

BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE A

**Monday 2 December 2024 at 1000
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 Public-I microsite, please click this link, <https://birmingham.public-i.tv/core/portal/home> 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 they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

Attached

4 RE: O & K T/A THE BLUE TICK, 80 MOSELEY STREET, BIRMINGHAM B12 0HG - 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 1000 hours.

Documents submitted:

- A. Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003

- B. Application for Review of Licence
- C. Copy of Premises Licence
- D. Location maps

West Midlands Police have applied for an expedited review of the premises licence in respect of **O & K T/A The Blue Tick, 80 Moseley Street, Birmingham B12 0HG.**

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.

A

West Midlands Police

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

I Superintendent 28452 Emlyn Richards hereby certify that in my opinion the premises described below are associated with serious crime and disorder

Premises: O and K Café trading as The Blue Tick. 80, Moseley St. Birmingham. B12 0HG.

Premise Licence Number: 162431.

Premise Licence Holder: Mr Omar Smith.

Designated Premise Supervisor: Mr Leslie Lloyd Wynter.

I am a Superintendent in West Midlands Police.

I am giving this certificate because I am of the opinion that the summary review procedure is necessary to ensure the licensing objectives are promoted expeditiously. Given the seriousness of the trigger incident on 27th November 2024, which involved a wounding with a weapon in my opinion immediate steps are required that can best be achieved through the summary review procedures. Other steps available under the Licensing Act 2003, including a standard review application, cannot lead to the imposition of immediately effective steps to promote the licensing objectives and so these are inadequate. I view this application as a proportionate and necessary response to the serious incident at the venue.

In coming to my opinion I have had regard to the facts of the incident and current investigation, the track record of the premises, the terms of section 53A of the Licensing Act 2003 and Chapter 12 ("Summary Reviews") of the Guidance issued under section 182 of the Licensing Act 2003 (December 2022 revision).

Signed :



Dated:

20-11-24

B



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

I - Superintendent *E. RICHARDS 28452*

(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: O and K Café. Trading as The Blue Tick.

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

80, Moseley Street.

Post Town: **Birmingham.**

Post Code (if known): **B12 0HG**

2. Premises Licence details:

Name of premise licence holder (if known):

Mr Omar Smith

Number of premise licence (if known):

162431

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)

x



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

O and K Café trading as The Blue Tick is a licensed premises situated at 80, Moseley Street, Birmingham. B12 0HG. The premises license holder is Mr Omar Smith and the designated premises supervisor is Mr Leslie Lloyd Wynter.

The premises is licensed to sell alcohol for consumption on and off the premises between 1200 hours and midnight on each day of the week.

At approximately 0051 hours Wednesday 27th November 2024 a male has self presented at Midland Metropolitan Hospital with a serious injury following an incident which enquiries reveal occurred at The Blue Tick. This male has been admitted to the hospital where he is still undergoing medical treatment

This matter has been recorded as a wounding which is serious crime. "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 have serious concerns for the promotion of the licensing objectives at this premises. A serious incident has occurred at the premises whereby a person has been seriously injured. The premises have not informed the police of this incident.

This is such a serious incident and breach of the licensing objectives that West Midlands Police would request that the premises license is suspended and the Designated Premises Supervisor is removed.

Signature of applicant:



Date: 28.11.24.

Rank/Capacity: Superintendent 28452

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

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

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

Licensing Act 2003
Premises Licence

Premises Licence Number	162431
--------------------------------	--------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description O and K Café, 80-81 Moseley Street, Birmingham, B12 0RT
Telephone Number N/A

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence Sale of Alcohol by Retail Provision of Late Night Refreshment Playing of Recorded Music

Times the licence authorises the carrying out of licensable activities

Sale of Alcohol by retail:		
<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	12:00	00:00
Tuesday	12:00	00:00
Wednesday	12:00	00:00
Thursday	12:00	00:00
Friday	12:00	00:00
Saturday	12:00	00:00
Sunday	12:00	00:00
Place:		
Seasonal Variations:		
Non-Standard Times:		

Provision of Late Night Refreshment:		
<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	23:00	00:00
Tuesday	23:00	00:00
Wednesday	23:00	00:00
Thursday	23:00	00:00
Friday	23:00	00:00
Saturday	23:00	00:00
Sunday	23:00	00:00
Further Details:		
Place:		

