

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 18 DECEMBER 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 - 18

4 **MINUTES**

To note the public part of the Minutes of the meeting held on 20 November 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

19 - 41

5 **LICENSING ACT 2003 PREMISES LICENCE – GRANT BURGER AND SAUCE, 23 OAK TREE LANE, SELLY OAK, BIRMINGHAM, B29 6JE**

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

42 - 56

6 **GAMBLING ACT 2005 LICENSED PREMISES GAMING MACHINE PERMIT THE OLD COURT, 70 HIGH STREET, KINGS HEATH, BIRMINGHAM, B14 7JZ**

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

7 **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.

8 **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

P R I V A T E A G E N D A

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 20 November 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 A 20 NOVEMBER 2023

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 20 NOVEMBER 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Mary Locke and Julien Pritchard.

ALSO PRESENT

Bhapinder Nandhra – 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)

1/201123

NOTICE OF RECORDING/WEBCAST

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2/201123

DECLARATION OF INTERESTS

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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.

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interests flowchart which provides a simple guide to declaring interests at meetings.

A disclosure was made by Councillor Sam Forsyth – in respect of the application – A pecuniary interest as they had previous professional relations with Mr Duncan Craig who was acting on behalf of the Applicant involved in the application. However, she only knew Mr Craig in a professional capacity as she was also a practising Barrister.

A disclosure was made by Councillor Izzy Knowles – in respect of the application – A pecuniary interest as they were a Member of the Licensing and Public Protection Committee, however they had not discussed the matter with any other Committee Member.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/201123 Apologies were submitted on behalf of Councillors Phil Davis and Simon Morrall and Councillors Sam Forsyth and Julien Pritchard were the nominated substitute Members.

MINUTES

4/201123 That the Public section of the Minutes of the meeting held on 6 November 2023 at 1000 hours were noted and the Minutes as a whole were circulated and confirmed and signed by the Chair.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – PICKWICK ATHLETIC CLUB, WINDERMERE ROAD, SPRINGFIELD, BIRMINGHAM, B13 9JS.
On Behalf of the Applicant

Duncan Craig – Barrister
 Wahid Najib - Applicant
 Shakil Hussain - Applicant
 Kerry Cox – Associate of Duncan Craig

On Behalf of Those Making Representations

Cllr Izzy Knowles – Local Ward Councillor
 Peter Brown – Environmental Health (EH)
 Mrs Connor – Local Resident
 Sarah Bowers – Local Resident
 Janice Burns – Local Resident
 Fiona Adams – The Moseley Society
 John Wilson – Local Resident

* * *

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

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/their representative to make their presentation and Duncan Craig made the following points: -

- a) That the premises came to his attention in the summer, June 2023.
- b) EH were investigating complaints in relation to noise, the officer investigating was not Peter Brown at that stage. The residents would have been involved in that process.
- c) The premises were engaged in activities that they were not licensed for. The activities fell under the realms of recorded music so that was the reason they had made an application.
- d) Mr Craig advised his client to get the application in as soon as possible, therefore there was not any engagement with residents prior to the application going in.
- e) The Club provided sporting facilities for much of the local community, most of the children were under 18 years old and many were under 14 years old.
- f) In order for the club to continue offering the facilities they needed to put on events in order to bring in funding.
- g) That they recognised, following the representations made, that the application needed to be scaled back and reflect the fact that there are residential properties nearby. They had scaled back the hours and amended conditions.
- h) The representations were primarily concerned with public nuisance, however, they had submitted a noise risk management plan and were happy to have a noise limiting device.
- i) Furthermore, they would reduce the number of events to 50 per year, instead of the 75 events they had applied for.
- j) The events would only take place on Friday, Saturday and Sunday.
- k) The noise limiting device would add another level of protection and external doors would be kept closed.
- l) The Licensing Act 2003 recommended that marquees were classed as 'indoors'. The marquee would be included in the licensable area.

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- m) Significant concerns had been raised about the marquee. They had made an application to planning for the marquee, seeking to rectify the position in relation to planning permission.
- n) In order for the Club to function they needed to hold events, without that revenue the premises wouldn't be able to function or provide facilities for the local community.
- o) Much of the events were aimed at the Muslim and Asian community.
- p) That some of the representations included issues about Covid, however those issues were nothing to do with the current operator.
- q) The representations about wildlife and fireworks were not relevant under the Licensing regime.
- r) Parking was also not a licensable activity however his client recognised that parking needed managing in a much more robust fashion and they accepted that.
- s) Any breaches of conditions could result in a criminal charge.
- t) He asked the Committee to grant the application.

In response to a question from Councillor Locke, Mr Craig advised that events usually started about midday.

The Chair invited EH to make their presentation and Peter Brown made the following points: -

- a) That there was a history of complaints regarding the premises and there had been investigations into the complaints by officers in a different section.
- b) They had received six complaints dating back to 2022 and most of the complaints were from multiple complainants at the site. Not all complaints were in relation to noise.
- c) That whilst the premises did have a right to raise revenue, it was a sporting club and not an event space.
- d) The application that was submitted in June had the licensable area as the entire pitch, marquee and clubhouse. He objected on that basis, to licence the outdoor space for 365 days a year would not be the correct thing to do. He would have been happy with the clubhouse only as they could have applied conditions in respect of noise. With outdoor spaces, conditions in terms of noise are much harder to manage.
- e) That the planning application in terms of the marquee would be reviewed by EH, but he did not know what the position would be in relation to that application.

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- f) That he was not convinced that the licence conditions could be upheld.
- g) That the offer of reducing events was a double-edged sword – it reduced the risk of noise issues arising however, it acknowledged that events would cause noise nuisance. 50 events were still a lot, 2 events every weekend for half of the year.
- h) That the number of events was a diversion, by reducing them they were implying that those type of events would cause issues or complaints from residents.
- i) That professionally he was not a fan of noise limiters as it was easy to dodge round them.
- j) There needed to be more evidence of how noise break out would be prevented in the marquee.

In answer to Members questions Peter Brown gave the following responses: -

- a) That noise limiters worked well in premises like nightclubs where they were fixed to decks, or in certain places. Therefore, there was no way of bypassing the limiter.
- b) That he didn't get to hear about the premises that were operating well with noise limiters, but he was sure there are many that are operating well.
- c) That 150 people in a marquee would cause a fair amount of noise.

The Chair invited Cllr Izzy Knowles to make her case and the local Councillor made the following points: -

- a) That the address was not 102 Windermere Road, it was important that the address was correct.
- b) That the premises was originally on lease from Birmingham City Council.
- c) In 2018 an additional building was added, called The Clubhouse, which was granted planning permission as a 'meeting place/changing room'. It was not the original Clubhouse.
- d) Due to complaints about noise, fireworks and events previous to 2018, representations were made against the planning application and conditions were imposed that there would be no events after 2000 hours and no large events such as weddings or other large events.
- e) There was another planning application submitted in 2022 (At this stage the Chair advised that the meeting was a Licensing Committee and asked Cllr Knowles to stick to licensing matters).
- f) That there were residential roads on both sides of the premises.

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- g) There was also a history of complaints over many years.
- h) They erected a large marquee at least 5 years ago which was used for weddings and other type of events. They were also playing amplified music in the marquee and there had been lots of residential complaints. However, the management changed in 2022 and the new management had tried to work with residents.
- i) The main issues were amplified music, drumming and parking issues. The road was narrow and people were parking dangerously, blocking driveways and slamming car doors.
- j) Large crowds leaving the events on foot was also dangerous.
- k) That it would have been better if the planning consent issues had been resolved prior to the licensing hearing.
- l) That she welcomed the reduction of hours. However she still felt that 50 events was excessive, especially if they were weddings and non-sporting events. It would mean that most of the summer weekends would be used to hold events.
- m) The club did a lot of work with young people and they did work with the residents but they had real concerns about whether they would be able to manage large events using the Clubhouse and marquee.
- n) A couple of weekends after she had met with the premises flares were fired from a car after a wedding events held at the premises. The flare was set off in the car park and the premises weren't able to deal with it.
- o) According to the planning consent the premises should not be used for amplified events of weddings.

The Chair invited Mrs Connor to make her presentation and she made the following points: -

- a) That the premises was a running a lucrative business hosting Asian weddings and the nature of those events involved drumming, fireworks, car revving and amplified music. The site was not suitable for those type of events. It had caused a lot of misery to the residents over many years.
- b) The residents wanted the site to be used for sporting activity. She queried why the club couldn't take subs off members and do fundraising throughout the year like other sporting venues had done successfully for many years.
- c) That it was lovely for local children to have the opportunity to play cricket.
- d) The premises didn't need tens of thousands of pounds in funding.
- e) The residents had tried to work with EH but due to the nature of the events they hadn't been able to visit the events and record the sound levels.

- f) There were 12 events in August, 3 of which were attended by West Midlands Police due to disturbance.
- g) That she didn't think the events were appropriate given how residential the area was.
- h) She lived across the road from the premises.

The Chair invited Janice Burns to make her case and she made the following points: -

- a) That she had lived in the area for 40 years and the premises originally was a sports club that held social events, not massive events like they had now.
- b) The events used to be held in the clubhouse so the noise was limited and the social events were organised by Members of the club.
- c) The size of the more recent events were huge and the marquee couldn't limit noise.
- d) That she lived across the fields.
- e) Even further away it was still possible to hear the noise emitted from the marquee.
- f) That fewer events on a smaller scale and held in the Clubhouse would be much better for the residents.

