

Supporting documents submitted by the premises licence holders legal representative in respect of the interim steps meeting to be held on Monday 18 November 2024 at 10am.

From: Duncan Craig <dcraig@st-philips.com>

Sent: 17 November 2024 13:01

To: Licensing <licensing@birmingham.gov.uk>

Cc: bw_licensing <bw_licensing@westmidlands.police.uk>

Subject: RE: Licensing Act 2003 - Section 53A Expedited Review RE: Nox Bar (Formerly trading as TMRW), Units E1 – E5, The Arcadian, 70 Hurst Street, Birmingham B5 4TD

Dear Licensing

I write further to tomorrow's hearing in relation to the representation against interim steps. I represent the licence holder.

The licence holder has been in discussions with West Midlands Police about this review application since the licence was suspended and the conditions that have been proposed by WMP are agreed save for the last entry time. West Midlands Police have indicated to the licence holder that they will not agree to a last entry time later than 01:30am, however the premises will be suggesting an hour later would be more appropriate. This will obviously be ventilated at tomorrow's hearing. Otherwise, there is an agreed position on what is appropriate at this stage in relation to the interim steps.

On 6th November, as well as the premises licence being suspended, the DPS was also removed. The licence holder will not be inviting Members to reverse that step, and they have identified a replacement DPS whose personal licence is attached to this email. Unfortunately, Jenna works at a school in the day and will therefore be unable to attend tomorrow's hearing at such short notice.

Please find photos of the new ID scanner and knife arch that the premises has secured since the licence was suspended, as well as the barrier that has been erected at the perimeter of the premises in the last week. Please also find attached copies of policies required by way of the WMP proposed conditions.

Please could these documents be distributed as appropriate in advance of the hearing.

I have copied WMP into this email.

Many thanks.

Kind regards,

Duncan Craig

Barrister

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St Philips Barristers are regulated by the Bar Standards Board.

DUNCAN CRAIG



Sandwell

Metropolitan Borough Council

Licensing Act 2003 - Personal Licence

Jenna Leigh Wilde

The holder of this licence is authorised to sell or supply alcohol or to authorise the sale or supply of alcohol in accordance with a Premises Licence granted under the Licensing Act 2003

Licence No: 23/000057/LAPER



Nox Bar

Vulnerability Policy

There are a number of bespoke policies that address vulnerability in Nox Bar's operating schedule. All are designed to address the 4 licensing objectives of

- Prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

The consumption of alcohol raises the risk level attached to each of the objectives and the following policies, to be read as part of the vulnerability policy, are designed to address the vulnerabilities of both customers and staff.

These policies are.

- Risk Assessments
- Drugs policy.
- Drink spiking.
- Search policy.
- Ask Angela/Wave training.
- The use of an ID scanner.
- The employment of SIA security staff.
- Age verification.
- Comprehensive use of CCTV.

Risk assessments are required for events. These assessments will identify events that have the potential to cause problems. The venue will refuse to agree to an event if problems are identified during the process. The venue operators will also listen to police advice on any particular event and act upon the advice. All individuals that apply to hold an event will have to provide suitable ID and there will be a social media review on all available material.

Drug policy provides information for staff working at the venue and the measures to be adopted to prevent the use of illegal substances in the venue. The policy also highlights the right to refuse entry if an individual is suspected to be under the influence of a controlled substance.

Drink spiking is a clear vulnerability for customers in any venue. Drink testing kits are readily available at the bar for any customer to test the content of the glass. Notices throughout the venue highlight the issue and the availability of testing kits.

The search policy protects both staff and customers. Customers are searched during the hours that have been identified to reduce the potential for illegal substances and weapons being taken into the venue. This policy will be carried out by authorised SIA staff employed by the venue.

There is an age verification policy that is supported by the use of an ID scanner.

The venue is comprehensively covered by CCTV and the system has been signed off by Birmingham City's licensing departments. Notices informing customers that the venue is covered by CCTV will be displayed at the entrance to the venue and at other key locations.

