

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee B</b>
<b>Report of:</b>	<b>Director of Regulation and Enforcement</b>
<b>Date of Meeting:</b>	<b>Tuesday 23<sup>rd</sup> April 2024</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Summary Review</b>
<b>Premises:</b>	<b>The Belle View, 289 Icknield Port Road, Edgbaston, Birmingham, B16 0AG</b>
<b>Ward affected:</b>	<b>North Edgbaston</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 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 representations 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 26<sup>th</sup> March 2024 in respect of The Belle View, 289 Icknield Port Road, Edgbaston, Birmingham, B16 0AG.

Representations have been received from two responsible authorities.

### 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.

<p><b>5. Relevant background/chronology of key events:</b></p> <p>On 26<sup>th</sup> 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 Andrea Murray in respect of The Belle View, 289 Icknield Port Road, Edgbaston, Birmingham, B16 0AG.</p> <p>The application was accompanied by the required certificate, see Appendix 1.</p> <p>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.</p> <p>Licensing Sub-Committee C met on 27<sup>th</sup> March 2024 to consider whether to take any interim steps and resolved that the licence be suspended, and that Andrea Murray be removed as the Designated Premises Supervisor (DPS), pending the review of the licence. A copy of the decision is attached at Appendix 2.</p> <p>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 12<sup>th</sup> April 2024.</p> <p>A representation, including supporting documents, has been received from Birmingham City Council Licensing Enforcement as a responsible authority. See Appendix 3.</p> <p>A representation has been received from Public Health as a responsible authority, which is attached at Appendix 4.</p> <p>A copy of the current Premises Licence is attached at Appendix 5.</p> <p>Site location plans are attached at Appendix 6.</p> <p>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: -</p> <ol style="list-style-type: none"> <li>The prevention of crime and disorder;</li> <li>Public safety;</li> <li>The prevention of public nuisance; and</li> <li>The protection of children from harm.</li> </ol>
<p><b>6. List of background documents:</b></p> <p>Review Application and Certificate from West Midlands Police, Appendix 1</p> <p>Sub-Committee Interim Steps Meeting decision 27<sup>th</sup> March 2024, Appendix 2</p> <p>Copies of the representations from Birmingham City Council Licensing Enforcement and Public Health, Appendices 3 &amp; 4</p> <p>Current Premises Licence, Appendix 5</p> <p>Site location plans, Appendix 6</p>

**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 27<sup>th</sup> 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

**I - Superintendent 2923 Paul Minor**

**(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: The Belle View.**

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

289, Icknield Port Road, Rotton Park.

Post Town: **Birmingham**

Post Code (if known): B16 0AG

**2. Premises Licence details:**

Name of premise licence holder (if known):

Ms Andrea Coleen Tracy-Ann Murray.

Number of premise licence (if known):

4773.

**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)

x



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

The Belle View is a licensed premises situated at 289, Icknield Port Road, Rotton Park, Birmingham. B16 0AG. The premises license holder and designated premises supervisor is Mrs Andrea Coleen Tracy-Ann Murray.

The premises is licensed to sell alcohol for consumption on the premises between the hours of 1200 and 2300 hours on each day of the week. The smoking area should also cease at 2300 hours each day of the week. CCTV should be made available to the Police on request. The sale of alcohol should be ancillary to food and music should be at a background level only. The premises license does not specify for regulated entertainment to be provided.

At approximately 2344 hours Friday 22<sup>nd</sup> March 2024 the premises were open and conducting licensable activity.

At this time an incident occurred whereby a male has been attacked in the smoking area of the premises by a group of eight persons three of whom were armed with machetes. The male has sustained a cut to his left hand and bruising under his right eye. At this time the premises should have stopped all licensable activity and the smoking area should not have been in use. If this had been the case then this incident would not have occurred. The victim had attended the premises to play pool and socialise with friends and clearly regulated entertainment was being provided as the victim had attended the smoking area with the DJ from the premises and he had not had food at the premises. After the incident the people left the premises of their own accord and no staff appear to have intervened to stop the incident. The premises have not called the emergency services.

