

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Monday 19th October 2020
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	Lounge@Boldmere, 112-116 Boldmere Road, Boldmere, Sutton Coldfield, B73 5UB
Ward affected:	Sutton Vesey
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have been made in respect of an application to vary the Premises Licence plan.

The application seeks to make the following amendments to the plan:

- To move the main bar servery to the outside wall as opposed to the existing island bar.
- To install more toilets
- To remove a single fire exit door leading onto Boldmere Road.

As a result of the above amendments the applicant also seeks to remove the following condition:

- Regulated entertainment shall cease automatically when the fire exit to Boldmere Road is opened.

The applicant is not seeking to vary the licensable activities or times under the scope of this application.

2. Recommendation:

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

3. Brief Summary of Report:

Variation application received on 1st September 2020 in respect of Lounge@Boldmere, 112-116 Boldmere Road, Boldmere, Sutton Coldfield, B73 5UB.

Representations have been received from other persons.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

The Pavilions Club Ltd applied on 1st September 2020 to vary the Premises Licence for Lounge@Boldmere, 112-116 Boldmere Road, Boldmere, Sutton Coldfield, B73 5UB.

Representations have been received from other persons. See Appendices 1 – 5.

The application is attached at Appendix 6.

Conditions have been agreed with Environmental Health and the applicant, which are attached at Appendix 7.

The current premises licence is attached at Appendix 8.

Site Location Plans at Appendix 9.

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 representations as detailed in Appendices 1 – 5

Application Form, Appendix 6

Conditions agreed with Environmental Health, Appendix 7

Current Premises Licence, Appendix 8

Site Location Plans, Appendix 9

7. Options available

To grant the variation application

To refuse the whole or part of the application

To modify the conditions of the Licence

From:
Sent: 17 September 2020 11:08
To: Licensing
Subject: 117189

Dear Sir/Madam

We wish to object to the chance of license for The Lounge Boldmere.

The change to allow live open music and food served from a hatch onto the road gives no thought to the residents who live in the vicinity.

Previous all the noise was mainly contained within the venue, although it could still be heard at times. This change will have a significant impact us, as our house backs onto Boldmere Road and is very close to the Lounge.

This is a residential area with families and children trying to sleep at night and to enjoy peace and solitude. We would ask that permission is not granted in the first instance and more consultation takes place with the local neighbourhood. No consultation has taken place to date, this massive change to our lives has been done in secret. This is not acceptable.

We have only heard about this through a concerned neighbour. This is not acceptable, more consultation needs to take place before any permission is granted and restrictions are considered.

Can you please acknowledge receipt of this objection.

Yours faithfully

Heathlands Road
Boldmere
Sutton Coldfield
Birmingham
B73

From:
Sent: 19 September 2020 14:30
To: Licensing
Subject: Re: Application 117189 The Lounge at Boldmere

Dear Sir/Madam,

I am emailing to ask you to consider applying new limitations and conditions to this proposed license amendment.

The Lounge has changed its nature over the past few years. It is no longer a coffee lounge/bar. It aims to be the top venue for live rock/tribute acts in the region and had live bands 2 or 3 times a week before Covid restrictions. It is also allowing private functions and is intending to host parties and other loud events. The current and proposed license have been renewed over the years and do not reflect this new use.

I emailed the licensee on a number of occasions in April 2019 and again in October. The Licensee repeats how popular the music is and has shown me the premises with loose 'felt' curtains behind the speakers and the sound limiter. I have explained that I still have a problem, but he has been very unwilling to make any changes. He tells me that the bands like to use their own sound mixers (although he says these are fed through the noise limiter). He did also say that some think they are megastars playing the NIA. The music is lowered slightly after about 11.15pm, but is extremely noisy before this. If the noise limiter *is* being used, it is not effective. Even after 11.15 pm, the bass can be heard and is disruptive to sleep.

After many nights where I could not get to sleep due to frenetic drumming or bass from The Lounge, I then posted a questionnaire to local residents in October 2019 to find out if everyone else *is* actually happy. Please see the attached for the results (comments were also made, see below). The figures in black show the number of residents who responded online. Those in blue show those who posted the questionnaire through my letter box. I will withhold names and addresses in the attachments, but I can provide these if necessary. I emailed the licensee with the results and emphasised how some residents (especially those living in close proximity) were severely affected, but had no response from him.

