

## **Proposed draft Conditions**

### **The Acorn, High Street, Erdington, Birmingham**

#### **Prevention of Crime and Disorder**

1. The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- The lawful selling of age restricted products
- Refusing the sale of alcohol to a person who is drunk

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to West Midlands Police, officers of the local authority and officers from the Trading Standards team upon request.

2. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made for alcohol service e.g. underage, will also be recorded in writing and feedback given to staff as relevant.
3. No open vessels, bottles or other type of container will be allowed outside the front of the premises and notices prominently displayed to this effect.
4. Any person who is barred from the premises shall be forthwith reported to PubWatch and to West Midlands Police with a description if possible.

#### **Protection of Children from Harm**

5. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a



photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of West Midlands Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.

6. Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.



## **POSITION STATEMENT**

### **The Acorn Public House, High Street, Erdington**

1. Sheldon Inns Limited has two directors namely Martin Cartwright and Michael Howard a sleeping director. All day to day running of the company and decisions are made by Mr Cartwright who has 30 years' experience in the trade and the company has 27 pubs under management from various pub companies namely Greene King, Wadworths, Enterprise Inns, Punch Taverns, Admiral Taverns and Star Pubs and Bars. Currently Sheldon have 5 pubs under management from Star.
2. In respect of the Acorn Sheldon has a three year tenancy agreement with Star as landlords and they run it and pay rent to Star and pay for all their beer to Star and they are responsible for paying all bills on a landlord and tenancy arrangement.
3. Sheldon have had the Acorn since September 2009 and dealt with a previous application for a review dated 6<sup>th</sup> September 2010 and confirm that by the hearing on 26<sup>th</sup> October before the Committee Sheldon had dismissed Teresa O'Meara following consultation with Deano Walker of West Midlands Police. She was replaced by Mairead Friel on 5<sup>th</sup> October who proved unsuitable and she was replaced on 22<sup>nd</sup> October 2010 by Jacqueline Vinning.
4. It is written into Sheldon's agreement that they must not do anything to jeopardise the licence and if this was to happen Sheldon would potentially incur a severe financial penalty.
5. Between October 2010 and now there has been very little contact with West Midlands Police (WMP) and the only formal contact was an email from Mr Walker of 31<sup>st</sup> December 2015 stating "If the obstructions continue we will put a formal request to you to replace the DPS and if that won't be done then we will request Birmingham City Council Licensing Committee to consider it at a review". As a matter of record Sheldon have received no such formal request and following receipt of the email mentioned above Mr Cartwright spoke to Mr Walker on the telephone about it and again assured him that Miss Vinning would be competent to use the CCTV and be as cooperative as possible in the future.
6. So far as replacement of the CCTV is concerned Sheldon upgraded the Matrix and installed two additional cameras to fully cover the front of the pub and the entrance and replaced an existing camera that did not work in the pub. This was carried out on 9<sup>th</sup> December 2015 for a sum of £1,550 which goes some way to explain why Miss Vinning was uncomfortable with the new system in the month of December 2015.