This matter is a wounding with intent which is a serious crime by virtue of the maximum sentence on conviction being life imprisonment.

West Midlands Police have serious concerns for the promotion of the licensing objectives at this premises. A largescale disorder has taken place in the premises and the staff have failed to either intervene to prevent it or to summon help from the emergency services.

West Midlands Police have no confidence in the management of the premises. The lack of confidence in the management is compounded by the premises carrying out licensable activity in breach of the premises license by serving after time and by not ensuring that the smoking area was clear of members of the public by the time specified in the operating conditions of the premises license. Had these things been done then this incident would not have occurred. CCTV could not be made available to the police on request who were investigating the incident. Alcohol was not being sold as ancillary to food and music was not at a background level.

This is such a serious incident and breach of the licensing objectives that West Midlands Police would request that the premises license is suspended and the Designated Premises Supervisor is removed.

Signature of applicant:



Date: 26.3.24

Rank/Capacity: Superintendent Paul Minor

Contact details for matters concerning this application: BW Licensing

Address: Licensing Dept c/o Birmingham West and Central Police Station, 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: The Belle View,**

**Premise Licence Number: 4773**

**Premise Licence Holder: Ms Andrea Coleen Tracy-Ann Murray.**

**Designated Premise Supervisor: Ms Andrea Coleen Tracy-Ann Murray.**

**I am a Superintendent in West Midlands Police.**

I am giving this certificate because I am in the opinion that the procedures under the Licensing Act are inappropriate in this case because the standard review procedures are thought to be inappropriate due to the seriousness of the crime, and the serious management failings of the premises concerned. The actions of the management and staff involved in the premises where this incident has occurred casts serious doubt on their abilities to promote the licensing objectives.

In this incident at 2344 hours Friday 22.3.24 hours a person was attacked by a group of around 8 persons 3 of whom were armed with machetes. This person sustained injuries which were a cut to his left hand and a bruise under his right eye. This occurred in the smoking area where the person had gone with the DJ from the premises. The premises has operating conditions to finish licensable activity at 2300 hours, the smoking area to be not used after 2300 hours, for alcohol to be ancillary to food, for music to be background music only and for CCTV footage to be made immediately available to the Police.

Wounding with intent is a serious crime by virtue of the maximum sentence being life imprisonment if a person is found guilty of this offence and warrants the use of this power. The offence has been committed in the presence of staff at the premises who are in a position of trust in the premises with a duty to promote the safety of the public and to prevent crime and disorder which they have failed to do. The staff at the premises are also in breach of the operating conditions of the premises license.

I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstances due to the above reasons, and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient. The severity of the incident is a matter that needs to be brought to the attention of the Licensing Committee immediately. I am conscious of the guidance on the use of "Expedited Reviews" and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

Signed

Superintendent 2923 Minor.





**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB COMMITTEE - C**

**WEDNESDAY 27 MARCH 2024**

**BELLE VIEW, 289, ICKNIELD PORT ROAD, BIRMINGHAM, B16 0AG**

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 Ms Andrea Coleen Tracey-Ann Murray in respect of The Belle View, 289, Icknield Port Road, Birmingham, B16 0AG this Sub-Committee determines:

- 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.
- Ms Andrea Coleen Tracey-Ann Murray be removed as the Designated Premises Supervisor.

The Sub-Committee has listened carefully to the representation of the Police and Premises Licence Holder in writing and at the hearing today.

It is clear that a serious incident of crime and disorder occurred on the night of 22<sup>nd</sup> March 2024 in which violence occurred involving machetes on licensed premises. The Police state that at around 23.44hrs a person in the beer garden of the premises was attacked by around 8 persons three of whom were armed with machetes. This person received injuries including a cut to his left hand and bruising under his right eye. This occurred in the smoking area while this person was with the DJ from the premises. The licence requires licensable activities to cease at 23.00hrs, the smoking areas not to be used after 23,00 hrs, for alcohol supply to be ancillary to food, for music to be background only and for CCTV to be made immediately available to the Police.

The Premises Licence Holder and DPS made representations in response to the expedited review application today in person. It was emphasised that the premises had not had any serious problems before and that any complaints in the past had come from a residential neighbour.



