

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee B</b>
<b>Report of:</b>	<b>Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Tuesday 29<sup>th</sup> August 2023</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Review</b>
<b>Premises:</b>	<b>Diamond Food and Wine, 1001 – 1003 Tyburn Road, Erdington, Birmingham, B24 0TQ</b>
<b>Ward affected:</b>	<b>Pype Hayes</b>
<b>Contact Officer:</b>	<b>Bhapinder Nandhra, Senior Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

<b>1. Purpose of report:</b>
To consider an application to review a Premises Licence.

<b>2. Recommendation:</b>
To consider the review application and representations received and to determine this matter, having regard to: <ul style="list-style-type: none"><li>• The submissions made by all parties</li><li>• The Statement of Licensing Policy</li><li>• The Public Sector Equality Duty</li><li>• The s182 Guidance</li></ul>

<b>3. Brief Summary of Report:</b>
Review application received on 12 <sup>th</sup> July 2023 from the Chief Inspector of Weights & Measures in respect of Diamond Food and Wine, 1001 – 1003 Tyburn Road, Erdington, Birmingham, B24 0TQ.  Representations have been received from West Midlands Police and Birmingham City Council Licensing Enforcement.

<b>4. Compliance Issues:</b>
<b>4.1 Consistency with relevant Council Policies, Plans or Strategies:</b>
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:**

The Chief Inspector of Weights & Measures applied on 12<sup>th</sup> July 2023 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Diamond Food and Wine, 1001 – 1003 Tyburn Road, Erdington, Birmingham, B24 0TQ.

Representations have been received from West Midlands Police and Birmingham City Council Licensing Enforcement, as responsible authorities, which are attached at Appendices 1 & 2 respectively.

The Review application is attached at Appendix 3.

The Premises Licence is attached at Appendix 4.

Site location plans are attached at Appendix 5.

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

The Licensing Authority 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:**

Copies of the representations as detailed in Appendices 1 & 2  
Review Application Form, Appendix 3  
Copy of Premises Licence, Appendix 4  
Site location plans, Appendix 5

## **7. Options available**

Modify the conditions of Licence  
Exclude a Licensable activity from the scope of the Licence  
Remove the Designated Premises Supervisor  
Suspend the Licence for a period not exceeding 3 months  
Revoke the Licence  
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.

## Appendix 1

**From:** Christopher Jones  
**Sent:** 14 July 2023 11:17  
**To:** Licensing  
**Subject:** Review application Licence No. 4073 - Diamond Food & Wine

Good Morning,

Please find attached West Midlands Police supporting representation to Trading Standards review of;  
Diamond Food and Wine  
1001-1003 Tyburn Rd  
Erdington  
B24 0TQ

Regards

Chris Jones 55410

Central Licensing Team West Midlands Police

## WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN 

Statement of 55410 Christopher Jones

Age if under 18 018 (if over 18 insert 'over 18')

Occupation Licensing Officer

This statement (consisting of 03 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature  (witness)Date 14<sup>th</sup> July 23Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am employed by West Midlands Police as a Licensing Officer currently stationed at Police Headquarters, Lloyd House, Colmore Circus Birmingham B4 6NQ working within the Central Licensing Team.

I am making this statement as West Midlands Police supporting representation to Trading Standards review application for premises licence 4073 – Diamond Food and Wine, 1001-1003 Tyburn Road, Erdington. B24 0TQ.

The review was submitted by Trading Standing after finding a large quantity of illegal vapes, illicit tobacco, a large bottle of non-duty paid alcohol and a number of nitrous oxide cannisters at the premises.

All these items were found at the premises on 16th February 2023 during an operation that was conducted in various premises throughout the Birmingham area.

It is clear from the review paperwork that Trading Standards have a history with this premises and have visited on two occasions prior to the 16th February 23.

These visits, prior to 16th February 23, were both as a result of Trading Standards receiving complaints / intelligence about the premises selling illegal vapes, illicit cigarettes and the illegal sale of nitrous oxide.

On both these visits, 23rd August 22 & again on 10th November 22 the premises licence holder who is also the DPS, Mr Bay, was left a 'traders notice' by Trading Standards which gave him advice on the relevant legislation and what he should be doing to comply with that legislation.

