

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 14 JUNE 2021 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 Internet site (www.civico.net/birmingham) 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 that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

4 APPOINTMENT OF SUB-COMMITTEE

To note the appointment by the City Council of the Committee and Chair for the Municipal Year 2021/22.

Members of the Sub-Committee may nominate another member of their respective Party Group on the Licensing and Public Protection Committee to attend in their place.

Any Member nominated must have had formal training as set out in Paragraph 9.6 of the Licensing Committee Code of Practice for Councillors

and Officers set out in the Constitution.

5 **DELEGATIONS TO SUB-COMMITTEE**

To note the delegations to the Sub-Committee as follows:-

To determine matters relating to the Licensing Act 2003, the Gambling Act 2005, hackney carriage licences private hire licences and such business as may be referred by the Assistant Director of Regulation and Enforcement.

1 - 8

6 **MINUTES**

To confirm and sign the Minutes of the meeting held on 23 April 2021.

9 - 50

7 **LICENSING ACT 2003 PREMISES LICENCE – GRANT THE ARK
BIRMINGHAM, 74 JOHN BRIGHT STREET, BIRMINGHAM, B1 1BN**

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

8 **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.

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A 23 APRIL 2021
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON FRIDAY 23 APRIL 2021 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Mary Locke and Mike Leddy.

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)

NOTICE OF RECORDING/WEBCAST

- 1/230421 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/230421 DECLARATION OF INTERESTS

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/230421 No apologies were submitted.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – CAFÉ @ THE OLD MILL, WEST HEATH ROAD, NORTHFIELD, BIRMINGHAM, B31 3TG.

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

On Behalf of the Applicant

Duncan Craig – Barrister, Citadel Chambers.
Melvina Farrar – Applicant.

Those Making Representations

Jacqueline Killingsworth - Resident
Lesley Killingsworth - Resident
Rob Willetts – Resident

* * *

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

Duncan Craig, on behalf of the applicant highlighted that the opening hours in the report were not in accordance with the application form.

The Chairman confirmed that there was a typing error in the report and it should be the same as the application.

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, Bhapinder Nandhra to outline the report.

The Chairman invited the applicant or their representative to make their submission, at which point Duncan Craig made the following points: -

- a) That there was no requirement for the Licensing Authority to notify certain addresses about the application. The Blue Notice was put up by Duncan Craig himself and he liaised with Garry Callaghan in relation to the notice.
- b) The application was for the grant of a premises licence – for one licensable activity, the sale of alcohol by retail at the café. The hours were from 0800-2300 hours.
- c) An operating schedule had been submitted with the agenda pack and there were a number of conditions which related to training, CCTV, refusal register, signs, operation and dispersal policy. That was the original scope of the application.
- d) Following on from that West Midlands Police made an observation that the outside area should close at 2300 hours.

- e) Objections were received – one from Councillor Clancy. Mr Craig emailed the Cllr on 14th April and arranged to speak with her, however there were some crossed wires over who was calling who. When he eventually spoke to her, she was very helpful.
- f) When contacting residents he was always mindful that being contacted by a legal professional, such as himself, had the potential to make them feel uncomfortable so he usually used the local Cllr to act as a go between.
- g) He did ask to meet the objectors; however, it wasn't felt to be something that wanted to be taken up.
- h) That he always tried to resolve things to avoid a hearing, however the residents wanted to voice their concerns and it was right that they did.
- i) That further to the application the outside area would be cleared of all patrons by 2230 hours and licensable activity would end by 2300 hours. The premises would be cleared by midnight.
- j) It was not in dispute that the premises was situated in a residential area.
- k) There was a noise management plan submitted which focused on getting people away from the premises quietly and timely.
- l) There were also requirements for notices and taxi facilities which was a useful tool in getting people away from the premises.
- m) The premises had been open for a number of years and his client was the Sole Director.
- n) The application was to add an extra layer to the business, it was not there to turn the establishment into a vertical drinking bar.
- o) It was an extension of the business model that's been in situ for a number of years.
- p) That outside licensable activity had been encouraged by the Minister due to it being less geared towards the spread of infection and for the hospitality industry to try and claw back something from the last 12 months, which had been truly terrible.
- q) The premises had been operating under some TENs (Temporary Event Notices) with no issues.
- r) In terms on the objection from Cllr Clancy, firstly parking wasn't relevant as it was not a large premises and he didn't anticipate that parking would be impacted.
- s) The reference to necessity was not a consideration under the Licensing regime.

- t) The concern about business hours being late at night was simply incorrect, principle hours would be in the daytime.
- u) The garden centre, parking access and car wash were all not relevant.
- v) The issue with planning was a separate regime, but the applicant had instructed Mr Craig to look into it.
- w) There was speculation about crime and disorder, but there was no real evidence to support it.
- x) The final representations at page 8 was not a consideration for the Licensing Committee. It was simply asking the Committee to refuse the application, and yet he had tried to reach out and enter into dialog with the objector. The applicant was willing to meet with the objectors to try and find some middle ground. Every effort had been made to try and avoid a hearing.
- y) There had been no representations from any responsible authorities, who were used as the main source of advice.

In answer to Members questions Mr Craig made the following points: -

- a) That whatever conditions were on the licence, Covid regulations would sit over that.
- b) The applicant didn't have any previous experience; however she had attended the personal licence course. The premises was not going to be a busy bar, it was a café with alcohol sales.
- c) That he had no doubt his client would do a grand job managing the premises.
- d) His client had worked at the premises for 6 years before taking it over.
- e) That if the Committee felt a condition about vertical drinking would be appropriate then they did not have an issue with that.
- f) The dispersal policy was in the application. However, if off sales were likely to increase nuisance the Committee could limit it to on sales only.
- g) That like many premises, it was not build for Covid, but all measures are in place along with Covid risk assessments.

Following the applicant and her representatives submissions, the Chairman invited Jacqueline Killingsworth to make a representation, as such she made the following statements: -

- a) That since the café reopened there had been an increase in traffic, and she had noticed that alcohol had been on sale this week.

- b) That traffic may not be a major impact on the licence, however they were getting people parking down residential streets.
- c) That she had walked past the premises and seen people drinking, alcohol being served and advertised.

Mr Craig confirmed that the applicant applied for TENs and the last one ended on 28th March, therefore the premises was authorised to sell alcohol during that time. He explained that he had explained this to Cllr Clancy and asked her to convey it to the residents.