The Premises Licence Holder explained that she was not present on the night in question due to family illness but had left a trusted member of staff in charge. She had not been told about the incident until the following Monday. She could only repeat what she had been told. She had understood the incident to have been less serious than the Police now say. She had not herself seen the CCTV because she lacked the technical skills to access it. To access the CCTV, she was reliant on the man who installed it and he had been unavailable then had family problems of his own. She was hoping he would be able to produce a copy of the CCTV today so that it could be given to the Police.

Having weighed up the representations given today the Sub-Committee prefers the position of the Police as to the events in question and accepts their concern that this incident occurred when breaches of the permissions and conditions on the premises licence were also occurring.

The Sub-Committee was also concerned that notwithstanding any technical difficulties with the CCTV, it is a condition on the licence that be produced immediately on request to the Police. It has still not been given to the Police five days after it was requested. The contents of that CCTV are likely to assist the Police in their investigation, help to promote the prevention of crime and disorder licensing objective, and may or may not assist the premises licence holder to confirm some of the assertions she has made today based on what she was told by her staff.

The Sub-Committee was concerned overall by what appeared to it to be a lax management style and resulting practices which were failing to promote the licensing objectives and had caused or contributed to a significant incident of crime and disorder on the premises.

Against the background of such a serious incident of crime and disorder the Sub-Committee is not satisfied that the premises licence holder can adequately promote the licensing objectives and at this time it is necessary and proportionate to suspend the licence and remove her as DPS in order to prevent crime and disorder occurring.

The Sub-Committee considered whether it could impose other interim steps including modification of licence conditions, exclusion of the sale of alcohol or other licensable activities, or removal of the Designated Premises Supervisor or a shorter suspension of a licence. The Sub-Committee did not believe however that any of these would address the totality of issues brought to their attention by the Police.

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.

**From:** Gary Callaghan  
**Sent:** Friday, April 12, 2024 9:56 AM  
**To:** Bhapinder Nandhra  
**Cc:** Licensing  
**Subject:** Expedited Review

RE: The Bellevue, 289, Icknield Port Road, Birmingham, B16 0AG  
Premises Licence No 4773

I wish to make a representation in support of the Police in respect of an expedited review of the above premises.

On Friday 22<sup>nd</sup> March 2024 at 23:44 hours a serious incident of violent disorder occurred; the incident happened after the time permitted for licensable activities . The Police have also identified other breaches of conditions attached to the Premises Licence during their enquires. This includes the Police not been given the CCTV footage 5 days after the request was made.  
Staff present at the time did not call the emergency services.

As such I have concerns that the Premises Licence Holder & DPS Andrea Coleen Tracey-Ann Murray's lax management style and that she cannot adequately promote the Licensing Act 2003 objectives . I share the Police concerns and have no confidence in the management of the premises.

Regards  
Gary

Gary Callaghan  
Licensing Enforcement Officer  
Birmingham City Council Licensing Enforcement

## Appendix 3 continued – Supporting Documents

**From:** Gary Callaghan  
**Sent:** Wednesday, April 17, 2024 10:32 AM  
**To:** Bhapinder Nandhra  
**Cc:** Licensing  
**Subject:** FW: Expedited Review

RE: The Bellevue, 289, Icknield Port Road, Birmingham, B16 0AG  
Premises Licence No 4773

Morning Bhapinder

Further to my email attached below:

I can advise from checks made on departmental computer records show several previous complaints made against the Belle View that I feel are relevant, that the committee members may wish to consider. The complaints made to Environmental Health and Licensing Enforcement relate to loud music emanating from the premises causing local resident a noise nuisance and this licensable activity was after the permitted hours attached to the premises 4773

The Premises have had 2 previous warning letters from Licensing Enforcement.

Job ref: WK/009040305 – Officer Shaid Ali letter 20/07/202018

Job ref: WK/010124386 – Officer Doug Wright letter 14/09/2021

Job ref: SR 23274 – Officer Lisa Woodward 21/11/2023 Verbal advice given.

