

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 22 MAY 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 24 April 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

19 - 52

5 **LICENSING ACT 2003 PREMISES LICENCE – GRANT BISHOP
VESEY’S GRAMMAR SCHOOL, LICHFIELD ROAD, SUTTON
COLDFIELD, B74 2NH**

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

6 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

7 **EXCLUSION OF THE PUBLIC**

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

Exempt Paragraph 3

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 24 April 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

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| LICENSING SUB-COMMITTEE A 24 APRIL 2023 |
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 24 APRIL 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors Mary Locke and Julien Pritchard.

ALSO PRESENT

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

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

1/240423

NOTICE OF RECORDING/WEBCAST

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2/240423

DECLARATION OF INTERESTS

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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/240423 Apologies were submitted on behalf of Councillors Phil Davis and Simon Morrall and Councillors Diane Donaldson and Julien Pritchard were the nominated substitute Members.
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MINUTES

- 4/240423 To confirm and sign the Minutes of the meeting held on 25 October 2021 at 1200 hours.

To note the public part of the Minutes of the meeting held on 26 October 2021 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the public part of the Minutes of the meeting held on 6 March 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

LICENSING ACT 2003 PREMISES LICENCE – VARIATION – DIAMOND LOUNGE, 17-19 BARR STREET, NEWTOWN, BIRMINGHAM, B19 3EH.

On Behalf of the Applicant

Habtom Ghebremichael – PLH (Premises Licence Holder)
Duncan Craig – Barrister, Citadel Chambers.

On Behalf of the Premises Licence Holder

Martin Key – EH (Environmental Health)

* * *

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 Duncan Craig to outline his case on behalf of the licence holder and he made the following points: -

- a) He hadn't visited the premises until last Thursday and therefore, wasn't able to engage with Martin Key until Friday. He would have liked to have done that sooner.

- b) Once he had visited the premises, he was struck by how seriously his client had taken the various matters raised by responsible authorities.
- c) A letter from MWFS (West Midlands Fire Service) outlined 15 points, which had all been addressed in under a month.
- d) There had also been an enforcement visit from a Planning Officer, they had submitted a change of use application, but were still awaiting the outcome.
- e) The current representations were from EH and another person, he asked the Committee to attach no weight to the representation from the other person.
- f) Martin Key, EH, made a number of observations. Mr Craig tried to contact him and eventually spoke to him on Friday where he requested an adjournment however, Mr Key wanted to continue with the hearing.
- g) The principal reason for the adjournment is due to an adjoining wall being changed and therefore a minor variation will need to be submitted regardless of the outcome of this hearing.
- h) The variation of the doors is a consequence of WMFS and Mr Key's observations and concerns. The photos submitted on page 4 and 5 show the changes.
- i) The changes to the doors ensure there are 2 layers of doors which helps limit noise break out.
- j) The PLH has made adjustments, to ensure there are 2 layers of doors and although it's not scientific, it limits noise break out.
- k) Due to the adjustments made at the premises, they invited Mr Key to visit the premises again and re-evaluate his position, which could have a bearing on his position today.
- l) The current situation with the premises is not in cohorts with what Mr Key saw when he visited the premises and subsequently made his representation.
- m) WMP were content with the reduced hours and had agreed conditions with the PLH.
- n) The PLH had also offered further conditions.
- o) Mr Key made reference to other residents, but only one representation had been received from another person, who didn't want to be named and hadn't attended the hearing and therefore, there is no opportunity to scrutinise that representation. Subsequently Mr Craig asked the Committee to attach little weight to it.
- p) That it is wholly unfair for an evaluation today to be based upon Mr Key's suggestion of future development in the area.

- q) The licence was transferred to his client a year ago and the previous issues could not be attributed to him.
- r) His client had taken into consideration everything that had been said or advised.
- s) Much of the concerns had been addressed.
- t) They had a dispersal policy to address vehicles and a noise management plan.
- u) His client had offered a number of practical measures to address issues and invited Mr Key to re-visit the premises and find out for himself.
- v) They invited the Committee to grant the application as it now stands.

Members were invited to ask questions and Duncan Craig gave the following responses: -

- a) The smoking area has another double door.
- b) The late submissions were due to Mr Craig being extremely busy and only viewing the premises on Thursday.
- c) The additional conditions and submissions weren't applied for initially because this client hadn't instructed Mr Craig at that stage and didn't anticipate representations.

Martin Key, EH was then invited to make his case and he made the following points: -

- a) The area is industrial/commercial but is subject to regeneration.
- b) The property opposite is only 15 meters away and houses 156 residents. There are also further residential development schemes down there.
- c) The day time is primarily wholesale businesses and the night time is very quiet; there are no 24 hours business operations.
- d) Parking is also an issue.
- e) It's a very quiet street at night.
- f) The building needed planning consent.
- g) The premises came to their attention in 2021 due to noise complaints relation to noise break out and activities in the street.
- h) Since October 2022 there have been 5 different complaints. Noise break out is an issues, vehicles, horns, anti-social behaviour.

- i) The issues they have faced is people not wanting to make statements along with complaints due to fear.
- j) There are also noise impacts on site; extraction systems, external smoking area, door staff not dealing with night time activity outside and taxis honking horns etc.
- k) The lobbies in the premises are poor, the original lobby doesn't have the right angle turn and however the changes they have made will help reduce noise.
- l) The smoking area has evidence of a BBQ and there is no double door in the lobby smoking area. The doors are also poorly fitted and not acoustically rated.
- m) The speakers were all active and had built in amplifiers but there is no noise limiting device or noise management fitted.
- n) The lobbies need to be improved, doors acoustically treated, extraction fans need acoustic treatment and there are concerns about Shisha being used on the premises.
- o) Behind the bar there is a roller shutter door and there is conflicting information about whether it opens or not. That needs investigating.
- p) He had carried out visits over the last 2 years and on one occasion after midnight the whole road was pretty much blocked.
- q) The dispersal policy lacks detail and doesn't address all of the issues.
- r) The noise management plan doesn't assess or address the issues. It's just a reaction to the comments Mr Key made on the site visit.
- s) He had had discussions with Mr Craig but the issue is the hours and the location, conditions offered may mitigate some noise but they are just a knee jerk reaction to Mr Key's comments.
- t) The photographs don't ease the concerns about the doors in terms of whether the doors are self closing or acoustically rated? There is also no information about the roller shutter door or how the old entrance has been sealed.
- u) There is no noise impact assessment provided, no review of the premises structure.
- v) The comment that local residents are happy because they haven't made representations isn't acceptable. Many have made complaints but are not willing to put name and address forward because of fear or reprisals.
- w) Even with sound proofing there are still issues with dispersal, hours and the location therefore he asked the Committee to refuse the application.

Members asked questions and Martin Key gave the following responses: -

- a) The premises first came to EH attention when they received complaints in 2021 but he wasn't sure when they original premises licence was issued.
- b) The residential properties commenced in early 2018.
- c) He couldn't comment on why the other responsible authorities didn't make representations, but EH were the lead on noise impact.

The Licensing Officer confirmed that the first licence was issued in October 2020.

The Chair invited the parties to make a closing submission and Martin Key, EH made the following closing statements: -

- He was pleased to see that the applicant had made changed, but they were not focussed enough or based on a proper assessment of the premises. There were lack of conditions and controls about music itself.
- The conditions offered don't really address the concerns.
- The premises is in a quiet area where they were already receiving complaints.
- It doesn't meet the licensing objectives and should be refused.

Duncan Craig, on behalf of the applicant made the following closing statements: -

- There are other premises nearby.
- He didn't accept Mr Key's comments about people not making representations through fear of reprisals, there could be a number of reasons. But in any case, there is no concrete evidence in this case.
- His client concedes that the security weren't as engaged as they could have been, but that has been addressed and there is a section on security in the noise management plan and dispersal policy.
- The BBQ is gone and has nothing to do with his client.
- The shutters would be filled in.
- They had identified issues with noise management plan dispersal policy, his client is also happy to engage with Martin Key.
- If the application was granted it would give Martin Key additional regulatory tools to tackle the issues.
- His client takes this very seriously, it is an extra hour on weekends.
- He invited Mr Key to visit the premises again.

- On that basis he requested that the Committee should grant the application.

The PLH, Habtom Ghebremichael, added that he would build a double door behind the fire exit and it would have to appropriate noise insulation.

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;

5/240423

RESOLVED:-

That the application by Ghebremichael Habtom to vary the premises licence in respect of Diamond Lounge, 17-19 Barr Street, Newtown, Birmingham B19 3EH, under section 34 of the Licensing Act 2003, be granted as follows.

The amended hours for licensable activities agreed by the applicant in advance of the meeting shall apply, and the conditions of the licence shall be modified, namely by adopting all those conditions agreed between the applicant and West Midlands Police in advance of the meeting, and by adopting all those conditions offered by the applicant in advance of the meeting (as amended by the Sub-Committee).

