

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

THURSDAY, 19 DECEMBER 2019 AT 09:30 HOURS
IN ROOM 190, MARGARET STREET, [VENUE ADDRESS]

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

A G E N D A

1 **NOTICE OF RECORDING**

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 **DECLARATIONS OF INTERESTS**

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

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

4 **MINUTES**

To note the public part of the Minutes of the meeting held on 18 September 2019.

To note the public part of the Minutes of the meeting held on 31 October 2019.

To note the public part of the Minutes of the meeting held on 6 November 2019.

To note the public part of the Minutes of the meeting held on 13 November 2019.

5 - 46

47 - 106

5 **LICENSING ACT 2003 PREMISES LICENCE – GRANT THE CORNER SHOP, 41 HORSEFAIR, BRISTOL STREET, BIRMINGHAM, B1 1DA**

Report of the Interim Assistant Director of Regulation and Enforcement

N.B. Application scheduled to be heard at 9.30am

107 - 134

6 **LICENSING ACT 2003 TEMPORARY EVENT NOTICE - WALKABOUT, 266-271A LANGLEY BUILDINGS, REGENCY WHARF, BIRMINGHAM, B1 2DS**

Report of the Interim Assistant Director of Regulation and Enforcement.

This item has been withdrawn as the objections to the application has been withdrawn.

7 **OTHER URGENT BUSINESS**

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

8 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraphs 1, 3 and 7

PRIVATE AGENDA

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 18 September 2019 and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 31 October 2019 and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 6 November 2019 and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 13 November 2019 and to confirm and sign the Minutes as a whole.

2 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976,
TOWN POLICE CLAUSES ACT 1847, PRIVATE HIRE AND HACKNEY
CARRIAGE DRIVERS LICENSES**

Report of the Director of Regulation and Enforcement.
(Paragraphs 1 & 7)

N.B. Case scheduled to be heard at 12.30pm.

3 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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

BIRMINGHAM CITY COUNCIL

**LICENSING SUB-
COMMITTEE C
WEDNESDAY, 18
SEPTEMBER, 2019**

**MINUTES OF A MEETING OF THE LICENSING
SUB-COMMITTEE A HELD ON 18 SEPTEMBER,
2019 AT 0930 HOURS, IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM, B1 1BB**

PRESENT: - Councillor Mike Leddy in the Chair.

Councillors Neil Eustace and Mary Locke.

ALSO PRESENT

Bhapinder Nandhra, Licensing Section
Parminder Bhomra, Committee Lawyer
Louisa Nisbett, Committee Manager

(5 Members of the public were in attendance)

NOTICE OF RECORDING

1/180019

The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATION OF INTERESTS

2/180919

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

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/180919

An apology was received on behalf of Councillor Martin Straker-Welds for his inability to attend the meeting. Councillor Mary Locke attended the meeting as a nominee Member.

MINUTES

- 4/180919 The public section of the Minutes of the meetings on 7 August and 28 August, 2019, having been previously circulated were confirmed and signed by the Chairman.
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**LICENSING ACT 2003 PREMISES LICENCE GRANT - HATTER'S HOSTEL
BIRMINGHAM, 89-95 LIVERY STREET, BIRMINGHAM, B3 1RJ**

The following report of the Director of Regulation and Enforcement was submitted:-

(See document no. 1)

On behalf of the Applicant

Erwin Olivera – Applicant
Angela Cutrera, Applicant
David Roberts – Eversheds Solicitor
Amy Worthington – Eversheds Solicitor's

Those Making Representations

Steve Blundell
Adrian Curtis representing Graham Nicholl
Graham Nicholl – Director Queens Court Manor
Dr Dan Shepherd

Following introductions by the Chairman, the main points of the report were outlined by Bhapinder Nandhra, Licensing Section. It was noted that the representations made by Environmental Health had been withdrawn following agreed conditions with the applicant. Copies had been sent to all parties prior to the meeting.

Following no objections being made by any of the objectors David Roberts gave out copies of the following documents to all parties:-

- Coloured brochure
- Larger coloured copy of the plans
- Some additional photographs
- Copies of the menu

David Roberts made the following points in support of the application and in response to questions from Members:-

1. Hatter's Hostel Birmingham had been acquired by Selina Group in March this year. Selina is a UK Company. They were a bespoke unique brand with 43 hotels across the world including in Manchester and Liverpool.

2. This would be a quality investment and their developments were ongoing. They were looking at major locations eg South Coast, Cornwall.
3. Their intention was to offer 26 individual rooms including standard, suites and multiple occupation. Flexible accommodation will be offered.
4. Other operations include facilities to local communities such as a daytime café, coffee bar, co-working space and provision of well being.
5. The location was ideal however the premises had been acquired without a licence. There were facilities for a restaurant in the basement and a bar in another area. Significant investment had been made in the building which was 2 buildings amalgamated to the sum of £1.5 to £2 million.
6. The original application was by Hatter's Hostel and the plans were re-considered by the applicant as not being suitable for the premises.
7. The amended plans had been agreed with Environmental Health. There would be a multi use area in the lobby, reception desk, coffee bar and daytime bar area. The capacity for the car park was approximately 55 at the most.
8. As an application for a hotel they were conscious of the noise and live entertainment would be acoustic music eg guitar or a keyboard.
9. It was reiterated that there would be no provision for a nightclub in the basement. The premises will be a restaurant. Staff had been employed to work in the kitchen. The menu was substantial. Last orders would be 10pm and the mornings would focus on breakfasts.
10. With regard to concerns by residents use by non-residents for licensable activities would be from 11am to 12pm.
11. This was a good quality offering. Selina had key values with regards it's operations and must work with those around it. They would work with local residents and the local community in terms of its operation.
12. It was already an established practice by Selina to give 48 hours per full time staff to charity in the area.
13. They were looking at a different market and clientele to Hatter's Hostel. The room rates were not budget level. Rates stated at £25 up to £200 per room per night. There would be a wider market in terms of clientele.
14. David Roberts addressed some concerns regarding the external areas making reference to the site plan showing Livery Street, Queens Court, Cox Street, Metal Works and St Paul's Square. The area was divided by a 25 metre wall. There will be no consumption of alcohol in the area shown as yellow on the plan and a timed light would go off at a specific time.
15. The Central; areas were further away from Queens Court. There will be no access to the back areas and they will be controlled and monitored.

16. There will be controlled smoking areas. CCTV throughout the premises accessible from mobile devices by staff and checked every hour. There was no provision for licensable activities in the outside area.
17. Arrangements had been agreed with a taxi firm to stop at the far end of the premises and switch off their engines on arrival.
18. Sale of alcohol to residents was 24 hours. This gave residents the flexibility to take alcohol to their rooms. Sale would be strictly controlled and ID or a room key was required before the sale.
19. From the positive conversation with Environmental Health, glass bottles would not be put out after the agreed time and the collecting firm will collect them between 10am to 12 midday.
20. The applicant had invested heavily in the premises and once the premises were re-opened residents would see the benefits. There was no evidence to suggest otherwise.
21. 25 staff will be employed. The applicant had a good track record and had worked at the Marriott. He had been kept on by Selina having worked at Hatter's Hostel previously. This was a boutique hotel.
22. They had met with residents when the previous application had been made and would continue to build relationships with residents going forward.
23. In response to a question the training of staff had started on Monday and included Induction, Communities and focussed on conflict management. There was a dedicated first aider, fire wardens/marshalls online courses which would be regularly updated. Health and Safety training was ongoing.
24. The multiple occupancy rooms will be carefully designed.
25. The application was in the name of Hatter's Hostel owing to timelines. A formal application will be made to change this to Selina Birmingham.
26. The intention is not to hire the premises out. The use of the basement as a late night venue had been discussed with the police when the original application had been made however it was not considered to be appropriate.
27. The clientele will be 25 – 40 year olds. The bar will also be open to residents. Residents could be assured that this will be carefully managed to ensure that residents of the premises and nearby residents are not disturbed by noise nuisance. They acknowledged that there had been problems previously however this was when Hatter's Hostel was managed by a different operator.

In making representations against the application Dr Dan Shepherd made the following points with regards to the application and in response to questions from Members:-

1. He was an occupant of Kings Court and lived closest to Selina Hotel. With regard to noise leakage and disturbance on Livery Street itself there was only so much that could be done. If people were ejected from the premises they will be ejected onto Livery Street and would add to the noise. He had spent £3,000 on sound insulation in his bedroom owing to the noise and if granted he would need to consider insulation for the rest of the property.
2. He did not feel that Selina Hotel could police the conduct of the agreed taxi firm on a nightly basis.
3. He was concerned that people would cause a disturbance when they left the premises at 1130pm weekdays and 1230am weekends also there would be an issue with noise when they returned to the Hotel. He had not personally experienced noise disturbance from the Chinese Restaurant that was close by.

In making representations against the application Steve Blundell, resident on the corner of Livery and Cox Street made the following points with regards to the application and in response to questions from Members:-

1. Residents included families, school children and professionals. Noise bounced off the railway wall all along the street.
2. The sale of alcohol by the premises will lead to people being disruptive. He had raised his objections with the previous occupants. With reference to the charge for the rooms, the social group people belonged to did not affect how much they caused a disturbance.
3. He wanted to protect residents from unnecessary excessive noise and they wanted the peace and quiet to remain as it had during the building works.
4. There had been significant disturbance from both people and vehicles. He could not be certain that the group causing the disturbance came from Henry's restaurant as they could come from elsewhere.
5. He had taken up the opportunity to engage with Selina's and had raised significant issues, however a second application had been submitted. The previous applicants had been friendly and accommodating only to begin with so he was wary by that experience. He would be a bit more optimistic if there were significant restrictions on non residents and was given substantial reassurance that the noise would be contained.

In making representations against the application Graham Nicholl, Director of Queens Court Management and resident together with Adrian Curtis, his legal representative made the following points with regards to the application and in response to questions from Members:-

1. Selina's clientele was 25-35 year olds. The premises would be a partying playground.
2. The intention was to have a night club otherwise it would not be part of the application.

3. Alcohol will be available to residents 24 hours. Any resident could sign in a guest. Over the last 10 years it had been hard to trust that any new owners would restrict or throw out customers to look after residents in the area.
4. Adrian Curtis added that the key point was the 24 hours element of the application.
5. Some of the building was protected which meant that the windows etc could not be changed. The pictures were beautiful however the windows could not be changed and noise will escape.
6. The recent history of the premises had led to the licence being revoked/refused. In 2011 the application had been granted and subsequently revoked.
7. A clarification of Bona Fide guests was needed. Residents could bring back anyone to the premises and the premises will have no control of them. There were 132 beds and if each resident had 1 guest each that would be 264 at the premises who could buy alcohol all night and chat outside in the courtyard next to Kings Court. It would be difficult to control people who were not a resident of Selinas.
8. They asked the Committee to consider strongly the definition of Bona Fide guests and the grant of a 24 hour licence.
9. The added conditions needed to be further enhanced. A noise monitor should be mandatory and there should be stringent control on any amplified music. Condition 6 of the added conditions needed to be reviewed limiting the time waste could be placed in containers.
10. Customers will be attracted to stay in the dormitory type rooms with alcohol being available. This would lead to one big party.
11. The first application had proposed that part of the premises be used as a nightclub. Residents were concerned that this would still happen and the venue would be a party venue. By the time a person was ejected from the premises the damage had already been done.
12. Graham Nicholl added that another aspect of the objections was the close proximity of Queens Court. The noise emanating from Hatter's Hostel travelled towards Queens Court and was excessive despite the wall being there creating a disturbance. There was also the entrance for the car park in close proximity to the bedrooms. People would be smoking whilst waiting for taxis.

There was no provision for disabled access to the premises.

13. The area was not in a accumulative impact area but this did not preclude the Committee from considering the application as such.

14. The hotel should be judged on its merits however the licence was not appropriate. There was evidence that showed that previous licences had been short lived. The aim of the premises was to serve alcohol in the rooms as there was a small bar. This particular venue in this location was not suitable for a licence even though the licence had been amended. Alcohol would be available 24 hours a day.

During the summing up in making representations against the application Adrian Curtis together with Graham Nicholl said that residents at Queens Court had enjoyed living in a quiet area for 30 years. This development will substantially alter this in terms of noise levels and disturbance from guests. Despite reassurances being given about the noise levels a noise level device with levels set by Environmental Services should be mandatory. There was little to give reassurance that the noise and disturbance would be different to how it had been previously. People congregating in the car park area made the problem worse. There should be a reduction in the hours of sale of alcohol to residents and non-residents. There were already a number of venues where alcohol was available so this licence should not be granted.

During the summing up in making representations against the application Steve Blundell said that he represented a number of people from Queens Court and despite the image Selina was trying to create, the premises were in the wrong area and would exacerbate the existing problems. The licence should be rejected.

During the summing up in making representations against the application Dr Dan Shepherd hoped the application would be rejected however if not there should be a mandatory noise limiter and reconsideration of the proposal for taxis and clarification of bona fide guests.

During his summing up on behalf of the applicant David Roberts said that his clients sympathised with the residents with regard to previous matters. They had however taken on board comments from residents in the second application. They considered that the restaurant was more viable than a night club. They had invested in the property The area had a reputation for being vibrant. He could not guarantee that people would not use their facilities. The conditions would give Selina a parameter. The restaurant in the facility will add to the viability of the premises. They were not in a position to comment on the previous owners. This application should be considered on its own merits.

Selina had brought the premises to develop a quality product in the UK. There was an element of confusion about the noise limiter as it would not control noise outside the premises. The provision of facilities on the premises would reduce the need for customers to go out. The business would need to be well managed in order for the investment to work. They were aware of their obligations towards staff such as staff training. Clarity was needed about the external areas. The best area for a smoking area was the central block. The area nearest to Queens Court would not be used after 10pm and conditions would apply. The premises would provide a good facility in the Jewellery Quarter area. The investment would add to the area. They were happy to meet residents and hoped that in 12 month's

time they would be impressed with the premises. The Sub-Committee is asked to grant the licence on the basis of the application submitted together with conditions agreed with Environmental Health

At 1140 hours the Chairman requested all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

5/180919

RESOLVED:-

That the application by Hatter's Hostel Limited for a premises licence in respect of **Hatter's Hostel Limited, 89-95 Livery Street, Birmingham, B3 1RJ.**

BE GRANTED SUBJECT TO THE ATTACHED, FOLLOWING AGREED CONDITIONS WITH ENVIRONMENTAL HEALTH EXCEPT FOR CONDITION 6 to promote the prevention of crime and disorder and the prevention of public nuisance objectives in the Act:

A.	Sale of Alcohol	The hours for the supply of alcohol for consumption both on and off the premises shall apply as follows: For non-residents (other than bona fide guests of residents) 10:00am -11:00pm (Sunday to Thursday), 10:00am - 12:00midnight (Friday and Saturday).
B.	Regulated entertainment	The hours for the provision of regulated entertainment (films, live music, recorded music, performances of dance and anything of a similar description) to operate indoors only, from: 10:00am until 11:00pm (Sunday to Thursday) 10:00 until 12:00midnight (Friday and Saturday)
C.	Late night refreshment	The hours for the provision of late-night refreshment to operate indoors only, shall apply as follows: 11:00pm until 12:00midnight (Friday and Saturday).
D.	Opening hours	The premises to remain open to the public as follows: 24 hours (Monday to Sunday) Non-residents (other than bona fide guests of residents) shall be required to leave the premises by 11:30pm (Sunday to Thursday) and 12:30am (Friday and Saturday).

E.	Modified agreed condition 6	No waste or recyclable material, including bottles, shall be placed in containers in areas outside the premises building between the hours of 22:00 and 10:00am.
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The Sub-Committee's reasons for the grant are due to the submissions made by the applicant's legal representative regarding the proposed operation of the business to be managed by the applicant.

Members were provided with a precis of the applicant. An international group of Selina Hotels which had entered the UK market recently acquired Hatters Hostel. The nature of the proposed business included both hostel-like lodging and private hotel rooms, with a bar and restaurant facility for residents and non-residents alike whilst providing both co-working spaces, and relaxation and wellbeing.

The applicant's legal representative disclosed an investment of £1.5million to redevelop the premises to provide a boutique hotel called Selina Birmingham. The applicant aimed to have a positive impact on the local community around the premises location and had done so by engaging with local residents prior to the hearing. Moreover, the applicant agreed conditions with Environmental Health Authority prior to the hearing as set out in the report to control the risk of public nuisance.

In addressing the concerns of residents living near to the premises the legal representative explained the applicant is a food led destination with a carefully managed cocktail bar. Members were referred to the revised ground floor and basement plans including the external courtyard with licensing restrictions. The legal representative demonstrated how the applicant intends to manage additional members of the public (not hotel residents and their bona fide guests) within and immediately outside premises.

Members also heard from various local objectors and their representatives raising their concerns in connection with the application. It was noted, representations were received from a significant number of residents. The theme of their concerns focused on disturbances and noise nuisance occurring on Livery Street as a result of patrons leaving the premises, and from within the external courtyard of the premises late at night. There was also concerns relating to the sound attenuation of the building fabric.

