

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 06 JULY 2022 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

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/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

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

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

4 MINUTES

3 - 20

To confirm and sign the Minutes of the meeting held on 8 June 2022 at 1000 hours.

To confirm and sign the Minutes of the meeting held on 15 June 2022 at 1000 hours.

5 **LICENSING ACT 2003 PREMISES LICENCE – REVIEW TUNNEL CLUB,
27 WATER STREET, BIRMINGHAM, B3 1HL**

Report of the Interim Assistant Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am

6 **OTHER URGENT BUSINESS**

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

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 8 JUNE 2022

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY JUNE 2022 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Diane Donaldson and Penny Wagg.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/080622 **NOTICE OF RECORDING/WEBCAST**

The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/080622 **DECLARATION OF INTERESTS**

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

There were no interests declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/080622 Apologies were submitted on behalf of Councillor Forsyth and Councillor Kooner and Councillor Davis and Councillor Donaldson were the nominated substitute Member.

APPOINTMENT OF SUB-COMMITTEE

4/080622 The appointment by the City Council of the Committee and Chair for the Municipal Year 2022/23 was noted.

Members were also reminded that the Sub Committee may nominate another Member of their respective Party Group on the Licensing and Public Protection Committee to attend in their place and any nominated Member must have had the formal training as set out in Paragraph 6.1 of the Licensing Committee Code of Practice for Councillors and Officers.

DELEGATIONS TO SUB-COMMITTEE

5/080622 The Members noted the delegations to the Sub-Committee as follows: -

To determine matters relating to the Licensing Act 2003, the Gambling Act 2005, Hackney Carriage Licenses, Private Hire Licences and any such business as may be referred to by the Assistant Director of Regulation and Enforcement.

MINUTES

6/080622 The Minutes of the meeting held on 27 October and the 20 April 2022 were confirmed and signed by the Chairman.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – TESCO EXPRESS, BOURNVILLE, LINDEN ROAD, BOURNVILLE, BIRMINGHAM, B30 1AP.

On Behalf of the Applicant

Jeremy Bark – Solicitor
Harish Purewal – Licensing Manager, Tesco.
Mark Halton – Consultant
Mark Podbury – Store Manager, Tesco.
Kevin Twynholm – Area Manager, Tesco.

On behalf of those making representations

Councillor Liz Clements – Local Ward Councillor.
Tracey Sealey – Local Resident.

* * *

The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider. No preliminary points were raised.

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, Bhapinder Nandhra, to outline the report.

The Chair invited the applicant to make their submission and Jeremy Bark, on behalf of the applicant made the following statements: -

- a) Tesco Express is the smallest format that Tesco operate.
- b) It's a convenience store and customers generally have about a bag and a half of shopping.
- c) They sell food, drinks, alcohol, and other household items.
- d) The range of alcohol is carefully selected and typically they have about 120 products.
- e) The majority of which are white and red wines. Spirits are limited.
- f) The sales of alcohol range between 6-11% of the total sales.
- g) Its not an overwhelming off licence premises.
- h) 95% of alcohol sales are linked to other items/goods.
- i) During the Pandemic the company looked carefully at the business and the local residents were asking why there was no alcohol sales at the store.
- j) They had Mr Halton carry out observations and he supported the fact that the premises wouldn't undermine the licensing objectives.
- k) The Area Manager had worked with WMP (West Midlands Police). There was no noted problems as a result of this premises.
- l) There wasn't a Cumulative Impact Zone in operation in the area.
- m) The Tesco stores had a very carefully designed format, and everything was designed to ensure it didn't cause problems.
- n) This was not a premises selling cheap alcohol and they did not have localised promotions.
- o) There was sometimes a meal deal promotion where customers could get a bottle of wine with a meal at a reduced price.
- p) Tesco were an excellent operator.

