

**Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting**

**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB-COMMITTEE B**

**TUESDAY, 14 JULY 2015 AT 10:00 HOURS**  
**IN COMMITTEE ROOM 1, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

**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 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3 **MINUTES**

**3 - 12**

To note the public section of the Minutes of the meeting held on 2 June 2015.

4 **TASTE OF THE TOWN (GENESIS CLUB), 286 STRATFORD ROAD, BIRMINGHAM, B11 1AA - LICENSING ACT 2003 - PREMISES LICENCE - REVIEW**

**13 - 40**

Report of Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 1000 hours.

5 **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.

6 **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:-

# **PRIVATE AGENDA**

## **1 MINUTES**

To note the private section of the Minutes of the meeting held on 2 June 2015 and to confirm and sign the Minutes as a whole.

## **2 PERSONAL LICENCE APPLICATION - LICENSING ACT 2003**

Report of Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 1130 hours.

## **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

<b>LICENSING SUB COMMITTEE B 2 JUNE 2015</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE B  
HELD ON TUESDAY 2 JUNE 2015  
AT 1000 HOURS IN COMMITTEE  
ROOM 1, COUNCIL HOUSE,  
BIRMINGHAM**

**PRESENT:** - Councillor Lynda Clinton in the Chair

Councillors Nawaz Ali and Gareth Moore

**ALSO PRESENT**

Nicola Stansbie, Licensing Section  
Sanjeev Bhopal, Committee Lawyer  
Gwin Pountney, Committee Manager

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**NOTICE OF RECORDING**

1/020615

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.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

2/020615

There were no apologies or nominee members.

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**COSTCUTTER, 46-52 KITSLAND ROAD, SHARD END, BIRMINGHAM, B34  
7NA – LICENSING ACT 2003 – PREMISES LICENCE GRANT**

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

(See document No. 1)

The following persons attended the meeting.

**On behalf of the applicant**

Mr M Farooq – Applicant

Mr S Kanafthi – Applicant's Representative

**Making Representations in respect of the application**

Councillor John Cotton – Ward Councillor

Councillor Marje Bridle – Ward Councillor

Following introductions by the Chairman, the main points of the report were outlined by Nicola Stansbie, Licensing Section and Members were advised that West Midlands Police had withdrawn their representation.

Mr Kanafthi, in presenting the case on behalf of the applicant and in response to questions from Members, made the following points:-

- a) Mr Farooq had been in the retail business for 15 years and had brought these premises to run as a family business. He had tackled anti-social behaviour (ASB) in the past very effectively through strong management and banning persistent offenders.
- b) The premises, previously a convenience store would now be run differently, with alcohol sales forming 15-20% of the product range.
- c) Mr Farooq had undertaken steps in order to maintain the licensing objectives including: installing CCTV (to Police standards) inside the premise with another 2 cameras to be fitted outside and undertaking all required training.
- d) He had worked with the police to provide all the documents requested from him and they had subsequently withdrawn their representation. Furthermore, there were no other representations from responsible authorities.
- e) That the problems regarding ASB were linked to the road – not the store. Mr Farooq had spoken to a couple of residents who were happy for the licence to be granted provided the premises and problems with ASB were handled effectively.
- f) He had no links with the previous owner and would ensure that customers or young people did not loiter outside the premises. Furthermore he was happy to work with the Ward Councillors to allay their fears and therefore requested that the licence be granted.
- g) That Mr Farooq had worked in his father's shop until it had been sold and had worked in both licensed and unlicensed premises.
- h) There was an off-licence sales store 3 doors away from the premises which was open from 10.00am to 11.00pm at night.
- i) The licence of the previous owner had been revoked due to illicit products on the premises. Mr Farooq however would buy all of his products from registered retailers.

- j) That he would like to sell alcohol in order that his customers could get all of their goods from one premises – however he would still run the premises if a licence was not granted, without alcohol sales.
- k) He would train all of his staff himself and also send them for any external training required.

Councillor Cotton and Bridle, made the following points in respect of their representation and in response to Members' questions:-

- a) That they had real concerns for the local community regarding the granting of this licence as the area was a focus for anti-social behaviour where people lingered to drink, there was a clear link between the shop and ASB and it was a known police hot spot – in fact the worst in the West Midlands.
- b) That in the January Ward Committee there had been over 50 residents who had attended due to their concerns regarding ASB and drunken customers in this area. This had been followed up by 2 further meetings at Shard End Police station with similar concerns being expressed with a further meeting planned for 18 June.
- c) That the revocation of the previous owner's licence had improved the situation in the area, showing a causal link between the two and the police evidence had also shown a decline in ASB during this period.
- d) They had concerns that some staff employed by the previous owner, whose licence had been revoked, would remain employed at the premises.
- e) That Mr Farooq, as he lived 5 miles from the area, had an absence of local knowledge and the fact that the problems within this area were clearly of issue to the local residents.
- f) A resumption of alcohol sales would lead to a resumption of the ASB problems.
- g) That there were no other licensed premises within the immediate area.
- h) The area was primarily residential with a primary school behind the premises with a history of crime and disorder linked to alcohol sales. This had required increased police patrols, the deployment of camera technology and an integrated strategy working with partners to address ASB.

In summing up, Mr Kanafthi stressed that the premises would be managed by a new owner in the proper manner and working alongside the Police, Councillors and local residents to improve matters regarding ASB. Furthermore the store would not be able to survive commercially without the addition of alcohol sales and therefore it was requested that the licence be granted.

## Licensing Sub Committee B – 2 June 2015

In summing up Councillor Cotton welcomed the commitment by the applicant to engage with local Councillors and the Police to improve ASB problems within the area and would be happy for this to happen if the licence was granted.

At 1052 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Managers to withdraw from the meeting.