### notes on LW job

Visited premises and met with Andrea as agreed. Discussed the complaint, Andrea confirmed an officer had previously visited her to discuss the noise nuisance, I asked if it was an Environmental Health Officer but she was unable to confirm.

Andrea confirmed that the premises closes at 23:00 everyday.

Andrea did discuss with me that when the H Suite have an event/function, the premises does benefit from the overflow of patrons who want another drink after the event has finished, again Andrea confirmed they premises does still close at 23:00.

Advised Andrea that EHO will be monitoring the premises, also advised that if noise issues do continue to be reported the premises is at risk of the licence being reviewed which could result in the licence being revoked, Andrea confirmed this isn't something she wants to happen so will monitor the noise levels.

Job closed, NFA.

Regards  
Gary

Gary Callaghan  
Licensing Enforcement Officer  
Birmingham City Council Licensing Enforcement

## Licensing Review Representation

<b>To:</b>	Birmingham City Council Licensing Department /		
<b>From:</b>	<b>Name:</b>	Sherine Edwards-Dodd	
	<b>Address:</b>	10 Woodcock Street B7 4AL	
	<b>Email:</b>		
<b>Premises to which the application relates:</b>		Belle Vue	
<b>Application Reference Number (if known):</b>			
<b>I am:</b>	<input type="checkbox"/> A resident, or representative thereof, living within the vicinity of the premises; <input type="checkbox"/> A Business, or representative thereof, operating within the vicinity of the premises; <input checked="" type="checkbox"/> A Responsible Authority		

<b>Stance:</b>	<input checked="" type="checkbox"/> I support the application for a licensing review. <input type="checkbox"/> I am opposed to the application.
<b>Objectives:</b>	I believe the following objective(s) are engaged / at risk: <input checked="" type="checkbox"/> Prevention of Crime & Disorder <input checked="" type="checkbox"/> Prevention of Public Nuisance <input checked="" type="checkbox"/> Public Safety <input type="checkbox"/> Protection of Children from Harm
<b>Comments:</b>	<p><b>The relationship between alcohol and violence</b></p> <p>Alcohol contributes to public disorder and anti-social behaviour in our communities, contributing to 40% of violent crimes in England.<sup>1</sup></p> <p>Alcohol consumption, particularly, binge-drinking increases the risk of becoming a victim of violence. This is typically due to physical impairment, impaired judgement, and isolation in inappropriate settings. It also makes violence more likely to occur since it causes reduced inhibition and increased aggression.<sup>2</sup> In night-life settings, drinking environments can lead to antisocial behaviour by being overcrowded, poorly ventilated and permissiveness to antisocial behaviour.<sup>3</sup></p> <p>An estimated 600,000 incidents of ARV occur each year<sup>4</sup> in and around licensed premises, including night-time food establishments, bus, and taxi rank, where large numbers of intoxicated people congregate and where licensed premises are clustered in a relatively small area and close at similar times.<sup>5</sup></p> <p><b>Inequalities</b></p> <p>The "alcohol harm paradox" refers to the finding that, despite similar alcohol consumption across socioeconomic groups, those from lower socioeconomic groups experience more serious alcohol-related health problems.</p> <p>The alcohol damage paradox also applies to violence, <a href="#">as recent research</a> by Dr Carly Lightowlers and Lucy Bryant indicated that victims of ARV, including domestic and interpersonal violence, were more likely to be from lower socioeconomic groups.</p> <p>Moreover, as Dr Lightowlers found in a recent <a href="#">paper</a>, deprivation can even increase the effect that alcohol availability has on violent crime.</p>

<sup>1</sup> [Local Alcohol Profiles for England - Alcohol and crime - OHID \(phe.org.uk\)](#)

<sup>2</sup> Graham K, Livingston M. The relationship between alcohol and violence: population, contextual and individual research approaches. Drug Alcohol Rev. 2011 Sep;30(5):453-7.

<sup>3</sup> Shepherd J. 1998. Emergency room research on links between alcohol and violent injury. Addiction. 93: 1261-1263.