7. At the hearing in October 2010 there was some discussion prior to the hearing where the hours of the premises were reduced and the door was left open to Sheldon to reapply to get the hours back to midnight. As a matter of record no such application was ever made as it was clear after a short while that the Police would prefer them to keep the new hours imposed by the Committee despite the fact of a drop in turnover of £1,500 - £2,000 per week. This only goes to show that to Sheldon money is "not paramount".
8. Miss Vinning lives in the flat above the Acorn on her own and is the DPS. She is aged 57 years and has been in the licensed trade for about 20 years. All of those as licensee and she has run a number of difficult pubs including the Pelham Arms in Alum Rock and others in Smethwick and Brownhills. She has an exemplary record as a publican and obtained a Personal Licence in 2005 under grandfather rights.
9. As will be seen above she applied for a change of DPS at the Acorn which took effect on 22<sup>nd</sup> October 2010 and she has held that position ever since. She had already carefully looked at the Acorn having previously been at the Lad in the Lane nearby and decided to take it on. She knew it was going to be a challenge and she got herself some good staff. So far as contact with the Police is concerned she is of the considered opinion that the premises were far harder to run in the early days than now. She now finds things difficult due to having cleared the bad element out in the early days but is of the opinion that that does not stop those people coming back and being a nuisance outside the premises. In addition things are worse outside since the Hairy Lemon closed about three years ago.
10. She strictly enforces the conditions on the licence and in particular has a comprehensive CCTV system with 11 cameras and four outside covering the front and rear of the premises. She has numerous notices in the pub as is shown on the photographs relating to Challenge 21 and drugs and she does not allow any children in the premises at all. She attends almost every Pubwatch meeting and has also asked the Police to have a drug sniffer dog walk through the premises on a Friday evening which they are unable to do due to lack of government funding. She has door control provided by Safetynet who were recommended by Mr Walker and they are at the premises as per conditions every Friday and Saturday from 7pm to 12 midnight. They are more or less the same persons and they do a good job and there have been recent meetings with Safetynet and Mr Walker and his Sergeant Hill who are happy with the running of the door. In the papers there are unsubstantiated allegations about drug dealing in the premises. Miss Vinning states categorically that this does not take place and the toilets are regularly checked. There is a similar suggestion about stolen goods ending up in the Acorn and being sold to customers and staff and this is just not true and if people should come in with bags Miss Vinning asks them to leave. In her opinion she has an exceptional staff who have been with her for three to five years and they are regularly reminded not to serve people who are intoxicated. It is her view that they do a good job. As a matter of record



one other employee Tina Barrett also has a Personal Licence and Adele Sweeney has just applied for hers. As a general rule there is always Tina or Miss Vinning behind the bar and in charge.

11. So far as contact with the Police is concerned Miss Vinning has attended most Pubwatch meetings. Sometimes no one else is there and Mr Walker is usually there on behalf of the Police and he has never said anything to Miss Vinning about the running of the pub. Over the six years she has been there she has not met him in the pub nor at the station. On one occasion last year he mentioned to her that he was going to talk to Mr Cartwright about a review but she cannot remember why it was. That is the only time she has heard review mentioned and there has been nothing in writing or by email to her.
12. Sheldon have dealt with the installation of the upgraded CCTV which was in early December 2015 at a substantial cost. As stated, for a time, Miss Vinning did not know how to download but Mark the installer came in on a couple of occasions and he gave her full guidance on a one-to-one basis so she could download at a Police request. Thereafter Miss Vinning trained Tina and if ever there was a problem Mr Cartwright could get Mark down to help.
13. Miss Vinning has never been told there has been a prosecution for anything that has happened at the public house and if the decision is made to remove her as DPS she will be out of work and would lose her accommodation above the premises and in a situation where she would find it difficult to secure a similar position.
14. Following a meeting between Mr Cartwright and Mr Walker and SafetyNet at Erdington Police Station on 20<sup>th</sup> May 2016 Miss Vinning has in discussion with Mr Cartwright reduced the entertainment to only Friday and Saturday each week, stopping such entertainment on Sunday, Monday and Wednesday as in Sheldon's view entertainment acts as an added reason for people to try to obtain entrance to the premises.
15. So far as the incident on 6<sup>th</sup> June 2016 is concerned Miss Vinning only knew about the earlier problem with a child being manhandled to which the Police were called. She was in the flat for part of the day as it was her day off and later went to collect her dog and was away for about half an hour returning with her dog as shown on the camera. She did not know anything at the time about the incident with the knife and did say to the Police she had been in the flat the whole time but that is not true as she had been away for about an hour to collect the dog. She thinks the Police came the following day to view the CCTV footage and they did operate it as they wanted to do it themselves and she could have done it herself. At no stage did Miss Vinning give a statement to the Police as is stated in their evidence about this incident.