The Chair then invited Sarah Bowers to make her representation and she made the following statement in the chat as she had to leave the meeting: -

'Apologies, I have another meeting at 11. I stand by my previously submitted objections around public safety, public nuisance and crime & disorder. I would like to work with the cricket club to find a resolution but so far I have no faith that any of the conditions would actually be adhered to'

The Chair then invited Fiona Adams to make her objection and she made the following points: -

- a) That she responded to lots of complaints from residents and there were a great number of complaints.
- b) That she was pleased to see some modification to the application.

The Chair then invited John Wilson to make his objection and he made the following points: -

- a) That the loud noise had been terrific at times, even with windows closed they could hear drumming and loud noise. It was often difficult to sit outside in the summer due to the noise.

- b) That the noise was so bad one day that he went down to the marquee and spoke to the Manager, who said that the clients liked loud music. However, that didn't help the residents.
- c) That he was dubious about a noise limiter, the premises needed proper noise management.
- d) That people were parking dangerously, blocking residents' driveways and parking on pavements.
- e) He had concerns about public nuisance and public safety.
- f) The number of events was excessive and the size of the wedding events caused issues.
- g) The numbers attending were very high, sometimes 100-150 people in a marquee which caused a lot of noise.
- h) The site was not suitable for large wedding events.
- i) The noise levels were high, not just music but background noise over a number of hours was a disturbance.

The Chair invited those making representations to make a closing submission. The only person who wished to make a closing submission out of the objectors was Peter Brown, from EH. He made the following closing statements: -

- That in addition to Mr Wilsons point about noise over periods of time, they would also take into account the character of noise. Music had a character that forced you to listen to it, compared with traffic noise which they generally didn't get many complaints about as it is considered normal.
- Music was designed to be listened to and therefore created more emotion.
- They wouldn't necessarily record the volume of noise, instead they would listen to it and use their own judgement to establish if it was a nuisance.

The Chair invited Duncan Craig to make a closing submission on behalf of the applicant, he made the following closing statements: -

- That it was the first time he had ever heard an EH officer comment on the efficacy of noise limiter devices.
- That the conditions proposed should address any issues with noise nuisance and disturbing residents.
- A noise limiter would control all source of amplified music.
- The noise limiter would be set at a level approved by EH.

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- It was 50 event days and not 50 events.
- The premises needed to be able to raise funds and that's what the application was aimed at.
- The police had been called on 3 occasions but West Midlands Police had not made any representations against the application.
- That the marquee was closer to Astor Drive than Windermere and there were no objections made by anyone from Astor Drive.
- That he invited the Committee to grant the application.

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;

5/201123 **RESOLVED:-**

That the application by Pickwick Venue Ltd for a premises licence in respect of Pickwick Athletic Cricket Club, Windermere Road, Springfield, Birmingham B13 9JS be refused. In reaching this decision, the Sub-Committee was mindful of the promotion of the prevention of public nuisance objective in the Act.

The Sub-Committee's reasons for refusing this application for a premises licence were due to concerns expressed by the Environmental Health department of the City Council, and by other persons (led by the local Ward Councillor), regarding the impact of the proposed operation on the particular locality of the premises.

The Sub-Committee carefully considered the operating schedule put forward (and amended thereafter) by the applicant company, and the likely impact of the application, but was not persuaded that the proposed operation of the premises would satisfactorily promote the licensing objectives; nor did the Sub-Committee feel that the conditions could be modified to an extent sufficient to mitigate against the risks to the licensing objectives. The application had already been amended significantly by the applicant company.

At the start of the meeting the parties were introduced. The applicant was a limited company. The director attended and was represented by counsel. Also in attendance were the Environmental Health officer, the Ward Councillor, and several local residents, including a representative of the Moseley Society.

Counsel for the applicant company drew the Sub-Committee's attention to the application; this was in the Committee Report. It had originally been submitted in the summer, and had recently been amended with some further modifications, which had been made in light of the concerns expressed by those making representations, which had related principally to the potential for noise nuisance. The applicant company acknowledged that local residents had contacted

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Environmental Health regarding noise emanating from the site, and hoped that the objectors would be reassured by the modifications which had been offered.

The club provided sporting facilities for the local community. The majority of the users were children under the age of 18, many of them under the age of 14; some were from deprived backgrounds and had found that the equipment required to play cricket was expensive. In order for the club to be able to provide the facilities and be viable, it had to put a number of events on. The purpose behind the application was therefore simply to ensure that the club could continue to provide sports facilities for the community.

The applicant company had noted the representations which were in the Committee Report. The representations suggested the application ought to be scaled back to reflect the fact that there were residential properties nearby. Counsel reminded the Sub-Committee that its decision should be a balancing exercise between the concerns of the local community and the legitimate business interest of the premises.

The original operating schedule, submitted in the summer of 2023, included all the standard provisions regarding CCTV, incident books, and conditions around public safety. The reason for the instant meeting was because of the persisting concerns around the prevention of public nuisance objective, and therefore the applicant company had submitted an amended application, including a noise risk assessment and noise management plan.

The hours had been scaled back significantly, and key to the amended application were the provisions to guard against noise emanating from the premises, which would avoid the risk of public nuisance arising inside any neighbouring noise-sensitive properties. In addition, there were conditions in relation to waste and notices.

Discussions had been held with the Ward Councillor, and the applicant company had also carefully noted the written representations from those living nearby. The reduction of the hours down to 20:00 was an early time for the end of licensable activities. The applicant company had also reduced the number of event days down to 50 per year, to be held only at weekends (not from Monday to Thursday).

Counsel observed that the number of event days was low, and asked the Sub-Committee to bear in mind the proportionality of the application. He further reminded the Members that the applicant company had agreed to include a noise limiting device. He observed that Environmental Health would be able to advise on noise attenuation matters within the marquee, and the two noise-related conditions (one that there would be no nuisance to noise-sensitive premises, and another in relation to a noise limiter) would also protect residents. In addition, all external doors and windows would be kept closed. Other provisions included adequate speed bumps in the premises' car park, and the use of car parking attendants.

Counsel noted that the marquee was central to the concerns expressed by many of the local residents. He reminded the Members that under the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, a

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tent/marquee was classed as “indoors” in terms of conducting licensable activities. The Sub-Committee noted this. A planning application for the marquee was in preparation, and also an application to remove two of the planning conditions that related to events and amplified music.

Counsel stressed that whilst the applicant company was not looking to alienate local residents, the reality was that in order for the club to function and to provide sports facilities for the local community, the ability to hold events was necessary. The events were principally aimed at the local Asian/Muslim community; there was therefore no interest in applying for an alcohol licence.

Regarding other points made in the representations, counsel confirmed that the premises had definitely not been operating during the Covid-19 lockdowns. Issues in relation to wildlife and fireworks were not matters for consideration by the Sub-Committee; nor was parking, but notwithstanding that, the company intended to ensure that the car park would be managed in a robust fashion. The nitrous oxide canisters noted by those living nearby were a widespread problem in many areas, not just around the instant premises.

The company felt that the shortened hours, together with the amended conditions, would cover the concerns of residents, such that the application could be safely granted. The scope of the application had been reduced down to 50 event days per year, only on a Friday and Saturday and Sunday, and furthermore, those activities would start at midday and cease at 20:00. There would be the ‘double protection’ of a noise limiter and a condition to cover nuisance within noise-sensitive premises. Counsel reiterated that the position was that the company needed these activities in order to survive and provide the sporting facilities.

The Sub-Committee noted that under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk to the promotion of the licensing objectives. The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact have an adverse effect on the licensing objectives by considering the submissions of those making representations, several of whom had attended the meeting in person.

Environmental Health addressed the Sub-Committee first, to explain that there had been a history of complaints of noise from the site. The officer was concerned about noise generated by licensable activities at the premises.

Whilst the officer acknowledged that the premises did have a right, and perhaps even an obligation, to raise revenue for sporting activities at the club, the view of Environmental Health was that it was “a sporting club and not an event space”. He remarked that there were many other event spaces available in Birmingham, which were usually situated in locations where compliance with noise regulations and with licensing regulations could be achieved “without too much of a problem”.

The officer felt that this was not the case at the applicant’s premises, and remarked that he would have preferred that licensable activities should have been limited to the clubhouse only, as it would have enabled Environmental

Health to apply suitable conditions in respect of noise, such as keeping the windows shut, and keeping the doors shut from the location of the smoking area. He remarked that with noise emanating from a marquee, this was not possible.

Although he accepted that under the 2005 Regulations the marquee was classed as an indoor space for licensing purposes, he advised the Members that acoustically it was effectively more of an outdoor space. He observed that “the marquee has virtually no acoustic attenuation properties at all”, and noted that any music played or noise generated by patrons inside the marquee would be audible outside, in exactly the same way as from an outdoor space. He felt that a further difficulty would be created because the sound would be focused in one location, namely the marquee, and accordingly would tend to have more character than a general hubbub in a wider area.

All in all, the officer did not consider that the marquee was suitable as an entertainment space. He welcomed the news that a planning application would shortly be submitted for the marquee as Environmental Health would be consulted on it.

Regarding the complaints made in the past, the officer stated that this did worry Environmental Health in terms of the future. He repeated his view that he was not convinced that the licensing objectives could be upheld at the premises; the overriding concern was noise management. He was uncertain whether the clubhouse was a suitable structure to hold events, and questioned whether the windows, even if kept shut, would keep the noise in or not, but regardless of that, he observed that if the licensable activities had been limited to the clubhouse, Environmental Health would have had a greater ability to apply conditions regarding noise breakout.

