

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING SUB-COMMITTEE C**

**WEDNESDAY, 03 JULY 2019 AT 09:30 HOURS**  
**IN ELLEN PINSENT 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 **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**

**3 - 42**

4 **MINUTES**

To confirm and sign the Minutes of the meeting held on 3 May 2019.

To confirm and sign the Minutes of the meeting held on 8 May 2019.

To confirm and sign the Minutes of the meeting held on 30 May 2019.

**43 - 66**

5 **LICENSING ACT 2003 PREMISES LICENCE – VARIATION SID’S OFF**  
**LICENCE, 284 ALCESTER ROAD SOUTH, KINGS HEATH,**  
**BIRMINGHAM, B14 6EN**

Report of the Assistant Director of Regulation and Enforcement.

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

**6     GAMBLING ACT 2005 VARIATION OF A LICENSED PREMISES  
GAMING MACHINE PERMIT THE BILLESLEY, BROOK LANE, KINGS  
HEATH, BIRMINGHAM, B13 0AB**

Report of the Assistant Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 11:00am

**7     OTHER URGENT BUSINESS**

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

## BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB COMMITTEE C 3 MAY 2019</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE C  
HELD ON THURSDAY 3 MAY 2019  
AT 0930 HOURS IN ELLEN PINSENT  
ROOM, COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Mike Leddy in the Chair;

Councillors Nicky Brennan and Mike Sharpe.

**ALSO PRESENT**

Shaid Yasser, Licensing Section  
Parminder Bhomra, Committee Lawyer  
Sarah Stride, Committee Manager

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**NOTICE OF RECORDING**

- 1/030519 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**DECLARATIONS OF INTERESTS**

- 2/030519 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item.

Any declarations will be recorded in the Minutes of meeting.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/030519 No apologies were submitted.

**STORIES, 30 LADYWELL WALK, BIRMINGHAM B5 4ST - LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 – APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS**

The following persons attended the meeting:

**On behalf of the Applicant**

PC Reader – West Midlands Police.

**Those making Representations**

Carl Moore – Agent  
Sarah Clover – Barrister  
Jerome Goode – Premises Licence Holder  
Obidiah Miller – Premises Licence Holder  
Olu Amundipe – Security Company: RGH  
Ryan Gough – Designated Premises Supervisor (DPS)  
Michelle Ray – Observer  
Martin Hardman – Observer.

Following introductions by the Chair, Shaïd Yasser, Licensing Section, introduced the report and advised that West Midlands Police have applied for an expedited review of the premises licence in respect of Stories, 30 Ladywell Walk, Birmingham B5 4ST. The application has been made under Section 53A of the Licensing Act 2003 (as amended) and has been accompanied by a certificate signed by a senior member of the force, stating that in their opinion the licensed premises have been associated with serious crime and disorder.

In accordance with the regulations, the licensing authority has given the premises holder and responsible authorities a copy of the application for review.

The interim steps that must be considered at the hearing are:

- Modification of the conditions of the premises licence;
- Exclusion of the sale of alcohol by retail from the scope of the licence;
- Removal of the designated premises supervisor from the licence;
- Suspension of the licence.

**On behalf of the Applicant**

On behalf of West Midlands Police PC Reader advised that the previous review hearing was to ascertain whether or not the premises were selling Nitrous Oxide and a variation condition was imposed upon the licence.

In referring to the current review he stated that at 0245 hours on 2 April 2019 WMP officers witnessed two males fighting outside the Stories premises in Ladywell Road. Staff at the premises approached the officers and asked for assistance. The two WMP officers advised that they utilise their own in house security staff whilst they call for back up. A man then came out of the venue with

a head wound and his clothes were covered in blood. Back up arrived and officers had to use Parvo and police dogs to deal with the hostile crowd that had congregated outside the premises.

PC Reader advised that the violence was the worst disorder recorded for 14 months and Police officers were also assaulted in the affray. Premises CCTV, Arcadian CCTV and also body cams from the officers involved on the night in question had been viewed.

He made reference to a number of statements from officers but the Chairman advised that the Committee could not consider this evidence as it had not been distributed previously to all present.

PC Reader advised that the police were not aware of the event that had taken place because no risk assessment had been taken. He confirmed that approximately 200 people had spilled out of the venue onto the street and were fighting amongst themselves. The current risk assessment stated that the Stories Nightclub had a maximum capacity of 550. The event that had taken place was a private party and although a guest list had been provided to the police a tally of the number of guests that was actually in attendance was not provided.

### **Those making Representations**

Sarah Clover on behalf of the premises licence holder confirmed that the reason why Stories was previously in front of Committee was totally unrelated to the current incident and that the previous incident was not to be considered at this current hearing.

The incident in question took place on Sunday 28 April 2019 at 0245 hours. The premises had a 24 hour 7 days a week licence to operate as a club. The Police did not close the premises on the night that the violence occurred. The premises were in the process of closing down for the night and guests were leaving as the party event had come to an end. She stated that in the night time economy sometimes things can and will go wrong and what the Committee needed to assess in these circumstances is what did the licence holder do wrong?

She briefly went through the background information and stated that on 8 April 2019 a variation to the licence was offered and approval was given on 1 May 2019. However, the premises were not notified by the licensing section that their minor variation had been given approval and were only aware of it when reading the papers submitted at today's hearing. Risk assessments had not been undertaken because the condition was pending and had not yet been agreed.

She stated that voluntarily the premises were working to their variation conditions. However, the venue did carry out a risk assessment which was submitted to the Police on the Monday prior to the event taking place. It was stated that the event was a private birthday party and that it was considered a medium risk in the assessment. 14 door staff was deployed on the night and security was tight. Bag searches were undertaken and only guests on the guest list were admitted. All guests had to provide proof of identity before admittance. She reiterated her previous statement of 'what did the premises do wrong – if anything?' The Police had stated that they had failed to provide a risk assessment but as far as the

licence holder was aware there was no need to do so. The venue itself operated on a series of good judgement calls and avoided artists that were known to cause trouble. When the venue had requested police intervention in the past the police had responded that it was the venues reasoning to decide and as such the venue had previously cancelled artists that had been known to cause trouble. If the police had seen the risk assessment they would not have identified any wrong doing.

The venue had looked at the risk assessment and had determined that the event should go ahead as planned. The event was to end at 0400 hours and the violent incident in question took place at 0245 hours. The police were already in situ at the door when Mr Gough approached and did not state that the situation was chaotic but merely asked for a police presence as tensions were rising in the venue. The police refused Mr Gough's request and stated that he would have to deal with the issue himself using his own security staff. The venue invited the police into the venue before the violence occurred. Events escalated and then at that point the police then requested back-up. She reiterated that the venue did try to engage with the police before the violence occurred. Premises CCTV confirmed that no-one was unconscious or was carried out of the venue. 3 other venues within the vicinity of Stories were also open that evening and there were a lot of people milling around. She stated that not all of the violence was created by customers leaving Stories. She stated that the police claim that the incident occurred because the risk assessment was not provided was a false claim. The police had CCTV coverage and had decided not to show it at the hearing. The police have had sufficient time to put together their evidence and at this point in time it would be wrong for the Committee to decide upon the evidence provided by the police as also no statements from officers, as previously referred to by PC Reader, had not been provided to all prior to the meeting. The Committee cannot place weight if not given the correct supportive evidence.

She stated that it was important to understand what will now happen prior to the full review and that there was a balance to be struck. The evidence is that the event occurred but not because the venue failed in any way. Stories wished to retain their regular club nights with their own DJ and door staff. If the premises closed as of today it would have a massive impact not just on the financial impact of the club but also the financial impact upon staff that worked there. Sarah Clover stated that the venue had 7 occasions of trading before the full review was to take place and she requested that the 7 events be granted with a proposal to add an additional 13 door staff and a further 5 with dog support if required pending the full review. A metal detector will be in use at the entrance of the venue. She felt that the licence should not be suspended as this would be considered disproportionate as no major incident had occurred since August 2018. There was a need to keep the reputation of the clients and closure would jeopardize the business until the date of the full review.

Mr Gough advised that a new metal knife cage detector has been fitted to the entrance of the venue.

In response to questions raised by Members the following responses were given:

- Venue staff did not telephone the police as the police were in situ opposite the venue outside. Mr Gough approached the officers and asked for

assistance as tensions were rising in the venue and a police presence was required.

- Mr Gough stated that 3 police officers came to the door and asked if everything inside was okay. He replied that everything was okay because at that time it was. However, minutes later he noticed that 'pockets of tension' was occurring and he then approached the police officers to ask for police presence in the venue. The police refused and stated that he should use his own door staff to quell the situation. Customers then started to exit the venue and congregate in the car park. It was then that the police called for back-up. No 999 call was made from the venue.
- Sarah Clover confirmed that it was when customers were leaving the venue and when the officer was assaulted when back-up was then requested by the officers at the scene.
- Sarah Clover confirmed that the minor variation proposed by the licence holder had not received confirmation that it had been agreed from the Licensing Department. Shaid Yasser, Licensing Section confirmed that it was an online process and if the applicant did not hear from the Licensing Department by 20 April 2018 then it had been agreed. The minor variation was effective as from 20 April 2019. An email would have been automatically sent to the applicant stating this course of action and the deadline.
- Mr Goode confirmed that if the Police were not already outside the venue he would have dialed 999 and requested police presence without hesitation. He confirmed that at 0230 hours the venue music was turned off and all lights were turned on to help dispel the tension that was rising in the room.

### **Summary**

Sarah Clover, barrister requested the Committee not to close the venue premises prior to the full review as this would ruin the reputation of the club. She made reference to the lack of police evidence at the hearing.

PC Reader stated that there was a disagreement with the time line in asking for police back-up and there was no clarity on what had actually happened inside the venue before it spilled out into the street. He confirmed that CCTV and police body cams needed to be reviewed and shown at the full review. He disagreed that back-up was called for after the police officer had been assaulted.

At 1052 hours the meeting was adjourned to discuss the decision. All parties with the exception of Members, the Committee Lawyer and the Committee Manager left the meeting.

At 1216 hours the meeting reconvened and all parties were invited back and the decision of the Sub-Committee was announced as follows:-

4/030519

### **RESOLVED**

That having considered the application made and certificate issued by West Midlands Police (WMP) under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by New Era Birmingham Ltd in

respect of Stories, 30 Ladywell Walk, Birmingham B5 4ST this Sub-Committee determines:

The following conditions are imposed on the premise licence as an interim step, pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application: -

- The premises are allowed to trade for the next 7 scheduled events.
- The licensable activity regarding the sale of alcohol shall cease at 2:30 am for each scheduled event, and that the premises shall close at 3am.

The Sub-Committee's reasons for imposing these interim steps are in response to the representations submitted by the barrister acting for the premises licence holders.

The members heard that the premises had been operating since August 2018 with- out incident and that the matters which came to light at the premises on 28 April 2019 as outlined in the Chief Officer of Police's certificate and application were not as a result of the failure of management to notify the police, or for non-compliance of the conditions of their licence, or lack of security measures at the venue.

The Sub Committee was informed that the premises were hosting an external birthday event which had been risked assessed at a medium risk level that required deployment of additional door staff. However, despite the deployment of door staff on the night of the event, the Designated Premises Supervisor (DPS) requested assistance from the police officers who were in situ of the premises due to heightened tensions occurring within the venue.

Having heard the Barrister's submissions, members were satisfied that the DPS had taken appropriate action to deal with an unfolding situation within the premises, and felt confident that going forward, the DPS could be trusted to continue trading the scheduled in-house events as alluded to by their barrister, particularly as extra security measures had been adopted since the night of incident to supplement the existing conditions to promote the prevention of crime and disorder, and public safety.

The Sub Committee determined that the cause of the serious disorder appeared to originate from the patrons of the private external birthday event and not from the non-compliance of the risk assessment condition as inferred from the WMP's application and certificate.

Members were concerned to note there appeared to be insufficient evidence to support the WMP application and certificate concerning the large scale disorder, given the time elapsed since the night of incident. The Sub Committee could not explore or examine some of the evidential material that was being relied upon by the WMP during the hearing, as it had not been submitted in advance to the members and the premise licence holders.

The Sub- committee therefore considered as a holding position between now and the full review it would necessary and reasonable to impose the interim steps

volunteered by the premises licence holder rather than a suspension given the responsibility demonstrated by the venue's management to limit the operation of the premises over the forthcoming weeks with their own additional security measures in place.

The Sub-Committee considered whether it could impose other interim steps including exclusion of the sale of alcohol or other licensable activities, or removal of the Designated Premises Supervisor, however did not believe however that any of these would address the totality of issues albeit limited in detail brought to their attention by the police.

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 and the barrister representing the premises licence holders at the hearing.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours.

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

5/030519

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**ANY OTHER URGENT BUSINESS**

There were no matters of any other urgent business.

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The meeting ended at 1225 hours.

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CHAIRMAN



# BIRMINGHAM CITY COUNCIL

<p><b>LICENSING SUB – COMMITTEE C 8 MAY 2019</b></p>
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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD  
ON WEDNESDAY 8 MAY 2019, AT 0930 HOURS, IN COUNCIL CHAMBER  
(FORMERLY TO BE HELD IN ELLEN PINSENT ROOM), COUNCIL HOUSE,  
VICTORIA SQUARE, BIRMINGHAM, B1 1BB**

**PRESENT:** - Councillor Mike Leddy in the Chair;

Councillors Nicky Brennan and Neil Eustace.