All the items seized from the premises on 16th February 23, except for the bottle of alcohol, were items that has previously been mentioned in the complaints / intelligence received by Trading Standards and items that the premises licence holder had previously been advised about.

Signature .. 

Signature witnessed by .....

03/2016

OFFICIAL – (when complete)

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of 55410 Christopher Jones

It is quite evident that Mr Bay had decided to ignore the visits and advice given by Trading Standards, clearly putting money and profit over the promotion of the licensing objectives.

Although it is not illegal to possess nitrous oxide, under the Psychoactive Substances Act 2006 it is an offence to supply nitrous oxide if a person knows, or is reckless as to whether, it will be used for its psychoactive effects.

The fact that the nitrous oxide was hidden from public view with balloons\* next to the cannisters, together with the intelligence regarding the of sale nitrous oxide to children would strongly suggest that the premises has been reckless regarding the sale of nitrous oxide.

\*Nitrous Oxide cannisters are often emptied into balloons and then inhaled from the balloon.

There is no possibility that the tobacco and vapes seized by Trading Standard Officers could have been purchased through the legitimate supply chain, as they are illegal for sale in this country.

The purchase and resale of these illegal items are probably going to be made in cash and unlikely to be reflected in the business accounts with no tax or duty being paid. This would mean that these items could be sold at lower price than legitimate retailers, putting the legitimate retailers' businesses at risk as they would be unable to compete on price point.

As these items could not be purchased legitimately, the premises would therefore have no idea of the provenance of these products, not knowing if they were safe or what health effects these products could have on the general public.

A brief search of the internet shows the general consensus is that, no tobacco product is safe – the ingredients of illicit tobacco are unknown and not regulated. Illicit tobacco may contain higher levels of harmful chemicals.

The World Health Organization (WHO) state on their website: 'The illicit tobacco market may account for as much as one in every 10 cigarettes consumed globally, according to studies, the problem is particularly acute in Europe. The illicit trade poses a serious threat to public health because it increases access to tobacco products – often at cheaper prices – thus fuelling the tobacco epidemic and undermining tobacco control policies. It also causes substantial losses in tax and customs revenue for governments, and it contributes to the funding of international criminal activities.'

Mr Bay, as the premises licence holder and DPS has been given advice on previous occasions, prior to the seizure of items on 16th February 23 and has quite clearly shown he is not prepared to trade in a legal manner.

Signature .....

03/2016

Signature witnessed by .....

OFFICIAL – (when complete)

Crime No.

URN

Statement of 55410 Christopher Jones

It is obvious that Mr Bay prioritises the making of money and profit over the promotion of the licensing objectives – the prevention of crime and disorder, the promotion of public safety and protection of children from harm.

It is very concerning that identical complaints / intelligence about the sale of the same illicit products are still being received by Trading Standards, as the previous intelligence was proved to be correct.

West Midlands Police fully support the Trading Standards recommendation that the premises licence be revoked.

[Redacted signature]

[Large handwritten mark, possibly a stylized 'Z' or '2']

Signature

[Redacted signature]

Signature witnessed by

03/2016

**From:** Christina McCullough  
**Sent:** 09 August 2023 21:52  
**To:** Licensing  
**Cc:** Shawn Woodcock  
**Subject:** REPRESENTATION - DIAMOND FOOD AND WINE, 1001-1003 TYBURN ROAD, ERDINGTON, BIRMINGHAM B24 0TQ

Dear Licensing,

**REPRESENTATION OF BIRMINGHAM CITY COUNCIL, LICENSING ENFORCEMENT  
DIAMOND FOOD AND WINE, 1001-1003 TYBURN ROAD, ERDINGTON, BIRMINGHAM  
B24 0TQ  
PREMISES LICENCE NUMBER 4073**

I, Christina McCullough, 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 Diamond Food and Wine, 1001-1003 Tyburn Road, Birmingham B24 0TQ submitted by Trading Standards.

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 Nuri BAY is both the designated premises supervisor (DPS) and the Licence holder of the premises.

As a result of the review I visited the premises on 9<sup>th</sup> August 2023 and conducted an inspection to assess compliance with the premises licence.