At 1202 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

3/020615

### **RESOLVED:-**

That the application by Mohammed Farooq, for a premises licence in respect of Costcutter, 46-52 Kitsland Road, Shard End, Birmingham, B34 7NA be granted subject to the following conditions, to promote the prevention of public nuisance objective in the Act:

A.	Signage	The licensee shall erect prominent, clear and legible signage inside and outside the premises:-  a) requesting patrons to be considerate of local residents when leaving the premises b) advising patrons of no loitering outside the premises
B.	CCTV	CCTV cameras shall be installed (both inside and outside) and operated at the premises with 30 day digital recording and be made available to responsible authorities upon request.
C.	(Condition modified at part a) of the operating schedule)	The shop management will work closely with the local Police, elected members and local action groups to reduce any crime and disorder occurring immediately outside the premises.
D.	Outside drinking	The licensee shall ensure that there is no consumption of alcohol immediately outside the premises.
E.	Sale of Alcohol (Signs)	The licensee shall display a sign(s) on the premises indicating:-  a) that it is an offence to sell alcohol to individuals aged under 18 b) that it is an offence to buy or attempt to buy alcohol on behalf of an individual aged under 18

The Sub-Committee's reasons for imposing these conditions are due to the submissions made by the applicant and other persons regarding the history of the previous licensee and location of the premises.

It was noted that there was crime and disorder associated with the previous licence

holder and that following revocation of the licence after review, alcohol continued to be sold until the appeal was withdrawn in May 2015.

Against this background, the Sub Committee were made aware by other persons that there was an improvement in the levels of anti-social behaviour in the location where the shop is situated. On the balance of probabilities it was concluded that whilst there would be low levels of anti-social behaviour in the area, beyond the immediate area surrounding the premises, these would be matters for the personal responsibility of individuals under the law who engage in Anti-Social Behaviour (ASB).

The Sub Committee sought to give the benefit of the doubt to the applicant in view of his commitment to work with the local community in reducing the occurrence of ASB.

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.

However the concerns of the other persons were taken into account by imposing suitable conditions that would allay their apprehension of an increase in ASB arising in connection with the proposed operation of the premises.

The Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will 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 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 representative 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.

Councillor Moore requested that it be recorded that he had voted against this decision.

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### **OTHER URGENT BUSINESS**

04/020615 The Chair was of the opinion that this item could be considered as a matter of urgency in view of the need to determine the application.

**RISA, 259-262 BROAD STREET, QUAYSIDE TOWER, BIRMINGHAM B1 2HF –  
LICENSING ACT AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT  
2006 – CONSIDERATION OF INTERIM STEPS IMPOSED ON 29 MAY 2015**

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

(See document No. 2)

The following persons attended the meeting.

**On behalf of the applicant**

Mr S Kay – CFO Licence Holder  
Mr C Lamberts – Operations Manager  
Mr A Woods – Legal Representative

**Making Representations in respect of the application**

Sgt D McGrory – West Midlands Police  
PC V Demeuth – West Midlands Police

Following introductions by the Chairman, the main points of the report were outlined by Nicola Stansbie, Licensing Section.

At this point Sgt McGrory requested that as there was an ongoing criminal investigation regarding this matter that the initial part of the meeting be conducted in private.

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**EXCLUSION OF THE PUBLIC**

5/020615 **RESOLVED**

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

At this point some police evidence was presented in private.

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At this stage in the meeting having heard some evidence in private the public were re-admitted to the meeting

Mr Potts, made the following points in respect of his presentation and in response to questions from Members of the Sub-Committee:-

- a) A presentation of documents containing the information requested at the Summary Review Hearing on Friday 29 May

(See document No. 3)

- b) That Intertain had until this point and at 25 other venues across the country



operated within the licensing objectives.

- c) That the Licence Holder and Mr Potts had reviewed the footage of events on Thursday 28 May and met with Sgt McGrory on Monday 1 June to make some decisions and discuss suggestions for the way forward in partnership with the Police.
- d) That the Licence Holder was requesting interim measures rather than a suspension of the licence and was in total agreement with the Police that the incident that had occurred was completely unacceptable.
- e) Mr Potts then went through the gallery of photographs showing and chronicling the events of 28 May, which had occurred after the DPS had left for the evening at 01.00am. He advised the Sub-Committee that all of the staff involved had been suspended on 29 May as well as the Door Company and would not be allowed to work on the premises again.
- f) He stressed to Members however that for the first 7 minutes of the event had been managed well and then following a 'spark' had transgressed into a manner that was totally inappropriate.
- g) Mr Potts then proceeded to go through the documentation pack he had presented highlighting: policy and management changes at the premises since a review in December 2014, checks on staff, door supervisor conditions, a timeline of the incidents on 28 May, photographs of high-viz wear worn by door staff containing body cameras, a printout from the ID scanner on 28 May, profiles of door supervisors, training record, suspension documents and agreed licence conditions following the premises review in 2014.
- h) That Mr Kay and Mr Lambert had themselves carried out random checks on the premises on Saturday nights to ensure that the conditions were being adhered to.
- i) That the DPS, Mr Lambert and Mr Potts had met with Sgt Richards at Steelhouse Lane Police station on 15 May 2015 who had informed them that he was happy that crime had significantly reduced in Bar Risa since December 2014. From this point until May 2015 there had been no negative feedback from the Police.
- j) The company had a commitment to Broad Street and had been there since 2002 and that Mr Lambert would be investing a further £800,000 in improving the premises.
- k) That the company proposed some interim conditions to be put into place until the full review 31/2 weeks later:
  - Termination of the contract with the door company
  - No door personnel on duty on 28 May to work at the premises
  - The use of a new door company - Regency
  - To open from 7.00pm on Friday 5 June
  - The occupancy to graduate from 1200 people on 5 and 6 June to 2/3rds capacity on 12 and 13 June and to full capacity on 20 and 21 June.
  - Suspension of the Assistant Manager

- Replacement of the DPS by a new employee who had experience of working in challenging environments.
- l) That all customers to Bar Risa were searched by hand and using a wand in a thorough process – therefore the knuckleduster in use had not been on the male upon his initial entry to Bar Risa.
- m) That the events of 28 May were ‘out of character’ for the Asst Manager who had been suspended as a consequence – however this would be something that all staff would be made aware of and in addition a new DPS and Asst Manager would be put in place.

In summing up, Sgt McGrory felt that although following the premise review in December 2014 the Club had worked well the events of 28 May leading to a summary review and a suspension of the licence on 29 May had been warranted. The actions of the staff had been totally inappropriate and had shown a systemic failure within the premises management. The Police fully supported the raft of proposal suggested by the Licence Holder’s representative and would be happy for them to be implemented for the 3 weeks prior to the full review to measure their effectiveness. Furthermore the Police would be intrusively supervising the premises during this period and ensure that public safety was being put first under the new structure and would work with the premises to achieve this.