**ALSO PRESENT**

Bhapinder Nandhra – Licensing Section  
Parminder Bhomra – Legal Services  
Katy Townshend – Committee Services

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**NOTICE OF RECORDING**

- 1/080519 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**DECLARATIONS OF INTERESTS**

- 2/080519 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item.

No declarations were declared.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/080519 No apologies were submitted.

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**MINUTES**

- 4/080519 That the Minutes of meeting held on 20 March 2019 were noted.

**LICENSING ACT 2003 PREMISES LICENCE (GRANT) – PURE GOLD, 359-361  
OLTON BOULEVARD EAST, ACOCKS GREEN, BIRMINGHAM, B27 7DP**

Report of the Acting Director of Regulation and Enforcement.

(See document No. 1)

The following persons attended the meeting.

**On behalf of the Applicant**

Mr Vladi – Applicant  
Richard Chisnell – Manager  
Rob Edge – Agent

**Those making Representations**

PC Abdool Rohomon – West Midlands Police (WMP)  
Paul Samms – Environmental Health (EH)

**Local Ward Councillors –**

Cllr John O'Shea  
Cllr Roger Harmer  
Cllr Bob Grinsell

**Local Residents**

Joe Baker – resident  
Fran Lee – Acocks Green Village in Bloom  
Angela Faithful – resident  
Jacque Wells – resident

Due to the large volume of attendees, the meeting was later convened at 0954 and moved to the Council Chamber in order to accommodate all parties.

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The Chair made introductions and outlined the procedure to be followed.

Bhapinder Nandhra, Licensing Section, made introductory comments relating to the documents submitted.

On behalf of the applicant, Mr Rob Edge made the following points:-

1. That Mr Vladi the applicant was supported by Mr Chisnell who was the general manager at the other premises and was presented a good character, and was a reliable person.

2. That Mr Vladi's intention was to open the premises if it was granted and run the premises as Mr Chisnell ran the other premises – this was simply an expansion.
3. That Mr Vladi had a SIA badge and was also a personal licence holder.
4. That the premises was previous operated as a restaurant. Mr Vladi wanted to invest some £100,000 to refurbish the premises internally and externally.
5. That the venue would provide jobs in the local area.
6. That they had policies and procedures in place to ensure the premises would run well.
7. That noise and nuisance would not be an issue.
8. That the venue was not at all about blasting loud music.
9. That they had reduced the hours.
10. The premises was low key.
11. That only 3 of 9 responsible authorities had objected, they had attempted mediation with them.
12. That they had provided a map of other licensed premises within the local area with their opening hours.
13. That the premises in the long term would offer a mix for those in the local area.
14. That there were lots of car parks in the local area.
15. That they would not be having bands, and people would not be leaving in big groups.
16. That the frontage would operate much as it always had.
17. That these types of venues tended to be well operated and well supported and actually offered a higher level of control.
18. That the smoking area was a shelter outside, near the main entrance.
19. That the main entrance was located at the point furthest away from residents.
20. That the premises previously had live music and it had never been an issue previously.

21. That deliveries and collections would only take place between 0800 hours and 2000 hours. Further, it would minimise the risk of disturbance to residents with bottles and glass.
22. That the purpose of the Sexual Entertainment Venue (SEV) licence was for the intended purpose, it would not be a venue for people to be heavily drinking. People would mainly arrive in taxi's in small groups.
23. That people would be arriving and departing throughout the evening, and there would not be particular times.
24. That the premises would be monitored well. There would be stewards monitoring taxi arrival and departures.
25. That for the most part staff and performers would use the rear car park, in order not to disturb residents.
26. That taxis using the front car park would be monitored.
27. That they had a contract with a local taxi company and they had set out rules for them to follow.
28. That they would ensure noise was monitored in entry and egress.
29. That the appropriate signage would be in place reminding patrons to be mindful of the local neighbours.
30. That staff would be fully trained in dealing with issues.
31. That the provision of music would be in the background, just to provide a backdrop.
32. The music would be controlled and managed by the management staff.
33. That the premises had previously had regulated entertainment; so backdrop music would not be an issue. The music could be retested to ensure the level of sound was sufficient. That the applicant was willing to work with EH to achieve that.
34. That the smoking shelter was accessed from the main entrance and could be an area of weakness, so potentially they could put a lobby area there – it was being explored and seemed very possible.
35. That people smoking outside venues was not uncommon.
36. That they were considering measures to consider limiting the number of people using the area, to keep noise to a minimum. They would prevent people from taking drinks outside.
37. They would not provide heating, lighting or music, in order to discourage people from staying out there longer than needed.

38. That they would limit the times and spaces available in the smoking area.
39. That it was not likely to impact residents significantly.
40. That they would minimise risks by working with local authorities.

In answer to Members questions Mr Rob Edge made the following points:-

1. That the premises previously operated as a Greek restaurant and patrons used to stand in the car park in order to smoke.
2. That they had the idea of having a proper smoking shelter and the addition measures mentioned above; restricting numbers, and times.
3. That chartered surveyors had come up with a model that met the smoking act and that would form changes to the planning application.
4. That the large building plot near the premises was more of a planning issue. They were consciously aware from the noise consultant that the noise management plan was indicative that the noise from premises would be minimal and that there would be more noise from the cross junction and main road noise.
5. That there was other premises open late, one until midnight, the Texaco garage had a 24 hours licence, McDonalds was open until midnight.
6. That they would be quite happy to have no smoking in the shelter after a certain time.
7. That it was not in the applicants interests to have lots of complaints and have problems down the line, when they wanted to apply for an SEV licence in the future.
8. That if the premises failed to promote the licensing objectives they would be brought before the Committee.
9. That the other premises was run well; zero tolerance to patron's behaviour, smoking area, inside and outside the premises. The fact Mr Vladi was SIA registered meant he was fully aware of conflict resolution methods to ensure that it was not in patron's interests to cause problems.

On behalf of the West Midlands Police (WMP), PC Rohomon made the following points:-

1. That the application was not for an SEV licence, it was a premises licence.
2. That the application showed what the premises wanted – alcohol, late night refreshments and entertainment.

3. That at the back of the application; section K it stated the premises was a SEV, all the comments were about SEV licence. Yet the venue was nothing, as it had neither a SEV nor an alcohol licence.
4. That he was unsure what they were actually applying for.
5. That there had been other issues before with SEV licences being revoked and then the premises opened as a nightclub days after, there was nothing to stop them.
6. That this was a premises applying to be a nightclub, the music was ancillary to primary function.
7. That if the Committee granted the application they were not granting the SEV, they were granting a nightclub until 4am in the morning.
8. That there were lots of “maybes” and it was for them to put in control measures to mitigate concerns.
9. That they had put in noise consultant information and the other like for like venues licensed in the local area. However, that was not the case, the 24 hour license was a petrol station and that was not a like for like venue and that worried PC Rohomon.
10. That they had stated things they might do, but none of it was in the application.
11. That what the applicant had submitted did not show all the residential areas in the area; the premises was surrounded by residential units.
12. That the car park actually backed onto gardens of residential properties. They were very, very close to the venue.
13. That the pictures also showed the premises did not have a large car park like they said, there was only 9 spaces at the front.
14. That the premises was currently a derelict building that wanted licensable activities until 0400 hours and 0600 hours in a highly residential area.
15. That he had never seen so many residential complaints, not just petitions, but also the multiple written representations.
16. That premises like the applicant's should be in recognized night time areas. The premises was not located in a recognized night time area.
17. That WMP requested that Councillors took into consideration what the licence allowed them to do in their determination.
18. That if the Committee granted the application, even if the licence was reviewed the applicant could appeal it and carry on trading.

19. That if they wanted to have a SEV why had they gone around it the wrong way; why didn't they apply for the SEV first? That it just allowed them to do what they wanted.

On behalf of Environmental Health (EH), Mr Paul Samms made the following points:-

1. That the application site could be seen on page 222 in the document pack and Casey Jones premises had a licence until 2am, yet when he spoke to the manager they very rarely go beyond 1am. The first floor had permission for flats.
2. That there were residential units at the rear of the premise, the premises was surrounded by residential units.
3. That the concerns were noise coming from the building and noise in the external areas; people leaving, taxis and patrons in the smoking area.
4. That his view was that the premises could operate similarly to Casey Jones and have a lobby area, 2 front doors and 2 doors that closed behind patrons, to try and limit noise break outs.
5. That the premises could have hours like Casey Jones. However, going past that they would need lobby areas to avoid noise break out.
6. That there was no mention of a noise limiter.
7. That they needed to consider the noise of patrons dispersing at the end of the night.
8. That the applicant wanted more than midnight. However, he felt they should withdraw their application and show they could contain the noise. Then the applicant could make a determination whether it was even viable.
9. That he disagreed with the noise report in that they suggested the premises could operate unnoticed.
10. That if music was not needed why had they applied for it.
11. That the premises was not "low key".
12. That they couldn't compare a garage to an entertainment venue.
13. That they both had entirely different noise break outs.
14. That the previous premises did have complaints back in 2010 and 2014.
15. That he was worried the back of the club and the side of the club could be problematic in terms of noise control.

16. That the later the premises operated the less background noise there would be, therefore, the more prominent the noise from the venue would become.
17. That the premises had talked about doing lobby areas, but there was no certainty.
18. That if they did put in a reasonable size lobby area, Mr Samm's couldn't be sure they would have enough space for the club.
19. That he couldn't see how the premises would control people leaving in groups. Where were they going to escort them, how were they going to do it? It didn't seem a viable option.
20. That the history of the premises was that there was still complaints when it had a good lobby area.
21. That he couldn't see how the offered conditions would ensure the premises could operate unnoticed. He was not happy with the conditions offered.
22. That possibly the premises operating with pub hours in its current form could be considered, otherwise the application needed withdrawing and they needed to show how they could resolve the issues and concerns.
23. That even with a "strong team" they would not be able to control people leaving.
24. That the reason there had been no complaints since 2014 could have been because the premises had been closed.

Cllr O'Shea made the following points:-

1. That thousands of residents signed the petition he submitted, and he had witnessed lots of residential complaints.
2. That the premises was situated in a long established town centre, with pubs and restaurants however, it was not a night time entertainment area.
3. That the venue was not in the centre of Acocks Green.
4. That the McDonalds only operated as a drive through 24 hours.
5. That the garage was not an entertainment venue.
6. That the premises sat within a residential area within metres of people's homes. That Appendix 4 showed the properties around the area.
7. That the premises was close to some 48 homes.

8. That the planned changes in the area would bring about challenges to the operation of the venue.
9. That the applicant had also submitted a planning application. The venue only had 9 spaces; it was not surrounded by car parking.
10. That given the size of the club and the submission over 40 staff, the car park was not sufficient.
11. That it was going to bring pressures of street parking down residential roads.
12. That there would be noise when staff left after 0400 hours and then 0600 hours. There were houses immediately behind the staff car park. It was not appropriate for residents.
13. That he welcomed the submission from WMP and EH.
14. That the area had never had hours approved for this long before.
15. That the area was becoming more and more residential, yet this venue was proposing to be an adult entertainment venue.
16. That he was asking the Committee to refuse the application.
17. That if it was not possible to refuse the application, then add strict conditions.

Cllr Harman made the following points:-

1. That he was concerned about public nuisance.
2. That the proposed hours would bring significant nuisance to residents and therefore, it should not be approved.
3. That a huge number of residents had signed the petition which was also backed by local Councillors and local MPs.
4. That WMP, responsible authorities, and residents had a weighted position, the applicant's presentation was poor.
5. That he endorsed the comments raised by Cllr O'Shea regarding the area.
6. That it was not logical to compare a garage to the premises, there was always a surge of noise at the end of the evening, and the risk was very real.
7. That if the applicant was successful the venue would be busy, and that would generate a lot of noise. That public transport did not operate in the early morning/late evening hours. The venue had such a small customer

car park that the nearby streets would be a target for parking. Patrons would go down Gospel Lane and park on residential streets.

8. That there was nothing the applicant could do to reduce the nuisance to residents.
9. That the premises suggested signage and rules to stop patrons from causing a nuisance, but did the committee really think that would work.

Cllr Grinsell, representing other ward Cllrs and local residents, made the following points:-

1. That he was totally against the application and had been inundated with complaints.
2. That the application did not comply with the licensing objectives; all four.
3. That it was a small residential area with local shops, food establishments, local Tesco's and a garage. There was only 2 licensed premises with alcohol and entertainment but they were severely restricted and had much more limited hours than the premises.
4. That there was a nursery only 50 metres away.
5. That there were elderly care homes within a 250 metre radius.
6. That the application was inappropriate with the extensive hours.
7. That it would be an area for anti-social behaviour, criminal disorder and noise nuisance.
8. That a cigarette butt would take 100 years to disappear.
9. That the premises would have an effect on protecting children from harm, how would parents explain what went on in the premises.
10. That if the premises was 50 yards further in Solihull he was confident the application would be refused.

The local residents, Angela Faithful, Fran Lee and Joe Baker made the following points:-

**Angela Faithful**

1. She expressed that she was a grandmother, with a young family. She did not feel it was appropriate for residents to have to bare the consequences of the venue.
2. That her daughters were going round in hi-vis jackets, litter picking, trying to improve the area.

3. That when people were drinking they got louder and they would be slamming taxi doors and engines would be running in the early hours of the morning – it was not good.
4. That she had considered what she would tell her grandson when he asked what the venue was.
5. She pleaded with the Committee to deny the application. She appealed to them as a mother and a grandmother, for her grandson.

