

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 19th April 2017
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	Ana Rocha, Rear of 48 Frederick Street, Hockley, Birmingham
Ward affected:	Ladywood
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have been made in respect of an application to vary the Premises Licence which seeks to extend the hours for the Sale of Alcohol (for consumption on the premises), to operate from 11:00am until 01:00am (Sunday to Thursday) and 11:00am until 02:00am (Friday and Saturday).

The application also seeks to extend the provision of Regulated Entertainment consisting of live music and recorded music, to operate indoors only, from 11:00am until 01:00am (Sunday to Thursday) and 11:00am until 02:00am (Friday and Saturday).

To extend the provision of Late Night Refreshment to operate from 11:00pm until 01:00am (Sunday to Thursday) and 11:00pm until 02:00am (Friday and Saturday).

Premises to be open to the public from 11:00am until 01:00am (Sunday to Thursday) and 11:00am until 02:00am (Friday and Saturday).

Other dates and times as specified in the application form.

2. Recommendation:

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

3. Brief Summary of Report:

Variation application received on 24th February 2017 in respect of Ana Rocha, Rear of 48 Frederick Street, Hockley, Birmingham.

Representations have been received from Environmental Health, as a responsible authority, and 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.

<p>5. Relevant background/chronology of key events:</p> <p>Ana Rocha Bar & Gallery Ltd applied on 24th February 2017 to vary the Premises Licence for Ana Rocha, Rear of 48 Frederick Street, Hockley, Birmingham.</p> <p>A representation has been received from Environmental Health, as a responsible authority, which is attached at Appendix 1.</p> <p>Representations have been received from other persons, see Appendices 2 – 4.</p> <p>The application is attached at Appendix 5.</p> <p>Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 6.</p> <p>The current Premises Licence is attached at Appendix 7.</p> <p>Site Location Plans at Appendix 8.</p> <p>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:-</p> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
<p>6. List of background documents:</p> <p>A copy of the representations as detailed in Appendices 1 – 4</p> <p>Application Form, Appendix 5</p> <p>Conditions agreed with West Midlands Police, Appendix 6</p> <p>Current Premises Licence, Appendix 7</p> <p>Site Location Plans, Appendix 8</p>
<p>7. Options available</p> <p>To grant the variation application</p> <p>To refuse the whole or part of the application</p> <p>To modify the conditions of the Licence</p>

Appendix 1

From: Gerg Jambor
Sent: 23 March 2017 15:08
To: Licensing
Cc:
Subject: premises licence application - ana rocha bar & gallery, frederick st, birmingham

Dear Licensing

I hereby raise representation to the grant of the variation application reference 100821 to licence number 4395.

The grounds of my representation are that public nuisance would be likely to arise, caused by the premises, as a result of the grant.

There is currently an ongoing nuisance complaint investigation about the premises, received by Environmental Health on 20 February 2017.

A site meeting has taken place with the applicant and it is hoped that agreement will be reached regarding modification of the application and operating schedule to enable withdrawal of my representation before a hearing.

Please do not hesitate to contact me if you have any questions.

Best Regards,

Mr Gerg Jambor
Environmental Protection Officer, Tuesdays to Fridays
Birmingham City Council

Appendix 2

Entered

AN

From:
Sent: 04 March 2017 16:16
To: Licensing
Subject: Ana Rocha Bar & Gallery Ltd - Application Reference 100821

Application reference: 100821
Licence number: 4395

I'm writing to object to the proposal to extend the licensing hours of Ana Rocha Bar & Gallery Ltd.

Crime and disorder: Whilst the venue is proposing CCTV to cover the entrance and 'other areas' this will not protect the surrounding streets from the increase in late night visitors, to what is a semi-residential area. We are already beginning to suffer (fights, broken glass, vomit, noise) from the increase in drinking establishments in the area. Extending the licensing hours of this venue, in the heart of the Jewellery Quarter conservation area will mean these issues continue later into the night/early morning and will also lead to an increase in their frequency.

Noise: The venue is already clearly audible in neighbouring properties up to and sometimes beyond its current licensing hours. The notion that local residents will have to put up with this noise into the early hours of the morning is of real concern. From my location at the rear of venue my primary concern is not the arrival and departure of guests - this is more likely to affect residents on Albion and Frederick Streets - but the playing of music, singing and the emptying of bottles into the bins at the rear of the venue.

As a general point I feel that this venue is a good addition to the increasingly vibrant and cosmopolitan community that is the Jewellery Quarter. However, I'm concerned that an extension of licensing hours would affect the harmonious relationship between residents, businesses and venues/drinking establishments, by prolonging the issues we currently tolerate (noise pollution, drunken and disorderly behaviour) late in to the night.

Please could you acknowledge receipt of my objection and update me in relation to the progress of the application.

Kind regards

Tenby Street, Birmingham, B1

Appendix 3

Entered
Rr

From:
Sent: 17 March 2017 17:07
To: Licensing
Subject: Ana Rocha Bar and Gallery Ltd - Application reference 100821

Application reference - 100821

License number - 4395

I would like to object to the proposed extension of the licensing hours of the Ana Rocha Bar and Gallery.

NOISE.

I understand that bars make noise. I live in a vibrant part of the city and I expect that during normal licensing hours. However, I must state that this bar regularly plays very loud music beyond standard hours and at times has driven myself and neighbours to distraction. So much so we have had to contact the owners and make complaints about the noise. Not only music, but the emptying of bottles into bins at the rear of the property. I live within of the property and I must object to the extension of the license to this business. The noise even cuts through my secondary glazing that I have had fitted, which demonstrates the volume it can reach.

CRIME & DISORDER.

The Jewellery Quarter is a vibrant spot for revelry. As I stated previously, I expect this activity within normal licensing hours (Not past 11pm at night)
However, I am very concerned that if the area continues to extend the licensing hours, we will see an increase in none social behaviour that we see on a regular basis.
It is quite common to see fights break out, drunken behaviour, vomit, fast food strewn over the streets, urine running across pavements and broken glass.
I am concerned that extending the Ana Rocha Bar's license will contribute to this.

