

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation and Enforcement
Date of Meeting:	Monday 22nd April 2024
Subject:	Licensing Act 2003 Premises Licence – Summary Review
Premises:	Bar 28, 28 Birmingham Road, Sutton Coldfield, B72 1QG
Ward affected:	Sutton Trinity
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

A review of the premises licence is required following an application for an expedited review under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006).

2. Recommendation:

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

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

3. Brief Summary of Report:

An application under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) was received on 26th March 2024 in respect of Bar 28, 28 Birmingham Road, Sutton Coldfield, B72 1QG.

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

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

On 26th March 2024, Superintendent Minor, on behalf of West Midlands Police, applied for a review, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), of the Premises Licence granted to Bad Lady Limited in respect of Bar 28, 28 Birmingham Road, Sutton Coldfield, B72 1QG.

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

Within 48 hours (excluding non-working days) of receipt of an application made under Section 53A, the Licensing Authority is required to consider whether it is appropriate to take interim steps pending determination of the review of the Premises Licence, such a review to be held within 28 days after the day of its receipt, review that Licence and reach a determination on that review.

Licensing Sub-Committee C met on 27th March 2024 to consider whether to take any interim steps and resolved that the licence be suspended, and that Laura Seymour be removed as the Designated Premises Supervisor (DPS), pending the review of the licence. A copy of the decision is attached at Appendix 2.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other persons ended on 12th April 2024.

A representation has been received from Birmingham City Council Licensing Enforcement as a responsible authority, which is attached at Appendix 3.

A copy of the current 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's functions under the Licensing Act 2003 are to promote the licensing objectives: -

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

6. List of background documents:

Review Application and Certificate from West Midlands Police, Appendix 1
Sub-Committee Interim Steps Meeting decision 27th March 2024, Appendix 2
Copy of the representation from Birmingham City Council Licensing Enforcement, Appendix 3
Current 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
Take no action

In addition the Sub Committee will need to decide what action, if any, should be taken regarding the interim steps imposed on the 27th March 2024.



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

1. SUPERINTENDENT PAUL MIND

(on behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003

1. Premises details: Bar 28

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

28 Birmingham Road

Post Town: **Sutton Coldfield**

Post Code (if known): **B72 1QG**

2. Premises Licence details:

Name of premise licence holder (if known):

Bad Lady Limited

Number of premise licence (if known):

5373

3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



4. Details of association of the above premises with serious crime, serious disorder or both:
(Please read guidance note 2)

On Friday 22nd March the venue was open and trading.

A disorder takes place in the bar at around 23:15 hours.

Various people exit the venue and the disorder continues outside of the premises.

A vehicle is then driven into the crowd, which results in a male getting a serious leg injury. This has been crimed as a wounding contrary to section 18 of The Offences Against The Persons Act. 1861..

There is an ongoing live criminal investigation into this matter which is a serious crime by virtue of the maximum sentence for this offence being life imprisonment.

"Serious crime" is defined by reference to S.81 of RIPA Act 2000. An offence for which an adult could reasonably be expected to be sentenced to imprisonment for a period of 3 years or more.

Signature of applicant:

Date: 26/03/2024

Rank/Capacity: SUPERINTENDING 2923 PAUL MINDR.

Contact details for matters concerning this application: BW Licensing

Address: Licensing Dept c/o Birmingham West and Central Licensing Dept, Lloyd House, Birmingham

Telephone Number(s)

E-mail -

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.

West Midlands Police

CERTIFICATE UNDER SECTION 53A (1)(B) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime and disorder

Premises: Bar 28, 28 Birmingham Road, Sutton, B72 1QG

Premise Licence Number: 5373

Premise Licence Holder: Bad Lady LTD

Designated Premise Supervisor: Miss Laura Seymour

I am a Superintendent in West Midlands Police.

I am giving this certificate because I am of the opinion that the summary review procedure is necessary to ensure the licensing objectives are promoted expeditiously. Given the seriousness of the trigger incident on 22nd March 2024, in my opinion immediate steps are required that can best be achieved through the summary review procedures. Other steps available under the Licensing Act 2003, including a standard review application, cannot lead to the imposition of immediately effective steps to promote the licensing objectives and so these are inadequate. I view this application as a proportionate and necessary response to the serious incident at the venue.

On Friday 22nd March the venue was open and trading. Staff were serving drinks and the venue was busy.

At approximately 23:15 a disorder takes place inside the venue. Groups leave the venue and there are a large number of people on the pavement outside the venue, disorder continues outside. A vehicle is driven into the crowd which resulted in a male getting a serious leg injury. This has been crimed as a Section 18 of The Offences Against The Persons Act. 1861.

In coming to my opinion, I have had regard to the facts of the incident and current investigation, the track record of the premises, the terms of section 53A of the Licensing Act 2003 and Chapter 12 ("Summary Reviews") of the Guidance issued under section 182 of the Licensing Act 2003 (December 2022 revision).