<sup>4</sup> Budd T. 2003. Alcohol-related assault: findings from the British Crime Survey. Home Office Online Report 35/03. London: Home Office

<sup>5</sup> [https://www.ias.org.uk/uploads/pdf/Women/bs\\_alcohol\\_violence.pdf](https://www.ias.org.uk/uploads/pdf/Women/bs_alcohol_violence.pdf)

	<p><b>Alcohol-related harms in Ladywood Constituency</b></p> <p>Rates of alcohol-specific conditions, hospital admission and alcohol-related violence are found to be above the city average.</p> <p>Alcohol misuse is linked to the constituency's three main causes of early death. Lung cancer was the main cause of death (1730 excess years lost), seconded by coronary heart disease (798 excess years lost). Alcoholic liver disease is the constituency's third main cause of early death, with 740 excess years of life lost in 2014-2016.<sup>6</sup> In 2020, 4.1% of all cancers diagnosed in the UK were attributed to alcohol.<sup>7</sup></p> <p>Alcohol consumption is responsible for 16% of all deaths within the age group 25-64 annually across Birmingham. Since 2010, the Ladywood constituency has accounted for 13% of all alcohol-related deaths across Birmingham.<sup>8</sup> In 2018/2021, Birmingham had the third highest deaths in alcohol treatment mortality rates of 15 similar local authorities.<sup>9</sup></p> <p><b>Impact of ARV on Public Health</b></p> <p>Retaining the licensable activities at the named premises (Belle Vue) will continue to severely impact the above-stated licensing objectives.</p> <p>ARV also poses significant social harm as incidents tend to involve <a href="#">injury</a>, intensifying current pressures faced by health services and the accident and emergency departments. ARV impacts physical and mental health making it a major public health issue.</p> <p>Alcohol consumption has such wide-ranging effects that it has a negative impact on various other outcomes for people and communities.<sup>10</sup></p> <p>Face-related injuries are frequently the result of alcohol-related violence. Bar glassware had been used as a weapon in more than 10% of assault injuries seen in UK A&amp;E departments. In addition to physical damage, mental and emotional trauma are some of the consequences.</p>
<b>Declaration:</b>	The information provided in this proforma is true to the best of my knowledge and belief. I understand that my representation will be provided to the applicant/licence holder in

<sup>6</sup> [Ladywood Profile 2019 FINAL.pdf](#)

<sup>7</sup> OHID 2023 -an action plan to prevent alcohol-related deaths.

<sup>8</sup> [Ladywood Profile 2019 FINAL.pdf](#)

<sup>9</sup> [Healthier Lives - Area Details \(phe.org.uk\)](#)

<sup>10</sup> [The range and magnitude of alcohol's harm to others: a report delivered to the Five Nations Health Improvement Network \(publishing.service.gov.uk\)](#)

	full and that my name and stance regarding this application will be published in publicly available committee papers, for which I will be invited to attend.
<b>Signed:</b>	<div>X</div> <div>Sherine Edwards-Dodd Senior Public Health Officer</div>
<b>Date:</b>	<b>10/04/2024</b>



**LICENSING ACT 2003****PREMISES LICENCE**

Premises Licence Number:

4773 / 1

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> The Belle View 289 Icknield Port Road	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B16 0AG
<b>Telephone Number:</b> Not Specified	
<b>Where the licence is time limited the dates</b> N/A	
<b>Licensable activities authorised by the licence</b> M1      Sale of Alcohol by retail (On the premises)	
<b>The times the licence authorises the carrying out of licensable activities</b> Monday - Sunday      12:00      -      23:00      M1	
<b>The opening hours of the premises</b> Monday - Sunday      09:00      -      23:30	
<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b> On Supplies Only	

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Ms Andrea Murray	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> Not Specified	
<b>Email</b> Not Specified	

<b>Registered number of holder for example company number or charity number (where applicable)</b> N/A
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Ms Andrea Murray	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> Not Specified	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 17/000132/LAPER	<b>Issuing Authority</b> SANDWELL METROPOLITAN BOROUGH COUNCIL

*Dated 29/09/2017*

SHAID YASSER  
Senior Licensing Officer  
For Director of Regulation and Enforcement