1. conditions agreed between the applicant and West Midlands Police in advance of the meeting:

- The licence holder shall maintain and operate an ID Scan to all persons entering the premises whenever licensable activities are being carried on. The premises is to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY"
- Simon Mebrahto will play no part in the running or management of the premises
- The Designated Premises Supervisor or other competent person shall carry out observations in the vicinity of the premises on at least two intervals between 20:00 and midnight (Monday - Thursday) and 20:00 and 04:00 (Friday - Sunday) whilst recorded music is playing in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept, records shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Records shall be available at all times upon request to an authorised officer of the Licensing Authority, Environmental Health Department or the Police

- No person will be allowed entry to the premises after 02:00 hours, save for re-entry for persons who were on the premises before 01:30 hours. Every person re-entering the premises will be strictly subject to the body and metal detection searches

2. conditions offered by the applicant in advance of the meeting (as amended by the Sub-Committee):

- The licence holder shall cooperate with the Environmental Health department of the City Council and follow their advice on all matters relating to the prevention of public nuisance objective
 - The premises will have an operational dispersals policy and noise management plan
 - The smoking area will be cleared of patrons from 3:30am
- A. DISPERSALS
- Staff shall be proactive in advising customers to vacate the environs of the premises quietly and with respect for others. It is to be made clear that any transgressors will not be welcome back to the premises in future
 - The premises will have a system to ensure that patrons leave gradually over a period by utilising the door staff and operating a zonal system in the licensable area of encouragement of patrons to leave the premises when licensable activities cease
 - A notice shall be clearly displayed by the exit door reminding guests to leave the premises and area quietly, to respect neighbours
 - A permanent taxi facility is available nearby and patrons will be advised of this information via notices displayed within the premises. If it is within permitted hours the customers should be asked to remain inside the premises pending the arrival of the taxi. The appointed taxi firm should be asked to instruct their drivers to ring the premises or the customer on arrival or go to the premises to notify their customer of their arrival and not to sit outside blowing their horns
 - When customers have dispersed, staff outside the premises will check the immediate vicinity to ensure that no glass or undue rubbish is left lying around
 - Staff will invariably leave the premises much later than customers will. Their behaviour can impact on local disturbance also and have therefore been instructed to leave quietly. Failing to do so could seriously undermine the licensing objectives
 - Any patron who fails or refuses to leave the area, or takes drinks outside the premises, will be initially firmly engaged by staff in an effort to make them comply and will be (inter alia) given the following suggestions and assistance:
 - o Calling a taxi
 - o Provide information on local bus/trains
 - o Help to locate friends
 - o Call someone for themin order to assist with their swift dispersal from the area. If none of the above options/assistance is effective, then the premises will call for assistance from West Midlands Police. Each incident where patrons have failed to disperse, despite the foregoing efforts of the premises,

will be logged in the incident book, including, where possible, the name of the patron(s) for future reference

- Anyone hiring the venue will be subject to this dispersals policy

B. NOISE MANAGEMENT

- By the end of the authorised hours for the sale of alcohol, the music will be turned off. The lighting shall gradually be increased, and announcements shall be made to patrons regarding their quiet and swift dispersal and of the presence of CCTV systems monitoring the external environs of the premises.
 - The premises licence holder, or other nominated person/staff, shall monitor the external areas of the Premises after 23:00 hours.
 - The premises will introduce a training regime to bring every member of staff up to date with the implications of The Licensing Act 2003, the licensing objectives, and the need to respect this policy. Staff will thereafter be subject to refresher training every 6 months.
 - Signs shall be placed at all exits asking customers to respect the needs of local residents and requesting that they leave the premises quietly.
 - The premises licence holder shall ensure the conduct of patrons leaving the premises will be supervised and monitored to minimise potential nuisance
 - The premises licence holder shall not permit noise emanating from the licensed premises to unreasonably disturb persons in the neighbourhood. The premises licence holder shall ensure that whenever regulated entertainment takes place within the licensed premises, such entertainment will not be such as to be a statutory nuisance in the nearest noise sensitive or residential premises
 - The premises licence holder shall ensure that any deliveries and refuse collections are organised at times to minimise any nuisance to neighbouring properties
 - To avoid nuisance being caused to nearby noise sensitive premises the Premises Licence Holder or other nominated person/staff, shall monitor the external areas of the premises whenever licensed activities are being undertaken and also until all patrons have been effectively dispersed
-

The licence holder was represented at the meeting by counsel. Counsel told the Sub-Committee that he had been unable to visit the premises until a few days before the meeting, but that he had then contacted Environmental Health without delay to discuss the issues. In addition, counsel remarked that upon meeting the licence holder he had been struck by how seriously the licence holder had taken the application, and how the licence holder had cooperated with the responsible authorities carefully.

West Midlands Fire Service had written to the licence holder regarding 15 points of concern; all of these had been addressed by the licence holder in less than a month. Accordingly, the Fire Service had not made a representation against the application. Furthermore, following an enforcement visit from a Planning Officer of the City Council, the

licence holder had instructed counsel to submit an application for a change of use of the premises, in order to regularise the position. Counsel noted from the Committee Report that only two representations had been received - one from the Environmental Health department of the City Council, and one from a local resident living in the vicinity of the Diamond Lounge.

Counsel drew the attention of the Sub-Committee to the photographs which were in the Committee Report, and explained that they showed a reconfiguration of the doors which had been carried out at the premises. These changes had been made as a consequence of comments made by West Midlands Fire Service and from Environmental Health, and a minor variation was going to be submitted within the next week or so relating to the new doors.

The purpose of the works had been to control noise breakout from the Diamond Lounge, such that it would not be audible from the street. The licence holder had turned the music up to full volume and had then stood outside the premises, and had confirmed that there was “absolutely no noise whatsoever”. Counsel invited the Environmental Health officer to revisit the premises in order to evaluate whether that position was correct or not, remarking that to do so “may have a significant bearing on the representation that he has made”.

Counsel also noted that it appeared that Environmental Health were perhaps considering bringing a Review of the licence. However, he reminded the Members that this was not the purpose of the instant hearing, which was a meeting to deal with a variation application. Counsel also observed that the current position, following the reconfiguration works, was entirely different from the arrangement seen at the time when Environmental Health had submitted the representation.

Counsel addressed the adjustment of the requested times in the application. The licence holder had originally sought operation to 05:00 hours from Thursday to Sunday. Following engagement with West Midlands Police, the requested hours had been reduced. Counsel observed that the effect was to reduce the time sought to a further hour on the licence.

Counsel invited the Sub-Committee to consider the reduction in the hours in conjunction with the conditions which had been agreed with West Midlands Police; currently there was no condition on the licence requiring an ID scanner, no “entry” condition, and no condition requiring exclusion from the premises of a named individual. The licence holder had been prepared to offer these further conditions on the licence in order to promote the licensing objectives; as a result, the discussions with West Midlands Police had concluded in an agreed position. Counsel reminded the Sub-Committee that if the application were to be rejected, these new conditions agreed with the Police would not be adopted onto the licence.

Counsel noted that the provision of regulated entertainment had been raised by Environmental Health. He clarified the position with regard to regulated entertainment – namely that if it were offered for less than 500 people it did not commence until 23.00 hours. Regarding the other points which had been raised by Environmental Health, counsel noted the reference to residents. Only one representation had been received, from a person who had not attended the meeting. Counsel observed that the Sub-Committee would therefore not have an opportunity to ask questions of that person, and therefore invited the Members to attach little weight to that representation, noting that no other local residents had objected.

Environmental Health had also mentioned the development works going on in the area. However, counsel urged the Sub-Committee to deal with the application as it stood today, remarking that it would be “wholly improper and wrong” for any evaluation to be made based on future residential development in Newtown; he said that such developments might not happen, and moreover, new residents who moved into the area could in fact want to have a premises such as the Diamond Lounge nearby. New residents would have an opportunity at future times if necessary, via a Review of the licence. Counsel therefore recommended that future development should not be a relevant consideration for the Sub-Committee.

The licence had been transferred to Mr Ghebremichael Habtom a year ago. Whilst there had been some issues with the premises previously, these had happened before he had taken over and were nothing to do with him. He had been assiduous in following the advice of the Planning department and the Fire Service. The key points raised by Environmental Health had all been addressed satisfactorily. Noise attenuation measures had been put in place in the building, along with arrangements to clear the smoking area by a stated time; the risk of noise breakout had therefore been dealt with properly. Access and egress would be carefully controlled via the dispersal policy and noise management plan. The dispersal policy would also deal with potential nuisance from vehicles (although counsel noted that parking was not a licensable activity).

