

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING SUB-COMMITTEE C**

**WEDNESDAY, 05 JULY 2023 AT 10:00 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 - 28**

4 **MINUTES**

To note the public part of the Minutes of the meeting held on 7 June 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the public part of the Minutes of the meeting held on 14 June 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

**29 - 56**

5 **LICENSING ACT 2003 PREMISES LICENCE – VARIATION THE RHODEHOUSE, 1ST FLOOR, 123 THE PARADE, SUTTON COLDFIELD, B72 1PU**

Report of the Director of Regulation and Enforcement.  
N.B. Application scheduled to be heard at 10:00am.

6 **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.

7 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

**PRIVATE AGENDA**

1 **MINUTES**

To note the private part of the Minutes of the meetings held on 7 June 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meetings held on 14 June 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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

LICENSING  
SUB-COMMITTEE C  
7 JUNE 2023

## MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 7 JUNE 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

**PRESENT:** - Councillor Sam Forsyth in the Chair;

Councillors Diane Donaldson and Penny Wagg.

### **ALSO PRESENT**

David Kennedy – Licensing Section  
Joanne Swampillai – Legal Services  
Katy Poole – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

\*\*\*\*\*

1/070623

### **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.

2/070623

### **DECLARATION 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.

*Councillor Diane Donaldson advised that she knew Mr Olley on a personal level, however she had not discussed this matter with him and hadn't spoken with him for over a year.*

---

**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3/070623

Apologies were submitted on behalf of Councillor Zafar Iqbal and Councillor Diane Donaldson was the nominated substitute Member.

---

**LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 – APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS – VELVET MUSIC ROOMS, GROUND FLOOR, CUMBERLAND HOUSE, 200 BROAD STREET, LADYWOOD, BIRMINGHAM, B15 1SU.**

**On Behalf of the Applicant**

Mark Swallow – WMP (West Midlands Police)  
Huram Taj – WMP

**On Behalf of the Premises Licence Holder**

Heath Thomas – Solicitor  
Dani Collins – Director of the PLH (Premises Licence Holder) Company  
Eilis Collins – Family Member and staff  
Rory Collins – Family Member, part of the PLH company  
Martyn Greene – SNSG Security  
Mike Olley – Manager Broad Street BID

\* \* \*

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

Heath Thomas, on behalf of the PLH company requested that all parties be present at the hearing, namely those involved in the company (the Collins). The company is family owned and therefore, he requested that all those whom are part of that company be party to the hearing.

Mark Swallow, on behalf of WMP requested that due to on-going criminal investigations and proceedings that the CCTV be screened in private. He also responded to Mr Thomas's request for all three family members to be involved in the hearing and opposed this, stating that Dani Collins in the only person listed on company's house who is a director, no other persons have any registerable interest in the company according to the record listed on companies house. Therefore, he requested that Dani Collins and Heath Thomas are the only persons present.

Heath Thomas informed the Committee that whilst he understood the request for CCTV to be heard in private, he didn't see any requirement to have the discussions following on from that in the private session.

The Chair informed all parties that there have been late documents served which, due to time constraints have not been read or considered by the Committee. She asked Mr Thomas if he wished for these to be considered and he confirmed that he did as they show the dialog between WMP and the PLH and also show the proposed conditions from both parties.

At this stage the Chair adjourned the meeting to consider the preliminary points and take legal advice.

At 1030 the meeting was re-convened, and the Chair announced the determination on all three preliminary points:

1. In order to ensure fairness and proportionality the Committee determined that Dani Collins as the Director of the PLH company and Heath Thomas would be present at the hearing, all other parties would need to remove themselves and would have an opportunity to make representations at the Summary Review hearing in 28 days.
2. That the hearing would be held in private, in order to allow all parties the freedom to speak freely and openly on the matters to be discussed and to ensure all evidence can be disclosed in light of their being sensitive material and an on-going investigation.
3. That in order to give the Committee time to read, consider and absorb the further additional late documents submitted by Heath Thomas, the Committee will adjourn for one hour. If this takes less time, all parties will be notified to re-join the hearing at an earlier time.

Mark Swallow confirmed he had understood the determination of the preliminary points.

Heath Thomas advised that he was disappointed in the Committee's decision and had never been in a position where the DPS had been told they could not attend and speak before the Committee.

The Chair interjected and advised Mr Thomas that he had had an opportunity to speak and make his representation on such matters and asked him to confirm that he had understood the Committee's decision on those such matters?

Mr Thomas advised that he would be taking some time to look at the hearing regulation when the Committee retired to read the further late documents he had submitted.

The Chair advised Mr Thomas that she was indeed Counsel as well as a Councillors and understood the regulations fully.

She asked him to confirm he had understood their decision again, at which stage he confirmed he had.

The Committee adjourned to read the supporting documents at 1036 hours.

At 1148 hours the Committee reconvened and the Chair continued to outline the procedure to be followed at the hearing.

David Kennedy, Licensing Section, outlined the report.

The Chair then advised that the private session would start and all parties moved over to the separate private Teams session.

At this stage the Members, officers and other parties joined a separate MS Teams meeting which was held privately.

---

**EXCLUSION OF THE PUBLIC**

4/070623

**RESOLVED:-**

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

---

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision of the Sub-Committee was announced in public, then a full written decision was sent to all parties as follows;

5/070623

**RESOLVED:-**

That having considered the application made and certificate issued by a Superintendent of West Midlands Police under Section 53A of the Licensing Act 2003, for an expedited review of the premises licence held by Sugar Leisure Ltd in respect of Velvet Music Rooms, Ground Floor, Cumberland House, 200 Broad Street, Ladywood, Birmingham B15 1SU, this Sub-Committee hereby modifies the conditions of the premises licence, namely by adopting all those conditions proposed by West Midlands Police in advance of the meeting, pending a review of the licence, such review to be held within 28 days of receiving the Superintendent's application.

The conditions are as follows:

- From Thursdays through to Sundays or on any evenings where promoted events take place from 21.00hrs all customers/artists/DJs to be searched on entry. This search to include metal detection. No search means no entry
- From Thursdays through to Sundays or on any evenings where

## Licensing Sub-Committee C – 7 June 2023

promoted events take place from 21.00hrs premises to operate an ID scanner. All customers will be required to provide ID to satisfy the scanning requirement. No ID or ID not accepted then no entry

- All staff will be trained in (crime) scene management. This training will be documented and signed by the trainer and trainee. These training records to be made immediately available to any of the responsible authorities on request
- The premises security risk assessment for deployment and numbers will be made available to any of the responsible authorities immediately on request
- All door staff to wear either a hi-visibility coat, jacket or tabard
- The premises to ensure that door staff will wear body cams. There will be a minimum of 50% of door staff on duty who wear a body cam. These cameras will record throughout the tour of duty with images & audio, be downloadable and be made available to West Midlands Police on request. Images will be kept for a minimum of 31 days
- Door staff to sign on and off duty. Each entry will include their full SIA licence number. This documentation to be made immediately available to any of the responsible authorities on request and kept on the premises for a minimum of 2 months
- Premises to keep a profile of all door staff to include a copy of their SIA licence, photographic ID (or if photographic is not available then a copy of a utility bill, no older than 3 months.) These profiles to be kept on the premises for a minimum of 2 months after the last shift
- The premises will have a staff member on duty that is first aid trained
- The premises will have a bleed kit available on site
- The premises will maintain an incident register. Each incident will be signed off by the DPS or their nominated deputy. The incident register will be made available to any of the responsible authorities on request

The Sub-Committee's reasons for imposing the modification of conditions were due to the concerns which were expressed by West Midlands Police in relation to matters pertaining to serious crime and/or serious disorder, which had come to light as outlined in the Superintendent's certificate and application. The Sub-Committee accepted the advice of the Police that the risks of further serious crime and/or serious disorder could only be managed satisfactorily via the adoption of the Police's suggested conditions.

