

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 15 JANUARY 2024 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3 - 45

4 **LICENSING ACT 2003 PREMISES LICENCE – REVIEW JEWELS
LOUNGE, UNIT 2, 19 – 23 PITSFORD STREET, LADYWOOD,
BIRMINGHAM, B18 6LJ**

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

5 **OTHER URGENT BUSINESS**

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

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Monday 15th January 2024
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Jewels Lounge, Unit 2, 19 – 23 Pitsford Street, Ladywood, Birmingham, B18 6LJ
Ward affected:	Soho and Jewellery Quarter
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:
To consider an application to review a Premises Licence.

2. Recommendation:
To consider the review application and representations received and to determine this matter, having regard to: <ul style="list-style-type: none"> • The submissions made by all parties • The Statement of Licensing Policy • The Public Sector Equality Duty • The s182 Guidance

3. Brief Summary of Report:
Review application received on 21 st November 2023 from Environmental Health in respect of Jewels Lounge, Unit 2, 19 – 23 Pitsford Street, Ladywood, Birmingham, B18 6LJ.
Representations have been received from 2 responsible authorities.

4. Compliance Issues:
4.1 Consistency with relevant Council Policies, Plans or Strategies:
The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

Environmental Health applied on 21st November 2023 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Jewels Lounge, Unit 2, 19 – 23 Pitsford Street, Ladywood, Birmingham, B18 6LJ.

Representations have been received from West Midlands Police and Birmingham City Council Licensing Enforcement as responsible authorities, which are attached at Appendices 1 & 2 respectively.

The Review application is attached at Appendix 3.

The Premises Licence is attached at Appendix 4.

Site location plans are attached at Appendix 5.

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:

Copies of the representations from West Midlands Police and Birmingham City Council Licensing Enforcement, Appendices 1 & 2
Review Application Form, Appendix 3
Copy of Premises Licence, Appendix 4
Site location plans, Appendix 5

7. Options available

Modify the conditions of Licence
Exclude a Licensable activity from the scope of the Licence
Remove the Designated Premises Supervisor
Suspend the Licence for a period not exceeding 3 months
Revoke the Licence
No Action

Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

From: Christopher Jones
Sent: 29 November 2023 11:54
To: Licensing
Subject: WMP supporting Reps for Jewels Lounge, Unit 2, 19-23 Pitsford Street, Birmingham B18 6LJ, licence number 4802

Good Morning Licensing,

Please see below West Midlands Police supporting representation for the premises review submitted by Environmental Health for Jewels Lounge, Unit 2, 19-23 Pitsford Street, Birmingham B18 6LJ, licence number 4802.

West Midlands Police fully support the recommendations made by Environmental Health Department for the revocation of the premises licence and the removal of the DPS, for the below reasons:

It is quite clear from the review application submitted by Environmental Health that they have taken a stepped approach when dealing with enforcement against this premises.

This stepped approach appears very similar to the approach which is taken, when appropriate, by West Midlands Police of;

- **Engagement with the premises**
- **Explaining their concerns to the premises**
- **Encouraging the premises to trade legally and in line with their premises licence**
- **Enforcement when the other steps have failed to improve the operation of the premises to uphold the licensing objectives.**

The review paperwork states that the first compliant about noise was received by Environmental Health in August 2022 which means local residents have been suffering from excessive noise for over 12 months.

This initial complaint also stated that the noise nuisance was after 23.00hrs which meant that the premises was carrying out licensable activity outside the scope of their premises licence.

After other noise complaints and complaints being confirmed as a statutory noise nuisance by Environmental Health's Rapid Response Service, a meeting was held with one of the premises directors and noise abatement notices were served. Again, some of the noise nuisance witness by the Rapid Response Service was outside the scope of the premises licensable hours.

Noise complaints continued about the premises after the initial meeting and the servicing of the noise abatement notice, with Environmental Health having little or no engagement from the premises to remedy the situation. Seemingly leaving Environmental Health, no option other than to submit the application to review the premises licence.

With the considerable length of time these complaints have been ongoing, with evidence from the Rapid Response Service, the lack of engagement from the premises, licensable activity taking place outside licensable hours, West Midlands Police have little confidence in the premises directors and management operating in a manner to uphold and promote the licensing objectives.

Regards

Chris Jones 55410

Central Licensing Team West Midlands Police

Representation made by Licensing Enforcement Officer Shaid Ali on Behalf of Licensing Enforcement in relation to Premises Licence number 4802/1: Jewels Lounge, Pitsford House, 19-21 Pitsford Street, Hockley, Birmingham B18 6LJ

On 4.1.23 the Licensing Enforcement section received a complaint via email from on behalf of Hylton Management Company Ltd which is responsible for the management of 8-14 Hylton St, Hockley Birmingham and to which he attached a letter.

In the letter he advised of potential noise nuisance issues being caused by the premises known as Jewels Lounge, 19-23 Pitsford St, Hockley Birmingham and which was affecting the residents of 8-14 Hylton St, Hockley. He alleged the premises played extremely loud music on most nights up until midnight and even later on Sundays. This was causing issues for residents who had work the following day as they were not able to get a good night's sleep.

advised he had looked at the relevant Planning application which stated opening times of 8 till 8 on weekdays, 9 till 12 on Saturdays and 10 till 4 on Sundays and there did not appear to be any permission to operate as a bar / restaurant / club. Therefore, he advised that the premises was breaching the Planning hours and the permitted use allowed under the Planning permission. He also advised after checking the Premises licence there did not appear to be any provision for regulated entertainment and therefore did not have permission for the use of the premises to play music as it was. As further evidence of the premises breaching Planning and the Premises Licence issued to the premises, he attached an advertisement for a ticketed event at the venue which stated an event at the premises on Saturday 3.12.22 between 7pm until 2am.

I visited the premise on 25.01.23 during a late shift and spoke to the licensee and DPS Mr Filmon Abraham. I advised of the reason for the visit and whilst there I also conducted an inspection in relation to the Premises Licence. A number of issues were noted:

1. The Personal licence could not be produced and I was told he had this at home
2. I was not able to view the CCTV to make sure it was operational but was told it is working and that it was locked away in an office for which he had left the key at home
3. There was no refusal register
4. He produced a copy of the Premises licence but the summary was not displayed and I left him details of the phone number and email address for the General Licensing section in order for him to obtain a replacement
5. There were no staff training records produced

I advised I will return the same time the following week when I expected all the issues in terms of the conditions to be resolved. At the same time, I warned him about the noise complaint and that this was being investigated and if a nuisance was proved then there may be formal action taken against him.

On 1.2.23 I revisited the premises to complete my inspection and to check if the issues from the previous visit had been resolved. The Licensee Mr Abraham was present, I was advised the CCTV was working but was not recording as the police had seized the hard drive, he produced a warrant from the Police dated 8.8.22. Therefore between 8.8.22 and 1.2.23 there was no CCTV recordings available in breach of the conditions of licence. I told him this was nearly six months ago and since then had he not been recording the CCTV footage and this was confirmed as being correct. He was told that he will have to get this fixed urgently.