In summing up Mr Potts stressed that the Intertain would welcome their proposals being adopted as conditions as part of interim steps until the full review. This would give them an opportunity to turn things around and implement wholesale change to make the premises safe and open on a graduated basis.

At 1426 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Managers to withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1510 hours and the decision of the Sub-Committee was announced as follows:-

7/020615

**RESOLVED:-**

That, having considered the representations made on behalf of Intertain Limited, the premises licence holder for Risa, 259 – 262 Broad Street, Quayside Tower, Birmingham, B1 2HF in respect of the interim steps imposed on 29<sup>th</sup> May 2015, this Sub-Committee hereby determines that the decision of 29 May be withdrawn and replaced instead with the following conditions on the premises licence pending review of the licence to be held within 28 days of receiving the Chief Officer of Police’s application, that:

- The Door Company contract remains terminated
- Any previous door personnel of the terminated Door Company contract will not work at the premises
- The premises shall open from 7pm on Friday 5<sup>th</sup> June 2015 with a reduced occupancy of 1200 that will increase gradually to two thirds of the maximum capacity on Friday 12<sup>th</sup> and Saturday 13 June, and then from Friday 19<sup>th</sup> June to full capacity. However, this shall be preceded by a three day period to

enable the new Door Company (Regency) to embed and train their staff at Bar Risa

- The current Designated Premises Supervisor ('DPS') is removed from the licence, and a new proposed DPS is vetted by West Midlands Police prior to appointment.

The Sub-Committee carefully considered the representations made on behalf of the premises licence holder in respect of the proposed conditions that were volunteered and agreed by the West Midlands Police, and felt that the wholesale change in the structure of management and graduated return to occupancy would promote the licensing objectives in question.

Further it would give the premises licence holder an opportunity to demonstrate that they could comply with and promote the conditions as a safe and responsible licensee.

With regard to the incident that took place outside the premises on 29<sup>th</sup> May 2015, it was not disputed by either party. The Sub Committee noted comments from the premises licence holder that the Assistant Manager had acted out of character and this was therefore an isolated incident, notwithstanding the fact that the Assistant Manager had received training and yet failed to notify the police of this incident and comply with conditions of the licence, thereby bringing into question the competence of management at the premises.

The Sub-Committee therefore considers that the removal of key management personnel as specified by the premises licence holder and the appointment of a new Door Company and DPS is necessary for the promotion of the licensing objectives.

In reaching this decision, the Sub-Committee has given due consideration to the guidance issued by the Home Office in relation to expedited and summary licence reviews, the certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 and the application for review.

All parties are advised that there is no right of appeal to a magistrates' court against the decision of the Licensing Authority at this stage.

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### **EXCLUSION OF THE PUBLIC**

8/020615

### **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 1 and 7)

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The meeting ended at 1515 hours.

.....  
CHAIRMAN



# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee B</b>
<b>Report of:</b>	<b>Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Tuesday 14<sup>th</sup> July 2015</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Review</b>
<b>Premises:</b>	<b>Taste of the Town (Genesis Club), 286 Stratford Road, Birmingham, B11 1AA</b>
<b>Ward affected:</b>	<b>Sparkbrook</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, 0121 303 9896, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

<b>1. Purpose of report:</b>
To consider an application to review a Premises Licence.

<b>2. Recommendation:</b>
To consider and determine the review application.

<b>3. Brief Summary of Report:</b>
Review application received on 27 <sup>th</sup> May 2015 from West Midlands Police in respect of Taste of the Town (Genesis Club), 286 Stratford Road, Birmingham, B11 1AA.
No additional representations have been received from representatives of other responsible authorities or other persons.

<b>4. Compliance Issues:</b>
<b>4.1 Consistency with relevant Council Policies, Plans or Strategies:</b>
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.

<b>5. Relevant background/chronology of key events:</b>
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<p>West Midlands Police applied on 27<sup>th</sup> May 2015 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Taste of the Town (Genesis Club), 286 Stratford Road, Birmingham, B11 1AA.</p> <p>No additional representations have been received from representatives of other responsible authorities or other persons.</p> <p>Review application is attached, see Appendix 1.</p> <p>West Midlands Police have submitted additional documents in support of their review application. These are attached at Appendix 2.</p> <p>The Premises Licence is attached at Appendix 3.</p> <p>A site plan is attached at Appendix 4.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.</p> <p>The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -</p> <ul style="list-style-type: none"><li>a. The prevention of crime and disorder;</li><li>b. Public safety;</li><li>c. The prevention of public nuisance; and</li><li>d. The protection of children from harm.</li></ul>
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<b>6. List of background documents:</b>
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<p>Review Application Form, Appendix 1</p> <p>Supporting documents from West Midlands Police, Appendix 2</p> <p>Copy of Premises Licence, Appendix 3</p> <p>Site Plan, Appendix 4</p>
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<b>7. Options available</b>
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<p>Modify the conditions of Licence</p> <p>Exclude a Licensable activity from the scope of the Licence</p> <p>Remove the Designated Premises Supervisor</p> <p>Suspend the Licence for a period not exceeding 3 months</p> <p>Revoke the Licence</p> <p>No Action</p> <p>Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.</p>
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## Appendix 1

### Application for the review of a premises licence or club premises certificate 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 The Chief Constable of West Midlands Police

(Insert name of applicant)

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

#### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> 286 Stratford Road, Sparkbrook		BNC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED  REF NO INITIALS
<b>Post town</b> Birmingham	<b>Post code (if known)</b> B11 1AA	

**Name of premises licence holder or club holding club premises certificate (if known)**

Mohammed Altaf

**Number of premises licence or club premises certificate (if known)**

4068

#### Part 2 - Applicant details

I am

**Please tick yes**

1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises ☐
- b) a body representing persons living in the vicinity of the premises ☐
- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the premises ☐

2) a responsible authority (please complete (C) below) ☒





**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Chief Superintendent Moore Birmingham East Local Policing Unit Stechford Police Station 338 Station Road Stechford Birmingham B33 8RR
Telephone number (if any)
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 1)

The grounds for this application are that the Licensing Objectives in terms of prevention of crime and disorder and public safety are undermined in that:

The premises are serving alcohol after their permitted hours, allowing smoking inside the venue when trading and are in breach of their premises licence operating conditions.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

On Wednesday 6th May 2015 at approximately 5.30pm a visit was made to the Genesis Club, as part of planned routine visits to licensed premises in Sparkbrook with PC 20328 Morgan, Student Officer 21948 Woodward and myself (Chris Jones - Licensing Officer for Birmingham East Local Policing Unit)

We had driven past the premises approximately 15 minutes before the visit and I noticed that the front door leading to Stratford Road was wide open and also the internal door leading from a small lobby into the main premises was also open being able to see into the club.

