

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 01 DECEMBER 2021 AT 15:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

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

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

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

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

4 MINUTES

3 - 24

To confirm and sign the Minutes of the meeting held on 15 September 2021 at 12pm.

To confirm and sign the Minutes of the meeting held on 17 November 2021 at 12pm.

5 **LICENSING ACT 2003 TEMPORARY EVENT NOTICE CONFERENCE
HALL & CAR PARK @ LADBROOKE HOTEL, 28 – 35 BORDESLEY
STREET, BIRMINGHAM, B5 5BL**

Report of the Interim Assistant Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 3:00pm.

6 **OTHER URGENT BUSINESS**

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

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE C 15 SEPTEMBER 2021</p>

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD
ON WEDNESDAY 15 SEPTEMBER 2021 AT 1200 HOURS AS AN ON-LINE
MEETING.**

PRESENT: - Councillor Nicky Brennan in the Chair;

Councillors Mary Locke and Diane Donaldson

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

9/150921 **NOTICE OF RECORDING/WEBCAST**

The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

10/150921 **DECLARATION OF INTERESTS**

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

There were no interests declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

11/150921 Apologies were submitted from Cllr Neil Eustace and Councillor Diane Donaldson was the nominated substitute Member.

**LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION
ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF PREMISES
LICENCE: CONSIDERATION OF INTERIM STEPS - BAMBU, 1ST FLOOR
KOTWALL HOUSE , WROTTESLEY STREET, CHINATOWN, BIRMINGHAM,
B5 4RT.**

On Behalf of the Applicant

Mark Swallow – WMP (West Midlands Police)

On Behalf of the Licence Holder

Duncan Craig – Barrister, Kings Chambers
Kadir Ahmed – PLH (Premises Licence Holder)

* * *

The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, David Kennedy, to outline the report.

The Chair invited the applicant to make their submissions, at which point Mark Swallow of WMP made the following points: -

- a) The premises operated as a nightclub between Sunday and Thursday each week.
- b) They operated extended hours Friday-Sunday.
- c) Friday 10th September an incident occurred and subsequently two Section 18 wounding's being reported to WMP. One person received a stab wound to the right shoulder and hand and then the second person received a stab wound to the hip.
- d) There was another person arrested for affray who was engaged in a fight outside the premises.
- e) Officers were outside Bambu and flagged down by a member of the public who said he didn't feel well. He had cuts to his shoulder and right hand. The incident occurred on the dancefloor inside the premises.
- f) Officers attempted to enter the premises and there was a large disorder on the staircase. Officers were forced outside the premises because it was so ferocious.
- g) One person was arrested, and officers were forced to use spray.

- h) The officers found another male with stab injuries inside the premises.
- i) Both injured males were taken to the QE hospital, but their injuries were not life threatening.
- j) Police recovered knives and a wallet.
- k) There was blood found inside the premises and an open first aid kit.
- l) No call was made to WMP or the ambulance service.
- m) The fire exits in the premises were blocked.
- n) Officers stated that staff had not been forthcoming when questioned.
- o) The DPS (Designated Premises Supervisor) was spoken to by officers, he stated he was not at the premises at the time of the incident.
- p) The premises was being used for a private party and the list of attendees was seized by officers.
- q) Conditions were imposed on the licence back in 2019, including conditions that all events must be risk assessed, and that everyone must be searched by security who would be required to wear bodycams. WMP were concerned that despite those conditions knives still made it into the premises and serious injuries and a mass disorder occurred.
- r) The enquiries made by police resulted in unsatisfactory responses from those working at the premises.
- s) The licence holder had failed to promote the licensing objectives and as a result people had been the victim of unprovoked and vicious attacks.
- t) The management failings had contributed to serious assault taking place and WMP wished to bring this to the attention of the Licensing Committee.

Members asked questions and Mark Swallow, WMP gave the following responses: -

- a) The security persons on duty held the SIA badges.
- b) All persons entering the premises (staff and attendees) should be searched upon entry into the premises.

The chairman then invited the Licensing Holder, or their representative to make their case, at which stage Duncan Craig made the following points: -

- a) That he received a call on Monday about an incident that happened at the premises Friday/Saturday. The premises had already been in contact with WMP – the DPS emailed WMP on Saturday evening.

- b) He followed that with a phone call to WMP and spoke directly to Mark Swallow yesterday (Tuesday).
- c) That he wasn't clear what WMP were asking the Sub Committee to do in regards to the licence, however he was not instructed to oppose that.
- d) The premises wanted to work with WMP and assist them in anyway they can.
- e) There were a number of misapprehensions within the review application fundamental to the conduct of the premises. The premises could not have done anything more reasonably than they did on that Friday night.
- f) The first aid kit was used to administered first aid to a doorman.
- g) Further, the head doorman who was known to WMP got further reinforcements when the incident occurred – it was not correct that they didn't inform the police and the CCTV footage would prove that.
- h) That his client witnessed a significant part of the incident that happened near to the dancefloor. One of the persons involved in that incident was asked to leave the premises by his client and the head doorman – at that stage it was not apparent that he had injuries to his shoulder. The CCTV footage would show the head doorman talking to him and there was no suggestion that he was wounded.
- i) The man left the premises and took his shirt off at which stage a female operative saw he had a cut to his shoulder and immediately doormen approached police officers on the street and told them what had happened. Those officers attended the premises, one of which was Sgt Wheeler. The premises didn't phone the police as they were already attending the premises. It was reasonable that anyone would assume the matter was being adequately dealt with. The CCTV and discussions with officers on the ground would confirm that.
- j) The CCTV had been seized and the attendance list had been given over to officers willingly. The premises were content for the police to take the hard drive.
- k) His client also asked police if staff should leave or stay at the premises, he also asked the Sgt whether he should close the premises. The officer said he could do what he wanted. They stopped selling alcohol at 0218 hours and people were asked to leave which led to the second incident where people didn't like being asked to leave.
- l) His client gave the keys to an officer on Saturday so they could get into the premises.
- m) The picture painted on the review application was simply wrong, fundamentally wrong in fact.

- n) During the second incident the IP (injured person) was involved in an altercation and fell onto some broken glass and sustained a cut to his side, it did not involve a knife. Mark Swallow had the CCTV footage for that incident too.
- o) That he had visited the premises and the upstairs of the property was empty and not operating currently. The fire exit there was blocked off which actually assisted safety.
- p) The risk assessment was done and sent to WMP.
- q) He confirmed that every person entering the premises was searched and CCTV would further confirm that.
- r) That he invited a greater degree of precision in relation to where the knives were found.
- s) If he wanted to get a knife into the Crown Court over the road, he knew he could. People can get knives into premises despite the premises best efforts.
- t) The searches were thorough and comprehensive.
- u) That he thought the police were asking the Committee to suspend the licence and he would not be opposing that, but he wanted his client's case to be heard.
- v) His client was adamant he had done everything he could, and Mr Craig agreed with him.
- w) There was no delay in the police being notified of the incident (he said he would call Mark Swallow later to discuss this further).
- x) The points raised needed proper investigation as it had a huge bearing on the conduct of the premises and the promotion of the Licensing Objectives.
- y) He knew the Committee would suspend the licence and he would not oppose that.
- z) He would speak with WMP to find a way forward.

The chairman then invited questions from Members at which stage Mr Duncan Craig gave the following responses: -

- a) He fell onto the floor and glass was already on the floor – they thought it was a smashed bottle.
- b) The incident at the bar someone had already been arrested for.
- c) There was no suggestion anyone had been bottled.

- d) There was a previous review, but the licence was transferred earlier this year. The licence holder had not been involved with the premises previously to that.
- e) It was a private birthday party, everyone was aware that gang nominals can book things as birthday parties even when they are not, but there was nothing to suggest that this was the case here. The police would do enquiries in relation to that but there had not been a moody atmosphere before. The incident came out of nowhere.
- f) There was 400 people inside the premises, all invitees and the police had the invite list. There was mix of 60% males and 40% females.
- g) Upon entry 2 door staff were referencing and ticking off names against the invite list. There was no ID in that sense.