I would like to state that the Ana Rocha Bar and gallery is an excellent addition to the places to eat and drink within this area. I have frequented the bar on a few occasions.
However, I feel that if the licensing hours are extended, it will create friction between the local residences who live within audible distance of the bar. I for one would prefer to keep a harmonious relationship with our neighbours.

I would appreciate a confirmation of this objection and an update on the progress of the application.

Regards

Appendix 4

FAO

The Licensing Section PO Box 17013
Birmingham
B6 9ES

Dear Sirs/ Madam

RE: Ana Rocha Bar & Gallery, Rear of 48 Frederick Street, Birmingham, B1 3HN
Variation of Premises License
License Number: 4395

This document is Representation made by Home Owner, at Tenby Street,
Birmingham, B1

I am making representation against Application Reference: 100821
with regard to:

The Prevention of Public Nuisance:

Specifically, the creation of Noise nuisance.

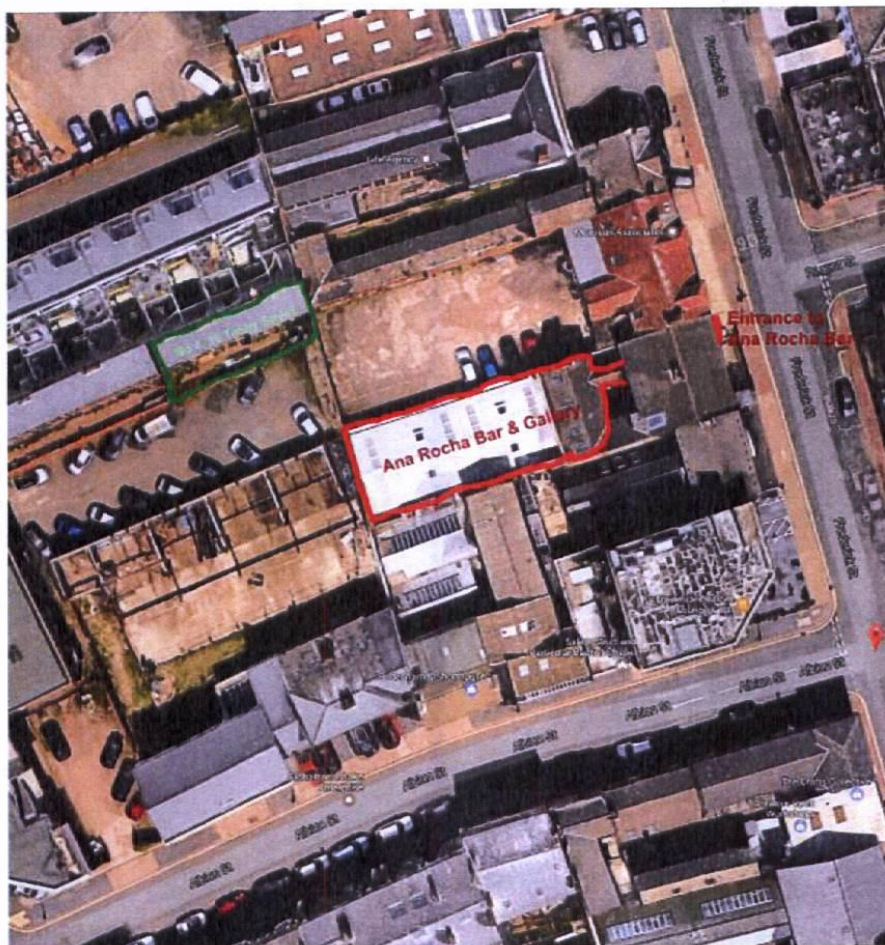
Kind Regards

Context:

Ana Rocha Bar & Gallery (Rear of 48 Frederick Street) was given planning to transform the use of a building, approximately meters (feet) away from my home and moved in, in early 2016. My home is located in a semi-residential part of the Jewellery Quarter, which also includes homes, some light industry, offices and jewellery workshops. (see Map 2) There is within the block, circumnavigated by Tenby Street, Tenby Street North, Warstone Lane, Frederick Street and Albion Street, one bar called Fredericks which closes at 10pm each night. Other bars exist, but at the opposite side of Frederick Street. At the time that Ana Rocha Bar & Gallery applied for planning, I was one of the residents who objected to the development of the site for a bar, because of my concern with regard to Nuisance and in particular noise, primarily because of the locations proximity to my home. But that the function of the space was as a bar and gallery, (not just a bar) initially alleviated mine and my neighbors' concerns (a gallery suggesting a much quieter environment).

Please see:

Map 1 of area and the proximity of Ana Rocha Bar to my home



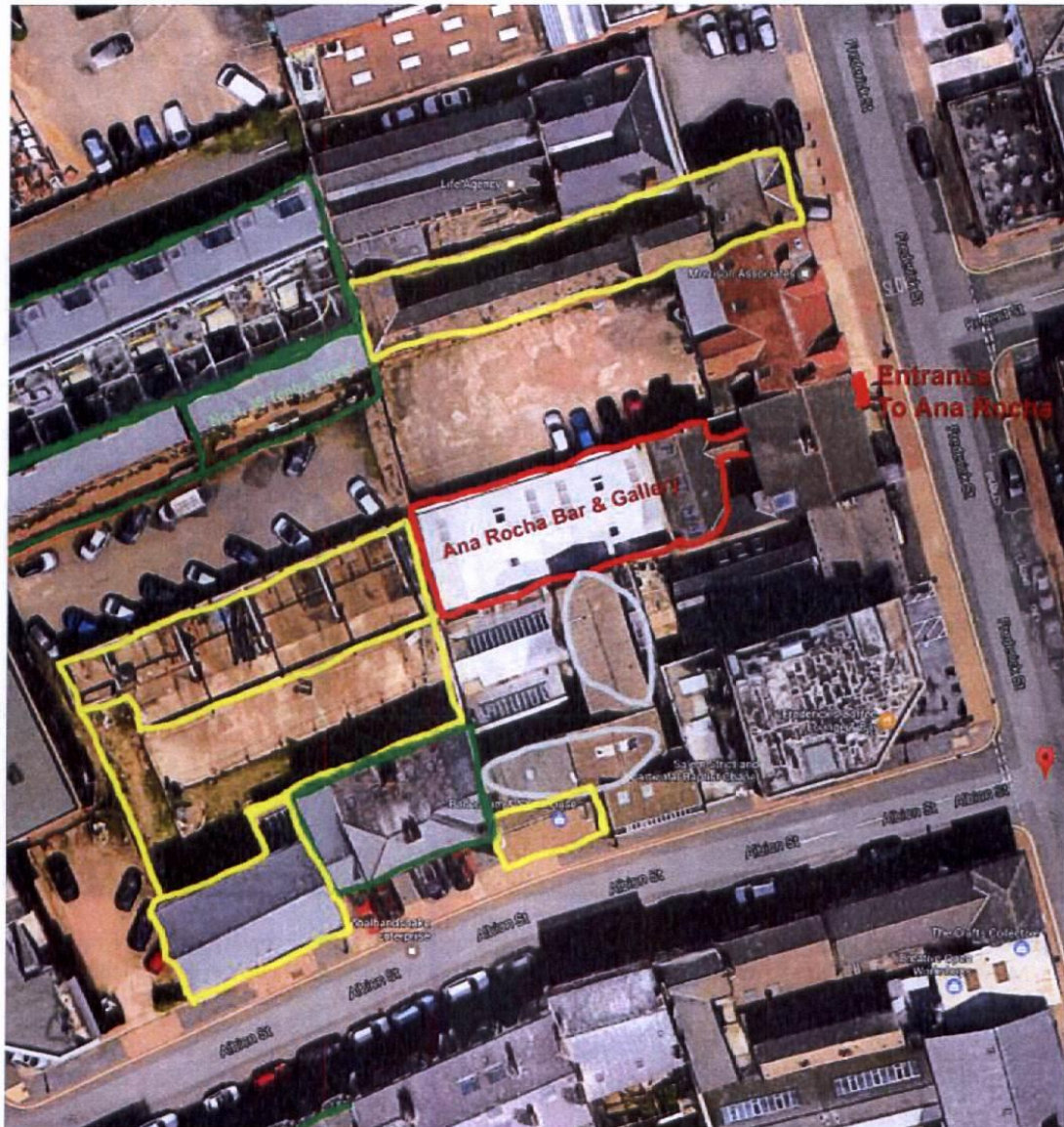
Green Outline –
My Home No.
Tenby Street

Red Outline –
Ana Rocha Bar &
Gallery, Rear of
48 Frederick
Street

Map 2 – Other Existing Residents and Residential/ mixed use developments

Green Outline Current residents/ **Yellow Outline** Resident and offices in development/ not occupied as yet.

Grey Outline – unknown to me

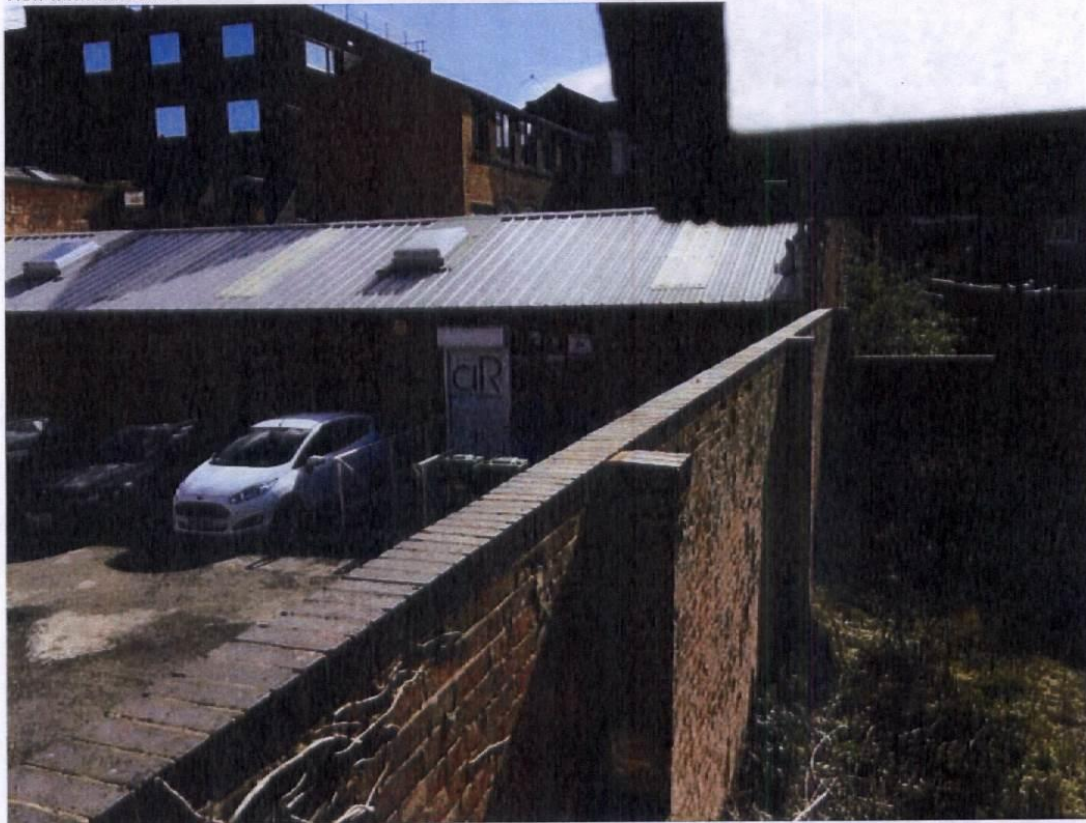


Ana Rocha Bar & Gallery, is not what might be considered a gallery, in the sense of say RBSA (Royal Birmingham Society of Artists), or the much more recent arrival of the Argentea Gallery, both on St. Paul's Square, B3. The Art and Objects (furniture, Watches and Fine art) are for sale, and offer a certain ambience to the venue, which underpin what in my opinion is the primary function of the venue, which offers as well as tapas etc., events composing of Live music, Jazz nights, Ibiza nights and Brazilian nights. (as advertised to the front of the premises)

Since the business moved into Frederick Street in April 2016 the bar noise has altered my life negatively.