The Police were represented at the meeting. The director of the licence holder company also attended the meeting, accompanied by others. Those from the premises were represented by their solicitor.

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 to view the CCTV evidence in public could prejudice an ongoing criminal investigation. The Police therefore asked for the Sub-Committee to go into private session for the meeting. The Police also observed that the proper way to proceed was for only the director of the licence holder company and

her solicitor to attend the meeting and address the Sub-Committee.

The solicitor considered that there was no reason to exclude the other persons from the meeting, and also considered that whilst the CCTV should be viewed in private, the oral submissions should be heard in public.

However, the Sub-Committee was aware that under paragraph 4.3 of the Procedural Rules (issued to all parties in advance of the meeting), it was at the discretion of the Sub-Committee whether to permit the request for other persons to appear at the meeting. The Police had observed that the company director was present, and the Members noted that she was represented by a solicitor; in the interests of focusing properly on the issues, and in particular the risks of further serious crime and/or serious disorder, the Sub-Committee considered that the proper course was to restrict attendance to only the company director and her solicitor.

Regarding the application to conduct the meeting in private, the Sub-Committee considered that the best course was to hear all of the evidence and submissions in private session. This was to ensure fairness to all parties, and to ensure that the licence holder company was able to properly address the Police submissions without the need to avoid mentioning those parts of the evidence shown in private.

The meeting therefore went into private session and Members heard the submissions of West Midlands Police, namely that the certificate, which had been issued by a Superintendent under s53A(1)(b) of the Act, related to an allegation of serious crime and/or serious disorder which had happened at the premises in the early hours of Monday 5<sup>th</sup> June 2023.

The Police summarised the investigation thus far – exactly as detailed in the Report. The Velvet Music Rooms premises was located in the main nightlife district of the city. The incident had been the subject of a crime report for wounding, per s18 of the Offences Against the Person Act 1861. A criminal investigation was under way. CCTV from inside the premises was played to the Sub-Committee.

The Police felt that there had been what they described as “a catastrophic breakdown of the security arrangements at the premises”. The risk assessments for operation had either not been followed, or had been inadequate; a weapon of some kind had found its way into the premises and was then used to commit a wounding. The person responsible had then left the premises; enquiries were ongoing.

The Police felt that the only suitable remedy was the adoption of suitable conditions; these had been submitted in advance of the meeting. The Police remarked that these would prevent human error and protect public safety.

The Police had noted that the licence holder company had not agreed the proposed conditions, and had instead submitted its own suggested conditions. The Police view of these was that they were “unworkable and not fit for purpose”. It was therefore the Police’s recommendation that only the Police’s proposed conditions were suitable, as they were “the minimum [*which would be*] acceptable”. The Police also remarked that a number of other licensed premises in and around Broad Street had voluntarily taken on such conditions, and were operating well as a result.

The Sub-Committee then heard from the licence holder company, via its solicitor. The Velvet Music Rooms was a long-established venue which had been trading since 2005, without incident. It had an impeccable record and was an exemplary operator, said the solicitor. It was known as a safe place which attracted minority groups, such as the LGBT community, and also an older style of clientele who attended for entertainment aimed at their age group (such as jazz evenings). It also hosted a variety of classes such as salsa lessons and cocktail-making classes, and was also used for art events such as those held by the Birmingham Art Zone.

The solicitor drew a distinction between the premises’ normal trade, as opposed to externally-promoted events. A normal week’s trade would be for the more mature customer. However, on the night in question, the premises was hosting an afterparty-style event which followed a separate event which had been held at an unconnected premises in Digbeth. The DJs and entourages, and fans, then came to the Velvet Music Rooms. The Velvet Music Rooms premises had previously hosted two afterparties without incident.

Seven security guards were on duty, which was more than a normal night. Searches were conducted at the door and a “spotter” was on the lookout for known troublemakers; had the premises known that the event was going to be high-risk, it would not have hosted it, said the solicitor. The clientele for the afterparty was a different demographic from the premises’ usual clientele. The solicitor then went on to explain what had happened during the incident in question.

Regarding the modification of conditions, the solicitor urged the Sub-Committee to distinguish and discuss the root cause – namely an externally-promoted event which was quite unlike the premises’ normal style of trading. The solicitor therefore submitted alternative conditions requiring 28 days’ notice of events, and giving the Police 7 days to respond (and also a power of veto). The premises also did not see the need for the ID scanner proposed by the Police.

The Police however found the premises’ suggested conditions to be completely unsatisfactory, reiterating that the risk assessment and search regime had been proven to be completely inadequate. The Police also considered the staffing to be inadequate in terms of preventing persons from entering and in managing the scene. The ID

scanner was a very important feature of safe operation – both as a deterrent, and to ensure that appropriate action could be taken. These requirements were the only way to guard against the risk of further serious crime and/or serious disorder, and to ensure public safety; they had been seen to do so at other venues elsewhere in Birmingham.

The Police further remarked that it was up to the premises to run its events safely, and that no venue could rely on the Police to make decisions for it regarding operating style and the upholding of the licensing objectives. The Police therefore urged the Sub-Committee to use only the conditions proposed by the Police as a proportionate and reasonable measure to ensure safe trading.

Having heard all of the evidence, the Members were confident that only the course proposed by the Police was satisfactory, and accepted that only the Police's course would be sufficient to ensure that the risk of any further serious crime and/or serious disorder was removed. Whilst deliberating, the Sub-Committee agreed with the Police that the suggestion made by the licence holder company did not adequately cover the risks. Any incident where a weapon(s) had found its way into licensed premises was very serious, and the correct course was that which had been recommended by the Police. This was particularly important given that minority groups were a regular part of the clientele.

The Sub-Committee therefore resolved to modify the conditions in the terms proposed by the Police. This was both necessary and reasonable to address the immediate problems with the premises, namely the potential for further serious crime and/or serious disorder. It was not necessary to consider other steps such as the removal of the designated premises supervisor, as this had not been recommended by the Police.

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 licence holder company via its solicitor.

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.

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

Please note the meeting ended at 1328 hours.

CHAIR.....



# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE C 14 JUNE 2023</b>
---

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 14 JUNE 2023 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Sam Forsyth in the Chair;

Councillors Zafar Iqbal and Penny Wagg.

**ALSO PRESENT**

Bhapinder Nandhra – Licensing Section  
Joanne Swampillai – Legal Services  
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

\*\*\*\*\*

1/140623 **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.

---

2/140623 **DECLARATION 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.

---

**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3/140623 No apologies were submitted.

---

**MINUTES**

4/140623 To note the public part of the Minutes of the meeting held on 24 May 2023 at 1000 hours.

To confirm and sign the Minutes of the meeting held on 24 May 2023 at 1200 hours.

To confirm and sign the Minutes of the meeting held on 31 May 2023 at 1000 hours.

---

**LICENSING ACT 2003 PREMISES LICENCE – GRANT – REVIEW S & J STORES T/A BOOZE AND BEVERAGE, 314 SLADE ROAD, ERDINGTON, BIRMINGHAM, B23 7LU.**

\* \* \*

**On Behalf of the Applicant**

Paul Ellson – Trading Standards (TS)

**On Behalf of The Premises Licence Holder (PLH)**

David Dodds – Solicitor (on behalf of the PLH)

Mr Singh - PLH

\* \* \*

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

David Dodds advised that the licence was transferred yesterday with immediate effect and Mr Singh (PLH) was on another device in the same room as Mr Dodds.

There was a slight delay at this stage due to the Chair having technical difficulties, once the issues were resolved the Chair re-joined the meeting and apologised for the inconvenience.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Bhapinder Nandhra, Licensing Section, outlined the report.

