

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee C</b>
<b>Report of:</b>	<b>Interim Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Wednesday 17<sup>th</sup> November 2021</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Review</b>
<b>Premises:</b>	<b>Lucky Food and Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR</b>
<b>Ward affected:</b>	<b>Sutton Trinity</b>
<b>Contact Officer:</b>	<b>Shaid Yasser, Senior Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

<b>1. Purpose of report:</b>
To consider an application to review a Premises Licence.

<b>2. Recommendation:</b>
To consider and determine the review application.

<b>3. Brief Summary of Report:</b>
Review application received on 22 <sup>nd</sup> September 2021 from West Midlands Police in respect of Lucky Food and Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR.

<b>4. Compliance Issues:</b>
<b>4.1 Consistency with relevant Council Policies, Plans or Strategies:</b>
The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

<p><b>5. Relevant background/chronology of key events:</b></p> <p>West Midlands Police applied on 22<sup>nd</sup> September 2021 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Lucky Food and Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR.</p> <p>Representations have been received from Trading Standards and Birmingham City Council Licensing Enforcement, as responsible authorities, which are attached at Appendices 1 &amp; 2 respectively.</p> <p>Representations have been received in support of the premises licence holder from other persons, which are attached at Appendices 3 – 7.</p> <p>Review application is attached. See Appendix 8.</p> <p>The Premises Licence is attached at Appendix 9.</p> <p>Site location plans are attached at Appendix 10.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.</p> <p>The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -</p> <ul style="list-style-type: none"> <li>a. The prevention of crime and disorder;</li> <li>b. Public safety;</li> <li>c. The prevention of public nuisance; and</li> <li>d. The protection of children from harm.</li> </ul>
---

<p><b>6. List of background documents:</b></p> <p>Copy of the representations as detailed in Appendices 1 – 7</p> <p>Review Application Form, Appendix 8</p> <p>Copy of Premises Licence, Appendix 9</p> <p>Site location plans, Appendix 10</p>
--

<p><b>7. Options available</b></p> <p>Modify the conditions of Licence</p> <p>Exclude a Licensable activity from the scope of the Licence</p> <p>Remove the Designated Premises Supervisor</p> <p>Suspend the Licence for a period not exceeding 3 months</p> <p>Revoke the Licence</p> <p>No Action</p> <p>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.</p>
--

**From:** Paul Ellson

**Sent:** 28 September 2021 15:40

**To:** Licensing

**Subject:** Representation on behalf Trading Standards- Responsible Authority- Officer Submission

I wish to submit the following representation against Lucky Food and Wine, 58 Jerome Road, Sutton Coldfield.

On 16/3/20 Trading Standards received a complaint from a consumer stating that her 15year old daughter had been served Echo Falls wine and had become drunk and the premises was well known for selling alcohol to minors in the local area. The trader/licence holder Mr Sanmuganathan Rusikumar was sent a warning letter by an officer and on the 6/5/20 he telephoned the officer and told her that he had a Refusal Log , till prompt and blamed adults for purchasing alcohol for minors then resupplying to the minors. Highly unlikely as the premises is a small local shop in a residential area.

On 2/11/20 Trading Standards received a complaint from West Midlands Police that allegations had been made that the premises was not checking ID before selling alcohol to minors all they were doing were asking there age and if they said they were over 18years old they would sell the alcohol requested .Just asking the age is not sufficient to ensure compliance with the Licencing Act. The premises was visited as on the 11/12/20 by an officer and a relative / employee of the licence holder a Mr Subisha was spoken to about the matter and advised . He again blamed adults for purchasing the alcohol and then resupplying it to minors outside the premises. The Refusal log was checked by the officer and it was noted that it had last been filled in September 2020, no challenges since that date.