**Fran Lee**

1. That the restaurant was there previously and that did have problems.
2. That her garden was only a few feet away.
3. There had been issues with people fighting previously.
4. She had nursed people and seen bodies in the rear car park.
5. She had people block her driveway.
6. There had been noise nuisance from Casey Jones and other venues that she could hear from her bedroom.
7. That the person who owned one of the nightclubs threatened her husband.
8. That she couldn't imagine how anyone could consider those licence hours, it was ridiculous.
9. That the Coliseum was horrendous, it had music playing until the early hours, side door slamming, and they could hear everything that was going on.
10. That she appealed to the Committee to refuse the application.
11. That no hours at the venue would be appropriate.
12. That they had to move bedrooms because of the noise.

**Joe Baker**

1. That he was speaking on behalf of someone who put an objection in at Appendix 89.
2. That it was so difficult to get to the hearings in the middle of the day.
3. That the Committee should really think about the Alden residents.
4. That he had lived in Alden for years and brought his children up there.
5. That he lived in one of the 33 flats and was not precious about noise.

6. He chose to live in a flat behind the Texaco garage and near McDonalds.
7. That he understood the issues and expected that the cut off would be around midnight to 0600 hours in the morning.
8. That it was not a night time economy.
9. That he regularly litter picked and it was important to the residents to make the area a nice place.
10. That they were trying to make improvements successfully.
11. That there were schools, old people's homes, restaurants, nursery and houses all locally to the venue.
12. That it was the first application he had felt so strongly about.
13. That it was not the character of the area.

In summing up the residents made the following points:-

- That it was the wrong location.
- That they had nothing more to say.

In summing up, the local Councillor Grinsell, Harman and O'Shea made the following points:-

- That they wanted their comments taken on board.
- That it was a huge residential area and it was important to recognise the locality of the premises to the residents.
- That they had never seen a petition go at that pace; the application was opposed by a wide range of people.
- That they urged the Committee to reject the application.

In summing up, Paul Samms, on behalf of Environmental Health, made the following points:-

- That the premises was close to a residential unit, it was not in the centre of Birmingham.
- That he disputed that the premises could operate unnoticed.
- That he couldn't see how it would work.
- That he was concerned in respect of public nuisance.

In summing up, PC Rohomon, on behalf of West Midlands Police, made the following points:-

- That it was not so much about what they wanted to do, but more about what the licence would allow them to do.
- That it was unusual to have local residents, local Councillors; first hand witnesses telling the Committee about first hand problems.
- That there were too many maybes.
- That there was a substantial amount of objections.
- That the residents weren't paid to attend the hearing like WMP representatives were, so their representations needed to be taken into account.
- That the application should be rejected.

In summing up, Rob Edge, on behalf of the applicant, made the following points:-

- That he had discussed with the applicant.
- The statement from those in attendance was moving.
- That they had attempted mediation, however, the police had talked about what the premises wanted to do and what they were allowed to do. The intention was to go for a SEV, so they were happy to remove regulated entertainment from the application.
- That it showed they would operate as an SEV and it was not a way of gaining a licence and turning the premises into a nightclub.
- That he wanted to correct a few things, Mr Samm's mentioned that there was no mention of noise limiting devices, however, the bottom line was that a noise limiter would be fitted if it was required.
- That the main entrance was a lobby area.
- That "Helen" did a risk assessment and recommended a lobby with smoking area and the main area to be fitted to specification.
- That they were hopeful that what the Committee had heard today, reassured them that the premises would strongly uphold the licensing objectives and not add any disturbance in the area.
- That the operating schedule was strong.
- That they had already been running successfully at a similar venue.
- That they had a highly reputable door team on standby.

- That they would monitor taxis and vehicles using the premises.
- That it should be noted that there were 9 responsible authorities and none had raised issues of safeguarding children. The Section 182 Guidance suggested that each Responsible Authority would be considered experts in their own field.
- That responsible authorities made representations to any licensing objectives if they had evidence to support such representations.
- That it was a strong application with robust conditions.
- That they believed they had answered concerns.
- That the SEV application would follow should the licence be granted today.
- That there was no evidence of noise nuisance as they premises was not operating.
- That the licence could always be reviewed, however, they don't believe that would be necessary as they would be operating in accordance with the licensing objectives.

At 1130 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1316 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

5/080519     **RESOLVED:-**

That the application by Romans Leisure Ltd for a premises licence in respect of Pure Gold, 359-361 Olton Boulevard East, Acocks Green, Birmingham, B27 7DP **BE REFUSED.**

The Sub Committee heard representations from the applicant's agent about the amended application and how the premises was intending to operate with proposed measures to mitigate the wide spread concerns of public and noise nuisance occurring beyond midnight, and above the existing background noise levels.

The agent explained only ancillary music would be played through small distributed speakers at a low level to the main activity. Further, that a lobby system was under consideration to address any noise breakout from patrons entering and leaving the premises to smoke outside, in order to minimise any disturbance to local residents.

Members were also informed how patrons would be managed when arriving and leaving the premises under the watchful eye of security stewards as another form

of measure to control public nuisance especially from the usage of taxis's and cars in the parking area of the premises.

The agent submitted that their application with the proposed measures would not contravene the licensing objectives on the basis it was similar to the other late night licences operating in the locality.

However, members raised a concern regarding the possibility that patrons could leave the premises in the early hours of the morning to go down the road for a smoke and re-enter the premises potentially causing disturbance to residents immediately surrounding the venue even after the agent proposed that they could restrict the hours of the smoking shelter used by it's patrons which the members felt did not address or overcome their concerns sufficiently.

Members carefully considered the various submissions and first-hand experience of local residents in respect of the premises previous business history, and found them to be persuasive. The Sub Committee observed, with interest there had been previous complaints in the locality of the premises which the Environmental Health officer revealed in response to the noise consultant's written report that contended the nature of the premises' operation is 'low key' and unlikely to have any significant impact on residential amenity.

Members took into account WMP pertinent point about the scope of the application, the net effect being that the premises would effectively operate as a nightclub in a residential area. Members therefore, determined the venue could not be 'low key' as alluded to by the agent and in the noise consultant's report as the style and nature of the venue differed to that of the restaurant which previously existed or to that of nearby licensed premises such as McDonalds and Texaco garage with a 24hr licence.

The Sub Committee also heard submissions from the various councillors in attendance regarding the character of the area which included: local shops, food establishments, a nursery, and elderly care homes and residential properties and proposed housing developments all within metres of the premises. This was at the forefront of their minds when considering the application that was further amended to exclude all regulated entertainment by the agent during the hearing.

Members considered the likely impact of the grant of the premises licence in it's amended form would affect residents living nearby after midnight, seven days a week despite the agent presenting some proposed measures to promote the prevention of public nuisance licensing objective, and concluded the application was wholly inappropriate for the location it was situated.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the four licensing objectives were adequately promoted and that therefore the licence be granted; however Members considered that neither modifying conditions of the licence, or refusing the proposed Designated Premises Supervisor from the scope of the licence would mitigate the concerns raised by those making representations.

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

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

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6/080519

**OTHER URGENT BUSINESS**

There were no matters of urgent business.

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**EXCLUSION OF THE PUBLIC**

7/080519

**RESOLVED:**

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

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.....  
CHAIRMAN

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB COMMITTEE C 30 MAY 2019</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE C  
HELD ON THURSDAY 30 MAY 2019  
AT 0930 HOURS IN COMMITTEE ROOM 6,  
COUNCIL HOUSE, VICTORIA SQUARE,  
BIRMINGHAM**

**PRESENT:** - Councillor Martin Straker Welds in the Chair

Councillors Bob Beauchamp and Simon Morrall

**ALSO PRESENT**

Shaid Yasser, Licensing Officer  
Joanne Swampillai, Committee Lawyer  
Errol Wilson, Committee Manager

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**NOTICE OF RECORDING**

- 1/300519 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**DECLARATIONS OF INTERESTS**

- 2/300519 Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/300519 There were no Nominee members.

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

The review of the premises licence was required following an application for expedited review on 3rd May 2019, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006):-

(See document No. 1)

The following persons attended the meeting.

**On behalf of the Premises Licence Holder**

Carl Moore – Agent  
Sarah Clover – Barrister for the Premises Licence Holder  
Mr Olu – RG8 Security  
Jerome Goode – Premises Licence Holder  
Obi Miller – Premises Licence Holder  
Ryan Gough – Designated Premises Supervisor  
Michelle Ray -

**On behalf of West Midlands Police**

PC Ben Reader – West Midlands Police  
Superintendent Ian Green – West Midlands Police  
James Rankin – Barrister for West Midlands Police

\* \* \*

The Chairman made introductions and outlined the procedure to be followed and enquired whether there were any preliminary matters.

**Preliminary Matters**

James Rankin, Barrister on behalf of West Midlands Police (WMP), expressed thanks for the time and that they would concentrate minds on the issue to be debated and worked at a formal consensus. He advised that there were two preliminary points – the first was the conditions. The second was regarding the CCTV footage. Mr Rankin requested that the CCTV footage be shown in private due to the Police investigation.

Sarah Clover, Barrister on behalf of the Premises Licence Holder stated that there was no issue with the CCTV footage being shown in private. She added that in relation to the conditions, they came as a surprise and they were not fully in agreement.

Although the Sub-Committee did not express a view or an agreement on the preliminary matter raised in connection with the viewing of the CCTV footage, it was noted that there were no members of the public present at the meeting.

Shaid Yasser, Licensing Section, outlined the main points of the report and made introductory comments relating to the documents submitted.

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

CCTV footage – Stories, 30 Ladywell Walk, Birmingham, B5 4ST

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Having viewed the CCTV footage, James Rankin on behalf of WMP, made the following points:-

1. When the issue was dealt with by the Sub-Committee on the 3<sup>rd</sup> May 2019, Ms Clover made a number of comments and had criticized the Police.
2. During the course of the hearing Ryan Gough, Designated Premises Supervisor (DPS) made statements of his knowledge of what was going on in the premises. What he stated to the Sub-Committee on the 3 May 2019 was untrue. There was a real disconnect to what the case was and the Police in terms of what Mr Gough told the Sub-Committee.
3. It was accepted that Ms Clover was disadvantaged at the hearing on the 3 May 2019 as the police statement and the CCTV footage was not ready. Ms Clover had interjected and prevented PC Reader from reading statements.
4. The Police had now collated a number of statements and had served them on Ms Clover and the CCTV footage will show the Sub-Committee a snapshot of what went on prior to the Licensing Sub-Committee hearing on the 3 May 2019.
5. Mr Rankin referred to page 10 of 62 of the decision notice (bottom of page) “... *cause of the serious disorder appeared to originate from the patrons ...*” The position today was that we fundamentally disagree with that.
6. The Sub-Committee was entitled to decide that, but he will be calling Superintendent Green regarding the risk assessment that was not complied with. “Members were concerned ...” top of page 11 of 62, which was well founded, but this was a large scale violent disorder for 35 – 40 minutes until WMP got control.
7. 49 police officers with three dog units and Neighbouring Police Units taken off duty elsewhere and sent in to deal with the situation. They accepted the criticism that what was presented on the 3 May 2019 was not truly what was presented.
8. They were seeking revocation or suspension of the premises licence or a curtailment of hours and the removal of the DPS and the implementation of the seven conditions which he will be handing over to the Sub-Committee to determine what was appropriate by the Sub-Committee.
9. The Sub-Committee needed to be aware that nitrous oxide was sold on the premises and the risk assessment condition on the licence – page 16 of 62, paragraph 4 from the bottom of the page up.

10. It may be said that this was minor variation and that that decision did not bind them at the time of the review and was not binding on the premises Ms Clover might say.
11. But, as a matter of law that was not correct as it was binding as of the 20 April 2019 and the event took place on the 29 April 2019
12. They did not comply with the 28 days' notice, but the DPS should have alerted WMP as to what was going to happen. If WMP had been alerted, the policing would have been different as Superintendent Green will tell the Sub-Committee.
13. Even if Ms Clover was right, it was disingenuous for her to state that the conditions were not binding when these were volunteered conditions. It was for them to comply with the conditions and the police views were that they were there to assist. They would not have stopped their event.
14. Ms Clover may state that they attempted to consult with WMP in the past regarding the So Solid Crew and Skengdo events, but WMP declined to intervene. These were the groups attending where the Police stated they had no input to give, but they would have objected to the event of the 29 April 2019.
15. Mr Rankin drew the attention of the Sub-Committee to Sergeant Alex Roobottom's email on page 50 of 62 and stated that Sergeant Roobottom and his team had an unrivalled knowledge of these Urban Streets Gangs.
16. There was a guest-list on the 29 April 2019, if the police had received that notice they would have consulted Sergeant Roobottom and would have resources such as armed units and enhanced resources, dog units etc.
17. WMP would also consult with the operator and advised them that they needed to increase their security and their search procedures. They would not have stopped the event.
18. Even a couple of days before would allow them to enhance the contingency plans in time. Instead the operators had done an in-house risk assessment which was an error. Ms Clover stated that previously WMP did not assist, but that was not correct as resources would have been put in place.
19. The event that took place on the 29 April 2019 was entirely preventable or if not preventable the impact would be substantially reduced.
20. Mr Gough did not comply and did not give the police a copy of the guest-list. He did not cooperate with the police. He misled the Sub-Committee on the 3 May 2019 and led the Sub-Committee to form a favourable conclusion of Mr Gough which was wrong.
21. Mr Gough denied that at the time he engaged with the police there was nothing happening inside. He stated that there were pockets of tension and then invited the police inside. When he went inside he saw people with bottles etc. PC Reader could not comment as he had not seen the CCTV.
22. Outside, Ryan Gough stated *could we have some help inside please as a fight had just kicked off upstairs*. He told the Sub-Committee that he was outside, but this was not correct as at 0253 hours a fight had kicked off inside from the CCTV footage. This was important as he had misled the Sub-Committee.
23. Page 10 of 62, two paragraphs up from the bottom "Having heard the Barrister's ..." This was a view that was favourably taken of Ryan Gough, but the view taken today was that he could not be trusted as he knew what

was happening upstairs and got Ms Clover to downplay the issue with the Sub-Committee.