At this stage the chair invited the applicant to make their presentation and Paul Ellson, on behalf of Trading Standards made the following points: -

- a) On 10<sup>th</sup> November 2022 TS visited the premises, during the visit they spoke with an employee at the premises about the legislation around e-cigarettes and vapes. They noticed that non-compliant vapes were on the premises. The issued the premises with four different addresses to find further information about compliance and asked him to check his stock and remove anything that cannot be sold under the current regulations.
- b) On 29<sup>th</sup> November 2022 TS visited the premises again to detect and seiz illicit, non-compliant tobacco products. The TS officer who visited the premises also had the assistance of a dog. Although, no illicit or non-compliant tobacco products were found at the premises, they did find 156 non-compliant, illegal vapes under the counter. These items were removed.
- c) The spoke with the previous licence holder Mrs Kaur, however the PLH had now changed.
- d) The licence was the old version and needed updating which is why he had recommended some conditions. At this stage Mr Ellson summarised the conditions (which can be found at page 35 of 48 (7) of the report). He advised that those conditions are what he would want on any licence.
- e) A test purchase was also carried out at the premises and the did refuse the sale, so all they need to do is tighten up the procedural aspects to comply with the licence.

At this stage the chair invited the PLH/their representative to make their presentation and David Dodds, Solicitor made the following points: -

- a) That he was utterly shocked by the position of TS and why they were even bringing this premises for review.
- b) From a legal point of view the issues that gave rise to the review were to do with children and underage sales, yet there is no evidence of vapes being sold to children and they passed the test purchase.
- c) The officer also states that they need to run premises in accordance with the licence, but they are. There is no suggestion of a breach of conditions. It is not reasonable to call a review just because the officer doesn't like the way the licence is drafted or worded.
- d) The officer said he would like the recommended conditions put on any licence, whilst he might like that it is not the law and conditions can only be placed on the licence if necessary and due to concerns or mischief.
- e) The problem the officer believes is that the licence doesn't have enough conditions, but it is not for him to make that judgement.

## Licensing Sub-Committee C – Wednesday 14 June 2023

- f) The licence is valid and there is no issue with it. There are no issues with the sale of alcohol or issues with underage sales. The officer doesn't like the licence because it doesn't have the conditions on that he wants on all licences in the City, he requested that the Committee took advice from their legal officer.
- g) That during the first visit the officer said there were non-compliant products at the premises, yet that's the first he had heard of it. If there was non-compliant products the Council has an enforcement policy, which makes it very clear that there should be a graduated approach to enforcement and that involves openness, helpfulness, proportionality and transparency. Therefore, the officer shouldn't have just turned a blind eye and walked off she should have drawn attention to the shop keeper.
- h) He also suggests that the e-cig and vape law is rapidly changing, so it is important that retailers are spoken to and given guidance on how to be complaint in order to keep communities safe.
- i) The vapes that were non-compliant were under the counter and not offered for sale as they were complaint. There is no evidence of any sale made.
- j) It also took TS 5 months to bring a review forward, that doesn't suggest they were particularly concerned about public safety.
- k) The licence is nothing to do with tobacco and is just for alcohol for off sales only.
- l) There is also recognition that the premises operates correctly and refused an underage sale during a test purchase exercise carried out by TS themselves. Which indicates that there is no concern regarding the protection of children from harm objective.
- m) The ownness is on TS to bring evidence before the Committee that can withstand scrutiny. The application for review has no evidence of age-related issues.
- n) The evidence is that the premises passed the test purchase. The officer has a problem with the licence and wants standard conditions put on all licences in the City. That is not lawful or the purpose of a review.
- o) The Committee needed to consider the evidence and then consider the action that should be taken, which should be proportionate and appropriate.
- p) There is no breach of licence conditions and no concerns for any other persons, residents or responsible authorities.

The Chair invited all parties to make a closing submission.

The applicant Paul Ellson made the following closing statements: -

## Licensing Sub-Committee C – Wednesday 14 June 2023

- That he had his position and Mr Dodds had his and it was up to the Committee to decide.

Mr Dodds made the following closing statements: -

- That the Committee had heard both submissions and they were differing on many points.
- It was up to the Committee to make their decision but it must be lawful, reasonable and in line with guidance.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the full written decision was sent to all parties as follows;

5/140623

### **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Kiranjeet Singh Chugh in respect of S&J Stores t/a Booze and Beverage, 314 Slade Road, Erdington, Birmingham B23 7LU, upon the application of the Chief Officer of Weights and Measures, this Sub-Committee hereby determines that the conditions of the licence be modified, namely by adding all those conditions proposed by the Chief Officer of Weights and Measures, as per the document in the Report.

### **GENERAL**

1. Alcoholic drinks in open containers may not be removed from the premises.
2. A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
  - i. The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
  - ii. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
  - iii. Cameras will encompass all ingress and egress to the premises, the immediate area outside the frontage of the Premises and all areas where the sale/supply of alcohol occurs.
  - iv. The system will record and retain CCTV footage for a minimum of 28 days
  - v. The system will record at all times when the Premises are open.
  - vi. The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
  - vii. The Digital recorder will be password protected to prevent

unauthorised access, tampering, or deletion of images.

viii. There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.

ix. Upon receipt of a request for a copy of CCTV footage from Police, or Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours, or less if urgently

required for investigations of serious crime.

x. CCTV footage must be made available to be viewed by West Midlands Police or an Officer of a Responsible Authority upon request or during an inspection.

### **INCIDENT BOOK**

3. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:

- i. Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
- ii. All crimes reported to the venue
- iii. Any faults in the CCTV system, equipment searching equipment or scanning
- iv. Any visit by a responsible authority or emergency service

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

### **REFUSALS REGISTER**

4. A refusals register must be kept at the Premises and maintained up to date at all times recording the date time, type of product refused, reasons for every refusal to sell alcohol/tobacco products/electronic cigarettes or any other age restricted products to a customer and the name and signature of member of staff refusing the sale.

5. The refusals record must be made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

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

### **TRAINING**

7. Training in relation to the Licensing Objectives and the conditions on the premises licence, Challenge 25, under age sales,

sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers and incident records must be provided and undertaken by all members of staff (whether paid or unpaid) before he/she makes a sale or supply of alcohol/tobacco products /electronic cigarettes and at least every six months thereafter.

8. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained date, time and content of the training.

The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.

9. Documented training records must be kept at the premises and made available to West Midlands Police

### **THE PREVENTION OF CRIME AND DISORDER**

10. Invoices and receipts must be provided for alcohol/tobacco/electronic cigarettes purchased by the Premises Licence Holder or the Designated Premises Supervisor or any person authorised to purchase alcohol/tobacco products/electronic cigarettes on their behalf for sale at the Premises. All Invoices and receipts of alcohol//tobacco products/electronic cigarettes purchased for sale at the Premises must be retained for a period of at least twelve months from the date of the Invoice or receipt. All invoices and receipts of alcohol/tobacco products/electronic cigarettes purchased for sale at the Premises are to be made available to authorised officers of responsible authorities within 48 hours of such a request.

11. The Premises Licence Holder shall maintain a list of suppliers it approves alcohol/tobacco products/electronic cigarettes to be purchased from. That list must include the name, address, AWRS number or reason why there is no such number and contact details. That document to be made available to authorised officers of responsible authorities on request or during an inspection.

### **THE PREVENTION OF PUBLIC NUISANCE**

12. The Premises Licence Holder shall ensure notices are displayed at all entrances and exits of the premises advising customers to have respect for the nearby residents and keep noise levels to a minimum as they depart.

### **PUBLIC SAFETY**

13. The Licence Holder shall ensure that all emergency lighting is checked on a weekly basis. Entrances, exits and passageways shall be kept clear.

### **THE PROTECTION OF CHILDREN FROM HARM**

14. The premises licence holder shall adopt the Challenge 25 scheme and appropriate signage and age restricted identity poster will

be placed at the entrance to the premises and throughout the store. The premises will operate a policy whereby any person attempting to buy alcohol//tobacco products /electronic cigarettes or any person attempting to gain entry for premises who appears to be under 25 will be asked for photographic ID to prove their age. The ID that will be accepted is a passport or driving licence with a photograph.