I initiated communications with Edgar Vera Rueda, the owner of the business even before the business officially opened, because of the loudness of the music being played. I had hoped that once advised of a neighbor, whose home overlooks their new business, that that would resolve it and that it was just a case of turning the volume down.

View from window 1



Unfortunately, since then, there have been many text communications with the owner and more recently the Manager, in an attempt to negotiate the turning down of music, turning off early of extraction and so on.

IMPACT:

The impact on my home has been profoundly negative and the issue of nuisance is weekly in relation to the following:

- Live music
- DJ's on microphone
- Amplified music
- Mechanical extraction

- Groups of people shouting – talking – singing / from inside the building
- Bottles been emptied through the side door
- Music bleeding from the side door and skylight windows (particularly in the summer months)

Image: Inside the Ana Rocha venue, Saturday 26th November 2015 - 23.43 (Image sent by the Owner to me)



The noise can be clearly heard in my home and in my outdoor space - front courtyard.

The above noise continues often beyond the licensed hours, and into the early hours of the morning 1-2 AM. This demonstrates a history of disregard for the monitoring of noise nuisance. This can be assessed against Appendix 1, 2 and 3, pg. 9/10/11.

The Impact is:

I have often been unable to get to sleep (not exclusively, but particularly at weekends) or to go to bed and sleep, when I choose. This decision has been taken away from me, because my upstairs space is unusable due to the noise.

The situation is stressful and anxiety ridden because I am never sure when the bar sounds are going to stop.

I have often had to sleep on my sofa downstairs, as its less impacted upon.

I am often tired as a result and it impacts on my day to day life.

More recently I have considered selling and moving, from a beloved home of nearly 4 years.

Over the last 10 months, this situation has taken up considerable amounts of time, in terms of regularly requesting the turning down of music, off of extraction by text and by phone call – only to have to repeat the request again and again.

This reality was expressed again recently in a meeting I had on Sat. 11th Feb. 2017 with Edgar and his manager Andre Festa, in an attempt to communicate the impact the noise pollution produced by his business was having on my life. Also, to impress on them the urgency of resolving the issue, but to no avail – that night the problem continued regardless (See Texts dated Sunday 12th Feb. 01.50/ and 02.01) and an application for variation of license was posted shortly afterwards.

Conclusion

Very recently after nearly 10 months of dealing with the impact on my life of A&R bar, I make the decision to contact Birmingham City Council's, Environmental Health and Licensing Departments. I understand that Licensing are already investigating breaches of the existing license.

This was not a light decision to make, predominantly because I truly had hoped that Ana Rocha Bar & Gallery would, if given time, put measures in place to resolve the issue. This has not been the case. The constant repetition of the nuisance since opening, and the type of business they are running, unfortunately is more like a music venue/club and less like a gallery with bar.

I include a list of dates and times regarding texts send to the owner and more recently the Manager – which pertain to asking the business to turn the volume down, turn extraction off, including reasonable enquiries as to why crowd activity is still audible, beyond the hours of license. Also included are more recent notes taken by me (date & time stamped on mobile phone) recording the ongoing nuisance.

Note: These are the times of the texts, I sent. (They are not the times at which the business closed) All of these texts are available to be seen.

2. View from Window 2



Supporting Information from regarding the text communication sent to the owner and the manager since April 2016 and notes taken by complainant, more recently.

Appendix 1

Texts to Owner of Ana Rocha Bar & Gallery – Edgar Vera.

Date	Time of text	Brief summation of the content of the texts sent. (entire text can be seen)
Sunday 24 th April 2016	21.34	music too loud
Friday 29 th April 2016	21.06	music too loud
Sunday 15 th May 2016	19.08	music too loud and reference to the last two nights also been too loud
Saturday 11 th June 2016	23.12	music too loud
Friday 17 th June 2016	23.33	music too loud
Friday 24 th June 2016	23.51	music too loud
Saturday 25 th June 2016	20.11	music too loud
Saturday 25 th June 2016	23.41	music too loud
Monday 25 th July 2016	23.04	music too loud and it's been the case all weekend
Saturday 6 th August 2016	23.35	noise too loud, close windows. etc.
Sunday 11 th September 2016	00.28	music too loud
Saturday 1 st October 2016	22.53	music too loud
Saturday 8 th October 2016	23.04	music too loud
Saturday 15 th October 2016	23.19	music too loud
Saturday 22 nd October 2016	23.03	music too loud
Wednesday 26 th October 2016	00.00	extraction on
Friday 18 th November 2016	23.47	music too loud and extraction on
Saturday 19 th November 2016	23.51	music too loud
Monday 21 st November 2016	00.27	extraction on and music too loud/ three nights in a row
Saturday 26 th November 2016	23.43	music too loud
Sunday 27 th November 2016	23.20	extraction on and really loud
Sunday 4 th December 2016	00.00	music too loud
Sunday 4 th December 2016	00.30	music too loud –DJ shouting
Saturday 17 th December 2016	01.40	music on
Monday 2 nd January 2017	23.31	music too loud
Wednesday 4 th January 2017	23.34	music too loud
Saturday 7 th January 2017	00.21	music too loud
Sunday 15 th January 2017	00.10	music too loud as is DJ
Sunday 29 th January 2017	23.24	music too loud
Sunday 5 th February 2017	02.08	music going all night/ can hear people cheering
Sunday 5 th February 2017	23.07	can hear DJ, etc.
Sunday 5 th February 2017	23.30	music really loud/ DJ really loud
Sunday 12 th February 2017	02.01	can hear people, music etc.
Saturday 18 th February 2017	01.14	music blaring, also people
Saturday 18 th February 2017	21.53	music too loud

