

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 01 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 - 20

4 MINUTES

To confirm and sign the Minutes of the meeting held on 15 April 2019.

21 - 64

5 LICENSING ACT 2003 PREMISES LICENCE – REVIEW WHEELER STREET FOODSTORE, 6 – 8 WHEELER STREET, NEWTOWN, BIRMINGHAM, B19 2ER

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

65 - 86

6 LICENSING ACT 2003 TEMPORARY EVENT NOTICE BOTTEGA BIRMINGHAM, UNIT 1 ARENA BIRMINGHAM, KING EDWARDS ROAD, BIRMINGHAM, B1 2AA

Report of the Assistant Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 11:30am.

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

<p>LICENSING SUB – COMMITTEE A 15 APRIL 2019</p>

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD
ON MONDAY 15 APRIL 2019, AT 0930 HOURS, IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp and Martin Straker-Welds.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Sanjeev Bhopal – Legal Services
Katy Townshend – Committee Services

NOTICE OF RECORDING

1/150419 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.

DECLARATIONS OF INTERESTS

2/150419 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 to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/150419 No apologies were submitted.

**LICENSING ACT 2005 PREMISES LICENCE (REVIEW) – STORIES, 30
LADYWELL WALK, BIRMINGHAM, B5 4ST**

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

(See document No. 1)

At 1012 hours the following persons attended the meeting.

On behalf of the Applicant

PC Rohomon – West Midlands Police – WMP
PC Reader – West Midlands Police - WMP

On behalf of the Licence Holder

Jerome Good – Premises Licence Holder/ Director
Ryan Gough – Designated Premises Supervisor - DPS
Sarah Clover – Barrister – Kings Chambers
Carl Moore – Agent

* * *

During introductions the Chair invited all parties to make any preliminary points, at which stage Sarah Clover, on behalf of the premises enquired as to whether the Committee had seen the minor variation. At which stage, Bhapinder Nandhra explained that he had a copy of all the conditions for Members and the Chairman confirmed that the Committee had been informed regarding the matter.

The Licensing Officer, Bhapinder Nandhra gave the copies to Members.

The Chairman continued to outline the procedure to be followed at the hearing.

The Committee Lawyer, Sanjeev Bhopal interjected advising all parties that it may be necessary to announce a summary decision given that there was a second application scheduled for 1100 hours.

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

On behalf of West Midlands Police, PC Reader made the following points:-

- a) That the conditions were the same as the previous SEV, Legs 11.
- b) That they were operating as a nightclub yet the conditions were in relation to a SEV.
- c) That when WMP visited on Boxing Day there were balloons being inhaled. However, the club had not denied it, they said it was the first time it had happened.
- d) The female who was selling the balloons said they were being sold for £5.00 each.
- e) That it was the first time he had witnessed balloons being sold in the premises.

- f) That they carried out another visit, and no balloons were found at all. However, there were issues around door staff portfolios.
- g) That having spoken to Carl Moore, they had discussed conditions; the ones presented today by the PLH were phase 2 as the previous ones were not as thorough. Carl had invited them to comment on the conditions.
- h) That the issue of selling Nitrous Oxide in a premises needed bringing to the attention of the Committee.
- i) That the mark up on Nitrous Oxide was huge, the sale would be illegal as it wouldn't be going through the books.
- j) That they couldn't be sure that the conditions offered would stop the problems occurring again. It was difficult to condition something that should not be happening anyway.

In response to Members questions PC Reader made the following points:-

- a) That they weren't aware of any issues of other drugs at the premises.
- b) That the licensing objectives they were concerned about were crime and disorder and public safety.
- c) That the found incomplete door staff profiles.

The Committee Lawyer asked questions in relation to the premises and in response Sarah Clover, representing the premises advised that she would address it in her presentation.

Sarah Clover, on behalf of the premises, made the following points:-

- a) That the premises licence was held by the company, which had two directors.
- b) That the premises was formerly Legs 11.
- c) That in relation to the premises licence there was no such thing as operating under SEV conditions. The premises needed a premises licence for SEV as they also sold alcohol.
- d) That they had a premises licence like any other premises, in order to sell alcohol.
- e) That the minor variation was seen as a good idea in order to tidy up the licence and make it relevant to Stories.
- f) That there were no issues previously; it was a one off incident.

- g) That there was no context to the sale of the nitrous oxide balloon, no records, and no build up. Just an isolated incident.
- h) That WMP had made an example of it as it was endemic in the Birmingham night life.
- i) That Nitrous Oxide was basically laughing gas which was used in hospitals, and up until recently was legal.
- j) That perhaps with it recently being outlawed, there was a training issue with licensed premises which needed addressing.
- k) That the woman who sold the balloon was not employed by Stories directly.
- l) That the police had access to all CCTV and had carried out further checks; which was confirmation that it was a one off incident.
- m) That the quote in the paperwork made the premises come across as though they knew what they were doing, and they knew it was wrong. But that was not the case.
- n) That training was an issue.
- o) That the key members of staff had been on an awareness course.
- p) That the woman who sold the balloon had only been in the club 20 minutes.
- q) That it was transgression without consequences on this occasion.
- r) That the incident happened in December 2018, yet the police didn't bring the licence up for review until February 2019, so did not regard it as an urgent matter.
- s) That there was no indication from police that they wanted the premises to stop trading.
- t) That the other issues were SIA door staff profiles, which were completely unrelated and didn't occur on the same date. It was a different police visit.
- u) That the door staff profiles weren't comprehensive enough. There was no suggestion that certain members of staff shouldn't have been there or that they had done anything wrong, it was a strict compliance issue.
- v) That the management was having issues with the door security firm who were reluctant to hand over management files as they felt it breached their data protection act; that was the issue. The minor variation has a conditions regarding the records.
- w) That they had improved systems, drugs policies and protocols.

- x) That the variation would provide a new licence with conditions to match.
- y) That there was some tweaking and tidying up to do with the conditions, but they were the best policies that Carl Moore had assisted with.
- z) That the premises were keen to upgrade the licence and make it fit for the operation.
- aa) That the police had nothing further to bring before the Committee, and both of the issues raised dated back to February.
- bb) That WMP needed to bring the matter before the Committee due to the severity of it, and said they weren't sure conditions would stop it however, it had already stopped at Stories and that was evidential.
- cc) That the Section 182 Guidance was clear; the Committee should look to the police for advice, yet the police were saying they didn't know, they were not really asking the Committee to do anything.
- dd) That WMP had provided no feedback on the application and any absent conditions could have been highlighted by them.
- ee) That the review process was a last alternative in order for the committee to impose measures.
- ff) That the Public Health representation (they did not attend the hearing, but made a written representation which was included in the agenda pack) was basically a repeat of the police's representation and it was misguided – it included alcohol statistics and the illegality of drugs.
- gg) That their contention to the Committee was that everything had already been put in place and that was encapsulated in the variation. That if the Committee thought anything else needed to be added, they could take that step.
- hh) Sarah Clover queried whether the police had any conditions to add.

PC Reader advised that the conditions were the ones Carl Moore would normally submit, however, they could not understand why they didn't submit the variation at the time of them taking the premises over in order to operate properly.

PC Rohomon added, that there were two aspects to this, conditions had been offered as an end result; zero tolerance drug policy. However, they had not really explained why they had been selling balloons that night, they just said someone came in and was selling it – it was nothing to do with the management.

The Chairman addressed WMP representatives and explained that they should not be bringing more evidence forward, they had made their presentation and they should have addressed the matters in their presentation.

PC Rohomon explained he was just addressing Sarah Clover's concerns. He reiterated that the fact they didn't object to the conditions was evidence that they accepted them.

Sarah Clover advised that it would have been helpful for WMP to email them to explain that.

Sarah Clover highlighted the following conditions for Members attention:-

- That when using a new promoter the police will be informed.
- They will have a zero tolerance drugs policy. (A double page on nitrous Oxide)
- High risk events will give WMP power of veto.

In answer to Members question Sarah Clover, made the following points:-

- a) That Nitrous Oxide was called "laughing gas" – it made people silly and giggly. However, it had health risks. The premises weren't aware that they were contravening any law and as soon as they knew they stopped.
- b) That they stopped on the night the police visited, as soon as the police pointed it out.
- c) That the issue with SIA door staff was just missing date of birth's and addresses. The company had concerns about handing out that information as they were data controllers and were concerned it would put them in breach of their GDPR requirements. That had now been sorted.
- d) That there were no issues with the door staff not doing what they should have been.

Mr Jerome Good explained that they had switched to a new door company and were having difficulty getting all the information. The issue of the balloons being sold in the venue was only for about 20 minutes, once it was brought to their attention they stopped immediately. They wanted to make the venue the best it could be. There were issues, but they wanted to do everything to the highest standard.

Mr Ryan Gough confirmed that all the door staff were signed in and had their badges; it was just an issue with the holding of personal data.

Sarah Clover further confirmed that the members of staff were signed in and management knew their details it was just not written down, but the conditions required it to be written down however, they couldn't do that because the door company wouldn't let them.

Additionally, Sarah Clover advised that the Nitrous Oxide balloons were a fashionable drug at the moment and the premises appreciated it was wrong as they didn't realise it was illegal. The reason they didn't put these conditions forward when they took over the licence was because Carl and the PLH were

discussing them, and they could run the premises anyway they wanted and were complying with the licence as it was; there was no reason to make a variation. That the premises should have been aware that Nitrous Oxide was illegal, however, they now had training in place to address it.

Mr Jerome Good confirmed that now it had been brought to their attention they were aware. He apologised to the Committee.

Mr Jerome Good outlined his previous work history/experience for Members which included:-

- Running an alcohol distribution company

Mr Jerome Good confirmed that the balloon incident only happened for 20 minutes and had never happened before.

In summing up PC Reader made the following points:-

- That if the conditions were complied with they would promote the licensing objectives. But were the Committee happy that it was the correct resolution.