Signed

SUPERINTENDENT PAUL

2923

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BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE - C

WEDNESDAY 27 MARCH 2024

BAR 28, 28 BIRMINGHAM ROAD, SUTTON COLDFIELD, WEST MIDLANDS, B72 1QG

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 (as Amended by the Violent Crime Reduction Act 2006) for an expedited review of the premises licence held by Bad Lady Ltd in respect of Bar 28, 28 Birmingham Road, Sutton Coldfield, West Midlands, B72 1QG 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 receipt of the Chief Officer of Police's certificate and application for an expedited review.
- Miss Laura Seymour be removed as the Designated Premises Supervisor.

The Sub-Committee exercised its power to hold part of this summary review hearing in private in accordance with regulation 14 of the Licensing Act 2003 (Hearings Regulations 2005) because there is an ongoing criminal investigation, the integrity of which ought reasonably to be protected at this time.

The Sub-Committee's reasons for imposing these interim steps are that they accept the advice and opinion of West Midlands Police in relation to the events inside and immediately outside the premises on the night of Friday 22nd March 2024.

It is clear that on the night in question the premises was being traded for licensable activities over an hour after the last permitted time for the supply of alcohol. At a time when the premises should have been winding down to its closure time, alcohol was still being served across the bar and the premises as a result remained busy with customers.

A disorder in which some violence occurred began inside the premises and spilled outside. A crowd followed the disorder outside and many patrons took glasses with them outside into the street. A few minutes later a patron was run down by a car outside the premises, in the Police's opinion with intent by the driver to do him serious harm. The person who was run down received serious leg injuries.

The Sub-Committee has considered all of the representations made today by the Police in support of the application and on behalf of the Premises Licence Holder.

The Sub-Committee took into account the representations today from two directors of the company that holds the premises licence. They explained that they had held the licence for nearly 18 months and not had any problems of this type before. They accepted that the premises was supplying alcohol after permitted hours on the night in question. The explanation given was that there was a lack of staff training and the DPS who was not on the premises had delegated authority to supply alcohol to a relatively new member of staff who had received minimal training from them. It was further stated that the normal clientele was over 30 years of age but on the night of the disorder a much younger and larger crowd had unexpectedly attended. It was accepted that glasses had been taken out of the premises by customers in the absence of any door supervisors, who had not previously been needed. It was emphasised that the emergency services had been called and the injured person had been taken to hospital by a director who had quickly attended on being notified of the incident. CCTV was provided to the Police to assist in their investigation. Apologies for the problems that occurred were offered to the Sub-Committee and there was some acceptance of the need for better training and management practices going forwards.

The Sub-Committee finds that there is a clear causal link between the management failures of the Premises Licence Holder and the Designated Premises Supervisor on the night in question, and the serious failure to promote the prevention of crime and disorder licensing objective that occurred. Both the PLH and DPS appeared ill-equipped to properly assess the risk of the licensing objectives not being promoted before the incident in question and design implement and enforce suitable measures to control those risks. The premises had a simple licence broadly suitable for its permitted alcohol hours, and early closing time, yet was being traded as a much higher risk late night bar on the night.

It seemed to the Sub-Committee that management failures led to not only unlicensed supplies of alcohol on the night but a wholesale lack of risk assessment and protective measures being in place to reduce the risk of crime and disorder. The Sub-Committee was very concerned that the premises were being traded in such a way absent any effective or responsible management control.

While the concessions made by the Premises Licence Holder's representatives are welcomed as to events, on the night in question, the Sub-Committee has no confidence in their ability to adequately promote the licensing objectives at this time. This hearing has been heard on the eve of the coming Easter bank holiday weekend when the premises is bound to be put under similar pressure to that which occurred last Friday night. Accordingly, the licence must be suspended and the DPS removed as interim steps pending a full review. These steps are necessary and proportionate to the information provided to the Sub-Committee at this time.

The Sub-Committee considered whether to exercise its powers to impose some lesser step including a shorter-term suspension, and/or the modification of permissions or conditions on the licence but did not consider that any lesser step was adequate to meet their concerns as to the risk of the licensing objectives not being promoted and further serious crime or disorder occurring.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, and the submissions made by the police (and the premises licence holder) 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 Licensing Service
Representation as a responsible authority in respect of Premises Licence no. 5373 granted
under the Licensing Act in respect of premises known as
Bar 28, 28 Birmingham Road, Sutton Coldfield, West Midlands, B72 1QG

Introduction

The Chief Constable of West Midlands Police has requested an expedited review and that in his opinion the premises Bar 28, 28 Birmingham Road, Sutton Coldfield, West Midlands, B72 1QG are associated with serious crime following an incident on 22nd March 2024 whereby a large scale disorder has taken place inside and outside the premises. The licence is currently suspended pending a review of the licence.

