

**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 A**

**THURSDAY, 30 NOVEMBER 2017 AT 09:30 HOURS**  
**IN HMS DARING ROOM, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

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

**A G E N D A**

**1     NOTICE OF RECORDING**

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

**2     APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**3 - 72**

**3     LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW**  
**NUVO, 11 BRINDLEY PLACE, BIRMINGHAM, B1 2LP**

Report of the Acting Director of Regulation and Enforcement  
N.B. Application scheduled to be heard at 09:30am

**4     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.



# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Acting Director of Regulation and Enforcement</b>
<b>Date of Meeting:</b>	<b>Thursday 30<sup>th</sup> November 2017</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Summary Review</b>
<b>Premises:</b>	<b>Nuvo, 11 Brindley Place, Birmingham, B1 2LP</b>
<b>Ward affected:</b>	<b>Ladywood</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>

### **1. Purpose of report:**

A review of the premises licence is required following an application for an expedited review under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006).

### **2. Recommendation:**

To consider the review and to determine this matter.

### **3. Brief Summary of Report:**

An application under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) was received on 7<sup>th</sup> November in respect of Nuvo, 11 Brindley Place, Birmingham, B1 2LP.

### **4. Compliance Issues:**

#### **4.1 Consistency with relevant Council Policies, Plans or Strategies:**

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

## **5. Relevant background/chronology of key events:**

On 7<sup>th</sup> November 2017 Chief Superintendent Chris Johnson, on behalf of West Midlands Police, applied for a review, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), of the Premises Licence granted in respect of Nuvo, 11 Brindley Place, Birmingham, B1 2LP.

The application was accompanied by the required certificate confirming that in his opinion the premises are associated with serious crime and disorder. See Appendix 1.

Within 48 hours of receipt of an application made under Section 53A, the Licensing Authority is required to consider whether it is appropriate to take interim steps pending determination of the review of the Premises Licence, such a review to be held within 28 days after the day of its receipt, review that Licence and reach a determination on that review.

Licensing Sub-Committee A met on 9<sup>th</sup> November 2017 to consider whether to take any interim steps and resolved that the Premises Licence be suspended pending a review of the Licence.

A copy of the decision is attached at Appendix 2.

On the 14<sup>th</sup> November 2017 an application to vary the Designated Premises Supervisor, from Gjergji Devollj to Metin Yusuf, was received. The application sought to take immediate effect.

The Premises Licence Holder was notified of the interim steps taken by the Licensing Authority and subsequently made representations at 16:55 hours on the 20<sup>th</sup> November 2017. See Appendix 3.

Licensing Sub-Committee A were required to consider the representations within 48 hours of receipt (excluding non-working days). As a result of the representations Licensing Sub-Committee A reconvened on 22<sup>nd</sup> November 2017 and resolved to modify the interim steps decision. A copy of the decision is attached at Appendix 4.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other parties ended on 22<sup>nd</sup> November 2017.

A representation has been received from Public Health, as a responsible authority, see Appendix 5.

A copy of the current Premises Licence is attached at Appendix 6.

Site location plans at Appendix 7.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority's functions under the Licensing Act 2003 are to promote the licensing objectives: -

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

**6. List of background documents:**

Review Application and Certificate from West Midlands Police, Appendix 1  
Sub-Committee decision of 9<sup>th</sup> November 2017 , Appendix 2  
Representations against interim steps from the Premises Licence Holder, Appendix 3  
Sub Committee decision following receipt of representations to interim steps, Appendix 4  
Representation from Public Health, Appendix 5  
Current Premises Licence, Appendix 6  
Site location plans, Appendix 7

**7. Options available:**

Modify the conditions of Licence  
Exclude a Licensable activity from the scope of the Licence  
Remove the Designated Premises Supervisor  
Suspend the Licence for a period not exceeding 3 months  
Revoke the Licence  
Take no action



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

1. **CHRIS JOHNSON**  
- (CHIEF SUPERINTENDENT BIRMINGHAM CENTRAL POLICE STATION)

(on behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003

1. Premises details: NUVO

Postal address of premises,(or if none or not known, ordinance survey map reference or description): 11 Brindley Place

Post Town: Birmingham

Post Code (if known): B1 2LP

2. Premises Licence details:

Name of premise licence holder (if known): Athina Caterers Limited

Number of premise licence (if known): 3288

3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



BCC	
REGULATION & ENFORCEMENT	
LICENSING SECTION	
DATE RECEIVED	
REF NO	
INITIALS	

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

The premises are currently open for licensable activity inclusive of Live Music, Recorded Music, Performances of Dance and Sale of Alcohol by Retail from Monday to Wednesday 10:00 – 02:00 hours, and Thursday to Sunday 10:00 – 04:00.

The premises, which has 2 floors, is situated in the Cumulative Impact Area of Broad Street where there is a high concentration of licensed premises.

On 29<sup>th</sup> October 2017, at approximately 2am, a disorder broke out inside Nuvo, in the upstairs area near to the VIP section. There were no security present in the area at this time, and two people suffered injuries as a result of this disorder.

At approximately 2:20am persons involved in the disorder inside leave the premises, where they again begin to fight directly outside the venue. One male who had left the venue is seen to stab another male in the arm.

There is clearly evidence of serious crime and disorder under the licensing objectives of preventing crime and disorder and promoting public safety. The incident has been crimed as a Section 18 Wounding which falls into the category of serious crime, as if a person is found guilty, they could receive custodial sentences in excess of 3 years.

Due to the very nature of the incident, West Midlands Police are recommending that the local authority impose interim steps of suspending the licence for the venue until the review.

**Signature of applicant**

**Date:** 07.11.17.

**Rank/Capacity:** Chief Superintendent.

**Contact details for matters concerning this application:** PC 0027 Vicki Demuth

**Address:** Licensing Dept c/o Birmingham Central Police Station, Lloyd House, Birmingham

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly

state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.



# **West Midlands Police**

## **CERTIFICATE UNDER SECTION 53A (1)(B) OF THE LICENSING ACT 2003**

I hereby certify that in my opinion the premises described below are associated with serious crime and disorder

**Premises:** Nuvo, 11 Brindley Place, Birmingham, West Midlands, B1 2LP

**Premise Licence Number:** 3288

**Premise Licence Holder:** Athina Caterers Limited

**Designated Premise Supervisor:** Mr Gjergji Devollaj

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

I am giving this certificate because I am of the opinion that the standard review procedures under the Licensing Act are thought to be unsuitable due to the seriousness of the crime, and the serious management failings of the premises concerned.

The level and seriousness of the incident in terms of the crime and disorder committed warrant the use of this power. I have considered the use of the normal review procedure but I do not feel this would be appropriate in this circumstance due to the above reason, and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

The concern of West Midlands Police is that if steps are not taken to consider the running of the premises, they will continue to disregard the prevention and detection of crime and disorder.

I am conscious of the DCMS guidance on the use of "Expedited Reviews" and given the emphasis that is specified to the use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

Signed

Date 07.11.17.

Chief Superintendent CHRIS JOHNSON  
Birmingham Central Police Station

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED
REF NO _____
INITIALS _____



**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB COMMITTEE - A**

**THURSDAY 9<sup>TH</sup> NOVEMBER 2017**

**NUVO, 11 BRINDLEY PLACE, BIRMINGHAM, WEST MIDLANDS, B1 2LP**

That having considered the Application made and Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Athina Caterers Limited in respect of Nuvo, 11 Brindley Place, Birmingham, West Midlands, B1 2LP, this Sub-Committee determines that the premises licence be suspended.

The reasons for the Sub-Committee's decision for imposing the interim step of suspension is based on the concerns of West Midlands Police in relation to matters which came to light at the premises on the 29th October 2017 as outlined in the Chief Officer of Police's Certificate and Application.

The Sub Committee determined the causes of the serious crime and or serious disorder appeared to originate from patrons of the premises, a fundamental failure of, and completely deficient, security measures and the inability of management to have taken all or any reasonable steps to prevent the serious crime and/or serious disorder from occurring at the premises and outside it, or to mitigate them after the first disorder took place within the premises.

It was therefore necessary and reasonable to impose the interim step of suspension to address the immediate problems with the premises, in particular the likelihood of serious crime and or serious disorder, and to promote the prevention of crime and disorder objective in the Act.

In reaching its decision, the Sub Committee considered whether the proposals submitted by the premises licence holder addressed the shortcomings identified but were not satisfied that they were at this stage, based on the representations made by the Police. The Police were concerned that despite previous interventions with the premises in 2014, 2016 and a Traders Notice as recently as July 2017 there was a lack of any meaningful correspondence with the Premises' management about why the disorder had taken place both inside and outside the venue and what was now needed to address these issues. The Police acknowledged that the premises had provided them with CCTV footage of both incidents, which the Sub Committee had viewed as part of the evidence submitted and more generally, that the premises did work in collaboration with the Police historically.

During the first incident on the night in question, a patron was seen attacking another patron within the premises (this may or may not have been in retaliation from an earlier exchange between the two people in question). Following the assault, no steps were taken by the management of the premises or the security on duty to notify the Police or the emergency services. Following a review of security policies and procedures for the venue, the premises licence holder accepted that

there had been an inadequate number of security personnel on duty on the day, which they had now revised following the appointment of a new SIA registered Security Provider.

During the second incident outside the premises, the Police were of the view that the wounding which took place occurred as a direct result of what had happened in the first incident but had now escalated. It was also submitted by the Police that the weapon used in the second incident was taken into the venue, despite the venue claiming to have operated a 100% search policy on the night in question. The methodology in the way the patron searches were carried out was also determined to be wholly inadequate, in that the security on the night appeared to be doing nothing other than a cursory search, which on the balance of probabilities explained how a patron of the venue was allowed to use a weapon in the second incident outside the venue.

Put simply, the Sub Committee were persuaded by the Police's submissions that complete suspension of the premises licence was appropriate in order to firstly, address and respond to the Police's concerns about how the venue was managed, including its operating policies (risk assessment for events), procedures for the venue, particularly search on entry, and security provision and determine what further conditions could be added to the premises Licence in order to fully address the totality of the Police's concerns.

The Sub Committee noted that the premises licence holder had taken action to try and address the causes of the serious crime and/or serious disorder, this included the nomination of a new designated premises supervisor, offering up a set of conditions which if acceptable to the Police would be ratified within a minor variation application, which included the appointment of a new Security Provider, and new policies for the management of the premises once the new security provider had vetted and approved them operationally e.g. no ID no entry.