There was no staff training record for his brother who was the only member of staff, he showed me his personal licence from a screen shot on his phone and I advised him that I needed to see the physical licence, he did produce the refusal register but it had no entries and was advised that they have no refusals as most of their customers are known to them and they are aware of their ages,

he had also found the licence summary which was now displayed. I left him a traders notice and gave him two weeks to resolve all the issues noted on the notice.

I also noted there was a mixed group of about five people sharing a shisha pipe in what looked like an enclosed part of the premises in the main lounge area. I pointed this out to the licensee and told him that this area looked substantially enclosed.

At the rear there was a decked area where the sides were covered in clear plastic sheeting, I assumed this was where the shisha was supposed to be smoked but again this looked substantially enclosed. This area also had a number of large speakers which I assumed were the cause of the noise complaint and noted the new block of residential flats at the rear which were in close proximity. I reminded him once again about not causing any further nuisance.

Following this my next visit to the premises was on 19.4.23 as I was having issues trying to arrange an appointment with the Licensee. All issues had been resolved but the training records were still not available, he showed me an email which showed he had ordered the training and that this should arrive in the post by Friday. I asked him to complete the records when arrived and then to email me a copy. I also advised him about the ongoing noise complaints, and he denied that it was his premises which was causing the issue. I told him that Environmental Health had established his premises was the source of the nuisance.

Between this visit and November 2023, Environmental Health (EH) had enough evidence to prove that this premises was the source of the nuisance and had served a Noise Abatement Notice. On 10.11.23 I visited the premises again. I spoke to the Licensee's brother because the Licensee himself was not present. I advised him that further complaints about loud music had been received since the abatement notice was served by EH and he was oblivious to the fact a notice had been served and denied having any knowledge about the notice. He said that they no longer played the music, so could not understand why more complaints had been made.

On 21.11.23 I received a phone call from Martin Key (EH), he advised that he was drafting a review of the licence. He also asked if I had any contact details for the premises and said a lot of the letters which he had sent had been returned and any letters he hand delivered had apparently not been checked as the Licensee advised him he never checked the letterbox. I advised I had an email address and a contact number and emailed these details to him.

On 22.11.23 I received notification from the General Licensing section advising EH had called for a review of the Licence and I was asked to erect the Public notices informing the public of the fact and how anyone wishing to make a representation in relation to the review could do so. On the same day I visited the premises and erected two notices, one adjacent to the entrance and another on a lamppost opposite. I've had to revisit a number of times throughout the Notice period in order to replace notices which had gone missing.

Prior to the submission of the Licence review as can be seen from my representation I and other colleagues from Environmental Health and Planning had a number of interactions with the Licensee to try and resolve the noise issue but our advice had appeared to have been ignored and the premises continued to cause a nuisance, leaving the council with no choice but to take this action to finally try to resolve this issue.

The Licensee has been warned by me at least three times of the complaints regarding a noise nuisance and I believe EH have also visited the premises a number of times and written to him warning him about the same issue and the possible consequences.

In my opinion the Licensee has shown no regard to upholding the Licensing objectives, he has failed to comply with the conditions of the Premises licence and has carried out activities not authorised by the licence. He has used the premises for activities not authorised by Planning and has breached the Planning hours associated with the premises. He has repeatedly ignored my advice and from EH and has continued to cause a nuisance to residents in the vicinity even after an abatement notice has been served. This demonstrates the uncooperative nature of the Licensee and shows him as having little regard for the licensing objectives, Planning and Environmental Legislation and ultimately to the residents whose enjoyment of their life has been affected by the continuous nuisance being caused by the Licensee.

I recommend that the Premises Licence is revoked as I believe this is the only outcome which will resolve the issues being caused. I don't think attaching further conditions or restrictions to the licence will have the desired effect, because if the Licensee wanted to comply then he would have acted on the advice given to him on numerous occasions by different officers of various sections of the council before reaching this stage, yet he has continued to blatantly ignore this advice which has led to the last resort step of calling for a review of the Premises Licence in order to finally try and resolve the nuisance being caused by the activities of this premises to residents living in the vicinity. The Licensee does not appear to take his responsibilities seriously and this has been demonstrated by his attitude and the fact he has told Martin Key that he never checked his letterbox.

Please accept this as my representation on behalf of Licensing Enforcement.

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I MARTIN JOHN KEY

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Jewels Lounge Unit 2 19 - 23 Pitsford Street Ladywood	
Post town Birmingham	Post code (if known) B18 6LJ

Name of premises licence holder or club holding club premises certificate (if known) Mr Filmon Abraham
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Number of premises licence or club premises certificate (if known) 4802

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Martin Key Environmental Protection Officer Regulation & Enforcement City Operations Directorate Birmingham City Council 1-3 Ashted Lock Way, Birmingham B7 4AZ
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

The premises are situated in a mixed-use area but with adjacent residential use and there has been a history of noise complaints over an extended period of time. This has resulted in the service of noise abatement notices in April 2023 and further ongoing noise issues resulting in the commencement of further enforcement action. The premises is failing to uphold the licencing objective in respect of prevention of public nuisance and despite interventions by environmental health there has been no improvement in the situation and noise amounting to a nuisance continues to be emitted from the premises. As the premises licence does not include regulated entertainment there are no conditions attached and although the premises licence holder can operate regulated entertainment until 23.00 hours without it being specifically included in the licence there have been a number of instances witnessed where the music is continuing beyond 23.00.

Environmental health have no confidence in the premises licence holder to meet the licencing objective in respect of prevention of public nuisance as despite the service of noise abatement notices and a number of visits and interventions the premises licence holder has repeatedly ignored advice and warnings given in respect of noise. Environmental health would therefore request that the premises licence for this premises the premises is revoked and the designated premises supervisor removed as unless this is done they will continue to disregard the licencing objectives as they have shown by their current conduct resulting in significant impacts on nearby residents.