15. The premises licence holder shall display Challenge 25 posters in prominent positions within the premises, including at the point of sale and the entrance to the premises.

The Sub-Committee came to this resolution in order to promote the licensing objectives in the Act of the protection of children from harm and public safety. The Sub-Committee's reasons for modifying the conditions in the manner suggested were due to concerns expressed on behalf of the Chief Inspector of Weights and Measures (Trading Standards department of the City Council), as outlined fully in the Report.

The Sub-Committee heard that an application to transfer the licence with immediate effect had been made the day before the meeting. The new premises licence holder was now Kiranjeet Singh Chugh. He was also the new designated premises supervisor.

An officer of the Trading Standards department of the City Council attended the meeting to address the Sub-Committee. The new licence holder Kiranjeet Singh Chugh was represented in the meeting by his solicitor.

The Report summarised recent events in full. The Trading Standards officer explained that on the 10<sup>th</sup> November 2022 an Enforcement Officer had visited the premises and had spoken to an employee of the business regarding the legislation surrounding the sale of nicotine inhaling products (commonly known as e-cigs or vapes). This was ongoing programme throughout the city, in which officers were visiting shops to give them an information letter about which vapes were legal and could be sold under the Tobacco and Related Products Regulations 2016, and information about the age restrictions under the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015.

The letter required the licence holder to immediately remove the items from sale, return them to the supplier and notify Trading Standards of where the stock had been purchased. It explained that it was the premises' responsibility to check that its stock complied fully with Regulations, and to ensure that it was able to provide proof of purchase when and if requested. Included was a list of four contact addresses where further compliance information could be found. The member of staff on duty was also verbally advised to check that all the e-cig and vaping stock on the premises was compliant, and to remove any which were not registered with the Medicines Healthcare Products Agency, which held a special list and regulated the sale of all vaping

and e-cig products within the UK.

Trading Standards reminded the Sub-Committee that the letter would have been issued because the officer would have observed non-compliant vape products on the premises.

On the 29<sup>th</sup> November 2022, officers visited as part of an operation to detect and seize illicit and non-compliant tobacco products, using tobacco detection dogs. No illicit tobacco product was found on the premises at all – however, 156 non-compliant (and therefore illegal) e-cig/vape products were found under the counter. These products were removed and recorded on the seizure log.

Trading Standards observed that the licence was a “conversion”-style licence, which dated back to the old system of premises licensing (before the 2003 Act), and had few conditions attached. The application for Review, which was in the Committee Report, had therefore included a suite of conditions recommended by Trading Standards. The Sub-Committee examined these suggested conditions carefully.

The Trading Standards officer concluded by noting that there had quite clearly been something of “a lack of observance” with regards to some of the licensing objectives; however, he considered it to have been “fairly minimal in this case”. He further noted that during a recent test purchasing exercise at the premises in February 2023, in which an underage volunteer had attempted to buy alcohol, the premises had refused the sale properly, and in so doing had complied with its obligations under the Licensing Act 2003.

Leaving that aside, a letter had been issued telling the premises how to comply with the Regulations relating to vape products, but for whatever reason that had not happened; whilst the officer considered that it probably was not a fundamental breach of the licence, he felt that it was something which ought to be addressed. He advised the Sub-Committee that having the new set of conditions would address the issue satisfactorily.

The officer asked the Sub-Committee to note that the modified conditions would also be beneficial to the trader, as well as to the Erdington community at large. He concluded by remarking that “all they need to do is just tighten up on some of the procedural aspects of running the business in accordance with a licence”.

The Sub-Committee then heard submissions from the solicitor acting for the licence holder. He began by expressing shock at the position taken by Trading Standards, and indeed queried why they had even brought the Review before the Sub-Committee. He had noted that the officer had told the Sub-Committee that the pertinent issue was underage sales, and therefore the risks to the protection of children from harm objective; yet the officer had adduced no evidence that any

vape products had been sold to children - on the contrary, a test purchase attempt to buy alcohol had rightly and correctly been refused.

The solicitor took issue with the officer's remark that the problem with the shop was that the operator needed to run the premises in accordance with the licence, observing that this was precisely what the licence holder had in fact been doing. The solicitor observed that there had been no suggestion of any breach of condition.

The solicitor reminded the Sub-Committee that a Review of a licence could not be made where an officer simply did not like the way the licence was drafted; he noted that the officer had stated to the Members that he would like the suggested conditions "to be put on any licence". The solicitor looked askance at this, reminding the Sub-Committee that it could only place conditions on the licence where necessary, and that such a decision had to be evidence based, rather than based on generalities.

The solicitor further noted that the officer's view had been that the licence did not have enough conditions, and observed that it was not for Trading Standards to make such a decision. He reminded the Sub-Committee that the licence was valid, was in force, and moreover there had been no breach of any condition of the licence. He added that there had been no issue arising with the sale of alcohol or with underage sales.

The solicitor considered that Trading Standards perceived that there was a problem with the licence simply because it did not have all the conditions that they would like to see on any licence in the city, and remarked to the Sub-Committee that this was not grounds for a Review. Regarding the advice letter which had been given, the solicitor said that Trading Standards had been incorrect to suggest that there had been a failure to comply, and asked Members to keep an open mind. He repeated that it had been inappropriate to have made an application for a Review of the licence.

Regarding the 10<sup>th</sup> November visit, the solicitor had been surprised to hear that non-compliant products had been found, as it was the first time he had heard this. He considered that the proper course would have been for Trading Standards to use their own enforcement policy, which made it clear that there should always be a graduated approach to enforcement, involving engagement and education.

He drew the attention of the Sub-Committee to paragraph 1.8 of the policy which said that regarding enforcement, there should be openness, helpfulness, proportionality, consistency, accountability and transparency. He considered that if the officer who visited believed that there were non-compliant products on the shelf, he should have brought it to the attention of the trader, and endeavoured to educate and assist. The law generally regarding e-cigs and vapes was rapidly

changing, and it was important that retailers were given assistance to help them achieve compliance. This would keep communities safe.

He observed that Trading Standards had not brought these issues to the attention of the premises licence holder, but instead had left a letter of advice; he remarked that it was not a warning, but merely advice. Regarding the advice, the solicitor said that the advice to remove products from sale and return them to the supplier was not something that Trading Standards could direct; it was, he said, a matter for the shopkeeper, once the products were immediately removed from sale.

He explained that what had happened was that the licence holder did have some vape products in the premises which he thought might not be compliant, and had therefore removed them from sale, put them in a box, and then put them under a counter waiting for the sales representative to return. There was no evidence at all of any sale of any vape thereafter.

He also took issue with the length of time taken to issue the review (five months), and considered that this was not indicative of a pressing concern relating to the upholding of the public safety objective. He queried why Trading Standards wanted to take action regarding alcohol and tobacco, noting that the premises was not an “on”-licensed premises, but an off-licence shop. Regarding alcohol sales, there had been no complaint – indeed, the premises had been shown to be operating correctly by refusing a sale to an underage volunteer. The solicitor therefore was unsure why Trading Standards had stated that the pertinent issue was protecting children from harm, remarking that there was no evidence supporting this.

He reminded the Sub-Committee that the onus was on Trading Standards to bring evidence which could withstand scrutiny, but that they had adduced no evidence of any issue relating to children, and in fact a test purchase attempt had been refused. The second ground for Review had been the risks to the public safety objective; on this point he reminded the Sub-Committee of the statutory guidance issued by the Secretary of State under s182 of the Act. The Guidance at paragraph 2.7 said, in relation to public safety, that this concerned the safety of persons using the relevant premises, rather than public health which was addressed in other legislation. He noted that there was no evidence about the physical building.