- q) They have a challenge 25 policy and also had a pop-up notification on the till to prompt staff when an age restricted product is scanned.
- r) The till also gave them the date of birth for anyone who was 18 on the day of the purchase to help employees work out whether someone was of legal age or not to buy age restricted products.
- s) They also had mystery shoppers to check that the challenge 25 policy was working.
- t) Alcohol and age restricted training was given and updated at least twice a year.
- u) They encouraged and empowered employees to refuse a sale wherever they felt it was appropriate.
- v) If staff refused a sale, managers always supported that refusal.
- w) They typically tried to have three personal licence holders in store.
- x) The store was due to be re-fitted as they wanted to upgrade the CCTV. However, there was no issues with it currently.
- y) The alcohol was not located near the entrance and spirits were located behind the counter.
- z) They had 22 members of staff and 4 managers.
- aa) The risk assessments suggested they didn't require security staff.
- bb) There had only been 10 incidents in the last 12 months. The maximum amount shop lifted was £20 in one incident.
- cc) All stores had bodycams and head sets.
- dd) There were 6 bins in the forecourt and the site was litter picked at least once a day.
- ee) Anti-social behaviour was not tolerated and anyone causing trouble was asked to leave the premises. If they refused to leave, they were banned from the store and the police would be called.
- ff) Risk assessments were carried out weekly.
- gg) The alcohol licence application hours matched the store opening hours. WMP had no concerns.
- hh) The conditions were in the bundle of documents.
- ii) They had a condition about ABV – they couldn't sell beers or ciders above 5.5ABV unless they were craft beers.

- jj) That the application should be judged on its own merits, what had gone on before was irrelevant.
- kk) The concerns raised were based on fears and no real evidence.
- ll) In the unlikely event that a problem occurred there is the option to review the licence.

Members asked questions and Mr Bark gave the following responses: -

- a) That although alcohol was another form of good for people to steal it was important to look at the nature of the area and the store itself.
- b) The area was reasonably trouble free.
- c) They had safeguards and precautions in place such as; spirits behind the counter, alcohol displays are situated away from the main entrance.
- d) They had high levels of staff and alcohol was in good visibility from the tills.

Mark Horton then answered questions from Members: -

- a) The conditions included things about the positioning of alcohol.
- b) The most problematic Tesco premises were situated in the more central locations within towns and city centres.
- c) He had carried out 7 days of observations and couldn't see a problem with shoplifting and the sale of alcohol being linked/
- d) He hadn't witnessed any anti-social behaviour in the area. He hadn't seen groups of youths hanging around, drunkenness, littering etc. He couldn't see the alcohol licence being a problem.

Kevin Twynholm added that this premises was at the bottom in terms of incidents; they only had a small number of incidents and all incidents were reported and logged.

Mark Podbury stated that it was a pleasant area to work in. He lived locally and 90% of employees at the store also lived locally.

The Chair then invited those making representations to present their case and Councillor Liz Clements made the following points: -

- a) That she lived within 4-5 minutes of the premises and she was also a customer. She felt that the store was valuable. She wanted to thank them for their work during the pandemic.
- b) She had been contacted by residents who were concerned.

- c) There had been other applications from the same premises in 2007 and 2019, however it was unpopular and residents objected on both occasions as they were objected.
- d) It was a quiet residential area and the premises was open from 0730hours until 2230hours and they were applying for continuous alcohol sales during that time, which presented an increased risk of shoplifting.
- e) The store previously had a security guard, but not anymore.
- f) She hadn't witnessed staff wearing body cams or head sets.
- g) She was concerned that the sale of alcohol would attract shop lifters and put staff in a vulnerable position.
- h) There seemed to be very few staff in the premises when she had visited and there had been issues with cleanliness at the store too.
- i) One DPS (designated premises supervisor) was not good for the long operating hours.
- j) There were residential streets opposite and there had been issues with noise.
- k) Signs asking people to be quiet wasn't really enough.
- l) There were other licensed premises nearby therefore there wasn't really a need for this premises to have an alcohol licence. It was already a successful store without a licence.
- m) That Mrs Sealey had sent her photographs of the traffic issues. Parking was a problem and there was a major crash outside the premises.
- n) The store was operating successfully without a licence so why now did they need one?
- o) That she was a frequent patron of the premises and she did not witness a demand from customers for alcohol.
- p) That whilst she respected Mr Halton's report it was also the case that Tesco's commissioned independent experts with the intention that it reached a certain conclusion. The representation that he had observed no issues in the area did not feel consistent with the lived experience of the area.
- q) The premises wasn't selling alcohol so that's why it wasn't causing a problem.
- r) The level of local knowledge of the area seemed limited.
- s) People cherished the area.

Tracey Sealey was then invited to make her submissions and as such she made the following points: -

- a) That it was a good area.
- b) That she objected as the Council were 'white washing' and granting licences now. The last application in the area had over 500 objectors and the Council ignored the residents.
- c) Did the Council care about its constituents?
- d) That the staff in Tesco were wonderful.
- e) She hadn't seen Mark working there.
- f) She had not seen bodycams or headsets worn at the premises by staff.
- g) The traffic accidents on the main road were a regular occurrence and there was another near miss the other morning.
- h) The Council will say yes anyway, but it is not needed and there were other premises.
- i) It was just encouraging people to drink.