In summing up Sarah Clover, on behalf of the premises, made the following points:-

- That it was difficult to know what the Committee were supposed to do in order to be fair.
- That she understood the police wanted to raise the profile but was it the right way to do it?
- That she couldn't understand what the police were asking the Committee to do?
- That the conditions they had put forward were good and would promote the licensing objectives.
- That the committee had not been asked to revoke the licence.
- Would the Committee really revoke the licence if they had not been asked to do so?
- That the PLH had taken on board all of WMP's advice.
- That she respectfully asked the Committee to note the variation application.

At 1106 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 1153 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

4/150419 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by New Era Birmingham LTD in respect of **Stories, 30 Ladywell Walk, Birmingham, B5 4ST** upon the application of the Chief Constable of West Midlands Police, this Sub-Committee hereby determines that the premises licence holder be issued with an informal warning with regard to the conduct and operation of the premises licence.

The licence holder is advised that the licensing authority would expect to see continued improvements in the way the premises are managed and run, and were pleased to note that the revised Conditions attached to the Premises Licence, by way of a minor variation application in the week prior to today's meeting, would go some way to addressing its concerns.

The Sub-Committee gave consideration as to whether it could modify the conditions of the licence, remove the Designated Premises Supervisor, suspend the licence for a specified period of not more than 3 months, or revoke the premises licence but was not satisfied given the evidence submitted and the representations made by both West Midlands Police and Public Health Birmingham that it would be appropriate to do so at this time.

Members of the Sub Committee wished to emphasize to the Premises Licence Holder and indeed the current designated premises supervisor, that ignorance was no defence in law in allowing the sale of nitrous oxide balloons at the premises and that as a responsible premises licence holder, there was a responsibility to ensure that the licensing objectives were properly promoted particularly the prevention of crime and disorder and promotion of public safety.

Although it was the designated premises licence holder who had condoned or permitted the sale of these now unlawful substances at the time, the ultimate responsibility for promoting the licensing objectives of course rests with the holder of the licence. The Sub Committee felt compelled to criticise the holder of the licence in not undertaking a review of the premises licence and the conditions set out in the operating schedule prior to the Review application being submitted by the Police given that the premises had been trading since August 2018.

For these reasons the Sub Committee were very close to removing the designated premises supervisor and suspending the premises licence. However, when considering the history of the premises and the representations made on behalf of the holder of licence, and in particular that neither responsible authority had made any representations on the options available to the Committee at the meeting, the Sub Committee concluded that it was appropriate to issue this warning instead.

The Sub Committee also requested that a copy of this Decision Notice should be passed to officers in the Council's Licensing Enforcement section given the

Police's concerns about the sale of unlawful substances and compliance with the conditions of the premises licence at the time.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the Applicant, the premises licence holder and their legal adviser.

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

The 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 the decision is appealed against, until the appeal is disposed of.

**LICENSING ACT 2005 PREMISES LICENCE (GRANT) – WAREHOUSE CAFÉ
BAR, 55-57 ALLISON STREET, DIGBETH, BIRMINGHAM, B5 5TH**

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

(See document No. 1)

At 1012 hours the following persons attended the meeting.

On behalf of the Applicant

Emmanuel Blondel – Director

Those making representations

Brian Mullen – Allison House Hostel

* * *

During introductions the Chair asked if anyone wished to withdraw their representations.

Those making representations confirmed they did not wish to withdraw.

The Chairman continued to outline the procedure to be followed at the hearing.

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

Mr Emmanuel Blondel made the following points:-

- a) That he would be the Designated Premises Supervisor (DPS)
- b) That the application was about changing the use of the Warehouse Café, from a vegetarian restaurant, it would still be a vegetarian space, but more about the events they would put on. They want a social space for; community club, workshops, dances.
- c) That the use of the alcohol licence was not to become a big nightclub.
- d) That he was new to the area and was not aware of the hostel two doors down; as soon as he was made aware he pulled the hours back.
- e) That in terms of public nuisance, the building had a full interior. The café was on the inside of the building and the windows were well insulated, windows would be closed.
- f) That he had met Brian a few times and had now agreed on most things. They had agreed to use the other exit, which was further away from the hostel. They would have signs up asking people to be quiet and respect the neighbours. They would also lock the door to Allison's Street at 2100 hours. It was really important to them not to cause nuisance for the hostel.
- g) That he hoped they would reduce the problems in the area. He didn't want people in the garden causing havoc.
- h) That they wanted to promote relationships with neighbours and wanted the café to be a place for people to go and feel safe, chat and have a few drinks.
- i) That he was the director; it was a workers club with 10 members.
- j) That they would do daily litter patrols. No deliveries before 0800 hours, however, they would have bread deliveries before then, but he had spoken to Brian about that.
- k) That after talking with Brian who initially didn't want the licence to go past 2300 hours, he was now happy with 0000 midnight on Friday and Saturday nights. They also wouldn't have deliveries after 1800 hours.
- l) That he hoped that he had a good relationship with Brian and they had got on well so far.
- m) That one of his parents was an alcoholic, so he took alcohol very seriously. They would be having monthly "dry days" to encourage people who have alcohol problems to use the café.
- n) He really wanted to hold events for the community.

In answer to Members questions Emmanuel Blondel, made the following points:-

- a) That events would be booked in advance, however the café would be open even without events. It could seat 60 people maximum, however, they usually only had 45.
- b) That the alcohol licence was only for the one floor.

Bhapinder Nandhra, Licensing Officer confirmed that he had a licensable area highlighted upstairs also.

Mr Emmanuel Blondel explained that he was sure he had taken it out.

Licensing Officer confirmed that it was still in the application.

Mr Emmanuel Blondel confirmed that alcohol would not be sold upstairs.

Mr Emmanuel Blondel continued:-

- a) That the garden was not their land.
- b) That the windows would not be open, or the doors. However, during the summer they may have them open, but they had agreed a condition to have them closed from 2100 hours.
- c) That all the electronic locks on doors unlocked in case of a fire alarm.
- d) That they had done tests with Brian in relation to music and worked out where best to have the music system.
- e) That they wouldn't be having a professional noise test done.

Mr Brian Mullen made the following points:-

- a) That there were 26 residents in the hostel and also terraced houses close by.

Mr Emmanuel Blondel continued:-

- a) That the smoking area was in the street.
- b) That they would put a doorman on if they had to.
- c) That they didn't have specific parking, but there was some parking next to the building and 4 other large carparks within walking distance.
- d) That the communal gardens were locked 99% of the time. They grow fruit and vegetables; it had been there for 20 years.
- e) That he felt uncomfortable with the upstairs area selling alcohol, he thought it may be better to remove it. However, he would be the DPS for upstairs also and it would be his responsibility.

- f) That the TENs went really well. They finished at 2300 hours and the only issue was people smoking and drinking out the front, but they had now put signs up.
- g) That he would prefer not to have a noise limiter but if it had to happen he would do it.
- h) That during the noise tests, Brian couldn't hear it.
- i) That he didn't want to disturb people and welcomed any conditions.
- j) That he was aware of the licensing objectives and wanted to make the café a child friendly area.
- k) That in terms of safeguarding children he took it seriously.

At 1323 the Committee Lawyer requested an adjournment which the Chair granted. All parties with the exception of the Members, Committee Lawyer and Committee Manager withdrew from the meeting.

At 1333 after a short adjournment to seek legal advice, all parties were invited to re-join the meeting.

The Committee lawyer advised that the applicant needed to make it explicitly clear which conditions he didn't agree with.

Mr Emmanuel Blondel confirmed that the hours would be 12-12midnight Friday and Saturday. That no deliveries before 0800 hours he could agree to apart from bread. Then all doors and windows to be closed, should read after 2100 hours. He wanted to be able to sell cans for people to take home and also did not want a noise limiter.

Mr Brian Mullen made the following points:-

- a) That he was a support worker at the hostel which been there 40 years. The hostel was mainly occupied by males over 50yo and majority of them were homeless people in crisis.
- b) The hostel had a no drinking policy.
- c) The residents had a wide range of problems and were particularly vulnerable. The residents could become expensive if they went into crisis as they present to A&E, social services, police.
- d) That the hostel was running well but they needed support to remain that way.
- e) That the main concern was the licensing application until 0200 hours, the whole back of the property is affected by noise from the Warehouse Café.

- f) They had a good relationship with the premises.
- g) That the area they were situated usually went quite around 2100 hours.
- h) That they were concerned if their residents were affected by noise, they then struggled to sleep and could then go into crisis.
- i) That the major issue was noise.
- j) That there was an issue with noise outside the property with people drinking and smoking however; they had moved the smoking area.
- k) That Hennessey's had a noise limiter.
- l) That he thought the premises should have the same as other local venues, and was not asking for anything further.
- m) That certainly the Warehouse Café had changed and he could not be sure what it would turn into in the future. However, he did know that with doors and windows open they would be affected by noise.
- n) That if 60 people were in the venue that would generate a lot of noise and they were only 10 meters away.
- o) They had ex-offenders residing with them and could not be sure how they would react to noise nuisance.
- p) That depending on what events they put on it could add to Cumulative Impact Zone, unless they operated effectively. It would have a weekly impact.
- q) That he wanted the first floor activity taken out.
- r) That there was concern over food and beverages been given outside.
- s) That they would expect the doors and windows to be closed if they were having regulated entertainment.
- t) That with regard to the noise limiter, he was happy to wait until there was a problem and then he would be on the phone.
- u) That he had a working relationship with Emmanuel.
- v) That he was happy with the bread delivery being before 0800 hours.
- w) That live music was an issue as they had not tested that yet.
- x) That the café's alcohol would be too expensive for their residents.
- y) That windows needed to be double glazed.

Emmanuel confirmed that the windows were double glazed, but could not be fully sound proof – they were “about as good as you get”.

Mr Brian Mullen explained that if they opened the windows effectively the whole front of the café would be open, and they would complain if they heard noise.

In summing up Mr Brian Mullen made the following points:-

- That they just wanted to work in collaboration with the premises and he hoped noise issues would be addressed and they could move forward.
- That his primary concern was late night events and drinking outside, which would threaten the residents of the hostel.