Appendix 2

Texts to Manager of Ana Rocha Bar - Andre Festa		
Date	Time of text	Brief summation of the content of the texts sent. (entire text can be seen)
Sunday 12 th February 2017	01.50	music etc. audible (response - we will close right now)
Tuesday 14 th February 2017	23.36	noise, music still on
Tuesday 14 th February 2017	24.00	still can hear people, music etc. (response - we will close right now)
Thursday 16 th February 2017	22.55	music too loud/ extraction still on
Friday 17 th February 2017	23.33	music too loud
Saturday 18 th February	22.05	music too loud
Sunday 5 th March 2017	23.38	Music/ singing/ shouting/ please turn down

Appendix 3

Mobile Phone Notes - recorded by		
Date	Time of note	Brief summation of the content of the note. (entire text can be seen)
Wednesday 1 st February 2017	23.33	music too loud
Sunday 5 th February 2017	02.49	singing, DJ on mic, music, people cheering
Sunday 6 th February 2017	23.23 / 00.06	extraction still on/ 00.06 music still going
Saturday 11 th February 2017	00.04	music too loud
Sunday 12 th February 2017	01.54	music/ people keeping me awake
Sunday 12 th February 2017	23.08	music still going
Tuesday 14 th February 2017	23.46	music still going/ DJ/ people shouting
Sunday 19 th February 2017	01.06	music and crowd still going
Thursday 23 rd February 2017	23.44	extraction still on
Sunday 26 th February 2017	01.30	music still going/ people shouting/ really loud
Sunday 26 th February 2017	23.17	extraction on
Monday 27 th February 2017	21.53	extraction on
Tuesday 28 th February 2017	23.09	music too loud/ glasses emptied by side door/ extraction on
Thursday 2 nd March 2017	23.16	Extraction/ music/ people too loud
Friday 3 rd March 2017	23.44	jazz band/ music / people/ extraction on
Saturday 4 th March	01.35	Extraction/ Music/ People shouting, cheering, singing/ DJ on mic/ Bottles

		been emptied
Sunday 5 th March 2017	00.46 23.56 – made an official complaint to police Log No. 2630 5/3/17 Police visited premises and are making a referral to licensing. Police rang me back at 00:45 approx. Their intervention meant the music/ clientele have stopped making noise.	Extraction/ Music/ People on microphone/ Shouting/ Singing until approx. 00.26
Friday 10 th March 2017	23.44	Jazz band earlier/ people cheering/ singing Happy Birthday/ music clearly audible
Sunday 12 th March 2017	00.48	Music/ extraction/ DJ on microphone/ people/ music
Sunday 12 th March 2017	22.24	Music very audible – house type music/ extraction
Monday 13 th March 2017	22.36	Music/ people cheering/ extraction

Appendix 5



Birmingham
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 17

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

BCC
 REGULATION 6(1) If you are applying on your own behalf, you must apply for a business you own or work for.
 LICENSING SECTION
 DATE RECEIVED

74

Applicant Details

* First name REF NO

* Family name INITIALS

* 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.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business	<input type="text" value="Employee"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
Agent Registered Address		Address registered with Companies House.
Building number or name	<input type="text" value="Lancaster House"/>	
Street	<input type="text" value="67 Newhall 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="B3 1NQ"/>	
Country	<input type="text" value="United Kingdom"/>	

Section 2 of 17

APPLICATION DETAILS

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

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

* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	<input type="text" value="Ana Rocha"/>
Street	<input type="text" value="Rear of 48 Frederick Street"/>
District	<input type="text" value="Hockley"/>
City or town	<input type="text" value="Birmingham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B1 3HN"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number

Continued from previous page...	
Non-domestic rateable value of premises (£)	0
Section 3 of 17	
VARIATION	
<p>Do you want the proposed variation to have effect as soon as possible? <input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>Do you want the proposed variation to have effect in relation to the introduction of the late night levy? <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p style="text-align: right; margin-right: 100px;">You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.</p> <p>If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend <input style="width: 80px;" type="text"/></p> <p>Describe Briefly The Nature Of The Proposed Variation</p> <p>Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>To extend the hours for regulated activities (regulated entertainment and sale of alcohol) and opening by 2 hours per night, and extend the nights and time permitted for the provision of late night refreshment to 23:00-01:00 (Sunday to Thursday) and 23:00-02:00 (Friday & Saturday)</p> </div>	
Section 4 of 17	
PROVISION OF PLAYS	
<p>Will the schedule to provide plays be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 5 of 17	
PROVISION OF FILMS	
<p>Will the schedule to provide films be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 6 of 17	
PROVISION OF INDOOR SPORTING EVENTS	
<p>Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?</p>	

Continued from previous page...

☐ Yes

☒ No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 8 of 17

PROVISION OF LIVE MUSIC

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

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

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

Continued from previous page...

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 select 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.

Occasional use of premises for live music entertainment using amplified equipment

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.

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

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

On the nights before a bank holiday to be able to conduct the activity until 02:00

Section 9 of 17

PROVISION OF RECORDED MUSIC

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

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start 11:00

End 01:00

Start

End

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

TUESDAY

Start 11:00

End 01:00

Start

End

WEDNESDAY

Start 11:00

End 01:00

Start

End

Continued from previous page...

THURSDAY

Start 11:00

End 01:00

Start

End

FRIDAY

Start 11:00

End 02:00

Start

End

SATURDAY

Start 11:00

End 02:00

Start

End

SUNDAY

Start 11:00

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 select 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.