The Sub Committee also noted that the premises had operated over the preceding weekend under these proposed arrangements without any incident. However, it was also mindful of the fact that the Police continued to express concern about the way the premises are managed at present, and that it was reasonable for the premises licence holder to work with the police in an open and transparent way in order to address the underlying causes of the serious crime and/or serious disorder something which the Police stated had not occurred to date.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, and the submissions made by the Police (part of which was heard in private in accordance with Regulation 14 of the Licensing Act (Hearings) Regulations 2005) and the Premises licence holder's legal representative at the hearing.

All parties are advised that the premises licence holder may make representations against the interim step taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours. When calculating the 48 hour period, any non-working day can be disregarded.

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

## Appendix 3

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**Subject:** FW: Nuvo - representation against interim steps  
**Attachments:** proposed Interim Steps 201117.docx  
**Importance:** High

----- Original Message -----

**From:** Heath Thomas  
**Date:** Mon, 20 Nov 2017, 16:55  
**To:** David Kennedy ,Licensing  
**CC:** Nicola Stansbie  
**Subject:** Nuvo - representation against interim steps

Dear Sirs,

Following my correspondence regarding this matter sent last week, I am instructed to make representation against the interim steps and to request the Licensing Committee consider alternative interim steps. I attach details of the interim steps proposed.

We are meeting with West Midlands Police tomorrow morning at 10.30am and hope to provide you with an agreed version of the proposed interim steps thereafter, together with copies of my clients policies.

I would be grateful if the Committee could convene to consider these alternative interim steps on Wednesday afternoon.

Yours faithfully

Heath Thomas


**Heath Thomas**

Partner  
Licensing & Regulatory  
For and on behalf of Harrison Clark Rickerbys Limited

Harrison Clark Rickerbys Limited, 5 Deansway, Worcester  
Worcestershire, WR1 2JG, United Kingdom

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**BIRMINGHAM CITY COUNCIL**  
**LICENSING SUB COMMITTEE - A**

**22 November 2017**

**NUVO, 11 BRINDLEY PLACE, BIRMINGHAM, WEST MIDLANDS, B1 2LP**

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That, having considered the representations made on behalf of Athina Caterers Limited the premises licence holder for **NUVO, 11 BRINDLEY PLACE, BIRMINGHAM, WEST MIDLANDS, B1 2LP** in respect of the interim steps imposed on Thursday 9<sup>th</sup> November 2017, this Sub-Committee hereby determines to modify the Interim Step of suspension imposed on the 9 November 2017 and replace this with the Interim Steps agreed between the Premises Licence Holder and West Midlands Police (as set out within a written document signed and dated the 22 November 2017 and handed to the Committee Lawyer at approximately 12.55pm (a copy of which is annexed to this decision notice).

The Sub Committee noted that the Premises Licence Holder had applied to vary the Premises Licence to nominate Mr Metin S Yusuf to be the Designated Premises Supervisor and general manager of the premises with immediate effect.

The Sub Committee noted that although the parties had come to Committee with an agreed position on the issue of modified Interim Steps, they nevertheless expected the parties to clarify the position of the actual Premises Licence Holder in the management of the premises at the Full Review, given that the legal responsibility to comply with the provisions of the Licensing Act 2003 rests with them.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the Application and Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, the written representations and the submissions made at the hearing by the premises Licence Holder, their legal representative, and West Midlands Police.

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. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.

**Nuvo Bar, Brindley Place, Birmingham**

Proposed Interim Steps lodged on behalf of the premises licence holder (22.11.2017)

1. Proposed interim steps
2. Ejection policy
3. Search policy
4. Female search policy
5. Crime scene preservation policy
6. Dispersal policy
7. Drugs policy
8. Weapons policy
9. VIP and 1<sup>st</sup> Floor Policy
10. Deployment plans.

Solicitor for Premises Licence Holder  
22/11/17

Pc HOTS Abdul Rokman 22/11/17

**Nuvo, Brindley Place, Birmingham**

**Proposed Interim Steps**

**[1] Replacement DPS:** application to vary the premises licence to nominate Mr Metin S Yusuf to be the DPS and general manager of the premises has been lodged with immediate effect.

**[2] Interim Steps**

**Security Provision and Training**

1. Where the first floor is open to the public the premises shall have a minimum of 10 SIA registered door supervisors; 5 from 22:00 and a further 5 from 23:00 until 30 minutes after the premises cease licensable activities or close (which ever is the later). The SIA registered door supervisors will be deployed and operate in accordance with the security policy.
2. During the interim period each Saturday event will be independently risk assessed by the premises licence holder/DPS, a copy of this risk assessment shall be supplied to the WMP email address [bw\\_licensing@west-midlands.pnn.police.uk](mailto:bw_licensing@west-midlands.pnn.police.uk) and the LA email address [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk) by no later than 4pm on Wednesday. West Midlands Police will have the power of veto for any event. If the power of veto is enforced the venue will be informed of the reasons and full rationale behind the decision.
3. During the interim period the premises licence holder/DPS shall provide a report detailing and reviewing the security operation including any incidents for each Saturday night, a copy of this report shall be provided by email to the WMP email address [bw\\_licensing@west-midlands.pnn.police.uk](mailto:bw_licensing@west-midlands.pnn.police.uk) and the LA email address [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk) by no later than 4pm on Monday.
4. The premises licence holder/DPS shall provide training to all staff and management at the premises before the final determination of the expedited review. At the expedited review the premises licence holder/DPS shall provide the LSC with an outline of its bespoke *Tool Box Training*.
5. Where the premises is being used for private functions the number and deployment of SIA registered door supervisors is to be subject to an individual event risk assessment. A copy of the risk assessment for each

private event is to be maintained on the premises. A copy of this risk assessment shall be supplied to the WMP email address [bw\\_licensing@west-midlands.pnn.police.uk](mailto:bw_licensing@west-midlands.pnn.police.uk) no later than 3 days before the event. West Midlands Police will have the power of veto for any event. If the power of veto is enforced the venue will be informed of the reasons and full rationale behind the decision.

#### Search & Entry

6. The premises licence holder shall maintain and keep under review a written policy document in respect of Search and Entry to the premises. The policy shall as a minimum include measures to assist in the detection of offensive weapons and illegal substances. *[For policies and their review see below]*.
7. The premises licence holder shall maintain and operate an ID Scan which shall be used every Friday and Saturday from 2200 hours, and on any other occasion identified by WMP or by the premises licence holders risk assessment, for all persons entering the premises. The premises is to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO Entry".

#### Record Keeping

8. The premises shall maintain a bound and paginated incident log at the premises to be made available to an authorised officer of the City Council or the WMP upon request. The incident log shall be updated within 24 hours of an incident where the entry is later it will record the date and reason for delay. As a minimum it will record all crime reported to the venue, ejection of patrons, complaints concerning crime, disorder or public nuisance, incidents of crime, disorder or public nuisance, all seizure of drugs or offensive weapons; faults to the CCTV, refusal of alcohol sales, and visits by any of the responsible authorities or emergency services.

#### Policy Documents and Review

9. The premises licence holder shall maintain and keep under review a written policy documents in respect of:
  - [i] Search and Entry; (see above)
  - [ii] Ejection;
  - [iii] Incident & Crime Scene Management;
  - [iv] Vulnerable Persons;
  - [v] Dispersal Policy; and



[vi] VIP and 1<sup>st</sup> Floor area.

10. Each of the draft policy documents to be supplied to the LA and the WMP before the final determination of the expedited review.

VIP and First Floor Areas

Where the first floor is open to the public the following additional conditions to apply:

11. An up-to-date plan of the first floor is to be maintained showing the location of the VIP and other private booth areas [\*], numbered booths, booth capacity and overall capacity. An up-to-date plan is to be provided to the LA and the WMP with three days of update or amendment.

[\*] *There are currently 11 VIP and private booth areas.*

12. Polycarbonate and / or plastic receptacles and mixer bottles will be used on the first floor of the premises save for Champagne and Specialty Spirit glass bottles and champagne flutes.
13. No glassware from the ground floor shall be permitted to be taken to the first floor.
14. No glassware to be taken to the external areas after 00:00.
15. The premises licence holder shall maintain and keep under review a VIP and 1<sup>st</sup> Floor area policy.



**NUVO EJECTION POLICY- COMMUNITION DE-ESCALATION BEFORE  
CONFRONTATION**

1. Single persons ejections should be done by a minimum of 2 SIA and a record will be made in the premises incident log detailing the incident.
2. In the event of ejection of a female, at least one female member of security is to be engaged.
3. If the scale of disorder cannot be resolved by the premises security staff safely and effectively, West Midlands Police are to be called for assistance, and consideration given to evacuating that part of the premises to contain the incident.
4. If a person actively aggressively refuses to leave then reasonable and justifiable force may be used to enable a safe ejection. Head locks and choke holds should never be used in this scenario. All other operatives must be made aware of the ejection as soon as is safe and possible to do so.
5. If two groups/persons involved in an altercation inside Nuvo are being aggressive to one another, separate the group/persons as quickly as possible. Wait until one of the parties has left the event area and outside area before the second group/person is ejected.
6. All ejections must be recorded in the premises incident log.
7. Any persons ejected and refusing to leave the outside area and continue to make threats of violence then control must be informed for possible escalation to police.
8. During containment of a group/person, radio communications with other Security staff must be maintained at all times reference the conduct of the group/person being temporarily detained for their safety in case of assistance is required. If it appears that it is becoming increasingly difficult to contain a group then radio communication to the DPS should be called immediately for further evaluation.
9. No matter what the circumstances no Lone or vulnerable persons should be ejected before they are assessed by the head of security/DPS that they are fit and able to make their way home. Social responsibility must be maintained and a full criteria of them their condition and there capabilities of getting home are met.
10. All ejections from the premises must take place through a well lit route and to an area of safety.

Full Name:

Signature:

Date:

Witnessed By:



### Nuvo search Policy

Any person entering Nuvo on a Friday or Saturday after 22.00hrs must be fully searched regardless of who they are. The only way to ensure that the four licensing objectives are upheld and maintained to best practice is for the inclusion of the following procedures.

*including those going into the smoking area*

- All persons that leave the venue must be fully searched on re-entry.
- The searching area must remain sterile to ensure that the only person in that zone is the person being searched and the operative conducting the search. This will eliminate any confusion of who has or has not been searched. It will also ensure that no objects can be passed from one person to another.
- All pockets must be emptied into tubs provided, with pockets then searched and the contents of the tubs examined. (This must be carried out with adequate lighting).
- A hand-held metal detector will be used on the front and back of all persons.
- The premises licence holder / DPS will maintain a second hand-held detector to be used in the event of failure.
- Any items of alcohol found during the search are to be confiscated.
- In the event that drugs or weapons are found, refer to the relevant drugs and weapons policy.

