

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Monday 13th May 2024
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	Toby Carvery (To be known as Browns Bar and Brasserie), Sutton Park, Sutton Coldfield, B74 2YT
Ward affected:	Sutton Trinity
Contact Officer:	Bhupinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have been made in respect of an application to vary the Premises Licence which seeks to extend the hours for the Sale of Alcohol throughout the premises (for consumption both on and off the premises), to operate from 09:00am until 12:00midnight (Sunday to Wednesday) and 09:00am until 01:00am (Thursday to Saturday).

To extend the provision of Regulated Entertainment consisting of live music and performances of dance, to operate indoors only, from 09:00am until 12:00midnight (Sunday to Wednesday) and 09:00am until 01:00am (Thursday to Saturday).

The provision of late night refreshment, to operate indoors only, from 11:00pm until 12:00midnight (Sunday to Wednesday) and 11:00pm until 01:00am (Thursday to Saturday).

Premises to remain open to the public 24hours (Monday to Sunday).

The application also seeks to add conditions to the premises licence. These are detailed in Appendix 7 at pages 24 & 25 of the report.

2. Recommendation:

To consider the representations that have been made and to determine the application, 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:

Variation application received on 15th March 2024 in respect of Toby Carvery (To be known as Browns Bar and Brasserie), Sutton Park, Sutton Coldfield, B74 2YT.

Representations have been received from other persons.

4. Compliance Issues:
4.1 Consistency with relevant Council Policies, Plans or Strategies:
The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.
5. Relevant background/chronology of key events:
<p>Mitchells & Butlers Leisure Retail Limited applied on 15th March 2024 to vary the Premises Licence for Toby Carvery (To be known as Browns Bar and Brasserie), Sutton Park, Sutton Coldfield, B74 2YT.</p> <p>Representations have been received from other persons, which are attached at Appendices 1 - 6.</p> <p>The application is attached at Appendix 7.</p> <p>The current Premises Licence is attached at Appendix 8.</p> <p>Site Location Plans at Appendix 9.</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. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ol style="list-style-type: none"> The prevention of crime and disorder; Public safety; The prevention of public nuisance; and The protection of children from harm.
6. List of background documents:
<p>Copies of the representations as detailed in Appendices 1 - 6.</p> <p>Application Form, Appendix 7.</p> <p>Current Premises Licence, Appendix 8.</p> <p>Site Location Plans, Appendix 9.</p>
7. Options available
<p>To grant the variation application</p> <p>To refuse the whole or part of the application</p> <p>To modify the conditions of the Licence</p>

From: Councillor David Pears
Sent: Wednesday, March 27, 2024 12:08 PM
To: Licensing
Cc:
Subject: FW: Help! Extension of hours For Toby carvery Sutton Park

Good Morning Licensing

I have just returned from holiday and catching up with emails and received the attached information.

The Park is a site of Special scientific interest and a listed ancient monument. I understand Parks officers had not been advised?

We have experienced anti-social behaviour in this area in the past and the extended hours could well lead to more problems in the future both in terms of the damage to natural habitat ,the nuisance to residents leaving nearby by and the damage to the park environment. As the local Councillor and Chairman of the Park advisory Committee I write to raise concerns and have copied parks officers and the police on this reply.

Can you please keep me advised of outcomes and any decisions made.

Thanks

David

Councillor David Pears
Sutton Trinity Ward

From:

Sent: Tuesday, March 26, 2024 4:27 PM

To: Licensing

Cc:

Subject: Representations regarding Application Number 178549 to vary a Premises Licence under S.34 Licensing Act 2003 - Toby Carvery - Sutton Park

Dear Sirs,

Please see attached letter of representations regarding the above application.

Please confirm safe receipt of this email.

Yours faithfully,

Birmingham City Council,
General Licensing Regulation & Enforcement,
P.O. Box 17831,
Birmingham B2 2HJ

Donovan Drive
Four Oaks
B73

By email: licensing
Your ref: Application Number 178549

26th March 2024

Dear Sirs,

Representations regarding Application Number 178549 to vary a Premises Licence under S.34 Licensing Act 2003 - Toby Carvery - Sutton Park

Please accept these representations in relation to the above Application:

1. The background is that Mitchells & Butlers Leisure Retail Limited ("M&B") are changing this site from a Toby Carvery to Browns Bar & Brassiere - another brand within M&B plc.
2. M&B's Application includes seeking permission to sell alcohol, for consumption on the premises, and live music and dance until 1am Thursday to Saturday, and all other days of the week until 12pm.
3. The Application as originally worded by M&B requested (i) permission on New Year's Eve to sell alcohol, have live music and dance all night! "New Year's Eve – from end of permitted hours to start of permitted hours New Year's Day"; and (ii) Licence "For consumption on and off the premises". It is not clear whether M&B is still making these two applications they are not to be found in the latest version of the Application on the City Council website (we have kept a copy of the original Application).
4. Clearly there is nothing wrong with normal pub opening hours for consumption of alcohol on the Premises only: the current use is as a Toby Carvery. However we object to the proposed extended hours (and the request for sale of alcohol for "off the premises" consumption, and the New Eve all night request – if those requests are still being made by M&B).
5. We are concerned that the noise resulting from activities associated with the extended hours/especially from loud live music/people's behaviour when drinking and leaving the venue would cause a public nuisance – endangering the health and

comfort of those living in the vicinity of the Toby Carvery and in particular residents of Tudor Hill (including the elderly living at Kelsey House retirement homes, 1 Tudor Hill) and adjoining roads including Aragon Drive and Donovan Drive. The noise travels very easily as there is only an open field between the Toby Carvery and the houses. All this would be particularly egregious in Sutton Park which is: a National Nature Reserve, a Site of Special Scientific Interest, and a Scheduled Ancient Monument.

6. The noise would not be confined to the Toby Carvery/Browns: the access would have to be via Town Gate and so would permit people to access Sutton Park until 1am/whatever time after pub 'closing' the gates would be kept open until. There is already a problem of loud quad bikes, motor bikes, and cars being used for entertainment/bravado in Sutton Park around/in the vicinity of the Toby Carvery/Browns. The public nuisance of quad bikes, motor bikes and cars (and which we can testify is very much a current and ongoing problem) would be increased and extended if the licensing hours are extended as contemplated in this Application.
7. This is evidenced by a simple google search of "quad bikes nuisance in Sutton Park" which leads to: "Police officers were forced to use pepper spray to tackle a disturbance involving quad bikers in a Sutton Park" - "Balaclava wearing motorbike yobs terrorising Sutton Coldfield park users" - "Off-road bikers on Sutton park are putting residents lives in danger".
8. We are also concerned that extended licensing hours are likely to be associated with an increase in anti-social behaviour and be a further magnet for crime, drug dealing, and disorder (and therefore public safety). A google search of "reports of drug use in Sutton Park" results in "Sutton Park crisis meeting after series of robberies and drug taking" - "Extra patrols in Sutton Park after surge in robberies and drug taking at beauty spot" - "Cllor Pears asked [a Town Council meeting] about drug dealing and knife crime in Sutton Park" - and "Yobs cause havoc at Birmingham Commonwealth Games Triathlon site [in Sutton Park]".
9. These concerns around anti-social behaviour, crime, drug dealing and disorder are greatly increased by the proposed closure of Sutton Police Station:
<https://www.birminghammail.co.uk/news/midlands-news/sutton-coldfield-west-midlands-police-27982647#>
10. In summary we welcome M&B's new Browns but are concerned about the noise (particularly from live music), crime and anti-social behaviour arising from the proposed extended licensing hours.

Yours faithfully,

From:
Sent: Wednesday, April 3, 2024 4:44 PM
To: Licensing
Subject: Toby Carvery, Sutton Park.

Catherine Drive,
Sutton Coldfield,
West Midlands,
B73 .

Dear Sirs,

Licensing Application no 178549

Please accept this correspondence as an objection to the above application.

Whilst there is no objection to the normal hours with which the Toby is at present operating it is felt that the extensions to 12 midnight and 1 am on 3 nights per week are completely unacceptable and an unreasonable request for Mitchells and Butlers to make together with all night entertainment for New Years Eve.

The properties situated in Tudor Hill, Aragon Drive and Catherine Drive are all within spitting distance of this establishment and are well in the firing line for the noise associated with live music and dancing. There is also a retirement home (Kelvey House) at the main gate to the park, the residents of which would feel the brunt of the traffic noise entering and leaving the venue especially as the main gate remains unlocked.

Furthermore, the selling of alcohol off the premises would only encourage an influx of those who wish to cause problems as per the disturbances of last summer when 200/300 youngsters arrived on Meadow Platt and residents self recruited themselves to clear the litter together with the associated nitrous canisters which were strewn over the area.

This application would also encourage the increase of motor bikes, quad bikes and the possible return of the graffiti artists who are happy to advertise their talents on residents park gates.

In conclusion, Sutton Coldfield is probably going to lose it's Police Station, the park is a National Nature Reserve and not a place which should be associated with the likes of central Birmingham night clubs.