The Chairman invited Lesley Killingsworth to make her submissions, at which point she made the following points: -

- a) That it was very difficult to separate issues of parking and noise as they were all connected.
- b) That the Barrister stated the applicant wanted to add another layer to the business which would draw people to the site, impacting on the numbers of people attending the area.
- c) The residents had not had any indication that the Barrister or the applicant wished to meet with them. She was happy to move things forward and recognised that people needed to make a living.
- d) They had done their best with the information they had been given.

The Chairman invited Rob Willetts to make his case, at which point he made the following points: -

- a) There had been some shortcomings and lack of information presented to them.
- b) The single notice was inadequate to convey the information to the public at large.
- c) It was only a few days before the period for representations ended that he had sight of the notice and having spoken to people locally many had not seen it.
- d) The residents weren't made aware of the TENs, and the general public weren't able to make objections to the TENs.
- e) That they had concerns that crossed between Licensing and Planning, some of the issues were one of the same.
- f) That the hours were granted only until 1800 hours to comply with the provisional development plan, therefore it must apply to licensing too.
- g) That he couldn't see Covid measures being used and the photos submitted showed the tables less than two meters apart.

- h) That the notification via the blue notice was inadequate especially with Covid and people staying at home more.
- i) Many of the people in the area were elderly and did not have access to computers or smart phones – this was excluding people from making representations.
- j) That the challenge 25 policy didn't protect young children who were eating food and could witness drunks.
- k) The premises used to be a Coop and they did have nuisance and broken glass.
- l) The stabbing was still firmly set in people's memories.
- m) That Environmental Heath (EH) hadn't made objections, yet food waste was often dropped in the street and he had to clear it up as it attracted vermin. Maybe he needed to inform EH of the issues.
- n) That he couldn't show the photos as the other side hadn't seen them. But he had photos of people parking on the zebra crossing and in front of his driveway.

The Members didn't have any questions and therefore the Chairman invited all parties to make their closing submissions.

In summing up Jacqueline Killingsworth made the following points: -

- That the café didn't need to serve alcohol to extend hours and take advantage of business.

Lesley Killingsworth didn't wish to make a closing submission.

In summing up, Rob Willetts made the following points: -

- That the premises was not community based, it was a private business.
- He was concerned about nuisance parking.

In summing up on behalf of the applicant Duncan Craig made the following points: -

- That any conditions on the licence that were breached would be a criminal offence and therefore the applicant could be prosecuted.
- That he would go to the premises and ensure that the shelter met the requirements, any improvements that can be made, would be made.
- That he was happy to meet the local residents at the premises following the hearing, or they could contact him by phone or email. The applicant

was also happy to give the residents her personal contact details and he would ensure that Cllr Clancy had their contact details should residents have any concerns.

- The applicant was happy to have a condition restricted to on sales only and a condition that patrons could only consume alcohol whilst seated.
- Hopefully that would address any concerns.

At this stage the meeting was adjourned in order for the Sub-Committee to make a decision and all parties left the meeting.

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

4/230421

RESOLVED:-

That the application by The Little Old Café Limited for a premises licence in respect of The Little Old Café Limited, Café @ The Old Mill, 18 West Heath Road, Northfield, Birmingham B31 3TG, **BE GRANTED WITH CONDITIONS.**

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued together with the condition agreed with West Midlands Police, namely:

- All outside areas of the premises shall close each day at 22.30 hours

The Sub-Committee also determined that the following additional conditions, as volunteered by the applicant company, should be added:

- The premises shall be licensed for 'on' sales of alcohol only, and not for 'off' sales
- Patrons shall only consume alcohol whilst seated

The Sub-Committee deliberated the operating schedule put forward by the applicant, and the likely impact of the application - particularly in the light of the agreed condition which was approved by West Midlands Police in advance of the meeting - and concluded that by granting this application, the four licensing objectives contained in the Act will be properly promoted. The premises was a café which wished to offer alcohol, and had recently been successfully operating alcohol sales under Temporary Event Notices. The Sub-Committee was further reassured after the applicant company volunteered additional conditions during the meeting.

Members carefully considered the written representations made by other persons. Three local residents also attended the meeting and addressed the Sub-Committee directly. However, Members were not convinced that there was an evidential and causal link between the issues raised and the effect on the licensing objectives. The premises was not large, and as a café-style venue it would not be predominantly a drinking establishment. Issues such as parking were

not connected with the licensable activities. The applicant company's representative observed that remarks about the Planning regime were irrelevant. The fears about the premises operating 'late at night' were unfounded, as the outside area would be cleared of patrons from 22.30 nightly.

Those making representations stated that to grant the application would have a negative impact on the licensing objectives due to a possibility of noise and antisocial behaviour, but the applicant's representative cited the case of Daniel Thwaites plc v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin) in urging the Sub-Committee not to be unduly influenced by speculative representations.

The applicant company's representative also submitted letters which had recently been sent to all local authorities by the Secretary of State for Housing, Communities and Local Government. The letters were supportive of the reopening of the hospitality industry in the ongoing Covid-19 pandemic.

The Sub-Committee recognised that it was important to balance the legitimate business interests of the applicant company with those of local residents, and the submissions made by the applicant company's representative had made clear that there was no reason to think that either the operation, or the licence holder, would not be capable of upholding the licensing objectives. Moreover, the Sub-Committee noted that West Midlands Police had found the application to be satisfactory, and no representations had been made by any of the other responsible authorities.

The concerns of those making representations were taken into account by imposing conditions that would allay their apprehensions about the potential for trouble arising in connection with the proposed operation of the premises. The Sub-Committee considers the conditions imposed to be reasonable and proportionate to address the 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 section 182 of the Licensing Act 2003 by the Secretary of State, the application for a premises licence, the written representations received, and the submissions made at the hearing by the applicant company, its legal adviser and by those making representations.

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

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Monday 14th June 2021
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	The Ark Birmingham, 74 John Bright Street, Birmingham, B1 1BN
Ward affected:	Ladywood
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption both on and off the premises) to operate from 10:00am until 01:00am (Sunday to Thursday) and 10:00am until 03:00am (Friday and Saturday).

After discussions with Environmental Health, the applicant has agreed to amend the scope of the application, with the provision of Regulated Entertainment consisting of films, live music, recorded music and anything of a similar description, to operate indoors only, from 10:00am until 12:30am (Sunday to Thursday) and 10:00am until 02:30am (Friday and Saturday).