### Licensing Act 2003

• The Act sets out four licensing objectives which must be taken into account when a local authority carries out its functions. They are:

- the prevention of crime and disorder,
- public safety,
- prevention of public nuisance, and
- the protection of children from harm



Freedom Security solutions

Issue Number 21/11/17



### **Female searching Policy**

A female security operative must perform the following searching procedures with all females requiring entry to Nuvo that require admittance.

- Females wearing trousers will be asked to take the contents out of their pockets and place them in a tub provided ready for inspection for safety reasons.
- Females carrying any type of bag/purses etc. will be informed that the object will need to be searched and the contents inspected for safety reasons
- Patrons will be told that to adhere to the venues licensing conditions they will now be patted down and scanned with a metal detector, once compliance is agreed then the hands on search by a female operative can ensue.
- Non-compliance to any of the above will result in refusal of entry
- If suspected drugs or weapons are found during the search, refer to the appropriate drugs or weapons policy.
- Any alcohol found during the search is to be confiscated.
- All refusals will be logged in the incident log.
- If the venue has a retail radio link then as soon as possible inform them of the refusal stating, time location/venue, issue and description of person (s) including their direction of travel.

### **Licensing Act 2003**

• The Act sets out four licensing objectives which must be taken into account when a local authority carries out its functions. They are:

- the prevention of crime and disorder,
- public safety,
- prevention of public nuisance, and
- the protection of children from harm





### **Crime Scene Preservation Instructions**

Crime scenes contain physical evidence that is pertinent to a criminal investigation. The location of a crime scene can be the place where the crime took place, or can be any area that contains evidence from the crime itself.

#### **Policy:**

1. Secure the crime scene. Keep others out. The more people in a crime scene, the more likely some piece of evidence will get trampled or missed.
2. Call the police and report immediately. Do not touch.
3. Never clean up or attempt to clean up a crime scene leave all items where they are and don't allow anyone near the scene.
4. Consider everything as possible evidence. Even the most unlikely piece of crime scene evidence can provide a possible clue.
5. Get out of the way of the pros. No matter how many episodes of CSI you've watched, the police's trained professional crime scene investigators always do a better job and are more likely to solve the case and get a conviction. If you're first upon a crime scene, keep people away until the police show up.



### Nuvo Dispersal policy

All security operatives whilst on duty must adhere to Nuvo's social responsibly policies with reference to safeguarding the public and vulnerable persons.

When all patrons are exiting Nuvo's premises, 2 SIA operatives must conduct the following duties to ensure a safe exit strategy has taken place away from the venue by its customers to ensure all licencing objectives are met.

- 15-minute perimeter watch ensuring all customers are exiting away from the site in a calm and peaceful manner informing of any potential conflict's immediately.
- Conflict intervention if any disorder ensues should be dealt with by SIA staff only.
- Police called if conflict is perceived to be or gets out of control - this will be done by SIA staff and the DPS.
- SIA staff will complete an incident report of any disorder logged.
- If the venue has a retail linked radio the sign off must not happen until the DPS is satisfied.
- SIA are to direct members of the public when exiting ensuring customers are directed towards the taxi ranks if applicable for efficient exit strategy.
- Any vulnerable persons or lone females must be cared for by the premises SIA and venue management to ensure they are safe and fit enough to leave. The premises licence holder / DPS will offer to call taxi services (records to be maintained), and provide a safe waiting area and make soft drinks available. If the judgement is made that the vulnerable person / lone female is not well or capable then the appropriate emergency services should be called.

> Door staff are not to leave duty until authorised by the DPS, or nominated person in writing, not to include the former DPS





#### **Nuvo Drugs Policy**

Nuvo operates a 'zero tolerance to drugs' policy, to be upheld by all staff and SIA security representatives.

Anyone found in possession of drugs and suspected of intent to supply (over 3 items) will be reported to the police. All suspected items are to be confiscated.

Any person found to be in possession of drugs upon search will be refused entry to the premises.

Anyone acting in a threatening manner and suspected of being under the influence of drugs will be dealt with in an appropriate manner referring to our social responsibility policy and seeking medical attention immediately whilst informing the police.

All incidents are to be recorded in the incident log which is to be signed off by the DPS each night and reviewed by the premises licence holder weekly.

**The emergencies services will be called to assist anyone deemed to be under the influence of drugs, and in need of welfare.**

**Name:**

**Date:**

**Signature:**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.



Freedom Security Solutions

Issue number 21/11/17





#### Nuvo Weapons Policy

A weapon is given its broadest meaning and can be any thing designed or used for inflicting bodily harm or physical damage.

Where searches are carried out and weapons are found the person is to be denied entry and the police to be called immediately. Any offensive weapons found within the premises are to be confiscated and placed in the safe box and a record is to be made in the incident log.

If the weapon is a firearm, the area is to be cordoned off, the premises to be evacuated, and reported to the police immediately.

If there is any uncertainty whether an item is a weapon or not, seek guidance from the DPS / Premises Licence Holder and refusing entry.

*If any firearm is found on search, the doorman to retreat into the premises immediately, secure the doors, call 999 immediately*  
Security Supervisor Signature..... Date.....

Site Management Signature..... Date.....

*and remove customers away from any front windows*





#### **NUVO VIP and First Floor policy**

1. The premises licence holder shall maintain terms of hire for the VIP and private booth areas. The terms of hire shall include, as a minimum, the following:
  - The maximum capacity for each VIP or private booth area;
  - The requirement that each member of the group provide valid ID and that the premises will apply a strict policy of 'No ID, No Entry';
  - No bottles are to be taken away from the premises;
  - That bottles are available only by table service and are to remain on the table;
  - Drinking from bottles is prohibited;
  - That a host will be allocated to monitor the booth and serve drinks as required;
  - Breaches of the agreement shall lead to its termination and ejection from the premises of the host and his/her guests;
  - That a paper copy of this agreement is to be signed by the hirer and a copy maintained by the premises licence holder / DPS.
  - *All bottles to be secured in such a way to prevent removal from the table*
2. A host, whose role shall be to monitor the booth and provide service of alcohol (as required) shall be allocated to each VIP and private booth area, subject to a maximum of 2 booths per host.
3. All hosts shall receive training, such training to be documented and records maintained at the premises. Training shall include:
  - The role of a host;
  - Responsibilities under the Licensing Act 2003;
  - How to identify signs of drunkenness/intoxications and protocols for reporting to the DPS / door supervisor
  - Duty of care owed to vulnerable/intoxicated persons.





Birmingham Public Health

**Nuvo**

11 Brindley Place, Birmingham B1 2LP

**Alcohol Licence: Expedited Review Response**

**DEADLINE FOR RESPONSE: 22 NOVEMBER 2017**

**On behalf of**

Dr Adrian Phillips: Director of Public Health, Birmingham

Prepared by: Kyle Stott: Service Manager, Public Health

22<sup>nd</sup> November 2017

The information contained in this document is provided for the purpose of review by Licensing Committee and may be circulated to all parties of the Review by Licensing Committee as appropriate. This document is not to be circulated to other parties outside of this Review without prior consent from the Author or used for purposes other than for the Review referred to in this report.

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**Nuvo****11 Brindley Place, Birmingham B1 2LP*****Public Health's Response to Expedited Review*****Licence Review Reference Information**

Licence Number: 3288

Review requested by: West Midlands Police

Date: 7 November 2017

This is a response document from Birmingham Public Health in its capacity as a Responsible Authority (Police Reform and Social Responsibility Act 2011). This document supports the application for a review of a premises licence or club premises certificate under the Licensing Act 2003.

Public Health's main role and function is to deliver and support services in relation to health protection and health improvement, including the development of joint strategic needs assessments reflecting the health needs of Birmingham's population, support commissioning strategies that meet the needs of vulnerable groups, support the development of evidence based care pathways and service specifications, contribute advice on evidence-based prioritisation policies, produce as necessary health needs audits and health equity audits, provide other specialist public health advice as required.

As such, our response and supporting information contained within this document will be evidence-based around the impact on the health (physical, emotional and environmental) and demonstrably refer to one or more of the licensing objectives, those objectives being:

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

To promote good practice and a collaborative, multi-agency approach, we will also share this document with the other Responsible Authorities for licensing in Birmingham.

This report is provided on behalf of Dr Adrian Phillips, Director of Public Health.

Any queries relating to this report should be addressed to:

Adrian Phillips  
Director of Public Health  
Birmingham Public Health  
PO Box 16732, Birmingham B2 2GF

publichealth@birmingham.gov.uk

## 1 Premises or club details

<b>Name of premises</b>	Nuvo
<b>Postal address of premises</b>	11 Brindley Place
<b>Post town</b>	Birmingham
<b>Post code</b>	B1 2LP
<b>Name of premises licence holder or club holding club premises certificate</b>	Athina Caterers Limited
<b>Number of premises licence or club premises certificate</b>	Mr Gjergji Devollaj

## 2 Responsible Authority applicant

<b>Name and address</b>	PC 0027 Vicki Demuth Licensing Dept, c/o Birmingham Central Police Station, Lloyd House, Birmingham
<b>Telephone</b>	
<b>Email</b>	



### **3 Overview of the Grounds for Review**

*Taken from the West Midlands Police Certificate for Expedited Review*

The premises are currently open for licensable activity inclusive of Live Music, Recorded Music, Performances of Dance and Sale of Alcohol by Retail from Monday to Wednesday 10:00- 02:00 hours, and Thursday to Sunday 10:00- 04:00.

The premises, which has 2 floors, is situated in the Cumulative Impact Area of Broad Street where there is a high concentration of licensed premises.

On 29th October 2017, at approximately 2am, a disorder broke out inside Nuvo, in the upstairs area near to the VIP section. There were no security present in the area at this time, and two people suffered injuries as a result of this disorder.

At approximately 2:20am persons involved in the disorder inside leave the premises, where they again begin to fight directly outside the venue. One male who had left the venue is seen to stab another male in the arm.

There is clearly evidence of serious crime and disorder under the licensing objectives of preventing crime and disorder and promoting public safety. The incident has been crimed as a Section 18 Wounding which falls into the category of serious crime, as if a person is found guilty, they could receive custodial sentences in excess of 3 years.

Due to the very nature of the incident, West Midlands Police are recommending that the local authority impose interim steps of suspending the licence for the venue until the review.