The Lounge's recent building works were an opportunity for them to address this problem. Instead, they look set to make things even worse by removing the room partition, exposing the loud music to the whole of their new frontage, which is mostly glass and offers poor sound insulation. The 'felt' curtains seem to have been removed and a food hatch and extra seating planned. This will allow noise to escape unhindered from the building when doors and hatch are opened. A building that was very poorly suited for loud music in an area where it is surrounded by residential housing with families with young children has become **even more poorly suited**.

Please give us some more protection with the license by restricting the hours for live music and other loud events to before 10.30pm. Please also only allow these if the sound insulation is MUCH improved.

Yours sincerely,

Highbridge Rd

Some comments from the questionnaire:

"My neighbour sleeps in the back which overlooks the car park + she is always disturbed"

"I have been in Regards when they are playing loud music + the floor is throbbing" ('Regards' is the restaurant upstairs)

"I think its far too load and personally thought its illegal after a certain time like 11pm?? Good on who ever done this survey"

"You are music to my ears!!!!"

“I spent over a year emailing environmental health on the issue of the noise as it is very intrusive. I didn’t really get any resolve. I was told to ring the pub but often they did not answer and I would spend numerous times trying to get through and they were often rude on the phone.”, “after nearly a year and not much luck I gave up. This was over a year ago”, “I did this on behalf of my mother who lives at ## Antrobus Rd and it is misearable for her”, “I live on # Highbridge Rd and we can the noice in the evening too if outside so we know it must be bad”.

“Lived here for a year. Initially it was an issue but I quickly got used to it. Can understand it being annoying if you prefer an early night at the weekends.”

“I have reported members of the public drinking outside several times during the summer and have walked around the corner and had to walk in the road just to get by!!!”

“We cannot usually hear any noise unless we have the windows open at the back of the house, even then, the music levels are acceptable and rarely disturb us. I would say that it is the people who make the most noise and we can sometimes hear shouting, but no more than when the cyclist group meet outside there on a Saturday morning !”

“I have been to a party when they've had a live band and DJ, the music was so loud we moved in to the other room. Some of the guests left to go to the Vessey because the couldn't stand it. .”

Q1 During the live music sessions at the weekends, would you say the general volume is:
Rating

Choice	Rating	Total
1 - Far too loud	4	+3
2 - Too loud	2	+1
3 - Acceptable	2	
4 - Not heard by me	1	+1

Q2 During those sessions, is the BASS:
Rating

Choice	Rating	Total
1 - Far too loud	4	+2
2 - Too loud	2	+2
3 - Acceptable	2	
4 - Not heard by me	1	+1

Q3 Do you find these sessions intrusive or annoying when you are inside your house in the evening (before 11pm)?
Rating

Choice	Rating	Total
1 - Frequently	4	+2
2 - Sometimes	2	+2
3 - Rarely	0	
4 - Never	3	+1

Q4 And are they intrusive/annoying after 11pm?
Rating

Choice	Rating	Total
1 - Frequently	3	+4
2 - Sometimes	2	
3 - Rarely	3	
4 - Never	1	+1

Q5

Do they cause you any problems with your sleep?

Rating

Choice	Rating	Total
1 - Frequently	4	+2
2 - Sometimes	1	+2
3 - Rarely	1	
4 - Never	3	+1

Q6

Do you find these sessions intrusive or annoying when you are in your garden?

Rating

Choice	Rating	Total
1 - Frequently	3	+1
2 - Sometimes	1	+2
3 - Rarely	1	
4 - Never	2	+1
5 - N/A	2	+1

From:
Sent: 20 September 2020 22:19
To: Licensing
Subject: COMPLAINT: 117189 The Lounge at Boldmere

Good evening.

I write to object to any proposed licensing changes to 117189 The Lounge at Boldmere if they do not safeguard the amenities of occupiers of premises/dwellings in the vicinity to the local residential area, which I fear they will not. As it stood, The Lounge was a nuisance and irritant, and I doubt any proposed changes will improve matters, unless of course it's license is being revoked, that would be a great help and benefit to the local residential area immensely. That would get my full support.