The officer had noted the drastic reduction of the number of events per year, but said that he considered this to be something of a double-edged sword. On one hand, it was to be welcomed, as there would be fewer opportunities for noise problems to arise; on the other hand, 50 events a year would still be “two events every weekend for half the year, and because they occur at the weekend, they tend to occur at times when people are more likely to be at home”. The events, held as they would be in the marquee, were also overwhelmingly likely to be held in warmer months, when local residents would hope to be enjoying their gardens. The Sub-Committee noted this.

The officer also considered that the reduction of the number of events to 50 per year was “a tacit admission that those events are likely to cause a problem”, and it was this which had necessitated the reduction. He therefore had concerns that it would be 50 occasions a year which had the potential to create an adverse effect on local residents. Whilst this might not be true of every event, he observed that the more events that were held, the more likely it was that this would be the case. He felt that in reducing the number of events to reduce the nuisance, it was implied that those events would still be likely to have a potential adverse effect on residents, and therefore result in complaints.

Regarding the use of a noise limiter, the officer had doubts that this would achieve the aim of reducing the risk of noise nuisance for local residents. He

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considered that they worked well in establishments where the location of the equipment was fixed, but felt that they were “not a universal panacea for noise problems”. He also pointed out that noise created by patrons in a smoking area, or if patrons congregated outside, would not be controlled at all by a noise limiter. He repeated his concerns about the structure of the building and whether it was capable of preventing noise breakout, and confirmed that he was not satisfied that the proposed use of the marquee would not create risks to the public nuisance objective.

The Ward Councillor then addressed the Sub-Committee to confirm that she was aware of complaints about noise from events dating back even before 2018. The cricket ground had residential roads around it, with families including children on two sides and in very close proximity. The large marquee in the grounds had been there for at least five years, and was used for weddings and other events. Amplified music emanating from the marquee had caused a lot of tension with residents and numerous noise complaints had been made.

The applicant company had responded to complaints, and had banned groups which had misused the facilities, but the Ward Councillor felt that this had not addressed the core issue, namely that of the public nuisance created by amplified music and the noise of large amounts of people attending the site for events.

She was pleased that the proposed use would be at weekends only, and limited to 20:00 hours, but felt that 50 events per year would be excessive, especially if these were going to be weddings and other non-sporting events. She suspected that this would be in addition to the normal cricket activities, and observed that this was likely to mean that events would be held “pretty much every weekend evening over the summer period”.

She had been impressed with the work that the premises had done with young people in trying to get children involved with cricket, and had seen that they had built extra facilities such as nets. However, she had concerns over whether the company would be able to manage large events using the marquee and/or the clubhouse. She felt that there should be no amplified music “for external use”, and commented that the site was not suitable for weddings.

Local residents then addressed the Sub-Committee, endorsing the representations from Environmental Health and the Ward Councillor. They considered that whilst the premises was supposed to be a cricket club, it was in fact “running a very lucrative business in Asian weddings”; the nature of such weddings was that they involved noise, particularly from amplified music. The residents did not consider the site to be suitable for this type of use, and felt that it had created public nuisance for residents across a period of years. They would have preferred that the site be used purely for sporting activity.

Regarding the need to raise revenue, they felt that the proper model was that which was seen at other sporting clubs – the taking of subscriptions from members, and the holding of occasional fundraising events throughout the year to support a club. They were supportive of the facility for local children to have the opportunity to play cricket, but did not see that the “tens of thousands of pounds” generated via a lucrative business model was necessary to fund this.

They felt that the income generated was at local people's expense, remarking that “we are suffering for it, and there is no way of controlling it” (apart from making complaints); all in all, they felt that the use was not appropriate for a residential area. One resident who had occupied her property for 40 years observed that originally the premises had been a sports club that held social events for the club, not the “massive events” which had been seen in recent years; she felt that this was the central issue. In the past, events had been held in the clubhouse, so noise was limited, and they had tended to be social events organised by the members of the club, rather than commercial ventures in which significant numbers would arrive for a large celebration.

Another resident mentioned complaints which had been made in the past, and indicated that she had “no faith” in the applicant company to abide by any of the proposed conditions. A representative of the Moseley Society confirmed that she had received “a great number” of complaints about the premises; whilst she was pleased to see that there had been some modification to the application, she remained concerned that very large events were still likely to be held, and that consequently there would be risks to the public nuisance objective.

Another resident observed that “the noise has been terrific at times”, which had made it very difficult to sit outside in summer, particularly with the style of events held at the premises, which had tended to “go on for hours”. He remarked that the noise over a period of time was considerable. On one occasion, when he had gone to the marquee to have a word with the manager, he had been told that the premises’ clients liked the loud music. He observed that residents did not share this view. He had doubts about the noise limiter, and whether it would be able to properly limit the disturbance to residents.

He also felt that 50 as the number of events per year was “probably excessive” given that the size of the events, and numbers of persons attending, was such that they caused public nuisance problems, particularly from noise – observing that 100 to 150 people in the marquee in itself caused a lot of noise, as well as the music. He felt that the site was simply not suitable for large events such as weddings; he agreed with the other objectors that the use should be scaled down to smaller social events of the type that would be expected at a cricket club located in a residential area.

The Environmental Health officer noted a resident’s comment about “the equivalent noise over a period of time”, and observed that the Sub-Committee should also take into account the fact that the noise from music had character. Music encouraged those living nearby to listen to it, unlike traffic noise, which people often accepted as part of the background noise in an area. He remarked that this was why music “generated more emotion than noise without character”.

When summing up, counsel for the applicant company expressed surprise that the Environmental Health officer had questioned the efficacy of a noise limiting device. What was being proposed was a machine which would compress the noise and limit the level of the output. The two conditions regarding noise would provide a double layer of protection - a noise limiting device installed at the premises and maintained in such a manner as to control all sources of amplified

music, and a condition contained in the operating schedule that there would be no noise emanating from the premises which would cause a public nuisance inside any neighbouring noise-sensitive premises. Music would be set at a level such that it could not be heard inside nearby properties, and this would be done in conjunction with Environmental Health.

Counsel also clarified that the application was for 50 event days per year, not 50 events; an “event” could stretch to a whole weekend, but here the proposal was for 50 days only. Regarding one resident’s comment that the premises had other means of raising money, counsel noted that other premises generally had a bar offering alcohol, which the instant premises did not have; it therefore had to find reasonable, proportionate ways to raise funds which were considerate to those living nearby.

Counsel reminded the Sub-Committee that West Midlands Police had not made a representation in respect of the application, and therefore they did not consider that the crime and disorder objective was engaged. He further noted that there had been no representation from residents in the street closest to the marquee. He again reminded the Sub-Committee that the hours had been shortened, and the request to operate on 50 days a year was simply in order to make the club viable. He stated that the marquee could hold a maximum of 120 persons. He considered that, all in all, the amended application was relatively modest, and asked that the Sub-Committee grant it.

Having heard all of the evidence, the Sub-Committee retired to determine the application. The Sub-Committee examined the operating schedule put forward by the applicant company, and considered that the premises had made efforts to respond to the concerns expressed by those making representations. The Sub-Committee took on board that the presumption was that the application should be granted in the absence of evidence-based risks to the promotion of the licensing objectives.

The Members therefore reflected on all of the submissions, whether written or oral, to ensure that concerns raised were not merely speculative, but based on evidence, and found that, in the particular circumstances of the specific location, the observations of Environmental Health carried significant weight. The Environmental Health department of the City Council was of course the expert in the prevention of public nuisance, particularly relating to noise. Very detailed submissions had been made by the officer; these submissions had strongly suggested that noise nuisance would be created for local residents even with the proposed shortened hours and limited days of operation.

The representations made by the Ward Councillor and local residents had been compelling evidence of the extent of the problems created by the use of the premises for events, and the public nuisance created by noise escaping and disturbing residents in their homes. Taking all the evidence into consideration, the Sub-Committee determined that the shortening of the hours, the limited days, and the noise measures, would not be sufficient to enable the premises to uphold the public nuisance objective. The Members agreed with those who had expressed fears that every weekend in the summer would feature an event at the premises, with associated noise problems emanating from the marquee.

Accordingly, to grant the licence would be a significant risk to the promotion of the licensing objective of the prevention of public nuisance. The evidence submitted by Environmental Health persuaded the Members that the only correct course was to reject the application, in order to ensure that the objective could be upheld. The Sub-Committee noted that the position taken by Environmental Health had also been endorsed by those making representations, all of whom had direct knowledge and experience of living in the vicinity, and of how the events held at the club had created public nuisance over the years.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the licensing objectives were adequately promoted and that therefore the licence might be granted. However, after reflecting on the application, the Members did not see that this was possible. The Members noted the comments that the premises was a sports club which had become a commercial events venue - to the detriment of those living nearby, who had made repeated complaints to Environmental Health, to the Ward Councillor, and to the Moseley Society. The Sub-Committee therefore resolved to reject the application.

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 information contained in the application, the written representations received and the submissions made at the hearing by the applicant company via its counsel, and by all of those making representations.

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.

EXCLUSION OF THE PUBLIC

6/201123

RESOLVED:-

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

Chair.....

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Monday 18th December 2023
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Burger and Sauce, 23 Oak Tree Lane, Selly Oak, Birmingham, B29 6JE
Ward affected:	Bournville and Cotteridge
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider a representation that has been made in respect of an application for a Premises Licence which initially sought to permit the provision of Late Night Refreshment to operate, indoors only, from 11:00pm until 02:00am (Monday to Sunday).

After discussions with West Midlands Police the applicant has agreed to amend the scope of the application. The provision of Late Night Refreshment will operate as delivery only from 12:30am until 02:00am (Monday to Sunday). Their agreed times and conditions are attached to the report at Appendix 3.

