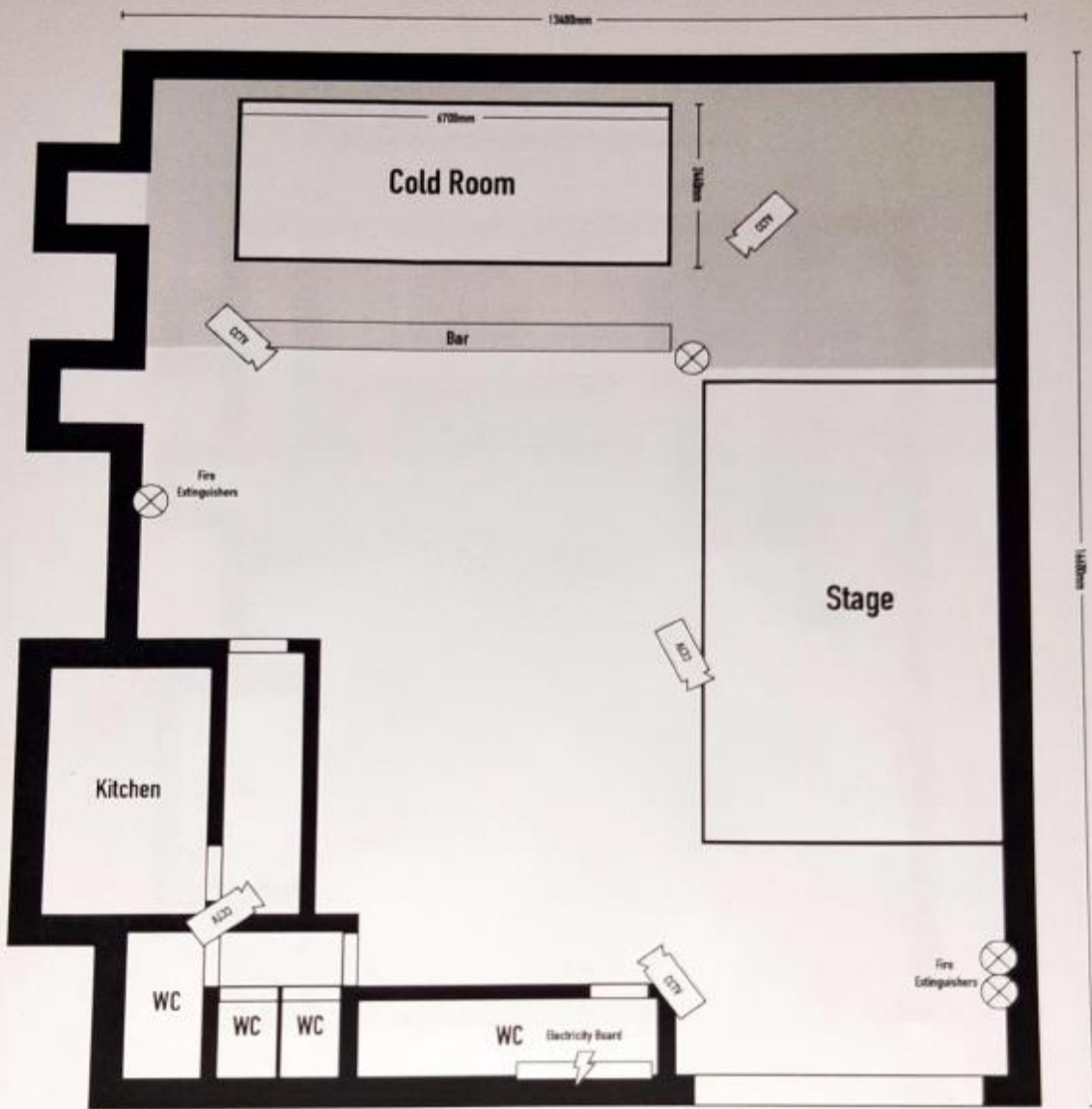
Regards

Lisa Woodward | Licensing Enforcement Officer | General Licensing | Regulation & Enforcement | City Operations Directorate

1 Rea Court, 40 Trent Street, Birmingham, B5 5NL



1 Rea Court, 40 Trent Street, Birmingham, B5 5NL



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Mr Mihaly Iveszics

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Unit 1 Rea Court 40 Trent Street	
Post town Birmingham	Post code (if known) B5 5NL

Name of premises licence holder or club holding club premises certificate (if known) Halton Turner Brewing Company
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Number of premises licence or club premises certificate (if known) 5324

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

✓

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

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

Please tick ✓ yes

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

Surname

Iveszics

First names

Mihaly

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

La Brea House
Coventry Street

Post town

Birmingham

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes ✓

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

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

This is an application for a review of premises licence number 5324 which was granted by Birmingham City Council on 5th May 2021.