Mr Ahmed then answered some questions from Members:-

- a) A female operative then searched all female handbags and 3-4 door staff were carrying out searches of all persons (full body searches).
- b) In the Arcadian there was a St Johns Ambulance service and they were called.
- c) In his experience it was probably quicker to go out and find the police than call them.
- d) The police officers were about 10 meters away and they spoke to Sgt Wheeler.

The Chair then invited the parties to make a closing submission.

Mark Swallow, representative of WMP made the following closing statements: -

- That he had listened to Mr Craig's submissions and would look into the issues.
- That he would invite the Committee to suspend the licence, which was a proportionate response to the incident of serious crime – Section 18 wounding's.
- Someone had been arrested for affray and was being interviewed.
- 2 knives had been recovered from the scene; one was found outside the premises discarded in a drain along with a wallet, the other was found inside the premises near the dancefloor upstairs.
- They did approach officers, but they did not phone the police. They were inside the premises and ejected someone from a major disorder – you would have thought they would have just phoned the police rather than go outside and try find police on the off chance they would be there to speak to. It was the IP who approached officers – not staff.

- That it was not acceptable.
- 2 knives got into the premises and were used as weapons which was not acceptable. People suffered serious injuries.
- There was a first aid kit open which appeared to be used to treat the injured persons, Mr Craig stated it was used to treat door staff. But that wasn't reported to WMP. They didn't know the extent of the injuries for that person.
- The licence should be suspended pending the full review.

In summing up, Duncan Craig, on behalf of the PLH made the following points: -

- The doorman had a cut to his finger. Minor cut to his finger.
- The police were approached a couple of minutes after the incident took place, approximately 3 minutes. It was not like the premises had been hanging around.
- There was some follow up from Dave Gregory and he would speak positively about the premises working with them.
- That he would cooperate with the police and try and find a way forward.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was announced and a copy of that decision was sent to all parties as follows;

12/150921

RESOLVED:-

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 Arcadian Wrotesley Entertainment Ltd in respect of Bambu, 1st Floor Kotwall House, Wrotesley Street, Birmingham B5 4RT, 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, and
- that Jasdeep Kaul be removed as the Designated Premises Supervisor

Members heard the submissions of West Midlands Police, namely that the certificate issued by Superintendent Fox under s53A(1)(b) of the Act related to two instances of wounding under section 18 of the Offences Against the Person Act 1861 which had happened at the premises. There had also been an outbreak of disorder, and an arrest for affray had been made.

The evidence was that on the day in question it was poor management control which had led to the incident. The Police recommended that the Sub-Committee

should impose the interim step of suspension of the licence, pending the full review hearing.

The Sub-Committee then heard from the company which held the licence, via its counsel. The licence holder did not oppose the suspension of the licence, and stated an intention to cooperate with the Police in their investigation. The director of the licence holder company had recently taken the premises on, but did not have any previous experience of running licensed premises.

In deliberating, the Sub-Committee determined that the failure to uphold a safe style of operation had led to an outbreak of serious crime, and agreed with the Police that the causes of the serious crime appeared to originate from unsatisfactory internal management procedures at the premises.

The Sub-Committee found the Police evidence relating to the s18 wounding incidents to be alarming, and not something that inspired the slightest confidence in the operating style at Bambu. The Sub-Committee determined that it had no confidence in the management to ensure safe operation. All in all, the Sub-Committee considered the licence holder to have failed to take its responsibilities seriously.

The Sub-Committee determined that it was both necessary and reasonable to impose the interim step of suspension to address the immediate problems with the premises, namely the likelihood of further serious crime.

The Sub-Committee considered whether it could impose other interim steps, including modification of licence conditions, but considered that this would offer little to address the real issue, which was the lack of proper management control shown by the licence holder, which was a significant risk to the upholding of the licensing objectives.

However, the Sub-Committee determined that the removal of the designated premises supervisor was a very important safety feature, given that it was this individual who was responsible for the day to day running of the premises. Therefore, the risks could only be properly addressed first by the suspension of the licence, and secondly by the removal of the designated premises supervisor, pending the full Review hearing.

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 under s182 of the Act, and the submissions made by the licence holder via its counsel, and by West Midlands Police, 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.

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE C 17 NOVEMBER 2021</p>
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 17 NOVEMBER 2021 AT 1200 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors Phil Davis and Mary Locke

ALSO PRESENT

Shaid Yasser – Licensing Section
Joanne Swampillai – Legal Services
Mandeep Marwaha – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/171121 **NOTICE OF RECORDING/WEBCAST**

The Chair advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/171121 **DECLARATION OF INTERESTS**

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

There were no interests declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/171121 Apologies were submitted from Cllr Nicky Brennan with Cllr Diane Donaldson as nominee Member. Also, apologies submitted from Cllr Ward with Cllr Phil Davis as nominee Member.

LICENSING ACT 2003 PREMISES LICENCE – REVIEW LUCKY FOOD AND WINE, 58 JEROME ROAD, SUTTON COLDFIELD, B72 1SR

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

On Behalf of the Applicant

Chris Jones – West Midlands Police (WMP) Licensing

On Behalf of the Licence Holder

Mr Duncan Craig – Citadel Chambers representing Mr Sanmuganathan Rusikumar - Premises Licence Holder (PLH) & Designated Premises Supervisor (DPS).

Those Making Representations

Paul Ellson – Birmingham Trading Standards, Enforcement Officer
Sharon Watts – Birmingham City Council, Licensing Enforcement Officer
Sue Arnold - Resident

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The Chair introduced the Members and officers present and explained the hearing procedure.

The Chair asked if there were any representations to be withdrawn at this stage. No representations were withdrawn by WMP, Trading Standards and BCC, Licensing Enforcement.

The Chair queried if there were any preliminary points for the Sub-Committee to consider. No preliminary points were made.

The Chair continued to explain the hearing procedure prior to inviting the Licensing Officer, Shaid Yasser, to outline the report.

Shaid Yasser made introductory comments to the documentation and gave a brief overview to the case. The Sub-Committee were advised of the options available for a decision.

The Chair invited the applicant to make their submissions.

Chris Jones made the following points on behalf of the applicant (WMP):-

- a) Friday 20th August 2021 – He had received an email by a local Neighbourhood Officer, PC Bird (pages 4 & 5 of WMP evidence).
- b) He provided an outline to this email:
 - i) He stated, PC Bird had conducted a joint visit with Trading Standard Officers on Monday 16th August 2021 at Lucky Wine & Food, 58 Jermone Road.
 - ii) The visit took place after a member of the public had informed that the premises had sold their 15-year-old daughter alcohol. As a result, she had been hospitalised due to drinking the vodka which she had purchased from the premises.
 - iii) The child's bank transactions were also attached to the email. (page 6 of WMP evidence).
 - iv) This indicated three purchases at the store on three separate occasions - WMP were told they were for alcohol however, the attachments did not indicate the details of the purchases, only the total amount.
 - v) PC Bird outlined information around the visit on the 16th August with Trading Standards.
 - vi) In addition, Trading Standards had received another complaint from a parent approximately 2 weeks prior to this visit. This also stated their underage child had been sold alcohol by the premises.
 - vii) PC Bird detailed the breach on the premises licence – the refusals book had not been filled in correctly and in full.
- c) Statements were provided by PC Bird (pages 7 & 8 of WMP evidence) and a statement from the child's father (pages 9 & 10 of WMP evidence).
- d) He added, at this stage, PC Bird was unable to obtain a statement from the child concerned due to poor health and being in hospital.
- e) He informed the Sub- Committee, PC Bird had explained the reason for the visit to the PLH/DPS – in summary, a 15-year-old girl had purchased bottles of Vodka on three separate occasions.
- f) The PLH/DPS dismissed this by saying, *"some-one else must have come into the shop for her."*
- g) The PLH/DPS understood the Challenge 25 Policy – anyone who looked under 25 should be asked for ID.
- h) The statement from the child's father, (page 9 & 10 of WMP evidence), was taken over the phone by PC Bird which outlined the age of his daughter, physical and mental health.
- i) The statement explained his daughter purchasing the alcohol and it gave the details of the purchases including details of entries on his daughter's

bank statements. The father included how the alcohol had affected his daughter's life.

