

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING SUB-COMMITTEE A**

**FRIDAY, 29 NOVEMBER 2024 AT 12:00 HOURS**  
**IN ON-LINE MEETING, MICROSOFT TEAMS**

*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/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](#)) 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**

**3 - 32**

4 **LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW KING  
OF THE CLUBS, HILL STREET, BIRMINGHAM, B5 4AH**

Report of the Director of Regulation and Enforcement.  
N.B. Application scheduled to be heard at 12:00pm.

5 **OTHER URGENT BUSINESS**

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

## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Director of Regulation and Enforcement</b>
<b>Date of Meeting:</b>	<b>Friday 29<sup>th</sup> November 2024</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Summary Review</b>
<b>Premises:</b>	<b>King of the Clubs, Hill Street, Birmingham, B5 4AH</b>
<b>Ward affected:</b>	<b>Ladywood</b>
<b>Contact Officer:</b>	<b>Bhapinder Nandhra, Senior Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

**1. Purpose of report:**

A review of the premises licence is required following an application for an expedited review under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006).

**2. Recommendation:**

To consider the review application and representation received and to determine this matter, having regard to:

- The submissions made by all parties
- The Statement of Licensing Policy
- The Public Sector Equality Duty
- The s182 Guidance

**3. Brief Summary of Report:**

An application under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) was received on 5<sup>th</sup> November 2024 in respect of King of the Clubs, Hill Street, Birmingham, B5 4AH.

**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:**

On 5<sup>th</sup> November 2024, Superintendent Churchill, on behalf of West Midlands Police, applied for a review, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), of the Premises Licence granted to MD76 Limited in respect of King of the Clubs, Hill Street, Birmingham, B5 4AH.

The application was accompanied by the required certificate, see Appendix 1.

Within 48 hours (excluding non-working days) of receipt of an application made under Section 53A, the Licensing Authority is required to consider whether it is appropriate to take interim steps pending determination of the review of the Premises Licence, such a review to be held within 28 days after the day of its receipt, review that Licence and reach a determination on that review.

Licensing Sub-Committee C met on 6<sup>th</sup> November 2024 to consider whether to take any interim steps and resolved that the licence be suspended pending the review of the licence. A copy of the decision is attached at Appendix 2.

The Premises Licence Holder was notified of the interim steps taken by the Licensing Authority and subsequently made a representation at 22:17hours on 17<sup>th</sup> November 2024.

As a result of this representation, Licensing Sub-Committee B met on 19<sup>th</sup> November 2024 and having heard from representatives of the licence holder and West Midlands Police, resolved that the suspension be lifted and that those conditions agreed between West Midlands Police and the licence holder in advance of the meeting be adopted as an interim step.

A copy of the decision is attached at Appendix 3.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other persons ended on 20<sup>th</sup> November 2024.

A representation has been received from other persons, which is attached at Appendix 4.

A copy of the current Premises Licence is attached at Appendix 5.

Site location plans are attached at Appendix 6.

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's functions under the Licensing Act 2003 are to promote the licensing objectives: -

- 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 and Certificate from West Midlands Police, Appendix 1  
Sub-Committee Interim Steps Meeting decision 6<sup>th</sup> November 2024, Appendix 2  
Sub-Committee Interim Steps Meeting decision of 19<sup>th</sup> November 2024, Appendix 3  
Copy of the representation from other persons, Appendix 4  
Current Premises Licence, Appendix 5  
Site location plans, Appendix 6

**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  
Take no action

In addition the Sub Committee will need to decide what action, if any, should be taken regarding the interim steps imposed on the 6<sup>th</sup> November 2024 and modified on 19<sup>th</sup> November 2024.



## 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 **9919 SALLIE CHURCHILL**

(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: King of Clubs

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

**Hill Street**

Post Town: **Birmingham**

Post Code (if known): **B5 4AH**

## 2. Premises Licence details:

Name of premise licence holder (if known):

**Md76 Ltd**

Number of premise licence (if known):

**5135**

## 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)

King Of Clubs is a licensed premises situated at Hill Street, Birmingham. B5 4AH. The premises license holder is Md76 Ltd and the designated premises supervisor is Ms Angela Nelson.

The premises is licensed to sell alcohol for consumption on the premises for 24 hours on Saturdays although it has an operating condition to stop sales of alcohol at 0400 hours unless agreed for the time to be later with the Police..

At approximately 0356 hours Sunday 3<sup>rd</sup> November 2024 the premises were open and conducting licensable activity.

At this time an incident occurred whereby a male was slashed to the face twice causing cuts to his face. [REDACTED] The injured person was hospitalised where he received treatment for his injuries. A flick knife has been recovered from inside the premises.