The review application is founded on the grounds of the following two licensing objectives.

- The Prevention of Public Nuisance
- Public Safety

The licence currently contains little by way of enforceable conditions in relation to the promotion of the prevention of public nuisance licensing objective. There is a condition on the premises licence that the premises' fire risk assessment, which is a legal requirement in association with a licensed business, is made available to a responsible authority upon request. There is also a further condition which requires notification to West Midlands Police of third-party events.

The premises licence authorises (inter alia) the sale of alcohol and the performance of recorded music until 23:00 Sunday to Thursday, and until 00:00 on a Friday and Saturday.

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

The applicant lives at Birmingham Central Backpackers (BCP) 61-65 Coventry Street, Birmingham, B5 5NJ, which he also operates.

For several months the applicant and the residents of BCP have been experiencing significant levels of nuisance, both public and statutory, emanating from the premises that is subject to this review application, principally as a consequence of excessive noise from recorded music that is being performed inside Unit 1, Rea Court. This noise has caused significant interference with the ability of people who reside at BCP (either permanently or temporarily) to enjoy the comfort of their surroundings. The levels of noise emanating from the premises can frequently be heard inside the residential rooms at BCP throughout the hours that Unit 1 operates.

It would appear to the applicant that the style of operation at Unit 1, Rea Court has changed significantly since the licence was granted in 2021 and the premises licence to which this review application is subject is therefore no longer framed appropriately or in a way that sufficiently promotes the licensing objectives.

The applicant has attempted on several occasions to engage with the licence holder at Unit 1 Rea Court but those efforts have not resulted in nuisance levels being mitigated in any way. Therefore, the applicant seeks a review of this premises licence in order that public nuisance can be mitigated in an effective way, taking into account the structure of the building at Unit 1 Rea Court and its proximity to BCP.

The applicant also has serious concerns around public safety at the Unit 1, Rea Court. It would appear that there is only one means of escape from the building, which gives rise to certain legal restrictions, and it is currently unclear whether the business is currently being operated in accordance with those requirements. This review application will therefore put West Midlands Fire Service on notice of those concerns in order to ensure that the public safety licensing objective is best promoted at these premises.

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

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

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature **Duncan Craig**

Date **14th November 2024**

Capacity **Barrister and Duly Authorised Agent**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Duncan Craig St Philips Chambers 55 Temple Row	
Post town Birmingham	Post Code B2 5LS
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

5324 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description

1 Rea Court
40 Trent Street
Digbeth

Post town:

Birmingham

Post Code:

B5 5NL

Telephone Number:

Not Specified

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

F Recorded music
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

Sunday - Thursday	12:00	-	23:00	M3
Friday - Saturday	12:00	-	00:00	M3
	23:00	-	00:00	F ,L

The opening hours of the premises

Sunday - Thursday	12:00	-	23:00
Friday - Saturday	12:00	-	00:00

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

On and Off Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Halton Turner Brewing Company Ltd 11 Whitley Avenue Amington	
Post town: Tamworth	Post Code: B77 3QU
Telephone Number: Not Specified	
Email	

Registered number of holder for example company number or charity number (where applicable) 11273879
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Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Post town:	Post Code:
Telephone Number:	

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

Dated 06/05/2021

Bhapinder Nandhra
Senior Licensing Officer
For Director of Regulation and Enforcement

Annex 1 – Mandatory Conditions

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

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

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

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

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

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

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

different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Conditions as stated below under the appropriate licensing objective.

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

CCTV will be installed / updated to the recommendations and specifications of West Midlands Police. CCTV will be downloadable, and images will be held/stored for a minimum of 28 days. CCTV will display the correct time and date stamp and will record throughout the whole of the licensable activity. CCTV will be made immediately available to any of the responsible authorities. If for any reason the hard drive of the CCTV needs to be replaced, then the previous / old 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.

There will be a member of staff on duty who will be able to operate the CCTV system and download images on request.

The premises will risk assess their standard operating procedure including the need for door staff. This risk assessment will be made available to any of the responsible authorities on request.