## Annex 1 – Mandatory Conditions

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

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

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

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

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

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

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) “permitted price” is the price found by applying the formula  $P = D + (D \times V)$ , where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

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

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

The Designated Premises Supervisor shall ensure that all existing staff, new staff, supervisors and managers receive an induction in the legality and procedure of alcohol sales, prior to undertaking the sale of alcohol. This training will include the lawful selling of age restricted products, refusing the sale of alcohol to a person who is drunk or appears to be intoxicated, the contents of the premises licence; times of operation, licensable activities and all conditions. Verbal refresher training will be undertaken at intervals not to exceed 6 months. Training documents shall be signed and dated and training records be made available to an authorised officer of the Licensing Authority or the Police upon reasonable request. The records will be retained for at least 12 months.

An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence and/or is relevant to the licensing objectives.

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

All security staff must sign into a register at the commencement of every duty. This register will contain the name and Full (16 digit) SIA badge number of each security staff member on duty. The register must be fully maintained and kept on the premises at all times and must be made available to an officer from a responsible authority upon reasonable request. Records must be retained for at least 6 months.

Door supervisors employed at the venue will wear hi-visibility outer garments at all times both when working inside and outside the venue.

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

No enforceable conditions identified from operating schedule

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

The Premises Licence holder shall ensure the placing of bottles into receptacles outside the premises shall take place at times that will minimise disturbance to nearby properties and will not take place between 23.00 and 07.00hrs.

The premises licence holder shall implement a system to ensure that offensive smells from the licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

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

The Premises Licence holder shall ensure the Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, as per the current home office guidance.

The Premises Licence holder shall ensure Challenge 25 signage will be displayed.

The Premises Licence holder shall ensure a log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police trading standards or an authorised officer of the Authority at all times the premises is open, upon request. The Designated Premises Supervisor shall regularly check the register to ensure it is being consistently used by all staff.

## **Annex 3 – Conditions attached after hearing by licensing authority**

### **3a) General committee conditions**

Licensing Sub Committee A resolved to GRANT the application on Monday 25th September 2017 subject to the following conditions as detailed below:

The hours for the Sale of Alcohol shall be from 12:00noon to 23:00 daily.

The Alcohol Sales shall be 'On Sales' Only - NOT Off Sales.

The opening and closing hours of the premises shall be no earlier than 09:00 hours and no later than 23:30 hours daily.

After 21:00 hours daily, no consumption of alcohol is permitted in the beer garden area (the area to be used only for smoking after 21:00 hours, and use of the area for smoking to cease at 23:00 hours daily.

### **3b) Committee conditions to promote the prevention of crime and disorder**

All those conditions agreed in advance with west Midlands Police shall apply - The Premises to run primarily as a restaurant with the sale of alcohol to be ancillary to the food. Music to be background music only.

CCTV to be installed to the recommendations and specification as agreed with West Midlands Police (Birmingham Licensing department.

CCTV to be working at all times the premises is open and conducting licensable activity.

CCTV images to be held for a minimum of 28 days, and to be made immediately available and downloadable (on written request) by any Police/Police Staff or local Authority Officer.

Door supervisors will not routinely be deployed, however, for specific events they may be deployed, the numbers and times to be based upon a risk assessment by the premises licence holder.

### **3c) Committee conditions to promote public safety**

N/A

### **3d) Committee conditions to promote the prevention of public nuisance**

All those conditions agreed in advance with the Environmental Health Department of Birmingham City Council shall apply.

If BCC Environmental Protection Unit deem necessary a Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the amplification system and set at a pre-set volume level agreed with the Environmental Protection Section, to ensure 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 be notified to the Environmental Protection Section at least 14 days before its' initial operation and shall fulfil the following criteria:

The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position unless prior approval is given.

The device shall be capable of cutting off the mains power to the amplification system if the volume exceeds the pre-set level determined by the Environmental Protection Unit or shall be capable of maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit and shall not restore power to the sound system until the NLD is reset by the licensee or their nominated person.

The amplification system shall only be operated through the sockets/power points linked to and controlled by the NLD at all times.

The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification system is operational.

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 until approval has been given by the Environmental Protection Unit.