The current Premises Licence Holder – Bad Lady Limited, 340 Aldridge Road, Streetly, B74 2DT
 Designated Premises Supervisor – Miss Laura Seymour (Personal Licence no.160745 issued by Birmingham City Council)

The licence currently authorises the following licensable activities:-

Sale of alcohol by retail

And permits this licensable activity to take place between

Monday – Sunday 11:00 - 22:00

Opening hours of the premises

Monday – Thursday 11:00 - 22:30

Friday – Sunday 11:00 - 23:30

Annex 2 – Conditions consistent with operating schedule

The licensing objectives have been carefully considered taking account of the premises and their location. The proposed premises will promote the licensing objectives in accordance with the Section 182 Guidance. The Premises will operate in accordance with all relevant legislation.

CCTV that is approved by West Midlands Police will be fitted in the premises. Images will be retained for a period of at least 31 days and will be made available to any of the responsible authorities to view or copies produced on request. If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request.

The premises will operate a Challenge 25 Policy.

Staff involved in the sale of alcohol are to be trained under the Licensing Act 2003 prior to being allowed to sell/supply alcohol. All training is to be documented and signed off by the Premises Licence Holder and the trainee. All records are to be made available to any of the responsible authorities on request. Staff involved in the sale / supply of alcohol are to receive documented refresher training every six months.

Contracts with third party delivery companies are to be on site and are to be made available to any of the responsible authorities on request.

The Premises Licence Holder is to have a documented Alcohol Policy to indicate that all third party delivery companies have trained their staff under the Licensing Act 2003. The Alcohol Policy is also to cover how age restricted products are sold on-line and the checks that are to be made. This policy is to be made available to any of the responsible authorities on request. Prior to working any third party delivery company must sign and date the Alcohol Policy to indicate their agreement to adhere to it. Details of every delivery of alcohol is to be recorded including the identity of who it was delivered to and the identity of the deliverer. This data is to be made

available to any of the responsible authorities within twenty-four hours of it being requested. The training document used by any third party involved in delivery detailing Licensing Act training is to be signed off by the DPS and/or the Premises Licence Holder to show that it satisfies their training requirements for the promotion of the Licensing Objectives. Any refusal to supply at the point of delivery is to be documented in the refusals log.

The Premises will be adequately ventilated to prevent nuisance. Notices will be displayed at the premises requesting customers to respect the needs of nearby residents and to leave the premises and the area quietly.

The outdoor area will be usable only by those purchasing food from the Premises and will be closed and cleared of customers by 22:00. Noise levels will be monitored and customers requested to minimise noise to prevent noise nuisance.

The movement of bins and rubbish outside the premises will be kept to a minimum. Arrangements will be made for the storage and disposal of refuse which do not cause a nuisance.

The premises will operate in accordance with all relevant legislation which promotes the public safety objectives including, but not limited to the Health and Safety at Work etc Act 1974 and associated regulations, the Food Safety Act 1990, the Regulatory Reform (Fire Safety) Order 2005 and the Equality Act 2010. The necessary fire safety precautions will be installed and maintained.

The Premises will liaise and co-operate with the Responsible Authorities. Staff will be trained to observe the measures necessary to promote the protection of children objective. Non-alcoholic drinks will be available.

Background

Bar 28 is a sports bar which is set over 2 floors, having an interactive dart game upstairs. It has been trading for around 18 months. The premises was a former restaurant and the Premises Licence was transferred to the current business. The conditions on the licence were agreed originally with the premises being a restaurant.

On 22nd March 2024 the premises were open and still trading with licensable activities taking place (sale of alcohol) at 23.15 hours when a large scale disorder occurred inside the premises. The disorder spilled outside the premises and a large crowd of people congregated. This resulted with a vehicle being driven at the crowd outside the premises and a young person being left with a serious leg injury.

The premises were clearly in breach of their conditions of licence in respect of carrying on licensable activities (sale of alcohol) after 22:00 hrs and this subsequently resulting in a serious crime taking place.

It has now come to light that Bar 28 have advertised various social media events where the event hasn't even started until 21:30 hrs. Bar 28 have also advertised on their website as being open until 12.00am. This suggests that the above breach of selling alcohol past their licensing hours is not a 'one off' and this has been a regular occurrence.

On 26th March 2024 a complaint was received by Licensing Enforcement from a member of the public alleging that the premises had been opening after midnight with lots of people drinking inside and outside the premises on the main road. People were arriving at the premises when all other venues were closed. It is alleged by the complainant that the premises are regularly open after midnight with lots of people drinking outside on the main road and inside the premises too. The complainant stated "It is a hotspot for large groups gathering outside drinking in the main road. People arrive there in taxis late when all other premises are closed. There are glasses and bottles from the premises strewn up the road and smashed on the pavement."