On the 13/5/21 Trading Standards received a complaint from West Midlands Police that allegations had been received that 'THROWDOWNS' a Category 1 firework were been supplied to children aged 7 to 9 years old. These products are age restricted and can only be sold to persons over 16years old , as each paper cartridge holds a small amount of explosive mixture detonated by friction contact . The premises were visited by me on the 26/5/21 when the licence holder stated he was unaware of the age restriction on such products though it is actually printed on the packaging . He was given guidance notes on fireworks and on underage sales in general which cover alcohol sales and again told to use the Refusal log.

On 9/6/21 Trading Standards received a complaint from a consumer that his 15year old daughter had been sold vodka from the premises and ended up in hospital , she had purchased the vodka using a credit card . The correct Id checks could not have been done in this case. This complaint was then followed up by information from West Midlands Police a PC Emily Bird about the same matter .

On 30/7/20 Trading Standards received another complaint from a consumer that her 15 year old son had been sold alcohol and vaping products ( sales age restricted to 18 years and over ). A joint visit with Police Officers had been arranged following the previous complaint ( 9/6/21), this was arranged to be done on the 16/ 8/21 so it was decided that this matter should be discussed at that the same time.

On 16/8/21 Trading Standards( myself) and officers from West Midlands Police visited the premises . The licence holder was at the premises when the officers arrived. The situation was explained to him which he appeared to ignore and blamed adults resupplying the alcohol to the child, the usual excuse. When it was pointed out that it was a credit card sale he still refused to accept the fact . He stated that no other persons worked in the shop, and it later transpired that at least two other individuals both family members also serve in the premises. Therefore a lie. He stated that he regularly challenges many people but just does not have time to put it in the Refusals log . We were there at least 45 minutes and only 4 people attended the premises. This is a small local shop with limited stock, most appears to be alcohol. When the Refusal log was checked there had only been three challenges done since 9/6/21 , none of which was done by him the licence holder. It must be noted that even after this visit ,the Refusal log had not been updated at all by the 10<sup>th</sup> September 2021 when West Midlands Police Licencing attended the premises .

Though he was given a full guidance pack and all the relevant information yet again he treated the officers utter contempt and his reaction was lamentable at best and shocking at worst . He showed that he had little understanding of the law despite having several visits and letters or choose to ignore it and them, and appeared to exercise a complete lack of control over the licenced premises. This litany of complaints against one trader in a short time is very rare indeed in my 30 years of experience .It is my belief that Mr Sunmuganathan Rusikumar has breached and continues to breach all four licencing objectives 1)prevention of crime and disorder , 2) public safety 3) prevention of public nuisance and 4) protection of children from harm and presents a clear and present danger to public by selling alcohol to persons under 18years old and ignoring all the constraints and concerns of the Authorities .

Paul Ellson  
Enforcement Officer  
Birmingham Trading Standards  
P O Box 16586  
Birmingham  
B33 3EH

**Birmingham City Council Licensing Service**  
**Representation as a responsible authority in respect of Premises Licence No. 4033**  
**under the Licensing Act in respect of premises known as**  
**Lucky Food and Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR**

**Introduction**

West Midlands Police have requested a review of the Premises Licence in respect of Lucky Food and Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR. Grounds for review relate to the following licensing objectives:-

The Prevention of Crime and Disorder, Public Safety and Protection of Children from Harm.

Birmingham City Council Licensing Enforcement wish to support this review.

The current Premises Licence allows the following licensable activities:-

Sale of alcohol by retail (off the premises)			
to take place between			
Monday – Sunday	06:00	-	22:00
Opening hours of the premises			
Monday – Sunday	06:00	-	22:00

**Background**

On 7<sup>th</sup> June 2021 a complaint was received by the Licensing Service from a member of the public stating that on 29<sup>th</sup> May 2021, their daughter (age 15 years) had been able to purchase a bottle of vodka on 3 separate occasions from Lucky Food and Wine. This had come to light when the parent had checked their daughter's bank statement.

As a result of this complaint, on the 9<sup>th</sup> June 2021 a Licensing Act inspection was carried out at the premises of Lucky Food and Wine. The Licence holder and Designated Premises Supervisor, Mr Sanmuganathan Rusikumar was on site at the time of the inspection.

