

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Interim Assistant Director of Regulation and Enforcement
Date of Meeting:	Tuesday 29th June 2021
Subject:	Licensing Act 2003 Multiple Temporary Event Notices
Premises:	The Deli in Boldmere, 60B – 60C Boldmere Road, Sutton Coldfield, B73 5TJ
Ward affected:	Sutton Vesey
Contact Officer:	Bhupinder Nandhra, Senior Licensing Officer licensing@birmingham.gov.uk

1. Purpose of report:

To consider the objection notices to Temporary Event Notices (TENs), which seeks to permit the provision of licensable activities on the dates and times as detailed in each TEN attached to this report as an Appendix.

2. Recommendation:

To consider the objection notices made by West Midlands Police and Environmental Health.

3. Brief Summary of Report:

Temporary Event Notices were submitted by Matthew Goode and received on 17th June 2021 in respect of The Deli in Boldmere, 60B – 60C Boldmere Road, Sutton Coldfield, B73 5TJ.

Objection notices have been received from West Midlands Police and Environmental Health.

4. Compliance Issues:

When carrying out its licensing functions, a licensing authority must have regard to the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

4.1 Consistency with relevant Council Policies, Plans or Strategies:

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

Matthew Goode submitted on 17th June 2021, Temporary Event Notices in respect of The Deli in Boldmere, 60B – 60C Boldmere Road, Sutton Coldfield, B73 5TJ.

The Temporary Event Notices are attached as Appendices 1 to 2.

Objection notices have been received from West Midlands Police and Environmental Health, which are attached at Appendices 3 to 4.

The current premises licence is attached at Appendix 5.

Site location plans are attached, see Appendix 6.

Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.

However, the police or local authority exercising environmental health functions may intervene to prevent such events taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on each TEN.

Where TENs are submitted, and objection notice(s) are maintained, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.

When giving TENs, consideration should be given to the following four licensing objectives:

1. The prevention of crime and disorder
2. public safety
3. The prevention of public nuisance; and
4. The protection of children from harm

If the TENs are in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TENs if it considers that this is appropriate for the promotion of the licensing objectives.

6. List of background documents:

Temporary Event Notices, attached at Appendices 1 to 2.

Objection notices from West Midlands Police Environmental Health, attached at Appendices 3 to 4.

Premises Licence, attached at Appendix 5.

Site location plans, Appendix 6.

7. Options available

At the hearing the Licensing Authority must consider each TEN separately and determine whether to:

Allow the proposed temporary licensable activities as stated in each TEN

Impose conditions on each TEN to promote the licensing objectives

Refuse the proposed temporary licensable activities as stated in each TEN

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr		
Surname	Goode		
Forenames	Matthew Thomas		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr Mrs Miss Ms Other (please state)		
Surname			
Forenames			
3. Your date of birth			
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
Post town		Postcode	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
60B-60C Boldmere road	
Post town Sutton Coldfield	Postcode B73 5TJ
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
60B - 60C Boldmere road, Sutton Coldfield, b73 5TJ	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	4930 / 1
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
The Garden area	
Please describe the nature of the premises below. (Please read note 4)	
Cafe bar serving hot drinks and brunch primarily with bar restaurant service on Friday and Saturday nights.	

Please describe the nature of the event below. (Please read note 5)
To show the England game in the garden in its entirety. We would like to extend our licensing hours for the garden to allow people in the garden until 11pm.

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol		
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		
The provision of regulated entertainment (Please read note 7)	✓	
The provision of late night refreshment		
Are you giving a late temporary event notice? (Please read note 8)		
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
02 - 07 July		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)		
Extension of the hours people allowed in garden from 21:00 to 23:00.		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)		120
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	✓
	Off the premises only	
	Both	

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

We want to show the England vs Scotland game, this will include TV pictures and low level sound.

4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes ✓	No
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	Birmingham City Council	
Licence number	10872 / 1	
Date of issue	2017	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes ✓	No
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	1	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No ✓

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No ✓

If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No ✓
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No ✓
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No ✓

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	
Made or enclosed payment of the fee for the application	
Signed the declaration in Section 9 below	

8. Condition (Please read note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

Signature	
Date	06/06/2021
Name of Person signing	Matthew Thomas Goode

For completion by the licensing authority

10. Acknowledgement (Please read note 20)

I acknowledge receipt of this temporary event notice.

Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr		
Surname	Goode		
Forenames	Matthew Thomas		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr Mrs Miss Ms Other (please state)		
Surname			
Forenames			
3. Your date of birth			
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
33 Clifton Road			
Post town		Postcode	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
60B-60C Boldmere road	
Post town Sutton Coldfield	Postcode B73 5TJ
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
60B - 60C Boldmere road, Sutton Coldfield, b73 5TJ	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	4930 / 1
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
The Garden area	
Please describe the nature of the premises below. (Please read note 4)	
Cafe bar serving hot drinks and brunch primarily with bar restaurant service on Friday and Saturday nights.	

Please describe the nature of the event below. (Please read note 5)
To show the England game in the garden in its entirety. We would like to extend our licensing hours for the garden to allow people in the garden until 11pm.

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol		
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		
The provision of regulated entertainment (Please read note 7)	✓	
The provision of late night refreshment		
Are you giving a late temporary event notice? (Please read note 8)		
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
11 July		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)		
Extension of the hours people allowed in garden from 21:00 to 23:00.		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	120	
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	✓
	Off the premises only	
	Both	

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

We want to show the England vs Scotland game, this will include TV pictures and low level sound.

4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes ✓	No
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	Birmingham City Council	
Licence number	10872 / 1	
Date of issue	2017	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes ✓	No
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	1	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No ✓

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No ✓

If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No ✓
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No ✓
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No ✓

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	
Made or enclosed payment of the fee for the application	
Signed the declaration in Section 9 below	

8. Condition (Please read note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

Signature	
Date	06/06/2021
Name of Person signing	Matthew Thomas Goode

For completion by the licensing authority

10. Acknowledgement (Please read note 20)

I acknowledge receipt of this temporary event notice.

Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

From: Huram Taj
Sent: 18 June 2021 07:48
To: Licensing Online; Pollution Team
Subject: RE: [External]: STANDARD TEN; The Deli in Boldmere

Good Morning Licensing,

West Midlands Police have reviewed the following application and similarly to a previous application, Object to it being granted.

The application is objected on the grounds of preventing public nuisance.

No consideration has been taken by the applicant on the previous objection as they have submitted a total of 3 applications post objection, all containing the same event specifics of wanting to show the England Euros football games in their entirety to 11pm in its garden area, of which has a backdrop of residence. The premises license operates with conditions agreed by a sub-committee.

The Ten application proposed hours attempts to supersede conditions put in place by a sub-committee to promote the objectives, this TEN would negate the promotion of the objectives.

Huram Taj 60679
Licensing Department
Birmingham Partnerships Team:Lloyd House Birmingham: West Midlands Police

From: Arron Hanson **On Behalf Of** Pollution Team
Sent: 18 June 2021 10:15
To: Licensing
Subject: RE: Standard TEN; The Deli in Boldmere

EPU support the WMPs objection in that the TEN would not be in the line with promoting the licensing objectives.

The application is objected on the grounds of preventing public nuisance.

Arron Hanson
Environmental Protection Officer

Arron Hanson
Environmental Protection Officer

LICENSING ACT 2003**PREMISES LICENCE****Premises Licence Number:****4930 / 1****Part 1 - Premises details:**

Postal address of premises, or if none, ordnance survey map reference or description	
The Deli in Boldmere 60B - 60C Boldmere Road	
Post town:	Post Code:
Sutton Coldfield	B73 5TJ
Telephone Number:	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence	
E	Live Music
F	Recorded Music
G	Performance of Dance
H	Anything similar to (e), (f) or (g)
M3	Sale of Alcohol by retail on and off the premises

The times the licence authorises the carrying out of licensable activities			
Sunday - Monday	08:00	-	23:00 E,F,G,H,M3

The opening hours of the premises			
Monday - Sunday	08:00	-	23:00

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Ms Philippa Goode	
Post town:	Post Code:
Telephone Number:	
Email	

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

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Matthew Goode	
Post town:	Post Code:
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 10872	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 31/07/2018

SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises— (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that— (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) “permitted price” is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The DPS will take full responsibility of ensuring all staff are trained and have full knowledge of all licensing issues concerning them under the 2003 Licensing Act including the Challenge 25 rule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

2d) Conditions consistent with, and to promote the prevention of public nuisance

The DPS will also monitor the exterior of the premises to ensure litter is kept to a minimum.

The garden terrace seating area and external bar shall only be used between the hours of 09.00am and 21.00pm.

There shall be no amplified music in the outdoor areas.

An acoustic fence shall be erected to the rear of the garden area.

No tables/chairs or customer access shall be allowed within 20 metres of the rear boundary of the premises.

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

The DPS will be responsible for ensuring all staff working within the premises will be fully trained and aware of the Challenge 25 Rule. The premises will only accept valid forms of identification such as photo driving licence, passport and home office approved ID cards displaying the national proof of age standard scheme (PASS hologram). All customers who look under the age of 25 shall be challenged to prove their identity when purchasing alcohol.