As we entered Mr Altaf was standing outside by the entrance door which was open, the door leading into the club was held open by a doorstep. On entering the main premises cigarette smoke could be smelt, on the bar area there was a plate with cigarette ash on it. One of the officers passed me an ash tray which he had found on one of the tables, this contained cigarette ends and ash. I asked Mr Altaf about the ash and ash tray he did not originally give an instant explanation then stated that he had some friends in the bar the previous evening giving the indication of some sort of private gathering.

I asked to review the CCTV for the previous evening. Mr Altaf had some difficulty operating the system and relied on help from a male that was sitting by the bar. The CCTV was reviewed for 5th May between the hours of 10.50pm and 11.30pm. The footage viewed quite clearly showed Mr Altaf standing at the bar, customers openly smoking inside the premises and alcohol being sold and purchased after permitted licensable hours.

I then choose another two random dates to view, Monday 27th April 11.15pm to 11.40pm and Friday 1st May 11.15pm to 12.15am. Mr Altaf was present on both occasions standing by the bar area.

On 27th April again customers were openly smoking in the premises and again alcohol being sold and purchased after the permitted licence hours.

On 1st May customer were openly smoking in the premises – but no alcohol was seen to be sold or purchased after permitted hours during the time viewed.

Whilst reviewing the CCTV it became evident that the footage was only being stored for 14 days.

I asked Mr Altaf was asked to supply a copy of the CCTV that I had viewed, he stated that he had nothing to download the footage onto. A short discussion took place and it was agreed that an officer would return with a storage device to have the footage downloaded onto. Mr Altaf gave his mobile phone number to be contacted on.

Mr Altaf has been contacted and has not made this footage available to the officer wishing to collect.

I asked to look at a club membership folder, which Mr Altaf produced. I checked the folder for a list of the members and none of the entries were accompanied with photographic ID. When question Mr Altaf stated that his members did not want to supply photographic identification.

While in the premises I noticed a sign on the wall advertising the opening times of the club these were longer than the licensable and operational hours between Sunday and Thursday.

I previously visited the premises on Wednesday 12th November 2014 and spoke with Mr Altaf.

On this visit the following points were noted:

- The main door intercom was not working and front door was insecure.
- There was no working CCTV
- Membership folder was incomplete with no photographic ID

At this visit Mr Altaf was warned that he was in breach of his licence conditions and that he needed to rectify the issues identified. He was also given general advice in relation to running the premises and given the opportunity to ask any questions he wished.

Mr Altaf has breached his licence conditions by:

1. Selling alcohol after permitted licensable hours.
2. Not following the closure policy of 30 minutes after approved time for the sale of alcohol.
3. Not having a membership list with photographic ID.
4. Not maintaining an entry control system on the entrance door.
5. CCTV not retaining images for 28 days.
6. CCTV not being made immediately available to the responsible authorities.

On top of the above Mr Altaf has also allowed smoking inside his premises.

There will be supporting evidence submitted - statements from the officers who visited the premises on 6th May 2015 and the sign taken from the wall of the premises.

West Midlands Police would ask the committee to consider all options available to them when reviewing the licence of this premise.

Have you made an application for review relating to this premises before ☐

Day Month Year

**If you have made representations before relating to this premises please state what they were and when you made them**

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

CW-SOPT 7600

Date

22-5-15

Capacity Chief Superintendent Birmingham East Policing Unit

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
55410 Chris Jones Licensing Officer Birmingham East Local Policing Unit Stechford Police Station Station Road	
<b>Post town</b> Birmingham	<b>Post Code</b> B33 8RR
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



**Evidence Index**

**Review: Genesis, taste of the town, 286 Stratford Road.  
B11 1AA**

- Pages 1, 1a & 1b – Statement from 55410 Jones – Licensing Officer.
- Pages – 2 & 2a – Statement from PC 20328 Morgan.
- Page 3 – Statement from PC 21948 Woodward.
- Page 4 – Copy of sign showing trading times taken from the wall of the premises.

**RESTRICTED (when complete)**

MG11

**WITNESS STATEMENT**

Page No1

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

Statement of Christopher Andrew Jones

Age if under 18 Over 18 (if over 18 insert 'over 18').

Occupation Licensing Officer

This statement (consisting of 03 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

Date: 20<sup>th</sup> May 2015

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the above named person and employed by West Midlands Police as a Licensing Officer based at Stechford Police Station covering the Birmingham East area which includes Sparkbrook.

On Wednesday 6<sup>th</sup> May at approximately 1730hrs together with PC 20382 Morgan and PC 21948 Woodward I carried a routine licensing visit to Taste of the Town (Genesis Club) 286 Stratford Road, Sparkbrook. B11 1AA.

On arrival Mr Altaf (Premises License Holder) was standing outside the premises. As we entered I could instantly smell cigarette smoke, while standing at the bar area I saw a plate with ash on it. One of the officers then passed me an ash tray containing used cigarettes and a large amount of ash. I asked Mr Altaf to give an explanation regarding the cigarettes he eventually stated that he had some friends in the bar the previous evening.