The solicitor remarked that in his opinion the Review application had been brought because Trading Standards believed or perceived that there was some problem with the licence, and had wanted to redraft it to include the standard conditions that Trading Standards would like to see on any licence in Birmingham, but to do this was not the lawful purpose of bringing a review. An application for Review required a concern that something was undermining the licensing objectives; even then, the Sub-Committee should only do what was necessary and proportionate to achieve that aim.

He considered that it would be inappropriate for the Sub-Committee to take any action, asking that the starting position should be that the Members consider the evidence before them and decide whether any action should be taken at all; only if they were satisfied that some action should be taken, they could do so, but even then they should ensure whatever action was taken was appropriate and proportionate to deal with the concerns raised.

He observed that there had been no evidence of underage sales, no breaches of the licence conditions, no representations from Licensing Enforcement, West Midlands Police or Environmental Health; nor had there been any representations from Ward Councillors or local residents.

He reminded the Sub-Committee that vapes were not a standard consumer product, but were regulated by the Medicines and Healthcare Products regulatory authority, and therefore he considered that the bringing of a Review was not appropriate. It had been lawfully made, and the Sub-Committee was entitled to consider it, but on the evidence, he recommended that the Sub-Committee take no action.

When deliberating, the Sub-Committee bore in mind that its decision had to be appropriate, reasonable and proportionate, and be made in accordance with the law and the statutory Guidance issued under s182 of the Act.

The Members noted the solicitor's submission that the starting point should be to take no action. However, given the circumstances, namely the stock of illegal products which had been found under the counter by Trading Standards on 29<sup>th</sup> November 2022, that course was not in fact appropriate. The Members of the Sub-Committee were not satisfied, given the evidence submitted, that the licensing objectives would be properly promoted following any determination which permitted the premises to operate in the style seen during the second visit by Trading Standards officers.

It was correct that there was no bad history attached to the premises, but the discovery of 156 non-compliant (and therefore illegal) e-cig/vape products under the counter was not in any way acceptable, and was not the standard expected of licence holders in the city – especially not given that an advice letter had been issued. These were items which posed a potential harm to children in Birmingham. The Sub-Committee could not condone this, and felt that it was a clear risk to the upholding of the licensing objectives for these items to have been placed under the counter after clear advice had been given by Trading Standards.

After examining paragraph 1.8 of the enforcement policy, the Sub-Committee considered that appropriate engagement and advice had indeed been given by Trading Standards, in the form of the advice

letter. It was not the case that officers had not endeavoured to educate and assist; if the steps required in the letter had been followed properly the premises would not have been brought before the Sub-Committee at all. The Members were satisfied that the letter itself had been a clear attempt to educate and assist, as it set out the steps required for compliance.

The Sub-Committee was also unsure as to why the solicitor felt that Trading Standards' recommendation that the licence holder should return the illegal products to the supplier was not good advice, or that Trading Standards should not have advised him to do so; again, to have followed such a course would have ensured that there was no need for a Review.

The Sub-Committee looked at all options when making its decision, and placed particular emphasis on the need to ensure that it had confidence that the management style of the shop would uphold the licensing objectives. The Sub-Committee looked carefully at what was required to ensure that the premises would trade to the high standards expected in Birmingham; on this point, the Members considered whether the old-style licence had perhaps been a contributory factor to the unsatisfactory style of operation which had caused illegal products to be found under the counter.

The Sub-Committee determined that to update the licence with conditions tailored to the promotion of the licensing objectives would be an important safety feature, which would enable the premises to trade in a manner which ensured that careful management was prioritised; in particular, the Members agreed with Trading Standards that a modification of the conditions would benefit the licence holder himself, as well as the wider community.

Looking at the proposed conditions, the Members agreed with the submissions of Trading Standards. They did not accept the view of the solicitor, that Trading Standards simply wanted the premises to adopt the same standards as other licensed premises. The premises had been found to have a sizeable quantity of illegal product under the shop counter; all of the proposed conditions were appropriate, reasonable and proportionate to address the risk of harm.

Under the general category, provisions regarding the CCTV, incident book, refusals register and ID checks/Challenge 25, staff training with documented training (especially in view of the rapidly changing enforcement environment around vape products), retention of invoices and receipts (to guard against counterfeit alcohol, illicit tobacco and non-compliant vape products, and ensure traceability), and maintenance of a list of suppliers were all sensible measures which were proportionate.

Display of notices and weekly checks of emergency lights would encourage good practice generally, were entirely reasonable, and

would ensure that the licence holder was operating in a manner which would uphold the licensing objectives. The Sub-Committee considered that this was proportionate as it was apparent from Trading Standards' evidence that the management style could indeed benefit from a general "tightening up" after the discovery of illegal products under the counter.

The Sub-Committee noted that the solicitor had made submissions to the effect that provisions relating to alcohol and tobacco were not relevant, and were disproportionate, but disagreed with this view. The 156 illegal vape products under the counter, after advice had been given, had made it clear that the licence holder would benefit from provisions tailored to ensure safe sales of alcohol and age-restricted products; to adopt the suggested measures would remove the likelihood of a repeat of the unsatisfactory practice seen during Trading Standards' second visit.

A determination to modify the conditions in the terms suggested by Trading Standards, which were reasonable and proportionate to address concerns raised, would follow the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. To take some other course (and in particular to take no action at all) ran the risk of sending a message that the discovery of 156 illegal products was not a serious matter, or that there would be no consequences for such a failure, which the Sub-Committee was not prepared to do. The suggested conditions would give the licence holder a comprehensive framework for operation, which would ensure that he could promote the licensing objectives properly, for the benefit of those in Erdington.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the Chief Inspector of Weights and Measures (Trading Standards), and by the licence holder via his solicitor.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is determined.

**EXCLUSION OF THE PUBLIC**

6/140623

**RESOLVED:-**

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

---

CHAIR.....



<b>Report to:</b>	<b>Licensing Sub Committee C</b>
<b>Report of:</b>	<b>Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Wednesday 5<sup>th</sup> July 2023</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Variation</b>
<b>Premises:</b>	<b>The Rhodehouse, 1<sup>st</sup> Floor, 123 The Parade, Sutton Coldfield, B72 1PU</b>
<b>Ward affected:</b>	<b>Sutton Trinity</b>
<b>Contact Officer:</b>	<b>Bhapinder Nandhra, Senior Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

<b>1. Purpose of report:</b>
<p>To consider a relevant representation that has been made in respect of an application to vary the Premises Licence which seeks to extend the hours for the Sale of Alcohol (for consumption both on and off the premises), to operate from 09:00am until 01:00am (Friday and Saturday).</p> <p>To extend the hours that the Premises are to remain open to the public from 08:00am until 01:30am (Friday and Saturday).</p> <p>The application also seeks to vary the Premises Licence plan, which is attached to this report as an Appendix.</p> <p>The applicant is not seeking to vary any of the other licensable activities or times under the scope of this application.</p>

<b>2. Recommendation:</b>
<p>To consider the representation that has been made and to determine the application, having regard to:</p> <ul style="list-style-type: none"> <li>• The submissions made by all parties</li> <li>• The Statement of Licensing Policy</li> <li>• The Public Sector Equality Duty</li> <li>• The s182 Guidance</li> </ul>

<b>3. Brief Summary of Report:</b>
<p>Variation application received on 19<sup>th</sup> May 2023 in respect of The Rhodehouse, 1<sup>st</sup> Floor, 123 The Parade, Sutton Coldfield, B72 1PU.</p> <p>A representation has been received from other persons.</p>

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

**5. Relevant background/chronology of key events:**

The Rhodehouse Limited applied on 19<sup>th</sup> May 2023 to vary the Premises Licence for The Rhodehouse, 1<sup>st</sup> Floor, 123 The Parade, Sutton Coldfield, B72 1PU.