This matter is a wounding with intent contrary to section 18 of The Offences Against The Person Act 1861 which is a serious crime by virtue of the maximum sentence on conviction being life imprisonment.

West Midlands Police have serious concerns for the promotion of the licensing objectives at this premises. A knife has been taken into the premises and used to cause a serious offence. Staff and operating conditions are in place which should mean that this is not possible to do. [REDACTED]

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: 5.11.24.

Rank/Capacity: Superintendent 9919 Attwood



# 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:** King Of Clubs. Hill Street. Birmingham. B5 4AH.

**Premise Licence Number:** 5135.

**Premise Licence Holder:** Md76 Ltd.

**Designated Premise Supervisor:** Ms Angela Nelson.

**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 3<sup>rd</sup> November 2024, which involved a wounding with a weapon and the inadequacy of measures taken by the operators on the night of the incident which include inadequate implementation of the search condition on the premises licence, 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).

Signe *Supt 9919 Churchill*

Dated: *5/11/24*





## **BIRMINGHAM CITY COUNCIL**

### **LICENSING SUB COMMITTEE - C**

**WEDNESDAY 6 NOVEMBER 2024**

#### **KING OF THE CLUBS, HILL STREET, BIRMINGHAM B5 4AH**

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by MD76 Limited in respect of King of the Clubs, Hill Street, Birmingham B5 4AH, this Sub-Committee determines that the licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application.

The Sub-Committee's reason for imposing the interim step of suspension is due to the concerns which were expressed by West Midlands Police in relation to matters pertaining to serious crime, which had come to light as outlined in the Superintendent's certificate and application. Those documents were in the Committee Report. The Sub-Committee determined that the cause of the serious crime was the responsibility of the company, as premises licence holder for the premises.

West Midlands Police attended the meeting. The designated premises supervisor, Ms Angela Nelson, also attended the meeting to address the Sub-Committee, accompanied by the director of the licence holder company. Ms Nelson confirmed to the Chair that she had been given authority to represent the licence holder company. The Sub-Committee noted this.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. The Police explained that the matter was an ongoing police investigation regarding an incident of serious crime, namely an offence under s18 of the Offences against the Person Act 1861.

The Police asked for the proceedings to be conducted in private because if the evidence were to be heard in public it could prejudice the investigation. The designated premises supervisor Ms Nelson, representing the licence holder, confirmed that the licence holder did not object. The Sub-Committee therefore conducted the meeting in private session.

Members heard the submissions of West Midlands Police, namely that the certificate, which had been issued by a Superintendent under s53A of the Act, related to an allegation of serious crime which had originated at the premises. The details were as per the documents in the Committee Report. The incident warranted the use of the s53A power, and the matter had been brought before the Sub-Committee for an Expedited Review hearing.

The Police confirmed that there had been a wounding, and thereafter a flick knife had been recovered; accordingly the Police had serious concerns about what had unfolded on the night. Their recommendation to the Sub-Committee was simply to suspend the licence pending the full Summary Review hearing. They did not request that the designated premises supervisor should be removed, as she was known to be reliable, and indeed at the time of the incident she had been dealing with an emergency unrelated to the incident. The Sub-Committee noted this.

A suspension would assist with the ongoing investigation, and would also guard against the risks of further serious crime, pending the full Summary Review hearing in 28 days' time.

The licence holder company, via the designated premises supervisor who had confirmed that she had been authorised to represent the licence holder, then addressed the Sub-Committee to explain that the premises had no history of problems at all. Moreover, Ms Nelson personally had 30 years' experience in the licensed trade, and had never had any similar incident in her career. The Sub-Committee noted this.

Ms Nelson explained what the premises' arrangements had been on the night, and assured the Members that the premises prioritised the licensing objectives. The Police confirmed that Ms Nelson had describe the events properly, but advised the Sub-Committee that on the night the search regime at the premises had failed. A weapon had found its way into the premises, after there had been a failure to locate it on entry; for that reason, the Police recommended a suspension of the licence pending the full Summary Review hearing.

Having heard all of the evidence, the Members were mindful of the Guidance issued by the Secretary of State under s182 of the Act, which advised them to only impose those steps which were necessary to guard against the risks of further serious crime and/or serious disorder.

The Sub Committee determined that the causes of the serious crime were not yet established, as an investigation was under way – but the Members were not prepared to take any risks whatsoever regarding the potential for further serious crime. Any instance of knife violence in licensed premises was extremely serious, and a clear risk to the prevention of crime and disorder objective.