24. Within one minute and 18 seconds of the CCTV footage, and 30 seconds after speaking with Mr Gough, the first stab victim was escorted out of the premises. For the DPS to state it was a minor incident that had taken place, the CCTV footage will show the Sub-Committee the inside and outside of what was taking place at the premises.
25. Some of the police officers stated that it was the *worst violence that they had ever seen and sheer pandemonium*. The officers were outnumbered as there were as many as 200 persons outside the premises and the other victim was either glassed or bottled when the police were trying to do their job.
26. The question we should ask ourselves was what would it be like for the police on the night
27. SIA Security was proactive at first and people were challenging each other. There was a large number with bottles and taking off their shirts. The police had to deploy pepper spray to ward off a number of attackers. One man took up a traffic cone to attack the police and the police had to pepper sprayed him.
28. The police on the instruction of their inspector formed a line and drew their batons to protect themselves and to quell the situation. It was astonishing that in the course of this only one officer was assaulted.
29. A number of other witnesses were in *paper form* on the 3 May 2019. PC Vaughan page 36 of 62 was one of earlier arrivals at 0250 hours had a conversation with Ryan Gough – “pockets of tension”, fight in full flight upstairs, “fight had kicked off upstairs”.
30. The police felt slightly intimidated and slightly profiled and were themselves un-anticipatory of the level of violence that took place. The police was able to retrieve a bottle from one of the persons. The security had removed several males from the front of the premises (page 38 of 62) and it had taken them 38 to 40 minutes to fully disperse the crowd.
31. PC Atkins at page 39 of 62 arrived at 0300 hours in time to see the second victim that came out of the premises – a victim of the glassing and several people leaving the premises spilling onto the car park in a confined area with tension high. The police had to constantly push people away from those they were attending and to protect themselves.
32. On page 42 of 62 a man in a white T-shirt picked up a traffic cone and would have struck the police with it. PC Bentley page 41 of 62 was present when the police officer was assaulted by a man who was inside the premises. Ryan Gough supports this making out that a man was carrying a knife in the premises page 53 of 62 a man in black and white appeared to open the knife and the later CCTV footage of him appeared to dropped it on the dance floor.
33. PC Ben Reader was then invited to show the CCTV and Web Cam footages to the Sub-Committee of the incidents that took place inside and outside the premises.

At 1153 hours the Sub-Committee was adjourned for a comfort break.

At 1212 hours the Sub-Committee was reconvened.

In response to questions Superintendent Ian Green, WMP stated that:

- The police position was to plan 12 months in advance and the Wednesday prior to the event they had reviewed all events coming up and had put in place everything to cover Broad Street.
- The staffing model was made to adapt to Friday and Saturday. Sunday was normal, but had they known about the event that took place on the Sunday he would have put more resources in.
- The Night Time Economy (NTE) events were bigger and any events where they had Organised Crime Groups (OCG) and Urban Street Gangs (USG) these would be flagged to ascertain whether more resources would be needed.
- Forty-eight hours would have been a luxury to ensure that they put in appropriate resources in. With this event having spoken with PC Roobottom, they would have put in 36 Officers as they had only 20 for the Sunday.
- A risk assessment would also be done in relation to the event. They knew something was happening through West Midlands Police Licensing Department as this was part of the work in relation to any risk events.
- If they were issued with a copy of the guest-list, they would have assessed whether this was a medium risk or normal event and would have had more police present.
- Based on the security need they would have undertaken a risk assessment and would have uplift or advised that the event could not take place, but they were not informed that the event would be taking place.
- The first time he had heard of the event was when he was asked to for debrief and then realised that it was too serious of an incident and requested an expedited review. The police was not notified of the event and it was the responsibility of the premises to notify the police of such events.

Mr Rankin continued.

Music events may have a certain following and some artists attract gang members following. Had the police been issued with a copy of the guest-list, they would not have had gang members on it.

Superintendent Green continued

- They would be able to cross reference the list of names who may have been invited to the event – single solo gang was a huge risk.
- They would have looked at the totality of the risk and their standard days were rag rated Green for the lowest level risk and there were Amber events and Red events.
- Amber was middle of the road where they uplift their resources. High risk events were as seen on the CCTV and Body Cam footages of the event that had taken place.
- Weekends were Red status and if there was no high risk event it would be Green rated. If they had altered their security they would put more resources in. They had a standard policy on the NTE.

(Superintendent Green left the meeting at 1230 hours as he had a prior engagement).

At this juncture, Sarah Clover, Barrister for the Premises Licence Holder requested that the CCTV footage be shown again. Mr James Rankin, Barrister for WMP agreed to this request. A brief discussion ensued and the Chair agreed for the CCTV footage to be used. Mr Rankin stated that he had no objections, but added that the CCTV footage was sent to the premises last week.

On behalf of the premises, Sarah Clover, Barrister, Mr Jerome Goode, Premises Licence Holder and Mr Olu, RG8 Security made the following points in relation to the CCTV footage and in response to questions from the Sub-Committee:-

- a) They had put measures in place and had done a lot more than other venues. The CCTV footage showed the entrance and exit, the Arcadian Car Park etc. They had provided everything requested by WMP within 24 hours.
- b) The male in the white top and the male in the multi-coloured top were picked out, but it was not a multitude of people that was involved in the incident. A pocket of people were trying to intervene in relation to the two males. Friends were moving over friends to try and stop what was happening as this was a friends and family event.
- c) Everybody was effectively from the same group and rival gangs would not come to a Birthday Party. It was the same male in the second clip of the CCTV footage that came and hit the person and there was no commotion.
- d) The 4<sup>th</sup> clip was after the male had hit the person with the bottle. He was then confronted by the person in the multi-coloured top. The dispersal then seemed to move to the upper area.
- e) At 0256 hours when Mr Gough was outside he was dealing with an incident. Whilst he was outside he was not able to say what was happening upstairs. At the last hearing Mr Gough stated that he would not use the words “large scale disorder”.
- f) The bar staff were moving things and putting them on the rear bar. Only one punch was thrown. The section of people who had caused the issue was five persons. It was difficult if you had friends and family, for the security to intervene and this was the same issue outside.
- g) Friends and family were trying to intervene which would not happen if this was a public event. The male in the white top struck someone then took another bottle and then a third which he had thrown on the floor.
- h) The bar staff were dragging people onto the bar to protect them. The male in the multi-coloured top threw a punch. The area screened off was in a triangle and there was no confirmation that there was any stabbing. This was a laceration of 1 to 2 inches on the left hand side of the head below the ear and the nature of the injury was of concern.
- i) Although a knife was handed in, there was no connection with it and the injury. There was a single issue of violence outside with the police by the male in the multi-coloured top.
- j) Mr Gough was outside speaking to the police when the other incident upstairs took place. There was no uplift in staff as it was a family event. Only those persons on the guest-list were allowed in the building and it was uncertain whether the police were aware of the event.
- k) There was only one arrest of the person assaulting the police officer. They disputed the numbers based on the number of guest on the guest-list they had extra security outside. Security was not only increased on risk, but on

popularity.

Sarah Clover, Barrister for the Premises Licence Holder made the following statements:-

- 1) In relation to the Summary Review on the 3<sup>rd</sup> May 2019, the incident on the 29<sup>th</sup> April 2019, there was a need to put things into context. It took WMP four days to serve the Summary Review application. PC Ben Reader had these statements at the Summary Review. The Premises Licence Holders (PLH) did not hear anything about this until the Summary Review was served on them.
- 2) PC Reader stated that he had not seen the CCTV footage. The evidence had been gone through and the Sub-Committee would have had that summary, the police had a bulk of it and that they had regarded it as the worst incident that they had seen which was subjective. WMP flagship application was that the DPS should be removed.
- 3) At the interim steps WMP argued that the DPS should be removed. She contended that nothing had changed and that the Sub-Committee was hearing the story and narrative as to what happened.
- 4) The Sub-Committee was concerned with what the PLH or staff did wrong that could change the outcome. They were not focussed on where and how it all started. The issue was whether there was something that could be pointed at to say this was something that was in breach of the licence.
- 5) The Sub-Committee's reaction was that they were satisfied with the way the issue had been dealt with. The question now was what purpose would be served with those steps going forward.
- 6) There were two things – bad management and the premises in breach of the conditions of licence by not having a risk assessment. The application in relation to the last variation was put in place to show the risk assessment to WMP. The minor variation application comes on the back of a previous review regarding the nitrous oxide.
- 7) WMP was not inviting the Sub-Committee to go back to that review as an informal meeting. The only relevance was that the premises used its own judgment and took action i.e. draft up a variation and a number of conditions which was relevant to that issue.
- 8) The premises had now devised a risk assessment and will share this with the police. Emails were also sent to PC Reader who advised that he was not going to respond now. A minor variation was included in the premises licence on the 5<sup>th</sup> April 2019. The regulations were specific as to what happen after.
- 9) Mr Rankin made it 20 days, but the minor variation was granted by a tacit consent which was incorrect. PC Reader stated that the change to the variation was effective. The Sub-Committee did not give a written determination and nothing from the Licensing Authority. The law stated that this would be a deemed refusal.
- 10) The premises were implementing their own minor variation, but this was not included on the licensing conditions. None of the things that needed to have happened took place. This was not an official condition on the licence.
- 11) On the previous occasions where the premises had voluntarily presented their conditions, PC Deano Walker stated that they had to make their own

judgment. None of this was in dispute, but Mr Rankin and Superintendent Green had mentioned these. PC Walker did not take the risk assessment and put it to Sergeant Roobottom and the premises decided on what they needed to do.

- 12) It was highly speculative about how the knife got into the premises. The conditions were designed to keep the place locked down. The Sub-Committee was looking at what things could be done differently. There had been no other incidents apart from the nitrous oxide. The police was walking the premises on a weekly basis.
- 13) This event was slightly different as the patrons were from outside of town and were not the normal patrons. The issue was what was different now to persuade the Sub-Committee to come to a different conclusion.
- 14) In relation to what Mr Gough had stated or did not state was hotly disputed. PC Perks stated that that Mr Gough had stated that *there was a massive fight that was going on*. What the Body Cam stated was clear, Mr Gough stated that *there was a fight going on inside will you help us*. He did not say there was a large scale disorder going on as that was not his language.
- 15) The Police was in a car when they say there was a disorder. The Sergeant stated that they needed to deal with this on their own. From the Body Cam there were not a lot of questions and answers going on – this was not a blame game.
- 16) The police stated that Mr Gough was not a good DPS, but the CCTV footage was an hour out. People were not milling about and nothing was happening at 0259 hours. At 0255 hours Mr Gough was standing under the 'S' of the Stories sign and at 0256 he was speaking with the police and the footage they were seeing was from 0315 hours.
- 17) The police reaction when Mr Gough requested their help they were not *pinged* into action. Their assessment of the situation was not high threats. Superintendent Green stated that had he seen the guest-list he would have put on more resources, but the officers outside the premises did not change anything as nothing happened.
- 18) To lose a man his job and the premises a competent member of staff, the question was what the purpose of this was. For a night club competing in the arena they were competing in was curtains.
- 19) They were not in a different position than they were in on the 3<sup>rd</sup> May 2019. There were conditions that were proffered this morning that they had no problems with, but ladies being checked by knife arch would be a problem.
- 20) If a female came to the premises that could be searched they would be treated the same as a male in terms of a search. The curtailment of hours and the removal of the DPS were the sticking points.

At this juncture, Councillor Beauchamp commented that the hours proved to be exemplary with what had happened last month.

In response to questions, Ms Clover made the following statements:-

- There was no proof to say that the curtailment of hours was the magic. The typical hours of trading were until 0400 hours.
- There were no correlations between the hours being cut and the seven

events. They never had any incident on their normal trading, they never pushed the boundaries and always tried to maintain things on a professional standard and felt that they had managed things well.

- It was not a matter of the premises nor was it a matter of time, but a matter of people not the venue hours. There was nothing wrong in principle in the way the premises acted today. If there was, the police would have brought evidence to that effect.
- In terms of what they would do to stop it they would start going to the end of the prohibition of scale. The basic security of the premises was good. The correct way to go about it was to review the risk assessment line. It was not an on-going situation, it was now a condition and the police will get them and react accordingly.
- The knife arch will be there permanently. The submission to the Sub-Committee was not to do these two things – the curtailment of hours and the removal of the DPS, but to accept the rest of the conditions.

At this juncture the Chair advised that the Sub-Committee will be taking the decision based on the information submitted by both parties. He disputed that this would be done on any other grounds.

Ms Clover continued

- They did commercial music that appealed to a wide crowd that appeal to everyone. In house events were marketed and they would have some of the best Disc Jockeys (DJ) and did not have events that would cause problems.
- So Solid Crew held an event in Wolverhampton which resulted in a large scale disorder, but they decided that they would not hold the event as they had no support from licensing.
- An artiste called Skengdo had approached them regarding an event and they had contacted licensing who advised that they were unsure about the event. They took the decision to cancel that event although Skengdo had performed at the O2.
- On another occasion they had an event and were required to produce the guest-list to the police, but the police did not collect it. They did what they thought was best and going forward they would be doing so.
- Having a dog unit outside the venue would not be a good thing. They were more than happy to co-operate with anything the police requires them to do.
- In terms of the security, there were pockets of incidents happening. The person picking up bottle and throwing it on the floor – the security was trying to separate this person from the crowd to reduce the conflict. The communication was sufficient as the incident reports were issued on the night.