I must bring to your attention the cumulative impact the proposals for The Lounge at Boldmere on top of the 19 other premises along Boldmere Road in the vicinity of the Lounge where alcohol can be consumed or purchased, these being:

Restaurants:

1. Kababish
2. La Caverna
3. Shaban
4. Mother India
5. The Deli
6. Los Banditos
7. Regards
8. Simila
9. Karma Lounge
10. Aura

Public Houses:

1. The Sutton Park
2. Cask & Craft
3. Bishop Vesey
4. Harvester

Shops Selling Alcohol:

1. Sainsbury's Local
2. Nisa Local
3. Life Style Express
4. Select & Save
5. Tesco Express

There appears to be an ongoing trend by Licensing (and Planning) to give precedence to commercial premises to the detriment of local residents, with our concerns and complaints being overruled. Furthermore, despite the increase in nuisance from The Lounge and other local drinking establishments, there's no increase in Police numbers or presence. Boldmere is beginning to get a reputation for a great place to go to get drunk, and I'm not surprised with 20 places already in existence to buy or consume alcohol.

The Lounge does not belong in Boldmere, with the only beneficiaries being the drunkards that frequent it and the publican's bank balance. It's slogan should be '*For the few, not the many*' because that who it benefits. This is the complete opposite to the Labour Party's slogan which is ironic as it's a Labour Council. I think you forget this is a residential area with some commercial premises, not the other way around. The noise and anti-social behaviour created by The Lounge, coupled with the new beer gardens at Los Banditos, The Deli and the Cask&Craft are intolerable. Whoever gave permission for these ought to be ashamed of themselves.

Also, I bring to your attention the fact that although I am a local resident, not once have I ever received from Birmingham City Council Licensing Department any notification regarding applications for licensed premises applications or changes to licensing that I may get affected by, it appears to be hush-hush to deliberately avoid mass objections. Notifications are all very much word of mouth. I only heard about the proposals for The Lounge today from a neighbour.

Over recent years and since I've been living at my home, there is now a noticeable increase in noise from local licensed premises. The nuisance and cumulative effect of the local licensed premises including The Lounge planning decisions that I, my family and my neighbours are now experiencing are:

- Increases in shouting, jeering, singing and swearing heard in our back gardens into the early hours to which my children are exposed to.
- Increases in drunkards intoxicated from the copious existing licensed premises including The Lounge walking along Heathlands Road in the early hours;
 - Shouting
 - Swearing
 - Arguing
 - Kicking trees
 - Leaving glasses & bottles on garden walls
 - Drunkards walking onto private drives (trespass) and urinating in garden bushes.

I've experienced all of this! Any changes to the license for The Lounge can only add to this antisocial behaviour. In truth, I'm still bewildered that The Lounge has a license to do what it does anyway. Who on earth in Licensing (and Planning) thought it was a good idea and a local area need for a mini-Night Club to be allowed/created in the first place?

I have lived here for 7 years. There was no issue when I moved in, but when I did, The Lounge didn't exist and neither did the stupid beer gardens at Los Banditos, The Deli or the Cask&Craft. It is only in recent years that the nuisance has increased. What a coincidence!

Enough is enough now, the cumulative impact of these dubious Licensing decisions and the nuisances created beyond the contemplation of your licensing criteria are ruining the desirability of Heathlands Road.

Before you raise your next point, you'll say once licensing has been permitted, it's no longer a Licensing matter and it's over to Environmental Health and Licensing Enforcement departments. What you are failing to recognise is prevention is better than cure. If you stop granting applications for more late night licensed premises, the nuisances we now experience wouldn't exist in the first place.

As a department, you can no longer look at late night licensed applications or changes to existing ones on their own merit, the time has come for you to consider the cumulative impact of every decision you now make regarding Boldmere commercial area and both their micro and macro impacts on the residential area. If you don't pay enough attention to the cumulative affect now, you are in danger of quickly creating a monster. You may have already created one by allowing The Lounge to exist in the first place. I for one am not prepared to sit back and do nothing.

Regards,

From
Date: Sun, Sep 27, 2020 at 9:14 AM
Subject: Application Ref:117189
To: <licencing@birmingham.gov.uk>

Heathlands Road
Boldmere
Sutton Coldfield
B73

27th September 2020
Dear Sir,

I am writing with the license amendment for the Lounge at Boldmere.

As a home owner living in a residential area to be told that the license for the above establishment is to be changed to live music venue and host functions and parties is beyond belief.

This is a residential area and the residents were here first and have rights too. Parents of young children attending schools in the area will have to suffer the noise levels at night and witness adult behaviour during the day due to the effects of alcohol.

Sutton Town centre could accommodate such a facility so why is this not actively pursued by those in authority and respect the needs of Boldmere residents.