I identified the following failures:

1. The entrance door is not fitted with an electronic locking device or similar nor is it closed as required between the hours of midnight until the close of business. I was informed by staff members that the door is propped open until 1.00 am when the business closes.
2. Staff had not been trained as required by the premises licence. There are, therefore, no training records available. At the time of my visit, 2 young gentlemen were serving in the shop, and the manager, Kazim, was upstairs sleeping. I am informed that the licence holder is in Turkey at the moment and Kazim, the Manager, is a personal licence holder.
3. It is a requirement of the licence that a member of staff is always on duty who is trained and able to show and download images from the CCTV system. This was not the case even when the Manager, Kazim, came into the shop to meet me he could not operate the CCTV. I cannot therefore state how long images are retained – a retention period of 31 days is required by the premises licence.
4. Notices are not displayed, as required, requesting that customers respect local residents.
5. Pages 1 and 2 of the full licence are displayed on the premises. The staff at the premises spoke to the licence holder on the telephone but were unable to locate the summary licence.

I issued a notice to the premises detailing the breaches – Attached as appendix 1.

Considering that we are almost at the end of the representation period for the review I would have expected that the premises had tried to get their house in order. In fact, of all the conditions on the licence the only one that I am satisfied that they are compliant with is that they displayed "Challenge 25" posters. All of the other conditions were failed or could not be proven.

Taking into account the severity of the allegations in this matter, 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, the promotion of public safety and the protection of children from harm. Therefore, Licensing Enforcement would ask that the premises licence be revoked.

Regards

Christina McCullough  
Licensing Enforcement Officer



Chris Neville  
Head of Licensing

M. Nuri Bay  
1001 Tynan Rd.  
Erdington B24

Enquiries to: Chris McLaughlin

Telephone: [REDACTED]

Date: 9.8.2023

Legislation: Licensing Act 2003 - Premises licence  
407313

The following matters have been identified which do not comply with the above legislation:

Entrance door is not fitted with an electronic  
lock and remains propped open until closure  
at 1am.

Staff are not trained and training records  
cannot be produced. 2 members of staff  
present called the manager from  
upstairs where he was asleep.  
Staff cannot access CCTV system.

Signage is not displayed advising customers  
to leave quietly.

The Summary cannot be produced. Pages 1 &  
2 of the full licence are displayed. The rest of  
the licence has been produced.

Received by: [REDACTED]

Authorised Officer: [REDACTED]

It is an offence to offer any regulated  
activity when you are not fully  
compliant with the licence for which  
legal proceedings could be instigated.

**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 Paul Ellison (on behalf of Martin Williams, Chief Inspector of Weights & Measures)**

Apply for the review of a premises licence under section 51 of The Licensing Act 2003 for the premises described in part 1 below.

**Part 1 – Premises or club premises details**

Postal address of premises or, if none, ordnance survey map reference or description	
DIAMOND FOOD AND WINE 1001-1003 TYBURN ROAD ERDINGTON BIRMINGHAM	
Post town BIRMINGHAM	Post code (if known) B24 0TQ

Name of premises licence holder or club holding club premises certificate (if known)
Mr NURI BAY

Number of premises licence or club premises certificate (if known)
4073

**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)

**YES**

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**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

☐

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**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;  Paul Ellson Birmingham Trading Standards 1-3 Ashted Lock Way Aston Birmingham B7 4AZ  Our Ref: 10635598/10620703
Telephone number (if any)
E-mail address (optional) k

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

- |   |   |
|---|---|
| 1) the prevention of crime and disorder | Please tick one or more boxes ✓<br><b>Yes</b> |
| 2) public safety                        | <b>Yes</b>                                    |
| 3) the prevention of public nuisance    | <b>No</b>                                     |
| 4) the protection of children from harm | <b>Yes</b>                                    |

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

On 23<sup>rd</sup> August 2022 Trading Standards Enforcement Officer Paul Ellson visited the premises of Diamond Food and Wine, 1001-1003 Tyburn Road, Erdington, Birmingham, B24 0TJ. This was in response to a series of complaints received during early August 2022. The complaints alleged that the business was selling/supplying illegal tobacco, illegal -cigs & vapes, large quantities of Nitrous Oxide and that these products were been supplied to persons under 18 years old. During the visit Officer Ellson spoke to both an employee of the business called Mr Ali Saner and Mr Nuri Bay the licence holder and the Designated Premises Supervisor (DPS). A Trader Advisory Notice /Officer Warning was issued and Officer Ellson explained at length the legislation surrounding the sale of tobacco, the sale of nicotine inhaling products, commonly known as e-cigs or vapes and the sale of Nitrous Oxide. This included information under the Tobacco and Related Products Regulations 2016, Standardised Packaging of Tobacco Products 2015, The Children and Young Persons Act 1933 (and its' amended & associated legislation), the Nicotine Inhaling Products ( Age of Sale and Proxy Purchasing ) Regulations 2015 and the Psychoactive Substances Act 2016. This Notice also contained the warning statement;