In summing up Mr Emmanuel Blondel made the following points:-

- That he was glad Brian came to the hearing so they could have further discussions.
- That the kind of events they were holding could be conditioned, 99% of the events they hold will not be an issue.
- That he welcomed conditions to stop spill out into the street.
- That he had TENs and had tested the noise.
- That he welcomed conditions regarding windows and doors being shut beyond 2100 hours.
- That he worried people thought the premises was going to be a bar, and hold parties but they actually just wanted a safe space to gather, read books and spend little money.
- That he felt bad when he found out about the hostel being two doors down.
- That he was happy to have the first floor removed from the application.

At 1405 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 1457 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

5/150419

RESOLVED:-

The revised application as presented at the meeting of Sub Committee, removing the first floor area of the premises from within the scope of the licensable

activities BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS to promote the prevention of public nuisance objective in the Act.

Agreed or Modified Conditions

Those matters agreed by the Applicant and those making representations will form part of the Premises Licence save for the following which have been modified by the Sub Committee:-

- All doors and windows save for access and egress will be closed after 2100 hours.
- The revised operating hours as sought by the applicant will be granted, namely Sunday to Thursday 1200 to 2300 hours; and Friday to Saturday 1200 to 0000 (midnight) hours.
- The consumption of alcohol is not a licensable activity and the Sub Committee are not permitted to condition this as part of the application determination. However, the Premises Licence holder is encouraged to ensure that any noise or public nuisance caused as a result of the consumption of alcohol purchased at the premises, taking place off the premises, is minimised as a result of the regularly monitoring noise outside the venue.
- Deliveries will be permitted to the premises before 0800 hours but only in so far as they relate to non-alcohol items, such as bread, food etc,. The restriction in respect of deliveries at the premises after 1800 hours will however apply.

In addition to the above, the following agreed/modified will also be included within the operating schedule on the licence:

- The premises licence holder will display clear legible notices at all exits/entrances to the premises requesting patrons to consider the needs of local residents and to leave the premises and area quietly.
- The premises licence holder will display notices requesting that patrons respect nearby residents and keep noise levels to a minimum.
- That the licence holder/designated premises supervisor ensures that daily litter patrols to clear litter emanating from the premises from all external areas are undertaken and that external litter bins are provided.
- That bottle bins are not to be emptied at the premises after 2100 hours and before 0800 hours.
- Access/egress to the premises should be limited to Shaws Passage after 2100 hours, save for any emergency access/egress.

- Patrons leaving or arriving at the premises by taxi should use the entrance/ exit located at Shaws Passage and clear signage will be displayed at the premises to this effect.

Advisory Note

The applicant is encouraged to contact Environmental Health, Birmingham City Council in order to determine whether the measures now agreed with those making representations are sufficient in order to address the potential for noise or public nuisance, but if not, what measures would be needed to address these concerns, in particular the need for noise limiting device.

At present, and in the absence of a representation from Environmental Health, the Sub Committee was not persuaded on the balance of probabilities that any such device was needed at the time of granting the licence. However, given the proximity of a nearby residential hostel, housing vulnerable adults with varying medical issues, it was felt by the Sub-Committee that the applicant as a responsible premises licence holder would heed this advice.

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

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

The Sub-Committee noted that a Cumulative Impact Policy is in force for the Digbeth area, the effect of which is to create a rebuttable presumption that applications will normally be refused unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives being experienced.

The premises are located within the area covered by the policy. Having considered the application and the evidence submitted, the Sub-Committee was not convinced that there was an evidential and causal link between the representations made by the interested parties and the effect on the licensing objectives.

The Sub-Committee noted particularly that no representations had been made by the Responsible Authorities. The Sub-Committee as a consequence is satisfied that the premises will not add to the cumulative impact on the licensing objectives.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy including the Cumulative Impact Policy in force for the Digbeth area, the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office, the information in the application, the written representations received and the submissions made at the hearing by the applicant 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.

6/150419 **OTHER URGENT BUSINESS**

There were no matters of urgent business.

Meeting ended at 1505.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	Licensing Sub Committee A
Report of:	Assistant Director of Regulation & Enforcement
Date of Meeting:	Monday 1st July 2019
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Wheeler Street Foodstore, 6 – 8 Wheeler Street, Newtown, Birmingham, B19 2ER
Ward affected:	Newtown
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider an application to review a Premises Licence.

2. Recommendation:

To consider and determine the review application.

3. Brief Summary of Report:

Review application received on 15th May 2019 from West Midlands Police in respect of Wheeler Street Foodstore, 6 – 8 Wheeler Street, Newtown, Birmingham, B19 2ER.

No additional representations have been received from representatives of other responsible authorities or 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.

5. Relevant background/chronology of key events:

The Chief Constable of West Midlands Police applied on 15th May 2019 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Wheeler Street Foodstore, 6 – 8 Wheeler Street, Newtown, Birmingham, B19 2ER.

No additional representations have been received from representatives of other responsible authorities or other persons.

Review application is attached, see Appendix 1.

The Premises Licence is attached at Appendix 2.

Site location plans are attached at Appendix 3.

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

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

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

6. List of background documents:

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

7. Options available

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

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

Birmingham City Council, PO Box 17013, Birmingham, B6 9ES

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I The Chief Constable of West Midlands Police

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
6 – 8 Wheeler Street, Newtown	
Post town – Birmingham	Post code (if known) B19 2ER
Name of premises licence holder or club holding club premises certificate (if known)	
Mr Dharminder Gulati	
Number of premises licence or club premises certificate (if known)	
2294	

Part 2 – Applicant details

I am

Please tick ✓ yes

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

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

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

BCC
REGULATION & ENFORCEMENT
LICENSING SECTION
DATE RECEIVED
1 13 JUL 2009
REF NO _____
INITIALS _____

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Chief Constable of West Midlands Police Birmingham Licensing Section West Midlands Police HQ Lloyd House Birmingham B4 6NQ
Telephone number (if any)
E-mail address (optional)

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

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

Please tick one or more boxes ✓

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

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

- Premises not promoting the licensing objectives of the prevention of crime and disorder, public nuisance and public safety.

Please provide as much information as possible to support the application (please read guidance note 3)

- The premise is a convenience store that is situated within a small precinct of other retail units located on Wheeler Street, Newtown Birmingham.
- The shop benefits from a premises licence which allows it serve alcohol from 07.00 to 22.00 on Monday to Saturday and 0800 to 22.00 on Sundays.
- The premises licence holder (PLH) Dharminder Gulati is also the Designated Premises Supervisor (DPS) at the shop.
- On 4th April 2019 at approximately 10.00 West Midlands Police Licensing officers (PC 1978 Walker and 55410 Jones) made a joint visit to the premises along with Birmingham City Council Licensing Enforcement, as they had received a complaint about the shop selling illicit alcohol & cigarettes and severing street drinkers.
- On arrival two men were seen standing outside the shop drinking high strength alcohol out of cans.
- The DPS was not present at the premises and a sole member of staff had been left in charge. The reason for the visit was explained to the member of staff and he gave his permission for officers to look around the premises and check for any breaches of the premises licence conditions or licensing objectives.
- The member of staff telephoned the DPS and PLH who was spoken to by PC 1978 Walker.

- 55410 Jones went behind the till point and immediately noticed in the bottom left hand corner of the till point 5 bottles of spirits all of which had security tags attached. One of the bottles still had kitchen foil wrapped around the tag. (this is a method commonly used by shop thieves to evade the electronic detection of the security barriers at the exit doors, as the foil nullifies the signal and therefore the security alarm does not activate on exit.)
- On further inspection behind till point, in a drawer just the right and below the actual till 55410 Jones found boxes and sleeves of illicit cigarettes a total of 188 packets, which had no visible 'English' writing or medical warnings on the packets. All the cigarettes found had an unknown 'foreign' language on the boxes.
- PC Walker informed the DPS / PLH Mr Dharminder Gulati via telephone of what had found and that he suspected the bottles of spirits with the security tags on were stolen and also that he suspected that the premises had been selling illicit cigarettes.
- PC Walker informed Mr Gulati that he was seizing the goods and arranged a date for him to be spoken with at Lloyd House - Police Head Quarters.
- The intelligence given to BCC Licensing enforcement (which was the reason for the visit) appears to be totally correct due to what was found and seen at the premises.
- On Tuesday the 9th April 2019 Mr Gulati attended Police Headquarters, Lloyd House and spoke with licensing officers.
- He stated, the member of staff in the shop on the morning of the visit had purchased the bottles of alcohol knowing they were stolen. Due to the staff member being family he chose not to remove him from employment at the shop.
- Mr Gulati stated, the 188 packets of cigarettes were given to him by a tenant above his shop before moving back home overseas.
- West Midlands Police requested the CCTV footage from Mr Gulati with him saying he would get it downloaded and sent to us.
- West Midlands Police licensing heard nothing from Mr Gulati until the week commencing the 22nd April 2019 when we received a letter from Mr Gulati stating that there was no CCTV available due to a fault with his recording system.
- West Midlands Police have no confidence in Mr Gulati and also his explanation for why the illicit cigarettes and stolen alcohol was found in his shop.

Have you made an application for review relating to the premises before

Please tick ✓ yes

☐

If yes please state the date of that application

Day Month Year

1	2	3	4	5	6	7	8	9	10	11	12
---	---	---	---	---	---	---	---	---	----	----	----

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

N/A

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature

[Handwritten signature]

Date

15/5/19

Capacity

*CHIEF SUPERINTENDENT FOR LOCAL POLICING IN
BIRMINGHAM WEST AND CENTRAL ON BEHALF OF CHIEF
CONSTABLE*

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Birmingham Licensing Section West Midlands Police HQ Lloyd House B4 6NQ	
Post town Birmingham	Post Code B4 6NQ
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) -	

Notes for Guidance

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

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

2294 / 4

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Wheeler Street Foodstore 6-8 Wheeler Street Newtown	
Post town:	Post Code:
Birmingham	B19 2ER
Telephone Number:	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
M2 Sale of alcohol by retail (off the premises)

The times the licence authorises the carrying out of licensable activities			
Monday - Saturday	07:00	-	22:00 M2
Sunday	08:00	-	22:00 M2

The opening hours of the premises			
Monday - Saturday	07:00	-	22:00
Sunday	08:00	-	22:00

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

BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Dharminster Singh Gulati	
Post town:	Post Code:
Telephone Number:	
Email	

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

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Dharminster Singh Gulati	
Post town:	Post Code:
Telephone Number:	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number WN/PER 3157	Issuing Authority WOLVERHAMPTON CITY COUNCIL

Dated 20/10/2017

SHAIY 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.