Counsel urged the Members to note that money had been invested in the reconfiguration of the building, as shown in the photographs; he also urged Environmental Health to visit to view the improvements for themselves. The reconfiguration, the dispersal policy and the noise management plan were accompanied by the conditions agreed with West Midlands Police. Counsel reassured the Sub-Committee that all of these together would have the effect of creating “a more rigid and more enforceable framework” which was satisfactory to the Police.

Counsel reminded the Members that if they decided to reject the application, they would have to take into account that the new Police conditions would not form part of the licence. The licence holder was

asking simply for an extra hour, and given the scaled-down application, together with the further conditions and the extra steps that had been taken, counsel felt that the application could be safely granted.

The Sub-Committee then heard from the Environmental Health officer, who outlined his concerns about the potential impact of the application. The area was historically light industrial and commercial, and had been for a long period of time, but was now subject to significant regeneration. A regeneration scheme was going on at the property directly opposite, approximately 15 metres from the front door of the Diamond Lounge - a development which had commenced in 2017. 156 residents lived there, some of them on the rear facade directly facing the Diamond Lounge. Another development was currently under construction nearby and would be 129 apartments; then within the section from Great Hampton St down onto Barr St there were a large number of residential schemes.

He explained that the area was typified by daytime-hours wholesale operations, most notably of handbags, and light industrial operations at night time. The officer felt that the area was very quiet, with no 24-hour business operations. Parking was an issue, as many of the residents in the new developments were parking on the street. However, the officer then said that “there is not really any use of that road at night times. It is a relatively quiet road, not used as a cut-through”. He described the road as “a quiet commercial street with some residential use on it”.

The history of the Diamond Lounge site, and its current planning consent, was for warehouse operation. The officer noted that counsel had confirmed that the applicant would be seeking planning consent. The premises first came to the attention of Environmental Health in 2021, when it was under a different operator, after a number of complaints were made about noise, namely bass music creating noise breakout from the building, and there had been a large number of complaints to do with activities in the street, such as parking, people coming out of the premises late at night, antisocial behaviour, cars, horns, and music emanating from vehicles. These were problems regularly seen with venues offering late night activity where patrons were picked up directly outside.

Since October 2022, Environmental Health had had a number of complaints. The officer stated that the issue was again bass frequency noise breakout from the building, and also noise from vehicles, people in the street, car horns and antisocial behaviour. The officer stated that none of the complainants had been prepared to produce a witness statement “because of fear of reprisals”.

The officer’s most recent visit to the site had been on the 16th March 2023; he was pleased to hear that the licence holder had put measures in place as described by counsel. However, the officer was still concerned about a few issues, namely that the extraction system had no noise attenuation to it, and the external smoking area was

open. He noted the reconfiguration of the doors, but drew the attention of the Sub-Committee to the likelihood of night time activity outside, such as taxis sounding their horns, although he acknowledged that this was a common problem which Environmental Health had with any late-night premises.

The officer said he would address the Sub-Committee using his original comments because that was what he had seen first-hand. The lobbies were poor, and he had discussed with the applicant the possibility of using the adjacent entrance, which seemed to be what had been done in the reconfiguration works, however, he remarked that the doors would need to be acoustically rated. The PA system had no noise limiting device and no obvious noise management system on it. There was a structural gap where a heater, for example, went through the wall. He also had concerns over the roller shutter door.

The officer noted that the existing conditions on the licence were generic – to do with deliveries, monitoring, and keeping doors closed. Environmental Health had carried out a number of visits to the premises over the last two years, and at 02:30 hours on two occasions the street had been “pretty much blocked”. The officer’s view was that the dispersal policy lacked a little bit of detail and did not address all of the issues; the noise management conditions were in his view inadequate. The officer felt that there had been no specific assessment of the premises; instead, the measures appeared to him to be a reaction to the comments he had made during a site visit.

He felt that the conditions that had been offered might well mitigate some of the noise, but remarked that “they need to be properly planned and properly implemented and designed, rather than an ad hoc knee jerk reaction”. He also took issue with counsel’s comments about a potential Review of the licence, stating that at no point in his evidence had he planned to mention any Review; the department was continuing to investigate complaints made by residents and was collecting information, and the assessment he had given in his representation had been based on the existing use of the area and his view of the operational controls.

He noted that there had been no noise impact assessment provided, and no review of the premises’ structure or even the potential noise sources on the site. Local residents had complained, but the reason that the complaints had gone no further was due to the fact that they were not prepared to put their name and address forward, which was an issue that the department commonly found with night time complaints “because of the fear of reprisals”.

Regarding nuisance to residents, he noted that there was residential use directly opposite the Diamond Lounge, some 15 metres from the front door; moreover, the vicinity was a redeveloping area, characterised by largely low-level daytime commercial use with some residential housing. There was no other significant night time activity

on Barr Street.

The officer had concerns over the dispersal policy – namely that at the terminal hour when patrons came out, even over the staggered discharge, a significant number of vehicles would come to collect people, and many patrons would be on the streets; in the early hours of the morning, at 15 metres from residential windows, this would be a significant issue, particularly during the summer months. The officer would therefore have preferred a planned approach based on an assessment and looking at some of the other operational and structural controls. He felt that the extended hours would further exacerbate the existing problems the residents were facing, and recommended that the application should be refused on the grounds of not meeting the licensing objectives, particularly in respect of the effect of regulated entertainment on the public nuisance objective.

In response to these representations, counsel noted that there were two public houses nearby, which were licensed to quite late hours. Regarding the dispersal policy and the noise management plan, he confirmed that the licence holder was “perfectly happy to engage with the officer” in relation to refining the proposals. Counsel reminded the Members that that would only be possible from an enforcement point of view if they granted the application, because the applicant had offered the noise management plan as a condition. He observed that to grant the application would give Environmental Health more regulatory tools at their disposal to tackle what was necessary. The Sub-Committee agreed with this.

Counsel repeated that he had been impressed with the licence holder when he met him, and had found him to be taking his responsibilities seriously. Counsel further noted that the applicant was effectively asking simply for an extra hour at weekends, with a suite of tailored conditions; on the basis, agreement had been reached with the Police and significant reconfiguration works had been undertaken. Counsel therefore asked that the Sub-Committee grant the application.

The Sub-Committee then heard briefly from Mr Habtom, who stated that he understood that all concerned were doing their jobs for the benefit of the community. Regarding the shutter, which had been specifically mentioned by Environmental Health, he intended to build another double door behind it in order to prevent noise breakout. He also confirmed that the doors were self-closing, and that all of the noise measures had been put in place with great care, to prevent disturbance to local residents.

The Sub-Committee carefully considered the operating schedule put forward by the applicant, and the likely impact of the application. The Sub-Committee also took into consideration the views of the person who had made representations – the local resident living nearby. The Members bore in mind paragraph 9.12 of the Guidance issued under s182 of the Act, namely the need for robust evidence in decision

making. The representations which had been received were concerned with the potential for public nuisance, especially noise, and also the risk of antisocial behaviour, if the variation were to be granted.

The Sub-Committee noted that there had been no objection from the responsible authorities who had dealt with the premises in recent weeks, and further noted that West Midlands Police had found all to be in order with the addition of some suitable conditions. However, the Sub-Committee was mindful of the fact that Environmental Health, who were the expert authority on the potential for public nuisance, had objected.

The Sub-Committee determined that the concerns of Environmental Health could be taken into account by requiring the applicant to cooperate with and take advice from them. After hearing directly from Mr Habtom in the meeting, the Members shared counsel's view that the applicant had taken his responsibilities seriously, and was a very trustworthy person who was keen to ensure that the licensing objectives would be properly promoted. The Members agreed with counsel that he was an impressive applicant in whom they could feel confident. The Members felt reassured that the licence holder was a person who could be trusted to operate safely.

Counsel had stated that the applicant was willing to cooperate with, and take advice from, Environmental Health; the correct course was therefore to grant the application with a condition stipulating that he should do so. This would allay the apprehensions from both of those making representations about the potential for an adverse effect on the licensing objectives from arising in connection with the proposed variation to the operation.

The conditions which had been agreed with the Police would ensure smooth trading, with no risk to the promotion of the licensing objectives. The interests of local residents would be protected. The Sub-Committee determined that the applicant's responsible style of management, and the conditions, would enable the premises to uphold the licensing objectives for the additional hour or so. The Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under s182 of the Licensing Act 2003 by the Home Office, the application for the variation of the premises licence, the written representations received and the submissions made at the hearing by the applicant via his counsel, and by Environmental Health.

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

6/240423

RESOLVED:-

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

CHAIR.....