**"THIS AUTHORITY HAS RECEIVED INFORMATION THAT YOU ARE SUPPLYING /SELLING ILLEGAL TOBACCO PRODUCTS, E-CIGS +VAPES AND NITROUS OXIDE. ALSO YOU ARE SUPPLYING SUCH PRODUCTS TO PERSONS UNDER 18 YEARS OLD. ALL THE ABOVE ACTIVITIES ARE ILLEGAL .ONLY TOBACCO THAT FULLY COMPLIES WITH UK LAW CAN BE SUPPLIED TO PERSONS OVER 18 YEAR OLDS ONLY . ALL E-CIGS & VAPES MUST COMPLY WITH UK LAW (600PUFFS) AND SOLD TO OVER 18YEAR OLDS ONLY .NITROUS OXIDE IS RESTRICTED TO ALL PERSONS UNDER THE PSYCHOACTIVE SUBSTANCES ACT 2016. "**

Mr Bay was also informed that it was his responsibility to check and ensure all his stock of cigarettes, e-vapes and alcohol complied fully with UK law. To assistance him and his staff information was issued cover all these pieces of legislation. Mr Bay signed the Notice and received all the information. Officer Ellson also noted that there was no Refusal Register at the site

Subsequently Trading Standards received two further complaints also alleging that the premises was selling illegal tobacco, illegal vapes, Nitrous Oxide and single cigarettes. On 10<sup>th</sup> November 2022 Officer Ellson again visited Diamond Food and Wine, 1001-1003 Tyburn Road B24 0TJ. A further Trader Advisory Notice/Officer Warning was issued to Mr Bay, he was informed about the allegations and again issued with comprehensive advice and instructions on how to comply with legislation covering tobacco, e-cigs/vapes, nitrous oxide and alcohol. The Trader Advisory Notice/Officer warning this time also bore the statement 'Alcohol must not be sold to any person under 18yrs old. Test purchases and inspections are done to ensure compliance.' The Notice and the information

was again given to Mr Bay.

A further two complaints were received in December 2022 again alleging the sale/ supply of illegal cigarettes, the sale of single cigarettes, the sale of nitrous oxide and sale of age restricted items to persons under 18 years old.

On 16<sup>th</sup> February 2023 the premises of Diamond Food and Wine, 1001-1003 Tyburn Road, B24 0TJ. was included in an operation to detect and seize illicit and non-compliant tobacco products using search dogs. This was a city-wide operation. At approximately 14.50 pm a team of Trading Standards enforcement staff along with West Midlands Police Licencing Officers entered the premises and carried out an inspection and search of the premises with the assistance of a tobacco search dog. Mr Bay was present during this visit. Once the necessary paperwork had been issued the inspection and search began.

Officer Ellson located 670 units of illegal e-cigs/ vapes in a stockroom at the rear of the premises along with 11 boxes of Nitrous Oxide bomblets hidden behind some boxes and a large Nitrous Oxide catering charger hidden in a cupboard under the sink which also contained hundreds of packs of children's balloons. Officer Ellson also discovered a further 200 illegal e-cigs vapes under the counter at the front of the premises and 303 illegal vapes on the counter display. In addition a 4.5 litre bottle of High Commissioner Whiskey was discovered on the alcohol display shelving that bore no UK duty stamp and was therefore illegal for sale in the UK. Other officers discovered over 300 packets of illegal tobacco products, both cigarettes and hand rolling tobacco under the counter at the front of the shop along with a further quantity of illegal e-cigs/vapes. All the illegal items were seized and removed from the premises.