During weekends the noise levels could be heard from the Lounge and down Heathlands Road. Those returning to their cars late in the night would do so noisily and in some cases leave their cars parked and return the following day for obvious reasons.

Litter, bottles, cans, vomit and urea are regular forms of additional pollution we experience already from a high street with over 20 establishments today selling alcohol in less than a quarter of a mile.

So yes, Boldmere Road is turning for the worse by this rippling effect supported by Birmingham Planning. A reassessment of your future plans for Boldmere Road would be much appreciated.

A concerned resident.

Regards,

From:
Sent: 28 September 2020 19:32
To: Licensing
Subject: FW: Ref 117189 - The lounge Boldmere Rd Sutton Coldfield

From:

Subject: Ref 117189 - The lounge Boldmere Rd Sutton Coldfield

Ref 117189 :The lounge Boldmere Rd Sutton Coldfield

I would like to object because of nuisance the amendment to the license will cause. The venue will attract an increase in customers and therefore my concerns are as follows:

- Increased traffic and therefore parking issues on my road (Heathlands Rd) due to increase in customers. We already have parking problems on Heathlands Rd due to people parking to go to the shops on Boldmere Rd. There have been many occasions when I have been blocked in on my drive and have been unable to drive out safely. We already have to deal with parents parking when they drop off and pick up children at both Boldmere schools.
- Extra litter due to increase in footfall on Heathlands Rd (a residential road where families live) E.g. We already find beer bottles dumped in our front garden (bushes) and I fear that this will increase with more customers attending 'the lounge'. The lounge is a drinking place so if this is already happening then I'm concerned that the litter etc. will increase even more
- Heathland Rd is a residential area and therefore should be treated as such by the BC council.

Best wishes,

**Heathlands Rd
Sutton Coldfield
West Midlands
B73**



Birmingham
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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

System reference

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

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

- ☒ Applying as a business or organisation, including as a sole trader
☐ 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

Business name

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

VAT number

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

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
☐ A private individual acting as an agent

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

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="C.N.A. Risk Management Limited"/>	
Street	<input type="text" value="P.O. Box 13293"/>	
District	<input type="text" value="Great Barr"/>	
City or town	<input type="text" value="Birmingham"/>	
County or administrative area	<input type="text" value="West Midlands"/>	
Postcode	<input type="text" value="B42 9BP"/>	
Country	<input type="text" value="United Kingdom"/>	

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APPLICATION DETAILS

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

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

* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	<input type="text" value="The Lounge @ Boldmere"/>
Street	<input type="text" value="112-116 Boldmere Road"/>
District	<input type="text" value="Boldmere"/>
City or town	<input type="text" value="Sutton Coldfield"/>
County or administrative area	<input type="text" value="West Midlands"/>
Postcode	<input type="text" value="B73 5UB"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

25,000

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VARIATION

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

☒ Yes

☐ No

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

☐ Yes

☒ No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

The applicant is in the process of completing an extensive refurbishment to the premises known as THE LOUNGE @ BOLDMERE. This is making better use of the premises, and allowing more tables & chairs inside to give customers a more relaxed atmosphere, with less people standing.

The original licensed area has not changed except for the following amendments inside. (See attached Licensing Plan)

1. The main Bar servery has been moved to the outside wall as opposed to the existing island bar.
2. More toilets installed.
3. A single fire exit door has been removed leading onto Boldmere Road. (This does not impact on the Fire escape routes/ capacity figures . Fire risk assessor will assess the capacity.)

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

☐ Yes

☒ No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Continued from previous page...
Will the schedule to provide films be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No
Section 6 of 18
PROVISION OF INDOOR SPORTING EVENTS
See guidance on regulated entertainment
Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No
Section 7 of 18
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS
See guidance on regulated entertainment
Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No
Section 8 of 18
PROVISION OF LIVE MUSIC
See guidance on regulated entertainment
Will the schedule to provide live music be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No
Section 9 of 18
PROVISION OF RECORDED MUSIC
See guidance on regulated entertainment
Will the schedule to provide recorded music be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No
Section 10 of 18
PROVISION OF PERFORMANCES OF DANCE
See guidance on regulated entertainment
Will the schedule to provide performances of dance be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No
Section 11 of 18
PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE
See guidance on regulated entertainment

Continued from previous page...