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.

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

The licence holder will ensure that CCTV cameras are installed and maintained on the premises.

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

The licence holder will take appropriate measures to ensure there is security on the premises.

The licence holder will take appropriate measures to monitor customer behaviour and refuse to sell alcohol to persons who are intoxicated.

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

No enforceable conditions identified from operating schedule.

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

The licence holder will take appropriate measures to ensure that a record will be kept of all attempted purchases of alcohol by persons under 18 years old.

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

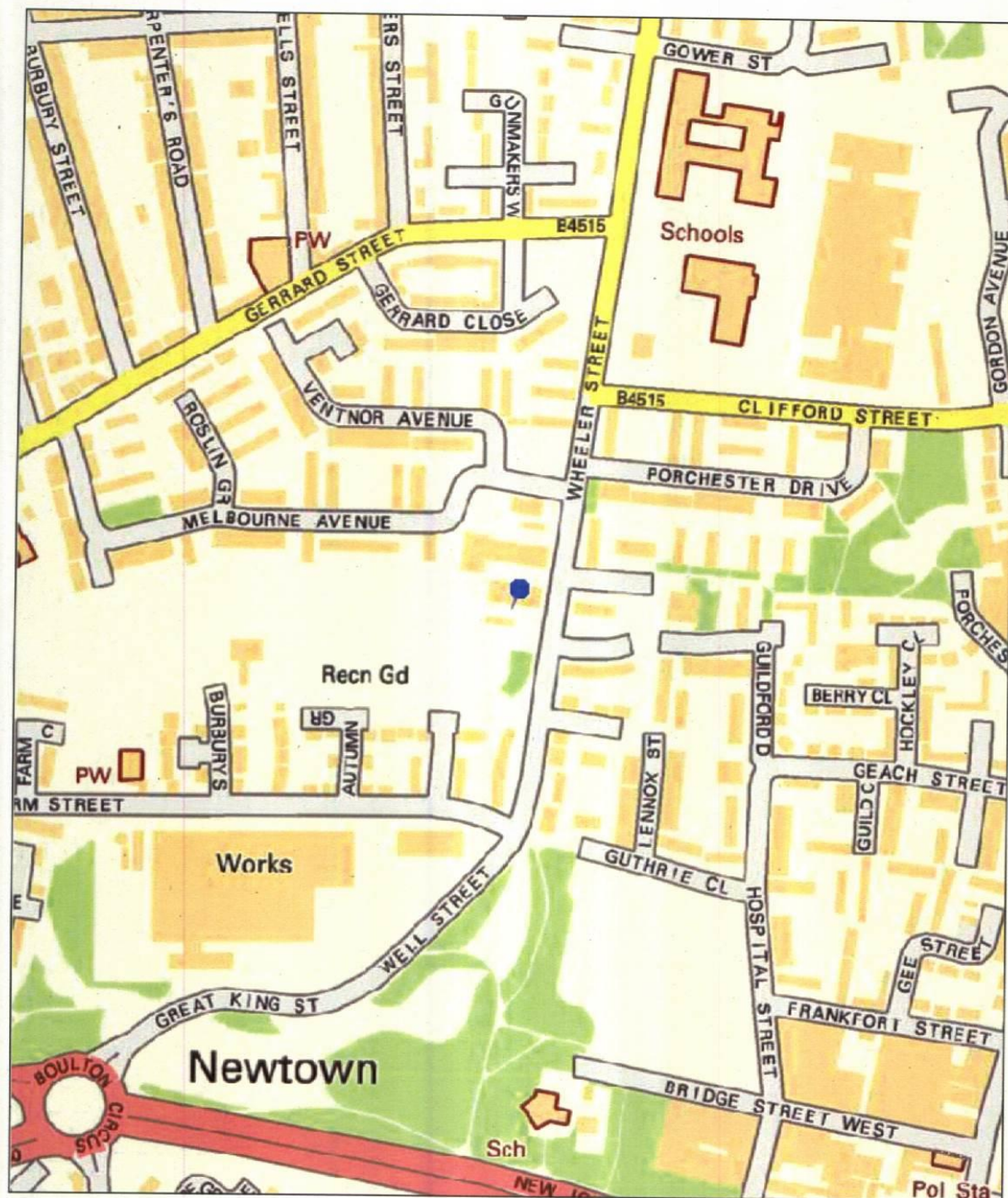
3e) Committee conditions to promote the protection of children from harm

N/A

BIRMINGHAM CITY COUNCIL

Annex 4 – Plans

The plan of the premises with reference number **102788-2294/4** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



Birmingham City Council

Map Created By:

Date of Map Creation: 11/06/2019

Notes



Scale:
1:4,000

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Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 11/06/2019



Scale:
1:1,250

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GENERAL

Training in relation to Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers, incident records and all other conditions on the Premises Licence must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale or supply of alcohol and at least every six months thereafter.

Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.

Documented training records must be kept at the Premises and made available to an officer of a responsible authority on request.

THE PREVENTION OF CRIME AND DISORDER

CCTV

A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.

- The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
- CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
- Cameras will encompass all ingress and egress to the premises, the immediate area outside the frontage of the premises and all areas where the sale/supply of alcohol occurs.
- The system will record and retain CCTV footage for a minimum of 31 days
- The system will record at all times when the premises are open.
- The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
- The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
- There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
- CCTV footage must be made available to be viewed by an officer of a responsible authority during an inspection of or visit to the Premises.

-Upon receipt of a request for a copy of CCTV footage from any officer of a responsible authority, the premises will produce that footage within 24 hours.

An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:

- Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
- All crimes reported to the venue
- Any faults in the CCTV system, searching equipment or scanning equipment
- Any visit by a responsible authority or emergency service
- The incident book must be made available to officers of a responsible authority upon request or during an inspection

A refusals register must be kept at the Premises and maintained up to date at all times recording the date time, type of product refused, reasons for every refusal to sell alcohol to a customer and the name and signature of member of staff refusing the sale. The refusals record must be made available to an officer of a responsible authority upon request.

The Premises Licence Holder or nominated representative shall keep and maintain all right to work documents for all staff members.

Right to work documents shall be kept at the premises and produced to authorised officers of a responsible authority upon request.

PUBLIC SAFETY

The premises shall not sell single cans of any beer or cider with an ABV in excess of 8%.

The Premises will not sell or supply and single cans of lager, beer or cider.

Invoices and receipts must be provided for alcohol purchased by the Premises Licence Holder or the Designated Premises Supervisor or any person authorised to purchase alcohol on their behalf for sale at the Premises. All Invoices and receipts of alcohol purchased for sale at the Premises must be retained at the Premises for a period of at least twelve months from the date of the Invoice or receipt. All invoices and receipts of alcohol purchased for sale at the Premises to be made available to authorised officers of responsible authorities on request or during an inspection.

The Premises Licence Holder shall maintain a list of suppliers it approves alcohol to be purchased from. That list must include the name, address, AWRS number or reason why there is no such number and contact details. That document to be made available to authorised officers of responsible authorities on request or during an inspection

THE PREVENTION OF PUBLIC NUISANCE

Signs shall be placed at all exits asking customers to respect the needs of local residents and requesting that they leave the premises quietly.

THE PROTECTION OF CHILDREN FROM HARM

The premises will adopt the Challenge 25 Scheme with appropriate signage to be placed at the entrance to the premises and adjacent to the counter area.



Supporting Evidence

Wheeler Street Food Store

**Wheeler Street
Newtown
Birmingham
B19 2ER**



WITNESS STATEMENT

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

Statement of: **PC 1978 Deano Walker**

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

Occupation: **Police Licensing Officer**

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: 

Date **18th June 2018**

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

I am PC 1978 Walker of the West Midlands Police currently posted as part of the Birmingham Police Licensing Team at Police Headquarters, Lloyd House as a Licensing Officer. I have carried out the role for the past 9 years taking responsibility for licensable activity within the Birmingham area.

I make this statement in relation to my dealings with premises known as Wheeler Street Food Store, Wheeler Street, Newtown, Birmingham, B19 2ER licence number 2294.

On Thursday the 4th April 2019 at around 1000hrs I attended Wheeler Street Food Store in company with Police Staff Licensing Officer 55410 Christopher Jones and Louise Dale from Birmingham City Council Licensing Enforcement. The visit was carried out following intelligence supplied to the Birmingham Council Enforcement Team. The information was that staff at the store have been supplying illicit cigarettes; alcohol and those local street drinkers were consuming alcohol purchase from the store directly outside.

On arrival at the premises I observed two men stood outside the store drinking cans of high strength lager. We entered the store and established the Designated Premises Supervisor (DPS) and premises licence holder (both know to be Mr Gulati) was not present. A member of staff was standing behind the counter who confirmed he was employed to work at the shop. I identified myself and explained the reason for our visit and wanted to check for any illegal activity taking place at the shop. Licensing Officer Jones requested he check behind the counter and in the store and the staff confirmed he was happy for him to do so.

Licensing Officer Jones walked behind the till point where he located five bottles of spirits beneath the counter unit and they all had security tags attached around the necks the bottles. One of the bottles was found to have silver foil wrapped around the security tag. This is a method commonly used by shop lifters to evade the detection by the electronic security system at the exit doors of shops. The bottles were shown to the shop assistant and asked if aware of the bottles to which he replied he had no knowledge of them.