It is hope that the above application is refused.

Kind regards,

Yours faithfully,

From:
Sent: Friday, April 5, 2024 4:55 PM
To: Licensing
Subject: Fw: Application No 178549 - Toby Carvery Sutton Park

SUTTON COLDFIELD CIVIC SOCIETY

Dear Sirs

We wish to notify you of our strong objection to the above application.

We do not feel the extension of opening hours applied for is appropriate for the area in which the Toby Carvery is located.

Sutton Park is a National Nature Reserve, a Site of Special Scientific Interest and mostly a Scheduled Ancient Monument. The sensitivities of such a location cannot be over emphasised.

With the Town Gate having to be left open for longer at night there could be increased incidents of unsocial activity, vandalism and crime within the Park as a consequence.

Also there would be a likely increase of drinkers straying outside the licenced area into the park.

We hope that you will refuse the application.

Yours faithfully

Sutton Coldfield Civic Society
Stonehouse Road
Sutton Coldfield
B73

From:

Sent: Monday, April 8, 2024 11:36 AM

To: Licensing

Subject: "M&B/Browns Application number 178549

Please accept these concerns regarding the above application. My main concerns being noise carrying across the field until 1 am together with unwanted behaviour.

Open my shared document:

Birmingham City Council,
General Licensing Regulation & Enforcement,
P.O. Box 17831, Birmingham B2 2HJ

Donovan Drive
Four Oaks B73

By email: licensing
Your ref: Application Number 178549
06 April 2024

Dear Sirs,

Representations regarding Application Number 178549 to vary a Premises Licence under 5.34 Licensing Act 2003 - Toby Carvery - Sutton Park

Please accept these representations in relation to the above Application:

The background is that:

1. Mitchells & Butlers Leisure Retail Limited ("M&B") are changing this site from a Toby Carvery to Browns Bar & Brassiere - another brand within M&B plc.

2. M&B's Application includes seeking permission to sell alcohol, for consumption on the premises, and live music and dance until 1am Thursday to Saturday, and all other days of the week until 12pm.

3. The Application as originally worded by M&B requested (i) permission on New Year's Eve to sell alcohol, have live music and dance all night! "New Year's Eve - from end of permitted hours of start of permitted hours New Year's Day"; and (i) Licence "For consumption on and of the premises". It is not clear whether M&B is still making these two applications they are not to be found in the latest version of the Application on the City Council website (we have kept a copy of the original Application).

4. Clearly there is nothing wrong with normal pub opening hours for consumption of alcohol on the Premises only: the current use is as a Toby Carvery. However we object to the proposed extended hours (and the request for sale of alcohol for "off the premises" consumption, and the New Eve all night request - if those requests are still being made by M&B).

5. We are concerned that the noise resulting from activities associated with the extended hours/ especially from loud live music/people's behaviour when drinking and leaving the venue would cause a public nuisance - endangering the health and comfort of those living in the vicinity of the Toby Carvery and in particular residents of Tudor Hill (including the elderly living at Kelsey House retirement homes, 1 Tudor Hill) and adjoining roads including Aragon Drive and Donovan Drive. The noise travels very easily as there is only an open field between the Toby Carvery and the houses. All this would be particularly egregious in Sutton Park which is: a National Nature Reserve, a Site of Special Scientific Interest, and a Scheduled Ancient Monument.

6. The noise would not be confined to the Toby Carvery/Browns: the access would have to be via Town Gate and so would permit people to access Sutton Park until 1am/whatever time after pub 'closing' the gates would be kept open until. There is already a problem of loud quad bikes, motor bikes, and cars being used for entertainment/bravado in Sutton Park around/in the vicinity of the Toby Carvery/Browns. The public nuisance of quad bikes, motor bikes and cars (and which we can testify is very much a current and ongoing problem) would be increased and extended if the licensing hours are extended as contemplated in this Application.

7. This is evidenced by a simple google search of "quad bikes nuisance in Sutton Park" which leads to: "Police officers were forced to use pepper spray to tackle a disturbance involving quad

bikers in a Sutton Park" - "Balaclava wearing motorbike yobs terrorising Sutton Coldfield park users" - "Off-road bikers on Sutton park are putting residents lives in danger".

8. We are also concerned that extended licensing hours are likely to be associated with an increase in anti-social behaviour and be a further magnet for crime, drug dealing, and disorder (and therefore public safety). A Google search of "reports of drug use in Sutton Park" results in "Sutton Park crisis meeting after series of robberies and drug taking" - "Extra patrols in Sutton Park after surge in robberies and drug taking at beauty spot" - "Councillor Pears asked [a Town Council meeting] about drug dealing and knife crime in Sutton Park" - and "Yobs cause havoc at Birmingham Commonwealth Games Triathlon site [in Sutton Park]".