The Chair invited Tracey Sealey to make a closing submission and she made the following statements: -

- If granted this would cause problems.
- There were already issues such as traffic.

The Chair then invited Councillor Liz Clements to make her closing statements: -

- It was an unwelcomed development.
- She was not aware of a big movement of people wanting this.
- She had set out the reasons she objected to the application.
- She was really disappointed in the presentation from Tesco.
- Tesco aspired to be a good neighbour yet ignored the views and objections from residents.
- It was a valuable store.
- It was functioning well without alcohol.
- There was no need for the premises to have an alcohol licence.

The Chair then invited the applicant to make a closing submission and Jeremy Bark on behalf of Tesco made the following points: -

- It was an excellent application with an excellent operator.
- WMP had made no objection to the application.
- It was not a problematic premises.
- The application was consistent with the objectives, policy and the Section 182 guidance.
- That the picture put to the Committee was that they liked Bournville as it is, but that wasn't a relevant consideration.
- Traffic was not an issue.
- Bodycams were not specific to this premises, but all Tesco premises. They were trying to improve.
- It was a good application and the fears from the representations were not based on real evidence.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was announced and a copy of that decision was sent to all parties as follows;

7/080622

RESOLVED:-

That the application by Tesco Stores Ltd for a premises licence in respect of Tesco Express Bournville, Linden Road, Bournville, Birmingham B30 1AP, be granted. The licence will include those conditions which were agreed between the applicant and West Midlands Police in advance of the meeting, namely:

1. The premises licence holder shall carry out a risk assessment to determine the need to employ SIA security personnel at the premises. Where the premises licence holder identifies the need to employ security personnel at the premises as a result of such risk assessment then it shall so on the days and at the times as identified as requiring such provision. An initial risk assessment shall be carried out and shall be updated every 12 weeks unless circumstances dictate that it should be updated sooner
2. Where security personnel are employed at the premises then contact details for such persons shall be provided to the Police upon request and suitable arrangements shall be put in place to allow them to sign in and sign off duty and they shall be required to display appropriate identification of their SIA licence status
3. A digital record of incidents occurring at the premises shall be kept at the premises by the management team and made available on request to an authorised officer of the licensing authority or the Police. It should be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue;
- (b) any serious incidents of disorder occurring within the premises;
- (c) any thefts or attempted thefts from the premises;
- (d) any serious issues in relation to the sale of alcohol within the premises;
- (e) any faults in the CCTV system; or
- (f) any visit by a relevant authority or emergency service

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

The applicant company was a very experienced national retailer which managed alcohol licensed premises throughout the country, and was applying for the same for the Tesco Express branch at Bournville. West Midlands Police had approved the application with the addition of some conditions.

The solicitor for Tesco Stores Ltd addressed the Sub-Committee to explain that the “Express”-style format was the smallest type of premises operated by the company -a convenience store offering food, drinks and household items. It would be a small-scale operation, and alcohol sales would be a small part of the business. The shop would offer a carefully selected range of alcohol products, mainly wine and limited spirits. Alcohol would account for 6 to 11% of total sales. It was a well-managed premises in a safe area. Consequently, there was very little likelihood of any risk to the licensing objectives.

There had been considerable demand for alcohol products from patrons, many of whom had asked for them during the Covid-19 lockdowns in order that the premises would become a convenient “one stop shop” for all their requirements. The solicitor observed that Tesco was an excellent operator nationally, and was a good neighbour to those living nearby, having displayed a highly responsible approach to trading. Some years ago the company had been the first to expand the “Think 21” requirement to a “Think 25” requirement; all other retailers had followed.

The company would be operating under a format designed to ensure that the premises would not cause problems. The request was to operate to the company’s standard opening hours, and would not involve late-night or overnight trading. The shop would not be offering cheap alcohol, or the kind of promotions seen at the company’s large branches. The alcohol products would not be situated near the entrance of the shop.

There would be a management team of four, with four or five staff members on duty at busy periods, and two persons at other times. The risk assessment for door security staff had suggested that door staff were not needed. Bodycams and headsets were worn at all stores. There were six litter bins and a litter patrol was carried out once a day. Antisocial behaviour was not tolerated, and the company looked at the risk assessments regularly. Alcohol deliveries would be made together with all the other food products - not separately.

