

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Interim Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 22<sup>nd</sup> June 2020</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Grant</b>
<b>Premises:</b>	<b>Phoenix, Unit 4 Masshouse Plaza, Birmingham, B5 5JE</b>
<b>Ward affected:</b>	<b>Nechells</b>
<b>Contact Officer:</b>	<b>Shaid Yasser, Senior Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

<b>1. Purpose of report:</b>
<p>To consider a representation that has been made in respect of an application for a Premises Licence which initially sought to permit the Sale of Alcohol (for consumption both on and off the premises) to operate from 10:00am until 11:30pm (Sunday to Thursday) and 10:00am until 02:30am (Friday and Saturday).</p> <p>The provision of Regulated Entertainment consisting of live music and recorded music, to operate indoors only, from 10:00am until 11:00pm (Monday to Sunday).</p> <p>To permit the provision of Late Night Refreshment, to operate indoors only, from 11:00pm until 11:30pm (Monday to Thursday) and 11:00pm until 02:30am (Friday and Saturday).</p> <p>After discussions with West Midlands Police, the applicant has agreed to amend the application with the Sale of Alcohol and Late Night Refreshment to cease at 01:00am on Friday and Saturday,</p> <p>The premises to remain open to the public from 08:00am until 12:00midnight (Sunday to Thursday) and 08:00am until 01:30am (Friday and Saturday).</p>

<b>2. Recommendation:</b>
To consider the representation that has been made and to determine the application.

<b>3. Brief Summary of Report:</b>
<p>An application for a Premises Licence was received on 29<sup>th</sup> April 2020 in respect of Phoenix, Unit 4 Masshouse Plaza, Birmingham, B5 5JE.</p> <p>A representation has been received from other persons.</p>

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

Wutong Limited applied on 29<sup>th</sup> April 2020 for the grant of a Premises Licence for Phoenix, Unit 4 Masshouse Plaza, Birmingham, B5 5JE.

A representation has been received from other persons. See Appendix 1.

The application is attached at Appendix 2.

Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 3.

Conditions have been agreed with Environmental Health and the applicant, which are attached at Appendix 4.

Site Location Plans at Appendix 5.

It should be noted that there is a special policy in force for the Digbeth area. The effect of a special policy is to create a rebuttable presumption that applications for new licences or material variations to existing licences will normally be refused unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives being experienced.

The Council will expect the applicant to demonstrate the steps it will take to promote the licensing objectives. Where relevant representations are made, the Council will consider the application on its individual merits and decide whether to apply the special policy.

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

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

## **6. List of background documents:**

Copy of the representation as detailed in Appendix 1  
Application Form, Appendix 2  
Conditions agreed with West Midlands Police, Appendix 3  
Conditions agreed with Environmental Health, Appendix 4  
Site Location Plans, Appendix 5

## **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:** 27 May 2020 01:25

**To:** Licensing

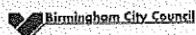
**Subject:** Objection to licence application at Phoenix, Unit 4, Masshouse Plaza

Sir

I would like to post an objection on this application. The venue is in a retail unit on the ground floor of an apartment block. The sale of alcohol to such a late hour will likely cause an increase in anti social behaviour. Such a late time will also affect the children who reside in the apartments. I ask that the hours that alcohol can be sold, and music played, be the same as the Spar Shop next door. A magistrates court has already ruled that the sale of alcohol in the location will have an affect on anti social behaviour.

Yours

App    Masshouse Plaza



**Birmingham**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensingonline@birmingham.gov.uk](mailto:licensingonline@birmingham.gov.uk)  
 Telephone: 0121 303 9896

\* required information

**Section 1 of 21**

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

System reference

Not Currently In Use

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

Your reference

NEW PREMISES LICENSE - PHOENIX

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

WUTONG

\* Family name

LIMITED

\* 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

12538391

Business name

WUTONG LIMITED

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

Private Limited Company



*Continued from previous page...*

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

**Agent Business**

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent 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

**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

WUTONG LIMITED

**Details**

Registered number (where applicable)

12538391

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

Continued from previous page...

Private 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  /  /

\* Nationality

Documents that demonstrate entitlement to work in the UK

**Section 5 of 21**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

The premises will be known as PHOENIX.