It was therefore necessary and reasonable to impose the interim step of suspension of the licence, to address the immediate problems with the premises, in particular the likelihood of serious crime, and to promote the prevention of crime and disorder objective in the Act. The Sub-Committee was mindful that the Guidance issued by the Secretary of State deemed the Police to be the experts in dealing with crime and disorder; the Police had advised the Sub-Committee that a suspension was the correct course.

In reaching its decision, the Members considered the representations made by Ms Nelson, who represented the licence holder company, and accepted that she was a responsible person who was respected by the Police. Accordingly, when considering the other options open to them, the Members agreed with the Police that it would not be proportionate to remove Ms Nelson as the designated premises supervisor.

The Members gave consideration to the modification of the conditions of the licence, and exclusion of the sale of alcohol by retail from the scope of the licence, but did not consider that these would adequately cover the risks, given the seriousness of what had been described in the Superintendent's certificate and application. The Police had given a firm recommendation, and the Members, having had regard to the representations of the parties, agreed that a suspension of the licence was necessary to address the totality of issues brought to their attention.

The correct way forward was therefore to suspend the licence pending the full Summary Review hearing; this was both necessary and reasonable to address the immediate problems with the premises, namely the potential for further serious crime.

In reaching this decision, the Sub-Committee has given due consideration to the application made and certificate issued by a Superintendent of West Midlands Police, the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office under s182 of the Act, the written submissions made, and the submissions made at the hearing by West Midlands Police and by the designated premises supervisor who confirmed that she was authorised to represent the licence holder company.

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

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



**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB COMMITTEE - B**

**19 NOVEMBER 2024**

**KING OF THE CLUBS, HILL STREET, BIRMINGHAM B5 4AH**

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That, having considered the representations made on behalf of MD76 Limited in respect of King of the Clubs, Hill Street, Birmingham, B5 4AH in respect of the interim steps imposed on the 6 November 2024, this Sub-Committee hereby determines that:

- the interim step of suspension of the licence is lifted, and
- all those conditions agreed between West Midlands Police and the licence holder in advance of the meeting shall be adopted as an interim step

pending the determination of the full Summary Review hearing.

The licence holder company was represented at the meeting by the designated premises supervisor, who was accompanied by the director of the company. West Midlands Police also attended the meeting.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. The Police explained that they wished the meeting to be conducted in private due to the ongoing Police enquiry, and the fact that if information were to be released, it could prejudice the investigation. Those from the premises confirmed that they did not object to this course. The Sub-Committee therefore conducted the meeting in private session.

Once the meeting went into private session, the designated premises supervisor addressed the Sub-Committee to confirm that she had many years of experience in the trade and had never had such an incident at any licensed premises she had managed. She had been cooperating with the Police since the incident. The Sub-Committee noted this.

She confirmed that a stringent suite of conditions had been agreed with Police, and made detailed submissions regarding the work that had been done to implement all the requirements. There was a renewed focus on the search regime, and all staff were to be retrained to make sure that they were aware of the importance of health & safety, dispersal and security.

The company director confirmed that the premises had been happy to agree all of the Police recommendations. The premises would continue to liaise with Police, and indeed had a dedicated officer to do this. The promotion of the licensing objectives would be the priority.

The Police then addressed the Sub-Committee to confirm that the proposed conditions were a proportionate and appropriate way forward. The Police therefore urged the Sub-Committee to adopt the conditions.

When deliberating, the Sub-Committee carefully considered the incident on the night in question, as detailed in the application for review, and explored the representations made both by West Midlands Police and by those representing the premises licence holder.

In reaching its decision, the Sub-Committee considered the application made by the premises licence holder and was satisfied that the proposed conditions were all in order, such that the interim step of suspension could be lifted. The premises had been cooperative with Police, and the agreed conditions would ensure there was little likelihood of a further serious crime incident in the interim period (pending the full Summary Review).

In reaching this decision, the Sub-Committee has given due consideration to the application made and certificate issued by a Superintendent of West Midlands Police, the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office under s182 of the Act, all the written submissions made, and the submissions made at the hearing by those representing the licence holder company, and by West Midlands Police.

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

**From:**  
**Sent:** 20 November 2024 16:18  
**To:** Licensing  
**Cc:**  
**Subject:** King of Clubs

Hello,

I have just seen the notice posted outside King of Clubs on Hill Street, and read the corresponding document below. I wasn't previously aware of this violent incident, and hope the victim recovers.

I have complained repeatedly about a noise issue, both from King of Clubs and from

.