I asked Mr Altaf if I could view the CCTV from the previous night, due to the smell of cigarette smoke. Mr Altaf could not initially operate the CCTV system and was given help and advice from a male sitting on stool at the bar. I viewed the CCTV for the 5<sup>th</sup> May and it showed Mr Altaf standing at the bar, customers openly smoking within the premises and alcohol being sold after the permitted licensable hours. Pints were seen being poured, money changing hands and then the money going into the till. I then requested to view two dates, chosen at random – Monday 27<sup>th</sup> April and Friday 1<sup>st</sup> May. Both days between the timed viewed showed Mr Altaf standing at the bar area and customers openly smoking inside the premises. Again on 27<sup>th</sup> May it showed alcohol being sold after permitted licensable hours, pints being poured, money changing hand and the money being put in the till.

Whilst the CCTV was being reviewed Mr Altaf became visibly nervous and began to sweat and when asked to explain the footage stuttered his words and asked for another chance admitting he had made mistakes.

Whilst reviewing the CCTV it became evident the footage was only being stored for 14 days and not the 28 days as per the premises licence.

I asked Mr Altaf to supply a copy of the CCTV I had just viewed, he stated that he had nothing to download the images onto. A short discussion took place as if the hard drive should be seized. It was decided with Mr Altaf that he would be contacted by an officer who would return to a storage device to download the footage. Mr Altaf gave his mobile phone in order that he could be contacted.

I asked Mr Altaf for the membership folder which he handed to me. The folder contained names and addresses for members but did not have any photographic ID attached. Mr Altaf stated that his members did not want to supply ID. I reminded him that it was a licence condition, he was the premises licence holder and therefore it was his place to enforce all the conditions on his premises licence. Mr Altaf again asked for one more chance admitting he should enforce the conditions.

Signature

Signature Witnessed By

2006/07(1)

**RESTRICTED (when complete)**

1a

**RESTRICTED (when complete)**

Page No. 2

**Continuation of Statement/Interview**

Whilst at the premises I noticed a sign advertising the open hours of the club. The notice stated that the premises was open Monday to Sunday 5pm to midnight and a charge of 50 pence will be charged to members who enter after 11pm. (This is over and above the premises licensable activity of 11pm and operational hours of 11.30pm Sunday to Thursday.) I removed this sign with the agreement of Mr Altaf which I produce as part of this review.

Before leaving the premises I informed Mr Altaf that he was in breach of his licence conditions and that I would be starting review procedures with the council. Mr Altaf apologised and again asked for another chance.

Mr Altaf has been contacted by PC 20328 Morgan on two occasions since the original visit on 6<sup>th</sup> May to download the CCTV. Mr Altaf has given excuses as to why he cannot supply the CCTV requested.

I previously visited on Wednesday 12<sup>th</sup> November 2014 and spoke with Mr Altaf and noted the following points: The entrance intercom was not working, there was no CCTV in operation and the membership folder had no photographic ID. At this visit Mr Altaf was warned that he was in breach of his licence conditions, informed he needed to rectify the issues highlighted and given general advice about running the premises.

Three days were viewed on CCTV, alcohol was being sold after the permitted hours on two of these days indicating that this is a regular occurrence. Mr Altaf was present on all three days showing that he was totally complicit in the breaches of permitted hours. This is confirmed by the sign taken down from Mr Altaf's club advertising trading hours after the permitted time and charging members entering the club after the licensable hours. The hours shown on this sign also openly breach the premises closure policy of 30 minutes after the permitted hours for the sale of alcohol.

On all three days viewed customers were openly smoking within the premises with Mr Altaf standing at the bar seemingly not caring for the health and safety of customers or employees.

Mr Altaf originally stated that on the 5<sup>th</sup> May he had friends over and indicated that there was some sort of private gathering at the premises. When the CCTV was viewed Mr Altaf's attitude changed being nervous and stammering over his words. CCTV clearly showed that Mr Altaf had lied, no doubt in an attempt to cover the reality of the situation.

The sign prominently displayed in the premises, giving the opening times of the club clearly indicates that the premises has been operating on a regular basis outside the permitted hours.

Mr Altaf has not supplied the CCTV footage requested and in fact has been obstructive when contacted by PC 20328 Morgan.

Mr Altaf still had not rectified issues raised at the visit six months previous. The entrance door was wedged open and the intercom was not being used, membership forms still had no photographic ID and CCTV although now working did not meet the standard required as stated in the licence conditions. The fact that Mr Altaf had six months to rectify the photographic ID on the membership folder and has not done so, that CCTV was now working although not to the standard on the licence conditions and that the intercom system was working but over ridden by the door being wedged open indicates Mr Altaf's indifference to his premises licence conditions and previously advice given.

**Signature****Signature Witnessed By**



**RESTRICTED (when complete)**

1b.

**Continuation of Statement/Interview****Page No. 3**

In my opinion Mr Altaf has no intention of running the club to meet or promote the licensing objectives or adhering to the operating conditions on his licence.

The fact that during in the visit on 6<sup>th</sup> May Mr Altaf made apologies and asked for one more chance shows that he was fully aware of his responsibilities and knew that he was breaching the conditions of his licence. This is compounded by the fact he has not supplied the CCTV footage requested and openly complicit in allowing smoking within the premises.

Mr Altaf has demonstrated a total disregard for the operating conditions on his licence and the health and safety of anyone in the premise.

**Signature****Signature Witnessed By**

2

## 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 Paul MORGAN

Age if under 18 O18 (if over 18 insert "over 18")

Occupation Police Constable 20328

This statement (consisting of TWO 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 willfully stated in it anything which I know to be false, or do not believe to be true.

Signature

(witness)

Date 13/05/2015

This is a statement regarding my attendance at The Taste of Town – Genesis Club, Startford Road, Sparkbrook on Wednesday 6<sup>th</sup> May 2015 at approximately 17:30 hours for a licensing visit.

During this visit I was in full police uniform and in company with PC 21948 Woodward and Licensing Officer 55410 Jones.

On arrival at the above location there was a male standing outside the main entrance on the pavement who gave his name as Mohammed ALTAF who I was informed was the licensee of the premises. The front door to the club was just inside this entrance, was wide open and we all taken through to the main bar area of the club with ALTAF going first and then leaving the door open behind us which was held open by a wedged door stop.

Once inside I could immediately smell cigarette smoke. When I had a look around by the seating area directly in front of the bar I saw an ashtray and when I looked in the ashtray it was full of cigarette ash.