As part of the Premises Licence Conditions, Condition 2b) Conditions Consistent with and to promote the prevention of crime and disorder, it states that CCTV shall be retained for a period of 31 consecutive days.

This condition was not being complied with. A Trader Notice no. 26695 was issued to Mr Rusikumar informing him that he was in breach of this condition of licence and he was given 7 days to rectify the non-compliance.

A revisit to the premises was carried out on 2<sup>nd</sup> August 2021 in order to assess compliance with conditions of licence in respect of CCTV. Mr Rusikumar was on site during the inspection. CCTV was examined and still found not to be recording for 31 consecutive days (only 28 days). A further Trader Notice no. 26761 was issued to Mr Rusikumar, informing him that he would be invited to attend a formal interview in accordance with the Police and Criminal Evidence Act 1984 (PACE) as it was alleged that offences were being committed in respect of non-compliance with conditions of licence.

On Tuesday 7<sup>th</sup> September 2021 Mr Sanmuganathan Rusikumar was interviewed under caution in respect of alleged offences for breaching conditions of licence.

### **Licensing Enforcement Team Recommendations to the Licensing Committee**

In light of the above, it was the intention of Licensing Enforcement to pursue legal proceedings against Mr Rusikumar for breaching conditions of his premises licence. There was nearly 2 months between the first inspection and the follow up inspection which was still non-compliant. Licensing Enforcement have no confidence in Mr Rusikumar upholding the licensing objectives. On 23<sup>rd</sup> September 2021 West Midlands Police requested for the Premises Licence for Lucky Food and Wine to be reviewed. As a Licensing Authority Birmingham City Council must carry out its licensing functions with a view to promoting the licensing objectives contained in the Act. The Act is clearly intended to prevent crime and disorder in relation to premises, as well as deter and prevent unscrupulous persons from operating illegally under the authorisation of a premises licence.

Birmingham City Council Licensing Enforcement support West Midlands Police in their representations to review the Premises Licence.

**From:**  
**Sent:** 20 October 2021 10:00  
**To:** Licensing <licensing@birmingham.gov.uk>  
**Subject:** Character reference

To whom it may concern

I live locally to lucky food and wine shop in Sutton Coldfield and have seen the notice on the door  
I like to give a good character reference towards him

I've seen on many of occasions him and his wife checking ID on people trying to buy alcohol and cigarettes  
The shop is his home and I don't think he would jeopardise the fact on selling to under age people  
He stayed open through lockdown and remind positive with percausions in place

Him and his wife are very upset about what's happened due to not knowing where its come from  
I would like to see the shop remaind how it is because they are doing a great job

Kind regards

**From:**  
**Sent:** 20 October 2021 18:45  
**To:** Licensing  
**Subject:** Lucky Food & Wine, 58, Jerome Road, B72 1SR.

Dear Sir/Madam,

I am a resident of the New Hall Valley and would like to give my full support to the family who run our local store - "Lucky", situated on Jerome Road.

This friendly store was a goldmine to local people during the lockdown. It's extremely well run. I continue to walk there almost daily to do my shopping.

The manager & his wife are extremely strict about the purchase of alcohol and not only refuse to serve those who are underage, but would also refuse customers who behave rudely.

I'd be extremely upset if this lovely little store was adversely affected in any way by complaints that are unjustified, inaccurate & unkind.

I'd vouch for the high standard of service, reasonable prices & friendliness of the "Lucky" team any day. They are a family of high principles & would most certainly not sell alcohol to anyone underage!

Yours sincerely,

Resident of New Hall Valley.

**From:**  
**Sent:** 20 October 2021 19:47  
**To:** Licensing  
**Subject:** Lucky Food and Wine Licence Review.

To whom it may concern,

I am writing this email in regards to the investigation into the licence of Lucky Foods and Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR.