Since the seizure of the illegal items a further 5 complaints have been received alleging that the premises is continuing to supply illegal tobacco products, Nitrous Oxide, and age restricted products, tobacco and alcohol to persons under 18 years old.



PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE TO SUPPORT THE APPLICATION

The Licence for Diamond Food and Wine , 1001-1003 Tyburn Road , B24 0TJ Is held by Mr Nuri Bay and has been since July 2022. The Licence itself contains basic conditions. Bearing in mind the discovery of illegal tobacco products, illegal e-cigs/vaping products, illegal alcohol and concealed Nitrous Oxide on the premises after the premises had been given two warnings and ample time to comply. The management control of the premises and adherence to the licencing objectives can best be described as lamentable and at worse a threat to public safety and to persons under the age of 18.

**Previous history of this shop.**

Since August of 2022 the premises has had 12 complaints made against it all of a similar nature that it is supplying illegal product versions of tobacco and e-cigs/vapes, as well as Nitrous Oxide and that these products as well as alcohol has also been supplied to young people. Originally Mr Bay blamed the previous owner and employees for failings of the premises. This appears to be patently untrue. Despite attempts by Officer Ellson to engage, explain, and even encourage Mr Bay to comply there have been further consumer complaints.

**Recommendations.**

An alcohol licence confers on a business a responsibility towards its customers and the community around it. This responsibility should mean that the citizens of Birmingham have confidence in the management of the shop and, especially that they do not trade carelessly or illegally. There should be obligations to ensure good practice, safety of the public and the greater welfare and protection of the local community. The Licence is a privilege not a right. Under the current licence I can not see that this is taking place. Selling and dealing in illicit tobacco is a serious matter for numerous health reasons let alone the fact there is no duty paid on the items. The health risks of selling Nitrous Oxide to be mis-used can only be far worse, especially as persons become rapidly intoxicated with all the accompanying dangers it entails . The casual attitude to flouting the law and that privilege the Licence bestows reflects harshly on Mr Bay. It must also be remembered that the vast majority of retailers strive to comply with both the letter and the spirit of the Licence and do not treat their community or the law with casual indifference . These premises have continued to flout the law so I would request a withdrawal/revocation of the Licence.

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

N/A

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 **YES**
- I understand that if I do not comply with the above requirements my application will be rejected **YES**

**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



Date

12/07/23

Capacity    Trading Standards Enforcement Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Post town

Post Code

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:**

**4073 / 5**

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
1001-1003 Tyburn Road Erdington	
<b>Post town:</b>	<b>Post Code:</b>
Birmingham	B24 0TJ
<b>Telephone Number:</b>	
Not Specified	

<b>Where the licence is time limited the dates</b>
N/A

<b>Licensable activities authorised by the licence</b>
M2      Sale of alcohol by retail (off the premises)

<b>The times the licence authorises the carrying out of licensable activities</b>
Monday - Sunday      06:00      -      03:00      M2

<b>The opening hours of the premises</b>
Monday - Sunday      06:00      -      03:00

<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b>
Off Supplies

**Part 2**

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

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

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

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 12134	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

*Dated 11/07/2022*

SHAID YASSER  
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 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.

(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.

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

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

Entrance door will be fitted with an electronic locking device or similar that will be utilised between the hours of midnight until close at 03:00 daily. This will ensure staff have control of customers entering their premises.

All staff will be trained for signs of persons who are intoxicated and made aware of licensing legislation regarding the sale of alcohol to persons intoxicated. Also regarding under age sales, proxy sales and legislation regarding the consumption of alcohol purchased from the premises and consumed in the vicinity. All this training will be recorded on premises and be made available to responsible authority immediately on request.

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

CCTV will be digital recorded for up to 31 days and will be made available on request to all licensing authorities. There will always be a member of staff on duty who is trained and able to show and download images from the system during opening hours. It will be in recording operation during opening hours and it will cover all licensable activity areas of the premises.

A full CCTV system to Police specifications at the premises.

### **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**

Signage of Challenge 25 policy to be on display at all times. Signage displaying to customers to "Respect Local residents, please leave quietly" to be on display around location and especially at the exit.

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

A challenge 25 Policy shall be enforced at the premises. The Location will promote Challenge 25 policy by and training staff on different ID methods. This training will be recorded on premises.

**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**

The plan of the premises with reference number **125271-4073/5** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.