To permit the provision of Late Night Refreshment, to operate from 11:00pm until 01:00am (Sunday to Thursday) and 11:00pm until 03:00am (Friday and Saturday).

Premises to remain open to the public from 10:00am until 01:30am (Sunday to Thursday) and 10:00am until 03:30am (Friday and Saturday).

2. Recommendation:

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

3. Brief Summary of Report:

An application for a Premises Licence was received on 23rd April 2021 in respect of The Ark Birmingham, 74 John Bright Street, Birmingham, B1 1BN.

Representations have been received from other persons.

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

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

5. Relevant background/chronology of key events:

Ark Dining and Bar Limited applied on 23rd April 2021 for the grant of a Premises Licence for The Ark Birmingham, 74 John Bright Street, Birmingham, B1 1BN.

Representations have been received from other persons, which are attached at Appendices 1 – 8.

The application is attached at Appendix 9.

Conditions have been agreed with Environmental Health and the applicant, which are attached at Appendix 10.

Conditions have been agreed with Birmingham City Council Licensing Enforcement and the applicant, which are attached at Appendix 11.

Site Location Plans at Appendix 12.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

6. List of background documents:

Copy of the representations as detailed in Appendices 1 – 8

Application Form, Appendix 9

Conditions agreed with Environmental Health, Appendix 10

Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 11

Site Location Plans, Appendix 12

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: 21 May 2021 13:33
To: Licensing
Subject: APPLICATION 120112

Dear sirs

With reference to the above licence extension application I wish to strongly register my opposition to such request.

The Ark located on John Bright Street have requested extension to 3am. As a resident of the Orion Building we are already subjected to excessive noise from the licensed establishments around us where no consideration or control is applied with regard to the fact residential properties share the same space. In addition to noise nuisance there is the increased traffic and parked cars to contend with. At the weekend it is already difficult to navigate the parked vehicles and emergency vehicles would have no chance to get through with little or no traffic enforcement in place.

The Orion building currently has a waking watch for fire safety due to non compliant cladding. limiting the chance of a fire engine being able to gain access should it be needed would be disastrous and so without robust traffic management in place any extension or new application that would increase the parked cars in the area should not be considered.

Orion Building

From:
Sent: 21 May 2021 13:35
To: Licensing
Subject: License Variation Objection - The Ark
Importance: High

Application ref: **120112**
Type of application: Premises
Sub type of application: Variation
Trading name: **The Ark Birmingham**
Type of premises: BAR/RESTAURANT
Trading address: 74 John Bright Street, Birmingham, B1 1BN

I write to object to The Ark's recent request to extend their licence.

Previous occupiers of the building have been the focus of numerous complaints in relation to significant levels of anti-social behaviour and parking offences on John Bright Street. These have all been logged with the Police and the Council.

Whilst the new owners can't be held to account for previous actions, there nonetheless remains an issue of significant anti-social behaviour on the Street; an extension of operating hours to 3am will only compound these issues. John Bright Street is a residential area with over 2000 residents in immediate proximity to the property. A 3am closing time demonstrates the owners intentions to develop and market the space as a late night club, far different from a restaurant or even a bar where a 1am closing time is more than adequate.

The Street is still part of an ongoing complaint and to grant this extension would be neglectful on the part of the Council.

Regards,

From:
Sent: 21 May 2021 14:24
To: Licensing
Subject: application reference number: 120112

Opposition to extension of licensing hours by The Ark, John Bright Street, Birmingham, B1 1BN

Dear Head of licensing,

We write in strong opposition to the application to extend the licensing hours of The ARK on John Bright Street. We have also opposed the recent extension by Turtle Bay Restaurant. You should be aware of the residents' plight in the John Bright Street Neighborhood. The 700 plus residents that make up the Orion/Sirius/Westside One/West 2 residential complexes have long suffered from the night time economy in this area that postdated the construction of residential blocks.

We have met with the Council, Highway Agency, Licensing and Police over the years but have received limited support.

The past year has offered some reprieve due to the lockdown, but as the venues are set to open, we will return to significant noise pollution that keeps residents from sleeping at night, the narrow John Bright Street that provides sole vehicular access to our place of living is severely blocked by irresponsible parking.

Allowing the above, or any premises on John Bright Street to extend the opening hours will be a most irresponsible action by the Council. It will exacerbate our misery. We cannot sleep at night from the clients spilling into the streets, cars honking, beer bottles emptying essentially turning into a Broad Street scenario which is contradictory to the Council's own Big City Plan of developing the area into a cafe culture. The Council has a responsibility for its countless residents who choose city centre living. Blockade of the narrow street has been left unchecked by the Police- this essentially blocks residents' access in and out of our home, and endangers our lives by blocking access of emergency ambulances and fire engine access.

Please can you kindly reject the application by this or any other premise to extend their opening hours in our neighbourhood.

If you require any further information, please do not hesitate to contact me directly. Thanking you in advance.

Looking forward to hearing from you

, Sirius Apartment
John Bright Street

From:
Sent: 21 May 2021 14:31
To: Licensing
Subject: Planning Application 120112: The Ark Birmingham

Good afternoon,

I've just been alerted to a licensing application by The Ark to extend their operating hours.

I am a resident of the Orion building and myself and other residents believe this will cause great disturbance to those living in our block.

It's bad enough with the bars closing at 10pm and drunken revellers shouting/partying along the street - at 3am this would be unbearable.

I hope you will reconsider allowing bars on this street to stay open later than 10pm as there is already a lot of antisocial behaviour outside this establishment.

Thank you.

Type of application: Premises

Sub type of application: Variation

Type of premises: BAR/RESTAURANT

From:
Sent: 21 May 2021 15:04
To: Licensing
Subject: The Ark Licensing extension application

Good Afternoon as a resident at the Orion I am objecting to The Ark's application to extend their licensing hours.

The noise already coming from that area on John Bright St is bad enough with late night noise, illegal parking that blocks the road into and out of the Orion car park and litter. All of this with no proactive enforcement activity.

Lockdown has made such a difference to quality of life without the bars closing at 1am and drunken revellers shouting/partying along the street, cars gathering engines running and revving - at 3am this would be unbearable.

Kind regards

From:
Sent: 21 May 2021 15:39
To: Licensing
Subject: 120112

Dear whoever it may concern,

I am writing in objection for the below application:

Application ref: 120112
Type of Application: Premises
Subtype of application: Variation
Trading name: The Ark
Type of premises: Bar/restaurant

I am a resident in the Orion building facing John Bright street/ lower severn street, and have suffered the consequences of the current licensing agreement of the Ark.