The Sub Committee recognised these concerns were based on the resident's previous experiences of Hatter's Hostel when it was managed by a different operator. Members accepted there was history associated with the previous business model of the hostel which differed significantly to that of Selina Birmingham.

Members accepted all the points made but were mindful that the Sub-Committee is bound to consider the application on its merits that can only be reasonably restricted where evidence shows there is a risk presented to one or more of the licensing objectives.

The Sub-Committee was reassured to hear the detail in relation to the nature of the proposed premises and the fact that the applicant would be very much

concerned to ensure that their own residents as well as nearby residents are not disturbed by noise nuisance at sensitive times. Accordingly, the Sub-Committee assessed the risk in this instance as being relatively low. This assessment was aided by the agreed conditions with one amendment offered during the hearing.

Additionally, it was reassuring to hear that the applicant has engaged with residents and is willing to address their concerns when they arise. Whilst Members, acknowledged that the local residents might wish to achieve a complete ban on any audible noise emanating from the premises and it's patrons, the Sub Committee was not satisfied that effectively, a refusal would be practical nor appropriate at this time given that Selina Birmingham could still operate without a license. The Sub-Committee is not convinced that the operation of the premises will materially affect the behavior of it's residents and non-residents and even if it did this, especially away from the premises onto Livery Street it could be too remote for the Sub-Committee to take into account.

Residents can be reassured that there is a power to instigate a review in the event the licensable activities at the premises do lead to issues undermining the licensing objectives.

The sub committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application but did not accept that there was evidence of a significant public nuisance arising from the proposed operation of the premises.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application, the written representations received and the submissions made at the hearing by the applicant their legal adviser, and those making representations.

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

**LICENSING ACT 2003 PREMISES LICENCE – VARIATION SHELL
HARBORNE, 295 HARBORNE LANE, HARBORNE, BIRMINGHAM, B17 0NT**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 2)

The following persons attended the meeting.

On behalf of the applicant

Leo Charalambides – Barrister representing Shell
Corrigan Lockett, Lockett & Co - Agent

Those making representations

No representatives were present.

Following introductions by the Chairman, the main points of the report were outlined by Bhapinder Nandhra, Licensing Section.

The following points were made on behalf of the applicant and in response to questions from Members:-

1. This was a well established premises and had operated over 28 years with a good reputation. Since 2005 there had been no single review of a Shell Petrol Station.
2. The petrol station already opened 24 hours and the fears of any people objecting had not materialised. This was a well-established premise in the area that was already open 24 hours selling age restricted products and late night refreshments
3. With regard to complaints about alcohol and cans in the car park, if this had been the case it would have been captured on CCTV. Representations had been made because of fears but they did not reflect the facts.
4. The Sub-Committee was requested to grant the variation of licence.
5. The boundary to the rear of the existing site was a mixture of fencing, shops, residential properties and it was covered by CCTV.
6. As a business regular checks of incidents etc had been made. Any incidents would be logged and if there were any issues they would know.
7. Each month the general manager checked the vigilances, refusals and test purchases carried out by external parties.
8. Sale of alcohol after hours was through a hatch which staff were secured behind. They called the police if there were any issues.
9. There were no single can sales.

In summing up the Sub-Committee were urged to grant the variation of licence. Shell was a responsible operator nationally in terms of products already on sale for the benefit of the local area. A licence for 24 hours would make them more useful.

At 1242 hours the Chairman requested all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

After an adjournment and at 1250 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

5/180919

RESOLVED:-

That the application by **Shell UK Oil Products Limited to vary the premises licence in respect of Shell Harborne, 295 Harborne Lane, Birmingham, B17 0NT** under section 34 of the Licensing Act 2003

BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS with immediate effect.		
F.	Modification of hours for the sale of Alcohol	The extension of hours for the sale of alcohol (for consumption off the premises) shall apply as follows: Monday to Sunday - 24hours
G.	Opening hours	The premises to remain open to the public as follows: Monday to Sunday – 24hours

With the exception of the following existing conditions which are removed

H.	a. Conditions listed under Annex3a of the premises licence number 4216/5.
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The Sub-Committee's reasons for granting the variation are due to the submissions made by the applicant's agent and barrister at the hearing which the objector was absent from.

The barrister addressed the Sub Committee on behalf of the applicant. He explained Shell petrol station was a well-established premise in the area that was already open 24hours selling age restricted products, late night refreshments from 11pm until 5am, and alcohol from 6am – 11pm. It was also mentioned that since the Licensing Act came into force there had been no review of Shell petrol stations anywhere across the country.

With reference to the written representation from an objector, the barrister considered the issues described did not reflect the experience of the premises. The applicant's agent confirmed he could not see any anti-social behaviour on site having viewed the premises CCTV. It was noted, the CCTV covered the entire petrol station.

Both representatives for the applicant in response to member questions stated the national operator undertook due diligence checks on a regular basis in accordance with systems in place that were robust. The operator did not sell

single cans only expensive alcohol that a customer would purchase. They also added staff welfare was protected. The premises doors closed at 11pm and re-opened at 5am except for sales through a night hatch. Members were informed there is total control and there is a policy of calling the police.

In weighing up the written representations of the objector, members noted the resident's comment of customers smoking cannabis and drinking alcohol in the car park at night was vague as there was no time line or detail provided for scrutiny. It was not clear if the individuals in questions were indeed customers of the petrol station and whether the alcohol being consumed was purchased from the station or elsewhere. Members could not be certain that the activities as described by the objector arose in connection from the premises or would be associated with the premises on the grant of a variation.

Members were of the view, representatives on behalf of the applicant had satisfactorily addressed the issues raised and did not find that there was evidence of significance public nuisance or risk to crime and disorder, arising from the proposed operation of the premises.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application, the written and oral representations made at the hearing by the applicant's barrister, and agent.

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

OTHER URGENT BUSINESS

6/180919 There was no other urgent business.

EXCLUSION OF THE PUBLIC

7/180919 That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3.

‘BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C 31 OCTOBER 2019
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**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE C
HELD ON WEDNESDAY 31 OCTOBER 2019
AT 0930 HOURS IN THE ELLEN PINSENT ROOM,
COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM B1 1BB**

PRESENT: - Councillor Mike Leddy in the Chair

Councillors Nicky Brennan and Neil Eustace

ALSO PRESENT

Shaid Yasser, Licensing Officer
Catherine Ravenscroft, Committee Lawyer
David Smith, Committee Manager

NOTICE OF RECORDING

- 1/311019 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

- 2/311019 Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/311019 There were no Nominee members.

MINUTES

- 4/311019 **RESOLVED:-**

That the private section of the Minutes of the meeting held on 2 October 2019 be noted.

**LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW STORIES,
LADYWELL WALK, BIRMINGHAM B5 4ST**

The review of the premises licence was required following an application for expedited review on 8 October 2019, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006):-

(See document No. 1)

The following persons attended the meeting.

On behalf of the Premises Licence Holder

Mr Ryan Gough – Designated Premises Supervisor (DPS)
Mr Leo Charalambedes – Solicitor for the Premises Licence Holder
Mr Carl Moore – Licensing Consultant
Mr Jerome Good – Co-owner
Mr Obi Miller – Co-owner
Mr Martin Hardman – Security Adviser
Mr Terry Runcorn – Chair of Southside Pub Watch

On behalf of West Midlands Police

PC Abdool Rohomon – West Midlands Police
Chris Jones – West Midlands Police

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Mr Shaïd Yasser, Licensing Section drew attention to supporting papers submitted on behalf of the Premises Licence Holder during the previous night, which it was noted Members had not had the opportunity to read. The Chairman agreed to adjourn the meeting until 1030 hours to enable all parties to read through the contents of the supporting papers.

At 1030 hours, the meeting reconvened. The Chairman made introductions, outlined the procedure to be followed and enquired whether there were any preliminary matters.

PC Abdool Rohomon advised that West Midlands Police (WMP) wished to show CCTV footage and 'YouTube' videos that formed part of an ongoing investigation and, therefore, he requested that the footage and videos be shown in private session, as at the interim steps hearing. Also, he questioned whether the Committee would accept the late supporting papers as there appeared to be only one statement within it and nothing which could be cross-examined.

Mr Leo Charalambedes expressed concern on behalf of the Premises Licence Holder at the request to show the footage and videos in private session as that would preclude that Police evidence from being scrutinised in public. Also, he understood that the victim of the alleged attack was refusing to co-operate with the Police in their investigation. He asked the Committee to accept the late supporting papers as they would support evidence to be presented.

The Chairman adjourned the meeting to take legal advice and requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting. When the meeting reconvened, with all parties present, the Chairman advised that the Committee had considered the balance of public interest and under the Licensing Act 2002, Section 14, the Committee had agreed to view in private session the CCTV footage and 'YouTube' videos to be presented by the Police. Furthermore, the Committee had agreed to accept the late supporting papers submitted on behalf of the Premises Licence Holder.

Mr Shaid Yasser, Licensing Section, made introductory comments relating to the documents submitted.

PC Rohomon, on behalf of WMP, made the following points:-

1. The event on 5 October 2019 was not an official Radio 1 Xtra event and at no point had Stories been identified by Radio 1 Xtra as one of the venues for 'after parties' linked to the Radio 1 Xtra event at the National Indoor Arena.
2. The risk assessment showed an expected attendance of over 300 people, well within the venue capacity of 500. No 'DJs' or artists from the Arena event were listed in the risk assessment.
3. At 0400 hours on 6 October 2019, the Police received a call from the DPS informing WMP that disorder was occurring at Stories. At 04.08 hours, an emergency call was received from Dudley Road Hospital regarding a patient with a serious cut to his neck.
4. The patient had refused to talk with the Police or to consent to give access to his medical records. Therefore, an application would have to be made to the Court for access to the medical records. A group of people from London had attended Stories on 5 to 6 October 2019 and the patient was believed to have been with them.

At this point, PC Rohomon sought to refer the Committee to a photograph of the patient's injury. However, Mr Charalambedes objected to the evidence being put forward, as the patient had not given consent to the photograph or to access to his medical records. PC Rohomon advised that the photograph had been taken by a Police Officer on their 'body cam', that it was not part of the patient's medical records and the patient's name was not given in the evidence. Therefore, the Chairman agreed that the photograph could be shown and reference could be made to it.

5. PC Rohomon estimated that the cut was 15 inches long, advising that it had been deemed by medical staff to be life threatening, being close to an artery. The bottom of the wound was a clean cut, while the top of the wound was ruffled and the cut was very deep, into the muscle. In the view of WMP, the cut had been made by a sharp implement in a straight, side to side movement across the neck.

6. WMP had been told that the cut had been made by the bottom of a rope stand identified at the venue, but he believed that it would have needed the attacker to hold it upside down with 2 hands and sweep it across the victim's neck. However, there was no evidence in the CCTV footage and 'YouTube' videos that an attack of that nature had taken place.

At 1110 hours, PC Rohomon asked to show CCTV footage and 'YouTube' videos on behalf of WMP. Members agreed to move into private session and it was

5/311019

RESOLVED:-

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt paragraphs 2 and 5

At this point, members of the public and press, including Mr Terry Runcorn, Chair of Southside Pub Watch, left the meeting.

At 1153 hours, following the presentation of CCTV footage and 'YouTube' videos by PC Rohomon, it was

7/311019

RESOLVED:-

That members of the public and press be readmitted to the meeting.

PC Rohomon continued:-

7. There had been evidence given previously in the Interim Steps hearing that another group of people had been admitted to the venue, via the side doors. In fact, 2 groups of people had been admitted via alternative doors. PC Hunt had reported a group of 20 to 30 males entering at 0001 hours.
8. Evidence had been given at the Interim Steps hearing that the artist and their team had entered via the front entrance and it was accepted that they had been searched. However, there was no proof of searches having taken place at the other doors.
9. Sergeant Gregory had asked who had been admitted and it was clear that those groups were not on the guest list. Therefore, WMP believed that the risk assessment had been invalidated.
10. He suggested that the further security officers and the dogs had been arranged because of the cancellation of one of the 'after parties'. Only 1 'DJ' was named on the event flyer and no official Radio 1 Xtra event 'DJ' was mentioned.
11. An artist from London and their team had been admitted and a second artist and their team had been admitted as well. The second artist was believed to be the victim of the attack.

12. A complete melee had ensued, with items thrown and knives believed to have been present. Security officers struggled to stop the violence and the security arrangements were voided, with members of the public being endangered.
13. This was not the first incident. In 14 months, there had been 1 normal review and 2 expedited reviews. Nitrous Oxide had been found and conditions had been imposed. Conditions had also been offered by the premises, but representatives for the Licence Holder had argued at the Expedited Review that that no conditions had been given and had stated that nothing had been implemented.
14. The incident in May 2019 had been similar, but had occurred at an undisclosed private party. Conditions had been stipulated that required all door supervisors to wear body cams and all bottles to be tethered. In meetings with the premises, WMP had been told the Licence Holder was appealing against the wording of the conditions.
15. In the statement made by Mr Chris Jones regarding a Pub Watch meeting earlier in the year, the DPS was said to be boasting that he had 'beaten' the WMP conditions.
16. An appeal against the conditions was ongoing, with a hearing expected in December 2019. The Licence Holder had stated an intention to stop the appeal, but had failed to stop it despite having the opportunity. Therefore, he questioned whether the Licence Holder was promoting the Licencing Objectives.
17. The Licence Holder had said that it was trying to work with the Police and WMP officers had attended a meeting at the premises, as requested. WMP was told that the premises had issues with the security company and that the victim's injury had been caused by a rope stand. However, WMP completed disagreed with the suggested cause of the injury.
18. When the bookings arrangements had been questioned, the premises had claimed that a booking had been cancelled when a problem had been identified. However, no evidence of that claim had been provided to date.
19. A fundamental change was needed at the premises for WMP to believe that it was a safe environment.

In response to questions, PC Rohomon stated that:-

- (i) He had been involved in policing the night-time economy for 28 years and he believed that there were hundreds of licensed premises.
- (ii) No reference had been made in the information submitted by the Licence Holder to a high-profile guest being admitted through a separate entrance.

- (iii) The guest list had been received late and there had been no time to review it. However, the attendance of a high-profile guest would have required a change to the risk assessment.
- (iv) Radio 1 Xtra organisers had informed WMP where artists were going after the Arena event and Stories had not been mentioned. They had advised that any artist who did not comply with Radio 1 Xtra requirements would lose their contract. After the Arena event, Radio 1 Xtra had instructed the artists to go home.
- (v) The premises document referring to a Radio 1 Xtra 'after party' was dated as 5 October 2019, but his copy of the risk assessment was dated as 1 October 2019. He noted an explanation from Mr Charalambedes that the later document had been given to PC Ben Reader.
- (vi) He confirmed that WMP had contacted official 'after parties' following the problems at the Arena event and advised that 1 venue had cancelled an 'after party'. Stories was not contacted as WMP was not aware of it holding an 'after party'.
- (vii) 12 WMP officers and 1 camera operator were listed on the log as having attended the incident at Stories. Also, there had been an investigation team and the Force CID involved. He did not believe that any officers went inside the venue, as it had been evacuated during the incident.
- (viii) WMP officers only established that the victim seen at the hospital had attended Stories when they viewed the 'YouTube' video. The victim would not co-operate with the Police, but officers knew who he was and that he was an artist from London.

At this point in the proceedings, Mr Leo Charalambedes asked the Chairman if Members would allow Mr Terry Runcorn, Chair of Southside Pub Watch, to address the Sub-Committee on behalf of the Premises Licence Holder, before he had to leave or the meeting was adjourned for lunch.

Members agreed to that request and Mr Runcorn made the following points:-

- He was the Chair of the Southside Pub Watch and a member of the Safety Board. The meeting to which Mr Chris Jones had referred had been convened by the 3 Pub Watch organisations in the City.
- The DPS of Stories was required to attend the Pub Watch meeting and Pub Watch meetings were intended to be open and involve frank exchanges. The night-time economy supervisor attended as well.
- Concern had been expressed by the Pub Watches and by venues regarding the administration of licensing arrangements. He had questioned whether draconian measures had been imposed because he had heard that the Licensing Sub-Committee had requested that body cams be worn by all security officers.

- There was concern that the experience of WMP officers was being lost as more civilian officers were being involved.
- Mr Ryan Gough, DPS of Stories, had stated that an appeal had been submitted because the venue was not clear at what times the body cams should be worn and should be operating. The meeting discussed what was felt to be good practice.
- He did not believe that Mr Gough had been disrespectful and he challenged Mr Jones' comments. He was concerned that Pub Watch meetings needed to be frank and open discussions and that Mr Jones' comments would deter Pub Watch members.

In response to questions from Members, Mr Runcorn advised that:-

- Pub Watch members understood fully that the Licensing Authority, not WMP, imposed the conditions. Stories was a member of Southside Pub Watch.
- Pub Watch worked closely with WMP and was aware that reported crime within the Arcadian Centre area was low at the present time. They were aware of incidents, which were mainly involving muggings, assaults and group disorders outside of premises.