Please provide as much information as possible to support the application (please read guidance note 3)

1. The premises are located within a mixed-use area which is going through regeneration within the jewellery quarter and the location is indicated in Appendix 1. There has been previous use for bar and restaurant operations at the site and the current operation as Jewels Lounge was subject to a premises licence transfer on 14 July 2022.
2. The first noise complaints were received in late August 2022 from location within zone 1 shown in appendix 2. This was investigated and the operator was advised to ensure that noise levels were not excessive and that the premises licence did not include live or recorded music and therefore should not extend beyond 23.00. It appeared from the complainants' that the primary issue were music-led events on a Sunday evening terminating after midnight.
3. Further complaints were then received from complainants in zone 2 in January 2023. The complainants identified a number of occasions when the noise was audible and completed a record of the number of events in the impacts will stop. The complainants in Zone 1 and Zone 2 were placed on the rapid response service and an officer was requested to attend Zone 1 on 2 April 2023. The music was clearly audible within the residential premises and was identified as originating at Jewels Lounge. The officer determined that a statutory nuisance existed between the hours of 22.15 and 23.37. A subsequent visit was requested to a Zone 2 complainant on 16 April 2023 and the officer identified that the music was clearly audible within the residential premises even with closed windows. The noise was determined between 22.25 and 23.45 as a statutory nuisance.
4. The site visit and meeting with Jaifer Ybrah Mare who was identified as one of the directors of Jewels Lounged Limited was carried out on 19 April 2023 at 18.30 by Martin Key. During the visit it was advised that a statutory nuisance had been identified and that the council were required to serve a noise abatement notice under section 80 of the Environmental Protection Act 1990. The premises were operating as a shisha bar with a DJ and all of the seated area including the DJ area were effectively external areas as they had partial wooden structures with polythene sheet walls and plastic sheet roofing. Appendix 3 includes some photographs of the premises. It was advised that given the operations and the lack of any noise mitigation measures the premises were inappropriate for use as a music venue without a substantial structure and also that the premises licence did not permit operations beyond 23.00.
5. Three noise abatement notices were served by post on Jaifer Ybrah Mare, Jewels Lounge Limited and Filman Tedros Abraham representing the premises licence holder, the limited company and the two directors on 21 April 2023 attached as Appendix 4.
6. A subsequent rapid response visit was requested to a Zone 2 complainant on 23 April 2023 and the officer identified that the music was clearly audible within the residential premises even with closed windows. The noise was determined between 23.23 and 23.55 as a statutory nuisance.
7. A routine site visit was carried out on Friday 26 May 2023 at 22.10 however there was limited activity identified at the premises and while some music was audible externally it was not deemed to be excessive.

8. A subsequent rapid response visit was requested to a Zone 1 complainant on 10 June 2023 and the officer identified that the music was clearly audible within the residential premises even with closed windows. The noise was determined between 21.36 and 21.57 as a statutory nuisance in breach of the abatement notice.
9. Further noise complaints with received from other residents within zone 2 in July 2023.
10. A further site visit was carried out on Saturday 15 July 2022. The officers arrived at 23.30 and dance music was clearly audible on Vyse Street and there were a number of taxis and cars outside the premises on Pitsford St. The music was clearly audible at excessive levels throughout the Jewellery Quarter around the Pitsford street site and the noise was originating in the rear external space of Jewels Lounge. An assessment was made on the Jewellery Quarter railway walkway where the DJ, music and vocals were clearly audible. A visit was carried out to Hylton St and again the music was clearly audible with significant bass and beat although at this location the vocals were more muffled. The noise was assessed at the residential premises and determined by the officers to represent a statutory nuisance between the hours of 23.30 and 23.43 again in breach of the abatement notice.
11. Letters dated 2 August 2023 were sent to Jaifer Ybrah Mare, Jewels Lounge Limited and Filman Tedros Abraham being hand delivered to the premises at 14.50 advising of the breach of the abatement notice and consideration of further enforcement action.
12. The residential development known as the Goodsyard adjacent to Jewels Lounge began occupation in early September 2023 and a further site visit was carried out on 9 September 2023. At 22.57 assessments were made on Vyse Street beyond the Jewellery Quarter railway station when the music was clearly audible above the road traffic noise and the vocals, beat and low frequency bass were dominant. The noise again was identified as originating from the rear of the premises Jewels Lounge and on the jewellery quarter railway walkway the DJ and crowd noise was clearly audible. At 23.10 an assessment was made in zone two and again the noise was excessive and dominant above traffic. The officers determined that the noise was a statutory nuisance and this was a further breach of the noise abatement notice.
13. Letters dated 19 September 2023 were sent to Jaifer Ybrah Mare, Jewels Lounge Limited and Filman Tedros Abraham being hand delivered to the premises at 15.40 advising of the breach of the abatement notice and consideration of further enforcement action and a licence review.
14. Since September there has been a significant increase in the number of complaints with complaints from zone 1 and zone 2 continuing however there have been numerous complaints over the majority of the weekends from September until present from residents within zone 3.
15. Following discussions with Jaifer Ybrah Mare a further meeting was arranged on 17 November 2023 at the premises at 19.30. Martin Key and Mark Wolstencroft met with Jaifer Ybrah Mare to discuss the ongoing complaints, the failure of engagement from the company, continued breaches of the noise abatement notice and operation of regulated entertainment without a valid premises licence. Jaifer Ybrah Mare Stated that they had not played any music since the summer because they felt the site was not suitable given the proximity of the residential development adjacent and they were considering changing the operation to a games-led facility. He agreed that the premises had been operated as an event space but that the last event was

held on 22/23 September 2023. He claimed that the event operated between 16.00 hours and finished at 23.00. The premises were as previously identified in the April 2023 visit in that there was no substantial structures, roofing and walls were plastic or polythene sheets and there was a PA located in the rear area. There was a discussion about the planning status of the site as the only consent for the development area was as a car part linked to a cafe on the frontage and hence there is no valid consent. Jaifer Ybrah Mare stated that the agent had advised him the site was adequately consented. Jaifer Ybrah Mare further explained that they were currently not offering food and they have stopped providing shisha and it's currently too cold to operate events and they were reviewing the operation. Due to an impending holiday he suggested that he would revert back on 4 December 2023 with further information as to the proposed way forward and confirmed once again that there have been no events since 22 or 23 September 2023. He said they may have occasionally been friends over watching a football game but there had been no music.

16. Subsequent to the meeting the evidence was reviewed and having spoken to a number of the complainants they are adamant that these events have been operating continuously and indeed further complaints were received about an event on Sunday 19 November 2023.
17. Letters dated 20 November 2023 were sent to Jaifer Ybrah Mare, Jewels Lounge Limited and Filman Tedros Abraham advising of the circumstances and confirmation of the intent to submit a premises licence review.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

.....

Date 21 November 2023

.....

Capacity Environmental Protection Officer as a representative of a responsible authority - Birmingham City Council Environmental Health

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Martin Key Environmental Protection Officer Regulation & Enforcement City Operations Directorate Birmingham City Council 1-3 Ashted Lock Way,	
Post town Birmingham	Post Code B7 4AZ
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



APPENDIX 1 – LOCATION OF JEWELS LOUNGE



APPENDIX 2 – ZONES OF NOISE COMPLAINT

APPENDIX 3 – PHOTOGRAPHS OF JEWELS LOUNGE INTERIOR





REFERENCE: 21791
(please quote in all correspondence
relating to this notice)

BIRMINGHAM CITY COUNCIL
ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80
ABATEMENT NOTICE

TO: Jewels Lounge Limited,
Unit 3, 19-21 Pitsford Street, Birmingham, West Midlands, United Kingdom, B18 6LJ

TAKE NOTICE that, under the provisions of the above-mentioned legislation, BIRMINGHAM CITY COUNCIL (the Council) being satisfied that a statutory nuisance by virtue of Section 79(1) (g) of the Act

has occurred and is likely to recur arising from noise emitted from amplified sound, speech and music at premises known as Jewels Lounge, 19-21 Pitsford Street, Birmingham, West Midlands, United Kingdom, B18 6LJ.