BIRMINGHAM CITY COUNCIL

Seasonal Variations:
Non-Standard Times:

The opening hours of the premises

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	12:00	00:30
Tuesday	12:00	00:30
Wednesday	12:00	00:30
Thursday	12:00	00:30
Friday	12:00	00:30
Saturday	12:00	00:30
Sunday	12:00	00:30

Seasonal Variations:
Non-Standard Times:

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

For consumption on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Omar Smith

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

N/A

Name and address of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Leslie Lloyd Wynter

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: 12079

Issuing Authority: BIRMINGHAM

Dated 10-05-2023

Bhapinder Nandhra
Senior Licensing Officer
For Director of Regulation & 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: 1/2 pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

(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 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

BIRMINGHAM CITY COUNCIL

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.

Annex 2 – Conditions consistent with the Operating Schedule

There shall be no vertical drinking at the premises.

There shall be no externally promoted events at the premises.

All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence.

Written records of staff training in the Licensing Act 2003 shall be retained and made available to police and authorised officers of the Licensing Authority on request. Staff shall receive refresher training in the Licensing Act 2003 at intervals of no more than 6 months.

Signed and dated records shall be kept of all staff training and such records kept available for inspection at the premises for a period of at least one calendar year from the last date of entry. There shall be CCTV in operation at the premises and;

- a) a member of staff who has been nominated in writing and who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
- b) if the premises are not open, and subject to the tests set out by virtue of the Data Protection Act, within 24 hours of a request for access to the CCTV system from either the police or licensing authority, this staff member must be able to show a Police, HMRC or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- c) CCTV shall record continuously and be retained for not less than 31 days.

A daily incident log shall be kept at the premises for a period of at least 12 months from the date of last entry, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV repaired within 24hrs
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.
- (h) any lost property found or handed to staff at the premises.
- (i) any other relevant incidents to be recorded.

No music or amplified sound shall be generated within the Premises so as to give rise to nuisance within neighbouring dwellings; no music or amplified sound shall be played externally.

A Challenge 25 & age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and staff shall be trained in respect of the policy.

Staff shall ask for proof of age from anyone they suspect of being less than 25 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format, military ID or recognised national photographic identity cards from member countries of the European Union.

Posters shall be displayed in prominent positions around the premises advising customers of the Challenge 25 policy in force at the premises.

A record shall be maintained recording every occasion when the sale of alcohol has been refused. The record shall;

- a) give the date and time of the occasion; a brief description of the customer and the name of the member of staff who refused to sell the alcohol.
- b) be kept at the Premises and available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.

BIRMINGHAM CITY COUNCIL

Staff other than personal license holders involved in the sale of alcohol are to be trained under the Licensing Act 2003 prior to being allowed to sell/ supply alcohol. All training is to be documented and signed by the Premises License Holder and the trainee. All training records are to be made available to any of the responsible authorities on request.

Staff other than personal license holders involved in the sale/ supply of alcohol are to receive documented refresher training every six months.

A refusals log will be maintained at the premises. Each entry will be signed off by the DPS. The log will be made immediately available to members of the responsible authorities on request.

An incident log will be maintained at the premises. Each entry will be signed off by the DPS. The log will be made immediately available to members of the responsible authorities on request.

The company will operate the Challenge 25 Policy. The only acceptable forms of identification will be a passport, photo driving license, military id card or PASS id card with the hologram logo, CCTV that is approved by West Midlands police will be fitted in the premises. Images will be retained for a period of at least 31 days and will be made available to any of the responsible authorities to view or copies produced on request. If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request. The cctv will be checked to ensure that it is working each day prior to licensable activity taking place. The time of the check, the identity of the person carrying this out and the result of it will be recorded in the incident log.

Substantial table meals and non-alcoholic beverages to be available throughout trading hours.

Waiter and waitress service in the restaurant areas of the premises affording control and supervision.

There will be no vertical drinking in the premises.

Alcohol will only be purchased ancillary to a table meal.

There will be no vertical drinking in the premises.

All alcohol will be ordered from a table and served to a table.