In summing up, Mr Rankin for West Midlands Police stated that in terms of what difference the hours make, the answer was given by Councillor Bob Beauchamp. The premises operated without incident taking place over the last month. Ms Clover asked the question *what the premises did wrong. We signed up to the risk condition and the police was alerted to the event*, but we did not do so. Ms Clover stated that there was no need to mire the Sub-Committee in legalese. We did not need to argue whether the condition was or was not included in the licence.

The premises did not alert the police to the fact that the event would take place. Would there being a difference? Yes, there would as Superintendent Green stated that have he being given that information he would have provided more resources. What Mr Gough said or did not said to the Sub-Committee, it was difficult for the police to present the information to the Sub-Committee on the 3<sup>rd</sup> May 2019, was because Ms Clover presented the officer from doing so.

Page 10 of the document gave the distinct revelation of Superintendent Green. They were not shown the Body Cam of Mr Gough stating that there was a fight kicking off upstairs. He did not come to the Sub-Committee *with clean hands*. The police response to So Solid Crew would be the same as put in the risk assessment. This was not true and the police would have taken advice and give an informed view. The guest-list was of interest to the police as they could have provided spotters on the night of the event.

There were hierarchical differences from the same gangs and would cause trouble. Only two assaults could be identified on camera and the difficulties were that others were not making any complaint. Mr Rankin remarked that Ms Clover questioningly stated that the crucial point was that Mr Gough was outside the premises asking the police for help. There was an attempt here to blame the police. The fight outside the police could deal with, but if you had a fight kicking off inside and the police radioed for help, they waited for back-up to arrive. He requested that no weight be placed on Ms Clover's statement – the locked knife dropped on the dance floor – to suggest that this was not used.

WMP was requesting the following: -

- ❖ A reduction in the number of hours operated by Stories.
  - ❖ The removal of Mr Ryan Gough as DPS.
  - ❖ For the conditions to be imposed as listed below:
1. The Premises Licence Holder shall ensure that weekly Incident Reports are sent to West Midlands Police (Birmingham Central Licensing Team). The Reports shall include details of any incidents which have occurred at the premises, and also the details of the security staff who were on duty at the premises that week
  2. All members of security staff shall wear body cameras for the duration of their duty as directed by West Midlands Police, and the premises shall follow all Police instructions relating to retention and disclosure of footage. The body cameras must be capable of recording images and audio at all times
  3. Each member of security staff (whether working outside the premises, or in the main reception, or in the licensable area) shall clearly display a unique number in a format approved by West Midlands Police, for the purposes of distinguishing each from the other members of the security team. Each member of the security team will have the number allocated to them when they sign on duty and this shall be recorded and retained by the premises
  4. A knife arch shall be installed and operated, through which all patrons shall pass when entering the premises
  5. SIA numbers shall be assessed on a risk assessment basis
  6. Dog security shall be provided on a risk assessment basis

7. All glassware shall be polycarbonate, except for bottles; bottles shall only be supplied to those customers seated in booths, and then only provided that the said bottles are secured by chain

Mr Rankin requested that these conditions be imposed as appropriate and sufficient.

In summing up for the premises, Ms Clover made the following statement:

- ✓ The contention that she had prevented PC Reader from presenting his case was not correct. The Sub-Committee took the decision with advice from the lawyer that this should not be done in reading a long list. The police had not reacted to the premises attempt to put in a risk assessment. The premises did highlight a risk assessment.
- ✓ In relation to Mr Gough, there was nothing that he had done to warrant his removal from the premises as the DPS and he had always maintained what he had stated to the police.
- ✓ The curtailment of hours for the interim steps cannot be accepted. The better test was how the premises had behaved according to their previous hours. To attempt to do so on an on-going basis would be crippling for the premises and would amount to revocation.
- ✓ The second condition was not contentious – one member of the door staff wearing Body Cam was sufficient seeing there was the CCTV. They were not in agreement for everybody to wear one. The Data Protection laws needed to be observed regarding the Body Cams.
- ✓ In terms of Condition 3 – each member of the door staff to wear a number on their tabard which was nice and big. This principle was not contentious, but not nice and big numbers.
- ✓ Condition 4 – the knife arch - there would be heightened tension in a queue and this would cause problem. It had not escaped their attention that women could bring knife etc. as well. This assessment should be made on a case by case basis. Women could be patted down or body searched.
- ✓ Condition 5 – additional security done on a risk assessment basis. Condition 6 – this was agreed.
- ✓ Condition 7 – in terms of the tethered bottles, Nuvo was the only place this was being done. This would be a huge impact on trade and was not terrible effective up and down the country. If people were determined to find a weapon in licensed premises, they would find one. The track record of the premises was good.

At 1434 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1549 hours, the meeting was reconvened and all parties were invited to rejoin the hearing. The decision of the Licensing Sub-Committee C was announced as follows:-

4/300519

**RESOLVED:-**

That having reviewed the premises licence held under the Licensing Act 2003 by **New Era Birmingham Limited** in respect of **Stories, 30 Ladywell Walk,**

**Birmingham, B5 4ST**, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines that the Premises Licence shall remain in force, and that the Premises Licence shall be modified as follows:

Additional conditions recommended by West Midlands Police shall be adopted as conditions on the Premises Licence, namely:

1. The Premises Licence Holder shall ensure that weekly Incident Reports are sent to West Midlands Police (Birmingham Central Licensing Team). The Reports shall include details of any incidents which have occurred at the premises, and also the details of the security staff who were on duty at the premises that week
2. All members of security staff shall wear body cameras for the duration of their duty as directed by West Midlands Police, and the premises shall follow all Police instructions relating to retention and disclosure of footage. The body cameras must be capable of recording images and audio at all times
3. Each member of security staff (whether working outside the premises, or in the main reception, or in the licensable area) shall clearly display a unique number in a format approved by West Midlands Police, for the purposes of distinguishing each from the other members of the security team. Each member of the security team will have the number allocated to them when they sign on duty and this shall be recorded and retained by the premises
4. A knife arch shall be installed and operated, through which all patrons shall pass when entering the premises
5. SIA numbers shall be assessed on a risk assessment basis
6. Dog security shall be provided on a risk assessment basis
7. All glassware shall be polycarbonate, except for bottles; bottles shall only be supplied to those customers seated in booths, and then only provided that the said bottles are secured by chain

**TAKE NOTICE THAT:**

- Those interim steps previously imposed by the Licensing Sub-Committee, at the meeting held on 3<sup>rd</sup> May 2019, shall cease to have effect
- Mr Ryan Gough shall be permitted to remain as Designated Premises Supervisor
- There shall not be any curtailment of the existing hours

The Sub-Committee's reasons for imposing these agreed conditions are due to submissions made by West Midlands Police. The Sub-Committee considered that the correct course was to adopt the additional conditions proposed by the Police, for the following reasons.

The wearing of body cameras by all security staff, and the prominent display of a unique number on each member of security staff, were sensible recommendations given the disorder that had been seen in the early hours of 29<sup>th</sup> April 2019, in which the security staff had lost control to the extent that the Designated Premises Supervisor went outside and asked passing Police Officers for help.

The requirement for a knife arch, and the requirement that all patrons without exception should be made to pass through it, was also sensible given that a knife

had been discovered on the dancefloor, and handed to the Police by the Designated Premises Supervisor, following the disorder on 29<sup>th</sup> April.

The condition requiring bottles to be tethered was also an excellent safety measure, given that the carrying of glass bottles around the premises by several patrons, during the chaotic events of the 29<sup>th</sup> April, had caused a great deal of concern to the Police. The Sub-Committee noted that tethered bottles had also been introduced at other premises in Birmingham on Police advice.

All in all, the Sub-Committee considered that the adoption of the Police's additional conditions would ensure that the premises would be able to improve all aspects of their operation, and therefore would reduce the likelihood of serious crime recurring at the venue.

In light of the adoption of the additional conditions suggested by the Police, the Sub-Committee is satisfied that the review does not require the licensing authority to take any further steps to promote the licensing objectives. The Sub-Committee considers the Police conditions imposed to be appropriate, reasonable and proportionate to address the concerns raised regarding the likelihood of serious crime and or serious disorder.

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

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

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if there is an appeal against the decision, until such time as the courts have dealt with the appeal.

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**OTHER URGENT BUSINESS**

7/300519      There was no urgent business.

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Meeting ended 1551 hours.

Chairman .....





## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee C</b>
<b>Report of:</b>	<b>Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Wednesday 3<sup>rd</sup> July 2019</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Variation</b>
<b>Premises:</b>	<b>Sid's Off Licence, 284 Alcester Road South, Kings Heath, Birmingham, B14 6EN</b>
<b>Ward affected:</b>	<b>Brandwood and Kings Heath</b>
<b>Contact Officer:</b>	<b>Shaid Yasser, Senior Licensing Officer, 0121 303 9896 <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

**1. Purpose of report:**

To consider a relevant representation that has been made in respect of an application to vary the Premises Licence which seeks to extend the hours for the Sale of Alcohol (for consumption off the premises) to operate 24hours (Monday to Sunday).

Premises to remain open to the public 24hours (Monday to Sunday), with restricted access to the premises between the hours of 12midnight and 05:00am.

The application also seeks to remove the following condition:

- The premises will operate a Challenge 21 policy

This to be replaced with conditions relating to Challenge 25.

**2. Recommendation:**

To consider the representation that has been made and to determine the application.

**3. Brief Summary of Report:**

Variation application received on 20<sup>th</sup> May 2019 in respect of Sid's Off Licence, 284 Alcester Road South, Kings Heath, Birmingham, B14 6EN.

A representation has been received from other persons.

**4. Compliance Issues:****4.1 Consistency with relevant Council Policies, Plans or Strategies:**

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

<p><b>5. Relevant background/chronology of key events:</b></p> <p>Santhi Praba Rajakaruna applied on 20<sup>th</sup> May 2019 to vary the Premises Licence for Sid's Off Licence, 284 Alcester Road South, Kings Heath, Birmingham, B14 6EN.</p> <p>A representation has been received from other persons. See Appendix 1.</p> <p>The application is attached at Appendix 2.</p> <p>The current Premises Licence is attached at Appendix 3.</p> <p>Site Location Plans at Appendix 4.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ul style="list-style-type: none"> <li>a. The prevention of crime and disorder;</li> <li>b. Public safety;</li> <li>c. The prevention of public nuisance; and</li> <li>d. The protection of children from harm.</li> </ul>
<p><b>6. List of background documents:</b></p> <p>Copy of the representation as detailed in Appendix 1</p> <p>Application Form, Appendix 2</p> <p>Current Premises Licence, Appendix 3</p> <p>Site Location Plans, Appendix 4</p>
<p><b>7. Options available</b></p> <p>To grant the variation application</p> <p>To refuse the whole or part of the application</p> <p>To modify the conditions of the Licence</p>

Entered

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**From:**  
**Sent:** 16 June 2019 21:06  
**To:** Licensing  
**Subject:** Premises licence for 284 Alcester Road South

Dear Sirs

I would like to submit the following representations in respect of the above named premises licence application:-

1. The premises are immediately next door to a pub, and immediately opposite the premises is a Tesco's which also sells alcohol. There are also three other licensed premises within a very short walk (the Corks, Pavilion and Cricket Club). Having such a large concentration of licensed premises over a small area increases the potential for alcohol-related crime and anti-social behaviour.
2. The application is (as I understand it) to vary an existing licence to permit the sale of alcohol 24 hours per day, 7 days per week. This further increases the risk of both crime fuelled by the alcohol bought from these premises, but also potential nuisance for local people who will be exposed to the noise and disturbance of the premises selling alcohol 24 hours per day, 7 days per week (eg. The noise created by people going there after the other licensed premises have closed). The premises are surrounded by (and very close to, especially on Taylor Road) residential properties, many of which are occupied by retired people and young families.
3. On a recent visit to the premises, I noticed that most of the items on sale are very cheap, high strength alcoholic drinks. I have also noticed that a noticeable proportion of visitors to the shop (I live nearby) are young people and/ or people who may have mental health issues. Allowing a licence to sell alcohol from these premises - especially 24/7 - presents a significant risk that these vulnerable people could be tempted to buy cheap, potent alcohol at all hours of the day.

For the above reasons, I respectfully submit that the Council should reject the application to vary the premises licence, and additionally to consider whether it is appropriate to renew/ extend the licence.

I am happy to expand on the reasons for my representations should you so wish.

Kind regards



**Birmingham**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensingonline@birmingham.gov.uk](mailto:licensingonline@birmingham.gov.uk)  
 Telephone: 0121 303 9896

\* required information

**Section 1 of 18**

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

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

Santhi Praba

\* Family name

Rajakaruna

\* E-mail

Main telephone number

Include country code.

Other telephone number

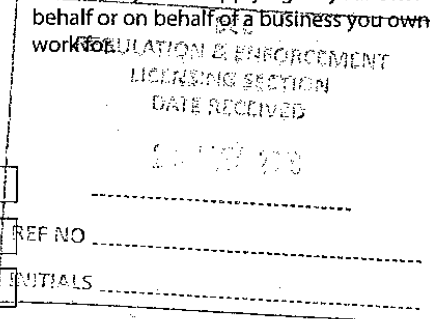
☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☐ Applying as a business or organisation, including as a sole trader

☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.



Continued from previous page...