- j) The statement indicated details of how his daughter self-harmed on 6th June after drinking vodka in her room. She had purchased this from Lucky Food & Wine. At this stage, she disclosed she had a problem with drinking.
- k) The father informed that his daughter specifically went to Lucky Food & Wine to buy alcohol as *'it was the place to get alcohol to get drink'*.
- l) As a result, the father had visited the shop himself to speak to the owner. There was a male behind the counter and identified himself as the owner. Once the child's father confronted him about selling alcohol to his 15-year-old daughter, the same male immediately denied being the owner.
- m) A month later, following this, PC Bird was able to take a statement from the child who had purchased the alcohol. This statement was taken over the phone as the child remained in Huntercombe Hospital – This was a specialist unit for young people diagnosed with severe or complex mental health conditions, and require intensive, intrusive in-patient treatment.
- n) He informed the Sub-Committee, this statement was taken over the phone where a nurse acted as the child's appropriate adult (page 11 & 12 of WMP evidence).
- o) He read out the child's statement taken over the phone by PC Bird. Key points highlighted from the statement:
 - i) Saturday 5th June 2021 - The child went to the Lucky Food & Wine to purchase alcohol and presented a fake Medical ID to the man behind the counter – (which she obtained online indicating she was 18 years old).
 - ii) The man behind the counter said, *"I have never seen one of these before, you can have it this time, but not next time"* and sold the alcohol.
 - iii) She described the male – Asian, older looking, tall, medium-skinny build, virtually no hair but not quite bald.
 - iv) Next day, 6th June, she the vodka in her room - purchased from Lucky Food & Wines. She damaged her arms by self-harming. She was confronted by her parents about the purchasing the alcohol.
 - v) The girl had stated, she had a lot drinking issues and the alcohol was being purchased from Lucky Food & Wines.
 - vi) As a result, she was taken to hospital and since then she had been to three different hospitals to help with her mental health.
 - vii) She mentioned she had purchased the alcohol from Lucky Food & Wine two weeks prior too which was in line with the bank statements provided.
 - viii) Saturday 22nd May 2021 – The child went to Lucky Food & Wines on her own where the fake medical ID was presented again.

- ix) The man behind the counter said, “*You can have it this time but next time you need a proper ID like a driving licence*” and sold the vodka to her.
 - x) This was the same male who served her on Saturday 5th June 2021.
 - xi) Saturday 29th June 2021 – The child brought some alcohol from the Lucky Food & Wines on her own. Again, the fake medical ID was presented and the male in the shop said, “*That’s fine*” – and sold the alcohol. However, this male was different to previous person. He was in his 30’s, bigger built, with short hair.
- p) The child’s bank statement indicated three purchases from the Lucky Food & Wine;

Transactions:

- Monday 22nd May - £7.98 (Saturday 22nd May purchase) – small bottle of vodka;
 - Tuesday 1st June - £17.99 (Saturday 29th May purchase) – large bottle of Absolute vodka.
 - Monday 7th June - £16.78 (Saturday 5th June purchase) – large bottle of Smirnoff vodka.
- q) The girl had indicated in her statement, other under 18’s had purchased alcohol and cigarettes from Lucky Food & Wine before.
- r) He referred to the two different types of Challenge 25 Policies (pages 13 & 14 of WMP evidence) – both indicated acceptable forms of ID.
- s) He highlighted there was no mention of a medical ID of being acceptable – this would not have hologram or UV feature. Only photographic, pass bearing hologram and date of birth would be acceptable like a driving licence.
- t) He informed the staff were aware of the Challenge 25 Policy, however on all three occasions, they had ignored the policy.
- u) He referred to a map indicating the proximity to the school (attached within the WMP evidence pack). People under 18 had purchased alcohol and cigarettes from this shop.
- v) WMP were concerned around the premises profiting over the licensing objectives of selling alcohol to a vulnerable underage girl.

There were no questions raised by the Sub-Committee.

The Chair invited Paul Ellson, Birmingham Trading Standards to make his representations.

Paul Ellson made the following points on behalf of Trading Standards:-

- a) He appraised the Sub-Committee on the history of this premises and the dealings it had with Trading Standards.

Licensing Sub-Committee C – 17 November 2021

- b) 16th March 2020 – Trading Standards received a complaint from a customer stating their 15-year-old daughter had been served Echo Falls wine and had become drunk. It stated the premises was well known to sell alcohol to minors in the local area.
- c) As a result, the PLH/DPS was sent a warning letter by an officer.
- d) 6th May 2020 – The PLH/DPS was telephoned by that officer. He was reminded to use the refusals book on the premises.
- e) The person who the officer spoke to in the shop, blamed the adults for purchasing the alcohol for the minors and resupplying them outside of the premises.
- f) He found this highly unlikely as this was a small local shop in a residential area where there was a camera outside the premises. This could have happened once, however, steps should have been taken to ensure this did not happen.
- g) 2nd November 2020 – Trading Standards received a complaint from WMP - allegations were being made against the premises – they were not checking ID before selling to minors.
- h) 11th December 2020 – The premises was visited by an officer. This was a relative (nephew) /employee of the PLH/DPS and he was informed of the matter and advised was given by the officer.
- i) The relative (nephew) /employee of the PLH/DPS, blamed the adults for purchasing the alcohol and resupplying this to minors outside the shop.
- j) The refusals log was checked by officers and it was noted this had not been filled in since September 2020. No challenges had been undertaken since that date.
- k) 13th May 2021 – Trading Standards received another complaint from WMP that throwdown - category 1 firework had been supplied to children 7-9 years old. These products were age restricted and could not be sold to anyone under the age of 16.
- l) 26th May 2021 - In response to this complaint, Paul Ellson visited the premises, where the licence holder indicated he was unaware of the age restrictions – Trading Standards understood this as it was an unusual piece of legislation for the product. However, the packaging clearly stated – do not sell to anyone under the age of 16.
- m) He provided guidance on fireworks and underage sales (including alcohol, tobacco sales) and reminded to use the refusals log.
- n) 9th June 2021 – Trading Standards received another complaint from a consumer that his 15-year-old daughter had been sold vodka from the

premises and ended up in hospital. The vodka had been purchased using a bank card. The complaint was followed up by WMP officer (PC Bird).

- o) 30th July 2021 – Trading Standards received another complaint from a consumer. Her 15-year-old son had been sold alcohol and vaping products (E-cigarettes) – with an age restriction 18 years and over.
- p) 16th August 2021 – A joint visit was arranged with Paul Ellson (Trading Standards) and WMP officers to discuss both matters. The PLH/DPS was on the premises and the situation was explained. It appeared the PLH/DPS ignored the information and blamed the adults for resupplying alcohol to the child concerned.
- q) The PLH/DPS was made aware a card sale had been made in the shop however, the PLH/DPS still refused to accept the sale had taken place. A series of questions around the sale was raised by Mr Ellson and the PLH/DPS stated “no other persons worked in the shop”. Later it transpired, at least two other individuals worked in the shop, both family members.
- r) The PLH/DPS stated he regularly challenged customers coming into the shop but did not have time to enter details into the refusals log.
- s) Trading Standard and WMP officers were in the shop for at least 45 minutes, and only 4 people entered during this time, therefore this indicated there was enough time to fill in any challenges into the refusals log.
- t) This was a small local shop with limited stock – mainly sells alcohol. Paul Ellson checked the refusals log and there had only been three entries since the 9th June 2020 visit by officers. None of these were entered by the PLH/DPS but his employees. The refusal log was being used however, not maintained.
- u) A full guidance pack and relevant information was shared with the PLH/DPS. The PLH/DPS reaction was of contempt and showed little understanding of the law despite having several visits and letters. The PLH/DPS chose to ignore them and exercise a complete lack of control on the licenced premises.
- v) Paul Ellson felt the PLH/DPS had breached and continued to breach all four licensing objections and ignored all the constraints and concerns raised by the Authorities.

The Chair invited Sharon Watts, BCC Enforcement to make her representations.