The complainant also states that on Friday 22nd March 2024 her husband had been walking their dog when he witnessed huge crowds gathered outside Bar 28 on the main Birmingham Road around 11:15 pm / 11:30 pm. Someone from the bar told him that many of the people outside were

running up and down and onto the main road and that cars were speeding up and down the road in some sort of chase. One person being hit by a car and suffering a broken ankle and taken to hospital.

The complainant has described the place as a magnet for late night drinking and large groups congregating outside.

Licensing Matters identified

Premises Licence Holder

Section 136 of the Licensing Act 2003 – A person commits an offence if they carry on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with a relevant authorisation.

Bad Lady Limited has been the Premises Licence Holder throughout this investigation and have accepted that licensable activities (sale of alcohol) was taking place on 22nd March 2024 over an hour past their licensable hours. Evidence also suggests that this was not a 'one off' and there has been a regular occurrence of the premises being open and selling alcohol passed their licensable hours.

The Designated Premises Supervisor Laura Seymour would have been required to undertake training in order to obtain her Personal Licence and therefore should be fully aware of any obligations under the Licensing Act to ensure licence objectives are being met and conditions complied with. Ms Seymour was not on duty on 22nd March 2024 and Company Directors have stated during the expedited review hearing that there was a lack of staff training and the DPS had delegated authority to supply alcohol to a relatively new member of staff who had received minimal training from them.

A condition on the licence states "Staff involved in the sale/supply of alcohol are to be trained under the Licensing Act 2003 prior to being allowed to sell / supply alcohol. All training is to be made available to any of the responsible authorities on request. Staff involved in the sale / supply of alcohol are to receive documented refresher training every six months. If this condition had been complied with there wouldn't have been a lack of staff training and Ms Seymour shouldn't have delegated authority to a member of staff who had only received minimal training from them.

Licensing Enforcement Team Recommendations to the Licensing Committee

As a Licensing Authority Birmingham City Council must carry out its licensing functions with a view to promoting the licensing objectives contained in the Act. The Act is clearly intended to prevent crime and disorder in relation to premises, as well as deter and prevent unscrupulous persons from operating illegally under the authorisation of a premises licence.

Due to the serious nature of this matter, West Midlands Police sought for an expedited review which resulted in the premises currently being closed.

Birmingham City Council Licensing Enforcement supports West Midlands Police in their request for a review of the Premises Licence. There are serious concerns around the licensing objectives not being met, in particular the prevention of crime and disorder, public safety and the prevention of public nuisance. During the expedited review hearing the premises licence holder did accept that the premises was supplying alcohol after permitted hours on the night in question. They gave an explanation as there being a lack of staff training and the DPS who wasn't on the premises delegating authority to an inexperienced member of staff with minimal training. Again, this shows total disregard to upholding the licensing objectives and has put the premises into a higher risk category by remaining open and selling alcohol later than their licence allows.

Licensing Enforcement have no confidence in the Premises Licence Holder upholding the licensing objectives and recommend revocation of the licence.



Licensing Act 2003

Premises Licence

Premises Licence Number	5373
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description Bar 28, 28 Birmingham Road, Sutton Trinity, Sutton Coldfield, B72 1QG
Telephone Number

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence Sale of Alcohol by Retail

Times the licence authorises the carrying out of licensable activities

<u>Sale of Alcohol by retail:</u>		
<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	11:00	22:00
Tuesday	11:00	22:00
Wednesday	11:00	22:00
Thursday	11:00	22:00
Friday	11:00	22:00
Saturday	11:00	22:00
Sunday	11:00	22:00

Place: Seasonal Variations: Non-Standard Times:
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<u>The opening hours of the premises</u>		
<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	11:00	22:30
Tuesday	11:00	22:30
Wednesday	11:00	22:30
Thursday	11:00	22:30
Friday	11:00	23:30
Saturday	11:00	23:30
Sunday	11:00	23:30
Seasonal Variations:		
Non-Standard Times:		

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<p>Where the licence authorises supplies of alcohol whether these are on and /or off supplies For consumption on and off the premises</p>

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Bad Lady Limited

Registered number of holder, for example company number, charity number (where applicable)

Company Number: 14359327

Name and address of designated premises supervisor where the premises licence authorises the supply of alcohol

Laura Seymour

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: 160745

Issuing Authority: Birmingham City Council

Dated 23-01-2023

Bhupinder Nandhra
Senior Licensing Officer
For Director of Regulation & 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: 1/2 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 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

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place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

The licensing objectives have been carefully considered taking account of the premises and their location. The proposed premises will promote the licensing objectives in accordance with the Section 182 Guidance. The premises will operate in accordance with all relevant legislation.