55410 Jones asked ALTAF to show footage from the clubs CCTV system. ALTAF was unable to work and had to reply on someone else who was in the club to do it for him. The CCTV was three dates was reviewed. The first date was Monday 27<sup>th</sup> April 2015 between the times of 23:15 hours and 23:40 hours. During this time ALTAF could be seen in the club with several other people most of which appeared to be drinking. The footage also showed people within the club smoking, drinking and drinks being ordered and paid for at the bar. The second date was Friday 1<sup>st</sup> May from 23:15 hours until 00:15 hours on Saturday 2<sup>nd</sup> May 2015. Again the footage showed ALTAF was present and that people were smoking, drinking purchasing drinks from the bar. The final date that was viewed was Tuesday 5<sup>th</sup> May 2015 from 22:50 hours to 23:30 hours and, as before the footage showed ALTAF was present and that people were smoking, drinking and buying drinks from the bar.

55410 Jones asked ALTAF to provide a copy of the CCTV that had been viewed but ALTAF was unable to do so as he nothing to download the footage onto. 55410 pointed out to ALTAF that there were license breaches being committed at which ALTAF, who appeared nervous by stammering with his speech and

Signature

Signature witnessed by

07/2013

RESTRICTED – (when complete)

2a

Crime No. URN 

Statement of Paul MORGAN

sweating with beads of sweat visibly running down his forehead, immediately began asking for another chance and that he had made mistakes.

We then left the location at approximately 18:15 hours with ALTAF being asked to make arrangements to have the CCTV available.

On Thursday 7<sup>th</sup> May 2015 at approximately 14:20 hours I called ALTAF on his mobile number, 07710 600 168, to arrange to go and collect the CCTV but ALTAF said this would not be possible as he would have no one present to do it for him and that he still had nothing to download the footage onto. I told ALTAF I would call him back the following day to make arrangements to collect the footage that day and that he would need to arrange for someone to be available to do this. I then called ALTAF back on Friday 8<sup>th</sup> May at approximately 14:00 hours and again ALTAF said he had not made any arrangements to have anyone do download the footage and asked me to call back in about 15 minutes. As requested I did call ALTAF back who again told me that the only person he knew that would be able to download the footage would not be able to get to the club and that I would need to try again the following day. I told ALTAF that this would not be possible due to other working commitments and then being off work. I informed ALTAF that he had had a reasonable amount of time to make the required arrangements and that the footage would need to be obtained asap. ALTAF ended the conversation by saying he didn't know how he was going to be able to help or when he was going to be able to.

The conversation then ended and I have not spoken to ALTAF since.

Signature .....

07/2013

Signature witnessed by .....

RESTRICTED – (when complete)

## WITNESS STATEMENT

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

3

Crime No. URN 

Statement of Robert Woodward

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

Occupation Police Constable

This statement (consisting of 1 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: R Woodward (witness)

Date 19<sup>th</sup> May 2015

I am PC 21948 WOODWARD of the West Midlands Police. I am currently stationed at Stechford Police Station on Volume Crime Investigation Team 1.

At approximately 1730 hours on Wednesday 6th May 2015 I was on duty in company with PC 20328 MORGAN and Chris JONES who is the Birmingham East licensing and planning officer. We attended GENESIS TASTE OF THE TOWN, STRATFORD ROAD, SPARKBROOK, BIRMINGHAM to conduct a licensing visit on the premises.

We were met by the male who runs the licensed premises Mr ALTAF at the front door and walked in to the premises with him. Upon entering there was a strong smell of cigarette smoke and there was an ashtray on the ledge opposite the bar with a number of discarded cigarette ends and ash. JONES was having a discussion with ALTAF about his conditions on the license. JONES has then asked to check ALTAFS CCTV from the premises. He asked ALTAF to show him last night's footage just after the time his license the sell alcohol had finished. This footage was then played for some time and displayed a number of the occupants smoking in the premises. It also showed ALTAF taking payment for alcohol after the times stated on his license. JONES has then checked the CCTV on another two random dates around the time ALTAFS license to sell alcohol has finished. This has further showed smoking within the premises and payment for alcohol being taken. The CCTV footage within the premises only goes back for 14 days but on these three separate occasions there have been a number of breaches to the license for the premises and ALTAF has been present on all three occasions.

I have then had no further dealings with this matter.

Signature ..... Signature witnessed by .....

07/2013

RESTRICTED – (when complete)

4.

## **TASTE OF THE TOWN**

OPEN MONDAY TO SUNDAY 5:00 PM – 12:00AM

NO ADMISSION AFTER 11:00PM REGARDLESS

FREE ENTRANCE IS FOR MEMBERS ONLY

UNDER 18 NOT ACCEPTED (ID'S MAYBE ASKED FOR)

ALL MEMBERS WILL BE CHARGED £0.50 EXTRA AFTER 11:00PM

DRINKS AND FOOD FROM OUTSIDE NOT ACCEPTED IN THE CLUB

THE USE AND SALE OF DRUGS ON THE PREMISES IS PROHIBITED

**– POLICE WILL BE CALLED (NO ACCEPTANCES)**

HOODS AND CAPS ARE NOT ACCEPTED.

THE USE OF ABUSIVE LANGUAGE, RACIAL OR OTHERWISE TO  
BOTH THE STAFF AND CUSTOMERS LEADS TO AN INDEFINITE  
BAN FROM THE CLUB.

UNSOCIAL BEHAVIOUR WITH THE INTENT TO ANNOY,  
IRRITATE OR PROVOKE OTHERS, LEADS TO AUTOMATIC BAN  
FROM THE CLUB.

INTENTIONAL AND MALICIOUS DAMAGE TO CLUB PROPERTY  
LEADS TO PROSECUTION AND £1000 FINE FROM THE CLUB AS  
WELL AS DAMAGES BEING PAID.

NO DRINKS ON THE POOL TABLE.

ALL ABOVE ARE LIABLE TO CHANGE WITHOUT PRIOR NOTICE.

THE MANAGEMENT RESERVES THE RIGHT OF ADMISSION.