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

| | |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Report to: | Licensing Sub Committee A |
| Report of: | Director of Regulation & Enforcement |
| Date of Meeting: | Monday 22nd May 2023 |
| Subject: | Licensing Act 2003 Premises Licence – Grant |
| Premises: | Bishop Vesey's Grammar School, Lichfield Road, Sutton Coldfield, B74 2NH |
| Ward affected: | Sutton Trinity |
| 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 seeks to permit the Sale of Alcohol (for consumption on the premises) to operate from 6:00pm until 10:00pm (Monday to Thursday), 6:00pm until 11:00pm (Friday), 1:00pm until 11:00pm (Saturday) and 1:00pm until 10:00pm (Sunday).

The provision of Regulated Entertainment consisting of plays, live music, recorded music, performance of dance, and anything of a similar description, to operate both indoors and outdoors, from 5:00pm until 10:00pm (Monday to Thursday), 5:00pm until 11:00pm (Friday), 1:00pm until 11:00pm (Saturday) and 1:00pm until 10:00pm (Sunday).

Premises to remain open to the public from 5:00pm until 10:00pm (Monday to Thursday), 5:00pm until 11:00pm (Friday), 9:00am until 11:00pm (Saturday) and 9:00am until 11:00pm (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 31st March 2023 in respect of Bishop Vesey's Grammar School, Lichfield Road, Sutton Coldfield, B74 2NH.

A representation has 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:

Bishop Vesey's Grammar School applied on 31st March 2023 for the grant of a Premises Licence for Bishop Vesey's Grammar School, Lichfield Road, Sutton Coldfield, B74 2NH.

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

The application is attached at Appendix 2.

Site Location Plans at Appendix 3.

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.

Site Location Plans, Appendix 3.

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.

Refuse to specify a person in the licence as the premises supervisor.

From:
Sent: 11 April 2023 20:44
To: Licensing
Subject: Grant of a Premises Licence

Dear Sir/Madam,

Re: Bishop Vesey's Grammar School application for the GRANT of a Premises Licence at Lichfield Road, Sutton Coldfield, West Midlands, B74 2NH

We are concerned to learn that the local Grammar school has put in an application for a licence permit to sell alcohol on evenings & weekends. Firstly, this is a place of education and not a entertainment venue, surely this is conflicting and sets a poor example for younger people whose parents would be encouraged to use the school to drink.

In addition to the above, I would like to highlight more concerns which myself and other residents have endured WITHOUT such a licence being permitted:

1. Several complaints made by local residents to the Head teacher about the constant use of the streets (which consists of 3 no-through roads), and using our streets as an overspill causes parents to park on pavements, block property's parking, and blocking our roads when trying to enter/exit our street.
2. Children already parking on the street and standing around smoking, blocking pavements and making a nuisance of themselves, something the school does not appear concerned with.
3. The school already has events where our roads/streets have limited access and despite repeated complaints to the Head teacher, we occasionally get one of the teachers stood in our road asking why we are using the road meaning we have to tell them we live there, again, this is an inconvenience we can't access our homes when these regular events occur.

My reason for mentioning the above is to provide you / licencing committee with an overview of what life is like for residents near the school (even without an alcohol licence permit), if a licence was permitted, access to our streets would be even worse than it is now meaning our living would be further impact unnecessarily.

Furthermore, I would like to add concerns that granting such a licence would cause:

- Late night noise (people getting in/out of cars, air and noise pollution, environmental nuisance) and potential for nuisance behaviour or causing breach of peace
- Cars taking up spaces in the local street/s meaning we have no rest from the schools footfall day or night.

Bishops Vesey Grammar school continues to push local residents patience with expectations that our streets act as overspill carpark to house their numerous daytime events, children with little to no road safety skills walking in front of traffic, cycling lesson being delivered around our streets causing a hazard, and to now push us even further and expect us to accept even more disruption on our roads of an evening is unfair and ignorant given the Head Teacher knows there is already unsettlement between the schools events and local residents and so for him to overlook this causes us great concern.

If the school is so desperately in need of raising funds then I would suggest they are more creative and encourage their students to help with this rather than going for an easy option of selling alcohol, again, this is supposed to be a well respected Grammar school and the thought of it becoming some sort of afterschool social club for parents / financial gain is completely absurd.

Residents local to Bishops Vesey should have the right to our privacy and to enjoy our homes peacefully and we hope given the above, this will be strongly considered and taken into account, we would like to oppose this application and hope that you will confirm receipt of this email and inform me personally if there is anything else I can do to support this unnecessary application.

I look forward to hearing from you.

Regards



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 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 you would prefer not to be contacted by telephone

Are you:

- ☒ 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant 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

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
☐ A limited company / limited liability partnership
☐ A partnership (other than limited liability)
☐ An unincorporated association
☐ Other (for example a statutory corporation)
☐ A recognised club
☐ A charity
☒ The proprietor of an educational establishment
☐ A health service body
☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
☐ 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
☐ The chief officer of police of a police force in England and Wales

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

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

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 / /
dd mm yyyy

* 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 School will be serving alcohol by retail at specific school events on the site of the school as part of a refreshments package. All events are managed on an invite and ticket basis.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☒ Yes

☐ No

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

Will the performance of a play take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☒ Both

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

Continued from previous page...

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.

This will be school plays and musicals performed. Together with these activities being performed by other associated organisations that will hire the school as authorised and registered facility users. Music may be amplified from time to time.

State any seasonal variations for performing plays

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

Plays will typically take place 3 to 5 times a year for a minimum of 1 night and a maximum of 4 nights

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed in the column on the left, list below

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

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes

☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

Continued from previous page...

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

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

☐ Indoors

☐ Outdoors

☒ Both

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

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

Live Music may be amplified dependent on the instruments used in the performance.

State any seasonal variations for the performance of live music

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

Concerts will occur several times during the year generally 3 x 2 nights and 10 x 1 night spread across the Academic Year.

Continued from previous page...

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

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

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☒ Yes

☐ No

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

Continued from previous page...

SUNDAY

Start 13:00

End 22:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☒ Both

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

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

Recorded music may be amplified as part of the School Concert Organisation.

State any seasonal variations for playing recorded music

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

This will only occur for specific and periodic School Events such as school concerts and plays.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

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

Only when there is an official school event.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 17:00

End 22:00

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 17:00

End 22:00

Start

End

Continued from previous page...

WEDNESDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="17:00"/> | End | <input type="text" value="22:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

THURSDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="17:00"/> | End | <input type="text" value="22:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

FRIDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="17:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SATURDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="13:00"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SUNDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="13:00"/> | End | <input type="text" value="22:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

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

☐ Indoors
 ☐ Outdoors
 ☒ Both

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

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

Dance performance by students or registered facility users for an invited and ticketed audience

State any seasonal variations for the performance of dance

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

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

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

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

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

Give a description of the type of entertainment that will be provided

There is an annual comedy night fund raising events where comics perform on stage.

Continued from previous page...

Will this entertainment take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

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

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

Musical Performances by Students and Other Music Professionals and permitted Facility Users
Drama Performances by Students and Other Drama Professionals and permitted Facility Users
Dance Performances by Students and Other Dance Professionals and permitted Facility Users

State any seasonal variations for entertainment

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

Non-standard timings. Where the premises will be used for entertainment at different times from those listed in the column on the left, list below

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

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

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.

Continued from previous page...

WEDNESDAY

Start 18:00

End 22:00

Start

End

THURSDAY

Start 18:00

End 22:00

Start

End

FRIDAY

Start 18:00

End 23:00

Start

End

SATURDAY

Start 13:00

End 23:00

Start

End

SUNDAY

Start 13:00

End 22:00

Start

End

Will the sale of alcohol be for consumption:

- ☒ On the premises ☐ Off the premises ☐ Both

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

State any seasonal variations

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

Alcohol sales will only be at official school organised events such as School Concerts, Plays, Sports Dinners and Celebration Events.

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

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

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Continued from previous page...

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

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

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.

Continued from previous page...

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

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Start

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THURSDAY

Start

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Start

End

FRIDAY

Start

End

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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.

The School is open to the public for specific non licensable activities organised by registered facility user organisations this includes sports activities, dance groups, local interest groups such as the RSPB etc.

Hours of use are generally limited to Weekdays 18:00 to 22:00 and Saturdays and Sundays 09:00 to 22:00

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

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

| |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Continued from previous page... |
| |
| Section 18 of 21 |
| 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. |
| We will ensure that the operation of the premises is properly supervised at all times and that the licensable activities are carried out in accordance with the law. The engagement of the DPS to ensure that sales are conducted and authorised appropriately and will communicate with the authorities. To undertake appropriate risk assessments in relation to the operation of the site and the licensable activities. |
| b) The prevention of crime and disorder |
| There will always be a trained Personal Licence Holder Present when activities are taking place. Risk assessments before opening for an event will be thoroughly checked. All licensable activities will take place as part of an officially organised school event. |
| c) Public safety |
| The premises are maintained as a public building and all statutory duty holder responsibilities are maintained in accordance with the schools operation and legislative framework including maximum occupancy limits. There are comprehensive emergency procedures in place for any occupation of the school. |
| d) The prevention of public nuisance |
| The school liaises closely with local residents and there is an important regular dialogue with them. Residents are notified about official school events termly in advance and the school mitigates impact by appropriately controlling and managing traffic, parking and noise. The majority of events are limited to indoor events but external performances are strictly regulated for noise. |
| e) The protection of children from harm |
| As an Academy School safeguarding is at the core of the schools business. All staff receive safeguarding training on at least an annual basis. The School has a Designated Safeguarding Lead and adheres to the statutory guidance set out in keeping children safe in education 2021. |
| Section 19 of 21 |
| NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK |

Continued from previous page...