CCTV that is approved by West Midlands police will be fitted in the premises. Images will be retained for a period of at least 31 days and will be made available to any of the responsible authorities to view or copies produced on request. If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request. The premises will operate a Challenge 25 Policy Staff involved in the sale of alcohol are to be trained under the Licensing Act 2003 prior to being allowed to sell/ supply alcohol. All training is to be documented and signed by the Premises License Holder and the trainee. All training records are to be made available to any of the responsible authorities on request. Staff involved in the sale/ supply of alcohol are to receive documented refresher training every six months. Contracts with third party delivery companies are to be on-site and are to be made available to any of the responsible authorities on request. The Premises License Holder is to have a documented Alcohol Policy to indicate that all third party delivery companies have trained their staff under the Licensing Act 2003. The Alcohol Policy is also to cover how age restricted products are sold on-line and the checks that are to be made. This policy is to be made available to any of the responsible authorities on request. Prior to working any third party delivery company must sign and date the Alcohol Policy to indicate their agreement to adhere to it. Details of every delivery of alcohol is to be recorded including the identity of who it was delivered to and the identity of the deliverer. This data is to be made available to any of the responsible authorities within twenty-four hours of it being requested. The training document used by any third party involved in delivery detailing Licensing Act training is to be signed off by the DPS and/or the Premises License Holder to show that it satisfies their training requirements for the promotion of the Licensing Objectives Any refusal to supply at the point of delivery is to be documented in the refusals log.

The premises will be adequately ventilated to prevent nuisance. Notices will be displayed at the premises requesting customers to respect the needs of nearby residents and to leave the premises and the area quietly. The outdoor area will be usable only by those purchasing food from the Premises and will be closed and cleared of customers by 22.00. Noise levels will be monitored, and customers requested to minimise noise to prevent noise nuisance. The movement of bins and rubbish outside the premises will be kept to a minimum. Arrangements will be made for the storage and disposal of refuse which do not cause a nuisance.

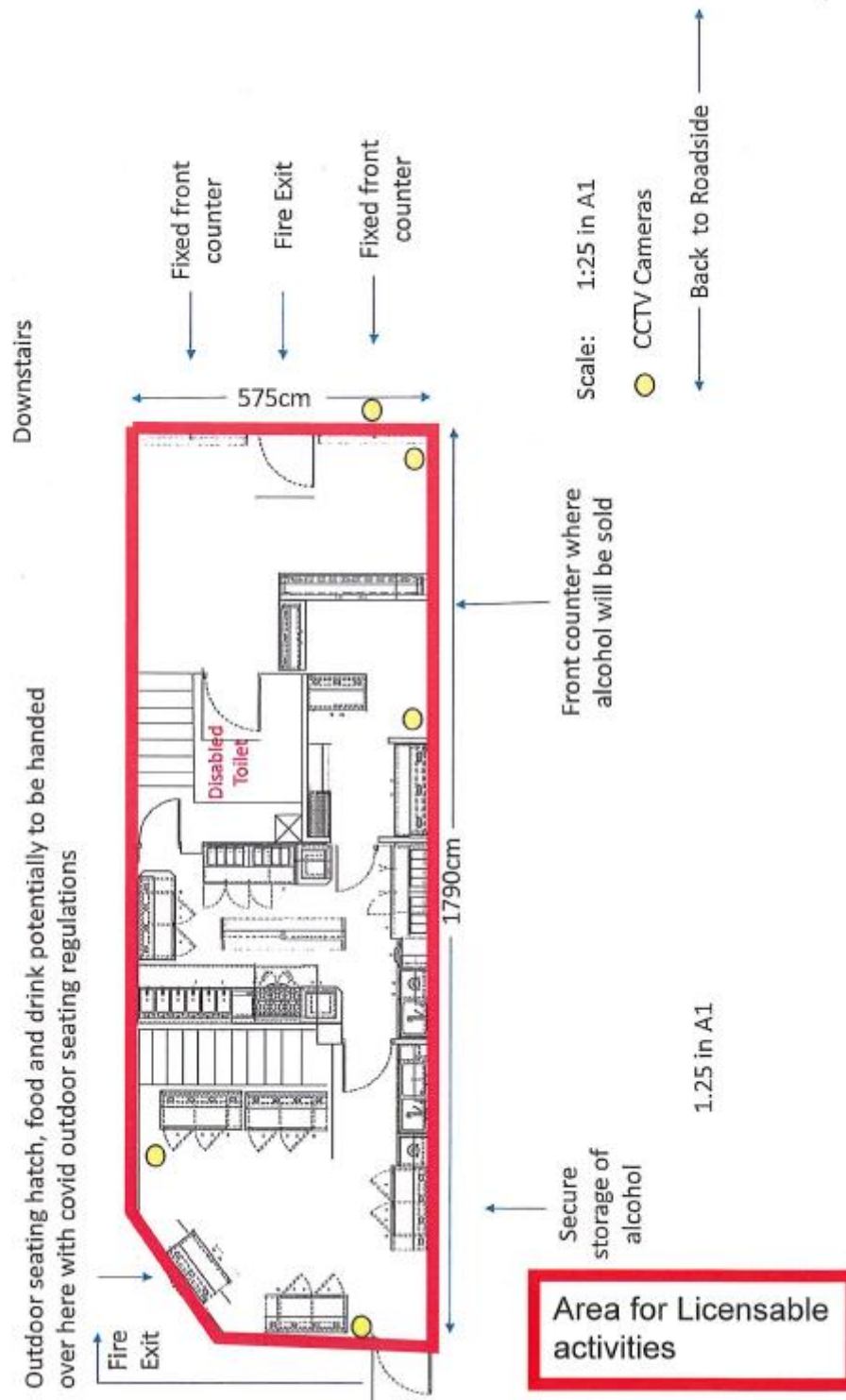
The premises will operate in accordance with all relevant legislation which promotes the public safety objective including, but not limited to, the Health & Safety At Work etc. Act 1974 and associated regulations, the Food Safety Act 1990, the Regulatory Reform (Fire Safety) Order 2005 and the Equality Act 2010. The necessary fire safety precautions will be installed and maintained.