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

☐ Yes

☒ No

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PROVISION OF LATE NIGHT REFRESHMENT

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

☐ Yes

☒ No

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SUPPLY OF ALCOHOL

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

☐ Yes

☒ No

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ADULT ENTERTAINMENT

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

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

Non

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 07:00

End 00:30

Start

End

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

TUESDAY

Start 07:00

End 00:30

Start

End

WEDNESDAY

Start 07:00

End 00:30

Start

End

Continued from previous page...

THURSDAY

Start 07:00

End 00:30

Start

End

FRIDAY

Start 07:00

End 01:30

Start

End

SATURDAY

Start 07:00

End 01:30

Start

End

SUNDAY

Start 07:00

End 00:30

Start

End

State any seasonal variations.

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

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

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

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

The condition relating to the single fire exit door which states: Regulated entertainment shall cease automatically when the fire exit to Boldmere Road is opened. This condition can be removed.
This single door fire exit leading out onto Boldmere road has been removed.

- ☐ I have enclosed the premises licence
- ☐ I have enclosed the relevant part of the premises licence

Continued from previous page...

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

Awaiting License from Licensing unit re Transfer application.

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

- All staff to be trained regarding their responsibilities under the Licensing Act 2003. All training to be documented, with records kept.

b) The prevention of crime and disorder

- Customers will not be permitted to carry open bottles or glasses beyond the licensed area.
- CCTV to be installed and maintained at the premises.
- No alcohol will be allowed to be consumed at the front (Outside) of the premises after 22:00hrs daily
- Empty glasses and bottles will be cleared when finished with.
- An incident register to be maintained at the premises.
- Staff will be given on-going training including identification of anti-social or unusual behaviour

c) Public safety

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

d) The prevention of public nuisance

- Doors and Windows: External doors and windows shall be kept closed, other than for access and egress, whenever regulated entertainment is provided (i.e. music levels that require customers to raise voices).
- Register of Noise Complaints: The DPS shall maintain a register of noise complaints and actions taken to address them. The register shall be kept at the premises and made available to an officer of a Responsible Authority upon request.
- An incident register will be kept on the premises and made available at all times.
- Telephone Number: The DPS shall maintain a telephone number that can be used by local residents to make complaint directly to the premises.
- Noise limiter Device: A cut out sound limiter device shall be installed at the premises.

e) The protection of children from harm

- A Challenge 25 policy to be implemented at the premises and all staff to be trained regarding this policy.
- Management will ensure all employees are fully trained and aware of the challenge 25 rule.
- There will be a provision of sufficient staff to protect children from harm with training on appropriate behaviour.

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Continued from previous page...

NOTES ON REGULATED ENTERTAINMENT

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

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

Continued from previous page...

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

Section 18 of 18

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...

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

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

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

[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/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

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

From: Carl Cnariskmanagement
Sent: 30 September 2020 10:07
To: Jane Dunsford; Licensing
Subject: Re: The Lounge 112-116 Boldmere Road

Morning Jane,

My client agrees with the proposed conditions below from yourself and agrees for them to be placed on the premises license.

Regards

Carl

On 29/09/2020 14:11 Jane Dunsford wrote:

Dear All,

Thank you for seeing me today please see conditions agreed as discussed, please advise if you agree and copy in licensing.

1. Prior to any entertainment involving amplified music, speech or sound taking place, a Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to serve any area of the premises used for amplified music, speech or sound. The NLD shall be set at a level agreed with the Environmental Protection Section to ensure that the volume is controlled to avoid noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Section prior to use and shall meet the following criteria:
 - a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position or tampered with in any manner unless prior approval is given,
 - b) The device shall be capable of either:-
 - i) cutting off the mains power to the amplification equipment if the volume exceeds the pre-set level determined by the Environmental Protection Unit and shall not restore power to the amplification equipment until the NLD is reset by the DPS or their nominated person, or
 - ii) otherwise maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit,
 - c) where the NLD operates by cutting off the mains power to the amplification equipment, amplification equipment shall be operated through the sockets/power points linked to and controlled by the NLD at all times,
 - d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification equipment is operational,
 - e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.

2. Before regulated entertainment takes place at the premises a lobbied area will be installed at the front entrance to ensure whilst entertainment is taking place that one set of doors remains closed.