#### 4 Public Health response

Licensing Objective	Response
<b><i>The prevention of crime and disorder</i></b>	<p>This is a venue that is in the middle of an area designated as red for crime and disorder via the public health alcohol licensing tool.</p> <p>West Midlands Police data shows that in the 12 month period from Sept 2016-Sept 2017 there have been circa 1,450 recorded crimes per month. For the month of September (2017) alone, there have been 1360 recorded crimes, with 246 Anti-social behaviour, 22 drugs, 19 possession of weapons, 60 public order offences, and 263 violent and sexual crimes.</p> <p>It is fact that this venue has contributed to those figures, due to its inability to be able to promote the objective designed to prevent crime and disorder. Public Health is interested to know if there are any other examples of crime and/or disorder reported at this venue.</p> <p>We are also concerned that this incident went without intervention by security or other staff, and if intervention had been successful, the subsequent is highly likely to have been avoided.</p> <p>Q) Does the lack of security staff at the area of the incident point towards conditions having not been promoted?</p> <p>Q) Was this a late night external promoter event? If so, was a risk assessment received by WMP?</p> <p>It is also disturbing to consider that the weapon used could have been concealed upon the assailant, and they had carried it on their person throughout the evening at the venue. Unless witnesses can categorically state that the weapon was passed to the assailant once outside, or that they used an item from the street (i.e. a bottle) then one could assume that it is very likely that this person was allowed into the venue with the weapon.</p> <p>The cost to the public purse for the immediate treatment of the injury is circa £7196 (increasing to £16,706 depending on the severity of the wound and treatment needed), this is public money that is desperately needed for other purposes in Birmingham. This venue is in a district of high deprivation with poor health outcomes, this was avoidable expenditure.</p> <p>It is unclear if the individual was transported to hospital – this has an approximate cost of £1,000 for ambulance attendance and transportation.</p>
<b><i>Public safety</i></b>	<p>To compound the issue with reference to the ability of the venue to be able to promote the prevention of crime and disorder, and to therefore be able to promote the objective of Public Safety, we would like to draw your attention to West Midlands Ambulance</p>

	<p>Service data for callouts to the venue, or immediately outside. These callouts total 16 incidences for the period 11/16 – 10/17. 68.8% of these incidents have required transportation of a patient to hospital for further treatment. The breakdown of these callouts make for concerning reading too:</p> <ul style="list-style-type: none"> <li>• Highest frequency of attendances were on Sunday morning between the hours of 2am and 5 am (6 incidents), followed by Saturday morning between the hours of 2am and 4am (3)</li> <li>• 4 incidents were categorised as assault (happening between the hours of 2am and 5am)</li> <li>• 3 incidents were categorised as trauma (between the hours of 1am and 4am), with major trauma incident happening at 3am</li> <li>• 3 incidents were categorised as unconscious</li> </ul> <p>Many of these incidents occur after 2.00am, and the very incident that has triggered this expedited review occurred at 2.00am, with a follow-on incident occurring at 2.20am where one of the two people was stabbed.</p> <p>Q) Could licensing officers confirm if pages 27-33 of this report indicate unusual activity with reference to the license, or is it usual to see so many entries? If this does indicate unusual activity, could this be detrimental to the ability of the venue to be able to promote the objectives?</p>
<b><i>The prevention of public nuisance</i></b>	
<b><i>The protection of children from harm</i></b>	
<p><b>Summary:</b> At the moment of writing, this particular review leaves public health with more questions than answers. We will not be able to form a solid opinion of our recommendations to committee until we have heard the full evidence from all parties/responsible authorities.</p> <p>We are keen to understand if there is a more routine issue with this venue with reference to its ability to be able to promote the objectives, especially those relating to crime and disorder, and public safety.</p> <p>We are seriously concerned with reference to the conditions of licence, which in our opinion, do not seem to be as robust as other venues of this nature, and if they did have more robust conditions then the venues ability to be able to promote the objectives might be vastly improved.</p> <p>However, given that this is a venue that has seen 16 ambulance attendances in the last 12 months, has undoubtedly not been able to promote its objectives to prevent crime and disorder, and to keep the public safe, we would urge the committee to consider whether on the balance of probability that new conditions of licence can be imposed to ensure promotion of the objectives. If the committee does not have confidence that the venue can improve with new/amended conditions, and that therefore public safety cannot be guaranteed, and crime and disorder cannot be prevented, then revocation could be the only option.</p>	

## 5 Supporting Evidence and Information

### 5.1 Public Health Statistical Analysis

The statistical analysis in Appendix 1 has determined a **HIGH RISK rating (RED) against a series of key alcohol related crime offences.**

This rating is based upon an analysis of a range alcohol related datasets through our Alcohol Risk Assessment Tool. This allows Public Health to place the premises' postcode into the tool and assess against the surrounding area, compare against the Birmingham LSOA average, examine the larger Ward area and impact within the district.

In particular, there is a high concentration of on-license premises in this area, and a series of indicators have been rated RED / HIGH RISK including domestic and non-domestic violence incidents, alcohol related fire service call-outs and alcohol related ambulance activity in this area.

It is important to note that the figures provided show statistical significance, meaning they are RAG rated by whether this LSOA is any better or worse than the average of all other LSOAs. As such, some figures show an AMBER or GREEN rating even though they may represent significant risk or have a high number of incidents in that area – the figures themselves are high, but the area may not be any worse than the average LSOA rating.

*Please note: Birmingham is made up of 10 districts with approximately 100,000 people in each; each district contains four wards of approx. 25,000 people; each ward contains approx. 20-25 LSOAs (lower super output area) of approximately 1,000 -1,500 people in each. See Appendix 1*

### 5.2 Ambulance Activity

The West Midlands Ambulance Service (WMAS) collate data on ambulance activity including nature of call out, age, gender, time of day, day of the week, etc. WMAS provided ambulance activity data where the incident was either in or directly outside the premises.

The data shows 16 incidents over a 12 month period. We draw your attention to:

- 68.8% of all ambulance attended incidents at or in these premises resulted in being transported to hospital for further treatment
- Two persons were aged 10-19 years old
- Highest frequency of attendances were on Sunday morning between the hours of 2am and 5 am (6 incidents), followed by Saturday morning between the hours of 2am and 4am (3)
- 4 incidents were categorised as assault (happening between the hours of 2am and 5am)
- 3 incidents were categorised as trauma (between the hours of 1am and 4am), with major trauma incident happening at 3am
- 3 incidents were categorised as unconscious

- It is important to note this only included ambulance call-outs and does not include all incidents that may have occurred where the injured decided not to seek ambulance support, self-treated or was transported to the hospital by other means.

See Appendix 2.

### 5.3 Crime

In September 2017, West Midlands Police reported 1360 individual crimes for that month, within a 1 mile radius of the property. These breakdown into several categories, a sample of which are below:

- Anti-social behaviour 246
- Drugs 22
- Possession of weapons 19
- Public order 60
- Violence and sexual offences 263

Figure 3 in Appendix 3 shows the immediate vicinity around the premises and crimes recorded. 151 incidents were recorded in September 2017 in the same or neighbouring roads. The premises are located on an adjoining road to Broad Street which has a large night-time economy and escalated crime rate.

**It is important to note that these are one month's figures.**

The table below shows the number of recorded crimes within a 1 mile radius of the premises by month. It is clear that this area has a high crime rate which should be taken into consideration when considering the premises ability to uphold the licensing objectives.

Month	Number of recorded crime within 1-mile radius of premises (by month)
Sept 2017	1360
Aug 2017	1499
July 2017	1449
June 2017	1441
May 2017	1643
April 2017	1484
March 2017	1491
Feb 2017	1445
Jan 2017	1384
Dec 2016	1521
Nov 2016	1410
Oct 2016	1534
Sept 2016	1596

See Appendix 3

#### **5.4 Transport Links**

Access to public transport may become a consideration where premises are situated in residential areas (and customers will have to walk through the same residential areas to access transport) or where there are limited transport links resulting in large groups of people waiting for collection or walking through estates further.

In this instance, the premises are within the city centre boundaries within easy distance of several all-night buses, local buses, train stations (Moor Street and New Street) and main road connections. This makes the premises easily accessible over a 24-hour period.

See Appendix 4

#### **5.5 Costs to the NHS**

An article published by Brunel University entitled "Outcomes and costs of penetrating trauma injury in England and Wales" (M Christensena et al), and data sourced via Trauma Audit Research Network (TARN), examined a sample of injuries and admissions into hospitals, taking into account types of injury, lengths of stay and gender/age of patient. Through this study, we can estimate the cost of treating a patient who has been stabbed has a mean cost of £7196 (increasing to £16,706 depending on the severity of the wound and treatment needed).

It is unclear if the individual was transported to hospital or if they attended A&E – these both have additional approximate costs of £1,000 for ambulance attendance and transportation, and £278 per attendant consulted at A&E.

We should also consider the injuries incurred earlier in the night to both individuals and whether they also required attendance.

#### **5.6 Impacts on economic activity**

From a *public safety* pillar perspective, we're concerned that this type of criminal behaviour could deter investment, job creation, employment sustainability and the opportunity to socialise as part of the night-time economy. Public Health outcomes, especially in the context of the wider and social determinants depend on a number of factors; two of these key factors are the creation and sustainability of safe environments and opportunities for employment.

### **6 References**

- Crime stats (appendix 2) - [www.police.uk](http://www.police.uk)
- Outcomes and costs of penetrating trauma injury in England and Wales, M Christensena et al, <http://v-scheiner.brunel.ac.uk/bitstream/2438/4670/4/Fulltext.pdf>

## **Appendix 1. Public Health Data Analysis**

### **Interpretation of this document:**

Variable geographical levels of information have been used where available, in each case this is based on the post code of the application falling within this larger geographical area. Two terms are less commonly used outside of certain specialist areas and are detailed below:

- LSOA (Lower Super Output Area) is a geographical Census area with an approx. population of 1,500.
- MSOA (Medium Super Output Area) is a geographical Census area with a approx. population of 8,000.

Scores have been calculated by comparing the geographical area in question to the average at a higher level (Birmingham in most instances). 10% margin of error has been applied to both the smaller and larger areas and it is only where these are still relatively different that a RED (more prevalence or risk in area compared to average) or GREEN (less prevalence or risk in area compared to average) score has been calculated. Where these margins for error overlap in any way this has been calculated as AMBER (indifference).

### **1 Tier One Data Overall LSOA Score: RED / HIGH RISK**

This score has been generated based on information regarding alcohol related violence and domestic violence, existing on-licences and off-licences, alcohol related fires, alcohol related safeguarding, underage sales and the existence of a cumulative impact area. These elements have been viewed as having the largest measurable impact on whether the licence should be granted and actual numbers were made available on a low level geography. The score is by quartiles and these are colour coded worst to best as Red, Amber, Yellow, Green. Full details below.

Whilst Alcohol Related Ambulance Activity is viewed as Tier One data it has not been possible to include it in the overall LSOA score as the data is only available on a post code district level.