16. Referring to page 2 of Mr Walker's statement "Although there is no specific information that customers drink alcohol purchased from the Acorn". Sheldon do not really understand what he is saying so far as people are being intimidated by people stood outside the premises and they are probably drinking alcohol purchased elsewhere. The Acorn does not and never has sold cans and certainly does not allow glasses outside when customers go for a smoke to the only place available namely the High Street. As will be seen from photograph number 3 taking drinks outside is forbidden.
17. So far as reprisals are concerned Sheldon question why there would ever be any as there is no evidence of this and it is a company that runs 27 pubs and welcomes all constructive criticism.
18. Referring to paragraph 2 of the statement of Mr Walker there is no evidence that the lady in the white trousers was hidden by staff when she came back inside the premises. She may have been in the downstairs staff lavatory. The only one who may have known she was there was Miss Vinning's sister Tracy who was an employee. As a matter of record Miss Vinning has dismissed her sister Tracy and her daughter Natalie the lady in the white trousers in the video is barred from entering the premises.
19. So far as page 3 of Mr Walker's statement is concerned in the second paragraph Mr Cartwright did not say the DPS was not on site or even in her accommodation as he did not know. He did not know that she had received a call about the incident.
20. So far as the DPS remaining in place Mr Cartwright only knew what was being alleged in detail when Mr Potts the company's solicitor, attended at Erdington Police Station on the afternoon of 21<sup>st</sup> July by arrangement to pick up the two bundles of evidence which Mr Cartwright has now read and decided that Miss Vinning remains in place as the best person to run this difficult site. Mr Cartwright who has been in the trade for many years does not accept the management of the premises has been inadequate. He refers to records on his telephone and it shows contact with Mr Walker in December 2014 and then there was none until January 2016 when Mr Cartwright phoned Mr Walker to discuss the premises. Sheldon deny that they have ever put profit above public safety as is alleged.
21. Overall Mr Cartwright does stand by his decision to keep Miss Vinning in place for six years as the best person to run the Acorn. He is also of the considered opinion that it is not proportionate to apply for a review and revoke the Premises Licence in all the circumstances of this case and having considered the evidence put forward by WMP.



## Sheldon Response to WMP Crime Index

Tag	Date	Sheldon's response and comment
1	23 May 2015	No evidence alcohol was a factor.
2	6 July 2015	There is no evidence that both parties had been drinking.
3	8 September 2015	The person outside was the person under the influence of alcohol not the person in the Acorn.
4	30 September 2015	This person was waiting for a taxi outside the Acorn and there is no connection between her and the Acorn.
5	8 October 2015	No evidence in the log of alcohol being a factor in the case.
6	16 October 2015	This is an item of theft and alcohol does not appear to have been a factor. We have been unable to take instructions in the short time at our disposal as to the comments about the CCTV.
7	31 October 2015	Again this is a matter of theft and there is no mention of alcohol being a factor. We have been unable to take instructions in the short time at our disposal as to the comments about the CCTV. Again there is criticism about CCTV not being available immediately but the offer was it would be available on Monday.
8	4 December 2015	This appears on the face of it to be a serious incident that could have happened anywhere. This should have immediately been brought to Mr Cartwright's attention. So far as CCTV is concerned this was the December period of difficulty with the CCTV. We have as yet been unable to take instructions on this one but will do so before the



		hearing.	
9	27 December 2015	Here there is criticism that staff failed to support Police by making a statement	
10	6 June 2015	This is dealt with elsewhere.	



## Sheldon Response to WMP intelligence Index

Tag	Date	Sheldon's response and comment
1	21 August 2015	There is no evidence that this person was going to sell the Polish cheese in the Acorn.
2	9 October 2015	How is this the fault of the DPS's family?
3	16 November 2015	Although this is quoted as good intelligence there is no evidence of the existence of a gun being offered for sale in the Acorn. Again there is no evidence that the male is dealing drugs in the Acorn. They merely went into the Acorn.
4	21 November 2015	No evidence of drug dealing they merely went into the Acorn.
5	22 November 2015	This man is unknown and how can the Acorn be expected to know that he was intending to drive. It appears from the log that he started drinking lager at home.
6	4 December 2015	Again there is no evidence whatever throughout the papers of stolen property being sold in the Acorn.
7	5 December 2015	What were the breaches here and was it Mr Cartwright who met Mr Walker?
8	14 December 2015	Again no action was taken by Police about drug dealing or was it?