Licensing Officer Jones continued look behind the counter where in a drawer just below the till he located a large quantity of sealed packets of cigarettes. They all displayed a 'foreign' language written on them and what looked like the health warning picture on the packaging. Again Licensing Officer Jones removed all the cigarettes from the drawer, placed them on the counter and asked the member of staff to explain their presence which again he was unable to do so. These cigarettes were totally separate from those commonly displayed in a UK shop where you would see a large display cabinet, behind the counter and would have doors covering the products.

With this I requested the member of staff to contact the DPS/Licence Holder, via a telephone conversation I informed Mr Gulati why we had initially attended his store and what we found and where. I went onto say to him that I believed the bottles of spirits with the security tags to be stolen; I also believe that the cigarettes found were illicit, they were being sold from his shop and that I was seizing all the items. At this time Mr Gulati did not give an explanation why these items had been found in his store. I informed Mr Gulati that I would contact him in the near future to arrange a time/date for him to attend Lloyd House to discuss what had been found at the store.

Signature:



Page 42 of 86

Signature witnessed by:

Statement of: **PC 1978 Deano Walker**

Mr Gulati attended Lloyd House on Monday 8th April 2019 as arranged and spoke with myself and Licensing Officer Jones. Mr Gulati was asked to explain for the presence and the subsequent seizure illicit cigarettes and suspected stolen alcohol from his shop. He explained that the spirits had been purchased the morning of our visit by the member of staff in the shop. Mr Gulati stated that he too believed the bottles to be stolen, that the member of staff had no responsibility or reason for buying any stock for the premises and should not have purchased them. He also stated that on this occasion he had given the staff member a warning for buying the stolen bottles. Mr Gulati was then asked if he could supply the CCTV from the store to confirm his version of events which he agreed to do at a later date once he returned to the shop. Mr Gulati then went on to explain that the cigarettes were from a previous tenant who had rented the upstairs flat. He stated that the cigarettes were the tenants' but he had returned to Iraq and knowing he couldn't take them with him gave them to him to look after / dispose of.

On or after the 11th April 2019 an envelope was hand delivered to the Police Station at Police Headquarters, Lloyd House. It was addressed to the "Licensing Department" and written on the rear was Mr Gulati full name and the address of his store. Inside the envelope was a hand written letter from Mr Gulati, it said that the CCTV footage from his shop was not recording at the time of our visit or when the stolen alcohol was sold to his shop staff due to an "issue" and wasn't recording. Also in the envelope was a "customer invoice" from a company called Express Alarm, dated the 11th April 2019 showing a charge for callout and to re-set the cameras to record. This invoice does not state what the fault was; it has no contact/engineers name or address for the company, no phone number or a VAT registration number. I have attached a copy of this letter/invoice to the evidence bundle.

The visit we carried out was intelligence based received via Birmingham City Council that the store were selling illicit alcohol, cigarettes and were also selling to local street drinkers who were causing anti-social behaviour. What was found / seen at the store during in this visit appears to confirm the intelligence was correct.

It is an unfortunate coincidence that the CCTV failed to work on the same day that a member of staff who has no responsibility for buying stock for the premises purchased 5 bottles of stolen spirits and at the time denied any knowledge of them.

Mr Galati's explanation for the cigarettes found at the store in my opinion does not stand up to any real scrutiny, especially when you take into account the reason / intelligence that promoted the visit in the first place. The fact that they were found under the sales counter beneath the till would indicate they were available for purchase on request by customers and ease of access for all the staff to locate.

West Midlands Police are not satisfied with any of the explanations Mr Galati has offered the Police to why stolen alcohol and illicit cigarettes were found in his shop. We believe he is in fact attempting to pass the blame onto his staff and relinquish all responsibility for the items being found.

West Midlands Police are satisfied that Mr Galati had full knowledge of all the items found and was selling it as his own stock. This was to make a quick and considerable amount of profit compared to that of legal alcohol and cigarettes.

I have attached recent press reports containing information from experts who deal with the illegal importation of illicit cigarettes which are manufactured across the world. It is evident from these reports that these products are having a detrimental effect on the health of all ages. It is costing the UK economy billions in health care, enforcement and the sale of them go on to fund other criminality around the world.

For all the above reasons West Midlands Police believe that revocation of the licence is the only way forward as we believe that the licence holder (who is also the DPS) is not a responsible person to promote the licensing objectives and to hold this licence.

Signature:



Signature witnessed by:

WITNESS STATEMENT

Crime Number:.....

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

--	--	--	--

Statement of: 55410 Christopher Jones

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Licensing Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:  Date 17th June 2019Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am employed by West Midlands Police as a Licensing Officer currently based as Lloyd House, Colmore Circus Birmingham B4 6NQ working within the Central Licensing Team. This team has responsibility for all licenced premises within the Birmingham City Council area. On Thursday 4th April 2019 at approximately 10.00hrs I conducted a licensing enforcement visit with PC 1978 Walker - West Midlands Police Licensing Officer and Louise Dale - Birmingham City Council Licensing Enforcement Officer to a convenience store located at 6-8 Wheeler Street Newtown Birmingham B19 2ER. The store has a premises licence to sell alcohol number 2294 The visit was as a direct result of the council receiving a complaint from a member of the public stating that the store was selling illicit alcohol and cigarettes, also selling alcohol to local street drinkers.

On arrival at the premises there were 2 men standing outside the store drinking cans of high strength lager. We entered the store and established the DPS and premises licence holder (Mr Gulati) was not present. There was a member of staff standing behind the counter who had been left in charge. The reason for the visit was explained to the member of staff and he gave permission to look around the premises and check for any breaches of the premises licence or licensing objectives.

The member of staff telephoned Mr Gulati and PC Walker spoke with him. I walked behind the till point and immediately noticed 5 bottles of spirits in the bottom left of the counter unit all with security tags attached around the neck of all the bottles. On one of the bottles there was still silver foil wrapped around the security tag. This is a method commonly used by shop thieves to evade the detection by the electronic security system at the exit doors of shops, as the foil cuts the signal from the tag stopping the alarm activating. I removed the bottles and placed them on top of the counter. I asked the member of staff to explain the presence of the bottles and he said he didn't know anything about them.

Signature 

Signature witnessed by:

I carried on looking behind the till point and found a drawer just below the till which was full of packets of cigarettes which had a 'foreign' language written on them, which looked like the health warning writing.

I removed all the cigarettes from the drawer and placed them on the counter. Again I asked the member of staff to explain the presence of the cigarettes and again he said he didn't know.

With this PC Walker asked the member of staff to ring Mr Gulati and PC Walker informed him of what had been found at the store, the fact that we believed the bottles of spirits with the security tags on were stolen and that the store was selling illicit cigarettes. PC Walker informed Mr Gulati that he was seizing the spirits and cigarettes. PC Walker arranged a time and date for Mr Gulati to attend Lloyd House to discuss what had been found at the store.

Mr Gulati attended Lloyd House on 8th April as arranged and spoke with myself and PC Walker. Mr Gulati was asked to explain the seized spirits and cigarettes. He explained that the spirits had been purchased on the morning of our visit by the member of staff in the shop. Mr Gulati stated that he believed that the bottles had been stolen, but the member of staff had no responsibility for buying stock for the premises and should not have purchased them. He also stated that he had given the member of staff a warning for buying the bottles. Mr Gulati was asked to supply the CCTV from the store to confirm his version of events which he agreed to do.

Mr Gulati then went on to explain that the cigarettes were from a previous tenant who had rented the upstairs flat. He stated that the cigarettes were the tenants' but he had returned to Iraq and knowing he couldn't take them with him gave them to him to look after / dispose of.

The requested CCTV has not been supplied by Mr Gulati who has since stated that the system was faulty and therefore not recording.

The whole reason for the visit was intelligence received that the store were selling illicit alcohol, cigarettes and serving street drinkers. What was found / seen at the store during the visit appears to back up the intelligence. It is an unfortunate coincidence that the CCTV failed to work on the same day that a member of staff who has no responsibility for buying stock for the premises purchased 5 bottles of stolen spirits, who at the time denied any knowledge of them.