The company had engaged a retired Police Inspector to carry out observational visits to the area. He had produced a detailed Report which was included in the documents before the Sub-Committee. His Report had confirmed that there were

no problems in the area and that the licensing objectives would not be undermined by the grant of the licence. Similarly, no representations had been received from any responsible authority.

Both the store manager and the area manager confirmed that it was not any kind of 'problem' premises; indeed, in terms of the local area as a whole, this branch had the lowest number of incidents. The area manager confirmed that in the preceding six months, there had been only four incidents, and remarked that the company's practice was to put in extra measures where necessary. The average customer at the branch did not create issues. The store manager confirmed that he himself was a local resident, as were the majority of the staff at the branch.

The solicitor reminded the Sub-Committee that under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk of an undermining of the licensing objectives. Furthermore, he observed that the shop was not in the Bournville Village Trust area, and advised the Sub-Committee to look carefully at whether there was evidence that the proposed operation would undermine the licensing objectives. The applicant company was confident that it would not, and reiterated that there was significant demand from customers for an alcohol offer alongside food and household items.

Written representations had been received from those living nearby. These included a Ward Councillor and a local resident, both of whom also attended the meeting in person.

The Ward Councillor made submissions relating to the likelihood of an increase in crime and disorder - such as shoplifting, theft of petrol by driving off without making payment, and risks to security generally – all of which, she felt, could be created if the premises were to start to sell alcohol. It was her opinion that stocking alcohol would make the premises a magnet for shoplifters. She was concerned by the risk of an increase in public nuisance, such as noise, which she feared would be a consequence of permitting alcohol sales. She also raised concerns over public safety due to an increase in traffic on the roads.

The Ward Councillor stated that her fear was that offering alcohol would attract a different clientele to the shop. She further observed that the nearby Cotteridge Park, which was under a Public Space Protection Order, could become a focal point for antisocial behaviour if alcohol sales were to be permitted. She felt that local residents valued the quiet of the area. Whilst the Ward Councillor accepted that the shop was not inside the Bournville Village Trust site, she remarked that those general principles defined the Linden Road area, and that local people "cherished" them. She observed that she was disappointed that Tesco had stated that it was a "good neighbour" when in her opinion it had disregarded residents' views. She urged the Sub-Committee to reject the application, or at least to reduce the hours for alcohol sales.

These views were endorsed by the local resident, who expressed her fears about alcohol sales. She considered that very few residents wanted alcohol to be sold at the shop. She felt that the reason that the area was trouble-free was because the shop did not offer alcohol.

Members carefully considered the representations made by other persons but were not convinced that there was an overwhelming evidential and causal link between the issues raised and the effect on the licensing objectives. Neither West Midlands Police nor the Environmental Health department of the City Council had objected. These were the authorities on the prevention of crime and disorder, and the prevention of public nuisance.

The Sub-Committee considered that the applicant company had drafted a satisfactory operating schedule to ensure that the shop would be capable of upholding the licensing objectives. Certainly the Observational Report that had been submitted gave confirmation that there were no existing problems.

The view of those making representations, both the Ward Councillor and the resident, had been that there was a risk of antisocial behaviour, and consequently public nuisance, if alcohol sales were to be permitted. However, the Sub-Committee had observed that the applicant company was very experienced and took a highly responsible view of alcohol-licensed trading. The hours requested were very modest, and therefore the Sub-Committee saw no need to reduce them. The suggestion that public safety would be put at risk due to increased road traffic was speculative, as the premises was a small convenience store. Regarding the risk of increased crime such as shoplifting, and the potential for an increase in antisocial behaviour, the applicant company had a well-ordered management system and looked at such incidents carefully. All in all, the application inspired confidence.

Having deliberated the operating schedule put forward by the applicant, and the likely impact of the application, the Sub-Committee concluded that by granting this application with the conditions agreed by the Police, the four licensing objectives contained in the Act would be properly promoted. The Sub-Committee was satisfied that trading would be safe, and very unlikely to jeopardise any of the licensing objectives, given that the applicant company was an experienced national retailer. The solicitor had observed that the application was entirely consistent with the Guidance issued under s182 and the City Council's own Statement of Licensing Policy; the Sub-Committee agreed with this.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the application for a premises licence, the written representations received and the submissions made at the hearing by the applicant company via its solicitor, the Ward Councillor, and the person (local resident) making representations.

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

The meeting ended 1119 hours.