Firstly, the beating sound from King of Clubs music is audible in my bedroom every Saturday night until 4 a.m. This makes it rather hard to sleep.

(I have been away for the past two weekends, so I can't say if this has changed.)

Kind regards,

Licensing Act 2003Premises Licence

<b>Premises Licence Number</b>	5135
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**Part 1 – Premises Details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>  King of the Clubs, Hill Street, Birmingham, B5 4AH
<b>Telephone Number</b>  Not Specified

<b>Where the licence is time limited the dates</b>  N/A
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<b>Licensable activities authorised by the licence</b>  Sale of Alcohol by Retail Provision of Late Night Refreshment Performance of a Play Exhibition of a Film Performance of Live Music Playing of Recorded Music Performance of Dance Anything of a similar description to that falling within (live music), (recorded music) or (performances of dance)
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**Times the licence authorises the carrying out of licensable activities**

<b>Sale of Alcohol by retail:</b>		
<b><u>Day</u></b>	<b><u>Start Time</u></b>	<b><u>End Time</u></b>
Monday	00:00	23:59
Tuesday	00:00	23:59
Wednesday	00:00	23:59
Thursday	00:00	23:59
Friday	00:00	23:59
Saturday	00:00	23:59
Sunday	00:00	23:59
<b>Place:</b>		
<b>Seasonal Variations:</b>		
<b>Non-Standard Times:</b>		

<b><u>Provision of Late Night Refreshment:</u></b>		
<b><u>Day</u></b>	<b><u>Start Time</u></b>	<b><u>End Time</u></b>
Monday	23:00	05:00
Tuesday	23:00	05:00
Wednesday	23:00	05:00
Thursday	23:00	05:00
Friday	23:00	05:00
Saturday	23:00	05:00
Sunday	23:00	05:00



**Further Details:**  
**Place:**  
**Seasonal Variations:**  
**Non-Standard Times:**

**Performance of a Play:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	00:00	23:59
Tuesday	00:00	23:59
Wednesday	00:00	23:59
Thursday	00:00	23:59
Friday	00:00	23:59
Saturday	00:00	23:59
Sunday	00:00	23:59

**Further Details:**  
**Place:**  
**Seasonal Variations:**  
**Non-Standard Times:**

**Exhibition of a Film:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	00:00	23:59
Tuesday	00:00	23:59
Wednesday	00:00	23:59
Thursday	00:00	23:59
Friday	00:00	23:59
Saturday	00:00	23:59
Sunday	00:00	23:59

**Further Details:**  
**Place:**  
**Seasonal Variations:**  
**Non-Standard Times:**

**Performance of Live Music:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	00:00	23:59
Tuesday	00:00	23:59
Wednesday	00:00	23:59
Thursday	00:00	23:59
Friday	00:00	23:59
Saturday	00:00	23:59
Sunday	00:00	23:59

**Further Details:**  
**Place:**  
**Seasonal Variations:**  
**Non-Standard Times:**

**Playing of Recorded Music:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	00:00	23:59
Tuesday	00:00	23:59
Wednesday	00:00	23:59
Thursday	00:00	23:59
Friday	00:00	23:59
Saturday	00:00	23:59
Sunday	00:00	23:59

**Further Details:**  
**Place:**  
**Seasonal Variations:**  
**Non-Standard Times:**

**Performance of Dance:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	00:00	23:59
Tuesday	00:00	23:59
Wednesday	00:00	23:59
Thursday	00:00	23:59
Friday	00:00	23:59
Saturday	00:00	23:59
Sunday	00:00	23:59

**Further Details:****Place:****Seasonal Variations:****Non-Standard Times:****Anything of a similar description to that falling within (live music), (recorded music) or (performances of dance)**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	00:00	23:59
Tuesday	00:00	23:59
Wednesday	00:00	23:59
Thursday	00:00	23:59
Friday	00:00	23:59
Saturday	00:00	23:59
Sunday	00:00	23:59

**Further Details:****Place:****Seasonal Variations:****Non-Standard Times:****The opening hours of the premises**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	00:00	23:59
Tuesday	00:00	23:59
Wednesday	00:00	23:59
Thursday	00:00	23:59
Friday	00:00	23:59
Saturday	00:00	23:59
Sunday	00:00	23:59

**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**

Md76 Limited  
2 Wheeleys Road, Birmingham, B15 2LD

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

Company Number:13817587

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

Ms Angela Nelson

**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:** 140178  
**Issuing Authority:** Brent Council

Dated 03-04-2023

Shaid Yasser  
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: 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 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.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

## **Annex 2 – Conditions consistent with the Operating Schedule**

The provisions of Regulated Entertainment and Late Night Refreshment shall take place indoors only.