The premises will liaise and co-operate with the Responsible Authorities. Staff will be trained to observe the measures necessary to promote the protection of children objective. Non-alcoholic drinks will be available:

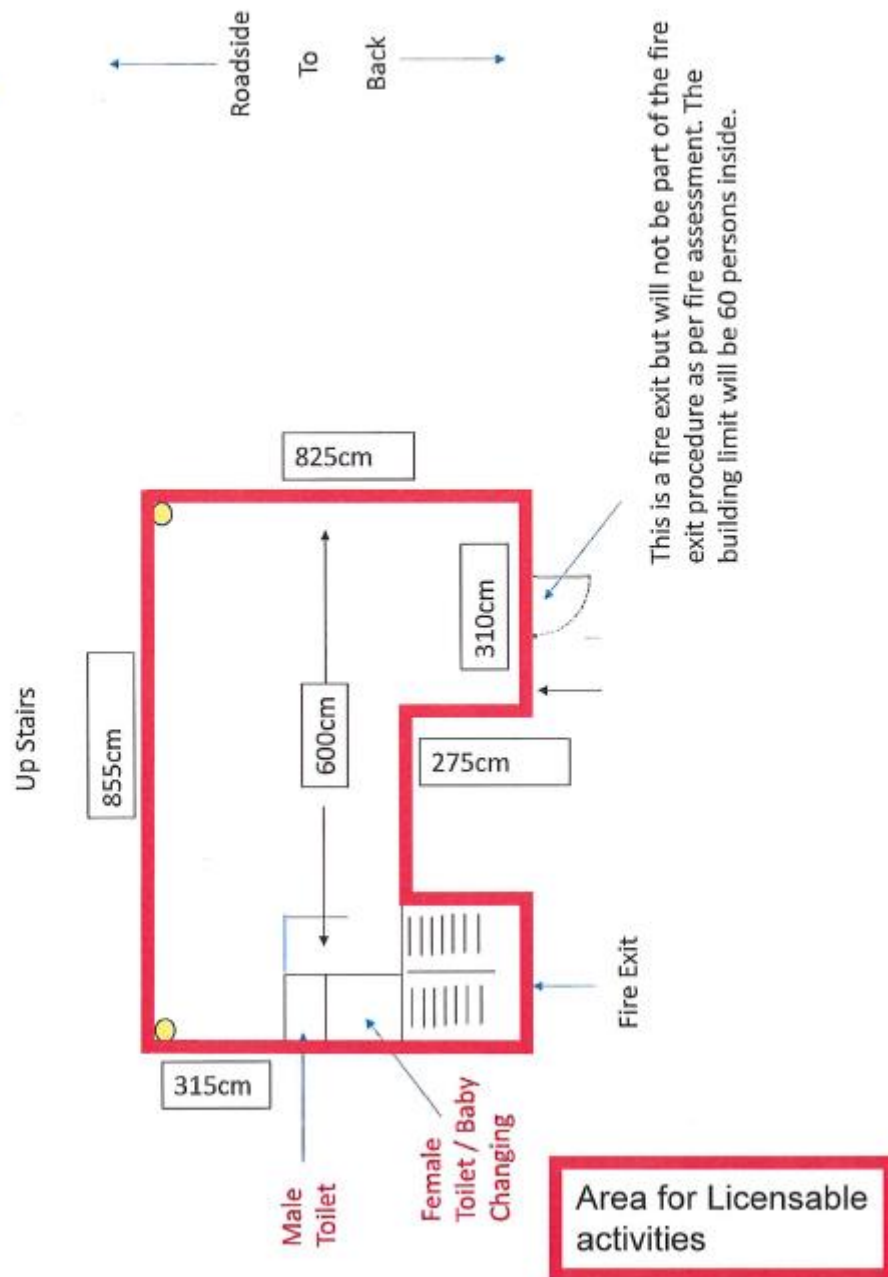
Annex 3 – Conditions attached after a hearing by the Licensing Authority