I live a few doors up from this shop and I can only say pleasant things about the owner of the licence. He is an asset to the area, works hard to provide for his family and his professionalism is top notch.

I have never seen or heard of the shop keeper selling any alcohol to anyone under the age of 18, I mean I am 30 years old and my first visit to the shop for a bottle of wine 3 years ago I was asked for identification.

In this area, on our roads we don't suffer with anti social behaviour as much as other areas as our area is pretty quite.

The family that run the shop are very supporting of the community often allowing people whom are running low on pay day pay them back for little items such as bread and milk when they get paid.

I have seen the owners give food to the homeless men that scout the area and offer a listening ear. I have also witnessed the family deliver items to those who are shielding from covid.

In such hard time it would be a great shame for the family to suffer any consequences from the accusations made against them.

Kind Regards

Neighbour at Ebrook Road, B72

From:  
Sent: 21 October 2021 00:11  
To: Licensing  
Subject: Lucky Food & Wine

To Whom it may concern,

I have been going to Lucky Food & Wine for around a year now and have just heard that there is an ongoing investigation into their licensing for selling to underage. The owner's of Lucky Food & Wine have ID'd me multiple times despite being a local and going several times a week (I'm 19 years old) I buy tobacco products and rolling papers etc which I always get IDd for.

I have witnessed all of the owners IDing others. My family and all the locals are shocked at this, Lucky Food & Wine and all the staff are brilliant and as far as my experience goes they are very careful when selling 18+ products.

My boyfriend has also stated that school children and teenagers loiter outside of the shop asking adults to go in and buy something while they wait outside. This is a serious issue; adults need to be more informed and children should be monitored in some shape or form to prevent this from happening in future.

It would be extremely sad to see the shop close down after going for so long and seeing that everything is done correctly (even though it was annoying when I forgot my provisional at home)

Thank you for taking the time to read this

**From:**

**Sent:** 21 October 2021 19:24

**To:** Licensing

**Subject:** Ref: Lucky Food & Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR

Dear Sir/Madam,

**Ref: Lucky Food & Wine, 58 Jerome Road, Sutton Coldfield, B72 1SR**

I'm just emailing you regarding the review of licencing with the above shop. We local residents are very concerned that they may have their license removed, which will almost certainly result in the shop closing. We live just by the shop and would like to tell you that the current owners have been and continue to be, very good for the local community. Both for the many local elderly people, who aren't mobile enough to get to larger shops and for the rest of the local community (especially during lockdowns) they were/are a lifeline. We actually shop in "Lucky Food & Wine" daily and have never seen them selling any alcohol to underage children, indeed I have personally witnessed them refuse to serve people who come in with no age verification.

I must also mention that since the current owners have taken over, there have been no gangs of teenagers or trouble outside the shop, which is certainly an improvement!

If you would like to discuss any of the above points, please feel free to contact me either by return mail, or by the contact number below.

I look forward to hearing from you in due course.

Kind Regards

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**

58 Jerome Road, Sutton Coldfield.

**Post town – Birmingham**

**Post code (if known) B72 1SR**

**Name of premises licence holder or club holding club premises certificate (if known)**

Mr Sanmuganathan Rusikumar

**Number of premises licence or club premises certificate (if known)**

4033

**Part 2 – Applicant details**

I am

Please tick ✓ yes

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

☐

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

☒

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

☐

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

Current postal  
address if  
different from  
premises  
address

Post town

Post Code

Daytime contact telephone number

E-mail address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address <b>Chief Constable of West Midlands Police Birmingham Licensing Section West Midlands Police HQ Lloyd House Birmingham B4 6NQ</b>
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 ✓

- ☒ x  
☒ x  
☐  
☒ x

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

**Premises not promoting the licensing objectives of the prevention of crime & disorder, the protection of children from harm and public safety.**