Premises to remain open to the public from 11:00am until 12:30am, with delivery only from 12:30am until 02:00am (Monday to Sunday).

2. Recommendation:

To consider the representation that has been made and to determine the application, having regard to:

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

3. Brief Summary of Report:

An application for a Premises Licence was received on 24th October 2023 in respect of Burger and Sauce, 23 Oak Tree Lane, Selly Oak, Birmingham, B29 6JE.

A representation has been received from Environmental Health as a responsible authority.

4. Compliance Issues:**4.1 Consistency with relevant Council Policies, Plans or Strategies:**

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

5. Relevant background/chronology of key events:

BNS Selly Oak Limited applied on 24th October 2023 for the grant of a Premises Licence for Burger and Sauce, 23 Oak Tree Lane, Selly Oak, Birmingham, B29 6JE.

A representation has been received from Environmental Health as a responsible authority, which is attached at Appendix 1.

The application is attached at Appendix 2.

Conditions, including amendments to the scope of the application, which have been agreed with West Midlands Police and the applicant, are 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.

Conditions and amendment to the application agreed with West Midlands Police, Appendix 3.

Site Location Plans, Appendix 4.

7. Options available

To Grant the licence in accordance with the application.

To Reject the application.

To Grant the licence subject to conditions modified to such an extent as considered appropriate.

Exclude from the licence any of the licensable activities to which the application relates.

Appendix 1

From: Peter R Brown
Sent: 13 November 2023 15:45
To: Licensing Online
Subject: RE: Grant Application - Burger & Sauce - 23 Oak Tree Lane - B29 6JE - 171552

Good afternoon

This premises has requested 02.00 closing on 7 days a week which Environmental Health considers is too late in this partially residential area.

The premises had a planning application for the sale of takeaway food and provision of an extraction flue refused in May 2023. The current permitted hours are restricted to six days per week until 22.30 with no opening on Sundays.

It is my opinion that the applicant will be unable to uphold the licensing objective of the prevention of public nuisance by way of noise and odour and we therefore object to the grant of a licence.

Regards

Peter Brown
Environmental Health Officer

Appendix 2



Birmingham
Application for a premises licence
Licensing Act 2003

For help contact
licensingonline@birmingham.gov.uk
 Telephone: 0121 303 9896

* required information

Section 1 of 21

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

Not Currently In Use

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

Mr Jivara

* Family name

Kareem

* 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

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes

☐ No

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

Registration number

14722662

Business name

BNS Selly Oak Limited

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

VAT number

- 445137892

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

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country The country where the applicant's headquarters are.

Registered Address Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

☒ An agent that is a business or organisation, including a sole trader A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No Note: completing the Applicant Business section is optional in this form.

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	<input type="text" value="Director"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
Agent Registered Address		Address registered with Companies House.
Building number or name	<input type="text" value="9"/>	
Street	<input type="text" value="George Arthur Road"/>	
District	<input type="text"/>	
City or town	<input type="text" value="Birmingham"/>	
County or administrative area	<input type="text"/>	
Postcode	<input type="text" value="B8 1LN"/>	
Country	<input type="text" value="United Kingdom"/>	

Section 2 of 21**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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	<input type="text" value="Burger & Sauce 23"/>
Street	<input type="text" value="Oak Tree Lane"/>
District	<input type="text"/>
City or town	<input type="text" value="Birmingham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B29 6JE"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="7,300"/>

Section 3 of 21	
APPLICATION DETAILS	
In what capacity are you applying for the premises licence?	
<input type="checkbox"/> An individual or individuals <input checked="" type="checkbox"/> A limited company / limited liability partnership <input type="checkbox"/> A partnership (other than limited liability) <input type="checkbox"/> An unincorporated association <input type="checkbox"/> Other (for example a statutory corporation) <input type="checkbox"/> A recognised club <input type="checkbox"/> A charity <input type="checkbox"/> The proprietor of an educational establishment <input type="checkbox"/> A health service body <input type="checkbox"/> A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales <input type="checkbox"/> A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England <input type="checkbox"/> The chief officer of police of a police force in England and Wales	
Confirm The Following	
<input checked="" type="checkbox"/> I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities <input type="checkbox"/> I am making the application pursuant to a statutory function <input type="checkbox"/> I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative	
Section 4 of 21	
NON INDIVIDUAL APPLICANTS	
Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.	
Non Individual Applicant's Name	
Name	<input type="text" value="BNS Selly Oak Limited"/>
Details	
Registered number (where applicable)	<input type="text" value="14722662"/>
Description of applicant (for example partnership, company, unincorporated association etc)	

Continued from previous page...

company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

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

THE PREMISES IS A TWO STOREY TYPE COMMERCIAL PROPERTY WHICH HAS A DINING AND KITCHEN/PREPARATION AREA ON THE GROUND FLOOR . THE PREMISES CURRENTLY SELLS HEALTHY GRILLED BURGERS AND REFRESHMENTS. INDOOR SEATING IS PROVIDED SHOULD CUSTOMERS WISH TO EAT INSIDE THE PREMISES.

<p><i>Continued from previous page...</i></p> <p>If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend</p> <div style="border: 1px solid black; width: 80px; height: 20px; margin-left: 20px;"></div>
Section 6 of 21
PROVISION OF PLAYS
<p>See guidance on regulated entertainment</p> <p>Will you be providing plays?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
Section 7 of 21
PROVISION OF FILMS
<p>See guidance on regulated entertainment</p> <p>Will you be providing films?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
Section 8 of 21
PROVISION OF INDOOR SPORTING EVENTS
<p>See guidance on regulated entertainment</p> <p>Will you be providing indoor sporting events?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
Section 9 of 21
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS
<p>See guidance on regulated entertainment</p> <p>Will you be providing boxing or wrestling entertainments?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
Section 10 of 21
PROVISION OF LIVE MUSIC
<p>See guidance on regulated entertainment</p> <p>Will you be providing live music?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
Section 11 of 21
PROVISION OF RECORDED MUSIC
<p>See guidance on regulated entertainment</p> <p>Will you be providing recorded music?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
Section 12 of 21
PROVISION OF PERFORMANCES OF DANCE
<p>See guidance on regulated entertainment</p> <p>Will you be providing performances of dance?</p>

Continued from previous page...

Section 13 of 21**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

 ☒ No
Section 14 of 21**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

☒ Yes

 ☐ No
Standard Days And Timings**MONDAY**Start End

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

Start End **TUESDAY**Start End Start End **WEDNESDAY**Start End Start End **THURSDAY**Start End Start End **FRIDAY**Start End Start End **SATURDAY**Start End Start End **SUNDAY**Start End Start End

<i>Continued from previous page...</i>	
<p>Will the provision of late night refreshment take place indoors or outdoors or both?</p> <p> <input checked="" type="radio"/> Indoors <input type="radio"/> Outdoors <input type="radio"/> Both </p> <p>Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.</p>	
<p>State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.</p>	
<p>PROVISION OF FOOD AND REFRESHMENT.</p> <p>THERE IS NO ADULT ENTERTAINMENT OR SERVICES, ACTIVITIES, GAMBLING AND OTHER ENTERTAINMENT PROVIDED.</p>	
<p>State any seasonal variations</p> <p>For example (but not exclusively) where the activity will occur on additional days during the summer months.</p>	
<p>Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below</p> <p>For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.</p>	
<p>Section 15 of 21</p>	
<p>SUPPLY OF ALCOHOL</p>	
<p>Will you be selling or supplying alcohol?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>	
<p>PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT</p>	
<p>How will the consent form of the proposed designated premises supervisor be supplied to the authority?</p> <p> <input checked="" type="radio"/> Electronically, by the proposed designated premises supervisor <input type="radio"/> As an attachment to this application </p>	
<p>Reference number for consent form (if known)</p>	<p>n/a</p> <p>If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.</p>
<p>Section 16 of 21</p>	
<p>ADULT ENTERTAINMENT</p>	

Continued from previous page...

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

Give 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.

THERE IS NO ADULT ENTERTAINMENT OR SERVICES, ACTIVITIES, GAMBLING AND OTHER ENTERTAINMENT PROVIDED.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give 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