N/A

Annex 4 – Plans

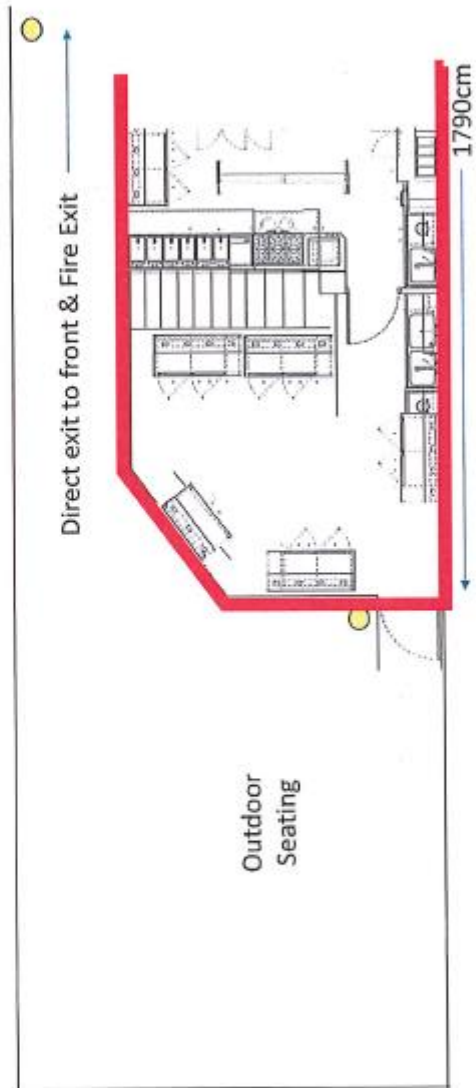


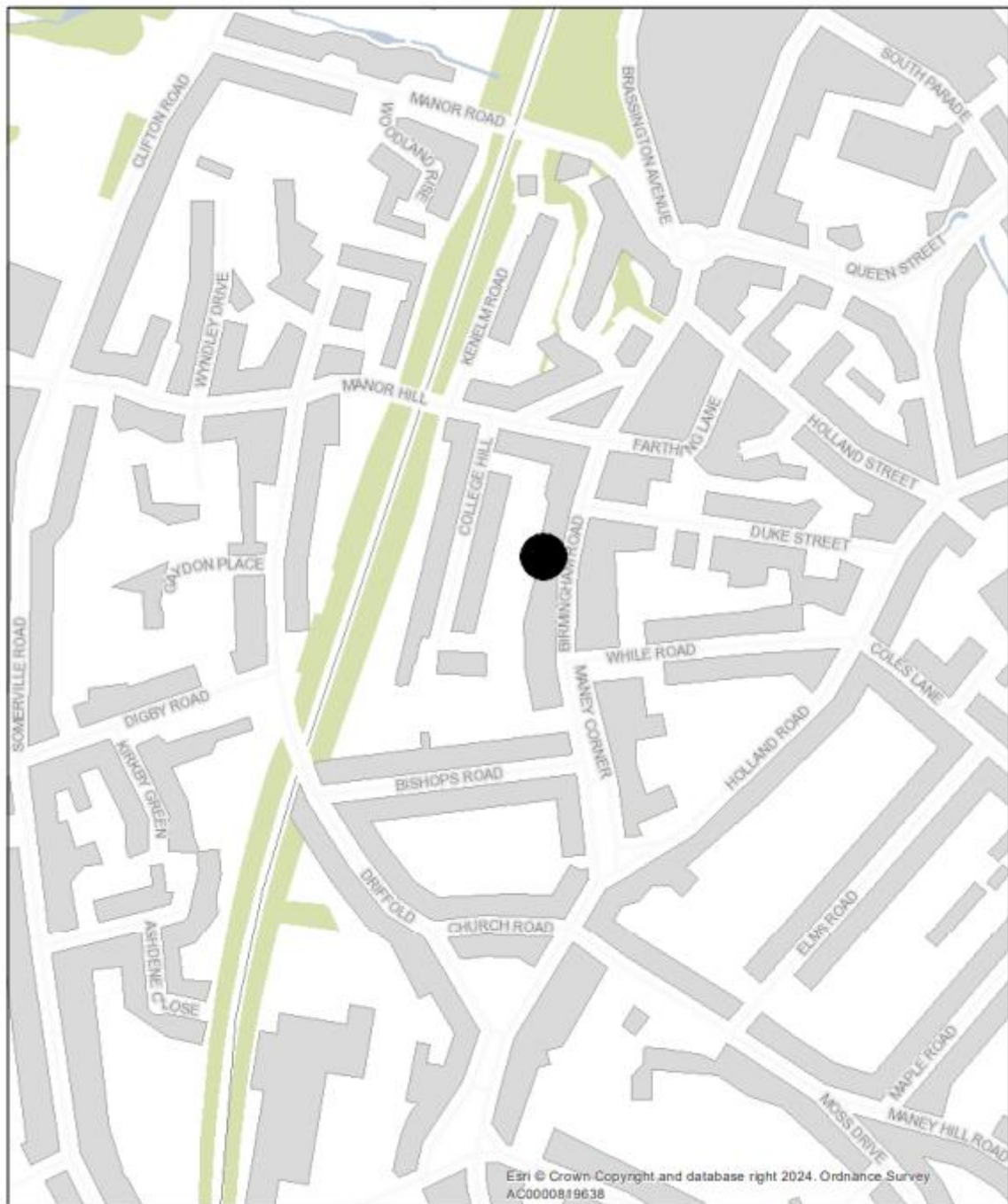
● CCTV Cameras