The Chairman thanked Mr Runcorn and adjourned the meeting for a lunch break at 1241 hours.

The meeting reconvened at 1330 hours and all parties, except Mr Runcorn, returned to the meeting.

On behalf of the Premises Licence Holder, Mr Leo Charalambedes made the following points:-

- a) The Licence Holder was concerned to identify the causes of the problems, but he expressed concern that the WMP officers were trying to create a narrative that fitted what they believed happened. This repeated an approach taken in a previous review hearing.
- b) He would highlight the item that the premises believed was used as a weapon to cause injury and show that the evidence was contaminated as a result of Police actions.
- c) The Licence Holder acknowledged that there was an incident and that it was serious. There were 6 minutes of disorder that were of significant concern. However, the alleged victim left the premises and there was no sign of blood in the room.

- d) He was concerned that the major event at the Arena had been closed and that people there had been allowed to roam around the night-time economy area. The premises could not control who visited the premises and did not operate a 'closed door' policy. That was why the premises produced regularly updated risk assessments.
- e) A risk assessment was sent to WMP on 7 September 2019 regarding a "Radio 1 Xtra Party" at the venue. The event had been advertised in advance, but was not an official event nor was it an 'after party'. The title was used on the risk assessment.
- f) A further risk assessment was provided to WMP on 1 October 2019, in which the event was down-graded and a full list of 'DJs' was given.
- g) PC Ben Reader was contacted on 3 October 2019 regarding a table booked in an assumed name by a person associated with a previous private party at which an incident had occurred. The booking was reviewed and cancelled. Extra security supervisors and the owner of the security company were asked to attend the event.
- h) On 4 October 2019 at 1510 hours, a copy of the guest list was sent to WMP to enable the Police to apply intelligence. That list was not closed and bookings were ongoing.
- i) WMP would not necessarily be aware of arrangements, as the venue was one of many taking advantage of interest in the Radio 1 Xtra event in the City. However, it was not possible to risk assess who would attend an event.
- j) The names of a number of visiting celebrities had been listed. Allowing them entry could create delays at the front entrance and, therefore, the extra security was used to take them through a separate door and search them. It was regretted that there were no CCTV cameras in place at the other entrance, but that would be addressed.
- k) A WMP vehicle had been asked to move from the car park entrance to enable a celebrity and their group to drive in and the officers were advised the group would be admitted via the side doors.
- l) At the previous review hearing, a series of conditions were proposed and concern had been expressed on behalf of the Licence Holder regarding the wording. The premises wanted flexibility to be able to use another entrance for celebrities and, while it was committed to using the knife arch, it was concerned at reference to 'all' patrons.
- m) The condition relating to body cams would have required the extra security staff and the dogs to use body cams. Tethers available for bottles included chains and the premises were concerned that they could be used as a weapon. An alternative magnetic tether was shown to Members and it was emphasised that the premises were committed to ensuring safety and managing risks.

- n) The Premises Licence Holder was disappointed at the WMP failure to recognise how management, security, the 'DJ', undercover officers and others had intervened quickly to stop the incident.
- o) Gang fights and knives were a social issue. It was asserted that closing the venue would punish innocent people and would force the gangs to go 'underground'. Section 182 of the licensing guidance expected the Committee to determine the cause of the concern and to consider appropriate action.
- p) Concern was expressed at medical and forensic details within the WMP evidence. The wound was estimated to be 15 inches across and was described as looking like the victim had been hit on the back of the head with something large, rather than the victim being stabbed.
- q) WMP officers had declined an invitation to 'walk through' the incident and could not accurately describe the layout of the premises. It was said that there were 2 groups present, when there were actually 3 groups present – 2 groups were admitted by the alternative entrance, which had been discussed with WMP officers.
- r) The CCTV pictures showed that 2 groups had left by the time of the incident and only 1 group (with "Kano") was left. The incident had arisen because someone had caused concern for another small group of people.
- s) The premises CCTV pictures would show the whole incident, including how it started and the knife search. There had been no WMP involvement and Arcadian Police had attended at the request of the DPS.

At this point in the proceedings, Mr Charalambedes requested that the representatives for the Premises Licence Holder be allowed to show CCTV and still pictures taken during the event at the venue on 5 and 6 October 2019. The Chairman agreed to that request, with general points and questions of clarification being permitted as follows:

- ◆ The Chairman questioned the relevance of a celebrity appearance on 27 July 2019 and asked the parties to concentrate on the incident on 5 and 6 October 2019.
- ◆ Video 1 demonstrated that the person who had thrown an object/was alleged to have a knife had passed through the knife arch and been searched. The knife arch had been installed and calibrated, showing the object density and where it was located. Attendees had to repeatedly go through the knife arch until all objects were identified and they received an 'all clear' response.
- ◆ Images around the fire escape entrance towards the rear of the premises showed the DPS speaking to WMP officers, asking that their vehicle be moved and explaining that "Kano" and his team of 30 people would enter the premises through that entrance. There was no video available, but everyone was searched by 'patting down' and using a 'wand'.

- ◆ The group was not on the guest list and had arrived after midnight. “Kano” had been asked about performing that evening, but he had not been interested. Only a short warning was given that they were going to attend. Nothing was confirmed until 00:30 hours on 6 October 2019 and the photographs were taken approximately 15 minutes later. High profile guests with their own security team were admitted by the alternative entrance to avoid delays at the front entrance.
- ◆ The Chairman expressed concern that people could be seen smoking indoors in videos 2 and 3. Mr Charalambedes confirmed that the premises would address that matter. The DPS confirmed to PC Rohomon that the rope standard separation was put in place earlier in the evening of 5 October 2019.
- ◆ Videos 4 and 5 were high quality CCTV pictures that showed an alleged attacker had a plastic tumbler in his hand. It was suggested that the light had reflected off only a small segment of the black tumbler in the images shown by WMP, giving the appearance that it could have been a knife.
- ◆ The Chairman questioned the passage of time in videos 6 and 7 and was advised that the DPS telephoned the Police after 4 minutes of the main disruption starting. PC Rohomon clarified that the ‘999’ call had been recorded at 03:58 hours. It was noted that the times shown on the body cam pictures and the CCTV pictures were not synchronised.
- ◆ While showing video 8, the DPS informed Members that a Police Officer had attended the premises and recorded CCTV footage with his mobile telephone. WMP notified the premises of a stabbing with a large item. After a search, the only relevant item found was a rope stand, which was collected by a Police Officer on the next Wednesday afternoon.
- ◆ Video 9 showed the Police Officer collecting the rope stand and it was highlighted to Members that the stand had not been bagged or protected before it was taken away.
- ◆ The smoking area outside, shown in videos 10 to 12, consisted of a removable pen at one side of the entrance. Anyone leaving and returning would have to go through the entrance area. It would be possible to pass a knife into the smoking area from outside, but security people were present there and the Perspex sides to the pen were high.
- ◆ While watching videos 13 to 15, Members were advised that there were 44 CCTV cameras in the building, of which 36 were in the main area.

At Members’ request, representatives for the Premises Licence Holder demonstrated how the chain and magnetic tethers worked. It was noted that the policies contained in the supporting papers submitted on behalf of the Premises Licence Holder had been updated following the previous Interim Steps hearing, had been discussed with WMP officers and were being updated regularly.

Mr Charalambedes continued:-

- t) It was proposed that the outstanding conditions could be implemented, as clarified during the meeting, and further actions taken to ensure that the licensing objectives were upheld in respect of future events.
- u) The further actions proposed on behalf of the Premises Licence Holder were:
 - risk assessments updated each month and reviewed weekly;
 - I.D. scanner to be added to the existing knife arch at the main entrance;
 - other entrances not to be used unless a knife arch was in place there;
 - a separate queue to be introduced at the main entrance for admitting VIPs;
 - no-one to be allowed to stop in the lobby area, other than door staff;
 - all bottles to be tethered using magnetic tether straps;
 - SIA officers to be contracted from Cryton, the newly instructed security company;
 - CCTV cameras to be installed to cover rear and side exits;
 - a booth barrier to be installed to screen the area for 'DJs';
 - stations/rope stands not to be used unless bolted to the floor;
 - a minimum of 6 body cams to be used during opening hours by security staff.
- v) It had been accepted that serious disorder had taken place on 5 and 6 October 2019 and evidence had been shown on behalf of the Premises Licence Holder that acknowledged the incident.
- w) It was asserted that the problems that had arisen could be resolved and that the premises could operate well in future if the proposed actions were implemented.

In response to questions from Members, representatives on behalf of the Premises Licence Holder made the following statements: -

- A. The DPS confirmed that the event on 5 and 6 October 2019 had been organised by Stories, that a risk assessment had been submitted on 7 September 2019 and that the estimated attendance of 350 people had been based on previous experience.
- B. The higher level of attendance had not been expected and a dog team had been engaged when more bookings were received. A further risk assessment had been submitted on 2 or 3 October 2019.
- C. The co-owner, Mr Jerome Good, advised that updates had been provided to PC Ben Reader and a guest list had been sent to WMP as soon as the premises were aware of the higher attendance. The DPS confirmed that he had informed WMP as soon as he was aware of the higher attendance and advised that the guest list had been compiled from social media details and bookings taken.

- D. With reference to the conditions imposed following the previous Expedited Review, it was confirmed that staff numbering had been introduced, a knife arch had been installed (but an appeal had been submitted), and nitrous oxide was no longer supplied.
- E. It was accepted that only a few other premises in the City had been the subjects of more than 1 Expedited Review in the previous 12 months, (PC Rohomon concurred with that point). On 5 and 6 October 2019, it was understood that only the Arena and one other venue had experienced problems of disorder.
- F. It was accepted also that there had been members of the public congregating in a staff area during the disturbance and showing signs of distress. However, Members were advised that many of those people had not left the premises when asked.
- G. While evidence had been shown from 'YouTube' videos posted by members of the public, it was asserted that viewing the whole CCTV evidence gave a different perspective of the incident.
- H. The premises' understanding of the melee was that it had begun with a disagreement between a group of 3 people and another group of 5 people. A man in a camouflage top had instigated the violence, along with 1 of the women. They did not believe that it involved gang members, but that 15 to 20 'opportunists' joined in the fight, with others crowding in to watch or to try to calm the situation.
- I. It was acknowledged that the 'dress code' for the event had been 'smart/casual', but that people could be seen clearly in the CCTV pictures who were not adhering to that code. That matter and the incident of people smoking inside the premises had been taken up with the security company that was present at the event.
- J. The dog and handler had been requested to assist with dispersing anyone causing problems outside the venue, as a previous incident had occurred outside, but the incident on 5 and 6 October 2019 had occurred inside and had not continued outside. The dog had remained in the handler's van, unless needed.
- K. If gangs had been involved, the premises would have expected any problems inside to continue or escalate outside the venue.
- L. The use of other entrances for celebrity groups was undertaken to ensure that delays did not occur at the main doors and was seen as being good practice. Jerome Good has admitted, counted and searched "Kano's" group, while the DPS had admitted and searched the second group.
- M. The seats where the groups had been sitting were empty before the incident had occurred. It was not known at exactly what times the 2 groups left, but 1 group had left through the fire exit doors and the other had left through the front entrance.

- N. The previous incident on 29 April 2019 had involved a private party and had not been marketed, nor had it involved 'DJs'. Since that incident, no private parties had been held unless the record of the participants was known. Representatives from the premises had attended Pub Watch meetings, contact with WMP had increased, a knife arch had been installed, security had been revised and policies had been reviewed.
- O. The premises wanted to build on that by introducing an ID scanner as good practice and to identify unknown gang members. Extra CCTV cameras, more body cams and magnetic tethering of bottles were also improvements that the premises wanted to introduce. At the same time, a new security company had been engaged to work at the premises.
- P. It was pointed out that the event at the Arena had been disrupted despite the best efforts of the organisers to host a safe event and it was suggested that, if people wanted to cause trouble, it was difficult to prevent that happening.
- Q. The incident at Stories had started 10 minutes before the closing time and there had been a rapid response by the security team, with the problem within the premises contained and no problems occurring outside the venue.
- R. The premises opening hours were 2300 hours to 0430 hours, with last orders of alcohol taken half of an hour before the premises closed. The premises had a 24-hour licence, but did not operate 24-hour opening.

In summing up, PC Rohomon of West Midlands Police stated that the risk assessments provided by Stories had been inconsistent. Two entrances to the premises, not one, had been used on the night and 2 body cams were available with which entry at the second entrance could have been recorded. However, the premises had not been proactive and the risk of using the second entrance had not been assessed. It was not clear how many people had been admitted through the other doors. The representatives had stated that the injury to the victim had been caused by a rope stand, but that was not how it appeared in the images shown.

He reminded Members that, at each review hearing, there had been disagreements about the conditions to be imposed. The premises had not liked the tethering arrangements and had appealed against the conditions. It was clear that not everyone had passed through the knife arch that had been installed. He questioned how many chances could be given to the premises and whether they could be trusted to uphold the 4 licensing objectives. With reference to people smoking inside, it was the first time he had seen those images and the incident had not been raised with Police.

When the incident started, 3 minutes passed before security became involved. The level of violence that occurred was clear. Members had seen a photograph of the wound. There was no evidence that those people who had been admitted through the other doors had been searched.

He urged Members to consider the history of the premises, the severity of incidents that had occurred and the premises' response. He believed that revocation was the only option that should be taken and that the suspension of the licence should stay in place.

In summing up Mr Charalambedes, on behalf of the premises, stated that he was concerned at the blinkered view being taken by the Police, who were defending their position and not taking the full picture into account. The premises were being open with Members and were seeking to address the situation, bearing in mind that the regulations expected consideration of remedies. He believed that the risk assessment had contained sufficient information, but that WMP officers had not read it properly. The premises had 34 active CCTV cameras and body cams, from which video images were available to the Police, but WMP officers had chosen to access 'YouTube' or 'Gossip TV' images. The WMP had failed to become familiarised with the premises, to understand the room layout and to use the resources available at the premises.

The premises did not want problems to occur and did not want to need to attend licensing review hearings. However, when incidents did occur, he believed that all parties should be considering what actually happened and what remedies or improvements could be introduced to address the situation. The Premises Licence Holder and DPS wanted to work with WMP and to ensure that incidents did not occur again. He asked the Sub-Committee to accept the remedies put forward by the representatives.

At 1630 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1725 hours, the meeting was reconvened and all parties were invited to rejoin the hearing. The decision of the Licensing Sub-Committee C was announced as follows:-

8/311019

RESOLVED:-

That having reviewed the premises licence held under the Licensing Act 2003 by New Era Birmingham Limited in respect of Stories, 30 Ladywell Walk, Birmingham, B5 4ST, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines that the conditions of the premises licence be modified as follows, in order to promote the prevention of crime and disorder objective in the Act:

CCTV cameras shall be installed and operated at every entrance with a minimum of 2 cameras on each entrance.

All bottles supplied to customers shall be tethered to the tables at all times, until removed by staff.

ID scanners shall be installed and operated at every entrance at all times.

A knife arch will be installed and operated at every entrance, through which all patrons shall pass when entering the premises.

A minimum of 6 security staff shall wear and operate body cameras at all times, and the premises shall follow all police instructions relating to retention and disclosure of footage. The body cameras must be capable of recording images and audio at all times.

The Sub-Committee's reasons for imposing these conditions are in response to submissions by West Midlands Police and the Licence Holder in relation to an incident which occurred on Saturday 5th October 2019 and involved levels of serious crime and disorder at the premises as outlined in the Chief Officer of the Police's certificate and application. The Sub-Committee took into account the frankness of the Licence Holder to accept the failings in their security and policies, and their willingness to amend their actions going forward.

Since the imposition of interim steps at the previous hearing, the Sub-Committee noted the efforts being made by the premises licence holder to consider these failings and propose constructive conditions. The Sub-Committee reasoned that the Licence Holder had demonstrated a willingness to address their issues and therefore considered the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised, in particular the likelihood of serious crime and or serious disorder.

The Sub-Committee considered section 53D of the Act. On 10th October 2019, the Sub-Committee suspended the premises licence. The Sub-Committee determined that the interim steps should be modified. The interim steps are modified to the conditions imposed above.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the 2003 Act, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, the application and certificate issued by West Midlands Police under Section 53A of the 2003 Act, the written representations, and the submissions made at the hearing by the police, and the premises licence holder and their legal representative.

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

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

OTHER URGENT BUSINESS

9/311019 There was no other urgent business raised.

EXCLUSION OF THE PUBLIC

10/311019 **RESOLVED:-**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt paragraph 3

BIRMINGHAM CITY COUNCIL

LICENSING SUB-
COMMITTEE C
WEDNESDAY, 6
NOVEMBER 2019

**MINUTES OF A MEETING OF THE LICENSING
SUB-COMMITTEE C HELD ON 6 NOVEMBER 2019
AT 0930 HOURS, IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM, B1 1BB**

PRESENT: - Councillor Mike Leddy in the Chair.