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...
<p>Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below</p> <p>For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.</p>
<p>Section 18 of 21</p> <p>LICENSING OBJECTIVES</p> <p>Describe the steps you intend to take to promote the four licensing objectives:</p> <p>a) General – all four licensing objectives (b,c,d,e)</p> <p>List here steps you will take to promote all four licensing objectives together.</p> <p>CRIME, DISORDER, PUBLIC SAFETY AND PUBLIC NUISANCE WILL BE CONTAINED BY TRAINED MEMBERS OF STAFF SHOULD ANY INCIDENT HAPPEN THE RESPONSIBLE AUTHORITY WILL BE NOTIFIED. CCTV IS IN OPERATION 24/7 WITH NOTICES/SIGNS CONTAINING WARNINGS TO USERS. THE CAFE WILL ALSO HAVE AT LEAST 1 NO. MEMBER OF STAFF WHO WILL BE TRAINED FOR FIRST AID.</p> <p>b) The prevention of crime and disorder</p> <p>SIGNAGE WILL BE PUT UP TO STATE ANY PERSONS TO CAUSE A NUISANCE, FIGHTING OR ANY DRUG RELATED OFFENCES WILL BE BANNED FROM THE PREMISES. SHOULD ANY SERIOUS INCIDENCES OCCUR MEMBERS OF STAFF WILL NOTIFY THE RESPONSIBLE AUTHORITY. CCTV WILL BE INSTALLED TO THE SATISFACTION OF WEST MIDLANDS POLICE. THIS WILL BE IN OPERATION WHENEVER THE PREMISES IS OPEN TO MEMBERS OF THE PUBLIC. IT WILL MAINTAIN RECORDINGS FOR 28 DAYS. THE RECORDINGS OF WHICH WILL BE MADE AVAILABLE IMMEDIATELY BY A MEMBER OF STAFF ON REASONABLE REQUEST OF A RESPONSIBLE AUTHORITY.</p> <p>c) Public safety</p> <p>THERE WILL BE AT LEAST ONE MEMBER OF STAFF WHO HAS FIRST AID TRAINING AT ANY ONE TIME. SHOULD ANY INCIDENTS HAPPEN; THE TRAINED MEMBER OF STAFF WILL ASSESS THE SITUATION AND CALL EMERGENCY SERVICES WHEN APPROPRIATE. ALL INCIDENCES WILL BE LOGGED BY ALL STAFF.</p> <p>d) The prevention of public nuisance</p> <p>SHOULD TROUBLE/PUBLIC NUISANCE OCCUR OUTSIDE THE PREMISES STAFF WILL INFORM THE APPROPRIATE AUTHORITY AND WILL WORK WITH ANY AUTHORITIES INVOLVED IF REQUIRED TO CONTROL A SITUATION. ALL MEMBERS OF STAFF ARE GIVEN TRAINING FOR DIFFERENT SITUATIONS.</p> <p>e) The protection of children from harm</p> <p>NO ADULT SERVICES, ACTIVITIES OR ENTERTAINMENT TO BE PROVIDED ON THE PREMISES AT ANY TIME. ALL TRAINING RECORDS FOR ALL STAFF, IN REGARD TO DRUNKENNESS, AND FOR THE PROTECTION FROM HARM FOR CHILDREN TO BE MAINTAINED AND TO BE AVAILABLE UPON REQUEST FROM ANY REGULATORY BODY.</p>

Continued from previous page...

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 21 of 21**PAYMENT DETAILS**

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

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

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

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

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

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

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

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

Capacity 5000-9999 - £1,000.00

Capacity 10000 -14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE

- * ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15).

THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS

- * PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

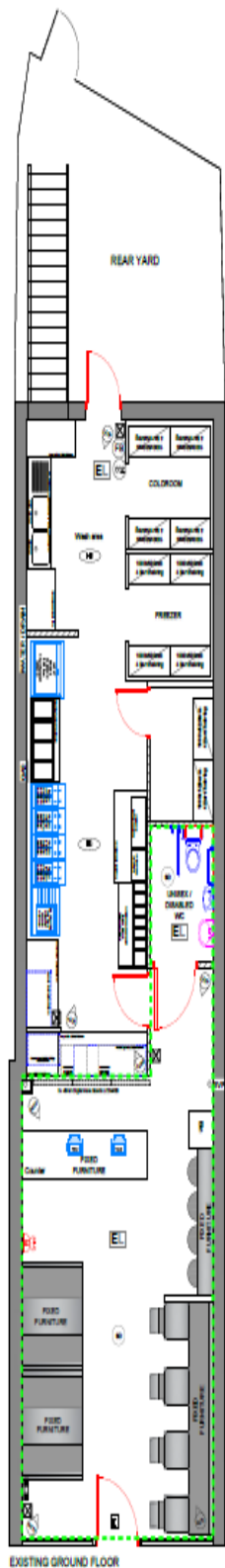
Once you're finished you need to do the following:

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

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

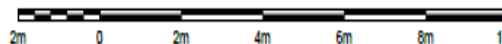
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED



- CCTV
- HIGH TEMPERATURE HEAT DETECTOR
- SMOKE DETECTOR
- EMERGENCY LIGHTING
- FIRE ALARM SOUNDER BEACON
- FIRE/ALARM CONTROL PANEL
- BREAK GLASS
- 30min SELF CLOSING FIRE DOOR WITH SMOKE SEALS AND INTUMESCENT STRIPS
- FRY FIGHTER FIRE EXTINGUISHER
- CO2 FIRE EXTINGUISHER
- HYDRO SPRAY FIRE EXTINGUISHER
- FIRE EXIT SIGN
- FIRE BLANKET
- Proposed late night refreshment license activity.

1:100



Do not scale figured dimensions only are to be taken from this drawing.

Contractor and furniture manufacturers to take on site measurements before commencing any work, architect will not be held responsible for any mis-fits on site

Any internal layout changes will need to be approved by head office prior to commencement

NOTES

REVISION	DATE
PROJECT	
23 Oak tree Lane - B29 6JE	
TITLE	
2.0 EXISTING PLAN	
SCALE @ A3	1:100
DATE	24.10.2023
JOB NO.	2023-008

Appendix 3

From:
Sent: 27 October 2023 17:45
To: Mark Swallow
Subject: [External]: RE: Burger & Sauce. 23, Oak Tree Lane. Selly Oak.

Hi Mark

Ive discussed the below with our client and they all happy to accept the below

Kind Regards

Mohammed Sultan Malik

NASA Design Studio Ltd



From: Mark Swallow
Sent: 27 October 2023 09:28
To:
Subject: FW: Burger & Sauce. 23, Oak Tree Lane. Selly Oak.

Mohammed,

Further to our phone call please see modified conditions below which reflect the conversation for your clients consideration.

Mark.

Staff involved in the sale and supply of products are to be trained under the Licensing Act 2003 and vulnerability prior to being allowed to work at the premises. All training is to be documented and signed by the Premises License Holder and the trainee. All training records are to be made available to any of the responsible authorities on request. Staff involved in the sale/ supply of products are to receive documented refresher training every six months.

CCTV that is approved by West Midlands police and able to capture images particularly outside under conditions of low lighting will be fitted in the premises. Images will be retained for a period of at least 28 days and will be made available to any of the responsible authorities to view or copies produced on request.

If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 30 days and made immediately available to any of the responsible authorities on request. The CCTV will be checked to ensure that it is working each week. This information will be stored for 12 weeks and made available to any of the responsible authorities on request.

The premises will conduct a premises risk assessment and deploy SIA registered door staff as per the premises risk assessment. Door staff will sign on and off duty. The premises will keep a profile of all door staff. The profile will include a copy of their SIA licence and photographic ID. If photographic ID is not available then a utility bill (no older than 3 months) will be acceptable. Both the signing in & out book and profiles will be kept on the premises for a minimum of 3 months and made available immediately to any of the responsible authorities on request. Door supervisors stationed outside the premises shall wear hi-visibility jackets/coats. Door supervisors inside shall wear hi-visibility waist coats. All SIA door staff will wear their SIA badge in a clear arm sleeve.

No regulated entertainment will take place at the premises.

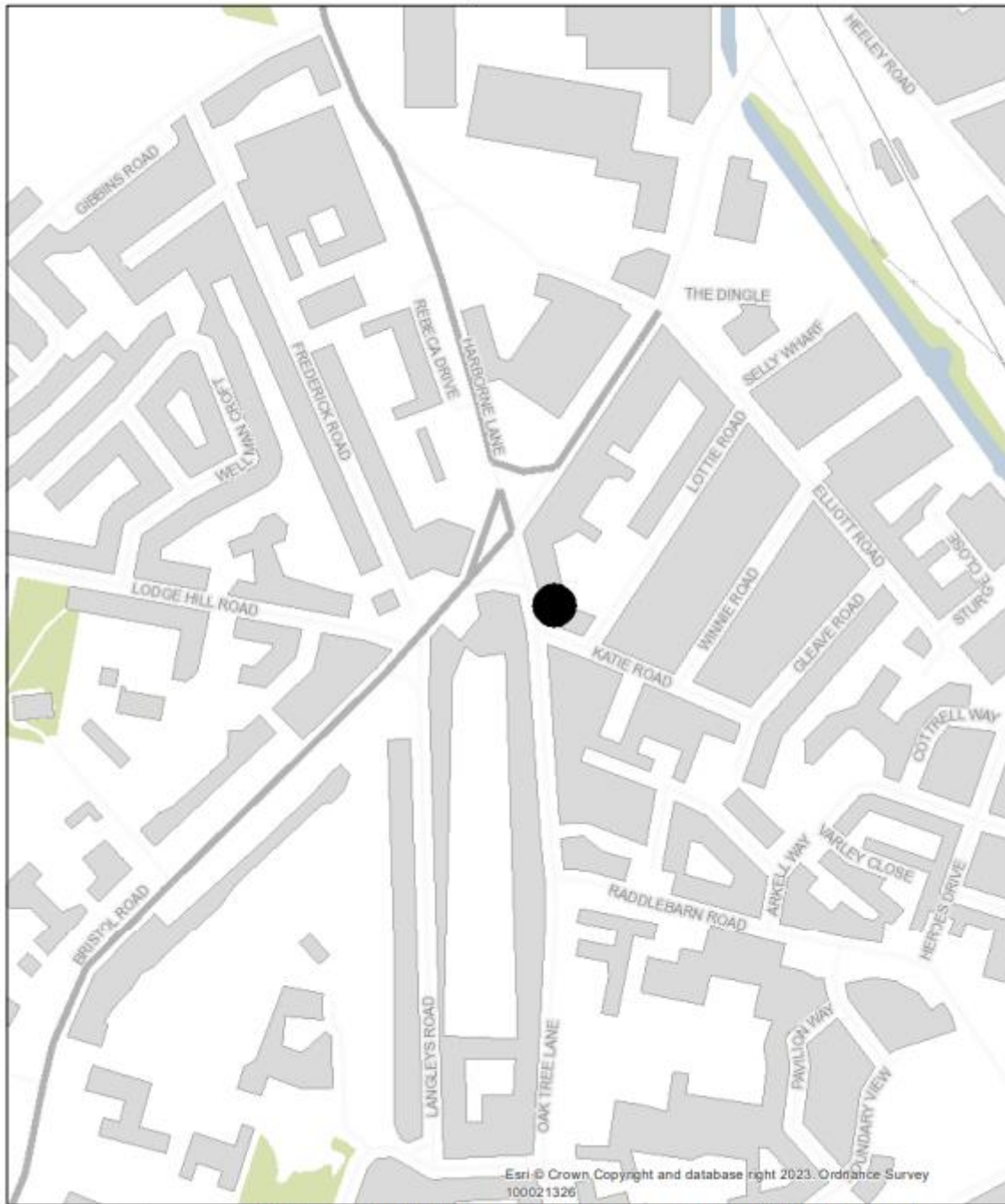
The premises will operate a vulnerability policy.