#### **1.1 Tier One Indicator Scores and Risk Ratings**

<b>Alcohol Related Ambulance Activity</b> score was generated using actual incident information covering the period of September 2014- April 2015 provided by West Midlands Police Service.	<b>RED / HIGH</b>	The score for the Post Code District was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all Post Code Districts. There were 36 incidents in the Post Code District in the period.
<b>Police (Non-Domestic Violence)</b> score was generated using actual incident information covering the period of 2008-2013 provided by West Midlands Police Service.	<b>RED / HIGH</b>	The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There were 278 incidents in the LSOA in the period.
<b>Police (Domestic Violence)</b> score	<b>RED / HIGH</b>	The score for the LSOA was RED or 2 on a

was generated using actual incident information covering the period of 2008-2013 provided by West Midlands Police Service.

scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There were 23 incidents in the LSOA in the period.

**Existing On-Licences** score was generated utilising a list of all current existing Alcohol Licences of the relevant type known to Birmingham City Council.

**RED / HIGH**

The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There are 1 in the Post Code.

**Existing Off Licences** score was generated utilising a list of all current existing Alcohol Licences of the relevant type known to Birmingham City Council.

**AMBER / MEDIUM**

The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There are 1 in the Post Code.

**Cumulative Impact Areas (CIA)** score was calculated based on if a given LSOA contains a Post Code that falls wholly or partly within a CIA.

**RED / HIGH**

The score for the LSOA was RED or 2 on a scale of 0 or 2 meaning that it was significantly statistically worse than the average across all LSOAs. The individual post code does fall wholly or partly within a CIA.

**Fire Services** score was generated using actual incident information on a Post Code level covering the period of 2009-2014 provided by West Midlands Fire Service.

**RED / HIGH**

The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There were 0 incidents in the Post Code in the period.

**Safeguarding** score was generated utilising factors identified at the end of Birmingham City Council Children assessments over the period 01/04/2014 to 31/03/2015 that were alcohol relevant at a post code level.

**GREEN / LOW**

The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.

**Underage Sales Justified Complaints** was based on information provided from the relevant department covering the period 2009-2015 at a post code level.

**AMBER / MEDIUM**

The score for the LSOA was AMBER or 1 on a scale of 0-2 meaning that it was not significantly statistically different from the average across all LSOAs. There were 0 incidents in the Post Code in the period.

**Underage Sales Alcohol** was based on information provided from the relevant department covering the period 2009-2015 as a post code level.

**GREEN / LOW**

The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.

**Underage Sales Any Item** was based on information provided from the relevant department covering the period 2009-2015 at a post code level.

**GREEN / LOW**

The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.



## 2 Tier Two Data Overall Aston Ward Score: **AMBER / MEDIUM RISK**

This score has been generated based on information regarding alcohol specific deaths, liver disease preventable deaths, counterfeit activity and whether reducing alcohol consumption is a priority for the District. These elements have been viewed as having an indirect impact on whether the licence should be granted and were made available on a medium level geography, some of the information utilised is estimates rather than actuals. The score is by quartiles and these are colour coded worst to best as Red, Amber, Yellow, Green. Full details are below.

### 2.1 Tier Two Indicator Scores and Risk Ratings

<b>Alcohol Specific Deaths</b> score was based on information provided by Birmingham Public Health comparing ONS actual figures on alcohol specific deaths with ONS ward population estimates covering the period 2011-2013 on a ward level.	<b>AMBER / MEDIUM</b>	The score for Ladywood Ward was AMBER or 1 on a scale of 0-2 meaning that is not significantly statistically different from the average across all Wards. The directly standardised rate calculated was 21.1.
<b>Liver Disease Preventable Death</b> score was based on information provided by Birmingham Public Health comparing ONS actual figures on alcohol specific deaths with ONS ward population estimates covering the period 2011-2013 on a ward level.	<b>AMBER / MEDIUM</b>	The score for Ladywood Ward was AMBER or 1 on a scale of 0-2 meaning that is not significantly statistically different from the average across all Wards. The directly standardised rate calculated was 28.88.
<b>Counterfeit Activity</b> was based on information provided from the relevant department covering the period 2009-2015 at a post code level.	<b>GREEN / LOW</b>	The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that is significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.
<b>District Priority</b> was determined by all Post Codes that fall within a District that has currently identified alcohol as one of their priority issues.	<b>RED / HIGH</b>	The score for this application was RED or 2 on a scale of 0-2. Ladywood Ward does fall within a District that has alcohol issues as a current priority.

### 3 Tier Three Data Scores

Low number of indicators and differing geographies do not allow for a meaningful overall score. The information is of a high level, estimated numbers and / or a wider social determinant rather than a more direct link.

- Binge Drinking MSA: **AMBER / MEDIUM RISK**
- Alcohol Related Hospital Admissions MSA: **RED / HIGH RISK**
- Commissioned\* Alcohol Misuse Services MSA: **RED / HIGH RISK**
- Mental Health Adults Services in Ladywood District: **AMBER / MEDIUM RISK**

\*Based on working age adult information only, while the service provider for children and older adults was engaged there was not sufficient volume of data to enable a meaningful analysis.

### 4 Summary

The statistical analysis above has determined a HIGH-RISK rating (RED) against a series of key alcohol related crime offences.

In particular, there is a high concentration of on-license premises in this area, and a series of indicators have been rated RED / HIGH RISK including domestic and non-domestic violence incidents, alcohol related fire service call-outs and alcohol related ambulance activity in this area.

It is important to note that the figures provided show statistical significance, meaning they are RAG rated by whether this LSOA is any better or worse than the average of all other LSOAs. As such, some figures show an AMBER or GREEN rating even though they may represent significant risk or have a high number of incidents in that area – the figures themselves are high, but the area may not be any worse than the average LSOA rating.

## Appendix 2. Ambulance Activity Data for postcode B1 2LP

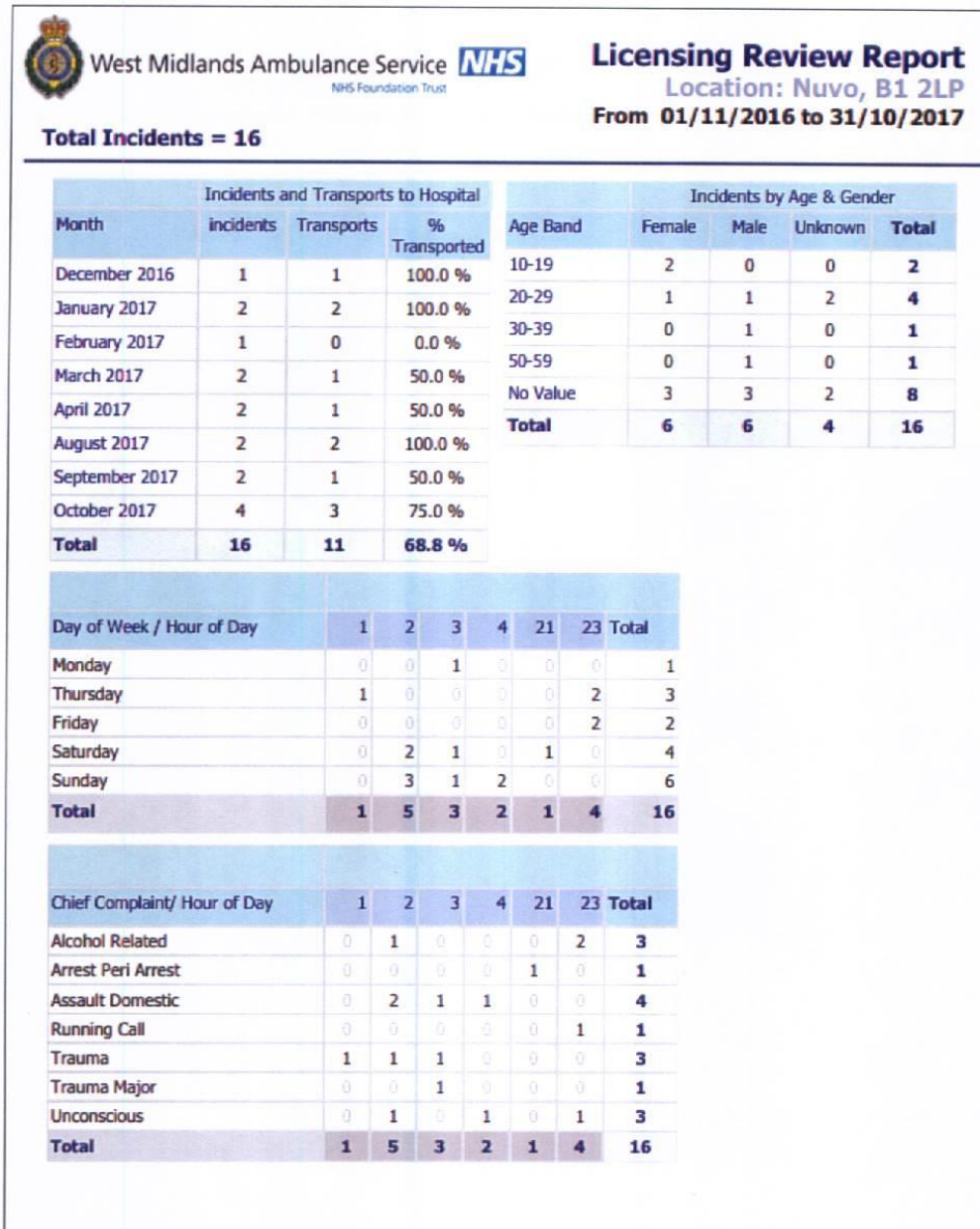


Figure 1: Data provided by West Midlands Ambulance Service for ambulance call-outs to or immediately outside the premises

### Appendix 3. Crime

Taken from [www.police.uk](http://www.police.uk)