## Appendix 3

### BIRMINGHAM CITY COUNCIL

#### LICENSING ACT 2003

#### PREMISES LICENCE

Premises Licence Number:

4068 / 1

#### Part 1 - Premises details:

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> Taste of the Town (Genesis Club) 286 Stratford Road	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B11 1AA
<b>Telephone Number:</b> Not Specified	

#### Where the licence is time limited the dates

N/A

#### Licensable activities authorised by the licence

A	Plays
B	Films
C	Indoor sporting events
E	Live music
F	Recorded music
G	Performances of dance
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

#### The times the licence authorises the carrying out of licensable activities

Sunday - Thursday	10:00	-	23:00	A , B , C , E , F , G , H , M3
Friday - Saturday	10:00	-	00:00	A , B , C , E , F , G , H , M3
	23:00	-	00:00	L
New Year's Eve	10:00	-	02:30	A , B , C , E , F , G , H , M3
	23:00	-	02:30	L

#### The opening hours of the premises

Sunday - Thursday	10:00	-	23:30
Friday - Saturday	10:00	-	00:30
New Year's Eve	10:00	-	03:00

#### Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and Off Supplies

BIRMINGHAM CITY COUNCIL

Part 2

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

<b>Registered number of holder for example company number or charity number (where applicable)</b> N/A
---

<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Michael Thomas Dunne	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> Not Specified	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b>	<b>Issuing Authority</b>

Dated 04/02/2014

Nicola Stansbie  
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.



**BIRMINGHAM CITY COUNCIL**

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

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

## **BIRMINGHAM CITY COUNCIL**

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

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

All staff will be trained on their responsibilities under the Licensing Act 2003. Training will be updated on a regular basis.

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

No enforceable conditions identified from the operating schedule.

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

No enforceable conditions identified from the operating schedule.

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

Prominent signs to be on display requesting customers vacate the premises quietly having regard for local residents.

All outside areas will be closed to patrons after 22:30.

Maximum numbers permitted on the premises shall be

Ground Floor - 102

First Floor - 30 covers

or such numbers as shall be agreed from time to time with the fire service. Notices to be displayed showing maximum numbers.

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

A challenge 25 initiative will be operational at the premises.

## **BIRMINGHAM CITY COUNCIL**

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

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

Conditions stated below imposed by Birmingham Magistrates Court on 03<sup>rd</sup> February 2014

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

Hours of licensable activity: Monday, Tuesday, Wednesday, Thursday & Sunday 10.00 x 23.00 hours - Friday and Saturday 10.00 x 00.00 hours, New years Eve 10.00 x 02.30 hours

A closure policy for the operation of these premises will be 30 minutes after the approved closure time for the supply of alcohol.

The premises will operate as a members club and rules of the club shall form an annex to the premises licence. (Please see Annex 4 below).

All guests will be signed in by a member, the guest supplying their name and address, verified by photographic ID. The signing in book to be retained by the club and produced on demand of any of the responsible authorities.

All regulated services will only be supplied to members, their guests or patrons at a pre booked private function.

A list of names and addresses of all members, which is verified by photographic ID, shall be kept on the club premises and produced on demand for inspection by any of the responsible authorities.

All customers will enter and exit the premises by the main front door on the Stratford Road only.

The main front door will be operated by an entry control system.

Drinks not to be removed from the premises in open containers.

The volume of all recorded or amplified music will be controlled by the DPS or their nominated person and not the musician, artist, customers or DJ.

When regulated entertainment takes place at the premises the Designated Premises Supervisor, or other nominated person shall undertake regular subjective noise assessments at the nearest residential premises to prevent noise or vibration from the premises causing a nuisance to nearby residents.

A record of the time and date of the noise assessment, the person who carried out the assessment, the findings of the assessment and any action taken shall be maintained at the premises and shall be available for inspection by any of the responsible authorities.

Regulated activities to take place indoors only.

During regulated entertainment windows / doors to be kept closed no later than 22.00 hours except for access and egress.

Customers, members, guests and staff are not to be allowed to smoke at the front on the premises on the Stratford Road.

No drinks to be consumed outside the premises after 22.30 hours.

Premises to provide in writing, a month in advance a list of all events and details of room hire to the Licensing Department at Stechford Police Station. (Events are classed as any corporate event or play, film, indoor sporting event, dance, live or recorded music - (except for background music and juke box) where the premise is hired for a private function.

## **BIRMINGHAM CITY COUNCIL**

The premises will provide a risk assessment, if requested by any of the responsible authorities which is to include ticket sales, security arrangements, names of artists, performers, DJs and details of persons who have hired the premises or part of the premises. The risk assessment then must be adhered to. West Midlands have a power to veto over the event.

All staff to be trained in the relevant parts of The Licensing Act 2003 regarding the sale of alcohol and challenge 25 policy before they start their first shift serving customers. Refresher training to take place at least twice a year.

All licensing training to be documented signed by both the trainer and trainee and made available to any of the responsible authorities on request.

Premises to install / update CCTV to the specifications and recommendations of West Midlands Police. CCTV to be retained for no less than 28 days. CCTV images and recordings to be made immediately available and downloadable on request of the responsible authorities.

CCTV to operate throughout the whole period of licensable activity.

Premises to operate a Challenge 25 policy.

Challenge 25 signage to be prominently displayed on bar areas and entrance doors.

No adult entertainment allowed on the premises

### **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**

Staff not to be left in sole charge of any child.

Persons under the age of 18 must be accompanied by an adult at all times whilst on the premises.