The premises is located on the ground floor of a high rise apartment building, it was previously a Fish & Chip Shop.

The premise is in the process of being furnished to a high standard.

The applicant is seeking to operate a licensed Lounge with the customer target being Oriental, providing a daytime &

*Continued from previous page...*

evening meeting place, where hot/cold drinks, food & Deserts can be obtained.  
The applicant is also seeking to be able to supply a selection of alcoholic drinks.

There will be Private dining facilities for customers.

On some occasions Live & recorded music will be played during the daytime finishing at 11pm. Background music will then be played on the premises.

The following facilities will be situated in the premises.

Ladies/Gents Toilets.

A Coffee/Deli bar servery from where cakes & coffee are available.

An alcoholic bar servery.

A fully fitted kitchen which will provide wholly authentic food from China and other Asian countries.

Waitress facilities will be in place to serve the customers attending the premises.

Tables and chairs will be provided for diners.

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

#### **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

Continued from previous page...

Will you be providing live 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

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.

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...

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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.

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#### 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

##### 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

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...

SUNDAY

Start 10:00

End 23:00

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.

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

#### Section 14 of 21

##### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?



Continued from previous page...

### Standard Days And Timings

MONDAY

Start 23:00

End 23:30

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 23:00

End 23:30

Start

End

WEDNESDAY

Start 23:00

End 23:30

Start

End

THURSDAY

Start 23:00

End 23:30

Start

End

FRIDAY

Start 23:00

End 02:30

Start

End

SATURDAY

Start 23:00

End 02:30

Start

End

SUNDAY

Start 23:00

End 23:30

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

Continued from previous page...

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

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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.

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#### Section 15 of 21

#### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

#### Standard Days And Timings

MONDAY

Start 10:00

End 23:30

Start

End

TUESDAY

Start 10:00

End 23:30

Start

End

WEDNESDAY

Start 10:00

End 23:30

Start

End

THURSDAY

Start 10:00

End 23:30

Start

End

FRIDAY

Start 10:00

End 02:30

Start

End

SATURDAY

Start 10:00

End 02:30

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.

Continued from previous page...

SUNDAY

Start 10:00

End 23:30

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

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 HAN

Family name LIU

Date of birth / /  
dd mm yyyy

Continued from previous page...

**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)

2176/1

Issuing licensing authority  
(if known)

BIRMINGHAM CITY COUNCIL

**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.

NON

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start 08:00

End 00:00

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.

Continued from previous page...

**TUESDAY**

Start 08:00

End 00:00

Start

End

**WEDNESDAY**

Start 08:00

End 00:00

Start

End

**THURSDAY**

Start 08:00

End 00:00

Start

End

**FRIDAY**

Start 08:00

End 03:00

Start

End

**SATURDAY**

Start 08:00

End 03:00

Start

End

**SUNDAY**

Start 08:00

End 00:00

Start

End

State any seasonal variations

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

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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.

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**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)

*Continued from previous page...*

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

- The applicant has put in place an experienced management team to ensure all staff receive adequate training on a regular basis, relating to the four Licensing objectives, general licencing regulations/Conditions including Fire regulations. A record of the training will be kept by the management.
- The training provided to staff will be recorded and each member of staff will sign and date their training records to confirm they have received and understood the training provided. Training will be refreshed and recorded every 6 months. The staff training records will be kept at the premises and made available to any Responsible Authority upon request.
- Staff will be given on-going training including identification of anti-social or unusual behaviour.
- The Designated Premises Supervisor will provide responsible management at all times.

b) The prevention of crime and disorder

- Customers will not be permitted to carry open bottles or glasses beyond the licensed area.
- CCTV system to be installed fit for the purpose and satisfaction of West Midlands Police.
- Images to be retained for at least 31 Days and shall be made available upon request to officers of the responsible authorities.
- The Premises License Holder or DPS will carry out and document a regular risk assessment which will include the need for security provision and the implementation of a last entry time. This will be made available to any Responsible Authority on request.
- Staff will be given on-going training including identification of anti-social or unusual behavior

c) Public safety

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

d) The prevention of public nuisance

- The Designated Premises Supervisor will provide responsible management at all times
- The Noise from the premises will be monitored so as not to become a public nuisance.
- The disposal of empties and bottles will not be done after 23:00 Hours or before 07:00 Hours.
- Notices will be posted asking patrons to leave quietly.