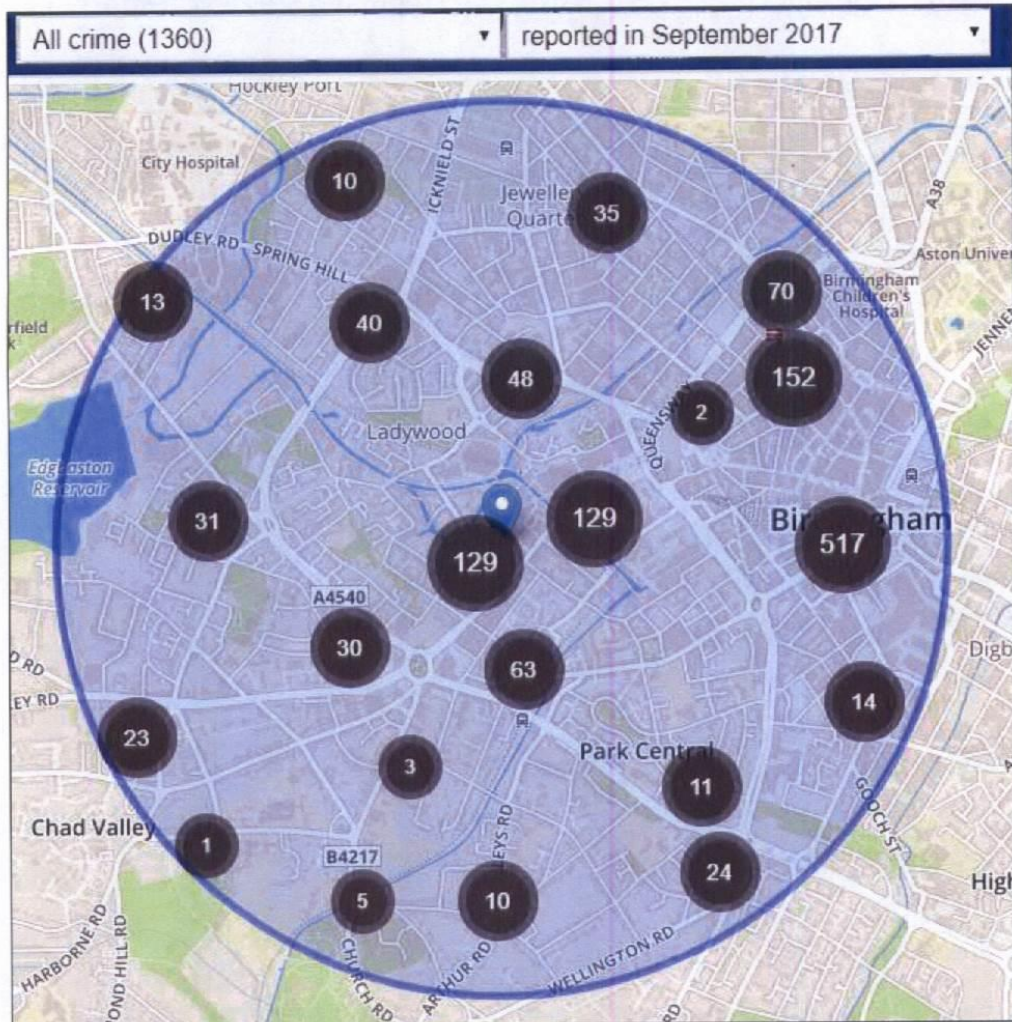


Figure 2: Map of all recorded crime in September 2017 within 1 mile of the premises



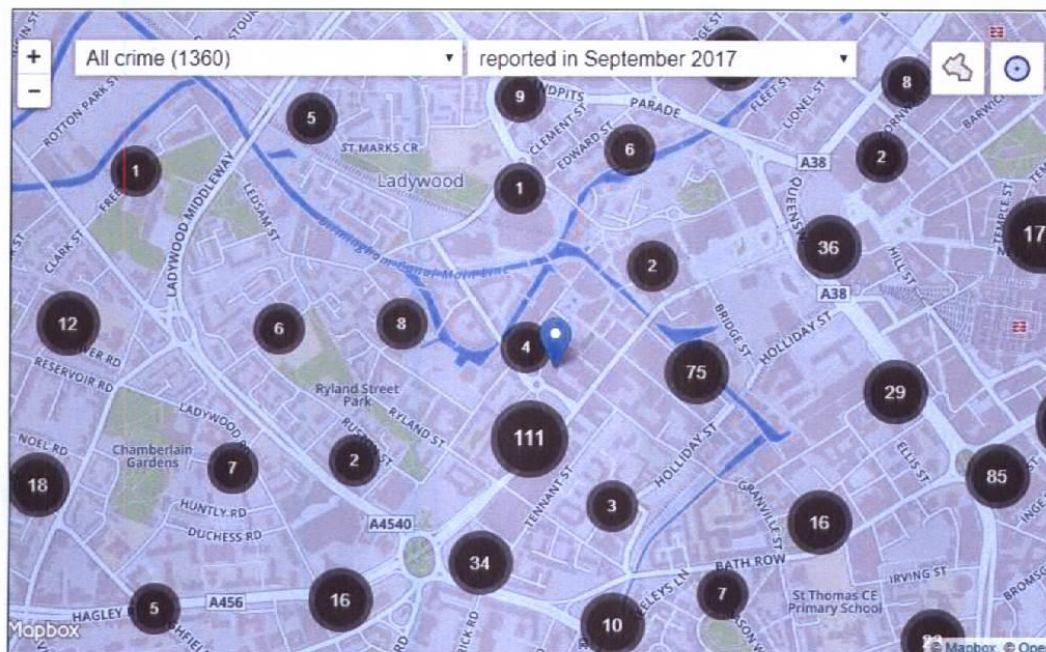


Figure 3: Map of all recorded crime in September 2017 within 1/2 mile of the premises

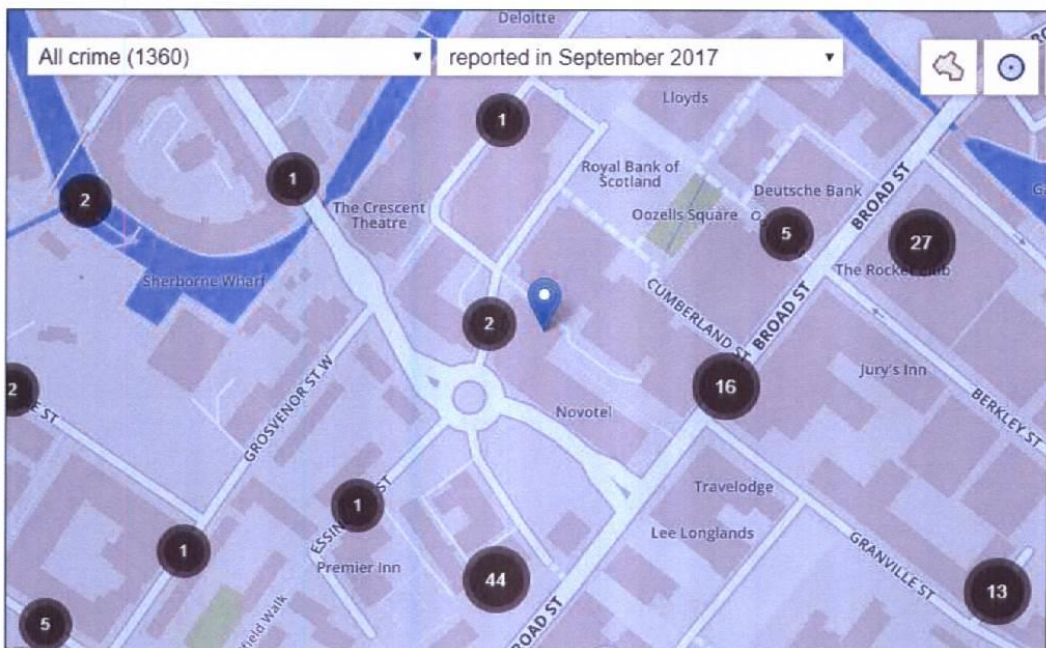


Figure 4: Map showing all recorded crime in September 2017 within the immediate vicinity of the premises

## **Appendix 4. Transport links**

[www.openstreetmap.org](http://www.openstreetmap.org)



**Figure 5: Map showing the location of public transport in relation to the premises**

## **Appendix 5. Conditions of License (3288)**

from [https://www.birmingham.gov.uk/info/20081/licensing/912/licensing\\_act\\_2003\\_public\\_register](https://www.birmingham.gov.uk/info/20081/licensing/912/licensing_act_2003_public_register).

### **1. Licence**

**Summary of the licence certificate.**

Licence Details	
<b>Application Reference</b>	100475
<b>Licence Holder Name</b>	Athina Caterers Limited
<b>Registered Company Number</b>	10321137
<b>Licence Number</b>	3288
<b>Time Limited Start Date</b>	N/A
<b>Time Limited End Date</b>	N/A
<b>Issue Number</b>	6
<b>Issue Date</b>	01/03/2017
<b>Grant Date</b>	02/09/2010
<b>Granted By</b>	David Kennedy
<b>Status</b>	Suspended
<b>Representation Start Date</b>	27/01/2017
<b>Representation End Date</b>	10/02/2017

### **2. Current Designated Premises Supervisor**

A DPS is required wherever there is a licenced activity for the sale of alcohol for consumption on or off the premises.

Current DPS Details	
<b>Status</b>	Assigned

<b>Name</b>	Mr Gjergji Devollaj
<b>Licence Number</b>	10346
<b>Issuing Authority</b>	Birmingham
<b>Start Date</b>	12/07/2017

### 3. Premises Details

Details of the premises, the licensed activities and hours of operation.

Licence Details	
<b>Premises Name</b>	Nuvo
<b>Premises Type</b>	BAR/RESTAURANT
<b>Premises Address</b>	11 Brindley Place, Birmingham, B1
<b>Ward Name</b>	LADYWOOD

#### 3.1 Licensable Activities

A list of activities for which this premises is licensed.

A list of activities for which this premises is licensed.	
<b>Code Description</b>	
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)
I	Provision of facilities for making music
J	Provision of facilities for dancing
K	Provision of facilities for entertainment of a similar description to that falling within (facilities for making music) or (facilities for dancing)
L	Late night refreshment



A list of activities for which this premises is licensed.

#### Code Description

M3 Sale of alcohol by retail (both on & off the premises)

### 3.2 Activity Times

The times of day during which the activities listed in 3.1 are permitted. Where the start time is later than the end time, the period of activity spans mid-night. Where the start time is equal to the end time, the period licensed is 24 hours.

Days and times for which activities are licensed.

Days	Start Time	End Time	Licensed Activity Codes
Monday - Wednesday	10:00	02:00	<u>E</u> , <u>E</u> , <u>G</u> , <u>H</u> , <u>M3</u>
	23:00	02:00	<u>L</u>
Thursday - Sunday	10:00	04:00	<u>E</u> , <u>E</u> , <u>G</u> , <u>H</u> , <u>M3</u>
	23:00	04:00	<u>L</u>

From the start of permitted hours New Years Eve to the end of permitted hours on 02nd January

### 3.3 Operating Hours

The hours of operation of the premises during the day. Where the start time is later than the end time, the period of operation spans mid-night. Where the start time is equal to the end time, the period of allowed operation is 24 hours.

Licensed operating hours for the premises

Days	Start Time	End Time
Monday - Wednesday	10:00	02:30
Thursday - Sunday	10:00	04:30

From the start of permitted hours New Years Eve to the end of permitted

Licensed operating hours for the premises		
Days	Start Time	End Time
hours on 02nd January		

#### 4. Conditions

##### 4.1 Mandatory Conditions

Mandatory conditions attached to the licence.