A representation has been received from other persons, which is attached at Appendix 1.

The application is attached at Appendix 2.

The current Premises Licence is attached at Appendix 3.

Site Location Plans at Appendix 4.

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:-

- 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:**

Copy of the representation as detailed in Appendix 1.

Application Form, Appendix 2.

Current Premises Licence, Appendix 3.

Site Location Plans, Appendix 4.

**7. Options available**

To grant the variation application

To refuse the whole or part of the application

To modify the conditions of the Licence

**From:**

**Sent:** 16 June 2023 23:37

**To:** Licensing

**Subject:** Representations RE: The Rhodehouse application for license variation

To whom it may concern.

I would like to make representations regarding the application for license variation of:

The Rhodehouse, 1<sup>st</sup> floor 123 The Parade, Sutton Coldfield B72 1PU

It is important to record that the registered address appears misleading as sole entrance and exit to the business in question is on Holland Street, a predominantly residential street. The immediate neighbour is an assisted living accommodation for elderly people.

The club is already a disruptive force in the local area, with the current terms of the license having a direct impact residents including myself, for clarity these are broken down into 2 areas.

1. Direct impact from noise. My property is well insulated and double glazed, but the sound emitted from the club is easily audible within my home every Friday and Saturday night, and often on a Thursday. The club sometimes hosts live bands, and with all my doors and windows closed lying in bed attempting to sleep it has been possible to me to identify the songs. On a warm day with my windows open the noise of an evening is a constant distraction. To their credit the club is good at following the terms of their current license, making it very clear when midnight arrives as the music, typically thumping bass, ceases. The proposed change to the license would permit the expansion of this already disruptive noise to a significant public nuisance for all local residents.
2. Indirect impact from noise. At the end of the current license terms, when it closes the direct noise from the club may stop, but it is replaced by the noise of people leaving the club. It is fairly common for drunk people leaving the club to be singing, sometimes arguing loudly and occasionally fighting. This is already a public nuisance, however the proposed extension to the license would attract more people to the club after other establishments in the area close, resulting in later street noise from people traveling to and from the club, but risks a significant public nuisance to the local residents and after the club closes.

I ask that, for the local community, the application for license variation by The Rhodehouse be declined, without making any amendments to the current license terms to permit extended opening, thereby preventing further disruption to local residents.

Regards

Holland Street  
Sutton Coldfield  
B72



\* required information

**Section 1 of 18**

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  This is the unique reference for this application generated by the system.

Your reference  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?  
 Yes  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

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:  
 Applying as a business or organisation, including as a sole trader 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.  
 Applying as an individual

**Applicant Business**

Is the applicant's business registered in the UK with Companies House?  Yes  No Note: completing the Applicant Business section is optional in this form.

Registration number

Business name  If the applicant's business is registered, use its registered name.

VAT number  Put "none" if the applicant is not registered for VAT.

Legal status

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.

Registration number

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	CEO	
Home country	United Kingdom	The country where the headquarters of your business is located.
<b>Agent Registered Address</b>		Address registered with Companies House.
Building number or name	C.N.A. Risk Management Limited	
Street	P.O. Box 13293	
District	Great Barr	
City or town	Birmingham	
County or administrative area	West Midlands	
Postcode	B42 9BP	
Country	United Kingdom	

## 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	THE RHODEHOUSE
Street	1st Floor, 123 The Parade
District	
City or town	Sutton Coldfield
County or administrative area	West Midlands
Postcode	B72 1PU
Country	United Kingdom

#### Premises Contact Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	30,000

Section 3 of 18	
<b>VARIATION</b>	
<p>Do you want the proposed variation to have effect as soon as possible? <input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>Do you want the proposed variation to have effect in relation to the introduction of the late night levy? <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>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 <input type="text"/></p> <p><b>Describe Briefly The Nature Of The Proposed Variation</b></p> <p>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.</p>	<p>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.</p>
<p>The applicant is seeking an extension of 1 hour for the supply of alcohol as follows. Friday to Saturday - 09:00hrs to 01:00hrs</p> <p>Operating hours will be: Friday to Saturday - 08:00hrs to 01:30hrs</p> <p>This extension will allow customers to finish the night off at the venue</p> <p>The applicants agent has liaised with Chris Jones of West Midlands Police Licensing Unit. Attached also is an updated Plan of the premises.</p>	

Section 4 of 18	
<b>PROVISION OF PLAYS</b>	
<p><a href="#">See guidance on regulated entertainment</a></p> <p>Will the schedule to provide plays be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	

Section 5 of 18	
<b>PROVISION OF FILMS</b>	
<p><a href="#">See guidance on regulated entertainment</a></p> <p>Will the schedule to provide films be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	

Section 6 of 18	
<b>PROVISION OF INDOOR SPORTING EVENTS</b>	
<p><a href="#">See guidance on regulated entertainment</a></p> <p>Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	

**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

**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

required information

**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

**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.

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.

**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.

Non

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**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 08:00

End 01:30

Start

End

SATURDAY

Start 08:00

End 01:30

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

*Continued from previous page...*

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.

- I have enclosed the premises licence
- 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.

Original Premises License has been lost

**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.

- \* The premises licence holder shall put in place an experienced management team to ensure all staff receive adequate training on a regular basis, relating to the four Licensing objectives, general licencing regulations/Conditions including Fire regulations.
- \* A record of the training will be kept by the management. The training provided to staff will be recorded and each member of staff will sign and date their training records to confirm they have received and understood the training provided. Training will be refreshed and recorded every 6 months. The staff training records will be kept at the premises and made available to any Responsible Authority upon request. Staff will be given on-going training including identification of anti-social or unusual behaviour.
- \* The Designated Premises Supervisor will provide responsible management at all times.

b) The prevention of crime and disorder

- \* Customers will not be permitted to carry open bottles or glasses beyond the licensed area. Exception is the outdoor smoking terrace on the 1st Floor.
- \* No licensable activities are to be carried out on the 1st floor smoking terrace.
- \* The premises will risk assess its standard operating procedures covering seven days a week, included in this risk assessment will be any security provisions.
- \* A copy of risk assessment to be made available to West Midlands Police Licensing Department.
- \* The premises shall risk assess the need for SIA registered door supervisors. This shall be documented and kept on the premises.
- \* The premises shall maintain an incident register, with details of incidents that occur inside and immediately outside the premises. The incident book will be available for inspection at any time by any Responsible Authority.
- \* CCTV system to be installed fit for the purpose and satisfaction of West Midlands Police. Images to be retained for at least 31 Days and shall be made available upon request to officers of the responsible authorities.
- \* There will always be a staff member on site, fully trained in the operation of the CCTV who will be able to download selected footage onto a storage device to be readily available for the licensing authorities. In the event of the hard disk drive being replaced for any reason, the old hard drive must be kept at the premise for 31days and readily available to the licensing authorities.
- \* Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
- \* The premises license holder or DPS will carry out and document a regular risk assessment which will include the need for security provision and the implementation of a last entry time. This will be made available to any Responsible Authority on request.
- \* Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

c) Public safety

- \* Adequate Lighting will be provided in all public areas and outside The premises licence holder shall ensure that the external areas of the premises are monitored to prevent any anti-social behaviour and public nuisance caused by the premises is kept to a minimum. Electric, gas and relevant equipment are to be checked and maintained in working order and tested annually.

d) The prevention of public nuisance

- \* External doors and windows shall be kept closed, other than for access and egress, whenever regulated entertainment