Chairman.....

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 15 JUNE 2022

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 15 JUNE 2022 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Julien Pritchard and Penny Wagg.

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/150622 **NOTICE OF RECORDING/WEBCAST**

The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/150622 **DECLARATION OF INTERESTS**

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

There were no interests declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/150622 Apologies were submitted on behalf of Councillor Kooner and Councillor Pritchard was the nominated substitute Member.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT – TASTY IDEA, 77
HIGH STREET, KINGS HEATH, BIRMINGHAM, B14 7BH.**

On Behalf of the Applicant

Mal Singh - Applicant

On behalf of those making representations

Katy Moriarty – Planning Officer, BCC (Birmingham City Council)

* * *

The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider. No preliminary points were raised.

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, David Kennedy, to outline the report.

The Chair invited the applicant to make their submission and Mal Singh made the following statements: -

- a) The premises was operating as a franchise of Papa Johns, and he was the owner of Tasty Idea.
- b) He wanted to open the premises late at night for delivery after midnight.
- c) The fire department had visited the premises and had no complaints or issues.
- d) He wanted to serve the community for longer times.

The Chair then invited those making representations to present their case and Kate Moriarty made the following points: -

- a) That the site currently only had planning for hot food until 11pm at night. So they would need to make a planning application.
- b) Previously a planning application was made in 2006 to extend the hours until 1am but this was refused due to noise and disturbance.
- c) There is a flat above the site and a number of residential properties adjacent and at the rear of the site.
- d) The other premises in the area operating late at night are situated further away from residential properties.

- e) That whilst the flat above was vacant they had concerns that the flat may not remain vacant for the life time of use.
- f) How can we enforce that only deliveries are made after midnight.
- g) There is still noise associated with deliveries late at night, and that's a concern.
- h) The stress to residential and the harm out ways the benefits of the longer opening hours.

Councillor Pritchard asked for the planning officer to confirm whether the applicant would need to make a separate planning application to go beyond 11pm.

Kate Moriarty confirmed they would have to make a separate planning application.

The Chair invited Mal Singh to make a closing submission and he made the following statements: -

- That he had no intentions to have tenants upstairs.
- He operated a system on the website which would only allow deliveries.
- 90% of orders were made using the website.
- They were hoping to deliver using bikes, at least 60% by the end of the year as they reduced carbon emissions and noise.

The Chair then invited Councillor Kate Moriarty to make her closing statements: -

- That they did not having the required planning permission for late night refreshment.
- They would have to make a separate planning application.
- There was concerns about noise and nuisance to residents.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was announced and a copy of that decision was sent to all parties as follows;

4/150622

RESOLVED:-

That the application by Tasty Idea Ltd for a premises licence in respect of Tasty Idea, 77 High Street, Kings Heath, Birmingham B14 7BH, be granted. The licence will include those conditions which were agreed between the applicant and West Midlands Police in advance of the meeting, namely:

1. The premises will cease takeaway services by midnight. After midnight the premises will only permit orders that are to be delivered by delivery drivers. The general public will not be permitted on the premises after midnight, this will be clearly signposted in a public viewable area
2. All staff employed at the premises will receive documented training on their responsibilities in accordance with the Licensing Act 2003. Staff are to receive documented refresher training a minimum of once every 12 months, signed off by the trainer or premises license holder; these documents are to be readily available for inspection by the responsible authorities
3. An incident log will be maintained at the premises. Each incident entry will detail the time, date, staff member logging the entry and details of the incident, and where possible details of those involved. This log will be made readily available for inspection by the responsible authorities
4. The premises will not allow consumption of alcohol on the premises
5. CCTV will be switched on and recording at all times that the premises carries out licensable activities. Images will be retained for a period of at least 31 days and will be made available to any of the responsible authorities to view or copies produced on request. If for any reason the CCTV hard drive needs to be replaced the previous/old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request. The CCTV will be checked to ensure that it is working each day prior to licensable activity taking place. The time of the check, the identity of the person carrying this out and the result of it will be recorded in the incident log

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

The applicant company, a small business and franchisee of the Papa John's pizza chain, was represented by its director. He had been the company director for a year. West Midlands Police had approved the application with the addition of some conditions. The director confirmed that after midnight the premises would only offer deliveries; customers would only be allowed inside the shop before midnight. He had submitted a useful document showing the trading hours of similar premises nearby. He also confirmed that the premises planned to replace delivery by car with delivery by e-bikes in the future.