This bar attracts a lot of drivers to the area who proceed to drink drinks purchased in the bar outside on the street, and play music from their cars. Not only do the customers of the Ark spill out onto the street after closing, but the gathering of people and cars including music continues after the bar has closed. As a resident the current status and functioning of the bar, can be disruptive to your sleep till 3am. For the application to extend to 3am licensing it would mean an entirely sleepless weekend, week on week which would be unbearable. I urge you to consider the detrimental affect this application of license extension would have on the surrounding residents, of which there are many.

Kind regards,

From:
Sent: 21 May 2021 17:55
To: Licensing
Subject: Against extending license of Ark on John Bright St

Hello Sir/Madam,

I wish to oppose the application to extend the license for The Ark on John Bright St to 3am.
As resident of the Orion building on 90 Navigation St, we already have enough noise from revelers late into the night causing a lot of disturbance. To extent that to 3am and beyond would make life unlivable.

Please reject

Apt
Navigation St, The Orion building
Birmingham B5

From:
Sent: 21 May 2021 22:35
To: Licensing
Subject: The Ark Licensing Application Objection

To whom it may concern,

I am a resident of the Orion building and I would like to express my objection to the licensing application for The Ark (on John Bright Street) to extend their opening hours to 3am on Fridays and Saturdays on the grounds of the inevitable noise nuisance and anti social behaviour that will be caused by intoxicated customers leaving the venue at those hours, which is bad enough as it is with the regular opening hours.

Application reference number: 120112

If you require any further information please do not hesitate to contact me.

Kind 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 the applicant would prefer not to be contacted by telephone

Is the applicant:

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

☐ Applying as an individual

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

Applicant Business

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

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

Registration number

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

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

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

☒ An agent that is a business or organisation, including a sole trader

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

☐ A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? ☐ Yes ☒ No

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

Is your business registered outside the UK? ☐ Yes ☒ No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business	<input type="text" value="PARTNER"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
Agent Business Address		
Building number or name	<input type="text" value="88"/>	If you have one, this should be your official address - that is an address required of you by law for receiving communications.
Street	<input type="text" value="ALDRIDGE ROAD"/>	
District	<input type="text"/>	
City or town	<input type="text" value="BIRMINGHAM"/>	
County or administrative area	<input type="text"/>	
Postcode	<input type="text" value="B42 2TP"/>	
Country	<input type="text" value="United Kingdom"/>	

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	<input type="text" value="The Ark Birmingham, 74"/>
Street	<input type="text" value="JOHN BRIGHT STREET"/>
District	<input type="text"/>
City or town	<input type="text" value="BIRMINGHAM"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B1 1BN"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="88,000"/>

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

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

ARK INDIAN DINING AND BAR LIMITED

Details

Registered number (where applicable)

12808215

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

Continued from previous page...

LIMITED COMPANY

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality

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

Add another applicant

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.

Restaurant Bar premises set out over 2 floors as detailed on the licensing plan attached hereto

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

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☒ 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

Continued from previous page...

SUNDAY

Start 10:00

End 01:00

Start

End

Will the exhibition of films 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.

State any seasonal variations for the exhibition of film

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 exhibition of film 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 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 10:00

End 01:00

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 10:00

End 01:00

Start

End

WEDNESDAY

Start 10:00

End 01:00

Start

End

THURSDAY

Start 10:00

End 01:00

Start

End

FRIDAY

Start 10:00

End 03:00

Start

End

SATURDAY

Start 10:00

End 03:00

Start

End

SUNDAY

Start 10:00

End 01:00

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.

amplified music & voice

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.

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

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

Continued from previous page...

SUNDAY

Start 10:00

End 01:00

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.

amplified

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.

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.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes

☒ No

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

Continued from previous page...

MONDAY

Start 10:00

End 01:00

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 10:00

End 01:00

Start

End

WEDNESDAY

Start 10:00

End 01:00

Start

End

THURSDAY

Start 10:00

End 01:00

Start

End

FRIDAY

Start 10:00

End 03:00

Start

End

SATURDAY

Start 10:00

End 03:00

Start

End

SUNDAY

Start 10:00

End 01:00

Start

End

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

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.

Continued from previous page...

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

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

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...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment 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.

State any seasonal variations

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

Non-standard timings. Where the premises will be used for the supply of late night refreshments 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 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

Start 10:00

End 01:00

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 10:00

End 01:00

Start

End

WEDNESDAY

Start 10:00

End 01:00

Start

End

THURSDAY

Start 10:00

End 01:00

Start

End

FRIDAY

Start 10:00

End 03:00

Start

End

SATURDAY

Start 10:00

End 03:00

Start

End

SUNDAY

Start 10:00

End 01:00

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.

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

Continued from previous page...

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

Name

First name

Family name

Date of birth / /

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

Continued from previous page...

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

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

none

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 10:00

End 01:30

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 10:00

End 01:30

Start

End

WEDNESDAY

Start 10:00

End 01:30

Start

End

THURSDAY

Start 10:00

End 01:30

Start

End

FRIDAY

Start 10:00

End 03:30

Start

End

SATURDAY

Start 10:00

End 03:30

Start

End

SUNDAY

Start 10:00

End 01:30

Start

End

State any seasonal variations

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

Continued from previous page...

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

Management will ensure all staff receive adequate training on a regular basis, relating to the four licensing objectives, general licensing regulations/Conditions including Fire regulations. A record of the training will be kept by the management.

The Premises Licence holder shall ensure all Security Staff (when on duty working at the premises) will be SIA Registered.

Regulated Entertainment shall take place indoors only.

b) The prevention of crime and disorder

The Premises Licence holder shall ensure CCTV system to be installed fit for the purpose and satisfaction of West Midlands Police and images shall be retained for at least 31 Days and shall be made available upon request to officers of the Responsible Authorities.

The Premises Licence holder shall ensure staff will be given on going training including identification of anti-social or unusual behavior.

The Premises Licence holder shall ensure an incident register will be kept on the premises and made available at all times to West Midlands Police.

SIA Registered (Qualified) door supervisors shall be employed to control persons queuing to enter and exit the venue, from 11pm onwards whilst regulated entertainment at any time involving a DJ is taking place

c) Public safety

The Premises Licence holder shall ensure adequate lighting will be provided in all public areas and outside the premises.

d) The prevention of public nuisance

Continued from previous page...