Sharon Watts made the following points on behalf of BCC Enforcement :-

- a) 7th June 2021 – Licensing Service had received a complaint from a member of the public stating on 29th May 2021, their daughter who was 15 years old had been able to purchase vodka on three separate occasions from Lucky Food & Wine.

- b) She informed this had only come to light when the parent had checked their daughters bank statements.
- c) 9th June 2021 – She visited the premises and carried out a licensing act inspection. The DPS/PLH was on site whilst the inspection took place.
- d) As part of the Premises Licence conditions, Condition 2b, it stated CCTV should be retained for a period of 31 consecutive days.
- e) The PLH/DPS was asked for evidence of the recording for 31 days, he was unable to do so.
- f) She informed the PLH/DPS, he was in breach of one of the conditions on his licence and gave him 7 days to rectify the non-compliance. He was issued with a Traders Notice confirming the advice given.
- g) 2nd August 2021, she revisited the premises - (2 months after the initial visit in June). At this visit, Sharon requested to see the CCTV footage and to see if it was recording for a minimum of 31 consecutive days (requirement under the conditions of the licence).
- h) The PLH/DPS was only able to show the recordings for 28 days – this was still in breach of the conditions on his licence and not compliant. As a result of the non-compliance, the PLH/DPS was invited to the Enforcement offices to be interviewed under caution.
- i) 7th September 2021 – Interview under caution took place.
- j) As a result of the interview, Sharon Watts had no confidence the PLH/DPS upholding the licensing objectives.
- k) 23rd September 2021, WMP requested for the premises licence for Lucky Food & Wine to be reviewed hence representations of non-compliance were presented at this meeting.
- l) She felt the PLH/DPS had breached to all four licensing objectives protecting children from harm and prevention of crime and disorder.

The Chair invited Sue Arnold, Resident to make her representations.

Sue Arnold made the following points: -

- a) She had attended the meeting today to support Lucky Food & Wines.
- b) During the lockdown, the shop was a goldmine to residents and the service was professional.
- c) She added, the PLH/DPS was a hard-working person and a man of principle.

There were no questions raised by the Sub-Committee.

At this juncture, the Chair invited Mr Craig to make his representations.

Mr Craig made the following points on behalf of PLH/DPS: -

- a) He had visited the premises on 11 November (Thursday), approximately 1600 hours and he could not speak to the PLH/DPS as it was so busy – children were coming in after school and other customers. As he couldn't speak to the PLH/DPS, he rescheduled the visit for 13 November (Saturday) lunchtime. The PLH/DPS had to close the shop in order to have a conversation with Mr Craig. This was a busy shop in a local residential area.
- b) The PLH/DPS had been at the premises for 5 years.
- c) He referred to his visit at the shop. 25-30% of the shelf space had alcoholic products, long narrow shop, one room (possibly a former house).
- d) He observed the PLH/DPS reaction to serious matters – i.e. the PLH/DPS had the tendency to smile back and that was his reaction to the matter - (possibly smiling nervously, mannerism displayed). The PLH/DPS was taking this situation seriously and disputed comments made by the responsible authorities as this was his business and life.
- e) He referred to Paul Ellson's point around the PLH/DPS misleading him about his wife working – she was not an employee but helped sometimes in the shop when required.
- f) He reflected on the evidence from WMP and Trading Standards – this sat hand in hand.
- g) He drew an analogy to a separate case. He compared this situation to a case related to a massage parlour where complaints were being received however, the complaints should have been in reference to another business in the same building – there was confusion or was it a malicious act. The evidence was not verified and the judge said "I don't know who this person is and no means of verifying who they are" – In relation to Lucky Food & Wine, a statement had been taken, no officer from WMP had met the individual, no officer from WMP had met the father therefore, do not know what the girl looks like, circumstances of hospitalisation, number of options that had not been investigated.
- h) He referred to the witness statement on page 12 of WMP evidence, and prices and purchases – "on my bank statement....." – The PLH/DPS concedes there were two prices in operation for Glens Vodka only. A new batch marked up at £7.89 and sold at £7.49 at times.

The other two products referred to in the evidence were incorrect.

- (Odd price £16.78 for a bottle) when the actual price of Smirnoff Red was £14.99 70cl and Absolute Blue - £20.99.
- 2 out of 3 prices do not accord with logic.

Licensing Sub-Committee C – 17 November 2021

- i) He referred to the fake medical ID – this had not been verified. No testing had taken place around what the person had said. This person was not representing themselves at this sub-committee to give their account - (Limited evidence - than if a test purchase had been undertaken).
- j) He noted there were several complaints to Birmingham City Council which should have been tested.
- k) He referred to the Lucas warning – in which a judge gives to the jury if it was found a defendant had been lying in the course of the investigation or in court. Witnesses may lie for many reasons i.e. shame, humiliation, misplaced loyalty, panic, fear, distress, confusion and emotional pressure which he requested the sub-committee to consider as this girl may have been in trouble with her parents.
- l) He invited the Sub-Committee to question and consider the girls motive as there was no overwhelming evidence to support the allegations – no fail test purchases.
- m) He had checked with Paul Ellson if this had been undertaken at the premises. Paul Ellson had confirmed fail test purchases had not taken place anywhere.
- n) He agreed the PLH/DPS had breached some areas of his licence conditions but not by much. He was amazed an interview had taken place under caution in relation to the breach of the CCTV (i.e. breach of recording for only 28 days rather than 31 days – this was not a catastrophic breach than not to have a recording at all).
- o) He agreed the PLH/DPS had a lack of compliance to the refusal register however, since the visit in August this was being complied with.
- p) He was grateful for the awareness on the fireworks legislation.
- q) He referred to the joint visit on 16th August – PC Bird and Paul Ellson – they undertook an extensive search of the shop – noted, no illicit alcohol or cigarettes were found at the premises.
- r) There were breaches in respect of refusals, CCTV and he suggested a suspension was a proportionate step as there were gaps in the evidence.
- s) The relative/ employee of the PLH/DPS fits the description to the Glens sale - nephew of the PLH/DPS.
- t) He referred to appendix 3 (pages 7 – 11) – read out statements from residents in support of the premises.
- u) He mentioned the PLH/DPS did not accept selling alcohol anyone underage and had no recollection of the girl concerned. Anyone under the age of 25 was checked for ID.

There were no questions raised by the Sub-Committee.

In summing up, Paul Ellson made the following points: -

- He noted comments made by Mr Craig however, there seemed to be an established concept that this premises was a place to go to get underage alcohol.
- He was concerned the possible actions within the shop may have detrimental effect on the lives of people living in the area. The shop provided community service however, there were concerns around the number of complaints trading standards had received and how they were being addressed. Something had to be done because a reputation had been established where people can obtain alcohol.
- Noted the actions the PLH/DPS had already taken in the shop however, his reactions were not what trading standards officers had expected – very dismissive at the beginning.
- The PLH/DPS had not recorded the challenges against the selling of alcohol in the refusals log – this had to be addressed.
- Once a reputation of a business had been affected, it was hard to get this reputation back.
- He recognised a lot of shops had offered support to residents during the lockdown including this premises however, complaints were still being received up until this period.
- After the last incident no further complaints had been received so something had changed.

In summing up, Sharon Watts made the following points: -

- She referred Mr Craig's comments around the breach of the CCTV conditions. She added, on two occasions, the PLH/DPS was committing an offence by breaching the licence conditions albeit insignificant Mr Craig thought they were.
- The PLH/DPS was given advice on the first occasion and following that, the non-compliance should have been rectified. If this had been rectified, there would not be a need for further enforcement action. The advice was ignored, and 2 months later when a revisit was carried out, the PLH/DPS was still not compliant, therefore the matter was escalated.
- She had concerns that the objectives on the licence would not be upheld by the PLH/DPS.
- Trading Standards had received several complaints from different people around selling alcohol to minors and this would need to be investigated as to why people were making these complaints.

At this juncture, it was noted Sue Arnold had left the meeting therefore unable to make closing submissions.