Councillors Martin Straker-Welds and Neil Eustace.

ALSO PRESENT

Shaid Yasser, Licensing Section
Sanjeev Bhopal, Committee Lawyer
Marie Reynolds, Committee Manager

NOTICE OF RECORDING

1/061119

The Chairman to advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATION OF INTERESTS

2/061119

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

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

MINUTES

3/061119

The public section of the Minutes of the meetings on 9 October 2019, having been previously circulated were confirmed and signed by the Chairman.

**LICENSING ACT 2003 PREMISES LICENCE – VARIATION MOREISH, 337-339
SOHO ROAD, HANDSWORTH, BIRMINGHAM, B21 9SD**

The following report of the Director of Regulation and Enforcement was submitted:-

(See document no. 1)

On behalf of the Applicant

Rob Edge	– Licensing Agent
Ransford Gordon	– Applicant
Lloyd Spence	– Business Partner

Those Making Representations

PC Abdool Rohomon	– West Midlands Police
Martin Key	– Environmental Health
Councillor Chaman Lal	– Local Ward Councillor, BCC

Following introductions by the Chairman, the main points of the report were outlined by Shaid Yasser, Licensing Section.

It was noted that the representation made by West Midlands Police and Environmental Health included the provision of both agreed Conditions with West Midlands Police (in the event that the application was approved) and a set of stringent Conditions which Environmental Health, Birmingham City Council would similarly ask the Committee to impose on the Licence, if the Committee were minded to approve the application.

Rob Edge, Licensing Agent, made the following points in support of the application and in response to questions from Members:

- Since the grant of the premises licence in 2013 there had been no complaints or major incidents.
- Events had been held under Temporary Event Notices and there had been no issues reported and the Licensee of the premises had liaised appropriately with West Midlands Police and the Licensing Section when these events had taken place.
- The main reason why the variation was sought to facilitate Dominos League events that take place at the venue.
- The extension of hours was also to facilitate other clubs attending the venue to practise and to support small celebration parties that could be scheduled for Thursday, Friday and Saturday (involving 'live music'), and to avoid the restriction of them having to be held under Temporary Event Notices (TENS).

- The current hours of trading, both restricted and curtailed licensable activities after the match events had taken place.
- The applicant had, during their discussions with Environmental Health, BCC agreed to submit a Noise Management Plan as part of a number of conditions agreed with them.
- The introduction of a noise limiting device at the venue should not be favoured as it was a significant cost to the applicant.
- The music system they used for these events would be relocated from the main room to the office at the rear and the DJ could not adjust the volume as it was pre-set at a certain level.
- Although the Dominoes League events concluded by 10:30 – 11:00 pm, participants and spectators discussed the match afterwards and liked to have music playing in the background.
- The applicant's Business Partner, Mr Lloyd Spence, would regularly monitor the noise levels emanating from the premises and as a result of this, would frequently patrol the external and surrounding areas to monitor noise levels.
- There had been no complaints submitted to the premises from residents regarding noise nuisance issues.

In making representations against the application:

Councillor Chaman Lal, Local Ward Councillor, made the following points with regards to the application and in response to questions from Members:

- The area had been blighted by anti-social behaviour, people inebriated and congregating in the local vicinity and causing upset to residents and the local community.
- He stated that as the venue was in a residential area, believed it was inappropriately placed.
- He believed that the opening hours should not be extended as this would be a further disturbance to residents especially those that were employed and had varied working patterns.
- He reported that there were no other venues in the area that opened late into the evening.
- He further believed that the venue attracted the 'wrong' type of people and to extend the opening hours would cause further detriment to the local area.

- He referred to the number of negative emails received due to his role as a local Ward Councillor from residents regarding the venue.
- He confirmed that he had personally witnessed people loitering in the local vicinity when driving past at various times of the day and night.
- He confirmed that the current opening hours were tolerable however an extension to the hours would be most detrimental to the local area.

Sanjeev Bhopal, Committee Lawyer, BCC, submitted questions:

Lloyd Spence made the following points in response to the questions:

- The licensed premises were a member of 'BID' and paid the subscription.
- When ambassadors of BID visited there had been no issues.
- Patrons visiting the venue were not allowed to take drinks outside and not to loiter outside.
- A smoke shed had been built outside in order that patrons used the facility rather than smoke outside the venue. The facility had been constructed approximately 3 weeks ago.

In making representations against the application PC Abdool Rohomon, West Midlands Police made the following points regarding the application and in response to questions from Members:

- When the application had been received there had been no pre-consultation with West Midlands Police to consider the application and was therefore very surprised when it was submitted.
- There was concern as to whether the applicant had agreed to formally accept all the proposed conditions as sought.
- The Temporary Event Notices previously submitted by the applicant had not been for Domino League events.
- No applications for Temporary events had been submitted in the last 12 months for anything other than sale of alcohol and late-night refreshment.
- The location of the venue generally, was considered by the applicant's advisor 'slightly challenging', this was not the case, as the Police considered the area difficult and a 'high impact' area to police.
- There was concern raised by the Police that given the stringent conditions put forward by them which were additional to the conditions imposed by a Licensing Sub-Committee at a previous Hearing, believed, that the applicant should have given greater thought to the current application,

especially, as the area was difficult to police, which may then have alleviated police concerns, however, this was not the case.

- There was concern and doubt as to the applicant's ability to comply with the conditions and to fully understand what was required.
- There was concern as to whether the applicant was complying with the current licence conditions relating to the use of SIA approved door staff at the venue and was therefore going to investigate in due course.
- When (TENS) events had taken place there had still been a need for some police intervention.
- When premises extended their opening hours, the police witnessed a massive sea change with people visiting premises later rather than earlier in the evening which was a potential higher risk for the police to manage.
- As the domino League events finished by 1030-1100 pm was unable to understand the need for an extension of hours thus reducing the risk for the police.

In making representations against the application Mr Martin Key, Environmental Health, made the following points regarding the application and in response to questions from Members:

- He referred to the building premises and the unsuitability to undertake the type of licensable activities that were being requested, as it had been a former Bank and was totally unsuitable.
- He referred to the location of the premises which was within a residential area and the impact that this would have on residents if the extension of hours was granted.
- He referred to the conditions that were in place now and stated that there should have been the submission to the department for an extraction ventilation system for the premises which had never been received.
- He referred to the smoke shed and stated that there had been no permission granted for that. The concern that it had been erected very close to other residential properties and the impact of noise and associated odour as a result of the new smoking designated area which all needed to be investigated.
- He referred to the general anti-social behaviour that the late-night events attracted and the groups congregating outside during the early hours of the morning.
- He referred to the noise aspect and that if the application for extended hours was granted, noise limiting devices were not expensive as had been suggested.

- He highlighted that the premises were not adequately sound proofed for 'live' music and was of very poor design with no insulation.
- It was noted that the music that was likely to cause noise nuisance was background or ambient music which was to be played.
- Noise nuisance would be caused by patrons leaving the premises by taxi vehicles or being picked up in private vehicles as there was no parking provision outside of these premises.

During the summing up in making representation against the application, Martin Key, Environmental Health, expressed concern as to whether the licence holder had discharged the condition attached to planning permission regarding an extraction system, the lack of operational control for the venue, the noise and associated odour and was unsure if the designated smoke shed was compliant with health activities.

During the summing up in making representation against the application, PC Abdool Rohomon, West Midlands Police, referred to extension of hours and the greater risk to the police, the venue being used for birthday celebrations when Domino League events were not taking place. Domino League events finished by 1030-1100 pm and believed the necessity to extend the hours was unnecessary. He further referred to the two breaches of the licence conditions by the applicant and the breakdown of trust and had no confidence whatsoever that if the application was granted that the conditions imposed would be fully complied by the applicant.

During the summing up in making representation supporting the application, Rob Edge, Licensing Agent and Ransford Gordon, Applicant, believed that some of the faults that had been highlighted during the hearing were as a result of naivety and lack of knowledge which they were more than willing to address. It was highlighted that they worked well with 'The Bid' and were mindful that they were located in a residential area and the premises was situated very close to other residential properties and therefore, very aware of ensuring that there was not cause for complaint with regard to noise nuisance. It was further highlighted that while the Domino League events finished by 1030-1100 the extension of hours (from 4am to 2 am) would be to allow the teams to partake in refreshments and unwind. Further attention was drawn to the music system and that they had already complied with not having sound speakers outside of the property and regarding the parking issue, as they had a parking contract with Lidl Supermarket, coaches attending the event could use their car park. It was highlighted that they were content to comply with the conditions that were in place at present and would not change their business opening hours until the extension of hours had progressed through the appropriate Planning Department procedures.

At 1105 hours the Chairman requested all present except for the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1150 after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:

4/061119

RESOLVED:-

That the application by Mr Ransford Gordon of Moreish, 337-339 Soho Road, Handsworth, Birmingham to vary the premises licence in respect of 337-339 Soho Road, Handsworth, Birmingham, B1 1DA, under section 34 of the Licensing Act 2003 **BE REFUSED**.

The Sub-Committee had regard to the representations made by the Premises Licence, his business partner and their Licensing Consultant in support of the application, which included the provision of both agreed Conditions with West Midlands Police (in the event that the application was approved) and a set of very stringent Conditions which Environmental Health, of Birmingham City Council would similarly ask the Committee to impose on the Licence, if the Committee were minded to approve the application.

The Sub-Committee had also considered the representations put forward by a local ward Councillor against the grant of the variation application on the ground of public nuisance to local residents in an area which according to the Councillor had been blighted by anti-social behaviour. To grant the variation in the terms sought, would in the Councillor's view, contribute to both crime and disorder and public nuisance within the area.

At the start of his submissions, the premises licence holder's licensing consultant had informed the Sub-Committee that since the grant of the premises licence in 2013, the premises had experienced no "major incidents or complaints" and events held under Temporary Event Notices had similarly been carried out without issue.

This was supplemented by representations that West Midlands Police had agreed conditions with the applicant which would address their concerns over the prevention of crime and disorder and promotion of public safety objectives within the Licensing Act 2003, which included a power of veto, if West Midlands Police felt that any event at the premises would compromise the licensing objectives.

The Sub-Committee were informed that the main reason why the variation was sought was to facilitate Dominos League events which took place at the venue. The current hours of trading, both restricted and curtailed licensable activities after match events had taken place.

The Sub-Committee were informed that the applicant had, as part of their discussions with Environmental Health, Birmingham City Council agreed to submit a Noise Management Plan as part of a raft of conditions agreed with them. However, the Sub Committee were informed that imposition of a noise limiting device at the premises should be resisted because it would be a significant cost to the applicant and referred to the Sub Committee guidance issued under Section 182 Licensing Act 2003 in this regard (paragraph 2.17). The Sub Committee were informed that Mr Spence, the applicant's business partner, was quite used to monitoring noise levels emanating from the premises and would frequently patrol the external and surrounding areas to monitor noise seepage. If, the premises were responsible for noise nuisance, he could control this from within the

management office at the premises, to reduce this or stop this altogether. Added to this, the Sub Committee were informed that no residents had formally complained to the premises about noise nuisance issues.

The Sub Committee then received representations from the local Councillor who was of the view that the area had been blighted by anti-social behaviour, crime and disorder and public nuisance. It was in his view "...the wrong venue, in the wrong place, and wrong to extend the hours.." He referenced the location of premises to nearby residents some of whom varied working patterns and the impact this would have on the residents if the application was granted. When asked how many had actually complained, the Councillor referenced emails he had received in his capacity as a local ward member. In his summation, the Councillor said he was prepared to give the applicant's the benefit of doubt to see how they got on but ultimately, did not believe the application as sought should be granted.

The Sub Committee then heard from West Midlands Police in support of their representations and stated that none of the Temporary Event Notices the applicants had previously submitted were for Domino League events and no applications for Temporary Events had been submitted in the last 12 months for anything other than sale of alcohol and late night refreshment. They were firmly of the view that the location of the premises generally, was not "slightly challenging" as suggested by the applicant's advisor but was instead a "very difficult area" to police. West Midlands Police felt that the applicant could have undertaken more meaningful consultation with them prior to submitting the variation application referencing the ambiguity over whether the applicant had in fact agreed to formally accept all the proposed conditions as sought.

The conditions being put forward by West Midlands Police were very rigid, in that the extended hours of trading to 0400 hours (Thursdays to Saturday) would only be permitted for "...the playing of Dominoes in an organised Domino League. Domino competitions must be played through these hours, with the sale of alcohol and regulated entertainment being ancillary for the usage of the premises." These conditions were in addition to those conditions imposed by a licensing Sub Committee after a Hearing. West Midlands Police therefore felt that more thought should have gone into the current application, acknowledging that the premises were in a difficult area to police, with proposed conditions which might alleviate their concerns. Put simply this did not occur on this occasion, as a result of which the police expressed significant doubt over the applicant's ability to properly promote the licensing objectives.

During the course of the police's representations, reference was made to the use of SIA approved door staff at the venue and whether the applicant was currently complying with the relevant condition on the premises licence. Following clarification by the applicant's consultant, the Sub Committee were satisfied, on balance, that applicant was adhering to this condition. However, the police continued to express their doubt over of the applicant's ability to comply with the conditions and trust them to do so.

The Sub-Committee then heard representations from Environmental Health of Birmingham City Council who were of the view that the premises, being a former

Bank, were entirely unsuitable to undertake the type of licensable activities sought for the durations requested and that the application should be refused. The restriction imposed on the premises in terms of planning consent meant that any decision of the Sub Committee to grant the application would be subject to a further application for planning permission to remove the current terminal hour of 2330 hours. This was imposed at the time due to concerns over the impact on the residential amenity particularly around noise and odour. Environmental Health maintained that it could be cost effective to install a noise limiting device (in the event that the Committee were minded to grant the application), and that modern devices are not prohibitively expensive as suggested. The premises do not benefit from glazing, or any attenuation devices and was not suitable for live music. The music which was unlikely to cause noise nuisance was background or ambient music.

As part of their submissions, Environmental Health also referred to two breaches of the Licensing Act 2003, which had resulted in the applicant being issued with a simple caution in September 2018 by the Council's Licensing and Enforcement department. They therefore disputed the assertion that the premises had not had any "major issues" since the licence was granted in 2013. They also expressed doubt over whether the licence holder had discharged the condition attached to planning permission in respect of an extraction system, lack of operational control for the venue, the noise and associated odour from the new smoking area at the premises.

Although, in summing up the licence holder's consultant had sought to curtail the hours of licensable activities from 0400 hours to 0200 hours Thursday to Saturday, this was not sufficient to address the Committee's very serious concerns about the premises licence holder's ability to properly promote the prevention of Crime and Disorder, and Public Nuisance as referenced within the representations made by West Midlands Police, Environment Health of Birmingham City Council and a local ward member.

On balance, the Committee were not persuaded to Grant the variation application on this occasion primarily as a result of the following:-

- 1) They expressed serious concerns about the suitability of the premises to undertake licensable activities for the periods sought in the application without having a negative effect on the promotion of the aforesaid licensing objectives for the reasons set out above;
- 2) There was significant doubt on the part of the Committee that the agreed or imposed conditions would negate the impact of the licensable activities within an area that was experiencing anti-social behaviour, although not directly attributable to the premises;
- 3) The Committee were also concerned about the premises' recent history of trading, in particular the "simple caution" which Licensing and Enforcement of Birmingham City Council, and to issue to the premises licence holder in 2018 in lieu of a prosecution.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office, the application for a premises licence variation, the written representations received and the submissions made at the hearing by the applicant, their adviser and those making representations.

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

OTHER URGENT BUSINESS

5/061119

No items of other urgent business were submitted.

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C – 13 NOVEMBER 2019

**MINUTES OF A MEETING OF
LICENSING SUB-COMMITTEE C HELD
ON WEDNESDAY 13 NOVEMBER 2019
AT 0930 HOURS IN THE ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Mike Leddy in the Chair;

Councillors Mary Locke and Neil Eustace.

ALSO PRESENT:

Shaid Yasser – Licensing Section
Melissa Douglas – Legal Services
Errol Wilson and David Smith – Committee Services.

NOTICE OF RECORDING

01/131119 The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

02/131119 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest are declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

03/131119 No apologies were submitted.

EXCLUSION OF THE PUBLIC

04/021019

RESOLVED:

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-
(Paragraphs 3 & 4)

ANY OTHER URGENT BUSINESS

05/021019

No other urgent business is raised.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Thursday 19th December 2019
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	The Corner Shop, 41 Horsefair, Bristol Street, Birmingham, B1 1DA
Ward affected:	Bordesley & Highgate
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol by retail (for consumption off the premises) to operate from 10:00am until 04:00am (Monday to Sunday).

Premises to remain open to the public from 08:00am until 04:15am (Monday to Sunday).

2. Recommendation:

To consider the representations that have been made and to determine the application.