The Sub-Committee noted that under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk of an undermining of the licensing objectives. The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact undermine the licensing objectives. Written representations had been received from the Planning department of the City Council. A Planning officer also attended the meeting in person to make representations.

The Planning Officer made submissions relating to the likelihood of an increase in public nuisance, particularly noise, which she felt could be created if the application were granted. She was concerned about the impact on residential amenity, and noted that a number of residential properties were located within

close proximity. Those residents might be affected by levels of night time noise connected to a later opening.

Members carefully considered the representations made by the Planning department but were not convinced that there was an overwhelming evidential and causal link between the issues raised and the effect on the licensing objectives. The Environmental Health department of the City Council had not objected; whilst representations from Planning were of interest to the Members, Environmental Health was the authority on the prevention of public nuisance. Regarding the submissions made about Planning consent, the Sub-Committee noted that Licensing and Planning are two separate regimes.

The Sub-Committee considered that the applicant company had drafted a satisfactory operating schedule, and concluded that by granting this application with the conditions agreed by the Police, the four licensing objectives contained in the Act would be properly promoted. The Sub-Committee was satisfied that trading would be safe, and noted that the applicant company was a franchisee of a chain. Certainly the condition that, after midnight, orders would only be for delivery (and not collection), gave reassurance that problems were unlikely to arise. The Planning officer had confirmed that the High Street in Kings Heath was “a fairly urban and retail-established location”, and there was little to suggest that public nuisance was likely to arise. All in all, the application inspired confidence.

In reaching this decision, the Sub-Committee has given due consideration to the City Council’s Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the application for a premises licence, the written representations received and the submissions made at the hearing by the applicant company via its director, and the person (Planning officer) making representations.

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

The meeting ended 1030 hours.

Chairman.....

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 6th July 2022
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Tunnel Club, 27 Water Street, Birmingham, B3 1HL
Ward affected:	Soho and Jewellery Quarter
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider an application to review a Premises Licence.

2. Recommendation:

To consider and determine the review application.

3. Brief Summary of Report:

Review application received on 13th May 2022 from West Midlands Police in respect of the Tunnel Club, 27 Water Street, Birmingham, B3 1HL.

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:

West Midlands Police applied on 13th May 2022 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for the Tunnel Club, 27 Water Street, Birmingham, B3 1HL.

The Review application is attached. See Appendix 1.

The Premises Licence is attached at Appendix 2.

Site location plans are attached at Appendix 3.

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

The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -

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

6. List of background documents:

Review Application Form, Appendix 1
Copy of Premises Licence, Appendix 2
Site location plans, Appendix 3

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
No Action

Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Police Licensing Officer 60264 Mark Swallow.

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Tunnel Club. 27, Water Street.	
Post town Birmingham.	Post code (if known) B3 1HL.
Name of premises licence holder or club holding club premises certificate (if known) Tunnel Club Birmingham Ltd.	
Number of premises licence or club premises certificate (if known) 3734.	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

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

☒

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address West Midlands Police. Lloyd House, Colmore Circus Queensway. Birmingham. B4 6AT.
Telephone number (if any)
E-mail address (optional)

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

- 1) the prevention of crime and disorder¹
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

The Tunnel Club is a licensed premises operating from Water St in Hockley, Birmingham. The license number for the premises is 3734 which allows the premises to carry out licensable activity 24 hours a day with standard operating hours of 1000 to 0400 and if the premises wish to operate beyond this then they have to give West Midlands Police 28 days notice.

West Midlands Police have had two encounters with the premises. The first as a result of an incident on 26.3.22 when an underage girl in the premises had her phone stolen and had taken drugs. This resulted in a walkthrough of the premises and a number of discarded drugs dealer bags being discovered.

The second encounter was as a result of a male who it is believed had taken illicit drugs suffering a medical episode as a result of this and later dying. It was discovered during the investigation of this matter that the premises had not implemented the safeguarding measures agreed with the police and subject of a variation to the premises license being submitted as a result of the first incident. The premises also neglected their duty of care to the deceased and failed to deal with a vulnerable person in an appropriate manner.

It is clear that the premises have failed to implement steps agreed with West Midlands Police to prevent issues with illicit drugs being available at the premises and ensure that underage persons did not enter the premises. The premises have also failed to recognise an incident where a customer was suffering a severe medical emergency and have not provided the care that that person urgently needed. When spoken to the premises license holder did not seem to recognise vulnerability or regard it as an issue he and his staff needed to deal with.