e) The protection of children from harm

- We will adopt the "Challenge 25" age policy
- Management will ensure all employees are fully trained and aware of the challenge 25 rule.
- There will be a provision of sufficient staff to protect children from harm with training on appropriate behavior.
- The premises license holder shall ensure that staff are fully conversant with the legal prohibitions in relation to the sale of alcohol to under 18s

**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/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

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

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

#### **Section 20 of 21**

#### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

*Continued from previous page...*

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

## Section 21 of 21

### PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00\*

Band E - £125001 and over - £635.00\*

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

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

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

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

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

\* Fee amount (£)

190.00

### ATTACHMENTS

### AUTHORITY POSTAL ADDRESS

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).

1 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

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**



## 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 temperatures conditions should, unless tested in accordance with BS476, section 3.1.1, 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 BS5839, part 1:2002. The attention of the Design/Installing Engineer should be drawn to paragraph 3.1 (consultation and records) of British Standards 5266, 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 5266, part 1, 1988. The attention of the Design/Installing Engineer should be drawn to paragraph 3.1 (consultation and records) of British Standard 5266, part 1, 1988 as amended.

Certificate of Installation test will be required.

Door panic furniture must comply with British Standard EN 1125 panic exit devices operated by a horizontal bar. And be marked above with a signifying 'Push Bar To Open'.

Fire Safety related signs and notices are to conform to British Standard 5499, Part 1, 1990.

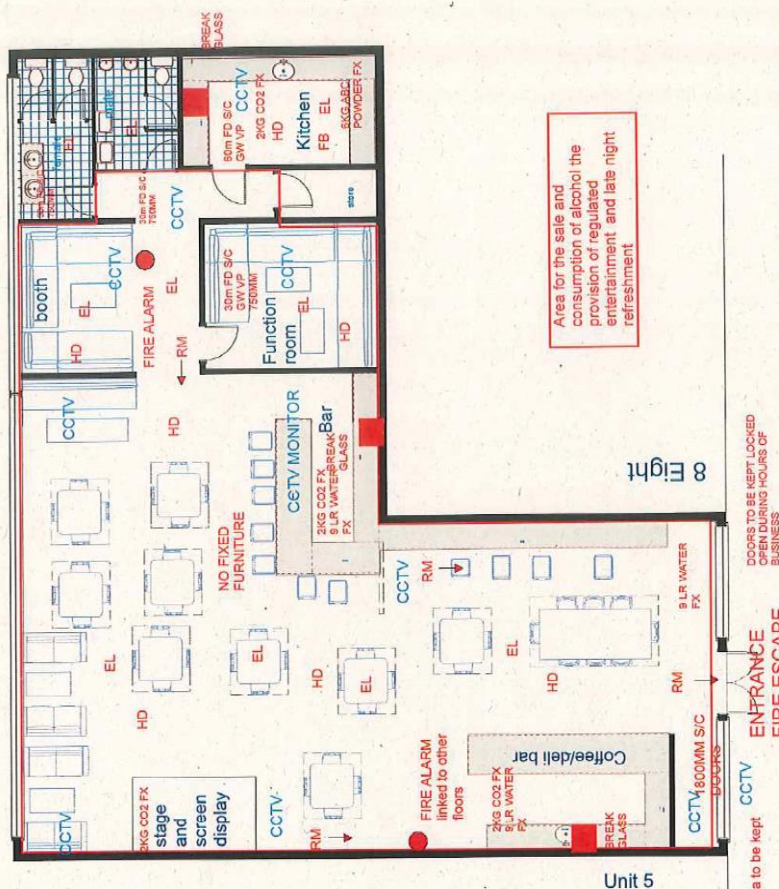
Illuminated "EXIT" signs are to conform to British Standard 2560.

Fire fighting equipment is to comply with British Standard EN 3 - 7.

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 2005'.