*Continued from previous page...*

- is provided (i.e. music levels that require customers to raise voices).
- \* The outside terrace shall only be used for customers to smoke between 10am to 11.30pm Monday to Saturday and 10am to 10.30pm Sunday.
- \* The Designated Premises Supervisor shall be responsible for ensuring that the smoking terrace does not create a nuisance to neighbours at their property, and if necessary, restrict the number of people utilising the smoking areas at any one time.
- \* Notices shall be displayed near the entrances, exits and rear smoking area of the premises advising customers who wish to use the outside smoking facilities that they should do so with respect for the nearby residents and keep noise levels to a minimum.
- \* There shall be a lobbied area created at the ground floor entrance to the premises or alternatively the first floor entrance. This will ensure that whilst regulated entertainment is taking place one door will remain closed whilst persons are entering and exiting the site.
- \* All the windows of the premises (9 in total) overlooking the neighbouring residence will have vinyl screens placed on the inside so that there is no visibility of the neighbouring residence. When viewed from the outside, and from the neighbouring residence, the vinyl screens will be blank without any images.
- \* The Designated Premises Supervisor 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 23:00 Hours or before 07:00 Hours. Notices will be posted asking patrons to leave quietly.

e) The protection of children from harm

- \* 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 premises licence holder shall adopt the "Challenge 25" age policy. The premises licence holder shall ensure all employees are fully trained and aware of the challenge 25 rule.
- \* The premises licence holder shall ensure there will be a provision of sufficient staff to protect children from harm with training on appropriate behaviour.
- \* The premises license holder shall ensure that staff are fully conversant with the legal prohibitions in relation to the sale of alcohol to under 18s. 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.

**Section 17 of 18****NOTES ON REGULATED ENTERTAINMENT**

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

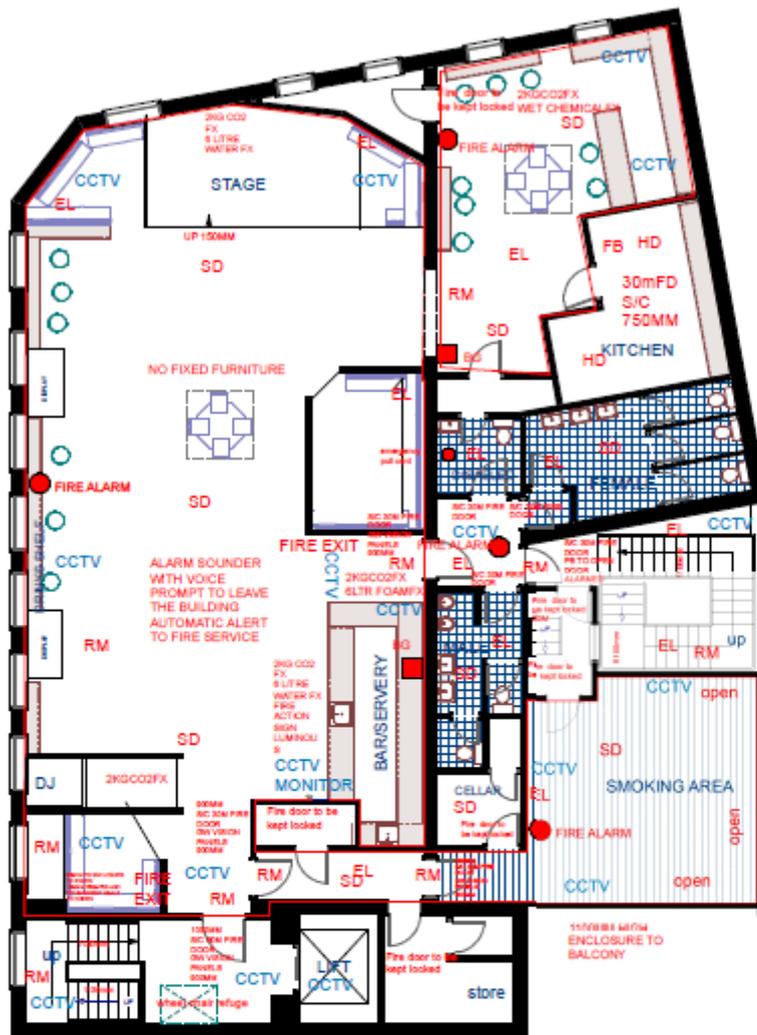
- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 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	
<b>PAYMENT DETAILS</b>	
<p>This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.</p> <p>Premises Licence Fees are determined by the non domestic rateable value of the premises.</p> <p>To find out a premises non domestic rateable value go to the Valuation Office Agency site at <a href="https://www.tax.service.gov.uk/business-rates-find/search">https://www.tax.service.gov.uk/business-rates-find/search</a></p> <p>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*</p> <p>*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</p> <p>Band D - £87001 to £125000 - £900.00            Band E - £125001 and over - £1,905.00</p> <p>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.</p> <p>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.</p> <p>If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time</p> <p>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</p> <p>* Fee amount (£) <input type="text" value="190.00"/></p>	
<b>DECLARATION</b>	
<p>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.</p> <p><input checked="" type="checkbox"/> Ticking this box indicates you have read and understood the above declaration</p> <p>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?"</p> <p>* Full name <input type="text" value="Carl Moore"/></p> <p>* Capacity <input type="text" value="Authorised Agent"/></p>	

<i>Continued from previous page...</i>	
* Date	<input type="text" value="19"/> / <input type="text" value="05"/> / <input type="text" value="2023"/> dd mm yyyy
<input type="button" value="Add another signatory"/>	
<p>Once you're finished you need to do the following:</p> <ol style="list-style-type: none"> <li>1. Save this form to your computer by clicking file/save as...</li> <li>2. Go back to <a href="https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/change-1">https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/change-1</a> to upload this file and continue with your application.</li> </ol> <p>Don't forget to make sure you have all your supporting documentation to hand.</p>	
<p><b>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.</b></p>	

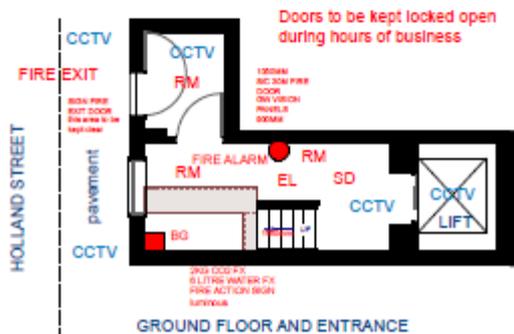


Area for the sale and consumption of alcohol the provision of regulated entertainment and late night refreshment.

stairs to ground floor

- BF single boarding
- FB fire blanket
- SD Smoke detector
- FR30M structural integrity
- FR30 Fire door 30 minutes resistance
- HD heat detector
- VA visual alarm sounder
- EL emergency lighting
- RM running man illuminated mains maintained fire exit sign
- GV ganglion wired glassed vision panel
- VP vision panel FR glass
- FX fire extinguisher
- 1200mm clear escape width - doors stairs etc. S/C self closing
- HR FR one hour fire resisting door
- SD smoke detector
- CCTV provision to satisfaction of statutory authorities

LICENSING  
FIRST FLOOR  
123 PARADE  
SUTTON COLDFIELD  
B72 1PU  
SCALE 1 100  
FEBRUARY 2020



Doors to be kept locked open during hours of business

GROUND FLOOR AND ENTRANCE

email: plansurvey@men.com

**FIRE SAFETY STANDARDS**

Doors and partitions required to be fire resisting are to be in accordance with British Standard 476, 1972 as amended.

Fire resisting doors required to resist the passage of smoke at ambient temperature conditions should, unless stated in accordance with BS476, section 31.1, 1983 be fitted with a smoke seal and innerspring strip plus a positive self-closing device.

The fire alarm system where installed is to comply with the British Standard 5839, part 1-202. The attention of the Design/Installing Engineer should be drawn to paragraph 3.3 (notification and records) of British Standard 5266, Part 1, 2002. All Maglocks and magnetic door hold open devices will be connected to the fire alarm system so that on any activation of the fire alarm the devices will fail safe.

The emergency lighting installation is to comply with British Standard 5266, part 1, 1988. The attention of the Design/Installing Engineer should be drawn to paragraph 3.1 (consultation and records) of British Standard 5266, part 1, 1988 as amended.