3. Brief Summary of Report:

An application for a Premises Licence was received on 5th November 2019, in respect of The Corner Shop, 41 Horsefair, Bristol Street, Birmingham, B1 1DA.

A Representation has been received from West Midlands Police as a responsible authority.

Representations have been received from other persons.

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:

Mansour Taleghan applied on 5th November 2019 for the grant of a Premises Licence for The Corner Shop, 41 Horsefair, Bristol Street, Birmingham, B1 1DA.

A representation has been received from West Midlands Police, as a responsible authority. See Appendix 1.

Representations have been received from other persons. See Appendices 2 – 8.

The application is attached at Appendix 9.

Site Location Plans at Appendix 10.

It should be noted that there is a special policy in force for the Arcadian/Hurst Street area. The effect of a special policy is to create a rebuttable presumption that applications for new licences or material variations to existing licences will normally be refused unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives being experienced.

The Council will expect the applicant to demonstrate the steps it will take to promote the licensing objectives. Where relevant representations are made, the Council will consider the application on its individual merits and decide whether to apply the special policy.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-

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

6. List of background documents:

Copies of the representations as detailed in Appendices 1-8.
Application Form, Appendix 9.
Site Location Plans, Appendix 10.

7. Options available

To Grant the licence in accordance with the application.
To Reject the application.
To Grant the licence subject to conditions modified to such an extent as considered appropriate.
Exclude from the licence any of the licensable activities to which the application relates.
Refuse to specify a person in the licence as the premises supervisor.

Entered p. 2/12/2019

From: bw licensing
Sent: 29 November 2019 11:52
To: 'rob.edge' ; Licensing
Cc: bw licensing
Subject: New Application, The Corner Shop, 41 Horsefair

Licensing,

This application submitted for The Corner Shop seeks to grant a licence for a premises previously known as 24/7 express, which recently had its licence revoked by committee.

The new application does not demonstrate enough separation from the previous licence holder, DPS and management.

The land lord in the agreement is shown as Mr Hassanpoor, the previous licence holder. There is no evidence of a sale having taken place, and an agreement has been reached to pay monthly to cover the cost of stock transfer.

WMP believe that this means Mr Hassanpoor is still financially interested in the premises and has a controlling position being the landlord.

WMP wish to object to this premises application

Thank you

Ben

Police Constable 2413 Ben Reader
Licensing Department
Birmingham West Local Policing Unit
 Police Headquarters,
 Lloyd House,
 Birmingham,
 B4 6NQ
 Direct Dial -
 Tel -
 Email -
 Twitter @brumlicensing

Preventing crime, protecting the public and helping those in need

Entered by
03/12/2019

3 Lexington Gardens

Dear Licensing officer,

This is about licence application for the corner shop 41 Horsefair
Birmingham B1 1DA

I am an African Caribbean mother and have two teenager sons, 14 and 15 year old. This week I was called in by the school and the police who got complaint that they have been drinking alcohol in school and public area. My sons told me that they bought the alcohol at the shop on the corner of Horsefair called 24/7. I think it is against the law to sell alcohol to teenage minors and the shop should be strip of their license for selling alcohol to teenage minors. I have been to the shop to confront the shopkeeper but he could not speak English. I ask one guy there who can understand abit of English, to see the manager but the manager was never there. It does not matter who manage the shop, all the staff there are the same, rude and not polite to costumers. Whilst I was there I have seen the shopkeeper selling loose pack cigarettes under the counter which is totally illegal.

My sons have got warming letters from school and this give them a bad reputation and I do not wish to see other parents and children to go through this bad experience.

I hope the authorities in concern will deal with this matter as serious as possible and that the people involved at the shop should not by all means allowed to be given a licence to sell alcohol and cigarettes again.

Thank you for your understanding and I hope that this issue will be address as accurately as possible.

Yours concerned

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 02 DEC 2019 REF NO INITIALS
--

Entered JS
3/12/19

Licensing Department
PO BOX 17013
Birmingham
B6 9ES

1 Lexington Gardens

Dear Licensing department,

re: The Corner Shop (formerly 24/7 convenience) 41 The Horsefair Birmingham B1

I am writing to register my objection to the application for a premises licence the new owner Mansour Fallahi (apparently still the same) for 41 Horsefair Birmingham B1 1DA . The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour.

The Shop lies within the Council's Cumulative Impact Area, and enabling the premises to sell alcohol would be totally detrimental to its aims and objectives. The application proposes that alcohol will be sold for consumption off the premises between 10:00am and 4.00am, seven days a week. Granting a licence would provide a further source of alcohol within an area already so heavily populated with licensed premises that crime, disorder and public nuisance have already reached problem levels for the local police and residents like me.

Residents in this area already suffer noise nuisance and antisocial behaviour at all hours of the day and night. They have endured this inconvenience since 2006 when the licensing legislation was first amended, and it is totally unacceptable to expect them to continue to do so.

I would also urge the Committee to consider the findings of the Health impact assessments by the Public Health department in Birmingham which show the link between Rough Sleeping, Alcohol and crime. This shop promotes all of these negative outcomes.

Many local resident in my block have become victims of crime and antisocial behaviour because of the shop and its sale of alcohol on their way home from New Street Station.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,

BCC
REGULATION & ENFORCEMENT
LICENSING SECTION
DATE RECEIVED
02 DEC 2019
REF NO.
INITIALS

Entered by
03/12/2019

Alcohol Licensing office Director

REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED	
02 DEC 2019	
REF NO	
INITIALS	

Regards to : Shop at 41 Horsefair Birmingham B1

I strongly object to another license being granted to this shop.

Firstly they are open way too late and only promote late night over drinking and anti social behaviour and general mayhem!

They are only interested in profit as they sell very cheap under the counter alcohol and cigarettes which promotes over drinking.

We have to live with this every night! I walk past and will always be harassed by people drinking from there.

There are too many shops selling alcohol in this area already so one less will make a difference so why let them when people can buy from another shop or even online.

It seems ridiculous that this shop after being convicted can reapply so easily and quickly for a new license by just moving things around conveniently.

Have the council been advised by the police that this application is in the public interest within our community given the high crime figures and low conviction rate currently for our area. Are the police willing to agreed to share the blame for future antisocial behaviour directly resulting from the activities and slackening of licensing laws for a shop that has already been convicted of breaching the law already.

Yours faithfully

Jacoby Place ,Priory Road, Birmingham

To:
Licensing Council Officials

from :
Cambridge Cmst

Re: New License Application - 41 Horesfair B1 1DA

To Whom it may concern.

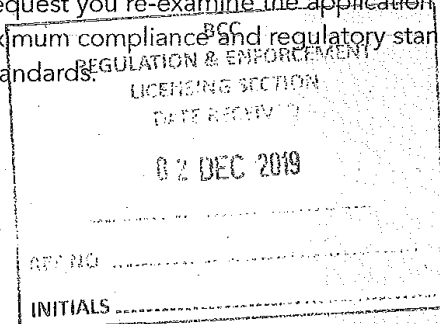
I strongly object to this application given the following I have witnesses and evidence others have provided.

I am a local resident to the 24 hour Shop on The Horsefair Road and am sick and tired of disruption chased by drunks and underage drinkers frequenting this shop.

I personally avoid using it due to the unsavoury assortment of individuals that hang around this place, however I needs cold remedies urgently last week and personally witnessed the owner selling single cigarettes out of coloured packets i.e. gold Benson and white and red embassy number one, which I thought are now band in the uk.

I also noted on leaving that hidden behind a side door which was ajar an application for a alcohol license which given he was openly selling alcohol at the time is a travesty of justice.

Before ignoring the above a would request you re-examine the application to ascertain weather this license renewal is at maximum compliance and regulatory standards or as stated by others slack and slippery standards.



This is all very disturbing as I can not understand how the same owner and family can doge the license laws by moving a license from the husband to his other family member. I also believe that if you commit a criminal offence punishment should apply and that any future licensing should have maximum enforcement of regulatory undertaking not reduced or in his case complete exemption.

Given the above and the problems his past proven criminal breaches of licensing law within these premises I personally object to any granting of a new licence to sell alcohol or cigarettes until a reasonable period of time has elapsed say at least 1 year.. Breaking the law should be punished not rewarded with a new and slacker license to make it easier to break the law again and avoid prosecution.

Yours with Concern

Entered on
03/12/2019

Shorters Avenue
Birmingham

Re: Premises application 41 Horse fair
B1 1DA.

To licencing committee
Birmingham city council.

BCC
REGISTRATION & ENFORCEMENT
LICENSING SECTION
DATE RECEIVED
02 DEC 2019
REF NO. _____
INITIALS _____

29th November 2019

Hi,

I am writing about the shop on ~~the corner of Horse fair~~ called 24/7.

I have been a local resident for the past 10 years and absolutely dread going past the shop at anytime. There are always rough people who cause trouble outside and inside the shop at all hours. The shopkeeper sells under the counter cigarettes and alcohol as matter of course which promotes all the wrong type of people. Not only is it a safety issue with many drunk people but it also constantly harasses passersby for money to buy alcohol and cheap foreign cigarettes from the shop.

This makes local peoples lives a complete misery and I heard that they have reapplied for their license which they lost by changing the owner and names - I have never complained like this before in my life but I felt it was ~~my~~ the right thing to do for the area. This is all a scam as the owner brags to everyone that he will get his license back by just changing the name to his relative and putting a new sign up.

This is wrong and this shop should NOT BE ALLOWED TO SELL ALCOHOL EVER AGAIN!

They also sell alcohol to young kids which I have witnessed with my own eyes because they open late and think no one will catch them.

Yours faithfully

Entered by
3/12/2019

Shorters Avenue
Birmingham

To: PublicHealth.Licensing

Subject: Licensing Application - for 41 Horsefair, Birmingham, B1 1DA

Dear Sirs

I strongly object to the proposed license application by The Corner Shop , as it will be known, on the grounds of Public Nuisance and safety due to noise. They have demonstrated that they have little concern about the noise and protecting the public from anti social behaviour which is largely down to people congregating outside their shop at all hours of the day and night

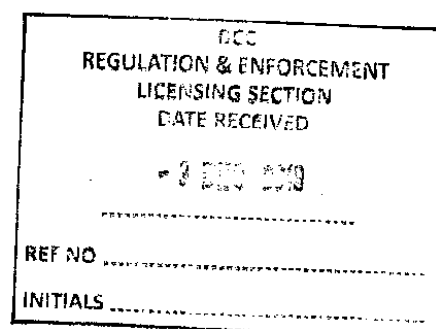
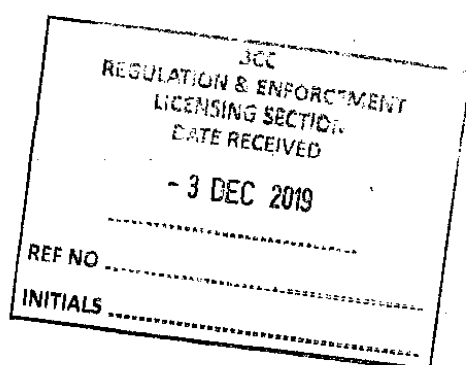
I am not convinced by there reassurances on their new regime or owners if they cared about their neighbours regarding noise and nuisance why have they still applied for a very late license. I have been a resident here for many years and have suffered going past this dreadful place.

Traffic problems are another issue of grave safety as people park in a dangerous and hap hazard way at all hours which is very dangerous as the shop is just off the roundabout. I have witnessed many near misses.

In the period where they lost their license for selling illegal cigarettes , another matter of concern , the area was much quite and less trouble when I've gone past it.

Granting them a license again would be a real travesty.

Yours faithfully



Entered by
3/12/2019

<p>PCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 03 DEC 2019 REF NO. _____ INITIALS _____</p>
--

Madison House 92
Wrentham Street

The Licensing Committee - Urgent

Re: Proposed Re-licensing of 41 Horsefair Birmingham B1 1DA known as The Corner Shop

This is an objection in reference to the new application by 41 Horsefair Birmingham B1 1DA known as The Corner Shop to open till 4am and sell alcohol between the hours of 10am and 4am, Sunday to Saturday (7 days a week).

By way of objection against the application I would like to raise the following concerns by way of formal objection.

1. Concentration of Licensed Outlets.

- There are 5 public houses nearby 3 just off the high street in close proximity to the proposed site.
- There are 6 shops selling alcohol on the high street.
- In addition to above there are numerous restaurants with alcohol licences.

After leaving local restaurants late at night the concern is that people will be drawn into the shop from across the road which is dangerous crossing the busy main road.. There is also potential overspill from events such as weddings and parties that take place in the O2 academy opposite with many vulnerable young people attending.

The addition of many other outlet selling alcohol in this location, which is a conservation area and near to two children's nurseries and the Church Hall which hosts weekly regular young children's events, is inappropriate during daylight hours and after dark adds to concerns about breaches of the peace increasing in and around the park opposite the site.

2. Crime and Disorder.

Late hour opening and an alcohol licence will draw unwelcome attention and increased footfall at unsociable hours to a residential area.

Noise, public nuisance, anti-social behaviour, low-level nuisance (non reportable crime inc. shouting, swearing, urination in public, littering) will be increased.

The site is adjacent to the Pagoda subway. Historically there have been vagrants sleeping in the park and incidents of regular gatherings of youths drinking alcohol and causing disturbances. Police attention to this issue has largely been ineffective to this, however, the site is acknowledged by the Police to be of concern. We note from the Police Liaison Group Meeting on 28 February 2019 that the Police and attending members of the Community were very concerned that no alcohol licence be allowed at this site, fearing a resurgence of the recorded historical alcohol related incidents.

Entered by
3/12/2019.

Recently there have been 2 incidents of alcohol related malicious woundings on the High Street, 1 resulting in serious injury, illustrating the reality of the Police and local residents' concerns.

3. Public Nuisance.

Late hour opening times in a busy, residential, area will unnecessarily draw people from a wider area at unsociable hours. Signage will be visible from a distance down the High Street and across the Road, which will add to the additional draw of pedestrians and vehicles.

Noise, light pollution, traffic and traffic noise will all have a negative impact.

Additional traffic, to an already busy junction and tight corner will have serious public safety implications.

Thank you for taking the time to seriously consider these objections.

Yours Sincerely,

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We Mr Mansour Taleghan

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference		BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 05 NOV 2019 REF NO. 009487 / 000985 INITIALS LW - £190.00	
41 Horsefair Bristol Road			
Post town	Birmingham	Postcode	B1 1DA
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£17,750	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | |
|--|---|
| a) an individual or individuals * | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a statutory function or ☐
- a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Teleghan			First names Mansour		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
Nationality British					
Current residential address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth I am 18 years old or over					<input type="checkbox"/> Please tick yes
Nationality British					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? **ASAP**

DD	MM	YYYY

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The premises, which are situated close to the CIZ of the City Centre are a Convenience store and off licence, and will operate a "hatch" system for serving from 2330 hrs.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- | | |
|---|--------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box D)

☐

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 4)	
Tue				
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
					Day	Start
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed						
Thur			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)			
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>	
				Off the premises	<input checked="" type="checkbox"/>	
				Both	<input type="checkbox"/>	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)			
Mon	1000	0400				
Tue	1000	0400				
Wed	1000	0400				
Thur	1000	0400				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri	1000	0400				
Sat	1000	0400				
Sun	1000	0400				

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Mr Mansour Taleghan
Date of birth
Address
Postcode
Personal licence number (if known) 5583
Issuing licensing authority Birmingham City Council

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

Not applicable

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0800	0415	
Tue	0800	0415	Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Wed	0800	0415	
Thur	0800	0415	
Fri	0800	0415	
Sat	0800	0415	
Sun	0800	0415	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The premises licence holder will ensure that he fully upholds all of the licensing objectives, at all times.

Believe there is a submission of a strong operating schedule in support of this application.

b) The prevention of crime and disorder

CCTV has been installed, and will be operated and fully maintained at all times; images will be retained for at least 31 days and be produced on request of any Responsible Authority.

The CCTV will be operational at all times whilst the premises are trading.

Warning notices will be displayed in public areas of the premises advising that CCTV is in operation.

An incident log and refusals log will be maintained at all times, and will be checked and signed off by the DPS at the end of each week. These logs will be made available for inspection by any Responsible Authority, upon reasonable request.

No single cans/bottles of beer or cider will be sold at any time.

Receipts for all purchase from the wholesaler will be retained at the premises, and made available for inspection by any Responsible Authority.

Alcohol sales between the hours of 2330 and 0400 shall only be conducted via a hatch window, and this hatch/window must be covered by a well-lit CCTV camera, linked to the CCTV system within the premises.

If the DPS / premises licence holder is not on site, there will be a member of staff left in charge of the premises who will have enough knowledge of the business to liaise with any of the responsible authorities as required.

The premises will not supply disposable drinking cups to customers that are purchasing alcohol.

c) Public safety

The premises licence holder or DPS will carry out pre-opening checks of the premises to ensure that there are no risks to patrons and that all safety precautions are in place.