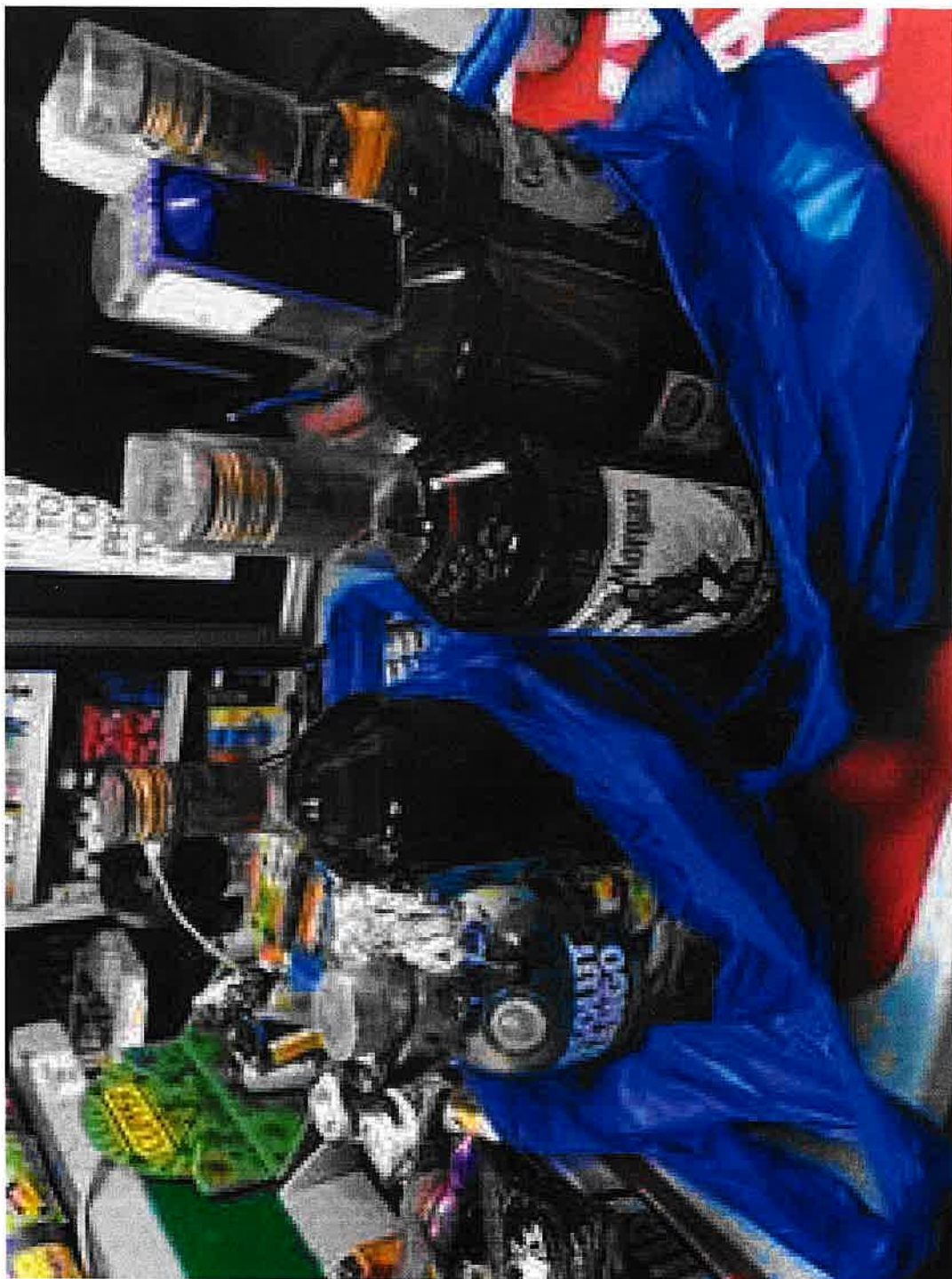
Mr Gulati's explanation for the cigarettes found at the store in my opinion does not stand up to any real scrutiny, especially when you take into account the reason / intelligence that promoted the visit in the first place. The fact that they were found under the sales counter under the till which would indicate they were available for purchase on request of customers and ease of access for the staff to locate.

Signature:

Signature witnessed by:




Alcohol found and seized



Cigarettes were found in the white cupboard to the right



Type of cigarettes found





Deans
To, Licencing Department.

Mr. Dharwinder Singh
68. Wheeler St.
Newtown
BR. 26

Wheeler Food Store
6-8 Wheeler St,
Newtown
Blg 2ER.

Owner - Dharminder Singh Gulati

Further to your inspection 4th April morning
you requested for CCTV footage during the
meeting, Unfortunately CCTV of mine had
an issue and was not recording.

Please find Service report, repair
invoice from Company.

Thanks

Dharminder Singh Gulati

Thursday, 11th April 2019

Lifestyle Express
6-8 Wheeler Street
Newtown
B19 2ER

- Call out charge
- Checked recorder and set the cameras to record

Total cost: £40.00-



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Warning to shops as illegal tobacco drive is launched



ROGUE shopkeepers who are tempted to sell illegal tobacco are being warned they could face more than a fine but could lose their livelihood.

Crooked store owners who sell smuggled or fake tobacco could not only lose their alcohol licence but face huge tax bills from HMRC and closure orders from local authorities or the police for causing a commercial and a health nuisance.

Figures show that rogue shops are an increasing problem for illegal tobacco sales in the North East. In 2009, shops were the main source for 1 in 20 (4%) illegal tobacco buyers – but in 2017 were the main source for one in four illicit buyers (23%). Private addresses, or tab houses, were still the main source for 46% of illegal tobacco buyers.

In Newcastle, an offending mini-market was made to pay a fine of bill of more than £1m after a series of seizures by HMRC and Trading Standards. And in County Durham, a store was this month shut down for three months having been linked to the supply of illegal cigarettes and tobacco.

Fresh is launching its Keep It Out campaign to encourage people in local communities to report sales of illegal tobacco which helps get children hooked on smoking. All people need to do is visit keep-it-out.co.uk/ to report local sales to trading standards with full anonymity.

More and more people have been reporting illegal tobacco confidentially since the Keep It Out website was relaunched last October. The website has had over 540 pieces of information about illegal tobacco from the North East and over 1600 from around the country.

Ailsa Rutter OBE, Director of Fresh, said: "The trade in smuggled and fake tobacco is linked to organised crime and enables North East kids to smoke. Most people do not want it in their local community and it is great to see more and more people giving information to help keep it out.

"The vast majority of shopkeepers are honest and are appalled by the sale of illegal tobacco. However, the law is catching up with the dishonest few who think they can get away with it."

The Anti-Social Behaviour, Crime and Policing Act 2014 gave local authorities and police powers to issue closure notices for premises. They can also apply to courts for closure orders for up to 3 months.

And last year figures from HM Revenue and Customs show bills for tax and penalties totalling £11.5m were issued to individuals and businesses caught storing and selling illicit tobacco more than once. HMRC has long focused on prosecuting shopkeepers for selling illegal cigarettes, but shopkeepers started to keep fewer cigarettes at the premises in an attempt to avoid prosecution. Now investigators examine the frequency and volume of seizures made, as well as other evidence to calculate tax and penalties owed.

Owen Cleugh, consumer protection manager at Durham County Council, said: "We fully support the Keep it Out campaign. Illegal tobacco being sold at low prices can draw children into becoming addicted to smoking. It is also a means of organised crime getting a foothold in our communities and can lead to other types of criminal activity.

"We are committed to using an intelligence led approach to identify sellers of illicit tobacco and take robust action where evidence brings us to their doors.

"Anyone involved in this illegal trade could be pursued under Proceeds of Crime legislation through which assets and money can be recovered. Where a business is involved, we can seek closure orders and for licenced premises we can look to have the licence removed. Actions like these can jeopardise the future of a company."

Councillor Nick Kemp, Newcastle City Council cabinet member for Environment, said: "From a health perspective illegal tobacco undermines efforts to reduce the rate of smoking but it also has other serious impacts on our communities given its links to organised crime.

"We take a tough stance on the matter in Newcastle and in partnership with HMRC and Northumbria Police we have undertaken regular operations visiting targeted homes and retail premises resulting in a number of convictions.

"Through the work of our Trading Standards service we continue to spread the message that if shopkeepers deal in illegal tobacco, not only will they face prosecution, but they should also expect to have other privileges, like their licence to sell alcohol taken away from them. They may also have to pay back significant quantities of taxpayers' money which they have stolen from all of us in their dealings with illegal tobacco."

Middlesbrough Council's Public Protection Service say they take their role in tackling the supply of illicit tobacco in the town seriously, and officers regularly receive intelligence about where illicit tobacco is being sold from, while surveillance can provide additional evidence, if needed, and multi-agency operations are carried out.

Cllr Julia Rostron, the council's Executive Member for Adult Social Care and Public Health, said: "We are serious about tackling the sale of illicit tobacco in Middlesbrough. We want our communities to be safe and illicit tobacco brings wider, serious crime issues into our neighbourhoods. It also undermines every public health measure in place to reduce smoking which we know will kill 1 in 2 smokers.

"Our message to the Middlesbrough public is very clear – illicit tobacco may be cheap but it costs your local community by bringing in other wider organised criminal activity which you do not want in your neighbourhood.

"Our message to those who are supplying or selling the tobacco is also clear – we are regularly given the names of shops selling illicit tobacco and we have a list of those we will be targeting in our next operation. If you are caught selling illicit tobacco your shop can be closed for three months or more through a Closure Order. Legal action will also be taken which may result in a fine and you will have a criminal record."

Eden Noblett, Assistant Director, Fraud Investigation Service, HMRC said:
""Shopkeepers selling illegal tobacco deprive the UK of money which should be used to fund our vital public services, and undermine honest and hardworking traders.

"Anyone caught with illegal tobacco can face life-changing consequences including prison and substantial penalties. We will continue to work closely with other law enforcement agencies such as Trading Standards to crack down on the illicit tobacco market."

Illegal tobacco has helped over half of underage smokers in the North East get hooked on smoking. Figures from the 2017 North East Illegal Tobacco Survey found 55% of children aged 14-15 who smoke say they buy illegal tobacco from sources like "tab houses" and shops – while 73% say they have been offered illegal tobacco.

As well as helping children to start smoking, people supplying illegal tobacco are often involved in drugs or loan sharking. Buying it means supporting crime and can bring children into contact with criminals.

Anyone with information about houses, shops, pubs or individuals selling illegal tobacco can give information online at www.keep-it-out.co.uk or by calling the illegal tobacco hotline at 0300 999 00 00. All information will be treated anonymously.

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How counterfeit cigarettes containing pesticides and arsenic make it to our streets

Almost 45 billion fake cigarettes, which can contain arsenic, pesticides and rat poison, are smoked in the UK each year. Oliver Bennett speaks to the man smoking out the smugglers

Oliver Bennett | Tuesday 7 August 2018 23:00 |

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The illicit trade costs the taxpayer about £2.5bn a year (*Alamy*)

Michael (not his real name), a former police officer, is one of an anti-illicit **trade** team at one of the world's leading **tobacco** companies – the so-called “big four” that make up the lion's share of the global smoking industry. He's long departed his former **crime**-fighting career but is now on a juicy beat: running a cat-and-mouse campaign with the growing numbers of cigarette smugglers to the UK and EU. “Cigarette **smuggling** is increasingly lucrative,” says Michael. “There's a lot to gain.”

The smuggling, he says, takes place in a few different ways. “There's the opportunist traveller who brings back **cigarettes** and tobacco bought cheaply on holiday. There's the more organised ‘ant smuggler’, [an



industry term] who regularly returns from cheap European holiday destinations with a suitcase full of cheap cigarettes. And there's the organised criminal who works a supply chain."

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Michael, whose colleagues include a mix of ex-police and customs officers and analysts, is in the job for "brand protection" but is also engaged against these growing crime syndicates, which have been linked to terror groups, according to some, including the Centre d'Analyse du Terrorisme (CAT) in Paris.