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.

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- 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.

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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.

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PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

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

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

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

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

Capacity 5000-9999 - £1,000.00

Capacity 10000 -14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

450.00

DECLARATION

Continued from previous page...

[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](#)

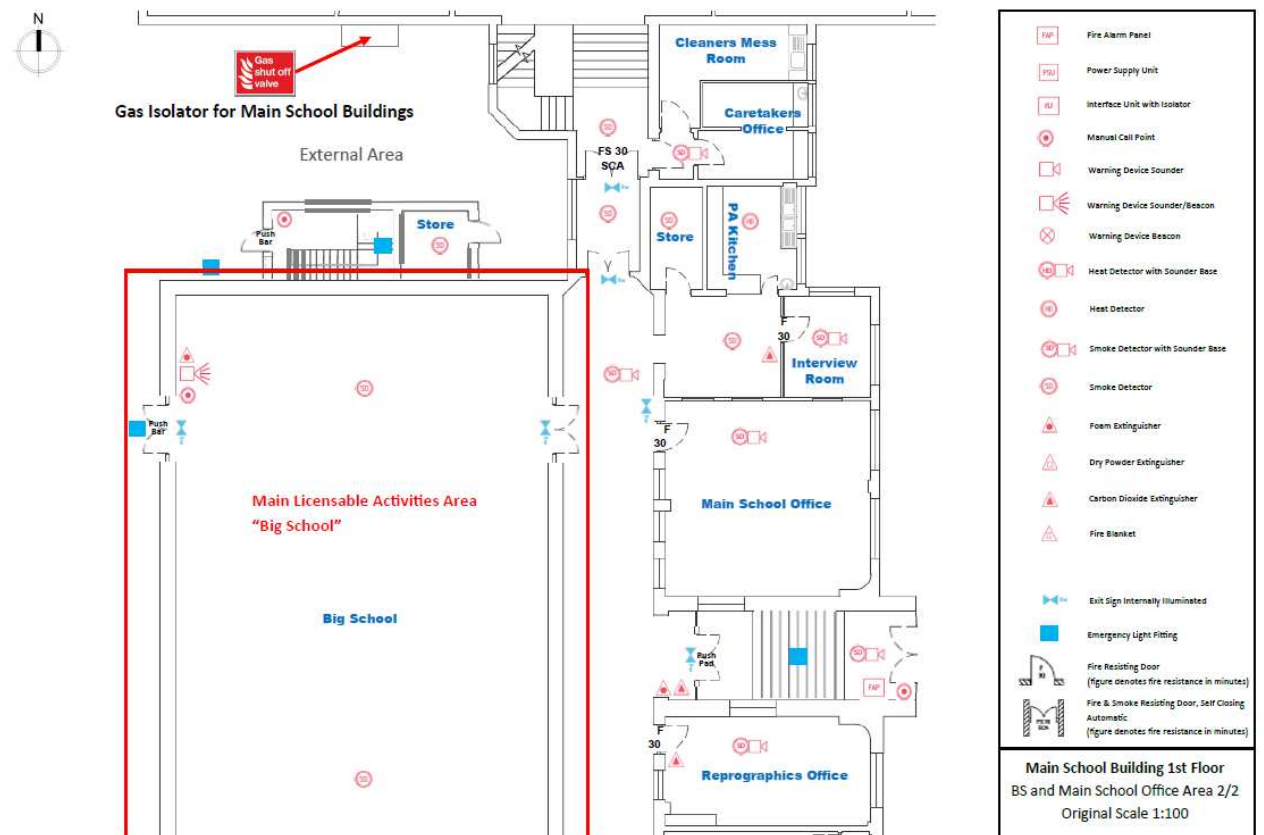
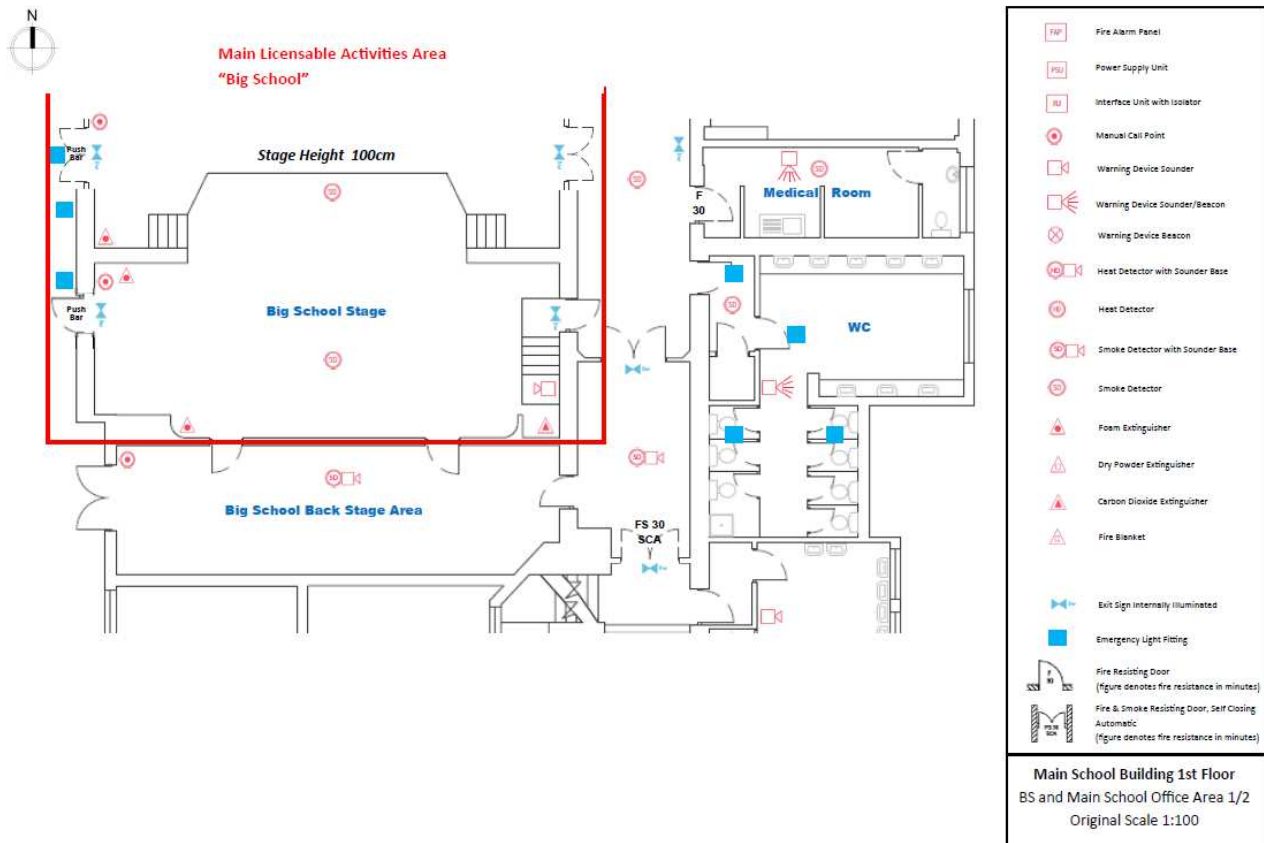
Once you're finished you need to do the following:

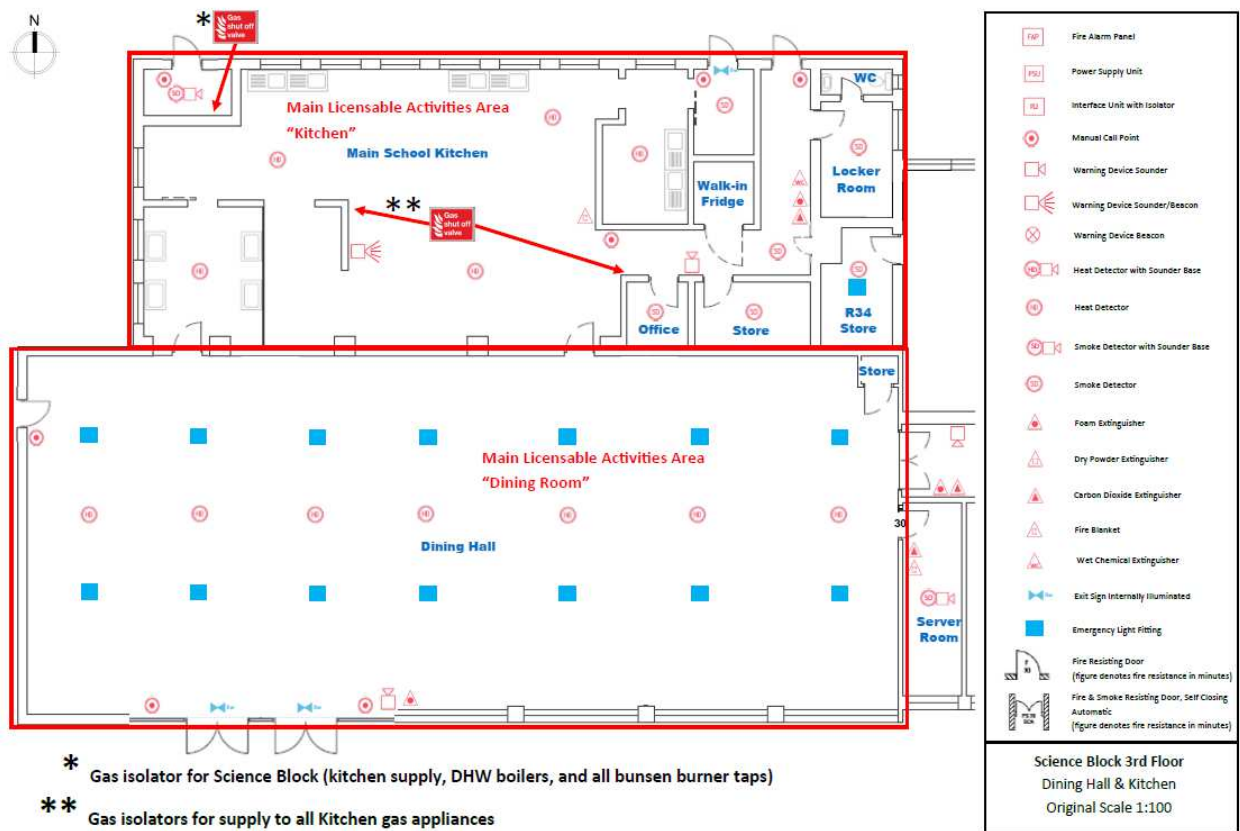
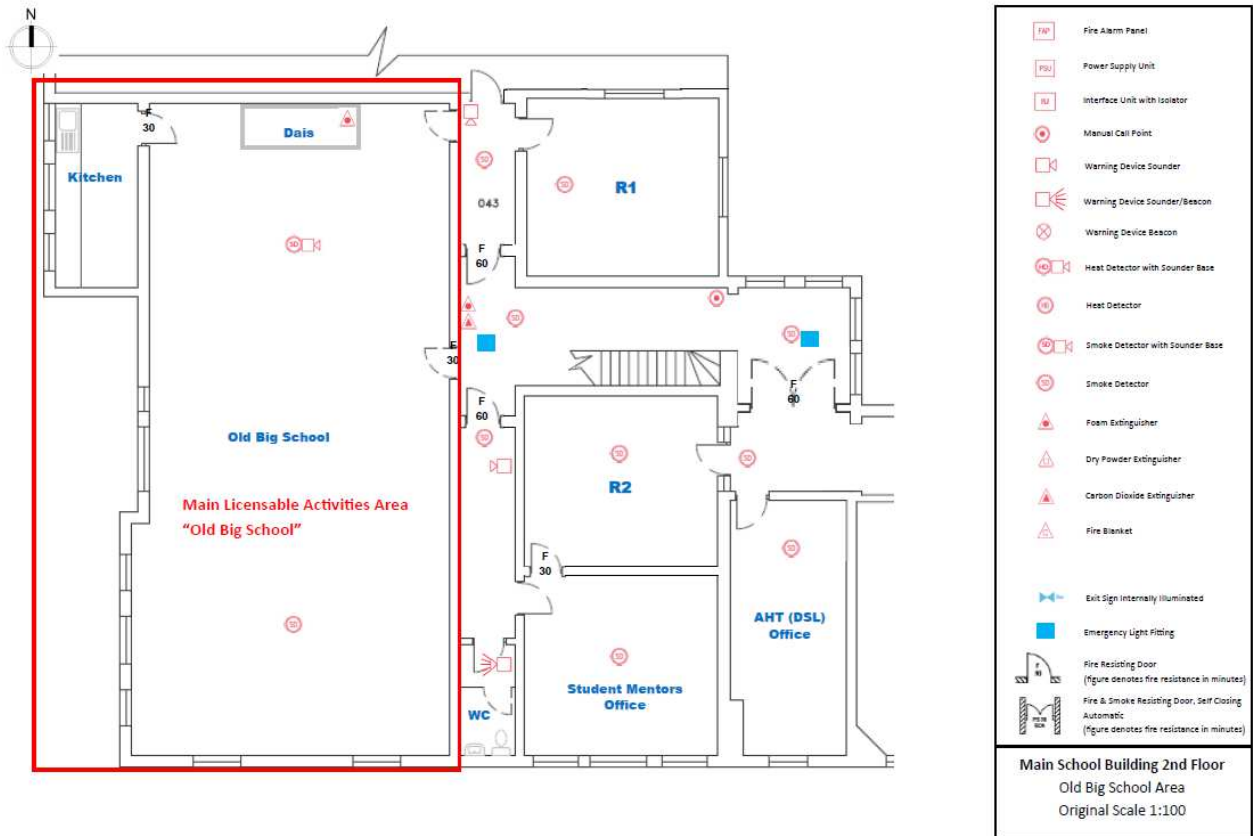
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/apply-1> to upload this file and continue with your application.

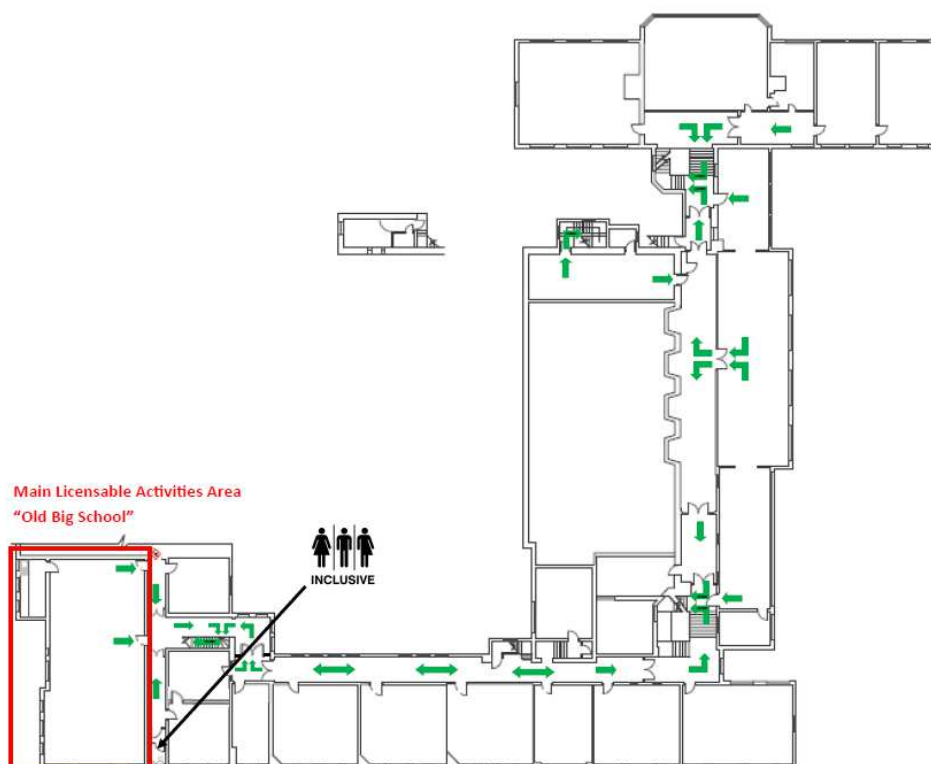
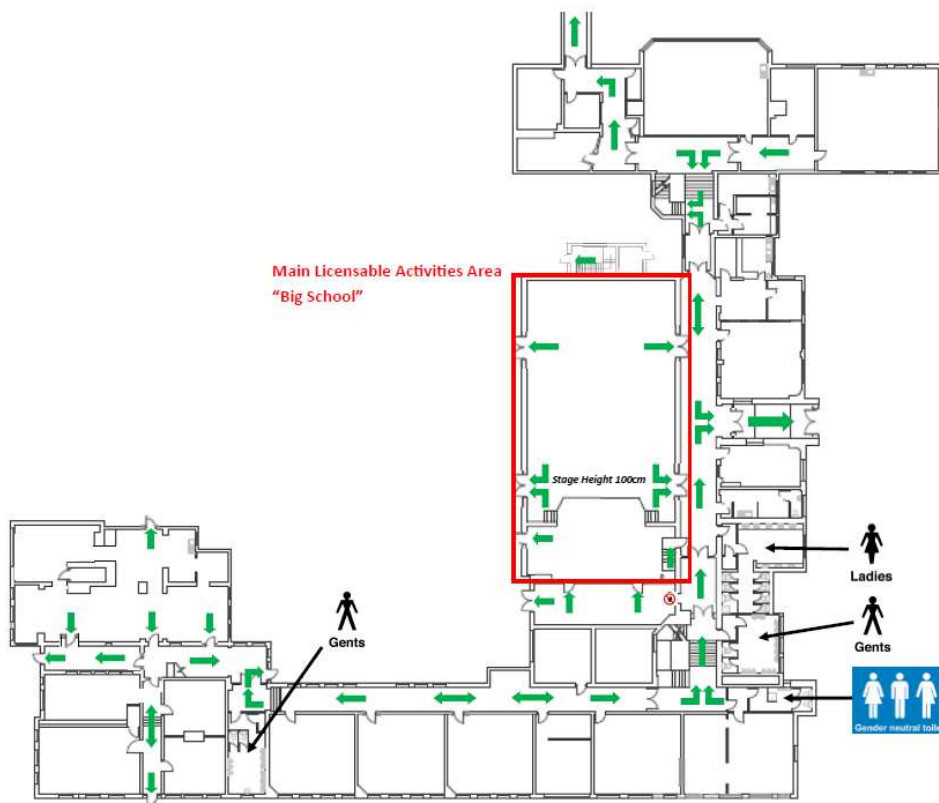
Don't forget to make sure you have all your supporting documentation to hand.