As the person(s) responsible for the said nuisance, the Council (being satisfied that such nuisance is likely to recur) HEREBY PROHIBIT its recurrence immediately from the service of this notice

Your attention is drawn to the notes accompanying this notice

If you fail to comply with any of the requirements of this notice you may be prosecuted by the said Council within a Magistrates' Court for an offence under Section 80 of the Environmental Protection Act 1990 as set out in paragraph 4 and paragraph 7 in the notes accompanying this notice.

You have the right of appeal against this notice to the Birmingham Magistrates Court as appropriate within a period of twenty-one days beginning with the date of service of the notice as set out in paragraph 3 in the notes accompanying this notice.

This is a notice to which paragraph (2) of Regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the court, on the grounds set out in paragraph 6(iii) (limited expenditure) in the notes accompanying this notice.

SIGNED

DATED 21 April 2023

Martin John Key
Duly Authorised Officer
Environmental Health Department,
Regulation and Enforcement Division

All communications to be addressed to the Director of Regulation and Enforcement. Any enquiry relating to this Notice may be made from 09.00 – 16.00 hours Monday to Friday at:

Regulation and Enforcement, Environmental Health, Ashted Lock, PO Box 16977, Birmingham, B2 2AE
Tel:
Email:-

ENVIRONMENTAL PROTECTION ACT 1990
NOISE AND STATUTORY NUISANCE ACT 1993
THE STATUTORY NUISANCE (APPEALS) REGULATIONS 1995

(1) Where a Local Authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the Authority, the Local Authority shall serve a notice ("an abatement notice") imposing all or any of the following requirements:-

- (a) requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence;
- (b) requiring the execution of such works, and the taking of such other steps, as may be necessary for any of these purposes, and the notice shall specify the time or times within which the requirements of the notice are to be complied with.

(2) The abatement notice shall be served:-

- (a) Except in a case falling within paragraph (b) or (c) below, on the person responsible for the nuisance;
- (b) Where the nuisance arises from any defect of a structural character, on the owner of the premises;
- (c) Where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, on the owner or occupier of the premises.
- (d) Where the person responsible for the vehicle, machinery or equipment can be found, on that person
- (e) Where the person cannot be found or where the Local Authority determines, by fixing the Notice to the vehicle, machinery or equipment.
- (f) Where an Abatement Notice is served on (b) above, and the person responsible for the vehicle, machinery or equipment can be found and served with a copy of the Notice within 1 hour of the Notice being fixed to the vehicle, machinery or equipment, a copy of the Notice shall be served on that person accordingly.
- (g) Where an Abatement Notice is served in accordance with (b) above, by virtue of a determination of a Local Authority, the Notice shall state that, if a copy of the Notice is subsequently served under (c) above, the time specified in the Notice as the time within which it's requirements are to be complied with is extended by such further period as is specified in the Notice.

(3) A person served with the notice may appeal against the notice to a Magistrates' Court within the period of twenty-one days beginning with the date on which he was served with the notice.

(4) If a person on whom an abatement notice is served, without reasonable excuse, contravenes or fails to comply with the requirement or prohibition imposed by the notice, he shall be guilty of an offence. A person who commits such an offence shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after the conviction, except in the case where a person who commits such an offence does so on industrial, trade or business premises then he shall be liable on summary conviction to a fine.

(5) Where an abatement notice has not been complied with the Local Authority may, whether or not they take proceedings for an offence for non-compliance, abate the nuisance and do whatever may be necessary in execution of the notice. Any expenses reasonably incurred by a Local Authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person or persons by whose act or default the nuisance was caused.

(6) Where an appeal is brought against an Abatement Notice the notice will be suspended pending the outcome of the appeal, except where the nuisance to which the notice relates

- (i) is injurious to health, or
- (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (iii) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

In such circumstances the notice will not be suspended pending the outcome of the appeal

(7) Subject to the provisions of s79 (10) of the Act, a local authority shall not without the consent of the Secretary of State institute summary proceedings under Part III of the Act in respect of a nuisance falling within paragraph (b), (d), (e), (fb) or (g) of subsection (1) above if proceedings in respect thereof might be instituted under regulations under section 2 of the Pollution Prevention and Control Act 1999.

REFERENCE: 21793
(please quote in all correspondence
relating to this notice)

BIRMINGHAM CITY COUNCIL
ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80
ABATEMENT NOTICE

TO: Jaifer Ybrah Mare,
Unit 3, 19-21 Pitsford Street, Birmingham, West Midlands, United Kingdom, B18 6LJ

TAKE NOTICE that, under the provisions of the above-mentioned legislation, BIRMINGHAM CITY COUNCIL (the Council) being satisfied that a statutory nuisance by virtue of Section 79(1) (g) of the Act

has occurred and is likely to recur arising from noise emitted from amplified sound, speech and music at premises known as Jewels Lounge, 19-21 Pitsford Street, Birmingham, West Midlands, United Kingdom, B18 6LJ.

As the person(s) responsible for the said nuisance, the Council (being satisfied that such nuisance is likely to recur) HEREBY PROHIBIT its recurrence immediately from the service of this notice

Your attention is drawn to the notes accompanying this notice

If you fail to comply with any of the requirements of this notice you may be prosecuted by the said Council within a Magistrates' Court for an offence under Section 80 of the Environmental Protection Act 1990 as set out in paragraph 4 and paragraph 7 in the notes accompanying this notice.

You have the right of appeal against this notice to the Birmingham Magistrates Court as appropriate within a period of twenty-one days beginning with the date of service of the notice as set out in paragraph 3 in the notes accompanying this notice.

This is a notice to which paragraph (2) of Regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the court, on the grounds set out in paragraph 6(iii) (limited expenditure) in the notes accompanying this notice.

SIGNED

DATED 21 April 2023

Martin John Key
Duly Authorised Officer
Environmental Health Department,
Regulation and Enforcement Division

All communications to be addressed to the Director of Regulation and Enforcement. Any enquiry relating to this Notice may be made from 09.00 – 16.00 hours Monday to Friday at:

Regulation and Enforcement, Environmental Health, Ashted Lock, PO Box 16977, Birmingham, B2 2AE
Tel:
Email:-

ENVIRONMENTAL PROTECTION ACT 1990
NOISE AND STATUTORY NUISANCE ACT 1993
THE STATUTORY NUISANCE (APPEALS) REGULATIONS 1995

(1) Where a Local Authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the Authority, the Local Authority shall serve a notice ("an abatement notice") imposing all or any of the following requirements:-

- (a) requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence;
- (b) requiring the execution of such works, and the taking of such other steps, as may be necessary for any of these purposes, and the notice shall specify the time or times within which the requirements of the notice are to be complied with.