Occasional use of premises for recorded music entertainment using amplified equipment

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 above, list below.

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

On the nights before a bank holiday to be able to conduct the activity until 02:00

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Continued from previous page...

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

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

☐ Yes

☒ No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

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

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 23:00

End 01:00

Start

End

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

TUESDAY

Start 23:00

End 01:00

Start

End

WEDNESDAY

Start 23:00

End 01:00

Start

End

THURSDAY

Start 23:00

End 01:00

Start

End

FRIDAY

Start 23:00

End 02:00

Start

End

SATURDAY

Start 23:00

End 02:00

Start

End

Continued from previous page...

SUNDAY

Start 23:00

End 01:00

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 select 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 provision of late night refreshment at different times from those listed above, list below.

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

On the nights before a bank holiday to be able to conduct the activity until 02:00

Section 13 of 17

SUPPLY OF ALCOHOL

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

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 11:00

End 01:00

Start

End

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

Continued from previous page...

TUESDAY

Start 11:00

End 01:00

Start

End

WEDNESDAY

Start 11:00

End 01:00

Start

End

THURSDAY

Start 11:00

End 01:00

Start

End

FRIDAY

Start 11:00

End 02:00

Start

End

SATURDAY

Start 11:00

End 02:00

Start

End

SUNDAY

Start 11:00

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 above, list below.

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

On the nights before a bank holiday to be able to conduct the activity until 02:00

Continued from previous page...

Section 14 of 17

ADULT ENTERTAINMENT

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

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

None

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

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

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 11:00

End 01:00

Start

End

State any seasonal variations.

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

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

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

On the nights before a bank holiday the premises will remain open until 02:00

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

N/A

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

Section 16 of 17

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.

General Conditions to remain unchanged
Premises will have a noise limiter fitted set to 95db up to 00:00 and then 90db from 00:00 to closing

Continued from previous page...

b) The prevention of crime and disorder

No changes proposed

c) Public safety

No changes proposed

d) The prevention of public nuisance

Premises will have a noise limiter fitted set to restrict volume to 95db up to 00:00 and then to 90db from 00:00 to closing

No admission or re-admission after 00:00

e) The protection of children from harm

No changes proposed

Section 17 of 17

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.

Variation 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 http://www.voa.gov.uk/business_rates/index.htm

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

If you own a large premise 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

Continued from previous page...

* Fee amount (£)

100.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ 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

Peter Adkins

* Capacity

Solicitor for Applicant

* Date

22 / 02 / 2017
dd mm yyyy

Add another signatory

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

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

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number

PMA/ANA01.01

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

☐

Appendix 6

From: Vicki Demuth
Sent: 24 March 2017 09:14
To: Licensing
Cc:
Subject: FW: Variation for Ana Rocha Ref EGL:MA:ANA001.001
Attachments: RE: Variation for Ana Rocha Ref EGL:MA:ANA001.001

Good Morning,

In relation to the variation application for Ana Rocha (48 Frederick Street, Birmingham, B1 3HN) West Midlands Police Licensing have liaised with the applicant and have no objections providing the following agreed conditions are added to the licence..

An Incident and Refusals Book will be maintained on the premises, to record details of all reported incidents inside the premises. This will be made available to any responsible authority on request.

Premises to be used predominantly as a restaurant and any changes to the premises such as a permanent dance floor and DJ booth must be agreed with West Midlands Police Licensing Department.

Door Supervisors will be utilised on Friday and Saturday from 10pm where the premises is remaining opening until 2am.

There will be no admission after midnight.

Kind Regards
Vicki

PC 0027 Vicki Demuth
BW Licensing
Lloyd House, Birmingham

From: Peter Adkins [mailto:peter.adkins@birmingham.gov.uk]
Sent: 23 March 2017 15:06
To: Vicki Demuth
Subject: RE: Variation for Ana Rocha Ref EGL:MA:ANA001.001

Dear Vicki

I have confirmation from Mr Vera that he is happy with your proposals as to conditions.

Do you want to send this through to licensing so they can act accordingly.

I am working on resolving the issues from Environmental Health as well

Best wishes

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

4395 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Ana Rocha Rear of 48 Frederick Street Hockley	
Post town:	Post Code:
Birmingham	B1 3HN
Telephone Number:	
Not Specified	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence	
E	Live music
F	Recorded music
L	Late night refreshment
M1	Sale of alcohol by retail (on the premises)

The times the licence authorises the carrying out of licensable activities			
Sunday - Thursday	11:00	-	23:00 E , F , M1
Friday - Saturday	11:00	-	00:00 E , F , M1
	23:00	-	00:00 L
On the nights before a bank holiday to be able to conduct the activity until 00:00			F , M1

The opening hours of the premises			
Sunday - Thursday	11:00	-	23:00
Friday - Saturday	11:00	-	00:00
On the nights before a bank holiday to be able to conduct the activity until 00:00			

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

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Ana Rocha Bar & Gallery Ltd 2 Water Court Water Street	
Post town: Birmingham	Post Code: B3 1HP
Telephone Number: Not Specified	
Email	

Registered number of holder for example company number or charity number (where applicable) 09179983
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Edgar Vera Rueda	
Post town:	Post Code:
Telephone Number:	

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

Dated 14/09/2015

Shaid Yasser
Assistant Senior Licensing Officer (Acting)
For Director of Regulation and Enforcement

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Annex 1 – Mandatory Conditions

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

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

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

- (a) a holographic mark, or
- (b) an ultraviolet feature.

The responsible person must ensure that—

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

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:— (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where—

- (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable

BIRMINGHAM CITY COUNCIL

in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No enforceable conditions identified from operating schedule.

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

The Premises will have CCTV to cover entrance and other areas - siting to be agreed with Police and the Premises will operate a Challenge 25 policy.

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

No enforceable conditions identified from operating schedule.

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

Noise levels will be monitored and notices erected to ask patrons to leave the premises quietly.