The premises will maintain an incident log.

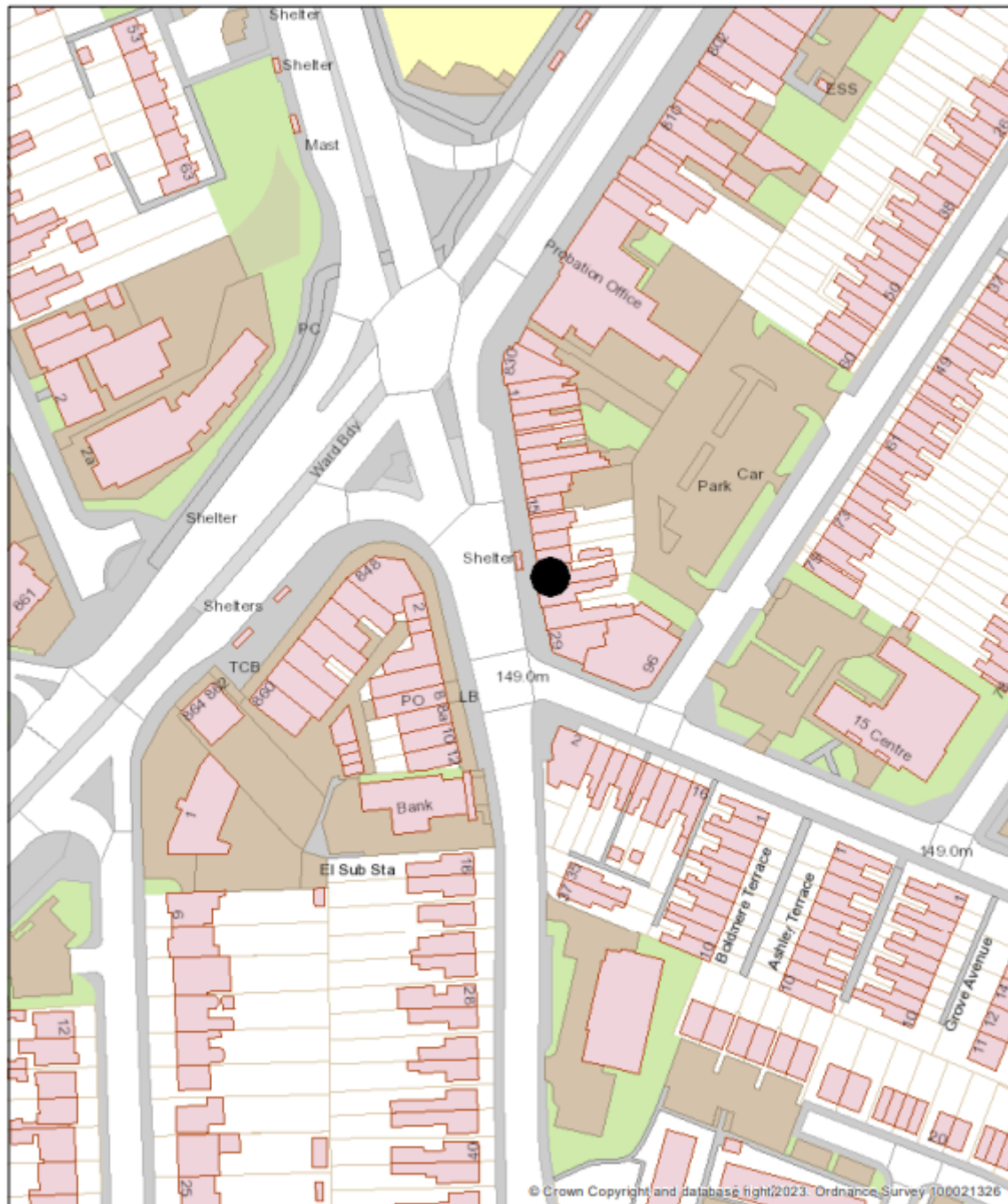
The premises will maintain a refusals log.

Prominent, clear & legible notices will be displayed at all exits requesting customers to respect local residents and leave the premises quietly. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, where appropriate the licensee or suitable staff member will monitor patrons leaving at the closing time. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties. Contact numbers of local taxi firm (s) shall be kept at the premises and made available.

The premises will conclude licensable activity each day at 0030 hours except for deliveries which will conclude at 0200 hours each day. Delivery drivers will wait for their order inside the premises and not sit outside in / on their vehicles. Delivery drivers will not keep their engines running while outside the premises. Delivery drivers will not play music audible from outside their vehicle while outside the premises.



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BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Monday 18th December 2023
Subject:	Gambling Act 2005 Licensed Premises Gaming Machine Permit
Premises	The Old Court, 70 High Street, Kings Heath, Birmingham, B14 7JZ
Ward affected:	Brandwood and Kings Heath
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

Officers have delegated authority to grant Permits in respect of up to 4 Licensed Premises Gaming Machines, Category C & D in an Alcohol Licensed Premises.

This application seeks to have permission to operate a total of 6 Category C Gaming Machines, at the premises.

2. Recommendation:

The Sub-Committee is requested to consider the application to operate a total of 6 Category C Gaming Machines on an Alcohol Licensed premises.

3. Brief Summary of Report:

An application for the variation of a Licensed Premises Gaming Machine Permit was received on 17th October 2023.

4. Compliance Issues:**4.1 Consistency with relevant Council Policies, Plans or Strategies:**

The report complies with the City Council's Statement of Licensing Principles 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:</p> <p>Inspired Gaming (UK) Limited on behalf of Stonegate Pub Company Ltd, submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 17th October 2023 for The Old Court, 70 High Street, Kings Heath, Birmingham, B14 7JZ.</p> <p>The application, including supporting documents, is attached at Appendix 1.</p> <p>Birmingham City Council Licensing Enforcement visited the premises and confirmed that they have no objections to the application. Their confirmation is attached at Appendix 2.</p> <p>The premises have the benefit of a current Gaming Machine Permit issued under the Gambling Act 2005, which permits 5 Category C machines. See attached Appendix 3.</p> <p>Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>Where an application for a licensed gaming machine permit is made, the licensing authority shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.</p> <p>The licensing objectives are:</p> <ol style="list-style-type: none"> Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. Ensuring that Gambling is conducted in a fair and open way Protecting Children and other vulnerable persons from being harmed or exploited by gambling.
<p>6. List of background documents:</p> <p>Application Form and supporting documents, Appendix 1 Birmingham City Council Licensing Enforcement no objection confirmation, Appendix 2 Current Gaming Machine Permit, Appendix 3 Gaming Machine Categories, Appendix 4 Site Location Plans, Appendix 5</p>
<p>7. Options available</p> <ol style="list-style-type: none"> Grant the application Refuse the application Grant the application in respect of; <ol style="list-style-type: none"> A smaller number of machines than is specified in the application A different category of machines from that specified in the application, or both <p>A licensing authority may not refuse an application or grant it in respect of a different category or number of gaming machines without first notifying the applicant and giving the applicant an opportunity to make representations (either in written or oral form, or both).</p>

Our Ref: 1549374

GAMING MACHINE PERMIT APPLICATIONS FOR MORE THAN 2 MACHINES: CONVERSION / NEW / VARIATION / TRANSFER

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)*Please refer to guidance notes at the back of this form before completing*

To: Birmingham , P O Box 17013, Birmingham, B6 9ES

SECTION A – What do you want to do?

1. Please indicate what you would like to do

a) Apply **to convert** an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit where you want more than 2 gaming machines
(if you choose this option then please complete sections B, D and E)

☐

b) Apply for a **new** licensed premises gaming machine permit where you want more than 2 gaming machines
(if you choose this option then please complete sections B, D and E)

☐

c) Apply to **vary** an existing licensed premises gaming machine permit
(if you choose this option then please complete sections B, D and E)

X

d) Apply to **transfer** an existing licensed premises gaming machine permit
(if you choose this option then please complete sections C, D and E)

☐**SECTION B – Application for grant (includes conversion, new and variation applications)**

2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provide? (please complete the boxes in the table)

Category machine	Number currently authorised to provide	Number wish to provide (new or variation)
C	5	6
D		
Total:	5	6

3. If you are currently authorised to provide more than 2 machines, please provide your existing Section 34 Gaming Act 1968 permit, or provide reasons stating why it cannot be provided.

Existing permit provided*

(Reasons why existing permit cannot be provided)☐***Please keep a copy of your existing permit on the premises to which it relates.**

**GAMING MACHINE PERMIT APPLICATIONS FOR MORE THAN 2 MACHINES:
CONVERSION / NEW / VARIATION / TRANSFER**

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

Section C – Application for permit transfer (i.e. where a transfer has been requested for the Licensing Act 2003 premises licence)

4. Name of person requesting the transfer

.....