9. These concerns around anti-social behaviour, crime, drug dealing and disorder are greatly increased by the proposed closure of Sutton Police Station:
<https://www.birminghammail.co.uk/news/midlands-news/sutton-coldfield-west-midlands-police-27982647#>

10. In summary we welcome M&B's new Browns but are concerned about the noise (particularly from live music), crime and anti-social behaviour arising from the proposed extended licensing hours.

Yours faithfully, / /

From:
Sent: Monday, April 8, 2024 4:26 PM
To: Licensing
Subject: Toby Inn Sutton Coldfield Your ref application 178549

Dear Sir or Madam, please find our objection to the extended opening hours at the changing of site from Toby Carvery to Browns Bar and Brassiere, to extend the opening hours until 1a.m Thursday to Saturday. These extended hours would be anti social to the local community, for example, there is the old people's home in Tudor Hill, the sounds from Browns would be horrendous, as the sound carries across the open fields, also affecting the roads adjacent , such as Tudor Hill, Catherine Drive, Donovan Drive etc.

In summary, we welcome Browns, but not being kept awake after 12 midnight, listening to live music and all the noise that goes with it. Kind regards , Donovan Drive Sutton Coldfield, B73 .

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="JMS/010886/46518/VPL"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant? <input checked="" type="radio"/> Yes <input type="radio"/> No		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	<input type="text" value="Mitchells and Butlers Leisure Retail Limited"/>	
* Family name	<input type="text" value="Mitchells and Butlers Leisure Retail Limited"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if the applicant would prefer not to be contacted by telephone		
Is the applicant:		
<input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader <input type="radio"/> Applying as an individual		A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	<input type="text" value="01001181"/>	
Business name	<input type="text" value="Mitchells and Butlers Leisure Retail Limited"/>	If the applicant's business is registered, use its registered name.
VAT number	<input type="text" value="-"/> <input type="text"/>	Put "none" if the applicant is not registered for VAT.
Legal status	<input type="text" value="Private Limited Company"/>	

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

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

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

Is your business registered outside the UK? ☐ Yes ☒ No

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

89,000

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VARIATION

Do you want the proposed
variation to have effect as
soon as possible?

☐ Yes

☒ No

Date variation to take effect
from

/ /
dd mm yyyy

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

☐ Yes

☒ No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

The proposed variation is to:-

(1) approve alterations at the premises as a result of the conversion of the site from a Toby to a Browns Bar and Brasserie operation which includes an internal redecoration and alterations to the kitchen and restaurant layouts.

(2) throughout the premises to extend the hours for the sale of alcohol, provision of live music and the performance of dance to 0900 to midnight Sundays to Wednesdays (currently 1100-2230 Sunday and 1100-2300 Mondays to Wednesdays) and to 0900 to 0100 Thursdays to Saturdays (currently 1100-2300); extend the hours for the provision of late night refreshment to 2300 to midnight Sundays to Wednesdays (currently 2300-2230 Sundays, 2300-2330 and 2300-0100 in the function room on Mondays to Wednesdays) and 2300-0100 Thursdays to Saturdays (currently 2300-2330 and 2300-0100 in the function room); opening hours and recorded music permission to remain 24 hours a day every day of the week.

(3) add conditions to the premises licence to further the licensing objectives in view of the variations sought to the premises licence.

the variations above to take effect once works to the premises have been completed and the Licensing Authority notified of such completion in writing.

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide plays be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start 09:00

End 00:00

Start

End

THURSDAY

Start 09:00

End 01:00

Start

End

FRIDAY

Start 09:00

End 01:00

Start

End

SATURDAY

Start 09:00

End 01:00

Start

End

SUNDAY

Start 09:00

End 00:00

Start

End

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Provision of live music throughout the premises

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As existing

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As existing

Continued from previous page...

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the performance of dance take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Occasional performances of dance from professional acts

State any seasonal variations for the performance of dance.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As existing

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As existing

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start 23:00

End 00:00

Start

End

WEDNESDAY

Start 23:00

End 00:00

Start

End

THURSDAY

Start 23:00

End 01:00

Start

End

FRIDAY

Start 23:00

End 01:00

Start

End

SATURDAY

Start 23:00

End 01:00

Start

End

SUNDAY

Start 23:00

End 00:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Provision of hot food and drink throughout the premises

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As existing

Continued from previous page...