Any children on the premises must be accompanied by a responsible adult.

The premises will also have a refusals register, which will be kept at the premises at all times and all refusals by any member of staff shall be recorded. The register will be made available to Responsible Authorities on request.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Licensing Sub Committee C resolved to GRANT the application on Wednesday 25th July 2018, subject to the following conditions:

The premises shall arrange for door staff to be employed at the premises; the premises shall conduct an in-house written Risk Assessment to decide the hours during which door staff shall be deployed.

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

CCTV shall be installed to cover the whole of the licensable area, to the satisfaction of West Midlands Police.

3c) Committee conditions to promote public safety

N/A

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

There shall be no regulated entertainment involving live or recorded music, sound or speech in the outdoor area to the front of the building on the Boldmere Road façade.

There shall be no regulated entertainment involving recorded music, sound or speech in the outdoor area to the rear of the building.

There shall be no live amplified music, sound or speech in the outdoor area to the rear of the building.

Live music in the outdoor area to the rear of the building shall not be provided between the hours of 21.00 and 10.00.

There shall be no speakers used for amplified music, speech or sound outside the building.

The outside area to the rear of the building shall only be used between the hours of 09.00 and 21.00 hours and the DPS or other nominated person/staff, shall monitor the external areas and ensure that all patrons vacate the area by 21.00.

The bar in the outside area to the rear of the building shall only be used for the sale of alcohol between the 09.00 and 20.30.

All external doors and windows shall be kept closed after 22.00 during regulated entertainment except as necessary for safe and effective access and egress.

No drinks shall be removed from the premises (as defined by the plan delineating the licensed area) in open containers.

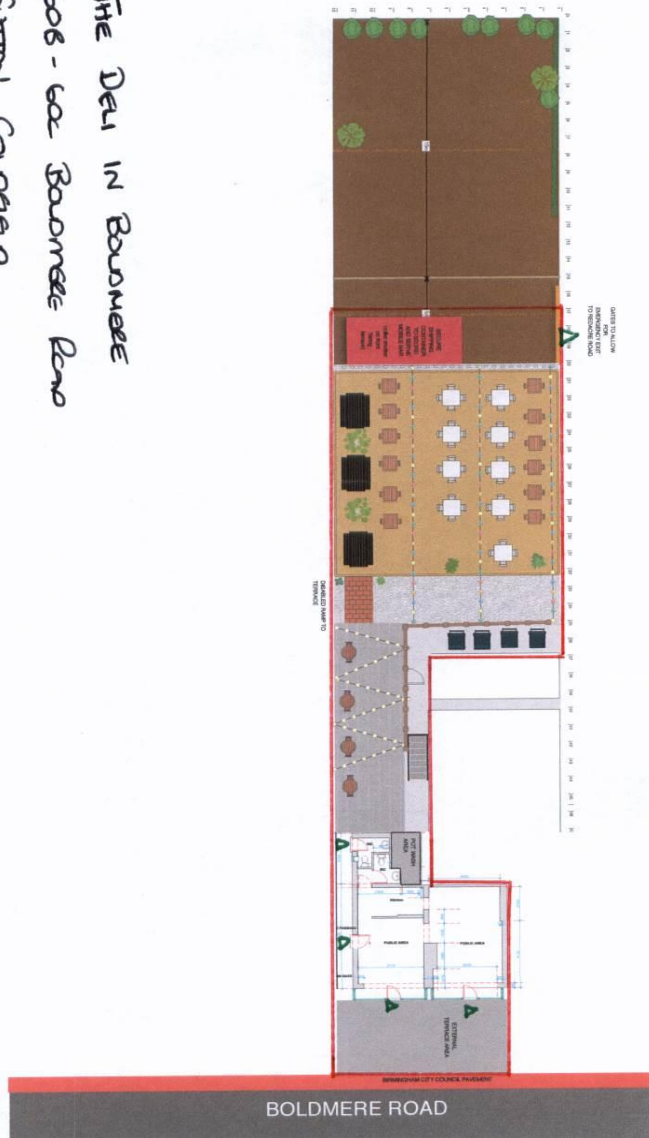
No waste or recyclable material, including bottles, shall be moved, removed or placed in areas outside the premises building between the hours of 22.00 and 08.00.

There shall be no tables, chairs or customer access within 20 metres of the boundary with 1 Redacre Road.

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

N/A

Annex 4 – Plans





Birmingham City Council Map Created By:

Date of Map Creation: 10/07/2018

Notes



Scale:
1:4,000

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