9	20 December 2015	This has already been dealt with elsewhere and there is no evidence whatever of the Johnson Crew who are known to the DPS being present in the Acorn.
10	23 December 2015	There is no evidence throughout the papers that the Johnson Crew or other gangs are in the Acorn.
11	6 May 2016	Again there is no evidence of gangs and there is no question of anyone being frightened to report anything and as stated above the DPS knows of gang members and their identity.
12	11 May 2016	Again there is no evidence and here the CCTV was produced and a phone number produced to the Police so this is evidence of cooperation.
13	13 May 2016	Again there is no evidence of drugs or possession of firearms in the Acorn.



## Sheldon Response to WMP Incident Index

Tag	Date	Sheldon's response and comment
1	18 June 2015	This man was quite correctly refused service.
2	9 July 2015	On the police's account this was false or malicious or someone was injured and had left the scene. There is no evidence that the Acorn was a fault here.
3	24 July 2015	This connection with the Acorn was only suspected and no disorder was taking place at the time.
4	26 July 2015	A male and his friend are on a stag do and have not been in the Acorn.
5	1 August 2015	A male appears to have been quite rightly refused entry by the door staff.
6	10 August 2015	There is absolutely no proof that stolen property was taken into the Acorn and sold to customers or even staff.
7	17 August 2015	There is no evidence whatsoever she had been into the pub or at all.
8	19 September 2015	This man appears quite properly to have been refused entry.
9	30 September 2015	All this happened on the street outside the Acorn and how can the Acorn be blamed for this.



10	8 October 2015	Where is the evidence of intoxication in the log?
11	23 October 2015	There is no evidence that both were heavily intoxicated.
12	30 October 2015	The Police comments state it is "believed" that this female was a customer but having looked at the log there is no connection with the Acorn at all and the lady is opposite the public house.
13	28 November 2015	The question whether staff served excessively is a matter of opinion.
14	4 December 2015	It is denied that the landlady was unhelpful.
15	19 December 2015	There is no evidence of a fight. This could have been a malicious call.
16	27 December 2016	There is no evidence of serving existing customers to excess or failure to cooperate in the logs.
17	15 January 2016	They do not say this in the logs that they were served to excess by staff.
18	3 March 2016	The comment in the logs is "Arrived at incident and no issues and no trace" therefore there is no evidence of drug dealing.



19	12 March 2016	There is no evidence that staff served male to excess.
20	12 March 2016	
21	18 March 2016	Again there is no evidence in the log that he was served to excess in the Acorn.
22	30 March 2016	There is no evidence that this male was served to excess or that that stolen property is sold in the Acorn Public House.
23	22 April 2016	There is no evidence that this male who had been drinking had been in the Acorn.
24	5 May 2016	There is no evidence that this caller had been served to excess in the publ.
25	5 May 2016 11:45 am	There is no evidence that this person was selling stolen goods in the Acorn.
26	17 May 2016	Again there is no evidence that those people who were drinking outside the Health and Wellbeing Centre and allegedly smoking drugs had been in Acorn.
27	21 May 2016	Even the Police comment is "not know if this male had been served earlier in the Acorn"
28	6 June 2016	There is no evidence to connect the Iceland meat to the Acorn. Where is the evidence that stolen property is sold in the pub, there is none!
29	6 June 2016	This whole incident is commented on elsewhere.







## KEY TO PHOTOGRAPHS

1. Acorn Public House
2. Notice at front of premises "Strictly No Children Permitted"
3. Notice prominently displayed on the entrance "No drinks are to be taken outside".
4. Notices in the premises including Summary of the Licence and Challenge 21 and CCTV notification adjacent to the bar and similar notices are throughout the premises.
5. Ditto
6. SafetyNet and other training folders and records in use in the premises.
7. View of front of the Acorn, Iceland and the Erdington Health and Wellbeing Centre.
8. View up Church Road
9. Hairy Lemon which closed about three years ago.
10. Letter with attachment from local councillors inviting objections with four responses as is shown in the Agenda with three against and one for the premises.