In summing up Chris Jones made the following points in support of the application:-

- He referred to Mr Craig's comment around the people who gave the statements had not been met in person – currently statements for any offence were routinely taken over the phone by officers. Physical meetings were not taking place.
- He referred to the bank statements which do not give the detail of the purchases. It was noted, vodka was purchased from the person who gave the statement however, there could have been other items making the total amounts.
- The statement of the child wasn't taken until 3rd September and purchases were made in June.
- WMP had no confidence in the PLH/DPS was promoting the licensing objectives especially around protecting the children from harm, prevention of crime and disorder and public safety.
- The premises had repeatedly sold alcohol to a vulnerable 15-year-old girl – it was known within her peer group as a place to get alcohol.
- The premises had a challenge 25 Policy which was disregarded by the staff. A fake medical card was accepted even though saying, "they haven't seen a ID like this before,....you can have it this time but not next time...bring proper ID".
- PC Bird had indicated that during the joint visit with Trading Standards, the PLH/DPS did not realise the seriousness of the situation – which was similar to what the father had stated in his statement. When the father confronted the PLH/DPS, he denied he was the owner.
- The premises had systematically sold a 15-year-old alcohol which breached licensing conditions and mandatory conditions.
- The 15-year-old girl self-harmed after purchasing alcohol from this premises which fits in with her bank statements.
- The 15-year-old girls stated she had a drink problem and wanted to get help and this is why she told her parents, WMP and made statements of where she purchased the alcohol.
- She stated, "it was due to the Lucky selling me that I have been able to obtain alcohol which subsequently meant she went into hospital for her mental health."
- WMP requested for the Sub-Committee to consider revoking the licence from this premises.

In summing up Mr Craig made the following points: -

- He confirmed it relative (nephew) /employee of the PLH/DPS who the father of the child confronted and not the PLH/DPS. Therefore, it was correct for the relative (nephew) /employee to say he was not the owner.
- He referred to WMP highlighting there could have been other items purchased in the shop. This was a statement taken by WMP and they should have questioned if other items were bought at that time.
- He accepted statements being taken over the telephone however, there was no way of filtering out any short comings.

- He noted there were various complaints coming from different sources – however, we don't know this? it could be one person making all the calls – no way of establishing this – motive? this was pure speculation.
- He disagreed with BCC Enforcement that the Section 136 had been breached.
- He questioned the evidence as there were gaps – do not know what the girl looks like, mental state, about her father etc – speculating.
- In the absence of other evidence to support what's been said in the statements it was less than likely that what was in the evidence was correct.
- He therefore requested for the Sub - Committee not to revoke the licence and suggested a period of suspension.

The Chair thanked all parties for their attendance.

At this stage the meeting was adjourned in order for the Sub-Committee to make a decision and all parties left the meeting.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and the decision of the Sub-Committee was sent out to all parties as follows;

3/171121 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Sanmuganathan Rusikumar, in respect of Lucky Food and Wine, 58 Jerome Road, Sutton Coldfield B72 1SR, upon the application of West Midlands Police, this Sub-Committee hereby determines the licence be suspended for a period of fourteen days in order that Mr Rusikumar should take the opportunity to review all practices and procedures, refresh training for all staff, and thereafter resume trading in a manner which is capable of upholding the licensing objectives in the Act.

The Sub-Committee's reasons for suspending the licence are due to concerns raised by Licensing Enforcement relating to compliance with conditions – specifically the failure to retain CCTV recordings for the required number of consecutive days, and failure to maintain a refusals register at the time of inspection. The Sub-Committee considered these matters to be at the middle of the scale in terms of failure.

Submissions were also made by West Midlands Police relating to suspicions about underage sales; however, the Sub-Committee did not find that the evidence presented was sufficient for it to make any determination on the issue of possible underage sales. It was not comparable with the usual standard of 'underage sale' evidence brought before the Sub-Committee, namely test purchases witnessed by Trading Standards officers.

Counsel for the licence holder confirmed that it was not accepted that any underage sales at all had been made, as the shop had a Challenge 25 policy in force. Moreover the Sub-Committee noted the numerous letters of support for the licence holder, submitted by local residents. One such resident even attended the

meeting in person, to confirm her support for the shop directly to the Sub-Committee. This was highly unusual in any Review hearing, and Members considered that these representations showed that the shop was a valued community resource. It was striking that some of the letters confirmed in writing that the shop did in fact verify customers' ages when selling alcohol by retail.

Accordingly the Sub-Committee felt quite unable to follow the Police recommendation to revoke the licence, and instead agreed with counsel for the licence holder that the matter could be dealt with by way of a suspension of the licence. The Members considered that 14 days would be sufficient for the licence holder to review and refresh all aspects of his operating style, such that he could reopen again as a 'fresh start' for the shop.

The Sub-Committee gave consideration as to whether it should modify the conditions of the licence or remove the Designated Premises Supervisor, but was not satisfied, given the limited evidence submitted, that this was necessary.

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

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

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

Please note, the meeting ended at 1350.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation and Enforcement
Date of Meeting:	Wednesday 1st December 2021
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	Conference Hall & Car Park @ Ladbroke Hotel, 28 – 35 Bordesley Street, Birmingham, B5 5BL
Ward affected:	Bordesley and Highgate
Contact Officer:	David Kennedy, Principal Licensing Officer licensing@birmingham.gov.uk

1. Purpose of report:

To consider the objection notice to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption on the premises), the provision of regulated entertainment and late night refreshment, to operate from 12:00midday until 12:00midnight on 18th December 2021 to 19th December 2021.

2. Recommendation:

To consider the objection notice made by West Midlands Police.

3. Brief Summary of Report:

A Temporary Event Notice was submitted by Chuckwunwike Animam and received on 18th November 2021 in respect of the Conference Hall & Car Park @ Ladbroke Hotel, 28 – 35 Bordesley Street, Birmingham, B5 5BL.

An objection notice has been received from West Midlands Police.

4. Compliance Issues:

When carrying out its licensing functions, a licensing authority must have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

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.

<p>5. Relevant background/chronology of key events:</p> <p>A Temporary Event Notice was submitted on 18th November 2021 by Chuckwunwike Animam, in respect of the Conference Hall & Car Park @ Ladbroke Hotel, 28 – 35 Bordesley Street, Birmingham, B5 5BL, which was served on the responsible authorities on 19th November 2021.</p> <p>The Temporary Event Notice is attached at Appendix 1.</p> <p>An objection notice, including supporting documents, has been received from West Midlands Police, see Appendix 2.</p> <p>The current premises licence is attached at Appendix 3.</p> <p>Site location plans are attached, see Appendix 4.</p> <p>Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.</p> <p>However, the police or local authority exercising environmental health functions may intervene to prevent such events taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on each TEN.</p> <p>Where TENs are submitted, and objection notice(s) are maintained, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued relating to each TEN.</p> <p>When giving TENs, consideration should be given to the following four licensing objectives:</p> <ol style="list-style-type: none"> 1. The prevention of crime and disorder 2. public safety 3. The prevention of public nuisance; and 4. The protection of children from harm <p>If the TENs are in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TENs if it considers that this is appropriate for the promotion of the licensing objectives.</p>
<p>6. List of background documents:</p> <p>Temporary Event Notice, attached at Appendix 1.</p> <p>Objection notice and supporting documents from West Midlands Police, Appendix 2.</p> <p>Current premises licence, Appendix 3.</p> <p>Site location plans, Appendix 4.</p>
<p>7. Options available</p> <p>Allow the proposed temporary licensable activities as stated in the TEN</p> <p>Impose conditions on a TEN to promote the licensing objectives</p> <p>Refuse the proposed temporary licensable activities as stated in the TEN</p>



Birmingham
Temporary Event Notice
Licensing Act 2003

For help contact
licensingonline@birmingham.gov.uk
 Telephone: 0121 303 9896

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

chukwunwike

* Family name

animam

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☐ Applying as a business or organisation, including as a sole trader

☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text"/>

Section 2 of 9

APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

☐ Yes ☒ No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes

☐ No

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

☒ Yes

☐ No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☐ Yes

☒ No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☒ Neither

☐ Premises licence

☐ Club premises certificate

Location Details

* Provide further details about the location of the event

Lambrook hotel- conference hall

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

i intend to use the hall inside lambrook hotel, also visitors will be using the car park if available.

Continued from previous page...