The premises will carry out separate bespoke risk assessment when there is any football match or event at St Andrew's Football Ground. When Birmingham City are playing a local derby (home or away.) When there is an International football game which the premises are screening or any other game of significance, as notified by West Midlands Police, which the premises are screening. When there is any organised event or large gathering based around the Digbeth area. These risk assessments will be made immediately available to any of the responsible authorities on request and will be kept on the premises for a minimum of 28 days post the event.

When door staff are deployed at the premises they will sign on and off duty. The premises will keep a profile of all door staff which will include a copy of their SIA badge and photographic ID. (If photographic ID is not available then a utility bill no older than 3 months will be acceptable.) These records will be kept on the premises for a minimum of 3 months and made immediately available to any of the responsible authorities on request.

All staff will be trained in their responsibility of the licensing act, challenge 25 policy and premises licence 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.

The premises will operate a challenge 25 policy. Challenge 25 signage will be prominently displayed on the entrance door(s) and bar area. No children under the age of 18 will be allowed on the premises without and appropriate adult.

The premises fire risk assessment will be made available immediately on request to any of the responsible authorities.

If the premises is hired out to a third party and not open to the general public the premises will notify West Midlands Police Central Licensing Team a minimum of 21 days prior to the event (or any other time agreed with West Midlands Police Central Licensing Team). With this notification the premises will supply a full written risk assessment to include the details of the person hiring the venue with real & stage names of any artist, group or DJ.

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

Prominent signs will be displayed requesting customers to please leave quietly and to have regard for local residents when leaving the premises.

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

No enforceable conditions identified from operating schedule.