2

THE ACORN  
STRICTLY NO  
CHILDREN  
PERMITTED

FOR



3

Warning  
Wet paint

**NO  
DRINKS  
ARE TO BE  
TAKEN  
OUTSIDE**

THANK YOU FOR YOUR  
CO-OPERATION





4





5

**Under**  
**21**

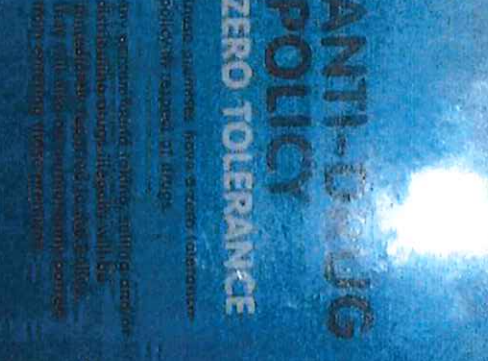
If you look under  
21, please do not  
look under 21  
next year for proof  
of age. What you  
buy is legal.

**1**  
Available from \$15.  
Cash back to  
\$150  
100% approval  
No credit  
check  
No  
fees

**DRINK.AWARE.CO.UK**



Avery-Johnson  
Cardboard  
Avery-Johnson



**ANTI-DRUG  
POLICY  
ZERO TOLERANCE**

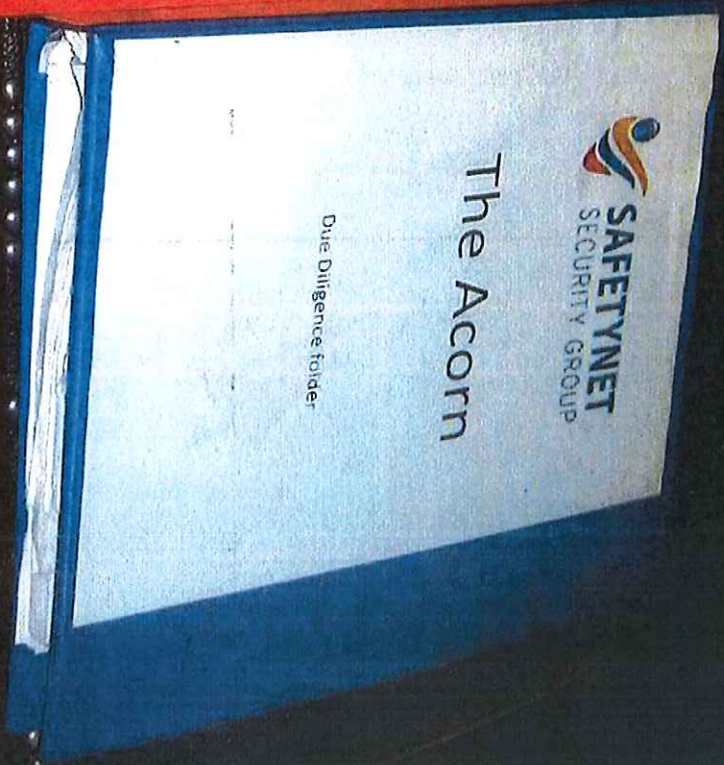
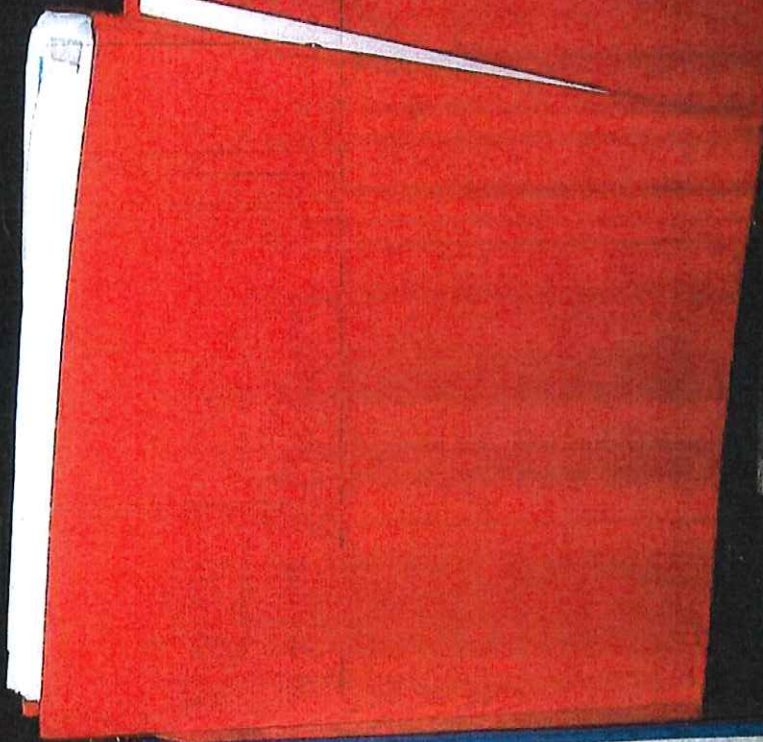
These numbers have a zero tolerance policy in regard to drug.