**Address**

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text"/>

**Agent Details**

* First name	<input type="text" value="Patrick"/>	
* Family name	<input type="text" value="Burke"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	

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

Are you:

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

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

**Agent Business**

Is your business registered in the UK with Companies House?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is your business registered outside the UK?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

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

Business name	<input type="text" value="PMB Licensing"/>
VAT number	<input type="text" value="-"/>
Legal status	<input type="text" value="Sole Trader"/>
Your position in the business	<input type="text" value="Proprietor"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name	The Clock House
Street	361 High St
District	
City or town	West Bromwich
County or administrative area	
Postcode	B70 9QG
Country	United Kingdom

**Section 2 of 18**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name	Sid's Off Licence
Street	284 Alcester Road South
District	Kings Heath
City or town	Birmingham
County or administrative area	
Postcode	B14 6EN
Country	United Kingdom

**Premises Contact Details**

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	3,650

**Section 3 of 18**

**VARIATION**

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

☒ Yes ☐ No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

☐ Yes ☒ No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

**Describe Briefly The Nature Of The Proposed Variation**

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The variation is to extend the hours of opening and the hours for licensable activities

**Section 4 of 18**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

☐ Yes ☒ No

**Section 5 of 18**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes ☒ No

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

*Continued from previous page...*

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 11 of 18**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes

☒ No

### Section 13 of 18

#### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes

☐ No

#### Standard Days And Timings

##### MONDAY

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Start

End

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

##### SATURDAY

Start

End

Start

End

##### SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

☐ On the premises ☒ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

no

#### Section 14 of 18

##### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

none

#### Section 15 of 18

##### HOURS PREMISES ARE OPEN TO THE PUBLIC

###### Standard Days And Timings

MONDAY

Start 00:00

End 23:59

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Start

End

TUESDAY

Start 00:00

End 23:59

Start

End

Continued from previous page...

WEDNESDAY

Start 00:00

End 23:59

Start

End

THURSDAY

Start 00:00

End 23:59

Start

End

FRIDAY

Start 00:00

End 23:59

Start

End

SATURDAY

Start 00:00

End 23:59

Start

End

SUNDAY

Start 00:00

End 23:59

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

no

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

The premises will operate a Challenge 21 Policy

☐ I have enclosed the premises licence

Continued from previous page...

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

The license is lost

## Section 16 of 18

### LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

No alcohol or tobacco will ever be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store.  
Entrance door - will modified to a bi-folding door only the top will be open between the hours of midnight until 05:00 daily. This will ensure customers cannot enter between those hours  
CCTV - It will be digital recorded for up to 31 days and will be made available on request to all licensing authorities. There will always be a member of staff on duty who is trained and able to show and download images from the system during opening hours. It will be in recording operation during opening hours and it will cover all licensable activity areas of the premises.  
Staff Training - All staff will be trained for signs of persons who are intoxicated and made aware of licensing legislation regarding the sale of alcohol to persons intoxicated. Also regarding under age sales, proxy sales and legislation regarding the consumption of alcohol purchased from the premises and consumed in the vicinity. All this training must be recorded on premises and be made available to all responsible authorities immediately on request.  
Challenge 25 Policy - Location will promote Challenge 25 policy by and training staff on different ID methods. This training will be recorded on premises.  
Signage - Challenge 25 policy to be on display at all times. Signage displaying to customers to "Respect Local residents, please leave quietly" to be on display around location and especially at the exit.

b) The prevention of crime and disorder

1. The CCTV system must be installed and operate internally to cover all areas that licensable activities take place and where alcohol is displayed within any public area.
2. The CCTV unit shall be positioned in a secure part of the licensed premise. Access to the system should be allowed immediately to the Police upon request.
3. A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to down load in a recognised format any information requested by the Police.
4. The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).
5. A facility will be available for the Police to remove from the CCTV system a copy of any material relevant to any ongoing Police investigation.
6. All CCTV images will be retained for a period of not less than 31 day
7. An incident register of all occurrences and ejections from the premises will be maintained at the premises and all details of public order offences will be recorded.
8. All persons involved in the sale of alcohol will receive initial and subsequent 6 monthly refresher training by the Designated Premises Supervisor or an appropriately accredited training provider with regards to the law in relation to the sale of alcohol. This will be recorded in a staff training register and will include, signature of the member of staff, the DPS or an appropriately accredited training provider together with the date.
9. At any time when there is no Personal License holder on the premises there must be at least one member of staff on duty inside the premise who has been authorised by the DPS. Any such person should have seen, read and be fully aware of the conditions of the premise licence and take all steps to ensure that such conditions are adhered to whilst they have responsibility for the premise.
10. A record should be kept detailing, the name and address relative to the person left in charge of the premise and the

**Continued from previous page...**

times and dates when the authority to cover exists, in writing.

11. These should be individual entries covering short periods of time only and should not exceed more than a three week period.

12. The authorised person should also sign on each occasion that he/she has physically seen inspected and is fully aware of all the conditions attached to the premise licence. The DPS should sign to acknowledge that they agree to the authorised person being in charge of the premise for any times specified. The records of these matters should be kept fully updated at all times.

All Records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.

**c) Public safety**

AS CURRENT LICENSE

**d) The prevention of public nuisance**

Entrance door - be changed to a bi-folding door with only the top open between 00:00 - 05:00 customers will not be able to enter the premises during this time

**e) The protection of children from harm**

☒ A Challenge 25 policy will be adopted in order to reduce the potential for underage sales of age restricted products including alcohol. If a customer appears to be under 25 years of age and cannot prove that they are eligible to purchase the age restricted item with a valid UK or Ireland Photocard Driving Licence, a valid Passport or PASS accredited proof of age scheme card, they will be refused service.

☒ Challenge 25 posters will be displayed at the premises to reinforce this policy. Posters will be placed at; each till, each area alcohol is stocked and at the point of entry into the store. The posters will be displayed prominently and in sight of customers and staff.

☒ A Refusals Register is to be used to record all incidents when a sale is refused. The register is to be kept in the store at all times unless it is requested by authorised officers of responsible authorities. The Refusal/Challenge Register is to be checked and signed off by the Designated Premises Supervisor every two weeks.

☒ All staff working at the premises involved in the sale of age restricted products including alcohol will receive on-going training and will be refreshed at least every 6 months. This will be recorded in a staff training register and will also include a written test of knowledge. The Training records must be made available to authorised officers of responsible authorities on request. Records shall be retained at the premises.

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 18 of 18

### PAYMENT DETAILS

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

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at <https://www.tax.service.gov.uk/business-rates-find/search>

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00\*

Band E - £125001 and over - £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

\* Fee amount (£)

100.00

### DECLARATION

1

Continued from previous page...

I/WE UNDERSTAND THAT 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.

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

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

\* Full name   
\* Capacity   
\* Date  /  /   
dd mm yyyy

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

1. Save this form to your computer by clicking file/save as...
  2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

**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.**

**OFFICE USE ONLY**

Applicant reference number   
Fee paid   
Payment provider reference   
ELMS Payment Reference   
Payment status   
Payment authorisation code   
Payment authorisation date   
Date and time submitted   
Approval deadline   
Error message   
Is Digitally signed ☐

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 Next >

## BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

2496 / 5

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Sid's Off Licence 284 Alcester Road South Kings Heath	
<b>Post town:</b>	<b>Post Code:</b>
Birmingham	B14 6EN
<b>Telephone Number:</b>	

<b>Where the licence is time limited the dates</b>
N/A

<b>Licensable activities authorised by the licence</b>	
F	Recorded music
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
M2	Sale of alcohol by retail (off the premises)

<b>The times the licence authorises the carrying out of licensable activities</b>			
Monday - Sunday	06:00	-	23:00 F, H
	09:00	-	23:00 M2

<b>The opening hours of the premises</b>		
Monday - Sunday	06:00	- 23:00

<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b>
Off Supplies Only

**BIRMINGHAM CITY COUNCIL**

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Santhi Praba Rajakaruna	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	
<b>Email</b> N/A	

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

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

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 11169	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

Dated 11/02/2019

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SHAID YASSER  
Senior Licensing Officer  
For Director of Regulation and Enforcement

## BIRMINGHAM CITY COUNCIL

### Annex 1 – Mandatory Conditions

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

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

The 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.

(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.

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**BIRMINGHAM CITY COUNCIL**

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

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

No adult entertainment or services are permitted on the premises.

The licence holder will ensure a proof of age scheme is used on the premises and members of staff receive relevant training regarding this.

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

CCTV installed to the specifications and recommendations of West Midlands Police (B'ham South Licensing Department).

Images to be made available immediately to any responsible authority and being downloaded on request.

CCTV to be working at all times the premises is open for any licensable activity.

CCTV to be working at all times the premises is open for any licensable activity.

CCTV images to be held for a minimum of 28 days.

Refusal register to be completed and signed off weekly by the DPS.

Documented training to be completed by DPS for all staff employed to sell alcohol and the training documents to be made available to any responsible authority on request.

The front door and front window immediately next to the front door are to be kept free of posters from the middle upwards.

**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 licence holder will ensure persons who appear to be intoxicated or who are using abusive behaviour are asked to leave the premises.

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

The licence holder will ensure the details of underage persons attempting to purchase alcohol or tobacco will be recorded in the refusal register.

The premises will operate a Challenge 21 policy.