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

the nature of the event is basically celebration of a newly wedded couple; this concludes the traditional rights. Activities that will take place in the hall includes serving of food and drinks; including alcohol.

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

[\(see also guidance on completing the form, note 6\):](#)

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

[\(See also guidance on completing the form, note 7\).](#)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 8\).](#)

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 9\)](#)

Event start date

/ /
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

/ /
dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

12PM TO 12AM

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

300

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- ☒ On the premises only
☐ Off the premises only
☐ Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

12pm to 12am

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- ☐ Yes ☒ No

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

- ☐ Yes ☒ No

Continued from previous page...

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

THE INFORMATION CONTAINED IN THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT IT IS AN OFFENCE:

- (i) TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS TEMPORARY EVENT NOTICE AND THAT A PERSON IS LIABLE ON SUMMARY CONVICTION FOR SUCH AN OFFENCE TO A FINE OF ANY AMOUNT; AND
- (ii) TO PERMIT AN UNAUTHORISED LICENSABLE ACTIVITY TO BE CARRIED ON AT ANY PLACE AND THAT A PERSON IS
- LIABLE ON SUMMARY CONVICTION FOR ANY SUCH OFFENCE TO A FINE OF ANY AMOUNT, OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING SIX (6) MONTHS, OR TO BOTH.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

From: bw licensing <
Sent: 22 November 2021 11:35
To: Licensing
Subject: TEN; 28 - 35 BORDESLEY STREET - OBJECTION

Good Morning Licensing,

West Midlands Police object to the granting of this TEN application under the prevention of crime and disorder licensing objective.

The address on the application is for the Ladbroke Hotel.

I have spoken with the general manager of The Ladbroke Hotel who states he is unaware of the application, has nothing booked at the venue for the date on the TEN and would not hold an event for 300 people.

I have also spoken with the applicant and informed I will be objecting to the TEN as the premises is completely unaware of the event. (He said he would contact the hotel himself.)

Regards

Chris Jones 55410

Birmingham Central Licensing Team West Midlands Police

From: The Labrooke Hotel
Sent: 24 November 2021 11:25
To: Christopher Jones
Cc: 'reception'
Subject: [External]: RE: Temporary Event Notice

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Dear Sir, thank you for your email, please see responses below.

From: Christopher Jones
Sent: 24 November 2021 11:02
To: 'theladbrooke'
Cc: reception
Subject: Temporary Event Notice

Please find attached a redacted copy of the application.

As per our recent telephone conversations regarding a Temporary Event Notice application for 18th December 2021 12pm to 12 am.

The applicant for the TEN is Chukwunwike ANIMAM.

- Can you please confirm if you are aware of this application? We are Not aware of this application.
- Can you confirm if you are aware of the applicant? We do not know the applicant
- Has any booking been made by the applicant? No booking has been made by this applicant
- Has a deposit been made by the applicant? No deposit payment has been taken
- Would the premises hold an event for 300 people? No
- Have you been approached by the applicant for an event? No
- Have you been approached by the applicant for an event which you have refused? No

Can you please confirm in your email your position within the premises and whether you would be personally aware of all bookings / events at the premises.

I am the Operations Manager & I would be fully aware of any events taking place at the hotel.

Kind Regards
Operations Manager
The Ladbrooke Hotel

LICENSING ACT 2003**PREMISES LICENCE****Premises Licence Number:****5287 / 1****Part 1 - Premises details:****Postal address of premises, or if none, ordnance survey map reference or description**

The Ladbrooke Hotel
 28 - 35 Bordesley Street
 Digbeth

Post town:

Birmingham

Post Code:

B5 5BL

Telephone Number:**Where the licence is time limited the dates**

N/A

Licensable activities authorised by the licence

- | | |
|----|--|
| A | Plays |
| B | Films |
| C | Indoor sporting events |
| 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 |
| M1 | Sale of alcohol by retail (on the premises) |

The times the licence authorises the carrying out of licensable activities

Monday - Sunday	00:00	-	23:59	M1
	10:00	-	00:00	A ,B ,C ,E ,F ,G ,H
	23:00	-	02:00	L

The opening hours of the premises

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

On Supplies Only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Metro Bailiffs Limited 5 - 7 Park Lane Newham	
Post town: London	Post Code: E15 2JG
Telephone Number: Not Specified	
Email	

Registered number of holder for example company number or charity number (where applicable) 10342242
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Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Snehal Lakham	
Post town:	Post Code:
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number LEIPRS4557	Issuing Authority LEICESTER CITY COUNCIL

Dated 02/02/2021

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.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

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

The Premises Licence Holder shall ensure all staff receive adequate training and refresher training every six months, relating to the four licensing objectives and conditions attached to this Premises Licence. All training will be recorded and the training record will be available for inspection by an authorised Officer of a Responsible Authority on request.

The staff training records will be maintained at the premises and made available for inspection to any Responsible Authority upon request.

The Premises Licence Holder shall ensure that the Designated Premises Supervisor is obligated to be in day-to-day control of the premises.

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

The Premises Licence Holder shall ensure that a clear and legible notice will be displayed outside the premises indicating the normal hours under the terms of the Premises licence during which licensable activities are permitted.

The Premises Licence Holder shall ensure that no bottles or glasses shall be taken off the premises.

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

The Premises Licence holder will retain profiles of all door supervisors that are, or have (in the last 3 months) worked at the premises. Profiles are to be proof of ID (passport, driving licence) and proof of address dated in the last 6 months (utility bill, bank statement). Proof of address is not required when proof of ID is a Photo Driving Licence.

The Premises Licence holder will have and maintain a documented incident book, where all incidents irrelevant if any emergency services are called are recorded and signed off weekly by the DPS.

Premises to supply a risk assessment for all events held at the premises, including standard in house events. 28 days notice is required, unless otherwise agreed with West Midlands Police, Licensing Department .

If the premises wish to operate past 0400hrs, the premises must inform the West Midlands Police Licensing Department in writing, a minimum of 28 days in advance.

The Premises Licence Holder shall ensure that CCTV System is installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective. Each recording made to be stored for at least 28 days.

The Premises Licence holder will ensure that CCTV is fitted to the specifications and recommendations of West Midlands Police Licensing Department.

The Premises Licence holder will ensure that the CCTV is recording at all times that the premises is open for any licensable activity, and that all CCTV images are held for a minimum of 28 days.

The Premises Licence holder will ensure that all CCTV images will be made immediately available and downloadable when requested by any Responsible Authority.

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

Adequate Lighting will be provided in all public areas and outside

The Premises Licence holder shall ensure that the external areas of the premises are monitored to prevent any anti-social behaviour and public nuisance caused by the premises is kept to a minimum.

Electric, gas and relevant equipment are to be checked and maintained in working order and tested annually.

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

The Premises Licence Holder shall ensure that a Noise Limiting Device (NLD) shall be fitted to the amplification system within the basement area and set at a pre-set volume level, ensuring the volume of music is pre-set so as not to cause a noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall fulfil the following criteria:

- a. The device shall be fitted by a competent person and once fitted shall not be moved unless prior approval is given.
- b. The device shall be capable of cutting off the mains power to the amplification system if the volume exceeds the pre-set level or shall be capable of maintaining the volume of the music at the pre-set level and shall not restore power to the sound system until the NLD is reset by the licensee or their nominated person.
- c. The amplification system shall only be operated through the sockets/power points linked to and controlled by the NLD at all times.
- d. The NLD shall be maintained in full working order and at the approved pre-set volume during regulated entertainment.
- e. Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state.
- f. Any regulated entertainment within the premises shall be controlled by the NLD.

The Premises Licence Holder shall ensure that the glass doors within the basement banqueting suite shall remain closed after 22.30pm whilst regulated entertainment takes place.

The Premises Licence Holder shall ensure that deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

The Premises Licence Holder shall ensure that prominent notices will be displayed asking customers to have regard for local residents when leaving the premises.

The Premises Licence Holder shall ensure that the movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.

The Premises Licence Holder shall ensure that any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

The Premises Licence Holder shall ensure that no bottles or glasses shall be taken off the premises.