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

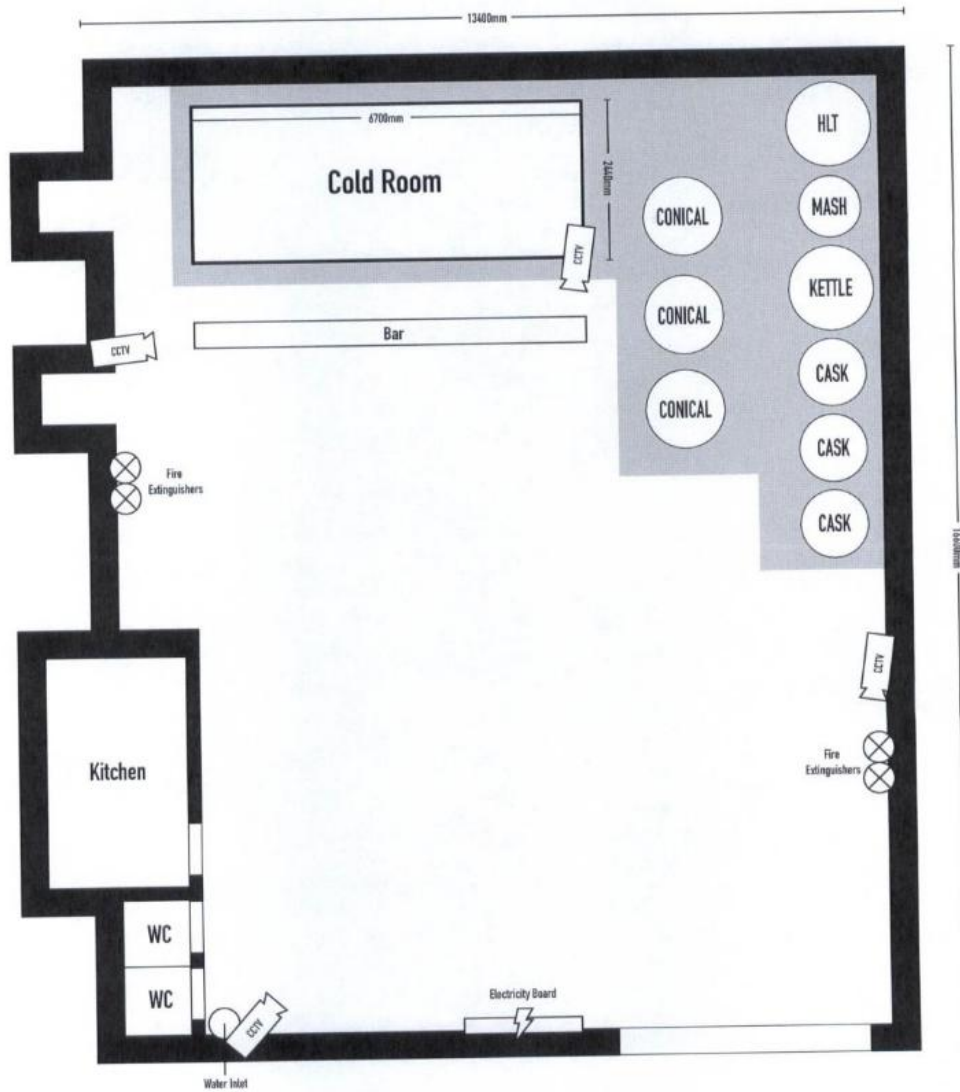
N/A

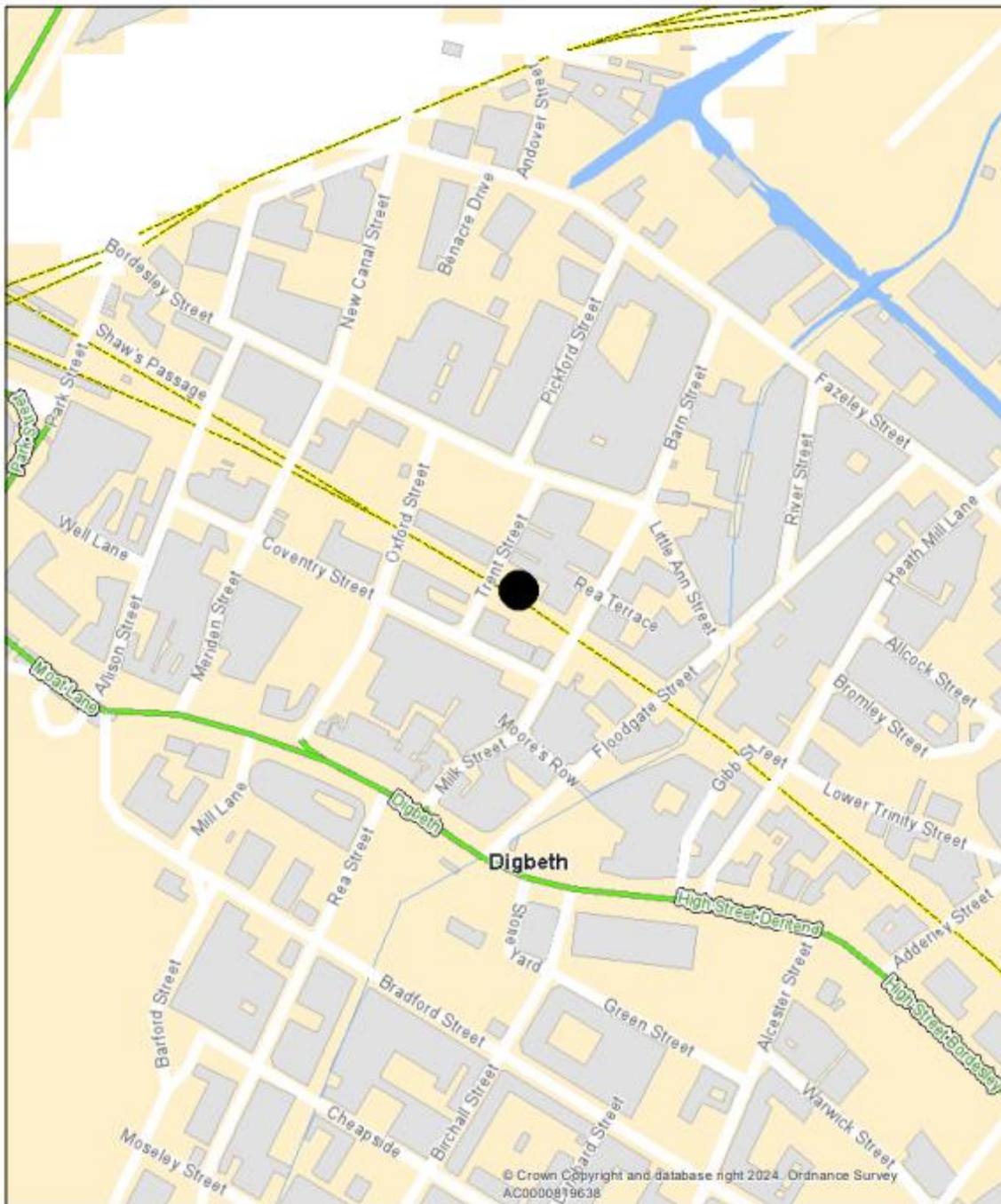
3e) Committee conditions to promote the protection of children from harm

N/A


Annex 4 – Plans

1 Rea Court, 40 Trent Street, Birmingham, B5 5NL







 Birmingham

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