West Midlands Police have no confidence that the premises license holder is capable of promoting the licensing objectives as evidenced by his actions. West Midlands Police would therefore request the revocation of the premises license and the removal of the Designated Premises Supervisor.

Please state the ground(s) for review (please read guidance note 2)

On 26.3.22 an incident occurred at the premises whereby a 15 year old girl had her phone stolen at the premises and had obtained illegal drugs either at the premises or prior to attending there. A police walkthrough of the premises on 30.3.22 revealed numerous empty dealer bags discarded in the premises and the premises license holder and Designated Premises Supervisor could not provide basic information and paperwork.

A meeting was held with police on 5.4.22 and to promote the licensing objectives it was agreed that the door staff would be replaced, an ID scanner would be used for all persons entering the premises, the door staff would be equipped with bodycams and the search policy was to be updated and include the use of an adhoc drugs dog. A minor variation was submitted in relation to the conditions on 19.4.22 and the policies were put in place on 22.4.22.

At 2351 hours 29.4.22 the premises were open and conducting licensable activity. At this time and date a male entered the premises. He was not subject to ID Scanner procedure and was only subject to a cursory pat down search. He was acting in a sensible manner and appeared sober. At 0244 hours the security staffs attention was drawn to the male who was dancing in an erratic manner and falling into people. The security formed the opinion that the male was intoxicated and therefore he was ejected from the premises. The male was then outside the premises for the period of 30 minutes where his behaviour was erratic and showed clear evidence of medical crisis. This was in the hearing and sight of the door team who did not intervene. The male was eventually taken away from the area by members of the public in a car and later died as a result of his medical issues. It is believed this is as a result of taking illicit drugs.

On 12.5.22 the premises license holder was spoken to at Lloyd House Police Station and admitted that no ID Scanner was in place at the time of the incident at that entrance to the premises and that the search of the male fell well short of that which was part of the search policy. He did not recognise that an incident of vulnerability had taken place and had no reasonable steps in place to deal with vulnerable persons.

The actions of the premises fell far short of what would be expected and the premises have failed to promote the licensing objectives in particular:

The prevention of crime and disorder,
The promotion of public safety.

The premises have failed to implement properly steps agreed with West Midlands Police and subject of a variation to the premises license which were put in place precisely to prevent issues in relation to these licensing objectives. West Midlands Police therefore have no confidence that the premises license holder would implement any measures to promote the licensing objectives.

Please tick ✓ yes
No.

Day	Month	Year

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

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

..... 

Date 13.5.22.

.....

Capacity Superintendent 2643 Munro.

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

.....

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

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

LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

3734 / 6

Part 1 - Premises details:**Postal address of premises, or if none, ordnance survey map reference or description**Tunnel Club
27 Water Street**Post town:**

Birmingham

Post Code:

B3 1HL

Telephone Number:**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
M1	Sale of alcohol by retail (on the premises)

The times the licence authorises the carrying out of licensable activities

Monday - Sunday	10:00	-	10:00	E ,F ,G ,H ,M1
	23:00	-	05:00	L

The opening hours of the premises

Monday - Sunday	10:00	-	10:00
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The premises to have a standard operating hours of 10:00am till 04:00am. If the premises wish to go past 04:00am then the Premises Licence holder must give 28 days notice to West Midlands Police (Licensing Department Birmingham West and Central Police Station). Notification to include a risk assessment and security assessmentWest Midlands Police retain the power of veto over any extension past 04:00am if there

has been or likely to be any breach of the
licensing objectives.

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

On Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Tunnel Club Birmingham Ltd 27 Water Street Snow Hill	
Post town: Birmingham	Post Code: B3 1HL
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 08915580

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Anthony John Byrne	
Post town:	Post Code:
Telephone Number:	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 5383	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 25/05/2022

Bhapinder Nandhra
Senior Licensing Officer
For Director of Regulation and Enforcement

Annex 1 – Mandatory Conditions

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

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

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

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

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

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

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

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

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

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Provision of regulated entertainment to take place indoors only.

No adult entertainment services or activities permitted on the premises at any time.

The DPS or another qualified person will train any bar staff at the Premises on the basic laws of selling alcohol and on compliance with the conditions on the Premises Licence.

The Premises Licence holder will ensure that all staff are trained with regard to the Licensing Objectives and the Licensing Act 2003.

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

An incident report log will be maintained at the premises and will record all incidents where any of the emergency services are called and any incidents that occur inside or in the direct vicinity of the premises, incident log to record any action taken by door staff or management.