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

A Challenge 25 policy will be operated by the premises, with notices informing customers of the policy. The only forms of acceptable identification shall be a photographic driving licence, a valid passport or any other recognised form of photographic identification incorporating the PASS logo. Notices to this effect will be displayed within the premises.

The Premises Licence Holder shall ensure that those engaged with the sale of alcohol shall be provided with training on age restricted sales Refresher training will be given every 6 months. A log of the training shall be maintained and available for inspection by an authorised Officer of a Responsible Authority on request.

All alcohol sale refusals will be noted in a refusals register, which will be maintained at the premises and must be available for inspection by any of the regulatory authorities.

The Premises Licence holder shall ensure that notices stating no sales of alcohol to persons under 18 years of age will be displayed at all bars within the premises.

The Premises Licence holder will ensure that notices stating it is illegal for persons to buy alcohol on behalf of persons under 18 years of age will be displayed at all bars within the premises.

The Premises License Holder will ensure that staff are regularly trained to combat Child Sexual exploitation.

The management will put in place Booking terms & conditions in an effort to combat Child Sexual exploitation.

The Premises Licence holder will ensure that persons under the age of 16 will be admitted only if accompanied by an adult and that persons under the age of 18 years will not be allowed on the premises after 19.00hrs.

Regular Training to be given in Child Sexual exploitation Awareness to all staff from management, reception, security, cleaners. They are to have received training from an accredited organisation. The training records will be kept on site, and available for inspection.

Under CSE heading also - Reception to keep records of all persons stopping in each room - (eliminate customers booking on line and then several other customers using that room) a trail of names is required. So assuming they have details of who the room is booked under, then anyone else stopping in that room - names should be supplied, if it's believed that the additional persons are under 18 then full details would be required, to include DOB.

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

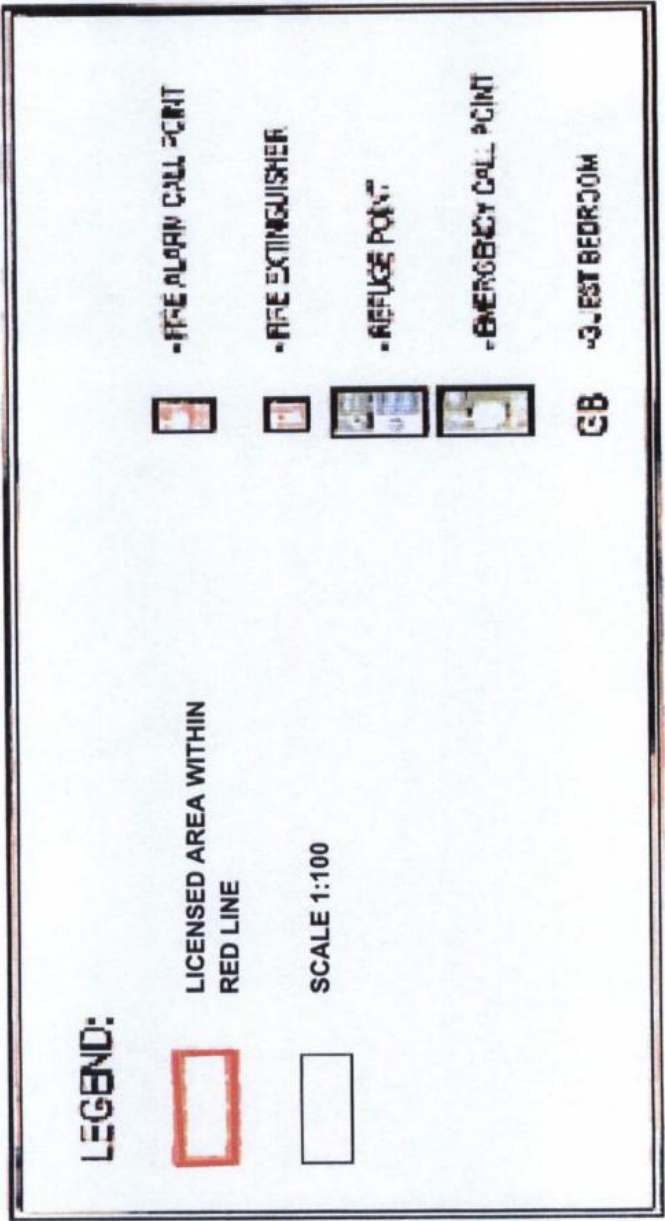
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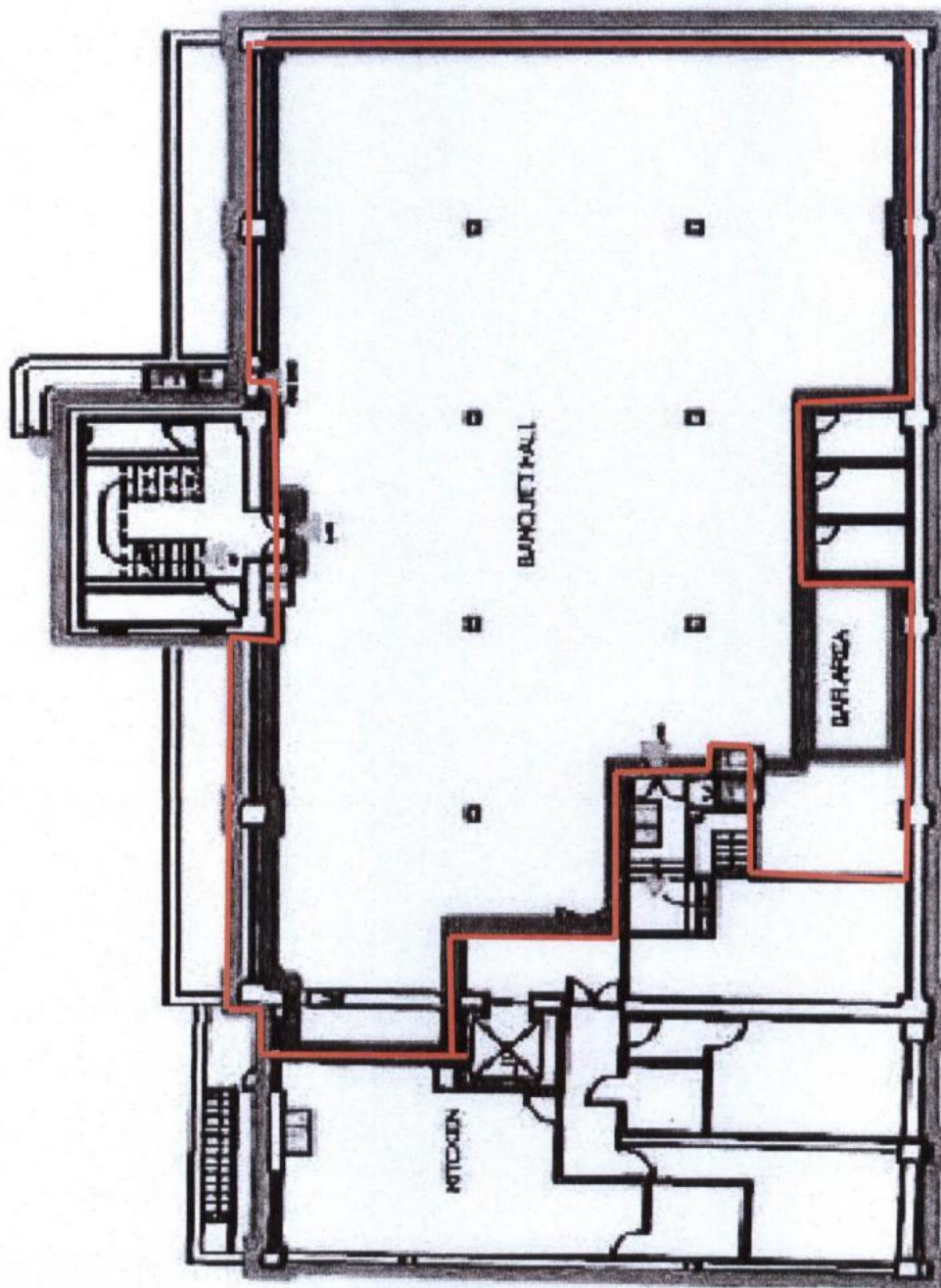
3e) Committee conditions to promote the protection of children from harm