(2) The abatement notice shall be served:-

- (a) Except in a case falling within paragraph (b) or (c) below, on the person responsible for the nuisance;
- (b) Where the nuisance arises from any defect of a structural character, on the owner of the premises;
- (c) Where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, on the owner or occupier of the premises.
- (d) Where the person responsible for the vehicle, machinery or equipment can be found, on that person
- (e) Where the person cannot be found or where the Local Authority determines, by fixing the Notice to the vehicle, machinery or equipment.
- (f) Where an Abatement Notice is served on (b) above, and the person responsible for the vehicle, machinery or equipment can be found and served with a copy of the Notice within 1 hour of the Notice being fixed to the vehicle, machinery or equipment, a copy of the Notice shall be served on that person accordingly.
- (g) Where an Abatement Notice is served in accordance with (b) above, by virtue of a determination of a Local Authority, the Notice shall state that, if a copy of the Notice is subsequently served under (c) above, the time specified in the Notice as the time within which it's requirements are to be complied with is extended by such further period as is specified in the Notice.

(3) A person served with the notice may appeal against the notice to a Magistrates' Court within the period of twenty-one days beginning with the date on which he was served with the notice.

(4) If a person on whom an abatement notice is served, without reasonable excuse, contravenes or fails to comply with the requirement or prohibition imposed by the notice, he shall be guilty of an offence. A person who commits such an offence shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after the conviction, except in the case where a person who commits such an offence does so on industrial, trade or business premises then he shall be liable on summary conviction to a fine.

(5) Where an abatement notice has not been complied with the Local Authority may, whether or not they take proceedings for an offence for non-compliance, abate the nuisance and do whatever may be necessary in execution of the notice. Any expenses reasonably incurred by a Local Authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person or persons by whose act or default the nuisance was caused.

(6) Where an appeal is brought against an Abatement Notice the notice will be suspended pending the outcome of the appeal, except where the nuisance to which the notice relates

- (i) is injurious to health, or
- (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (iii) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

In such circumstances the notice will not be suspended pending the outcome of the appeal

(7) Subject to the provisions of s79 (10) of the Act, a local authority shall not without the consent of the Secretary of State institute summary proceedings under Part III of the Act in respect of a nuisance falling within paragraph (b), (d), (e), (fb) or (g) of subsection (1) above if proceedings in respect thereof might be instituted under regulations under section 2 of the Pollution Prevention and Control Act 1999.

REFERENCE: 21792
(please quote in all correspondence
relating to this notice)

BIRMINGHAM CITY COUNCIL
ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 80
ABATEMENT NOTICE

TO: Filman Tedros Abraham,
Unit 3, 19-21 Pitsford Street, Birmingham, West Midlands, United Kingdom, B18 6LJ

TAKE NOTICE that, under the provisions of the above-mentioned legislation, BIRMINGHAM CITY COUNCIL (the Council) being satisfied that a statutory nuisance by virtue of Section 79(1) (g) of the Act

has occurred and is likely to recur arising from noise emitted from amplified sound, speech and music at premises known as Jewels Lounge, 19-21 Pitsford Street, Birmingham, West Midlands, United Kingdom, B18 6LJ.

As the person(s) responsible for the said nuisance, the Council (being satisfied that such nuisance is likely to recur) HEREBY PROHIBIT its recurrence immediately from the service of this notice

Your attention is drawn to the notes accompanying this notice

If you fail to comply with any of the requirements of this notice you may be prosecuted by the said Council within a Magistrates' Court for an offence under Section 80 of the Environmental Protection Act 1990 as set out in paragraph 4 and paragraph 7 in the notes accompanying this notice.

You have the right of appeal against this notice to the Birmingham Magistrates Court as appropriate within a period of twenty-one days beginning with the date of service of the notice as set out in paragraph 3 in the notes accompanying this notice.

This is a notice to which paragraph (2) of Regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the court, on the grounds set out in paragraph 6(iii) (limited expenditure) in the notes accompanying this notice.

SIGNED

DATED 21 April 2023

Martin John Key
Duly Authorised Officer
Environmental Health Department,
Regulation and Enforcement Division

All communications to be addressed to the Director of Regulation and Enforcement. Any enquiry relating to this Notice may be made from 09.00 – 16.00 hours Monday to Friday at:

Regulation and Enforcement, Environmental Health, Ashted Lock, PO Box 16977, Birmingham, B2 2AE
Tel:
Email:-

ENVIRONMENTAL PROTECTION ACT 1990
NOISE AND STATUTORY NUISANCE ACT 1993
THE STATUTORY NUISANCE (APPEALS) REGULATIONS 1995

(1) Where a Local Authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the Authority, the Local Authority shall serve a notice ("an abatement notice") imposing all or any of the following requirements:-

- (a) requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence;
- (b) requiring the execution of such works, and the taking of such other steps, as may be necessary for any of these purposes, and the notice shall specify the time or times within which the requirements of the notice are to be complied with.

(2) The abatement notice shall be served:-

- (a) Except in a case falling within paragraph (b) or (c) below, on the person responsible for the nuisance;
- (b) Where the nuisance arises from any defect of a structural character, on the owner of the premises;
- (c) Where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, on the owner or occupier of the premises.
- (d) Where the person responsible for the vehicle, machinery or equipment can be found, on that person
- (e) Where the person cannot be found or where the Local Authority determines, by fixing the Notice to the vehicle, machinery or equipment.
- (f) Where an Abatement Notice is served on (b) above, and the person responsible for the vehicle, machinery or equipment can be found and served with a copy of the Notice within 1 hour of the Notice being fixed to the vehicle, machinery or equipment, a copy of the Notice shall be served on that person accordingly.
- (g) Where an Abatement Notice is served in accordance with (b) above, by virtue of a determination of a Local Authority, the Notice shall state that, if a copy of the Notice is subsequently served under (c) above, the time specified in the Notice as the time within which it's requirements are to be complied with is extended by such further period as is specified in the Notice.

(3) A person served with the notice may appeal against the notice to a Magistrates' Court within the period of twenty-one days beginning with the date on which he was served with the notice.

(4) If a person on whom an abatement notice is served, without reasonable excuse, contravenes or fails to comply with the requirement or prohibition imposed by the notice, he shall be guilty of an offence. A person who commits such an offence shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after the conviction, except in the case where a person who commits such an offence does so on industrial, trade or business premises then he shall be liable on summary conviction to a fine.

(5) Where an abatement notice has not been complied with the Local Authority may, whether or not they take proceedings for an offence for non-compliance, abate the nuisance and do whatever may be necessary in execution of the notice. Any expenses reasonably incurred by a Local Authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person or persons by whose act or default the nuisance was caused.

(6) Where an appeal is brought against an Abatement Notice the notice will be suspended pending the outcome of the appeal, except where the nuisance to which the notice relates

- (i) is injurious to health, or
- (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
- (iii) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

In such circumstances the notice will not be suspended pending the outcome of the appeal

(7) Subject to the provisions of s79 (10) of the Act, a local authority shall not without the consent of the Secretary of State institute summary proceedings under Part III of the Act in respect of a nuisance falling within paragraph (b), (d), (e), (fb) or (g) of subsection (1) above if proceedings in respect thereof might be instituted under regulations under section 2 of the Pollution Prevention and Control Act 1999.