The Premises Licence Holder will actively participate in the local Pub Watch scheme (where available).

When carrying out licensable activity, the premises will operate an ID scanner. Every customer will be required to provide their identification to pass through the scanner and be subject to the scanning process. Customers without ID or fail the scanning machine will not be allowed entry into the premises. Data from the ID scanner will be provided to the police investigating any criminal offence. This data will be provided no later than 24 hours after the request.

When door staff are deployed at the premises, they will wear a bodycam. The minimum number of bodycams the premises have to supply is 4. If there are more than 4 door staff, then any number of that do not have to wear the device. Door staff deployed on the front door will wear a bodycam. Bodycams will be turned on and recording throughout the whole shift of the door staff. Bodycams will be downloadable, show the correct time and date. Footage from bodycams will be stored for a minimum of 14 days and made available within 24 hours of the request of any responsible authority.

Premises to deploy a passive drugs dog from 15th April 2022 for 4 consecutive weekends.

CCTV to be fitted to the specifications and recommendations of West Midlands Police (Licensing Department Birmingham West and Central Police Station). CCTV to be operating at all times that the premises is open for licensable activities. CCTV images to be held for a minimum of 31 days. CCTV all images to be made available and downloadable immediately on request of any responsible authority.

Hours - the premises to have a standard operating hours of 10:00am till 04:00am. If the premises wish to go past 04:00am then the Premises Licence holder must give 28 days notice to West Midlands Police (Licensing Department Birmingham West and Central Police Station). Notification to include a risk assessment and security assessment. West Midlands Police retain the power of veto over any extension past 04:00am if there has been or likely to be any breach of the licensing objectives.

Promoters - for any event at the premises that uses an external promoter, then the Premises Licence holder must give 28 days notice to West Midlands Police (Licensing Department Birmingham West and Central Police Station). Notification to include a risk assessment and security assessment. Any additional security measures identified in the risk assessment will become conditions for that event. These will be detailed in writing to the premises.

Door Supervisors - the requirement for door supervisors will be made through a documented risk assessment, in conjunction with West Midlands Police (Licensing Department Birmingham West and Central Police Station).

Door Supervisors when used will be wearing hi visibility coats/tabards both inside and outside the premises.

At all times whilst employed at the Premises, door supervisors will sign on and off duty for every duty they

work. The Premises Licence holder will record at the start of each period of duty the date, the name, the door supervisors SIA registration number, the commencement and finishing time of duty.

The Premises Licence holder will ensure that profiles and records relating to door supervisors will be produced upon request, at all reasonable times to any Police Officer or to any Authorised Officer of the City Council.

The Premises Licence holder will retain a profile of the Door Supervisors that are working at the premises or have worked at the premises in the last 3 months.

Door Supervisors profile to be proof of identity (passport/driving licence) and proof of address (utility bill/bank statement) that is dated in the last 3 months. Proof of address is not required of proof of identity is photo driving licence.

The Premises to have a documented search policy.

The Premises to have a documented lost and found policy.

The Premises to have a documented drug seizure and retention policy (as agreed with West Midlands Police Licensing Department Birmingham West and Central Police Station).

The Premises to have Challenge 25 policy, with posters showing this.

The Premises to provide at the beginning of the month a planner to West Midlands Police Licensing Department Birmingham West and Central Police Station detailing all events and operating hours for that month.

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

No enforceable conditions identified from operating schedule.

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

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

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

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

Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

Waste receptacles for patrons to deposit cigarette butts shall be placed at the entrances and exits of the premises.

Door supervisors shall supervise and if necessary, take appropriate action to control behaviour of those patrons who wish to queue or smoke outside the premises on Water Street and Livery Street to ensure the patrons do not cause a nuisance to residents by way of noise and if necessary restrict the number of people smoking or, queueing outside the premises at any one time.

Drinks shall not be permitted to be consumed immediately outside the premises. Drinks in open containers shall not be removed from the premises.

Notices shall be displayed near the entrances and exits of the premises advising customers who wish to use the external areas for smoking that they should do so with respect for the nearby residents and keep noise levels to a minimum.

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

All refused sales of alcohol shall be logged in a refusals register which shall be available for inspection by any of the Responsible Authorities.

The premises licence holder shall ensure that persons under 18 years of age are not permitted on the premises.

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

Annex 4 – Plans

The plan of the premises with reference number **124945-3734/6** 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.