The CCTV system is to be installed at the premises to the specification agreed with the West Midlands Police Licensing Department.

CCTV is to be operational whilst the premises are open and be recording continually. Recordings are to be kept for a minimum of 28 days. CCTV images to be made available to any responsible authority on request.

The premises licence holder shall have in place at the premises a search policy, which will be implemented to ensure that drugs and offensive weapons are not brought into the premises by patron.

The Premises to provide a standard operating risk assessment for each night of the week to include door staff numbers and deployment plan. Premises also to provide risk assessment for all non-standard events i.e. student nights.

An incident register of all occurrences and ejections from the premises will be maintained at the premises and any details of public order offences will be recorded. The register will be produced and made available for inspection upon request by a Responsible Authority.

If the premises use any new promoter for any external event then for the first event the Designated Premises Supervisor will inform West Midlands Police Licensing Department at least 28 Days before the first event with a risk assessment for the event. Recommendations made to the Designated Premises Supervisor that satisfy the four licensing objectives will become conditions for that event on the premises license.

The premise is to maintain door staff profiles for all door staff working at the premises and for any door staff that have worked on the premises in the last three months.

The door staff profile will consist of identification for the member of staff;

A copy of his/her SIA badge Passport or driving licence. If the proof of identification is anything other than the photo driving licence then the member of staff will need proof of address, which must be a copy of a utility bill dated within the last six months.

The licence holder shall maintain and operate an ID Scan to all persons entering the premises whenever licensable activities are being carried on. The premises is to adopt and display a clear notice to the effect that there is a strict policy of NO ID, NO ENTRY.

All persons (including staff, DJs and entertainers) entering the premises whenever licensable activities are being carried on will be subject to a search. This search will include a full body search AND metal detection. Each of those activities will be undertaken by a separate door supervisor.

No person will be allowed entry to the premises 1 hour before close, save for re-entry for persons who were on the premises before midnight. Every person re-entering the premises will be strictly subject to the body and metal detection search.

If the premises wish to have events which continue after the end time for normal licensable activity, they must provide 28 days; notice to West Midlands Police of this and include the risk assessment for the event including the security plan. Any recommendations made by West Midlands Police in relation to the application will become conditions of the license for that event and West Midlands Police will have a right of veto over the event to prevent breaches of the licensing objectives. This to be put in writing to the Premises License Holder , giving the reasons.

The premises will operate a dispersal policy this will be made immediately available to any of the responsible authorities on request.

The premises will operate a vulnerability policy which will be made available to any of the responsible authorities on request. As part of this policy the premises will have a safe space for vulnerable people.

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. The log will be made immediately available to members of the responsible authorities on request.

Doors and windows will remain closed if regulated entertainment is taking place after 2000 hours except for ingress and egress or cases of emergency.

While regulated entertainment is taking place the premises will ensure that regular noise assessments (minimum of 1 check every 3 hours) are carried out at the nearest residential property to ensure noise or vibration from the premises does not cause a public nuisance. These checks are to be documented, dated, timed and signed by the person who has made the check. This documentation to be made immediately available to any of the responsible authorities on request and held on the premises for a minimum of 3 months.

The volume of all entertainment/music will be controlled by the DPS, premises licence holder or their nominated representative and not the DJ, artist or persons hiring the venue.

The premises will deploy door staff when trading. Door staff will sign on and off duty. The premises will keep a profile of all door staff which will include a copy of their SIA licence and photographic ID. (If photographic ID is not available then a utility bill no older than 3 months will be acceptable.) The signing in & out sheets and profiles will be kept on the premises for a minimum of 3 months and made immediately available to any of the responsible authorities on request. Door staff will wear a fluorescent coat, jacket or waistcoat while on duty at the premises. Door staff will remain on duty until all the customers have dispersed and this will form part of the premises dispersal plan.

The numbers of door staff will be risk assessed by the premises. This risk assessment will be made available to any of the responsible authorities immediately on request.

The premises will operate a dispersal policy which will be made available to any of the responsible authorities on request.

If the premises is hired out or any promoted event with/by a third party the premises will notify West Midlands Police Central Licensing Team (by email) a minimum of 14 days prior to the event taking place unless West Midlands Police agree to a reduced notice period for individual small scale events. This notification will be accompanied by a risk assessment tailored for that event. As well as the security plan the risk assessment will include the names, addresses and dates of birth of the person(s) hiring the room or promoter. It will also include the real names and stage names of any artist, DJ, band or performer. If West Midlands Police make any recommendations in relation to an event these will become conditions of the license for that event and West Midlands Police will have a veto of any event which is likely to impact on the licensing objectives. This to be put in writing to the Premises License Holder, giving the reasons.