CERTIFICATE OF SERVICE
(Criminal Procedure Rules 2005, Reg 4
Local Government Act 1972, Section 233)

I.....of the Environmental Health Division of Regulation & Enforcement, P O Box 15908, Birmingham, B2 2UD hereby certify that I served

Name:

Address:

with a Statutory Notice Ref No:

of which this is a true copy by:

(a) Delivering the said Notice to him/her personally at.....
.....
at.....hours, on20.....

(b) Leaving the said Notice for him/her at.....
.....
being the defendant's last known or usual place of abode, at.....hours,
on.....20.....

(c) Affixing the Notice to a conspicuous part of the property namely.....
.....
being the subject of the notice / last known proper address for the owner / occupier (deleted as appropriate) to whom this notice is addressed at.....hours, on
.....20.....

(d) Sending the said Notice to him/her in a pre-paid sealed envelope sent by first class, posted by me by posting at (address of post box).....
.....
at.....hours, on20.....
The notice was addressed to..... being his/her last known or usual place of abode

(e) By leaving the notice, which is addressed to the occupier or owner (delete as appropriate) in the hands of a person who is resident or employed on the land, (delete as appropriate) at.....
.....
at.....hours, on20.....

Signed Dated.....



LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number: 4802 / 3

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Jewels Lounge Pitsford House 19 - 21 Pitsford Street Hockley	
Post town: Birmingham	Post Code: B18 6LJ
Telephone Number: Not Specified	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence	
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

The times the licence authorises the carrying out of licensable activities			
Monday - Sunday	10:00	-	01:00 M3
	23:00	-	01:00 L

The opening hours of the premises			
Monday - Sunday	10:00	-	01:30

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Filmon Abraham	
Post town:	Post Code:
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) N/A

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Filmon Abraham	
Post town:	Post Code:
Telephone Number: Not Specified	

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 11831	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 14/07/2022

Bhapinder Nandhra
Senior Licensing Officer
For Director of Regulation and Enforcement

Annex 1 – Mandatory Conditions

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

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

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

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

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

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

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

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

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Conditions as stated below under the appropriate licensing objective.

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

The Premises Licence holder shall ensure a CCTV system covering areas inside and outside of the premises should be operating and maintained according to police recommendations with properly maintained log arrangements and recordings/tapes to be kept for 31 days.

The Premises Licence holder shall ensure a record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

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

The Premises Licence holder shall ensure that any staff involved in the sale of alcohol are fully trained on their responsibilities under the Licensing Act 2003, including any changes of legislation and all staff will be trained in the usage and chronicled storage of CCTV

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

No enforceable conditions identified from operating schedule.

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

The Premises Licence holder shall ensure a Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