No licensable activity will take place after midnight.

Regulated entertainment will cease at 2300 hours.

The premises will be clear of all customers by 0030 hours.

The premises will only carry out licensable activity when open as a restaurant.

Teneisha Stewart and persons that have worked at The Big Drip or Kasablanka will play no part in the running or management of the premises.

The premises will operate a dispersal policy.

The premises will operate a vulnerability policy.

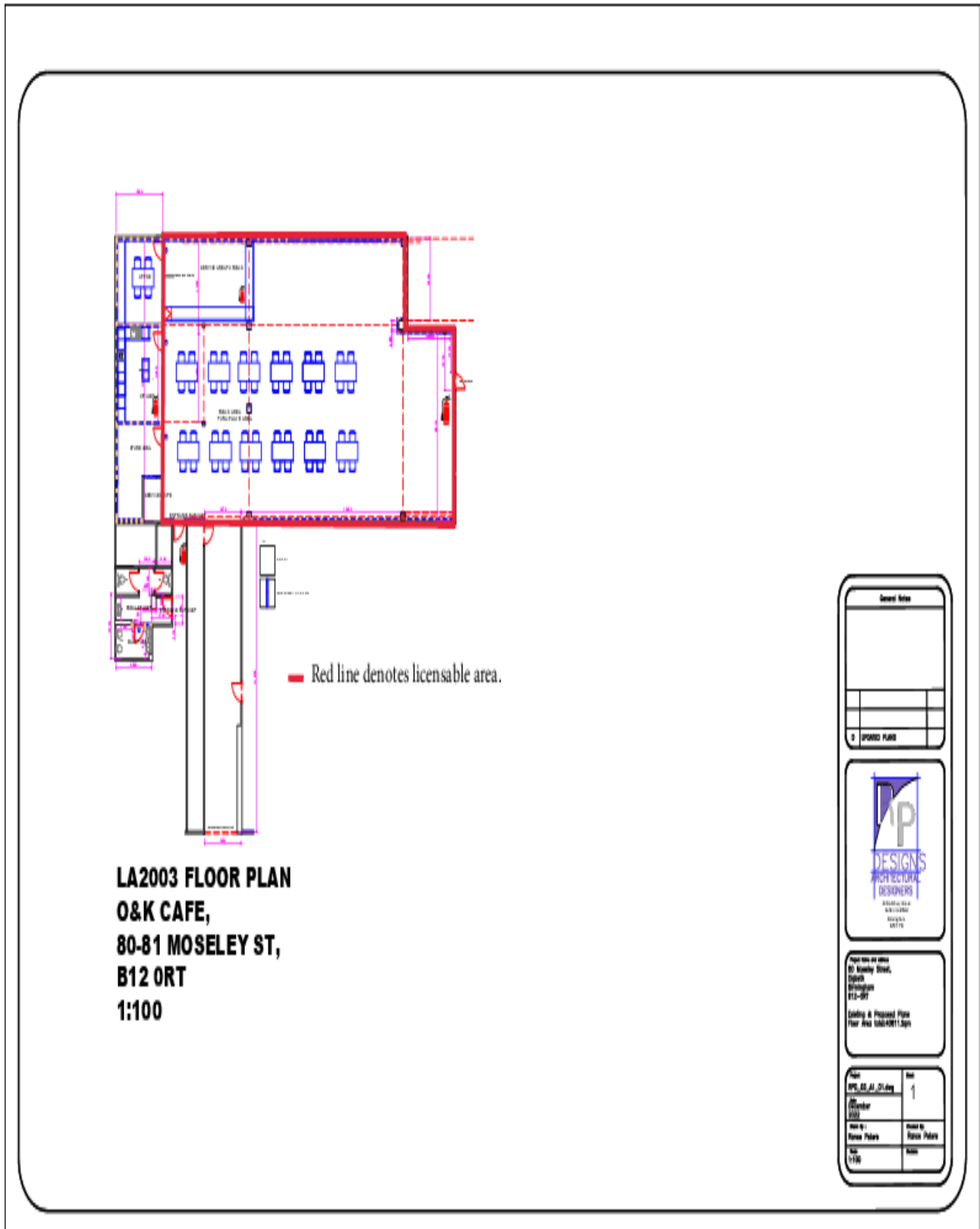
The premises will not be hired out for third party events.