- SF simple fastening
- FB fire blanket
- SD Smoke detector
- FR30M structural integrity
- FR30 Fire door 30 minutes resistance
- HD heat detector
- VA visual alarm sounder
- EL emergency lighting
- RM running man illuminated mains maintained fire exit sign
- GW georgian wired glassed vision panel
- VP vision panel FR glass
- FX fire extinguisher
- 1200mm clear escape widths - doors stairs etc.S/C self closing
- HR FR one hour fire resisting door
- SD smoke detector
- CCTV provision to satisfaction of statutory authorities

Masshouse Lane



Area for the sale and consumption of alcohol the provision of regulated entertainment and late night refreshment

PHOENIX LICENSING PLAN  
UNIT 4 Masshouse Plaza  
Birmingham B5 5JE  
scale 1:100  
April 2020

Unit 4  
225.3sq. metres  
Masshouse Plaza  
pedestrian way

email: plansurvey@msn.com

**From:** Carl Moore  
**Sent:** 14 May 2020 09:32  
**To:** Licensing  
**Cc:** Christopher Jones; bw licensing  
**Subject:** Re: FW: [External]: GRANT - PHOENIX, UNIT 4, MASSHOUSE PLAZA, BIRMINGHAM, B5 5JE - Conditions agreed

Morning Lisa,

Yes that's fine with me, operating time can be reduced to 01:30am for Friday & Saturday.

Regards

Carl

Carl Moore

**C.N.A. Risk Management Ltd**

This document is strictly confidential and is intended only for use by the addressee. If you are not the intended recipient, any disclosure, copying, distribution or other action taken in reliance of the information contained in this e-mail is strictly prohibited. Any views expressed by the sender of this message are not necessarily those of C.N.A. Risk Management Limited. If you have received this transmission in error, please use the reply function to tell us and then permanently delete what you have received.

Please note: Incoming and outgoing e-mail messages are routinely monitored for compliance with our policy on the use of electronic communications.

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**From:** Lisa Woodward on behalf of Licensing <[licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)>  
**Sent:** 14 May 2020 09:28  
**To:** bw licensing  
**Cc:** Carl Moore  
**Subject:** RE: FW: [External]: GRANT - PHOENIX, UNIT 4, MASSHOUSE PLAZA, BIRMINGHAM, B5 5JE - Conditions agreed

Good morning all,

Can you please confirm if I should also change the finishing time for Friday and Saturday nights to 1:30am, its currently set at 3:00am?

Kind regards

Lisa

Lisa Woodward | Licensing Officer | General Licensing | Regulation and Enforcement

"Locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, businesses and visitors"

**From:** bw licensing

**Sent:** 13 May 2020 11:44

**To:** Licensing

**Cc:** Carl Moore

**Subject:** FW: [External]: GRANT - PHOENIX, UNIT 4, MASSHOUSE PLAZA, BIRMINGHAM, B5 5JE - Conditions agreed

Good Morning Licensing,

With regard to the premises licence application for Phoenix, Unit 4 Mass House Plaza B5 5JE.

West Midlands Police have reviewed this application and are happy that if the below conditions are added to the licence, together with the operating conditions already offered by the applicant then the licensing objectives will be met and promoted.

These conditions have been agreed with the applicant, via their agent, as per below email chain who is also copied into this.

- The sale of alcohol and late night refreshment will cease at 01.00hrs on Friday & Saturday nights.
- If for any reason the CCTV hard drive needs to be replaced, the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request.
- If door staff are deployed on the premises, they will sign on and off duty. The premises will keep a profile of all door staff to include a copy of their SIA badge and photographic ID. If photographic ID is not available then a copy of a utility bill (no older than 3 months old may be used.) Profiles and signing in / out sheets will be kept on the premises for a minimum of 3 months and made available to any of the responsible authorities on request.
- If the premises or part of the premises is hired out to a third party or the premises use a promoter (internal or external) the premises will notify West Midlands Police Central Licensing Team (via email) a minimum of 28 days prior to the event(s) taking place. The notification will include names and dates of birth of any artists or DJs (both real and stage names), details of any person hiring the venue and the premises risk assessment grading of the event. For any event the premises risk assessor assesses the event being medium risk or above the premises will supply West Midlands Police Central Licensing Team (via email) a risk assessment a minimum of 21 days prior to the event. West Midlands Police also reserved the right to request a risk assessment for any other event sent on the notification. If requested the risk assessment will be sent to West Midlands Police Central Licensing Team (via email) in no more than 5 days from the request. All risk assessments to be agreed with West Midlands Police Central Licensing Team and the risk assessment will form part of the premises operating conditions for that event.
- The premises fire risk assessment will be made available to any of the responsible authorities on request.