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

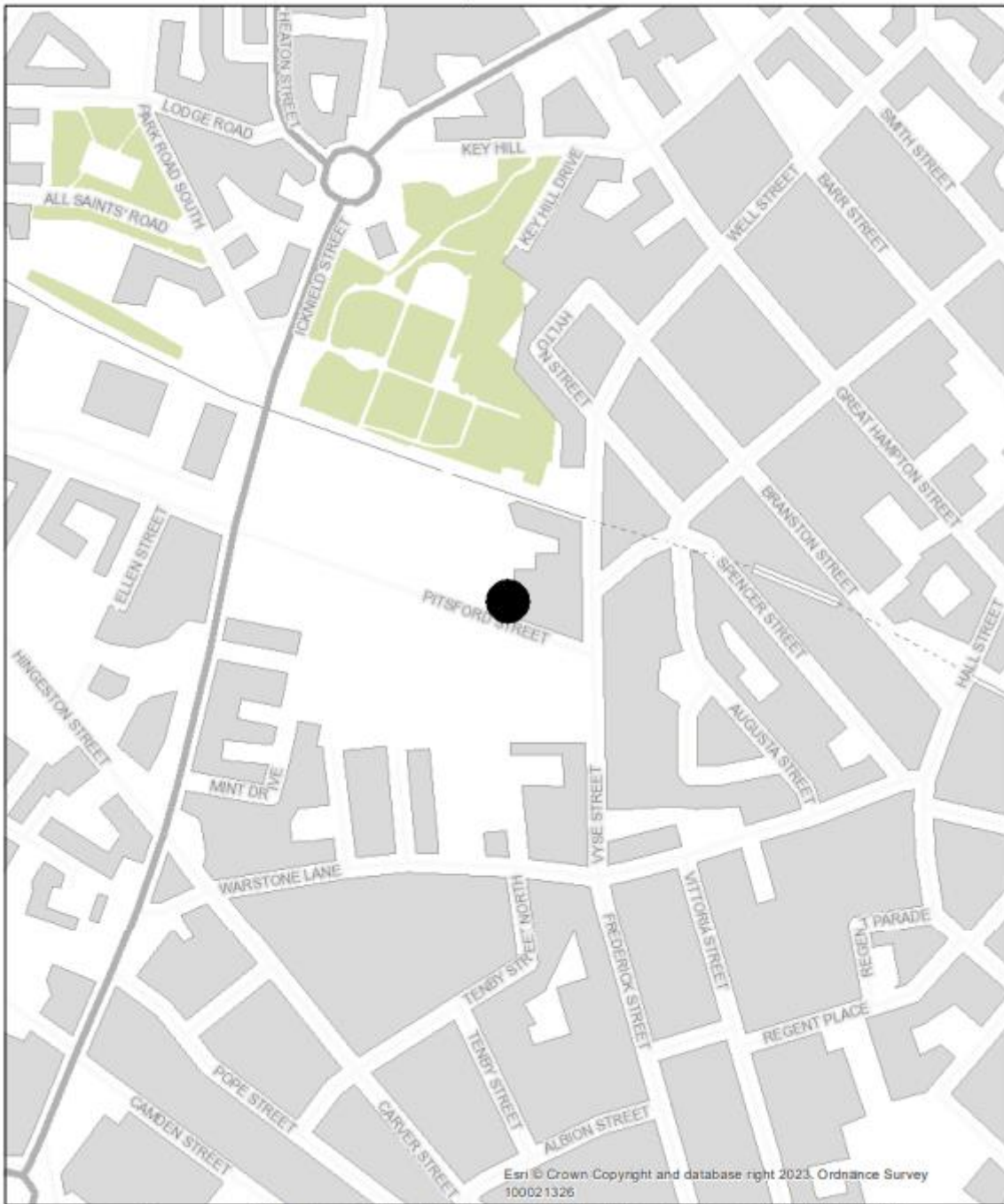
N/A

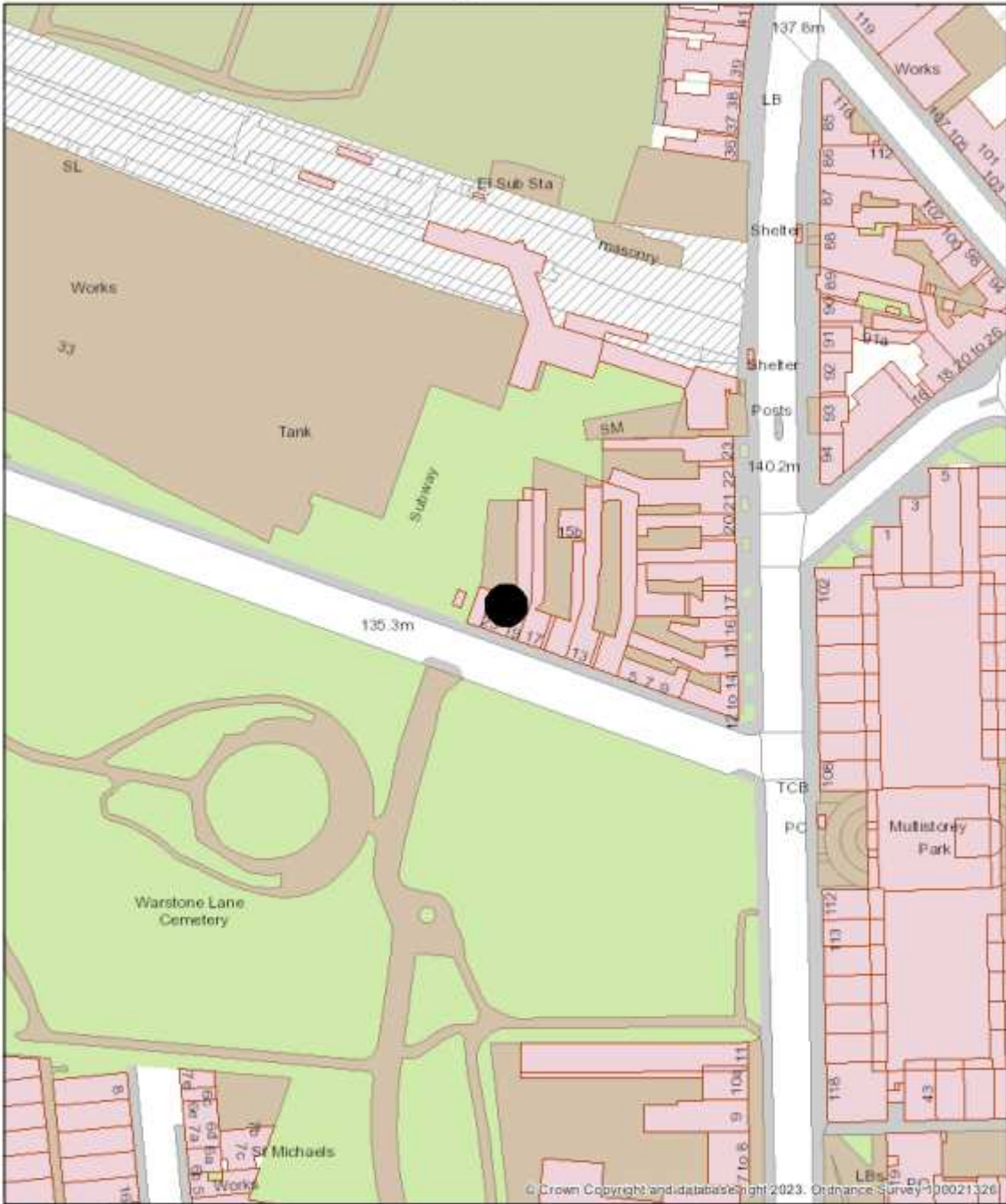
3e) Committee conditions to promote the protection of children from harm

N/A

Annex 4 – Plans

The plan of the premises with reference number **125500-4802/3** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.





**Birmingham City Council
REGULATORY SERVICES
STATEMENT OF WITNESS**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, S. 9,
Magistrates' Courts Act 1980 s 5 (B))

Name Pardip Mohan
Age OVER 18
Occupation Environmental Health Officer

This statement, consisting of 3 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 2nd of January 2024

Signed

I, Pardip Mohan, have been qualified as an Environmental Health Officer since May 2005 and have been investigating issues of noise nuisance since December 2004. I am currently employed by Birmingham City Council as an Environmental Health Officer, and I am authorised to enforce the Environmental Protection Act 1990. Part three of that Act deals with statutory nuisance. On Sunday 23 April 2023 I was on call for Birmingham City Council's out of hour's noise nuisance witnessing service. At approximately 22:43 a person named _____ of Hylton Street, Birmingham, B18 contacted the messenger service requesting an officer to witness noise from Jewels Shisha Lounge, 19-23 Pitsford Street, Ladywood, Birmingham, B18 6LJ. As I approached the property in my car, I saw a gathering of people outside the premises known as Jewels Shisha Lounge. As I approached the property outside on Hylton Street, I could hear bass sounds. I entered the flat at approximately 23:23. Whilst I stood in the top 3rd floor bedroom, I heard intermittently amplified male voices which I

Signed

**Birmingham City Council
REGULATORY SERVICES
STATEMENT OF WITNESS**

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, S. 9,
Magistrates' Courts Act 1980 s 5 (B))

believe belonged to a DJ or compere. The bass sounds to the music emanated from the direction of Pitsford Street. The music sounded like it originated from either possibly French speaking Africa or the West Indies. The voices of the compere were also clearly audible in the open plan kitchen diner room to the flat. The noise was loud enough for me to distinguish between male and female voices and music. At approximately 23:35 my colleague and I departed flat. The noise from the first floor flat was still being played on our departure. As I walked towards the premises known as Jewels Shisha Lounge the noise grew louder and louder. I was able to confirm as I walked closer to the premises towards and stood by the Jewellery Quarter train station that the noise, I witnessed inside the flat was the same as that was emanating from Jewels Shisha Lounge on Pitsford Street. As I stood in the walkway leading to the train station, I could

see through the windowpane multicoloured lighting like that you expect to find inside a nightclub, and it appeared to be an open-air concert from where I was standing. I started to return to my car at approx. 23:55. In my opinion the noise I witnessed inside Hylton Street did amount to a statutory nuisance. For approximately 15 minutes during our visit to the complainant's property the level of noise inside the living in the bedroom emanating from Jewells Shisha Lounge was high enough for me to clearly hear bass beats, whether it was male or female vocalist, and I was able to make an attempt at

recognising the genre of music. The noise was almost continuous and at a constant level. The level of noise was inappropriate given that it was played during

unsociable
Signed

.....

**Birmingham City Council
REGULATORY SERVICES
STATEMENT OF WITNESS**

*(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, S. 9,
Magistrates' Courts Act 1980 s 5 (B))*

hours when most people would be asleep. The noise would therefore in my opinion disrupt sleep and interfere with the use and enjoyment of the complainant's property for a substantial period.