ASK ANGELA/WAVE TRAINING

Welfare And Vulnerability Engagement (WAVE) training aims to create awareness of vulnerability, their responsibilities and how to deal with it.

This training will be part of Nox Bar's staff training to increase the skills, knowledge, and confidence to identify vulnerability at the venue and making appropriate interventions.

The WAVE training is based upon 5 key principles.

- Preventing and reducing violent crime linked to the licensed economy.
- Preventing and reducing sexual offences
- Reducing preventable injury linked to alcohol and drug use in the licensed economy.
- Reducing opportunities for criminal activity and anti-social behaviour in licensed premises
- Promoting partnerships and engagement with communities and key stakeholders in the licensed economy.

ASK ANGELA

Staff training will include the use of the code phrase 'Ask Angela'. Staff will be trained to support people who feel unsafe, vulnerable, or threatened. The use of the phrase will prompt members of staff to support and assist any customer seeking help.

Signage highlighting the scheme will be prominently displayed throughout the venue.

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Nox Bar

Search Policy

1. We operate a zero-tolerance policy on drugs and weapons and anybody found in the possession of drugs or weapons will be refused entry.
2. This search policy has been created to reinforce the 4 licencing objectives.
 - The prevention of crime and disorder.
 - Public safety.
 - The prevention of public nuisance.
 - The protection of children from harm.
3. A sign highlighting the search policy as a condition of entry will be clearly displayed at the entrance to the venue and in the bar area. The sign will state: “To provide our patrons with safe and comfortable surroundings, we will request permission to search people entering these premises as a condition of entry. Thank you for your cooperation”.
4. The venue will be searched daily prior to the evening opening to ensure that people have not secreted weapons or illegal substances during the day prior to any evening function.
5. Entry into the premises is conditional upon a search prior to entry.
6. Searching will take place after customers have passed through the ID scanner to ensure that details are captured of any individual found to be carry a weapon or suspected illegal substances. This will provide ‘best evidence’ for any potential police investigation.
7. The area where searches take place will be covered by CCTV.
8. Searches will be carried out by qualified SIA door staff. There should always be 2 staff present to protect against any potential allegation. At least one member of SIA staff will wear a body warn camera.
9. How to perform the search:

- The search must be conducted by a member of staff or door staff. Females will be searched by female staff, males by male staff.
- You must request permission from customers to conduct a search. If the customer refuses, they should be automatically denied entry/ejected.
- You should not open customers' bags; the customer must open their own bags, coats and empty out their own pockets at your request.
- All searches should take place with a witness present preferably in an area with CCTV coverage.

10. The Venue's knife arch will be used to detect any concealed items and all bags will be searched.

11. Items confiscated during any search will be securely retained, logged against any CCTV record or ID scanner detail, and retained until collected by the police.

Nox Bar

Dispersal policy

1. The music volume will be lowered within the last 20 minutes prior to closing.
2. There will be an announcement over the PA system asking guests to leave quickly, quietly and to respect the venue's neighbours.
3. Door supervisors will endeavour to control a slow stream of customers and guests leaving the venue.
4. Door supervisors will be proactive about dispersal of groups of people outside the venue.
5. Guests will be encouraged to leave the area quickly and quietly.
6. Door supervisors will patrol the street outside the venue to ensure customers and guests leave the area quietly. Any customers and guests causing noise or disturbance will be asked to be quiet. Those that do not will be refused entry in the future.
7. As customers leave and the venue empties, door supervisors from inside the venue will be posted outside to assist with dispersal, as appropriate.
8. Guests will not be allowed to take drinks with them as they leave. Security will be posted at the exit to prevent this happening.
9. A taxi service will be available to guests.
10. The tempo of music will be slowed down and the volume will be lowered gradually at the end of the night to encourage guests exit in a calm manner.
11. The brightness of the lighting inside will be increased gradually as part of a 'cooling off' period.
12. Notices will be prominently displayed at exits requesting the guests to respect the needs of local residents and to leave the venue and the area quietly









NOX BAR

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