If the above conditions are imposed onto the licence then West Midlands Police have no objection to this licence application.

Regards

Chris Jones 55410

Birmingham Central Licensing Team West Midlands Police

**From:** Carl Moore

**Sent:** 13 May 2020 11:27

**To:** bw licensing

**Subject:** Re: [External]: GRANT - PHOENIX, UNIT 4, MASSHOUSE PLAZA, BIRMINGHAM, B5 5JE -  
Conditions agreed

Morning Chris,

I have liaised with my client in regards to the proposed conditions from yourself.  
He agrees for the below conditions to be added to the Premises License.

- The sale of alcohol and late night refreshment will cease at 01.00hrs on Friday & Saturday nights.
- If for any reason the CCTV hard drive needs to be replaced, the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request.
- If door staff are deployed on the premises, they will sign on and off duty. The premises will keep a profile of all door staff to include a copy of their SIA badge and photographic ID. If photographic ID is not available then a copy of a utility bill (no older than 3 months old may be used.) Profiles and signing in / out sheets will be kept on the premises for a minimum of 3 months and made available to any of the responsible authorities on request.
- If the premises or part of the premises is hired out to a third party or the premises use a promoter (internal or external) the premises will notify West Midlands Police Central Licensing Team (via email) a minimum of 28 days prior to the event(s) taking place. The notification will include names and dates of birth of any artists or DJs (both real and stage names), details of any person hiring the venue and the premises risk assessment grading of the event. For any event the premises risk assessor assesses the event being medium risk or above the premises will supply West Midlands Police Central Licensing Team (via email) a risk assessment a minimum of 21 days prior to the event. West Midlands Police also reserved the right to request a risk assessment for any other event sent on the notification. If requested the risk assessment will be sent to West Midlands Police Central Licensing Team (via email) in no more than 5 days from the request. All risk assessments to be agreed with West Midlands Police Central Licensing Team and the risk assessment will form part of the premises operating conditions for that event.
- The premises fire risk assessment will be made available to any of the responsible authorities on request.

Regards

Carl

Carl Moore

Director

**C.N.A. Risk Management Ltd**



**From:** Aileen Rahilly  
**Sent:** 21 May 2020 15:39  
**To:** Licensing  
**Subject:** FW: Phoenix, Unit 4 Masshouse Plaza - agreed proposed conditions

Please find the email chain below.

Regards

Aileen

Aileen Rahilly  
Environmental Protection Officer

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Environmental Health | Regulation & Enforcement Division  
✉: Environmental Health, Manor House, PO Box 16977, Birmingham, B2 2AE  
(Office Site: Environmental Protection, 1<sup>st</sup> Floor, 40 Moat Lane, Birmingham, B5 5BD)

**From:** Carl Moore  
**Sent:** 20 May 2020 16:40  
**To:** Aileen Rahilly  
**Subject:** Re: Phoenix, Unit 4 Masshouse Plaza - agreed proposed conditions

Hi Aileen,

I have spoken to my client and explained the below proposed conditions to them.

1. Prominent, clear and legible notices shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
2. Door supervisors shall use their best endeavours to promote the departure of patrons from the premises in a quiet and orderly manner to ensure patrons do not cause a nuisance to residents by way of noise.
3. When regulated entertainment is taking place all doors, windows, glazed areas (including bifold doors, sliding doors and demountable doors) shall be kept closed except for the purposes of access and egress.
4. The designated premises supervisor will provide responsible management at all times. Any noise from the premises will be monitored so as not to become a public nuisance. The disposal of empties and bottles will not be done after 23:00 hours or before 07:00 hours.

He understands them and is willing to accept them on the new Premises License.

Regards

Carl