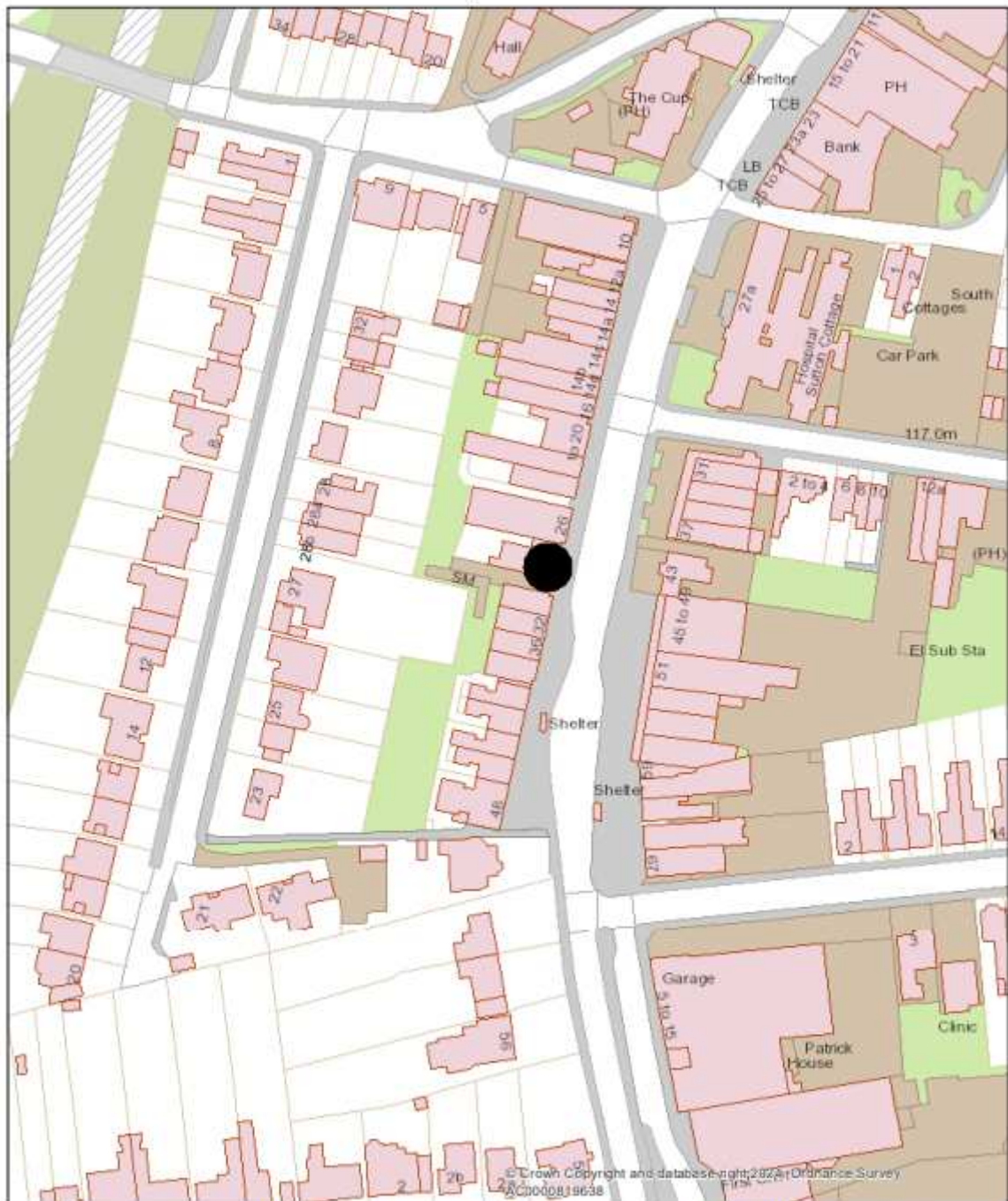


● CCTV Cameras

Outdoor Seating







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