Mandatory conditions attached to the licence	
Objective Condition	
N/A	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.
N/A	Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
N/A	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 premisesâ€" (a) games or other activities which require or encourage, or are designed to require or encourage, individuals toâ€" (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

Mandatory conditions attached to the licence	
<b>Objective Condition</b>	
	drink without assistance by reason of disability).
N/A	The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
N/A	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.
N/A	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: $\frac{1}{2}$ 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.
N/A	(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:- (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$ , where- (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would

#### Mandatory conditions attached to the licence

##### Objective Condition

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 (â€œthe first dayâ€ ) would be different from the permitted price on the next day (â€œthe second dayâ€ ) 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.

N/A

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

#### 4.2 Operating Conditions

Operating conditions attached to the licence and classified by objective:

General: General conditions consistent with the operating schedule.

Crime: Conditions consistent with, and to promote the prevention of crime and disorder.

Safety: Conditions consistent with, and to promote public safety.

Nuisance: Conditions consistent with, and to promote the prevention of public nuisance.

Child: Conditions consistent with, and to promote the protection of children from harm.

#### Conditions consistent with the operating schedule

##### Objective Condition

**GENERAL** The Licence Holder shall ensure that a waiter and waitress service is provided throughout the premises during the hours of operation.

**GENERAL** The Licence Holder shall ensure that there will be no permanent dance floor at the premises.

**GENERAL** The Licence Holder shall ensure that the premises will risk assess its standard operating procedure covering seven days a week, included in this risk assessment will be any security provisions. Copies of the risk assessments are to be made available to the Police at Steelhouse Lane (Licensing Department).

**GENERAL** If the premises has any late night external promoter event, which is not part of the standard operating procedure, then the Licence Holder will ensure that a separate risk assessment is completed and forwarded to the Police at Steelhouse Lane Licensing

Conditions consistent with the operating schedule

**Objective Condition**

	Department, at least 28 days before the event.
CRIME	The Licence Holder shall ensure that CCTV is installed at the premises to the satisfaction of West Midlands Police. The CCTV system shall be in full working order, including all the cameras at all times when the premises are open for any licensable activity. The CCTV system must record and store images for a minimum of 30 days. These images must be available, with immediate access, to the Police and local authorities.
CRIME	The premises shall implement and put into practice a drugs policy for the venue, as approved by West Midlands Police.
SAFETY	If the premises use external door supervisors, these door supervisors must sign on and off duty every time they work. The signing sheet should include badge numbers and the sheet will be kept on the premises for a minimum of 30 days.
SAFETY	The Licence Holder shall ensure that the premises will comply with all fire safety and building regulation requirements.
SAFETY	If an external door company is used, the venue must keep on the premises door staff profiles, which includes photo ID other than their SIA badge and a utility bill which must not be dated later than 6 months previously. The Licence Holder shall ensure that such profiles are made available for inspection by the Police or local authorities at any time and kept in a secure location. If any door supervisors leave the premises, the profile shall be retained on the premises for at least three months, following their departure.
NUISANCE	The Licence Holder shall ensure that a noise limiting device is installed in the premises, set at a level so as not to cause nuisance to occupiers in the vicinity.
NUISANCE	Use of the external area for consumption of alcohol will cease at midnight daily.
NUISANCE	There shall be adequate supervision of the external area to ensure that local residents do not suffer disturbance as a consequence of its use.
CHILD	The Licence Holder shall ensure that the premises will implement a Challenge 21 proof of age scheme.

#### 4.3 Committee Conditions

Conditions attached to the licence after a hearing by the licensing authority and classified by objective:

General: General conditions consistent with the operating schedule.

Crime: Conditions consistent with, and to promote the prevention of crime and disorder.

Safety: Conditions consistent with, and to promote public safety.

Nuisance: Conditions consistent with, and to promote the prevention of public nuisance.

Child: Conditions consistent with, and to promote the protection of children from harm.

Conditions attached after a hearing by the licensing authority	
Objective	Condition
GENERAL	N/A
CRIME	N/A
SAFETY	N/A
NUISANCE	N/A
CHILD	N/A

## 5. Licence History

The history of variation and transfer applications since the initial application for grant or conversion.

History of applications						
Reference	Applicant Name	Application Type	Application Date	Status	Representation Dates	Variation Reason
<u>86059</u>	Pascha Limited	Transfer	18/03/2014	Transferred		
<u>78936</u>	Deuces Wild Ltd	Transfer	31/07/2012	Transferred		
<u>69255</u>	Krisskos Properties Limited	Variation	02/09/2010	Transferred	02/09/2010 To 30/09/2010	<ul style="list-style-type: none"> <li>Activities Changed</li> <li>Activity Hours Changed</li> <li>Operating Hours</li> </ul>

History of applications						
Reference	Applicant Name	Application Type	Application Date	Status	Representation Dates	Variation Reason
						Changed
						<ul style="list-style-type: none"> <li>• Licence Conditions Changed</li> <li>• Premises Plan Changed</li> <li>• Licence Conditions Changed</li> <li>• Premises Plan Changed</li> </ul>
<u>69254</u>	Krisskos Properties Limited		02/09/2010	Varied		
<u>62057</u>	Krisskos Properties Limited	New Application	06/07/2009	Varied	06/07/2009 To 03/08/2009	

## 6. Designated Premises Supervisor History

A list of all Designated Premises Supervisors that have been responsible for sale of alcohol from the premises.

History of previous Designated Premises Supervisors for the premises.					
Start Date	Finish Date	Name	Licence	Issuing Authority	
15/06/2017	12/07/2017	Mr Scott Hyde	7445	Birmingham	
31/08/2016	15/06/2017	Mr Jan Miruszenko	703	Birmingham	
24/02/2016	31/08/2016	Mr Scott Hyde	7445	Birmingham	
24/02/2016	31/08/2016	Mr Scott Hyde	7445	Birmingham	
21/01/2015	24/02/2016	Mr Steven Bonnington	14/01472/PELIC	Other	
21/01/2015	24/02/2016	Mr Steven Bonnington	14/01472/PELIC	Other	
24/12/2014	21/01/2015	Mr Ali Ozdemir	7036	Birmingham	

History of previous Designated Premises Supervisors for the premises.

Start Date	Finish Date	Name	Licence	Issuing Authority
24/12/2014	21/01/2015	Mr Ali Ozdemir	7036	Birmingham
07/02/2013	24/12/2014	Mr Michael Pearce	2143	Birmingham
07/02/2013	24/12/2014	Mr Michael Pearce	2143	Birmingham
29/03/2012	07/02/2013	Mr Giorgio Piodomani	1432	Birmingham
29/03/2012	07/02/2013	Mr Giorgio Piodomani	1432	Birmingham
29/03/2012	07/02/2013	Mr Giorgio Piodomani	1432	Birmingham
30/11/2011	29/03/2012	Ms Ruth Campbell	SOL/PE481/2005	Solihull
30/11/2011	29/03/2012	Ms Ruth Campbell	SOL/PE481/2005	Solihull
30/11/2011	29/03/2012	Ms Ruth Campbell	SOL/PE481/2005	Solihull
30/11/2011	29/03/2012	Ms Ruth Campbell	SOL/PE481/2005	Solihull
07/02/2011	30/11/2011	Mr Iain Ross-Mckenzie	2942	Birmingham
07/02/2011	30/11/2011	Mr Iain Ross-Mckenzie	2942	Birmingham
07/02/2011	30/11/2011	Mr Iain Ross-Mckenzie	2942	Birmingham
07/02/2011	30/11/2011	Mr Iain Ross-Mckenzie	2942	Birmingham
04/11/2010	01/02/2011	Mr Giorgio Piodomani	1432	Birmingham
04/11/2010	01/02/2011	Mr Giorgio Piodomani	1432	Birmingham
04/11/2010	01/02/2011	Mr Giorgio Piodomani	1432	Birmingham
04/11/2010	01/02/2011	Mr Giorgio Piodomani	1432	Birmingham
14/09/2010	04/11/2010	Ms Ruth Campbell	SOL/PE481/2005	Solihull
14/09/2010	04/11/2010	Ms Ruth Campbell	SOL/PE481/2005	Solihull
14/09/2010	04/11/2010	Ms Ruth Campbell	SOL/PE481/2005	Solihull
14/09/2010	04/11/2010	Ms Ruth Campbell	SOL/PE481/2005	Solihull



History of previous Designated Premises Supervisors for the premises.

Start Date	Finish Date	Name	Licence	Issuing Authority
06/07/2009	14/09/2010	Mr Giorgio Piodomani	1432	Birmingham
06/07/2009	14/09/2010	Mr Giorgio Piodomani	1432	Birmingham
06/07/2009	14/09/2010	Mr Giorgio Piodomani	1432	Birmingham
06/07/2009	14/09/2010	Mr Giorgio Piodomani	1432	Birmingham
06/07/2009	14/09/2010	Mr Giorgio Piodomani	1432	Birmingham

## 7. Events

Other significant events recorded for this licence.

Other matters of interest defined within schedule 3, section 8 of the Licensing Act 2003

Date	Reference	Event Name
12/07/2017	100475	Designated Premises Supervisor Nominated
15/06/2017	100475	Designated Premises Supervisor Nominated
01/03/2017	100475	Notice of change of licence holder name, address etc
01/03/2017	100475	Issue
01/03/2017	100475	Licence Approval
27/01/2017	100475	Application Received (Transfer)
31/08/2016	86059	Designated Premises Supervisor Nominated
24/02/2016	86059	Designated Premises Supervisor Nominated
21/01/2015	86059	Designated Premises Supervisor Nominated
24/12/2014	86059	Designated Premises Supervisor Nominated
02/05/2014	86059	Issue
02/05/2014	86059	Licence Approval



Other matters of interest defined within schedule 3, section 8 of the Licensing Act 2003