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

**The premises is a convenience store that is situated within a very residential area and within 5 minutes' walk of Plantsbrook Secondary School.**  
**The shop benefits from a premises licence which allows it serve alcohol from 06.00 to 22.00 7 days a week.**  
**The premises licence holder (PLH) is Sanmuganathan Rusikumar who is also the Designated Premises Supervisor (DPS) at the shop.**  
**On 20<sup>th</sup> August 2021 I was emailed by PC 24582 Emily Bird who is a neighbourhood officer for the area where this premises is located.**  
**She informed me that she have received and email from a concerned parent stating that his 15 year old daughter had been sold alcohol (vodka) at Lucky Food and Wine Store 58 Jerome Road in Sutton Coldfield.**  
**PC Bird stated that the child had ended up in hospital after drinking the alcohol, due to the amount of alcohol she had consumed.**  
**Attached to this email was a screen shot of the child's bank account showing 3 purchases from the store – all of which she states were for vodka.**  
**PC Bird explained that after she had received the original email from the parent she visited the premises on 16<sup>th</sup> August 21 together with Trading Standards Officer - Paul Ellson.**  
**Prior to the visit PC Bird states that Paul Ellson had informed her that Trading Standards had received another complaint from another parent of a different child 2 weeks earlier about the premises selling their child alcohol.**

At this visit PC Bird explained that there were breaches of the premises licence identified being the refusal register not up to date and issues with the CCTV.

On Friday 10<sup>th</sup> September as a result of PC Bird's email I attended the premises and spoke with Sanmuganathan Rusikumar.  
I checked the licence conditions, the refusals log had been updated since PC Bird's visit and I viewed the CCTV which was compliant with the licence.

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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 .....

Date

22/09/2021

Capacity

Supr off

**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) - I**

**Notes for Guidance**

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

**LICENSING ACT 2003****PREMISES LICENCE**

Premises Licence Number:

4033 / 3

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> Lucky Food and Wine 58 Jerome Road	
<b>Post town:</b> Sutton Coldfield	<b>Post Code:</b> B72 1SR
<b>Telephone Number:</b> Not Specified	

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

<b>Licensable activities authorised by the licence</b> M2          Sale of alcohol by retail (off the premises)
--

<b>The times the licence authorises the carrying out of licensable activities</b> Monday - Sunday          06:00          -          22:00          M2
---

<b>The opening hours of the premises</b> Monday - Sunday          06:00          -          22:00
--

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

**Part 2**

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

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

<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Mr Sanmuganathan Rusikumar	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> LN/000009476/1016/1	<b>Issuing Authority</b> HARROW LONDON BOROUGH COUNCIL

*Dated 01/03/2017*

David Kennedy  
Principal 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 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.

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

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

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

An internal and external digital CCTV system with recording equipment shall be installed and maintained at the premises and operated with cameras in positions agreed with the Police all recordings used in conjunction with CCTV shall:

be evidential quality in all lighting conditions

indicate the correct time and date

Be retained for a period of 31 consecutive days

A member of staff who has been trained to use the CCTV system must be on the premises at all times licensable activities are authorised, as the recorded images must be made available for inspection and downloading immediately upon request to officers of responsible authorities.

All downloaded images must be provided in a format that is viewable without the need for specialist equipment and/or software.

A bound and sequentially paginated refusals book shall be kept at the premises to record all instances where admission or service is refused. Such records shall show:

The basis for the refusal

The person making the decision to refuse

The date and time of refusal

Such records shall be retained at the premises for at least 12 months, and shall be made available for inspection and copying by the police, or other officer of a Responsible Authority, immediately upon request.

#### **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.

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

The Premises Licence Holder shall ensure that prominent notices are displayed informing the customers of the challenge 25 policy.

### **Annex 3 – Conditions attached after hearing by licensing authority**

#### **3a) General committee conditions**

Conditions as stated below under the appropriate licensing objective.

#### **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**

No deliveries to the side entrance before 1000 hours.

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

The Premises shall adopt a Challenge 25 Policy.

#### **Annex 4 – Plans**

The plan of the premises with reference number **100347-4033/3** 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.