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**BIRMINGHAM CITY COUNCIL**

**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**

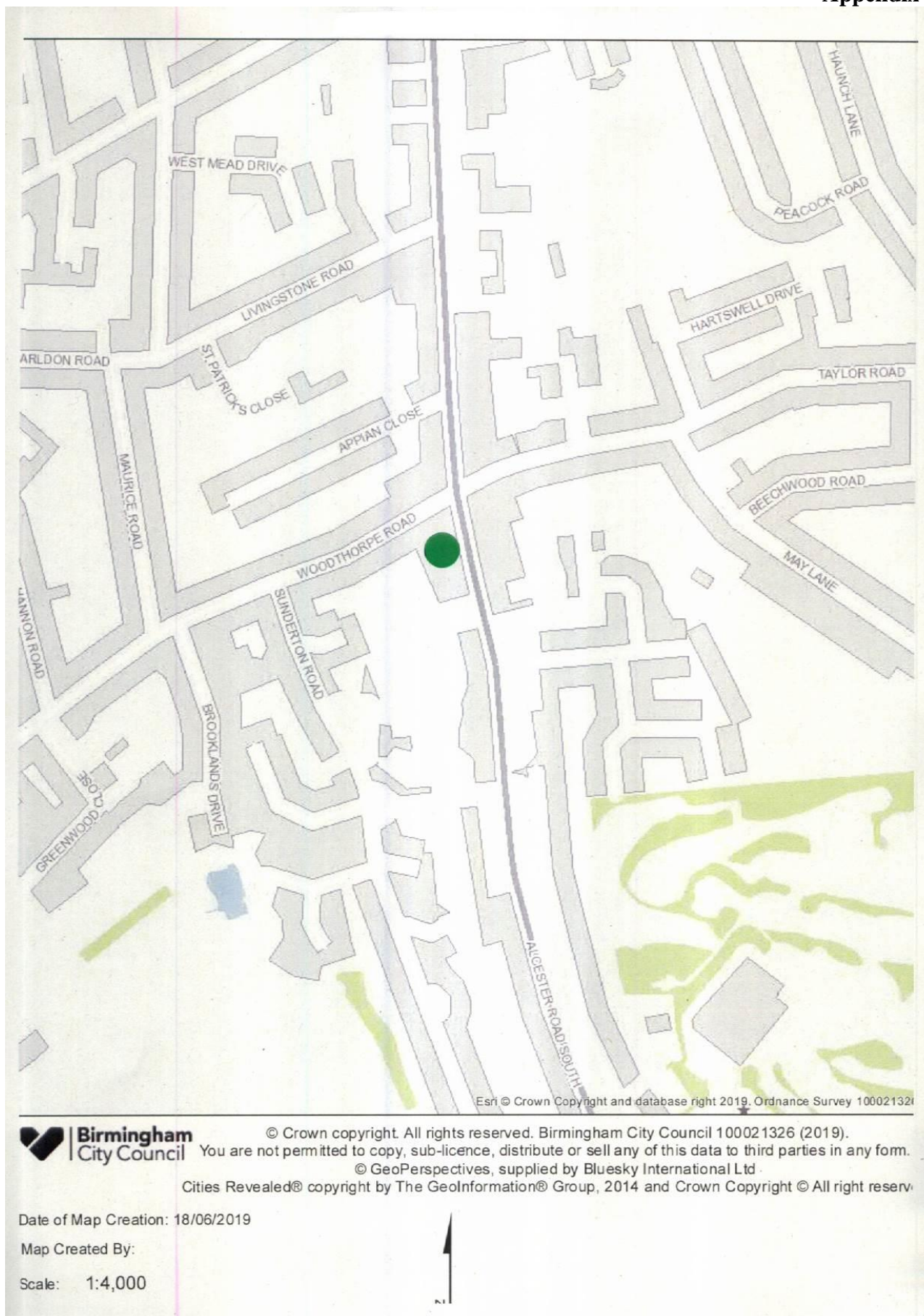
N/A

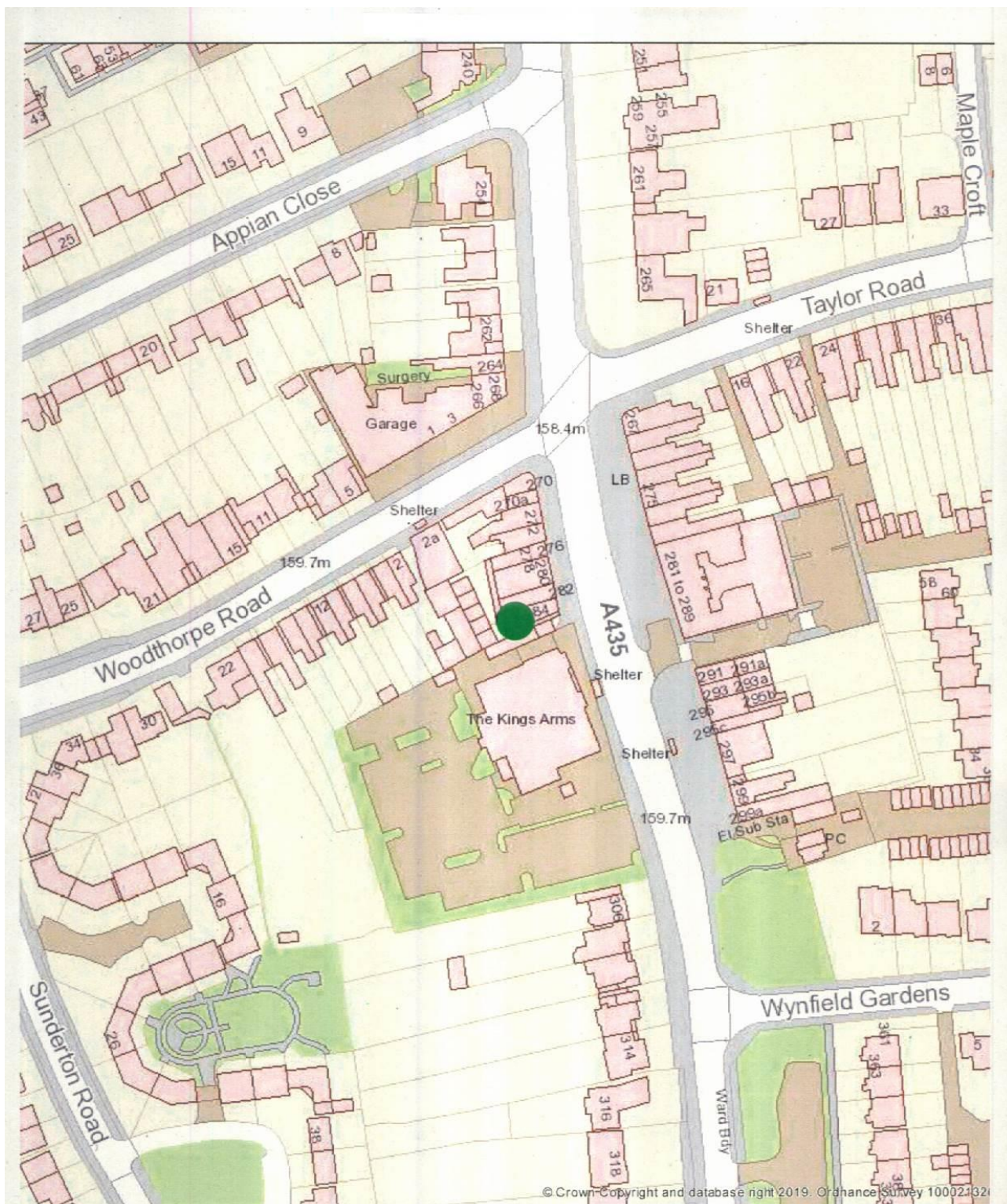
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**BIRMINGHAM CITY COUNCIL**

**Annex 4 – Plans**

The plan of the premises with reference number **109681-2496/5** 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.





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**Birmingham**  
City Council

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Date of Map Creation: 18/06/2019

Map Created By:

Scale: 1:1,250



## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee C</b>
<b>Report of:</b>	<b>Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Wednesday 3<sup>rd</sup> July 2019</b>
<b>Subject:</b>	<b>Gambling Act 2005 Variation of a Licensed Premises Gaming Machine Permit</b>
<b>Premises</b>	<b>The Billesley, Brook Lane, Kings Heath, Birmingham, B13 0AB</b>
<b>Ward affected:</b>	<b>Brandwood and Kings Heath</b>
<b>Contact Officer:</b>	<b>Shaid Yasser, Senior Licensing Officer, 0121 303 9896 <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

**1. Purpose of report:**

Officers have delegated authority to grant Permits in respect of up to 4 Licensed Premises Gaming Machines, Category C & D in an Alcohol Licensed Premises. This application seeks to have permission to operate 5 Category C Gaming Machines and 1 Category D Gaming Machine.

**2. Recommendation:**

The Sub Committee is requested to consider an application to operate a total of 6 Gaming Machines on an Alcohol Licensed premises.

**3. Brief Summary of Report:**

An application for the variation of a Licensed Premises Gaming Machine Permit was received on 13<sup>th</sup> May 2019.

**4. Compliance Issues:****4.1 Consistency with relevant Council Policies, Plans or Strategies:**

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

<p><b>5. Relevant background/chronology of key events:</b></p> <p>Regal Gaming &amp; Leisure submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 13<sup>th</sup> May 2019 for The Billesley, Brook Lane, Kings Heath, Birmingham, B13 0AB.</p> <p>The application, including supporting documents, is attached at Appendix 1.</p> <p>Birmingham City Council Licensing Enforcement visited the premises and confirmed that they have no objections to the application. Their confirmation is attached at Appendix 2.</p> <p>The premises have the benefit of a current Gaming Machine Permit issued under the Gambling Act 2005, which permits 4 Category C machines and 1 Category D machine. See attached Appendix 3.</p> <p>Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>Where an application for a licensed gaming machine permit is made, the licensing authority shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.</p> <p>The licensing objectives are:</p> <ol style="list-style-type: none"> <li>Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.</li> <li>Ensuring that Gambling is conducted in a fair and open way</li> <li>Protecting Children and other vulnerable persons from being harmed or exploited by gambling.</li> </ol>
<p><b>6. List of background documents:</b></p> <p>Application Form, Appendix 1  Birmingham City Council Licensing Enforcement confirmation, Appendix 2  Current Gaming Machine Permit, Appendix 3  Gaming Machine Categories, Appendix 4  Site Location Plans, Appendix 5</p>
<p><b>7. Options available</b></p> <ol style="list-style-type: none"> <li>Grant the application</li> <li>Refuse the application</li> <li>Grant the application in respect of; <ol style="list-style-type: none"> <li>A smaller number of machines than is specified in the application</li> <li>A different category of machines from that specified in the application, or</li> <li>both</li> </ol> </li> </ol> <p>A licensing authority may not refuse an application or grant it in respect of a different category or number of gaming machines without first notifying the applicant and giving the applicant an opportunity to make representations (either in written or oral form, or both).</p>

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or  
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:  
CONVERSION / NEW / VARIATION / TRANSFER**

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

Please refer to guidance notes at the back of this form before completing		ECC POLICE AND FIRE FORCEMENT LICENSING SECTION DATE RECEIVED 13 MAY 2019 £100.00 BACS												
To: Birmingham City Council Licensing Section PO Box 17013 Birmingham B6 9ES														
<b>SECTION A – What do you want to do?</b>  1. Please indicate what you would like to do		REF NO ..... INITIALS <u>AL</u>												
a) <b>Notify</b> licensing authority that you intend to provide up to a maximum total of 2 gaming machines category C and / or D (if you choose this option then please complete sections D and E)		<input type="checkbox"/>												
b) Apply to <b>convert</b> an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (i.e. for more than 2 gaming machines) (if you choose this option then please complete sections B, D and E)		<input type="checkbox"/>												
c) Apply for a <b>new</b> licensed premises gaming machine permit ((if you choose this option then please complete sections B, D and E)		<input type="checkbox"/>												
d) Apply to <b>vary</b> an existing licensed premises gaming machine permit (if you choose this option then please complete sections B, D and E)		<input checked="" type="checkbox"/>												
e) Apply to <b>transfer</b> an existing licensed premises gaming machine permit (if you choose this option then please complete sections C, D and E)		<input type="checkbox"/>												
<b>SECTION B – Application for grant (includes <u>conversion</u>, <u>new</u> and <u>variation</u> applications)</b>  2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provide? (please complete the boxes in the table)														
<table border="1" style="margin: auto; border-collapse: collapse;"> <thead> <tr> <th style="padding: 5px;">Category machine</th> <th style="padding: 5px;">Number currently authorised to provide</th> <th style="padding: 5px;">Number wish to provide (new or variation)</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px; text-align: center;">C</td> <td style="padding: 5px; text-align: center;">4</td> <td style="padding: 5px; text-align: center;">5</td> </tr> <tr> <td style="padding: 5px; text-align: center;">D</td> <td style="padding: 5px; text-align: center;">1</td> <td style="padding: 5px; text-align: center;">1</td> </tr> <tr> <td style="padding: 5px; text-align: center;">TOTAL</td> <td style="padding: 5px; text-align: center;">5</td> <td style="padding: 5px; text-align: center;">6</td> </tr> </tbody> </table>			Category machine	Number currently authorised to provide	Number wish to provide (new or variation)	C	4	5	D	1	1	TOTAL	5	6
Category machine	Number currently authorised to provide	Number wish to provide (new or variation)												
C	4	5												
D	1	1												
TOTAL	5	6												
3. If you are currently authorised to provide more than 2 machines, please provide your existing Section 34 Gaming Act 1968 permit, or provide reasons stating why it cannot be provided.														
Existing permit provided* (reasons why existing permit cannot be provided) ..... ..... .....		<input type="checkbox"/>												

\*Please keep a copy of your existing permit on the premises to which it relates.

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or  
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:  
CONVERSION / NEW / VARIATION / TRANSFER**

**(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)**

**Section C – Application for permit transfer** (i.e. where a transfer has been requested for the Licensing Act 2003 premises licence)

4. Name of person requesting the transfer

.....

5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:

Requested

☐

Granted

☐

6. Please provide your existing permit, or provide reasons stating why it cannot be provided

Existing permit provided

☐

Reasons why existing permit cannot be provided

.....

.....

**Section D – General Information**

7. Name of Premises..... Billesley

8. Address of Premises..... Brook Lane Kings Heath Birmingham B13 0AB

.....

9. Telephone number of Premises.....

10. Name of existing Premises Licence holder  
Greene King Brewing & Retailing Ltd

.....

11. Address of Premises Licence holder (if different from 8 above)  
Westgate Brewery Bury St Edmunds Suffolk IP33 1QT

.....

12. Telephone number (daytime) of Premises Licence holder

.....

13. E-mail address of Premises Licence holder (where available)

.....

14. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant

Regal Amusement Machine Sales Ltd (t/a Regal Gaming And Leisure), 139 Brookfield Place, Walton Summit Centre, Bamber Bridge, Preston, Lancashire, PR5 6BF

.....

15. Licensing Act 2003 Premises Licence Reference (i.e. number)

.....

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or  
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:  
CONVERSION / NEW / VARIATION / TRANSFER**

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

**Section E – Fee and Signature(s)**

I enclose a sum of (£ 100.00)\* (cheques should be made payable to



***I understand that I must comply with the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission. (see guidance note 8)***

***Please note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.***

Dated **9th May 2019**

Signed (by or on behalf of Licensing Act 2003 Premises Licence holder)....

Print Name **Erica Hamilton**

\* If you wish to have a maximum of 2 gaming machines then the fee payable is £50. If you wish to have more than 2 gaming machines then the fee payable is £150 for new applications and £100 for Section 34 (Gaming Act 1968) holders.

**Official Use Only**

Date of receipt: .....

Signature and name of staff who received: .....

Date of receipt of fee: .....

Signature and name of staff who received fee: .....

Application accepted / returned (please delete as appropriate)

Date of premises licence (Licensing Act 2003) transfer (if applicable): .....

## Appendix 1 continued – applicants supporting documents

To: Birmingham Council Licensing Dept

Date: Friday 03<sup>rd</sup> May 2019

Dear **Bhapinder Nandhra**

**Senior Licensing Officer**

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

### **Re: Permit Application at the Hungry Horse, New Billesley**

I enclose a plan showing the proposed position of the additional Category C AWP (highlighted on the plan).

The New Billesley currently has 4 Cat C AWP's which are all made available for customer use, in keeping with the licencing objectives of the Gambling Act and the Gambling Commissions Licenced Codes and Conditions of Practice. In addition to this we are applying for this additional permit to install an additional Cat C AWP into site.