Read more



Lawyer who took on big tobacco has big pharma in his sights

Between them, the smugglers work with three kinds of illicit cigarettes: well known legal brands bought cheaply in places such as Belarus and Ukraine (where, for example, Marlboro costs about \$1 (77p) a pack, as opposed to £11-£12 here, or Vietnam for the Australian market, where a legal pack of Marlboro costs about \$25.10). The Vietnamese pack, at about 85p, shows the

profit incentive.

Then there's a dubious but growing tier of lesser smokes known in the trade as "cheap whites", including brands such as Jin Ling: the smoker's equivalent of Diamond White cider. These are currently the majority of illegal seizures and they're made in the Jebel Ali Free Zone (aka Jafza) in the United Arab Emirates, where at least 25 cigarette producers legally manufacture cheap whites. Made for export, they still end up being smuggled to Europe via the Suez Canal and the Mediterranean, where they eventually end up under the counter in the less wholesome high street stores.



Most commonly, cigarettes are smuggled into the UK by bribing lorry drivers to carry it over the border (PA)

Another development is that fake cigarettes, says the 50-year-old ex-cop, are now being made in Europe rather than in the far east, which is why the big four – known collectively and sometimes disparagingly as "Big Tobacco" – are throwing a lot of heat at it.

"It's happening because the margins are so big and the potential for easy profit so tempting," says Michael. "And it's widely understood that the black market has grown because of the constraints on the legal industry." Moreover, he adds, the cheaper cigarettes are going straight to the UK's most deprived communities – the market in which combustible smoking has its greatest hold.





A recently published report by KPMG covering the illicit market in the EU, Norway and Switzerland estimated that last year, the **counterfeit** and **contraband** (C&C) cigarette consumption was 8.7 per cent of total use in the EU. That's 44.7 billion cigarettes. In the UK, meanwhile, C&C cigarette consumption increased from 14.3 per cent to 17.8 per cent between 2016 to 2017, the highest level since 2005 to 2006.

Worldwide, it is thought that 6 per cent to 8.5 per cent of the global cigarette trade is illegal. So, this autumn, the tobacco industry and health wonks are aiming to really smoke out the smugglers. On 25 September, a United Nations-backed treaty called the Protocol to Eliminate Illicit Trade in Tobacco Products enters into force – by July, 45 countries had already ratified it – and in October, it's the eighth WHO Conference of the Parties (COP8) for the Framework Convention on Tobacco Control (FCTC), a biannual meeting that has set the agenda for smoking since 2005.



The WHO claims that if global illicit cigarette trade was eliminated, governments would gain \$31bn (AFP/Getty)

No doubt there will be talk of illicit trade, as this is becoming one of the biggest problems in a murky world. Just as official cigarette smoking rates decline across the world, partly due to the restrictions of tobacco use by price, taxation, advertising and ability to even find places to smoke, smuggling has taken hold. The WHO claims that if the global illicit trade was eliminated, governments would gain \$31bn in revenue and 160,000 lives could be saved a year.

As Michael says, the European fakery market is surprisingly bold, particularly in Poland where 40 illegal producers were seized in 2017. This



year alone, clandestine factories have been found in Preston, Birmingham County Durham and elsewhere in the UK, while in March with one in Louth where an eastern European team labour remote farmhouse on machinery hidden behind hay bales police raid found 25 million cigarettes destined for the UK


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So how do they make plausible cigarettes? “They often use machinery that has been either bought on Ebay or decommissioned by old tobacco manufacturers,” says Michael. “Some of it is half a century old but still turns out a proper looking ‘stick’ [the industry term for a cigarette]. And although the authorities bust them all the time they just crop up elsewhere.”




The cigarettes are often hidden inside furniture, hollowed-out white goods and even tree trunks (AFP/Getty)

Sometimes, he says, they’re even staffed by redundant cigarette company workers, working in dusty warehouses, sheds and garages alongside technicians and shop floor workers from poorer territories such as Moldova, using ledger books, wages and accounts, and normally nimble enough to do a moonlight flit if they smell a rat. Once the fakers get the cigarettes to a shipping point, they’re disguised alongside legal freight such as furniture or inside (a recent development) hollowed-out white goods and tree trunks.

Most commonly, the smuggled cigarettes are secreted into lorries by bribing drivers. The Benelux countries are favoured for this part of the operation and in a process known to Michael and his colleagues as “window tapping”, the smugglers approach lorry drivers at laybys and service stations, and offer them a wad of about £1,000-£2,000 to take a pallet of fags to the UK. Assuming the driver gets through border checks they then contact the smuggler’s pals on a “burner” mobile phone, and receive directions where to pull over and give the cargo up and get paid off. With the deal complete, the cigarettes are then taken to the UK’s less salubrious stores and sold for about £4 or £5 – less than half the normal RRP – or via social media, a process which involves smoke, mirrors and creativity. “Facebook doesn’t allow the promotion of cigarettes,” says Michael. “To get around this they use code – such as, in one case, a cupcake with a cigarette brand written on it.”

Cigarette smuggling costs the taxpayer about £2.5bn a year, according to HMRC. But it also illustrates that smoking remains popular. Only last month, the Office for National Statistics’ Opinions and Lifestyle Survey (OPN) found that the UK’s rate of smoking had risen for the first time in six years, up from 16.1 per cent in 2016 to 16.8 per cent of the population.

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Also, while it seems counterintuitive, cigarette smuggling may be linked to the long-term decline in smoking. Some attribute it to high prices and taxes, as well as new constraints on vaping (an activity which has plateaued in the past year according to Public Health England and the ONS). As Michael says: "The packaging ban [now one year old] has also driven the business underground – but in any case, soon after the ban the illegal factories were producing

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counterfeit cigarettes in plain packaging." Clearly, millions of people still want to smoke but don't want to pay £10-12 a pack, which traps the government in a curious double bind: it asks us not to smoke, but likes the tax take. Whenever a smuggler is caught, the immediate government message is that they have cost the UK valuable revenue that could have been put into, say, healthcare. In Australia the fake cigarette and smuggling factor has become so bad – a record 15 per cent of the market – that the government has set up a tobacco taskforce to "dismantle illicit tobacco supply chains".

The tobacco war is stepping up. The Tobacco Retailers' Alliance, which represents independent stores that sell tobacco in the UK, says that illicit tobacco has been found to contain pesticides, arsenic and rat poison – not to mention higher levels of nicotine – while a study from the Tobacco Control Research Group at the University of Bath claims that the tobacco industry is working to secure control of the global "track and trace" system that the United Nations wants in place to counter smuggling. Although big tobacco is accused of being complicit in the illegal trade, according to the European Anti-Fraud Office (OLAF), 90 per cent of illegal products seized are cheap whites from the UAE, providing a counter argument. Also, as the chief executive of health charity Action on Smoking and Health (Ash) Deborah Arnott says, there's nothing new about cigarette smuggling: it's just that the illicit market has a higher proportion of the total market. The "tax gap" of lost revenue has grown from £1.9bn in 2010-11 to £2.5bn today.

So Michael's job is likely to be secure for a while. "It's still quite under the radar," he says. "But cigarette smuggling is up there with drug dealing." As well as providing succour for the deprived, it's also possible that cigarettes are getting the renegade allure of illegal drugs. Maybe, like in the era of prohibition, smoking a Marlboro will soon be something done at a speakeasy with a little entry flap.

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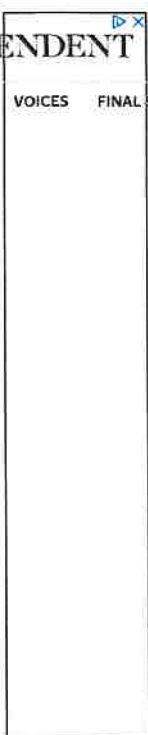


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BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Assistant Director of Regulation & Enforcement
Date of Meeting:	Monday 1st July 2019
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	Bottega Birmingham, Unit 1 Arena Birmingham, King Edwards Road, Birmingham, B1 2AA
Ward affected:	Ladywood
Contact Officer:	Bhupinder Nandhra, Senior Licensing Officer 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:

To consider the objections to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption both on and off the premises), the provision of regulated entertainment and the provision of late night refreshment on 12th July 2019, to operate from 10:30pm until 5:30am (the following day).

2. Recommendation:

To consider the objection notices made by West Midlands Police and Environmental Health.

3. Brief Summary of Report:

A Temporary Event Notice was received on 17th June 2019 in respect of Bottega Birmingham, Unit 1 Arena Birmingham, King Edwards Road, Birmingham, B1 2AA.

An objection notice has been received from West Midlands Police and Environmental Health.

4. Compliance Issues:

When carrying out its licensing functions, a licensing authority must have regard to the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

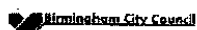
4.1 Consistency with relevant Council Policies, Plans or Strategies:

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>5. Relevant background/chronology of key events:</p> <p>Evelyn Armstrong submitted on 17th June 2019 a Temporary Event Notice in respect of Bottega Birmingham, Unit 1 Arena Birmingham, King Edwards Road, Birmingham, B1 2AA.</p> <p>The Temporary Event Notice is attached at Appendix 1.</p> <p>An objection notice has been received from West Midlands Police, see Appendix 2.</p> <p>An objection notice has been received from Environmental Health, see Appendix 3.</p> <p>The current premises licence is attached at Appendix 4.</p> <p>Site location plans are attached, see Appendix 5.</p> <p>Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.</p> <p>However, the police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.</p> <p>Where a TEN is submitted, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.</p> <p>When giving a TEN, consideration should be given to the following four licensing objectives:</p> <ol style="list-style-type: none"> 1. The prevention of crime and disorder 2. public safety 3. The prevention of public nuisance; and 4. The protection of children from harm <p>If the TEN is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives.</p>
--

<p>6. List of background documents:</p> <p>Temporary Event Notice is attached at Appendix 1.</p> <p>Objection Notice from West Midlands Police, attached at Appendix 2.</p> <p>Objection Notice from Environmental Health, attached at Appendix 3.</p> <p>Current premises licence, Appendix 4.</p> <p>Site location plans, Appendix 5.</p>
--

<p>7. Options available</p> <p>Allow the proposed temporary licensable activities as stated in the TEN</p> <p>Impose conditions on a TEN to promote the licensing objectives</p> <p>Refuse the proposed temporary licensable activities as stated in the TEN</p>



Birmingham
Temporary Event Notice
Licensing Act 2003

For help contact
 licensingonline@birmingham.gov.uk
 Telephone: 0121 303 9896

* required information

Section 1 of 9

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 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. BCC

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

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

Are you:

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

☐ Applying as an individual

REGULATION & ENFORCEMENT
 LICENSING SECTION
 DATE RECEIVED

17 JUN 2009

REF NO

INITIALS

include country code

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

Applicant Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Director

Home country

United Kingdom

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

G11 Crown House

Street

123 Hagley Road

District

Edgbaston

City or town

Birmingham

County or administrative area

West Midlands

Postcode

B16 8LD

Country

United Kingdom

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

☐ Yes

☐ No

* Your date of birth

dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Unit 1, Arena Birmingham

Street

King Edwards Road

District

Lady Wood

City or town

Birmingham

County or administrative area

West Midlands

Postcode

B1 2AA

Country

United Kingdom

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

* Does the premises have an address?