Dexter Laswell will play no part in the running of or management of the premises.

A member of the management team of the premises will have control and direction over the security team positioned at the entrance when the premises is open for licensable activities.

The premises shall change the security provider as of 24th October 2022

Unless otherwise agreed in advance with WMP Licensing Team in writing (and no less than 7 days) alcohol sales will cease at 02:00 hrs on Sunday to Thursday and 04:00 hrs on Friday & Saturday.

The premises will cease licensable activity at 0400 hours on a Friday and Saturday and 0200 hours Sunday to Thursday.

The smoking area on the 1st floor will be closed at 02:00hrs on Sunday to Thursday and 04:00hrs on Friday and Saturday.

All staff will be trained in First Aid and emergency procedures. All training and incidents shall be recorded in writing.

The premises licence holder shall provide suitable and sufficient written Health & safety and Fire Risk Assessments.



Electric, Gas and relevant equipment are to be checked and maintained in working order and tested annually.

Adequate lighting will be provided in all public areas and outside.

Capacity limits will be set and agreed with West Midlands Fire Service.

The premises licence holder will create and follow a noise management monitoring policy for the external smoking area on the 1st floor to ensure that disturbances to local occupiers are not caused. The policy may be inspected by a Responsible Authority at any time and will be amended at the request of a Responsible Authority to meet with the approval of the Responsible Authority.

The Premises License Holder will provide responsible management at all times.

The Noise from the premises will be monitored so as not to become a public nuisance.

The disposal of empties and bottles will not be done after 23:00hrs or before 07:00hrs.

Notices will be posted asking patrons to leave quietly.

A challenge 25 policy will be operated by the premises with notices informing customers of the policy being displayed sufficiently within the premises so the policy is sufficiently publicised with at least one displayed behind the Bar. Staff must be trained on this policy.

The staff will be regularly reminded/ trained to enforce the challenge 25 policy.

All alcohol sale refusals will be noted in a refusals register.

No persons under the age of 18 will be allowed into the premises unless accompanied by a person over the age of 18.

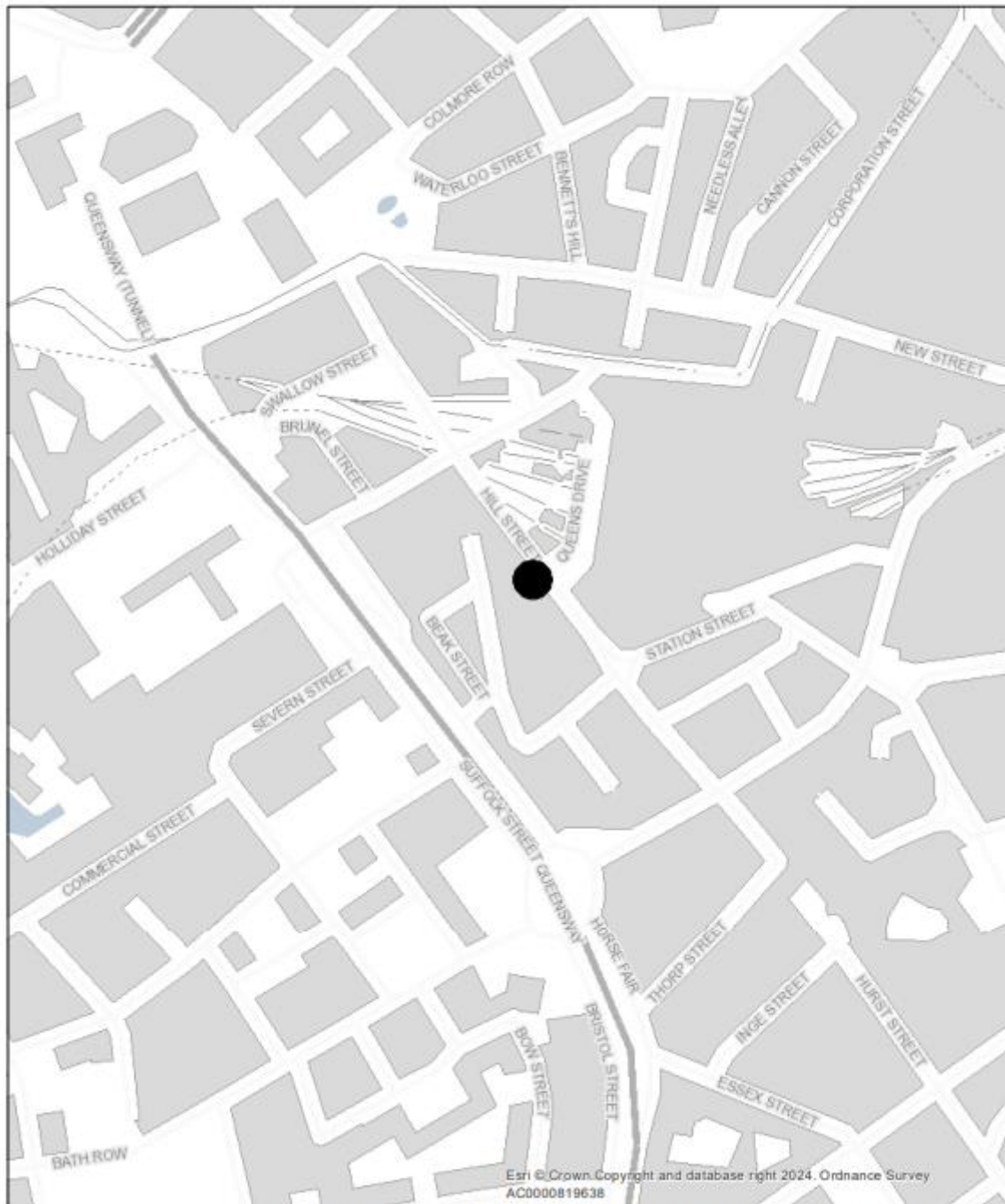
No persons under the age of 18 will be allowed to be on the premises after 2200 hours.