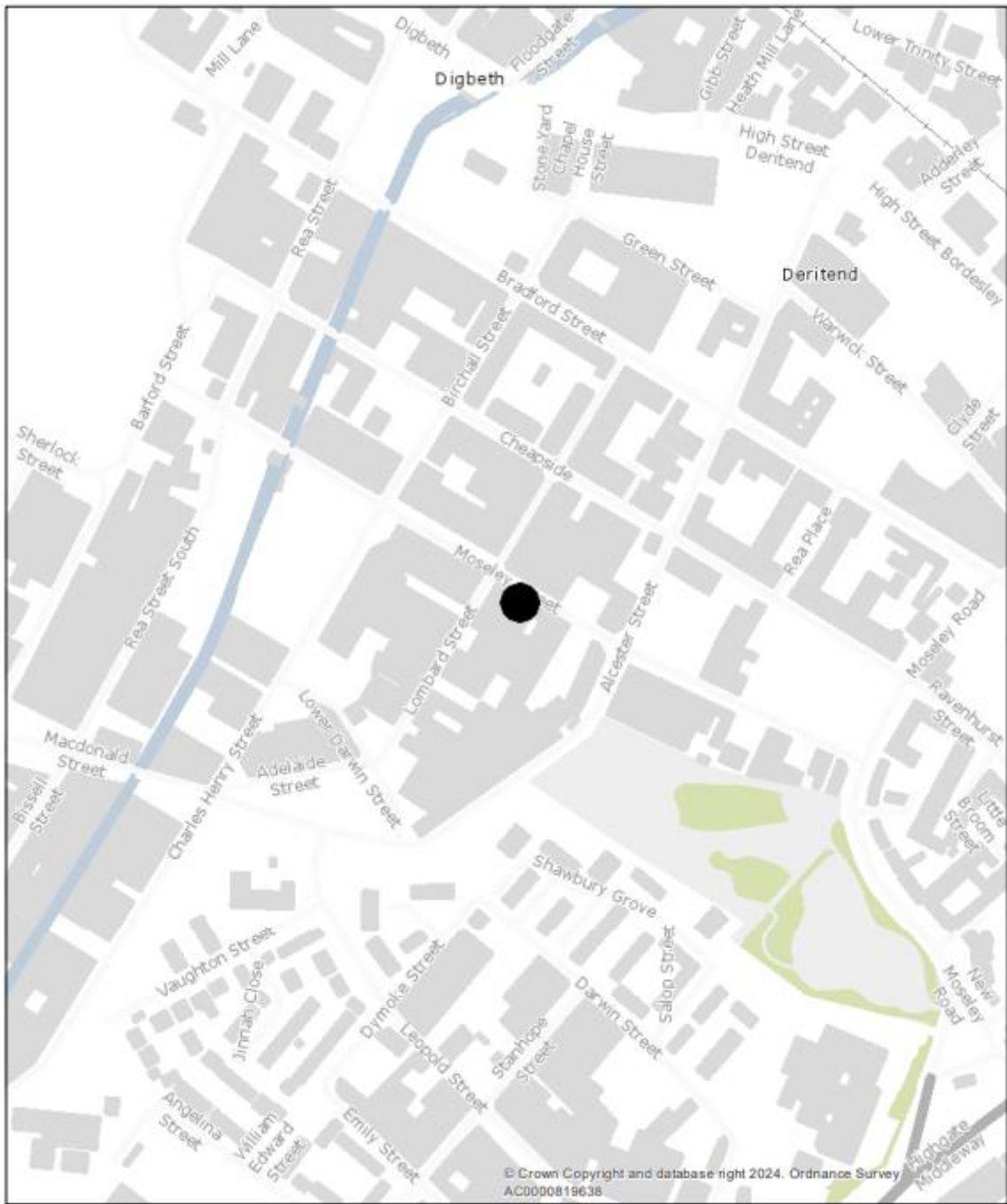
Annex 3 – Conditions attached after a hearing by the Licensing Authority