5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:

Requested

☐

Granted

☐

6. Please provide your existing permit, or provide reasons stating why it cannot be provided

Existing permit provided

☐

Reasons why existing permit cannot be provided

.....

Section D – General Information

7. NAME OF PREMISES: Old Court

8. ADDRESS OF PREMISES: 70 High Street, Birmingham, B14 7JZ

9. TELEPHONE NUMBER OF PREMISES: UNKNOWN

10. NAME OF EXISTING PREMISES LICENCE HOLDER: STONEGATE PUB CO LTD

11. ADDRESS OF PREMISES LICENCE HOLDER: 3 MONKSPATH HALL ROAD, SOLIHULL, B94 4SJ

12. DAYTIME TELEPHONE NUMBER OF PREMISES LICENCE HOLDER:

13. E-MAIL ADDRESS OF PREMISES LICENCE HOLDER:

14. AGENT (E.G. SOLICITOR) IF SUBMITTED ON BEHALF OF THE APPLICANT:

Inspired Gaming (UK) Ltd, First Floor, 107 Station Street,
 Burton upon Trent, Staffordshire, DE14 1SZ

15. LICENSING ACT 2003 PREMISES LICENCE REFERENCE (I.E. NUMBER)

GAMING MACHINE PERMIT APPLICATIONS FOR MORE THAN 2 MACHINES:
CONVERSION / NEW / VARIATION / TRANSFER

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

Section E – Fee and Signature(s)

I understand that I must comply with the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission. (see guidance note 8)

Please note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

Dated...03/10/2023

Signed (by or on behalf of Licensing Act 2003 Premises Licence holder)

.....

Print Name...Roz Sage

* If you wish to have more than 2 gaming machines then please check the fee payable.

Official Use Only

Date of receipt:

Name of staff member who received application form:

Date of receipt of fee:

Name of staff member who received fee:

Application accepted / returned (please delete as appropriate)

Date of premises licence (Licensing Act 2003) transfer (if applicable):

GAMING MACHINE PERMIT APPLICATIONS FOR MORE THAN 2 MACHINES: CONVERSION / NEW / VARIATION / TRANSFER

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

Guidance notes:

1. This form is to be used for the **conversion of an existing Section 34** gaming machine permit under the Gaming Act 1968, or for a **new application, variation or transfer** of a alcohol licensed premises gaming machine permit under the Gambling Act 2005.
2. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises, without the requirement that alcohol is served only with food and there must be a bar for serving alcohol to customers on the premises.
3. The gaming machines must be located on these licensed premises.
4. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.
5. There is no statutory limit to the number of machines, which may be applied for although the licensing authority has some discretion in this regard.
6. The permit's duration is indefinite as it is linked to the Licensing Act 2003 Premises Licence. There is a first annual fee payable within 30 days of the date of issue of the permit and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is £50 (to be confirmed). There are no annual fees payable for 2 machines or less.
7. Two types of gaming machines may be located in alcohol licensed premises. These are:
 - Category C: Maximum stake = 50p / Maximum prize = £100
 - Category D: Maximum stake = 10p or 30p non-monetary / Maximum prize = £5 cash or £8 non-monetary
8. **All alcohol licensed premises which provide gaming machines for use on the premises must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005.** The Gaming Machine Code of Practice for Alcohol licensed premises permits and permissions is available via the Gambling Commission's website at:
<http://www.gamblingcommission.gov.uk/> Should you be unclear as to the provisions of the code of practice please contact the Gambling Commission.
9. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonable practicable after that decision to grant / refuse has been made.

Appendix 1 continued – Supporting Documents

Stonegate Group

Gaming Machines Policy

This policy is intended to inform and guide Designated Premises Supervisors in relation to the use of Amusements with Prizes Gaming Machines within Stonegate Group premises.

All gaming machines at our premises must be operated under the principles of the Gambling Commission Code of Practice 'Section C - Gaming machines in clubs and premises with an alcohol licence'.

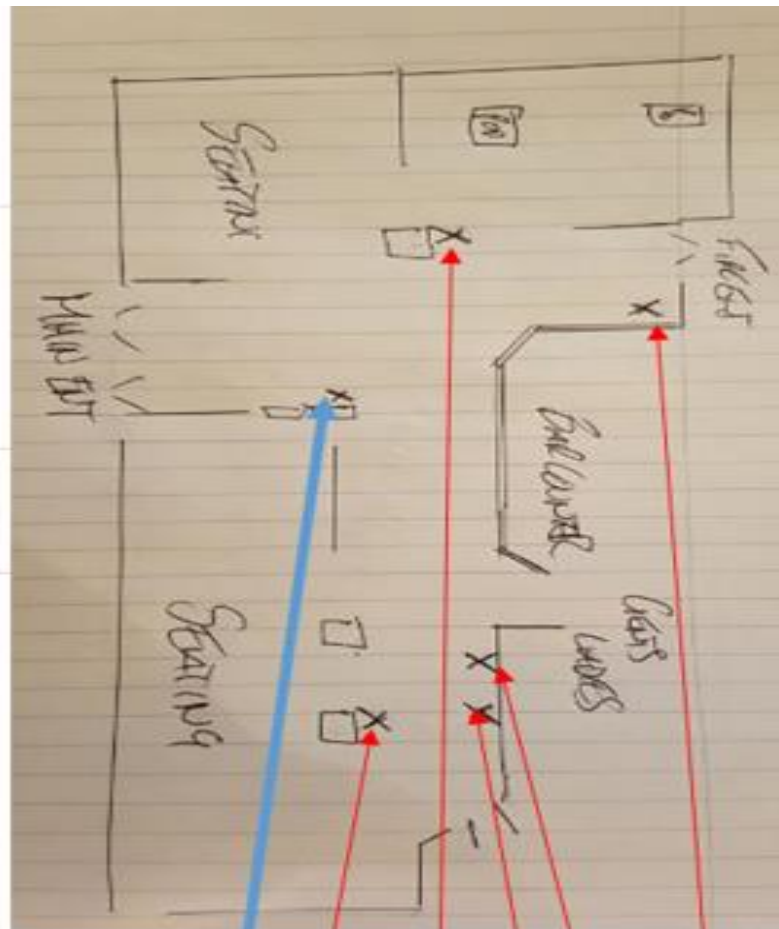
Compliance with the Code of Practice is the responsibility of the Designated Premises Supervisor (DPS)

The Law

It is an offence for any person to invite, cause or permit an under 18 year old to play on Category C gaming machines or to gamble other than on a category D gaming machine. If prosecuted this offence carries a fine of up to £5,000 or up to 51 weeks imprisonment

Key Control Measures for All Sites:

1. Machines must be positioned in clear line of sight of the bar
2. No person under the age of 18 is permitted to play Category C gaming machines
3. 'Challenge 25' - any person appearing to be under the age of 25 should be challenged to provide valid ID in line with the Craft Union Underage Sales and Age Verification Policy.
Valid ID is classed as
 - a) Valid Passport
 - b) Photographic Driving Licence
 - c) Accredited Proof of Age Scheme card bearing the PASS holographic logo
4. Vigilance - During hours of operation all staff should monitor the gaming machines and report to the DPS any of the following
 - a) Persons attempting to use the gaming machines appearing to be under the age of 25
 - b) Suspicious behaviour or loitering in the immediate vicinity to the gaming machine by persons who appear to be under the age of 25
5. Appropriate and proportionate signage must be displayed next to all Category C gaming machines to notify that persons must be over the age of 18 in order to play.
6. All gaming machines must be checked to ensure that relevant 'Gambling Awareness' (i.e. GamCare) stickers are present on machines.
7. Any refusal of use of Gaming Machines must be recorded in the premises incident log
8. Any customer complaints are in the first instance to be raised to the DPS, however should a customer wish to make a more formal complaint then this can be raised to StonegateEnquires@stonegategroup.co.uk