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

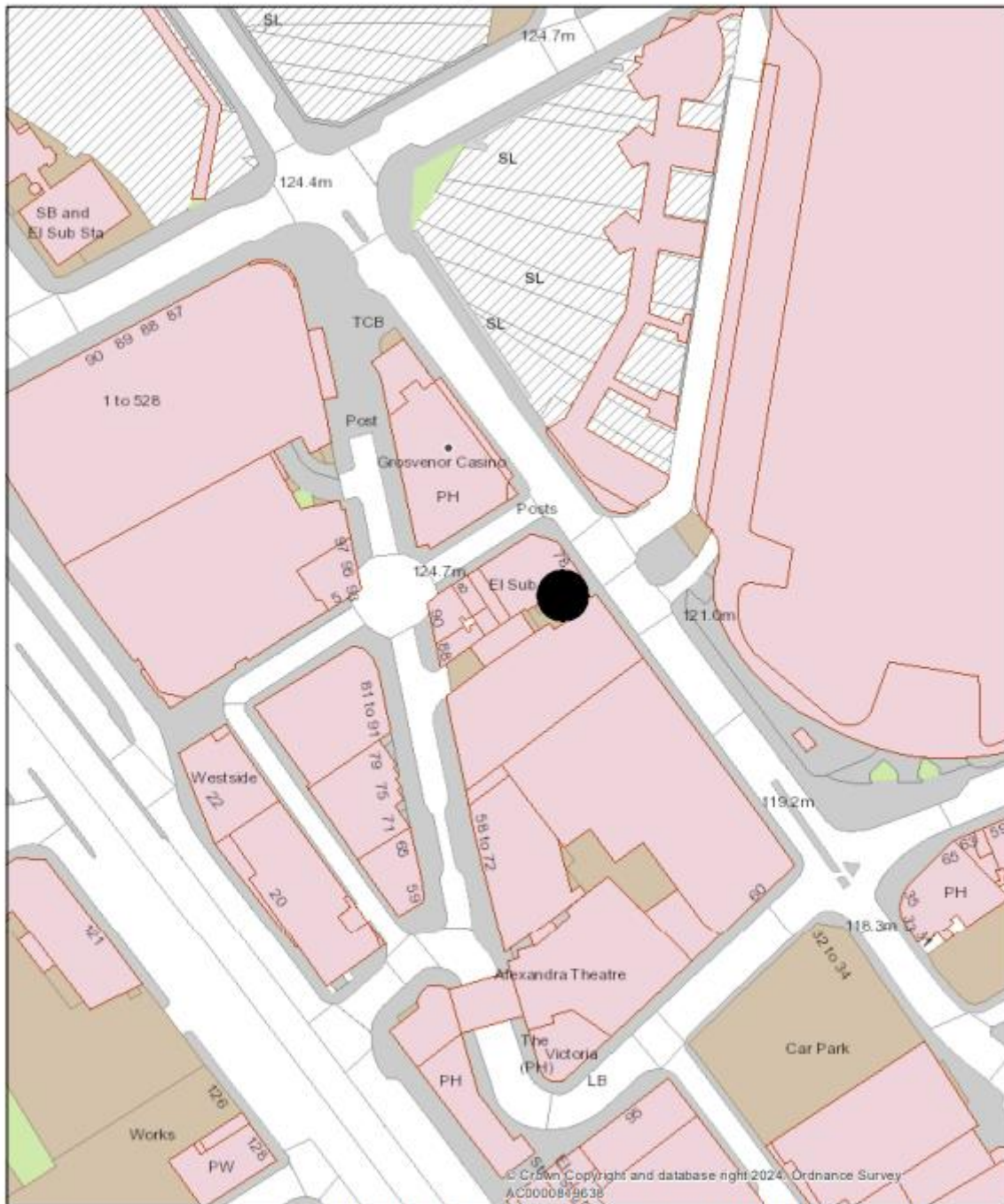
N/A

#### **Annex 4 – Plans**

The plan of the premises with reference number 162708 which is retained from the public register kept by Birmingham City Council available free of charge for inspection . Please contact: Licensing PO BOX 17831 Birmingham B2 2HJ or email [Licensing@birmingham.gov.uk](mailto:Licensing@birmingham.gov.uk)



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MG11

**WITNESS STATEMENT****Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B****Crime No.****URN**

Statement of Mark Swallow

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation Police Licensing Officer 60264

This statement (consisting of one 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: M.Swallow.** (witness)**Date 25<sup>th</sup> November 2024.**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Licensing Officer 60264 Mark Swallow of the West Midlands Police Force currently stationed at Lloyd House Police Station.

King of Clubs is a licensed premises situated at Hill St, Birmingham. B5 4AH. At 0356 hours Sunday 3<sup>rd</sup> November 2024 the premises were open and conducting licensable activity. at this time an incident occurred whereby a male suffered slash injuries.

An interim licensing hearing was held on Wednesday 6<sup>th</sup> November 2024. Interim steps were put in place by Licensing Sub-Committee C and the premises license number 5135 was suspended. Since this date West Midlands Police have worked with the venue to address the issues that were identified.

On Tuesday 19<sup>th</sup> November 2024 a hearing was held in front of Licensing Sub Committee B whereby 9 agreed operating conditions were put in place to replace the previous interim steps. West Midlands Police would ask that these 9 operating conditions become the final order in relation to this matter.M.Swallow

Signature ..... Signature witnessed by .....

03/2016

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When taking an event booking staff will take a copy of Photographic ID which will be either a Passport or driving licence, staff will take a copy of a utility bill not more than 3 months old. Booking details are to be kept on the premises for a minimum of 6 months after the event and made available to West Midlands Police on request. A deposit is to be taken for all bookings. Additionally, the persons booking will be informed that it is subject to agreement to the deployment of door staff and the entry/ search policies of the venue