Signed

.....

**Birmingham City Council
Regulatory Services
STATEMENT OF WITNESS**

(Criminal Procedure Rules, r 16.2;
Criminal Justice Act 1967,s9)

STATEMENT OF Russell Davey

Age of witness Over 18

Occupation of witness Operations Manager

This statement, consisting of 1 page(s) each* signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

DATE: 09.08.2023

Signed

My name is Russell Davey and am employed by Birmingham City Council as an Environmental Health Officer. On the 10th June 2023 I was working with my colleague Richard Fieldhouse, Environmental Health Officer. During the evening we received a call from the residents at St Michaels Court, Warstone Parade East in relation to loud music coming from Jewels Shisha Lounge.

We arrived at the property at 21.36 hrs and were taken onto the landing which was adjacent to one of the bedrooms and had a window overlooking Brookfield Cemetery. It was a warm night and the window was open on the stairwell. We were directed towards some lights on the far side of the cemetery and were advised that they were from Jewels Shisha Lounge. The resident advised that they had a young baby and were unable to open the window in the bedroom due to the noise. I could hear music coming from the direction of the lights and this was clearly audible in the complainants property. At 21.45hrs I heard a DJ/MC speaking over a microphone. At 21.46 hrs a new music track started playing. I attempted to Shazam the track on my mobile phone but it was unable to pick it up. At 21.48 hrs a new track started playing which I was informed by the resident was called Fuse ODG – Antenna. At 21.52 hrs a new track started playing and my colleague, Richard Fieldhouse was able to Shazam the track and advised that it was called Telemo by Gasmilla. Around this time I closed the window an could still hear the bass from the music through the closed window. The complainant advised that the music normally continued until 1am. At 21.57 hrs, as well as the music I could hear people singing along with the music although the musical still remained the dominant noise source. We left the property at 21.57 hrs with the music still playing. On leaving the venue I drove round to Pitford Street which was a short section of road which had been closed off. I could hear music coming from the venue but as there were a number of people standing around outside the premises and vehicles moving I was unable to stay there for long. In then moved to an open air car park at the rear of the venue on Vyse Street just past the railway station and could again hear music coming from the premises. The music I heard was in keeping with the type of music I had heard in St Michael's Court.

Signed

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 1 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I am a resident of [REDACTED] Hylton Street and I have been a resident since mid 2020.

I have been impacted by noise from Jewels Lounge since it opened in 2022 and have made a number of complaints to the Council.

In terms of impact I have discussed previously with the officers who have visited the premises on various occasions to witness the noise.

The music is most audible in the bedroom and it is very difficult to sleep until the music stops which is often after midnight. This is consistently on Sunday nights and then sometimes other evenings too. Particularly on Sundays when we have early start for work on Monday, this impacts being tired at work the next day. I have quite a long commute and try to avoid going to the office on Mondays as I know I won't get enough sleep to get up early enough to drive to work.

When watching television earlier in the evenings, we have to turn the television up.

I am not able to fully relax in my own home when music is playing as it is disturbing.

I have a feeling of frustration and feeling of dread on Sundays when the music starts as we then know it will go on until midnight or later.

Signed: [REDACTED] (witness)

Date: 17/12/23

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18 YES

This statement (consisting of 2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I moved into [REDACTED], The Goodsyard on October 1st 2023. Every Sunday since that date, and regularly on Friday's & Saturday's, there have been loud events at the Jewel Lounge in Pitsford Street.

These events are advertised on social media and typically start around 6:30pm and does not finish until approx 1am, with the noise and anti-social behaviour increasing on an hourly basis. The bass from the venue can be heard in both my living room and my bedroom, meaning that after a long week at work I am unable to relax in my own home. The only way I can drown out the noise is by turning the television up louder, which is the last thing I want to do when I should be getting ready for bed. I try to sleep but can't rest because of the noise, which I know will go on for hours after I've gotten into bed. It's unbearable.

I don't feel comfortable inviting people to my home on the weekend, just incase there is an event. Those that occur on a Sunday are particularly distressing as I am often unrested come Monday morning, and my working week always gets off to a bad start. The music increases in volume as the night goes on, as do the lights and the shouting of those in the venue.

I share two dogs with my ex-partner, and they are very unsettled at the weekend as a result of the noise. Whilst this does not seem like much, my tenancy means that I have to ensure that guests and pets in my home aren't a nuisance, but the dogs react to the music and bark. I am scared that my residency could be put at risk as a result.

Those attending the venue also park in a very antisocial and unsafe manner, meaning on the rare occasion I do have guests, they find it difficult to leave the street unless they go onto the dual carriageway towards Tesco, rather than towards Tesco express.

I have previously been forced to get a restraining order against a former neighbour due to excessive noise and anti-social behaviour, so I find the current situation particularly distressing. I moved to this property because my relationship of five years broke down and I was looking forward to finally having a home that felt safe. The

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18 YES

This statement (consisting of 2 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I moved into [REDACTED], The Goodsyard on October 1st 2023. Every Sunday since that date, and regularly on Friday's & Saturday's, there have been loud events at the Jewel Lounge in Pitsford Street.

These events are advertised on social media and typically start around 6:30pm and does not finish until approx 1am, with the noise and anti-social behaviour increasing on an hourly basis. The bass from the venue can be heard in both my living room and my bedroom, meaning that after a long week at work I am unable to relax in my own home. The only way I can drown out the noise is by turning the television up louder, which is the last thing I want to do when I should be getting ready for bed. I try to sleep but can't rest because of the noise, which I know will go on for hours after I've gotten into bed. It's unbearable.

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Goodsyard is a fantastic development with wonderful staff and amazing amenities, but I find myself dreading the weekends because of the noise.

All I want is to be able to relax, and that isn't possible whilst the Jewel Lounge is still operational. I know other neighbours feel the same.

Signed:  (witness)

Date: 19/12/23

(To be completed if applicable: being
unable to read the above statement I, of,
read it to him/her before he/she signed it.

Signed: Date:)

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 1 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I am a resident of [REDACTED] Hylton Street and I have been a resident since 2016. I am writing this on Sunday 10th December 2023 at 23:37 and the music from Jewels Lounge is still blaring away. Friday night on 8th December 2023 was possibly the loudest they've ever been, going well beyond midnight.

In terms of impact, fundamentally it affects my partner and I by preventing us from relaxing in our own home. If we're sat quietly reading or doing something else, it is all we can hear. If we're listening to music or watching TV we have to turn it up. We can hear it when we go to bed. It is annoying, which raises stress levels meaning it's more difficult to relax, and sometimes makes me angry. It's also extremely frustrating that the licensees, leaseholder and owner of the building care so little about their neighbours, and that it is taking so long to do anything about it when they are clearly not licenced and don't have planning consent.

Signed: [REDACTED] (witness)

Date: 22nd December 2023

(To be completed if applicable: being unable to read the above statement I, of read it to before signed it.

Signed: Date:)