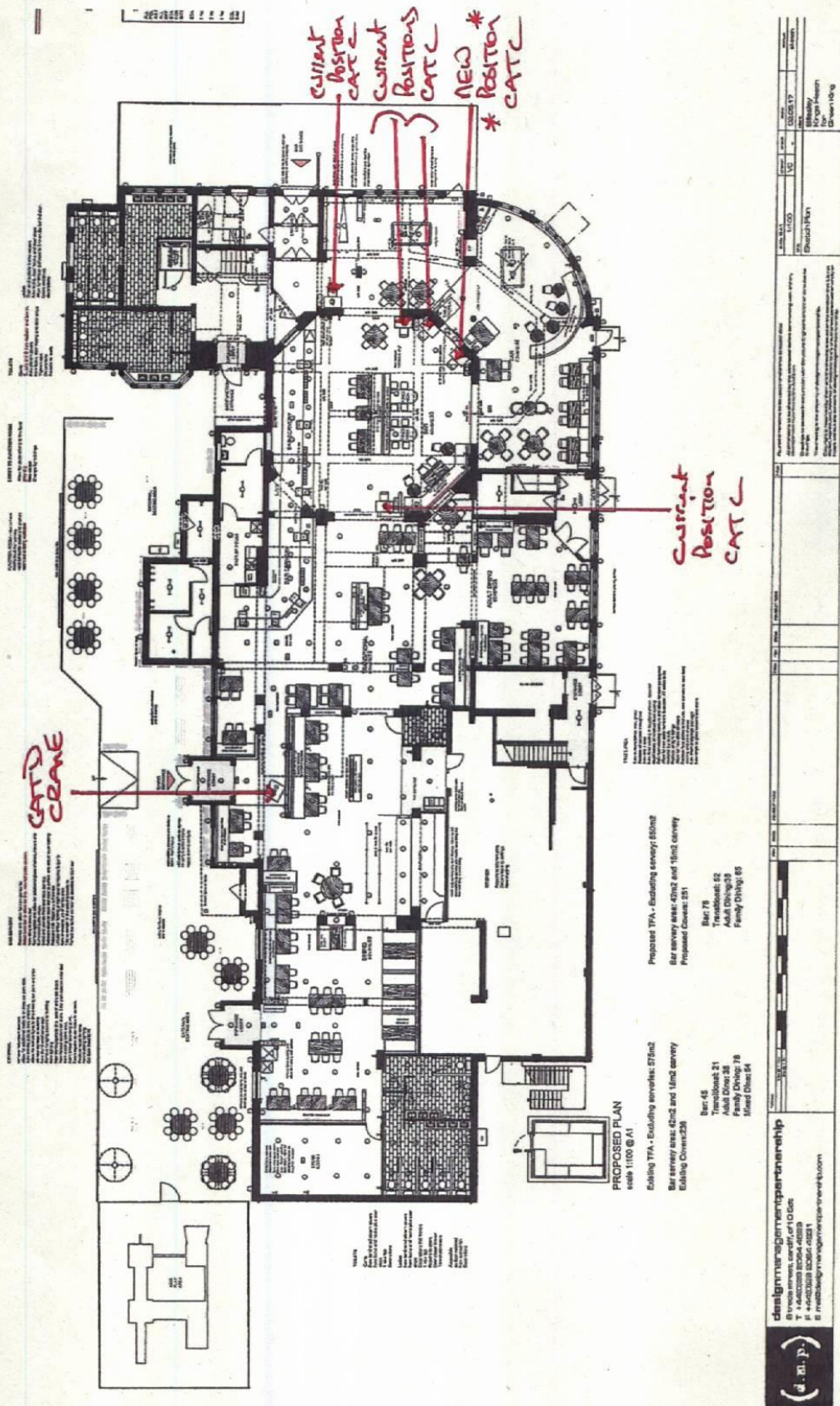
We are fully aware of our responsibilities to adequately supervise all gaming machines and to this effect we have adopted the following procedures:

- All gaming machines are fully supervised by means of either being in line of sight from the bar, being covered by CCTV and by staff frequently being active in the area in which gaming machines are placed.
- All additional Category C & D gaming machines will be supervised by means of the Bar staff in the area & also CCTV.
- All staff have been trained that no person under the age of 18, may play a gaming machine, in the New Billesley we have in place a think 21/ 25 policy. In terms of Cat D permit, this enables all ages to play the toy crane, with no U18 restriction, due to the nature of the machine.
- All staff are trained that if someone who appears under the age of 21 / 25 attempts to play a gaming machine they must be challenged and asked to produce ID. Acceptable ID includes a passport, photo driving licence or PASS card. Anyone who appears under 21 / 25 who cannot produce appropriate ID is prevented from playing on a gaming machine.
- All of the category C gaming machines installed at our premises have clear signage to show they are not to be used by under 18's and also have details of where a customer may get help should they develop a problem with gambling.

To date we have not had an instance of a customer requesting that they are self-excluded from our premises.

Yours Sincerely

Lee Murden  
Senior Machines Manager – Greene King



---

**From:** Sarah Lavender  
**Sent:** 06 June 2019 13:57  
**To:** Licensing  
**Cc:** Arvinder Layal  
**Subject:** RE: RE - GA2005 VARIATION APPN - The Billesley - Brook Lane Kings Heath  
Birmingham B13 0AB

Hi Arvi,

I can confirm that I visited the premises in regards to the previous application on 26/03/19.

The addition of the Cat D children's crane machine is not an issue for Licensing Enforcement.

Kind regards

Sarah Lavender  
Licensing Enforcement Officer

**Regulation and Enforcement  
Licensing Section**  
P.O. Box 17013  
Birmingham  
B6 9ES

"Locally accountable and responsive fair regulation for all achieving a safe, healthy, Clean,  
green and fair trading city for residents, business and visitors"

Web address: [www.birmingham.gov.uk/licensing](http://www.birmingham.gov.uk/licensing) | Twitter: [@BCCLicensing](https://twitter.com/BCCLicensing)

## BIRMINGHAM CITY COUNCIL

This form is prescribed by regulation 4 of the Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007

**Licensed Premises Gaming Machine Permit**

No: 222 / 5

This licensed premises gaming machine permit authorises:

Greene King Brewing and Retailing Limited

to make gaming machines, of the category and number specified below, available for use on the following premises

The Billesley , Brook Lane, Kings Heath, Birmingham , B13 0AB

Number of Category C Gaming Machines authorised by this permit:	4
Number of Category D Gaming Machines authorised by this permit:	1

Date on which this permit takes effect or is renewed:  
02/12/2013

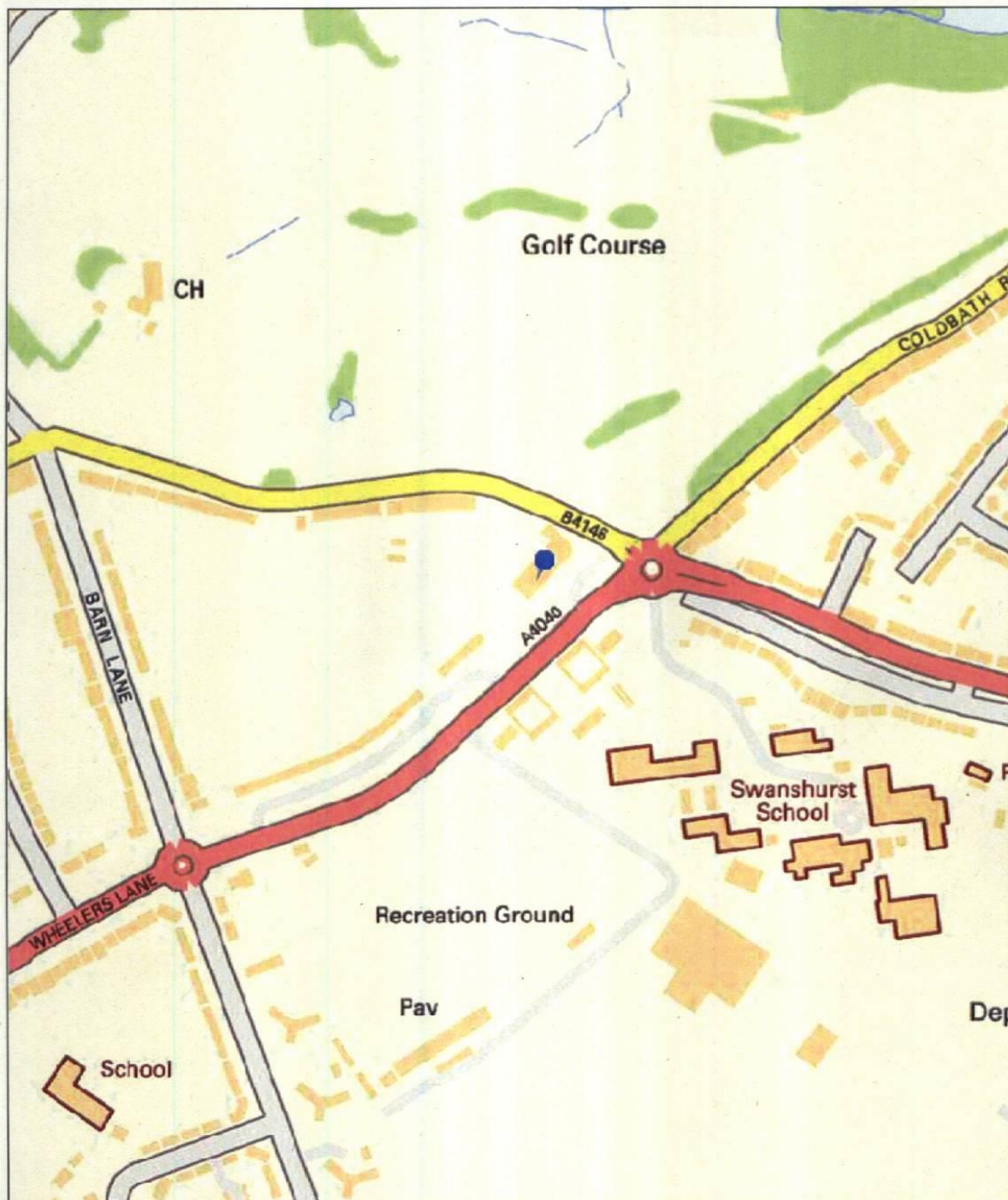
This permit is issued by:  
**Birmingham City Council**  
Licensing Section, Crystal Court, Aston Cross Business Village,  
50 Rocky Lane, Aston, Birmingham, B6 5RQ

Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ

**Gaming Machines (Fruit Machine, Slot Machine) Categories****Summary of gaming machine categories and entitlements**

Category of machine	Maximum stake (from April 2019)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

\* With option of max £20,000 linked progressive jackpot on premises basis only



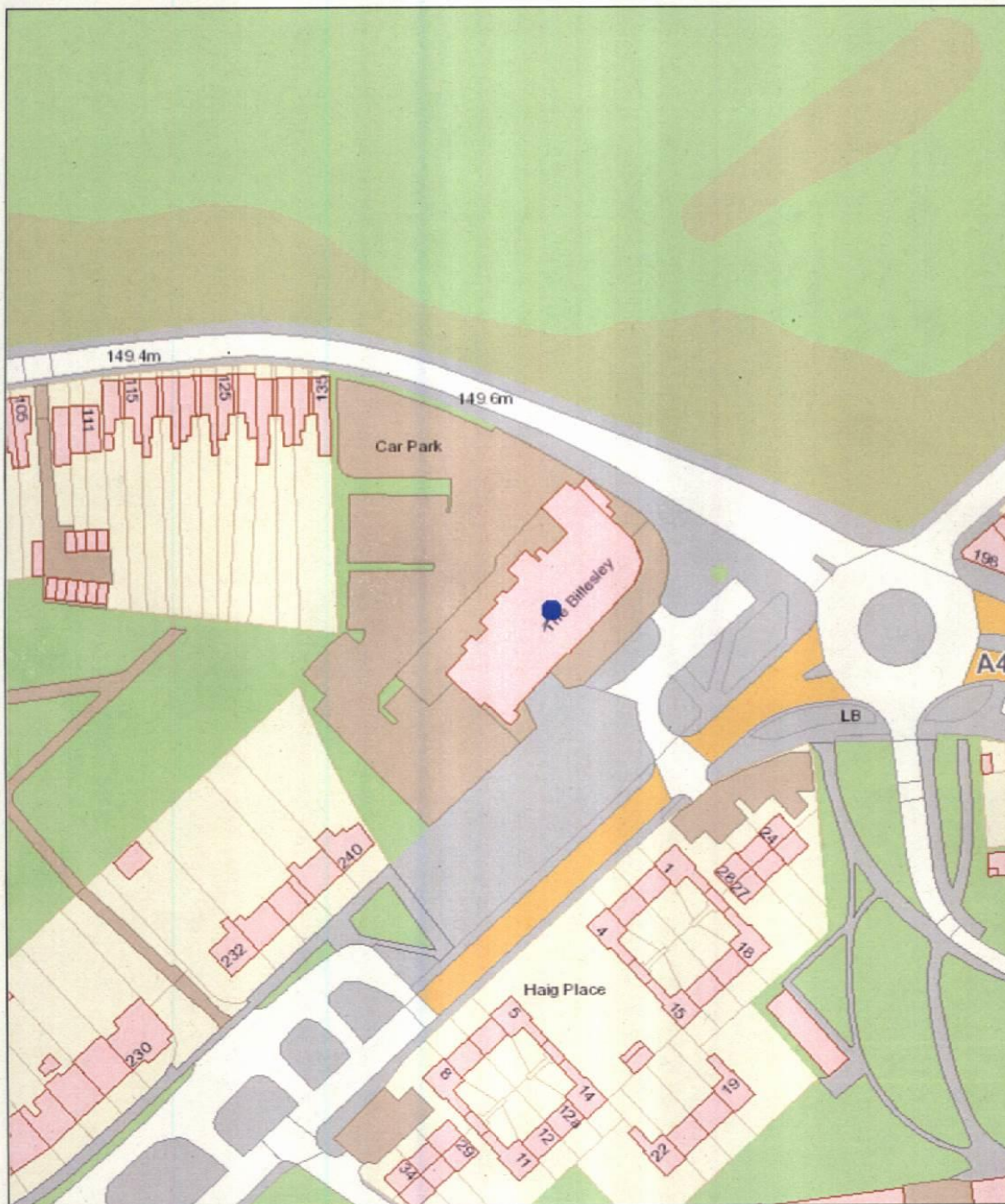
**Birmingham City Council** Map Created By:

Date of Map Creation: 07/05/2019

**Notes**

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Scale:  
1:4,000



Map Created By:

Date of Map Creation: 07/05/2019

Notes



Scale:  
1:1,250

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