N/A

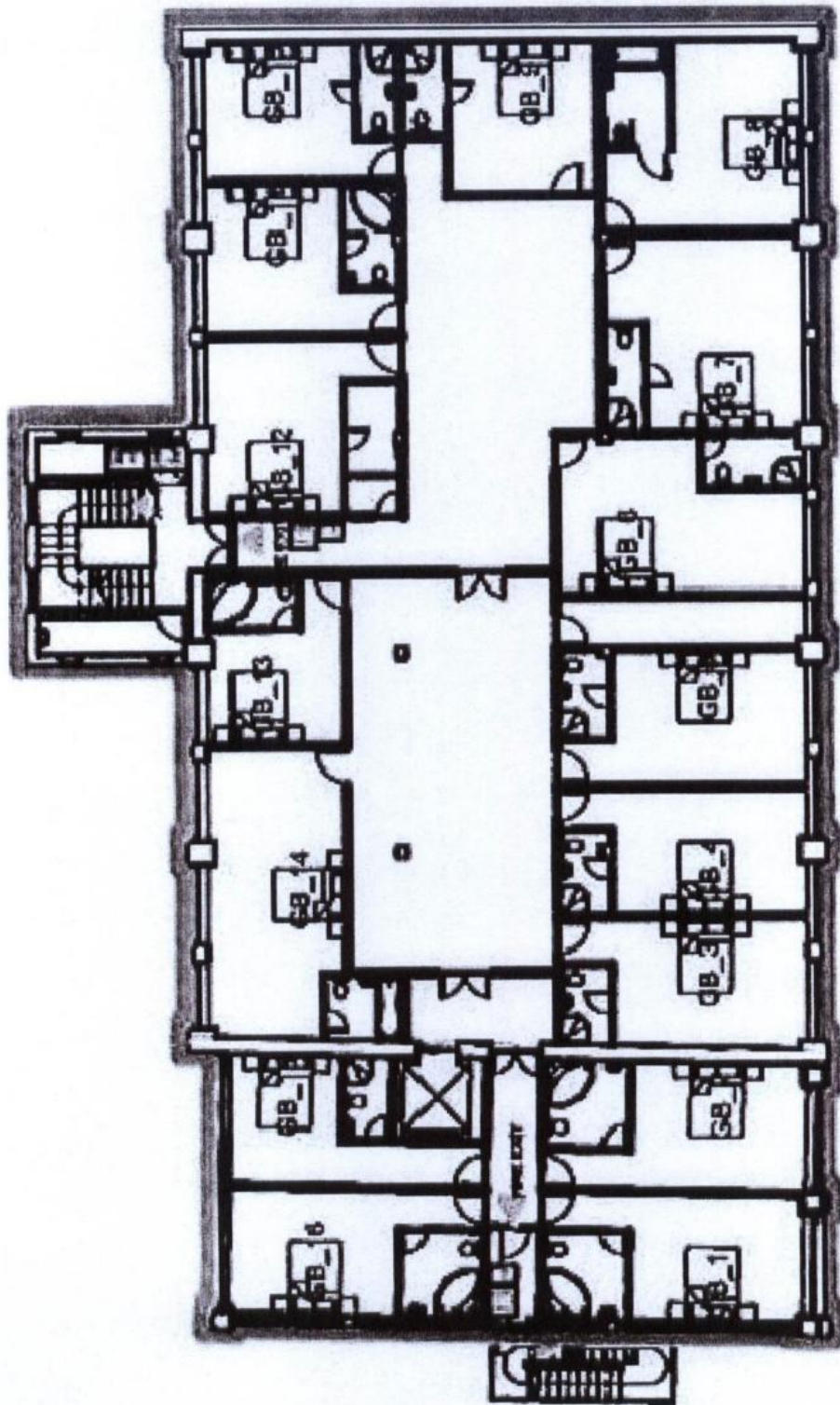
THE LADBROOKE HOTEL
28-35 BORDESLEY STREET
DIGBETH
BIRMINGHAM
B5 5BL

LICENSING PLAN

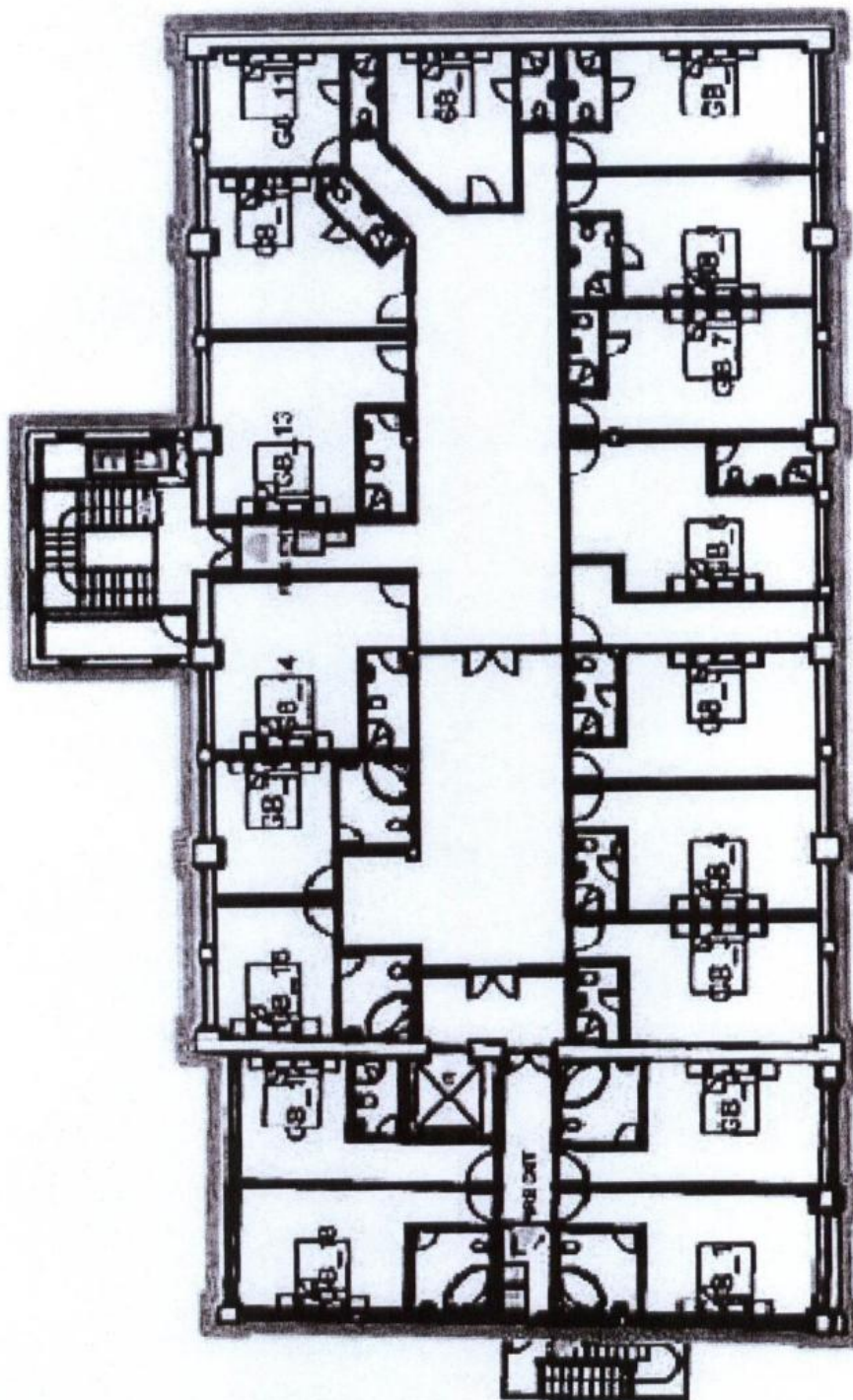




BASEMENT LEVEL PLAN
Scale 1/2"=1'-0"



FIRST LEVEL PLAN
scale 1:200



SECOND LEVEL PLAN
scale 1/200