You advised there was a condition already for no drinking outside after 10pm, I could not find this on the current license or your application so I have suggested this condition, if it is already on the license please ignore:

3. There shall be no drinking on the outside front terrace area after 10pm.

Regards

Jane

Jane Dunsford

Environmental Protection Officer

Environmental Protection Unit

Regulation & Enforcement

Neighbourhoods Directorate

Birmingham City Council

LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

4393 / 5

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Lounge Boldmere 112-116 Boldmere Road	
Post town:	Post Code:
Sutton Coldfield	B73 5UB
Telephone Number:	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

- | | |
|----|--|
| B | Films |
| C | Indoor sporting events |
| E | Live music |
| F | Recorded music |
| H | Anything of similar description to that falling within (live music), (recorded music) or (performances of dance) |
| L | Late night refreshment |
| M3 | Sale of alcohol by retail (both on & off the premises) |

The times the licence authorises the carrying out of licensable activities

Monday	07:00	-	00:10	B ,C ,E ,F ,H ,M3
	23:00	-	00:10	L
Tuesday	07:00	-	00:10	B ,C ,E ,F ,H ,M3
	23:00	-	00:10	L
Wednesday	07:00	-	00:10	B ,C ,E ,F ,H ,M3
	23:00	-	00:10	L
Thursday	07:00	-	00:10	B ,C ,E ,F ,H ,M3
	23:00	-	00:10	L
Friday	07:00	-	01:00	B ,C ,E ,F ,H ,M3
	11:00	-	01:00	L
Saturday	07:00	-	01:00	B ,C ,E ,F ,H ,M3
	11:00	-	01:00	L
Sunday	07:00	-	00:10	B ,C ,E ,F ,H ,M3
	23:00	-	00:10	L
New Year's Eve - from commencement of permitted hours to end of permitted hours	00:00	-	00:00	All
New Year's Day.				
On the commencement of British Summer Time and additional hour to be allowed for the clocks going forward at 01:00	00:00	-	00:00	All

The opening hours of the premises

Monday	07:00	-	00:30
Tuesday	07:00	-	00:30
Wednesday	07:00	-	00:30
Thursday	07:00	-	00:30
Friday	07:00	-	01:30

Saturday	07:00	-	01:30
Sunday	07:00	-	00:30
New Year's Eve - from commencement of permitted hours to end of permitted hours	00:00	-	00:00
New Year's Day.			
On the commencement of British Summer Time and additional hour to be allowed for the clocks going forward at 01:00	00:00	-	00:00

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

On and Off Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence The Pavilions Club Limited Unit 106, Middlemore Business Park Middlemore Road, Middlemore Industrial Estate Smethwick	
Post town: Sandwell	Post Code: B66 2EP
Telephone Number: Not Specified	
Email	

Registered number of holder for example company number or charity number (where applicable)
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Edmund Breslin	
Post town:	Post Code:
Telephone Number:	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 7873	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 03/09/2020

SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

Annex 1 – Mandatory Conditions

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

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

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

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

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

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

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

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

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

All staff to be trained regarding their responsibilities under the Licensing Act 2003. All training to be documented, with records kept.

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

The Premises Licence Holder shall ensure that customers to not carry open bottles or glasses beyond the licensed area.

No alcohol to be consumed in the external area, at the front of the premises, after 22:00 hours.

CCTV to be installed and maintained at the premises.

An incident register to be maintained at the premises.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

A Challenge 25 policy to be implemented at the premises and all staff to be trained regarding this policy.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Conditions as stated below under the appropriate licensing objective.

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

N/A

3c) Committee conditions to promote public safety

N/A

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

Alcohol and Regulated Entertainment:

The hours for the supply of alcohol and provision of regulated entertainment shall apply as follows:

07.00am – 12.01am (Sunday to Thursday) and
07.00am to 01.00am (Friday and Saturday)

Late night refreshment:

The hours for the provision of late night refreshment shall apply as follows:

11.00pm – 12.01am (Sunday to Thursday)
11.00pm – 01.00am (Friday and Saturday)

Opening hours:

The premises to remain open to the public as follows:

07.00am – 12.30am (Sunday to Thursday)
07.00am – 01.30am (Friday and Saturday)

Other conditions:

Other dates and times as specified in the application form.

Doors and Windows:

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

Register of Noise Complaints:

The DPS shall maintain a register of noise complaints and actions taken to address them. The register shall be kept at the premises and made available to an officer of a Responsible Authority upon request.

Telephone Number:

The DPS shall maintain a telephone number that can be used by local residents to make complaint directly to the premises.

Regulated Entertainment:

Regulated entertainment shall cease automatically when the fire exit to Boldmere Road is opened.

Noise limiter Device:

A cut out sound limiter device shall be installed at the premises.

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

N/A



