

BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE C

Wednesday 23 February 2022 at
1330 hours in On-Line Meeting,
Microsoft Teams

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXg6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

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

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

Attached

4 CROSS KEYS BANQUETING AND CATERING, 81 STEWARD STREET, SPRINGHILL, BIRMINGHAM, B18 7AF - LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS

N.B. Application scheduled to be heard at 1330 hours.

Documents submitted.

- A. Application for Review of Licence
- B. Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003
- C. Copy of Premises Licence
- D. Location maps

West Midlands Police have applied for an expedited review of the premises licence in respect of Cross Keys Banqueting and Catering, 81 Steward Street, Spring, Birmingham, B18 7AF.

The application has been made under Section 53A of the Licensing Act 2003 (as amended) and has been accompanied by a certificate signed by a senior member of the force, stating that in their opinion the licensed premises have been associated with serious crime and disorder. (See A and B above)

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

This hearing has been arranged in order to consider whether it is necessary to take any interim steps in respect of the licence pending the determination of the review. The Premises Licence is included at item C.

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

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

5 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.

West Midlands Police

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

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

Premises: Cross Keys Banqueting And Catering

Premise Licence Number: 5236

Premise Licence Holder: ANG-UK Entertainments Promotion Ltd

Designated Premise Supervisor: Mr Clifton Lawrence

I am a Superintendent in West Midlands Police.

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

This venue has previously been engaged with by licensing officers and is aware of their operating hours for licensable activity.

An incident takes place in the inside the premises, hours after the permitted hours for licensable activity. This incident results in a man in his 40's tragically suffering fatal injuries.

I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstance due to the above reasons, and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

The severity of the incident is a matter that needs to be brought to the attention of the Licensing Committee immediately.

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

Signed

A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line.

A



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

1. *James Munn*

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

1. Premises details: **Cross Keys Banqueting And Catering**

Postal address of premises,(or if none or not known, ordinance survey map reference or description): **81 Steward Street
Springhill
Birmingham
B18 7AF**

2. Premises Licence details:

Name of premise licence holder (if known): **ANG-UK Entertainments Promotion Ltd**

Number of premise licence (if known): **5236**

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

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

(Please tick the box to confirm)

☐

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

Cross Keys Banqueting and Catering is a licensed premises located in Steward Street, Springhill, Birmingham.

The premises is on a side street that comprises of a number of commercial premises. It does not have other any other licensed premises nearby. The venue is a destination venue.

The premises is licensed for live music, recorded music, performance of dance, late night refreshment and sale of alcohol by retail until an end time of 01:00 daily.

At 03:19 on Monday 21st February, a call from the Ambulance service alerted police to an incident at the location. A male was found with injuries, and despite the efforts of the emergency services, the male was pronounced deceased. It is believed that the injuries were caused following an incident inside of the premises.

A murder investigation is currently underway.

"Serious crime" is defined by reference to S.81 of RIPA Act 2000. An offence for which an adult could reasonably be expected to be sentenced to imprisonment for a period of 3 years or more.

West Midlands Police are concerned that at a time when the premises had no licence to trade, a man has tragically lost his life, and wish to bring this to the urgent attention of the licensing committee.

Signature of applicant:



Date: 22/02/2022

Rank/Capacity: Supt 2643

Contact details for matters concerning this application: BW Licensing

Address: Licensing Dept c/o Birmingham West and Central Police Station, Birmingham

Telephone Number(s): 0121 626 6099

E-mail - bw_licensing@west-midlands.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

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

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

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

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

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

5236 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Cross Keys Banqueting and Catering 81 Steward Street Springhill	
Post town:	Post Code:
Birmingham	B18 7AF
Telephone Number:	
Not Specified	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

E	Live Music
F	Recorded music
G	Performance of dance
L	Last night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

The times the licence authorises the carrying out of licensable activities

Sunday - Thursday	10:00	-	01:00	E ,F ,G ,M3
	23:00	-	01:00	L
Friday - Saturday	10:00	-	01:00	E ,F ,G ,M3
	23:00	-	01:00	L

New Year's Eve - Licensable activities extended from the end of permitted hours on New Year's Eve to the start of Permitted hours on New Year's Day

On Bank Holiday Sundays, plus Good Friday licensable activities will be extended by 1 hour

On the day when British Summer Time commences - licensable activities extended by 1 hour

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The opening hours of the premises

Sunday - Thursday	10:00	-	01:30
Friday - Saturday	10:00	-	01:30

New Year's Eve - Licensable activities
extended from the end of permitted hours
on New Year's Eve to the start of Permitted
hours on New Year's Day
On Bank Holiday Sundays, plus Good
Friday licensable activities will be extended
by 1 hour
On the day when British Summer Time
commences - licensable activities extended
by 1 hour