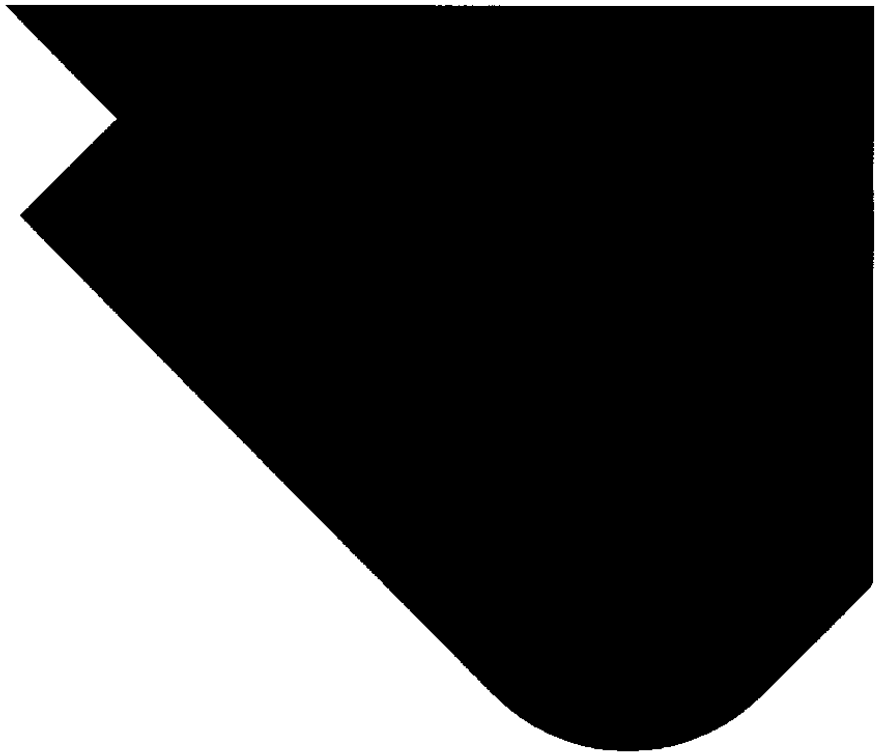
<b>Date</b>	<b>Reference</b>	<b>Event Name</b>
15/08/2012	78936	Issue
14/08/2012	78936	Licence Approval
31/07/2012	78936	Application Received (Transfer)
29/03/2012	69255	Designated Premises Supervisor Nominated
30/11/2011	69255	Designated Premises Supervisor Nominated
07/02/2011	69255	Designated Premises Supervisor Nominated
07/12/2010	69255	Notice of change of licence holder name, address etc
04/11/2010	69255	Designated Premises Supervisor Nominated
04/11/2010	69255	Issue
04/11/2010	69255	Licence Approval
14/09/2010	69254	Designated Premises Supervisor Nominated
02/09/2010	69255	Application Received (Variation)
02/09/2010	69254	Issue
02/09/2010	69254	Licence Approval
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed

Other matters of interest defined within schedule 3, section 8 of the Licensing Act 2003

<b>Date</b>	<b>Reference</b>	<b>Event Name</b>
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Licensable Activities Added/Changed
02/09/2010	69254	Application Received (Minor Variation)
01/09/2009	62057	Issue
01/09/2009	62057	Change Of Premises Name
20/08/2009	62057	Licence Approval
19/08/2009	62057	Committee Decision
06/07/2009	62057	Licensable Activities Added/Changed
06/07/2009	62057	Licensable Activities Added/Changed
06/07/2009	62057	Licensable Activities Added/Changed
06/07/2009	62057	Licensable Activities Added/Changed
06/07/2009	62057	Licensable Activities Added/Changed

Other matters of interest defined within schedule 3, section 8 of the Licensing Act 2003

<b>Date</b>	<b>Reference</b>	<b>Event Name</b>
06/07/2009	62057	Licensable Activities Added/Changed
06/07/2009	62057	Licensable Activities Added/Changed
06/07/2009	62057	Licensable Activities Added/Changed
06/07/2009	62057	Licensable Activities Added/Changed
06/07/2009	62057	Licensable Activities Added/Changed
06/07/2009	62057	Application Received (New Application)



## **Public Health**

PO Box 16732  
Birmingham  
B2 2GF

[publichealth@birmingham.gov.uk](mailto:publichealth@birmingham.gov.uk)

[www.birminghampublichealth.co.uk](http://www.birminghampublichealth.co.uk)

[www.birmingham.gov.uk](http://www.birmingham.gov.uk)

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## BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

3288 / 6

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Nuvo 11 Brindley Place	
<b>Post town:</b>	<b>Post Code:</b>
Birmingham	B1
<b>Telephone Number:</b>	
Not Specified	

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

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

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

Monday – Wednesday	10:00	-	02:00	E,F,G,H,M3
	23:00	-	02:00	L
Thursday - Sunday	10:00	-	04:00	E,F,G,H,M3
	23:00	-	04:00	L

From the start of permitted hours New  
Years Eve to the end of permitted hours on  
02nd January

**The opening hours of the premises**

Monday – Wednesday	10:00	-	02:30
Thursday – Sunday	10:00	-	04:30

From the start of permitted hours New  
Years Eve to the end of permitted hours on  
02nd January

**BIRMINGHAM CITY COUNCIL**

**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> Athina Caterers Limited 573 Chester Road	
<b>Post town:</b> Sutton Coldfield	<b>Post Code:</b> B73 5HU
<b>Telephone Number:</b> Not Specified	
<b>Email</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b> 10321137
--

<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Gjergi Devollaj	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	

<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 01/03/2017

\_\_\_\_\_  
David Kennedy  
Principal 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

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prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

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

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

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

The Licence Holder shall ensure that a waiter and waitress service is provided throughout the premises during the hours of operation.

The Licence Holder shall ensure that there will be no permanent dance floor at the premises.

The Licence Holder shall ensure that the premises will risk assess its standard operating procedure covering seven days a week, included in this risk assessment will be any security provisions. Copies of the risk assessments are to be made available to the Police at Steelhouse Lane (Licensing Department).

If the premises has any late night external promoter event, which is not part of the standard operating procedure, then the Licence Holder will ensure that a separate risk assessment is completed and forwarded to the Police at Steelhouse Lane Licensing Department, at least 28 days before the event.

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

The Licence Holder shall ensure that CCTV is installed at the premises to the satisfaction of West Midlands Police. The CCTV system shall be in full working order, including all the cameras at all times when the premises are open for any licensable activity. The CCTV system must record and store images for a minimum of 30 days. These images must be available, with immediate access, to the Police and local authorities.

The premises shall implement and put into practice a drugs policy for the venue, as approved by West Midlands Police.

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

If an external door company is used, the venue must keep on the premises door staff profiles, which includes photo ID other than their SIA badge and a utility bill which must not be dated later than 6 months previously. The Licence Holder shall ensure that such profiles are made available for inspection by the Police or local authorities at any time and kept in a secure location. If any door supervisors leave the premises, the profile shall be retained on the premises for at least three months, following their departure.

If the premises use external door supervisors, these door supervisors must sign on and off duty every time they work. The signing sheet should include badge numbers and the sheet will be kept on the premises for a minimum of 30 days.

The Licence Holder shall ensure that the premises will comply with all fire safety and building regulation requirements.

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

The Licence Holder shall ensure that a noise limiting device is installed in the premises, set at a level so as not to cause nuisance to occupiers in the vicinity.

Use of the external area for consumption of alcohol will cease at midnight daily.

There shall be adequate supervision of the external area to ensure that local residents do not suffer disturbance as a consequence of its use.

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

The Licence Holder shall ensure that the premises will implement a Challenge 21 proof of age scheme.

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

**3a) General committee conditions**

N/A

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

N/A

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

N/A

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

N/A

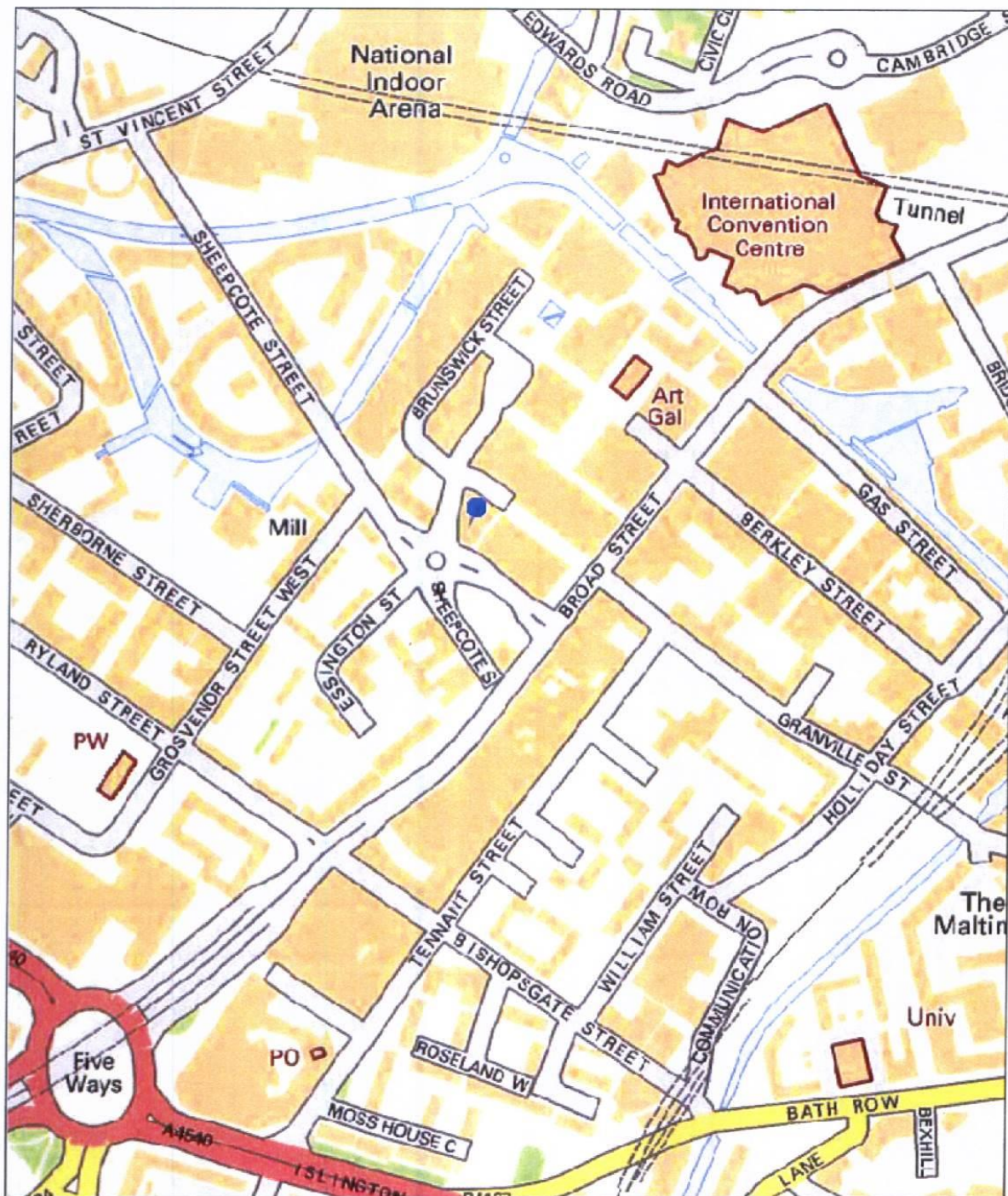
**3e) Committee conditions to promote the protection of children from harm**

N/A

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**Annex 4 – Plans**

The plan of the premises with reference number **100475-3288/6** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



**Birmingham City Council** Map Created By:

Notes

Date of Map Creation: 08/11/2017

Scale:  
1:4,000

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