N/A

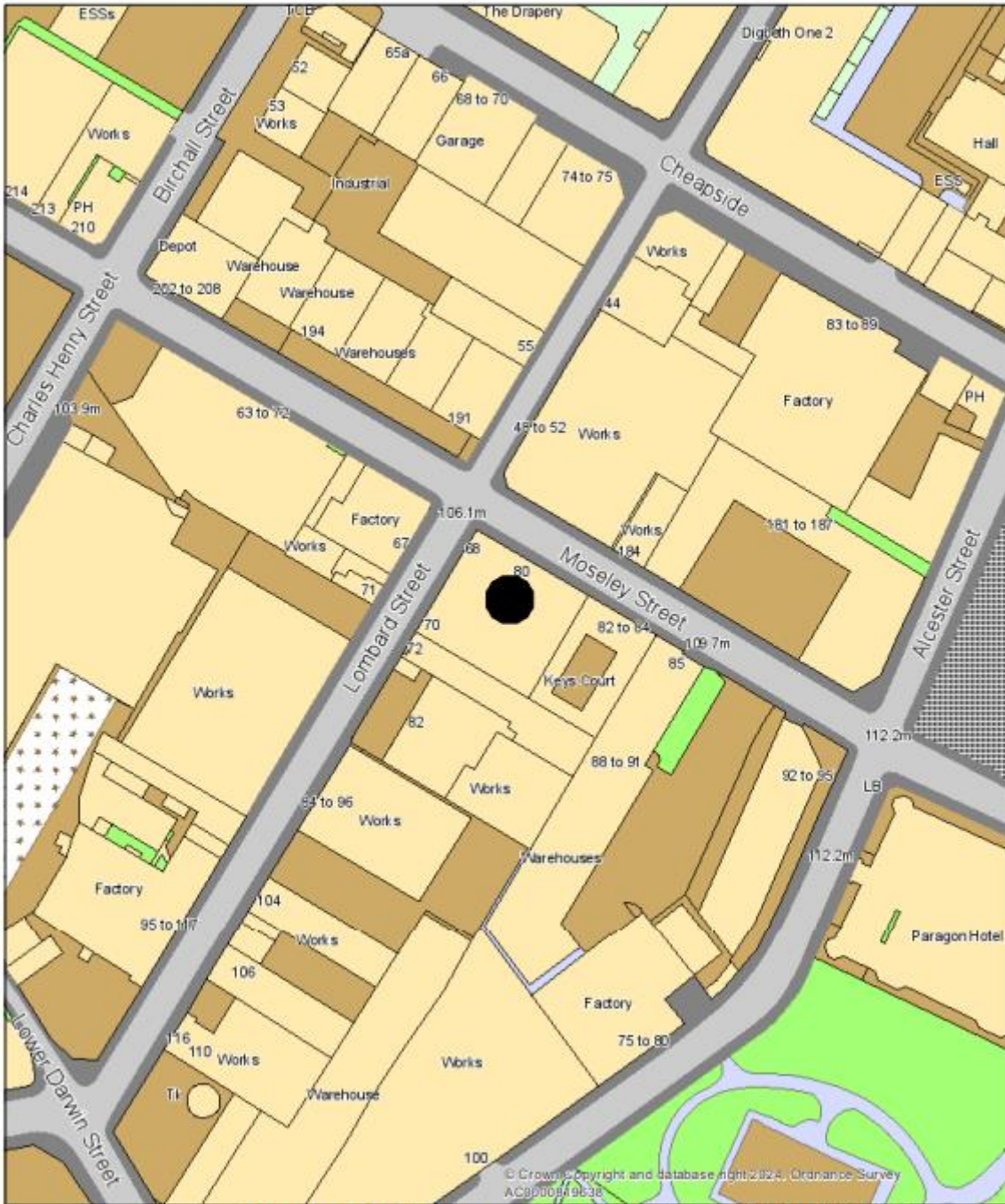
Annex 4 – Plans

Plan Reference; - 162431 as attached.





© Crown copyright. All rights reserved. Birmingham City Council AC0000810638 (2024)



© Crown Copyright and database right 2024. Ordnance Survey 100049638
© Crown copyright. All rights reserved. Birmingham City Council AC0000819838 (2024)