**BIRMINGHAM CITY COUNCIL**

**Annex 4 – Membership Rules**

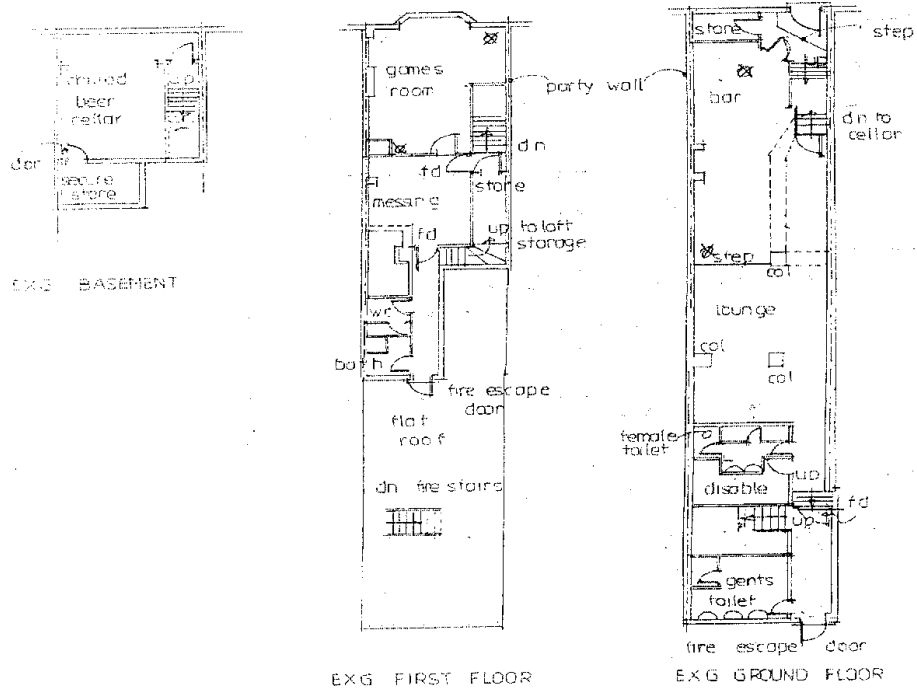
**Taste of the Town**

**Rules of Membership**

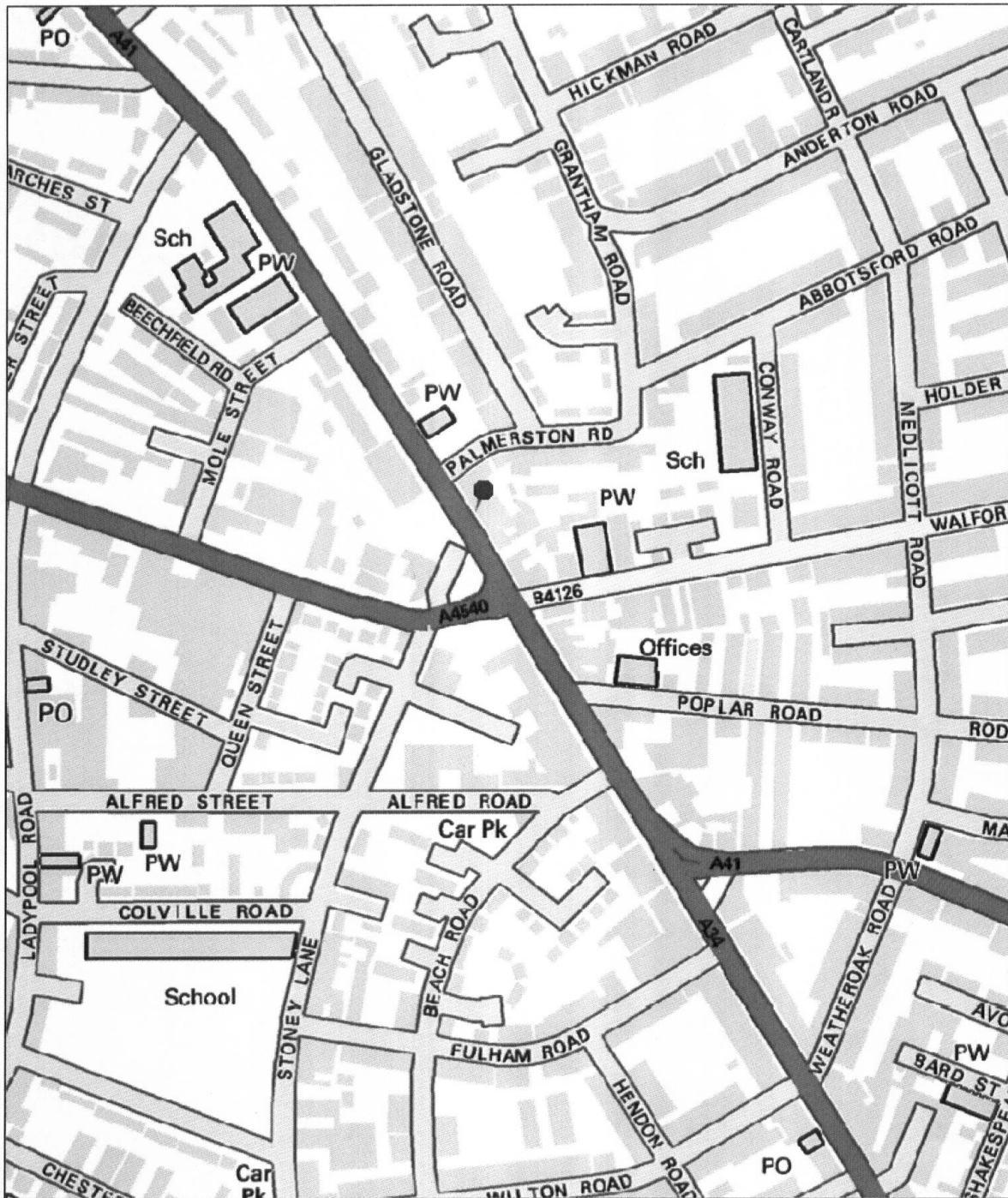
1. Persons wishing to become members of Taste of the Town must complete an application for membership and supply the following details:
  - a. full name,
  - b. address,
  - c. date of birth,
  - d. telephone and/or email address.
2. At the time of applying for membership, applicants will be required to produce an original form of photo identification, for example, passport or photo driving licence, to the premises licence holder, DPS or person nominated to administer membership in his/her absence.
3. The premises licence holder and DPS are authorised to approve members. In the event of a complaint about membership, the premises licence holder's decision shall be final.
4. Each member shall be permitted up to 3 non-member guests on any given day.
5. All non-members must be signed in by the accompanying member in a guests book/register which shall be maintained at the premises.

BIRMINGHAM CITY COUNCIL

Annex 5 – Plans



## Appendix 4



**Birmingham City Council** Map Created By:

**Notes**

Date of Map Creation: 29/06/2015



Scale:  
1:4,000

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