The disposal of empties and bottles will not be done after 23:00hrs or before 07:00hrs.

The Premises Licence holder shall ensure notices will be posted asking patrons to leave quietly.

The premises licence holder shall ensure that a written agreement is made with a reputable taxi company/ companies requiring that when taxis pick up and drop off customers from the licensed premise's, that noise from these vehicles does not cause a nuisance to local residents.

Customers who require a taxi from the site shall be advised by staff to use taxi companies specified by the licensee.

The balcony area on the first floor shall only be used by a maximum of 5 persons at any one time after 11pm for smoking.

There shall be no meals served on this balcony area after 11pm.

All doors shall remain closed on the first floor leading to the balcony whilst regulated entertainment takes place.

e) The protection of children from harm

The premises will adopt the 'Challenge 25' or similar policy as proof of age scheme to be in operation during licensed hours.

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.

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

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

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

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

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

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

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...

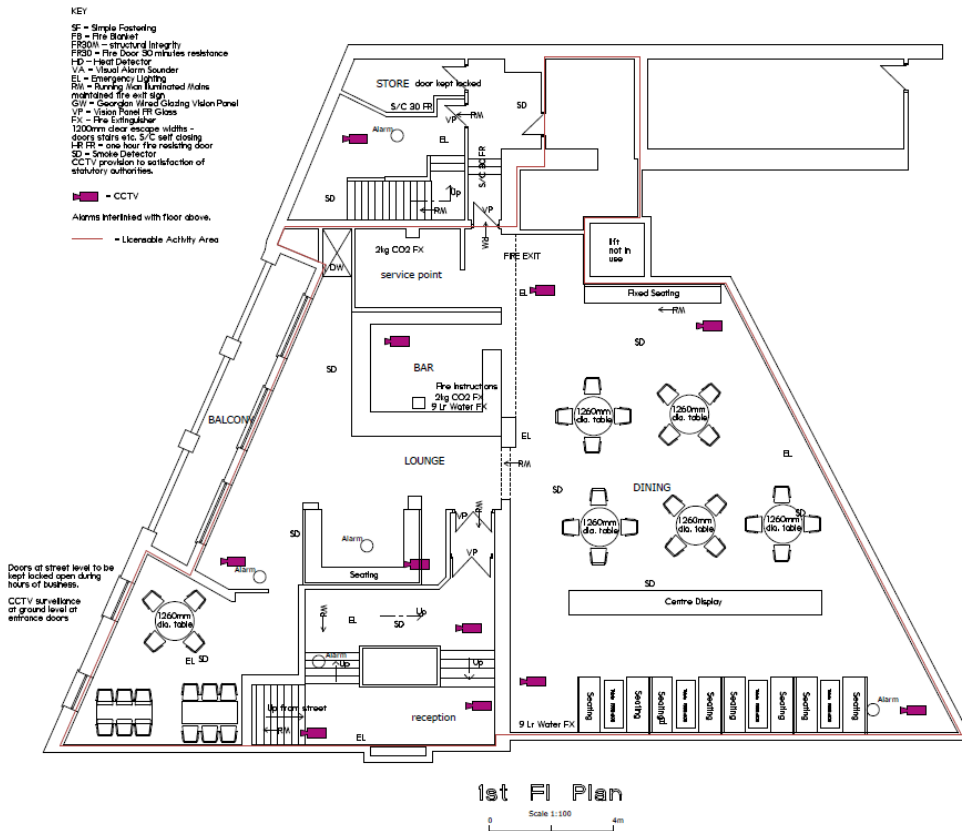
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/apply-1> to upload this file and continue with your application.

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

A1



FIRE SAFETY STANDARDS

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

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

The fire alarm system where installed is to comply with the British Standard BS59, part 1:2002. The attention of the Design/Installing Engineer should be drawn to paragraph 3.1 (consultation and records of British Standards BS59, Part 1, 2002). All Maglocks and magnetic door hold open devices will be connected to the fire alarm system so that on any activation of the fire alarm the devices will fail safe.

The emergency lighting installation is to comply with British Standard BS5266, part 1:1988. The attention of the Design/Installing Engineer should be drawn to paragraph 3.1 (consultation and records of British Standard BS5266, part 1, 1988 as amended).

Certificate of installation will be required.

Door panic furniture must comply with British Standard BS 1125 panic exit devices operated by a horizontal bar. And be marked above with a sign reading "Push Bar to Open".

Fire Safety related signs and notices are to conform to British Standard BS499, Part 1, 1990.

Illuminated "EXIT" signs are to conform to British Standard BS5446.

Fire fighting equipment is to comply with British Standard BS 5446.

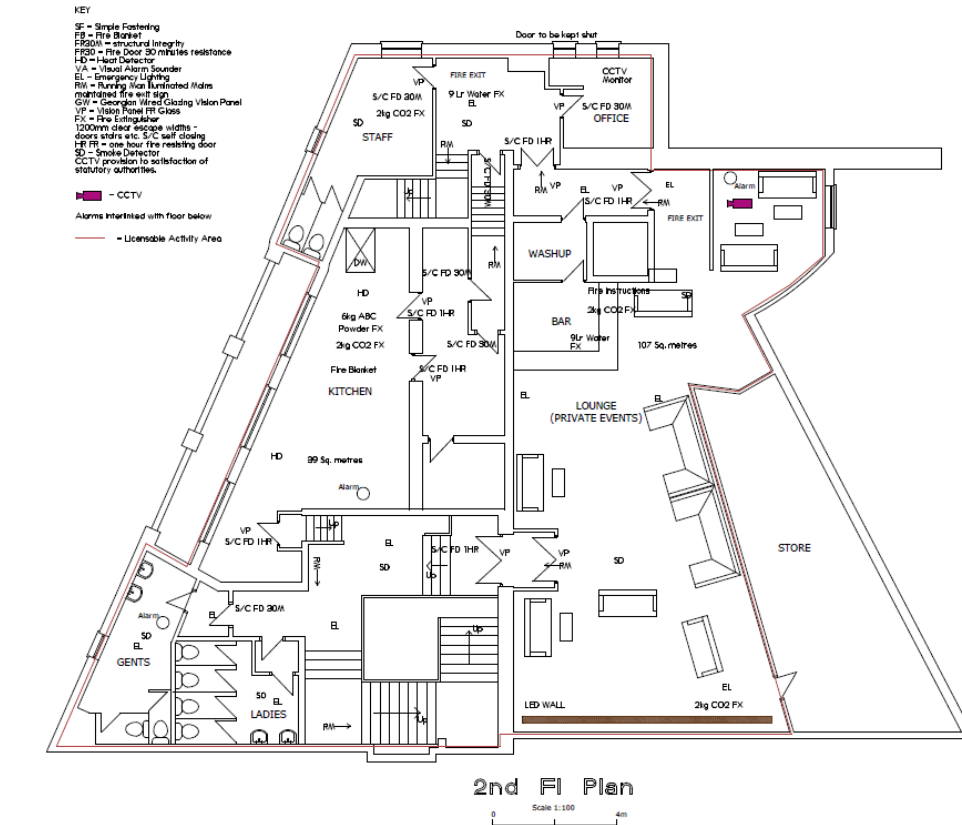
Fire resisting glazing must comply with a guide to best practice in the specification and use of fire resistant glazing systems. Glass and Glazing Federation 2009.