The licence holder will ensure that all staff receive appropriate training. The licence holder would ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol. These training records will be retained at the premises, and staff training will take place twice per year.

All safety certificates and inspection reports will be kept on site and made available to Responsible Authorities upon request.

d) The prevention of public nuisance

The Premises Licence Holder will ensure that the disturbance caused to the public is kept to a minimum, signage will be placed in a prominent place asking customers to respect our neighbours, and not to loiter at the front of the premises.

The premises staff will ensure that the frontage of the premises are checked regularly for litter and rubbish, clearing any debris away.

No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2200 hours and 0800 hours.

e) The protection of children from harm

A challenge 25 policy is in place and only recognised forms of ID will be accepted. {PASS accredited ID, passport or photo driving licence}.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒

- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☒

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	

Date	5 November 2019
Capacity	Agent on behalf of the applicant

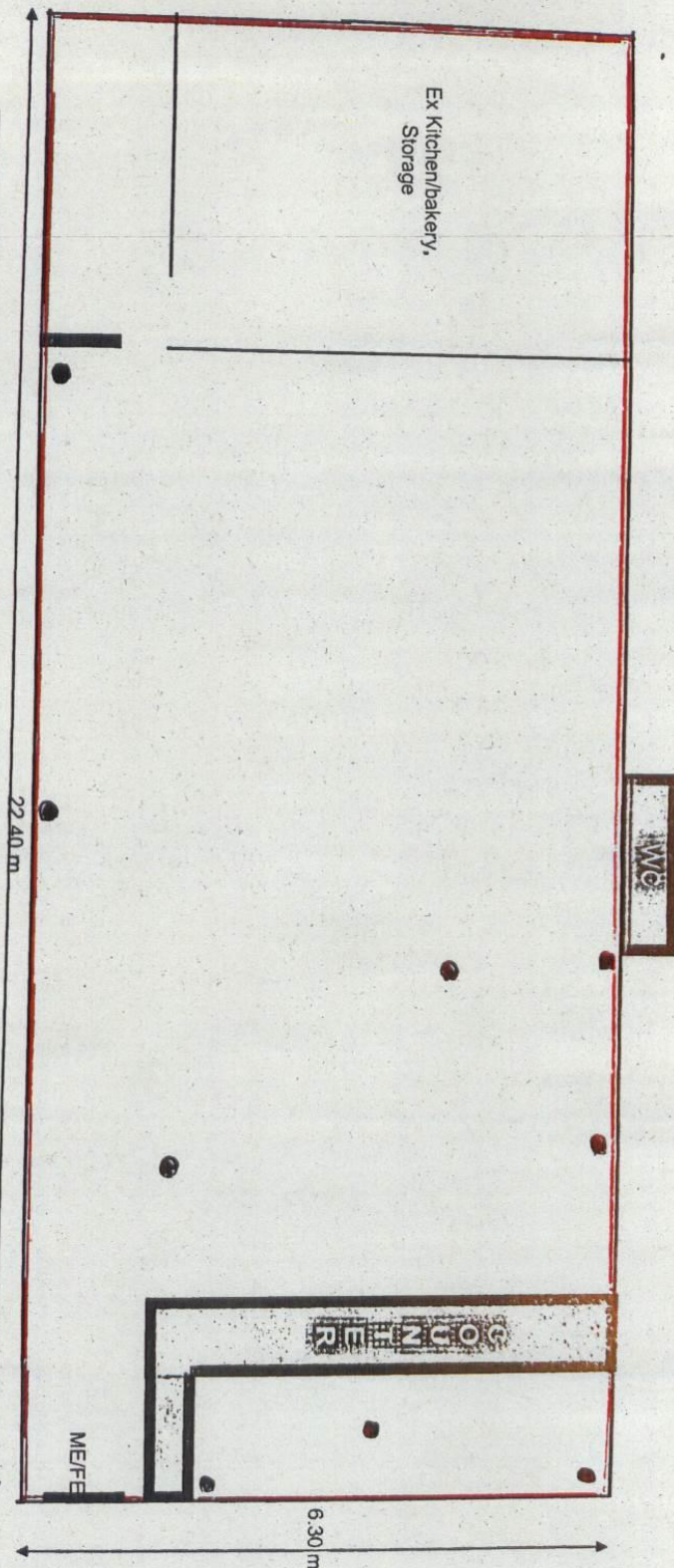
For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Rob Edge Licence Leader Ltd			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

The Corner Shop
41, Horsefair
Birmingham
B1 1DA

Ex Kitchen/bakery,
Storage



Licence Leader Ltd
rob edge
Version 01 - Nov 2019
Measurements supplied by owner

Key: CCTV
WC - Toilets
FE - Fire Exit
ME - Main Entrance



Birmingham
City Council

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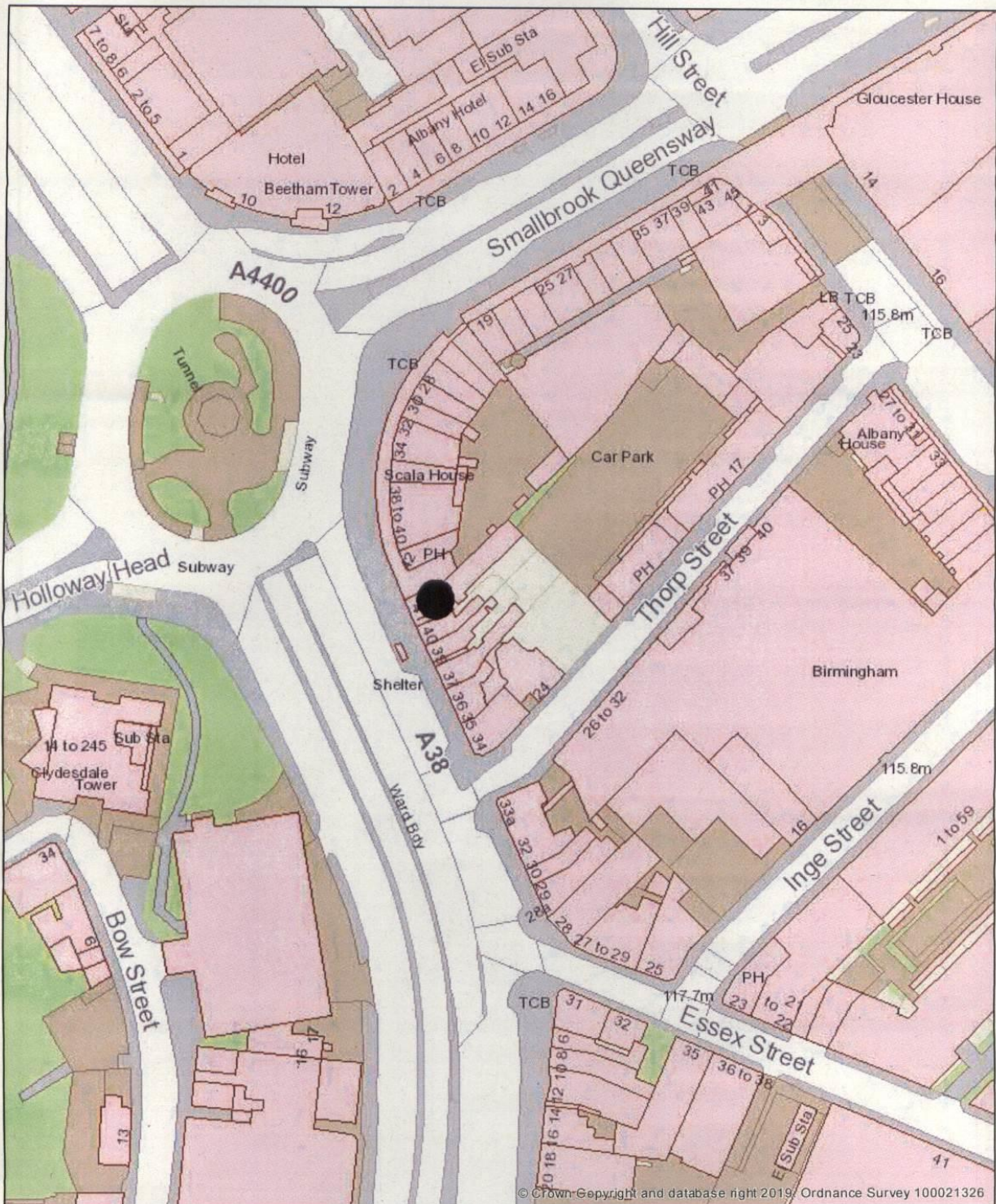
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Scale: 1:4,000

N



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City Council

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Map Created By:

Scale: 1:1,250



Evidence Bundle

**Application for 41 Horse Fair,
Birmingham B1 1DA**

**This location is covered by the
BCC cumulative impact policy.**

PC 2413 Reader



BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE - C

WEDNESDAY 9 OCTOBER 2019

24/7 CONVENIENCE EXPRESS, 41 HORSE FAIR, BIRMINGHAM, B1 1DA

That, having reviewed the premises licence held under the Licensing Act 2003 by Mr Rahmat Hassanpoor, in respect of 24/7 Convenience Express, 41 Horse Fair, Birmingham B1 1DA, upon the application of the Chief Officer of Weights and Measures, this Sub-Committee hereby determines that:

- the Licence be revoked, and that
- Mr Rahmat Hassanpoor be removed as Designated Premises Supervisor

in order to promote the public safety and prevention of crime and disorder objectives in the Act.

The Sub-Committee's reasons for revoking the licence are due to concerns expressed by the Chief Inspector of Weights and Measures. A Trading Standards Officer attended the meeting and told the Members of the Sub-Committee about the packets of illicit tobacco products contained in a briefcase, stored under the till, which had been discovered during an inspection of the premises carried out by Trading Standards Officers. The explanation given to officers by Mr Hassanpoor (namely that the briefcase belonged to somebody else, and that Mr Hassanpoor was no longer in contact with that person) was not accepted, especially in view of the fact that the combination used to lock the briefcase appeared to be the date of birth of Mr Hassanpoor's wife.

It was the recommendation of Trading Standards that the licence should be revoked as the premises was incapable of upholding the licensing objectives. West Midlands Police made representations supporting this proposed course. The Police had concerns about irresponsible sales of alcohol to street drinkers, which was contributing to anti-social behaviour blighting the area.

The Sub-Committee had grave concerns about the manner in which this premises had been operating, and therefore paid close attention to the submissions of Mr Rahmat Hassanpoor, who attended the meeting and addressed the Sub-Committee. Mr Hassanpoor was both the Designated Premises Supervisor, and the Premises Licence Holder.

After hearing all the evidence, Members of the Sub-Committee determined that the sale and storage of illicit tobacco was indeed so serious that it could not be tolerated, and therefore resolved to revoke the licence as recommended by the Chief Officer of Weights & Measures.

The Sub-Committee agreed with Trading Standards that the operation had been managed in a way that was not merely irresponsible, but also illegal. A determination to revoke would follow the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. There were no compelling reasons to depart from the Guidance on this occasion.

Mr Hassanpoor's explanations did not inspire any confidence whatsoever that he understood the licensing objectives. This warranted the removal of him as the Designated Premises Supervisor. The course proposed by Mr Hassanpoor's adviser was also inadequate as it failed to address the seriousness of the management failings, and instead focused on 'training'. The Sub-Committee had no confidence that a training programme would be sufficient to address the management failings of a Designated Premises Supervisor prepared to sell illicit tobacco.

The Members of the Sub-Committee gave consideration as to whether they could modify the conditions of the licence, or suspend the licence for a specified period, but were not satisfied given the evidence submitted that the licensing objectives would be properly promoted following any such determination, for the reasons set out above.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the Chief Inspector of Weights & Measures, by West Midlands Police, and by the Designated Premises Supervisor and his adviser.

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

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

Ben Reader

From: rob.edge@
Sent: 20 November 2019 08:46
To: Ben Reader
Subject: FW: The Corner shop
Attachments: The Corner Shop - Tenancy Agreement.pdf

Ben,

As requested, here is a copy of the lease, along with an email explanation from the previous owners (See below), as to how the sale is being undertaken.

Hope this is sufficient for your needs.

Regards

Rob

Rob Edge
Licence Leader Ltd



Dedicated to providing a dynamic and realistic approach to licensing.

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From: sofia hassanpoo [REDACTED]
Sent: 18 November 2019 15:04
To: rob.edge@
Subject: Re: The Corner shop

Dear Rob,

As discussed with Mr Mansour Taleghani and yourself due to my current health situation we were not in a position to run the business. Due to this we have decided to lease the business to Mr Taleghani as he was a known associate of my husband's cousin. We will not be undertaking any kind of control nor do we have any say in the business.

As for the issue of proof of sale it was a private agreement that as Mr Taleghani did not have the capital for the business we would accept monthly payments due 01/01/2020 of £1500 for 12 months to cover the cost of stock that was remaining in the shop.

I hope that this is sufficient and if you require anymore information do not hesitate to contact me.

Kind regards

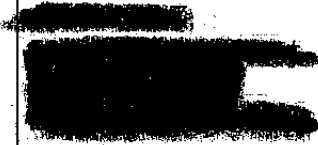
Sofia Hassanpoor

Sent from Yahoo Mail for iPhone

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Tenancy Agreement

Property	41 Horsefair, Birmingham. B1 1DA
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Tenant	Mansour Fallahi Taleghani. 
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This agreement is intended to create an assured shorthold tenancy, regulated by the provisions of the Housing Act 1988 as amended. It sets out your rights and duties as a tenant of the property, and our rights and duties owed to you as your landlord.

It should be signed at the end by both of us to confirm that we agree with its content, in its entirety, along with the inventory contents.

This is an important legal document and should be kept safe.

Landlord's details, should you need to contact us at any time.

Name	Mr. Rahmat Hassanpoor
Address	41 Horsefair, Birmingham, B1 1DA

Main details and definitions

The property: Referred to as the property in this agreement. This includes all elements of the ground floor of this building.

The Fixed Term.

Starting on: 25 October 2019 and continuing for a period of no less than three years. Once this period has ended, you can continue to occupy the property, and your tenancy will run from month to month, starting on the day after the fixed term of three years. During this period the terms and conditions will continue to remain the same.

Fixed term means, up until one of the following occurs:

- You give notice that you want to end the agreement or
- We serve notice or
- This agreement is ended by consent of a court order

The Rent

£	Per calendar month, paid one month in advance
---	---

The Payment Dates

The first payment should be made by you at or before the time you sign this agreement

All subsequent payments must be paid every month in advance on the payment date. Payment should be by standing order into our bank account, details of which have been provided to you. All payments including those made by cheque or internet transfer, must reach the account by the payment date.

The Deposit

£	One off
---	---------

This is sometimes known as a damage deposit or bond. It is the sum of money paid to us which will be returned to you if the property is left in good clean tidy condition, and provided that all rent due has been paid, including utility bills (evidence required), when you move out at the end of your tenancy.

Terms and Conditions

Payments and utilities and costs

1. You must pay the rent at the times and in the manner set out above
2. You are not entitled to withhold payment of any rent or any other money due to us because you have paid a deposit
3. You need not pay any rent for any period that the property is wholly uninhabitable. The amount of rent, which you do not have to pay, will be calculated pro-rata.
4. You must pay interest of 3% per annum above the Bank of England base rate on any rent or any other money which you owe us and which remains unpaid for more than 14 days, interest to be paid from the date the payment fell due until you pay the total amount owing to us.
5. During the term of occupation, you must pay – council tax – sewerage – and environmental charges, utilities including gas and electric, to include the VAT. You will be responsible for any other fee in relation to the property during your tenancy. You must not sign up to any contract or change energy suppliers without prior written consent of the property owner.
6. If you allow any supply of utility to be cut off because of non-payment, you will be responsible for reconnection and any payment associated with the reconnections.
7. The deposit will be returned to you at the end of the tenancy term, on the basis that the property is returned in the same state/condition as it was taken over and that damage, other than fair wear and tear have not occurred within the property or its associated boundaries and outbuildings.
8. You are responsible for your own premises licence and the annual fees appertaining to the licence.

Our Responsibilities

We will ensure the property is maintained in a good condition and all repairs will be undertaken by the property owner – in simple terms we will ensure the property is in good repair and proper working order, to include:

- Drainage, gutters and external pipes
- Annual servicing of the main central heating boiler
- Fixtures and fittings that are currently present for making use of the supply of gas, electric and water.
- We will insure the building but not the contents, all furniture and contents are to be insured by the tenant

Your Responsibilities:

- The maintenance of the garden or pathways
- We will insure the building but not the contents, all furniture and contents are to be insured by the tenant
- Repairs related to misuse or neglect – blocked sinks or drains with excess food or damage to drainage system etc.
- Not to make any alterations or repairs, to include redecoration without prior written consent of the landlord (This will not be unreasonably withheld)
- To keep both the inside and outside of the property, including gardens in a clean and tidy condition at all times and respect the items of inventory that remain in the property
- To inform the landlord of any repairs that are required or of any damage caused within the property or grounds
- To ensure that any dangerous or inflammable items are stored in the brick shed and not within the property
- Not to use any form of gas or portable heating (paraffin) heaters within the property and only use the prescribed current central heating system fitted
- You are requested not to smoke within the property
- You are requested not to keep pets within the property
- To continually use the burglar alarm when the property is not occupied during the working day or in the event of periods of absence
- You must keep the property free of vermin
- To show due respect for neighbours and the local community
- Must not leave the property vacant for periods of 20 days or more, without notifying the property owner.
- You must not change locks at the property without the landlords written consent

Property owners Inspections and Keys

You must allow us or anyone with written consent to enter the property at reasonable times to either inspect or carry out maintenance/repairs and during the final month of tenancy to prepare the property for the next tenant. We will always give you maximum notice in writing, in order to accommodate your needs.