Certificate of installation will be required.

Door panic furniture must comply with British Standard EN 1125 panic exit devices operated by a horizontal bar. And be marked above with a signifying "Push Bar To Open".

Upfurnished seating furniture must satisfy as a minimum standard: Ignition source 0 (cigarette test) and Cr15 Ignition Source 2 as specified in British Standard BS51, 1998. Methods of test for Assessment of the Ignibility of Upholstered Seating by Smouldering with Flaming Ignition Sources. It is in order to secure compliance with the above standards the fabric submitted for test has been tested beforehand with a fire retardant product; the testing laboratory must be instructed to subject the samples as treated to a water soak test, in accordance with British Standard BS51, 1998, paragraph 3, before the BS5812 tests are carried out. A copy of the laboratory test report from an accredited testing laboratory identifying compliance of the furnishings composite with the above mentioned British Standards must be forwarded to this authority before installation and confirmation that the furnishings specified in this certificate have been installed in the premises.

A fire risk assessment in accordance with Regulatory Reform (Fire Safety) Order 2005 will be completed prior to the Premises opening to the public.

**5C**

Licensing Act 2003Premises Licence

<b>Premises Licence Number</b>	5296
--------------------------------	------

**Part 1 – Premises Details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>
The Rhodehouse, First Floor, 123 The Parade, Sutton Coldfield, B72 1PU
<b>Telephone Number</b>
Not Specified

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

<b>Licensable activities authorised by the licence</b>
Sale of Alcohol by Retail Performance of a Play Exhibition of a Film Indoor Sporting Events 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 Dancing

**Times the licence authorises the carrying out of licensable activities**

<b><u>Sale of Alcohol by retail:</u></b>		
<b><u>Day</u></b>	<b><u>Start Time</u></b>	<b><u>End Time</u></b>
Monday	09:00	23:30
Tuesday	09:00	23:30
Wednesday	09:00	23:30
Thursday	09:00	23:30
Friday	09:00	23:30
Saturday	09:00	00:00
Sunday	09:00	23:30
<b>Place:</b>		
<b>Seasonal Variations:</b>		
<b>Non-Standard Times:</b>		

**Performance of a Play:**

<b><u>Day</u></b>	<b><u>Start Time</u></b>	<b><u>End Time</u></b>
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:00
Friday	11:00	23:00
Saturday	11:00	23:30
Sunday	11:00	23:00
<b>Further Details:</b>		
<b>Place:</b>		
<b>Seasonal Variations:</b>		

**Non-Standard Times:**

**Exhibition of a Film:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:00
Friday	11:00	23:00
Saturday	11:00	23:30
Sunday	11:00	23:00

**Further Details:**

**Place:**

**Seasonal Variations:**

**Non-Standard Times:**

**Indoor Sporting Event:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:00
Friday	11:00	23:00
Saturday	11:00	23:30
Sunday	11:00	23:00

**Further Details:**

**Place:**

**Seasonal Variations:**

**Non-Standard Times:**

**Performance of Live Music:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:00
Friday	11:00	23:00
Saturday	11:00	23:30
Sunday	11:00	23:00

**Further Details:**

**Place:**

**Seasonal Variations:**

**Non-Standard Times:**

**Playing of Recorded Music:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:00
Friday	11:00	23:00
Saturday	11:00	23:30
Sunday	11:00	23:00

**Further Details:**

**Place:**

**Seasonal Variations:**

**Non-Standard Times:**

**Performance of Dance:**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
------------	-------------------	-----------------

Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:00
Friday	11:00	23:00
Saturday	11:00	23:30
Sunday	11:00	23:00

**Further Details:**

**Place:**

**Seasonal Variations:**

**Non-Standard Times:**

**Anything of a similar description to that falling within Recorded Music, Live Music or Dancing**

<u>Day</u>	<u>Start Time</u>	<u>End Time</u>
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:00
Friday	11:00	23:00
Saturday	11:00	23:30
Sunday	11:00	23:00

**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	08:00	00:00
Tuesday	08:00	00:00
Wednesday	08:00	00:00
Thursday	08:00	00:00
Friday	08:00	00:00
Saturday	08:00	00:30
Sunday	08:00	00:00

**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**

The Rhodehouse Limited

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

Company Number:13112890

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

Mr Luke Martyn Raymond Townsend

**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:** 159901

**Issuing Authority:** Birmingham City Council

Dated 19-05-2023

Mr. 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**

CCTV system to be installed fit for the purpose and satisfaction of West Midlands Police.

Images to be retained for at least 31 Days and shall be made available upon request to officers of the responsible authorities.

The premises license holder or DPS will carry out and document a regular risk assessment which will include the need for security provision and the implementation of a last entry time. This will be made available to any Responsible Authority on request.

Customers will not be permitted to carry open bottles or glasses beyond the licensed area.

The premises licence holder shall put in place an experienced management team to ensure all staff receive adequate training on a regular basis, relating to the four Licensing objectives, general licencing regulations/Conditions including Fire regulations. A record of the training will be kept by the management.

The training provided to staff will be recorded and each member of staff will sign and date their training records to confirm they have received and understood the training provided. Training will be refreshed and recorded every 6 months. The staff training records will be kept at the premises and made available to any Responsible Authority upon request.

Staff will be given on-going training including identification of anti-social or unusual behaviour.

The Designated Premises Supervisor 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 23:00 Hours or before 07:00 Hours.

Notices will be posted asking patrons to leave quietly.

Adequate Lighting will be provided in all public areas and outside

The premises licence holder shall ensure that the external areas of the premises are monitored to prevent any anti-social behaviour and public nuisance caused by the premises is kept to a minimum.

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

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

On 9 March 2021, Licensing Sub Committee B resolved to GRANT the licence subject to the conditions below:

External doors and windows shall be kept closed, other than for access and egress, whenever regulated entertainment is provided (i.e. music levels that require customers to raise voices).

Customers will not be permitted to carry open bottles or glasses beyond the licensed area. Exception is the outdoor smoking terrace on the 1st Floor.

No licensable activities are to be carried out on the 1st floor smoking terrace.

The premises will risk assess its standard operating procedures covering seven days a week, included in this risk assessment will be any security provisions. A copy of risk assessment to be made available to West Midlands Police Licensing Department.

The premises shall risk assess the need for SIA registered door supervisors. This shall be documented and kept on the premises.

The premises shall maintain an incident register, with details of incidents that occur inside and immediately outside the premises. The incident book will be available for inspection at any time by any Responsible Authority.

There will always be a staff member on site, fully trained in the operation of the CCTV who will be able to download selected footage onto a storage device to be readily available for the licensing authorities.

In the event of the hard disk drive being replaced for any reason, the old hard drive must be kept at the premise for 31 days and readily available to the licensing authorities.

The outside terrace shall only be used for customers to smoke between 10am to 11.30pm Monday to Saturday and 10am to 10.30pm Sunday.

The Designated Premises Supervisor shall be responsible for ensuring that the smoking terrace does not create a nuisance to neighbours at their property, and if necessary, restrict the number of people utilising the smoking areas at any one time.

Notices shall be displayed near the entrances, exits and rear smoking area of the premises advising customers who wish to use the outside smoking facilities that they should do so with respect for the nearby residents and keep noise levels to a minimum.

There shall be a lobbied area created at the ground floor entrance to the premises or alternatively the first floor entrance. This will ensure that whilst regulated entertainment is taking place one door will remain closed whilst persons are entering and exiting the site.

All the windows of the premises (9 in total) overlooking the neighbouring residence will have vinyl screens placed on the inside so that there is no visibility of the neighbouring residence. When viewed from the outside, and from the neighbouring residence, the vinyl screens will be blank without any images.

#### **Annex 4 – Plans**

The plan of the premises with reference number 162430 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)