Upholstered seating furniture must satisfy as a minimum standard: Ignition source 0 (cigarette test) and Crib Ignition Source 5 as specified in British Standard BS572, 1980. Methods of test for Assessment of the combustibility of Upholstered Seating by Smouldering with Flaming Ignition Sources. It is in order to secure compliance with the above standards the fabric submitted for test has been tested beforehand with a fire retardant product. The testing laboratory must be instructed to subject the samples to treated to a water soak test. In accordance with British Standard BS572, 1980 paragraph 3, before the BS572 tests are carried out. A copy of the laboratory test report from an accredited testing laboratory identifying compliance of the furnishing components with the above mentioned British Standards must be forwarded to this authority before installation and confirmation that the furnishings specified in this certificate have been installed in the premises.

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

HD Kalsi The Office Technician E-mail: david.kalsi@hdkalsi.co.uk		Client: Mr Ajay Kalsi 74 John Bright Street, Birmingham, B1 1BN	
Site: The ARK 74 John Bright Street, Birmingham, B1 1BN			
Drawing Title: Proposed First Floor Plan			
Orig.No: 15/21 (0001)		Date: 20-04-21	
Scale:	1:100	Revision:	P1
Drawn:	DK		

A1



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HD Kalsi The Office Technician E-mail: david.kalsi@hdkalsi.co.uk		Client: Mr Ajay Kalsi 74 John Bright Street, Birmingham, B1 1BN	
Site: The ARK 74 John Bright Street, Birmingham, B1 1BN			
Drawing Title: Proposed Second Floor Plan			
Orig.No: 15/21 (0002)		Date: 20-04-21	
Scale:	1:100	Revision:	P1
Drawn:	DK		

From: Martin Key
Sent: 21 May 2021 15:31
To: Adrian Curtis; Ben Reader; Licensing
Cc: jugdeep singh
Subject: RE: The Ark Birmingham, 74 John Bright Street B11BN

Hi

Thanks for that – I have also copied the general licensing inbox – on the basis of the amended operational hours for regulated entertainment and conditions 1 to 15 below being included on any premises licence issued I do not propose to submit a representation.

Best Regards

Martin Key
Environmental Protection Officer

Environmental Protection Unit
Regulation & Enforcement
Neighbourhoods Directorate
Birmingham City Council

Our Values

We put citizens first We are true to our word

We act courageously We achieve excellence



www.birmingham.gov.uk/eh | Facebook: ehbham | Twitter: @ehbham

 Please consider the environment before printing this email

From: Adrian Curtis
Sent: 21 May 2021 15:24
To: Martin Key ; Ben Reader
Cc: jugdeep singh
Subject: RE: The Ark Birmingham, 74 John Bright Street B11BN

Dear all,

Yes- this is agreed and accepted and understood by my client.

I have copied in Shaid Yasser of BCC licensing to record the following:-

So the agreed conditions and amendments are:-

- to amend the requested licensable hours for regulated entertainment (sections 7, 10, 11 and 13 of the application form) to Sunday to Thursday 10.00 – 00.30 and Friday and Saturday 10.00 – 02.30.

Additional Conditions agreed to be attached to the premises licence are:-

1 The premises shall have an approved documented dispersal policy (approval needed in writing from West Midlands Police Licensing Department and Birmingham City Council Environmental Health department), which shall be implemented for dispersal on any day/night when Regulated Entertainment has taken place

2. To avoid nuisance being caused to neighbours the premises licence holder, or other nominated person/staff, shall monitor the external areas of the Premises after 23:00 hours. If necessary, they shall remind customers to be respectful of neighbours and shall limit the number of customers going outside to use the smoking area to no more than 5 persons at any time and take appropriate steps to avoid customers who use the frontage of the premises causing a nuisance.
3. All external doors and windows shall be kept closed after 20.00 whenever there is regulated entertainment except as necessary for safe and effective access and egress.
4. No drinks shall be removed from the premises other than in sealed containers.
5. All noise associated with live music or amplified music, speech or sound outside the licensed hours for regulated entertainment shall be background and shall be inaudible outside the building.
6. No waste or recyclable material, including bottles, shall be moved, removed or placed in areas outside the premises building between the hours of 22.00 and 08.00.
7. There shall be no speakers used for amplified music, speech or sound outside the building.
8. The Premises Licence Holder shall ensure notices are displayed at all entrances and exits of the premises advising customers to have respect for the nearby residents and keep noise levels to a minimum as they depart.
9. There shall be no first entry or admission to the premises after 00.00 (midnight).
10. There shall be no regulated entertainment on the first floor between 23.00 and 10.00 the following day.
11. The first floor balcony shall not be used for any purpose between 23.00 and 10.00 the following day.
12. The second floor sound system shall incorporate a distributed speaker system facing inwards to the entertainment area.
13. The premises licence holder shall supply a written noise risk assessment and noise management plan to Birmingham City Council Environmental Health Department for approval prior to any regulated entertainment taking place which addresses the specific noise impacts and controls relevant for the premises. The noise management plan shall outline the measures to be adopted to reduce the noise impact of activities associated with the premises including music, deliveries, recycling and refuse collections, smoking areas, dispersal and customers. All operational controls and management actions required by the approved noise management plan shall be instigated at all times.
14. An assessment of the building design and structure and a proposed scheme of noise insulation and attenuation for the licensed area on the second floor shall be produced by a suitably qualified and experienced acoustic specialist. This scheme shall be submitted in writing to the Environmental Protection Unit of Birmingham City Council and no licensable activity shall take place until the mitigation measures that have been approved in writing by the Environmental Protection Unit of Birmingham City Council have been implemented. The noise mitigation measures shall be thereafter maintained.