☒ Yes

☐ No

Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither

☒ Premises licence

☐ Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

N/A

Describe the nature of the premises below (see also guidance on completing the form, note 4)

The premises is an Italian restaurant.

Describe the nature of the event below (see also guidance on completing the form, note 5)

The event taking place at the premises will be R.O.C.O RETURN OF CERTIFIED OLDSKOOL | WHITE PARTY with a pay bar.

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises
(see also guidance on completing the form, note 6):

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 8).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date

12 / 07 / 2019
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

13 / 07 / 2019
dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

22:30 to 05:30

(see also guidance on completing the form, note 10)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 11)

250

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 12):

- ☐ On the premises only
☐ Off the premises only
☒ Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

There will be playing of recorded music by DJ. 10.30pm until 5.30pm

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence?

☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Birmingham City Council

Licence number

11110/1

Date of issue

/ /

dd mm yyyy

Any further relevant details

Continued from previous page...	
Section 7 of 9	
PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 15)	
<p>Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?</p> <p style="text-align: right;"><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<p>Have you already given a temporary event notice for the same premises in which the event period:</p> <p>a) Ends 24 hours or less before; or <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>b) Begins 24 hours or less after the event period proposed in this notice?</p>	
Section 8 of 9	
ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 16)	
<p>Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?</p> <p style="text-align: right;"><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<p>Has any associate of yours already given a temporary event notice for the same premises in which the event period:</p> <p>a) Ends 24 hours or less before; or <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>b) Begins 24 hours or less after the event period proposed in this notice?</p>	
<p>Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?</p> <p style="text-align: right;"><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

☐ Yes

☒ No

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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.

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 19)

- * THE INFORMATION CONTAINED IN THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT IT IS AN OFFENCE:
- * (I) TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS TEMPORARY EVENT NOTICE AND THAT A PERSON IS LIABLE ON SUMMARY CONVICTION FOR SUCH AN OFFENCE TO A FINE OF ANY AMOUNT; AND
- * (II) TO PERMIT AN UNAUTHORISED LICENSABLE ACTIVITY TO BE CARRIED ON AT ANY PLACE AND THAT A PERSON IS LIABLE ON SUMMARY CONVICTION FOR ANY SUCH OFFENCE TO A FINE OF ANY AMOUNT, OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING SIX (6) MONTHS, OR TO BOTH.

☒ 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/temporary-event-notice/birmingham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

From: bw licensing
Sent: 18 June 2019 11:20
To: Licensing Online; bw licensing; Pollution Team
Cc:
Subject: RE: TEN-BOTTEGA BHAM, B1 2AA

Dear Licensing,

West Midlands Police have received this application for a Ten for the use of Bottega. These premises are known to West Midlands Police as the licence was only granted in March 2019, through negotiations with the applicant who is also the applicant for the TEN it was agreed that the premises could only be used as a restaurant with a small number (20) drinking at the bar awaiting a meal or having had a meal. It was only on this basis that the licence was agreed to, which is located within the Broad Street cumulative impact zone.

This TEN seeks to operate beyond the premise licence which has the conditions around usage and also extend hours until very late in the morning/stroke early morning, it can be assessed that this is a clear attempt to circumnavigate the conditions imposed on the licence.

Operating these hours of 5am would not have been supported by West Midlands Police do to the increase threat in crime and disorder.

West Midlands Police wish to object to this application under the prevention of crime and disorder and public safety objectives. There are residents in the immediate locality that will be affected by this event, and the quickest route to transport when people disperse will be on King Edwards Street, where the residents are located.

The event is already being advertised through recognised ticket agencies and show that it will be a full music event with a number of DJ's listed. It is being advertised as finishing at 04.30am although this Ten application has only just been submitted

West Midlands Police therefore object to this application and request a hearing

Regards

Abs Rohomon

**PC 4075 Rohomon
BW Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ**

Follow us on Twitter - @brumcopslicensing

**West Midlands Police
Tel. 101 Ext 8011627**

From: Martin Key
Sent: 19 June 2019 13:01
To: Licensing
Cc:
Subject: TEN for 12/13 July 2019 - Bottega, Unit 1, Arena Birmingham, King Edwards Road, Birmingham, B1 2AA
Importance: High

Hi

I am responding on behalf of the Environmental Health team as a responsible authority. I have received an application for a TEN for alcohol sale, regulated entertainment and late night refreshment for an event described as a ROCO/White party DJ event on 12/13 July 2019 between the hours of 22.30 and 05.30 at Unit 1, Arena Birmingham, King Edwards Road, Birmingham, B1 2AA.

I have reviewed the limited information provided which does not provide any real details of the proposed event or any measures to address the licensing objectives. The premises licence in force only covers the sale of alcohol and is based around operation as an Italian restaurant. There are no effective transferrable conditions from the premises licence and there are no offered controls or mitigation steps in the TEN to address potential public nuisance. In the absence of any real detail of the event and how the licensing objectives will be addressed and given the proposed event type and location, I would object to the grant of the TEN on the basis of the of impact on the licensing objective of the prevention of public nuisance.

Best Regards

Martin Key on behalf of Pollution Team
 Environmental Protection Officer

Environmental Health | Regulation & Enforcement Division

✉: Environmental Health, Manor House, PO Box 16977, Birmingham, B2 2AE
 (Office Site: Environmental Protection, 1st Floor, 40 Moat Lane, Birmingham, B5 5BD)
 🌐: www.birmingham.gov.uk/eh | Facebook: ehbbham | Twitter: @ehbbham

locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors

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BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

5031 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Bottega Birmingham Arena Birmingham Level 01, Unit 1 King Edward Road	
Post town:	Post Code:
Birmingham	B1 2AA
Telephone Number:	
Not Specified	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
M3 Sale of alcohol by retail (both on & off the premises)

The times the licence authorises the carrying out of licensable activities
Monday - Sunday 09:00 - 02:00 M3

The opening hours of the premises
Monday - Sunday 09:00 - 02:00

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

BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Charlies Restaurants Limited Office 1 Izabella House 24-26 Regent Place	
Post town: Birmingham	Post Code: B1 3NJ
Telephone Number: Not Specified	
Email	

Registered number of holder for example company number or charity number (where applicable) 11649064
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mrs Evelyn Armstrong	
Post town:	Post Code:
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 11110	Issuing Authority BIRMINGHAM CITY COUNCIL

Date 29/03/2019

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

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

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

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

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where

BIRMINGHAM CITY COUNCIL

the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

BIRMINGHAM CITY COUNCIL

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Regulated Entertainment shall take place indoors only.

All staff involved in the sale/supply of alcohol will have documented training in the licensing objectives prior to be allowed to sell/supply alcohol.

Training will be refreshed every 6 months and recorded.

All training records to be made available on request to any responsible authority.

The Premises shall operate waiter/waitress service throughout the restaurant area of the Premises.

Substantial food will be available throughout licensed hours.

Any sales of alcohol for consumption off the Premises shall be made in sealed containers.

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

CCTV to be fitted to the specifications and recommendations of West Midlands Police (Birmingham central licensing police team).

CCTV to be recording at all times that the premises is open for licensable activity.

CCTV images to be held for 31 days.

CCTV images to be made available and downloadable in a viewable format to any responsible authority on request.

The Premises Licence Holder will have a documented incident reporting system, which will document any incident irrelevant if any of the emergency services are called.

The premise is to be used as a restaurant with a bar.

The bar will only be available to persons booked into the restaurant and are awaiting to be seated for a meal with the exception of a maximum of 20 customers who will be allowed to stand or sit in the bar area who have order food from the menu APERITIVO –(nibbles menu).

The outside area, as defined on the plan with a red line is to be used for patrons eating food, with alcohol as part of the meal.

No bar for the service of alcohol to be allowed in the outside area as marked in red.

Waiter/Waitress service will be used for the service of alcohol in the outside area as defined in red. When the outside area is used for any licensable activity past 2300 hours, the premises will have 1 door supervisor to monitor the outside area.

No alcohol will be allowed out of the outside area.

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

No enforceable conditions identified from operating schedule.

BIRMINGHAM CITY COUNCIL

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

A Challenge 25 policy will be strictly followed by all staff.

The Premises Licence Holder shall ensure all staff are aware of their responsibilities under the objective, including that alcohol shall not be sold to anyone under the age of 18. Staff on duty will be trained and made aware of a challenge 25 policy and the requirements and the need to demand an acceptable form of age ID including a driving licence, passport student card or 'Pass' scheme card.

Children (under 16), young persons (aged 17) – will only be permitted entry to the premises with an adult until 2100 hours (Sun-Thurs) and 2200 hours (Fri-Sat).

Children and young persons must be having a meal with the adult/responsible person.

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