The Licensee shall ensure that a written agreement is made with reputable taxi companies to ensure that when taxi's pick up and drop off customers from the licensed premises noise from these vehicles does not cause a nuisance to local residents.

Customers who require a taxi from the site shall be advised by staff to use taxi companies specified by the Licensee.

Notices shall be displayed within the licensed premises for customers to view giving details of taxi companies to use.

The Licensee shall ensure notices shall be displayed near the entrance and exits of the premises advising customers to have respect for the nearby residents and keep noise levels to a minimum.

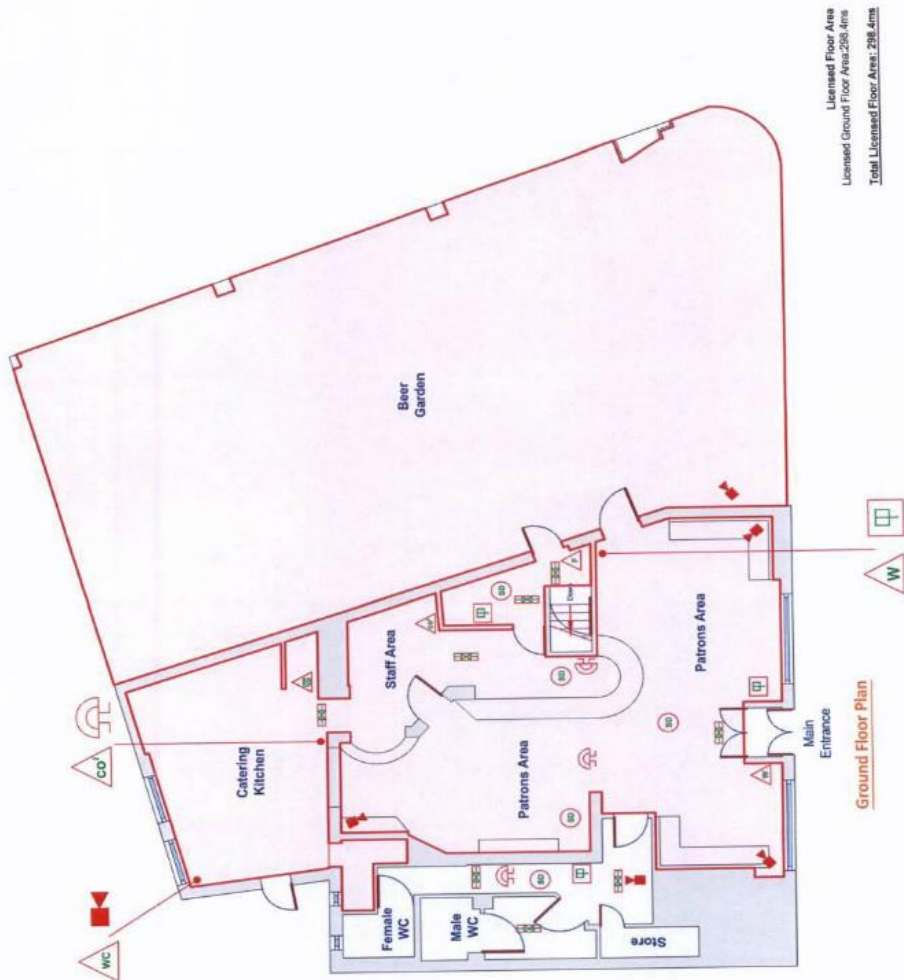
The Designated Premises Supervisor shall be responsible for ensuring that the smoking areas do not create a nuisance to neighbours at the premises and if necessary restrict the number of people utilising the smoking areas at any one time.

All external doors and windows to be closed during regulated entertainment except for access and egress.

There shall be no speakers in the external areas at any time.

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

N/A



**Drawing Symbols**

- : Licensed Area
- : Manual Call Point
- : Sounder
- : Linear Luminaire, Self Contained, Emergency
- : CCTV
- : Fire Blanket
- : Fire Extinguisher - Wet Chemical
- : Fire Extinguisher - CO2
- : Fire Extinguisher - Foam
- : Smoke Detector
- : Fire Extinguisher - Water



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