15. A Noise limiting Device (NLD's) shall be installed to the sound system on the second floor entertainment area and this shall be of a type approved by the Birmingham City Council Environmental Health Department and shall be fitted to the amplification system and set at a level approved by the Birmingham City Council Environmental Health Department, to ensure the volume of music is pre-set so as not to cause a noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Unit at least 14 days before its' initial operation and shall fulfil the following criteria:

- a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position unless prior approval is given
- b) The device shall be capable of cutting off the mains power to the amplification system if the volume exceeds the pre-set level determined by the Environmental Protection Unit or shall be capable of maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit and shall not restore power to the sound system until the NLD is reset by the licensee or their nominated person.
- c) The amplification system shall only be operated through the sockets/power points linked to and controlled by the NLD at all times.
- d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification system is operational.
- e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.

Regards
Adrian

Adrian Curtis
Solicitor & Partner
KENNETH CURTIS & CO
88 ALDRIDGE ROAD, PERRY BARR, BIRMINGHAM, B42 2TP

From: Adrian Curtis
Sent: 07 May 2021 10:04
To: Shaïd X Ali
Cc: jugdeep singh; Pollution Team; bw licensing
Subject: [External]: RE: The Ark Birmingham, 74 John Bright Street B11BN

Good morning to you all,

My client agrees to these amendments. Will that mean the Environmental Health and WMP will not be making a representation on the application?

Kind regards,

Adrian

Adrian Curtis
Solicitor & Partner
KENNETH CURTIS & CO
88 ALDRIDGE ROAD, PERRY BARR, BIRMINGHAM, B42 2TP

From: Shaïd X Ali
Sent: Thursday, May 06, 2021 1:40 PM
To: 'Adrian Curtis'
Cc: jugdeep singh; Pollution Team; 'BW_licensing'
Subject: RE: The Ark Birmingham, 74 John Bright Street B11BN

Good afternoon,

I have been looking at the conditions proposed on the application and would like a couple to be amended or further wording added to the conditions in order to be satisfied that these are adequate. Hopefully I can get your agreement for the addition of the following which I have highlighted in red;

General - The Premises Licence holder shall ensure all Security Staff (when on duty working at the premises) will be SIA Registered and will be required to sign a register with details of their name and badge number at the start and end of their shifts. The register will be kept at the premises at all times and will be produced upon request to any authorised officer.

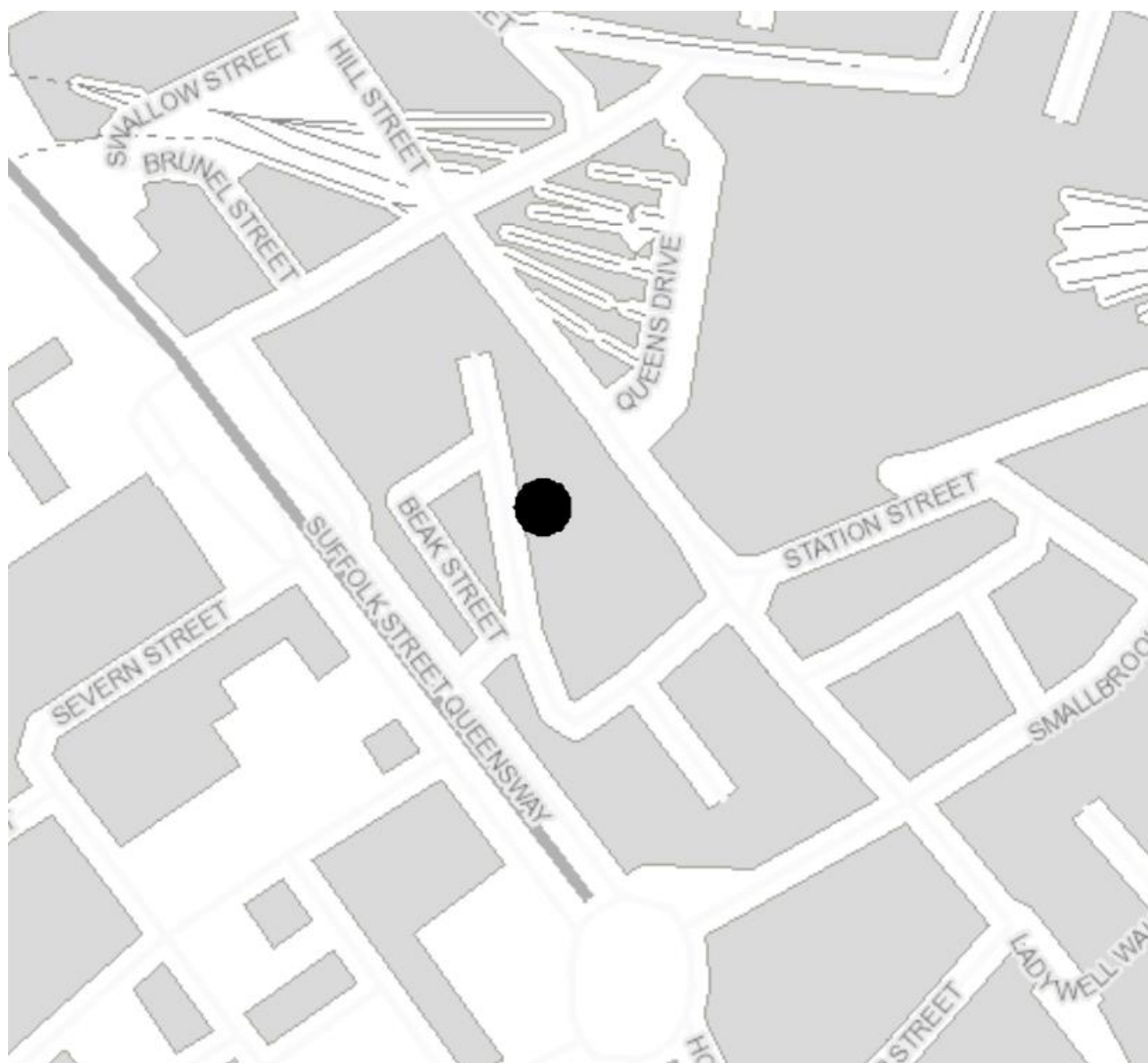
Child - The premises will adopt the 'Challenge 25' or similar policy as proof of age scheme to be in operation during licensed hours. Any refused sales of alcohol shall be recorded either electronically or in suitable book which will state the date, product, time, the name of the person or description, any observations and the name of the member of staff refusing the sale. The record of refused sales will be kept at the premises at all times and produced upon request to any authorised officer.