We are entitled to keep keys for the property, for the purpose of emergency and will never enter the property when you are not present, or without your consent.

If all keys are not returned at the end of the tenancy, then a deduction from the deposit will be made for replacement locks.

Ending the Tenancy

You must not transfer or re-assign this tenancy, or sublet it or any part of the property or borrow any money on the basis of this property or your tenancy.

You cannot normally end this contract before the three-year period, however after the first three months of the fixed term, if you find another suitable tenant to replace you (the new tenant) and if we approve the new tenant, (we will not refuse without good reason). You can give written notice to end the tenancy not less than one month from the date that we give approval. At the end of this notice period, the tenancy will end as long as:

- You have paid all rent until the end of the rental period and any money legally due to us
- The new tenant has signed a tenancy agreement with us for a period of at least six months; however if this is not done, you will be liable for the rental for the full three years period, that you originally signed up to.
- If you stay after the period, your tenancy will be converted to a monthly tenancy, which will run month-to-month. (This is called a periodic tenancy) You can end the tenancy at any time by giving written notice of not less than one months' notice.

Leaving the Property

During the last month of the tenancy or term you must inform us of the date you wish to vacate the property, giving at least one full calendar month notice period. Before you leave, you must inform all utility companies and arrange for appropriate meter readings. If you do not follow this clause, you will remain responsible for paying our reasonable costs and expenses that may result from this.

You must leave the property in a clean and tidy condition, ensuring that all items of inventory (as listed) remain in the property in good working order. You must remove all rubbish from the property, as well as all personal belongings. Returning all sets of keys to the property owner on your last day.

You must give a forwarding address for mail and a contact telephone number, before you leave the property.

Signed as a Deed

Landlord	
Name	RAHWAT HASSAN POOR
Signature	

Tenant	
Name	MANSOUR KALAH TALGHAWI
Signature	

Dated	1/11	2019
-------	------	------

Annexes as Additions to this Tenancy Agreement

1. Inventory of fixtures and fittings
2. Stock
3. Electrical equipment
4. Meter readings
5. Keys

WITNESS STATEMENT

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

Crime No. URN

Statement of PC 2413 Ben Reader

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation Police Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: (witness)

Date 11th December 2019Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC 2413 Reader, a specialist licensing officer based at Lloyd House, Police HQ.

Today, Wednesday 11th December, at approximately 18:00 hours, I attended the premises previously known as 24/7 Convenience Express, 41 HorseFair, City Centre, Birmingham.

I was in company with PC 4075 Rohomon, another licensing officer. We were both in plain clothes.

We attended the premises following intelligence that the premises may still be selling alcohol and supplying single cigarettes.

In the store were two members of staff. One was Mansour Taleghani, who is the proposed new licence holder and DPS for the premises under an application for 'The Corner Shop' which was submitted by the applicants agent, Rob Edge of Licence Leader. On behalf of WMP, I submitted an objection to this licence being granted, as I believed that the previous DPS and business owner Rahmat HASSANPOOR, still held a significant controlling interest in the operation of the business.

The second member of staff (Male 2) I recognised as previously working in the store during visits when Mr Hassanpoor was the owner.

Mr Taleghani stated that the premises did not sell alcohol, he said we were free to check the premises and we would not find any alcohol. PC Rohomon went out the back to the store rooms. Soon after, he called me through and asked me to take photographs of the contents of the store rooms. There were multiple room full of alcohol. I took a number of photographs of the alcohol in these rooms. These photographs are attached to this statement as exhibits BR/1 – BR/6.

When back in the store, Mr Taleghani said that it was locked away in the back and he had been told that it was ok. The alcohol was not locked away, it was just in rooms at the back of the shop.

Mr Taleghani said that he was the tenant of the business and that he was renting it from Mr Hassanpoor. He

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of PC 2413 Ben Reader

said that he had not purchased the stock from him in one go, but was paying him £1500 per week for the stock. He said that the takings in the till were his, and that he had to pay Mr Hassanpoor from this. He said that the store wouldn't make enough money without selling alcohol and that he would terminate the agreement if he didn't get a licence. This suggested that Mr Hassanpoor still had control of the premises and stock if Mr Taleghani decided to walk away at any point.

Behind the counter, there were a number of cannabis grinders for sale. This was something that was raised previously at the licensing hearing. I took a photograph of these and can exhibit as BR/7.

I asked Mr Taleghani if he sold single cigarettes and he said that he did not. He said he had been a licence holder for many years and knew what he could and couldn't do and there is no way he would do that. There was no evidence of single cigarettes.

Behind the till were two metal cigar tins. I asked Mr Taleghani what was inside and he replied cigars. One tin contained cigars for single sale.

The second tin contained a quantity of blue pills and sachets of oral jelly medication. The sachets were marked up as being schedule H drugs, to be sold on prescription only. The product was manufactured in India, so I was unsure whether schedule H was Indian legislation or not.

It did appear that this product may need a prescription and should not been sold loose over the counter in a convenience store. Exhibit numbers BR/8 – BR/11 refer to the photos of the items from the cigar tin which were seized by PC Rohomon and have been booked into the stations detained property system under property reference number 2382130C.

Male 2 was in the store, I remembered him from my previous visits, which concerned me as it was further proof of ties between Mr Taleghani and Mr Hassanpoor. Male 2 spoke poor English, but Mr Taleghani confirmed that the male was his cousin and that he used to work for Mr Hassanpoor.

Mr Taleghani stated that he would bring in his own staff from his previous premises when the licence was granted. But I was concerned about the clear and obvious ties between the two men.

Mr Taleghani was asked about the CCTV system. He stated that he could not operate it and didn't know how long it stored for. This was controlled by Mr Hassanpoor.

Following the visit, I have no confidence that Mr Taleghani is operating completely independently from Mr Hassanpoor. The previous operator caused the licensing sub-committee such concern that they removed him as DPS and also imposed the ultimate sanction available to them, revocation of the licence. There was no appeal to this decision, but a new application was lodged very quickly.

Signature 

Signature witnessed by

03/2016

OFFICIAL – (when complete)

OFFICIAL – (when complete)

MG11

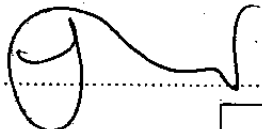
Crime No.

URN

Statement of PC 2413 Ben Reader

Based on the evidence of business transfer supplied by the applications representative, WMP had genuine concerns that Mr Hassanpoor was still a controlling influence on the business. Today's visit has further reinforced those concerns.

Signature

 2413

Signature witnessed by

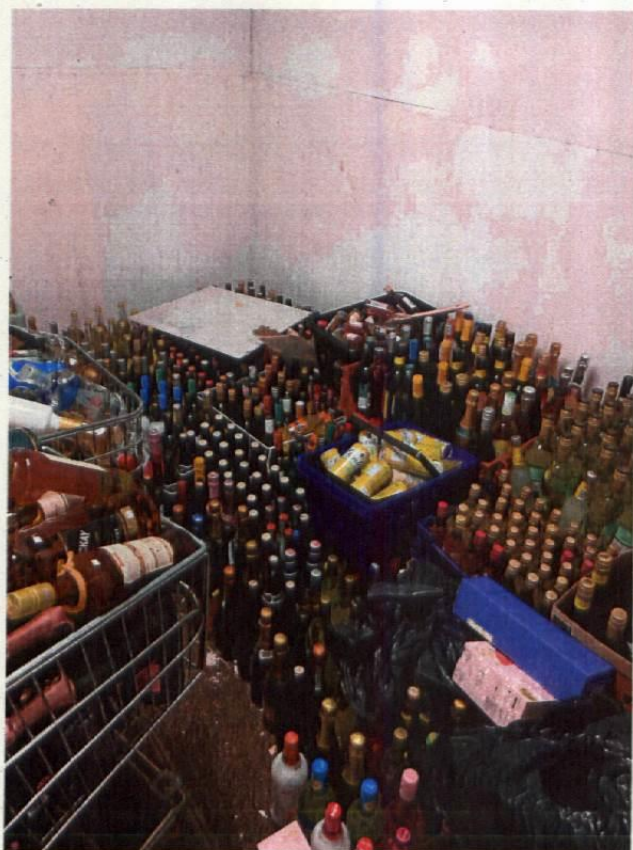
03/2016

OFFICIAL – (when complete)





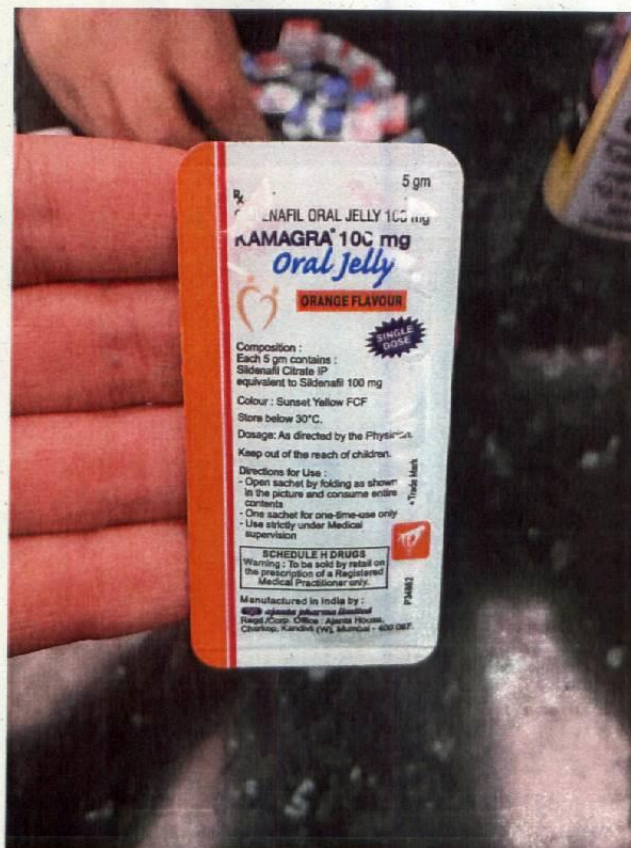




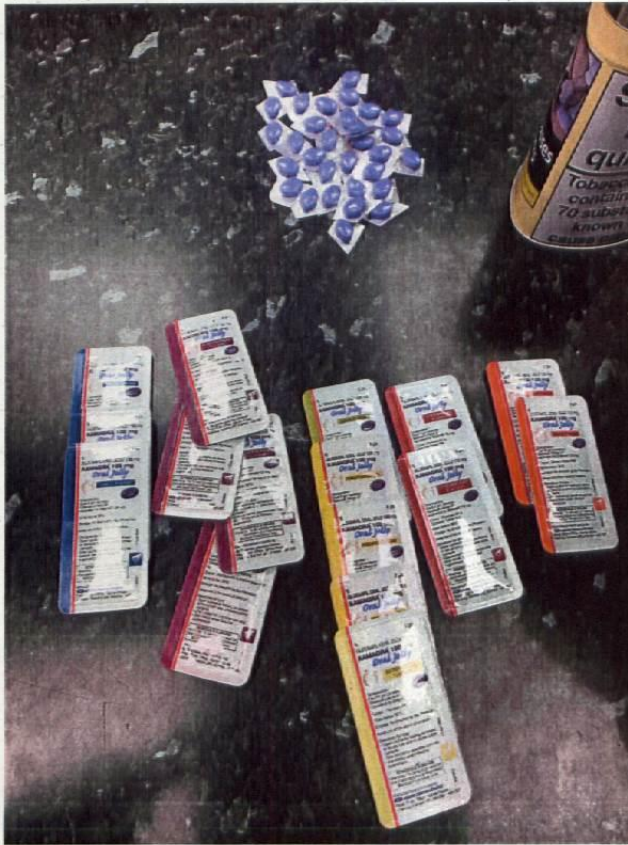












Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Thursday 19th December 2019
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	Walkabout, 266-271a Langley Buildings, Regency Wharf, Birmingham, B1 2DS
Ward affected:	Ladywood
Contact Officer:	Mr Bhapinder Nandhra, Senior Licensing Officer 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:

To consider the objection notice to the Temporary Event Notice (TEN), which seeks to permit the provision of licensable activities on the dates and times as detailed in the TEN attached to this report as an Appendix.

2. Recommendation:

To consider the objection notice made by West Midlands Police.

3. Brief Summary of Report:

A Temporary Event Notice was submitted by Tegan Marie Lumbaca and received on 05th December 2019 in respect of Walkabout, 266-271a Langley Buildings, Regency Wharf, Birmingham B1 2DS.

An objection notice has been received from West Midlands Police.

4. Compliance Issues:

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

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

Tegan Marie Lumbaca submitted on 05th December 2019, a Temporary Event Notice in respect of Walkabout, 266-271a Langley Buildings, Regency Wharf, Birmingham, B1 2DS

The Temporary Event Notice is attached as Appendix 1.

An objection notice has been received from West Midlands Police, see Appendix 2.

The current premises licence is attached at Appendix 3.

Site location plans are attached, see Appendix 4.

Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.

However, the police or local authority exercising environmental health functions may intervene to prevent such events taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on each TEN.

Where TENs are submitted, and objection notice(s) are maintained, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.

When giving TENs, consideration should be given to the following four licensing objectives:

1. The prevention of crime and disorder
2. public safety
3. The prevention of public nuisance; and
4. The protection of children from harm

If the TENs are in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TENs if it considers that this is appropriate for the promotion of the licensing objectives.

6. List of background documents:

Temporary Event Notice, attached at Appendix 1.

Objection notice from West Midlands Police, attached at Appendix 2.

Premises Licence, attached at Appendix 3.

Site location plans, Appendix 4.

7. Options available

At the hearing the Licensing Authority must consider the TEN and determine whether to:

Allow the proposed temporary licensable activities as stated in each TEN

Impose conditions on each TEN to promote the licensing objectives

Refuse the proposed temporary licensable activities as stated in each TEN



Birmingham
Temporary Event Notice
Licensing Act 2003

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

* required information

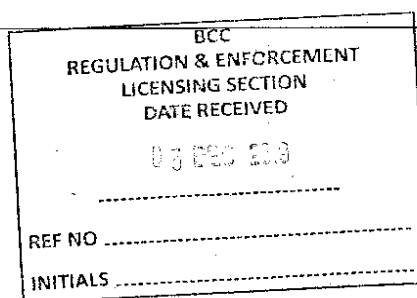
Section 1 of 9

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

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="Eco 3700514/Walkabout Birmingham/ Birmingham/2019-05-26"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant? <input checked="" type="radio"/> Yes <input type="radio"/> No		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name	<input type="text" value="Tegan Marie"/>	
Family name	<input type="text" value="Lumbaca"/>	
E-mail address	<input type="text" value="Walkabout.Birmingham@stonegatepubs.com"/>	
Main telephone number	<input type="text" value="0121 632 5712"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if the applicant would prefer not to be contacted by telephone		
Is the applicant:		
<input type="radio"/> Applying as a business or organisation, including as a sole trader		A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.
<input checked="" type="radio"/> Applying as an individual		



Continued from previous page...

Address

Building number or name	Langley building, Regency Wharf
Street	266a-271 Broad street
District	
City or town	Birmingham
County or administrative area	West Midlands
Postcode	B1 2DS
Country	United Kingdom

Agent Details

First name	Stonegate Pub Company- I	
Family name	Stonegate Pub Company	
E-mail address	temporaryeventnotice@stonegatepubs.com	
Main telephone number		Include country code.
Other telephone number		

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

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number	06996339
Business name	Intertain Limited
VAT number	GB 927232332
Legal status	Private Limited Company
Your position in the business	Licensing Assistant
Home country	United Kingdom

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	Risk Management (Licensing), Stonegate Pub Company Limited, Porter Tun House
Street	500 Capability Green
District	
City or town	Luton
County or administrative area	Bedfordshire
Postcode	LU1 3LS
Country	United Kingdom

Section 2 of 9

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

Have you had any previous or maiden names?

Yes

No

Your date of birth

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
dd		mm		yyyy

Applicant must be 18 years of age or older

National Insurance number

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

Place of birth

Correspondence Address

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

☐ Yes

☒ No

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

Building number or name	Risk Management (Licensing), Stonegate Pub Company Limited, Porter Tun House
Street	500 Capability Green
District	
City or town	Luton
County or administrative area	Bedfordshire
Postcode	LU1 3LS
Country	United Kingdom

Continued from previous page...