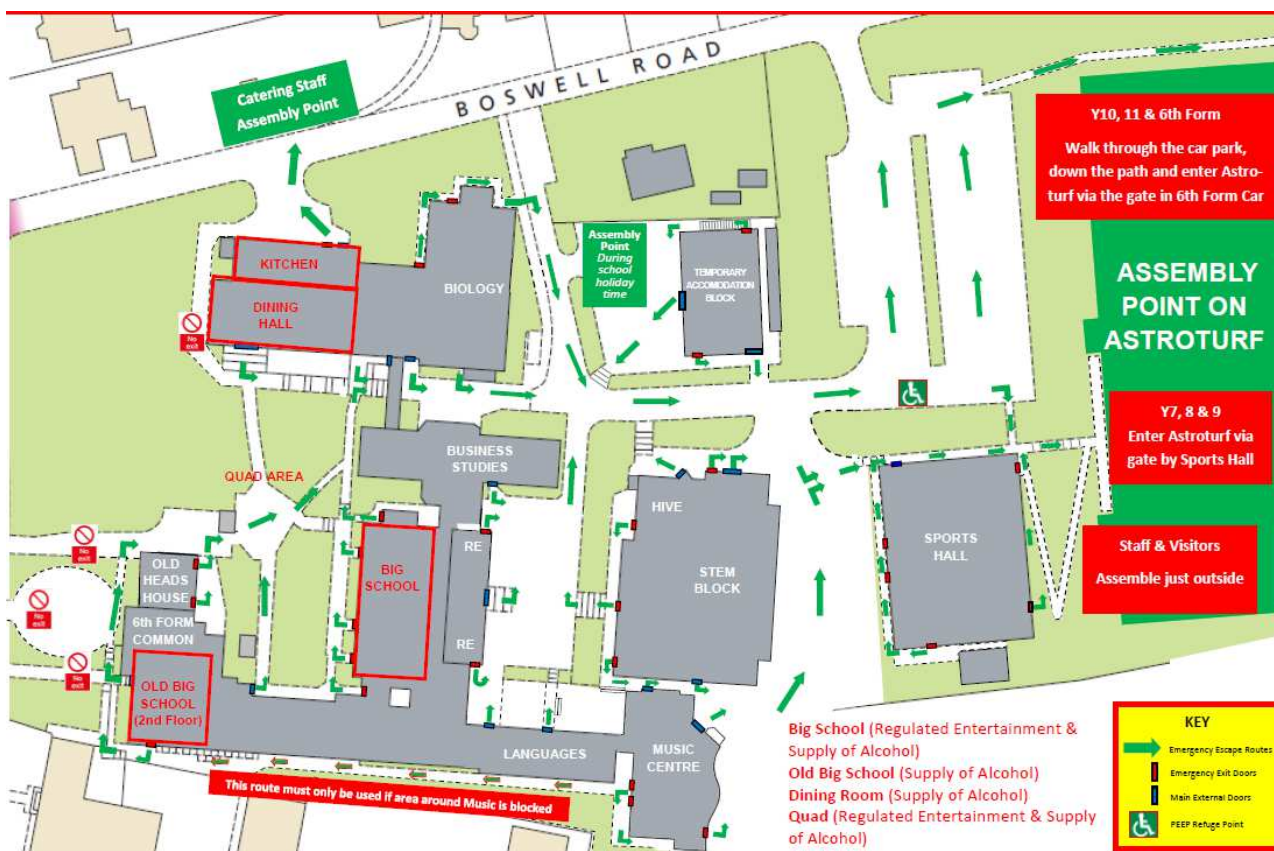
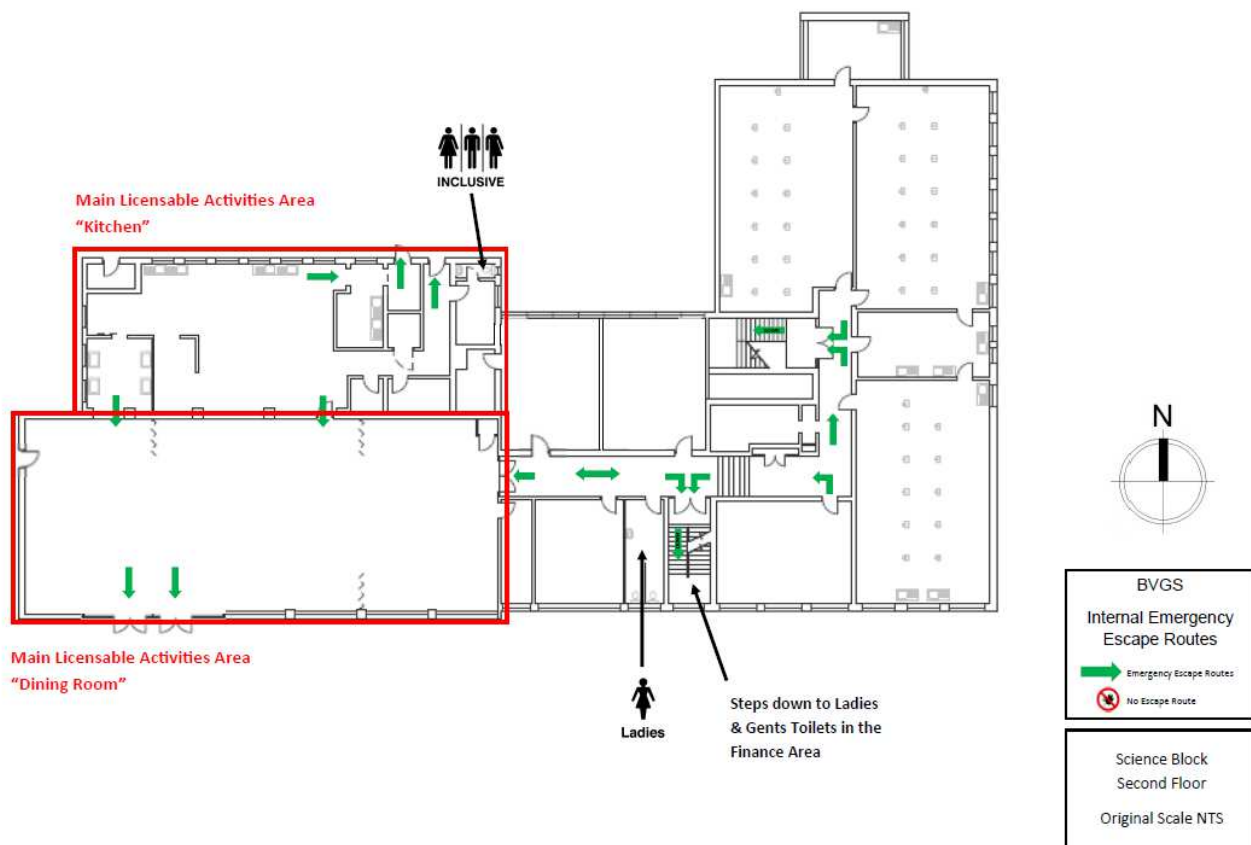
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