prismatic pos 1

Prismatic pos 2

Prismatic pos 3

Prismatic pos 4

Prismatic pos 5

Potential density here



<u>Name</u>	<u>Course Title</u>	<u>Location Name</u>	<u>Course Completed On</u>
Robynne Coker	Age Verification Refresher V1	The Old Court 9045608	24/05/2018
Robynne Coker	Age Verification Refresher V1	The Old Court 9045608	10/09/2019
Robynne Coker	Gaming Age Verification	The Old Court 9045608	30/06/2020
Robynne Coker	Age Verification Refresher V1	The Old Court 9045608	09/09/2020
Robynne Coker	Gaming Age Verification	The Old Court 9045608	11/05/2021
Robynne Coker	Age Verification Refresher V1	The Old Court 9045608	21/10/2021
Robynne Coker	Gaming Age Verification	The Old Court 9045608	09/08/2022
Robynne Coker	Age Verification Refresher V1	The Old Court 9045608	06/11/2022
Robynne Coker	Age Verification Refresher	The Old Court 9045608	
Heather Byrne	Age Verification Refresher V1	The Old Court 9045608	20/01/2019
Heather Byrne	Age Verification Refresher V1	The Old Court 9045608	11/02/2020
Heather Byrne	Gaming Age Verification	The Old Court 9045608	25/06/2020
Heather Byrne	Age Verification Refresher V1	The Old Court 9045608	09/03/2021
Heather Byrne	Gaming Age Verification	The Old Court 9045608	30/07/2021
Heather Byrne	Age Verification Refresher V1	The Old Court 9045608	01/02/2022
Heather Byrne	Gaming Age Verification	The Old Court 9045608	21/07/2022
Heather Byrne	Age Verification Refresher	The Old Court 9045608	17/01/2023
Paul Ryan	Age Verification	The Old Court 9045608	22/07/2019
Paul Ryan	Gaming Age Verification	The Old Court 9045608	19/06/2020
Paul Ryan	Age Verification Refresher V1	The Old Court 9045608	19/06/2020
Paul Ryan	Age Verification Refresher V1	The Old Court 9045608	27/04/2021
Paul Ryan	Gaming Age Verification	The Old Court 9045608	18/05/2021
Paul Ryan	Age Verification Refresher V1	The Old Court 9045608	03/05/2022
Paul Ryan	Gaming Age Verification	The Old Court 9045608	03/05/2022
Paul Ryan	Age Verification Refresher	The Old Court 9045608	08/03/2023
Gillan Stone	Age Verification	The Old Court 9045608	05/07/2023
Helen Chapman	Age Verification Refresher V1	The Old Court 9045608	01/08/2019
Helen Chapman	Age Verification Refresher V1	The Old Court 9045608	11/09/2020
Helen Chapman	Age Verification Refresher V1	The Old Court 9045608	16/07/2021
Helen Chapman	Age Verification Refresher V1	The Old Court 9045608	16/08/2022
Helen Chapman	Age Verification Refresher	The Old Court 9045608	30/06/2023
Angela Waite	Age Verification Refresher V1	The Old Court 9045608	27/11/2017
Angela Waite	Age Verification Refresher V1	The Old Court 9045608	23/05/2018
Angela Waite	Age Verification Refresher V1	The Old Court 9045608	12/04/2019
Angela Waite	Age Verification Refresher V1	The Old Court 9045608	12/05/2020
Angela Waite	Gaming Age Verification	The Old Court 9045608	16/06/2020
Angela Waite	Age Verification Refresher V1	The Old Court 9045608	01/03/2021
Angela Waite	Gaming Age Verification	The Old Court 9045608	02/04/2021
Angela Waite	Gaming Age Verification	The Old Court 9045608	18/01/2022
Angela Waite	Age Verification Refresher V1	The Old Court 9045608	18/01/2022
Angela Waite	Age Verification Refresher	The Old Court 9045608	14/12/2022
Maria Neilson	Age Verification Refresher V1	The Old Court 9045608	07/11/2017
Maria Neilson	Age Verification Refresher V1	The Old Court 9045608	14/08/2018
Maria Neilson	Age Verification Refresher V1	The Old Court 9045608	08/08/2019
Maria Neilson	Age Verification Refresher V1	The Old Court 9045608	09/06/2020
Maria Neilson	Gaming Age Verification	The Old Court 9045608	23/06/2020
Maria Neilson	Gaming Age Verification	The Old Court 9045608	06/05/2021
Maria Neilson	Age Verification Refresher V1	The Old Court 9045608	06/05/2021
Maria Neilson	Gaming Age Verification	The Old Court 9045608	13/07/2022

Maria Neilson	Age Verification Refresher V1	The Old Court 9045608	13/07/2022
Maria Neilson	Age Verification Refresher	The Old Court 9045608	23/05/2023
Lorna Lawrence	Age Verification Refresher V1	The Old Court 9045608	10/01/2018
Lorna Lawrence	Age Verification Refresher V1	The Old Court 9045608	04/04/2019
Lorna Lawrence	Age Verification Refresher V1	The Old Court 9045608	15/06/2020
Lorna Lawrence	Gaming Age Verification	The Old Court 9045608	26/06/2020
Lorna Lawrence	Age Verification Refresher V1	The Old Court 9045608	13/07/2021
Lorna Lawrence	Gaming Age Verification	The Old Court 9045608	13/07/2021
Lorna Lawrence	Age Verification Refresher V1	The Old Court 9045608	11/08/2022
Lorna Lawrence	Gaming Age Verification	The Old Court 9045608	16/08/2022
Lorna Lawrence	Age Verification Refresher	The Old Court 9045608	27/06/2023
Antoinette Williams	Age Verification Refresher V1	The Old Court 9045608	15/09/2017
Antoinette Williams	Age Verification Refresher V1	The Old Court 9045608	27/09/2017
Antoinette Williams	Age Verification Refresher V1	The Old Court 9045608	27/03/2019
Antoinette Williams	Age Verification Refresher V1	The Old Court 9045608	09/06/2020
Antoinette Williams	Gaming Age Verification	The Old Court 9045608	24/06/2020
Antoinette Williams	Age Verification Refresher V1	The Old Court 9045608	23/06/2021
Antoinette Williams	Gaming Age Verification	The Old Court 9045608	27/06/2021
Antoinette Williams	Age Verification Refresher V1	The Old Court 9045608	22/07/2022
Antoinette Williams	Gaming Age Verification	The Old Court 9045608	22/07/2022
Antoinette Williams	Age Verification Refresher	The Old Court 9045608	03/06/2023
Rocco Lawrence	Age Verification Refresher V1	The Old Court 9045608	31/07/2019
Rocco Lawrence	Gaming Age Verification	The Old Court 9045608	26/06/2020
Rocco Lawrence	Age Verification Refresher V1	The Old Court 9045608	04/08/2020
Rocco Lawrence	Gaming Age Verification	The Old Court 9045608	13/07/2021
Rocco Lawrence	Age Verification Refresher V1	The Old Court 9045608	05/08/2021
Rocco Lawrence	Gaming Age Verification	The Old Court 9045608	10/08/2022
Rocco Lawrence	Age Verification Refresher V1	The Old Court 9045608	10/08/2022
Rocco Lawrence	Age Verification Refresher	The Old Court 9045608	13/06/2023
Mary-Anne Pardoe	Age Verification	The Old Court 9045608	17/10/2019
Mary-Anne Pardoe	Gaming Age Verification	The Old Court 9045608	15/06/2020
Mary-Anne Pardoe	Age Verification Refresher V1	The Old Court 9045608	20/08/2020
Mary-Anne Pardoe	Gaming Age Verification	The Old Court 9045608	03/04/2021
Mary-Anne Pardoe	Age Verification Refresher V1	The Old Court 9045608	24/05/2021
Mary-Anne Pardoe	Gaming Age Verification	The Old Court 9045608	10/01/2022
Mary-Anne Pardoe	Age Verification Refresher V1	The Old Court 9045608	08/10/2022
Mary-Anne Pardoe	Gaming Age Verification	The Old Court 9045608	24/10/2022
Mary-Anne Pardoe	Age Verification Refresher	The Old Court 9045608	09/08/2023
Megan Foster	Gaming Age Verification	The Old Court 9045608	21/06/2021
Megan Foster	Age Verification	The Old Court 9045608	22/06/2021
Megan Foster	Gaming Age Verification	The Old Court 9045608	23/06/2022
Megan Foster	Age Verification Refresher V1	The Old Court 9045608	25/06/2022
Megan Foster	Age Verification Refresher	The Old Court 9045608	27/04/2023
Bruck Amanuel	Age Verification	The Old Court 9045608	16/07/2021
Bruck Amanuel	Age Verification Refresher V1	The Old Court 9045608	08/08/2022
Bruck Amanuel	Age Verification Refresher	The Old Court 9045608	18/06/2023
Maria Thompson	Age Verification	The Old Court 9045608	03/08/2022
Maria Thompson	Age Verification Refresher	The Old Court 9045608	06/06/2023
Chad Dyke	Age Verification	The Old Court 9045608	23/09/2022
Chad Dyke	Gaming Age Verification	The Old Court 9045608	06/10/2022
Chad Dyke	Age Verification Refresher	The Old Court 9045608	28/07/2023
Kallum Keegan	Age Verification	The Old Court 9045608	10/12/2022

From: Gary Callaghan <
Sent: 07 November 2023 11:18
To: Arvinder Layal
Cc: Licensing
Subject: (Application for additional Gaming Machine

RE:Inspection: 14381 - The Old Court, 70, High Street, Moseley And Kings Heath, Birmingham, B14 7JZ

Hi Arvi

I have no objection to the variation for an additional gaming machine, I have done a sight visit and the machine will be placed near to two other machines already in place near the pool table side of the pub and view of the bar area , so that bar staff can clearly see who is playing the machines, the premises have roving managers on duty and glass collectors to also monitor the situation, Stonegate Group have Gaming machine policy & staff training in place, as such I am satisfied that they can promote the Gambling Act 2005 objectives

Regards
Gary

Gary Callaghan
Licensing Enforcement Officer
Birmingham City Council Licensing Enforcement

This form is prescribed by regulation 4 of the Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007

Licensed Premises Gaming Machine Permit

No: 513 / 2

This licensed premises gaming machine permit authorises:

Stonegate Pub Company Limited

to make gaming machines, of the category and number specified below, available for use on the following premises

Goose and Granite, 70 High Street, Kings Heath, Birmingham, B14 7JZ

Number of Category C Gaming Machines authorised by this permit: **5**

Number of Category D Gaming Machines authorised by this permit: **0**

Date on which this permit takes effect or is renewed:

19/01/2011

This permit is issued by:

Birmingham City Council

**Licensing Section, Crystal Court, Aston Cross Business Village,
50 Rocky Lane, Aston, Birmingham, B6 5RQ**

Gaming Machines (Fruit Machine, Slot Machine) Categories**Summary of gaming machine categories and entitlements**

Category of machine	Maximum stake (from April 2019)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

* With option of max £20,000 linked progressive jackpot on premises basis only