Additional Contact Details

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

☐ Yes

☒ No

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

E-mail

temporaryeventnotice@stonegatepubs.com

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

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

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

Does the premises have an address?

☒ Yes

☐ No

Address

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

☐ Yes

☒ No

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

Building number or name

Walkabout

Street

266-271a Langley Buildings

District

Regency Wharf

City or town

Birmingham

County or administrative area

West Midlands

Postcode

B1 2DS

Country

United Kingdom

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

☐ Neither

☒ Premises licence

☐ Club premises certificate

Premises licence number

1997/9

Location Details

Provide further details about the location of the event

As above

Continued from previous page...

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

PART-WALKABOUT

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

Licensed premise

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

Extension to Trading hours to show WWE- ROYAL RUMBLE

HAD EVENT PREVIOUS YEARS AND NO ISSUES

Section 4 of 9

LICENSABLE ACTIVITIES

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

(see also guidance on completing the form, note 6):

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

(See also guidance on completing the form, note 7).

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

(See also guidance on completing the form, note 8).

Event Dates

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

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

(see also guidance on completing the form, note 9)

Event start date

27 / 01 / 2020
dd mm yyyy

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

Event end date

27 / 01 / 2020
dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock) (see also guidance on completing the form, note 10)

From 04:00 hours until 06:30 hours, early hours on 27/01/2020

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 11)

499

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 12):

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

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

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

Not applicable

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence?

- ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Birmingham City Council

Licence number

11081/1

Date of issue

08 / 11 / 2018
dd mm yyyy

Any further relevant details

n/a

Continued from previous page...

Section 7 of 9

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

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

☐ Yes

☒ No

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

a) Ends 24 hours or less before; or

☐ Yes

☒ No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

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

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

☐ Yes

☒ No

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

a) Ends 24 hours or less before; or

☐ Yes

☒ No

b) Begins 24 hours or less after the event period proposed in this notice?

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

☐ Yes

☒ No

Continued from previous page...

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

☐ Yes ☒ No

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 18)

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

PAYMENT DETAILS

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

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 19)

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

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

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

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

Full name

Capacity

Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/birmingham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY	
Applicant reference number	Eco 3700514/Walkabout Birmingham/Birming
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>
< Previous 1 2 3 4 5 6 7 8 9 Next >	

From: bw licensing <bw_licensing@west-midlands.pnn.police.uk>
Sent: 10 December 2019 11:08
To: Licensing Online; bw licensing; Pollution Team
Cc:
Subject: RE: Re - TENS applications - WALKABOUT - 266 - 271a LANGLEY BUILDINGS
REGENCY WHARF BIRMINGHAM B1 2DS

Dear Licensing,

West Midlands Police have reviewed the above TEN, as these premises are located in a major night time economy area, and have greater capacity than the 499 allowed, West Midlands Police need to see the relevant risk assessment to show that the control measures being proposed are sufficient to mitigate against the risk to the crime and disorder and public safety objectives.

Until West Midlands Police have received and reviewed these risk assessments to our satisfaction we formally object to this application

regards

Abs Rohomon

**PC 4075 Rohomon
BW Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ**

**Internal : 801 1631
External : 0121 626 6099**

Follow us on Twitter - @brumcopslicensing

**West Midlands Police
Tel. 101 Ext 8011627**

**Email: a.rohomon@west-midlands.pnn.police.uk
Website: www.west-midlands.police.uk
Twitter: [www.twitter.com/brumpolice](https://twitter.com/brumpolice)
Facebook: www.facebook.com/westmidlandspolice
YouTube: www.youtube.com/westmidlandspolice**

Vision statement - Serving our communities, protecting them from harm

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

1997 / 9

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Walkabout/Feltons Langley Building Regency Wharf 266A-271 Broad Street	
Post town:	Post Code:
Birmingham	B1 2DS
Telephone Number:	
0121 632 5712	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

- | | |
|----|--|
| E | Live music |
| F | Recorded music |
| G | Performances of dance |
| H | Anything of similar description to that falling within (live music), (recorded music) or (performances of dance) |
| L | Late night refreshment |
| M3 | Sale of alcohol by retail (both on & off the premises) |

The times the licence authorises the carrying out of licensable activities

Monday – Saturday	08:00	-	04:00	M3
	11:00	-	04:00	E,F,G,H,
	23:00	-	04:00	L
Sunday	08:00	-	04:00	M3
	11:00	-	04:00	E,F,G,H,
	23:00	-	04:00	L

On Easter Saturday, the Sunday immediately preceding the May Bank holiday, Spring Bank Holiday, the Friday, Saturday and Sunday of the August Bank Holiday, Christmas Eve & Boxing Day regulated entertainment is permitted until 04:00 hours.

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On Australia Day (26th January), Waitangi Day (6th February), St. Patrick's Day (17th March), Anzac Day (25th April), Freedom Day (27th April) and the Queen's Official Birthday (9th June) regulated entertainment is permitted until 04:00 hours.	
From the end of permitted hours New Years Eve until start of permitted hours New Years Day.	All
Should the premises wish to operate outside of the above detailed standard and non-standard hours, the premises will give notice to Steelhouse Lane Police Station Licensing Dept as follows:-a) 28 days notice for risk events (i.e. an event that attracts a selected proportion of an audience type who are attracted as a result of music/entertainment being played/shown). b) 14 days notice for sporting events. c) 7 days notice for non-risk events.	All
There will be a break of at least one hour in opening hours in any 24 hour period during which all licensable activities will cease, the timing of the said break to be at the management's discretion.	All
The Police retain the right to veto the provision of licensable activities outside of the standard operating hours if there are crime and disorder issues.	All

The opening hours of the premises

Monday – Sunday 08:00 - 04:00

On Easter Saturday, the Sunday immediately preceding the May Bank holiday, Spring Bank Holiday, the Friday, Saturday and Sunday of the August Bank Holiday, Christmas Eve & Boxing Day opening hours are extended until 04:30 hours.

On Australia Day (26th January), Waitangi Day (6th February), St. Patrick's Day (17th March), Anzac Day (25th April), Freedom Day (27th April) and the Queen's Official Birthday (9th June) opening hours are extended until 04:30 hours.

New Year's Eve - from end of permitted hours until start of permitted hours New Year's Day.

The premises may open outside of the above detailed standard and non-standard hours to a time agreeable with the premises and the Police; the Police are to be given notification of the closure time.

There will be a break of at least one hour in opening hours in any 24 hour period, the timing of the said break to be at the management's discretion.

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

BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
Intertain Limited c/o Stonegate Pub Company Limited Porter Tun House 500 Capability Green	
Post town: Luton	Post Code: LU1 3LS
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 06996339
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol	
David Hancocks	
Post town:	Post Code:
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 859	Issuing Authority PORTSMOUTH CITY COUNCIL

Dated 02/05/2019

S. A. Yasser.

MR SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

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

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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.

There was no application to remove any of the embedded restrictions applicable to this licence under the old licensing regime as are detailed below:-

This licence is granted subject to compliance with the conditions attached to the Public Entertainment Licence, previously issued in respect of these premises, as detailed in document reference number: PEL4.7 (copies of which are available upon request from the Licensing Section)

(With the exception of condition 32 (Nothing shall be done, recited, sung, exhibited, or performed, and no dancing shall be permitted, which is licentious, indecent, profane, or improper, or of a suggestive character, or is likely to cause a breach of the peace) in the PEL.4.7 document that has been removed by way of a Minor Variation)

Where the number of children attending the entertainment exceeds 100 the licensee shall ensure the provisions of Section 12 of The Children and Young Persons Act 1933 are complied with.

BIRMINGHAM CITY COUNCIL

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The provision of regulated entertainment and late night refreshment to take place indoors only.

The Licence Holder shall ensure that strict controls are in place in relation to:-

- (1) Management and supervision of the premises
- (2) Conduct of the customers and staff

So as to promote the four licensing objectives.

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

The Premises Licence holder will ensure that CCTV is fitted to the specifications and recommendations of West Midlands Police (Licensing Department - Birmingham Central Police Station).

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

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

The Premises Licence holder will ensure that door supervisors are deployed at the premises. The number of door supervisors required will be assessed through a risk assessment and with advice sought from West Midlands Police (Licensing Department - Birmingham Central Police Station).

The Premises Licence holder will ensure that door supervisors wear High Visibility Jackets whilst deployed at the premises (tabards inside the premises).

The Premises Licence holder will ensure that door supervisors sign on and off duty for every tour of duty worked.

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

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

The Premises Licence holder will ensure that the premises have a documented lost and found policy.

The Police have the power of veto in respect of 24-hour opening should they have concerns with regard to crime and prevention measures. This will not restrict the premises from opening between 11:00 and 04:00 the following morning for the provision of regulated entertainment and late night refreshment and between 08:00 and 04:00 the following morning for the sale of alcohol.

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

Maximum occupancy levels apply as follows:-

Ground Floor - 599

BIRMINGHAM CITY COUNCIL

Lower Ground Floor - 599

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

No enforceable conditions identified from operating schedule.

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

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

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

3c) Committee conditions to promote public safety

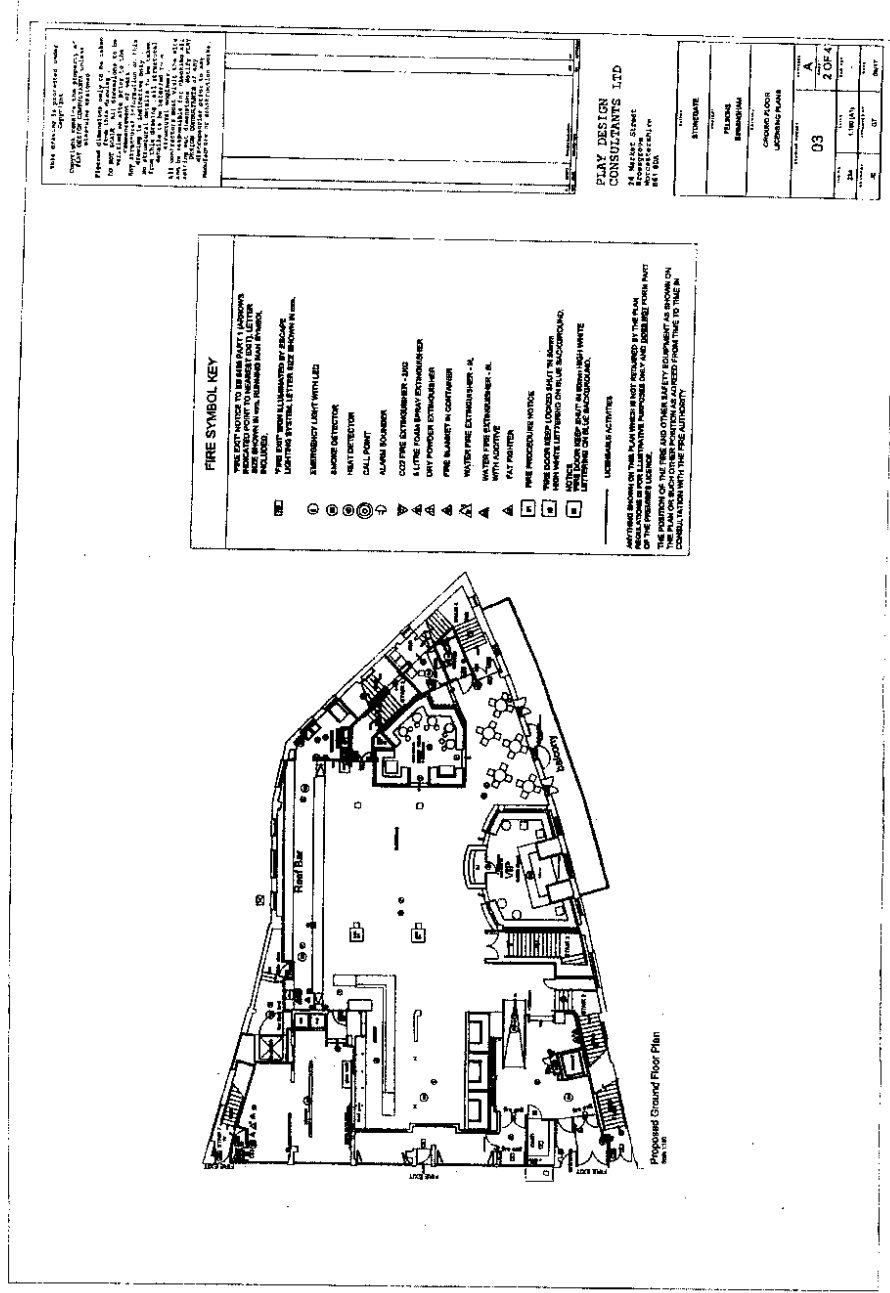
N/A

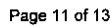
3d) Committee conditions to promote the prevention of public nuisance

N/A

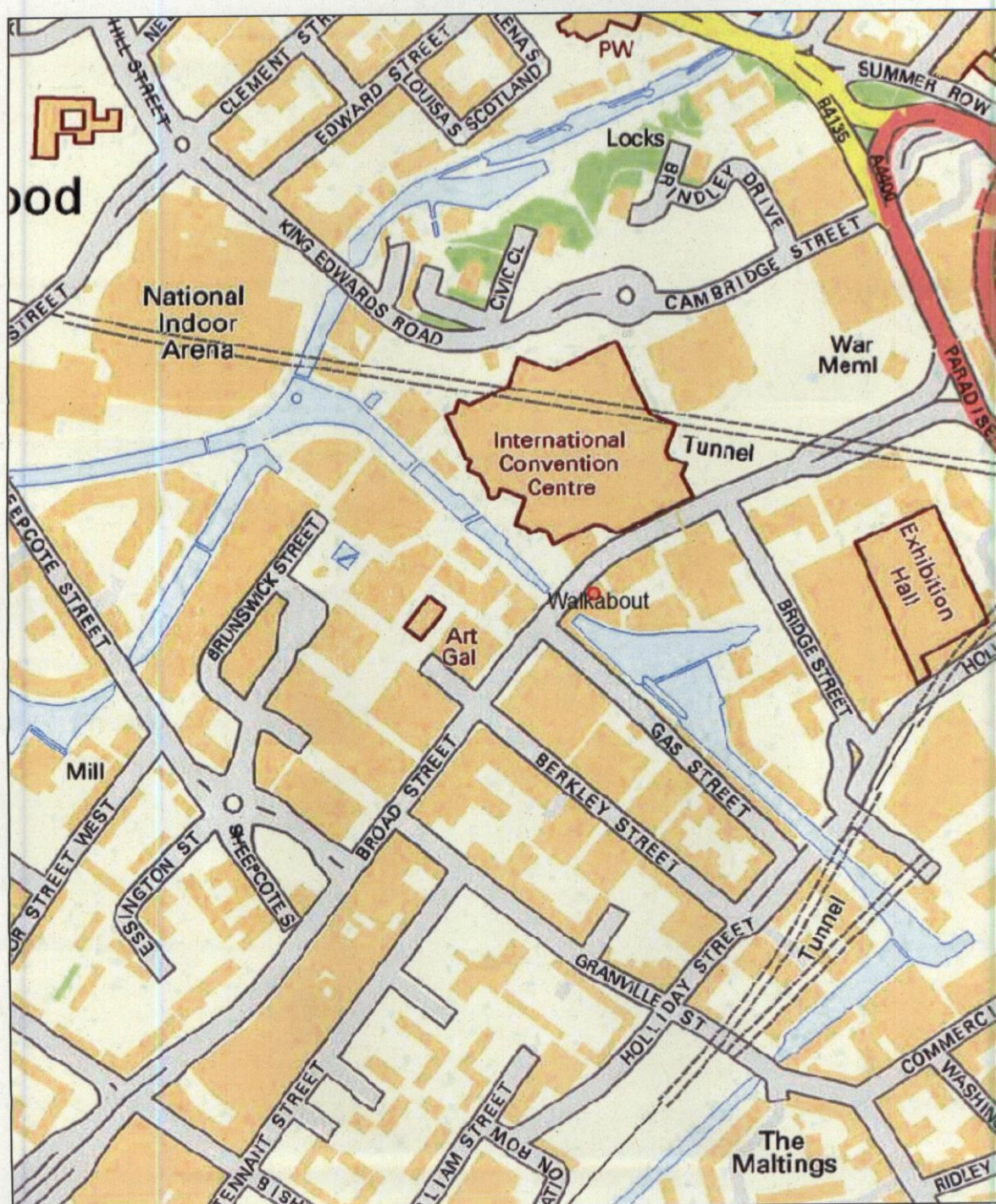
3e) Committee conditions to promote the protection of children from harm

N/A





Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES



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Date of Map Creation: 22/03/2019

Notes

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Scale:
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Birmingham City Council

Map Created By:

Date of Map Creation: 22/03/2019

Notes



Scale:
1:1,250

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