any person found taking, selling, and/or distributing drugs, regardless of the amount, is subject to arrest and prosecution. They will also be permanently banned from entering these meetings.



6

THE ACORN  
SAFETYNET SECURITY GROUP  
2007-2008













9

**LOCKED TOILET**  
ALL BUILDINGS  
0121 237 4850  
cpllocked.com

**NIGHTCLUB**  
AT THE GOLD LADDOCK  
ENTRANCE AT PEAR

**LOCKED TOILET**  
ALL BUILDINGS  
0121 237 4850  
cpllocked.com

**Hairy Lemon**

Money Shop  
**pawnbroker**

**The Hairy Lemon**

**REBEL**







10

ERDINGTON WARD  
CONSERVATIVE  
COUNCIL HOUSE  
VICTORIA SQUARE  
BIRMINGHAM  
B1 1BB

Councillor Gareth Moore  
Tel: 07557 287435  
Gareth.Moore@birmingham.gov.uk

Councillor Robert Alden  
Tel: 0121 303 2130  
Robert.Alden@birmingham.gov.uk

Councillor Bob Beauchamp  
Tel: 0121 325 1859  
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## Review Submitted for The Acorn Pub

Dear Resident

You may be aware that the Police have submitted a licence review for The Acorn having built up a substantial file on the criminal activity and anti-social behaviour (ASB) that have been taking place at the premises over the last few years.

We will be making representations to the Licensing Department in support of the review and we will be seeking revocation of their premises licence. To assist us and the Police, it would be helpful if local residents could also make representations to the Council detailing some of their experiences, in line with the Licensing Objectives of **The Prevention of Crime & Disorder, Public Safety and the Prevention of Public Nuisance.**

The deadline for submissions is **Tuesday 12<sup>th</sup> July 2016** and a copy of the Review Notice is included on the reverse of this leaflet. The Licensing Department can be emailing at [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk). The Council will hold a hearing in due course where the licence will then be reviewed.

Should you have any questions regarding the above or would like to raise another issue, please do not hesitate to contact us.

Yours sincerely

Gareth

Cllr Gareth Moore

Robert

Cllr Robert Alden

Bob

Cllr Bob Beauchamp

**Erdington Ward Councillors working for YOU all year round**



10

**BIRMINGHAM CITY COUNCIL**  
**Review of Premises Licence**  
**The Acorn, High Street, Erdington,**  
**Birmingham, B23 6SJ**

A notice for review of the premises licence has been made in respect of: The Acorn, High Street, Erdington, Birmingham, B23 6SJ

Grounds for review relate to the following licensing objective(s):

The Prevention of Crime & Disorder, Public Safety and the Prevention of Public Nuisance.

**Reasons:** A review of the Premises Licence is being sought by The Chief Constable of West Midlands Police as a result of a catalogue of crime & disorder incidents having taken place at the premises over the past year, as detailed in the application, including disorder, fights, anti-social behaviour, intelligence informing police of drug dealing & stolen property from local shops being sold in the premises.

The application for review of the above premises may be inspected, by appointment, at the **Licensing Section, Ashted Lock, Building 1 - 3, Ground Floor, Birmingham Science Park Aston, Dartmouth Middleway, Aston, Birmingham B7 4AZ.** The **Licensing Register** can be viewed at: **[www.birmingham.gov.uk/licensing](http://www.birmingham.gov.uk/licensing)**

Any representations by other persons or responsible authorities regarding the review must be made in writing between the following dates:

**15 June 2016 to 12 July 2016**

It is an offence, liable on summary conviction to a fine up to Level 5 (£5000) on the standard scale to knowingly or recklessly make a false statement in connection with the application.