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As existing

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- ☐ On the premises ☐ Off the premises ☒ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As existing

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As existing

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 00:00

End 00:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 00:00

End 00:00

Start

End

Continued from previous page...

WEDNESDAY

Start 00:00

End 00:00

Start

End

THURSDAY

Start 00:00

End 00:00

Start

End

FRIDAY

Start 00:00

End 00:00

Start

End

SATURDAY

Start 00:00

End 00:00

Start

End

SUNDAY

Start 00:00

End 00:00

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

None

☒ I have enclosed the premises licence

Continued from previous page...

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

See boxes b) to e) below

b) The prevention of crime and disorder

1. A digital CCTV system shall be installed and maintained at the premises. All recordings used in conjunction with CCTV shall:

- Be of evidential quality in all lighting conditions;
- Indicate the correct time and date;
- Be retained for a period of 31 days.

Duty Managers must be trained to use the system and a recorded image must be available for inspection and downloading immediately upon reasonable request to Officers of Responsible Authorities, as defined by the Licensing Act 2003.

2. An electronic incident reporting system will be in use.

3. The use of door staff at the premises shall be considered based upon risk assessment.

c) Public safety

Nothing further is required to promote this licensing objective.

d) The prevention of public nuisance

4. Any recorded music played in the external drinking areas, will be background level only to provide ambience.

5. With the exception of access and egress, all doors and windows shall be kept shut when regulated entertainment is taking place.

6. The external drinking areas shall not be used for the consumption of alcohol after midnight.

e) The protection of children from harm

7. All staff involved in the sale of alcohol shall be trained in their licensing responsibilities. The training shall cover:

Continued from previous page...

- acceptable forms of proof of age ID;
- how to refuse a sale to persons under 18 years of age; and
- Challenge 21 age verification

Records will be kept of staff training. The records to be made available for inspection by officers of Responsible Authorities, as defined by the Licensing Act 2003, on request and all such records to be retained at the premises for at least 12 months.

8. The premises shall operate a Challenge 21 Policy. Such policy shall be documented and kept at the premises. The policy shall be produced on request to Officers of Responsible Authorities, as defined by the Licensing Act 2003.

Acceptable forms of proof-of-age include:

- international passport;
- photographic UK/EU driving licence;
- a PASS hologram/ultraviolet feature card,
- Military ID; or
- Biometric Residence Permit.

9. An electronic system will be used to record refusals where acceptable proof of age cannot be produced. A record shall be kept of the date and time of the refusal, reason for the refusal and the name of the member of staff. Such records shall be kept for a period of 12 months and be made available to Officers of Responsible Authorities on request as defined by the Licensing Act 2003.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at <https://www.tax.service.gov.uk/business-rates-find/search>

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

450.00

DECLARATION

Continued from previous page...

I/WE UNDERSTAND THAT 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.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/change-1> to upload this file and continue with your application.

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

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.

BIRMINGHAM CITY COUNCIL



Certified as a true copy
of the licence

Richard Bradley, Solicitor
Poppleston Allen Solicitor
Nettingham

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

62 / 4

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description

Toby Carvery
Sutton Park

Post town:

Sutton Coldfield

Post Code:

B74 2YT

Telephone Number:

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

Monday - Saturday	00:00 - 23:59	F
	11:00 - 23:00	E ,G ,M3
	23:00 - 23:30	L
Sunday	00:00 - 23:59	F
	11:00 - 22:30	E ,G ,M3
Monday-Saturday (Function Room Only)	00:00 - 23:59	F
	11:00 - 23:00	E,G,I,J
	23:00 - 01:00	L
	10:00 - 00:30	M3
New Year's Eve - from end of permitted hours to start of permitted hours New Year's Day.		E ,G ,L ,M3

The opening hours of the premises

Not specified

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<p>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</p> <p>On and Off Supplies</p>
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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mitchells and Butlers Leisure Retail Limited 27 Fleet Street	
Post town: Birmingham	Post Code: B3 1JP
Telephone Number:	
Email li	

Registered number of holder for example company number or charity number (where applicable) 01001181
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Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Stephen Hartley [REDACTED]	
Post town: [REDACTED]	Post Code: [REDACTED]
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 05/00689/LIQPLT	Issuing Authority TEWKESBURY BOROUGH COUNCIL

Dated 03/09/2014

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 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

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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.

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

Maximum occupancy level of 100 persons (excluding staff) shall apply to the function room.

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

No enforceable conditions identified from operating schedule.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

3c) Committee conditions to promote public safety

N/A

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

N/A

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

N/A

Annex 4 - Plans





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