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

No enforceable conditions identified from operating schedule.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

3c) Committee conditions to promote public safety

N/A

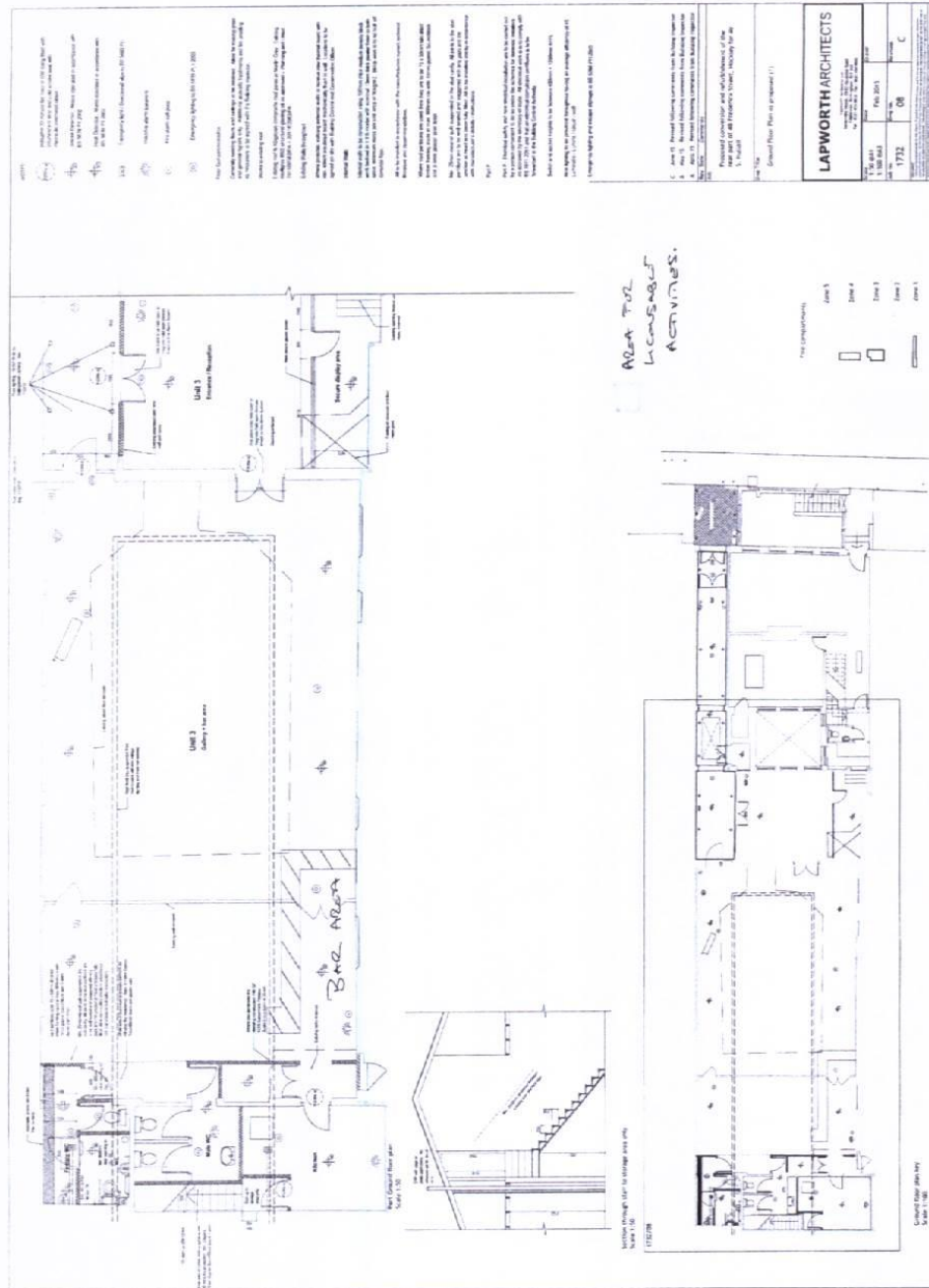
3d) Committee conditions to promote the prevention of public nuisance