All events will be risk assessed, the risk assessment for the event will be signed and acknowledged by the DPS, a copy of the risk assessment will be sent to West Midlands Police no less than 28 days before the event takes place if the event is deemed medium or high risk. Recommendations made to the Premises that satisfy the four licensing objectives will become conditions for that event on the premises license.

All persons entering the premises or re-entering the premises will be subject to a full body search and metal detection search by a search arch. This will be followed up with search by metal detection wands if this is required because of a positive indication by the arch.

Alarms on the fire exits from the Shisha bar (this is attached to the club Licence) to signal door opened also lights activated when opened.

All persons entering the shisha lounge will be subject to the same search criteria as for the main nightclub premises.

A member of the management team from the premises will have direction of the security team at the premises when it is open for licensable activity.

All door staff and premises management will be equipped with bodycam. The bodycams will be recording all the time whilst the doorstaff and management using it are performing duty. Bodycam footage is to be retained for 28 days from the date that the footage is taken and made available to any of the responsible authorities on request. Each bodycam will be checked by the premises license holder or their nominee to ensure that it is working each day prior to licensable activity taking place. The result of the check, the time it took place and the identity of the checker are to be recorded in a log on the date that the check takes place. This log is to be made available to any of the responsible authorities on request and is to be retained for 3 months.

Staff are to be trained in their responsibilities under the Licensing Act 2003, crime scene awareness, weapons recognition and conflict management prior to being allowed to carry out work in the premises. All training is to be documented and signed by the Premises License Holder or their representative and the trainee. All training records are to be made available to any of the responsible authorities on request. Staff are to receive documented refresher training every twelve months.

The premises will operate a dispersal policy which will include the actions to be taken on the dispersal of person(s) who have been ejected from the premises.