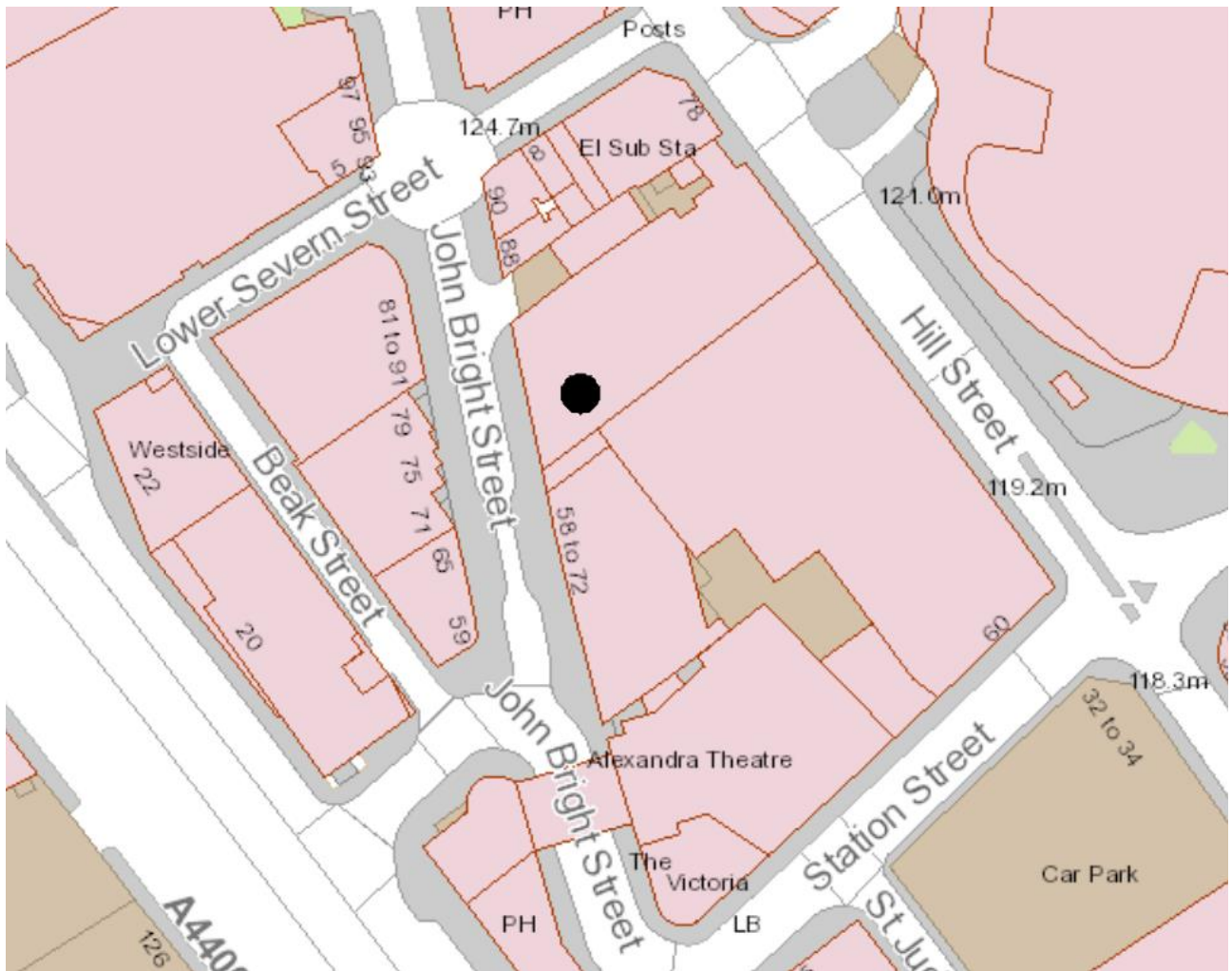
Please advise if you are happy to include the above additions to the conditions you have offered.

Regards

Shaïd Ali - Licensing Enforcement Officer
Valepits Road
Garretts Green
Birmingham
B33 0TD

IMPORTANT - Taxi and private hire drivers, please make sure you are wearing a mask when carrying passengers





From:**Sent:** Wednesday, June 9, 2021 12:36 PM**To:** Katy Townshend**Subject:** Re: Licensing Sub Committee A

Dear Katy,

Unfortunately i cannot get out of my ward round duty on Monday for the hearing for the Ark application for extension.

Please can you read aloud my written statement that i had submitted, and the following additional statement in response to the comments on measures taken by the ARK to mitigate noise.

additional comments:

Thank you for the measures proposed by the Ark to mitigate noise and music from the premise. The main source of our plight is generated by the congregation of drunken crowds in a very concentrated area (John Bright Street and Lower Severn Street) of 700 city centre residential units. Currently the crowds spill from the various premises on to the two streets, and generate a lot of noise from chatter, antisocial behavior, screaming, parking cars illegally and blocking access to residents returning or leaving home, and emergency vehicle access, cars hoking and playing music. The Ark will have no responsibility nor control over its customers once they leave the premises and it is in the post-closing hours that they generate all the noise nuisance and antibehavior that cause so much suffering for us.

Whereas currently we can hope to get some peace and finally get to sleep after 2am after the crowd finally disperse, the extension of the licensing hours means we will have to be deprived of sleep for a few more hours, so there is a one to two hour time lag between complete crowd dispersal from the time of the Ark closing. That means little or no sleep for us.

Our buildings have unsafe cladding so ongoing blocking of John Bright Street, which is sole access to our building to emergency vehicles by illegally parked cars by the customers poses a risk to our lives.

We have been working with the Council and Police to help with our plight but have had limited support so far and the matter has been advanced to the Ombudsman for further action.

For the sake of 700+ residents who pay our council taxes, we plead with the Licensing committee to reject this proposal. You will not be even considering this sort of proposal in an equivalent residential area of 700 plus homes. Thank you

Best wishes