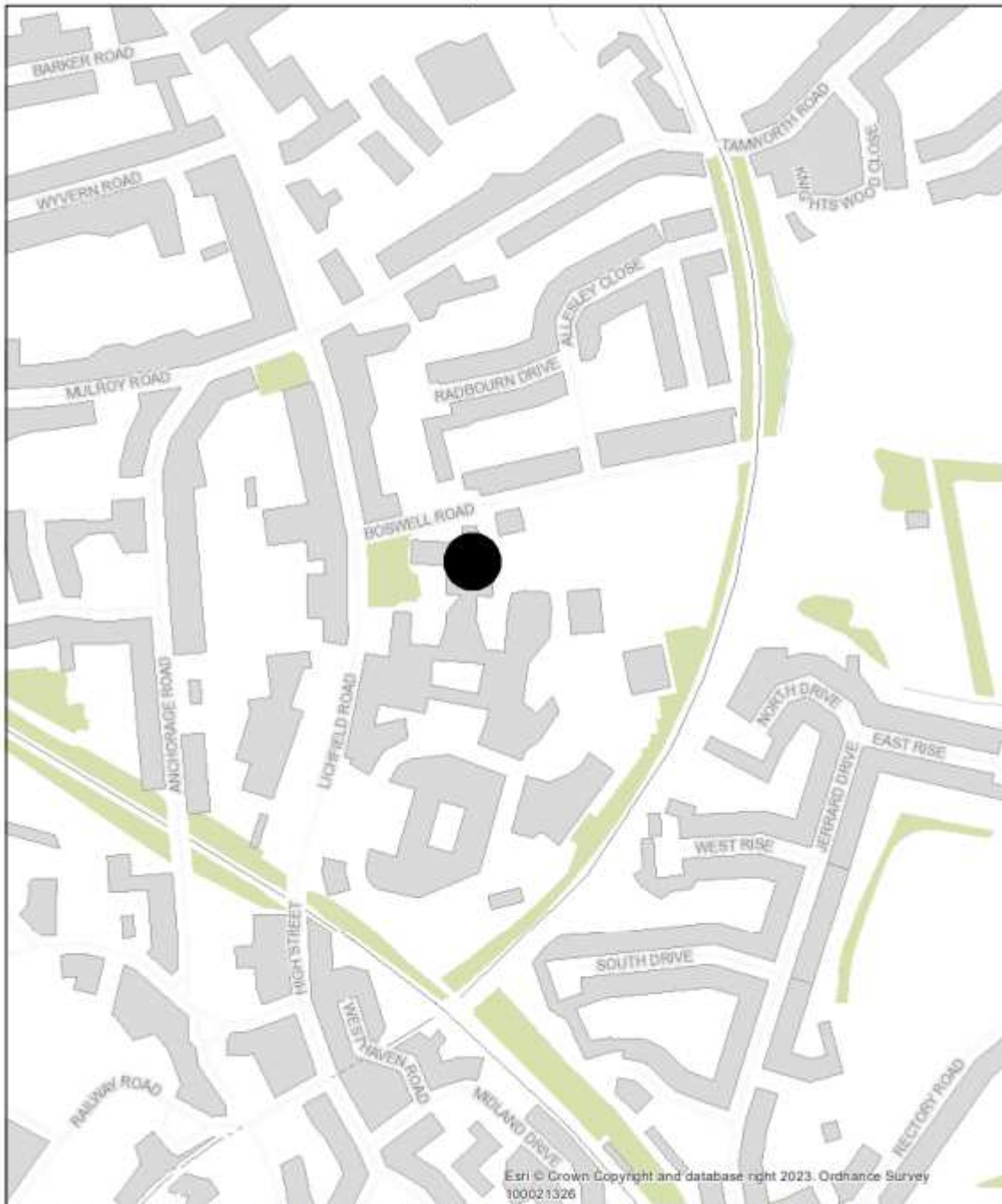
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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











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Information in support of the Premises Licence Application made by Bishop Vesey's Grammar School April/May 2023

11th May 2023

Dear Birmingham City Council Licensing

I would like to offer the following considerations in support of the Grant of a Premises Licence for Bishop Vesey's Grammar School.

The school has made a number of successful applications for the grant of Temporary Event Notices since 2016. The purpose of these Temporary Event Notices has been to satisfy the licencing requirements for school events where refreshments have been sold including the sale of alcohol by retail.

As a result of the expansion of the school from a four form entry School in 2014 to a six form entry school since 2017 the school has had to increase the number of events due to the schools physical capacity as single date events such as concerts now have to be held over two or three nights to ensure that all parents that want to attend the events are able to. These events being held over a number of nights also mitigates any impact on local roads with regards to congestion and parking as well as providing other logistical advantages.

However the result of holding events over a number of nights has had a significant impact on the number of Temporary Event Notices which are partly based on the number of days these are given to an individual premises. It was the advice of the Licencing Officers at Birmingham City Council that we should consider an application for a premises licence to facilitate the number of events that the school holds annually.

The school has no motivation and intention to become a regular entertainment venue. As an educational establishment the school is fully focused developing students scholarship and character. The school is proud to be a leading state school and would not take any actions that would have an adverse impact on its reputation.

In ordered response to the representations made by

- The school can confirm that occasionally complaints have been received from local residents over the years but these have been for parking in school hours, before and after school journeys or for coach parking for school sports fixtures on a Saturday. The school has taken this feedback seriously and has made a number of significant improvements including directing sports coaches to park at BMET College adjacent to the school. Parents are also reminded on a regular basis by formal letter that accessing Boswell Road to pick up and drop off students is unacceptable. This has seen a significant drop off in parental pick-ups and parking. This school considers that concern is unrelated to the schools application for a licence. Licensed events are ticketed and if there is no parking on the school site this is made clear on our ticketing app. The school will continue to be proactive in ensuring a focus on consideration towards local residents in the management of traffic and school events. We have received positive feedback on the noticeable improvement from a significant number of residents.
- The School has a designated scheme for students that come by car for allocating them a space in the sixth form carpark. We advise other students that they should not come by car if they do not have an allocated space on the school site. Some students still travel to the school by

car and do legally park on local roads but this is sporadic and we advise residents to let us know with any problem parking or poor behaviour from students. The School rarely receives complaints with regard to this. This issue is not directly related to the licence application however as highlighted the school will continue to work with local residents to address this issues during the school day.

- The reference to school events made in point 3 of correspondence relates to the Primary Schools Outreach Programme organised by Wilson Stuart School that they host at our Sports Facilities between 3.30pm and 5.30pm and also the open evening events such as our Yr7 Open Evening and Sixth Form Open Evening that run 4.00pm to 7.00pm. Both these events are classed as no car events however the parents visiting are not our parents and they are slightly more difficult to manage, however in response to concerns raised by local residents we have a designated member of staff at the top of the road turning visitors away and redirecting them to local car parks whilst allowing local residents to continue their journeys. The majority of local residents appreciate this action but some have questioned this courteous check that is undertaken to protect the integrity of local roads and parking. The events that are referred to are unlicensed events. Open Events happen twice a year and the Primary School outreach will happen a maximum of 14 times throughout the year with some being quite busy and some being quiet.
- Granting a licence would not increase or diminish the amount of events that the school holds it would mean that the school would not be offering the sale of Alcohol by Retail at these events. The context of which relates to a person being able to buy a glass of wine or a bottle of beer at the interval for an event or for wine to be served at a table for a concert. The School does not hide from the fact that the sale of refreshments at concerts and plays helps to support the production of these important extra-curricular events for students given the constraints of public sector funding.
- The school has never witnessed or experienced nuisance behaviour or breach of the peace at any school licenced event and would not be tolerant of such behaviour going forward if it did occur. The majority of events finish by 10pm with the exception of three events per annum which have historically been licensed until 11pm.
- The school are explicitly clear when there is parking available and when it is not for events which are all ticketed via ticket source to manage and restrict numbers and if parking is not available we advise accordingly drawing reference to local car parks via the link <http://www.postcodearea.co.uk/postaltowns/birmingham/b742nh/car-parks>
- The school events give due diligent consideration to the four main objectives to the Licensing Act 2003, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm and we have never experienced any issues that are contrary to these objectives through any of our events. None of our events have ever undermined the privacy of any local residents that we are aware of.

We continue to work in conjunction with local residents and we hand deliver a termly letter detailing all the events that are happening at the school for the following term. We have an open residents meeting with an opportunity for them to give feedback.

I would be happy to answer any questions with regard to the above.

Graham Swindells
Finance and Operations Director
Bishop Vesey's Grammar School.