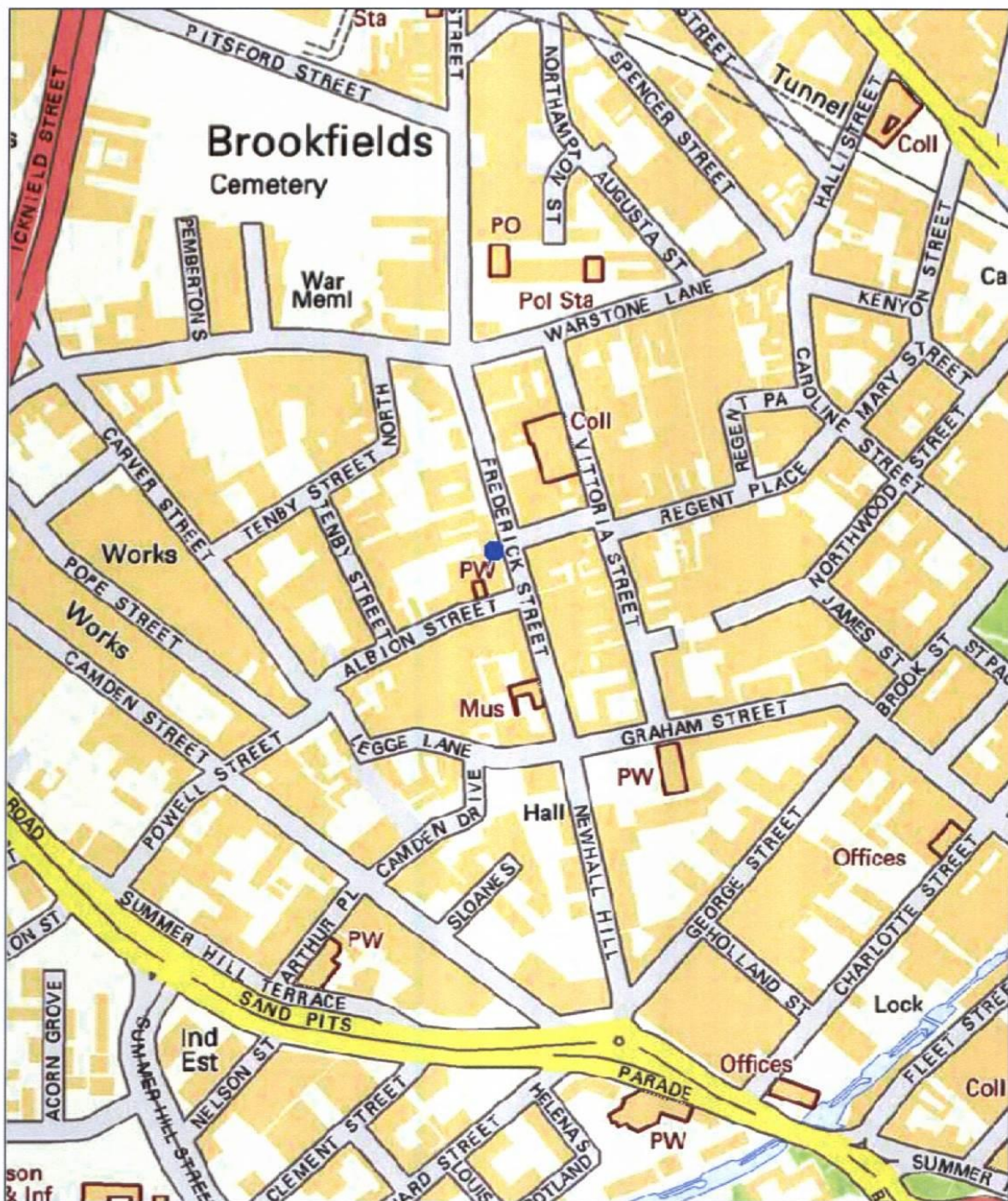
N/A

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

N/A

Annex 4 – Plans





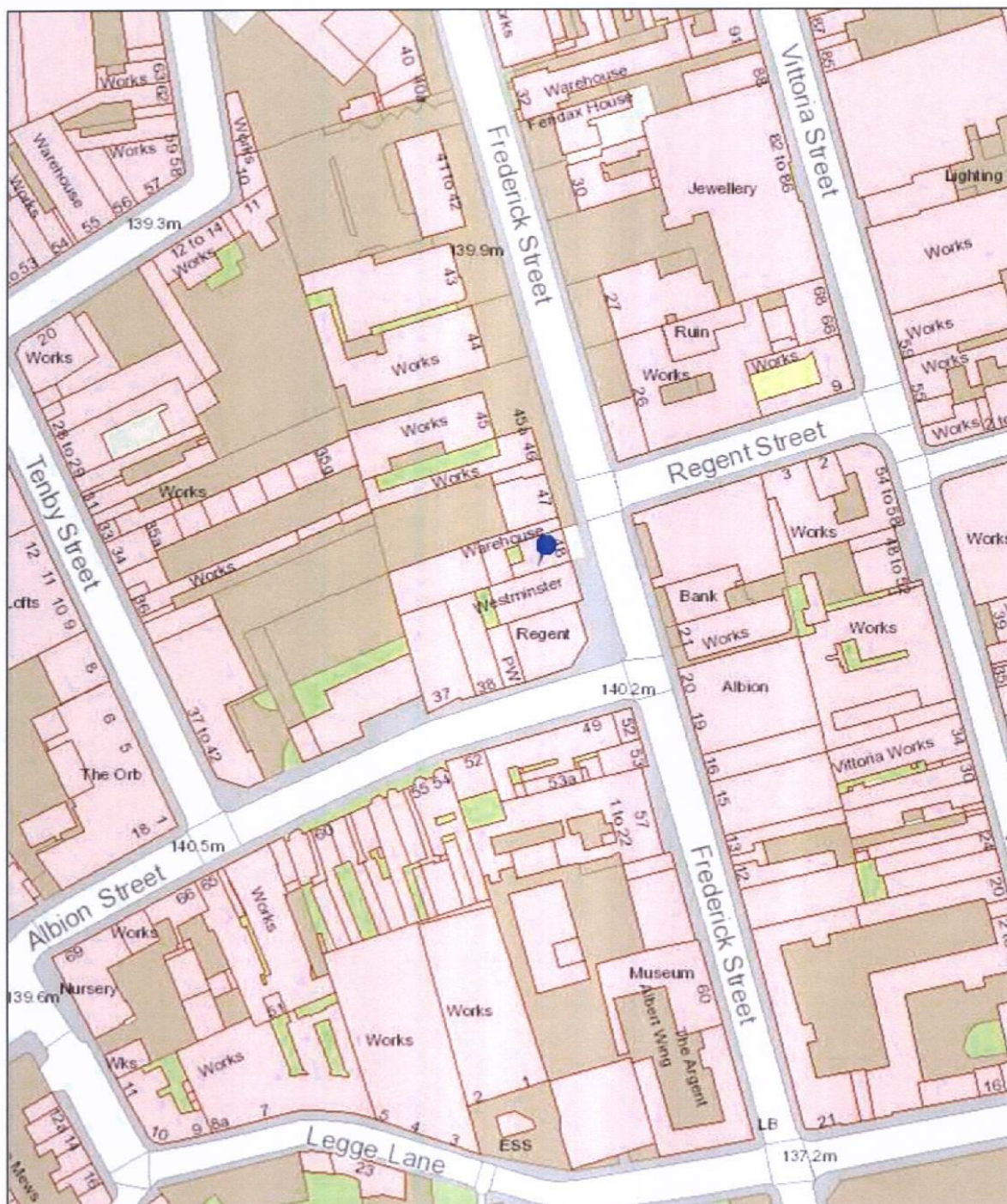
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