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

On and off supplies

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence ANG-UK Entertainments Promotion Ltd 11 Queen Street Moxley	
Post town: Walsall	Post Code: WS10 8RG
Telephone Number: Not specified	
Email	

Registered number of holder for example company number or charity number (where applicable) 09358807
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Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Clifton Lawrence	
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 WS/PEL/3111	Issuing Authority WALSALL METROPOLITAN BOROUGH COUNCIL

Dated 17/08/2020

Bhapinder Nandhra
Senior Licensing Officer
For Director of Regulation and Enforcement

Annex 1 – Mandatory Conditions

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

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

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

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

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

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

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

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added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

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, all areas where sale/supply of alcohol occurs, all areas where the public have access and the area immediately outside the premises.

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 a 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, including the download of images.

Upon receipt of a request for a copy of CCTV footage from officers of any Responsible Authority, the member of staff will produce the footage within 24 hours, or less if urgently required for investigations of serious crime.

CCTV footage must be made available to be viewed by West Midlands Police or an Officer of a Responsible Authority at the premises upon request.

INCIDENT BOOK

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 kept at the premises and made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

REFUSALS REGISTER

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 West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

The Premises Licence Holder or the Designated Premises Supervisor must monitor the Refusals Register every month and must sign and date the Refusals Register when this has been completed, or if the Refusals Register is electronic the check and date and time of the check must be clearly recorded.

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TRAINING

Training in relation to the use of the CCTV system, 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 West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

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

The premises shall operate a zero tolerance to dealing in or taking drugs on the premises and anyone so doing shall be removed from and barred from the premises and the matter referred to West Midlands Police and any relevant CCTV images shall be made immediately available to West Midlands Police.

The premises licence holder will supply a list of all externally promoted events (an external promoted event includes any events where a third party has any control of the event, such as ticket management, promotion, booking the artists, or is done in conjunction with the premise licence holder) held at the premises, at least 28 days in advance, unless this requirement is waived by West Midlands Police.

This notification will be accompanied by a risk assessment, unless this requirement is waived by West Midlands Police. Risk assessments will include as a minimum search policies and a security deployment plan, names of the artist, revised capacity numbers to reflect the risk of the event.

The premises will employ at least two SIA registered doormen after 21:00 on a Friday and Saturday, for when there is no event on. For event security levels this will be detailed in the risk assessment

Door staff to be wearing hi visibility coats/jackets whilst working and to sign on duty when they arrive and off duty when they leave. This will include full name, badge number and company they work for.

Door staff not to leave duty until the premises has been cleared including the outside area.

The premises will undertake an annual fire risk assessment, which will be made available to any responsible authority immediately upon request. The fire risk assessment will have a documented capacity figure, which the licence holder will be required to comply with.

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

No enforceable conditions identified from operating schedule.

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2d) Conditions consistent with, and to promote 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 and area quickly and quietly.

Adequate bins shall be available for customers to dispose of litter.

Noise or vibration shall not emanate from the premises so as to cause nuisance to nearby properties.

The premises shall have an operational dispersals policy and noise management plan.

The Premise Licence Holder will ensure that all external windows and doors (other than for necessary access/egress) shall be closed whenever regulated entertainment takes place at the premises.

The Premises Licence Holder shall be responsible for ensuring that the external areas do not create a public nuisance to neighbours at the premises and if necessary will restrict the number of people utilising the outside areas at any one time.

The Premises Licence Holder shall ensure loudspeakers shall not be located in the entrance lobby or outside the premises building

The Premises Licence Holder shall ensure regulated entertainment to take place indoors only.

The Premises Licence Holder shall ensure all sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises or immediately outside.

The Premises Licence Holder shall ensure consumption and preparation of alcohol and food to take place indoors only and not on the public highway.

The Premises Licence Holder shall ensure customers permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drink or food with them.

The Premises Licence Holder shall ensure during the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

The Premises Licence Holder shall ensure while live or recorded music takes place, the licensee or management shall undertake regular monitoring of noise levels at the nearest noise-sensitive locations. A record shall be kept of any monitoring, including the date, time and location of monitoring; the name of the monitor; and any action taken. Records shall be kept for no less than six months and shall be made available upon request by the Police or any authorised officer.

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

Staff must require ID in the form of a current ten-year passport, photo card driving licence or PASS Hologram identity card from any customer who appears to be under the age of 25 and verify the customer is over the age of 18 before any sale of alcohol is made.

Notices must be exhibited at all points of sale and at all entrances and exits informing customers and staff that the Premises is operating a Challenge 25 Policy.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

3c) Committee conditions to promote public safety

N/A

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

N/A

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

N/A

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